

24th January, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Report of Conferees.

The Conferees went to the Conference, and having returned, reported that they had met the Managers from the House of Assembly, and received from them their Instructions, which are as follow :—

Assembly's Instructions to their Conferees on the Poor Bill.

The House of Assembly have desired this Conference on a Bill entitled "A Bill to Provide for the Relief of the Poor of the Island of Newfoundland," in order to inform Her Majesty's Council of their reasons for dissenting from the objections made by that Honorable Body in their last Conference to certain details in the late Bill entitled, "An Act to make Provision for the Sick and Destitute Poor of the Island of Newfoundland." Her Majesty's Council have stated, in the first paragraph, that in making amendments in that Bill "they have been governed solely by an anxious desire so to amend its several provisions as to ensure the assent of the Executive to the Bill, and its consequent immediate operation."

The Assembly will not say that the opinions and intentions of the Council were otherwise ; but when every page of the Journals of Her Majesty's Council testifies that the House of Assembly can never regard the amendments of their Money Bills by that Body in any other light than as violations of their privileges, and when every page of the Journals of the Assembly (and with all of which the Council are furnished) proves that a Money Bill coming down amended from Her Majesty's Council can never be further considered in the Representative Branch of the Legislature, they cannot but feel that Her Majesty's Council might have known that they were not adopting the best means to secure the immediate operation of that measure, but were reiterating a course that has always most effectually tended to protract discussion.

In the second paragraph Her Majesty's Council declare their objections to have Commissioners appointed in the Act for carrying its provisions into effect ; and further, that they regard it to be "more constitutional in principle, and convenient in practice, that these Officers should be appointed by the Executive;" and they adduce in support of their view "the Speech of His Excellency the Governor at the opening of the present Session," and an Extract from a Despatch of the Secretary of State for the Colonies of the 4th June, which Extract they also insert in their "Reasons for a Conference."

The following is the observation in His Excellency's Speech respecting the Poor Bill of last Session, in addressing the Assembly :—"By regulations prescribed by Her Majesty's Government the House must be sensible that it is my duty rigidly to abide—and it will consequently be perceived, that had the Poor Bill, as sent up towards the conclusion of the late Session, been fully adopted by the Council, it could not possibly have received my assent."

Without stopping to enquire why His Excellency was not advised to declare explicitly the "Regulations" by which he was thus fettered with reference to that Bill, or to point out the particular provision or principle therein embodied that militated against those "Regulations,"—without asking why His Excellency, when the House of Assembly, in their Address in reply to His Excellency's Speech, had declared that they were not aware in what respect the provisions of that Bill had been either "opposed to or beside" His Excellency's Instructions,—without demanding of Her Majesty's Council why, when the Assembly thus properly and reasonably sought that information which would have greatly accelerated the public business, His Excellency was advised to refrain from granting that which the Assembly had a right to expect—they are obliged to say that they can see nothing in the Extract quoted from the Despatch of the Secretary of State, nor anything advanced in His Excellency's Speech, to warrant the assumption that the appointment by Legislative enactment, and not by the sole voice of the Executive, of unpaid Commissioners, is either "unconstitutional in principle," or "inconvenient in practice."

As to the constitutional principle, surely it cannot be unconstitutional that the *three* branches of the Legislature shall have a concurrent voice in the nomination of unpaid Commissioners ; nor can it be regarded for a moment as more "constitutional" that *one* of those branches should be permitted to exercise powers that ought to belong to the three ; and with reference to the "convenience in practice," the experience the Country has had of the working of both systems, so far confirms the views of the Assembly of the great importance, both in point of utility and "convenience," of continuing the practice that has prevailed so