PUBLIC ARCHIVES OF NOVA SCOTIA

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Hon. Mr. SAUNDERS replied to the Hon. Attorney General, strenuously maintaining the converse of that Hon. Member's propositions; and after a few observations from Hon. Mr. Chandler,—

Hon. Capt. OWEN observed, that as he was not here yesterday when this Bill was first debated, and had not had sufficient opportunity of considering the subject, to enable him to form an opinion, he wished the Committee would now *report progress, &c.*, to give him time for consideration.

Hon. Mr. SHORE stated, that he also was not in the House during the whole of yesterday's debate; but he had heard enough of it to convince him of the soundness of the arguments of the Hon. Member on his left, (Hon. Mr. Saunders,) and of the correctness of the rules he had laid down. Even the Hon. Attorney General admitted that the rule of conduct contended for was a good one; but said that it would not apply to this country. But if the rule was good, why should it not be adopted in practice? There were none but imaginary difficulties in the way; and if persons in high and influential positions in the community, who acknowledged the rule to be good, would aid the reverend Head of the Church in carrying it into effect, there would be no difficulty in the matter at all. Hon. Members seemed to think that there was some under-tow to this Bill, some hidden object to be obtained, more than was apparent; but surely there was no shadow of foundation for such a supposition; more especially when the Hon. Member who was in the Chair yesterday had so candidly admitted, that the object of the Bill was to throw open the Church to all classes, throughout the Province. One Hon. Member (Hon. Mr. Chandler) seemed to think that that Hon. Gentleman who spoke so strenuously yesterday was insane or non-sane on the subject; but in his (Hon. Mr. Shore's) mind, there was nothing like insanity in the arguments of that Hon. Member (Hon. Mr. Saunders); on the contrary, he thought he had never heard more sane and convincing remarks in his life, supported as they were by quotations from authorities, which all must admit to be weighty and correct. But what was the fact, with regard to the assertion, that people were driven away from our Churches, for want of proper accommodation? Although the Hon. and learned Attorney General might not have seen people driven out of the Church at Fredericton, he (Hon. Mr. S.) had. He could name most respectable people, who had entered the Church and had been obliged to walk out again; true, they were not forcibly driven out, but they were compelled to go out, because no Pew door was opened to them, and they could get no accommodation there; and he believed that if strangers were again to walk into the body of that Church, not one Pew door would be thrown open.—After some further remarks on the details of the Bill, the Hon. Member proceeded to observe, that every one appeared to admit the propriety of having free seats in Churches, but then they said, when once people had acquired vested rights and interests, those rights must not be done away with, without the consent of *all* parties concerned. But that was an impossibility; wherever there were 200 or 300 persons concerned, it would be totally impossible to obtain the consent of all. Then, should two or three obstinate persons be allowed to hold out against all the rest of a community of 200 or 300, and say that none should have the proposed alterations, because those two or three would not consent? He thought that any reasonable person would at once give way to such a majority, instead of persisting in opposition. He (Hon. Mr. Shore) thought it would be far better to modify this amendment, by providing that a majority of a certain extent, about as two-thirds or three-fourths of the whole number of Pew holders, should be authorised to make the requisite declaration; instead of requiring the consent of the whole; and then he would go with the Bill.

Hon. Messrs. JOHNSTON and SAUNDERS severally made some additional remarks, after which,—

