

NEWFOUND-
LAND.

— No. 11. —

(No. 169.)

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COPY of a DESPATCH from Lord *Glenelg* to Governor *Prescott*.

Sir,

Downing-street, 1 February 1838.

I HAVE had the honour to lay before The Queen the address from the Council of Newfoundland, in their legislative capacity, which was enclosed in your despatch, No. 61, of the 22d November 1837, on the subject of the questions controverted between that body and the House of General Assembly during the last Session, and I have received Her Majesty's commands to return the following answer.

The Queen deeply regrets the inconvenience to which Her faithful subjects in Newfoundland will be exposed by the loss of the Bill of Supply for the current year, and regards with lively concern the jealousies between the two branches of the local Legislature which led to that unfortunate result. The Queen, however, indulges the hope that Her mediation will be accepted by both the parties to this discussion, and that it will be effectual for re-establishing a good understanding between them, especially as their conflicting claims appear to originate rather in a mutual misapprehension than in any deeper and more settled cause.

The constitution of the Legislature of Newfoundland is avowedly modelled on that of the Imperial Legislature. With regard to money grants, however, a distinction prevails. In the House of Commons no grant of money can be initiated except by the Crown. This rule, practically, does not exist in the House of Assembly, nor, indeed, in the Houses of Assembly of the British Provinces on the continent in North America. In the latter a substitute has been devised, not less effectual in its operation, and more consonant with the general spirit of the provincial constitution. It consists in the practice of either granting the supplies for the year by a series of Bills, each of which is in turn sent up to the Council for acceptance, or in granting the supplies by separate resolutions, in each of which successively the concurrence of the Council is obtained before it is included in the general Appropriation Act. In this respect the Assemblies are subject to a restriction from which the House of Commons is exempt, a restriction which has still in view the same object, that of affording to the people a security against the misuse of that high trust which the constitution commits to their representatives.

If the Assembly should establish and exercise the double right of deciding without intervention of the Crown, first, on the amount of the public expenditure, and secondly, on the specific objects to which it should be applied; and if the only practical check on this power should consist in the right to reject all the votes of the Session collectively, it is plain that a system would be introduced unknown either in the mother country or in the British North American Provinces; and it is equally plain that such a system would be attended with very grave inconvenience. Besides other evil consequences, it would reduce the Council and the Governor to the dilemma of making, with a view to place, concessions disapproved by their deliberate judgment, or of acting on that judgment to the derangement for 12 months of the whole internal economy of the local Government.

Her Majesty is therefore of opinion that the House of Assembly would exercise a sound and enlightened judgment in acquiescing, either in the parliamentary rule which leaves to the Crown the first suggestion of all money grants, or in the rule of the provincial Legislatures, which brings every such grant under the separate revision of the Council; otherwise, the extreme right on the one side, must be encountered by a right equally extreme on the other side, and the contests between the two Houses of Local Legislature must be pursued at the expense of the people.

But although there can be no doubt that the Council should exercise freely and fearlessly the right of rejecting an Appropriation Act, it does not therefore follow that a judicious use was made of this right on the present occasion. Her Majesty having been appealed to by the Council, desires to express, though with every feeling of respect for the Council, a different opinion.

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