



JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

NEWFOUNDLAND.

FIFTH SESSION, FIRST COLONIAL PARLIAMENT.

*His Excellency HENRY PRESCOTT, Esquire, Companion of the
Most Honorable Military Order of the Bath,*

GOVERNOR.

BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

St. John's, Newfoundland.

PRINTED BY RYAN & WITHERS, PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

1835.



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Ed. Selwyn, Printer.

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*HENRY PRESCOTT, Esquire, Companion of the Most
Honorable Military Order of the Bath, Governor.*



PROCLAMATION.

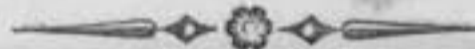
(L. S.) By His Excellency Sir THOMAS JOHN COCHRANE, Knight, Governor
THOS. COCHRANE. and Commander-in-Chief in and over the Island of Newfoundland
and its Dependencies, &c.

WHEREAS the General Assembly of this Island stands prorogued until Tuesday the 28th day of October instant: And whereas I think fit further to prorogue the said General Assembly until Thursday the 4th day of December next. Proclamation proroguing Parliament to the 4th of December, 1834.

I do therefore prorogue the said General Assembly until Thursday the 4th day of December next, of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House, at Saint John's, in the said Island, the 21st day of October, 1834, in the Fifth Year of His Majesty's Reign.

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



PROCLAMATION.

(L. S.) By His Excellency HENRY PRESCOTT, Esquire, Companion of the most
H. PRESCOTT. Honorable Military Order of the Bath, Governor and Commander-
in Chief in and over the Island of Newfoundland, and its Dependen-
cies, &c.

WHEREAS the General Assembly of this Island stands prorogued until Thursday the 4th day of December next: And whereas I think fit further to prorogue the said General Assembly until Thursday the 8th day of January next. Proclamation for calling the Parliament together on Thursday the 8th day of January, 1835, for the despatch of public business.

I do therefore further prorogue the said General Assembly until Thursday the 8th day of January next, then to meet for the despatch of business: And all persons concerned are required and commanded to take due notice hereof, and govern themselves accordingly.

Given under my Hand and Seal at the Government House at Saint John's, in the said Island, the 25th day of November, 1834, in the Fifth year of His Majesty's Reign.

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

PROCEEDINGS OF THE COUNCIL
JOURNAL
OF THE
PROVINCIAL ASSEMBLY

THURSDAY, 11th DECEMBER, 1914.

HON. MEMBER FOR THE DISTRICT OF THE SOUTH-EAST
HON. MEMBER FOR THE DISTRICT OF THE SOUTH-EAST

PROVINCIAL ASSEMBLY

THE HON. MEMBER FOR THE DISTRICT OF THE SOUTH-EAST
AND THE HON. MEMBER FOR THE DISTRICT OF THE SOUTH-EAST

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LEGISLATIVE COUNCIL.

NEWFOUNDLAND.

THURSDAY, 8th JANUARY, 1835.

This being the day appointed for the meeting of the Legislature—
At a quarter past Three of the Clock, p. m., there was—

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice*;

Who adjourned the House for want of a quorum.

Member present.

House adjourned for
want of a quorum.

MONDAY, 12th JANUARY, 1835.

The House met.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice*.

House meets.

Members present.

” ” WILLIAM SALL, *Commandant*.

” ” JAMES SIMMS, *Attorney General*.

” ” JAMES CROWDY, *Colonial Secretary*.

” ” JAMES M. SPEARMAN, *Collector of the Customs*.

” ” WILLIAM HALY,

” ” JOHN DUNSCOMB,

” ” WILLIAM THOMAS,

” ” JOHN B. BLAND.

At Two of the Clock p. m., His Excellency the Governor being seated on the Throne, the Honorable the Chief Justice commanded the Gentleman Usher of the Black Rod to inform the Members of the Assembly, that it was His Excellency's pleasure that they do forthwith attend him in this House; who being come thereto, His Excellency was pleased to open the Session by a gracious Speech to both Houses.

His Excellency comes
to the House and com-
mands the attendance
of the Assembly.

Parliament convened.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

His Excellency retires.

The Honorable the Chief Justice informed the House that he was in possession of His Excellency's Speech, which was read pro forma by the Clerk, and is as follows:

Speaker delivers a copy
of His Excellency's
Speech.

*Honorable Gentlemen,
and Gentlemen,*

The Speech.

I have assembled you at this early period to enable you to devote sufficient time to the public business, without injury to your private pursuits.

Our situation is, happily, one of tranquillity; and therefore your deliberations, unoccupied by matters of a temporary nature, may be directed to such as shall conduce to the permanent advantage of the Colony.

The Road Bill, passed in your second Session of the last parliamentary year, though excellent in principle and in much of its detail, nevertheless seems in some degree to fail in its intention, from want of a more efficient and concentrated superintendance. You will determine whether any alteration can be beneficially made in that particular.

Another object of moment is the improvement of the Judicature; and this, for various reasons, becomes daily of greater importance.

It will behove you also, to consider what enactments may be requisite in consequence of the Fishery Act having expired.

Under more prosperous financial circumstances I should have been induced to draw your attention to the support of general Education, which, as highly essential to the best interests of society, well merits your protection; especially as it might be fostered here in a spirit of perfect liberality, unfettered by invidious distinctions of any description.

Mr. Speaker, and Gentlemen of the Assembly,

My predecessor, when closing the last Session, expressed a hope that he should be able to detract the public charges without having recourse to the Issue of Treasury Notes, until he could meet you again in this place; but I found the remaining funds totally inadequate to the existing claims, and was consequently compelled, almost immediately after assuming the Government, to avail myself of that resource. You will, I am confident, feel, with me, that

12th & 14th January, 1835.

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the sooner these Notes can be called in the better, and that no subject so imperiously requires your present application as the establishment of a sound and wholesome system of finance.

We may be said to have reached a crisis, but a crisis in which we are cheered by many encouraging considerations connected with the Fishery, Agricultural produce, and general state of trade. I trust that the difficulties in your way will only operate as incentives to exertion, and that you will fix the Revenue on a scale proportioned to all such demands as shall consist with a strict but rational economy.

I have directed an estimate for the ensuing financial year, and various other documents, to be prepared for your information; and you may rest assured that I shall always be anxious to prevent unnecessary expenditure, and to enforce every due provision for that purpose.

*Honorable Gentlemen,
and Gentlemen,*

This being the first time of my addressing you, I gladly embrace the opportunity of expressing the great satisfaction I feel in having been appointed to administer the Government of this Island, at a time when its Independent Legislature is fully established. The prosperity of Newfoundland is the wish nearest to my heart; and my most ardent desire is, that by your united endeavours you may realize the fondest expectations of those who petitioned for the present constitution, and fulfil the paternal hopes of the beneficent Monarch who granted the boon.

Be convinced of my cordial concurrence on every occasion, and of my constant readiness to promote all public measures, and to listen to all private suggestions which shall have for their object the well-being of this community.

Ordered, that a Committee be appointed to draft an Address to His Excellency the Governor, in answer to his Speech; and—

Ordered, that the Honorable Messieurs Simms, Spearman and Thomas be appointed the Committee for that purpose.

On motion, made and seconded, the House adjourned until Wednesday at One of the Clock, p. m.

WEDNESDAY, 14th JANUARY, 1835.

The House met pursuant to adjournment.

Present.

Members present, *The Honorable HENRY JOHN BOULTON, Chief Justice.*
 „ „ JAMES SIMMS, *Attorney General.*
 „ „ JAMES CROWDY, *Colonial Secretary.*
 „ „ JAMES M. SPEARMAN, *Collector of the Customs.*
 „ „ WILLIAM HALY,
 „ „ JOHN DUNSCOMB,
 „ „ WILLIAM THOMAS,
 „ „ JOHN B. BLAND.

The Minutes of the two last days were read.

Report of Committee appointed to draft an Address in answer to the Governor's Speech.

The Honorable Mr. Simms from the Committee appointed to draft an Address to His Excellency the Governor, in answer to His Excellency's Speech at the opening of the Session, reported a draft thereof.

Draft of Address read first time;

Ordered, that the report be received—and the said draft was then read by the Honorable the Chief Justice.

Read second time;

Ordered, that the said draft be read a second time presently.

The same was then read a second time.

Ordered, that the House be put into a Committee of the whole, to take the same into consideration.

Committed;

The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the Address into consideration, and recommended it to the adoption of the House, without amendment.

14th, & 15th January, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

Ordered, that the Report be received, and— Adopted;
 Ordered, that the said Address be engrossed, and read a third time to-morrow.
 The Clerk of the Council presented his Commission to the Honorable the Chief Justice, Clerk presents his Commission.
 and it was read.
 On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Bland, it was— House in Committee on Privileges.
 Ordered, that the House resolve itself into a Committee of the whole, on privileges, and that the Commission of the Clerk of the House be referred to the Committee.
 The House was then put into a Committee of the whole accordingly.
 The Honorable Mr. Haly in the Chair.
 After some time the House resumed.
 The Chairman reported, that the Committee had agreed to a Resolution which they Report of Committee.
 recommended to the adoption of the House, and asked leave to sit again.
 The Resolution was then read, as follows:
 Resolved—That it is the opinion of the Committee that the Commission produced by the Clerk of the House, has expired.
 The Honorable Mr. Haly gave notice, that on Monday next he would move for the repeal Notice of motion to repeal 49th Standing Rule.
 of the 49th Rule of the Regulations of the House.
 On motion, made and seconded, the House adjourned until to-morrow at One of the House adjourns.
 Clock, p. m.

THURSDAY, 15th JANUARY, 1835.

The House met pursuant to adjournment. House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

- ” ” JAMES SIMMS, *Attorney General,*
- ” ” JAMES CROWDY, *Colonial Secretary.*
- ” ” JAMES M. SPEARMAN, *Collector of the Customs.*
- ” ” WILLIAM HALY,
- ” ” JOHN DUNSCOMB,
- ” ” WILLIAM THOMAS.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Address to the Governor in reply to His Excellency's Address to the Governor in reply to His Excellency's Speech at the opening of the Session, read third time and passed.
 Speech on the opening of the Session, was read a third time and passed.

Whereupon the Honorable the Chief Justice signed the same, which is as follows:—

To His Excellency HENRY PRESCOTT Esquire, Companion of the Most Honorable Military Address.
 Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland, and its Dependencies, &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's most dutiful and loyal subjects, the Legislative Council of Newfoundland, in Parliament assembled, beg leave to approach your Excellency with our respectful and humble thanks for your gracious Speech from the Throne.

