PUBLIC ARCHIVES OF NOVA SCOTIA

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than 250 sittings in the Church should for ever be reserved as free seats, for the accommodation of the poor. To effect this arrangement, a Legislative enactment was necessary; and accordingly, the Act 4 Vic. c. 3, was passed in 1841, declaring the new Church of St. Luke to be the Parish Church of Portland, instead of Grace Church, and wholly repealing the former Act of 6 Will. 4, c. 3. By the entire repeal of that Act, the provision for other free Churches in the Province was inadvertently repealed also; and thus the Corporations of such free Churches which may have already been erected, as well as any others to be erected, must be wholly null and void; there being now no law in existence to authorise such Corporations. To remedy this evil, the present Bill was brought in, to declare how such free Churches should henceforth be regulated; and the Bill therefore was merely meant to restore the object originally intended, by the repealed Portland Church Act. There appeared, however, to be an alteration or mission in this Bill, of a provision contained in the former Act, which prescribed the manner in which the Parishioners of any Church already erected, should declare the sittings to be free. He (Hon. Mr. Attorney General) had therefore prepared an amendment, to supply this deficiency. This Bill stated, that the majority of the Pew Holders might make such declaration; but the original Portland Act, by the 5th Section provided, that its principle should be extended "to any Church already erected, in which the Rector, Church Wardens and Vestry thereof may, with the consent "and approbation of *all* the Pew owners and occupants, to be signified in writing, declare the seats "from thenceforth free and open, &c." He (Hon. Mr. Attorney General) wanted to make this Law exactly what the original Law was; the object of the Bill was merely to restore the provisions of that Act which had inadvertently been repealed, as related to the constituting of Corporations for free Churches; and he had therefore prepared this amendment, to render the Law exactly what it was originally intended to be.

Hon. Mr. BOTSFORD seconded the amendment; and observed, that in reference to the manner in which this Bill had come up from the Lower House, singularly framed and devised as it was, he could not but view it with much suspicion, and consider it as calculated to create much unhappy dissension and difficulty between Churchmen throughout the country. He was truly surprised to see the Bill come up here, omitting so important a provision, to secure the rights and property of Parishioners throughout the Province; coming up here, as it did, purporting to be a mere revival of a former Act, inadvertently repealed, and yet omitting that most important provision to secure the rights of Pew Holders and proprietors; an omission which, but for the careful inspection of the Hon. Attorney General, might never have been discovered till too late. He (Hon. Mr. B.) could not but repeat, that he viewed the Bill *in toto* with great suspicion; and when he saw such changes contemplated in the Church of England in this Province, as this Bill appeared designed to effect; changes which, he was convinced, would do a vast deal more harm than might now be imagined, he could not refrain from expressing his opinion plainly. The Bill was an attack upon the Pew system; and he was convinced that half of the Churches in the Province never would have been built, but for the present Pew system. What would keep those Churches in repair; what would provide funds for the support of the Clergy, but that Pew system? Those who were acquainted with the country knew well, that unless some such means existed, of obtaining funds to build Churches, and to sustain them, Churches would not be erected at all; and even if they were erected, they could not be kept in repair. What would be the effect of this Bill, if passed as it came up to this House? Why, to destroy the present system. And how was this to be done? Was it to be effected by the vote and consent of every person who had given his money towards building his Church, and who possessed a Pew in that Church? Certainly not; but it was to be left to a majority to declare that the Church should be free: that Pews should be abolish'd; it was left extremely vague in this Bill, how the object was to be effected; and why was there such an extremely important omission in the Bill, rendering it so different from the former Act, of which it professed only to be a revival? Why was that original provision left out in this Bill, and power given to a majority of Pew Holders to do away with the rights and property of the minority? But the people of this Province were of such a stamp, that even if this Bill should pass, (although some dissension might be caused by it for a time,) yet there would be found to be but one feeling prevailing in the Province, to keep up the Church in the same manner and on the same footing as it always had been kept up in the Province; they would keep it up on the same principles and on the same system, as it had been handed down to them by their forefathers. And why was it now asked to do away with that system? It was urged, by those who were thus assailing established usages, that they were merely non essential forms and customs; it might be so, but those who had long been accustomed to them might consider them essential. Even their opponents appeared to make them essential, by the violence of their opposition to them; and unless this attempted innovation was at once firmly met and resisted, it might be the means of destroying the Episcopal Church in this Province. These opinions could not be controverted; he (Hon. Mr. B.) knew well what the opinions of the people of the country were; it was highly important to meet such changes, as were now sought to be introduced, at the very threshold, by a determined and fearless expression of opinion by the Laity of the Church. This Bill had come up from below with such extreme marks of suspicion about it, with such deceptive appearances, that required cautious investigation. Why was it not said at once, that it was somewhat different from the old Law? But nothing of the kind had been disclosed; it was expressly stated to be nothing but a simple revival of the old Law; and most probably the alteration would never have been discovered, but for the vigilance of the Hon. Attorney General. He (Hon. Mr. B.) was against giving the majority of the Pew Holders in any Church already erected and Pewed, power to declare the sittings in that Church to be all free; but he had no objection to allow as many Churches as people chose to build in future, to be made free from the beginning. Let them build free Churches if they pleased, but let them leave untouched those already built; he was quite certain, that the people of this country in general were attached to their Pews; but so far from being exclusive or unaccommodating, they were always glad and proud to open their Pew doors to strangers, of any degree. He was decidedly against such changes as were now proposed; and he felt called upon as a churchman to express his disapprobation. He cared not how high might be the authority from which they emanated, whether Ecclesiastical or Civil; he was quite certain that the people of this country never would give up the practices, the feelings and the habits, that had been handed down to them by their fathers. They might be called prejudices perhaps; but if they were prejudices, still they could not be swept away. He, for one, would oppose these changes; and in order as much as possible to prevent the dissensions such changes would inevitably occasion, and to fortify the opinions he had expressed, which were also the opinions of abler and better men than himself, he would quote a paragraph on this subject, from a charge delivered by the Bishop of Worcester, in England; and the sentiments uttered by that Prelate would be found to confirm the view he (Hon. Mr. B.) had now taken. But even if this intended new system of abolishing Pews might be applicable to England, it was not applicable here; the circumstances of the two countries were in every respect widely different, and there was no reason why such changes should be introduced here, in opposition to the feelings of the whole laity of the Church in this Province. He felt that he had been rather lengthy in his remarks, but he could not have said less on the subject, because he was convinced that it was important to the peace and quietude of the Church in this Province, that this House should not pass a Bill, to give any majority an opportunity of destroying the rights and property of the minority; a measure which would only create confusion and discord among Churchmen throughout the Province. The Hon. Member concluded by reading the following extract from the Bishop of Worcester's charge.

