



**S U P P L E M E N T**  
TO THE  
**NEW ZEALAND**  
**GOVERNMENT GAZETTE,**

OF WEDNESDAY, 9th FEBRUARY, 1842.

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**LEGISLATIVE COUNCIL.**

FRIDAY, JANUARY 21, 1842.

The Council met this day, pursuant to adjournment. Present all the Members: His Excellency the Governor in the chair.

The minutes of the last Council (including the following long and argumentative Protest of Mr. Earp's, against the "Municipal Corporation Bill,") were read and confirmed.

**PROTEST.**

The Municipal Corporations' Ordinance having passed the Legislative Council of this colony, the undersigned feels it his duty to protest against the same, for the following reasons:—

"That by this Ordinance it is enacted, that Municipal Corporations are empowered to erect Light-houses, Beacons, and other works of the highest importance to the prosperity of the Maritime Boroughs, and the safe navigation of their Harbours; yet notwithstanding that works of this nature will necessarily be very expensive in their construction, and still more so in their maintenance, no provision whatever is contained in this Ordinance for levying such dues upon shipping, as might become necessary to defray the expenditure which will unavoidably arise from the establishing and maintaining such works, as aforesaid, in an efficient and proper manner, although it is a well-known fact, that Ship-owners and Masters at all times cheerfully pay Light dues, and all such other dues as have for their object the safety of life and property. That from the non-possession of powers to levy and enforce such trifling dues as might be necessary, the Bodies Corporate of such Maritime Boroughs will not be able to construct Lighthouses, &c. without a heavy tax upon the rate-payers, thus causing

the inhabitants of such Boroughs to be doubly taxed; first, for the Customs Duties, from which such expenditure, as aforesaid, ought to be defrayed, in proportion to the amounts received by the Customs' department, and secondly, for a direct Borough rate for the construction of works within their Harbours, which, whatever may be their inclination, they may not have the means of constructing in such a way as the nature of the Harbour may demand, without taxing themselves to such an extent as, in a new colony, is neither desirable nor warrantable.

"That from the non-possession of powers to levy dues for such works as aforesaid, the colony will be again indirectly taxed, inasmuch as it may be reasonably supposed, that in a new colony many years must elapse, before the inhabitants of Boroughs will be able to afford great outlay in lighting, surveying, and buoying their Harbours, in such a way, as will give confidence to the Insurance Companies of Great Britain and her colonies, the consequence of which will be a high rate of insurance on ships and cargo destined to such ports; whereas, such dues as aforesaid, if levied to no greater extent than might be absolutely necessary to construct and maintain such works as aforesaid, would be small in comparison with the sums paid for insurance, in consequence of their non-erection; which sums, although paid in a distant country, are still a tax upon the colony, inasmuch as such additional charges must be placed upon all merchandise arriving in the colony, as will cover the additional expense paid for insurance, in consequence of the Harbours not being properly surveyed, lighted, and buoyed; such additional charges being, to all intents and purposes, a tax upon all imports and exports, without being in the smallest degree beneficial to the colony."

"That, whereas, by the 9th and 12th clauses of this Ordinance, it is enacted, that every person of full age, who shall pay twenty shillings for enrolment, shall be entitled as a Burgess to vote at an election, whether he shall be a proprietor or occupier of houses or lands, or not; the undersigned considers this enactment contrary to the spirit of the British Constitution, and also without precedent in the laws of the British colonies; and that such enactment will, in its practical working, be productive of effects injurious to the commonweal of the colony for the following reasons:—

"1st. That the non-rate payer is, by this enactment, placed upon an equality with the rate payer."

"2nd. That the effect of this will be manifestly injurious, inasmuch as it will take away the inducement on the part of the labouring classes to elevate themselves into a position in which, from their proprietorship of lands or houses, or their occupancy of the same, they would become entitled to the rights of Burgesses, when by this Ordinance they can purchase that right for a mere trifle."

"3rd. That the enactment aforesaid, will, in all probability, become a source of bribery and corruption, inasmuch as it may be the cause of individuals, or combinations of persons, contributing sums of money, for the purpose of purchasing the enrolment of parties other than rate payers, in order to secure the election of improper persons to the Corporate offices, to the manifest detriment of the rate paying portion of the community. That it is well known, that there is a considerable number of persons in the various settlements of New Zealand, who are unfit to be entrusted with the elective franchise, as fraudulent debtors, runaway convicts, &c., who have escaped from the convict colonies, which persons cannot, from the want of legal evidence, be convicted as such; and that such persons will at all times be ready to vote at elections for such parties, or combinations of parties, as will pay the price of their enrolment. That the principle of these enactments is a near approach to universal suffrage in its most objectionable form. That in a new colony such a principle, or any thing approaching to it, must be highly injurious to the well-being and good order of the community, as tending to sow the seeds of discontent and insubordination, to establish authority in the outset of the colony, and to prevent that good feeling which does at present exist, and ought always to exist, between the higher and lower classes of society."

"That it will have the effect of introducing a party spirit between the master and employed, and that by throwing the Corporate offices into the hands of the labouring classes, or their nominees, the more wealthy portion of the inhabitants will be taxed without mercy by those who contribute but little to the rates, and will themselves be for the most part unrepresented, and thus the spirit and enterprise which has already been so strikingly shown in this colony will be checked in its progress, or driven to some other colony where no such obstacles as here present themselves exist."

"That notwithstanding that, by these enactments, the power of taxation will inevitably be

vested in those persons who contribute least to the Borough rates, an unlimited power of taxation, at all times and to any amount, is conferred upon the Bodies Corporate; neither is any limit set to the amount to be expended in public works, the consequence of which will be, a series of heavy, direct taxes, highly oppressive in their operation, in as much as in none of the British Colonies are more expensive public works (in the harbours particularly), required than in New Zealand. Such power of unlimited taxation being, also, without precedent in any of the British Colonies—the Municipal Corporations of other colonies being strictly limited both as to the amount of taxation and expenditure."

"That by this Ordinance the inhabitants of Boroughs are directly taxed for the erection of buildings for the sole use of Government officers: such buildings are also to be immediately erected in all Boroughs created, or to be created, under this Ordinance, whether the works necessary to the prosperity of the Boroughs can be afforded or not—a positive injustice which can require no comment."

"That whereas, by this Ordinance, it is not intended that the Mayor of any Borough should be ex-officio a Magistrate during the continuance of his office, the undersigned cannot but look upon this, first, as an injustice in his not having any control in those public works as aforesaid, which he, as the chief representative of the community over which he is chosen to preside, is compelled to erect for the use of the Government; secondly, as an insult to an individual who is usually the chief magistrate of the borough—and thirdly, as a tacit admission on the part of the Government, that the persons so elected as Mayors of Boroughs will not, under the universal suffrage principle, be men of sufficient standing in society to be entrusted with the Magisterial office."