We fully participate in the feelings expressed by your Excellency as to the state of tranquillity which we at present enjoy; and we duly appreciate the regard to our private pursuits which has induced your Excellency to call us together at this early period.

The important subjects recommended to our notice by your Excellency shall command our most serious attention; and we may assure your Excellency that no measure which has for its object the happiness and prosperity of the Colony, shall want our earnest and best consideration.

We gratefully acknowledge the kindly sentiments entertained by your Excellency towards the people now under your Government; and we most respectfully beg leave to avail ourselves of this the first opportunity afforded us, to express our sincere and heartfelt thanks for the parental care evinced by our most gracious Sovereign towards his loyal subjects in Newfoundland, in sending your Excellency to preside over us.

Ordered, that a Committee be appointed to wait upon the Governor to know when His Committee appointed to know when the Address would be received
 Excellency would be pleased to receive this House with its Address; and—

15th, 19th, 21st & 23rd January, 1835.

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Members composing it. Ordered, that the Honorable Messieurs Crowdy, Spearman and Dunscomb do compose the same.

Report of Committee appointed to wait on the Governor. The Honorable Mr. Crowdy, from the Committee appointed to wait upon the Governor to know when His Excellency would be pleased to receive this House with its Address, reported that His Excellency had been pleased to appoint half-past Two of the Clock, p. m. this day.

Member enters. The Honorable Mr. Bland enters.

The House proceeds to the Government House, and returns. At half-past Two of the Clock, p. m., the House proceeded to the Government House with the Address, and having returned—

The Honorable the Chief Justice reported, that His Excellency had been pleased to receive the same, and to return an answer thereto, of which he had obtained a copy, which was read as follows:

The Answer. *Honorable Gentlemen,*

I thank you for your Address, and for your intention of proceeding to the consideration of the subjects which I have recommended to your notice.

I duly appreciate, and am in the highest degree gratified, by the expression of satisfaction with which you allude to His Majesty's having been graciously pleased to nominate me to this important Government.

*Government House,
15th January, 1835.*

House adjourns. On motion, made and seconded, the House adjourned until One of the Clock, p. m. on Monday next.

MONDAY, 19th JANUARY, 1835.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable HENRY JOHN BOULTON, Chief Justice.*

” ” *JAMES SIMMS, Attorney General.*

” ” *JAMES M. SPEARMAN, Collector of the Customs.*

” ” *WILLIAM HALY,*

” ” *JOHN DUNSCOMB,*

” ” *WILLIAM THOMAS,*

” ” *JOHN B. BLAND.*

The Minutes of yesterday were read.

House adjourns. On motion, made and seconded, the House adjourned until Wednesday, at One of the Clock, p. m.

WEDNESDAY, 21st JANUARY, 1835.

At half-past One of the Clock, p. m., there were—

Present,

Members present. *The Honorable JAMES SIMMS, Attorney General.*

” ” *JAMES M. SPEARMAN, Collector of the Customs.*

House adjourned for want of a quorum. The Honorable the Attorney General declared the House adjourned for want of a quorum.

FRIDAY, 23rd JANUARY, 1835.

House meets. The House met.

Present,

Members present. *The Honorable HENRY JOHN BOULTON, Chief Justice.*

” ” *JAMES SIMMS, Attorney General.*

” ” *JAMES CROWDY, Colonial Secretary.*

” ” *JAMES M. SPEARMAN, Collector of the Customs.*

” ” *WILLIAM HALY,*

” ” *JOHN DUNSCOMB,*

” ” *WILLIAM THOMAS,*

” ” *JOHN B. BLAND.*

The minutes of Wednesday last were read.

23rd January, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

The Honorable the Chief Justice announced to the House that the Governor had transmitted to him a despatch from the Secretary of State for the Colonies, dated the 21st of October last, which he read to the Council.

The Chief Justice reads a despatch from the Secretary of State.

No. 6.

DOWNING STREET, 21st October, 1834.

SIR,

I have received Sir T. Cochrane's despatch of the 22d ult., No. 47, respecting the pretensions advanced by the Council of Newfoundland acting in their Legislative capacity. As the communications which took place between himself and that body were not designed to surmount any practical difficulty which had actually arisen in the administration of the Government, but rather to obviate certain latent and unavowed claims which it was supposed that the Council were about to advance, I am not convinced that the whole discussion might not, with more prudence, have been avoided; but when I advert to the Address to Sir Thomas Cochrane, of the 18th of September last, signed by Mr. Boulton, the Chief Justice of the Colony, on behalf of the Council at large, I do not think that it would be possible, with propriety or safety, to pass unnoticed the principles which that Address either asserts or intimates.

The Council decline to answer the enquiries proposed to them by the Governor, on the ground that the freedom from all interrogatories as to the motives of their proceedings, is amongst "the necessary privileges incident to this House as a co-ordinate branch of the Legislature." The Address bears the following subscription:—"H. J. BOULTON, Speaker."

It might, perhaps, seem frivolous to bestow much or any notice upon the designations which the Board of Council thus assume for themselves, and for their President, were it not that those expressions are evidently employed in reference to the enquiries which they decline to answer, and as an indirect assertion of the rights of which they refuse, at the Governor's instance, to enter into any explanation. The context thus gives a significancy to the terms they have employed, which might otherwise be altogether wanting.

In the adoption of this language, as connected with the previous messages, may, I presume, be discerned the purpose of claiming for the Council, in their relations with the Governor of the Colony, the privileges which belong to the Upper House of Parliament, in the relation borne by their Lordships to His Majesty. Such an analogy, if not urged beyond those limits within which alone it can properly be maintained, may perhaps be admitted. If carried further, the pretension refutes itself by the consequences it involves.

It may not improbably be conjectured that the constant residence of Mr. Boulton in the Province of Upper Canada until his transfer to the Bench of Newfoundland, may have induced that Gentleman to form, and that his authority may have led others to adopt, views respecting the constitution of the Council, which, however accurate in reference to the Canadian Constitution, are inapplicable to the form of Civil Government which, for nearly two Centuries, has subsisted in the other Transatlantic Possessions of the British Crown. The distinctions between the office of the Legislative Councils of the Canadas and that of the Councils of other Colonies, possessing General Assemblies, are, however, of too much importance to be overlooked.

The Canadian Legislative Councils derive their origin from the Constitutional Act of 1791. They were Bodies formed in avowed imitation of the House of Peers. Their functions were to be exclusively legislative; and as the seats were to be holden at least for the life of the Members, so also provision was made for rendering those seats hereditary, and for connecting them with hereditary titles of honor. On the other hand, the Councils, as they now exist in Jamaica and the other British West India Islands, originated in Royal Commissions of which that of the Government of Newfoundland is a literal transcript. These Councils were originally designed to fulfil no other function than that of advising the Governor as to the acceptance of Laws passed by the House of Assembly, or upon any other question, on which, in his administration of the government, he might have occasion to consult them. The Governor himself was accustomed, until a period of no remote antiquity, to preside at all their deliberations, those connected with the enactment of Laws not excepted. The modern, though well established practice, is, to observe the distinction between the meetings holden for deliberation on legislative acts, and those

23rd January, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

which are holden to advise the Governor when acting in his executive capacity. Still it is one and the same body, performing two distinct duties, and not two distinct bodies, each charged with a separate function. The title of "Legislative Council," assumed by the Council of Newfoundland, is a designation to which they have no legitimate claim. They are simply the Board of Council, and, except by His Majesty's sanction, the Governor cannot recognize them under any other appellation.

The practical importance of the distinctions to which I have been adverting, is very considerable. The Canadian Legislative Councils enjoy, as incident to their peculiar character, the right of regulating by their own votes, whatever relates to their internal economy and proceedings. But at the Council Board at Newfoundland, as with the corresponding bodies in other Colonies, there are certain internal regulations which it belongs to His Majesty to establish and to vary at his pleasure. Thus, the King, by his Commission and Instructions to the Governor, has invariably determined what shall be the number of Members—how many shall constitute a Quorum—by what means seats shall be vacated—and on what Member the precedence shall, on every different contingency, devolve.

The claim to the title of "Speaker," which Mr. Boulton advances, is altogether inadmissible. By virtue of his office, he is, under the King's Commission and Instructions, President of the Council, and nothing more. If it be really true, that he claims to act as Speaker, under any form of election, such a pretension is not only unfounded, but wholly at variance with the parliamentary analogy urged in its support. There is no instance of an elected Speaker of the House of Peers. Again, if it be true that the Council have disregarded His Majesty's instructions respecting the number requisite to form a quorum, and have established a new regulation for their own government in that respect, such a claim is plainly subversive of their own authority, as contradictory to the instrument on which alone that authority rests.

Should it appear desirable to the Council of Newfoundland that any variation should be made in the Royal Instructions which regulate either the proceedings of the Board, or the number of Members constituting a quorum—an Address to His Majesty, praying that the necessary alterations may be made, is the legitimate mode of proceeding. This course you will not fail to recommend to them, and I shall be prepared to lay it at the foot of the Throne, humbly tendering to His Majesty the advice which circumstances may seem to require.

Amongst the duties of the Council, the punctual transmission of their Journals, through the Governor, to His Majesty, is one of the most indisputable. You will, therefore, on the receipt of this despatch, convene a meeting of the Board of Council, and lay before them this Communication, and you will intimate to them that His Majesty will expect a due observance of the Instructions to which I have last adverted. You will further convey to them the expression of His Majesty's confident hope, that those Journals, when transmitted, will show that they have steadily adhered to the limits of their constitutional authority; and that the designations assumed in the Address of the 18th of September, both for the Council itself, and for their President Mr. Boulton, were not intended as an affirmation of those claims which Sir Thomas Cochrane attributed to them—claims which it would be the duty of His Majesty to discountenance and oppose, if unfortunately they should, at any time, be advanced by that body, without their having first obtained His Majesty's express sanction to such changes in the Constitution of the Colony.

I have, &c.

(Signed)

T. SPRING RICE.

Captain PRESCOTT, C. B., &c., &c., &c.

Motion for a Committee to prepare Rules and Regulations for the guidance of the House.

