

The following is the communication of his Excellency, to the Legislative Assembly: "THOMAS COCHRANE."

The Governor considers it due to the House of Assembly to transmit to them the copy of a petition he has received from Doctor William Carson, one of the representatives of the District of St. John's in which the House of Assembly will observe that the Petitioner states that the House has passed a vote of Two Hundred Pounds for the Medical Attendant on the Poor of St. John's for the current year, under an understanding of the House that the duties should be performed by the same individual who had formerly filled that office.

The due regard the House of Assembly have hitherto evinced for the just prerogatives of the Crown forbid the belief that they could entertain a desire to interfere in the appointment of its Executive Officers, and the uniform respect the House have shewn towards his Excellency, fully assure him that had they desired to convey to him any expression of their wishes, or to inform him of their proceedings they would not have deviated from the usual forms pursued on similar occasions.

Government-House, 3d May, 1834.

Mr Speaker, in this communication of his Excellency, several very important questions arise of serious importance to the liberties of the subject, and the privileges of the House. In the first place, I have been impeded in the unquestionable right of petition. I have been damnified in the exercise of it. In the next place, the privileges of this House have been violated, and the House itself appears disposed to adopt a mode of proceeding the very reverse of everything parliamentary, and to the sacrifice of its dignity as a free Assembly.—Of the violation of the right of petition I have already animadverted. "If," says Blackstone, "the King had a right to animadvert on either of the Houses, that branch of the Legislature so subject to animadversion, would instantly cease to be a part of the supreme power.—The balance of the constitution would be overturned, and that branch or branches in which this jurisdiction resided, would be completely sovereign." Is not this communication to the House of Assembly during the most important period of the exercise of its privileges—the consideration of the appropriation bill, for that has not yet passed the house—an unjustifiable interference with the privileges of this House, in strong animadversions on its proceedings, arising out of a petition of a private individual?—The same constitutional lawyer, whom no person who has read Junius will accuse of leaning too much to privilege, says, "Thus the privilege of Parliament was principally established, in order to protect its members not only from being molested by their fellow-subjects, but also more especially from being oppressed by the power of the crown. It, therefore, privileges of Parliament were once to be set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some measure not-

withstanding the line of privilege, and under pretence thereof to harass any refractory member, and violate the freedom of debate."

—I consider the Executive, Sir, to have violated, in the communication to the house, the privileges of this House, under colour of the house having encroached, which it has not done, on the prerogative of the executive.

Now, Sir, what is the duty of the House in this business? Simply to acknowledge the receipt of the communication, without in the smallest degree entering into the result of any deliberation on the subject. De Lolme, an authority on the Constitution of the highest authority, speaking of messages of the King to either house of Parliament, uses these words—"The King, indeed at times, sends messages to either House: and nobody, I think, can wish that no means of intercourse should exist between him and his Parliament. But these messages are expressed in very general words; they are only made to desire the House to take certain subjects into consideration. No particular articles or clauses are expressed. The Commons are not to declare at any settled time any solemn acceptance or rejection of the proposition made by the King, and, in short, the House follows the same mode of proceeding with respect to such messages as they usually do in regard to petitions presented by private individuals." In the motion before the house so strongly, but so improperly condemnatory of my conduct, is a business which has no relation with the house. The house, in its adoption, would be sacrificing its own dignity, its best privileges, and doing an insuperable act of injustice to an individual for the gratification of supreme power.—Having made these observations I shall withdraw.

#### THE STAR.

WEDNESDAY, MAY 21, 1834.

Last week, we shortly adverted to the circumstance of Dr Carson's alleged breach of the privileges of the Assembly, and the resolution passed by the House on the occasion. That our readers may judge fairly between the Doctor and the House, we, this week, give the speech of the Member for Trinity Bay (Mr Row), who moved the resolution, and the Doctor's answer. For ourselves, after a careful reading of all the circumstances connected with the affair, we do think Dr Carson has been treated with unnecessary harshness. There is no question but that Dr Carson had committed a breach of privilege; and that the Governor, looking only at the Doctor's petition (which will be seen below), had a right to presume that the House had encroached on the prerogative of the Crown; but considering that the Assembly had

as a body, by voting sums of money for officers of the crown by name, performed the act for which one of its members has been made the scape-goat; a resolution of less harshness or a refusal to take the message of his Excellency under consideration would not only have been humane but just. But say the House of Assembly we have been JUST! We punished a member for a fault committed against our privileges—our dignity! It is not our business to enquire whether the fault were committed in error or wilfully. The same reasoning would have served, and did serve the blood-thirsty Jeffries, when he convicted and sentenced the Lady Lyle. She had harboured rebels—he cared not whether she had done so knowingly, or otherwise—she had harboured them and must expiate her offence on the scaffold. Dr Carson in like manner, committed a fault from ignorance, as the particulars of the affair plainly shew, but his judges were harsh and he must expiate his offence—not certainly on a scaffold—but by being morally degraded. A more lenient mode of proceeding would have equally answered the end in view, and would have subjected the members of the Assembly, who voted the resolution, to less animadversion from the public, not even exception that of many of their friends. We were sorry to perceive in some of the speeches in exculpation of the Doctor, language ill-fitted to be used in a body of such consideration as the House of Assembly; vilification rather weakens than strengthens an argument; and it may generally be observed, that, however devoted a partizan may be who uses it, he injures his friend, and weakens his cause; for a cause that requires such help must, indeed, be presumed weak.—Dr. Carson's speech is, as a whole, what we like. It is straight-forward and sound reasoning. He seeks no subterfuges, he hides nothing, and scorns all twisting, and doublings to make the "worse appear the better reason;" he is certainly, now and then, betrayed into personal sarcasm; but, when we reflect that a man of three-score-and-ten is standing up to defend his character from having the seal of falsehood stamped upon it,