"These were the spiritual exercises for which Protestants assembled in the House of God; it might be doubted therefore whether there was any propriety in restoring ecclesiastical ornaments at a time when [His Lordship said it with emphasis] vital religion was almost lost amid their formalities. And here he wished to be allowed to say a word in favor of one of the internal arrangements of our churches which had lately been made the subject of much vituperation and ridicule: he alluded to that mode in the distribution of the seats by which each family, as it were, was allowed to form a family congregation in the midst of the general congregation. Such an arrangement was not necessary in Roman Catholic Churches, where the people assembled not to pray but to gaze, where the services were conducted in an unknown tongue, and the offices of Religion were confined to the Priest; but in Protestant Churches he thought it contributed much to piety at home, and to that family religion which might be considered the peculiar characteristic of this nation. What father of a family, who had been in the habit of humbling himself before God in the privacy of his Pew, surrounded by his wife and children, would willingly resign the feelings naturally resulting from such worship, out of a regard for the supposed purposes of antiquity? While his Lordship would raise his voice in favor of that arrangement which protected from the public gaze the devotion of a pious family, he was not insensible at the same time, to the abuses of the system, and that in many cases pews had been constructed of much larger than necessary dimensions, whereby sufficient accommodation had not been left for other Parishioners. Let such abuses be corrected by the competent authorities, but do not let us denounce a practice simply because we cannot find for it a date earlier than Henry VIII. That it did not originate with the Puritans may be proved from Bacon, who when speaking of Sir Thomas More, the then Lord Chancellor, said, 'He did use to sit at mass in the chancel and his ladye in the pew.'"

