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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF

### NEWFOUNDLAND.

FIRST SESSION, FIRST COLONIAL PARLIAMENT.

*His Excellency Sir THOMAS JOHN COCHRANE, Knight,*  
GOVERNOR.

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BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

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St. John's, Newfoundland.

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1833.

# JOURNAL, &C.

## LEGISLATIVE COUNCIL. NEWFOUNDLAND.

SIR THOMAS JOHN COCHRANE, *Knight, Governor.*

*Tuesday, 1st January, 1833.*

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President.*

*The Honorable* COLONEL SALL, *Commandant.*

” ” JAMES SIMMS, Esquire, *Attorney General.*

” ” JAMES CROWDY, Esquire, *Colonial Secretary.*

” ” ARTHUR HOLDSWORTH BROOKING, Esquire, *Collector of His Majesty's Customs.*

” ” WILLIAM HALY, Esquire.

First Session of the Legislative Council.

The Governor arrived at the Council Room at 2 o'clock, and having directed the attendance of the Members of the House of Assembly, proceeded to open the Colonial Parliament with the following Speech :

*Mr. President and Gentlemen of His Majesty's Council,*

*Mr. Speaker and Gentlemen of the House of Assembly,*

The First General Assembly is now in full operation in the Island of Newfoundland, and I beg to offer you my sincere congratulations on so important an event, with my prayer that its establishment may be attended by every blessing a virtuous and free people can hope for or desire. If anticipations of the future may be drawn from the conduct of the people of Newfoundland in the first exercise of the right conferred upon them, there is every reason to trust that my wishes will not be disappointed.

Governor's Speech on opening the First Session of the Colonial Parliament.

The harmony, order and good will that have been maintained in the course of the Elections are deserving of great praise; and I should not do justice to my feelings, or to the Inhabitants of Saint John's, were I not to make it known that although a very keen contest was carried on in this Town for eight days, in which nearly three thousand Inhabitants had a right to vote, yet not one single Police Report resulted from it; an example which could be profitably followed by many older Governments; and I am persuaded it will be your anxious endeavour to persevere in that course which has so happily begun.

*Mr. Speaker and Gentlemen of the House of Assembly,*

The Geographical division of the Island, made by His Majesty's Proclamation of the 26th July, has had the effect of excluding the Inhabitants of certain places from any participation in the rights enjoyed by their fellow-countrymen. This defect in those instructions can with most propriety be remedied by the Legislature; and I am to signify to you His Majesty's wish, that such provision may be made by Law, as will embrace every part of the Colony within some one of the Electoral Districts into which the Island has been divided.

*Mr. President and Gentlemen of His Majesty's Council,*

*Mr. Speaker and Gentlemen of the House of Assembly,*

In a Colony that has been so long without any efficient Laws to govern it, or any adequate mode of meeting, by corresponding legal enactments, the varying change of circumstances



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which must arise in every Country, you will be prepared to expect that a pressure of business will devolve upon you in every department of the Government, which will require your close and unremitting attention. Your principal difficulty will be to decide to what point first to direct your attention; and, to assist your deliberations, I shall cause to be laid before you, in a few days, a short account of the different Institutions connected with the Colony; and I beg to assure you that I shall never consider my time so well occupied as in facilitating your labours; and that I shall most cordially unite with you in every Measure that may be conducive to the improvement and prosperity of this Island.

A temporary accommodation has been provided in which to hold your sittings. It does not afford all the conveniencies I could have wished for; but I trust it will be found to answer that purpose during the present Session.

Resolution for an Address of thanks for His Excellency's Speech.

His Excellency having retired at half past two o'clock, it was unanimously resolved that an Address of Thanks be presented to His Excellency the Governor for his Gracious Speech at the opening of the Colonial Parliament; and that the Honorable James Simms, Esquire, and the Honorable James Crowdy, Esquire, be appointed a Committee to prepare such an Address.

After which the Council unanimously adopted the following Resolution:

That the appointment of the Governor's Private Secretary to act as Deputy Clerk to His Majesty's Legislative Council, is highly objectionable.

Under a strong impression that the appointment of Captain Campbell to act as Deputy Clerk of the Legislative Council, whilst that Officer holds the situation of Private Secretary to His Excellency the Governor, would be, on many accounts, highly objectionable; the Members of the Council unanimously concur in signifying to the Clerk of the Council their particular wish that some other Gentleman should be selected to officiate for him as his Deputy in the discharge of his Duties to the Legislative Council. In adopting this Resolution, however, the Council by no means wish to offer the least objection to Captain Campbell's acting as Clerk of the Executive Council, as the grounds upon which the Board conceive that he ought not to hold the Office of Clerk of the Legislative Council do not, in any degree whatever, apply to the Office of Clerk of the Executive Council.

The Council then adjourned until To-morrow morning, 11 o'clock.

WEDNESDAY, 2nd JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ WILLIAM HALY, Esquire.

That the appointment of the Serjeant at arms to act as Deputy Clerk of the Legislative Council is not desirable.

A Commission appointing Joseph Templeman, Esquire, Deputy Clerk of the Legislative Council, having been laid before the Council, the Members were unanimously of opinion that it was not desirable that the appointments of Deputy Clerk of the Legislative Council and of Serjeant at Arms, should be held by the same Individual; and they therefore resolved that this opinion should be respectfully communicated to His Excellency the Governor, through the Honorable James Crowdy, Esquire, the Colonial Secretary.

The Council then adjourned until 2 o'clock p. m. To-morrow.

THURSDAY, 3rd JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ WILLIAM HALY, Esquire.

The Honorable Mr. Crowdy informed the Council that he had communicated the resolution adopted yesterday respecting the union of the Offices of Deputy Clerk of the Legislative



3d & 5th January, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

Council and Serjeant at Arms, in the same Individual, to His Excellency the Governor, and was authorized by His Excellency to inform the Members of the Council, that in pursuance of that resolution he has been pleased to give an appointment of Deputy Clerk of the Legislative Council to Christopher Ayre, Esquire.

The Commission appointing Mr. Ayre Deputy Clerk of the Legislative Council was accordingly produced, and the Oath of Office at the same time administered to him.

C. Ayre, Esq. appointed Deputy Clerk of the Legislative Council.

The Honorable Mr. Simms and the Honorable Mr. Crowdy then laid before the Council the following Draft of an Address to His Excellency the Governor, in answer to His Excellency's Speech, at the opening of the present Session of the Colonial Parliament, which was read, approved of, and unanimously adopted.

*To His Excellency SIR THOMAS JOHN COCHRANE, Knight, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.*

Council's Address to His Excellency, in reply to his Speech at the opening of the Colonial Parliament.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's most dutiful and loyal subjects, the Members of His Majesty's Council, in Council assembled, beg leave to return your Excellency our humble and unanimous thanks for your Excellency's most gracious Speech on the opening of the first Session of the Colonial Parliament.

We gratefully acknowledge the congratulations of your Excellency on the important event of the Establishment of a Local Legislature in this Colony; and we sincerely concur in the anxious wish expressed by your Excellency, that the Privileges which His Majesty has thereby been graciously pleased to confer on his loyal subjects within your Excellency's Government, may be attended by every blessing which a virtuous and free people can hope for or desire.

We most cordially participate in the feelings of satisfaction expressed by your Excellency in contemplating the harmony and good will which have been maintained during the course of the recent Elections, and which we assure your Excellency we shall anxiously endeavour to cultivate and preserve.

We assure your Excellency that we are sensibly alive to the important and onerous duties which must devolve upon us in a Colony subsisting under such circumstances as those depicted by your Excellency; involving not alone the revision of its now existing Laws, but the construction and enactment of an almost general code.

We thank your Excellency for the expression of your intention to lay before us a short account of the different Institutions connected with the Colony, which we assure your Excellency will command and receive our earliest and most earnest consideration.

While we express our grateful sense of your Excellency's assurance, that your Excellency will never consider your time so well occupied as in facilitating our labours, and that your Excellency will most cordially unite with us in the promotion of every measure that may be conducive to the improvement and prosperity of this Island, permit us most humbly to assure your Excellency that, in every measure that can conduce to such objects, your Excellency may rely upon our firm, zealous, and faithful support.

It was afterwards resolved that a Copy of this Address should be conveyed in the course of To-morrow by Mr. Crowdy, to His Excellency, with a request that His Excellency will be pleased to appoint a time and place for the Council to present the same.

The Council adjourned until half past one p. m. on Saturday.

SATURDAY, 5th JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President.*

*The Honorable* COLONEL SALL, *Commandant.*

„ „ JAMES SIMMS, Esquire, *Attorney General.*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

„ „ ARTHUR HOLDSWORTH BROOKING, Esquire, *Collector of His Majesty's Customs.*

„ „ WILLIAM HALY, Esquire.



5th & 8th January, 1833.

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The Honorable Mr. Crowdy reported to the Council, that in pursuance of their resolution he had requested His Excellency the Governor to be pleased to appoint a time and place to receive the Address of the Council, and had been directed by His Excellency to inform the Council that he would receive their Address at the Government House this day, at 2 o'clock.

The Council accordingly waited upon His Excellency at the time appointed, when their Address was read by the President to His Excellency, who was graciously pleased to return the following answer :

*Mr. President and Gentlemen of His Majesty's Council,*

I beg to return you my sincere thanks for your Address and the assurances it contains.

The cordial assistance you have tendered to me in the Execution of my duties, cannot but lighten their pressure as well as promote their success.

Adjourned until Tuesday next, at 12 o'clock.

TUESDAY, 8th JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

Mr. Secretary Crowdy delivered to the Council the following Message from His Excellency the Governor:

*Government House, 7th January, 1833.*

THOMAS COCHRANE.

The Governor having received within these four days two Memorials, one from the Bay of Bulls and the other from the Port of Brigus, both stating many of the Inhabitants of those places to be in a great state of destitution, and praying for relief; and as His Excellency has reason to believe similar appeals will ere long be made from other parts, His Excellency has directed that these Memorials shall be laid before the Legislative Council for their immediate and serious consideration.

*To His Excellency* SIR THOMAS JOHN COCHRANE, *Knight, Governor and Commander-in-Chief*

*&c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned, having been informed there were several Families and single People in great distress in this Harbour, and having, by personal interviews, ascertained that there are a number of the Inhabitants both here and at Witless Bay, at this present time, in the actual want of the common necessaries of life, and others who have not the means of subsistence for more than four weeks.

