

Newfoundland Legislature

HOUSE OF ASSEMBLY.

WEDNESDAY, MAY 7.

The order of the day having been moved, for taking into consideration the message received from his Excellency the Governor on Saturday last; and the same having been read, together with the petition of Dr Carson to his Excellency, which had also been sent down to the House.

Mr Row, said, on calling the attention of the House to the said message, begged to be understood as having no other motive than a just desire to preserve the privileges of the House; he was actuated by no personal considerations whatever, and would not move one step further in the business than the dignity of the House required. The petitioner, who was a member of the House, had in his petition to the Governor, stated that the House had voted a supply of £200 to the Surgeon of the District, upon the understanding that the duties of that office were to be continued to be performed by the same individual; at the same time that it was well known that the House had come to no such understanding, neither had it been agreed to by the committee of supply, who had voted the sum of £1725 for the use of the poor generally. The ordinary vote for the relief of the sick and indigent had hitherto been made by the parent Government, and its appropriation had been limited to the town of St. John's. The distributions of those funds had been placed in the hands of the Executive, and a sum of £200 out of it had gone to remunerate the services of the medical attendant. But on the 1st of April the parent Government ceased to make the ordinary provision for paupers and others; and the supply having ceased, the office alluded to necessarily ceased also. Of the £1725 which had been voted by the committee for the relief of the Island generally, no particular sum had been contemplated to be taken out for any particular service, or for any particular individual; and the petition was a gross breach of the privileges of the House. It would have been so, if it had been founded on fact; but not being founded on fact, the breach was much more extensive. In the message from his Excellency it had been characterized as a breach of the prerogative of the Crown. It was not necessary for the House then, to take into consideration whether the voting sums to particular individuals was or was not a breach of prerogative; but it was the duty of the House to see that its privileges were not violated by its own members. The hon. gentleman repeated that he had no other motive than that of a desire to uphold the dignity of the House, and he would therefore introduce the simple resolution that the statement made by the petitioner was not founded on fact.—As the communication from his Excellency would stand on the Journals of the House, the question must either be admitted or denied; he would move—That the statement made by Doctor William Carson, member for the district of St. John's, in a petition to his Excellency the Governor, a copy of which has been transmitted to this House, and wherein he has asserted that the "Legislative Assembly had passed a vote of sup-

ply of two hundred pounds as before, for the current year, under an understanding of the House that the duties should be performed by the same individual" is incorrect and unfounded in fact.

After several other members had spoken, Mr Row again said,

He had heard not without surprise, from the hon. member for Conception Bay, and others, (and yet he could not be greatly surprised, all things considered,) that his Excellency had committed a breach of privilege. He was at a loss to comprehend how such an assertion could be made—unless it arose from the confusion which hon. members had created in their own minds by the indiscriminate use of the terms *privilege* and *prerogative*; for certainly the one had been used instead of the other, without any distinct impression as to their respective import.—Hon. gentlemen had said that the petition was only from a private individual: but was it not true that an hon. member of that House had written to the Governor, and given him a false statement of what had passed in that House—and was not that a gross breach of privilege? Whether the statement was or was not true, if the House did not say it was not true, the statement would stand upon record against it: and it became the House to assert its dignity in this instance by declaring the fact of the case. A great deal had been said about the question being a private quarrel between the Governor and Dr Carson. It was no such thing; it must be looked at exactly as it is before the House. Here was a petition from an hon. member of that House to his Excellency the Governor, falsely stating that the sum of £200 had been voted for a particular individual; and he would ask if that statement had not been made use of to urge forward a quarrel with the Executive? The House ought not to flinch from taking notice of it. Something had been said about putting off the subject to another day; but the motion was made on Monday to bring it before the House yesterday, and the hon. member requested that it might be deferred until to-day, which had been complied with. He had no objection to his (Mr Carson's) having time for organizing his party, and here they were, perfectly organized, and it would not be for the want of lengthy speeches if they were not ultimately pleased with the decision of the House. He had listened attentively to their speeches, but from none of them could he gather anything amounting to exculpation. Instead of endeavouring to find a reasonable excuse for Dr Carson, and thus assisting him out of the scrape, the grossest and most abusive language had been used—language which it would be disgraceful to repeat, and for the House to hear. It was such that hon. members would have done much better for Dr Carson if they had refrained from uttering. Allusions had been made to a specific vote to Mr Carter; but there was no sort of analogy between that and the case before the House. Mr Carter had been already appointed by the Crown; but if he had not been so situated, and the House had appointed him to office, it would have been a breach of prerogative. It was well known that the sum of £1725 had been

voted for the relief of the paupers in the Island generally, without the appropriation of any particular sum to any particular part of the Island; and according to a fair comparative estimate, about £400 would be awarded for the relief of the district of St. John's. Could it be supposed that it was contemplated to give £200 out of the £400 to a medical practitioner? It was quite impossible that the House could have entertained any such view of the appropriation.—It would be observed that in the resolution before the House, the Doctor had not been charged with falsehood; but would any hon. member say that the statement made was not incorrect? To say that it was incorrect and unfounded in fact, is not to charge him with falsehood. The question was simply whether the statement in the petition is or is not correct; and the amendment moved will by no means get over the difficulty. It amounts to no more than this, that this House does not deem it expedient to take cognizance of any assertion made to his Excellency the Governor by any private individual. Well, what has that to do with the question before the House? Suppose the House declare so, had the House first declared that the Doctor was a private individual; had he not been duly—[Mr KENT. No! no!]—He understood that his (Mr Kent's) hon. colleague had been duly elected, but it seems now to be denied; but he would assume that it was so; and as a public man, he (Dr Carson) had made use of the House to forward a quarrel between himself and the Executive. However, without any of the mock-sympathy which had been ascribed to him (Mr Row) he would be glad to assist Dr Carson out of the difficulty in which he was placed; but not all the taunts of the hon. member for St. John's, nor all the vile language which he could utter, would induce him to forego the duty which he owed to the House. He hoped he should never fall so low as to make it a matter of consequence what he (Mr Kent) believed respecting him. The hon. mover of the amendment had been quoting Scripture pretty much of late, and his hon. colleague (the Doctor) too, had been reading a few scraps which it was hoped he would profit by. It had not been unusual for some persons when they wished to become popular to bring into their speeches something about the poor, whatever that could be introduced. He would refer them to the scripture practice of some persons to obtain money by alluding to the poor: he would refer them to Judas Iscariot, who when a certain costly ointment was poured upon Jesus, asked why it had not been sold for 300 pence and given to the poor? this he said, adds the sacred historian, not that he cared for the poor, but because he was a thief and had the bag. It was quite impossible for the house to blink the question; if the statement were not denied, it would be held as presumptively true.

Doctor CARSON'S answer.

Mr. Speaker,—I attend here this day, contrary to the advice of my medical friends; but my character is dearer to me than my life. I have been, by the strong hand of arbitrary power, deprived of part of the means of my support, at a moment's notice; and the same vindictive power pursues me