

had been advanced in support of an opinion, that the Colonies had no power to levy any Duty on articles affecting commerce, and he trusted he should find no difficulty in rebutting those arguments.—The hon. gentleman concludes a most able speech in the following words:—

When he saw their rights trampled on, their Revenue snatched from them, and the untasted cup dashed from their lips, it was time for every member of that House boldly to express his sentiments; and, however friendly his feelings might be towards individuals in private life, as Public men their actions were equally open to praise or to censure, and he would render to every man his due. He was there to protect the rights of his constituents and he would do his duty in maintaining them. The Chief Judge had declared in his place at the Council, that even if the Revenue Bill passed through all the branches of the Legislature he would, in his Judicial Capacity, consider it a nullity—"a dead letter."—He had committed an act of supererogation by volunteering such an assertion, and he (Mr. T.) felt it his duty in that House to repudiate it. If he thought the Chief Judge capable of acting up to such a declaration he (Mr. T.) would be the man to move an address to His Majesty to remove that hon. Gentleman from his situation; but he trusted it was a word spoken in the heat of argument, which his cooler judgment would cause him to forget. The Attorney-General was an interested individual, and ought not to have been placed in the Council. Had he been left out of that body his services, as a Law-giver, might have been useful to that Assembly. He (Mr. T.) was not inclined to impute improper motives to any one—he was confident the hon. the Chief Judge had acted conscientiously in the business, and he trusted the Attorney-General had done the same. But he was sorry that the latter gentleman had placed himself in a situation that might attach suspicion to his conduct on that occasion.—It was well known that his salary of £150 Sterling was placed beyond the controul of the House, but his commuted fees of £250 Sterling were not so. He (the Attorney-General) might easily conjecture that that House was not so prodigal of the public money as to wink at his receiving £700 a year for the trifling share of public work that he had to perform; it was, therefore, his interest to get rid of the Assembly before it had seriously decided on the value of his services. If the hon. Gentleman had his eye fixed on the Chief Seat in the Judicial Bench—if that were the leading star which guided his opinions and his actions, he would tell the hon. Gentleman that it was not the right way to deserve the boon, by endeavouring to strangle the House of Assembly in its infancy, and thereby to prostrate the hopes and expectations of the people. They had been insulted by being told they were not ripe for Local Legislation—that their attempts to enact laws were feeble and puerile; but if they were not allowed to put their hands into their own pockets would they allow any man or any other knot of men to do so? A document (he had been informed) had, some few years ago, found its way into the Secretary of States office, recommending a duty of 3d. per gallon on Spirits, and 2½ per cent. on all other imports into Newfoundland, except potatoes and salt; in the raising of which Revenue the people were to have no voice, and over its expenditure they were to have no controul. He did not know who recommended such a measure—but this he could say for it, that it had failed to produce the intended effect. It had been the means of exciting the people to demand a Local Legislature, and on that superstructure had the present constitution of the Colony been erected. He hoped the House would not allow its energies to be paralyzed by sophistry, nor beaten down by interested Parties. He looked forward to the time when the interests of the Country would be fairly represented in an enlarged Council, and when the House of Assembly, also, would have an accession of talent by a considerable addition to its numbers.—Though limited as its numbers now were, it possessed men of sound sense and good understanding, who were well acquainted with the wants and wishes of the people—men who, when a Revenue was required, knew where to look for it by levying a Duty on articles of luxury, and not by a general tax, on all imports—which latter mode would have the effect of advancing the price of all the necessary articles of food and clothing, and of imposing unnecessary burthens on the poor—men who would fearlessly discharge their duty with that honour and integrity which would ensure for them the approbation of their constituents. He was decidedly opposed to the plan of proroguing the Assembly: they had several important Bills under consideration—the Judicature Bill, the Police Bill, the Marriage Bill, and several others—and he was of opinion that the House should lose no time in passing all such Bills as were disconnected with the Revenue, that, if it should be rendered necessary to call the House together again during the present year, it might then have an opportunity of ascertaining the value of the high legal opinions that had been opposed to them; and he was satisfied that they

would learn, from higher authorities, that that House *did* possess the power, which another branch of the Legislature had attempted to deny it.

Messrs. Kent and Sweetman supported the resolution before the House.

(Concluded in last page.)

TUESDAY, March 5.

The House resolved itself into a Committee, when Mr. P. BROWN proposed the following resolution, which after an interesting debate, was unanimously agreed to. Resolved,—That it is the opinion of this Committee that an humble address to His Majesty be prepared, and transmitted through his Excellency the Governor, on the existing state of the Colony. Messrs. Pack, Thomas, Bennett, Hoyles, and Brown, were then appointed to prepare the address.

COUNCIL CHAMBER:

WEDNESDAY, March 6.

A message from the House of Assembly announced that that House had concurred in all the amendments made by the Council in the Quarantine Regulation Bill with only one exception, which the Council subsequently agreed to withdraw.

The Clerk of the Assembly brought up a Bill entitled, "An Act for restraining all Persons concerned in any Contract made for the Public Service, or holding Office or Place of Emolument under Government, from sitting and voting as Members of the Assembly of this Island," and requested the concurrence of the Council thereon.