We, your Petitioners, have thought it proper to make your Excellency acquainted with the above distress, (originating principally in the failure of the Potatoe Crop), in the hope that your Excellency will take into your gracious consideration and give that measure of relief which may be thought fit.

And your Petitioners, as in duty bound, will ever pray.

There are 108 Men, Women and Children in present want ;

Do. 36 do. do. who will be in want after one month.

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ALEX. STEVENSON,  
PATR. CLEARY, C. Pastor,  
THOMAS GLEN, and 8 other Individuals.

Bay Bulls, 26th Dec. 1832.

His Excellency's Reply  
to the Address of the  
Council.

Message from His Ex-  
cellency transmitting  
Memorials from Brigus  
and Bay Bulls, on the  
subject of the distress  
in those places.

Memorial from Bay of  
Bulls.



8th & 9th January, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, Governor.

To His Excellency SIR THOMAS JOHN COCHRANE, Knight, Governor and Commander-in-Chief  
&c. &c. &c. Memorial from Brigus.

The Petition of the Inhabitants of Brigus, in Conception Bay,—

HUMBLY SHEWETH,

That owing to the disastrous failure of the extensive Establishment of Mr. Charles Cozens, Merchant in this place, the poorer class are left destitute both of present subsistence and the means of obtaining any whatever; and that the most appalling distress prevails among them, without any means to alleviate it.

That not only at this period does the distress prevail, as appears from the report of a Committee appointed to investigate the habitations and circumstances of the needy individuals, but an assured expectation of the continuance of such distress through a long and anticipated severe Winter, whereby your Petitioners have reason to dread famine and death must be the result.

That according to the report of the investigating Committee, 223 families have been visited containing 1421 persons, of which there are 91 families who are either entirely destitute or have not more than a week's subsistence, 72 families that have about a month's provisions each family, and the residue enough to subsist on until the First day of March next.

That hitherto there has been an extensive Seal Fishery carried on in this place, and by this unfortunate failure it will be in a great measure lessened, whereby hundreds will be thrown out of employment, which will add greatly to the distress, and augments the fears of your Petitioners.

Whereupon your Petitioners most humbly pray that Your Excellency will be pleased to take the same into your consideration, and send relief as early as possible, lest the severity of the Winter may shut up the intercourse between this place and St. John's, and thereby cause what is most fearfully expected; and, as in duty bound, will ever pray.

We are,

Your Excellency's most devoted and obedient servants,

(Signed) WILLM. SWEETLAND,

Chairman,

And 13 other Individuals.

Brigus, January 1st, 1833.

It was then Resolved, that the anxiety with which the Council had previously regarded the state and condition of a large portion of the population of this Island, has been sensibly increased by the Message just delivered from His Excellency the Governor on the subject of the distress at present prevailing in the settlements of Brigus and Bay of Bulls. That the Members of the Council, individually and collectively, deeply sympathize in the sufferings and privations in which they believe many of the Inhabitants of the Colony are involved through the depressed state of its Trade and Fisheries, and by the universal failure of the Potato Crop: and they will cordially concur in any measure for the relief of the now existing distress, which may be proposed by that branch of the Legislature in which the right of originating such measure is by the Constitution exclusively vested.

Resolution that the Council will cordially concur with the House of Assembly in any measure that may be proposed for the relief of the distressed settlements.

Adjourned until To-morrow, 1 p. m.

WEDNESDAY, 9th JANUARY, 1833.

Present,

His Honor RICHARD ALEXANDER TUCKER, Esquire, *President.*

The Honorable COLONEL SALL, *Commandant.*

„ „ JAMES SIMMS, Esquire, *Attorney General.*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

„ „ JAMES MORTON SPEARMAN, Esquire, *Collector of the Customs.*

„ „ WILLIAM HALY, Esquire.



9th January, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

Mr. Crowdy laid before the Council the following Message from His Excellency the Governor :

Government-House, 9th January, 1833.

Message from His Excellency transmitting a Despatch from the Secretary of State.

THOMAS COCHRANE.

The Governor having received from the Right Honorable Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, a Despatch bearing date the 27th of July 1832, which contains many subjects of deep interest to the Colony, His Excellency has directed a copy of it to be laid before the Legislative Council, with the hope that it will receive its deliberate consideration.

Despatch of the Secretary of State referred to above.

Downing Street, 27th July, 1832.

SIR,

I have the honor herewith to transmit to you His Majesty's Commission under the Great Seal, appointing you Governor of the Island of Newfoundland, together with your general Instructions under the Royal Sign Manual, referred to in that Commission.

As this is the first occasion on which provision has been made for convening a Legislative Assembly for the Island of Newfoundland, the importance of that measure requires that I should not limit myself to the merely formal duty of placing you in possession of these Instruments, but that I should shortly explain the grounds and the nature of the policy by which His Majesty's Council on this subject have been directed.

It were superfluous at the present day to enquire into the wisdom of that system which was pursued for so many years towards the ancient Colony under your Government, the fundamental principle of which was to prevent the Colonization of the Island and to render this Kingdom the domicile of all persons engaged in the Newfoundland Fisheries. The common interest or convenience of those persons virtually defeated the restrictions of the various Statutes respecting them, long before Parliament admitted the necessity of repealing those Laws. A Colony gradually settled itself along the shores of the Island, and has of late years assumed a rank of no inconsiderable importance among the Foreign Possessions of the British Crown. But notwithstanding the growing population and the wealth of Newfoundland, no plan has hitherto been adopted for regulating such of the internal affairs of the Colonists as demanded the enactment of Laws specially adapted to their peculiar situation. Parliament, indeed, contemplated the erection of Corporate Towns, with the power of making Bye Laws for remedying this inconvenience; but on attempting to carry this design into effect, unforeseen obstacles were encountered. It was found altogether impracticable to reconcile the contradictory wishes and recommendations of the parties who would have been more immediately affected by the measure; and it became evident that the boon which it was proposed to confer would be received, by a great body of the Inhabitants, not as an act of grace, but an infringement of their rights, into whatever form the intended Charters might have been thrown. The consequence was that His Majesty became practically unable to execute the trust which Parliament had confided to him.

The necessity of some provision for regulating the internal concerns of Newfoundland, by enactments adapted to the peculiarities of their local position, became however daily more and more evident. Carrying with them, from this Kingdom, the Law of England as the only Code by which the rights and duties of the people in their relations to each other, and in their relation to the state, could be ascertained, it was obvious as soon as the Colony began to assume a settled form, that the adaptation of that Code to the various exigencies of the local society was a task demanding the exercise of much reflection and caution; that many of its provisions were entirely inapplicable to the wants of a population so peculiarly situated; and that many more could be applied only by a distant and uncertain approach to the original standard. Hence it occurred that in the administration of the Law the Judges virtually assumed to themselves functions rather Legislative than Judicial, and undertook to determine not so much what the Law actually was, as what in the condition of Newfoundland it ought to be. For this assumption of power, no censure attaches to those learned persons; without



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any positive rule of decision, nothing remained for them but to engage in such an enquiry; yet the practical inconvenience was not less urgent, nor the anomaly the less glaring.

It was not, however, merely in the absence of rules which this latitude of Judicial interpretation might supply, that public detriment was sustained. There were still wanting other regulations, which no Judge could either invent or enforce; especially in whatever related to Police and internal improvements demanding the co-operation of different Persons, nothing could be carried into effect which any individual found an adequate reason for opposing, or which he opposed for mere caprice. I find that in a matter so trifling in appearance, and yet affecting the comforts of so many, as the prevention of domestic animals wandering at large through the country, an earnest application was made to His Majesty's Government to obtain an Act of Parliament for the redress of the grievances endured by the Colonists. Although it was thought improper to encumber the British Statute Book with such provisions, yet it was fully admitted that they could be supplied by no other authority, and the application itself forcibly illustrated the inconvenience of so remote a society being destitute of any Local Legislature.

It may seem, however, superfluous to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of Constitution which generally prevails throughout the British Transatlantic Colonies. The difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of Colonial Government which has been attended with so many advantages in British North America, would produce similar benefits to Newfoundland if transferred to that settlement. I do not indeed mean to deny that some considerable inconvenience has occasionally resulted from the adoption, in those dependencies of Great Britain, of constitutions modelled into a miniature resemblance of our own; but I know not what is the system of which the same might not truly be asserted. It was sufficient to say, of the scheme of internal polity in force in Nova Scotia and New Brunswick, that in all Colonies to which it has been extended it has invariably secured the attachment of the people by giving them a large share in the management of their own affairs; by affording an open field for the free exercise of talents and public spirit; by providing honorable ambition with a legitimate object and reward; by ensuring immediate and careful attention to the various exigencies of society; and by promoting a frugal and judicious administration of public affairs.

With the single exception of those Colonies in which the people are separated from each other by distinctions analogous to those of Caste, Representative Assemblies are not only recommended by abstract considerations drawn from the genius and principles of our own Government, but by a long course of experiments pursued under a great variety of circumstances, but still leading to the same general result.

In advising His Majesty to convene an Assembly from among the Inhabitants of Newfoundland, I have therefore not yielded myself to the guidance of any improved theory, but have simply extended to another of the Colonial 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 difficulty, 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 they will have to discharge, or the proper mode of proceeding for the methodical and accurate discharge of them. Cautiously abstaining from the appearance of usurping any undue authority over matters properly falling within the cognizance of the Assembly, you will yet be prompt to afford to all parties 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 seconded by the cordial good will and co-operation of the Executive Government, and that the House of Assembly is regarded not as a Civil Power, but as a body destined to co-operate with yourself in advancing the prosperity of the settlement.



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For your own guidance it may be right to observe, that Colonial Assemblies, as they derive their general form from the model of 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 the circumstances of the Representative 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.

As soon as conveniently may be after your arrival in Newfoundland, you will convene the Council, according to your General Instructions, and arrange with them the whole course of proceeding to be adopted for giving effect to so much of those Instructions as relate to the convoking the Assembly. Especially you will consider the proper forms of the Writs to be addressed to the Returning Officers; the proper places for holding Elections; the most convenient times at which they can take place; the necessary arrangements for the reception and accommodation of the Legislative Body at the Town of St. John's; the most convenient method of opening the First Session of the General Assembly with appropriate and decorous solemnities, and, above all, the topics to which their attention should in the first instance be directed.

