

ment; all which rates and duties shall be levied, collected, secured, recovered and received by the Treasurer of the Province, or any of his Deputies, as the case may be, in the manner pointed out, and by the means and powers of the Act to which this Act is an amendment, intituled 'An Act for raising a Revenue,' and notwithstanding any duties which now are, or may be imposed and collected, at any of the Custom Houses in the Province, by the means and powers of any Act or Acts of the Imperial Parliament.

III. And be it enacted, That only one shilling and six pence per Gallon shall be levied, collected, secured and received, by the Treasurer of the Province, or any Deputy Treasurer, upon Whiskey, instead of the duty of two shillings and six pence per Gallon imposed in and by the first Section of the hereinbefore recited Act.

IV. And be it enacted, That all articles saved or landed from any wrecked or Stranded Ship or Vessel, shall be liable to the same duties as they would be liable to, if regularly imported, and shall be entitled to the same drawbacks upon exportation; which duties shall be levied, collected, secured and received, under the provisions of the Act to which this Act is an amendment, in like manner as if the articles liable to such duties had been regularly imported; and the same drawbacks shall be allowed and paid upon the exportation of the same, as would be allowed and paid if such articles had been so regularly imported, upon all the provisions of the said recited Act relating to drawbacks being strictly complied with, and all Bonds which may or have been given for securing duties upon goods landed from wrecked or stranded Vessels shall, and they are hereby declared to be as valid to all contents and purposes, as Bonds given for securing the duties on articles regularly imported.

V. And be it enacted, That in addition to the drawbacks allowed, in and by the sixth Section of the Act to which this Act is an amendment, the following drawbacks shall be allowed, to wit: For every gallon of Hollands, Geneva and Whisky, one shilling and six pence; for every pound of Loaf Sugar, one penny; for every hundred weight of dried Fruits, five shillings; and upon British Manufactures, two pounds ten shillings; upon every hundred pounds of the real value thereof, agreeably to the value ascertained upon such manufactures for charging them with duties, at the time of the importation thereof: Provided always, that no less quantity of the foregoing articles shall be entitled to drawback upon exportation, than is mentioned in the said sixth Section of the said hereinbefore recited Act: And provided also, that no less amount of British Manufactures shall be entitled to drawback than one hundred pounds on articles mentioned in any one report of such articles exported.

VI. And be it enacted, That in order to obtain the drawbacks allowed in and by the next preceding Section of this Act, the same forms shall be observed, and the same evidence required in every respect, as is required in and by the said hereinbefore recited Act for obtaining any of the drawbacks therein allowed.

VII. And be it enacted, That in cases where the duties upon articles imported into Woodstock, shall upon any one importation exceed ten pounds, it shall and may be lawful for the Deputy Treasurer there, to take Bonds duly executed by the owner or consignee of such articles, with one or more good and sufficient surety or sureties, for the payment of the same in two months; which Bonds shall be taken in His Majesty's name, and made payable to His Majesty, His Heirs and Successors, and conditioned for the payment of the amount of the said duties, at the times specified therein, to the said Deputy Treasurer who shall take the same, and may be removed in the manner pointed out, and by the means and powers of the Act to which this Act is an amendment, for the recovery of Bonds therein mentioned.

VIII. And be it enacted, That if any person shall, by Force or Violence, assault, resist, oppose, molest, hinder or obstruct, any Officer of the Treasury, in the exercise of his Office, or any person aiding such person, shall upon conviction before any Court of Record in this Province, be adjudged to pay a fine not exceeding one hundred pounds, nor less than fifty pounds, in the discretion of the Court before whom such person shall be tried; one half of which fine, after deducting costs, shall be paid to the person prosecuting for the same, and the other half into the Treasury for the use of the Province.

PROVINCIAL LEGISLATURE.

Continuation of the Debate of the 17th on His Excellency's Message.

Mr Brown said there were two descriptions of Laws for the King and His Excellency. His Majesty was not restricted by Royal Instructions, but his Excellency was. The power of the latter was Delegated by written instructions, whereby he was ordered to reserve certain bills for the Royal consideration. In this case the house were doubtful whether they should add a suspending clause—and asked the Governor whether he could dispense with it. Such a case never could occur in Parliament; and therefore all the authorities as to the King in Parliament are inapplicable, and we are thrown back to the ground upon which we commenced. He (Mr B.) would then say that he had not moved the resolution for the purpose of conveying a censure upon his Excellency, or saying any thing derogatory to him.

