

No. 13.

THE
CARBONEAR STAR,
AND
CONCEPTION-BAY JOURNAL.

Vol. I.

WEDNESDAY, MARCH 27, 1833.

No. 13.

ON SALE.

BY
COLLINGS & LEGG
50 Barrels American Flour
50 Barrels American Beef
30 Firkins Prime Butter
50 Boxes Raisins
And a general Assortment of Dry
Goods, Groceries, &c.
Carbonear, Jan. 9, 1833.

TO LET,

On Building Leases, for a Term of Years
A Piece of LAND, the Property of the
Subscriber, extending from the
House of Mr. Joseph Parsons, on
the East, to the House of Mrs. Ann Howell,
on the West, and running back from the
South Side of the Street, to the Subscriber's
House.

MARY TAYLOR,
Widow.
Carbonear, Feb. 13, 1833.

NOTICES.

DESERTED,
FROM THE SERVICE OF THE SUBSCRIBER,
On Wednesday last,
WILLIAM SHURBEN,
A LAD,
ABOUT FOURTEEN YEARS OF AGE,
A Native of England,
Of dark complexion; and very short in stature; had on, when he left, a suit of blue
flannel (nearly new), and a blue cloth cap.
This is to give notice, that if any person
harbour the said Deserter, he will be prosecuted
as the law directs.

DOUGLAS EDWARD GILMOUR.
Carbonear, March 12, 1832.

Dissolution of Co-partnership.

NOTICE is hereby given, that the Co-
partnership heretofore existing be-
tween the Subscribers, under the
Firm of PROWSE and JAQUES, Carbo-
near, Newfoundland, is this day, by mutual
consent, dissolved. All Debts owing to and
from the said Concern, will be received and
paid by the undersigned GEORGE ED-
WARD JAQUES. Witness our Hands, at
Carbonear, this 31st Day of December, 1832.
SAMUEL PROWSE, Jun.
GEORGE EDWARD JAQUES.

THE Business hitherto carried on in this
Town, under the Firm of PROWSE
and JAQUES, will be continued by
the Subscriber, from this date, in his own
Name.

GEORGE EDWARD JAQUES.
Carbonear, Dec. 31, 1832.

BLANKS of every description for sale
at the Office of this Paper.

**REPORT OF THE JUDGES OF THE
SUPREME COURT OF NEWFOUND-
LAND, TO HIS MAJESTY'S GOVERN-
MENT, UPON THE JUDICATURE
BILL,**

(Continued.)

The possession of Newfoundland, being,
as we apprehend, thus essential to the naval
power of Great Britain, the probable dura-
tion of such possession, must become a mat-
ter of the most interesting inquiry; and we
have, therefore, much satisfaction in detail-
ing those reasons, which induce us to con-

clude, that this island may be bound to the
mother-country by a more lasting tie than
most of her colonies.