"That the opinions of the mercantile gentlemen sitting in this Honourable Council have not been received with due deference; every amendment to this Ordinance, by them proposed, for furthering the commercial interests of the Boroughs to be created under this Ordinance having been rejected, and clauses injurious to those interests retained in their stead, although it must be evident that these gentlemen, from their experience in commercial affairs, must be at least as well acquainted with the practical working of Ordinances of this nature as the official Members of the Council—lastly, that this Ordinance as it now stands will be the means of producing great and general dissatisfaction throughout the colony, as being based upon the principle of unlimited self taxation, with very limited powers of self government; that it will thus operate as an incubus upon the resources and energies of the colony, and at the same time tend to foster a hostile feeling between the government and the governed, which will not fail to be highly detrimental to both parties, and creditable to neither."

(Signed) GEORGE BUTLER EARP,  
Member of the Legislative Council."

The Colonial Secretary moved that the Council do now proceed to the Order of the Day.

### CHURCH EXTENSION BILL.

The Governor remarked, that the "Church Extension Bill," which he had laid upon the table at their last sitting, was now printed, and, as this day was appointed for its first reading, it would have preference of other business.

The Clerk of Councils observed, that he did not obtain printed copies in time to send them round to the private residence of members, previous to the meeting of Council, but he would distribute them now.

Copies of the Bill having been passed round the table,

The Colonial Treasurer said, he could at once perceive an error in the Analysis. The Bill contained, in addition to the preamble, seven clauses, only six of which were adverted to, and those not in consecutive order.

The Governor observed, that the Bill could now be read a first time, notwithstanding the error referred to, and any discussion upon it would be taken at the second reading.

The "Church Extension Bill," the title of which is, "A Bill to promote the Building of Churches and Chapels, and to provide for the maintenance of Ministers of Religion," was then read a first time.

[We furnish a correct analysis of the Bill, a practice which we propose to continue in future reports, in order that the public may have the earliest information as to the object of each bill, the first reading being generally merely *pro forma*, and of course without discussion.]

#### ANALYSIS.

##### II. BUILDING OF CHURCHES AND CHAPELS.

1. Amount to be advanced from Colonial Treasury.
2. Trustees to be appointed.
3. Site, &c. of Church, &c., to be conveyed to Trustees.
4. Free seats to be set apart.

##### MINISTERS' STIPENDS.

5. Rate of Stipends.
6. Stipend may be granted when there is no Church.
7. Whole amount to be issued limited.

##### POLICE MAGISTRATES' BILL.

The Attorney-General.—I now move, in accordance with the Orders of the day, the third reading of the "Police Magistrates' Bill." It is entitled, 'A Bill for extending the powers of Police Magistrates;' and, although very short (containing only nine clauses), it is one of very great importance to the community at large. When the measure was last under the consideration of Council, I deemed it an essential duty to make a few observations upon it, explanatory of its nature, and the benefits it is calculated to confer, in awarding, in some cases, speedy justice. I was desirous, in making those observations, that they should go forth to the public, being anxious at all times, that the fullest publicity should be given to the proceedings of this Council, and that the earliest explanations should be afforded of the nature and objects of all bills brought under our consideration. It now appears that no reporter was then present; at least no report of our proceedings has been published. On the present occasion, I shall not repeat the arguments I then urged in favour of the bill; but

I may be allowed to explain, briefly, its three leading features. The three first clauses are framed in accordance with the recommendations in a report of the Commissioners in England, appointed to inquire into the operation of criminal law. These three clauses are for the benefit of the subject; they enact, that certain cases may be dealt with summarily, including those in which the prisoner makes confession; and also, that trivial cases, which the Police Magistrate may deem to be unfit for prosecution, shall be dismissed. It must be obvious to all, that the long period which too frequently elapses between the committal of an accused person, and the time of trial, is frequently a grievous wrong; inflicting, in many cases, a longer imprisonment than what is deemed adequate to the offence on sentence being passed. Long lapses of time between committal and conviction of prisoners, also tends to the contamination of the accused, even in the best regulated gaols of England, for want of classification. And, if such be the case there, how much greater must be the evil in a new colony like New Zealand, where scarcely any facilities of classification exist, either before or after trial? The second great object of the bill is, to prevent, as far as is possible, erroneous convictions and decisions by the Police Magistrate. The Police Magistrate is a paid officer, and the public have a right to expect that the gentlemen who fill that important post, shall be fully competent to the satisfactory performance of their duties. The third leading feature of the bill is, to take away from the Attorney-General the power by which he is now constrained to act, in his single person, in the capacity of a Grand Jury. I am convinced that it will, on all occasions, be much more satisfactory to the party accused, and much more favourable to his future credit and character, that he should be liberated on the open acquittal of a jury of his country, rather than obtain his liberation by the private decision of a paid officer of the crown.

The Colonial Treasurer seconded the motion; and the bill was read a third time and passed.—The Ordinance will come into operation on the third day of March, 1842.

##### SUMMARY PROCEEDINGS' BILL.

The Attorney General.—The next notice on the Orders of the Day is "The Summary Proceedings' Bill;" the title of which is "A Bill to regulate Summary Proceedings before Justices of the Peace;" the third reading of which I now move. The objects of the bill may be briefly explained. In England, various forms, in different parts of the country, are used, with regard to the "description" of offences committed; the form of conviction, and the form of notice. But in New Zealand, a new colony, the judicial institutions of which are only now being formed, an opportunity occurs of avoiding the evils of the old system, and adopting one uniform practice. The object of the bill then is, to describe only one general form, and lay down one uniform rule, for the guidance of Magistrates resident in the various settlements of the Colony, both as regards the description of offences, the form of conviction, and the form of notice.

The Colonial Treasurer seconded the motion, that "The Summary Proceedings Bill" be now read a third time and passed.

The Bill was accordingly read a third time, and, on the suggestion of the Attorney General, the word "matter" was substituted for the word "offence" in clauses 1 and 16. The Hon. and learned Member observed, that cases might arise, particularly when Municipal Corporations were established, where legal objections might be taken to the word "offence," but the word "matter" would include every possible case.

With these verbal alterations the bill passed without a dissentient voice.—Ordinance to come into operation on the first day of March, 1842.

#### REPORT OF COUNCIL PROCEEDINGS.

The Attorney General, adverting to an Order adopted at the last sitting of Council; on the motion of Mr. Earp, "That the Clerk of the Council do procure a competent person to report the proceedings of the Council," said, I understood from what then passed, that the subject would have been again introduced to day by Mr. Earp.

Mr. Earp.—It was agreed that the proceedings should be reported under the authority of the Council.

