

the forms and rules of proceeding could be fixed by a permanent law. In short, that Governor Patterson might make use of them as an example in what had there been found convenient, but not as a Rule.

The House of Assembly, however, is of opinion, that the best comment on this article of the Royal Instructions is the conduct of the Governor to whom they were addressed, and his proceedings under them.

Governor Patterson, in the first Session of the Legislature, held on the 7th day of July, 1773, addressed the Council and House of Assembly in the following words :

“As this is the first General Assembly which hath ever met in this Island, you will find it necessary to make many rules, orders, and forms, for the regulation of your proceedings, which I recommend to be the first business you take up, and that you will be governed in it, as far as situation and circumstances will allow, by the rules, orders, and forms, which have for so many ages, and to so high a pitch of glory, conducted the Parliament of Great Britain.” And at the same time, in addressing the House of Assembly, the Governor addressed it in the following words :

“Gentlemen of the House of Representatives,

“As all laws by which any taxes are laid, or Revenue raised, must originate with you, if I thought it consistent with my duty to his Majesty, or in other words, conformable to the interest of this Island, in its present infant state, I would ask you to make some provision for the incidental services of this Government.”

This House has been regulated from that day, down to the present time, by such rules, forms, and order of proceeding, as was suggested in that speech.

The British Parliament was ever its model, and the House trusts that it may ever continue so to be ; and while it disclaims any thing like an assumption of the whole power of the British House of Commons yet it trusts, that it will never be construed as a departure from the Royal Instructions, or as an undue assumption of authority, that it follows the rules, orders, and forms of proceeding, of the House of Commons, in passing its laws.

This House is quite aware of that part of the 17th article of the same Instructions, on which his Majesty's Council appears to have so much reliance, and which is in the following words : “That the greatest care should be taken, that no colour or pretence is given for the assumption of any powers or privileges by the said Lower House of Assembly which have not been allowed to Assemblies in our other Colonies, and that their mode of passing laws, and the exercise of that negative upon those laws which we have thought fit to reserve to you, by our Commission, under our Great Seal, do conform to, and correspond with, those regulations and restrictions which have been established in this respect in our other American colonies.”

It appears to the House of Assembly that this Instruction had not in view the regulation of any rule or order of proceeding as between the Assembly and the Council, but as related to the prerogative of the Crown, and the exercise of the negative reserved by the Governor's commission, on which the House trusts it is in no danger of ever making an encroachment.

His Majesty's Council, in its message, states, that it is well assured that no such power or privilege was ever conferred by the Royal Instructions on this House, or on any of the neighbouring Colonial Assemblies, of granting and appropriating the supplies to the Crown in the way claimed by this House in its Resolution of the 23d of March last. And the Council, in proof of this assertion, is pleased to

submit to the consideration of the House, an article of the Royal Instructions to the Governor of Nova-Scotia of the 13th March, 1756, to this purport,—that members of Colonial Assemblies had assumed to themselves privileges no way belonging to them, such as being protected from suits at law, and that Assemblies had adjourned themselves at pleasure, without leave from the Governor first allowed, and others had taken upon them the sole framing of money bills, refusing to let the Council alter or amend the same, and that it was his Majesty's pleasure, that the Council of Nova-Scotia should have the like power of framing money bills as the Assembly.

The House of Assembly cannot help expressing its surprise, that the Royal Instructions alluded to should now have been brought forward with a view to influence the present question, inasmuch as it bears a date 17 years prior to the existence of the Legislature of this Colony, and which the House believes was never known or heard of within the Island before it was announced in the message of his Majesty's Council; and were it not for the respect which this House owes to every statement, in matter of fact, which comes from his Majesty's Council, its authenticity might well have been doubted of, more particularly when it is well known that in the very Colony where such instruction is supposed to be in force, no practice of the kind exists, but on the contrary, that all money bills originate with the House of Assembly.

The House of Assembly laments to find, that in a claim so new and unprecedented as that which has been made by his Majesty's Council, it should found it on matters both foreign and obsolete, and that it should be thought necessary in addition to these, to resort to the very foundation of our Legislature to uphold by new glosses and constructions, a claim which never was heard of till the 27th of October, 1825.

The House of Assembly finds no such article in the Royal Instructions to Governor Patterson, nor in those to Lord William Campbell, to which he was referred for examples and precedents, as that extraordinary one alluded to by the message of his Majesty's Council, and said to have been directed to the Governor of Nova-Scotia in the year 1756, giving the Council a power to originate money bills—the conclusion of the House is, that by its being omitted in these Instructions, and every subsequent one, his Majesty must have been advised to omit it. The House is confirmed in this conclusion by the 19th article of the Instructions to Governor Patterson, which proves clearly, that the King looked for grants of money from the House of Assembly alone, and which is in the following words :

“It will however be your duty, as soon as a General Assembly is formed, to recommend this matter to the House of Representatives, and require them in our name to grant us such Revenue, as may amount to all the expences of Government on some certain estimate;”—and the speech of Governor Patterson to the House of Assembly in its first Session, is quite in conformity to this Instruction.

The House has not failed to remark in the message of his Majesty's Council, a studied omission of all mention of the usage and practice of this Legislature, and a constant reference to the practice of adjoining Colonies, or neighbouring Colonies, as if this Legislature had no rules, usages, or practices of its own to refer to, or as if these were quite unworthy of consideration. His Majesty's Council cannot surely have forgotten, that the House of Assembly did, by the mouth of its Speaker, in the first Session of the present General Assembly, claim all its ancient rights and privileges, and that his Excellency the