

HOUSE OF ASSEMBLY.

WEDNESDAY February 4.

The House next went into Committee of the whole on the second reading of the Bill introduced by Mr. Fisher for the Election of Church Wardens and Vestrymen in Churches where the sittings are free and open.

Mr. FISHER observed that the present Bill was almost a copy of one framed by Judge Parker several years ago for the use of the Parish of Portland in St. John. That Bill had expired and that circumstance not being generally known it was calculated to create mistakes in different parts of the County. He had only made one alteration—by the old Law, a man must pay 20s. yearly in order to qualify him for voting; this he (Mr. F.) thought too much; and he had therefore reduced it to 5s. to those who were communicants or stated hearers in the Churches. He hoped there would be no opposition to the Bill, as he had no object in moving it but to benefit a numerous body who stood in need of its provisions.

Hon. Mr. SIMMONS hoped so too.—The Bill was found to work well in Portland—had been introduced by the Bishop of Nova Scotia; and the people of Portland had no other resource but to make their Church free, but the system suited well, and might be safely adopted wherever the people desired it.

Mr. THOMPSON suggested some slight alteration relative to the mode of transacting business.

Mr. PARTELOW thought it better to pass it as it was, as it was only designed for the free Churches; and if a general Law were required, it might be the subject of a separate Bill.

Mr. ENO said that there was an act already to regulate the vestries of Churches; and he thought that the effect of the present Bill would be to destroy the old one. He would have no objection to indulge the new Churches with the freedom which they might require; but he did not like to see those already incorporated deprived of the benefit of the existing Law. According to this Bill, if people erect a Free Church, and get it first incorporated, it will exclude the older Churches from all the present advantages of the Law, and reduce them to the condition which should be occupied by the last built. He would ask the learned mover of the Bill what would become of the old Churches under such circumstances?

Mr. FISHER.—“They would become Chapels of Ease.”—But that would be just—many persons wished to worship God in the old way—with Pews in their Churches; and they had a right to their Pews, while through this Law a Corporation might immediately be formed—the building of a free Church might be hurried, and it would at once become the Parish Church, the exclusion of the other. Let it be said that such injustice would be sanctioned as to deprive those persons who may wish to have Pews in their Churches of rights which they enjoyed before the free Churches were called into existence. In the case of the Church of Scotland or any other of the Churches they might have as many Churches as they desired, on an equal footing in the same Parish; but this rule would absolutely prohibit the Church of England from having any more than one Church in every Parish.

Mr. HANINGTON said that as the Law was already constituted there could be only one Parish Church in the same Parish, and the other must always be a Chapel of Ease. If therefore, the free Church be the first incorporated, it will of course be the Parish Church; but nevertheless it will not interfere with the old one; the owners of which may enjoy their Pews and support their Clergy as ever. As the Church in Portland had succeeded under this system of management other Churches ought to be allowed the same benefits—with this express knowledge in all cases, that the first Church erected, would be incorporated, and the other be a Chapel of Ease.

Mr. FISHER would willingly allow, if there was a single word or sentence in the Bill which could injure any individual, it should be immediately withdrawn. But he would ask where was the learned Member's eloquence when Judge Parker first framed the law, and when the House in the first place gave it a sanction? Surely it could be deemed no great hardship, when any Pewholder might by paying 5s.—entire himself to vote at the Vestry. There were under the present system many serious evils to be encountered; for there was no existing law, and in the absence of a Corporate body many of the parishes might suffer severely. The learned Member (Mr. ENO) would not attempt to defend close and open Corporations, or say that it was just to give large tracts of land to some half dozen rich persons, leaving all the poor without Church property or influence.