The Bill was, on the motion of the President read a first time.

Adjourned to Saturday.

SATURDAY, March 9.

The Council met to-day, and immediately adjourned to Wednesday next.

WEDNESDAY, March 13.

The Council met, and adjourned till Saturday.

SATURDAY, March 16.

The Council met to-day, the Attorney-General in the chair.

A note from his honor the President was read, stating that he feared it would be impossible for him to attend in his place in consequence of the necessary preparation for his approaching departure from the Colony.

The Clerk of the Assembly brought up the St. John's Gunpowder Bill, and stated that that House had concurred in all the amendments which had been made thereto by the Council.

Two other Bills were also brought up—one entitled "An Act to regulate the Pilotage of Vessels at the Port of St. John's;" and the other, "An Act for the Establishment and Regulation of Fire Companies in the Town of St. John's," which, on the motion of the Attorney-General, were severally read a first time. Adjourned to Wednesday next.

CORRESPONDENCE

Between his Excellency the Governor and Chief Judge Tucker, communicated to the Editor of the "Gazette":—

SIR,—From a desire that the Public may be made acquainted with my motives in quitting this Country, I am induced to request that you will insert the following copies of a correspondence between his Excellency the Governor and myself, on this subject, in the next number of the Gazette.

I am, Sir, your very obdt. Servant,

R. A. TUCKER.

To the Editor of the Royal Gazette.

Judges' Chambers, 5th March, 1833.

SIR,—By the Gazette of this morning, I perceive, that an Address was, yesterday, presented to your Excellency, by the Members of the House of Assembly, embracing as I understand it, the two following propositions:—

1st.—That a Revenue Bill has been rejected by the Legislative Council—not under a conscientious sense of the propriety of doing so—but under the influence of "A FEELING MORE CALCULATED TO CHECK THE EARLY OPERATIONS OF THE ASSEMBLY, THAN TO PROMOTE THE BEST INTERESTS OF THE COLONY."

2d.—That by this reprehensible proceeding on the part of the Legislative Council, "IT HAS BECOME IMPOSSIBLE TO RAISE A REVENUE ADEQUATE TO THE WANTS OF THE COLONY."

Now, as I unhesitatingly avow myself to have been the author of that advice, through which the Bill in question was lost; and as I feel, that, under my present impressions, I can never be induced to give my assent to it, I hasten to offer to your Excellency the following suggestions, in the hope that they may tend materially to lessen, and, perhaps, wholly to remove, the difficulties and embarrassments resulting from the circumstances which have, unfortunately arisen between the two branches of the Legislature.

I would, then, respectfully recommend, that an immediate Prorogation of the Colonial Parliament should take place for the short period of ten days, or a fortnight; and that LEAVE OF ABSENCE should be granted to

me, by your Excellency, to proceed, with my family, to England, in the Colonial Vessel "Forte," in the very early part of next month.

Under this arrangement it will be competent to the House of Assembly, to bring in the SAME BILL, which has lately been lost; and, as the opposition to it has, hitherto, been confined to the Attorney-General and myself, a fair opportunity will, thus, be afforded, of carrying it through the Council by the support of the two Members of that Body, who were prevented, by illness, from expressing any opinion upon it; and of the Acting Chief Judge, who will, temporarily, succeed to the situation of President of the Council. Should these three Members concur with the two, who originally supported the Bill, the Attorney-General will, if he should persist in his objections to it, find himself in a solitary minority; and, indeed, I conceive it highly probable, that, anxious, like myself, to withdraw from any further discussion of this painful subject, he might be prevailed on to vacate, for a season, his seat at the Council-board, by accepting the vacant one on the Bench. In that case, the Bill would meet, in the Council, with none but its avowed advocates, and those who are, at least, entirely free from any previously formed PREJUDICE against it.

In submitting this advice to your Excellency's attentive consideration, I can, safely, add, that I am solely influenced by a sincere desire to promote the public good; and that, satisfied in the INTEGRITY of the motives which have governed me; I am, as respects myself, perfectly indifferent to any consequences which may follow from the course of conduct I have deemed imperatively necessary to pursue. Between the path of DUTY and that of INTEREST I never have, for a moment, paused; and I fervently pray that the thread of my earthly existence may be broken, ere I shall cease to act upon the principle of doing what I believe to be right, whatever may be the INCONVENIENCE or DANGER attending it.

As a further inducement with your Excellency to adopt the advice herein tendered to you, I would mention, that it is my unalterable purpose, never to return to my Office of Chief Judge of this Island, if it shall appear to His Majesty's Government, that the grounds upon which I opposed the Bill did not abundantly justify me in doing so.

I have the honor to be, &c. &c. &c.

R. A. TUCKER.

To His Excellency the Governor.

PS.—It is due to the Attorney-General to state that he is entirely unacquainted with the contents of this Letter, which has been written without consultation with a single individual.

Secretary's Office, March 6, 1833.

SIR,—I am directed, by the Governor, to acknowledge the receipt of your communication of yesterday, and to acquaint you, that after very mature and serious consideration his Excellency does not deem it expedient to adopt the proposition it contains.

