

but he must maintain that this Legislature cannot act unconstitutively in merely exercising a power specially, and in plain terms delegated by the constitution under which it exists. He had heard it urged, that this power only extended to prospective appropriations; that he was unable to see the legal distinction. — The Imperial Government proposed to establish a Protestant Clergy, to create Clergy Reserves, to enjoy powers for the propagation of religion. Let this act be repealed, and what would remain? Surely no power of using and continuing, as if it were in full force, when its repeal would abolish it and its consequences, as if it had never been made. It is true, an act passed by this Legislature, might contain saving clauses in favour of endowments, and of establishments created by authority of the law repealed, but without these saving clauses, the endowments, the Reservations, the establishments, being dependencies upon and creations of the law, must, in a legal point of view, go out of existence with the authority which gave them birth. The next point raised regarded the question of vested rights: it was contended that a provision intended for a great public purpose, for a community, for the public benefit, was capable of becoming a vested right, and property in the hands of individuals. He (Mr. Sullivan) denied the position in toto. The provision for a Protestant Clergy, subject to variation and repeal, was like any provision for any class of public servants, or for the public service through their ministry. How monstrous would this doctrine seem were it attempted to be applied to civil affairs—were an appropriation for the support of an army, for the maintenance of fortresses, or for building ships—supposing any of these things to be maintained by permanent appropriation, to be supposed to confer a vested right in a standing army, or in engineers, or ship-builders, or sailors. If, in the opinion of the Legislature, none of these were necessary to the public good or safety! Even if in the present case it could be shown that the express contemplation and intention arising out of this reservation, which was not enjoyed, though such enjoyment could not be strictly called a right, yet the argument would be open that the deprivation was a hardship most unusual in British Legislation. But all this was carefully provided against, and it would indeed be carrying the doctrine of vested rights to a most monstrous extent, if the wild lands of the country, hitherto unenjoyed and unprofitable to any, were to be considered vested in a clergy not in existence: and it must be considered so, at all, as respects those not in existence, as those who do exist and who have enjoyed, still continue to enjoy all these advantages, notwithstanding this act. He (Mr. Sullivan) would not believe, that a vague notion of vested rights in generations yet unborn, would be allowed to prevail in the disposition of strictly public property for the public good, with the assent of the whole Legislature, and within the express contemplation and power of revocation contained in the constitutional statute. Indeed, he saw nothing to prevent himself or any subject of the Crown, from petitioning the Imperial Parliament to vary or repeal a provision intended for the public benefit, but which had evidently proved a wide spread discontent, disquiet and insecurity; and he saw no constitutional principle which ought to prevent the Imperial Parliament from providing any remedy for such an evil according to its wisdom. He would now take up the third objection, namely, that as a matter of conscience we cannot give Legislative assistance to the spreading of heresy and error. Perhaps of all the embarrassing questions which have been presented to the most manly and precious above all creatures, and that for no worldly considerations should it be endangered, that error is a fatal barrier to salvation, and therefore that no motives or inducements can be of any weight which would tend to its propagation. This proposition seems undeniable. If it did not appear so, how could it have so led every Christian Church into violence and persecution? Liberty of conscience was sometimes the cry of the persecuted, but the most orthodox and purest of churches, as well as those most superstitious and corrupt, have been carried away by the same argument. He (Mr. Sullivan) was unable to draw no line of any value between the negative duty of forbearing to do evil, and the positive duty of preventing evil; and as no evil can be so great as leading men to perdition, the duty of religious persecution would seem as certainly deducible from the premises put forth by the Venerable Prelate, as the refusal to afford religious instruction to those who are supposed to hold opinions in any respect heterodox. But one is led to question the value of the argument, however plain it may appear, by the almost miraculous consistency of history and experience. Truth and error, pure worship and gross idolatry and brutal superstition have alike been propagated and encouraged by oppression and persecution. The finger of God has inscribed toleration on the tables of human history. The veto of the Almighty has been pronounced against religious persecution; the earth will no longer be deluged