Mr. ENO said that the learned Member need not allude to the eloquence which had been displayed on the occasion nor need he attempt to deny that the present Bill would be pernicious in its effects, in the face of his own admission that the old Church owners would under such a law lose their former authority. Their resource it appears was, that they must come where they felt themselves aggrieved, and request the appointment of a new Parish—this was not to play for it is the builders of the New Churches who should come with this demand—and doubtless their wishes would be attended to. The truth was, that with this law to assist them, the owners of the Free Churches, those 5s. voters, who might be supposed to be the most numerous, would come and out vote the others out of their Churches. Go in Heaven's name, and have a Free Church wherever you like; but don't interfere with the rights of others—don't prevent the people from having their pews if they like them. It was much better let matters remain as they were; and the people really wanted this new measure let them come and ask for it.

Mr. FISHER briefly stated that there was not a clause in the Bill, which could injure any one living. He had only brought in this Bill in order to revive an old law which had recently expired; that law being in the first place introduced by Judge Parker, and applied to the Parish of Portland, but afterwards recommended by the Bishop of Nova Scotia for the use of the Province at large.

Mr. BORSARIO said he was sorry to hear this discussion, as he always was, to hear anything of a similar nature; for the Church should be left to settle its own matters, and was well able to do so. With respect to the Bill now before the House, he had examined it carefully and he saw nothing in it to call up opposition. He believed its provisions were very necessary.

Mr. W. H. STREET remarked briefly that the Bill before the Committee, went only to give to one portion of the Church of England, a right to the vestries, without despoiling the others, for although one of the churches must become a Chapel of Ease, the people would of course attend which ever they please. The old law had been accidentally permitted to expire, and the present Bill went only to renew it, and was in his opinion a very proper enactment.

Mr. ENO would not put the question whether if a Free Church were erected in a Parish, would not the present Bill incorporate all the Church property in that parish for its benefit? and would not this be depriving those who wished to worship God in pews, of their rights? according to this, with a majority in favour of the Free Church, they might proceed, and pull down the pews in the other; and if it did not affect Churches already built, it would at least affect the rights of the people, by preventing those who wish to worship in pews from doing so. One dozen of persons say they wish to worship in their pews, and two dozen say no, we want altar men. Rather than be dealt with in this violent manner, he would be dealt with in connexion with some other denomination.

Dr. THOMPSON, and Mr. JORDAN expressed themselves in favour of the Bill.

The Loyalist.

Hon. Mr. HAZEN who had just come in, thought as the Bill was an important one, it had better be suspended for consideration.

Mr. FISHER explained, upon which Mr. HAZEN observed that he did not understand what was meant by the phrase “stated hearers.” He thought it was too vague, and that it was much better to postpone the Bill for further consideration.

Mr. FISHER complained that the Hon. Member would not understand him. There was not a word in this differing from the old law, except the reduction of the qualification from 20s. to 5s.

Mr. JORDAN had for some time past seen the necessity of something similar to the Bill, and he had some idea of introducing a local Bill to obviate the difficulties under which that part of the country laboured where himself resided; nor could he see any reasonable objection to the Bill now before the Committee.

Mr. HANINGTON again supported the Bill.

Mr. BARBARIE opposed it.—A new race, he said was daily springing up on the Railroad and “go a head” principle, ready at a moment to jump at any thing—but they of the old School wanted time for deliberation. He would not to know if pews were to be exterminated by this plan. But while he had no objection to persons who liked a free church having one, he would strenuously oppose any attempt to injure the Churches incorporated already.

A pretty long discussion followed, in the course of which Mr. Mr. HAZEN withdrew his opposition, as Mr. Fisher introduced a new section to meet the absence of the Rector from the Vestry meeting, Messrs. ENO and BARBARIE contended to the last: the former remarking that he supposed the Bill like every thing else emanating from the same quarter—the Election Law for instance—would be pushed through, but still he felt it necessary to record his vote against it. The Bill then passed with the amended title of “A Bill to provide for the temporalities of the Church of England.”

THURSDAY, Feb. 5.

THE NEW EXECUTIVE COUNCIL.

