

discountenance and oppose, if unfortunately they should at any time be advanced by that body, without their having first obtained His Majesty's express sanction to such changes in the constitution of the colony.

NEWFOUND-
LAND.

I have, &c.

(signed) *T. Spring Rice.*

— No. 7. —

No. 7.

(No. 10.)

COPY of a DESPATCH from Governor *Prescott* to the Earl of *Aberdeen*.

My Lord, Government House, Newfoundland, 7 April 1835.

I HAVE the honour to transmit herewith an address which has been presented to me by His Majesty's Council.

I have, &c.

(signed) *H. Prescott.*

Enclosure in No. 7.

Encl. in No. 7.

To His Excellency *Henry Prescott*, Esq., Companion of the most Honourable Military Order of the Bath, Governor, &c. &c. &c.

May it please Your Excellency,

WE, His Majesty's dutiful and loyal subjects the Council of Newfoundland in Parliament assembled, having taken into our consideration the despatch from the Right honourable the Secretary of State, dated the 21st October last, No. 6, which was laid before the Council by your Excellency, deem it a duty which we owe no less to His Majesty than to ourselves as a branch of the legislature of the island, to lay before your Excellency, for the information of His Majesty's Government, the following observations thereon.

The Secretary of State, in his despatch, points out four several instances, in which he states that we have departed from the Royal Instructions, and have exceeded the just limits of our constitutional authority, viz.

In assuming the title of "Legislative," when acting concurrently with the Assembly in legislating for the colony.

In the application of the term "Speaker" instead of that of "President" to our presiding member.

In changing the number of members required to form a quorum from three to five, and

In the refusal to answer, on the requisition of Sir Thomas Cochrane, certain interrogatories as to the motives of our proceedings in some particular instances.

The title "Legislative" was used by the Council in their journals from the first opening of the legislature, and so far from being objected to by the Governor, it was applied by Sir Thomas Cochrane in his first message transmitted to the Council after the opening of the legislature, and the same style was generally used by him in his subsequent messages during his administration of this government.

If, therefore, in the assumption of the title "Legislative" the Royal Instructions have been departed from and the limits of the Council's constitutional authority have been exceeded we must observe that it was an error into which not only the Council but the Governor also naturally fell from the character of the functions we were called upon to discharge.

In the substitution of the term "Speaker" for "President," the Council was influenced by the circumstance of the former appellation being more parliamentary in its signification than the latter, and certainly by no expectation that the change of title would bring with it rights not before enjoyed; or that the person appointed to preside over their deliberations, under whatever title, could derive his authority from any other source than His Majesty; and we beg leave expressly to disclaim all idea of an election having ever been contemplated by us.

The Council further desire to remark, that as the councillor who would administer the Government in the event of the death or absence of the Governor, would do so under the title of "President," the change of term alluded to might, in such case, avoid confusion.

Without a wish or intention to interfere with the Royal Instructions, the Council, in nominating five as a quorum, followed implicitly the spirit of these Instructions; for while the Council consisted of six members, His Majesty declares that three shall be a quorum; when, therefore, four new members were added to their number, the Council, seeing also that the Governor's Commission requires that all laws are to be enacted by the Governor with the consent of the "major part" of the Council and Assembly, did not consider that they were acting in opposition to His Majesty's directions (as gathered from the Commission and Instructions collectively) when they increased the quorum to five, being one-half of the members now composing the Council.

In speaking of the motives which induced the refusal to reply to the interrogatories put to the Council by Sir Thomas Cochrane, we trust that the character of the individuals

composing