

NEWFOUND-
LAND.

again requested a conference, and after reiterating our unalterable determination not to concur in any attempt to tack occasional grants or other sums for alleged contingencies to the usual Bill of Supply, for the reasons already stated, we proceeded to enumerate such of the items in that part of the bill which related to the ordinary charges for administering the government, as we thought objectionable, and to point out the necessity of providing for others which had been altogether omitted.

It has been usual in this colony to designate with great minuteness and particularity the precise objects to which the supplies are to be devoted, so much so, that not even a constable receives any stipend not specifically appropriated. The inconvenience of this extreme particularity is most obvious upon the present occasion, and we humbly conceive, that had a different method been pursued, much of the inconvenience now felt would never have existed.

It is undoubtedly the province of the Executive Government to make such a distribution of the supplies granted under the several heads of public expenditure as shall be most conducive to the efficiency of the public service, and, especially, it should be so in all matters relating to the administration of justice. Upon this principle Parliament proceeded when the reservation was made of a sum for paying the salaries of the Governor, Judges, Attorney-general, and Colonial Secretary, the particular distribution being left to the discretion of the Crown. The Legislature, however, have hitherto acted differently, and the specific stipend to each magistrate and constable for each locality is fixed by the Act appropriating the funds necessary for defraying the charge.

In consequence of this system, the individual filling each of these situations is brought under the notice of the Legislature, and any private pique or other cause of dislike, as well as a wish sometimes to advance the interests of a favourite officer, may, under various pretexts, cause attempts to be made for diminishing, abolishing, or increasing the stipend of these humble functionaries as they come under review. Had the appropriation for defraying the stipends of the constables, for example, been granted in one gross sum, it would have remained with the Government to have distributed it as the public service, and a due regard to the claims of public servants, might require; and had the Assembly been disposed to retrench, such retrenchment would not have been at the expense of any individual officer, but upon the gross amount, so that attacks upon individuals could not thus be effected; and should a desire exist to favour any individual, the opportunity would not be afforded, because any increase would go to augment the general fund applicable to that service, and the Legislature would thus be prevented reaching individuals at all, either for good or evil.

In the Supply Bill now under consideration, and which the Council could not concur in, this system was attempted by the Assembly in a manner most unjustifiable; and we beg most respectfully to refer Your Majesty to the accompanying instructions to our conferees upon the occasion, as well as to the Report of the Select Committee upon the subject.

The persons whose stipends were either withheld or diminished were opposed at the late elections to the candidates returned for their respective districts, while those whose stipends were increased were friendly to their return, and otherwise objects of their favour. If such a course of legislation were once allowed to take root, especially where the administration of justice is concerned, it needs no argument to prove to Your Majesty, that a blind subserviency to the members of the Assembly would shortly supersede devotion to Your Majesty's service. We have therefore felt ourselves constrained to resist firmly at the outset all attempts of this nature, even at the hazard of a temporary suspension of the supplies.

We have also felt it our duty uniformly to resist the tacking to the Supply Bill the appropriation for defraying the contingent expenses of the Legislature; and in no instance since the existence of a Legislative Assembly in this colony has such a method prevailed.

The grant for contingent expenses last year was 984*l.* 9*s.* 3*d.*; this session the Assembly have insisted upon granting to themselves a much larger sum, while the entire grant proposed by them for contingencies has increased to the sum of 2,392*l.* 2*s.* 2*d.*, which we look upon as out of all reason and unnecessary; and, consequently, we have insisted that these grants shall come up as heretofore in a separate measure, that we may, without detriment to other questions, discuss this subject unincumbered by other considerations; and the only object for tacking these grants to the Supply Bill is, to constrain us to acquiesce in them rather than lose the supplies. And we humbly submit to Your Majesty, that nothing can be more unconstitutional than for the Assembly to threaten withholding the supplies for defraying the usual charges of administering the government, because they are not allowed to appropriate a large sum to themselves and to those whom they may think proper to patronize.

If they can appropriate to their own use one sum under pretence of privilege, they can take whatever they please; but the Council are of opinion that they would be guilty of a flagrant breach of their duty to Your Majesty and to the public did they allow themselves to participate in such a manifest impropriety.

Whatever contingent expenses are fairly incurred to advance the legitimate interests of the public, or to remunerate individuals, whether members or other persons, who shall have performed any service demanding a fair compensation, will be most favourably considered by us, with every desire to meet the just expectations of the Assembly; but any appropriations of the public revenue which shall, in our judgment, be manifestly and flagrantly improper,