In conformity with the precedents in use on similar occasions, the draft of a Proclamation has been approved, declaratory of the future system of Government. This Proclamation you will cause to be circulated in the most public manner as soon as conveniently may be after your arrival.

It has, for the present, divided the Country into Electoral Districts, and has determined the number of Members who are to be returned for each. These, however, are topics on which it is very probable that the information I have been able to acquire in this Kingdom may be erroneous or defective. Any other division of the Country which may be more generally convenient, and any other arrangement of the number of Representatives for different Districts, which the Council and Assembly may deem more advantageous, will be the fit subject of Legislative enactment. No change in the Constitution of the House, or in the total number of Members, can however be effected except with His Majesty's previous approbation, and in the manner indicated in your General Instructions.

In accordance with the uniform course of precedents, your Commission constitutes 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 Colonial Legislation has been practically found to be attended with some serious difficulties.

The Members of Council deriving their authority from the Royal Commission, have not seldom been regarded with jealousy and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the semblance of harshness when opposed to the unanimous or predominant opinions of those to whom the Colonists looked with confidence as their Representatives. The Councils, it must be confessed, have not uniformly exerted themselves 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 privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature; and have not seldom involved them in dissensions which it would have been more judicious to decline.

Some of the principal Inhabitants of the Colony, as well as the Chief Officers of the local Government, being usually Members of the Council, are removed from the prospect of obtaining seats in the House of Assembly. Even in the Colonies in which there is a larger society, and a greater number of proper Persons to become Members of the Legislature than in New-



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SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

foundland, considerable inconvenience has been found to result from raising to the rank of Councillors the leading Members of the Assembly, and thereby losing their services in that Body.

The want of any Member competent to explain or vindicate the course pursued by the Executive Authorities has been still more severely felt. Measures have not unfrequently been misunderstood, and it has happened that a trifling misconception, which a few words of timely explanation would have removed, has grown into a serious and embarrassing controversy. The effect of the Institution, therefore, is to induce a collision between the different branches of the Legislature, to exempt the Governor from a due sense of responsibility, and to deprive the Representative Body of some of its most useful Members. Yet the compensation which might atone for those evils is not obtained, and the Council does not assume in the Colony a position or an influence analogous to that of the House of Peers, because entirely destitute of that hold of public opinion which the Property and independence of its Members, as well as the antiquity of the Institution, confers upon the Peerage of this Country.

Adverting to these considerations, and to the Legislative History of the British North American and West Indian Colonies, I should regard with satisfaction any arrangement which should consolidate the Council and the Assembly into a single House, in which the Representatives of the People would be met by the Official Servants of the Crown. An example of this form of Government exists in British Guiana, and is found to possess in practice many of the advantages which it promises in theory, by casting upon the Governor an undivided responsibility as often as he adopts or rejects the proposals of the Legislative Body, and by securing to them all the information and assistance which can be rendered by Members officially conversant with the various subjects brought under their consideration. This, however, is a system which prevailed in Guiana before the Conquest of that Settlement by Great Britain, and which, I apprehend, His Majesty could not establish by the exercise of His Prerogative in Newfoundland.

If, however, the Council and Assembly, as established by your Commission and Instructions, should concur in the view which I have taken of this subject, and should be disposed to pass a Bill for uniting the two Houses, with a clause suspending the operation of the Law for the signification of His Majesty's pleasure, you will, on His Majesty's behalf, assent to any such Bill. Should the design be entertained, I think that the Colonial Secretary, the Attorney General, and the Chief Officer of the Customs, would be the most proper Persons to hold Seats in the Assembly by virtue of their Official Situations: they would be enabled to explain the views of the Executive Government upon the principal points which could be brought under the consideration of the Legislature; and the introduction of so small a number as three Gentlemen nominated by the Crown could not be supposed in any degree to controul its deliberations.

Upon this point it is only necessary to add, that the Bill should be so framed as, in depriving the Council of its Legislative Functions, to allow of its continuance as a Body, to which the Governor might resort for advice during the intervals between the Sessions of the Legislature, and upon other occasions when it might be convenient to him to do so: For this purpose, however, a numerous Body is not required; and I have therefore at present only recommended to His Majesty one Gentleman not holding any Official Situation, for a Seat in the Council. The Gentleman whom I have selected is Colonel Haly, who has been strongly recommended by yourself, and to whom a dormant Commission will be granted authorizing him to assume the Government of the Colony in the event of your absence, in order that the regular discharge of the duties of the subordinate Officers may not be interrupted by their being called upon to assume the temporary Administration of the Government.

In contemplation of the change which has been effected in the internal Government of the Colony, it was resolved to apply to Parliament to continue in force the Acts by which the celebration of Marriages, the Administration of Justice, and the conduct of the Fisheries, are regulated. Bills are now pending for that purpose, and will, I trust, be shortly passed into a Law. The Marriage and the Administration of Justice Acts being matters exclusively of Local concern, will remain in force until the Local Legislature shall see fit to repeal or to alter



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them. If the Council and Assembly should think that any change is requisite in either of these topics, the remedy will therefore be in their own Hands. The Newfoundland Fisheries Act affects interests partly local and partly co-extensive with the Trade and Navigation of the Empire at large. It will, therefore, be continued in force for Two Years. Before the expiration of that time, it will be fit that the Local Legislature should be invited to consider the subject in all its bearings. So much of that Statute as relates to the Navigation and Commerce of this Kingdom may then be revised by Parliament, with the benefit of the assistance to be anticipated from the labours of the Council and Assembly; so much, on the other hand, of the Statute as refers to Interests properly Local, may then also be remitted to the Local Legislature for their decision.

By one of the two Bills to which I have referred, provision is made for transferring to the Governor, Council and Assembly of Newfoundland, the appropriation, to the public Service of the Island, of all Money levied there under any Parliamentary authority.

From his existing Revenues His Majesty has reserved nothing for his own unqualified disposal, but has placed the whole under the control of the Local Legislature, with the exception of a Sum which must be applied for the support of the Governor, the Judges, the Colonial Secretary, and the Attorney-General; this arrangement will, I trust, effectually obviate the difficulties which have been so sensibly felt in other Colonies, and satisfy the Inhabitants of His Majesty's fixed purpose and earnest solicitude to promote, to the utmost of his power, a wise economy in the expenditure of the Public Revenue, and to respect the Constitutional rights of the popular branch of the Local Legislature.

You will observe that the expense of collecting this branch of the Revenue is to be deducted from its gross proceeds, and that these arrangements do not embrace any part of that Revenue which accrues to the Crown in virtue of His Majesty's Prerogative: Such, for example, are the Rents and Proceeds of the Sales of Crown Lands, Escheats, Fines and Forfeitures.

His Majesty is, however, graciously pleased to authorize you to assure the Council and Assembly that whatever money may accrue to the Crown in the Island, will always be applied towards the Expense of the Civil or Military Government, and towards objects strictly and exclusively local.

I hope shortly to convey to you the authority of the Lords Commissioners of the Treasury for the apportionment of that part of the Parliamentary duties which will be applicable to the support of the Public Officers already enumerated.

I have the honor to be, &c.

GODERICH.

GOVERNOR SIR THOMAS COCHRANE,  
&c. &c. &c.

Which having been read, it was—

Resolved, that His Excellency the Governor be assured, through the Colonial Secretary, that the Letter of Lord Goderich, transmitted to the Council with His Excellency's Message this day, will receive its deliberate and serious consideration.

The following Letter and the accompanying Document, were read to the Council by the President:

*Secretary's Office, 8th January, 1833.*

SIR,

With a view to facilitate the proceedings of the Legislative Council, and that it may be aware of the limitations in the Governor's powers with reference to giving his assent to Bills passed by both Branches of the Legislature, His Excellency desires me to transmit to you, for the information of the Council, an Extract from the Royal Instructions relating to this subject.

I have the honor to be,

Sir, &c. &c.

JAMES CROWDY.

*His Honor*

THE PRESIDENT OF THE COUNCIL.

Resolution that His Excellency be assured the despatch of Lord Goderich will receive deliberate and serious consideration.

Message from His Excellency, with Extracts from the King's Instructions limiting the Governor's Power to assent to Bills.



9th January, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

EXTRACTS

Extracts from the  
King's Instructions.

From the King's Instructions, under His Majesty's Sign Manual, to Sir THOMAS JOHN COCHRANE, Knight, Governor of Newfoundland, dated at the Court of St. James's, the 26th day of July, 1832.

ARTICLE 13.

And We do hereby require and command that you do not, on any pretence whatever, give your assent to any Law or Laws to be passed, by which the number of the Assembly shall be enlarged or diminished, the duration ascertained, the qualifications of the Electors or the Elected fixed or altered, or by which any regulations shall be established with respect thereto, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the Draft of such Bill or Bills, and shall have received Our Royal pleasure thereupon, unless you take care, in the passing of such Bill or Bills, that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.

ARTICLE 14.

And you shall not re-enact any Law to which the assent of Us or Our Royal Predecessors has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you, to be made to Us through one of Our Principal Secretaries of State, of the reason and necessity for re-enacting such Law.

ARTICLE 15.

And it is Our express will and pleasure that no Law for constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a temporary Law; and that no Law for granting unto Us any sum or sums of money, by duties of impost, tonnage, or excise, be made to continue for less than one whole year; as also that no other Laws whatsoever be made to continue for less than two years, except only in cases where it may be necessary, from some unforeseen emergency, to make provision by Law for a service in its nature temporary and contingent.

ARTICLE 16.

You are also, as much as possible, to observe, in the passing of all Laws, that each different matter be provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in or annexed to any Act, which shall be foreign to what the title of such respective Act imports; and that no perpetual clause be part of any temporary Law; and that no Act whatever be suspended, altered, continued, revised, or repealed, by general words, but that the title and date of such Act so suspended, altered, continued, revised, or repealed, be particularly mentioned and expressed in the enacting part.

ARTICLE 17.

And you are particularly enjoined not to pass any Law, or do any act by Grant, Deed, Conveyance, or otherwise, whereby Our Revenue may be lessened or impaired, without Our especial leave or command thereon.

ARTICLE 18.

It is Our will and pleasure that you do not give your assent to any Bill or Bills for raising money by the institution of any public or private Lotteries whatsoever, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft or drafts of such Bill or Bills, and shall have received Our commands thereupon.

ARTICLE 19.