I have the honor to be,

Sir,

Your most obedient and humble servant,

JAMES CROWDY.

His Honor Chief Judge TUCKER.

Judges' Chambers, 7th March, 1833.

SIR,—As my application for Leave of Absence was founded solely in a desire to promote the good of the PUBLIC SERVICE, and was in no degree whatever connected with any view of PERSONAL CONVENIENCE, or SELF-INTEREST, I did certainly entertain a most confident expectation that your Excellency would readily have been induced to comply with my request; nor can I, indeed, altogether abandon the hope that you may still be disposed to do so on a further and more mature consideration of the plan proposed to you in my letter of the 5th instant.—Should your Excellency, however, adhere to your determination not to permit me to return to England with Leave of Absence, I must take upon myself the responsibility of proceeding thither without Leave, and of immediately relinquishing the discharge of all official duties; as nothing can tempt me to remain here in the execution of them whilst there is a chance that by doing so I may throw any obstacle in the way of the Colonial Legislature. When I accepted the appointment I hold in this country, I did so under a firm resolution to do all the service in my power to its Inhabitants so long as I should continue among them and to withdraw myself from them whenever it may seem to be either their wish or their interest that I should do so;—in short, the tenure by which I have constantly accustomed myself to think I held my Office was, that I ought to be ever ready to sacrifice my own individual comfort to the general advantage of the community. Acting strictly upon this principle, and believing implicitly that the course of proceeding I am now adopting will, under such an arrangement as I have already suggested to your Excellency,

afford an opportunity of obviating every evil that might otherwise arise from the rejection of the Revenue Bill, on the supposition that it ought to pass through the Council, I shall be prepared to meet all the consequences that may result to myself, from my opposition to it, with that fortitude and equanimity which an entire confidence in the purity of my motive will, I trust, always inspire.

In renewing my request for the use of the Colonial Vessel "Forte" to convey me and my family to England, I feel that, at all events, I do not subject myself to the charge of advancing a claim to an indulgence to which I am not, on many grounds, most unquestionably entitled.

I have the honor to be, &c. &c. &c.

R. A. TUCKER.

To His Excellency the Governor.

Secretary's Office, 8th March, 1833.

SIR,—I am commanded by the Governor, in reply to your letter of yesterday, to express his regret that the further consideration of your communication of the 5th inst., does not permit any alteration in His Excellency's sentiments as conveyed to you on the 6th.

I have the honor to be,

Sir,

Your most obedient and humble servant,

JAMES CROWDY.

His Honor Chief Judge TUCKER.

Judges' Chambers, 8th March, 1833.

SIR,—Having already very fully detailed to your Excellency, in my communications of the 5th and 7th inst., the considerations which induced me to withdraw myself at present from the discharge of all my official functions; and at the same time apprised you of my firm determination to proceed to England by the first suitable conveyance I can procure; it only remains for me to state explicitly, in reply to the letter I have just had the honor to receive from Mr. Secretary Crowdy, that I now resign and vacate my appointment of Chief Judge of the Supreme Court of Newfoundland, and refer every part of my conduct entirely to the decision of His Majesty's Principal Secretary of State for the Colonies.

I have the honor to be, &c. &c. &c.

R. A. TUCKER.

To His Excellency the Governor.

Secretary's Office, 9th March, 1833.

SIR,—I am directed by the Governor to acknowledge the receipt of your letter of yesterday's date, in which you state that "I now resign and vacate my appointment of Chief Judge of the Supreme Court of Newfoundland," and I have received His Excellency's commands to acquaint you that it is impossible for His Excellency to accept of or consent to the resignation of your appointment.

I have the honor to be,

Sir,

Your most obedient humble servant,

JAMES CROWDY.

His Honor Chief Judge TUCKER.

Judges' Chambers, 11th March, 1833.

SIR,—As your Excellency has deemed it proper to decline accepting the resignation of my appointment of Chief Judge of the Supreme Court of Newfoundland, and also to reject my application for Leave of Absence to return to England; and as I firmly adhere to my resolution of not remaining in this country under a chance that my residence in it may tend to obstruct the proceedings of the Colonial Legislature, I hasten to acquaint you, that I have taken my passage for London, in the Merchant Brig Mercury, which will probably sail from hence next Thursday morning.

By this course of conduct I take entirely upon myself all the consequences that may attach either to my Vote against the Revenue Bill, or to my departure from this Colony; but upon Your Excellency will solely rest the responsibility resulting from any evils which can possibly grow out of the loss of the Revenue Bill; since a way is now open, and has distinctly been pointed out to you, by which that Bill—supposing my opposition to it to be founded on an erroneous view of the question—may still be passed with the same, or, at all events, very nearly the same, advantage to the public Treasury as if it had already actually become a Law.

During my short stay in St. John's, I shall continue to discharge my Official Duties; and upon my embarkation, I shall commit the Seal of the Supreme Court to Judge Brenton, with a request that he will personally deliver it into your hands without the least delay.

I have the honor to be, &c. &c. &c.

R. A. TUCKER.

To His Excellency the Governor.