

sented to them, from the consideration that the Session was near a close, and great inconvenience might be experienced by the Colony were they to reject the bill; but intimating that they would be disposed to exercise their right of deliberating separately upon every measure for which provision was to be made in the appropriation bill from any monies raised or to be raised by any other act or acts of the General Assembly, and that his Majesty's Council would not in future be disposed to give their assent to any bill for appropriating such monies, unless the several sums and services therein contained should have been previously submitted by the House of Assembly, in separate resolutions, for the concurrence of his Majesty's Council, and should have severally received their assent.

The House of Assembly, from the period at which this resolution was communicated to it, had no opportunity of expressing its opinion till the commencement of the present Session. It has done so by its resolution of the 23d of March last, which it sees no reason whatsoever to alter.

That resolution is quite conformable to the usages and practice of this Island, from the earliest period of its Legislature down to the present time.

It is likewise conformable to the usage and practice of the House of Commons.

The House of Assembly claims, by that resolution, no new rights or privileges; it only seeks to maintain and uphold rights which have been exercised hitherto, without a dispute, until the day of the Council's resolution in question.

The House of Assembly, however, deems it respectful to his Majesty's Council, to notice the various points contained in its message which are supposed to uphold this novel claim, and the more so, as the House is of opinion, that a candid examination of them will prove that they are unfounded, and that the ancient and undisputed usage of the Legislature of the Island, and the practice of the House of Commons, are the only safe and true guides by which the House can be directed.

His Majesty's Council says, in its Message, that the Royal Instructions, under which the General Assembly of this Island was called, and organised, is the constitution of the Colony, as regards the power of the Legislature; and that each branch of it can only exercise the privileges thereby granted; and that it is the duty both of the Council and the Assembly, to conform in their proceedings to those Instructions, both in legislating and when any question arises as to the powers or privileges of the Council or Assembly, and to refer to them for their direction and Government.

The House has no disposition to controvert this statement of his Majesty's Council, and agrees, that all the Colonial Constitutions in conquered countries, were the gift and grant of the Crown; and that the Royal Instructions have been the basis of their constitution, and that in all instances such Royal Instructions are fit and proper to be referred to. The House of Assembly maintains and upholds its privileges, and its resolution of the 23d of last March, on no other foundation; on its strict conformity to the King's Instructions to the first Governor of the Colony, and to the uninterrupted usage of the Legislature since.

The Message of his Majesty's Council has directed the attention of the House to the King's Instructions to his Excellency Walter Patterson, the first Governor of the Colony; and although they are referred to for the purpose of upholding the claims of his Majesty's Council, at this distant period, they appear to the House to sustain and uphold the ancient practice of the Legislature, which has taken place under them.

The 18th article of these instructions, which is referred to in the Message of his Majesty's Council, seems to the House to be very plain, and is as follows: "It is equally unnecessary and impracticable to point out to you, in these our Instructions, all the various and important objects to which the several constitutions, both legislative and judicial heretofore established and defined, will apply; such objects will be very many in the first establishment of government, and will require an exertion of the greatest activity and discretion, as to the rules and principles by which the proceedings, either of the Council, Assembly, or Courts of Judicature, are to be governed, in all cases not hereinbefore provided for or explained. Many useful precedents may be found in the Instructions to our Governor of Nova Scotia, a copy whereof is herunto annexed, and by which you are to regulate your conduct, as far as different circumstances will admit, in all cases wherein they refer to establishments of a similar nature."

The House of Assembly has examined those Instructions, dated in the year 1766, to Lord William Campbell, the Governor of Nova Scotia, wherein there does not appear any one article which directs the rules, orders, or course of proceeding in the Legislature of that Colony, or the rights and privileges, or jurisdiction, of the Council or House of Assembly, respectively.

It appears, therefore, to the House, that from these Instructions Governor Patterson could gather nothing whatsoever as to the rules or orders of proceeding either of the Council or House of Assembly which he was about to form or their respective jurisdiction or authority.

The other article of these same early instructions, being the 17th, and which is particularly noticed in the message of his Majesty's Council, as affording an argument to uphold its claim, is as follows: "The forming a Lower House of Assembly, or House of Representatives, for our said Island of St. John, is a consideration that cannot be too early taken up, and ought to be maturely weighed, for until this object is attainable, the most important interests of the inhabitants will necessarily remain without that advantage and protection which can only arise out of the vigour and activity of a complete constitution. The division already made of the Island of St. John into Counties, Parishes, and Townships, will naturally suggest to you what ought to be established in respect to the places that should elect Representatives; and by a due attention to what has been found practicable and convenient in forming the like constitutions in the late established Colonies of Nova Scotia and Georgia, you cannot materially err in such other regulations incident to this institution as may be necessary, until the form of it, and the rules and methods of proceeding, can be more precisely defined by a permanent Law."

The House of Assembly is now, for the first time since its establishment, called upon to offer a construction upon the scope and meaning of this article of the Royal Instructions; and it appears to bear one widely different from what his Majesty's Council appears to have given it, with a view to uphold its novel claim.

It appears to this House, that his Majesty merely drew the attention of the Governor to a consideration of such places as he should cause Representatives to be elected from, and that by a due attention to what had been found practicable and convenient in the new Governments of Nova Scotia and Georgia, he could not materially err in forming such other regulations incident to the Institution, until