

same time using arguments which went to cut their own throats. Now, if the Doctor succeeded in the object of his motion, what would follow?—why that it might become necessary to issue a new writ for the election of a member in the room of the Doctor, and so on, until all had left the House; the Speaker would have to look on until the House had been purified from its corruption, and then of course he must follow. He had heard a great deal about the statute and common law; but he was not prepared to come forward and read out of any authorities upon it. It was true that bankrupts are ineligible to sit in the House of Commons, but what had they (the House of Assembly) to do with that? They had a Charter; and from it they could readily learn who were eligible or who were not. What was the use of that Charter unless the House were to abide by it? Besides, he would ask, before attempts were seriously made to carry the point, what was the tendency of it. Suppose a mercantile house had a large balance against an out-harbour member, who had come round to perform his duties in the House, and unprepared to discharge his account. What might be the consequence? The merchant might take out a writ, pounce upon him, and get him out of the House; and if this could happen in one case, it might happen in many others, and the most serious evils accrue. Suppose the Doctor would carry his point, and he (Mr H.) were to move for a new writ for the election of a member for this town in his stead, what, according to the Doctor's own principles, would become of his eligibility? Could he show his landed interest of £300 a-year? Had he or any of the hon. gentlemen acquired their seats by such qualification? In such a trade as this, where a man may be in wealth to-day and in poverty to-morrow, no one would be safe. Even if the law would bear out such a construction of its application, it would be most mischievous in its operation.

Mr KOUCH denied that the laws of Great Britain could control the regulation of the House of Assembly of Newfoundland, he therefore opposed the motion. He would not object to a bill to prevent future insolvents from sitting in the House.

Mr CARTER spoke much to the same effect, and concluded by moving "That the seat of Charles Cozens, Esq. be not deemed vacant by reason of the act of 52, Geo. III., cap. 144 as the House does not conceive the said act as in any manner extending to the colony.

Mr KENT spoke at considerable length; and concluded by declaring that he should support the original motion.

Mr MARTIN, after some preliminary remarks, said—It was independent men he wished to see in that House—men independent in purse, because they could then afford to be independent in principle; but speaking of independency and principle, he would like to ask if every hon. member was solvent when he entered that House? Mr Cozens had for many years employed a vast number of men, and to him, Conception Bay was largely indebted for the improvements he had made.

Mr PACK rose under some disadvantages,

not having been present at the early part of the proceedings. With regard to Mr Cozens, he disclaimed all personal feelings against him, but if he were his own brother he would support the original motion. It had been stated by an hon. member that there was an intention to overturn the House and he would therefore take the occasion briefly to explain his principles. They were, order—the support of Government when it deserved it—opposition to taxation—public economy, and—a leaning on the side of the people. When he reflected upon the letter accompanying Lord Goderich's instructions, he must give his decided opposition to the amendment before the House.

Mr ROW in the course of a long speech, in which he combated the opinion of the Statute Law of Great Britain extending to this country, said—With reference to the member for Conception Bay, he would say a few words on that particular case. It will be remembered that coercive measures were used to compel the attendance of Mr Cozens.—His insolvency took place before the meeting of the House, but after his election by his constituents. On the 5th January in the first Session of the House, he found that Mr Brown (the hon. member's colleague, and therefore best acquainted with all the circumstances) moved that the Speaker do order Mr C. to take his seat on the 12th. Accordingly on the 15th there was a call of the House, when Mr Cozens and another member were found absent. The Speaker laid before the House a copy of a letter from Mr Cozens, dated on the 11th, when he (Mr C) was in St. John's, but deferred taking his seat. On the 18th the Speaker informed the House that the order had been duly served on him, but up until that time the hon. member had not taken his seat. On the 19th Mr Cozens prayed a few days further leave; but on motion the House would not allow it, and the Speaker ordered him to take his seat on the 21st, on which day Mr Cozens took his seat accordingly. Now, it was extraordinary how hon. gentlemen could so turn round from one position to another, the same gentlemen who absolutely coerced him into the House last year coming now forward and desiring to have him turned out again. He did not understand the principle, the consistency of running from one extreme to the other. But what was more remarkable was, that during the insolvency every effort was made to get him in; but no sooner did he become certified than every effort was used to turn him out. The hon. member concluded by supporting the amendment.

Dr CARSON rose to reply.—Mr Speaker.—It would be impossible for me to follow the different speakers on this subject, indeed it would not be proper; a great part of what has been said is quite irrelevant, and had no bearing upon the case. I shall endeavour to classify the objections; and first, on the non-appliance of the British statutes to Newfoundland. The hon. and learned member for Trinity Bay has thrown in his legal knowledge on this subject, and given his authority, that the statute law does not extend to Newfoundland, and that it does not apply to the case before the House. In these opinions the quondam judge, the hon.

member for Ferryland, joins in opinion. To either, in a legal question, I am not induced to pay any deference, when I find opposed to them the opinion of the learned Chief Justice of the King's Bench. The hon. member for Trinity Bay has been very minute, he has given the House a long catalogue of those circumstances, every one of which, he says, is necessary to make an English bankrupt, and that none of them are necessary to constitute an insolvent.—The statute laws of bankruptcy, sequestration, and insolvency are all based on the same principle, the inability of the individual to pay his just debts. They equally tend to degrade him in society, and must equally tend to destroy his independence. The learned gentleman for Trinity Bay, does not appear to understand the act of Parliament; he has argued against my mode of proceeding. Now, the fact is that I have proceeded strictly agreeable to the act, and he is reasoning a case during the recess. Now we are in sessions, and have nothing to do with giving notice of our proceedings in the Royal Gazette. The facts are all notorious, and we are judges of them. A great deal has been said about the royal charter, as not being in conformity with the English law in regard to the qualification of voters and candidates. The King of England is as much bound by the laws and constitution as the meanest of his subjects. He is not superior to the law, and could not extend a constitution to this country at variance with the principles of the British constitution.—For instance, he could not have given to this country universal suffrage, because that is not the British constitution. But he could give to every householder an elective franchise, because before the reform act, it was the law in parts of England, Preston in Lancaster for instance. In the country that I came from, Scotland, there was, before the reform act, no particular qualification for a Scotch member; the qualification existed in the breasts of the electors. Honor, character and fitness for the situation, were the qualifications. His Majesty had, therefore, the power, constitutionally, of given to his Newfoundland subjects a right of election as free as his Scotch subjects.

Mr COZENS thought it unnecessary for him to offer much, as many honorable members had spoken at length in support of the amendment. With respect to his independence, hon. gentlemen had only to refer to the records of the House, if they wanted proofs of the independent manner in which he had acted. Mr Pack and Mr Kent coerced him into the House during his insolvency, and now they turned round, after the lapse of twelve or fourteen months, and wished to turn him out. The hon. house had heard a great deal about morality, &c., but his satanic majesty, although clothed as an angel of light, could not keep the cloven foot out of view. Had Dr Carson informed hon. members that he had applied to him (Mr Cozens) to use his influence in getting him returned for Conception Bay, in the event of his seat becoming vacant? Had the Dr informed the public how he had attempted to cajole and flatter other hon. members, by inviting them to dinners, suppers, &c.? Had he made them acquainted with the particu-