point. The address of the house in 1797 requested his Excellency to say whether the Royal Instructions were dispensed with in that case. The Royal Instructions are public property, and every man in this country I presume may have access to them in the Secretary's Office,—I have seen them there. Every man can see there what his Excellency is instructed to do, and how he must act in certain cases, and nothing can alter or amend those Royal Instructions but other Royal Instructions under the Sign Manual; and it was well in the case in 1797 to ask his Excellency whether he had received other Instructions. That case is then by no means in point; in fact it is as far from this as East from West. The case before us had nothing to do with the Royal Instructions. Our proceedings were an infringement on the rights of another branch of the Legislature, and therefore unconstitutional. We have endeavored to forestall the opinion of his Excellency. Is this constitutional? The definition which has been given of the word 'constitutional,' is a dark one—an incomprehensible one, and itself requires a definition. If we cannot find a better authority than has been adduced, we must put up with his Excellency's answer. It speaks truth; and every one likes the truth; we must like it, in whatever shape it may come. Truth is a beautiful thing, and it matters not whether it comes in a russet gown or a friar's coat. I shall go dead against that Resolution.

Mr Brown.—The hon. and learned member Mr E. sets out by saying, that the Resolution before the house is not true—does not state facts. If the case cited from the Journals of '97, and the one before the house are not parellel, he is correct. But they are parellel, and therefore he is incorrect. An orator who wishes to entangle the question he is discussing, lays down false premises, and then reasons logically upon them; the conclusions drawn appear so reasonable that one might be induced to think the argument sound, until he looked at the premises. So it is in this case—the reasoning is good, but the premises are wrong. I am but a plain farmer, Sir; I wish I could express myself as clearly as the hon. and learned member (Mr E.) However, Sir, let us look at his argument: He says that the house in '97 merely wished to know whether the Fiscal Instructions, which were public property, were dispensed with. Sir, look at the case itself—the house asked the Governor (Carleton) whether he had any authority to pass a certain bill without a suspending clause—and the answer of the Governor was in the negative. We asked his Excellency whether he *could* pass the Marriage Bill without a suspending clause—we asked him whether he had the power—the house in '97 asked the Governor whether he had the '*authority:*' where is the distinction? There is none—the cases are exactly parellel—not perhaps mathematically parellel, but as parliamentary proceedings they were alike. I will venture to say, if the learned gentleman were before a Court of Law, and had an authority as much in point as the one before the house—he would contend that it could not be got over, and would consider himself quite secure with it. In the case of 1797, and the one of this house, a bill was the subject matter of the addresses to the Governor, and the question in both cases was whether it could be passed without a suspending clause. The cases therefore are exactly parellel!; the learned member for Gloucester has argued on false grounds, and the whole of his arguments must fall. [*Expressions of applouse from the lobby.*]

Mr Simonds. The two cases are nearly parellel as two cases can possibly be: the only difference is—the bill of '97 was a Money Bill, ours is a Marriage Bill (so called.) All this house wished to know from his Excellency was, whether he was authorized to give his assent to a Bill without a suspending clause; the question was a simple and a parliamentary one. It is impossible that such a case can ever occur in the Imperial Parliament, it can not ever be necessary there as in a Colony two or three thousand miles distant from his Majesty. The question asked his Excellency involved no constitutional principle whatever. what effect has it upon the Constitution? none whatever; we merely asked His Excellency whether he *could* give his assent without a suspending clause. A precedent for such an application has been adduced, and I should like to see an authority adduced by those hon. gentlemen opposed to the Resolution before the house, to shew that our application was unparliamentary. It appears from Governor Carleton's answer, that *he* gave all the information which was required by the house; *he* said nothing about the request being unparliamentary and unconstitutional; and the Executive Council at that time was formed of as able and as talented men as ever were in this Province. When his Excellency has said that he give no pledge it must be very manifest that he misunderstood the address of the house, for not an hon. member in this house can say that a pledge was asked. I do not think, however, that the reply is his Excellency's, but his advisers, and he has not been well advised. It can not be supposed that his Excellency is thoroughly acquainted with parliamentary proceedings I look upon the reply as that of his Council; and they have misunderstood the address. His Excellency would not nor could he say off-hand that the address was unparliamentary and unconstitutional. I would like to see something on our journals maintaining the dignity of this house; for if we suffer such replies as this to pass unnoticed, we must sink in the estimation of the people of this Province, and be pointed at with scorn by our constituents for having done that which we had tacitly admitted to be unparliamentary and unconstitutional. We ought to know what is right, and we have done what is right; and the house should never have received such an answer from his Excellency.