with bloodshed for the attainment of a gospel of peace. If then the notion in which God is to be worshipped must be left to the choice of each man upon his own judgment, and if each man has an equal right to partake of public benefits, and if religious instruction be a benefit, by what right can we deny to any man whose doctrines are not positively immoral and pernicious, that he should be instructed in the only mode in which he will receive instruction? It is contrary to all reason, and the opinions of all modern divines, to assert that complete ignorance of christianity, and perfect darkness as to its great truths are preferable to a partial knowledge of these truths, combined with such errors as human fallibility is liable to and which we so liberally ascribe to each other. If this be true, then it is a solemn duty to assist in the religious instruction of all Christians, and it is but persecution under another name, a maintenance of the toleration which we all profess, if we leave a Catholic, or a Methodist, or a Presbyterian, or a Monastist, without the assistance which his conscience will permit him to receive, and if we thus continue him shut out from the quantum of truth which he will admit, and if he be in error, make that error more hopeless and more dangerous. How carefully do we find pious missionaries and learned and zealous apostles of christianity, analysing with the most anxious nicety the degree of divine truth admitted by infidel nations. How they deplore the darkness of the lowest savage who knows no God! How they rejoice to find the admission of a supreme Being, and the light of a future state from the moral philosophy of China. The religion of the Moslems, the same God whom we acknowledge, amongst the Moslems nations, the affinities to christianity, the proximity to the truth seem to be contemplated with pleasure and delight, but alas! where closer comparisons are made amongst christians themselves, we find the like wild beasts at each others throats. All the advancements to religious truths are overlooked, darkened by some fatal point of error or difference, and if we are not at present ready to persecute, we would so far persecute as to leave those whom we acknowledge to be deplorably without the means of religious instruction, still their forefathers, and in their ignorance abandon the faith of our fathers, and as a preliminary step toward the reception of religious instruction. After the numerous means which have been afforded by the state for the religious education of all its subjects in the British Isles, it is in vain to argue that the simple constitution, now made such a stumbling block, is a part of the constitutional policy of England. In this Province hon. gentlemen had the opportunity that it could not have been entertained but by a portion of the inhabitants very small indeed. Repeated votes in our Assembly, in this Council, repeated expressions of public opinion, have shown that in a manner in which public opinion is expressed, it is undeniable that it would be in vain to look for any considerable body, who would be in the way of the veto, which many like himself would wish to see the means of being taken away from the Church of England might be spread abroad; and might desire to be religious instruction afforded to other churches and other Churches of the State, without lessening the portion intended for the Clergy of England; but few indeed would be found to subscribe to one of the arguments, that the assistance of the State should be confined to one class of christians, and that affording that assistance would be a spreading of heresy, a wilful propagation of damnable error. He (Mr. Sullivan), in common with other hon. members, had seen the working of this question for many years. He had seen that however it might have been intended at one time to maintain the Church of England exclusively, such an attempt had been postponed, except to a small extent, until it had passed upwards of three-fourths of the population of the colonies of the pale of the Church of England. We had seen the resistance, until that church had been found to make common cause with the other professing christians, and the power of settling the question on principles in any manner exclusive, vanished. — We had seen appeals to England, praying for a settlement of this question, in which all parties had been, by turns, predominant. — We had seen appeals to our constitution, all have said the power of settling a measure for the settlement of this question is wisely vested in you. The people of this country have been invited to deliberate in favour of one-fourth, to the exclusion of three-fourths of the Province, or that such legislation was expected from this Assembly, either by the Crown, or the House of Lords, or any other body? Yet, upon this slender thread, an expectation of aid from the House of Lords, and the introduction of England into the question of Church Government into the dispute between that government and at least three-fourths of the population to pass and defend, before they took upon themselves the heavy responsibility of asking for an interference of this kind, which, if it were successful, would at once be the most to be refused, every means of delay will still aggravate the difficulties which surround the question, that public impatience will no longer be restrained; other interests than those of reli-

