

draw money out of this Province, which must be admitted, if the royal right to the casual revenue be admitted. Altho', then, all would desire to see things differently ordered, yet why desire to see them so altered, from fear of possible effects?—Let the house see the difficulty of the case, and proceed upon the best grounds; but not be fearful of consequences.—It was too much the case at all times, that men were prone to argue as to principles, from premeditation of consequences. Here, if the right of the King was admitted, it was found that the consequences might be pernicious. It was said that they are so even now, and that they will be more so. But the house could not remedy them.—Unless they distinctly informed the country what the real rights of the people are, what would they think? Why, that the house were not taking proper steps to obtain those rights. If they had a right, they need not seek it as a favor; but the house knew they had not that right. They should therefore humbly address his Majesty, praying for a redress of grievances.—With regard to Lord Goderich's dispatch, on this subject, he (Mr. K.) thought his Lordship had been rather too short with the house. They might err as to their information, or in other ways; but the Legislature of any Colony of the British Empire was entitled to some respect from British Ministers. Brevity was not respect. If the explanation of circumstances requested by the house could not be given, at least an explanation might be afforded of the reasons why it could not be given. Lord Goderich had not treated the house with proper respect. His pithy way of answering their humble address was not accordant with the nature, with the feelings, with the dignity of the house; and it was the more grating, when it was found, from one of the most luminous dispatches ever penned, that the utmost justice had been done in a similar case to a neighbouring colony. This must gall the feelings of that house.—The hon. Member then at some length adverted to the free trade system, the parliamentary taxation of the Province and appropriation of the monies so raised; and alluded to the American revolution, contending that the parliament had thus infringed the constitution of the country, and caused great confusion; that this and every Colony had the sole right of taxing itself and appropriating its own revenues so raised; that the grievances alluded to arose from the Imperial Parliament; that the Colonies had silently passed them over until now, and that now it was difficult to know what to do.—As to the casual revenue, the hon. Member stated that it was the King's prerogative, and that he might therefore do as he pleased with it, that the House should therefore lay their grievances before his Majesty, and solicit redress; that in this matter they could not demand it as a right, but must humbly and importunately sue for it as a favour, predicated their representations on true information.—As to the free trade bill, the hon. member asked, what good had it done for the country? It had put a few thousand pounds into the treasury, but what other good had it done? It had almost left us without the protection of parliament. Parliament thought so little now of the Canadas, as they termed all these provinces, that by and bye we should perhaps be put without the pale of their consideration, for the boon of being taxed by them. 'We have given them all these rights,' they will say, 'and now they may do as well as they can for themselves.' With our little capital, we shall be left to compete with the United States, with all their resources and power, and how shall we do it? The hon. member concluded with two on three exhortations to constant perseverance in petitioning for redress of grievances, and for something better than 'short, pithy answers.'

Mr. Simonds briefly replied.

Mr. Chandler differed with both the last named gentlemen. He observed that the constitution of the empire was not a written charter; there was no book, no deed, no printed detail of it. It was formed by the progression of age, by the decision of courts of law, by the acts of the national Legislature, &c.—As to the rights of the Crown, and the casual revenue. He (Mr. C.) had always understood that the King had an hereditary right to all such revenues. The only revenue over which parliament had ever exercised any right, was that which themselves had raised. If the casual revenue did not belong to the Crown, who did it belong to? The hon. member after complimenting Mr. Kinnear on his sincerity, candour, and dispassionate mode of reasoning, observed that he differed with Mr. K. as to his observations respecting the Imperial Parliament. So far from their proceedings being unconstitutional, they were recognised by all the Colonies as part of the written constitution. The American revolution had not happened because duties were imposed on those states, but because they were appropriated by Parliament without their consent. The Parliament had the power of imposing duties, but the appropriation of them belonged to the local legislature. That was the correct distinction. The reason why they have this power is, that they protect the colonial trade. This was a regulation sanctioned ever since the American revolution.—The hon. Member disagreed with Mr. Simonds as to the rights of the casual revenue, and with Mr. Kinnear as to the unconstitutional acts of Parliament. As to the dispatch from Lord Goderich, he (Mr. C.) did not consider it disrespectful. It was rather brief; but he could not on that account deem it consubstantial.

Mr. Cunard briefly supported the views of Mr. Speaker and Mr. Kinnear; and contended, with respect to the dispatch, &c. that there were no grounds for reflection on Lord Goderich or the late Executive of this Province.