It is Our will and pleasure that you do not, on any pretence whatever, give your assent to or pass any Bill or Bills in Our Island under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits, of Persons who have never resided within Our said Island, shall be liable to be seized or taken in Execution for the recovery of Debts due from such Persons, otherwise than is allowed by Law in cases of a like nature within our Realm of England, until you shall have first transmitted to Us, through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our Royal



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pleasure thereupon ; unless you take care, in the passing such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until Our Royal will and pleasure shall be known thereupon.

ARTICLE 20.

It is Our further will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may have been, or shall hereafter be, passed by the Council and Assembly of the Island under your Government, for the naturalization of Aliens, nor for the Divorce of Persons joined together in Holy Matrimony, nor for establishing a title in any Person to Lands, Tenements, and Real Estates in our said Island, originally granted to or purchased by Aliens antecedent to Naturalization.

ARTICLE 21.

Whereas great mischiefs have arisen by the frequent passing of Bills of an unusual and extraordinary nature and importance in the Plantations, which Bills remain in force there from the time of enacting until Our pleasure be signified to the contrary : We do hereby will and require you not to pass or give your assent to any Bill or Bills passed in the Assembly of an unusual and extraordinary nature and importance, whereby our Prerogative or the property of our subjects may be prejudiced, nor to any Bill or Bills whereby the Shipping of this Kingdom shall be in any wise affected, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such Bill or Bills, and shall have received Our Royal pleasure thereupon, unless you take care, in the passing of such Bill or Bills as aforementioned, that there be a clause inserted therein suspending and deferring the execution thereof until Our pleasure shall be known concerning the same.

ARTICLE 22.

You are also to take care that no Private Act be passed whereby the property of any Private Person may be affected, in which there is not a saving of the right of Us, our Heirs and Successors, and of all other except such as are mentioned in the said Act, and those claiming by, from and under them ; and further, you shall take care that no such Private Act be passed without a clause suspending the execution thereof until the same shall have received Our Royal approbation. It is likewise Our will and pleasure that you do not give your assent to any Private Act until proof be made before you in Council, and entered in the Council Book, that public notification was made of the parties' intention to apply for such an Act, in the several Parish Churches where the Premises in question be, for Three Sundays at least, successively, before any such Act shall be brought into the Assembly, and that a Certificate under your hand be transmitted with and annexed to every such Private Act signifying that the same has passed through all the forms abovementioned.

ARTICLE 23.

You are to take care that in all Acts or Orders to be passed within our said Island, in any case, for levying Money or imposing Fines and Penalties, express mention be made that the same is granted or reserved to Us Our Heirs and Successors, for the public uses of the said Island and the support of the Government thereof, as by the said Act or Order shall be directed.

ARTICLE 25.

You are not to permit any clause whatsoever to be inserted in any Law for levying Money, whereby the same shall not be made liable to be accounted for unto Us here in this Kingdom, and to Our Commissioners of Our Treasury, or Our High Treasurer for the time being. And We do particularly require and enjoin you, upon pain of Our highest displeasure, to take care that fair Books of Accounts of all Receipts and Payments of all such Money be duly kept, and copies thereof be transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being ; and in which Books shall be specified every particular sum raised or disposed, together with the names of the persons to whom any payment shall be made, to the end We may be satisfied of the right and due application of the Revenue of our said Island, with the probability of the increase and diminution of it, under every head and article thereof.



9th, 16th & 23rd January, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

Resolved, that Mr. Spearman and Colonel Haly be appointed a Committee to report upon what arrangements are indispensably necessary to render the Room at present appropriated to the use of the Council, convenient for that purpose, and suitable for the occasional accommodation of the Judges, the Members of the House of Assembly, and a limited number of Strangers.

Resolution that two Members of the Council report what arrangements are necessary to make the Council Room convenient for its purposes.

His Honor the President then moved for leave to bring in a Bill on Thursday the 31st Instant, for the purpose of limiting the Council and House of Assembly of this Colony, in the manner suggested by Viscount Goderich in his despatch to His Excellency Sir Thomas Cochrane of the 27th July 1832.

The President obtains leave to bring in a Bill to unite the Council and House of Assembly.

Seconded by Lieut. Col. Sall.

Leave granted.

Adjourned to Wednesday, 16th January, 12 o'clock.

WEDNESDAY, 16th JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES MORTON SPEARMAN, Esquire, *Collector of the Customs,*

„ „ WILLIAM HALY, Esquire.

Mr. Crowdy delivered to the Council the following written Message from His Excellency the Governor :

*Government-House, 9th January, 1833.*

THOMAS COCHRANE.

The Governor has directed that the statement relative to the different Institutions of the Colony, referred to in His Excellency's Speech at the opening of the Session, together with an average statement of the Revenue and Expenditure for the last Five years, and other Financial Documents, may be laid before the Legislative Council for their information.

Message from His Excellency relative to the different Institutions of the Colony.

Resolved, that His Excellency be informed, through the Honorable Mr. Crowdy, that the several interesting and important subjects adverted to in the foregoing Message will receive the best attention of the Council, who will at all times be ready to co-operate with the other branch of the Legislature in the adoption of such measures as may seem to them most calculated to accomplish the various objects proposed.

Resolution that His Excellency be informed that the subjects contained in His Excellency's Message, will receive the best attention of the Council.

Resolved, that the Honorable the Speaker of the House of Assembly be apprized, by the President of the Legislative Council, that accommodation has been provided in the Council Chamber for those Members of the House of Assembly who may be disposed to attend the sittings of the Legislative Council on those occasions when admittance shall be allowed to the public ; which will at all times be ascertained by a Notice affixed to the door of the Council Chamber.

That the House of Assembly be apprized, that Seats in the Council Chamber are provided for the Members of that House, who may be disposed to attend its Sittings.

Adjourned until Wednesday, 23rd January, at 12 o'Clock.

WEDNESDAY, 23d JANUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President.*

*The Honorable* COLONEL SALL, *Commandant.*

„ „ JAMES SIMMS, Esquire, *Attorney General.*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

„ „ JAMES MORTON SPEARMAN, Esquire, *Collector of the Customs.*

„ „ WILLIAM HALY, Esquire.

The President informs the Council, that in compliance with the last Resolution adopted by the Legislative Council, he had addressed the following Letter to the Honorable the



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Speaker of the House of Assembly, and had since received from him an answer as inserted below :

*Legislative Council Chamber, Saint John's, 16th January, 1833.*

Letter from the President to the Speaker of the House of Assembly, to the foregoing effect.

SIR,

In forwarding to you the accompanying Copy of a Resolution of the Legislative Council, I avail myself of the opportunity thus afforded me, of assuring you that it is the earnest wish of all the Members of the Council at all times to cultivate and cherish a feeling of the most cordial harmony towards the Members of the House of Assembly.

I have the honor to be, Sir, &c.

R. A. TUCKER.

The Honorable J. BINGLEY GARLAND, Esq.  
Speaker of the House of Assembly.

*Saint John's, January 17, 1833.*  
HOUSE OF ASSEMBLY.

Reply of the Speaker of the House of Assembly.

SIR,

Having laid before the House of Assembly your letter of yesterday's date, enclosing the Copy of a Resolution passed in the Legislative Council, I am desired by that Assembly to convey to you its respectful thanks for the accommodation which has been so handsomely provided for its Members in the Council Chamber; thus reciprocating the privilege possessed by the Council to special seats in the Chamber of Assembly; and for which provision had been previously made in the best manner circumstances would admit of.

I am also desired to present the respectful and earnest assurances of all the Members of the House of Assembly, that no opportunity on their part will ever be neglected to cultivate and maintain a spirit of harmony between the two branches of the Legislature.

I have the honor to be, Sir, &c.

J. BINGLEY GARLAND,

*Speaker.*

The Honorable R. A. TUCKER,  
President of the Council, &c.

Adjourned until To-morrow, 2 o'Clock.

THURSDAY, 24th JANUARY, 1833.

**Present,**

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of the Customs.*

Adjourned until Monday next, 12 o'Clock.

MONDAY, 28th JANUARY, 1833.

**Present.**

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney-General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of Customs,*

„ „ WILLIAM HALY, Esquire,

A Bill was brought up from the House of Assembly, by three Members of that House, entitled "An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Saint John's," which having been read a first time, was directed to lie on the Table, the Clerk of the Council to prepare as quickly as possible copies of it for the use of the Council.

Adjourned until Wednesday, 12 o'Clock.

St. John's Gunpowder Bill brought up and read a first time.



30th January, and 5th & 6th February, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

WEDNESDAY, 30th JANUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney-General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of Customs,*

„ „ WILLIAM HALY, Esquire.

A Bill was brought up from the House of Assembly, by Three Members of that House, entitled “An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases and the spreading thereof in this Island,” which having been read a first time, was ordered to lie on the Table. Quarantine Bill brought up—  
and read first time.

On Motion of Mr. Crowdy, the Saint John's Gunpowder Bill was read a second time, and ordered to be referred to a Committee of the whole House on Tuesday next. St. John's Gunpowder Bill, read second time.

*His Honor* the President afterwards addressed the Council on the subject of the Union of the Council and House of Assembly, and requested leave to withdraw his Motion respecting it. Union of Council and Assembly, motion for, withdrawn.

Motion withdrawn.

Mr. Spearman obtained leave to bring in a Bill for the establishment and regulation of Savings' Banks throughout the Island. Savings' Banks Bill.

Adjourned until Tuesday.

TUESDAY, 5th FEBRUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

„ „ WILLIAM HALY, Esquire.

The House resolved itself into Committee on the St. John's Gunpowder Bill,—Mr. Crowdy in the Chair.

The President, on the announcement of a Message from the House of Assembly, having resumed the Chair, a Bill was brought up by two Members of that House, entitled “An Act to limit the duration of the present and all future Assemblies of this Island;” which having been read a first time, was ordered to lie on the Table. Assembly Limitation Bill brought up,  
and read first time.

The House again resolved itself into Committee.

The House having resumed—

Adjourned until To-morrow.

WEDNESDAY, 6th FEBRUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney-General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of His Majesty's Customs.*

In pursuance of a proposition made in Committee yesterday, the Clerk of the Council was sent to the Assembly with the following Message:

MR. SPEAKER,

The Members of the Legislative Council request to be furnished with all the papers and other documents in possession of the House of Assembly, relative to the Magazine for



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Gunpowder now existing near the Crow's Nest, and explanatory of any arrangements that may have been entered into with the Proprietors thereof.

