

COLONIAL.

THE RED PINE QUESTION.

The following are the leading features of the report of the Committee upon "the Red Pine" duties question:

That from the evidence taken before your committee it does not appear there are any settled rules or regulations under which the orders or proceedings of the Executive Council are conducted, and that no other means exist of ascertaining with certainty what members of the Executive Council are present at deliberations except the report of Council which is framed by the clerk of the Executive Council from a list furnished by the President of the Council of the parties present, whose names are printed and those present ticked off, the clerk of the Council never being present at deliberations.

That it appears the President communicated to the clerk the names of the parties present on the 14th of Sept. last when the order in Council relative to Red Pine timber bars date.

That the report of the Council of that date was signed by the President of the Council on that day in the clerk's presence, and was formally approved of by the Governor General on the same day.

That the President informed the clerk that the members present when the order was passed were Messrs. Cameron, Hincks, Tache, Morris, Morin, Rolph, Richards and Young.

That the same order in Council was communicated by the clerk to the Commissioner of Crown Lands on the 16th of September.

That no other order in Council has been passed relative to the duties on red pine since the 14th Sept. last.

That the Hon. John Young, one of the ex-Council, states positively that the order in Council was not made until after the 15th of Sept., and that he was not present when such order was made.

That the order in Council was communicated by the Commissioner of Crown Lands to the Collector of Timber Duties at Quebec on the 20th of September.

That orders in Council take effect from their date unless otherwise directed by such order.

That on the same day the Collector inquired of the Commissioner of Crown Lands by letter asking whether the order in Council of the 14th of Sept. referred to what red pine had already been measured (upwards of a million feet) or from the passing of the order.

That in reply to the Collector's note, the Commissioner of Crown Lands instructed the Collector that the order was intended to take effect from the first arrival of a red pine raft this season, and that he must act accordingly.

That the first raft arrived about the 1st of August.

That no authority appears for the Commissioner of Crown Lands letter directing the order in Council to take effect from the 4th August.

That the effect of such letter to the Collector was the superseding of the order in Council.

That the effect of the order in Council of 14th September, and the Commissioner of Crown Lands letter was a loss to the Province to the extent of £4,600.

That by such reduction of duties, two members of the Legislative Assembly, Mr. Egan and Mr. McLachlin benefitted as follows:—Mr. Egan to £819 6s., and Mr. McLachlin £673 4s. 7d.

That there has been no export or other duty levied since such reduction was made.

That long prior to the meeting of Parliament the reduction of duties on red pine had occupied the attention of Government, but that no reduction was made because large sums were lost to the Province from frauds practiced in the lumber trade, and that the reduction was delayed because a general measure was under the consideration of the Government to lay on export duty on lumber, and that up to the 16th September no action was taken by the Government because such general measure was not passed.

That no particular reason has been assigned for reducing the duty after it was declared on the 16th by Mr. Young, that it would not be reduced until the passage of a general measure.

That the authority to alter or vary the lumber duties is under authority of 12 Vic. cap. 30, sec. 1.

That such act does not authorize the remission or refunding of any duties previously imposed by orders in Council.

That no such general measure for regulating the lumber dues has been shown for reducing the duty on red pine before steps were taken to protect the Province from frauds now practiced in the trade, and yet allowed to be perpetrated.

Your Committee are therefore of opinion from the evidence before them that there exists no sufficient rules or Regulations

for the conducting of important matters and interests passing through the Executive Council—that for want of such rules there is no satisfactory means of knowing who are present when orders in Council are passed—that they are of opinion that the order in Council referred to, dated 14th Sept. last, and bearing the approval of the Governor General was not finally passed before the Council until after the 16th of September.

That no sufficient cause has been shown for making such reduction in red pine whilst the Government thought some measure necessary to impose an export duty to secure a large additional sum that the Government is annually defrauded of and before such measure was adopted.

That the duties on red pine measured prior to the 14th of Sept. were illegally removed, and that in consequence of such order and the Commissioner of Crown Lands instructions about £4,600 was unnecessarily lost to the Province in addition to a sum which ought to be collected in addition to what was received prior to the 14th of Sept. and for the collection of which no steps have as yet been taken.