Whatever the value of the Canadas, and
of our other continental provinces in Amer-
ica may be, it is impossible for any one who
looks back on the past, contemplates the
present, and anticipates the future condition
of them, not to regard their separation, at
some time or other, from Great Britain, as
an event of the most probable occurrence;
and it is equally probable that the Islands in
their immediate vicinage, will share the same
destiny with them. To determine, precisely,
at what period this separation will take place,
may, perhaps, be altogether beyond the
reach of human prescience: and we are sen-
sible that it would be most idle in us to en-
ter, here, into any speculations upon it. We
simply maintain, that it is an event, which,
like natural dissolution, must happen: though
nobody can exactly tell when it will occur;
and our deduction from this theorem is,
that the value of those Provinces and Is-
lands to Great Britain, must be lessened, in
proportion to the chances of the nearness of
the day in which their separation from her
will take place. If, therefore, it can be pro-
ved, that over Newfoundland, Great Britain
may, if she pleases, possess "IMPERIUM SINE
FINES," it must be admitted that this Colony
is, on that account, an object of greater in-
terest to her, than any of those which she
holds by a less permanent bond of connec-
tion. Now it may be safely laid down as a
position, of universal application, that no
country will long remain in a state of de-
pendence on another, after it shall have ceas-
ed to require assistance from her: and as
this Island may induce a belief that it is ca-
pable, with the aid of its fisheries, to nour-
ish a population, rich enough to provide
for their own wants, and sufficiently nume-
rous for their own protection, persons may
suppose, that, at a future period, NEWFOUND-
LAND may also be disposed to assert, and
able to maintain her INDEPENDENCE. But a
slight attention to the nature of her soil and
climate must effectually dissipate so absurd
a notion: for though there may be a few
small tracts of pretty good land, scattered
about in different parts of the Island, and
though the partial cultivation of even the
inferior soils, by hands which could not, in
any other way be profitably employed, may
be highly useful, as furnishing a subsidiary
means of support to the fisherman, yet every
one, who has visited many parts of the is-
land, must know, that if from the whole
number of acres it contains, those which are
covered with water, and those which can
yield nothing but rocks, were to be deducted,
the remainder would be reduced to a most
insignificant sum; and when it is further
considered, that vegetation is totally sus-
pended here, through the effects of the cli-
mate, for, at least, seven months out of the
twelve, it will, at once, be seen, that with
equal advantages of soil, agriculture could
not, possibly, be carried on in Newfound-
land, with anything like the success with
which it is prosecuted in more temperate
regions. Without consuming, therefore,
any more time and paper on this topic, we
will assert, under a full assurance of not be-
ing contradicted by a single rational being,
who possesses local information, to enable
him to form a correct view of the matter,
that Newfoundland never can become a self-
subsisting and perfectly independent state.
At this moment, indeed, her population—
which is certainly less than 100,000 souls—
presses so hard upon the means of subsis-
tence, that scarcely a winter passes without
exposing the inhabitants to a scarcity of
food, approaching very nearly to actual fa-
mine: and it is manifest, that so long as the
causes which now depress the fisheries shall
exist, the major part of this population must
continue poor and indigent, even under a
permission of cultivating as much land as
they please, without paying any rent what-
ever for it. As an auxiliary to the fisheries
the free cultivation of that soil, which a
French geographer aptly terms "*ingrat et
sterile*," ought to be allowed; but so far is
the land from being, by itself, capable of
furnishing a substantial fund for the sup-
port of any considerable number of persons,

that the whole population of the island can-
not, possibly, exceed, except in the most
trifling degree, the number of inhabitants
who can earn the principal portion of their
livelihood by the fisheries. To them, there-
fore, the politician may safely refer as a true
measure of the population of this Colony;
and will accordingly find, that even under
the most favorable circumstances of market
which the world can offer, it will always be
confined within such narrow limits as must
completely exclude the idea that NEWFOUND-
LAND can ever become INDEPENDENT. There
is, consequently, no reason why the connec-
tion between Great Britain and her should
ever cease; as it can only be dissolved by
her placing herself in a similar state of de-
pendence upon some other nation, which she
can never have a motive for doing, whilst
she is treated with that fostering care and
kindness which she fondly hopes to receive
from her present powerful guardian and pro-
tectors. From the nature, too, of the oc-
cupation and pursuits of the bulk of this
population, they must, continually, depend
upon the mother-country for the whole of
their clothing and other manufactured arti-
cles, as well as for a large proportion of their
food: and thus the growth and prosperity
of this Colony, instead of detracting from
its value to the parent state, by leading to a
future separation between them, must add,
incalculably, to the advantages which the
latter cannot fail to derive from a connexion
capable of being extended to the remotest
ages. To condense, then, the various claims
of Newfoundland upon Great Britain, into a
narrow compass, by a brief recapitulation of
the several grounds upon which they rest:
it appears, that besides the negative virtue
of having cost very little to the mother
country, she possesses the positive merit of
having sent a large sum of money to her
Public Treasury,—and of having added a
thousand-fold more to her stock of private
wealth.—That the possession of her is, dur-
ing war, of vital importance to the commerce
and naval power of the British Empire—
and that the other benefits, which that Em-
pire must derive from a connexion with her,
are neither limited in their duration, nor
circumscribed in their extent; but may, by
proper management, be made to endure for
ever, continually augmenting with her growth
and increasing with her prosperity.

(To be continued.)

Legislature of Newfoundland.

HOUSE OF ASSEMBLY,

Friday, March 1.

DEBATE ON THE REJECTION OF THE REVENUE
BILL BY THE COUNCIL.
(Continued from our last.)