Mr Street observed, that if the authorities were such as to satisfy him that the address was unconstitutional and unparliamentary, he would go against the resolution and the amendment. What have we done? (said Mr S.) Have we asked his Excellency for an opinion, which, had he given it, could have in any degree influenced this house in their vote upon the bill? Certainly not Sir. We respectfully asked His Excellency to inform us, whether he could pass a bill without a suspending clause—his answer in the negative or affirmative, could not

have influenced the vote of any one member—and therefore the authorities from Hatsell and Blackstone do not apply at all. We asked his Excellency if he had the power to do a certain act—was not that a constitutional question? It was, and it might have been answered with propriety, without approving or disapproving of the merits of the bill, and therefore the authorities do not apply. I am aware that it is improper to use the name of the King in debate, or that of his Excellency. His Excellency did not think the application unconstitutional and unparliamentary, because we asked his opinion as to his power, but because we thought he asked a pledge; and I put it to every hon. member whether we asked for any pledge whatever? We did not, and it is impossible to construe the address in that light. His Excellency has misunderstood the address, and we should express on our journals that opinion.

Mr Speaker.—I am convinced that this difficulty has arisen from the address having been too hastily adopted. We were in a like difficulty once before in the case of the College; we then asked for information we had no right to seek—and we were told so. [The hon. Speaker then read a long answer from his Excellency to an address of the house for information as to the College Accounts, to shew that his Excellency was disposed to go with the house even beyond their wishes.] The point now is, were we seeking proper information? I think not; and I am sorry that the authorities adduced by the hon. and learned member for Kent have not been answered—they are very much in point. His Excellency was of opinion that our address was unconstitutional and unparliamentary, and therefore he has said so. Suppose he had said he could pass the bill, would he not have considered it as an indirect pledge to pass it? And in that case we would have passed it without a suspending clause, which would have been a material alteration in the bill. The address was improperly worded. It should have asked his Excellency whether he had received any instructions to pass the bill without a suspending clause—which would have answered every purpose. I have taken pains in looking for authorities to support our proceedings, and can find none to satisfy me that we have acted rightly. In the case of 1797, the course I now recommend was adopted, and his Excellency was asked whether he had any instructions to dispense with the suspending clause. I hope we shall be cautious in future in framing our addresses. I shall not support the original resolution because it says we asked no pledge, and I cannot support the amendment, because I think our application to his Excellency was unconstitutional and unparliamentary.

Mr Allen said, that he had voted for the previous question on a former day, on the resolution of the hon member from St. John, (Mr Humbert) He was then under the impression that no precedent could be found on their Journals for such an application—but it now appeared there was a precedent, and a case very much in point. I have listened attentively, (said Mr A.) to the hon. and learned members who are opposed to this resolution, but they have not satisfied me that there is any essential dissimilarity between the proceedings of the house in '97 and our address. The authorities cited by the hon. and learned member for Kent, are not at all in point. The Parliamentary practice can have nothing to do with this question, for no such case ever has or ever can occur in Parliament. The address of '97 was as to a bill—and our address was the same.—and it does not matter whether it was a Marriage Bill or a Money Bill, as to the principle of the question: and as the house had no idea whatever of extracting a pledge from His Excellency, we must look upon our address as neither unconstitutional nor unparliamentary.

After some sparring between Messrs. Simonds, Chandler, and Weldon, the question was put on Mr Partelow's amendment, which was adopted—Yeas 14, Nays 8.

COLONIAL.

NEW-BRUNSWICK.

ST. JOHN COURIER. The fine Steamer *Maid of the Mist*, Capt. T. Reed, starts on Monday for Portland, (Maine,) touching at Campo Bello and Eastport. This is the first instance of one of our steamers undertaking so distant a trip; and we trust it will prove the precursor to many agreeable and profitable ones to the enterprising proprietor and all concerned.

BREAK OF NATURE.—We were this morning shewn a rare curiosity of the animal species, in the shape of a calf with two heads, and in other respects very curiously formed. It was recently produced in King's County; and as the public will have an opportunity of examining it during the ensuing week, it is not necessary for us to describe it more minutely.

WEEKLY OBSERVER. The ship *Mary*, whaler, has again returned to Campo Bello, after a cruise of about eight or nine months in the South Atlantic Ocean, with, it is stated, 2,700 barrels of oil. This is certainly a most excellent cargo, and cannot fail to prove highly encouraging to the enterprising owner, as well as to all others engaged in that trade in this Province.