On motion of Mr. Simms, the House went into Committee on the St. John's Gunpowder Bill,—Mr. Crowdy in the Chair.

On the announcement of a Message from the Assembly, the President resumed the Chair, when the Clerk of the Assembly brought up several papers from that Body relating to the Magazine for Gunpowder situated near the Crow's Nest, which were read to the Council.

The House again went into Committee.

The House having resumed, the Chairman reported progress.

Adjourned until Monday.

MONDAY, 11th FEBRUARY, 1833.

Present.

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President*,

*The Honorable* COLONEL SALL, *Commandant*,

" " JAMES SIMMS, Esquire, *Attorney-General*,

" " JAMES CROWDY, Esquire, *Colonial Secretary*,

" " JAMES M. SPEARMAN, Esquire, *Collector of Customs*,

" " WILLIAM HALY, Esquire.

On Motion of Mr. Simms, the House went into Committee on the St. John's Gunpowder Bill—Mr. Crowdy in the Chair.

The House having resumed, the Chairman reported that several alterations and amendments had been proposed and adopted by the Committee in the Bill, which on the motion of Mr. Simms was read a third time, and ordered to be sent to the Assembly for their concurrence in the Council's amendments.

Adjourned until Wednesday.

WEDNESDAY, 13th FEBRUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President*,

*The Honorable* COLONEL SALL, *Commandant*,

" " JAMES SIMMS, Esquire, *Attorney-General*,

" " JAMES CROWDY, Esquire, *Colonial Secretary*,

" " JAMES M. SPEARMAN, Esquire, *Collector of Customs*,

" " WILLIAM HALY, Esquire.

A Message was brought up from the House of Assembly by the Clerk, requesting a conference on the amendments made by the Council in the Saint John's Gunpowder Bill, upon which Mr. Simms moved that the Council accede to the request and appoint two Managers to meet the Managers of the Assembly in conference in the Committee Room in half an hour from this time; to which the following amendment was proposed by Mr. Spearman, "that the Clerk of the Council be instructed to acquaint the House of Assembly that the Council have appointed two of its Members to meet the Managers of their House in conference at 10 o'clock To-morrow morning, in the Council Chamber."

The amendment having been put and negatived, the original motion was carried.

The following Message was in consequence sent to the Assembly by the Clerk of Council:

Mr. SPEAKER,

In reply to the Message received by the Council from the House of Assembly, requesting a conference on the subject of the amendments made by the Council in the Bill for preventing dangerous quantities of Gunpowder being kept in the Town of Saint John's, the Council accede to the request of the Assembly, and will appoint two Managers to meet such Managers as the Assembly may appoint, in conference in the Committee Room, in half an hour from this time.

11 P. M.



13th, 14th, 20th & 21st February, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

Mr. Simms and Mr. Crowdy were appointed Managers to conduct the Conference.

The Managers having returned, reported, that the Managers deputed by the Assembly had not been instructed by the Assembly to state their objections to the Council's Amendments to the Bill in writing, but were delegated to discuss the propriety of those Amendments with the Managers from the Council, who objecting to such a course of proceeding, the Conference was adjourned, to give time to the Assembly to qualify their Managers with further instructions.

On motion of Colonel Haly, the Quarantine Bill was read a second time, and ordered to be committed to-morrow, in a Committee of the whole House.

Quarantine Bill read a second time.

Adjourned until To-morrow.

THURSDAY, 14th FEBRUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney-General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of Customs,*

„ „ WILLIAM HALY, Esquire.

In compliance with the order of the day, the House went into Committee on the Quarantine Bill—Mr. Crowdy in the Chair.

The House having resumed, the Chairman reported that several alterations and amendments had been made in the Bill, upon which it was—

Ordered, that the Bill, as amended, be read a third time on Wednesday next.

Adjourned until Wednesday.

WEDNESDAY, 20th FEBRUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES MORTON SPEARMAN, Esquire, *Collector of the Customs.*

This being Ash Wednesday, the Council adjourned until To-morrow.

THURSDAY, 21st FEBRUARY, 1833.

*Present,*

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of the Customs.*

On motion of Mr. Simms, seconded by Colonel Sall, the Quarantine Bill was read a third time and passed :

Quarantine Bill read a third time and passed.

Mr. Collector Spearman entering the following Protest :

Dissentient Ist—Because the enactments in this Act, entitled “ An Act to provide for the performance of Quarantine,” &c. contained, so far as the said enactments relate to and mention the Officers of His Majesty's Customs, are opposed to the provisions of the Act of the Imperial Parliament, 9th Geo. 4, cap. 76, sec. 2, videlicet: “ Be it therefore enacted, That no Commissioner or Assistant Commissioner of Customs, nor any Officer of Customs, or Person employed in the collection or management of, or accounting for, the Revenue of Customs or any part thereof, nor any Clerk or other Person acting under them, shall, during the time of his acting as such Commissioner or Assistant Commissioner, or as such Officer,



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or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the case may be, be compelled to serve as a Mayor or Sheriff, or in any Corporate or Parochial or other Public Office or Employment, or to serve on any Jury or Inquest, or in the Militia, any law, usage or custom to the contrary thereof notwithstanding."

2d—And because the 34th and 35th sections of this Act, entitled "An Act to provide for the performance of Quarantine," &c. being repugnant to the 15th and 16th sections of the Acts of the Imperial Parliament 6th Geo. 4, cap. 114, and 9th Geo. 4, cap. 76, are therefore nullified and made void by the 49th section of the said first quoted Act of the Imperial Parliament; viz. "And be it further enacted that all laws, bye-laws, usages or customs, at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British Possessions in America, which are in anywise repugnant to this Act, or to any Act of Parliament made, or hereafter to be made, in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void to all intents and purposes whatsoever."

3d—And because, by rejecting the several amendments moved by me with the view of destroying the opposition at present existing between the provisions of this Act entitled "An Act to provide for the performance of Quarantine," &c. and those of the above quoted Acts of the Imperial Parliament, the Council have placed the Officers of His Majesty's Customs in such a situation that they may, with impunity, disregard the provisions of an Act of the Colonial Legislature, a situation in which no Public Officer should be placed, and which I conceive it the bounden and special duty of this Council to guard against.

(Signed)

J. M. SPEARMAN,  
Collector H. M. Customs.

Revenue Bill brought  
up and read a first time.

On motion of Mr. Crowdy, the Bill was sent to the Assembly for their concurrence in the amendments.

A Bill was brought up from the House of Assembly, entitled "An Act for granting to His Majesty certain duties on all Wines and on all Brandy, Rum, Gin, and other Spiritous Liquors imported into this Island," which on the motion of His Honor the President, seconded by Colonel Sall, was read a first time.

Revenue Bill.

A Message having been received from the House of Assembly requesting a conference on the amendments in the St. John's Gunpowder Bill, the Council acceded to the request, and appointed Managers to meet the Managers on the part of the Assembly, in the Committee Room, at 3 o'clock.

On motion of Mr. Spearman, seconded by Mr. Crowdy, the Revenue Bill was ordered to be read a second time on Monday next.

The Managers having returned from the conference with some written objections which the Assembly had made to the amendments proposed by the Council in the St. John's Gunpowder Bill, they were read to the Council.

His Honor the President presented a petition from the Inhabitants of Carbonear and its vicinity, praying that Carbonear and the Out-ports may be placed on the same footing as St. John's; that is, that American Vessels may be allowed to enter the Out-ports and trade as free as in the Capital of the Island—which was read and ordered to lie on the Table.

Adjourned until Monday.

MONDAY, 25th FEBRUARY, 1833.

Present.

His Honor RICHARD ALEXANDER TUCKER, Esquire, *President*,

The Honorable JAMES SIMMS, Esquire, *Attorney-General*,

" " JAMES CROWDY, Esquire, *Colonial Secretary*,

" " JAMES M. SPEARMAN, Esquire, *Collector of Customs*.

Revenue Bill read 2nd  
time.

Mr. Spearman moved the order of the day, which being seconded by Mr. Crowdy, the Revenue Bill was read a second time.



25th, 26th & 27th February, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

On motion of Mr. Spearman, the Bill was ordered to be referred to a Committee of the whole House To-morrow.

Adjourned until To-morrow.

TUESDAY, 26th FEBRUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

The *Honorable* JAMES SIMMS, Esquire, *Attorney General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*

„ „ J. M. SPEARMAN, Esquire, *Collector of Customs.*

A Message from the House of Assembly informed the Council that they had agreed to all the Amendments in the Quarantine Bill, with the exception of the 7th, on the subject of which they request a conference.

The Messenger was informed that the Council would return an answer to the Message by a Messenger of its own.

Mr. Spearman moved the order of the day, that the House resolve itself into Committee on the Revenue Bill.

Seconded by Mr. Crowdy.

*His Honor* the President addressed the Council, and concluded by moving an Amendment, that the order of the day be discharged.

Mr. Simms seconded the Amendment.

There not being a majority in favor of the Amendment, the original motion was agreed to.

On motion of Mr. Spearman, seconded by Mr. Crowdy, Mr. Simms took the Chair.

The House having resumed, the Chairman reported progress.

On motion of Mr. Spearman, it was ordered that a Message be sent to the House of Assembly, acquainting it that the Council consent to withdraw the clause introduced by them into the Quarantine Bill, and objected to by the Assembly.

Adjourned until To-morrow.

WEDNESDAY, 27th FEBRUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*

The *Honorable* JAMES SIMMS, Esquire, *Attorney-General,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ JAMES M. SPEARMAN, Esquire, *Collector of His Majesty's Customs.*

On motion of Mr. Spearman, a Message was sent to the House of Assembly in reply to their's of yesterday.

Mr. SPEAKER,

In reply to the Message received yesterday by the Council from the House of Assembly, stating that they have agreed to all the Amendments made by the Council in the Bill for providing against the introduction of infectious or contagious diseases, and the spreading thereof in this Island, with the exception of the 7th, and requesting a conference on the subject of it,—the Council direct me to acquaint you, that they consent to withdraw the clause introduced by them into the Quarantine Bill and objected to by the House of Assembly.

On motion of Mr. Spearman, a Message was sent to the House of Assembly requesting a further conference on the subject of the St. John's Gunpowder Bill, in the Committee Room at 3 o'Clock.

