

NEWFOUND-
LAND.

own undoubted right, freely and without restraint, as a co-ordinate branch of the Legislature, to deal with every subject which may come before them, and not to be coerced into the adoption of a Bill, embracing separate and distinct objects, respecting which they may entertain diverse opinions; and, therefore, if the Assembly are anxious that Bills of Appropriation should not be altered or amended in the Council, but simply passed or rejected in the form in which they come up, they must send them up in such a shape that the Council may, without embarrassment, concur in or dissent from each proposition, otherwise they will feel themselves compelled to make such amendments as they may deem essential, as the occasions shall arise; and if such a course shall be in opposition to claims of privilege set up by the Assembly, the blame will be at their own door, for persevering in a course which the Council have an equal right to dissent from; and they take this opportunity distinctly to acquaint the Assembly that they will not be induced, by any considerations of temporary expediency, to deviate from those principles which they deem of such vital importance to the free exercise of an independent judgment upon every question that shall be brought under their deliberation.

The Council have already rejected a Bill for appropriating nearly three-fourths of the colonial revenue, raised during the year, towards the making and repairing of roads and bridges, because no sufficient provision was made in that Bill for guarding against a wasteful and lavish expenditure of so large a sum; a point which cannot be too scrupulously attended to; and now, with a view to constrain the Council to acquiesce in the views of the Assembly, the same appropriation is tacked to the supplies necessary for carrying on the Government; a proceeding which the Council will steadily resist. If by a perseverance in this method of endeavouring to coerce the Council, any inconvenience shall be experienced on account of the usual supplies not being granted for defraying the charges of administering the Government, the responsibility will not rest with the Council, as they are ready to concur with the Assembly in passing the usual Bill for granting those supplies; and it will not shift that responsibility from the Assembly to the Council, their sending up a Bill granting those supplies, with grants of money for other objects tacked to it, avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual Supply Bill, which they would otherwise reject or desire to see modified.

The best parliamentary precedents deprecate the heaping together in one law a variety of unconnected and discordant subjects, as being unparliamentary. But to do this in cases where it is known that one of the component parts of the Bill will be disagreeable to the Crown or to the Lords, and that if it was sent up alone it would not be agreed to; upon this account, and with a view to secure the Royal assent, or the concurrence of the Lords, to tack it to a Bill of Supply which the exigencies of the State make necessary, is a proceeding highly dangerous and unconstitutional.

In the neighbouring colonies of Nova Scotia and New Brunswick, to which the Assembly have so frequently referred for precedents, which they have urged upon the Council as proper to be followed by the Legislature in this island, all the resolutions passed in committee of supply, upon which their Bills of appropriation are afterwards founded, are constantly sent up to the Council for their concurrence, thereby affording the Council the fullest opportunity of either concurring in or rejecting each proposed grant. Had this course been adopted upon the present occasion by the Assembly, there would not have been such strong objections to embracing all the grants in one Bill, although such a course is not usual in those colonies. In the larger provinces of Upper and Lower Canada, a different mode is used, namely, the appropriating particular grants of money for specific objects in separate Bills; thus preserving the spirit of the constitution, which contemplates the free and unfettered exercise of the judgment in each branch of the Legislature, upon every distinct subject brought under deliberation.

In either House of Parliament it is usual to divide a complicated question, to enable those who are in favour of one part of a proposition, but opposed to another, freely to give their vote upon either, and it would be considered as most unfair to frame a complicated question, with a view to deprive members of that method of recording their sentiments.

For these reasons the Council do insist that the matters embraced in this Bill, which are diverse in their nature, shall be separated, and they will not concur in establishing a precedent, that objects so dissimilar may be put together in one Bill; and more especially upon the present occasion will they resist such an attempt, since the grant for making and repairing roads and bridges has already been rejected by the Council, on account of the provisions contained in the Bill appropriating the same having been deemed insufficient, in the opinion of the Council, for guarding against an improvident expenditure thereof.

Until this constitutional question shall have been definitely determined, it is unnecessary to discuss the sufficiency or inadequacy of any particular items of the appropriation proposed, or the propriety of making some of the grants, or of leaving out others equally proper to be made.