

(Concluded from second page.)

Mr. BROWN said he could not think of giving a silent vote at this important moment, he considered it almost criminal to do so. He had listened very attentively to the debate in the Upper House, and had observed the highest authorities in the Island using the most ingenious pleadings—he would term them pleadings—to render nugatory the energies of the young House of Assembly by depriving it of those resources without which that, or no other House of Assembly could exist or support such a government as was necessary for all civilized communities. He was at a loss to know what view the Council could have had in thus checking the proceedings of that House. Were they jealous of any interference in that power which they heretofore possessed of framing laws and afterwards carrying them into effect?—or did they wish to exhibit to the Colonial Secretary a consistent hostility to the existence of such an Assembly?—or had they a desire to embarrass the head of the government by placing empty coffers at his disposal, thereby putting a stop to those reasonable improvements which the House had in contemplation to effect, compatible with their small means? What was the situation of the Colony in a financial point of view? The nett revenues at the disposal of the House, after deducting the salaries of the gentlemen who wished to shorten their political existence, would be about £3000. The appropriation act reserved for the salaries of the Governor, the three Judges, the Colonial Secretary, and the Attorney-General, a sum double in amount to that under the controul of the House—and as they were prevented from raising such further sums as were necessary for the establishments of the Colony, and for the improvements which the House had had under its serious consideration during the session, he considered the House reduced to an insignificant corporation and could see no use in further prosecuting their labours. He would not allow that opportunity to pass without re-echoing the sentiments to which he had given utterance on the previous day, as regarded the honest, manly conduct of the Collector of the Customs, and of the Colonial Secretary, in their efforts to break down a combination of long standing against the liberties of the people. The independence of those Gentlemen—strangers too, be it recorded to their praise—would be viewed with admiration, when the conduct of their opponents would be regarded as having arisen from factious motives rather than those of principle. Hoping to receive the necessary information from the head of the executive, he should withdraw for the present, the resolutions he had proposed yesterday, and add his support to the motion before the House.

Mr. HOYLES said there appeared to him but one opinion upon the propriety of passing the resolution before the Committee—but an Hon. Member had just stated that it would be a crime to remain silent on so important an occasion. He confessed he had been brought up in a similar school with the Hon. Gentlemen who so strenuously supported the Bill in the Upper House, having been taught to act, and scarcely allowed to think: but a few years of experience had convinced him that it was wise also to deliberate, and, although a few hours had been gained by the adjournment of yesterday, he was not prepared to say that the course pointed out in the present resolution—which he should, however, support—was the best mode of procedure, or that it would gain the object they had in view. Although he differed with the Hon. Chief Judge, in the opinion he had formed on the Revenue Bill, it was with the greatest diffidence he did so—as he had too high a respect for his great talents, to suppose that he could be wrong; and of his integrity, to think that any, but the purest motives, had governed him in the decision at which he had arrived. But he (Mr. H.) had perfectly made up his mind to this—that if he (the Chief Judge) proved himself to be correct, the Legislatures in all the other Colonies had been acting wrong; and the Parent Government equally so, in sanctioning their proceedings; that House should, therefore, lose no time in ascertaining the true state of the case; it being of vital importance to the very existence of this Legislature. He had come to the House prepared to submit a resolution of a much stronger tendency than the one under consideration, which would go to appoint a committee, to prepare a petition to His Majesty on the subject; but as the present one would pave the way, he should then content himself with supporting it; reserving the right of bringing forward the other, if he should, hereafter, consider it necessary to do so.

Mr. PACK rose to support the resolution before the House, and said he had no idea of giving a silent vote at this momentous crisis—for the eyes of all Newfoundland, as well as those of the British Colonies, having Legislatures of their own, and those which had them in expectancy, were at this moment directed towards that House. Viewing therefore, the measure proposed for adoption, as having been weighed in the impartial scales of reason, and guided by firmness and decision,—and also in the hope that it would be productive of those consequences

so much to be desired by every friend of social order and harmony, he would give the motion before the House his most cordial support.