On motion of the Honorable Mr. Crowdy, seconded by the Honorable Mr. Spearman, it was—

Resolved,—That a Committee be appointed to prepare Rules and Regulations for the guidance of this House, with a view to their being submitted for the approval of His Majesty's Government.

Members composing same.

Resolved, that the Honorable Messieurs Simms, Spearman and Thomas, be a Committee for that purpose.

A Message from His Excellency the Governor was delivered by the Honorable Mr. Secretary Crowdy, which was read by the Clerk, as follows:—

23rd & 28th January, & 4th February, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

H. PRESCOTT.

The Governor transmits, for the consideration of the Council, the following Documents, viz:—

Message from the Governor, with sundry Documents.

Copy of a Despatch from the Secretary of State for the Colonies, in reply to Memorials from Mr. Broom (Chief Magistrate,) and Mr. Phipard (High Constable.)

Extract from a Despatch relative to the Salary of the Judge of the Admiralty.

Copy of a letter from Sir Thomas Cochrane, enclosing sundry papers on the subject of certain expenses connected with the introduction of the Legislature of this Colony; and—

An extract from a despatch from the Right Honorable Mr. Secretary Spring Rice, dated the 28th October last.

The following Documents were also brought to the House by the Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor :

Documents brought to the House by Mr. Secretary Crowdy.

Financial Statement to 31st March, 1835.

Statement of the Colonial Revenue and Expenditure in the year ending 31st March next.

Estimate of probable amount of Revenue (under existing Imposts) in the year ending 31st March, 1836.

Estimate of the charge of defraying the Public Expenditure of Newfoundland, for the year ending 31st March, 1836.

Petition of the Constables at Harbour Grace, praying an increase of Salary.

Petition of William Martin, High Constable at Harbour Grace, praying to be allowed a Pension, on retiring from his office.

Petition of Matthew Stevenson, Clerk of the Peace, Harbour Grace, praying some allowance in consideration of his services, and of his being no longer capable of performing the duties of his office.

On motion, made and seconded, the House adjourned until Wednesday at One of the Clock, p. m.

House adjourns.

WEDNESDAY, 28th JANUARY, 1835.

The House met pursuant to adjournment.

House meets:

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

” ” WILLIAM HALY,

” ” JOHN DUNSCOMB,

” ” WILLIAM THOMAS,

The Minutes of yesterday were read.

On motion, made and seconded, the House adjourned until Wednesday next at One of the Clock, p. m.

House Adjourns.

WEDNESDAY, 4th FEBRUARY, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice,

Members present:

” ” JOHN DUNSCOMB,

” ” WILLIAM THOMAS,

A deputation from the Commons House of Assembly brought up a Bill entitled “An Act to limit the duration of the Parliaments of this Colony,” to which they requested the concurrence of this House.

Duration of Parliaments limitation Bill brought up.

The Honorable Mr. Spearman enters.

Member enters.

The Bill was then read a first time; and—

Read first time.

Ordered, to be read a second time to-morrow.

The Honorable Mr. Bland enters.

Member enters.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Dunscomb, it was—

4th, 9th & 13th February, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Motion for a Committee to reply to the Secretary of State's Despatch of the 21st Oct. last: Ordered, that a Committee be appointed to prepare a respectful Address in reply to the Despatch of the Secretary of State, dated the 21st October last, and laid before the House by His Excellency the Governor.

Members composing the same. Ordered, that the Honorable Messieurs Spearman, Thomas and Bland be appointed a Committee for that purpose.

House adjourns. On motion, made and seconded, the House adjourned until Monday next at One o'clock, p. m.

MONDAY, 9th FEBRUARY, 1835.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice*,
 " " JAMES SIMMS, *Attorney General*,
 " " JAMES CROWDY, *Colonial Secretary*,
 " " JAMES M. SPEARMAN, *Collector of the Customs*,
 " " JOHN DUNSCOMB,
 " " WILLIAM THOMAS,
 " " JOHN B. BLAND.

The Minutes of yesterday were read.

Duration of Parliaments limitation Bill read second time: Pursuant to the order of the day, the Bill entitled "An Act to limit the duration of the Parliaments of this Colony," was read a second time; and it was—

Ordered, that the House be put into a Committee of the whole, to take the same into consideration to-morrow.

House Adjourns. On motion, made and seconded, the House adjourned until Friday next at One o'clock, p. m.

FRIDAY, 13th FEBRUARY, 1835.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice*,
 " " JAMES SIMMS, *Attorney General*,
 " " JAMES CROWDY, *Colonial Secretary*,
 " " JAMES M. SPEARMAN, *Collector of the Customs*,
 " " WILLIAM HALY,
 " " JOHN DUNSCOMB,
 " " WILLIAM THOMAS,
 " " JOHN B. BLAND.

The Minutes of Monday last were read.

Committee on duration of Parliaments limitation Bill. Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to limit the duration of the Parliaments in this Colony."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommended the same, with an amendment.

Ordered, that the Report be received; and—

Ordered, that the amendment be engrossed, and the Bill, as amended, be read a third time to-morrow.

House adjourns. On motion, made and seconded, the House adjourned until Wednesday next at One o'clock, p. m.

18th & 23rd February, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

WEDNESDAY, 18th FEBRUARY, 1835.

The House met pursuant to adjournment.

House meets:

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 ” ” JAMES M. SPEARMAN, *Collector of the Customs.*
 ” ” WILLIAM THOMAS,
 ” ” JOHN B. BLAND.

Members present.

The Minutes of Friday last were read.

On motion of the Honorable Mr. Spearman, the Bill entitled “An Act to limit the duration of the Parliaments of this Colony, was—

Reading of the duration of the Parliaments limitation Bill postponed.

Ordered, to be read on this day ten days.

The Honorable Mr. Spearman gave notice, that on the next meeting of the House he would bring in a Bill to prevent the unnecessary firing off of Guns and other fire arms in the Town of Saint John's, and the suburbs thereof.

Notice of motion to bring in a Bill to prevent the unnecessary firing off of Guns.

The Honorable Mr. Dunscomb enters.

Member enters.
Bill for the establishment of a Light House on Harbour Grace Island; and
Bill for preventing the taking and using Capelin for manure in Conception Bay;
Read first time.

A deputation from the Commons House of Assembly brought up a Bill entitled “An Act for the establishment of a Light House on Harbour Grace Island”—also, a Bill entitled “An Act for preventing the taking and using of Capelin for manure in Conception Bay,” to which they requested the concurrence of this House—and then withdrew.

The above named Bills were then read a first time; and it was—

Ordered, that they be read a second time to-morrow.

On motion, made and seconded, the House adjourned until Monday next at One of the Clock, p. m.

House Adjourns.

MONDAY, 23rd FEBRUARY, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice,*
 ” ” JAMES SIMMS, *Attorney General.*
 ” ” JAMES M. SPEARMAN, *Collector of Customs,*
 ” ” JOHN DUNSCOMB,
 ” ” WILLIAM THOMAS,

Members present:

The Minutes of Wednesday last were read.

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

A second deputation from the Commons House of Assembly also brought up a Bill, to which they requested the concurrence of this House; and then withdrew.

Pursuant to the order of the day, the Bill entitled “An Act for the establishment of a Light House on Harbour Grace Island”—and the Bill entitled “An Act for preventing the taking and using of Capelin for manure in Conception Bay,” were read a second time; and it was—

Harbour Grace Island Light House Bill, and—
Bill for preventing the taking of Capelin,
Read second time.

Ordered, that the House be put into a Committee of the whole, to take the same into consideration to-morrow.

The Honorable the Chief Justice reported, that a deputation from the Commons House of Assembly had brought up a Bill entitled “An Act for raising a further sum of money for completing the erection of a Light House on Cape Spear”—to which the concurrence of this House was requested.

Cape Spear Ligh House (additional provision) Bill,

The said Bill was then read; and it was—

Read first time.

Ordered, to be read a second time to-morrow.

The Honorable the Chief Justice reported, that a deputation from the Commons House of Assembly had brought up a Bill entitled “An Act to regulate the Streets of Carbonear”—to which the concurrence of this House was requested.

Carbonear Street regulation Bill,

27th February, & 2nd & 5th March, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Read first time. The said Bill was then read; and it was—
Ordered, to be read a second time to-morrow.

House adjourns. On motion, made and seconded, the House adjourned until Friday next at One of the Clock, p. m.

FRIDAY, 27th FEBRUARY, 1835.

At half-past One of the Clock, p., m., there were—

Present,

The Honorable Mr. HALY,

” ” JOHN DUNSCOMB.

House adjourned for want of a quorum.

The Honorable Mr. Haly declared the House adjourned for want of a quorum.

MONDAY, 2nd MARCH, 1835.

At half-past Two of the Clock, p. m., there were—

Present,

The Honorable JAMES M. SPEARMAN, *Collector of the Customs.*

” ” JOHN B. BLAND.

House adjourned for want of a quorum.

The Honorable J. M. Spearman adjourned the House for want of a quorum.

THURSDAY, 5th MARCH, 1835.

House meets.

The House met.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice,*

” ” JAMES SIMMS, *Attorney General.*

” ” JAMES M. SPEARMAN, *Collector of the Customs.*

” ” WILLIAM THOMAS.

” ” JOHN B. BLAND.

The Minutes of the three last days were read.

Committee report draft of an Address in reply to despatch from Secretary of State.

The Honorable Mr. Spearman, from the Committee appointed to draft an Address to the Governor in reply to the despatch of the Secretary of State of the 21st October last, reported a draft thereof.

Ordered, that the Report be received.

Read first time.

The said draft was then read; and it was—

Ordered, that the same be read a second time to-morrow.

Harbour Grace Island Light House Bill committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act for the establishment of a Light House on Harbour Grace Island.”

The Honorable the Attorney General in the Chair.

A Message being announced, the House formed.

A Bill brought up.

A deputation from the Commons House of Assembly brought up a Bill for the concurrence of this House; and then withdrew.

Committee on Harbour Grace Island Light House Bill.

The House was again put into a Committee of the whole on the Harbour Grace Island Light House Bill.

The Honorable the Attorney General in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered, that the Report be received.

Committee on Bill for preventing the taking of Capelin for manure.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled “An Act for preventing the taking and using of Capelin for manure in Conception Bay.”

The Honorable the Collector in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered, that the Report be received.

Cape Spear Light House (additional provision) Bill, read second time.

