

constitutionally receive the consent of the other branches of the Legislature.

The word *unfortunately* is here used, because, that although it preserved the constitutional check of the different branches upon their respective Legislative powers, and thereby in fact became a record of the usurpation before attempted by the Assembly ;—yet it gave the turbulent members an idea, that what could not be yielded as a matter of right, might be relinquished to persevering clamor—hence a kind of incitement to the attempt at exclusion of the Judges from the Legislative Council, by a Provincial Legislative act, in the very teeth of the Royal Perogative as well by *the British Constitution*, as by the express provision of the Constitutional act, respecting the right of His Majesty to summon to the Legislative Council such persons as he shall think fit—as has been before mentioned.

Some of the leaders in the Assembly cannot have been ignorant of the incompetency of the Provincial Legislature to pass such an act, but in considering the manner whereby the precedent of the assent of his Majesty to the act for disqualification of Judges from seats in the Lower House was obtained, may have thought, that if they served up the same dish each subsequent session, still more highly seasoned with clamor, that perhaps the King would wave his rights, and the Imperial Parliament in consequence, pass an act upon the subject—or if not that it would be a nice cloak for further irritation ; and in the mean time the Bill passed by the Assembly, if rejected in the other House, would by a sapient resolve, bottomed on
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