Mr. MARTIN observed, it had been his misfortune more than once whilst attempting to address that Assembly to become so much embarrassed that he could not express his sentiments on those matters whereon he wished to have said a good deal. The vitally important and momentous subject then before the House had been so ably and fully discussed by the several Gentlemen who had preceded him, that any thing emanating from him might be deemed superfluous, nor did he feel that he could add much thereto;—but viewing as he did, the extraordinary conduct pursued by two legal gentlemen, forming part of the Council, and whose opinions occasioned the loss of the Revenue Bill in the Upper House he could not allow himself to give a silent vote.—He therefore, did not hesitate to express his opinion, that they had acted unwisely in the course they had taken, and in opposition to the practice of the Councils of the neighbouring Colonies and contrary to the best interests and wishes of the people of this Island.—He felt much pleasure in supporting the resolution.

Mr. KOUH said it was to him matter of very deep regret, that the first Revenue Bill ever originated in this House, should be unfortunately lost,—unfortunately, he said, because he was of opinion, that without passing such a Bill, the best intentions of that Assembly must be rendered fruitless, the general operations of the Legislature in a great measure suspended, and the best interests of this Colony very materially injured. There was scarcely an individual who petitioned that a Colonial Legislature should be granted to this Island, but knew that, of necessity, a revenue should be raised for defraying the expense of the Government, and for improving the condition of the country, by levying a tax or duty. Now that Assembly was congratulating itself (and, as far as he could learn, the opinion of the public was with it) in having selected those articles on which to levy a duty which, of all others, would be least oppressive, least felt, by the Fisherman, the Shoreman, or the Agriculturist;—in fact, a tax to which no one need contribute a penny, who might choose to abstain from what, at most, must be allowed to be more or less a luxury, and might be well dispensed with by those whose means were limited. It also endeavoured, with a most sedulous attention, so to assimilate those duties on Wines and Spirits, as to make them bear equally on the poor and on the rich.—After the fullest deliberation the Bill was matured, was sent to the other branch of the Legislature for its concurrence, and—was lost! He was led to understand that the exceptions taken to the Bill were twofold,—first, that that House possessed no inherent power of levying a tax on imports,—secondly, that even if it did, it was not expedient. Now, with regard to the first, he trusted that, however high the authority who delivered such an opinion, and however high his legal knowledge and acquirements—he (Mr. K.) trusted they would be found in error; and he was certain that in this place but very few indeed would be found to agree to it. For his own part, he never had the slightest doubt on the subject, and if he had, the proofs adduced by his hon. colleague (Mr. Thomas) appeared so irrefragable, and the arguments so conclusive, as to convince the most sceptical—excepting those, indeed, who had previously made up their minds, and were predetermined neither to receive or grant any thing which did not square with their own particular views. He was sorry to say that he traced the failure of the Bill to a remote source—namely, the *matricle* of which the Legislative Body is composed. So soon as he learned that the Assembly was limited to fifteen individuals, he felt persuaded that the number of representatives was too few;—he also felt that the Legislative Council, constituted as it was, and having independent power, was too limited. We were taught to believe it would consist of Seven,—at present it is composed of Six—of which number two were prevented by indisposition from attending, pending the discussion of a question of such vital importance to the Colony—so that the Legislative Council, having concurrent power with the House of Assembly, was reduced to four, and we were given to understand that they were equally divided, and, consequently, the Bill was thrown out. He could not say he wondered at the fate it met, when he remembered, that some of the distinguished individuals of the Council were undisguisedly and avowedly hostile to the measure of Local Legislation—that their declared opinions were, that this Country was not ripe for such a measure—and, what he now most lamented was, that after the people of Newfoundland had repeatedly petitioned his Majesty to place them on a similar footing with the Sister Colonies—and after the prayer of their petitions had been graciously granted, and when it was immediately about to come into operation—that those individuals, with their opinions unchanged, and their prejudices unabated, should, for a moment, consent to be placed in a situation in which they should sacrifice their opinions, and legislate against their consciences, or else, by adhering to them, as in the present case, impede the progress of perhaps every measure which might be submitted to them.