Mr. Partelow said the house should first consider whether the Address to his Excellency was proper, and next whether the language of the answer was duly courteous. As to the first offence in the way of uncourteous language, he said his Excellency had been guilty of that in 1832, in his answer to Col. Allen, who waited upon him with the address to his Majesty on the subject of the Casual Revenue and Civil List, when his Excellency said he should take care to rebut all the charges made in the address.—The address before the house had been passed unanimously. The morning after it was passed, he (Mr. P.) thought it somewhat improper. He agreed with Mr. End, that the case from the Journals of '97 was not in point; in that case there was no bill before the house—in this case there was a bill; and it was an extraordinary request to make to his Excellency whether he could give his assent to a bill. How could his Excellency know whether the provisions of the bill would obviate the objections? and how could he know what alterations might be made in another branch of the Legislature? He (Mr. P.) had searched the Journals and could find nothing to warrant the proceeding of the house, and he was of opinion that the request was improper. With regard to the answer: it was not perhaps so courteous in its terms as it ought to have been. It was clear that his Excellency had misunderstood the address, and he therefore moved an amendment to the Resolution before the house:—

"Whereas, his Excellency the Lieutenant Governor, in his reply to the address of this house of the 10th instant, relative to his power to pass the Marriage Bill then before the house, without a suspending clause, has evidently misunderstood the said address, or he never would have construed the same as requiring a pledge for his assent to the said Bill, and consequently would not have termed it "both unconstitutional and unparliamentary." Therefore, *Resolved*, that in the opinion of this Committee the said reply was not in accordance with the language and meaning of the address, and that the words "unconstitutional and unparliamentary," used and applied by his Excellency in such reply, was unapplicable to the same."

Mr. Weldon.—Before he could go with the resolution or the amendment, he must be satisfied that the proceedings of the house had been in accordance with the usage and practice of Parliament (!!!)—and until he heard some stronger authorities than had been offered he was not prepared to go with the resolution or amendment. [We know that before the resolution and amendment were proposed, from the disposition of Mr. W. to set us in motion by a "standing order.—REPORTER.]—The case cited from the Journals of 1797 was not in point. There was no bill before the house when that address was presented. The address of this house was differently situated—there was a bill in its passage through the house when the address was presented. There was a great difference in addressing the Governor as to a matter before the house, and not before it. He found on reference to authorities, that the application of the house was unparliamentary and unconstitutional—he cited Blackstone's Comment.—[2 pages of the *index* would have been as much in *point*.—REP.] He would ask whether if his Excellency had answered the address of the house in the affirmative it would not have influenced the decision of the house, and have induced them to strike out a section of the bill? [This was the most absurd argument that ever was offered in a senatorial assembly—the section which he argues would have been struck out had no more to do with the merits of the bill, than the *suspending* loop of my cloak has to do with the quality and fashion of it.—REP.] Sir, (continued Mr. W.) we asked his Excellency for an opinion which would have influenced the decision of this house. and we have done that which if it were allowable would be subversive of the constitution. Mr. W. then cited from 3 Hatsell, 57. [About as apropos as a chapter of "Goody Two-Shoes."—REP] What did that authority say?—That neither a bill nor any part thereof could be communicated to his Majesty, (!!!) before it had passed the other two branches. How did that apply to the case? Had they not in their address informed his Excellency of the substance of the bill? [Mr. End—certainly.] Then, (said Mr. W.) we have asked his Majesty's opinion on a bill. (!!!) It was improper to inform his Excellency what the house had pending before it—and as he could find no precedent to justify the course which the house had adopted, he was clearly of opinion that their proceedings were unparliamentary.

