

of Rights, which is in the following words:—"That every gift, sale or devise of lands to any minister, public teacher or preacher of the Gospel as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of or in trust for any minister, public teacher or preacher of the Gospel as such, or any religious sect, order or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor to or for such support, use or benefit of any minister, public teacher or preacher of the Gospel as such, or any religious sect, order or denomination, without the leave of the legislature, shall be void," &c.

From the caution with which this article of the Bill of Rights has been drawn, it is evident that the framers of the constitution intended to prevent as much as possible, the accumulation of property in the hands of Religious Societies, for the support of ministers of the Gospel. Such a disposition was entirely consonant with the age in which they lived, and the spirit which caused our forefathers to seek a habitation in the untamed wilds of the Western continent, that each might worship God according to the dictates of his own conscience, without being interfered with by the authority of an Ecclesiastical establishment,—It will be found to be a prominent feature in all their acts, whether of a social or political character, down to the adoption of the Federal Constitution, and it is a provision which experience has proved ever since, to be founded on the wisest and most liberal policy.

The exception contained in the clause "without the leave of the legislature," your committee believe was intended to authorise the legislature, after a fair and full examination of such cases as might be presented for its consideration—to permit property to be held by Religious Societies, contrary to the general provisions of the article, but in all such cases, as your committee believe, the legislature could only act specifically or with reference to the particular case presented to them; no authority is conferred to authorise the legislature to grant general powers to be used in all cases whatever by such societies, and the reason of such a construction of the article, your committee are of the opinion is sufficiently clear, otherwise the mere passage of an act of the legislature, would virtually repeal this express provision of the constitution.

The bill under consideration, is extremely general in its provisions, it is without limit as to the amount which the Society may be authorised to hold, and also permits it to receive any description of property by gift sale or devise, and to use or dispose of the same as the managers may think most conducive to the interests of the Society. Such a law would be clearly contrary to the constitution, and direct conflict with its plainest provisions.

But even if it were not so, and its unconstitutionality were merely inferential, your committee are of opinion, that the legislature should be slow to grant franchises of such a character as the one under consideration. It is a singular circumstance in the history of the world