—He begged distinctly to be understood as not impugning the motives of those distinguished individuals to whom he alluded:—no one could respect their talents and their integrity more than he did: but he should never disguise the regret he felt, that the hon. Chief Judge Tucker—who had so long presided over the Judicature of this Island—who, in the discharge of his high official duties, as an upright and independent Judge had placed his name above panegyric,—should ever have been appointed one of the Legislative Council, whilst his opinions were, as he (Mr. K.) conceived, opposed to the interests of the Colony. He also regretted that his Majesty's Attorney-General should have found his way into the Legislative Council, because, he conceived that by his being there, that House, and the Colony at large, were, in a great measure, deprived of the advantages which might be derived from his high legal acquirements, while, at the same time, they could be made equally available for the Executive.—As this Bill was lost, what assurance could he have that any other Bill for raising money would not meet a similar fate? It was said that the highest law authority in this Island, has stated in his place in the Legislative Council, that if this Bill had passed by a majority, and had received that assent which would give it the force of a Law, that, notwithstanding, if the matter should be hereafter brought before him to decide on, in his judicial character, with the feelings and opinions which then governed him, that he should certainly nullify it, and that he should consider it a "dead letter." It was also stated, that his Majesty's Attorney-General was present in his place, and responded to every sentiment delivered by the hon. the President. Now, if this be true—and he had no reason to doubt it—he could not help thinking that there was a very great absence of ingenuousness and kind feeling, on the part of those high legal authorities, towards the House of Assembly. They well knew that the House did not possess any great depth of legal knowledge,—it was notorious that there was not a lawyer amongst them,—and they, either knowing, or believing that they knew, that the House was about to raise a revenue, by enacting a Law which would be repugnant to an act of the Imperial Parliament, might, if they were disposed, have endeavoured, even in charity, to set them to rights; at all events, the present crisis might have been avoided,—we should not now be so embarrassed, and brought up, as it were, *all standing*. The more he considered the subject, the more convinced he felt, that no individual should be called on, or allowed, to legislate in one place, where, if he should fail in preventing a Bill being passed into a Law, he might, in another place, have it in his power, as a Judge, to put a decided negative on it. He had heard it asserted since he entered the House that morning, that if this fund had been raised by what is termed an excise duty, it would not have received that opposition which the other did. Now he was at a loss to know precisely what was meant by excise. He had (probably in ignorance) been led to believe, that excise duty was meant to apply to articles and commodities principally the growth or manufacture of the Country:—if so, was it intended to tax our Fish, our Seals, the Poor Man's Hut, or his Potato Garden, our Houses, or our Windows?—If such, or any thing like it, was the meaning of an excise tax, he, for one, should never consent to it.—He felt confident that no member of that Assembly would, or could, for a moment, admit the propriety of such a measure. With regard to the second ground for rejecting the Bill—which was said to be upon the expediency of it—however ignorant they might be supposed to be on the Law of the case, he hoped they should be permitted to have some opinion as to its general bearings and effect. Now, although the sum proposed to be raised on Wines and Spirits was of very considerable amount, yet he was confident it could not be thought at all oppressive—and that in its operation it would be found to bear hard but on very few.—He regretted that it should press even upon an individual,—he believed it would be but temporary, and that those merchants who were engaged in the West India Trade would, in their prudence, immediately adopt those measures best calculated to relieve themselves. He was informed they could do so without any difficulty. The cry of taxation was raised, as if to alarm the multitude.—He was as averse to taxation as any one could be,—he knew that, at best, there was something in the sound that was not pleasant—he knew that, at present, we were not in a situation to meet it; but what gave him the greatest satisfaction in the matter was, that he thought the tax which they had proposed, was sufficient for present purposes,—if it were not, and that it should hereafter become necessary to raise an additional sum, he protested he would not feel startled. Who had ever heard a Nova Scotia man complain of being taxed? He believed they paid 5 per centum on all their imports, besides other duties—yet they never com-