On motion of Mr. Spearman, seconded by Mr. Crowdy, the House resolved itself into Committee on the Revenue Bill—Mr. Simms in the Chair.

The House afterwards resumed, and the Chairman reported that the Bill had gone through the Committee without any alterations or amendments having being made in it.



27th & 28th February, 4th, 6th & 9th March, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

The House of Assembly having, by their Messenger, acceded to the conference requested, it was moved by His Honor the President, and seconded by Mr. Spearman, that the Committee of the Legislative Council appointed to manage the conference with the Committee of the House of Assembly, on the subject of the objections offered by that House to the Amendments proposed by the Council in the St. John's Gunpowder Bill, be instructed to offer certain written observations in reply to the said objections.

The Managers having returned from the conference, reported that they had made known the Council's observations on the objections to the Amendments in the above named Bill.

Mr. Spearman moved that the Revenue Bill be read a third time.

Seconded by Mr. Crowdy.

The House then divided upon the motion, and the Bill was lost.

Adjourned until To-morrow.

THURSDAY, 28th FEBRUARY, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President*,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*,

„ „ JAMES CROWDY, Esquire, *Colonial Secretary*.

„ „ J. M. SPEARMAN, Esquire, *Collector of Customs*.

Adjourned until Monday next.

MONDAY, 4th MARCH, 1833.

Present.

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President*,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,

„ „ JAMES CROWDY, Esquire, *Colonial Secretary*.

Adjourned until Wednesday.

WEDNESDAY, 6th MARCH, 1833.

Present,

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President*,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,

„ „ JAMES CROWDY, Esquire, *Colonial Secretary*,

„ „ JAMES M. SPEARMAN, Esquire, *Collector of His Majesty's Customs*,

„ „ WILLIAM HALY, Esquire.

A Message from the House of Assembly, by the Clerk, announced that the House had agreed to all the amendments made in the Quarantine Bill, with the exception of the Seventh, which the Council had withdrawn; and the House request the concurrence of the Council to the Bill as it now stands.

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 Offices or Places of Emolument under Government, from sitting and voting as Members of the Assembly of the Island," to which the Assembly request the concurrence of the Council.

On motion of His Honor the President, seconded by Mr. Crowdy, the above-named Bill was read a first time.

Adjourned until Saturday.

SATURDAY, 9th MARCH, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*.

„ „ JAMES CROWDY, Esquire, *Colonial Secretary*.

„ „ JAMES M. SPEARMAN, Esquire, *Collector of Customs*.

Adjourned until Wednesday.

Contractors' Bill,

---read first time.



13th, 16th, 20th &amp; 21st March, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

WEDNESDAY, 13th MARCH, 1833.

**Present,**

*His Honor* RICHARD ALEXANDER TUCKER, Esquire, *President,*  
*The Honorable* JAMES SIMMS, Esquire, *Attorney-General,*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary,*  
 " " JAMES M. SPEARMAN, Esquire, *Collector of the Customs.*

Adjourned until Saturday.

SATURDAY, 16th MARCH, 1833.

**Present,**

*The Honorable* JAMES SIMMS, Esquire, *Attorney General,*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary,*  
 " " JAMES MORTON SPEARMAN, Esquire, *Collector of the Customs.*  
 " " WILLIAM HALY, Esquire.

A Note from His Honor the President was received and read, in which His Honor states that he fears it will be impossible for him to attend the sittings of the Council, in consequence of the preparations he was making for his departure from the Colony.

The Clerk of the Assembly brought up the St. John's Gunpowder Bill, and stated that the Assembly had acceded to the amendments made in it by the Council.

The Clerk also brought up two other Bills, entitled "An Act to regulate the Pilotage of Vessels at the Port of St. John's," and "An Act for the establishment and regulation of Fire Companies in the Town of St. John's," to which the Assembly request the concurrence of the Council. St. John's Pilotage Bill and the St. John's Fire Companies Bill,

On motion of Mr. Simms, seconded by Mr. Crowdy, the above-named Bills were read a first time. ---read 1st time.

Adjourned until Wednesday.

WEDNESDAY, 20th MARCH, 1833.

**Present,**

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General,*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary,*  
 " " JAMES M. SPEARMAN, Esquire, *Collector of Customs,*  
 " " WILLIAM HALY, Esquire.

On motion of Mr. Simms, the Saint John's Pilotage Bill was read a second time. The House then resolved itself into Committee on the Bill just read—Colonel Haly in the Chair. St. John's Pilotage Bill read 2nd time.

The House having resumed, the Chairman reported that some amendments had been made in the Bill.

On motion of Mr. Spearman, the Bill as amended was read a third time, and ordered to be sent to the Assembly for their concurrence in the amendments.

On motion of Mr. Spearman, the Saint John's Fire Companies Bill was read a second time, and ordered to be committed on Saturday next. St. John's Fire Companies Bill read 2nd time.

Adjourned until To-morrow.

THURSDAY, 21st MARCH, 1833.

**Present,**

*The Honorable* JAMES SIMMS, Esquire, *Attorney General.*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary.*  
 " " JAMES M. SPEARMAN, Esquire, *Collector of Customs.*  
 " " WILLIAM HALY, Esquire.

The Clerk of the Council carried the Saint John's Pilotage Bill, with the amendments made in it by the Council, to the Assembly for their concurrence.



23rd &amp; 27th March, 1833.

## FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

Harbour Grace Street  
Bill read 1st time.

The Clerk of the Assembly brought up a Bill "entitled An Act to regulate the Streets of the Town of Harbor Grace," which on the motion of Mr. Crowdy was read a first time.  
Adjourned until Saturday.

SATURDAY, 23rd MARCH, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,  
 " " JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " JAMES M. SPEARMAN, Esquire, *Collector of Customs*,  
 " " WILLIAM HALY, Esquire.

The Clerk of the Assembly brought up the Saint John's Pilotage Bill, and stated that the House had agreed to the amendments made in it by the Council.

Harbour Grace Fire  
Companies Bill read 1st  
time.

The Clerk also brought up a Bill entitled "An Act to establish and regulate Fire Companies in the Town of Harbor Grace, which on motion of Mr. Spearman, was read a first time.

In compliance with the order of the day, the House went into Committee on the Saint John's Fire Companies Bill—Mr. Crowdy in the Chair.

The House having resumed, the Chairman reported that several amendments had been made in the Bill.

Two Petitions on the subject of it having been presented to the Council, they were read by the Clerk, when it was ordered, that the Bill should be read a third time on Wednesday next.

Adjourned until Wednesday.

WEDNESDAY, 27th MARCH, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*,  
 " " JAMES CROWDY, Esquire, *Colonial Secretary*.  
 " " J. M. SPEARMAN, Esquire, *Collector of Customs*.  
 " " WILLIAM HALY, Esquire.

The following letter and enclosure from the Colonial Secretary, which had been transmitted to the Council by direction of His Excellency the Governor, were read by the Hon. James Simms, Esquire.

*Secretary's Office, 27th March, 1833.*

SIR,

His Excellency the Governor having represented to His Majesty's Government the inefficient state of the Garrison of this Colony, and having also communicated to it a representation made to him of the fears entertained in certain out-ports as to the probability of breaches of the peace during the Winter in those settlements, where great suffering was likely to arise from the scarcity of Provisions and the failure of the Potatoe Crop, His Excellency has received a reply to that communication from His Majesty's Principal Secretary of State for the Colonies, an extract from which I am commanded to transmit to you for the information of the Council.

I have, &amp;c.

(Signed) JAMES CROWDY.

*The Honourable the Senior Member of  
His Majesty's Council.*

Extract from a Letter from the Secretary of State to His Excellency Sir Thomas Cochrane, dated 20th November, 1832.

"I have not failed to bring under the consideration of the General Commanding in Chief your despatch of the 9th October last, and I trust that it may be in his power to fill up the casualties which have occurred in the Veteran Companies with more efficient Troops than those which originally composed the Newfoundland Corps, but at the same time it is quite



27th March, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

impossible for this Country to maintain a Military Force sufficient to preserve internal peace in all parts of the Island of Newfoundland.

“This important object should be effected by means of a sufficient Constabulary Force, or by organizing a Militia, as it is only in extreme cases that the King’s Troops ought to be called out in aid of the civil power. You will therefore bring the subject under the consideration of the Local Legislature, in order that they may adopt such measures as they may consider most advisable for preserving the Peace of the Colony and enforcing respect and obedience to the Laws.”

The Honorable James Simms then stated that he had been appointed a Commissioner to give the assent of His Excellency the Governor to the Bill for providing for the performance of Quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island; and to the Bill for preventing dangerous quantities of Gunpowder being kept within the Town of St. John’s.

The Serjeant-at-Arms was in consequence directed to summon the attendance of the House of Assembly, to hear the Assent given.

The Speaker and several Members of the Assembly having appeared at the Bar of the House, the Clerk of the Council read the following Commission from His Excellency the Governor, and in his name the assent to the above mentioned Bills was given.

Governor’s assent given by Commission to the Quarantine and Saint John’s Gunpowder Bills.

(L. S.) By His Excellency Sir THOMAS JOHN COCHRANE, Knight, Governor THOS. COCHRANE. and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

To the Council and the House of Assembly of His Majesty’s Island of Newfoundland, in General Assembly—Greeting :

Commission for declaring the Governor’s assent to certain Acts of the Colonial Legislature.

Whereas I the Governor have seen and perfectly understood an Act agreed upon by you, His Majesty’s loving subjects the Council and Assembly now in General Assembly assembled, (and endorsed by you as hath been accustomed) entitled “An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island;” as also another Act, entitled “An Act to prevent dangerous quantities of Gunpowder being kept within the Town of St. John’s;” and which Acts have been sent and submitted to me the Governor for my assent.

And Whereas I have thought fit to appoint and constitute, and by these presents do appoint and constitute, the Honorable James Simms, Esquire, a Member of His Majesty’s Council, to be my Commissioner, for me and on my behalf to do every thing which for me and by me shall be therein to be done; and to make known unto you, the Council and Assembly in General Assembly, my will and pleasure therein, which is, that I the Governor do consent to the said Acts.

Given under the Hand and Seal of me, the Governor, at the Government House, at St. John’s, in the aforesaid Island, the 26th day of March 1833, in the third year of His Majesty’s Reign.