Hon. Mr. HAZEN arose to inform the House that an Executive Council had been formed, consisting of a quorum, for the dispatch of business during the present Session. It was well known that he and three of his colleagues had retired from the Council last year, and it was not necessary now to recur to the causes which led to their resignation. It was also known under what circumstances two of the members of the House accepted office during the last session. He had been called on during the recess to resume office as an Executive Councillor, but owing to difficulties in them in his way he had found himself unable to do so. The Government therefore had been carried on by the Council made up last winter until recently, when they had all tendered their resignations, as announced by one of their members a few days ago. His Excellency had therefore called to his Council the Attorney General and the Hon. Mr. Shore, which together with his two late colleagues, the Hon. Mr. Johnston, and the Hon. Mr. Chandler, and himself, would compose the Executive Council. He assured the House that he accepted of office at this time for the sole purpose of helping along with the business of the Country, and that he was ready and willing to resign the important and difficult situation which he had accepted, should the arrangement not prove satisfactory to the country. He was anxious to dispose of the business now pending in a satisfactory and proper manner, and came prepared to support any Government in their lawful endeavours so to do. He again assured the House that should the appointments which he had announced prove unsatisfactory to the Country, he was prepared cordially to support an administration headed by his colleague from St. John, (Mr. SIMMONS,) or by any other gentleman who might undertake the task.

Mr. RANKIN as one of the oldest members of the House expressed his entire satisfaction and approbation of the appointments which had been made, and promised to do every thing in his power to give effect to all the lawful endeavours of the new Council.

Mr. SIMMONS expressed his entire approbation of the appointments which had been made, and assured his colleague that he was prepared to give him and the newly formed Council his most cordial support.

Mr. McLEOD said that he felt greatly relieved in being allowed to retire from the troublesome and laborious station which he lately filled. He sincerely hoped that the new Council would do better and give more satisfaction to the Country than their predecessors, and assured the House that no endeavour of his should be wanting to give effect to their endeavours.

Mr. WILSON informed the house that he found himself unable to accept office at the present time, but was prepared to support any measures brought forward by the new Council appearing to be for the advancement of the public good. When his resignation was tendered to Lord Stanley it was accompanied by the avowal of certain political principles. His resignation was not accepted by the Colonial Minister, and therefore his avowed principles were virtually admitted. These principles had been disregarded in the present case, and among other causes prevented him from joining his former colleagues at the present time. He blamed the late Government for agitating and endeavoring to turn the public mind against the majority of the House, as expressed during the last session. He maintained that the Executive Council should have been long since remodelled—that notwithstanding Her Majesty's decision they had held office to the last moment, and only bowed on the afternoon of the last day against the majority of the House, as expressed during the last session. With regard to the stability of the new Government, that would stand the strongest and last the longest which was based on the approbation and good feeling of the people at large. He would confess that he felt abashed at the humiliating position of the Government at the present time, and it was a curious fact, and highly honorable and creditable to the people of this Province, that in all previous cases where difficulties and dissatisfaction had arisen the innovation had proceeded from the Executive, and in their applications to the Throne the cause of the people had invariably been successful. These proceedings spoke well for the people at large and proved that they were not actuated by factious or improper motives. He assured the House, that although he would do all in his power to assist the new Government in their endeavors to advance the interests of the Country, he would at the same time watch all their motions with an attentive eye.

Bill on the Practice of Physic and Surgery.

Hon. Mr. SIMMONS, who had introduced this Bill, stated that its principle object was to enable persons in this Province, who wish to give their sons a Medical Education, to send them to any proper institution in this Continent to receive their education and their diplomas, instead of sending them to Great Britain, which they are obliged to do under existing regulations. He did not profess an intimate knowledge of the matter himself, but he had been informed by Medical men, who had been chiefly instrumental in having this Bill brought forward, that the Medical Colleges in the United States, particularly at Philadelphia, are now superior to the Scotch Colleges, and that in the latter the facilities for obtaining diplomas are now so great that unqualified persons sometimes procure them. It was his opinion that Medical practitioners should be British subjects, but they should be allowed to prosecute the necessary studies wherever they wish, or their parents thought proper. He begged once more to say that he was not much acquainted with the subject, but the Bill had originated with medical gentlemen in St. John of high standing in their profession.