MR. THOMAS could not conceal the disap-
pointment which he felt on hearing the Re-
port of the Committee appointed to search
the Journals of the Upper House, by which
it appeared that his Majesty's Council had
thrown out the only Bill which had yet pass-
ed this House to provide a Revenue for the
Colony. It could not be denied, that for
the last few days clouds had hung over the
Legislature of this Island which threatened
its very existence, but he trusted they would
prove to be the clouds of Error, which the
breath of Truth would speedily dispel.

On looking over Lord Goderich's Instruc-
tions to his Excellency the Governor, he
was pleased to observe the spirit of kindness
and conciliation toward the people of this
Island which breathed through the whole of
that important document. He would take
the liberty of reading an extract:—"In ad-
vising his Majesty to convene an Assembly
from among the inhabitants of Newfound-
land, I have therefore not yielded myself to
the guidance of any improved theory, but
have simply extended to another of the co-
lonial possessions of the Crown principles
which have been elsewhere brought to the
test of repeated and successful experiment.
Yet I do not conceal from myself, nor wish
to deny, that the duty which you will have

to perform will be attended with some diffi-
culty, and that you will have large scope for
the exercise of circumspection and industry.
In the first execution of such a design,
many questions will probably arise which it
were impossible to anticipate distinctly.—
From the novelty of the duties cast upon
them, and from their inexperience in civil
business of that nature, I can foresee that
the returning officers, the voters, and the
members of the Assembly, may all in some
instances misapprehend the functions which
they will have to discharge, or the proper
mode of proceeding for the methodical and
accurate discharge of them. Cautiously ab-
staining from the appearance of usurping any
undue authority over matters properly fall-
ing within the cognizance of the Assembly,
you will yet be prompt to afford to all par-
ties whatever counsel or assistance you can
render them, to obviate difficulties of this
nature. It cannot be made too apparent
that the boon which has been granted is se-
cured by the cordial good-will and co-opera-
tion of the Executive Government, and
that the House of Assembly is regarded,
*not as a rival power, but as a body destined
to co-operate with yourself in advancing
the prosperity of the settlement.* For your
own guidance it may be right to observe,
that colonial assemblies, as they derive their
general form from the British House of
Commons, so they have drawn their rules
and system of procedure from the same
source. The distinctions are of course both
numerous and important, and grow out of
the dissimilarity of circumstances of the re-
presentative bodies of a small colony and of
an extensive kingdom; but in general the
analogy is maintained, and therefore the
laws and rules of Parliament, as modified
by the exigencies of the case, may be taken
as the safest guide for the conduct of the
Council and Assembly, and for your own
proceedings towards them."

In another part of those Instructions, the
Right Hon. Secretary, in alluding to the dif-
ferences which had existed between the
Councils and Assemblies in the Colonies,
says:—"In accordance with the uniform
course of precedents, your Commission con-
stitutes a Council which will participate with
the Assembly in the enactment of laws. It
is not however, to be denied that this part
of the established system of local legisla-
tion has been practically found to be attend-
ed with some serious difficulties. The mem-
bers of Council, deriving their authority
from the Royal Commission, have not sel-
dom been regarded with jealousy and dis-
trust by the great body of the people.—
Their elevation in rank and authority, has
but too often failed to induce a correspond-
ing degree of public respect. Even the
most judicious exercise of their powers has
occasionally worn the semblance of harsh-
ness when opposed to the unanimous, or
the predominant opinions of those to whom
the colonists looked with confidence as their
representatives. The Councils, it must be
confessed, have not uniformly exerted them-
selves to repel, or to abate this prejudice.—
The acrimony engendered by such disputes
has sometimes given occasion to an eager
assertion of extreme rights on the part of
the Council and to a no less determined denial
of their necessary and constitutional privi-
leges on the part of the Assembly." How
truly had the Right Hon. Secretary depicted
our present condition! Could it ever have
occurred to the Right Hon. Secretary, or to
his Majesty's Government, that the Colony
of Newfoundland could have been placed in
such a situation that it required a majority
of three-fourths of the Legislative Council
to pass the first Revenue Bill? Yet such
was absolutely the case—for there were only
four members present at the Council in the
debate on the Revenue Bill, two of whom,
the Hon. Mr. Secretary Crowdy, and the
Hon. Collector Spearman, were in favour of
the Bill, and the other two, the Hon. the
Chief Judge, and the Hon. Attorney-Gen-
eral, were opposed to it: and the Bill was
consequently lost for want of a majority,
when such majority could not by possibility
have been obtained unless three out of four
had voted in its favour.