By His Excellency’s Command,  
JAS. CROWDY,  
*Secretary.*

In compliance with the order of the day, the St. John’s Fire Companies Bill was read a third time, and on motion of Mr. Crowdy, ordered to be sent to the Assembly for their concurrence in the Amendments.

St. John’s Fire Companies Bill read 3rd time.

On motion of Mr. Spearman, the Harbour-Grace Fire-Companies Bill was read a second and third time, when several Amendments were made in it similar to those made in the St. John’s Fire Companies Bill.

Harbour Grace Fire Companies Bill read 2d and 3d time.

The Clerk of Assembly brought up a Bill entitled “An Act to repeal the Law now in force concerning the Celebration of Marriages, and to regulate the future celebration of Marriages in this Island,” for the concurrence of the Council, which, on the motion of Mr. Crowdy, was read a first time and ordered to be printed.

Marriage Bill read 1st time.



27th & 28th March, 2nd, 4th & 8th April, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

Mr. Crowdy presented a Petition from the Minister, Church and Congregation forming the Non-Conformist body of Christians in the Town of St. John's, on the subject of the Marriage Bill.

Mr. Spearman presented a Petition from the Inhabitants of Brigus and its vicinity on the same subject.

Mr. Spearman also presented a Petition from the Members and Congregation of Wesleyan Methodists, and others on their behalf, of the Town of St. John's and its vicinity on the same subject.

All which Petitions were read and ordered to lie on the table.

Adjourned until To-morrow.

THURSDAY, 28th MARCH, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*,  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary*,  
 „ „ JAMES M. SPEARMAN, Esquire, *Collector of Customs*.  
 „ „ W. HALY, Esquire.

On motion of Mr. Crowdy the Harbor-Grace Fire Companies Bill was ordered to be sent to the House of Assembly for their concurrence in the Council's amendments.

On motion of Mr. Spearman that part of the Governor's Message relating to Savings' Banks was read to the Council.

Savings' Bank Bill read  
1st time.

Mr. Spearman then brought in a Savings' Bank Bill, which on his own motion was read a first time.

Harbour Grace Street  
Bill read 2nd time

On motion of Mr. Spearman the Harbor-Grace Street Bill was read a second time.

Adjourned until Tuesday.

TUESDAY, 2nd APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*,  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary*.  
 „ „ WILLIAM HALY, Esquire.

Harbour Grace Street  
Bill read 3rd time.

On motion of Mr. Crowdy the Harbor-Grace Street Bill was read a third time and passed.

Barristers' Bill read a  
first time.

The Clerk of the Assembly brought up a Bill entitled "An Act to declare the qualification and character of Persons admitted to Practise as Barristers and Attornies of the Supreme Court of this Island," for the concurrence of the Council, which, on the motion of Mr. Crowdy, was read a first time.

Adjourned until Thursday.

THURSDAY, 4th APRIL, 1833.

Present.

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary*,  
 „ „ WILLIAM HALY, Esquire.

Barristers' Bill read a  
2nd time.

On motion of Colonel Haly the Barristers' Qualification Bill was read a second time.  
 Adjourned until Monday.

MONDAY, 8th APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary*,  
 „ „ WILLIAM HALY, Esquire.



8th & 11th April, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, Governor.

The Hon. James Simms stated that he had received a Commission from His Excellency the Governor, desiring that he would signify to the Council and House of Assembly His Excellency's pleasure on the subject of the Bill entitled "An Act to regulate the Pilotage of Vessels at the port of St. John's," upon which the Serjeant-at-Arms was directed to summon the House to the Council Chamber.

The Speaker and most of the Members having arrived, His Excellency's Commission, as follows, was read by the Clerk of the Council.

(L. S.) By His Excellency Sir THOMAS JOHN COCHRANE, Knight, THOS. COCHRANE. Governor, &c. &c. &c.

Commission to the Hon. James Simms to declare the Governor's Dissent to the St. John's Pilotage Bill.

To the Council and the House of Assembly of His Majesty's Island of Newfoundland, in General Assembly—Greeting.

Whereas I, the Governor, have seen and perfectly understood an Act, agreed upon by you, His Majesty's loving subjects the Council and Assembly now in General Assembly assembled, (and endorsed by you as hath been accustomed,) entitled "An Act to regulate the Pilotage of Vessels at the Port of St. John's," and which Act has been sent and submitted to me the Governor for my Assent.

And Whereas I have thought fit to appoint and constitute, and by these presents do appoint and constitute the Hon. James Simms, Esquire, a Member of His Majesty's Council, to be my Commissioner, for me and on my behalf to do every thing which by me and for me shall be therein to be done, and to make known unto you, the Council and Assembly in General Assembly, my will and pleasure therein, which is, that I the Governor do not give my consent to the said Act.

Given under the hand and seal of me, the Governor, at the Government House, at St. John's, in the aforesaid Island, the Eighth day of April 1833, in the third year of His Majesty's Reign.

By His Excellency's Command, JAMES CROWDY, Secretary.

The Commissioner then stated that His Excellency did not assent to the above named Bill.

The Clerk of the Assembly brought up the Bills entitled "An Act for the establishment and regulation of Fire Companies in the Town of Saint John's, and "an Act to establish and regulate Fire Companies in the Town of Harbor Grace," and stated that the House had agreed to the amendments made in them by the Council. A Bill was also brought up entitled "An Act to repeal so much of an Act passed in the fifth year of the reign of His late Majesty King George the Fourth, as authorizes the Governor of Newfoundland to institute a Court of Civil Jurisdiction on the Coast of Labrador," to all which the Assembly request the concurrence of the Council.

Labrador Court Repeal Bill,

On motion of Mr. Simms, the last named Bill was read a first time.

---read 1st time.

On motion of Mr. Crowdy, the Barristers' qualification Bill was read a third time, and passed.

Barristers' Bill read 3rd time.

Adjourned until Thursday.

THURSDAY, 11th APRIL, 1833.

Present,

- The Honorable JAMES SIMMS, Esquire, Attorney General,
" " JAMES CROWDY, Esquire, Colonial Secretary,
" " JAMES M. SPEARMAN, Esquire, Collector of Customs.
" " W. HALY, Esquire.

The Clerk of the Assembly brought up a Bill entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's," for the concurrence of the Council—which, on the motion of Colonel Haly, was read a first and second time.

On motion of Mr. Crowdy, the Contractors' Bill was read a second time.

Contractors' Bill read 2nd time, and Marriage Bill.

The Marriage Bill was also read a second time.



11th, 13th, 16th & 17th April, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

Judicature Amendment  
Bill, read a first time.

The Clerk of the Assembly brought up a Bill entitled "An Act in amendment of an Act of the Imperial Parliament passed in the 5th year of the reign of his late Majesty King George the 4th, entitled "An Act for the better administration of Justice in Newfoundland and for other purposes," for the concurrence of the Legislative Council, which, on the motion of Mr. Simms, was read a first time.

Adjourned until Saturday.

SATURDAY, 13th APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*,  
" " JAMES CROWDY, Esquire, *Colonial Secretary*.  
" " WILLIAM HALY, Esquire.

St. John's Pilotage Bill  
read 3rd time.

On motion of Mr. Simms the St. John's Pilotage Bill was read a third time and passed.  
Adjourned until Tuesday.

TUESDAY, 16th APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney General*.  
" " JAMES CROWDY, Esquire, *Colonial Secretary*.  
" " JAMES M. SPEARMAN, Esquire, *Collector of Customs*.  
" " WILLIAM HALY, Esquire.

On motion of Mr. Crowdy, the House resolved itself into Committee on the Contractors' Bill—Colonel Haly in the Chair.

The House having resumed, the Chairman reported that some amendments had been made in the Bill, which (as amended) was read a third time and sent to the Assembly for their concurrence in the amendments.

Abatement of Nuisance  
Bill read 1st time.

The Clerk of Assembly brought up a Bill entitled "An Act for the more speedy abatement of Nuisances," which, on the motion of Colonel Haly, was read a first time.

Adjourned until To-morrow.

WEDNESDAY, 17th APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,  
" " JAMES CROWDY, Esquire, *Colonial Secretary*,  
" " JAMES M. SPEARMAN, Esquire, *Collector of the Customs*.  
" " WILLIAM HALY, Esquire.

Governor's Assent given by  
Commission to certain Bills.

Mr. Simms having stated that he had received a Commission from His Excellency the Governor, appointing him a Commissioner to give his assent to the Bills entitled—

"An Act for the establishment and regulation of Fire Companies in the Town of Saint John's;"

"An Act to establish and regulate Fire Companies in the Town of Harbor-Grace;"

"An Act to regulate the Streets of the Town of Harbor-Grace;"

"An Act to declare the qualification and character of Persons admitted to Practise as Barristers and Attornies of the Supreme Court of this Island;"

"An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's."

The Serjeant-at-Arms was directed to summon the attendance of the Speaker and House of Assembly.

The Speaker and several Members having come to the Bar of the Council Chamber, the Commission to the Hon. James Simms was read, and the Governor's assent given by him to the Bills above-named.

The Clerk of the Assembly brought up the Contractors' Bill, the amendments of the Council having been agreed to.

Adjourned until Tuesday.



23d & 29th April, 1st, 3rd & 10th May, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, Governor.

TUESDAY, 23rd APRIL, 1833.

Present,

*The Honorable* JAMES SIMMS, Esquire, *Attorney-General*,  
 " " JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " JAMES M. SPEARMAN, Esquire, *Collector of Customs*.

Adjourned until Monday.

MONDAY, 29th APRIL, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " JAMES M. SPEARMAN, Esquire, *Collector of the Customs*.  
 " " WILLIAM HALY, Esquire.

On motion of Mr. Spearman, the Abatement of Nuisance Bill was read a second time and committed—Mr. Crowdy in the chair.

Abatement of Nuisance Bill read 2nd time;

The House having resumed, the Chairman reported that several amendments had been made in the Bill, which, on the motion of Mr. Spearman, was read a third time, and ordered to be sent to the Assembly for their concurrence in the amendments.

---read 3rd time.

On motion of Mr. Spearman, the Marriage Bill was read a second time.

Adjourned until Wednesday.

WEDNESDAY, 1st MAY, 1833.

Present.

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " JAMES M. SPEARMAN, Esquire, *Collector of Customs*,  
 " " WILLIAM HALY, Esquire.

On motion of Mr. Spearman, the House went into Committee on the Marriage Bill—Colonel Haly in the chair.