Mr. ENO did not approve of the Bill, and would be sorry to see the licence granted to practitioners withheld. He per-

ceived that the Bill did not meddle with the licences already granted, but would prevent that mode being resorted to for the future. He should oppose the Bill, as he would every measure which might be introduced having tendency to direct the eyes of parents towards the United States, with a view of sending their sons to that Country to be educated, in preference to sending them to Great Britain. He hoped that we, as Colonists, should ever look up to the Mother Country as the place where any branch of learning not taught in the Colony can be best procured, and hoped that we should never prefer sending our students for the learned professions either to the adjoining Republic, or continental Europe. A few years ago when King's College was first founded, it was done so for the express purpose that parents might give their children a classical education without sending them to the United States, where they would be apt to imbibe republican principles. And now, whatever charges may be brought forward against the students of that institution, if they should imbibe a taste for republicanism, there is no danger of their imbibing republicanism. He was still inclined to give the preference to good old Scotland, and good old England, and good old Ireland. The Hon. Member had stated that the Medical Colleges of Edinburgh and Glasgow have deteriorated. He (Mr. E.) did not believe it; he was satisfied that those institutions were still under the very best management. Among the new-fangled notions, and fluctuating state of public opinion, who knows what a child may imbibe even on continental Europe! Let rich parents, who can afford to give their sons any branch of learning not taught in the Province, send them home to the Mother Country; that's the proper place to send them. The hon. member's Bill professed to prevent the practice of Physic and Surgery by improper persons. This, as it now stood, was a mere matter of pounds, shillings, and pence—There is no Act in force to prevent unqualified persons from practising in these professions, but they could recover nothing by law for such services. He was for the good old Colleges of Great Britain, and would not allow, so far as he was concerned, Germans, Americans, or other foreigners to come here and practice Physic and Surgery upon an equality. He did not oppose the Bill out of factions motives, but that we, as Colonists, should look for a professional education to the Mother Country. According to present arrangements the Governor and Council, assisted of course by medical gentlemen, were empowered to examine medical professors who have no diplomas from foreign countries, and license, such as they approve of, to practice. This was a very useful proviso, for he (Mr. ENO) was personally acquainted with some excellent Physicians thus licensed. And this precluded the necessity for the hon. member's Bill, for those who thought proper to study in the United States, and get diplomas there, although the said diplomas would avail them nothing here, could nevertheless, if they were qualified, obtain license to practice.

Dr. THOMPSON pointed out the very great inconvenience of sending children to Britain to receive their education. It was a long distance across the Atlantic, and the passage and outfit were, in the first instance, important items of expense; and then the prosecution of their studies at home must also be expensive, and in juxtaposition with the objection taken by the hon. member that youths sent to the United States are liable to imbibe republican principles, he would ask if children sent to England—at such a great distance from home—under no control, or guardianship of their friends—would ask if children thus disposed of would not be liable to fall into a bad way, and adopt bad principles as they would if sent to the United States, where they would be more immediately under the eyes of their parents, or guardians? The medical Colleges in the United States were respectively conducted, and they possessed this advantage to us over the Colleges of Europe that the Scotch Colleges, he could not believe that they had deteriorated in any manner. It was true that some eminent practitioners had lately died, and it might have been impracticable just at the moment to fill their places; the death of a scientific man must at all times be a public loss, which can only be remedied by time; nevertheless, he was quite certain that the medical Colleges of Edinburgh and Glasgow were still in a very efficient state. But the principal feature in favour of this Bill is the vast difference in the expense of receiving a medical education in England and in the United States; and upon this comparison the Bill must rest.