gion will become strong, and the calculating financier and sanguine projector will soon relieve religion from the cause of our present contentions, and the Clergy Reserves, instead of being used to make more easy the path to heaven, will be employed for earthly ends, if not with more intended benefit, at least with far more effect. In opening his address to the Committee he (Mr. Sullivan) had referred to the provision made by law for the Roman Catholic clergy, and to the proposed share in the benefits of this distribution. It is not strange that after the provision then proposed by the Imperial Parliament for the maintenance of a Protestant Catholic Clergy, that the untenable doctrine, of placing in the way of this bill a conscientious scruple regarding the propagation of error, should be advanced at this day? He (Mr. Sullivan) now referred to that provision for the Roman Catholic Clergy for the purpose of introducing an argument respecting established Churches. He had heard it advanced that the Church of England did not care for the Clergy Reserves and their proceeds. What it wanted was superiority and supremacy. It required to be acknowledged as the Provincial Church; but in what, apart from its possession of the temporalities arising from those Reserves, could such superiority exist? The Roman Catholic Church, as he had first stated, was first established here—the Province being a part of the Province of Quebec. That order Province was laid off in parishes as well as a part of this Province, and the priests were inducted. The Church of England was established also. His hon. friend opposite would maintain, no doubt, that the Church of Scotland was also an established Church. Now none of these Churches exercised in reality any temporal jurisdiction; neither of them had any power to insist upon conformity with their faith or tenets. The utmost stretch to which the law by any implication could ever have been carried would have extended only over members of each Church; but even this authority if it existed at all remained a dead letter. In what then was the superiority to exist, where could it be found? Was it for an empty name, a glittering shadow of superiority, founded only in unmeaning words that a Church would preserve endless divisions and animosities in the Province without any conceivable benefit either spiritual or temporal? He could not think it, nor could he discover the meaning of the hangry terms, "degrading equality" so calculated to introduce the worst passions of our nature into the consideration of this question, but which terms now used on all occasions in opposition to any measure which would satisfy the expectations of the community. We ask for no power say the Clergy—we quarrel not for Reserves or for base manum—we seek not to interfere with the consciences of others; but we seek nominal superiority; we shrink from degrading equality. This shadow of a shade must remain to give to the factious a theme for keeping alive envy, hatred, malice and all uncharitableness, merely because we will have it so; and we will interpose the authority of the House of Lords, and disturb the peace of the country, that we may be called for pre-eminence to be set out of Parliament, the Established Church. He should conclude by entreating all the churches to join in forwarding this measure which would carry healing on its wings throughout the Province. He and others had been taunted with the influence used to carry out this bill. What had influenced him was the voice, the almost universal and now united voice of his fellow subjects. He could not, he dared not refuse to how to this influence. He had seen individual opinions merged abroad and in the Legislature in the universal desire to set this question at rest, and he would intreat honorable gentlemen who, like himself, found in it not every thing to condemn, to consent to this measure, to be content with the state of the country, its preservation from its foes and foreign enemies, required their mutual concessions, the peace of the Province must be united, the support of a portion will not give us safety, our dearest interests require that all good men should act together, and we cannot produce this union on exclusive principles or assertions of nominal superiority, but upon the broad basis of equal rights, consistent with our laws and the preservation of our happy Constitution. — It was not his intention to make any remarks at this stage of the proceedings, nor indeed considering the complexion of this Committee, and the change which seemed to have taken place in the minds of members on this important subject from that of former years, did it appear of any use to trouble them with argument; yet that might not go forth to the public that the right had no one to speak in its defence, and that the Constitution under which we live was in its defence, and upon and subverted without a murmur, I think it proper to say a few words on what has fallen from the hon. gentleman who has just sat down. I cannot refuse that hon. gentleman the merit his eloquent address deserves, so far as fluency of expression and energy of manner may justify