

in this province, from certain disabilities. The next source of incapacity to which he would allude must arise from an act of parliament, or of the provincial legislature. He knew of no act of parliament upon this subject which extended to the colonies: if any such existed he was ignorant of it. But he would assert that there was no colonial act, which excluded Roman Catholics from a seat in that house. Being satisfied therefore that three of the sources whence incapacity might originate, did not operate to prevent persons of that persuasion from taking part in the deliberations of the colonial legislature, nothing remained to prevent them from so doing, but His Majesty's instructions, and certain clauses in the commission of the governor, directing him to call an assembly, which declared that no person should vote in such assembly, who did not subscribe the declaration against popery and transubstantiation. That is the only source of incapacity in this province.

"It appeared from a discussion that took place during the last session, that the opinion entertained by the house generally was, that the disabilities under which Roman Catholics laboured, ought to be removed, and that such incapacity should no longer exist; and it must have been under that conviction that the bill which had been referred to passed unanimously. That bill had been sent to the other branch of the legislature for their concurrence; they did not concur for reasons which had been stated; and they were correct in the opinion that they entertained. It had been properly stated that disabilities ought to be removed by the same power that introduced them. If they were created by an act of the legislature, they could only be removed by similar authority; and, if any such law existed, the king had not the power of altering it. But, if gentlemen considered that the disabilities complained of did not arise in that way, but from clauses in the king's instructions and the governor's commission; would any one say, that, when circumstances had changed, and a necessity no longer existed for those disabilities, His Majesty can not alter his instructions, if he thinks proper? It had been correctly stated that originally no person could sit in that house, unless he subscribed the articles of the church of England. He would ask, who introduced that restriction? The king. By whom was it removed, and he was enabled to see around him many respectable gentlemen of other persuasions? By the king. And his

** I have attempted to shew in a note to the preceding part of this debate, that, in the case in question, it was not competent for His Majesty to alter his instructions. (which are in the nature of a constitutional grant or charter,) without the consent of the provincial legislature.*

L. L. M.