plained;—yes, they complained one year—but it was because they were not taxed at all; and the consequence was, that by omitting to levy and collect the tax, the Colony was brought to the brink of ruin.—That, too, it may be remembered, arose from a difference of opinion between the Legislative Council and the House of Assembly. Taxation, in the opinion of our best political economists was either the greatest blessing or the greatest curse that could be inflicted on a people, according as it was well and usefully appropriated, or otherwise. He felt confident that whatever revenue that House might have, would not be permitted to be squandered on placemen, pensioners, and sinecurists; and that it would always be appropriated to its true and legitimate use—in paying the necessary expense of the Colony, in fostering and protecting the fisheries and agriculture,—in improving the condition of the people,—in establishing schools,—in opening roads,—in facilitating the communication between the various parts of the country, thereby affording employment to the industrious poor; and, in seasons like the present, should they again unfortunately arrive—in meeting and providing for the wants of those who might be, as too many then were, suffering the pangs of hunger.—With those feelings, he entirely concurred in the proposition before the House.

Mr. CARTER observed, that so much had been said, and to the purpose, by the hon. Members who had preceded him on this important subject, that little had been left him to adduce,—however, he was not disposed to be silent on such an occasion. His view of the Act of the 6th Geo. IV., c. 148, was in unison with that of the hon. Member for St. John's (Mr. Thomas)—the provisions of it, in his (Mr. C's.) opinion, were so clear that he did not see how they could be misapprehended. The 11th section acknowledged the authority of the Assemblies, in the Colonies, to impose duties upon articles subject to duty by the Act, which was fully confirmed by the Act 7. Geo. IV., c. 44, section 48, declaring, that the duty of six pence per gallon imposed by the aforesaid Act upon the importation of Rum into Canada should be payable, *over and above any duty thereon payable by any Colonial Law.*—The hon. the Speaker had clearly shewn by his arguments, as well as the documents he had referred to, that the House possessed the privilege which it claimed, and had exercised, and he did not see how any opinion embracing a contrary doctrine could be sustained. He congratulated the Castor and Pollux of the Upper House on the honours they were likely to reap under their new and extraordinary construction of the Act. Although they had succeeded in throwing out the Bill, yet the House had the satisfaction of knowing that the hon. Members of the Council were equally divided upon it, and that those who supported it had by no means the worst of the argument. An hon. Member had stated, that it was now admitted that the duties, which this Bill intended to impose, and the Revenue which would thereby be raised, might be imposed and collected, in a similar manner, by another Bill in the nature of an excise; but he (Mr. C.) was averse to the introduction of such a system in this Colony—it was arbitrary in its effect, and not that best calculated to suit the temper of a free people. The establishment necessary to carry into operation such a system, would necessarily consume the greater part of the Revenue they had contemplated raising; whereas, if collected by the Officers of the Customs, it might be done with little additional trouble and expense.—Some observation had been made as to the motives by which the Legislators of Nova Scotia had been actuated. He (Mr. C.) did not forget the independence they had manifested in support of their rights, on an occasion somewhat similar to the present;—they had not flinched from their duty, and he hoped that that House would be animated by a like feeling in support of their rights. Although it might be looked upon with contempt, the interest and welfare of the Colony should be of paramount consideration. He had heard of proroguing that House, but there were other important measures, affecting the interests of the Colony, under consideration—the Judicature, the Police, the Marriage Bill,—and he should be sorry to return to his constituents and tell them, that because the Revenue Bill had not been carried, all other matters had been abandoned. He entreated hon. Gentlemen to consider well the consequences that would result from the adoption of such a measure,—it was, in his opinion, what was wished for by the opponents of the Bill. He (Mr. C.) assured the House, he had gained some very valuable information with regard to the judicial department by the debate in the Council, and it should be his care to make it available on some future occasion. He concurred with the views of the hon. mover of the resolution, and should therefore give it his support.

The resolution was then put from the Chair and *unanimously* agreed to.

Printed and Published by D. E. GILMOUR, at the Star Office, Carbonar, Newfoundland, to whom all Communications must be addressed.—Subscription, ONE GUINEA PER ANNUM, payable half-yearly.