Hon. Mr. SAUNDERS confessed he did not view this amendment in the same light as its Hon. Mover did; that Hon. Member had told him that there was no alteration contemplated in the Bill, but that it was merely a slight verbal amendment; but when he (Hon. Mr. S.) came to examine it, he found it to be a most essential and important alteration of the Bill; it was such an extensive amendment as took him entirely by surprise; and he could not but feel, therefore, that he had been unfairly treated by the sudden introduction of such an amendment, after he himself had previously asked for only one day's delay before going into Committee on this Bill, merely to give time for the arrival of an Hon. Member, who was absent, and had been denied the indulgence. It was necessary, then, for him now to go somewhat at large into this question; and as Hon. Members had gone back to the customs of their ancestors, so would he, in discussing the matter. As to Pews in Churches, he would contend, that Pews were entitled to no sympathy or consideration; and as to existing Churches having been built by the monies of the pew-owners or others; he would show what really were the monies by which those Churches had been built; and how far the sticklers for the Pew system were justly entitled to sympathy. He (Hon. Mr. S) hailed this Bill, as a measure which he considered would do away with a most objectionable system; a system which, by sanctioning the sale of Pews in Churches was a violation of the common law, and was an unchristian and unjustifiable system. If the Church system in this Country were fairly examined, it would be seen, that changes were absolutely necessary; and he would endeavour to prove that necessity. First, with regard to the Pew system; and in order to make his remarks as brief as possible, he would confine them to their principal Parish Churches in the Province; viz, those of St. John, Fredericton and St. Andrews. It must be admitted, that the moment Pews in Churches were set up for sale, every individual who could not come up to the *minimum* price, was thereby virtually excluded from entering the Church at all; every person who was not a Pew Holder must feel himself shut out, he must feel that he had not purchased a footing in the Church, and could not appear there. What were the usual prices of Pews? Why, even the *minimum* price excluded the poor, the humbler classes, the most numerous portion of Society. The lowest prices of Pews, say from £5 to £10 each, shut out the labourer, the man who lives by his daily bread; the first principle of such a system was to exclude from the Church by far the larger portion of the community. But the evil did not rest there; it went farther. An individual in humble life, perhaps, had saved enough from his earnings, had strained his efforts, to put down £5, or £7s or £10, to purchase a Pew for himself and family; after a time, he died, leaving perhaps a Widow and a number of Children. That Pew was subject to an annual rent; the Widow, perhaps, was left with the bare means of subsistence, or no means beyond her own exertions; the Pew rent became in arrear; the Pew was then put up to sale for the arrears of rent; it was thus taken away from the poor Widow and Children, and so the whole family were turned out of the Church. This was the frequent, the constant operation of the present Pew system; and in the course of twenty or thirty years, plenty of such instances had occurred, and still would occur. Could Churchmen then ever expect the blessing of the Father of the Fatherless and the God of the Widow, on their Church, while they continued a system, which thus expelled the Widow and the Orphan from their communion? Would He look on them with a kindly eye? It could not be expected. If Churchmen found their congregations thinned and their Churches deserted, this was one of the principel causes of it. But it might be asked, why do not such persons go into the free seats? He (Hon. Mr. S.) would therefore enquire what was the number of such free seats, in the three principal Churches he had mentioned. The Parish Church of Fredericton ought to seat 700 persons; in the body of that Church, there was one free seat, and he believed there were about five in the galleries, of which three or four were occupied by people of colour; so that about thirty poor people, at the utmost, out of a congregation of about 700 persons; could obtain free sittings; though he believed the usual attendance at the Church did not average more than from 400 to 500. In the Church at St. Andrews, he was told, there were only three free seats in the body of the Church. He did not know what was the Pew accommodation at St. John, but he believed it was extremely limited, in proportion to the very large congregations there. Now what was the first principle of the Christian religion, inculcated by our Saviour himself? It was, "*Preach the Gospel to the Poor.*" The first principle of our Holy Religion was, "*Preach the Gospel to every living creature.*" But on what principle did we act towards these poor creatures? Why, we told them, they must be content to go to the free seats, if there were any free seats for them. But we had no right to draw that distinction, between people coming to the House of God, to worship Him, who had declared that He was no respecter of persons. The thing was unchristian and not to be tolerated; and when such distinctions were made, the effect was to attach a stigma and degradation to one class of God's creatures, and to give to another class an idea of exclusive respectability and superiority, which the Almighty himself had denounced. The honorable member who spoke last dwelt with much energy and sympathy, on the rights of individuals by reason of the money they had given to Churches; but what was the fact, with regard to the three to which he [Hon. Mr. S.] had already alluded? Trinity Church at Saint John was built with money, drawn from the British Treasury, by Bills of Exchange drawn by the Government of this Province; and that Church was thus presented gratuitously to the people of this Country. The Church in Fredericton was built in the same manner; and so was the Church at Saint Andrews. What exclusive rights, then had any of these rich