Pursuant to the order of the day, the Bill entitled “An Act for raising a further sum of Money for completing the erection of a Light House on Cape Spear,” was read a second time; and—

5th & 11th March, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to regulate the Streets of Carbonear," was read a second time; and—

Carbonear Street regulation Bill read second time.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to limit the duration of the Parliaments of this Colony," was read a third time.

Duration of Parliaments limitation Bill read third time.

Ordered, that the said Bill be re-committed.

To be re-committed.

The Honorable the Chief Justice reported, that a deputation from the Commons House of Assembly had brought up a Bill entitled "An Act to regulate the Office of Sheriff, and to provide for the appointment of Sheriffs in the several Districts of this Island"—to which the concurrence of this House was requested.

Bill to regulate the office of Sheriff;

The said Bill was then read; and—

Read first time—

On motion of the Honorable the Chief Justice, seconded by the Honorable the Attorney General; it was—

Motion that it be read this day six months—

Ordered, to be read a second time this day six months.

Carried.

On motion, made and seconded, the House adjourned until Wednesday next at One of the Clock, p. m.

House adjourns.

WEDNESDAY, 11th MARCH, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

" " JAMES SIMMS, Attorney General,

" " JAMES CROWDY, Colonial Secretary.

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS,

" " JOHN B. BLAND.

The Minutes of Thursday last were read.

Pursuant to the order of the day, the draft of the Address to His Excellency the Governor was read a second time.

Draft of Address to Governor read second time.

Moved by the Honorable the Colonial Secretary, and seconded by the Honorable the Attorney General, that it be committed on this day six months, which, being put, was lost.

Motion that it be committed this day six months—lost.

Ordered, that the House be put into a Committee of the whole to take the same into consideration to-morrow.

To be committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for the establishment of a Light House on Harbour Grace Island,"

Harbour Grace Island Light House Bill committed.

The Honorable the Attorney General in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered, that the Report be received.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled "An Act for preventing the taking and using of Capelin for manure in Conception Bay."

Taking of Capelin for manure prohibition Bill committed.

The Honorable John Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments, which are as follows:—

In the title—Expunge the words "in Conception Bay."

In the preamble—between the words "quantities" and "for," expunge the words "out of the Harbours and Coves of Conception Bay"—and after the word "Fisheries," expunge the words "of the said Bay."

Section 1, 7th line—Expunge the words "from or out of any of the Harbours or Coves of Conception Bay aforesaid," between the words "thereof" and "for."

11th March, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Section 1, 12th line—Expunge the words “from any of the Coves or Harbours of the said Bay, between the words “taken” and “be.”

“ “ 17th line—Expunge the words “from any of the Coves or Harbours of the said Bay,” between the words “taken” and “any.”

Ordered, that the Report be received; and—

Ordered, that the Bill, as amended, be read a third time to-morrow.

Cape Spear Light House (additional provision) Bill committed.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled “An Act for raising a further sum of Money for completing the erection of a Light House on Cape Spear.

The Honorable John B. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered, that the Report be received; and

Ordered, that the Bill be read a third time to-morrow.

Carbonear Street regulation Bill committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to regulate the Streets of Carbonear.”

The Honorable the Colonial Secretary in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments, which are as follows:—

Amendments.

Page 2, line 2—After the word “Commissioners” expunge the word “or,” and insert “and.”

“ 4, “ 11

Do.

Do.

Do.

At the end of the second Clause insert “and in case of the death, absence or resignation of any of such Commissioners or Appraisers, it shall and may be lawful for the Governor or acting Governor, for the time being, by and with the advice of His Majesty’s Council, to nominate and appoint a Commissioner and Appraiser, or Commissioners and Appraisers, in his or their stead, who shall have the like power and authority conferred by this Act upon the other Commissioners and Appraisers.”

Insert as the 4th Clause—“And be it further enacted, that if any Ground, taken for the purpose of widening the Main Street aforesaid, shall so diminish the property of any of the said Proprietors of Land as not to leave him or them a space of Forty feet in breadth fronting on the said Street, it shall then be lawful for the said Commissioners and Appraisers to compensate such Proprietor or Proprietors, and to assess for the same in like manner as if the ground had been taken into the Cross Streets or Fire Breaks. Provided always, that if the said Commissioners and Appraisers, or a majority of them, shall be of opinion that any Proprietors of the said ground so required for the Streets aforesaid, or any of them, may be indemnified at a less expense to the Proprietors in general by having an equal portion of ground assigned to them from any ground adjoining, and that such adjoining ground may be taken without material injury to the Proprietor or Proprietors thereof, it shall be lawful, and the said Commissioners and Appraisers, or a majority of them, are required to mark off, and in like manner to appraise, so much of the said adjoining ground as they may think sufficient to replace the ground required for the said Streets; and the same so marked off shall belong to the first-mentioned Proprietors, and be instead and in lieu of all and every indemnity whatsoever, and the appraised value of the same shall be paid by the Proprietors and Tenants in general to the Proprietor or Proprietors from whom the same was respectively taken, and shall be as a full satisfaction and release of the same, and of all right and title thereto.”

Ordered, that the Report be received; and—

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Duration of Parliaments limitation Bill re-committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to limit the duration of the Parliaments of this Colony.”

The Honorable Mr. Haly in the Chair.”

11th, 18th, & 20th March, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

After some time the House resumed.

The Chairman reported the Bill with some amendments, which are as follows:—

- 2nd Section, 6th line—Insert the words “notwithstanding the demise of the Crown,” between the words “shall” and “have”—and expunge the word “only,” between the words “continuance” and “for.” Amendments.
- “ “ 7th line—Expunge the words “at the furthest,” between the words “years” and “to.”
- “ “ 9th line—Expunge the words “or of the Governor or Acting Governor of Newfoundland,” between the words “Majesty” and “such.”

Add to the second Section the following words—“Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent His Majesty, his Heirs or Successors from dissolving any such Assembly, should he or they deem it expedient so to do.”

Ordered, that the Report be received; and—

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

The Honourable the Attorney General brought up a Petition from 122 Inhabitants of Harbour Grace, praying the repeal of a part of the Harbour Grace Street Act, which was laid on the Table. Petition of Inhabitants of Harbour Grace.

On motion, made and seconded, the House adjourned until Wednesday next at One of the Clock, p. m. House Adjourns.

WEDNESDAY, 18th MARCH, 1835.

The House met pursuant to adjournment.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of Customs,*

“ “ JOHN DUNSCOMB,

“ “ WILLIAM THOMAS,

“ “ JOHN B. BLAND.

The Minutes of Wednesday last were read.

The Honorable Mr. Secretary Crowdy, by direction of the Governor, presented a Report of the Commissioners of Roads for the District of Saint John's, which was laid upon the Table. Mr. Secretary Crowdy brings up a Report of the Commissioners of Roads.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Address to the Governor. Committee on Address to the Governor.

The Honorable John B. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Friday next at One of the Clock, p. m. House adjourns.

FRIDAY, 20th MARCH, 1835.

The House met pursuant to adjournment.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice,*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM HALY,

“ “ JOHN DUNSCOMB,

“ “ WILLIAM THOMAS,

“ “ JOHN B. BLAND.

The Minutes of Wednesday last were read.

20th, 23rd, & 25th March, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Taking of Capelin for manure prohibition Bill read third time and passed.

Pursuant to the order of the day, the Bill entitled "An Act for preventing the taking and using of Capelin for manure in Conception Bay," was read a third time, and passed; Whereupon, the Honorable the Chief Justice signed the same. A Message being announced, the House formed.

Message from Assembly requesting attendance of Attorney-General.

A deputation from the Commons House of Assembly brought up a Message in the following words:

MR. SPEAKER,

The Commons House of Assembly request that the Honorable the Legislative Council will grant permission to the Honorable the Attorney General, one of their Members, to come to a Special Committee of this House, to whom it was referred, to enquire into and report upon the Documents lately laid before this House by His Excellency the Governor, relative to the number of Indictments and Criminal Prosecutions in the last Northern Circuit Court at Harbour Grace, to-morrow at Eleven o'clock in the forenoon; to be examined touching the same.

THOMAS BENNETT,
Speaker.

Resolved—That the Honorable the Attorney General have permission to attend the said Committee of the House of Assembly, if he think fit.

Cape Spear Light House additional provision Bill, read 3rd time and passed.

Pursuant to the order of the day, the Bill entitled "An Act for raising a further sum of money for completing the erection of a Light House on Cape Spear," was read a third time and passed.

Whereupon, the Speaker signed the same.

Members enter.

The Honorable Messieurs Simms and Crowdy enter.

Carbonear Street regulation Act, read a third time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to regulate the Streets of the Town of Carbonear," was read a third time and passed.

Whereupon, the Honorable the Chief Justice signed the same.

Committee on Address to the Governor.

Pursuant to the order of the day, the House went into a Committee of the whole on the Address to the Governor.

The Honorable John B. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Address with some Amendments, and asked leave to sit again.

Ordered, that the Report be received.

House adjourns.

On motion, made and seconded, the House adjourned until Monday next at One of the Clock, p. m.

MONDAY, 23rd MARCH, 1835.

At half-past One o'clock, p. m., there were—

Present.

The Honorable JAMES CROWDY, *Colonial Secretary.*

JOHN B. BLAND.

House adjourned for want of a quorum.

The Honorable the Colonial Secretary adjourned the House for want of a quorum.

WEDNESDAY, 25th MARCH, 1835.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

JAMES CROWDY, *Colonial Secretary.*

JAMES M. SPEARMAN, *Collector of the Customs*

WILLIAM HALY,

JOHN DUNSCOMB.

WILLIAM THOMAS.

JOHN B. BLAND.

The Minutes of the two preceding days were read.

25th & 30th March, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

The Honorable John Dunscomb gave notice that he would move at an early day for leave to introduce a Bill to prohibit the erection of Buildings within fifty feet of any place of Worship, as also within thirty feet of the centre of any Cross Streets or Lanes within the Town of Saint John's.

Notice of motion to prohibit erection of Buildings near places of Worship.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act for the establishment of a Light House on Harbour Grace Island."

Committee on Harbour Grace Island Light House Bill.

The Honorable the Collector in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follows:—

Reported with Amendments.

5th Section, 12th and 13th lines—Expunge the words "other than coasting or fishing Vessels, owned in or belonging to the said Bay."