The Governor.—When the subject was first brought under our notice, it was admitted by all the members, that there was an absolute necessity to employ a paid reporter. It is a fact that the proceedings of Council have, hitherto, either been not reported at all in the newspapers, or very inaccurately, and in a mutilated form. It was felt that, under these circumstances, the only way we could go was to publish in the strictest manner, all our proceedings, fairly and fully. With regard to the engagement of a competent person, the Clerk of Councils consulted me as to the amount of remuneration that ought to be given. I imagine that the person who takes the reports will obtain sufficient remuneration from their sale, when published.

The Attorney General.—It is not sufficient that a mere report of our proceedings shall be taken. This alone would be useless. What we want is, not only for our own satisfaction, but for the information of the community at large, that the utmost and the least possible publicity shall be given on all subjects brought before the Council. The public have a right to an opportunity of knowing their sentiments, and what I now ask is, "What is to be done with the reports when taken? How, or in what shape, are they to be published? Will the Council have the reports printed, and sold by the Reporter?" Whatever plan may be adopted to effect this object, it is essential that the entire community should be made fully acquainted with our proceedings.

The Colonial Secretary.—There can be no doubt of the proceedings of Council having, hitherto, been very inaccurately reported. The notices in the newspapers have frequently been very brief. A rumour has, in consequence, obtained currency, and in many places credence, that the Government has been desirous of suppressing full reports of the debates in Council, and that the newspaper has only inserted what the Govern-

ment thought proper. With regard to this injurious rumour, it is necessary that the public mind should be disabused.

The Governor.—It has been decided without a dissentient voice, that a competent person should be engaged to report our proceedings; but as is justly observed by the Attorney General, no arrangement has been made to have the reports printed and circulated; a matter which is of the highest importance to the public at large. I have before me the copy of a Minute passed by the Trustees of the Auckland Printing Company, to the effect that they will not contribute towards the remuneration of any person who may be appointed to report our proceedings, even although they may have correct reports furnished to them for insertion. Now, they have a perfect right to use their own discretion on the subject; and there might, on the day preceeding their publication be a long debate, a report of which it would not be very convenient for them to insert.

Mr. Clendon.—One evil has, hitherto, been, that the persons who attended occasionally to take reports of our proceedings were irresponsible to the Council; but, should a paid reporter commit an error, he would be called upon to correct it in the next publication.

The Colonial Secretary.—An observation having been made (by Mr. Earp) at the last meeting of Council, when there was no reporter present, to the effect that a rumour was current of a desire, on the part of Government to suppress a full report of the proceedings of this Council, an opportunity should be given to the Trustees of the Newspaper and Printing Company, to contradict such report. So far from there having existed any desire to suppress our proceedings, an anxiety has ever been evinced that all our debates should go forth to the public fully and fairly.

Mr. Earp then moved that a Committee be formed, to take into consideration the best means of giving publicity to the reports of Council.

The Attorney General seconded the motion, which was carried unanimously.

His Excellency the Governor then appointed the following gentlemen to form such Committee:—

The Attorney-General,  
Mr. Earp,  
Mr. Clendon.

#### LAND CLAIMS' BILL.

Mr. Clendon (addressing himself to the Governor) said; I wish to ask your Excellency whether any instructions, additional to those already made public, have been received from the Home Government on the subject of the Land Claims?

The Governor.—The last instruction I have from the Secretary of State, has been made public. It directs that the rule to which the New Zealand Company will be subject, shall be applied to all other persons, with respect to the land claimed by them. That rule is, in substance, that, on certain conditions, each successful claimant shall be entitled to a grant of land, in districts specified in the Bill, of four times as many acres as he shall have expended pounds sterling in the purchase thereof.

Mr. Earp.—Would it be possible for the Members of Council to have access to the first set of Parliamentary Papers on this very important subject?

Mr. Clendon.—It is desirable, also, that copies of the Marquis of Normanby's instructions, when Secretary for the Colonies, should be available previous to the future discussion on the Land Claims' Bill.

The Governor.—The Marquis of Normanby's instructions can be had; and the first set of Parliamentary Papers, I rather think, also; but of this I am not positive.—I am exceedingly desirous to put the Council in possession of every official document, not only in relation to the Land Claims, but on every other subject. Such papers and copies of instructions, as are in my possession, shall be laid on the table.

#### THE KORORARIKA PETITION.

Mr. Clendon.—I had the honor, at the last sitting of Council, to present a petition from numerous Land Claimants at Kororarika, and which petition was, *pro forma*, laid on the table. I am desirous that the petition should be now read at length, in order that members may be prepared for its discussion, previous to the second reading of the Land Claims' Bill, on Tuesday next.

The Attorney General.—I presume the petition referred to is the one of which a full copy appeared in the last number of the *Auckland Herald*.

Mr. Clendon.—It is.

The Attorney General.—Then all the members have an opportunity of making themselves fully acquainted with it, without reading the entire document now.

The Governor.—The only objection I make to the document is, that it is not written in that respectful style which is necessary with regard to petitioners addressing a Legislative Assembly. Under all the circumstances, however, I shall not oppose a motion for the petition to be taken into consideration.

Mr. Earp.—As the petition has been entrusted for presentation to the Hon. Member opposite (Mr. Clendon), I would suggest that he should render it less objectionable by erasing or altering the obnoxious passages.

The Governor.—The course suggested cannot be adopted. The petition must be received or rejected in its original shape.

Mr. Earp.—In its original form it cannot be received, unless the Council compromises its own dignity.

Mr. Clendon.—the petition, no doubt, was written under feelings of strong excitement, and may not be worded in terms very smooth or courteous; but I submit that it ought, nevertheless, to be taken into consideration.

The Governor.—I have already observed that the petition is couched in language which ought not to be addressed to a Legislative Assembly; and, if the petitioners were in this immediate settlement, where an opportunity would be afforded them to re-model the document, I should say that we ought to reject it. Unfortunately, however, they are far distant, so that we cannot allow the question to stand over for so long a

period as would transpire before the necessary communication could be made. More mischief would therefore, in my opinion, be created by rejecting the petition than receiving it; but I think it proper that the parties should, at the same time, receive an intimation that this Council disapproves of the spirit in which the petition is drawn up.

The Colonial Secretary.—It is for Mr. Clendon, who presented the petition, to make such motion on the subject as he may think proper.

Mr. Clendon.—Then I will move that the petition be read at length, and taken into consideration, previous to the second reading of the Land Claims' Bill, on Tuesday next.

The Governor.—Does any Member second that motion?

The Attorney-General (after a short pause) said, I do not know whether, eventually, I may vote for the adoption of the petition, but, I am at all times anxious to promote freedom of discussion. If the petition is so exceptionable as, after being fully discussed, to cause its rejection, the erring parties will be more effectually punished by giving it publicity, than if we refused to receive it. If, on the other hand, the petition is eventually received, no harm can have accrued from its discussion.—I will, therefore, with great pleasure, second the motion of Mr. Clendon.