He would now go to the arguments which

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.

CARBONEAR STAR.

WEDNESDAY, MARCH 27, 1833.

To CORRESPONDENTS.—We have to apologize to "Terre-Neuve" for omitting to insert, in our number of last week, over his communication the words "Non sibi sed patrie."

Want of room excludes the Letter of "Agriculturist."

To the Editor of the Carbonear Star.

MR. EDITOR.—Allow me through the columns of your Journal to congratulate the Public on the premature death of Philo B.—by this time his mad capers, though amusing at first, were becoming nauseous; and every one must feel happy that he is no more. Yes, Mr. Editor, he died with a drop in his eye. Poor Philo—peace to thy manes! Could not thy wit—thy genius—aye, thy CHEMICAL genius—save thee from destruction? I heard, Mr. Editor, that he expired after swallowing a dose prepared according to his own prescription; composed of equal portions of abuse, ridicule, and scurrility.—This dose, operating as it did on one whose whole body was combustible, produced an explosion which converted it into smoke.—His friend the Editor of the "Mercury," going into the room shortly after, without being aware of the catastrophe, was struck dumb at the loss he had sustained in the defunct gentleman, who so manfully attempted to soap and leather his conversation into a fictitious notoriety.

The dose which occasioned the poor gentleman's death was prepared by his friend INDEPENDENCE, or, as he will have it,

PUNCH.

Carbonear, March 25, 1833.

To the Editor of the Carbonear Star.

SIR.—I will not accuse any one of idolatry, in this enlightened age, especially the author of "Philo B." though he appears to pay little short of divine honors to his own sober judgment.

He has favoured us with much sarcastic insinuation, rapidly swelling into invective. His letters corresponded with the much admired personification of an abstract quality:

"Mobilitate viget viresque acquirit eundo."

But I crave his pardon, it was only while sarcasm lasted, that his letters elevated their crest, and swelled their bulk; when he came to argument they sank into a bantering; for in all that he has written (and by the by that's not a little) I have not seen a single thing like reasoning, that was not founded in gross misconception.

He has gravely informed us, though rather in an indirect kind of way, that he does not approve of tilling the soil of Newfoundland.

Has he advanced any arguments to prove that his position is correct, respecting agriculture in Newfoundland? Why, none whatever. But has he advocated any reasons to prove any thing else? Yes, that he has indeed, for he has proved himself to be to all intents and purposes very nearly allied to the long-eared tribe. How so? Because he writes as an Ass brays—loud and long, with much repetition of the same old saws and modern instances: and with convulsive heavings, as if his lungs were not merely made of leather, but that they were placed preposterously far back in the animal economy—as if he mistook the matter, and failed to observe it was the intention of nature he should "go sounding on his dim and perilous way" in the opposite direction.

Hoping that "Philo B." will excuse me for the liberty I have taken, I hasten to subscribe myself

BLOW-HARD.

Bell Isle, March 21, 1833.

(To the Editor of the Carbonear Star.)

MR. EDITOR.—I feel obliged by the readiness with which you admitted into the columns of your excellent paper, my last communication. I would therefore now redeem part of the promise then made of offering a few remarks on the Current-Supply System, as it at present exists among us.

This System I conceive to be injudicious on several accounts. The first is, that it confounds the strictly honest Planter, with his more cunning knavish neighbour—or rather, where both are unknown, gives the latter the advantage; because he, by being obliged perpetually to have recourse to stratagem, assurance, and duplicity, is able to tell a much more plausible story, and, by that means, get supplied more liberally, and treated at the supplying season more favourably than the former.

Another injudicious principle I conceive in the present system is issuing Supplies at all to persons whose characters are unknown, or known to be dishonest.

A third is allowing dependent Planters, in the Spring, to take any superfluous articles of manufactured goods: and,

The last is when a poor Planter honestly gives the proceeds of his voyage to the Supplying Merchant; that that Planter should be sent home to his family in the fall of the year, perhaps, minus his fishing apparatus, with the comfortable satisfaction of starving with them or of keeping them in existence on charity or plunder.

