

Bill had been in progress for weeks, and its existence well known to every body, not a whisper ever reached me that any exception could or would be taken to it.

Your Lordship will readily imagine that the Assembly were much excited at the rejection of their Bill, and the community at large very indignant; and it was one of my first endeavours to avail myself of any influence I had over the leading men of that body, to moderate their feelings and induce them to maintain that decorum they had, in their discussions on the subject, hitherto observed; and I am happy to say they have on the whole met my expectations. Some few days after the Bill was rejected, the House waited on me with an Address, a copy of which, with my reply, I have the honour to annex.

It is of course out of my power to communicate to your Lordship a detail of the reasons assigned by the president of the Council and attorney-general for their opposition to the Bill, and the former is too tenacious of his privileges for me to think of asking for an account of what he stated in the Council; but the accompanying short report of his speech, I understand from several persons, contains the substance of what he said on the occasion. From the attorney-general I can only learn that he founds his opinion of the incompetency of the local Government to impose duties on articles already taxed by the Imperial Parliament upon general principles, supported by the 6 Geo. 4, c. 114.

If these gentlemen shall be found to have decided correctly, then every Assembly, Council and Governor in every colony will have been acting illegally for the last 100 years, and every Sovereign and Privy Council for the same period will have sanctioned and abetted such illegal acts; for I believe there is not a local legislature that does not impose import duties: and in contradiction to the statement made by Mr. Tucker, that in Nova Scotia they get rid of the difficulty by putting the duties on as an excise, I have now before me the Journal of the Proceedings of the Assembly of that province for the year 1830, in which I not only find they impose duties of excise upon home made articles, and duties upon imports to a large amount, but that in a Council held by His Majesty on the 1st November 1830, of 47 Bills, passed in 1829, and submitted for approval from that province, one is intituled "An Act to alter and continue the Acts now in force to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Import on Wines, Brandy, Gin, Rum and other distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar;" and another intituled "An Act for the further Increase of the Revenue by imposing a Duty upon Articles Imported from Foreign Countries;" and again in the same Council was submitted one passed in 1828, "An Act intituled an Act to alter and continue the Acts now in force to provide for the Support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Import on Wine, Brandy, Gin, Rum and other distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar." All which Acts were confirmed by His Majesty in Council, after having undergone the ordeal of being reviewed by the Lords of the Committee appointed for the consideration of all matters relating to trade and foreign plantations.

Now, my Lord, I think, with such evidence before them, both the president and the attorney-general ought to have had some diffidence of their judgment before they persisted in a measure which has thrown the colony into confusion, and have been satisfied with entering a protest or have referred the question home for their guidance in a future year. Still, if they were fixed in their opinions, although erroneous, and conscientiously considered their duty and the enactment of that Bill at variance, however their decision might be regretted, it would scarcely expose them to censure. But your Lordship will perceive, from a perusal of the report of his speech (the authenticity of which I have no doubt), that Mr. Tucker did not confine himself to the measure before the Board, but commented upon the wisdom of granting that constitution His Majesty had extended to the colony; a line of conduct uncalled for, and which I cannot but view as reprehensible. As a government officer, whatever his impressions were, it was his duty, I conceive, to suppress them the moment the measure was decided on, and to give his countenance and best endeavours to its success; it was the rule I prescribed to myself, and I think ought to have been observed by every other public officer.

Mr. Tucker's refusal to assent to the Bill on the ground of expediency was little less objectionable; for, whether in his opinion the colony could or could not bear taxation,