The Governor then submitted the motion to the Council, which passed unanimously.

This closed the business of the day, and the Council adjourned to Tuesday next, the 25th instant.

TUESDAY, JANUARY 25, 1842.

The Council met this day, pursuant to adjournment.

Present—All the Members; His Excellency the Governor in the chair.

The Minutes of the last Council were read and confirmed.

Mr. Porter presented two petitions "from proprietors of, and claimants to, land in New Zealand." The first of these petitions, (the Hon. Member observed,) prayed that the second reading of the Land Claims' Bill, fixed for this day, may be postponed for at least ten days." The second petition set forth the opinions of the petitioners on the bill. There is nothing objectionable in either petition; and both are expressed in courteous language. With the sentiments conveyed in the second petition, on the subject of the bill generally, as it now comes before the Council for a second reading, I most cordially coincide.—It expresses, in fact, my own sentiments on this important question, in much better language than I could employ; and I now move that both petition be read.

The Governor (after looking over the second petition) said:—We are given to understand that this petition contains sentiments with which the Hon. Member, who presented it, entirely coincides.—Now, it must be obvious that, previous to any Hon. Member committing himself to a particular line of conduct in the subsequent stages of this important bill, that he should hear a discussion upon it, and be put fully in possession of

the real views and intentions of Government with regard to it, on which there appears to have arisen some misapprehension. After hearing such discussion and declaration, the Hon. Member may deem it necessary to re-consider the subject. I do, therefore, deem it inexpedient to have the second petition, embodying the Hon. Member's sentiments, read now. There can be no objection to both petitions being received and laid on the table, but the reading of the second petition should be deferred until the eve of the discussion on the bill itself, the second reading of which is appointed for this day.

Mr. Porter.—The object of one of the petitions is, that the second reading of the Land Claims Bill may be postponed.

The Governor.—Should the Council agree that the bill be read a second time now, preceded by such a statement as to the views of Government as may correct any existing misapprehension as to their nature, there can be no objection to the reading of both petitions presented by the Hon. Member. After that stage, further time may, in accordance with the prayer of the first petition, be given for deliberation, previous to the final debate and decision. Every Member of Council, if this suggestion meets with approval, would thus be in full possession, not only of the real views and intentions of Government, but also with the sentiments of the petitioners, so that an opportunity would be afforded of carefully considering the case on both sides. The bill for settling Claims to Land is one of so vital importance to every inhabitant of New Zealand, and to its future prosperity as a Colony, that I would avoid not only any premature decision upon it, but also, if possible, any premature expression of a decided opinion. I am of opinion that, if the second petition be read now, the Hon. Member (Mr. Porter) would find it a very hard matter, however desirable it may afterwards appear, to get over his avowal in support of the sentiments it contains. I think that the second petition, having been received, should, in the present stage of our proceedings, be suffered to lay on the table.

Mr. Porter.—The petition is, altogether, on the merits of this bill. My motion is, that such petition be now read; but, if the Government has something to propose that will alter the character of the bill, that may form a ground of objection to the petition being read now.

The Governor.—No; not any essential alteration in principle; but only that the objects of the bill may be more clearly elucidated, and erroneous impressions corrected.

Mr. Earp.—I do not exactly understand the observation of his Excellency the Governor, that the petition should not be read until the last hour, or on the eve of the discussion on the bill.

The Governor.—The Hon. Member (Mr. Porter) has distinctly said, that the petition embodies his own sentiments in much better language than he could employ. This petition may, therefore, be considered as his speech. Let Hon. Members give an independent vote by all means; but it is very desirable that they should not be irrevocably pledged one way or the other, until the Govern-

ment has had a fair opportunity of explaining its views and intentions.

Mr. Porter.—I repeat that I coincide, most strongly and clearly, in the sentiments expressed in the petition; and also, that those opinions are set forth, in that document, in more forcible language than I could adopt. My opinions have been formed deliberately, and I have not uttered one word that I feel called upon to retract. But, although pledged to those sentiments as the bill now stands, I am open to conviction. There was an occasion in this Council, when statements were made during a debate, and alterations adopted, which induced me to change my mind.

The Governor.—The motion before the Council is, that certain petitions, laid on the table this morning, be now read. It is unnecessary to discuss this motion further at present, as another petition on the same subject, ordered at our last meeting to be read, must have precedence.

The Colonial Secretary then moved the Order of the Day, that the petition presented by Mr. Clendon, from certain inhabitants of Kororarika, be now read.

The Clerk of Council having read the petition, — Mr. Clendon begged to make a remark.

The Governor.—It is desirable to refrain from such observation as may provoke a discussion on the principle of the bill, in the present stage of our proceedings.

Mr. Clendon.—I merely wish to observe that all the signatures attached to the petition are those of *bona fide* settlers, and owners of land purchased from the natives. They have all had much experience in the Colony;—some having been residents for periods of from ten to twenty years, and I consider their opinions are entitled to the serious attention of this Council. To those opinions it is necessary that the fullest attention should be given;—and I now move that the petition be printed.

Mr. Earp.—I most cordially second the motion, but beg to observe at the same time, that there are several portions of the petition with which I cannot coincide. It contains, however, much valuable information, and although I do not pledge myself to carry out its views, I yet think it should be widely disseminated.

The Governor.—I do not think that it is expedient to publish a long petition already in print. The finances of the Colony are extremely low, and as every Member has had an opportunity of perusing it in the newspaper, through which medium it has obtained a much wider circulation than we could give it, there seems to be no sufficient necessity for having the petition printed.

The Governor then put the motion to the vote, when there were:—

Ayes—Mr. Clendon  
Mr. Earp  
Mr. Porter.

Nces—His Excellency the Governor  
The Colonial Secretary  
The Attorney General  
The Colonial Treasurer.

The Colonial Secretary.—I beg to explain that I should not have voted against the motion, had not the petition been printed already, and widely circulated.

Mr. Earp.—The petition has not been widely circulated in the southern part of the Colony.

The Governor.—The question has been decided, and a discussion upon it now is out of order.

Mr. Earp.—I merely made the remark after the Colonial Secretary had explained, and who also spoke after the decision.

The Governor.—The observations on both sides were, no doubt, a little irregular.

Mr. Porter.—I believe I am now in order, in moving that both the petitions, on which we have already had some discussion this morning, be now read.

Mr. Earp seconded the motion.