Dr. EARLE thought the Bill was a very necessary one, as the sending of children to Europe was attended with many inconveniences. He did not agree with an hon. member that the Colleges of Great Britain had deteriorated—he had nothing to say upon that point, but the medical College of New York—which stood first in reputation among the American Colleges—was at least equal to the medical Colleges of Europe. (Here the hon. member named several of the eminent Physicians of New York) the eminent attainment of those gentlemen were not only appreciated and acknowledged in the United States, but their fame had also been extended to Europe. He (Dr. Earle) had met with medical gentlemen in France, of high standing and unblemished talents who had graduated at New York; and he had there found that the emigrants from Great Britain and Ireland sent their sons to New York in preference to sending them to Great Britain, being actuated, no doubt, by the very great difference in the expense. The people here had no fears for the principles of their children, neither did they return republicans, for in all cases of this nature, the very attempt to make political converts carried its own antidote with it.

Mr. HANINGTON's principal objection to the Bill arose from its having the effect of repealing the Act now in force giving the Governor and Council the power to examine a person who has no diploma, or a diploma from a foreign country, and license him—if he be duly qualified—to practice in this Province; and he thought this Board of Examiners if aided, as of course they must be, by medical gentlemen of high standing here, were quite capable of judging on the qualifications of the applicant, as the Professors of a medical College in the United States. He knew of young men who had studied in some of the Colleges in the United States for the brief period of eight months, and yet came back with their diplomas; now it was impossible these men could be so well qualified as young men who studied for years with medical gentlemen of high standing in this Province, and yet, were this Bill to pass, the former would be legally enrolled among the professional gentlemen of this Province, and the latter would be legally excluded. Well, how was it now? Why, parents could, if they wished, send their sons to a American College, they studied the science there, got their diplomas, returned—and what then? They were then examined by the proper authorities and, independent of their diplomas, and although his letters were not written as lawyer's letters, yet the people thought they were. He should support the Resolution, for although Government might pursue the same course without an Address, yet this step would have the best tendency to relieve people's minds.

Hon. Mr. SIMMONS said the Collectors in the different Counties were appointed under an act of that House, and if it did not work well the House had nothing but themselves to blame for it. He, however, considered the act an excellent one, as it relieved the Attorney General of a very onerous part of his duties.

Mr. W. H. STREET would go for relief to settlers, but not in that form. There were probably others requiring relief, as well as those indebted to the Crown. Much had been said about the distress likely to prevail in consequence of the failure of the potatoe crop, but the House, as yet, had nothing before them but a vague report. It was but last year that the Act passed under which Collectors were appointed, and now at the very opening of the session, without information before them, they were premeditating the suspension of their own act. If there is distress in the country let them

sending a lad to Great Britain, there to study until he can procure his diploma, was so great that but few parents could afford it; then why force them to incur it? He had no fears of young men, sent to receive an education in the United States, imbibing republican principles; he thought that if any fears were to be entertained upon this subject, the persons most likely to embrace republican principles were some of our old men. (Laughter.) As the Bill had originated with eminent medical men, it was evident that they thought it necessary; and he could perceive no good reason why it should not pass.

Hon. Mr. SIMMONS, principal motive in advocating the Bill was on account of the vast amount of expense attending the sending of children to Britain. For instance, if it cost one thousand pounds to give a lad a classical education in the United States, it would cost three times the amount in England. Why, then, should they entail on parents this unnecessary expense? Many parents who might wish to qualify their sons for the practice of physic and surgery, were quite unable on account of this expense attending it. And if this should pass where were the force of the objections? Why, Hon. Members need not be so jealous of republican principles, for no person who is not a British subject would, under the provision of this Bill, be allowed to practice in this Province. The Doctors here were in favour of this Bill, for it was with them the idea originated; and although he had consented to bring it forward, he confessed his inability to do the subject justice, it being one with which he was unacquainted. In reference to Hon. Member's proposal that the Bill should be so amended that the Governor and Council should possess the power to grant licences, he had no particular objection to it; if the House should come to that conclusion; but he was apprehensive that it would give the Governor and Council too much power, and it would also be attended with inconvenience, as a proper medical gentleman might not always be at hand to conduct the examination.

