

## Imperial Parliament.

## ROMAN CATHOLIC QUESTION.

HOUSE OF COMMONS, March 17.

The ATTORNEY GENERAL hoped he might take the liberty of saying that he had never bound himself to any party, and he could produce testimonials of the independent course which he had always followed. When he thought that he could remain in office with honour, he had not quitted it; but when he thought he could not accept office with honour, he had not taken it. [Hear.] Differing in opinion from gentlemen on the opposite side of the House, he was now called upon, as the Attorney-General of a Protestant Government, to deliver his sentiments on the question under the consideration of the house; and he must throw himself on the good feeling and indulgence of the House, in endeavouring to perform the duty he owed to himself personally, to the British Parliament, to the people, to declare that he was now only nominally, but not practically, Attorney-General. [Loud cheers.] He was emboldened by the sentiments expressed from both sides of the House to address them as an independent member of Parliament—and to abjure the office of Attorney General—which would justify and authorise him to deliver his sentiments freely and without reserve. [Loud cheers.] He was compelled by necessity to approach this great question, and he could assure the House that no gentleman had bestowed greater labour and assiduity in approaching it than himself, in order to know how and on what grounds the monarchy, the church, and the liberties of Great Britain were to be sacrificed. [Cheers.] He therefore claimed the merit of drudgery and assiduity in the investigation of the question, but no pains which he had suffered during his life were equal to the pain which afflicted him when, seven days only before the meeting of Parliament, he was informed that Catholic emancipation came recommended to the consideration of Parliament from his Majesty's Government.—[Hear.] He declared that he never felt such pain as when he was told, on the first day of the meeting of Parliament, that a large portion of the Protestants were without a leader, and were utterly cast forth and abandoned to the public. [Loud and repeated cheers.] He might take credit, that if any one quality more than another belonged to so humble an individual as himself, it was that of sincere steadiness. He regretted to learn that the leader of the Protestant party in England and this House, had not only disbanded it, but dissolved it, without prior notice. [Cheers.] They had been deserted by their leader, and cast away a prey to the winds and waves. [Cheers.] That eminent leader, which all rejoiced in, and whom they formerly had, was not to be found any longer in the person of his Right Hon. Friend. He did not know whether he might presume, as an independent member of Parliament, to speak, but he was the King's Attorney-General, and Attorney-General he would remain. [Loud Cheers.] At the same time he would assure the Noble Lord (Lord Palmerston) that he did not stand in the way, though he was an Oxford man, of the Government having another member for the University of Cambridge. Eloquent as the Noble Lord had been, he would assure him that he was not the tool of any Government in accepting office, nor would he be the tool in retaining office. [Cheers.] If the Protestant party in the House thought that he was desirous of retaining office, they were mistaken. He had declined to draw the bill upon the table, because, looking at the oath which he had taken as Attorney-General, he should have considered that in consenting to draw it, he should not only have abjured his duty to the King, but that he should have been drawing the death-warrant of the Protestant religion. [Repeated cheers.] He should have deemed himself equally culpable with Lamer, in the affair of the ship-money, or with James the Second when he sent the seven Bishops to the Tower. He had come to the decision solely from pure conscientious motives. He therefore had a right to stand in the middle of the House. [Hear.] He would now state why he could not support Government in the great measure now before Parliament. The Bill of Rights did not introduce the statutes of Elizabeth and Charles the Second, with reference to the oaths of supremacy, and abjuration, and therefore they were not embodied in that bill. He was prepared to maintain, that all those restrictions which existed before the Revolution were re-established, re-confirmed, and re-enacted, by the Bill of Rights. Before King William came to this country, that was made a condition of his acceptance of the Government, and it was accepted by him before he set a foot on the land. A negotiation, indeed, had taken place between James the Second and William and Mary upon the subject, as the historical documents would clearly show. Before James was expelled the throne, the nickname so fluent at the present day of the amicable settlement of the Roman Catholic Question was determined upon. Gentlemen might satisfy themselves on that point if they would refer to the Speaker's library from the authorities of Rapid and Tindal; but they were shy of looking into the books since a sort of roaming malaria had taken possession of their memories, which failed them. [Hear.] The Hon. and Learned Gent. then read extracts from the documents in question—a letter from the Prince and Princess of Orange was among the number, in which they recognised the settlement of the question of Emancipation. They stated "their concurrence in repealing the penal laws, provided the Roman Catholics were shut out from both Houses of Parliament—out of all public offices, and from all situations ecclesiastical, civil, and military—that they would secure the Protestant religion, and would not agree to the repeal of the Test and Corporation laws, or any laws which tended to the security of the Protestant religion.—[Hear.]—that that religion should by them be sheltered from the designs of the Roman Catholics, which declaration they subscribed before God and man."