The Governor.—I have already expressed my acquiescence in the reading of those petitions, on one simple condition, and the object of that is, to prevent a one-sided statement from going forth to the public. One long petition against the Bill has been already read, and it is now proposed to read a second. The latter document, it has been declared, contains the sentiments of the presenter, who is a most influential member of this Council. What I propose, then, on behalf of Government is, that the Bill be read a second time, with an explanatory statement of its real meaning and purport; then, that both petitions be read, and that the further consideration of the Bill be adjourned. Thus, the views of Government, with respect to the measure would be no longer misapprehended, and the Members of Council, having a week for deliberation, would, in the words of the petitioners, be prepared for the discussion "after mature and serious consideration."

Mr. Porter.—I do not see any material objection to the course suggested by His Excellency.

Mr. Earp.—But I object to such a course on two grounds—First, because it would be in violation of one of our standing orders; and secondly, because the Bill itself ought to express the opinions of government without any explanation.

The Governor.—If the title, by an unanimous decision, cannot stop at the point which I propose, I do not feel disposed to press the suggestion, even although there be only one dissentient. One petition (that from Kororarika) was evidently written before the details of the Bill were known, and merely after reading the speech delivered on the opening of Council. I do therefore repeat, it is only fair that government should have an opportunity of being heard, through one of its influential members—the land claimants, and others, having also a hearing through their petitions.

Mr. Earp.—To give the government an expression of opinion on a Bill, without affording an opportunity of reply, is a procedure to which I never will consent.

Mr. Porter.—I do not exactly coincide with my honourable friend on this occasion. I am anxious to promote a settlement of the question by the passing of the Bill, and do not object to the course proposed by His Excellency.

Mr. Earp.—I am also desirous of seeing a

bill passed; but am by no means anxious for the passing of the Government Bill, on the table.

The Governor.—The leading objects of the Bill are very accurately traced in print. The only object is to arrive at the truth, and ascertain the correct state of public feeling. The Bill is not a mere government measure; I utterly repudiate the term. There is no intention, in any quarter, to prevent the fullest and freest discussion. On the contrary, we court inquiry and information; only it is necessary that both sides should be fairly heard. The Bill, at a future meeting, will be read a second time, when its principle will be fully debated; and when the Bill is in Committee, any member of Council will have ample opportunity of discussing its various clauses in detail. There exists no intention of hastening the measure, or smuggling it through the Council. All I really want to know is, what will be for the general good of the colony, taking it as a whole, and legislating for all the settlers, with a desire for their permanent prosperity. With this view, I am desirous of becoming acquainted with the wishes of all the colonists.

Mr. Earp.—It is impossible to do so; and this forms one of my objections to the course now proposed. I object to facility being given to one part of the community, of which another portion cannot avail themselves. The largest community of settlers is at Port Nicholson, all of whom have a deep stake in this question. Their interests are as vitally affected by it, indirectly, as are directly those of residents in other parts of the colony. There can be no objection to the petition being read, and the Attorney-General's statement would be quite in time, previous to the discussion at our next meeting.

The Colonial Secretary—Such a course would be inconvenient. The second petition conveys the sentiments of the hon. member who presented it; and, as there seems to be an objection to hear the sentiments of a member of government on the other side, I now propose, as an amendment, "that the second petition be not read until the second reading of 'the Land Claims' Bill' shall come on for discussion." The desire of government, with regard to this Bill, is to carry into effect, as far as is practicable, the wishes of the colonists themselves, and to obtain, if possible, their sanction and support to our proceedings. Government is aware that, without such support, or at least the approval of a majority of the community, any measure that might be passed would not be successful. It is a measure which government has very much at heart, and it is scarcely fair to give publicity to strong petitions against it, without affording, at the same time, an opportunity to them of fully explaining their wishes and intentions.

The Colonial Treasurer seconded the amendment. The suggestion of the Governor was so reasonable, that he was surprised there should be any opposition to it.

Mr. Earp.—The very thing Government requires is within your power. Why cannot the Attorney-General enter into his statement or explanation now, without reading the bill a second time?



That would take away one of my objections, by preventing the resolution of a standing order. The effect would be precisely the same as if the course recommended by the Governor was adopted. I believe the Government is actuated by the best intentions in introducing this measure. Different feelings may be entertained out of doors, but I disavow any participation in those sentiments.—There is nothing to prevent the Attorney-General from making his statement now, and that will give him an advantage, as there will be no reply.

The Attorney-General—I do not know why so frequent allusion should be made to me; but I will tell the hon. member that I decline availing myself of any advantage whatever. I will not put myself in a position to strike, without giving opponents an opportunity of returning the blow. I shall not, therefore, enter upon any explanation at present.

The Colonial Secretary—In the present temper of the Council, I think the Attorney-General's decision is a prudential one. No member of government would avail himself of any advantage, nor is it their wish to press the measure unfairly. They are certainly anxious to settle this great question; but, I repeat, they are fully confident no ordinance can be effective, unless it is satisfactory to the inhabitants, or at least generally so.

Mr. Earp—The word "temper" has been used, and I wish to ask the hon. member on which side has any want of "temper" been exhibited?

The Colonial Secretary—I did not use the word in an offensive sense;—it was called forth by an observation of the hon. member, respecting the motives of government.

Mr. Porter—I have certainly not heard one word from any member of this Council that could be construed into an imputation of the objects or intentions of Government. For myself, I give them credit for having acted from the purest of motives.

Mr. Earp rose, but gave way to—

The Governor, who said—It is my duty, sitting in this chair, to act as umpire. I have a perfect recollection that the hon. member (Mr. Earp), in expressing his own opinions as to the motives of government, said, different feelings might be entertained out of doors, but he distinctly disavowed them on his own part.

The Colonial Secretary—I must have misunderstood the hon. gentleman; but I can see no reason why, in our discussions, any distinction should be drawn between officers of the government and other members.

The amendment was then put, when there appeared:—

Ayes—The Governor,  
The Colonial Secretary,  
The Attorney-General,  
The Colonial Treasurer.

Noes—Mr. Porter,  
Mr. Clendon,  
Mr. Earp.

The first petition was then read. It prayed that the Second Reading of the Land Claims' Bill might be deferred "for ten days or more," and that it should not be passed into a law without

"mature and serious consideration." [To this document was appended twenty signatures.]

Mr. Porter moved that the petition be printed.

Mr. Earp seconded the motion.

The Colonial Treasurer could not see that any benefit would be derived from printing the petition, and he should, therefore, oppose the motion.

The Governor observed, that the petition was very short, and had not, like the one previously read, been inserted in the newspapers.

The motion was then put to the vote, when there appeared—

Ayes—The Governor,  
The Colonial Secretary,  
Mr. Earp,  
Mr. Porter,  
Mr. Clendon;

Noes—The Colonial Treasurer,  
The Attorney-General.

Mr. Clendon presented a petition from "the Female European Inhabitants in the Northern part of New Zealand."

The petition having been received, the Hon. Member moved that it be printed.