Mr. D. E. Billings at La Grange, (says the Poughkeepsie Eagle.) has two cows which having given him a sufficient quantity of milk and butter, besides which he has sold in six months and six days, 209 lbs. of butter, amounting to \$89. The cows have had no other food than pasture.

DIOCESAN CHURCH SOCIETY.

Owing to the period when we went to press last week, it was out of our power to furnish a detail of the proceedings of the important meeting held on the 10th current. We now subjoin a report of the various speeches, for which we are indebted to the *British Canadian*:

The Rev. F. L. OSLER, Vicar of Bond Head, rose and said, that he had heard that various plans were put forward with a view to a settlement of the matter now before them, and that circulars had been sent to the Clergy and Laity in different parts of the country embodying these plans: he had not read any of them, but being sincerely desirous to arrive at a satisfactory adjustment of the question, he came there to propose a resolution to the effect that the patronage should be vested in the Lord Bishop during his Incumbency, as a mark of our regard, affection, and esteem.

This resolution having been seconded by Alex. Dixon, Esq., and put from the chair,

The Rev. D. E. BLAKE said, that he believed every Churchman would unite in giving the patronage now placed at our disposal to our Ven. Diocesan. But although entertaining this feeling, he thought it would be wrong in principle to vest it in him as stated in the resolution from "feelings of regard, esteem or affection." If we put the question why we should do so, these he would say were not sufficient grounds, we should do it on higher and holier grounds. He quite agreed with his Lordship that it was an insult on the part of the Legislature to take the patronage from him, but he was glad to find that his Lordship considered that in the disposal of the patronage some attention should be paid to the wishes of the people. He was no advocate of the voluntary system, but he would wish at all times to consult their wishes and promote them in any way by which the Bishop and the Laity might be kept in full agreement. It was evident we must look to the Laity, mainly, for support, but even so, he thought it would be wrong to deprive the Bishop of that power of appointment which he had so long exercised.

The Rev. B. CROVYN said, he would make a few remarks on the resolution now before them. He thought the patronage might well remain with the Lord Bishop during his incumbency, for the reasons set forth in the resolution, particularly as those reasons went apply beyond his Lordship.—But as Government had seen fit to place the patronage in the Society, he must say it with great regret, he thought it would be only right to leave it hereafter in his hands, but not thereby interfering with his Lordship for we all know and feel how much in debt we are to his Lordship. In thus doing we conferred no favour upon him. He Mr. Cronyn for one would be the last to interfere with his Lordship, but as the Society had the power they ought to retain and exercise it. In their hands it was mixed patronage, and as Government had there placed it, it would be well to retain it, vesting it in his Lordship during his episcopacy. Moving a general resolution continuing the patronage to his successors, would not be as satisfactory as this resolution, which can not refer to any other individual, and he would move an amendment, enabling them to frame a bye-law, declaring that the Society should retain the future disposal of the patronage, subject to his Lordship's life exercise of it.

The Rev. F. OSLER said, the resolution as proposed by him was written before he came to the meeting, and the wording of it was intended to vest the patronage in his Lordship during his incumbency. In all probability those who succeeded him would find the Diocese divided, and consequently the patronage small. Therefore he felt strongly that the Bishops of the several divisions would be the fittest patrons, and that the future patronage should be in them and their successors.

The Rev. H. J. GRASSETT suggested, that whatever bye-law was now adopted conferring the patronage on his Lordship in furtherance of their present views, it would be competent to the Society to alter hereafter.

The Rev. Mr. CROVYN said, "from time to time" it would be open to them to do so.