Mr. End replied to his last observation, and also commented on Mr. Kinnear's opinions respecting brevity and respect, complimenting that gentleman on the degree of respect he had shown towards the House by the length of his speech.

Mr. Slason made a few remarks which did not clearly reach us.

Mr. Partelow observed that in his Majesty's Speech at the opening of his first Parliament it was expressly stated, that he had ceded his royal revenues and all the casual revenues of his foreign possessions. These words admitted of no misconstruction. The surrender was made, and this House had a right to assume that it was a surrender to the Imperial Parliament as to the Legislature of this country. The house did not receive the information it desired last Session from the Executive, in time to be well informed on the subject, and it therefore prepared an address to the Throne, which, from untoward circumstances, was not forwarded. It appeared that his Majesty had a right to those revenues.—The proper course now would be, to report progress; and ask leave to sit again. In the mean time an address to his Majesty might be prepared, which, perhaps, might be the means of getting some surcease to the House. But as to the right of the Crown, there

could be no doubt. The message respecting the Inspecting Field Officer might be referred to the committee of supply.—The hon. member moved that the Chairman report progress, &c. which motion Mr. Simonds seconded.

Mr. S. Humbert made a few remarks, very little of which, from the rapidity and low tone of the hon. member reached our station. We understood Mr. H. to differ from Mr. Simonds, and to support the opinion that the casual revenues are reserved rights, and therefore private property, of his Majesty.—The hon. member advocated the necessity of continuing to apply to the King for the control of the casual revenue, and alluded to the case of Lower Canada, contending that this province had a right to expect something like the privileges granted there, notwithstanding its having proceeded on erroneous grounds. He also, as we understood, strongly commented on the ignorance at home of the state of this Province, and on the misrepresentations of certain writers; particularly one who had described the inhabitants of the country as a wandering, idle, undisciplined and dissatisfied people; and another (Cobbett,) who had elegantly asserted that the pine trees of this Colony were covered with 'bed-bugs'!—The hon. member recommended the appointment of a committee of grievance, to take into consideration the various matters of complaint; in which idea Mr. Simonds coincided.

Mr. Partelow declared his opposition to any such appointment; no such committee having ever existed in this country, as all grievances had always been considered by the whole House.

Mr. Weldon briefly recapitulated the history of the resolution of last session, and supported the opinion of Mr. Speaker, &c. respecting his Majesty's right to the crown lands and casual revenues. As to the Custom-house, the hon. member supported the right of Parliament to impose duties, and that of the local legislature to appropriate them, and expressed his hope that they would soon have the control of them. He coincided in the proposal to address his Majesty, and opposed the proposition for a committee of grievances, as unnecessary and unadvisable, as the whole House would more properly consider them. He supported Mr. Partelow's motion.

Mr. Speaker, in reply to some observations of Mr. Kinnear, observed that the free trade system had extended the privileges of the Colonies. Formerly the colonial trade was confined to intercourse with the mother country; it was now opened to the whole world, and enjoyed both military and naval protection.—The hon. Speaker also detailed the history of the Custom House question, till its arrival at its present state: and observed, that the House must now endeavour to induce the government of the Mother country to accept to proposed compensation for the present mode of paying the custom house officers, as contained in the address of last session.—Progress reported, and leave obtained to sit again.

Tuesday, January 31.

DISSENTER'S MARRIAGE BILL.

According to the order of the day, the above bill was this day committed; Mr. Hill in the Chair. The discussion, (or rather rotatory disquisition, as no absolute opposition was offered,) extended to a very great length; the Committee having continued nearly four hours. The major part of the observations, however, were merely repetitions of what had been fully advanced on former occasions, and much of what was said now would not have been offered, had not Mr. Chandler stated that the out-of-door opposers of the bill insinuated, that it had hitherto been smuggled through the House in silence, merely because it was a popular measure, and that members therefore passed it *sub silentio*, in order to avoid expressing their candid opinions. The hon. member, therefore, when he rose to speak, commenced by calling on the members generally to state their opinions, in refutation to this calumny. Our notes on this occasion consequently, present an almost interminable extent, and it seems almost impossible to get skillfully out of the sententious labyrinth; but for the reason above mentioned, and as it has the misfortune to come immediately after the fatiguing report on the *Common Plea Bill*, the transcription of which caused us nine hours labour after the house rose, (till 3 o'clock this morning,) we are necessitated to condense this day's task as much as possible. We shall therefore merely cull the most novel and striking features in the principal speeches, and state the remainder in a general manner.

