

NEWFOUND-
LAND.

which we were placed by the loss of the Bill, we made immediate application to his Excellency the Governor, and prayed that he would use such means as might be in his power, to relieve us from our difficulties; but although manifesting every disposition to facilitate the advancement of the public business, his Excellency did not consider that he possessed any power of removing the obstacle which had been opposed to the progress of our legislative labours.

Under these circumstances, which we deeply deplore, and convinced of the paternal care and solicitude of your Majesty for the happiness and welfare of your subjects in all parts of your dominions, we feel that there is no other course left us, than that of making our situation known to your Majesty, assured that it will receive your Majesty's earliest consideration, and that your Majesty will grant us such relief as the nature of our case may require. And since we have been prevented from availing ourselves of the only means by which we deem it prudent or practicable to raise a revenue, we have most humbly to claim the favourable consideration of your Majesty's Government in making provision for the support of the government of the colony for the present year.

In the House of Assembly, 11 March, A. D. 1833.—Then passed in the House of Assembly.

(signed) *J. Bingley Garland*, Speaker.

No. 5.

— No. 5. —

(No. 47.)

COPY of a DESPATCH from Governor Sir *T. Cochrane* to the Right Hon. *T. Spring Rice*.

Government House, St. John's, Newfoundland,
22 September 1834.

Sir,

DURING the two first sessions of the colonial Legislature the Council adhered in all respects to His Majesty's Instructions, and to the usages of the Councils in other colonies; but upon the third session taking place, I unexpectedly found that they had thought proper, first to alter the appellation of the senior member to that of "Speaker;" secondly, to change the quorum from three, as fixed by His Majesty's Instructions, to five; and thirdly, to make it essential that the Speaker should be one of it; and moreover, as I was further given to understand, to make the situation of Speaker elective. I could not but be extremely surprised that they should take upon them so unceremoniously to invade those Instructions to which they owed their existence; and perhaps it would have been the most correct mode of proceeding immediately to have noticed it; but feeling that those who introduced such innovations would in all probability be induced to adhere to them, I preferred allowing them to pass unobserved, and intended to confine myself to communicating the circumstance to you, for your instructions thereon; and I was about to have the honour to address you when it presented itself to me, that although I had a cognizance of what passed, it was not before me in that official and formal shape which might place my assertions, in some part of the detail, beyond contradiction; and to prevent the possibility of any mistake on my part, I directed the letter No. 1, to be addressed to the chief justice (who, arriving in the Colony between the second and third sessions, originated the change in question). In consequence of this answer (No. 2) the letter No. 3 was addressed to the attorney-general, and on receiving his reply (No. 4), a message, of which No. 5 is a copy, was transmitted to the Council, and to which its answer (No. 6) is attached:

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

I do not pretend to know what are the rights or privileges of the House of Peers with reference to answering any questions His Majesty may think proper to put to it, and on which I conclude the Council now take their stand; but if the latter mean to do more than claim those rights and privileges, so far as the analogy is maintained between their position and that of the Imperial Parliament, it appears to me quite inadmissible.

The House of Peers, I believe, hold whatever privileges they possess by prescriptive right, and not by an authority emanating from the Crown; and whether in the event of their doing anything so extraordinary as to alter their constitution, as well as the name or title of the individual presiding over them, they could also refuse to explain the nature of the transaction to His Majesty, is a point upon which I am neither capable, nor would it be proper in me, to offer an opinion; but with reference to the colonial Council, the case is altogether different; they owe their existence entirely to His Majesty's Instructions, and