This document was prior to their coming over, and it showed that the exclusion laws did form a part of the conditions of the Act of Settlement. When the Prince of Orange came over to this country this preliminary declaration was not repudiated. Those gentlemen who maintained that the act of exclusion was not insisted upon at the Revolution, were in error, for he had shown from historical records that "the contrary was the fact. [Cheers.] Lord Plunkett had facetiously contended that history was like an old almanack, not worth much; but he would contend, that antiquity did not take away the applicability. [Hear.] He then referred to other documents in point, to show that certain penalties were re-imposed and re-established after the Revolution, with additional Protestant securities. James, previous to his surrender of the crown, published a declaration, in which he granted what he called "Liberty of Conscience," which was in effect a kind of free trade in religion, not like what we have now—it was a kind of jacobinism—in fact, all religions were the same. This declaration he ordered the prelates to read in all churches: and he followed it up by another paper alluding to the former, and absolving his subjects from tests, and allowing future ages to reap the benefit of his declaration, and stating that they might exercise the liberty granted without the burden of oaths and tests. [Hear.] James, finding that the nation was determined to expel him, did, on the 21st of December, 1688, a few days before he fled, issue an order, stating that he was disposed to give up his favourite project of admitting Roman Catholics into Parliament, and his determination to preserve the Church of England; so that he would not allow Roman Catholics to have seats in the House of Commons. [Hear.] This was sufficient evidence to refute the assertions of those gentlemen who maintained a contrary doctrine, and there were hundreds of that way of thinking, who had the happy facility of possessing those reminiscent qualities. [A laugh.] He next recited the provisions adopted with respect to the Protestant Dissenters after King William came to the throne. He would appeal to the judgement of the House whether he had not completely refuted the doctrines of gentlemen who contended that the principle of exclusion was not adopted during the reign of that monarch. Now with respect to opinions upon the bill upon the table, if he found a Lord Chancellor giving an opinion upon the bill adverse to him, it was not because he was a humble individual that therefore he was to give up his own. He would not give it up, even though that opinion, adverse to his own, was sheltered under the buckler of Lord Chancellor Lyndhurst. Could he shelter himself under what he (the Lord Chancellor) had said—could he (the Attorney-General) deny, if he thought otherwise, that such a bill would subvert the Protestant church of England? No! he would not. He would differ with him or any other man who attempted to dragoon his conscience. [Cheers.] He would not, because he could not, conscientiously agree with Lord Lyndhurst, though he was the King's sworn counsellor. [Cheers.] He, as the humble member for Plympton, had as much right to look to his oath of office as even the Lord Chancellor had, and when he looked, too, at the oaths taken by every person of the realm, he was bound to declare that the King was bound, by his coronation oath, to support the Protestant Constitution. [Cheers.] So far as he was concerned, as his Majesty's Attorney-General, he would do no act to put his sovereign in jeopardy, and would refuse, if the question was put to him one hundred times over, to advise an act which would endanger the constitution, which would be endangered by the atrocious bill on the table [Vehement and continued cheers.] He recollected, two years since, that a member of this house, Sir John Copley, then Master of the Rolls, made a very eloquent, able, and forcible speech, full of arguments, sound law, constitutional reasoning, and which made a great impression upon the house upon this very question of Roman Catholic Emancipation. He then being Master of the Rolls, and now Lord Chancellor of England, did in the face of the House, quarrel with one of the most eloquent men this country knew, Mr. Canning, upon this subject, whether or not it was consistent with the Protestant Constitution to admit Roman Catholics into Parliament. [Cheers.] Was he (the Attorney-General) now to be charged, as he had been, with deserting the Constitution, because he would not belie his conscience? Was he to be taunted and twitted for supporting the Protestant establishment? [Loud cheers.] No! he would not desert his duty. He cared not who attacked him; whether from the right or the left, he was prepared—he would attack every attack—he dared them to the combat. He had no speech to eat up. [Long, loud, and continued cheering.] He had no apostasy to cover and hide—he had no paltry subterfuge to fly to—he was not one day white and another black—he was not at one time a Protestant Master of the Rolls, and at another a Roman Catholic Lord Chancellor. [Repeated cheers.] He would much rather remain the humble Member for Plympton, than be guilty of such apostasy. [Cheering.] Such unexampled vacillation—such unexplained conversion—such miserable contemptible apostasy. [Loud and continued cheering, which lasted for some minutes.] The present Lord Chancellor had, when Master of the Rolls said, that the Catholics would never be contented with equality, but would seek for ascendancy: and he added, that if Catholics were admitted into Parliament, their first step would be to attempt the destruction of the Protestant establishments in Ireland. With these recorded opinions of so high an authority, he (the Attorney-General) thought it very strange that he should be expected to draw up such a bill as that on the table. It was true that the opinions of the Master of the Rolls in 1825 were different from those of the Lord Chancellor in 1829, but no change of opinions on the part of others should ever induce him to alter his. He would ask, why those who had always advocated securities, should now abandon them suddenly, and say that the best security was in a total repeal of the disqualifying laws. It had been said, that the present measure would obtain for England the sympathies of foreign countries. He sincerely prayed that foreign sympathies would never interfere in the legislation of this country.

