

quently it becomes the duty both of the Council and the Assembly to conform in their proceedings to those Instructions, not only in Legislating, but whenever any question arises as to the powers or privileges of the Council or Assembly, to refer to those Instructions for direction and government.

His Majesty's Council, therefore, beg to call the attention of the House of Assembly to the Royal Instructions, dated at the Court at St. James', the fourth day of August, 1769, addressed to Governor Patterson, authorising him for the first time to call and form a Lower House of Assembly, or House of Representatives, in this Island; in the 17th section of which Instructions, after directing him to pay due attention to what had been found practicable and convenient in forming the like *constitution* in the late established Colonies of Nova Scotia and Georgia, the following direction is contained,—“That the greatest care should be taken, that no colour or pretence is given for the assumption of any powers or privileges by the said Lower House of Assembly, or House of Representatives, which have not been allowed to Assemblies in our other Colonies.”—His Majesty's Council, therefore, submit to the House of Assembly, that the *sole right* claimed by them in their resolution of the 23d of March last, relative to the granting and appropriating all supplies to be raised or charged on the subjects of this Island, and directing, limiting, and appointing, in separate Bills, the uses, ends, purposes, and limitations, of such grants, must be derived from the Royal Instructions, granting directly to the Assembly of this Island the power thus claimed, or granting the same to the Assemblies, or to some of them, in the other Colonies.

But His Majesty's Council feel well assured that no such power or privilege has ever been granted by the Royal Instructions to this Assembly, nor to the Assemblies of any of the neighbouring Colonies, but the powers and privileges now claimed by the Assembly have been differently considered by His Majesty's Government.

In proof of which His Majesty's Council submit for the consideration of the House of Assembly, that part of the Royal Instructions dated the 18th of March, 1756, to the Governor of Nova Scotia, which relates to the point in question, and which is as follows:

“Whereas the Members of several Assemblies in the plantations have frequently assumed to themselves privileges no ways belonging to them, especially of being protected from suits at Law during the Term they remain of the Assembly, to the great prejudice of their creditors, and the obstruction of Justice; and some Assemblies have presumed to adjourn themselves at pleasure, without leave from our Governor first allowed, and others have taken upon them the *sole framing of money bills*, refusing to let the Council alter or amend the same; all which practices are very detrimental to our prerogative; if upon your calling an Assembly in our Province of Nova Scotia, you find them insist upon any of the said privileges, you are to signify to them that it is our express will and pleasure that you do not allow any protection to any member of the Council or Assembly, further than in their persons, and that only during the sitting of the Assembly, and that you are not to allow them to adjourn themselves, otherwise than *de die in diem*, except Sundays and Holidays, without leave from you, or the Commander in Chief for the time being, first obtained. It is also our further pleasure that the Council have the like power of framing money bills as the Assembly.”

His Majesty's Council also find, that in the neighbouring Colonies the uniform practice of the As-

sembly is, to submit to His Majesty's Council each subject to be provided for by a grant of monies in a separate resolution, and that only such resolutions as are agreed to by both branches are inserted in the appropriation bill, a practice which His Majesty's Council consider not only in accordance with the Royal Instructions, but one which allows to each branch of the Legislature the free exercise of their opinion upon every subject to be provided for from the revenue of the country; to which practice the resolution of his Majesty's Council is *limited*, and claims for the Council here *no other or greater* power than is exercised by the Councils of the adjoining Provinces.

His Majesty's Council have deemed it proper, thus to call the attention of the House of Assembly not only to the Royal Instructions by which their powers and privileges are limited and defined, but also to the practice of the other Colonies under the same Instructions, with a sincere desire on the part of his Majesty's Council to *establish and protect*, upon correct principles, the separate rights of the Council and Assembly; as the Council consider, that the interest of his Majesty's subjects in this Island will be best promoted by allowing to each branch the free exercise of their opinion upon every subject which may come under the consideration of the Legislature.

His Majesty's Council consider, that the rules and practice of Parliament, so far as may be consistent with our situation, should be pursued by the Legislature here, but the Council do not admit that the House of Assembly can derive any of the powers assumed by them in their resolution, from the practice or usage of the House of Commons, but that the powers and privileges of the Assembly must depend upon the *Royal Instructions* under which the Colonial Legislature has been formed.

His Majesty's Council likewise consider it their duty to guard against any appropriations, however desirable, which may exceed the *disposable funds* of the Island, and thereby lead to public embarrassments; and they deem the exercise of this right of greater importance when it is considered that the House of Assembly originate money votes without recommendation from the King's Representative, and therefore exercise a greater power, in this particular, than the House of Commons possess.

His Majesty's Council have been thus explicit on the subject of those resolutions, and they also wish the House of Assembly to understand, that they entirely disapprove of the *novel course* pursued by the House of Assembly in the present Session of annexing to the revenue bills numerous clauses of appropriation of monies, to separate and distinct subjects not mentioned in the revenue bills, nor having any connexion with them, or with each other, as the Council are thereby prevented from exercising the privilege belonging to them as one branch of the Legislature of dissenting to a proposition of which they disapprove, without at the same time being obliged to reject the revenue which the public services may demand and which otherwise they may be desirous of granting.

J. E. CARMICHAEL, C. C.

Council Chamber, May 4th, 1827.

On motion, it was ordered, that the foregoing message together with the Resolution of his Majesty's Council of the 27th October, 1825, and the Resolution of the House of Assembly of the 23d March last, be printed by the Printer to the House of Assembly.