Hon. Mr. KINNEAR said, he had hoped that this question might have been settled without conflicting debate; and that the portion of the Portland Act which had been inadvertently repealed might have been revived, so as to have settled a question of such great importance to the best interests of society; to have put it on such a footing as would have satisfied reasonable and moderate men belonging to the Church, by guarding the existing rights of property on the one hand; and on the other, by offering an opportunity, consistently with those rights, to adopt a system so desirable to carry out into practice as far as possible. Thus, where Pews were already in existence, they would remain the same, unless given up by the consent of all parties; but Churches hereafter to be erected might be thrown open from the first, by an arrangement under the provisions of the Act. And this appeared to him (Hon. Mr. K.) to be a most moderate and proper mode of settling the question, such as might have met the views of all parties concerned.—The Hon. Member then, after pronouncing a eulogium on the motives and principles which appeared to actuate the Hon. Mr. Saunders, in his advocacy of the Bill as it was, proceeded to state that he nevertheless differed from the views and conclusions of that Hon. Gentleman; and observed, that the object of the Bill evidently was, to deprive those who had long possessed a privilege and right of property in Pews, of the benefit of those rights and privileges by a declaration, the mode of making which, or by whom to be made, was not clearly defined. But what was the peculiar grievance complained of, which this Bill was to remedy? For in all cases of changes of system, there must be some grievance to be removed. It was said, that Pews were not now opened to strangers when they entered the Churches. But was not that easily remedied? In Churches of other Denominations, the Pew doors always fly open to strangers, and why could they not in Episcopal Churches? Why not adopt such a system as was pursued in Glasgow, by setting apart every fifth or sixth Pew throughout the Church, as a free seat, into which strangers could always be shewn? That would do away with the spirit of exclusiveness, founded on pride, which had been so much complained of. If free Pews were thus set apart, not in remote parts of the Church, but in every part of it, into which those could honourably be admitted, who could not afford to pay for Pews; then it would be impossible to draw any such invidious distinctions, or to say to the rich man, "Sit thou here," or to the poor man, "Stand thou there." He (Hon. Mr. K.) did not think, although the Apostle James had been quoted, that the Pew system had been carried out in defiance of the Scripture. What was the spirit of Scripture? It was not to do away with every social distinction among men, but to put down the pride of heart, the spiritual pride of men, the haughtiness and conceit of men when assembled in the House of God. He would ask one reasonable question: open every Church to all comers, let every seat be common and free; and he would ask whether persons actuated by principles of pride and vanity, would not carry out those principles just as much when so assembled, as when they sat in exclusive seats. Would they not crowd together in some particular part of the Church, and by forming a distinctive set, virtually say to the poor man, "Stand thou there," and to the rich man, "Sit thou here," just as much as if they were still owners of Pews? For, it would be found, when the matter might be attempted to be carried out practically, that that spirit of pride and haughtiness and exclusiveness would not be destroyed by the mere destruction of Pews. It was not the Pew system, or the free seat system, either in a large Church or in a small one, that created or would destroy that spirit; but something far higher and more powerful than either of those causes. It must be a spirit of true religion; a spirit that would induce men to humble themselves truly and sincerely before the Most High in the place of His worship, that alone would subdue the influence of self conceit and arrogance.—The Hon. Member then proceeded to contend, that the Pew system was not the means of driving persons from the Church; that other causes had operated; and that if people had been driven out of Pews in one Church, they had been driven into Pews in another; as Churches of all Denominations were fitted up in the same manner; and at considerable length, and with much emphasis adjured the Hon. Mr. Saunders to allow the proposed amendments to be added to this Bill, without further opposition; strenuously urging, that the most powerful and efficacious mode of inducing men to acquiesce in important changes of any kind, was by using the soothing arts of persuasion rather than the compulsory operation of force; as men would always sooner be persuaded to what is right than driven to it. The Hon. Member concluded a long and eloquent oration, by contending that, by gradualey introducing the system of free Churches, the people at large might be induced and persuaded to fall in with and support it; but that a sudden and compulsory mode of proceeding would only tend to injure and destroy the interests it was intended to subserve; as the manner of carrying out even a right thing was the all and in all with regard to ensuring its ultimate success.

Hon. Mr. SAUNDERS replied to Hon. Mr. Kinnear's speech at some length; especially claiming for himself the merit of having strictly adopted his plan, by using the soft arts of persuasion, in his arguments in this Committee; which were the only means he had of pleading his cause; since it would be preposterous to suppose that he could use force or power or any coercive measures, with respect to the Hon. Members around him; and after some other remarks in support of his views on this question,

The Committee rose and again *reported progress &c.*

Thursday, February 26, 1846.

The third and last sitting of the Committee of the whole, on the Church Bill, took place this day. Hon. Mr. Shore in the Chair.

Hon. Mr. ATTORNEY GENERAL moved his amendment to the first section of the Bill.