Pew Holders to pews in Churches which they did not build? But what was the custom of their ancestors? Those who first landed in this Province brought with them the common law of England, and that common law was, that every parishioner had a right, or equal and un-distinctive rights to a seat in the Parish Church; there was no such thing recognised by the common law of England, as any distinction of seats or rights to seats in the Parish Church. But the ancestors of the present race of New Brunswickers had their Churches, their Ministers, and other appliances for Divine worship provided them by the munificence of the British Government. Then what rights had their descendants to contend for, with regard to Pews in such Churches? It might be said, that the system was necessary, to provide the means of keeping up the Church and supporting the Clergy. But should that be said, with regard to so populous and wealthy a place as the City of Saint John? When it was known, that a noble Church had been built for them, Ministers, provided for their Church, even the very Church Books thrust upon them as a donation, and all this by the generosity of England; and ample donations bestowed on the Church for its support; could it be said, that that community could not support the ordinary expenses of their Church without the pew system? What were those expenses, beyond the contributions towards the support of the Clergy? There were about 25 Sundays in the year, on which the Church required fuel for warming it; and there were the salaries of the Organist and Sexton. The repairs of the Church could not cost much; the repairs of a Church so substantially well built, could not require much annual expense. But whatever those expenses might be, should the rich proprietors and merchant Princes of Saint John say, that they could not provide a small sum, every few years, for repairing their Church? Dissenters built their own Churches and kept them in repair, by individual subscriptions and donations. He (Hon. Mr. S.) did not think any sane person could contend for one moment, that the system of pews had been introduced, with a view to keep up their Churches; but as however the real motive was, a feeling of vanity, a love of carrying class distinctions into the House of God; that was the reason which had really caused the institution of pews. It arose from a desire to sit in conspicuous situations, in commodious and eligible places; and to keep the humbler classes in remote and less desirable parts of the Church; the poor were thrust back, that the rich might enjoy the best places; that was the real feeling which had created pews. It was a fraud on the common law rights of the people, when the system of sale of pews was first introduced and operated on; but the thing was illegal in every respect; a violation of the common law of England; and nearly all the laws that had been passed by the Provincial Legislature o this subject, were tainted with this illegality. The forefathers of the present generation brought all their common law rights with them; every Parishioner had an equal right to be elected a Vestryman, and to exercise his elective franchise. Nearly all the first settlers of the Province were Episcopalians; nine out of ten were so; and for a long time their common law rights and franchises were left to them. The Act of 1789 preserved those franchises; but in 1810 it was found that there were a great many other denominations of Christians in the country, and many of the poor were worshipping God in other places than the Church of England; and then a law was passed, confining the right of voting for Church Wardens and Vestrymen, and of being elected, to Members of the Church or Pew holders. That was fair enough, because it was within the spirit of the common law, and because it was never intended that Members of other denominations should interfere with the temporalities of our Church. But this led to another step, which was the most atrocious violation of the rights of Churchmen, that ever took place in this Province. In 1831 a law was passed, which trampled on the whole rights of Members of the Church of Communicants, of stated hearers and renters of pews; and transferred the right of voting and of being elected from occupants and renters of pews, to the sole owners of pews, although those sole owners were not even required to be Parishioners. What an iniquitous law was this; by which the whole body of Parishioners were deprived of that common law right, to which they had ever been entitled, and which they had till then justly enjoyed; a law, by which, the rich got rid of all the poor and humbler classes of persons belonging to the Church, and confined its privileges and franchises to the few wealthy parties, who were able to purchase pews; though they might not even be resident in the Parish! What a law to introduce, when every Parishioner had an inherent right to vote and to be elected, in regard to the management of the temporalities of his Church! Now, what had been the operation of this law; how had this glorious system prospered, and what effect had it had on the Church? In St. Andrews, in 1806, when the Church of that Town was numerously and respectably attended, it always had a full congregation. But if a person were now in 1846 to visit St. Andrews, he would find that Church with a congregation, almost exactly the same in number as it was 40 years ago; excepting only, that by the enlargement of the Church, about twelve pews had been added to it. In 1806 the population of St. Andrews was, perhaps, nearly three hundred persons, all of whom were seen of a Sunday within the walls of their Parish Church. In 1846, it was found, that even with these additional pews, the congregation had but very slightly varied in number, although the population of the town was very nearly four thousand. The very circumstance, that free Churches, of other denominations, had in the mean time been built, shewed that the Church of England had not prospered there; it had indeed been nearly stationary for 40 years; having perhaps not added more than 40 persons to its congregation in that time; or an average of one in each year. It was said, that a great proportion of the present population were