The Governor said—The question of printing the petition requires some consideration. I know many of the parties whose names are appended to this document. No man (His Excellency added in a good humoured strain), can be more reluctant than myself to treat any portion of the female population with apparent discourtesy; but it is clearly out of their province to interfere in questions of this nature; and, after all, it is but an echo of the sentiments expressed in the other petition from their husbands, fathers, and brothers.

The motion was not seconded, and the petition was laid on the table.

On the motion of the Colonial Secretary, seconded by the Colonial Treasurer, the second reading of the Land Claims' Bill was postponed to Tuesday; but subsequently, on its being mentioned that the sale of Government Lands was fixed for that day, it was ordered, that the second reading be fixed for Monday, the 31st January.

On the motion of the Colonial Secretary, seconded by the Attorney General, it was ordered, that the "Church Extension Bill" be read a second time on Friday the 28th January.

The Governor laid on the table "The Licensing Bill," which was ordered to be read a first time on Friday, the 28th January.

#### THE ESTIMATES.

In reply to questions from Mr. Earp and Mr. Porter,

The Governor said—The documents relating to the expenses incurred in Sydney on account of this colony, had not yet been received, but the best possible estimates should be made out without them, and without loss of time.

The Colonial Treasurer added that they knew what amount had been expended under each head, but were anxious to obtain the details.

The Governor observed that this Government had exercised but little control over a great part of the expense, and were, consequently, only responsible for a portion of the amount.

The Colonial Secretary—That an inconvenience arose in making out the accounts, from the cir-



cumstance of several of the public offices being only in course of erection. This was the case with the Colonial Treasury, and reference could not be made to the papers of that department so readily as would otherwise have been the case. The estimates should, however, be prepared as soon as possible.

The Governor suggested that it would be a good plan to forward to England for approval, and report, in the proper quarter, the same estimates for 1843 as for 1842. The only difference would be, to take a larger Contingent Account, so as to provide for any case of increased establishment.

The Council was then adjourned to Friday, the 28th January.

FRIDAY, JANUARY 28TH, 1842.

Present—His Excellency the Governor

The Colonial Secretary

The Attorney-General

The Colonial Treasurer

Mr. Earp.

Absent - Mr. Clendon

Mr. Porter.

After the usual routine business—

Mr. Earp said, he had the honour to present the report of the Publication Committee (consisting of himself, the Attorney-General, and Mr. Clendon), to whom it had been referred to take into consideration the best means of giving publicity to the proceedings of Council. It was not necessary to enter upon any explanation of the subject, as the rules adopted by the Committee were few and simple, and, in his opinion, admirably adopted to effect the object intended. The Honourable Member then presented the report, which was received.

On the motion of the Colonial Secretary, seconded by the Attorney-General, the Report was read by the Clerk of Councils. To show the desire of the Council to have their debates fairly given to the public, we furnish an analysis of the document:—

It recommends, 1st. That a competent Reporter be engaged, at the charge of the government. Secondly, That the debates be published as a supplement to the *Government Gazette*. Thirdly, That any Member may revise the report before publication; so far as affects any thing which he may be reported to have said in the Council. Fourthly, That a fair copy of the report shall lie at the office of the Clerk of Councils on the day following the debates; and shall remain there for one day at least, before publication. Fifthly, That should the report be found in any way incorrect, it shall be competent for any Member of the Council, so far as regards himself, to order such error to be corrected in the next publication of the debates. The following rule defines the duties, and embodies the instructions of Council, to the Reporter;—"That he punctually attend the meetings of the Council—that he faithfully report the proceedings of the Council—that he prepare the same for the press—and that he correct the proof sheets thereof."

The Colonial Secretary suggested that, as there was a Messenger of the Council, it would be

better that he should wait upon each Member with the Report, rather than that, according to the suggestion in the fourth rule of the Committee, the document should lie at the office of the Clerk of Councils.

The Attorney General thought, that the plan laid down in the report was the best that could be adopted. The suggestion of his Hon. friend the Colonial Secretary would lead to very serious inconvenience. Suppose the Messenger came to his (the Attorney General's) house, when he was from home, it might remain there for nearly a day before he would have an opportunity of revising it. The same might occur with other Hon. Members; so that, if the report was to be taken round to the houses of Hon. Members, several days might elapse before it could be sent to the printer.

The Governor.—By all means let the report be left at any one given place, where every Member may have access to it.

The Colonial Secretary.—I do not press my suggestion. All I want is, that the best plan may be carried into effect, of giving Hon. Members an opportunity, in the way most convenient to all, of revising the reports.

The Governor.—Can any eligible plan be devised by which those reports can be sold?

The Colonial Secretary.—It is recommended, as the most efficient medium of giving publicity to the debates, that they be published, from time to time, as a Supplement to the *Government Gazette*; but the *Gazette* is not sold for the benefit of Government.

The Governor.—Although the reports of Council have not been taken from the first commencement of our sittings, yet they have begun at a time when a knowledge of our deliberations are most important to the community. One measure of considerable interest (the Municipal Corporations' Act), has been passed; but the reports will embrace all the most important discussions on the Land Claims' Bill; and for future reference, as a sort of Parliamentary Record within this Colony, the reports will, when collected, at some future period, be almost invaluable.

The Attorney General.—The main object is, to make the reports not only as cheap, but as accessible as possible; and further, to give them the widest distribution within the means of the Council. For this purpose, I think the official *Gazette* is a very good medium; for I presume that in this, as in other colonies, copies of it are sent to magistrates, so that, wherever there is a Bench, a copy of the reports of our debates will obtain circulation.

The Governor.—Hitherto several official announcements have been published as Supplements to the *Gazette*; such as, in one or two cases, Notices of Land Claims, and other matters of interest, all of which have been charged by the printer in the same way as the *Gazette* itself, which was taken by contract in Sydney—a town where there are many printing-offices, and consequently an opportunity afforded of much competition—and the prices, I believe, are fair and reasonable.

The Colonial Secretary.—Perhaps the best

course to be pursued is, to leave the Government to make the best arrangement they can with the printer; the Supplements having, hitherto, been charged the same price per sheet as the *Gazette*.

The Attorney General.—As the object is to publish, accurately, what each Member says, so that the public may be presented with the sentiments of each speaker in the words in which they are conveyed, the Reporter should be given to understand, that he is not to make speeches for others; but merely to restrict his duties to the furnishing of a correct report; without filling in those lights and shadows with which many shorthand writers are in the habit of embellishing their labours.

The Governor.—I know it is impossible to report, literally, what a speaker says. If the report be faithful as to the matter, and spirit, of what transpires, it is sufficient. It is unnecessary to report those repetitious sentences which always do, and ever will, occur in debate.