Hon. Mr. MINCHIN said, that so far from the amendment being what it was represented to be, merely calculated to make the Bill more effectual, its real operation would be, to destroy the Bill altogether; as it went to provide, that no alteration should be made in a Church, till all the Pew holders were got to agree to it. Now to expect such an agreement, or that any large body of men connected with any public institution, would unanimously agree on any proposed change of system, amounted to an impossibility; it could never be done. If the amendment would propose that some specific majority, such as two-thirds, three-fourths or four-fifths, should bind the whole, it would be all very well; but to say that the whole must unanimously agree, that one or two only should prevent the intentions and wishes of all the rest, was an absolute absurdity. On such a principle, no improvement could ever be made in any public institution in the world, if one or two self-willed people were allowed to defeat the better intentions of the great majority. This was his (Hon. Mr. M.'s) objection to any proposal to raise the qualification above 5s. as he thought that sum quite high enough, especially in Country Parishes. It was not necessary for him to go over all the arguments on the other side, that had been urged in the previous debates on this subject; but there were one or two which he would briefly notice. An Hon. and learned Member on his right, (Hon. Attorney General) had said, that there always would be a majority found to declare for free seats, because all the occupants of the worst or most inconvenient pews were ready to form a majority, that so they might get hold of the best pews for nothing. Why that was one very good reason why the alteration should be made. Those small Pew holders found themselves thrust into all the most inconvenient and uncomfortable parts of the Church, that a few rich and proud individuals might monopolise all the best and most comfortable situations; although all had an equal right to accommodation in their Parish Church. He (Hon. Mr. M.) would go no further than the Fredericton Church, as he knew very little about the Country Churches; but certainly, in the Church at Fredericton, many of those small Pew holders, who were thrust into the back ground and excluded from the conveniences and comforts of the building, paid much more in proportion to the accommodation they enjoyed, or to the space they occupied, than the proprietors of the choice and spacious pews in the best situation. Then, again, it must be remembered, that in that particular Church, the occupants of those very fine Pews monopolised, in the winter time, all the comfort of the building; and while they were enjoying all the warmth and comfort of the stoves, others, at more distant parts of the Church, were almost freezing. Frequently had he himself (Hon. Mr. M.) been obliged to wrap his cloak close around him, to keep himself warm, while he saw his Hon. and learned friend the Att'y General sitting in perfect ease and comfort in his pacious Pew, enjoying all the cheering heat of the stoves; and often had he (Hon. Mr. M.) been obliged to stay at home on a Sunday, for fear of catching cold in his seat at Church. Yet, as he had said before, those persons who suffered so much, paid more in proportion for their pews than the owners of the large and choice ones did. But it was not the fact, that they wanted to get possession of the best Pews for nothing; they did not want to get possession of those Pews; they wanted to abolish Pews altogether, and to introduce free seats throughout the Church; so that there should be no monopolies or distinctions in the House of God, but that all classes should equally enjoy their natural right, of worshipping their Maker without exclusive privileges. But it was strange that there should be so much opposition to this proposal, from a few individuals, when so many of the principal Pew holders in the Church of Fredericton had set a better example. His Honor the Chief Justice had offered to give up his large and beautiful seat, which was one of the choicest in the whole Church; so had the Master of the Rolls; so had Judge Carter; so had Judge Street; and so had an Hon. Member of this House (Hon. W. H. Robinson,) and many others; and when it was known, that there were so very few individuals holding out against the wishes of nearly all the congregation, it would surely be a great injustice to allow those few individuals to prevail. It had been said yesterday, by an honorable and learned Member, (Hon. Mr. Kinnear) that even if Pews were abolished, the exclusive system would still be carried on; that the proud and haughty would crowd together into particular corners and portions of the Church, in order to keep as far aloof as possible from the generality. But he (Hon. Mr. M.) did not believe that would be the case; it might perhaps be done two or three times, in the early days of the alteration; it might last for a little while; but such persons would soon see the folly of it; such conduct would be so conspicuous and glaring that it would soon cure itself; and the good sense of the parties themselves would induce them to give up such a practice. He (Hon. Mr. Minchin,) was formerly an advocate for close Pews, although he had always desired to see a proportion of free seats in every Church; he did not deny that he formerly stood up for close Pews; but since he had seen, in other countries, free Churches and the effects of the free seat system, he had wholly altered his opinions on the subject, and had entirely abandoned all partiality for the exclusive system. He had been in such free Churches; he had always found them well filled, by persons of every class and condition; he had always seen the utmost decorum and good feeling among the congregation, and as much respect paid by the humbler classes to those of higher worldly station and distinction, as could ever be desir'd; yes, a great deal more than he ever saw, where the system of close Pews and exclusiveness existed; he never saw any intrusion or disrespect among such congregations, but quite the contrary. He would therefore heartily go for this Bill, but not for the amendment; and if he did not sincerely believe, that the Bill would operate for the real benefit of his Church, he would not give it his support.

