

We maintain that the British Legislators, who sanctioned the Confederation Act, never anticipated such oppressive legislation as has been forced out of it—that they never dreamed that *one small word* in it giving power to *legislate on property* would be misinterpreted into the terrible meaning of wholesale confiscation of it, and that too, *private Church property!* The “Union Acts” are simply penal Acts against the faithful members of our Church, worse than the old penal laws of Ireland, opposed to the Act of Toleration, and the spirit of British legislation, and therefore, we hold that they are thoroughly unconstitutional and *ultra vires* of the Local Legislatures. Look at even the disestablishment of the Irish Church, how carefully the British Parliament drew the distinction between *public* and *private* property, dealing only with revenues derived from the State, not with private endowments. “These,” said Mr. Gladstone, “are private property which must be respected. We leave her also the churches, parsonages, &c., and all the privileges belonging to any ecclesiastical body, minus the State connection and part of the State funds.” It is true the Imperial Parliament is supreme, but it does not legislate in violation of the first principles of justice. How different our Provincial legislation, sweeping off all property, private and public, assuming powers never exercised by the Imperial Parliament itself, except during times of revolution. Our Scotch Church in Canada is a body whose existence is recognised by Imperial Statutes, and whose rights are acknowledged not only by the same Statutes, but by the most solemn engagements on the part of the State: her organization and property, moreover, being not confined to one Province, but extended over the whole of British America. Her rights she has done nothing to forfeit, and she existed as a corporation under the protection of the law, and no Parliament in the Dominion had a right to destroy that protection and seize her property *in face of her solemn protest*. Much less right had the Local Legislatures, whose powers are limited to deal “only with matters of a merely *local* nature,” to overstep their bounds and deal with this ecclesiastical organization lying beyond their province, and general to all British America. Even looking at the matter in a purely legal light: such legislation is vain, invalid, null, and void. It is true a number of her *professing* members sought her destruction, but these were only traitors, false to their vows. She was still rightly represented by her *true* members who remained in her, adhering to their principles. What the Legislatures had then to do was to protect her, and even separate congregations, as far as possible, as former Canadian Legislatures had done in similar cases. The present Government did nothing of the sort, but allowed the blood-hounds of prey to rush upon her in full cry as if she had no rights at all!

And as regards the interpretation of Church law, look at the just