" " 16th line—After the words "as aforesaid," expunge the remainder of the Clause, and insert, in lieu thereof—"Provided always, that no Vessel owned in or belonging to this Colony, having once paid such Light Duty as aforesaid, shall, during the same year, be liable to any further duty under this Act, while employed in fishing or in the Coasting Trade of this Island and its Dependencies, and sailing under a general Coasting Clearance."

6th Section, 3d line—Expunge the words "the Collector or Sub-Collector of His Majesty's Customs for the respective Port or District," and insert in their place the words "such person or persons as shall be appointed for that purpose by His Excellency the Governor or the Administrator of the Government for the time being, to collect the same."

" " 9th line—Expunge the words "Officer of Customs or."

" " 20th line—Expunge the words "or Sub-Collector of His Majesty's Customs" and substitute the words "appointed as aforesaid."

Ordered, that the Report be received.

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to limit the duration of the Parliaments of this Colony," was read a third time and passed.

Duration of Parliaments limitation Bill read 3rd time, passed and signed.

Whereupon, the Honorable the Chief Justice signed the same.

Pursuant to the order of the day, the House went into a Committee of the whole on the Address to His Excellency the Governor.

Committee on Address to the Governor.

The Honorable John B. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Address with some Amendments.

Ordered, that the Amendments be engrossed, and the Address, as amended, read a third time to-morrow.

Address reported with some Amendments. Amendments to be engrossed.

On motion, made and seconded, the House adjourned until Monday next at One of the Clock, p. m.

House adjourns.

MONDAY, 30th MARCH, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice,

Members present.

" " JAMES CROWDY, Colonial Secretary.

" " JAMES M. SPEARMAN, Collector of the Customs.

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS,

" " JOHN B. BLAND.

The Minutes of Wednesday last were read.

Pursuant to the order of the day, the Address to His Excellency the Governor was read a third time and passed, which is as follows:—

Address to the Governor read 3rd time, passed and signed.

30th March, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Address.

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland, and its Dependencies, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects the Council of Newfoundland, in Parliament assembled, having taken into our consideration the Dispatch from the Right Honorable the Secretary of State, dated the 21st October last, No. 6, which was laid before the Council by your Excellency, deem it a duty which we owe no less to His Majesty than to ourselves, as a branch of the Legislature of the Island, to lay before your Excellency, for the information of His Majesty's Government, the following observations thereon.

The Secretary of State, in his Dispatch, points out four several instances in which he states that we have departed from the Royal Instructions, and have exceeded the just limits of our constitutional authority, viz :

In assuming the title of "Legislative" when acting concurrently with the Assembly in legislating for the Colony.

In the application of the term "Speaker," instead of that of "President," to our presiding member.

In changing the number of Members required to form a quorum, from three to five; and—

In the refusal to answer, on the requisition of Sir Thomas Cochrane, certain interrogatories as to the motives of our proceedings in some particular instances.

The title "Legislative" was used by the Council in their Journals from the first opening of the Legislature, and so far from being objected to by the Governor it was applied by Sir Thomas Cochrane in his first Message transmitted to the Council after the opening of the Legislature; and the same style was generally used by him in his subsequent Messages, during his Administration of this Government.

If, therefore, in the assumption of the title "Legislative," the Royal Instructions have been departed from and the limits of the Council's constitutional authority have been exceeded, we must observe that it was an error into which not only the Council, but the Governor also, naturally fell, from the character of the functions we were called upon to discharge.

In the substitution of the term "Speaker" for "President," the Council was influenced by the circumstance of the former appellation being more parliamentary in its signification than the latter; and, certainly, by no expectation that the change of title would bring with it rights not before enjoyed—or that the person appointed to preside over their deliberations, under whatever title, could derive his authority from any other source than His Majesty; and we beg leave expressly to disclaim all idea of an election having ever been contemplated by us.

The Council further desire to remark, that as the Councillor who would Administer the Government in the event of the death or absence of the Governor, would do so under the title of "President," the change of term alluded to, might, in such case, avoid confusion.

Without a wish or intention to interfere with the Royal Instructions, the Council, in nominating five as a quorum, followed implicitly the spirit of these Instructions; for while the Council consisted of six members, His Majesty declares that three shall be a quorum: when, therefore, four new Members were added to their number, the Council, seeing also that the Governor's Commission requires that all Laws are to be enacted by the Governor, with the consent of the "major part" of the Council and Assembly, did not consider that they were acting in opposition to His Majesty's directions (as gathered from the Commission and Instructions collectively) when they increased the quorum to five, being one half of the Members now composing the Council.

In speaking of the motives which induced the refusal to reply to the interrogatories put to the Council by Sir Thomas Cochrane, we trust that the character of the Individuals composing the Council, as well as their general conduct as connected with the Government, will shield them from the least imputation of having acted with any desire to embarrass His Majesty's Representative; and we beg to assure your Excellency that we were solely and entirely influenced by a wish to maintain those privileges which we conceive to be essential to our character as an independent branch of the Legislature, and which is so indispensably necessary to ensure to us the "public respect," and without which the King's service must

30th March, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

unavoidably suffer at our hands.

In a conference with the Assembly, the Council asserted the same right of freedom from interrogation, which they afterwards claimed from His Excellency the Governor.

If it be true, in the words of Lord Goderich's Despatch (copy of which was laid before the Council by Sir Thomas Cochrane) "that 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 on public opinion, which the property and independence of its members, as well as the antiquity of the institution itself, confers on the Peerage"—then it is equally certain, that to maintain that hold on the public opinion, which it is essential the Council should possess, they must be free and unshackled in their deliberations, whether these have for their end the government of their own body, as a co-ordinate and independent branch of the Legislature, or the providing for the exigencies of the public service and the internal improvement of the Colony.

In thus "claiming for the Council, in their relation with the Governor of the Colony, the privileges which belong to the Upper House of Parliament in the relation borne by their Lordships to His Majesty," we trust we have not "urged the analogy beyond those limits within which alone it can properly be maintained"—and while we are most anxious to offer every possible respect to the Representative of His Majesty, we look with confidence to His Majesty's Government to support this branch of the Legislature in those constitutional privileges which will not be denied to the Assembly.

In Lord Goderich's Dispatch alluded to in the Governor's Message of the 9th of January, 1833, and sent to the "Legislative Council" for its consideration, His Lordship observes—"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. In accordance with the uniform course of precedents your Commission constitutes a Council, which will participate with the Assembly in the enactment of Laws."

"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 effect of the institution, therefore, is too often to induce a collision between the different branches of the Legislature."

From these expressions it is evident that Lord Goderich did not consider the Council a mere Board for advising the Governor, but, in its Legislative capacity, a co-ordinate branch of the Legislature, equally responsible to the Government and to the Colony, for the passing of just and salutary Laws; and vested with constitutional privileges, and with a Legislative Authority to enforce due order and regularity while discharging their public duties.

In taking the "Laws and Rules of Parliament," for their guidance, the Council have followed the suggestions of Lord Goderich, and they now respectfully beg leave to submit for His Majesty's inspection a copy of the Rules which they have adopted for the regulation of their proceedings; humbly soliciting His Most Gracious Majesty to recognize the right of the Council to make Rules for the Government of their Legislative proceedings, in the same manner as the Assembly has ever done.

Unless the Council be considered a co-ordinate branch of the Legislature, invested with powers similar to those exercised by the Assembly, and necessary for the support of their constitutional authority;—unless they be protected in the free and independent expression of their opinions—they would soon become obnoxious to the Colony, and be indeed what Lord Goderich describes—"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."

H. J. BOULTON.

Council Chamber, 30th March, 1835.

30th March, & 3rd April, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

- Whereupon the Honorable the Chief Justice signed the same.
- Committee appointed to wait on His Excellency to know when he would be pleased to receive the same, and to present it. Ordered, that the Honorable Messieurs Spearman and Thomas be a Committee to wait upon the Governor to know when his Excellency will be pleased to receive the same, and to present it.
- Harbour Grace Island Light House Bill read 3rd time and passed— And signed. Pursuant to the order of the day the Bill entitled "An Act for the Establishment of a Light House on Harbor-Grace Island," was read a third time, as amended, and passed.
- Clerk's Office amalgamation Bill, and— Whereupon the Honorable the Chief Justice signed the same.
- Registration of Deeds Bill brought up: A Deputation from the Commons House of Assembly brought up the Bill entitled "An Act to combine the Office of Clerk of the Central Circuit Court, with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices;" and also the Bill entitled "An Act to provide for the Registration of Deeds and to repeal so much of an Act of the Imperial Parliament, entitled 'An Act for the better Administration of Justice in Newfoundland and for other purposes,' as relates to the Registration of Deeds"—to which they requested the concurrence of this House, and then withdrew.
- Read 1st time. The above named Bills were then read a first time, and it was—
- Bill to prevent the unnecessarily discharging Guns, &c., in St. John's—brought up and read 1st time. Ordered, that they be read a second time to-morrow.
- House adjourns. Pursuant to notice, the Honorable the Collector brought in a Bill to prevent the unnecessarily discharging Guns and other Fire Arms in the Town of Saint John's, and in the suburbs thereof, which was read a first time, and—
- Ordered, to be read a second time to-morrow.
- On motion, made and seconded, the House adjourned until Friday next at One of the Clock, p. m.
- FRIDAY, 3rd APRIL, 1835.
- House meets. The House met pursuant to adjournment.
- Present,
- Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice,*
 " " JAMES M. SPEARMAN, *Collector of the Customs.*
 " " WILLIAM HALY,
 " " JOHN DUNSCOMB,
 " " WILLIAM THOMAS,
 " " JOHN B. BLAND.
- The Minutes of Monday last were read.
- Report of Committee appointed to wait on the Governor with Address. The Honorable the Collector, from the Committee appointed to wait on the Governor with the Address of the Council, reported that they had done so, and that His Excellency had assured them it should be transmitted to His Majesty's Government.
- Clerk's Office amalgamation Bill read 2nd time. Pursuant to the order of the day, the Bill entitled "An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices"---was read a second time, and it was---
- Ordered, to be committed to-morrow.
- Registration of Deeds Bill read 2nd time. Pursuant to the order of the day, the Bill entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament entitled 'An Act for the better Administration of Justice in Newfoundland and for other purposes,' as relates to the Registration of Deeds"---was read a second time, and it was---
- Ordered to be committed to-morrow.
- Bill to prevent the unnecessarily discharging Guns, &c., read 2nd time. Pursuant to the order of the day, the Bill to prevent the unnecessarily discharging Guns and other Fire Arms in the Town of Saint John's, and in the Suburbs thereof, was read a second time; and it was—
- Ordered, to be committed to-morrow.
- Law of Attachment amendment Bill brought up. A deputation from the Commons House of Assembly brought up a Bill entitled "An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors," to which they requested the concurrence of this House, and then withdrew.