Marriage Bill in Committee.

The House having resumed, the Chairman reported progress.

Adjourned until Friday.

FRIDAY, 3rd MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " WILLIAM HALY, Esquire.

Henry Philips Thomas and John Bailey Bland, Esquires, having produced Commissions from His Excellency the Governor appointing them Members of His Majesty's Council, their Commissions were read, and the usual oaths administered to them, when they took their seats at the Council.

H. P. Thomas and J. B. Bland, Esqrs. take the usual oaths as Members of Council.

On motion of Mr. Crowdy, the House went into Committee on the Marriage Bill—Colonel Haly in the Chair.

The House having resumed, the Chairman reported progress.

Adjourned until Friday.

FRIDAY, 10th MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
 " " H. P. THOMAS, Esquire,  
 " " J. B. BLAND, Esquire.

On motion of Mr. Thomas, the House went into Committee on the Marriage Bill.

The House having resumed, the Chairman reported that several amendments had been made in the Bill.



14th, 16th, 20th & 23rd May, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

Judicature Amendment  
Bill read 2nd time.

On motion of Mr. Crowdy, the Judicature Amendment Bill was read a second time.  
Adjourned until Tuesday.

TUESDAY, 14th MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
" " WILLIAM HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

Marriage Bill read 3rd  
time.

On the motion of Colonel Haly, the Marriage Bill, as amended, was read a third time and ordered to be sent to the Assembly for their concurrence in the amendments.

On motion of Mr. Thomas, the House went into Committee on the Judicature Amendment Bill—Mr. Crowdy in the chair.

The House having resumed, the Chairman reported progress.  
Adjourned until Thursday.

THURSDAY, 16th MAY, 1833.

Present.

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
" " WILLIAM HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

On motion of Colonel Haly, the House went into Committee on the Judicature Amendment Bill.

Mr. Crowdy in the Chair.

The House having resumed, the Chairman reported that several amendments had been made in the Bill.

Judicature Amendment  
Bill, read third time.

On motion of Mr. Bland, the Bill, as amended, was read a third time and ordered to be sent to the Assembly for their concurrence.

Adjourned until Monday.

MONDAY, 20th MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
" " W. HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

The Clerk of the Council carried the Nuisance Bill, Marriage Bill, and Judicature Amendment Bill, to the Assembly, for their concurrence in the amendments made by the Council.

Adjourned until Thursday.

THURSDAY, 23rd MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary*,  
" " W. HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

Conference on the Nui-  
sance Bill requested.

The Clerk of the Assembly appeared in Council, and requested the Council would meet the Assembly in conference on the Abatement of Nuisance Bill, to which the Council assented, and deputed two Members to meet the Managers of the Assembly in the Committee Room immediately.



23rd, 25th, 28th, & 30th May, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

The Managers on the part of the Council, Mr. Crowdy and Colonel Haly, having returned from the Conference, reported that objections were made by the Managers on the part of the Assembly to some of the amendments in the Bill in question.

The objections having been taken into consideration, some alterations were made in the amendments, and the Managers of the Conference were requested to communicate them to the Assembly.

The Bill was afterwards brought up from the Assembly, agreed to.

Adjourned until Saturday.

SATURDAY, 25th MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary,*

” ” W. HALY, Esquire,

” ” H. P. THOMAS, Esquire,

” ” J. B. BLAND, Esquire.

A Message from the Assembly, by their Clerk, requested the Council would meet the Assembly in Conference on the subject of the amendments made by the Council in the Marriage and Judicature Amendment Bills.

Conference on the Marriage and Judicature Amendment Bills - requested.

The Assembly having been informed that the Council accede to their request, Mr. Crowdy and Mr. Thomas were appointed Managers on the part of the Council.

On the return of the Managers, they reported that several objections had been made by the Assembly to the Council's amendments. The objections were then read, and the Council—

Adjourned until Tuesday.

TUESDAY, 28th MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary,*

” ” WILLIAM HALY, Esquire,

” ” H. P. THOMAS, Esquire,

” ” J. B. BLAND, Esquire.

The Clerk of the Assembly brought up a Bill entitled “An Act for opening a Public Street and Fire Break in the Town of St. John's,” which, on the motion of Mr. Crowdy, was read a first time.

St. John's Street Bill,  
---read 1st time

The Council then requested the Assembly would confer with them on the subject of the Assembly's objections to the amendments made by the Council in the Judicature Bill, and appointed Mr. Crowdy and Mr. Thomas, Managers, who reported, on their return, that they had communicated to the Managers of the Assembly the determination of the Council.

On the motion of Colonel Haly, the St. John's Street Bill was read a Second time.

---read 2nd time.

Adjourned until Thursday.

THURSDAY, 30th MAY, 1833.

Present.

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary,*

” ” WILLIAM HALY, Esquire,

” ” H. P. THOMAS, Esquire,

” ” J. B. BLAND, Esquire.

The Clerk of the Assembly brought up the Judicature Amendment Bill, and stated that the House had agreed to certain amendments made in it by the Council.

A Conference was requested with the Assembly on the subject of their objections to the amendments in the Marriage Bill; for which purpose Colonel Haly and Mr. Bland were appointed Managers; and, on their return, they reported that they had communicated to the



30th & 31st May, 8th & 9th July, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

St. John's Street Bill  
---read 3rd time.

Managers on the part of the Assembly the determination of the Council.  
On the motion of Mr. Crowdy the St. John's Street Bill was read a third time and passed.  
The Clerk of the Assembly brought up the Marriage Bill, and stated that the Assembly had agreed to the amendments made in it.

Adjourned until Friday.

FRIDAY, 31st MAY, 1833.

Present,

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ W. HALY, Esquire,  
„ „ H. P. THOMAS, Esquire,  
„ „ J. B. BLAND, Esquire.

Governor's assent given  
by Commission to the  
Nuisance Bill and the  
St. John's Street Bill.

Mr. Crowdy having produced a Commission from His Excellency the Governor, authorizing him to declare His Excellency's assent to the Bills entitled—

“An Act for the more speedy abatement of Nuisances,” and

“An Act for opening a Public Street and Fire Break in the Town of St. John's;”—

The Sergeant-at-Arms was directed to summon the Speaker and Members of the House of Assembly.

The Speaker and most of the Members having come to the Council, the Commission of His Excellency to the Honorable James Crowdy, Esquire, was read by the Clerk, and the Governor's assent given to the beforementioned Bills.

Council and Assembly  
adjourned by Commission  
from the Governor.

The Honorable James Crowdy then adjourned the Council and Assembly, by Commission from His Excellency the Governor,—

Until the 8th July, 1833.

MONDAY, 8th JULY, 1833.

Present,

*His Honor* JAMES SIMMS, Esquire, *President,*

*The Honorable* JAMES CROWDY, Esquire, *Colonial Secretary,*

„ „ W. HALY, Esquire.  
„ „ H. P. THOMAS, Esquire.  
„ „ J. B. BLAND, Esquire.

Adjourned until To-morrow.

TUESDAY, 9th JULY, 1833.

Present,

*His Honor Acting Chief Judge* SIMMS, *President.*

*The Honorable* COLONEL SALL, *Commandant,*

„ „ JAMES CROWDY, Esquire, *Colonial Secretary.*  
„ „ WILLIAM HALY, Esquire.  
„ „ H. P. THOMAS, Esquire.  
„ „ J. B. BLAND, Esquire.

Mr. Crowdy stated to the Board that he had three Messages from His Excellency the Governor, which he then read, as follows:

THOS. COCHRANE.

The Governor having communicated to his Majesty's Government the rejection on the part of the Council of the Revenue Bill sent to them from the House of Assembly, and the late Chief Judge having made to them a full exposition of the grounds on which he, as a Member of the Council, opposed that Bill, His Excellency acquaints the Council that His Majesty's Government have informed him that they are quite unable to concur in the view which appears to have been taken by the Council as to the powers of taxation belonging to the Colonial Legislature.



9th July, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

THOS. COCHRANE.

The Governor, with great regret, acquaints the Legislative Council that a fire broke out in this Town early yesterday morning, and which was not subdued until an entire division of Houses on both sides of Water Street was, with much property, completely destroyed.

His Excellency laments to understand that the Act which passed into a law on the 17th April, 1833, for the express purpose of efficiently providing for such emergencies, remains entirely inoperative, and that the extent of loss upon the present occasion is mainly to be attributed to want of due organization and unity of action in the means taken to arrest the flames, and that it is owing to the providential absence of wind that a much larger portion of the Town was not sacrificed.

The Governor very strongly recommends to the Legislative Council to take this subject into its early and serious consideration, and to propose to his acceptance such a law for the establishment of a small efficient Fire Company, with such regulations for its conduct, and penalties for disobedience to them, as will best secure a prompt attendance when called on, and a systematic plan of proceeding in their operations.

His Excellency further recommends to the Legislative Council to adopt some means to secure the absence of those not inclined to render their services on such occasions, and to compel their labours when present; as it has been a serious reproach in this Town, that a large portion of the population look on with indifference and apathy, (if not with the hope of profiting from it) at the destruction of the lives and property of their fellow-creatures, to whom they are too often indebted for previous maintenance and support; and His Excellency strongly recommends to the Legislature to enact some laws for the prevention or punishment of such conduct.

THOS. COCHRANE.

The Governor has great satisfaction in transmitting to the Legislative Council the copy of a despatch and enclosure from His Majesty's Principal Secretary of State for the Colonies, by which the Legislative Council will perceive that it is the intention of His Majesty's Government to request from the Imperial Parliament a vote for the service of this Colony, for this year, equal to that for 1832.

*Government House, 8th July, 1833.*

The Despatch above referred to is dated 4th May, 1833.

His Honor the President then stated that he had received a Commission from His Excellency the Governor, authorizing him to give His Excellency's assent to the Marriage Act Amendment Bill, whereupon the Serjeant-at-Arms was directed to summon the Speaker and Members of the Assembly.

Governor's assent given by Commission to the Marriage Act Amendment Bill.

Mr. Speaker and several Members having attended in Council, the Commission was read by the Clerk, and the Governor's assent given to the Bill abovenamed.

His Honor also stated that he had received a Commission from His Excellency, authorizing him to prorogue the Council and Assembly, until Friday, the 12th inst., which having been read by the Clerk, the Council and Assembly were Prorogued until that day.

Council and Assembly Prorogued by Commission.



