

APPENDIX.

COPY OF AN ADDRESS OF HER MAJESTY'S COUNCIL, IN REPLY TO CERTAIN CHARGES ALLEGED AGAINST THAT BODY, ACTING IN ITS LEGISLATIVE CAPACITY, BY THE HOUSE OF ASSEMBLY, IN AN ADDRESS TO HER MAJESTY, DATED THE 23D DAY OF APRIL, 1841.

To His Excellency HENRY PRESCOTT, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's most dutiful and loyal subjects, Her Majesty's Council of Newfoundland, having had under our consideration the various charges which the late House of Assembly has alleged against us, in our legislative capacity, and the injurious imputations which that House has embodied in its Address to Her Majesty, copy of which your Excellency was pleased to lay before us, most respectfully submit to your Excellency a few brief observations, in refutation of those charges, and in defence of our character for honest dealing and integrity of purpose.

In the year 1837, both the Council and the Assembly appealed to the Sovereign, in consequence of the differences then unhappily subsisting; and Her Majesty having graciously taken those differences into Her consideration, it is with much pain that we perceive the House of Assembly again adverting to that subject. The principles on which the Council proceeded on that occasion are so fully developed in our Address to Her Majesty, and those principles are so emphatically sustained by Lord Glenelg, the then Secretary of State, in his despatch of 1st of February, 1838, No. 169, that we conceive it would be a work of supererogation in us to trouble your Excellency in this place with any further observations in reference thereto.

With reference to the measures which your Excellency, at different times, recommended to the attention of the Legislature, and which we are accused by the Assembly of having rejected, we would respectfully observe, that though the subjects of those measures were recommended to the consideration of the Legislature by your Excellency, yet the measures themselves, as framed by the Assembly, were, if not impracticable, absolutely mischievous, and therefore they could not receive our concurrence.

Of these four measures, the Bill prepared by the House of Assembly, "to regulate Prison Discipline," was, in our opinion, of an extremely injurious character. The Assembly proposed, by that Bill, to withdraw from the Judges of the Supreme Court the supervision of Her Majesty's gaols, and to transfer that superintendence to its own members; thereby directly interfering with the due administration of Justice. The Bill also which the Assembly prepared "to make more perfect Statistical Returns," was, in our opinion, both injudicious and inexpedient. It proceeded on the principle that every return, even the most trifling, should be verified by the party making it, on affidavit; and it was therefore highly immoral in its tendency.

With respect to the "Bill for making a road from Placentia to St. John's," we would observe, that the measure in question was proposed by your Excellency with a view to facilitate the transmission of the Mails over land, should the Packet be unable to make the latter port. We therefore devoted our earnest attention to the subject, and it was only after a long and laborious enquiry, in the course of which we were convinced of the inutility of the proposed line of road, for the attainment of the object in view, that we reluctantly refused our sanction to the undertaking;—and, with respect to the Assembly's Land Bill, we would observe, that it was not rejected by us. It was, in fact, in Committee and under consideration at the time your Excellency prorogued the Legislature. The Land Bill, introduced into the Council by Her Majesty's Attorney-General, was, as your Excellency is aware, prepared by that officer in compliance with directions from the Right Hon. the Secretary of State, and we believe in strict conformity with his instructions.

We trust we fully vindicated ourselves from the charge of hostility to Education in our Address to your Excellency dated 29th January, 1840. We would therefore, here, merely point out to your Excellency that the Academy Bill, sent up to the Council in the past session, was a simple transcript of those which we had formerly amended; and, without the introduction of our amendments, the House of Assembly could not expect that it would meet with our concurrence.

With reference to the proviso added to the Education Bill in 1838, which proviso the House of Assembly attributes to Her Majesty's Attorney-General, we would observe that that officer neither framed nor proposed that amendment, and that he actually, on the contrary, opposed