The Attorney General.—All I want is, that the reporter refrains from making speeches for Members, which would destroy one main object we have in view. I now move, that the Report of the Publication Committee be printed.

The motion was seconded, and carried unanimously.

#### CHURCH EXTENSION BILL.

The Colonial Secretary moved the Order of the day for the second reading of the "Church Extension Bill." This Bill (the Honourable Member observed), has been prepared in accordance with the principles of a similar act passed by the Legislative Council of New South Wales. The main, and most valuable feature of the Bill is, that all denominations of Christians are put upon an equal footing. The government, by this measure, carefully avoids giving to any religious body, an advantage over the rest; and all who worship God in accordance with the principles of the Christian Religion, can be provided with a clergyman. The only condition is, that, before applicants for assistance from the public treasury can be entitled to any grant, they must prove their own zeal in the cause they espouse, by having subscribed a stipulated sum. This plan has been found to work well in New South Wales, and can scarcely fail to have the most beneficial tendency in this colony. By making the assistance from government, contingent on the contributions of the people, we aim at the accomplishment of two important objects. First, it will have a tendency to prevent that lukewarm feeling, which sometimes paralyzes the efforts of benefited Ministers of Religion; and, on the other hand, an independent feeling will be created, and subserviency to the influential and wealthy members of a congregation prevented, when a Minister of Religion knows that his stipend is not entirely dependent on the voluntary contributions of his congregation. The Bill provides, that grants in aid of religion may be given under two heads:—First, As to the fund which any religious body may provide for building a church or chapel; and—Secondly, With regard to Ministers' Stipends. As to the building fund, no grant can be made by government, until the applicants shall

have raised not less than £300, by private and voluntary contributions, towards the erection of a church or chapel. Then, a sum equal to the amount so raised, not to exceed £1000, may be granted by government, but no such aid can be afforded until trustees, subject to the approval of His Excellency the Governor, shall have been appointed, and in whom the property in the building shall vest. As to the second leading feature in the Bill, under the head of Ministers' stipends, no assistance shall be granted from the Treasury, unless upon the written application and declaration of 100 adult worshippers in any church or chapel, when Government may grant a sum not exceeding £100 per annum;—if 200 persons make such declaration, then £150 per annum may be granted;—and, when there are 500 applicants, £200 per annum may be awarded towards the support of a Minister; but, Government will not, under any circumstances, and however numerous may be the congregation, award a larger yearly sum than £200 in aid of a stipend. The bill further provides that, under certain circumstances, even where no church or chapel has been built, if a sum of not less than £50 has been raised in any one year for the support of a Minister, Government may grant an additional sum, "not exceeding £100, nor exceeding the sum so raised." Such are the provisions of the bill, a knowledge of which, it is hoped, will be disseminated far and wide, and have the effect of inducing the various denominations of Christians in this Colony, to take active steps for having Divine Service performed in their own churches. If they do not, the fault will not remain with Government.—I may observe that, some time ago, an article appeared in print, adverting to the "Estimated Expenditure" of the year, and finding fault with the small amount set down under the head of "Ecclesiastical Establishments." But, the writer must have been in ignorance of the real facts of the case. This bill, as I have already intimated, only enables Government to assist those who have first assisted themselves;—and the item alluded to was not put down as the limit of Government assistance; but, as exceeding the probable amount that would be applied for. The only town from which we have yet had any application is Auckland, where upwards of 500 inhabitants have subscribed the necessary declaration to entitle them to the Government allowance of £200 per annum. Now, there certainly must be, at Port Nicholson, and in other towns of the Colony, large bodies of worshippers who, upon proper application, will be entitled to a grant from Government, either in aid of their building-fund, or in support of a Minister, or both. Certain it is, however, that, hitherto, no such application has been made, arising probably, from their not being fully aware of the provisions of the New South Wales' Act, which has, up to the present time, been law in this Colony. I remember that information on the subject has been required by the Rev. Mr. Strachan, Minister of the Presbyterian Church at Port Nicholson, and I adduce this fact to shew that many parties, otherwise well-informed, have remained in ignorance of the provisions made by Government for pre-

moting the building of Churches and Chapels, and to provide for the maintenance of Ministers of Religion. I now move that the Church Extension Bill be read a second time."

Mr. Earp.—In rising to second the motion, I may mention one or two points upon which, I think, the bill may be made more explicit. In the 5th clause, for instance, regarding Ministers' Stipends, there is used the general term of "Ministers of Religion," without any definition as to those who ought to be so considered. Now I am an enemy to quackery of all kinds. It is bad in every shape, but more especially when it masks itself under a garb of religion. In my opinion the quackery of Dr. Eady is preferable to that of Dr. Mawworm. The term "Ministers of Religion" should, in my opinion, be more accurately defined. You will probably have in this Colony, at no distant day, a body of Socialists, who may claim, from Government, the aid of Government for their teacher.

The Attorney General.—The bill does not make the allowance compulsory upon Government, but gives discretionary power to His Excellency, with the advice of the Executive Council, to order or refuse such grant. It is not, therefore, very probable that a body of Owenites would be enabled to obtain any grant of public money under the provisions of this bill.

The Colonial Secretary.—It seems to me that the objects of the bill are sufficiently and accurately defined. No money can be granted for "the building of a church or chapel," unless it be designed for "the exercise of the public worship of some denomination of Christians." Then as regards stipends, aid can only be granted "towards the support of Ministers of Religion."—Socialism, or Owenism, cannot be called "religion," nor can the professors of such principles come under the denomination of "Christians."

The Governor.—Probably the addition of one word would satisfy the scruples of the Hon. Member (Mr. Earp), who seconded the motion that the bill be read a second time. The bill provides that Government shall contribute "towards the support of Ministers of Religion," and perhaps the word "authorized" ministers of religion would meet the difficulty.

The Attorney-General.—There are many safeguards in the bill, against imposition. The first clause provides that £300 must have been subscribed by the applicants for aid in the erection of a building, before their claim can be considered. Then, as regards stipends, the necessary declaration must be subscribed by at least 100 persons; and, after all, the Governor, with the advice of the Executive Council, has a discretionary power. Before you give money in aid either of building or endowment, the people themselves must contribute.

Mr. Earp.—I do not press the objection; I merely make allusion to the wording of the clause, because I thought it might probably give encouragement to parties whose claims could not be admitted. But, certainly, no considerable number of people will subscribe largely to satisfy any idle caprice.

The Governor.—We wish to place all professors of the Christian Religion on the same footing. We say we will afford aid, upon a scale which has been laid down, in support of any authorized minister. That is not forcing upon them any doctrine.

The Colonial Treasurer.—The question is, what is to be the definition of Ministers of Religion? There are numerous sects:—the Church of England, Presbyterians, Independents, Baptists, and a great number of others; others of a rather doubtful character.