Hon. Mr. SAUNDERS said he would feel much gratified, if the Hon. Attorney General would consent to something, not so entirely calculated to destroy the Bill, as this amendment was. It must be extremely evident, that if the consent of every individual owner of a Pew was to be required, there would always be difficulties, and the object intended would be entirely prevented. Many casualties were liable to prevent such a consent being obtained, besides the positive obstinacy of individuals; such as the absence of Pew owners from the Province, the death of Pew owners and the minority of the children; and many other such difficulties might occur, which would render a unanimous consent impossible, and thus make the Bill wholly imperative; surely then, for such a purpose as this, they should look upon the Church in the same light as any other community or body corporate, in which the vote of a majority should always regulate the proceedings of the whole body. He (Hon. Mr S.) had no objection to assent to such a modification of the amendment, as would require a majority of three fourths or four-fifths, or some other such reasonable and specific proportion of voters: but to require the assent of every individual voter was extremely unjust, and contrary to every principle of proceeding in the affairs of corporate bodies.

Hon. Mr. BOTSFORD hoped the Hon. and learned mover of the amendment would consent to no such alteration of the amendment. [*Hon. Mr. Attorney General, (Very emphatically.)* "Certainly not."] He (Hon. Mr. B.) thought that the observations he had made the other day, when this Bill was first discussed, were now completely confirmed by every Hon. Member who had spoken in its support. The Bill had come up here with marks of great suspicion; and he for one, would consent to no compromise on the subject. He did not impute to any Hon. Member the having had anything to do, with the manner in which this Bill had been sent up here; but he would say, as he had said before, that there were evident symptoms of suspicion about it; and that it was intended to cover a very different design than that which appeared on the face of it. It was now found, that instead of this Bill being merely a revival of a former enactment, it was really devised to allow a majority to take away the rights of a minority; and he never would consent to any Bill, on this subject, that would alter the provisions of the one intended to be so renewed.—It was the first time that a legislative enactment had even been asked for in this [illegible] change into existing institutions, as the Bill was intended to effect. If such alterations were desired, why should they not be brought about by persuasion and exhortation; why did the parties come before the Legislature, and ask them to sanction by Law a principle so directly opposed to the feelings and wishes of the people at large? The arguments in favor of this Bill had been most extraordinary in their nature, and, most fallacious; although they had been urged with such singular zeal, ability and candour. But its supporters had drawn a most deplorable and unfounded picture of the condition of their Church; and did they not feel, that the imputations they had thus cast upon her, and which would go abroad through the medium of the press, more especially, with regard to this particular Church in Fredericton, would recoil on themselves? Why did they seek this Bill? Because they said that a person had come into that Church at one end of the aisle, and gone out at the other, was that a sufficient ground for this Bill? If such an event had really happened, why did not those persons throw open their own pew doors for that unfortunate stranger; or why did they not prevent the recurrence of such evils, by doing as was sometimes done elsewhere, viz. by purchasing Pews and throwing them open to the people as free seats? He (Hon. Mr. B.) did not admit that such evils existed, as had been described. But even if they did exist in the Church of this Metropolis, was that a reason why he should legislate to force so great a change through out the country, because the inhabitants of this Metropolis were so exclusive and unaccommodating in their Church? Certainly not. He believed this new principle would not do at all in the country; it was a principle which would tend far more to the injury of the Church than to its benefit; the people of this Province were devoted to the principle of their forefathers and would keep it up. —Hon. Members had dealt earnestly on imaginary dangers to the Church; but there was no danger that those who opposed this Bill would leave the Church; there was no danger that those venerable individuals, who had been 70 years in her communion, and who were now descending with grey hairs in honor to the grave, would leave their Church; but there was a danger that their Church would be taken from them. But let those who wished to effect such changes here take warning by what had happened elsewhere. What had become of those, who sowed dissension in the Church in the Mother Country? Why they were now to be found in the bosom of the Church of Rome.—But the people of this Province would not be coerced into violent changes; they would exercise the right of private judgment, with respect to their religion and their Church; and if they did not, what would become of the Protestant Church? What did that Church arise from, but from the exercise of the right of private judgment?—And the exercise of private judment would put this Bill down, as one which the country was not prepared for. It was a Bill which would tend only to create difficulty and to injure the Church; and therefore he felt called upon to oppose it or any compromise such as had been proposed. But he would go with a Bill to revive the old law, and to restore the original qualification for voting. He was convinced that the free Church system was not consistent with the feelings of the people; there was not that disposition amongst them, that there was in former times, to keep up their Churches by the mere voluntary system; it was not the case with our own Church only, it was so in all other denominations; there was less support offered to Churches by the voluntary system than there should be; and it was the Pew system only that effectually provided funds for the support of Churches. This Bill therefore would be worse than useless; throughout the Country it would be found that people would not care to pay 5s. per annum, to become voters for Vestrymen, or members of Church Corporations; for it was difficult enough now even to collect enough from the pew-rents, to keep Churches in decent repair. On that principle he (Hon. Mr. B.) objected to the Bill; and for all the reasons that had been advanced, he felt convinced, that if this measure were not boldly met and resisted at the very threshold, it would tend to destroy the Church in this Province altogether.