Mr Chandler. [Before we proceed, we would remark that we are not sufficiently experienced in the reporting business to enable us to methodise this gentleman's speech *en passant* Whoever has attempted reporting will readily admit that it is difficult to report a speech wherein are many parenthesis—and Mr C.'s speeches abound in them. Peporter.]——We should take up the question before us in a parliamentary view (said Mr C.) and examine it coolly—we should not examine into a question under the excitement of popular feeling—and I am sure that neither popular feeling nor clapping of hands, nor any thing of that kind, shall in any way influence me in my vote. The hon. and learned member from Gloucester has anticipated much that I would have said; he has treated the question fairly and brought it clearly before the house. I am satisfied we asked an improper question of His Excellency, though we asked no pledge whatever. The moment the hon. member from St. John (Mr Partelow) brought his clear head to bear upon the address, he tells us he discovered that it was improper. As to the Royal Instructions they are well known by the house, and we know His Excellency's power under them. As to the Dispatch relative to the Marriage Bill, we had that before us and we had as much information therefrom as His Excellency' D'd we then ask His Excellency's opinion upon the Dispatch? Surely we could have formed as correct an opinion thereon as His Excellency—and it was not proper to ask his opinion on the subject. But let me put it to the common sense of this house; and here I would say that we ought to be governed always by common sense; was it right to ask His Excellency's opinion at all? Suppose he had answered us that he would give his assent to the bill alluded to; and when the bill had come before him, he should object to it without the suspending clause, because of some of its provisions, we should in such case say you have deceived us; the country would say that his Excellency had not acted fairly. This, Sir, is the common sense of the thing. And if this would be the construction of such an answer, the answer itself would be a pledge. Authorities have been read to shew that the King is not to be named in the House of Commons in debate; and an hon. member in this house was called to order the other day for mentioning His Excellency's name in debate. If the name of the Governor cannot be mentioned, much less his opinion. Sir, which would have much stronger effect on the house. An honoracle member, Mr Simonds has said, that he considered the answer as that of the Executive Council. Now we should remember that the honorable member has said that he would receive whatever came from that Council with a great degree of jealousy; and therefore his reasonings and opinion upon this question can have but little weight. I would ask what would the Legislative Council have said, had his Excellency answered our address in the affirmative? They would have said, 'the house have thought proper to get a pledge from his Excellency—two branches are now agreed, that is improper.' And Sir, they could, and perhaps would have thrown out the bill altogether. I hope that when the honorable member for Charlotte, Mr Brown, comes to reflect more upon this question, he will discover his error. The words 'unconstitutional and unparliamentary,' are in every day use between the different branches of the Legislature; and they are proper words in point of fact, when applied to any one branch infringing on the rights of another. I am prepared, Sir, to give my opinion in any way publicly, or in any other way, and I care not whether it is followed by clapping or hissing, though I am of opinion the allowing of any such expression of feeling is disgraceful to this house.

Mr. Simonds—The learned member's speech is made up of himself—which is often the case; and as to clapping, we all know that the hon. member cares as much for popular applause as any of us.—Hatsel has been cited by an hon. and learned member, and the passage he has cited has no bearing at all upon the question before the house. We have not been asking for the opinion of the *King*, sir, but of the Lieut. Governor, and we have not asked even the Governor's *opinion* upon a bill, but we have asked him for information as to his power. The hon. member for Kent thinks the authority directly in point—he has ransacked Hatsell from beginning to end, and the only authority he can find is one altogether foreign to the question. I am surprised that he has read that authority,—it says, "a bill or any part thereof." Now we have not laid a bill or any part of one before his Excellency for his opinion, we have only requested him to say whether if a bill were to pass so and so, he would require a suspending clause, and for such request we have a good precedent. I suspect another hon. and learned member [we think he alluded to Mr. Street,] will give a very different construction to the authority from Hatsel from what he has been given. It is presumption in *me* to differ from learned members as to "authorities," but when they do not bear upon the question at all, I must differ.

To be Continued.