Mr. ENO said the same objections to the expense applied equally to Germany and France with Great Britain. His principal motive for opposing the Bill was that Colonists should be induced to look to the Mother Country for education of this nature. He thought the existence of a Board of Examiners was a measure which all must regard as highly satisfactory; and so far from any person having reason to complain of them being desirous of rejecting applicants, he thought the contrary is the case, for the Medical gentlemen who may conduct the examination were placed in a delicate position; they would be left to reject any applicant they could possibly admit, lest it should be attributed to professional jealousy.

Dr. THOMPSON took a review of the different items of expense attending the course of pursuing medical studies in the British Colleges, and argued that from one third of the sum would suffice in the United States. Besides a student must remain at one of the British Colleges four years before he could receive his diploma. Now a lad might study some time with a medical gentleman at St. John, for instance, and then spend two years at an American College, and be quite as well qualified as those who spend four years in Britain. The difference, then, in favour of this Bill was obvious, and he hoped it would be sustained.

(After some further conversation, of a desultory nature, the question was taken upon Mr. HANINGTON's motion to postpone for three months, which was carried, seventeen against eleven.)

Mr. SMITH brought in a Bill to regulate the Farming occupation, and grazing on law lands in the County of Albert.

Mr. ENO moved for leave to bring in a Bill to prevent the spreading of a disease in the County of Northumberland. (The Leprosy.)

Mr. PARTELOW opposed the motion, stating that the House on Sheldrake Island had been burned down (we understood by the patients themselves), and that they had all run off. He believed the large amount already given by the Province had been lost; and he would not feel himself justified in granting any more. (The motion was not received.)

Mr. RANKIN rose to request the reconsideration of the motion which had just been rejected. He expressed a hope that the subject—being an affair of pure humanity—would not be left to rest; but that something would yet be done for those unfortunate people. We could not hear the hon. member while he expatiated in the manner in which the House was destroyed; but the motion was reconsidered and carried.

FRIDAY, February 6.

Mr. JORDAN offered a resolution for an Address to the Lieutenant Governor, praying the Executive Department to consider the collection of the Crown Land Dues during the present year, as a measure of relief to the settlers, in consequence of the failure of the potatoe crop.

Hon. Mr. SIMMONS did not consider the Address at all necessary. The Government had never shown a disposition to distress settlers, even in ordinary times, and he was certain that it would not do so under the present circumstances.

Mr. ENO thought there was a very great necessity for passing the Resolution. In the County he had the honor to represent (Gloucester) much distress was likely to prevail in consequence of the failure of the crops, and it would be cruel to call upon those people for the payment of their lands at this juncture; and yet, he was not aware that any mercy had as yet been shown. The Deputy Collector in that County had prosecuted his duty the same as he would have done under ordinary circumstances, and the people were harassed and frightened, and many of them had called upon him (Mr. ENO) in the greatest terror lest their little property should be sacrificed. He did not mean to say that the officer had done anything more than his duty, but he thought instructions should have been given him to suspend operations for the present. Again, those Deputy Collectors in the different Counties were usually legal gentlemen, and when they wrote to any person against whom Government had a demand, the poor people were frightened out of their wits about it, believing it to be a lawyer's letter.

Mr. BOYD said the people of Charlotte who were indebted to the Crown Land Department were all called upon the moment the demand became due. He should therefore support the resolution.

Mr. HANINGTON would also support the Resolution. He had not been aware that lawyers sent letters in these cases, and thought they should have been more explicit, so that people might not be led to suppose it was the commencement of suits.

Mr. ENO explained. He did not mean to say that lawyers were employed to write letters to parties; but it was when the Collector happened to be a lawyer. Neither did he mean to say any one of exceeding his duties. Mr. SEARLES said the Collector in his County was an Attorney, and although his letters were not written as lawyer's letters, yet the people thought they were. He should support the Resolution, for although Government might pursue the same course without an Address, yet this step would have the best tendency to relieve people's minds.

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