3rd & 6th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

- The said Bill was read a first time; and—
Ordered, to be read a second time to-morrow.
The Honorable Mr. Secretary Crowdy enters.
A deputation from the Commons House of Assembly brought up a Bill entitled "An Act for the protection of the breeding of Hares and Wildfowl," to which they requested the concurrence of this House.
The said Bill was read a first time; and—
Ordered, to be read a second time to-morrow.
The same deputation brought up two Messages in the following words:
- MR. SPEAKER,
The Commons House of Assembly have concurred in the Amendments made by the Council in the Bill entitled "An Act to limit the duration of the Parliaments of this Colony."
THOMAS BENNETT,
Speaker.
House of Assembly,
March 31, 1835.
- MR. SPEAKER,
The Commons House of Assembly have concurred in the Amendments made by the Council in the Bill sent up from this House, entitled "An Act for preventing the taking and using Capelin for manure in Conception Bay."
THOMAS BENNETT,
Speaker.
House of Assembly,
March 31st, 1835.
- A deputation from the Commons House of Assembly brought up a Message in the following words:—
- MR. SPEAKER,
The Commons House of Assembly concur with the Council in the Amendments made by them in the Bill sent up from this House entitled "An Act to regulate the Streets of the Town of Carbonear."
THOMAS BENNETT,
Speaker.
House of Assembly,
March 31st, 1835.
- Pursuant to notice, the Honorable Mr. Dunscomb brought in a Bill to provide for the greater security of Houses of Public Worship from the destructive ravages of Fire, which was read a first time, and—
Ordered, to be read a second time to-morrow.
The Honorable the Collector gave notice of his intention to introduce a Bill to authorize the Executive Government to appoint proper persons to take the Census of the Island, at stated periods.
On motion, made and seconded, the House adjourned until Monday next at One of the Clock, p. m.
- MONDAY, 6th APRIL, 1835.
- The House met pursuant to adjournment.
- Present.
- The Honorable HENRY JOHN BOULTON, *Chief Justice.*
" " JAMES SIMMS, *Attorney General.*
" " JAMES M. SPEARMAN, *Collector of Customs,*
" " JOHN DUNSCOMB,
" " WILLIAM THOMAS,
" " JOHN B. BLAND.
- The Minutes of Friday last were read.
- Read 1st time.
Member enters.
Game preservation Bill brought up.
Read 1st time.
Message from Assembly concurring in Amendments to the duration of Parliaments limitation Bill brought up.
Message from Assembly concurring in Amendments to Bill for preventing the taking and using Capelin for manure.
Message concurring in Amendments to Carbonear Street regulation Bill.
Bill to provide for the greater security of Houses of Public Worship from fire, brought up and read 1st time.
Notice of intention to introduce a Bill to authorize persons to take Census.
House Adjourns.
House meets;
Members present.

6th & 8th April, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Committee on Clerk's
Office amalgamation
Bill.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices."

Member enters.

The Honorable Mr. Bland in the Chair.

The Honorable Mr. Secretary Crowdy enters.

Bill reported without
amendment.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Ordered, that the Report be received; and—

Ordered, that the Bill be read a third time to-morrow.

Committee on Registra-
tion of Deeds Bill.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament, entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' as relates to the Registration of Deeds."

The Honorable the Collector in the Chair.

After some time the Chairman reported progress, and asked leave to sit again.

Ordered, that the Report be received.

Law of Attachment
amendment Bill read
2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors," was read a second time; and—

Ordered, to be committed to-morrow.

Game preservation Bill
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act for the protection of the breeding of Hares and Wildfowl," was read a second time; and—

Ordered, to be committed to-morrow.

Bill to provide for the
greater security of
Houses of Public Wor-
ship from fire, read
2nd time.

Pursuant to the order of the day, the Bill to provide for the greater security of Houses of Public Worship from the destructive ravages of fire, was read a second time; and—

Ordered, to be committed to-morrow.

House adjourns.

On motion, made and seconded, the House adjourned until Wednesday next at One of the Clock, p. m.

WEDNESDAY, 8th APRIL, 1835.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice,*" " JAMES SIMMS, *Attorney General,*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

The Minutes of Monday last were read.

Clerk's Office amalga-
mation Bill—read 3rd
time, passed & signed.

Pursuant to the order of the day, the Bill entitled "An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Office," was read a third time and passed.

Whereupon, the Speaker signed the same.

The Honorable Mr. Bland enters.

Committee on Regis-
tration of Deeds Bill.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' as relates to the Registration of Deeds."

The Honorable the Collector in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received; and—

8th & 10th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Ordered, that the Bill be printed.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill to prevent the unnecessarily discharging Guns and other Fire Arms in the Town of Saint John's, and the Suburbs thereof.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received.

Ordered, that the Bill, as amended, be engrossed, and that it be read a third time to-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors."

The Honorable Mr. Secretary Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again.

Ordered, that the Report be received.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act for the protection of the breeding of Hares and Wildfowl."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follows:—

2nd Page, 16th line—Expunge the words "Black Ducks and Wild Geese."

" 22nd line—Expunge the words "Twenty-fifth," and insert in their place the word "Twentieth."

" 23d line—Expunge the word "March," and insert in its place the word "April."

" " —Expunge all the words between the word "August" and the word "in."

3rd Page, 2nd line—Insert the word "or" between the words "Hare" and "Partridge," and expunge the words "Black Duck or Wild Goose."

" 4th line— Do. Do.

" 5th line—Expunge the words between the words "sale" and "forfeit."

4th Page, 20th line—Insert the word "or" between the words "Hare" and "Partridge," and expunge the words "Black Duck or Wild Goose."

Ordered, that the Report be received; and—

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

On motion, made and seconded, the House adjourned until Friday next at One of the Clock, p. m.

FRIDAY, 10th APRIL, 1835.

The House met pursuant to adjournment.

Present.

The Honorable HENRY JOHN BOULTON, Chief Justice.

" " JAMES SIMMS, Attorney General.

" " JAMES M. SPEARMAN, Collector of Customs,

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS,

" " JOHN B. BLAND.

The Minutes of Monday last were read.

Pursuant to the order of the day, the Bill to prevent the unnecessarily discharging Guns and other Fire Arms in the Town of Saint John's, and the Suburbs thereof, was read a third time.

Committee on Bill to prevent the unnecessarily discharging of Guns, &c.

Committee on Law of Attachment amendment Bill.

Committee on Game preservation Bill.

Amendments.

House meets.

Members present:

Bill to prevent the unnecessarily discharging Guns and other Fire Arms in Saint John's—

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Ordered to be re-com-
mitted.

On motion of the Honorable the Chief Justice, it was—

Ordered, that it do not pass, and that it be re-committed.

Game preservation
Bill passed.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act for the protection of the breeding of Hares and Wildfowl," was read a third time and passed.

Whereupon, the Honorable the Chief Justice signed the same.

On motion of the Honorable the Chief Justice, it was---

Registration of Deeds
Bill to be re-committed.

Ordered, that the Bill entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' as relates to the Registration of Deeds," be re-committed.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill to provide for the greater security of Houses of Public Worship from the destructive ravages of fire.

The Honorable Mr. Bland in the Chair.

Member enters.

The Honorable Mr. Secretary Crowdy enters.

After some time the House resumed.

Report of Committee.

The Chairman reported progress, and asked leave to sit again.

Ordered, that the Report be received.

Committee on Regis-
tration of Deeds Bill.

The House went into a Committee of the whole, on the Bill entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament, entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' as relates to the Registration of Deeds."

The Honorable the Collector in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follows:---

Amendments.

In the Preamble, 1st line—Expunge the word "deemed."

" " 2nd line—Expunge the words "certain portions," and insert, in lieu thereof, the words "so much."

" " " Expunge the word "Imperial."

" " 7th line—Expunge the word "concerning," and insert, in its place, the words "as relates to."

" " 8th line—Expunge the words "whereas it is requisite."

" " 9th line—Expunge the words "for the Registration of Deeds," and insert in their stead, the word "therefor."

1st Section, 5th line—Expunge the words "and such parts," and insert, after the word "said," in the 6th line, and before the word "recited," the words "in part."

" " 8th line---Expunge the words "in writing," and insert in their stead the words "whereby any Lands or Tenements may be granted, conveyed, demised, mortgaged, charged, or otherwise encumbered."

" " 9th line---Expunge the word "are," and insert, in its stead, the word "is."

Expunge the 2nd, 3rd, 4th, 5th, 6th, 7th and 8th Sections.

Insert, as the 2nd Section, the following words:---"And be it further enacted, that a memorial of all Deeds, Conveyances, or other assurances which have been or shall be made and executed, and of all Wills and Devises made or to be made, and published, whereby any Lands, Tenements or Hereditaments in Newfoundland, or its Dependencies, may be in any wise affected in Law or Equity, may, at the election of the Party or Parties concerned, be registered in the Office of the Registrar of the Supreme Court, in such manner as is herein after directed; and that every Deed, Will, Conveyance, or other assurance of any Lands, Tenements or Hereditaments, shall be adjudged fraudulent and void against any subsequent Purchasor or Mortgagee for valuable consideration, unless such Memorial be registered, as by this Act is directed, before the registering of the Memorial of the Deed, Will, Conveyance or Assurance, under which such subsequent Purchasor or Mortgagee shall claim. Provided always, that the registration of any Will for the purpose of taking out probate thereof, shall be deemed a registry under this Act. And provided also, that any party to any Deed, Conveyance or assurance may require the same, instead of a Memorial thereof, to be enrolled at

10th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

length by the said Registrar, which enrolment shall have the same force and effect as the registration of any such memorial as aforesaid.