Mr and Miss Kemble, says the *New York Evening Post*, have realized a clear profit of 70,000 dollars, during their professional career in the United States!—The nuptials of Miss Kemble, with Mr Butler, of Philadelphia, it is understood, are to be celebrated in the course of this month (April), when she quits the stage forever; and Mr Kemble intends returning to England in July.

NOVA-SCOTIA.

NOVASCOTIAN. The following was added to our re-

marks upon the Civil List, after our country papers had gone to press:—

We are glad to find that the people of Halifax, are bestirring themselves, in opposition to this settlement. A Petition upon the subject is in course of signature, and will probably be presented to the Assembly in a day or two. The principles it puts forth are just and rational—the delay it asks can do no injury, and ought to be conceded, unless very considerable reductions are made in the Salaries already proposed. What would even the lavish people of England say, if the question were properly explained to them, that a Legislature, pledged to popular opinions, and at a time of deep distress, voted to one public officer, an income *four times greater* than the richest farmer in the whole landed interest of the country enjoys. Even they do not pay salaries in anything like this proportion, nor would the excuse that the sum had been pocketed by ancient usage be sufficient to satisfy them. Apart from the question of emolument, there are many reasons why the subject should be delayed for another year: not the least important is this, that the Legislative and Executive Councils are to be formed during the recess; and the Civil List once settled—the enormous salaries secured—the whole arrangement may be made in a manner most distasteful to the people, and yet—what can they do? We have neither leisure nor space to discuss the subject as we could wish, but we pledge ourselves to maintain these sentiments in the face of the Country, and to explain some of the machinery which has been brought to bear upon this question, so soon as our opportunities shall permit.

PICTOU OBSERVER. *Daring Attempt to Murder.*—We have been credibly informed that a diabolical attempt was lately made to murder in his own house, at Margaree in Cape-Breton, Mr Peter O'Quin, together with his wife. It appears that a neighbour named M'Grath had been passing a few hours of the evening with them, and among the other subjects of conversation, the wealth of O'Quin became a topic, and into which M'Grath had made particular inquiries, the result of which informed him, that O'Quin had at that time in the house about £250. On M'Grath leaving the house he feigned a difficulty in opening the outside door upon which M'Quin went to open it for him, and whilst in this act, M'Grath plunged in his breast a knife which he had previously concealed, and inflicted on his person several severe wounds, he however succeeded in wresting from him his weapon. At this moment O'Quin's wife came to his assistance, when M'Grath managed to extract from his pocket a Jack-knife, with which he stabbed her in several parts of the breast, and cut her arm open from the shoulder down. In this mangled state she succeeded in getting out of the house, but was shortly after pursued by M'Grath, whose search she eluded by concealing herself in a thicket of wood. During this scene O'Quin managed to bar the door and prevent M'Grath's return. Sufficient strength was left to the wife to reach an adjoining neighbor, who discovered on repairing to the house that O'Quin had become much exhausted from loss of blood. O'Quin it is expected will recover, but the life of the wife, from the description of her wounds, is despaired of.

M'Graw fled, and up to the date of our information the officers in pursuit of him, had not succeeded in arresting him. We sincerely hope that every vigilance will be used to secure and bring to trial, the proprietor of this daring and blood-thirsty outrage.

CANADAS.

Speech of His Excellency, Lord Aylmer, in Proroguing the Legislature on the 13th March.

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly,
The state of the public business in your two houses no longer makes it necessary to detain you from your homes and usual avocations.

Gentlemen of the House of Assembly,
Your late proceedings have relieved me from the necessity of addressing you upon the present occasion on the subject of the communication, which, in obedience to His Majesty's commands it was my duty to make to you at the conclusion of the Session, regarding the financial difficulties of the local Government caused by the failure of the Supply Bill of last year.

That subject, as well as others relating to the affairs of the Province, has been taken out of the hands of His Majesty's Government by your appeal to the Imperial Parliament.

To the decision of that supreme authority all parties concerned must yield implicit obedience: in the mean time, however, I cannot suffer to pass unobserved, the language of the 92 resolutions, under which you appeal to the Imperial Parliament is founded; for it is so greatly at variance with the well known urbanity and moderation of the Canadian character, that those who may be unacquainted with the real state of the Province will find it difficult to persuade themselves that that