Roman Catholics; but had those 300 persons, who formed the Church congregation 40 years ago, no descendants; was there no increase of population in all that time from that body of persons? Why, new generations had sprung up and multiplied in that time; therefore the thing was convincing with regard to the Church at St. Andrews. But now to come nearer home, to the Church in Fredericton. He (Hon. Mr. S.) could not say what its congregation numbered in 1806; but he believed it then included the whole body of Church-going people in the town. He remembered that in 1817 he used to see the Church crowded, even full to overflowing. In 1830, after a considerable absence from this country, he returned to the Province, and then he observed that the congregation was become very thin; and from that period to the present, it had been nearly stationary. In making these remarks, he begged most distinctly to observe, that he made no allusion whatever, and imputed nothing in the least degree to individuals; it was not persons that he found fault with, but it was merely the effect of the pew system. A Rector now came into a Parish, and what did he find? He found himself a Rector of the Pew holders of the Parish; of a few rich individuals; he knew nothing of the Poor; they were not to be found in his Church; one must go to other congregations to look for the poor. He (Hon. Mr. S.) believed, that out of the 400 or 500 people attending the Church in Fredericton; there were not above 30 or 40 who could really be looked upon as belonging to the humbler classes. Was this a system that it was desirable to change, or to cling to? Where were the descendants of those persons who sat in that Church in 1806? Many of them were gone to other places of worship; they had joined other denominations; there were individuals who had left that Church, within his own knowledge, whose families had grown up into extensive communities; and many of them had left it because they had not the means of getting accommodation in the Church. One of the things that had had a most injurious effect on the Church had been the Pew system. It might, perhaps, have been, in some few instances alleviated, particularly in St. John; but even there he thought his remarks were almost as applicable as they were here; although in that city they had been favoured with a succession of most zealous, devoted, and pious clergymen, who had exerted themselves to the utmost in their holy vocation. But the Pew system was one which the friends of the Church were bound by every principle, whether of Christianity, of fair-play, or of common law, to use their utmost efforts to abolish; and therefore he (Hon. Mr. S.) never would assent to the introduction of this amendment to the Bill, requiring the "approbation and consent of *all* the Pew holders," to the declaration that the seats in a Church should be free.—What was the meaning, and what would be the effect of this amendment? Why, that if only one individual Pewowner should hold out against all the rest, his opposition would prevent the introduction of the system of free seats into a Church. He (Hon. Mr. S.) did not intend to enter into a controversy with the remarks in the Charge of the Bishop of Worcester; but before he concluded his observations, he would read some authorities from the Great Author of the Christian Religion; which he thought were of a higher order than even the opinions of the Bishop of Worcester; [*An Hon. Member.*—"From an Oxford Tract?"] No, not from an Oxford Tract; but from the New Testament.—As to the argument, that people had invested their money in building Churches; he contended that those monies were an assertion less supported by facts. Who contributed most largely to build our Churches? Three of them had been built at the expense of the British Government, as he had already mentioned. All the old Churches in the Province were at that early period built by the same means; since then, the Society for the promotion of Christian Knowledge had largely assisted such objects; appropriations from the casual revenue had been made, and public grants of every description had been lavished on almost every individual Church that had been built. He would admit that Dissenters had some right to maintain the Pew system; because they had built their own Churches, they paid their own clergy, they repaired and kept up their Churches, entirely from their own funds; and therefore they might, with some honest pride, continue such a system.—But look at the Fredericton Parish Church; it was built by Government money; it was afterwards enlarged by Government money; money which Sir Howard Douglas had appropriated to a very different purpose; and what right had any persons to steal into that Church, and erect separate pews there, for exclusive accommodation? When it was remembered, too, that the very funds obtained from England, in aid of our colonial Churches and Missions, was raised by voluntary contributions, even by penny subscriptions, collected from the very servants, the menials, and the daily labourers of England; where was the pride of those people who had built and appropriated those pews, in Churches erected by means of such contributions? Yet those people sold their pews at an upset price, bought the best of them themselves, nearest to the altar and in the choicest situations, and thrust the poor to the extreme verge of the Church, to its remotest and most inconvenient parts. That was the very truth, without the least straining or exaggeration. He would now read some authorities, to shew what was the common law of England relating to Pews and Parishioners. It was laid down in *Comyn's Digest*, and in all the Books, "that by common right the election of Church Wardens ought to be by the whole parish;" and so it was with regard to the Vestry. The Act of Assembly now in force in this Province in this respect, was based on an unrighteous principle, and in violation of the common law; and he (Hon. Mr. S.) hoped yet to see it repealed. [The Hon. Member then proceeded to read the following authorities, in support of his argument.] Lord Coke, 12 *Rep.* 105, says, the Church "is dedicated and consecrated to the service of God, *and is common to all the inhabitants.*"