Now, Sir, I would not have it for a moment he considered that I am desirous any impediments should be thrown in the way of the fisheries.—Were I asked my opinion as to the objects of pursuit most advantageous to Newfoundland, I would say the positive, comparative, and superlative are fishery, fishery, fishery. But, from a tolerable knowledge of the feelings entertained by both Merchants and Planters towards each other; feelings, at first engendered, and since kept alive by their reciprocal dealings; I am convinced the present promiscuous Supplying system could be altered very much to the benefit of both parties.

The first change which I would see universally adopted is—that every person, not well known, previous to his obtaining Supplies, should be compelled to produce a few years' former accounts: for, by these, a Merchant could instantly judge of the person's honesty, economy, & time of putting off his voyage: whether he were in the habit of dealing solely with one Merchant, and whether that Merchant received the best as well as the refuse parts of the fish, oil, &c. and, if these accounts were not satisfactory to grant the person no Supplies whatever.

By this method notorious cheats would be detected and exposed; and, hence, the fair dealer need not be taxed 10 or 15 per cent. as a contingency for bad debts, as is now generally the case. It is worthy of remark, that in almost every Cove, where Planters reside, some will be found whose plantations are their own, and who are out of debt.—Now, in order that the detected, merchantless person may have extended to them the means of prosecuting the fishery, let those independent Planters be encouraged to supply them with Salt and other articles absolutely needful for this purpose.—These, by being on the spot, and generally related to all their neighbours, would be certain of their payment, if so much fish were caught; and by supplying in this manner, about Twenty Pounds would enable such Planters to cure at least 100 quintals of fish. Those independent Planters could get paid, generally, in August: and the surplus fish could be disposed of as the owner of it thought proper. And surely persons whose characters were such as to cause their neighbours to refuse assisting them as above, ought not to be assisted by strangers at a distance.

There is, however, one class of Planters which claim an exception to the above restriction, namely, those whose principles are known to be good, whose families are grown up and able to assist their parents, but who are involved in old debts, and whose property is mortgaged. Many of these would become excellent dealers, were these burthens thrown from their shoulders: and this most desirable object could be obtained by a declaration of Insolvency in which state, any Merchant, at discretion, who prefers the Shore fishery, could easily place them.

But the most oppressive, demoralizing deed—that which has done more harm to the principles of Planters generally, and introduced more chicanery, fraud, theft and spite into their conduct and feelings, and which is most to be deprecated is—that those who dealt uprightly and trusted implicitly on the honour of the receivers of their voyage, should be refused supplies absolutely necessary for the winter.

How often have I heard poor wretches who have been thus treated, imprecate maledictions on themselves, as well as on those by whom they had been deceived, if ever they allowed themselves to be so treated again. I intended to make further observations on the benefits which would result from the abolition of promiscuous credit: such as selling goods cheaper from running less risk in the payment; and, very probably, in a short time, doing away with the current supply system, and credit altogether. Arguments in support of both which, are fairly deducible from the foregoing remarks—but I fear I have, already, too much trespassed.

I remain, Mr. Editor,

Your's, &c.

A PATRIOT.

Carbonear, March 18, 1833.

(To the Editor of the Carbonear Star.)

A Voice from the Tombs respects to the Editor of the Carbonear Star, and shall feel obliged by his inserting the following short Biographical Notice of a late lamented individual, in his valuable paper.

Carbonear, March 18, 1833.

SCRIPTOR.

If the length of a man's life be estimated, not by the days and years that he had languidly or uselessly passed away: but by the well-improved moments, in which he has performed the work of years. SCRIPTOR, I am justified in saying, died in a ripe old age. He was one of those beings, who felt (how many do not!) that he had a soul; and that its noble powers and "capabilities" were not designed, by the Creator of them, "to rust in him unused."

As the place of Scriptor's nativity, and the time of his birth, are involved in much obscurity, it must, in some measure, account for the scantiness of facts in this Biographical Notice. His first literary production made its appearance, somewhat about two years ago, in the Harbor Grace Mercury; since which period he has been a constant contributor to that paper under a variety of names.

Though most of his pieces possess great merit, they infinitely fall short of that inestimable production of his, which appeared in the paper above alluded to, on the 8th inst.; which was, certainly, his chef-d'œuvre, being alike conspicuous for the elegance of its lan-

guage, the perspicuity of its style, and the force of its argument.