The Colonial Secretary.—The Governor, with the aid of the Executive Council, will exercise a proper discretion as to the parties who have really a claim. A sect has, for instance, recently sprung up, calling themselves "A Provident Sect," the object of which is commendable. Should a considerable number of such religionists make application for aid from Government, their claim would be entitled to every fair consideration.

The Governor.—On this question I heard a great deal of discussion—probably more than I shall ever hear again—when the subject was before the Governor and Council of New South Wales. Some high Churchmen in that Council were opposed to the measure, on the supposition that its provisions gave too wide a latitude for the admission to pecuniary aid from Government to Dissenters; but I am glad to state that the alarms of those gentlemen were proved to be erroneous, and their arguments successfully refuted.

The motion for the second reading of the bill was then put, and carried unanimously; and the bill was, upon the motion of the Colonial Secretary committed.

#### BILL IN COMMITTEE.

The three first clauses (on being read by the Clerk of Councils), passed *sub silencio*.

On the fourth clause being read, which provides that the Trustees of any church or chapel for the time being, shall set apart sittings marked with the words "Free Seats;" amounting to not less than one-third part of the whole of the sittings in such church or chapel,—

The Governor said,—I wish it were possible to avoid making any marked or apparently invidious distinction, between the seats occupied by those who are pew-renters, and those who are not. I really do not see why we should tell the world that persons sitting in any particular part of a church or chapel, are unable to pay for the accommodation.

The Attorney-General.—I should have a strong repugnance to the clause as it now stands, if I believed that marking those portions of the pews or benches, not rented, with the words "Free Seats," would give pain to any individual attending Divine Service. I think, on the contrary, that satisfaction would, in almost every instance, be given by such an intimation, on entering a church or chapel. A stranger, for instance, entering a place of worship, would have no difficulty, observing certain seats so marked, in obtaining accommodation. But, on the contrary, were no seats marked "Free," he might experience inconvenience, not knowing where he could sit, without intrusion on the pew-renters. For myself,

going to church on Sundays, seeing a bench with a back against it, I am diffident of occupying it; but, if there was any seat marked with the word "Free," I should unhesitatingly sit down upon it.

The Colonial Treasurer.—Perhaps some other distinction than that of marking the seats might be adopted. A regulation might be made that the seats for non-pew-renters and strangers should be placed in the middle of the church or chapel, or some other place specified.

The Attorney-General.—Such a plan would, in a great measure, be inoperative. Without some distinctive mark, how could strangers know which part of the church or chapel was appropriated for free seats? The plan proposed, of describing "Free Seats" to be such, is adopted in New South Wales; and also, so far as my experience extends, in all the new Churches of England. In fact I rather think there is an express stipulation in "the Act for regulating the building of Churches and Chapels" to that effect.

The Governor.—There is certainly great weight in what has been said. It would, no doubt, be very gratifying to myself or Honorable Members present, were we to return to England and enter any of the new Churches, to observe a seat which we could at once occupy, without being subjected to the inconvenience, and discomfort, of waiting in the aisle until some pew-renter would invite us to enter.

The Colonial Treasurer.—I am only anxious to ascertain, whether this clause, regarding "Free Seats," may not be construed, by some religious denominations, to interfere with the discipline of their churches, as regards pew-rents. Some religious bodies have no seats in their chapels "free," and, as Trustees are to be appointed under the sanction of Government, they may deem the regulation of marking any portion of their seats "Free Seats," objectionable.

The Attorney-General.—It has ever been advanced as an argument in favour of the Church of England, that it is "The Poor Man's Church." No place of worship, in connexion with the Church of England—at least in our time—has been built or endowed, without providing due accommodation for those who cannot afford to rent pews. In the Chapels of several denominations of Christians, and, I believe, as regards one class especially, all but the very paupers are called upon to pay.

Mr. Earp.—I agree with much that has been said; but if honorable members are acquainted with the recent regulations of dissenting congregations in England, so far as regards their places of worship, it will be found that very rapid strides have been made for providing Free Seats. This observation applies, I believe, to all religionists except the Roman Catholics.

The Governor.—As regards the Roman Catholics I know that they make no such distinction as is now proposed; every worshipper is at liberty to take possession of any seat which may be at liberty.

Mr. Earp.—Then they have no seats at all.

The Governor.—I take a very liberal view of the course adopted by Roman Catholics in regard to their places of worship, having seen at Genoa,

and other places in Europe, a chief officer of government kneeling down by the side of a pauper. So far as regards an equality of right by high and low, it is certainly correct to say that no person has a seat.

Mr. Earp.—Such may be the case on the continent of Europe, but certainly a different system prevails in the Roman Catholic chapels—or at least in many of them—in England and Ireland.

The Governor.—I was asked a question, by a deputation from a body of Presbyterians, as to the appropriation of money granted by the Government in aid of religious objects; and when they were informed that no aid could be granted unless Trustees were first appointed subject to the sanction of Government, and that free seats must be appropriated for the accommodation of those unable to rent pews, they made no objection on the ground of its interfering with the discipline of their Church. I mention this in reply to the observation of the Colonial Treasurer. As regards the Roman Catholics, no one, so far as my own observation and experience extends, can be said to have an exclusive seat, unless he brings his own chair. The prince and peasant, when they enter a place of worship, are placed upon an equal footing, and this, in my estimation, constitutes one of the points in their religion from which we might take a useful example.

The Colonial Secretary.—If parties come to Government to make certain conditions for the performance of Divine Worship, and obtain an advantage for themselves, Government has a right to fix the amount which they are willing to grant from the funds of the colony for such purposes. In the 7th clause a blank is left, which must be filled in with the proportion of the Estimated Revenue for one year, which the Council is willing to grant in aid of religion.

The Attorney-General.—In accordance with instructions from home, there is a limitation to such amount.

The Colonial Secretary and the Treasurer, severally offered an opinion, that no portion of the fund arising from the sale of lands, could be applied to this purpose; but that the grants must be confined to a certain proportion of the Ordinary Revenue only.

The Governor.—To take one seventh from the Revenue, may seem at first sight to be excessive; but let us consider to what a very important purpose it is to be applied;—the most important in fact of any other; for what can be paramount to the promotion and advancement of the Christian Religion, of whatever denomination?

Mr. Earp.—The Revenue will I presume, be much increased during the ensuing year.

The Colonial Treasurer.—It is now about £20,000, and it may perhaps amount in the next year to £30,000, including customs, excise, licenses, &c.

The Colonial Secretary then moved, seconded by the Colonial Treasurer, that the blank in the seventh clause, be filled up with the words "one seventh" part of the estimated revenue.

The Governor.—The Colonial Secretary has already observed, that fault has been found with the small amount set forth in the Estimated Ex-