

on the 4th of February, 1806, was to address Grant on the subject, setting forth that the first and constitutional privilege of the commons had been violated in the application of moneys out of the provincial treasury without the assent of parliament or a vote of the commons.

The whole tone with regard to this trifling affair shewed a design to be troublesome. It is impossible to reject the impression that Mr. justice Thorpe, who became very prominent in this form a few years later, was at the bottom of the affair. After some very stilted sentences, the address asked that not only the money should be replaced, but directions also should be given that hereafter no moneys should be issued without the assent of parliament.* The address was dated the 1st of March, 1806.

Judge Powell, afterwards chief justice, has left a memorandum telling us that he was consulted in the matter and had been shewn the reply proposed, which he considered "weak and wavering." He recommended Grant to say that he had found the practice established and had followed it; that he would transmit the address to the king and, no doubt, orders would be sent to replace the money. At the same time, that he could not forbear submitting for the consideration of the members, if it would not be best for the dignity of the house to cover by a vote the expenditure admitted to be purely provincial, and, before they separated, to provide for similar contingences.

Mr. Grant did not take this course; he stated that the expenditure had been applied to useful and necessary provincial purposes; he would, however, direct the matter to be investigated, and if there was error he would take

* "To comment on this departure from constituted authority and fiscal establishment must be more than painful to all who appreciate the advantages of our happy constitution; and who wish the continuance to the latest posterity, but however studious we may be to refrain from stricture, we cannot suppress the mixed emotion of our relative condition. We feel it as the representatives of a free people. We lament it as the subjects of a beneficent Sovereign, and we hope that you in your relations to both will more than sympathise in so extraordinary an occurrence." [Can. Archive Report, 1892, App., p. 33.]

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