This truly literary character, getting his feet wet, in returning from the Printing-Office, on Thursday, the 7th, caught a severe cold; this, acting on a constitution that had been impaired by extreme study, occasioned his health rapidly to decline; and, on the 19th he expired, after a short but painful illness, the sufferings in which he endured with meekness and resignation. He was buried in the Mercury Vault, the receptacle for the remains of many other literary tyros. A most imposing funeral oration was delivered on the occasion, by his coadjutor in the good fight, "Philo B."

As an author, Scriptor has acquired much merited celebrity; his style is clear and vigorous, just sufficiently adorned to render it interesting. His mind was well-stored with materials for discoursing upon almost every subject; and in the skilful combination and application of them, he displayed eminent skill. But his claims upon our recollection, are those of a PUBLIC CHARACTER—of one who labored, unostentatiously, in the fields of Literature—and who so shaped his course through the angry ocean of politics and contending opinions, as to command, not merely the respect, but the love of all parties, without compromising his integrity. Every transaction of his life, nay, every sentence that fell from his pen (and this, when speaking of a Political Writer, is an extraordinary assertion) were distinguishable, by sincerity of intention and kindness of feeling. Few men, I believe, of purer intention ever lived.

(To the Editor of the Carbonear Star.)

Non sibi sed patrie.

"A laud' amangst ye takin notes,
And faith he'll prent 'em."—BURKS.

SIR.—As the author of the "Conversations," in the Mercury, appears to have fallen asleep, over some knotty question, on the subject of chemistry, or political economy: or else has awaked to a sense of his inability to cope with subjects that are, in their nature, too deep for his sciolous mind; and has found out, by experience, and practice, that his heaven-born genius is more suited to the production of witticism, or criticism, for those of his readers, who do not judge for themselves: I shall take the liberty of attempting to convey, to the columns of your paper, sundry true Conversations, that I have had, lately, with certain persons, the colour of whose coats or jackets, was not to me, a subject of particular interest; neither was it, to me, a matter of importance, whether those persons were logical or not; all I sought for was the language of common sense, coming from minds fraught with experience: all I wanted to gather, was golden opinions from all sorts of people. I envied not the possessors of brassy opinions their impertinence and presumption; neither did I envy the possessors of leaden opinions their gravity or dullness; but whenever I met with either of those possessors, I invariably recommended them to apply, for the publication of their opinions, to B. or his Philo: so that the winged messenger may carry the tidings—so that B. and his Philo may share the fame and the triumph.

Well S. you are experienced in the art of manufacturing leather; you have tried it in this country, and know, no doubt, how it would answer.

S.—Yes, I have made vera guid leather in this country; one calf-skin, that I made into leather, was as good as any I ever saw in England or Scotland; and I have made kid-skin guid, vera guid, as white as snow, and as soft as a glove. I purchased at one time, 500 seal-skins, for the purpose of manufacturing them into leather; after being manufactured they would sell for about seven shillings. The dug-skins would make vera guid leather; I got embarrassed we the people I employed; and I did not succeed weel. I would require capital to do any thing at the beseness.

P.—Did you get your tannin in this country, or import it?

S.—Baith. I used to go till Bellisle, with a boat and my own crew, in the summer, and get the barks of hard-wood, (birch and the like) but they war na vera guid, were what is called too hard, the tan made frae them, would na penetrat the substance of the skin; I had till mix them with juniper and fir, till mak them mair saft. When I bought the hard-wood bark, I had till pay thirty shillings for a cord of it. I imported some frae the States; it was na vera guid; but the price was reasonable.

P.—Do you think that the manufacture of leather could be carried on, in this country, with the same facility as it could in countries where the frost is not so severe in the winter season?

S.—Ye would be stoppit sometime by the frost, but ye can lay the skins in the tan-pit in the winter, as they have to lie there about six weeks or two months.

P.—But would they not freeze solid? and would not their being frozen, hinder the tannin from penetrating the skin; that is would not the frost stop the process?

S.—They would only freeze about a foot or eighteen inches. I used to cover them with boards and snow, till keep them frae the frost.—Those that were frozen had till be tamed after they were thawed.

P.—Well Lott, what brings you from the North Shore again? You were up here the other day I think?

L.—To get something to eat, I had some bread the other day, and its all gone, I'm sure I don't know what we poor people will do for sartin.