Mr. S. Humbert stated the nature and objects of the bill, and advocated it, in terms similar to what the hon. member advanced last session.

Mr. Cunard thought the bill required greater guards, as to the due registry of marriages; which might so greatly affect questions of legitimacy and property in future days. The hon. Member also objected to passing the bill with a general reference to ALL dissenting bodies or denominations, which, he apprehended, might open a door to very great licentiousness of doctrine and consequent mischief, in the event of other sects hereafter arising, less respectable and less religious than those of the present day. He recommended the definition by name of such respectable existing denominations as might be safely entrusted with the privilege. The hon. gentleman also stated, that the Wesleyan Methodists do not consider themselves dissenters, and that they would therefore be excluded by this bill, unless specially named in it.

Mr. S. Humbert explained, that the bill does provide for the due registry of marriages, by compelling ministers to record them according to the existing laws of the province; and further replied to Mr. Cunard.

Mr. End rose to support the bill as it stood; because he had an unquenchable hatred of tyranny and oppression, in church, in state, and in any situation whatever. It was because he hated tyranny and oppression, that he was for giving to every denomination of His Majesty's subjects, every privilege to which they had a right. Marriage was in some Churches held to be a sacrament; and in all it was considered a rite of very great importance. It was both a civil and religious rite. As a religious rite, it ought not to be denied to any class of his Majesty's subjects. What had the law to do with the conscience of man? Why should any law restrain the conscience of any man? A man's religion was a private contract between him and his God. He had a right, as far as related to men, of making that contract in his own way, and according to the dictates of his own conscience; because, in the event of failure, he himself would be the only sufferer. The question, then, merely as a religious rite, was settled. But as to its being a civil rite. In this light, marriage must in all well regulated societies; come under the cognizance of the law of the land; because it affected the legitimacy of children, and the title of property. For these reasons alone, it was, that the law of the land must interfere.—The hon. member then replied to Mr. Cunard, and proceeded to show the great danger and mischief at present often arising, from the legal power of Justices of the Peace to solemnize marriage; of which he related a striking instance, which he personally knew to be a fact. A young couple had appointed a day and hour for their union, and engaged a justice of the peace to attend accordingly to unite them. The marriage feast was prepared, and all things were ready. But no Justice made his appearance; and after much waiting, tidings came that, having got drunk, he had fallen into a ditch, and could not come. This was a pretty sort of a man to solemnize marriage. It happened, however, that among the party was an Adj. of Militia, who had formerly been bugler to the 104th Regt. This Adjutant, finding how things went observed, that it was a military custom, that when the senior officer was not in the way, the next in command always took the lead. He, therefore, as second in command, and in the absence of the worshipful Justice, kindly offered to fill his place, and to marry the young couple; observing, that in a few days they might see the Magistrate himself, and get the affair ratified by a second performance. This was proposed and seconded; and, after a little hesitation, accepted. The friendly Adjutant spliced the knot, and the happy pair were provisionally married. All things went on properly, said the hon. Member, and about a week afterwards, happened to see the aforesaid magistrate, the partly married folks got him to perform the ceremony, and thus confirmed the whole.—The hon. member then stated his suspicions that Mr. Cunard's arguments were really intended to quench the voice of the people; and proceeded to reply as to the guards in the bill respecting registry.—He observed also, that here the House had the cause of religious liberty before them, and if they could not get the whole to pass, they must gain as much of it as they could. They must persevere, and get little by little. If they could not wholly demolish the rock of tyranny and oppression, they must at all events knock off the corners of it. If this bill should be again thrown out by the Legislative Council, they must then send up another, comprising such part of it as would be likely to share a better fate.

Mr. Kinnear entered at very great length into the history of religious liberty in this country; quoting and referring to the various acts for church establishments, and for giving to Ministers of the Kirk of Scotland, of the Society of Friends, or Quakers, and of the Romish Communion, the privilege of solemnizing marriage; upon which he energetically argued, that all other denominations dissenting from the Church by law established in this province, were entitled to that privilege, equally with those three bodies. The hon. member clearly proved, that although the Wesleyan Methodists do not consider themselves, and although they are not