Insert the following words as the Third Section:—"And be it further enacted, that every Memorial of any Deed, Will, Conveyance, or other Assurance, shall contain the date thereof, the names and additions and places of abode of all the Parties and Witnesses thereto, and shall contain a description of the Lands, Tenements or Hereditaments thereby intended to be conveyed, in such manner as the same are described in any such Deed, Will, Conveyance or Assurance, or to the same effect, and shall be executed by at least one of the parties to such Deed, Conveyance or Assurance, or by one of the Executors or Devisees claiming under any Will, a Memorial whereof may be required to be registered; and that every such Deed, Conveyance, Will, or other assurance, of which such Memorial is to be registered as aforesaid, shall be produced to the said Registrar, or his Deputy, at the time of entering such Memorial, who shall endorse a Certificate on every such Deed, Will, Conveyance or other Assurance, and therein the certain day, hour, and time on which such Memorial was entered or registered, or in case of enrollment as aforesaid, when the same was enrolled, expressing also in what Book, page, and number, the same is entered, and that the said Registrar, or his Deputy, shall sign the said Certificate when so endorsed, which Certificate shall be taken and allowed as evidence of such respective registries in all Courts whatsoever; and every page of such Register Books, and every Memorial that shall be entered therein, shall be numbered, and the day of the month, and the year, and hour of the day of every such registry or enrollment, shall be entered in the margins of the said Register Books, and of the said Memorial where a Memorial shall be entered. And such Registrar shall keep an Alphabetical Index of all the Towns, Villages, or Settlements as the same are usually designated in the Maps or other public muniments of this Colony, with reference to the number of every Memorial or Enrollment that concerns the Lands, Tenements or Hereditaments in every such Town, Village or Settlement respectively, and of the names of the parties mentioned in such Memorial—and the said Registrar shall enroll such Deeds, Wills, Conveyances or other Assurances, or enter the Memorial thereof in the order in which they shall come to his hands. Provided always, and be it further enacted, that this Act shall not extend to require the enrollment or registry of the Memorial of any Lease at a rack rent, where the actual possession and occupation goeth along with the Lease."

Insert the following words as the fourth Section:—"And be it further enacted, that any such Deeds, Wills, Conveyances or other Assurances as shall be made and executed or published within this Colony, shall and may be enrolled, or a Memorial thereof enregistered, upon an affidavit of the due execution thereof by all the parties thereto respectively, and of the Memorial thereof in cases of registry, which affidavit shall be made by one or more of the Witnesses attesting the execution thereof respectively, and may be sworn before the said Registrar or his Deputy, or before any Commissioner appointed by Commission under the hand and seal of the Chief Justice of Newfoundland, to take affidavits in the Supreme Court of this Island; and where any such Deeds, Wills, Conveyances or other assurances shall have been executed or published in any part of the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies or other Possessions abroad, such affidavit may be sworn before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or before the Chief Justice or other Judge of any superior Court of Record in any of His Majesty's said Colonies or Possessions abroad, and shall be attested by the Seal of any such Corporation or Court of Record respectively."

Insert the following words as the 5th Section:—"Provided always, and be it further enacted, that all Wills whereof a probate shall be granted or a Memorial thereof enregistered within the space of Twelve Calendar Months after the death of every respective Devisor dying within this Colony, shall be as valid and effectual against subsequent Purchasers, as if the same had been registered immediately after the death of the Devisors respectively: Provided always, that in case any Devisee, or person interested in the Lands, Tenements or Hereditaments devised by any such Will as aforesaid, shall, by reason of the contesting of any such Will, or other inevitable difficulty, without his, her or their wilful neglects or default, be prevented from proving the same or exhibiting a Memorial thereof within the time hereinbefore limited, then and in such case the enrollment of such Will or the registry of a Memorial thereof within the space

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of three months next after the removal of such impediment as aforesaid shall be a sufficient registry within the meaning of this Act, any thing herein contained to the contrary notwithstanding."

Insert the following words as the sixth Section:—"And be it further enacted, that the said Registrar shall, half-yearly, on the first Mondays of May and November in each year, prepare and transmit to some one of the Commissioners for taking affidavits in the Supreme Court, above mentioned, resident in the different Towns, Villages, or Settlements of this Island, an abstract of all Deeds, Wills, Conveyances or other assurances of or concerning any Lands, Tenements or Hereditaments, situate in or near to such Towns, Villages or Settlements respectively, which may, from time to time, be registered in the Office of such Registrar; and such Abstracts shall be carefully kept and preserved by such Commissioners respectively, and shall be open to the public to make searches therein."

Insert the following words as the seventh Section:—"And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of Newfoundland for the time being, by Commission under the Great Seal, to appoint a Registrar for the District of Conception Bay, who shall reside at Harbour Grace; and such Registrar shall, in the way and manner by this Act directed, register all Deeds, Wills, Conveyances or other Assurances relating to or in any wise affecting Lands, Tenements and Hereditaments, situate within the said District, as the same is marked out and described in His Majesty's Proclamation dividing this Island into Electoral Districts, bearing date on the 26th day of July, in the year of Our Lord One thousand eight hundred and thirty-two. And the said Registrar shall, half-yearly, on the first Mondays of May and November, in each year, prepare and transmit to the Office of the Registrar at Saint John's abstracts of all Deeds, Wills, Conveyances and other assurances by him recorded—and such Abstracts shall be preserved by the said Registrar, and be entered in a Book to be kept by him for that purpose, which shall be open to the public to make searches therein."

In the 9th Section of the Bill, 3rd line, between the words "Deputy" and "as," insert the words "or Commissioner for taking Affidavits."

Expunge the 10th Section of the Bill.

In the 11th Section of the Bill, 2nd line, between the words "their" and "assigns," insert the words "Heirs or."

" " 13th line—Expunge the words "the District of Newfoundland."

Expunge the 12th Section of the Bill.

In the 13th Section of the Bill—Expunge the word "Sterling" wherever it appears—and in the 17th line, after the word "shilling," insert the words "and for a copy thereof six pence per folio."

" " 23rd line—Expunge the words "or acknowledgment."

Expunge the 14th Section of the Bill.

Insert the following words as the 11th Section:—"And be it further enacted, that all Deeds of Bargain and Sale, which shall hereafter be registered or enrolled according to the Provisions of this Act, shall have the like force and effect for the passing of Real Estates as if the same had been duly enrolled in any Court of Record."

Ordered, that the Report be received, and---

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill entitled "An Act to amend the Law of Attachment, and to facilitate to recovery of Debts from absent or absconding Debtors."

The Honorable Mr. Secretary Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again.

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Monday next at One of the Clock, p. m.

Committee on Law of Attachment amendment Bill.

Report.

House adjourns.

13th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

MONDAY, 13th APRIL, 1835.

The House met pursuant to adjournment.

House meets;

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice,*

Members present.

" " JAMES SIMMS, *Attorney General,*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM HALY,

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS,

" " JOHN B. BLAND.

The Minutes of Friday last were read.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to provide for the Registration of Deeds, and to repeal so much of an Act of the Imperial Parliament, entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' as relates to the Registration of Deeds," was read a third time and passed.

Registration of Deeds Bill, read 3rd time, passed and signed.

Whereupon, the Honorable the Chief Justice signed the same.

A deputation from the Commons House of Assembly brought up the Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares and Merchandize imported into this Colony," to which they requested the concurrence of this House.

Revenue Bill brought up.

The same deputation brought up a Message in the following words:---

MR. SPEAKER,

The Commons House of Assembly request a Conference with the Legislative Council on the subject-matter of the Amendments made to the Bill entitled "An Act for the establishment of a Light House on Harbour Grace Island."

Conference requested by the Assembly on Amendments to Harbour Grace Island Light House Bill—

THOMAS BENNETT,

Speaker.

House of Assembly,
April 13th, 1835.

Ordered, that the request be acceded to---that the Honorable Messieurs Simms and Spearman be the Conferees on the part of this House, and that the Master in Chancery acquaint the Assembly that the Conferees will meet their Managers in the Committee Room immediately.

Granted.

Conferees appointed.

The Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares and Merchandize imported into this Colony," was read a first time.

Revenue Bill read 1st time.

The Honorable the Attorney General, from the Conferees appointed to meet the Managers from the Commons House of Assembly on the subject-matter of the Amendments to the Bill entitled "An Act for the establishment of a Light House on Harbour Grace Island," reported, that they had met the said Managers, who had delivered the instructions of the House of Assembly in the following words:---

Report of Conferees on Harbour Grace Island Light House Bill.

The Commons House of Assembly have requested this Conference with the Legislative Council for the purpose of acquainting them that they cannot concur in the Amendments made in the Sixth Section of the said Bill, entitled "An Act for the establishment of a Light House on Harbour Grace Island," whereby it is intended that other persons should be appointed for the collection of the Light Duties to be levied under the said Act than those named therein, viz:---the Collector and Sub-Collectors of His Majesty's Customs.

The Assembly are of opinion, that if any other persons were appointed to collect the Duties in question, not only would the expense of collection exceed what would be consistent with the amount to be raised, but from the nature of their Offices, the Sub-Collectors of His Majesty's Customs are, of all others, the best adapted for the efficient collection of the said Duties.

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The Assembly beg to call the attention of the Council to the Act passed in the Second Session of the Legislature, entitled "An Act for the establishment of Light Houses," whereby it is directed, that the Duties to be raised by that Act shall be collected by the Collectors and Sub-Collectors of His Majesty's Customs, and the Assembly cannot discover any good reasons for making so material a difference in the collection of the Duties to be raised by this Act. The Assembly, however, have no objection, if the Council think fit to recede from the above Amendments, to insert a clause in the Bill to compensate the Collectors and Sub-Collectors of His Majesty's Customs, by granting them a Commission of five per cent. on the amount of the duties to be collected by them.

THOMAS BENNETT,
Speaker.

38th Standing Rule dispensed with, and—

Ordered, that the 38th Standing Rule of the House be dispensed with, so far as it respects the Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares and Merchandize imported into this Colony."

Revenue Bill read 2nd time.

Whereupon, the same was read a second time.

Committed—

Ordered, that it be committed to-day.

After some time the House went into a Committee of the whole on the said Bill.

The Honorable Mr. Dunscomb in the Chair.

The House having resumed—

Reported.

The Chairman reported progress, and asked leave to sit again.

Ordered, that the Report be received.

House Adjourns.

On motion, made and seconded, the House adjourned until to-morrow at Eleven of the Clock, a. m.

TUESDAY, 14th APRIL, 1835.

House meets.

The House met pursuant to adjournment.

Present.

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS,

" " JOHN B. BLAND.