P.—What, have you no potatoes?

L.—No, they be all gone long ago; no body hadn't a got none on the Nart Shore.—

We only put thirty-five barrels in the cellar last fall, where we used to have a hundred, every fall of our lives; and I be a feared that 'twill be worse this year.

P.—What was the reason you had so few potatoes last fall? And why do you fear that this year you will have less?

L.—Don't know; last summer, wasn't like a summer: they didn't grow somehow; and we let them bide in the gardens to get a little hard, and then the frost nip't them. As for this year I'm sure and sartin, that nobody got no seed, and we must all starve, I s'pose.

P.—Do you recollect, or do you know, of any person, you may, who recollects when the potatoes failed before, as they did last year?

L.—No, not one, I never knowed the like.

P.—Well Mr. S. how do the times govern with you?

S.—Bad times entirely, I never in my born days before, had to come to Carbonear this time o' year to look for grub. I used to have a good cellar of tates, plenty of cabbage and garden stuff till this year, and no body knows the vally of them till they hasn't a got 'em.

P.—Aye; you do not go to the seal-fishery, or the Labrador, and the small quantity of fish you get in the Bay, will not keep your large family, you must of course live principally on the produce of your land.

S.—Every year, till this year; and I never seed the like o' last summer; nor any body else I believe, one used to have a good stock of tates this time o' year and now we hasn't a got no more nor seven barrels that we be tryin to keep for seed, and be pickin them every day to keep 'em from rotten.

P.—You keep sheep I suppose, and your good woman makes gloves, and sometimes stockings of their wool; and I dare say she makes blubber-soap.

S.—Yes, and I often brings the lambs to Carbonear and sells them. The soap is poor stuff, but what can us poor people do, us must hae summat to wash our duds.

P.—Do you think Mr. S. that you could do better without soap and leather, than you could without the produce of your land?

S.—Don't know; we wears out a deal of leather; but we could get a seal-skin and make moccasins; we can make blubber-soap, but as for the gardens; no body knows the vally o' them.

P.—I tell you how you may know something of the value.

S.—How is that?

P.—Why the value of your land's produce last year, compared with the value of its produce in preceding years, would shew a difference, that would give you some idea of its value.

The most melancholy subject we have to contemplate now, Mr. S. is, the general want of seed potatoes that will exist this spring, over the whole Island. We have more particularly to regret this circumstance, because, that in consequence of some of the big-wigs, taking upon themselves to paralyze the praiseworthy, and patriotic attempt of our infant Assembly, to make this country redeem the pledge that was given to the parent government—that this Island should no longer be a burden to the tax-ridden people of England, that the people of this Island should provide for their own wants; minister to their own necessities; and make available their own resources: this act of the big-wigs, has Mr. S. in all probability shut you and others like you, out from the expectation of getting any seed potatoes, through the exertions of your representatives.

I am Mr. Editor,
Your obdt. Servant,
TERRE-NEUVE.

Carbonear, March 21, 1833.

Died, at St. John's, on the 17th inst. in the prime and vigor of life, Mr. P. Shea, son of the late Mr. H. Shea, Merchant. This lamented young man lately filled a respectable situation, in the employ of Mess. Gosse, Pack, and Fryer, the duties of which he discharged to the satisfaction, both of his employers and those with whom his avocations brought him more immediately into contact. His open, manly, and amiable deportment, procured him the esteem of a large circle of friends, to whom his early and unexpected removal is a source of unfeigned regret.

Who, that watched his soul-lit eye;
His buoyant step; his joyous tone;
Would dream that dread mortality,
So soon, had naked him as its own.

Communicated.

Shipping Intelligence.
PORT-DE-GRAVE.

CLEARED.

Feb. 5.—Brig Ringwood, Smith, Portugal; 2100 qtls. cod-fish.
For the SEAL FISHERY 79 Vessels—6281 tons—1687 men.

BRIGUS.

CLEARED.

Feb. 6.—Brig Adelaide, Cormack, Portugal; 2100 qtls. cod-fish.

Total number of Vessels cleared for the Seal Fishery, from the various Ports in Conception Bay 212, measuring 16,436 tons, and carrying 4680 men.

Sailed from St. John's to prosecute the Seal Fishery, to the 20th inst. 105 Vessels.

(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 le-

gislate 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.

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