The Hon. PETER DE BLAQUIERE said, he rose in order to afford an explanation upon this question, which he believed it was not in the power of any other person present to afford, namely in reference to the manner in which this Act passed the Legislature. Upon this point it was necessary there should be a full understanding. At that time his Lordship was not in the country. An Act was brought in for the purpose of putting an end to the existing manner of appointing to the Rectories, but though a large body of the House of Assembly were prepared to put an end to the power of appointment by the Crown, it was found at the close of the discussion, that if the power was rescinded without providing a substitute there must be an end of the Rectories, with the incumbency of the existing possessors. He would not say it was wise in the hon. member for London to do as he did. It certainly was not the intention of the mover, who said it was not his affair who had the future patronage, his object being to put an end to appointment by the Crown. Then it was, that suddenly and hastily, but as he believed with the best intention, the Act was passed vesting the patronage in the Society, and it would be for them to remedy the evil tendency of that Act. He mentioned this to shew that transferring the patronage was not a deliberate Act. This it was important to know in discussing the question. It now remained for the Society to express their opinion upon the general principle involved. In his opinion this Society was not a fit receptacle for patronage. He would not call in question the Act, but certainly the Church was indebted to the existence of the Society for its present position, and thus has been forced on her an act diametrically opposed to church principles. He thought were the Society to exercise its powers it would do wrong, and were she not to repudiate them, she would be wanting in her duty to the Church in Canada. He was prepared to suggest a mode to give effect to the principles on which it was founded, for he considered that the Society as now constituted could in no way afford to the Church any guarantee for the proper exercise of this patronage. In his opinion the objectionable point is, that it is a principle of pecuniary deposit by subscription which constitutes the right to vote in the disposal of this patronage. Now this is a principle which should be repudiated in its disposal (hear, hear). We can not too soon disburden the Society of what has been forced upon it by this Act, and it was fortunate that we had the power of doing so now once and for ever (hear). A Reverend gentleman had stated that it was not proper to put forward our feelings of respect and esteem for his Lordship as the ground on which a great principle should be sustained. He concurred in that opinion, but he thought that the discussion of the matter so far rightly conducted would strengthen the church, if the means and opportunity now afforded of declaring in whom the patronage should rest were used, and that they resolved to carry out their views, not by any temporary expedient, but by a permanent arrangement. He would suggest that the Society should for ever disburden itself of the power of appointment by vesting the patronage in the first instance in his Lordship, and whenever the Diocese should be divided then in the different Bishops in whose Diocese the vacancy should arise (hear). He would therefore propose his resolution embodying these views.

"That the future appointment of Rectors in the Diocese of Toronto, now vested by Act of the Legislature in the Incorporated Church Society of Upper Canada, shall alone be made on the nomination of the Bishop of the Diocese; and in case the said Diocese be hereafter divided, then by the nomination of the Bishop of the Diocese in which the vacancy has occurred."

The Rev. F. OSLER thought it better calculated to meet the views of the meeting than the resolution which he had moved, and he would therefore withdraw his resolution and cordially second that of Hon. Mr. De Blaquiere.

The Hon. the CHIEF JUSTICE thought that one resolution might well follow the other, the first would be expressive of personal feeling, the second might embody the permanent arrangement, and thus both might be happily carried into effect.

The Rev. C. C. BROUGH also thought that without interfering with the spirit of the resolutions, the principles which they desired to assert might be kept in view and coupled with them.

Hon. Mr. DE BLAQUIERE would wish to see put foremost in the resolutions the public principle involved, and highly as it was necessary to record our affection for his Lordship, still putting it on this footing is not putting it on public grounds. He would here ask a question—has the resolution of the society the force of a bye-law, or is a bye-law necessary to carry out their object?

The CHIEF JUSTICE observed the statute of incorporation says that it must be a bye-law.

Hon. Mr. DE BLAQUIERE—Then a resolution adopted to-day might be set aside to-morrow; but he had hopes that when the question was put it would be put in a manner distinctly transferring the right of patronage now and for ever to the Lord Bishop and his successors.

The LORD BISHOP said he liked the resolution if put in the way desired by Mr. De Blaquiere as it affirmed a great and high principle.