Hon. Mr. ATTORNEY GENERAL at considerable length supported the argument of Hon. Mr. Botsford, and reiterated the sentiments advanced by himself on previous days; concluding his observations by declaring that he never would withdraw the amendment or modify it; that he never would go for any such republican principle as this Bill was designed to establish; for it was a downright republican principle to a most extensive degree, and he therefore protested against it.

Hon. Mr. SHORE briefly alluded to an instance of a Church a few miles from Fredericton, having lately been entirely built and being still supported by the voluntary principle, and urged that the principle was working very well there. The Hon. Member also expressed his firm conviction, that all the evils and difficulties suggested by the opponents of the Bill were merely imaginary, suppository and unfounded, and would so be proved by experience.

Hon. Mr. ATTORNEY GENERAL replied to the Hon. Mr. Shore, contending that the object of this Bill and the amendment was, expressly to provide the means of supporting that very Church, and every Church already erected or that might be erected, under similar circumstances; as, without such a provision, no such free Church could become a Corporation, or have any means of managing its temporal affairs. The Hon. Attorney General also contended, that if this amended Bill passed, people might build one hundred free Churches if they pleased, and the Bill would not interfere with them, except to provide for their proper management; and it was only to protect existing rights and property that the amendment was intended. But if the principle were to be adopted by the Head of the Church here, that he would not consecrate any other than free Churches, he (Hon. Mr. Attorney General) never would give one sixpence towards a free Church. He could get a Church without that system; he could build a Church for himself if he chose; and if necessary he would do it; he could easily get a Clergyman to officiate in it, a properly ordained Clergyman of the Church of England, wholly independent of the Bishop of this Diocese; and he was quite sure that his Church would always be well attended; it would be full. The measures now attempted to be carried into effect, were tending to drive people out of the Church; and if they were driven out, they must act in self defence.

Hon. Capt. OWEN was perfectly of the same opinion as the Hon. and learned Member who had just sat down; and he (Hon. Capt. O.) for one, never would consent to place the affairs of the Church under the arbitrary jurisdiction of any one power, spiritual or civil. He was a strongly attached and sincere Churchman, but he was also an Englishman; he had the feelings and principles of an English Churchman, and he never would submit to any popish supremacy in the affairs of his Church. He was opposed to this Bill, excepting so far as it revived the old Law. He strongly objected to the Legislature being called on to make bye Laws for Corporations of any kind, whether ecclisiastical or not. With regard to the Church in Fredericton; no doubt if his Hon. Friend on his left (Hon. M. Minchin,) had not got a comfortable seat in that Church, he had a very strong reason for wishing to get a better; but that was no reason for taking away other people's Pews. He (Hon Capt. O.) regretted to see such innovations coming so soon into the Church in this Province; there appeared to be a strong disposition to establish a spiritual despotism here; a spirit which was despicable wherever it was found; and he, for one, was determined to meet it on the threshold.