It unfortunately happened, that in almost all the difficulties in which England was placed, the sympathies of foreign countries, particularly of France, were enlisted against her. He was glad that the word concord was left out of the preamble of the bill, for he was certain that no measure was ever brought before Parliament so completely subversive of concord and unanimity. He thought it very strange that this bill should be brought down to Parliament at seven days' notice, instead of complying with the commands of his Majesty, "to take the whole condition of the people of Ireland into consideration." [Hear.] He firmly believed, that a week before the King's Speech was delivered, there was not a single member of the Cabinet could say that such a speech was to be delivered. [Hear.] This he did know, that most of those members who had uniformly supported Ministers were completely taken by surprise. As to the bill itself, he must say, that he did not understand it, nor did he believe that any person else did. In the first place, the proposed oath did not require the person taking it to say whether he was a Catholic or not. Another absurdity was, in appointing a commission for the regulation of church appointments and promotions, that commission was to be appointed by the Lord Chancellor, being a Protestant, but this he considered a mockery; for his part, he would not entrust such a power to any Chancellor. The recollection of the acts of Chancellors Shaftsbury and Jeffries, who were Protestants, would alone prevent him from reposing such an extent of trust in the hands of any individual—but in the event of a Catholic Premier, could it be supposed that he was to have no influence in the appointment of such a commission, nor in the distribution of Church preferment? The bill was a compound of folly and absurdity, and no human being could induce him to disgrace himself by drawing such a bill. [Hear.] In the pretended attempt to guard against the encroachments of the Irish clergy, and for that purpose, it was to be enacted, that any Catholic clergyman assuming the title of Bishop, should be subject to a fine of £50, so that the sum of £50 was considered a sufficient security for the Protestant institutions of the country. The people of England felt this, and they were almost unanimous in their opposition to these measures, and in imitation of a Noble Marquis who had lately addressed the people of Ireland, he would call upon the people of England to persevere, and they would be sure to succeed. [Hear.] He hoped they would persevere constitutionally, but firmly, until they defeated these obnoxious measures. [Cheers.]

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JAMES SEGEE.

Fredericton, April 8, 1828.

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L. WARREN.

Fredericton, Nov. 17, 1828.

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Lecturer on Chemistry,

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St. John, Jan. 30, 1829.

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