In 1 *Term Reports*, 428, *Stocks v. Booth*, "Every parishioner has a right to go into the Church. Possession for above sixty years of a Pew cannot ensure a title to maintain an action against a disturber, without a faculty or prescription."

In *Consistory Reports*, I, 194, "*Every man who settles as a householder* has a right to call upon the Parish for a convenient seat."

In *Consistory Reports* I, 317, "A Parishioner has a right to a seat in the Church without payment. In *Phillimore's Reports* I, 323, "By the general law and of common right, all the Pews belong to the Parishioners at large for their use and accommodation." p. 324. "It is the object of the law that all the Inhabitants should be accommodated." 3 *Phillim.* 16, "There can be no property in Pews: they are erected for the use of the Parishioners: as to personal property in a Pew, the law knows of no such thing." 3 *Phill.* 528, "The use of the Pews belongs to the Parishioners."—*Haggard's Rep.* I., 29, 30:—"Seats in the Church belong to the Inhabitants: they cannot be sold nor let."—"The payment of money for seats is an allegal practice, which the Court can never sanction nor approve." "The sale and purchase operate against a claim."

[The Hon. Member also cited the judgment of Sir John Nicholl in the Arches' Court, in the case of *Fuller v. Lane* II, 419, as follows:—] "By the general law and of common right, all the Pews in a Parish Church are the common property of the Parish: they are for the use, *in common*, of the parishioners, who are intitled to be seated, orderly and conveniently, so as best to provide for the accommodation of all." * * * * "These exclusive rights are merely suppositious, and would turn out, upon investigation, to be no rights at all. With respect to the poor, indeed, every possible reason exists why no concessions should be made, at all likely to infringe upon the due accommodation of the Poor, in their several Parish Churches. It is to be presumed that they are the persons most in want of religious instruction; and their title, as such, to receive it, is expressly recognized by the Divine Founder of Christianity himself."

[Hon. Mr. S. then, after calling on the Hon. Attorney General to leave the Bill as it was, instead of endeavouring to introduce a clause, solely designed to prevent the most beneficial part of the operation of the Bill, quoted the following extract from the writings of a Reverend Divine.]

"How offensive, then, must it be in his sight, (God's) when the poor, whom Christ counted happy, are not only not respected, but dishonoured and contemned; not only dishonoured, but thrust out and spurned away; while the rich enlarge their ample seats, and make broad their spacious resting places, not to admit their fellow Christians, but pertinaciously to exclude them, not recollecting that the gate which they make strait for others, is thereby made straiter and narrower for themselves; that all ranks and degrees of men have a common Saviour, a universal redemption, a common salvation proposed to all on the same terms, according to one rule, under one Head, without distinction or preference, with one reward distributed in various degrees not according to temporal distinction, but in proportion to the improvement of talent and increase in grace, in every station of worldly society."