His Honour the PRESIDENT supported the amendment; and in reply to the arguments and statements of the Hon. Mr. Saunders, went at considerable length into the history and statistics of the various Churches in and about St. John; shewing therefrom the advancement and rise of the Church, under the present system, in that City and County. His Honour also stated his conviction, that a free Church was much needed in St John, principally on account of the vast numbers of Mariners, traders and other strangers constantly resorting thither; and that, no doubt, the next Church erected in that City would be a free Church. His Honour further expressed his opinion, that the parties wishing to introduce these proposed innovations, had not had a sufficient opportunity of ascertaining and reflecting on the feelings and habits of the people of this Province; and that therefore such attempted innovations were as yet premature and unwise.

Hon. Mr. HATCH also very briefly supported the amendment, observing that he never could be brought to assent to a principle, which would do away with private rights. It had been urged, that the falling off of the Church in this Province had been caused by the pew system; that however, was a novelty to him; he had never before heard such a reason assigned. No; that was not the reason; there were graver and weightier causes than that, which had produced the effect; which however he would not now particularly advert to. He could explain them more fully, but he forbore. The Pew system, however, was a system of private property and private rights, which had existed so many years in this Province, without difficulty or inconvenience, that he would not lend his voice to put it down.

Hon. Mr. SAUNDERS again, at great length, eloquently replied to the arguments of Hon. Members on the other side; in the course of which, the Hon. Member, in reference to the remarks which had been made, respecting the manner in which this Bill had been passed and sent up from the House of Assembly, deprecated any allusions to occurrences in the lower House, or as to the manner in which Bills had passed there, and been sent up to this House; urging that such allusions were contrary to established rule in debating matters in the Council; and observing, that after this Bill had so unanimously passed the lower House, it could scarcely be said, that it had not received the sanction and approval of that House; and the Hon. Member also expressly declared, that he had never seen the Bill till it had come up to this House from the Assembly.

The observations of Hon. Mr. SAUNDERS produced a brief reply from Hon. Mr. Chandler, which in turn elicited a rejoinder from that Hon. Member; but the great extent of this report, and the pressure of time and space, wholly preclude our transcribing these reiterating discussions.

The question being then taken on the *Amendment*, as proposed by Hon. Mr. Attorney General, it was carried in the *affirmative*.

Contents.—Hon. Mr. President, Hon. Messrs. Robinson, Attorney General, Botsford, Chandler, Wyer, Hatch, Kinnear, Johnston and Owen.—10.

Non-Contents.—Hon. Messrs. Shore, Saunders and Minchin.—3.

The 1st. Section of the Bill, as amended, being then agreed to, the Committee proceeded with the further details of the Bill, the discussion on which was only of a desultory nature.

Hon. Mr. Botsford moved as an amendment, that the qualification for voting be 20s. per annum, instead of 5s., as proposed by the Bill; which was also carried in the affimative. Division as follows:—

Contents.—Hon. Mr. President, Hon. Messrs. Robinson, Attorney General, Botsford, Wyer, Hatch, Johnston and Owen.—8.

Non-Contents.—Hon. Messrs. Shore, Saunders, Chandler, Kinnear and Minchin.—5.

The Bill as amended was then agreed to.

CORRIGENDA.—Our readers are requested to correct a typographical error, which inadvertently escaped notice, in our last paper; viz; *page* 2, *column* 3, *and second line from the bottom*, for "*free*" read "*four.*"—*Also,*

In *page* 2, *column* 4, line 60 from the bottom, and 2 following lines, for "*money which Sir Howard Douglas had appropriated to a very different purpose*"; read, "*by a sum of money which had been given from the casual revenue by Sir Howard Douglas, towards the building of a new Stone Church; but which, after he had left the Province, was transferred to different purposes*;"

Friday and Saturday, February 27 & 28.

On Friday last, the Bill relating to TOWN and PARISH OFFICERS in the City and County of St. John, was committed for further consideration; but being occupied in transcribing the very extensive debate on the Church Bill, the Reporter was unable to be present during the further discussion on this Bill. Progress was again reported; and on Saturday, the Committee on the Bill sat again; when some slight amendments were made to it, on motion of Hon. Mr. Chandler, without further discussion, and the Bill agreed to.

Monday, March 2, 1846.

COLLECTION OF THE REVENUE.

The House went into Committee of the whole, on the Bill for the Collection of the Revenue, and on the Report of the Select Committee of this House on the same.—Hon. Mr. Botsford in the Chair.

