

*Mr Forrester* said that, the Council were always pretending to imitate the House of Lords, and he should like to know why they did not imitate them in that respect. But the very fame and make of the Council were opposed to such a measure. He would like to know what right the Bishop had to a seat in that body, in exclusion of the representatives of any other religious persuasion. In that body too, were a pair of placemen, whose offices would incapacitate them for entering into the lower branch. The Chief Justice, in that body, sat and made the laws, and came down to another part of the building and expounded them. The Council had just shewn their respect to that House by sending, in answer to its resolutions sent up by a deputation of five of the Representatives of the People, a message brought down by a beardless boy. But he hoped they would not long have the opportunity of inflicting such insults; he conceived that, as at present constituted, they would not much longer participate in the Legislation of the Province.

*Mr Uniacke* said that the House were sent there to comply with, not intringe principles of the constitution; to carry into effect any measures which may be conceived necessary and beneficial, but the question before us had commenced by a violation of those principles. Scarcely had the new House been seated on the benches before they commenced a direct attack upon the rights of the other branch, by endeavouring to attach this question to the appointment of the usual Committee of Public Accounts. No time was allowed that body to decide, and give publicity to their proceedings, upon this subject, known to be under their consideration; and the very oaths of the members were to be violated, and a statute repealed by a resolution of this House, to afford an early opportunity of casting the first stone of offence. The next step, before the answer to His Excellency's speech was delivered, was to pass two resolutions, on the Substance of which no difference of opinion was entertained, although highly objectionable to many from the precipitate and violent manner with which they were urged. Then a Committee was appointed to carry up the resolutions, and again the rules of the House were to be infringed by appointing of a Committee three more numerous than usual, as if to intimidate by the display of numbers. Happily that measure had not been adopted, and the resolutions were transmitted in the usual way. The House had now received an answer; and what was it? That one branch of the Legislature had no right to interfere with the internal arrangements of the other. That was one of the first principles of the Constitution, founded in common sense, sanctioned by experience, and disputed by no freeman. And if so, how could honorable members proclaim that the Council dare not keep their doors closed? If that body were invested with certain privileges, it was not in the nature of Englishmen to defy it to exercise them. And I know not the Members, if that Board are to be intimidated into a compliance which they have not had time to make voluntarily? We are told, said Mr Uniacke, that the Message was brought down, not in the usual way by a Committee, but by a beardless boy, and *whiskers* are the test of merit there is no disputing the superiority of the Hon. Gentleman from Halifax; but, Sir, I have yet to learn that the beardless are most barefaced. The Messenger of the Council comes to our Bar as the ministerial officer, and it is unmanly to make him the subject of personal insult when he cannot defend himself. These acrimonious observations, Sir, carry us far from the true subject of discussion, and I regret they have been caused. As to the idea of forcing the other branch into a compliance with our wishes, and a well dressed body of men thrusting themselves into their debates, it is ridiculous.

This country, I tell the honorable advocates of the measures, is not yet ripe for such an exercise of democratic power—we are not yet prepared to submit passively and tamely to Lynch law; the people may be aroused and excited to break down the portals and trample on the privileges of one branch of the Legislature, and their next step will be to prostrate those of the other. The same people who once degraded this House in the streets of Halifax, may with false views of liberty attack the Council, and what does it prove? I, Sir, will never consent to the adoption of force to compel a compliance with our wishes—it is contrary to the feelings of Britons. If we had the physical power to tear from the weak their rights, it would be unmanly to use it—if we have it not, the attempt is futile. It is now for us to consider, what ulterior steps we are to take. Had the Resolution been sent up as originally framed and proposed, by your Clerk, and this answer been received, what measure would the House have adopted? We would have been obliged either to resort to some legitimate coercion, or retrace our steps, and what legitimate coercion could we use? None! We would then have been obliged to abandon the project. But the good sense of the House modified those Resolutions, and the course which has been pursued leaves, perhaps, an honourable alternative. But we should be cautious in the proceedings we adopt. We should take care to pursue a course which will not meet with the reprobation of our Constituents. They have sent us here to open the doors of the Council, only in a legitimate way, not to break down the barriers of the constitution, and wrest from one branch of the Legislature its true and proper independence and power for our own aggrandizement. We should be careful, not to take precipitate steps; I have no fear of meeting my constituents, but I tell the House that if they are prepared for violent measures, that will be the necessary consequence. And how shall we justly ourselves to the Freeholders who have elected us? The tale of *beardless boy*, and dare exercise privileges will form but a poor excuse for putting an end to public business, sacrificing the Revenue and involving the Province in embarrassment and destruction; they would censure us for deviating from the right course, and resorting to ungenerous measures. As regards the persons who compose the upper branch, and of whom so much has been said this session, I ask, and boldly ask, how have the rights of the people been disregarded in their choice? Eight of them have arisen by their own industry and integrity, from the lowest walks in society, to their present situations; they have acquired wealth, and obtained characters as high as most of us can aspire to—no distinction of religion is conspicuous at that board. Around it are collected members of the English, Presbyterian, and Romish Churches; and, with one solitary instance, natives of Nova Scotia. I never wish to see any distinction there, neither do its members,—as to the Bishop, circumstances (of which our statute book is the record,) placed him there, he seldom interferences in temporal matters, and not very often, I believe, in spiritual. As to the chief Justice, what practical injury has resulted from his seat at the Council Board? Has the breath of slander ever dared to insinuate that there has been partiality in the exercise of his judicial functions, or that his mingling in politics has, in fact, tainted the *Ermine of Justice*? No! not a man will prefer such a charge.

