

III. *Provided always nevertheless, And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to repeal or make void, or in any manner interfere with any Law of this Province respecting the qualification of persons entitled to vote in the election of Members to be returned to the House of Assembly, or to be returned as members of the said Assembly.*

A.  
Legislative Council Chamber, }  
28th November, 1825. }

(SIGNED) WILLIAM CAMPBELL, *Speaker.*

This bill was submitted to the Legislative Council, passed by that honorable body in the above state, and sent down to the House of Assembly for concurrence. The Attorney General, still the leader of the ministerial side of the House, which, through the agency of reporting the debates, has been reduced in this Parliament to a minority of *ten*, rose to bring this bill before the House, in doing which, he delivered a speech of about five hours—the whole tenor of which, went more to argue, that the Anglo-Americans ought not to have equal rights with natural born British subjects, than to induce a belief that they were entitled to such rights, and ought to enjoy them—incumbered, however, with such a heavy baggage of sophistry, that his real views might appear doubtful. In the course of this untoward harangue, he admitted that he had drawn up the bill, in his official capacity, at the desire of the Executive, and that it would be all-sufficient for the purpose by expunging the word “SO,” in the enacting clauses, and inserting the word “and,” which word “so,” he said had crept into the bill in its passage through the Upper House. He stated, that he would prefer the passing of this bill; but should the majority be of opinion, that this legislature had not the power to legislate upon this question, he had drawn up a series of Resolutions which he would recommend to the House. The Attorney General then read the Resolutions, which were mostly a transcript of those formerly rejected by the House, and concluded by again remarking that he would prefer the bill.

On hearing the bill read, and the arguments of the Attorney General thereon, the popular side immediately saw the cloven foot. The Speaker and Mr. M'Bride rose alternately, and pressed the Attorney General so closely with questions touching the sufficiency of the bill, in the answers to which his character as a lawyer was so much at stake, that he frankly and openly confessed this bill as drawn up by himself, and passed by the Legislative Council, would be “*unconstitutional null, and void*,” so far as respects the elective franchise, should it pass into a law, but at the same time, observing, that it was not more unconstitutional than many acts that had been already passed and acted upon in this Province.

This acknowledgement from the first legal adviser of the Executive, together with the deception apparent on the face of the bill, confirmed the suspicions of the majority of the House, and justly excited in their minds the strongest apprehensions as to the purity of the intentions of the colonial executive, and those who acted in conjunction with them from the first introduction of this question. Anxious however, to know the real views of the colonial government, the House addressed His Excellency for a copy of the correspondence with the home government upon the question; but His Excellency refused to comply with this request.

Thus convinced that the whole measure, either in the shape of the bill or resolutions proposed by the Attorney General, was only a continuation of the old trick—another insidious effort of the well-known enemies of the Anglo-Americans, the House took a broad stand against both. But as the consideration of Earl Bathurst's despatch had been so anxiously pressed upon them by His Excellency, they came to a determination to express their opinion upon the subject, without any hopes that their views would meet with the concurrence of either of the other branches of the legislature. With this intention, Mr. Bidwell moved the following amendment to the above bill:—