

his Majesty to suspend the provisions of it; it may therefore be fairly contended, under the statute of the 1st William and Mary, sess. 2. c. 2. sec. 12, that the acts which authorise the suspension of the Navigation System established by an *antecedent* statute, the 12th Charles II. c. 18. are contrary to that provision of the Bill of Rights; the words are, "and be it further declared and enacted by the authority aforesaid, that from and after the present session of parliament, no dispensation by *non obstante* of or to any statute, or any part thereof shall be allowed, but that the same shall be held void and of no effect, *except* a dispensation be allowed of in *such* statute, and except in such cases as *shall be specially provided for*, by one or more bills to be passed *during the present session of parliament*."

It is not intended by this observation to question the omnipotence of the British legislature, but merely to point out the words of this statute, which appear to have been either misunderstood or disregarded. It is evident the framers of the Bill of Rights intended by this clause to preclude the exercise of the *non obstante* or dispensing power, as to the provisions of *former* statutes, except such power was invested by such statutes in the crown; or in such other cases as might in the course of *that session of parliament* be specially provided for; and that as to future or subsequent acts, the crown should not exercise the dispensing power, unless the same was granted in the act, the provisions of which it might, from change of circumstances or other cause, be necessary to suspend.

A reference to the debates on the temporary Acts for regulating the trade between Great Britain and the United States, after the acknowledgement of their independence, will prove the propriety of these remarks. It was observed by Mr. GEORGE DEMPSTER, in the debate on one of these acts 1787, "that when he voted in favor of the proposition that the government of the trade with America should be vested in his Majesty in council, he felt some reluctance, being conscious that *he resigned the powers of that house, in an unconstitutional manner*; but the unsettled condition of the United States of America, and the peculiar circumstances of the times, appeared to him to warrant such a resignation of his own right as a member of parliament, and to justify that concession. The case was however now different, and he saw no reason why the house should not re-assume their powers, and return as soon as possible to the exercise of their functions. Every friend to the constitution, he conceived, must feel with him