Hon. Mr. BOTSFORD, before reading the Bill stated, that this Bill having been sent up from the Lower House on parchment, it appeared that that House considered it as a money Bill, and that therefore this House could make no amendments to it; but the Select Committee of this House were of a different opinion, and had suggested certain amendments to the Bill, which it was now for the Committee of the whole to consider and decide upon. Formerly, it had been the practice for the Lower House to include the regulations for the collection of the Revenue in the Revenue Bill; whence it happened, that if any amendments were made by this House, in that part of the Bill relating merely to the collection of the Revenue, they were not concurred in by the Lower House, and so the whole Bill was lost. To obviate this difficulty, it was determined some years ago, to separate the two objects of the Revenue law; and by putting the regulations for the collection of the Revenue in a separate Bill from the Bill imposing the duties for raising a Revenue, and sending the former Bill up to this House on paper, the Council were enabled to exercise their right of amending the mere regulations and provisions for collecting the Revenue, without interfering with the money Bill at all. This practice had been pursued ever since 1836; and in 1840 this House made amendments in the Bill for the collection of the Revenue, which were concurred in by the Lower House. It was very extraordinary, therefore, that this Bill, now before the Committee, should have been sent up engrossed on parchment, as a money Bill; there was nothing in the Bill to authorise such a proceeding; there was no provision for imposing taxes or pecuniary burdens on the people; and if the House of Assembly thought this Bill an integral part of the Revenue law, why were not both Bills included in one? There was no necessity in that case for separating them. But he (Hon. Mr. B.) thought there would be a great inconvenience in uniting the two Bills; because the Bill for the collection of the Revenue might include important regulations and provisions, having nothing to do with the imposing of duties for raising the Revenue, but which might materially affect the constitutional rights and privileges of the subject; and on which, therefore, this House ought undoubtedly to have a deliberative voice, and to exercise an independent judgment. He (Hon. Mr. B.) believed this was the first time, that a Bill of this nature had been sent up on parchment, since the practice was adopted of separating the two Bills. The Select Committee had thought it necessary to suggest some amendments to the Bill, and he, for one, was disposed to act on that suggestion, as this certainly could not be properly deemed a money Bill; but, on the contrary, was of such a nature, as this House had a right to exercise a deliberative judgment and influence upon.

The observations of the honourable Chairman elicited a brief conversation, from Hon. Messrs. Black, Owen, Hatch and Wyer; when, upon Hon. Mr. Minchin observing, that the question being an important one, and the House at present thin, it might be desirable to postpone its consideration till the House was fuller; the Committee agreed to *report progress &c.*

Tuesday, March 3, 1846.

The Bill for Collecting the Revenue was committed for further consideration. Hon. Mr. Saunders in the Chair.

After the Bill, (which was extremely lengthy,) had been read,—

Hon. Mr. ATTORNEY GENERAL detailed several instances of difficulty and inconvenience, which might arise in the practical working of the Act, and which would therefore require amendment; but observed, that as it was an Act imposing penalties, and it had been sent up from the Lower House on parchment, he supposed the only way to get over the difficulty would be, by postponing the Bill for three months; and then the Lower House might send up a new one, in a proper shape; but it would not do to pass such a law, to be in force for 10 years, with such imperfections on its face.

Hon. Mr. BOTSFORD thought it unnecessary to throw out the Bill; for the reasons he had given yesterday, he thought this House should amend the Bill wherever they might deem it necessary, so long as they did not alter the penalties imposed by it. He (Hon. Mr. B.) thought there would be no difficulty in pursuing this course, as it certainly was a mistake in the Lower House, in sending up this Bill on parchment. At all events, if that House should determine to act on the strict principle, of considering this as a money Bill, they could but throw out this Bill when amended, and send up a new one. He therefore moved that the Committee report progress &c., to give time to prepare the necessary amendments.

Hon. Mr. CHANDLER seconded the motion, and suggested that the amendments should be ready to-morrow, (the 4th inst.) as the old law would expire on the 8th inst. and no time was to be lost in getting the Act passed.—*Progress reported &c.* accordingly.

HOUSE OF ASSEMBLY.

Wednesday, February 25.

ROMAN CATHOLIC BISHOP.

(Continued from our last.)

Mr. W. H. STREET continued to argue that the Bill then before the Committee ought to be decided on its own merits, and irrespective of any Acts passed in another Colony. There might be, said he, some danger in giving the Romon Catholic

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