After a few further observations, on the subject of the sale of Pews, Hon. Mr S. observed, that in reference to the quotation from the Bishop of Worchester's charge, he (Hon. Mr. S.) would content himself with citing the following passage from the Apostle St. James, in which that evil practice was plainly condemned:—

"My brethern, have not the faith of our Lord Jesus Christ, the Lord of Glory, with respect of persons. For if there come unto your assembly a man with a gold ring, in goodly apparel, and there come in also a poor man in vile raiment; and ye have respect to him that weareth the gay clothing, and say unto him. Sit thou here in a good place; and say to the poor, Stand thou there, or sit here under my footstool; are ye not then partial in yourselves and are become judges of evil thoughts?"

And this he thought was some answer to the venerable Prelate. His Hon. friend on his right, (Hon. Mr. Botsford) had urged that Dissenters also had Pews in their Churches; he (Hon. Mr. S.) admitted that they had; but he had already shewn that there were reasons for their having them, which Churchmen could not urge; and the effect of Pews which was so greatly felt by us, viz. that of exclusiveness, was never felt by Dissenters. No man could ever enter for a moment into a Dissenting Church, even though he were clad in poor raiment, but every Pew door would instantly open to him; and would that be the case in our Churches? ['*Yes, yes*," from several Hon. Members.] He (Hon. Mr. S.) was decidedly of opinion that it would not; on the contrary, he could picture to himself, with what astonishment, with what horror and dismay would some of the persons who owned those large and commodious Pews, view a poor and humbly clad individual, who should venture to enter one of their Pews, intruding his presence in their exclusive domain, "coming between the wind and their nobility." He (Hon. Mr. S.) would now conclude his remarks; he had gone at some length into this question, and had been compelled to use strong language; but he had done so in general terms, and without any personal allusion or intention. He hoped no individual would for a moment conceive himself to be pointed at; he (Hon. Mr. S.) most assuredly had no reference to any person whomsoever in particular. There were many individuals, who were Pew owners, whom he highly esteemed and respected; who had grown old in the community, and had discharged the duties of a long life with the greatest honour and integrity; families who were entitled to the highest consideration; but to none of them, (especially as to females,) had he the slightest idea of individually alluding. He would pay every tribute of respect to those persons; but it was the Pew system in general which he so entirely reprobated; and that system he was thoroughly prepared to oppose and put down.

Hon. Mr. ATTORNEY GENERAL said, as he had been called upon to give his opinion, as to the authorities from the common law of England, quoted by the Hon. Member who had just sat down, he would reply, that the Hon. Member's law was very good, but it was badly applied; and it could not be made applicable to the circumstances of this country. All the old Churches of England were built in times of Roman Catholic superstition; they were erected by the voluntary and general contributions of the people or by private munificence; and when erected they were given for ever to the public at large; and thus the people had a universal right to their occupation. The alteration of the national form of religion, which took place at the Reformation, could not alter the rights of the people, no act of the Legislature could alter those rights; the old Churches of England were built free Churches, and they remained free Churches, but that was not the case in this Province. At the settling of this Province, where did the first British subjects come from? They came as refugees from the old States of America, where they had previously enjoyed Churches with pews. He (Hon. Mr. Attorney General) had been 70 years in the habit of going to Church, and he had always sat in the Pew of his fathers; in the Pew where his family had always been accustomed to sit. He did not want to introduce the common law, in a case where its principles would not apply. On that point he differed in opinion with the Hon. Member who spoke last. The Churches of this country were not wholly built by the Crown or Government; they were only partially so; sums were given only in aid of other funds for building them. The first Church in St. John was an old building, which was purchased to be used as a Church; and it was also used for the Courts of Justice; and a small sum, he believed about £500, was given by Government to it. He remembered the building of the present Church; it was an Uncle of his that built it; subscriptions were raised in aid of that building, and it was eight or nine years before it was finished. Afterwards that Church was enlarged; and how was it enlarged? Why, about sixty more Pews were added to it, and accommodation thus gained for 250 more subscribers this enlargement added upwards of £100 a year to the Church income, and paid its own expense. But that Church never would have been built, if it had been left to be done on the principle of a free Church.—The Hon. Attorney General then briefly described a splendid Church erected a few years since in Baltimore, U. S., by subscription, and supported by the sale of Pews; and proceeded to observe, that if the Bishop of this Diocese (of N. B.) should refuse to consecrate any but free Churches, he would have none to consecrate; the power of consecration would die of

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