

Legislative Proceedings.
COUNCIL CHAMBER.

TUE-DAY, Feb. 21.
The house met at half-past four.
Hon C. R. Ayre, Chairman of the select committee appointed to prepare an Address in reply to the opening Speech of His Honor the Administrator, presented a draft thereof, which was thereupon read a first time; to be read a second time to-morrow.

On motion of Hon. P. G. Tesseir, pursuant to notice the following members were appointed a select committee on printing and contingencies.

Honorable Messrs. Tesseirs, Winter, Talbot, Thorburn and the Colonial Secretary.

Hon. Stephen Bendell gave notice to ask the Hon Colonial Secretary for a detailed statement of expenditure made from the "Fishery Award" down to 31st December last; together with a statement of the balance, if any, now remaining from said Fishery Award and where and under what conditions the same is invested.

Hon. Dr. Winter gave notice to ask the hon. Colonial Secretary to lay on the table of the Chamber estimates of the probable annual expenditure under the provisions of the Railways Act of last Session, 1881, under the following heads:—

- 1st.—Expenses of conveyance of mails.
- 2nd.—Expense for telegraph and telephone service, annually.
- 3rd.—The rate and amount of expenditure, for interest on the amount to be advanced by Government for the right of way through private property.

Estimate of amount of salary of Government engineer and staff, &c.

Also, to ask the hon. Colonial Secretary to lay on the table a detail statement showing the yearly expenditure under the Railway and Loan Acts passed last session, including the annual subsidy and interest calculated at 4 per cent for 35 years from the first to the last year inclusive.

The house then adjourned to Friday

FRIDAY, FEB. 24.

The house met at half-past four o'clock.

Hon. E. White (senior member) presided in the absence of hon the President.

On motion of Hon. James Fox, in the absence of the hon mover, Mr. Ayre, the Address in reply to the opening Speech, was read a second time, to be committed to-morrow.

The hon James Fox gave notice to move the suspension of the 35th rule of the House in reference to the Address.

Hon. Mr. Thorburn.—To ask the Hon. Colonial Secretary if application has been made by or on behalf of the Railway Company, for any portion of the land grants, to which the said Company is or may hereafter be entitled under their charter from the Government?—Whether such application was confined to unappropriated Crown lands, or if it embraced any portion of the so called mineral reserves, specifying the same, if granted, and if refused, stating the grounds of refusal?

Hon. Mr. Harvey.—To ask hon Colonial Secretary to lay on the table of the house a copy of the reports of the Municipal Supervisors to the Chairman of Board of Works for the month of Jan. 1882, for the two unincorporated districts:

- 1st.—The district in which is situated the Cove between Messrs. C. F. Bennett and J. J. L. Furlong's premises.
- 2nd.—The district in which is situated the Newfoundland Furniture and Moulding Company's building.

The house then adjourned until next Monday.

MONDAY, Feb. 27.

The house met at half-past four o'clock.

Pursuant to the Order of the Day and on motion, the house resolved itself into committee of the whole upon the Address—hon Dr. Winter in the chair.

The first section was read and adopted the second was read as follows:—

2.—We, in common with the whole community regret that our recently appointed Governor, His Excellency Sir Henry Maxse, should be obliged in consequence of serious illness, to leave the colony for a time; we hope in a few months to welcome His Excellency on his return with health fully restored for the resumption of the important functions of his Government. It is, however, to us a matter of great satisfaction that the duties of the Administrator have been devolved on one so eminently qualified to discharge the

Hon. R. Thorburn said there appeared to be very general regret at the absence of His Excellency Sir Henry Maxse from the seat of his government, that regret, as is expressed in the speech, being chiefly caused by the knowledge that it has been produced by the severe illness of His Excellency. In the section of the address now before the committee we state our concurrence in that regret, and the cause that has necessitated His Excellency's absence, although should His Excellency, as is to be hoped, be restored to health he (Mr. T.) did not think any one would have lost much, even His Excellency himself, beyond the honor and glory of delivered this ministerial declaration. It was a document pretty much in the usual form and style of such pronouncements, not remarkable for special brilliancy, and devoted in considerable measure to an expression of sentiments exhibiting the mutual admiration principle in no stinted measure. Taking the Speech as a whole it is not much to boast of. However he thought as regards the paragraph before the chair, it was satisfactory to the country, in the unavoidable absence of the Governor, that the affairs of the colony were being administered and parliament opened by a gentleman so long and favorably known as the present Administrator, a member of one of the oldest and most esteemed Newfoundland families and one which occupies a high place in popular regard. It might be well perhaps to exercise a discretion with regard to dead issues of our political history; the profession of politics not being exempt from the fallibility that attends most human affairs; and references often provoke. But while merely alluding to the past the question of confederation arose in his mind and, he must say credit should be accorded to the present administrator, for the honest course he pursued when as premier of the Government of the colony, and an avowed confederatist, he, though having it in his power to bind Newfoundland to the colonial union, declined to do so without consulting the feeling of the people. He had it in his power with a large parliamentary majority at his back to carry confederation to finality; but to his honor be it said, he preferred to see his native country decide its own destiny by the expressed voice of the people, he risked the existence of his government upon the issue and lost the stakes. It was but meet occasionally to refer to such exceptional instances of political virtue, not the less to be recognised and admired whether exhibited by friend or foe. But a few years ago it will be remembered an animated discussion occurred in this chamber upon a Bill which many hon members of this council regarded as aiming a blow at the privileges of this honorable body; it was a measure designed to remove from the Royal Charter of Justice certain restrictions which precluded the Judges of the Supreme Court of the Colony from holding any other office. Its object was to enable Sir H. Hoyles then Chief Justice, to

qualify himself for the post of administrator of the Colonial government in the absence of the actual governor. He [Mr. T.] remembered that at the time of the introduction of that measure, it was contended that its provisions would apply to Sir Hugh Hoyles only, but the views of the minority of this chamber, of which he [Mr. T.] formed one at the time, in making a stand against the Bill as an abrogation of the privileges of their body, and which they urged would be continuous in its effect, have since been fully verified by the lapse of time. Five hon members of the council voted against what they rightly held to be a restriction of their constitutional privileges which empowered the president of the Legislative Council to assume the functions of government in the absence from the colony of the governor of the period. The act in question however, changed that procedure, which had existed from the time of the concession of responsible government to the colony. It was perceived in the Act that the Chief Justice by virtue of his office should administer the government in the absence of the governor, and we now see that notwithstanding the assertion of the provision had application to Sir Hugh Hoyles only, the post will in future be held by his successors, unless and until some further change is made in the provisions of the constitutions of the colony. He did not mean to insinuate that we have any cause for regret, when we have at the head of affairs a gentleman so well qualified to administer them as Sir E. Carter, but events now go to show that the measure which took that host from the presiding officer of this council dealt a serious stroke at the integrity and independence of this honorable body. He referred to this matter now in no spirit of caution or animosity but in the belief that there was no harm in reverting to the course taken at the time of its enactment by those of the council who strenuously opposed it upon grounds the correctness of which time had fully proved. There seems to be less disposition of late years to consume the time of the legislature in discussing the Address, and no doubt much valuable time used to be wasted, which might be more beneficially spent if did not therefore desire to tax the patience of the committee by speaking at too great length, though there were some other points in the Address that he should comment upon as they proceeded.

The section was then adopted and the third as follows:

3.—reviewing the results of our staple industries for the year now past, it is gratifying to find that those have been, on the whole of a character such as to realize the reasonable expectation of those interested, in the several pursuits, further compensated as they have been by the high prices obtained.

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