

*29th April, 1835.*

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Upon these principles the Legislative Council cannot concur in the following proposed Grants being made in this Bill, viz:—Towards remitting to James Brine Wood certain Colonial Duties paid by him on the importation of a quantity of Madeira Wine, agreeably to the prayer of his petition, £37 2s.

One pound per diem each for every day's attendance in the House of Assembly of such of the Members of the said House representing Out-Ports, as do not reside in Saint John's, provided the same shall not exceed the number of Forty-two days in the whole.

Towards compensating James Blaikie, Esq., late Clerk of the Central Circuit Court, for past services, £100.

Towards defraying the expense of providing Law Books for the use of the following Out-Ports, viz:—Harbor-Grace, Trinity, Bonavista, Twillingate, Ferryland, Placentia, Saint Mary's, Burin and Harbour Briton, £100.

And the several sums devoted to the improvement of Roads.

The Legislative Council also object to the Contingencies of the Legislature forming a part of the annual Supply Bill: these contingencies are incurred for the personal convenience and current expenses of the Legislature while in Session, and should therefore be provided for in a separate Bill, unincumbered with any other subject which could create a difference of opinion, and thereby put in jeopardy the payment of individuals they had themselves employed. Upon the present occasion, moreover, sums are attempted to be granted for the Officers, Servants and Contingencies of the Legislative Council, without the previous sanction of the Council, and without any intimation having been made to the Assembly of the sums which the Council had voted for those services—the Assembly thereby assuming to regulate the expenses of the Council, which is an interference with their privileges which they are bound to resist.

The grant of £100 to purchase Books for the use of both Houses, the Legislative Council are ready to concur in, although they cannot but regret that it should not have originated in Resolutions adopted by one House and sent to the other for concurrence, expressing the joint opinion of both Houses of the propriety of the grant intended for their mutual convenience, and also expressing the mode by which the intention of the Legislature should be attained.

With regard to the reduction made in the Salary of the Clerk of the Southern Circuit Court to the extent of one half the sum heretofore paid to that Officer, the Legislative Council cannot perceive any principle by which such change can be justified. From the nature of his Office he is debarred from entering into any other regular employment; for although he is not actively employed all the year round, yet he must hold himself in readiness to attend his duty in any part of his District when called upon—besides which, the duty itself requiring the Officer to pass by sea to the ports he is ordered to visit, is necessarily hazardous, and the Council are the more struck with this reduction, when comparing the condition in which this Officer would thus be left with that of others provided for in the same Bill—this Officer is to receive but £100 for the year, while a grant of the like sum is made to James Blaikie, Esq., for past services, although he has at all times heretofore received the full amount of salary at which he took upon him his employments.

The Council are likewise of opinion that the sum of £230 proposed for the expense of conveying the Judges on their Circuits will be found totally inadequate to that end, and they very much fear, that without a further appropriation, one of the Circuits at least must, for the present year, be discontinued.

The third Clause of the Bill the Council cannot concur in, as it carries with it a distrust, not only in the Treasurer, but in the Executive Government, and tends directly to place the Treasurer in a condition to judge of the propriety of the Governor's Warrants, which it is not to be presumed will be issued in violation of any of the various Acts appropriating the public Revenue.

There are some matters of minor importance to which the Council desire to draw the attention of the Assembly, although they are not of such a nature as would be insisted upon should the Assembly view them in a different light.

There are three separate grants to Magistrates for Saint John's, Harbor-Grace and Carbonear, and in each case the style of the Officer is different from that used in either of the others.