But if the presence of these persons is wrong, let us have them removed, but let us do so in conformity with the spirit and principles of the constitution under which we enjoy our liberty. Are we to say, if we dislike one person, we will hurl him out of this window; if we dislike another, we will hurl him out of that window; and,

in the temporary gratification of revenge, forget good order and harmony, I hope not? Why then waste time in the agitation of questions like these. Whosoever commence with the violation of law, when we know not to what length it may be carried, or what consequences may follow in its train? I approve of the motion made by the Hon. Member from the County of Sydney, and wish the message to lie on the table for a few days, to be afterwards considered.

*Mr W. Young* had read with the utmost astonishment the message of the Council. He would review shortly the acts of the House for which they had been arranged in that document. He stood there as one Member ready to vindicate, not the hasty expressions which might have escaped the lips of individual Members, but every act for which the House was responsible, and which stood recorded on its journals—and he would appeal to every man of sound sense and prudence to attest the sufficiency of the vindication. In the position in which he feared the House might presently be placed he was anxious that they should carry with them the good sense of the intelligent part of the community. He came there to reform many flagrant abuses, but came prepared for no rash and violent change. He came not to excite the public temper, but to advocate constitutional improvements. What steps had the house taken? On the first day of the Session two Members, disposed to go rather further than himself, had in the amendment of a motion for the appointment of a joint committee, advocated the obnoxious resolutions. Had the house readily adopted the proposed steps, they would have placed themselves in effect in this position, 'open your doors or we will refuse to do business with you' In that case there might have been some pretext for the language of the Council's address; then they might have done what in this case they ought not to have done. He knew the temper of the House, and thought that like himself, they were anxious to carry them through properly. When that danger had been pointed out, on the first day, did the majority of the house persist? No, the motion had been withdrawn, and the house proceeded in its ordinary business.

With regard to the business of the second day he would ask, if the resolutions were an invasion of the principles of the Upper Branch, how the name of the hon. Genl. from Cape Breton had happened to be there? That Gentleman must have made his discovery since. The resolution was either in strict accordance with the privileges of the other Branch, or it deserved the reprobation of every one, and ought never to have passed. But what was the language of this strange address? An abuse of the whole proceedings of the house. They were blamed, not for what they had done, but for what they had not done. They had passed these resolutions couched in the most courteous terms, and one particular expression which might have been obnoxious, had been struck out for the very purpose of avoiding the collision, which he was now astonished to see. He would claim attention to the second clause of the Message, and would ask whether, if the majority of the house should be mad enough to exclude the public from their debates upon all occasions, the Council would not have a right to express their constitutional opinion.

With respect to the manner which the Council had taken to convey their opinions, he thought that in sending the message by the deputy clerk, they had put the House in a position from which it was extremely difficult to retire with honor and safety. He was not inclined to form a hasty opinion on the subject, and wished the message to be on the table for a few days, till the House could form a cool and dispassionate opinion, and shew that they were disposed