commendation, but I have heard far more eloquent speeches from him in point of argument on other questions. The measure for the settlement of the Clergy Reserves now offered for the sanction of this honorable Committee, instead of being a final settlement, would increase irritation, and call into force action the very worst passions that can disturb the human breast, and that instead of being a means of relief to two or three religious denominations, would penetrate through the whole frame of society, and become matter of agitation with every sect and denomination in the Province. But in the few observations I shall make, I shall endeavour to follow the course pursued by the honorable gentleman, which however formidable in its three-fold array, will be found on dissection, clothed in a profusion of words, but altogether harmless in point of argument. 1st.—As regards the power of that House to legislate on the subject. 2nd.—As regards vested rights. 3rd.—As affecting toleration of conscience. In the second section of the Constitutional Act (31 Geo. 3, chap. 31), the power of this Legislature is clearly defined. "To make laws for the peace, welfare and good government thereof, such laws as may seem proper and just to this Act." It is therefore evident that the Provincial Legislature can do nothing in opposition to the law which gives existence to much less repeal any of its provisions; and here I must do the honorable gentleman the justice to say that he admitted with much fairness, that the Clergy Reserves were intended exclusively for the Church of England and for no other church, that this was his decided opinion as a lawyer, and had ever been his opinion. The value of this concession, however, is very much lessened by a strange train of fanciful reasoning, which I was unable to follow, but of which the tenor if there was anything in it, was to the effect that this property, which it was admitted belonged to the Established Church, not having been made use of in the way of special appropriation and endowment, was entirely under the control of the Provincial Legislature, and that by Sections 41 and 42 of the Constitutional Act, and that by the power so given, the Legislature might deal with the Clergy Reserves as it pleased. Now this is a very loose and illogical conclusion, it might be sufficient to quote again the powers given by the second section of the Constitutional Act, and to notice the object which the great statesman who presided with so much glory over the councils of the British Empire had in view, by the appropriation of lands for the maintenance of a Protestant Clergy in the Canadas. It was that the Church of the Empire might, in time, become a full counterpoise to the Roman Catholic Church in Lower Canada. This eminent statesman foresaw that union of action in the principles of the British Constitution must prevail throughout the entire British dominions, otherwise harmony and concord could not ensue. — Church and State are so vitally connected in the British Constitution, that you cannot injure the one without injuring the other. It is then to be credited to the Legislature which it created, to destroy some of the most prominent and important of its provisions, and which were intended to raise the national Church of England to an equality with the Church of Rome. What then, it may be asked, is the meaning of the Sections 41 and 42? Not certainly to destroy or take away the maintenance of the Protestant Clergy, which would be so repugnant to the Constitution; but to regulate the way of making such Reserves in future, and to suggest their limitation, should they be found more necessary. This is the legal as well as the common sense interpretation of this enactment, which gives authority to vary and repeal, &c. as to the future, but gives no power over the past. Let any person carefully read sections 41 and 42, and he will find that they have respect to the 35th, 36th, 38th and 39th clauses or sections, being four in number; but they leave wholly untouched the 37th and 40th clauses, which are the most important and most clearly imply the continuance of the Reservations already made, and consequently the preservation of the Established Church and her right to the Reserves so far as they are set apart. It would be very unprofitable to follow the hon. gentleman through the long dissertation on vested rights, and which appeared to lead to the conclusion that we had no rights at all. In this portion of his speech he did not speak with his usual nice distinctions, and very much less with the accuracy which he is so famous for. So far, however, as the present subject is concerned, the matter is very plain. It is admitted that the Reserves were set aside for the maintenance of a Protestant Clergy, and that the Clergy so intended are those of the Province of England. Now this gives an interest in them to every member of the British Church, Lay as well as Clerical, and they are clearly entitled under an Act of the British Parliament to have the ministrations of their holy religion afforded them without charge, in every part of the Province. If this be not a vested right, I know not what can be called one, for it is by law that all our rights are secured. 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