The Rev. Mr. CROVYN wished to know which of Mr. Osler's resolutions was to be put, whether that personal to his Lordship or that of the

general nature, if the latter he had some observations to make upon it. With reference to the question of principle he did not view it as did the hon. gentleman who thought it contrary to all Church principle that the patronage should be in this Society. Not one-eighth of the church patronage at home was exercised by the Bishops, therefore it could not be said it was opposed to the principles of the Church that lay patronage should be exercised in it. We knew by our own Temporalities Act that any one who built or endowed a Church in Canada might hold the patronage for ever. In this Society the annual payment of £1 5s. would give the right to be an incorporated member on ballot, and he saw no objection to the members retaining the patronage after his Lordship's time. No doubt they would all wish to record their sense of his Lordship's services by placing the whole patronage of the Diocese in his hands, but his Lordship's successors would have the appointments to all the missions, though not to those 44 Rectories. He contended it was not inconsistent for laymen to hold such patronage. Good has arisen at home from doing so. The great Hooker and others had entered the Church through lay patronage. He would not interfere in any way with his Lordship but he thought that after him, and he prayed he might be spared many years over us, the Society should retain the patronage. This would not be derogatory either to the Church or the Society. As for the future, the lay element was entering so rapidly into Church affairs that even if we could make a successful effort to exclude them we ought not, but should rather try to interest them more and more in Church matters. (Hear, hear.) He would support Mr. Osler's resolution particularly as the act says we may alter our Bye-laws "from time to time," and the time might arrive when we should deem it necessary to change the disposition thus made.

The Rev S. B. ARDAGH said that when he came up, from the circulars transmitted he thought several Utopian schemes would be put forward. In his locality the several clergy agreed as to a course, and he had no hesitation in saying the universal feeling was that his Lordship should exercise the patronage. His parishioners were called together and were unanimous, but as the Rev. Mr. Cronyn observed, the lay element should have a due preponderance in the Church, it was considered that the Bishop should have the appointment to the vacancies, but in connexion with the congregation, the Rural Dean, the two senior Clergymen, and the Churchwarden, the Bishop to be advised by them. This would satisfy the laity they had a voice in the nomination, but he thought if the elective principle is to be adopted it should be embodied in a bye-law.

Hon. P. DE BLAQUIERE did not consider the question of lay participation at all mingled up with the general subject, though when the lay voice came to be tested by subscription it was found to be orthodox. (Hear, hear.) If the mere fact of subscription were sufficient what security had they against their nomination being influenced by parties without religion. (Hear, hear, hear.) As to the question of lay patronage as exercised in England, he hoped to see it exercised in Canada by the founding and endowment of Churches, not the restriction of it to those who purchase their right to vote by the payment of £1 5s subscription annually. (Hear, hear.)

Rev. Mr. CROVYN observed it was not every one who did so could vote—that privilege was confined to incorporated members alone paying £1 5s. or life members giving £12 10s. These were the parties eligible to become incorporated members subject to ballot, and he did not consider they did so to buy a vote, but he trusted were influenced by higher motives, by the spirit of religion, and would be so as long as the Society existed—(hear.)

Hon. JUDGE DRAPER said, in reference to the question as to a Bye-law, it was competent to the Society to pass a resolution but not to make a bye-law; the latter could not be passed unless upon due notice, given at one monthly meeting to consider it at the next; no notice had been given of any action on this subject, and even if there had been, this was not a monthly meeting.

The Hon. the CHIEF JUSTICE drew attention to the 12th rule of the constitution adopted in 1844, which still prevailed unless it was regularly altered.

The SECRETARY read the rule as it then stood, and as lately altered and numbered 13 in present year's report. He gave as a reason for the alteration that it gave members at a distance timely notice of proposed change, and enabled them to express their opinion on the subject.

The Hon. the CHIEF JUSTICE said if this general principle were to be adopted, more deliberation would be required, and therefore the natural course would be to adopt two resolutions to the effect proposed, and then consider the general question, which would suggest a bye-law being framed in accordance with the resolutions, notice to be given at next meeting, and considered subsequently, and he read the draft of a bye-law accordingly which was laid on the table.

Rev. W. BETTINGER thought the thanks of this meeting should be frankly offered to the Chief Justice for his draft of bye-law; we should act with deliberation, not hastily, and instead of dragging the clergy and laity down here again at an early day, it would be well to leave the patronage until next annual meeting in the hands of his Lordship. This would give them an opportunity of conversing with many. He thought the lay element—and he was neither afraid nor ashamed to avow it, ought to have its weight. His friend on his left knew that in Southampton, in one of the Churches, the appointment of the Clergyman was in the laity alone; true it was