The Minutes of yesterday were read.

Committee on subject of the last Conference.

On motion of the Honorable the Chief Justice, seconded by the Honorable the Colonial Secretary, the House went into a Committee of the whole on the subject of the last Conference.

The Honorable Mr. Bland in the Chair.

A Message being announced, the House resumed.

Road Act amendment Bill brought up.

A deputation from the Commons House of Assembly brought up the Bill entitled "An Act to amend an Act passed in the second Session of the Parliament of this Colony, entitled 'An Act to regulate the making and repairing of Roads and Highways in this Island.'" "

Committee on subject of last Conference.

The House again went into Committee.

The Honorable J. B. Bland in the Chair.

After some time the House resumed.

Report—

The Chairman reported that the Committee had agreed to the following Resolution:—

Resolution—

Resolved,—That a Conference be requested with the Assembly upon the subject of the last Conference, and that the Managers appointed by this House be instructed to acquaint the Assembly, that while they fully concur in the opinion expressed by the Assembly that the Sub-Collectors of His Majesty's Customs are, from the nature of their Offices, the best adapted for the efficient collection of the said Duties, yet they are at a loss to perceive upon what principle of justice any public Officer can be called upon to discharge other duties than those which his office imposes, without receiving a reasonable compensation for any additional responsibility or labour which may thus be cast upon him, and the Council are happy to per-

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HENRY PRESCOTT, Esquire, C. B., Governor.

ceive that the Assembly have readily suggested what appears to be a fair remuneration for such services; and therefore they feel no hesitation in receding from their Amendment, upon the compensation clause being added, as recommended by the Assembly at the last Conference.

Ordered, that the Report be received, and that the resolution be adopted.

Report received.

Ordered, that the Honorable Messieurs Simms and Thomas be Conferees on the part of this House, and—

Conferees appointed.

Ordered, that the Master in Chancery go down and acquaint the Assembly of the same, and request a Conference with that House, on the subject of the last Conference.

Pursuant to the order of the day, the House went into a Committee of the whole, on the Bill, entitled "An Act for granting to His Majesty certain duties upon Goods, Wares, and Merchandize, imported into this Colony."

Revenue Bill in Committee.

The Honorable Mr. Dunscomb in the Chair.

The Honorable Mr. Haly enters.

Member enters.

A Message being announced the House formed.

A Deputation from the Commons House of Assembly brought up a Message acceding to the request for a Conference made by this House.

Message from Assembly acceding to the Conference requested.

The Honorable the Attorney General, from the Conferees on the subject of the last Conference, reported that they had met the Managers from the Assembly and delivered to them their Instructions.

Report of Conferees.

The House again went into a Committee of the whole on the Revenue Bill.

Committee on Revenue Bill.

The Honorable Mr. Dunscomb in the Chair.

A Message being announced the House formed.

A Deputation from the Commons House of Assembly brought up a Message in the following words:—

Message from the Assembly agreeing to Amendments in Harbor-Grace Island Light House Bill, with an Amendment thereon.

MR. SPEAKER,

The Commons House of Assembly have agreed to the Amendments made in the Bill sent up to the Council from this House, entitled "An Act for the establishment of a Light House, on Harbor-Grace Island;" with an Amendment thereon to which the concurrence of the Council is requested.

THOMAS BENNETT,
Speaker.

*House of Assembly,
April 14, 1835.*

The House again went into a Committee of the whole on the Revenue Bill.

Committee on Revenue Bill.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follows:—

Report the same with Amendments.

In the Table of Duties, third line from the bottom—Insert between the words "Duty" and "and," the words "in this Act."

In the last line of the Table—Expunge the word "Invoice."

At the end of the 8th Section, add the following words:—"Provided always, that if such articles be charged with Imperial Duties, and have been valued according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying or securing the Colonial Duties thereon."

In the 9th Section, 21st & 22nd lines—Expunge the words "other moiety," and insert in their place the words "Money detained for the benefit of the Crown."

In the 10th Section—Expunge the words commencing with the words "Provided always" and ending with the word "Bond."

Insert as the Eleventh Section—"And be it further enacted, that in case any Goods, Ships, Vessels or Boats shall be seized as forfeitures, or detained as under-valued, under this or any Colonial Law, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Island for the time being, by and with the advice and consent of His Majesty's Council, to order the same to be restored, in such manner, and on such terms and conditions as he shall think fit to direct; and if the proprietor of the same

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shall accept the terms and conditions prescribed by the said Governor or Lieutenant Governor, or person administering the Government, by and with the advice and consent aforesaid, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation."

Insert as the Twelfth Section—"And be it further enacted, that the Collector of His Majesty's Customs, or other person employed in the collection of the duties imposed by this Act, shall be allowed, and he is hereby authorised to retain to his own use, the sum of Two Pounds and Ten Shillings out of every One hundred Pounds by him collected under and by virtue of this Act, and that such Collector or other person, so employed as aforesaid, shall enter into such sureties for his good conduct therein as the Governor, Lieutenant Governor, or person administering the Government of this Island for the time being, shall deem to be reasonable and necessary."

Insert as the Thirteenth Section—"And be it further enacted, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Island, to nominate one Member from the Council and two Members from the Assembly, who shall constitute a Board of Audit, and who shall have power to audit the Accounts of the Receivers of the Duties imposed by this Act, and finally to settle and close the Accounts of such Receivers. Provided always, that such Accounts so audited shall be laid before the Legislature in each Session, within one month from the commencement thereof."

Report received.

Ordered, that the Report be received—that the Amendments be engrossed, and that the Bill, as amended, be read a third time to-morrow.

Conference to be requested with Assembly on Revenue Bill.

Ordered, that a Conference be requested with the Assembly on the subject of the Bill for granting Supplies to His Majesty.

Conferees appointed, who are to draft Instructions.

Ordered, that the Honorable Messieurs Spearman and Thomas be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at Eleven of the Clock, a. m.

WEDNESDAY, 15th APRIL, 1835.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

„ „ JAMES SIMMS, *Attorney General.*

„ „ JAMES CROWDY, *Colonial Secretary.*

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

„ „ WILLIAM THOMAS,

„ „ JOHN B. BLAND.

Road Act amendment Bill read 1st time.

The Bill entitled "An Act to amend an Act passed in the Second Session of the Parliament of this Colony entitled 'An Act to regulate the making and repairing of Roads and Highways in this Island,'" was read a first time.

38th Standing Rule of the House dispensed with.

Ordered, that the 38th Standing Rule of the House so far as it respects the above named Bill, be dispensed with.

Member enters.

The Honorable Mr. Dunscomb enters.

Road Act amendment Bill read 2nd time.

The said Bill was then read a second time, and—

Ordered, to be committed to-morrow.

Select Committee appointed to draft Instructions to Conferees on Revenue Bill—

The Honorable the Collector, from the Select Committee appointed to draft Instructions to the Conferees on the Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares and Merchandize imported into this Colony," reported a draft thereof, which is in the following words:—

reported draft.

Instructions to Conferees.

The Legislative Council have requested this Conference with the Commons House of Assembly, on the subject of the above named Bill, for the purpose of acquainting the Assembly that they do not concur in that part of the first Section of the Bill, which is intended to impose additional labour, risk and responsibility, on the Collector of the Customs and his

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Deputies, without any compensation for such Service; neither do they approve of the Colonial Revenues being placed in the hands of the Customs without requiring from them any security for the safe custody and due appropriation thereof.

When Goods are subject to an Imperial as well as a Colonial duty, it must be obvious that it would be more convenient that one valuation only should be made with regard to the same article for both duties, as it tends to facilitate the collection of such duties, and to promote an uniform system in keeping the public Accounts. The Council have, therefore, prepared a Proviso, to be added to the 8th Section to accomplish that object.

The Legislative Council do not concur in that part of the 9th Section which authorizes the Officers of the Customs to take Goods for the use of the Crown, on paying the entered value, with ten per centum thereon, unless a power of restoration be granted to the Governor and Council in all cases where in their opinion an improper resort shall have been had to such a peremptory authority, or where it shall be made to appear that no fraudulent entry was attempted by the importer of such Goods.

The Council cannot concur in the Proviso at the end of the 10th Section, because it is calculated to increase the number of Bonds to be taken by the Collectors of the Duties, without any beneficial result to the Importer; for the Imperial Act allows 20 days to the Importer to make his final entry, during which time he can always raise a sufficient sum out of the Sale of such Import as will pay the Colonial Duties. The Council are of opinion that the appointment of a Board of Audit, for Auditing the Public Accounts, will be of advantage, and trust the Assembly will concur with them in the propriety of providing for that object in this Bill.

There are some other amendments of minor importance which have been recommended in a Committee of the whole Council, which they are also desirous of seeing adopted; and they trust that the amendments proposed will appear to the Assembly to be so reasonable in themselves, and so necessary for the protection of the public interests, that the Assembly will readily concur in their expediency, and more especially as the Council, feeling an equal responsibility with the other Branches of the Legislature when giving their assent to every Bill which comes before them, do nevertheless disclaim any desire to interfere with the acknowledged Privileges of the House of Assembly.

Ordered, that the Report be received.

Ordered, that the House be put into a Committee of the whole on the said Report presently.

The House then went into Committee of the whole.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Instructions without amendment.

Ordered, that the Report be received.

Ordered, that the Master in Chancery do go down to the Commons House of Assembly, and request a conference on the Bill for granting supplies to His Majesty.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill to provide for the greater security of Houses of Public Worship from Fire.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

The Honorable Mr. Haly enters.

Ordered, that the report be received, and—

Ordered, that the Bill be engrossed and read a third time To-morrow.

Pursuant to the order of the day, the Bill to prevent the unnecessarily discharging of Guns and other Fire Arms in Saint John's, was re-committed.

The Honorable Mr. Haly in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered, that the Report be received.

Ordered, that the Bill be engrossed and read a third time To-morrow.

Report received.

Committed.

Reported.

Master in Chancery to request conference with Assembly.

Bill to provide for the greater security of Houses of Public Worship from Fire. Committed.

Reported.

Member enters.

Report received.

Bill to prevent the unnecessarily discharging Fire Arms—re-committed.

Reported.

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Law of Attachment
amendment Bill,
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors."

The Honorable the Colonial Secretary in the Chair.

After some time the House resumed.

Reported, with Amend-
ments.

The Chairman reported the Bill with some amendments, which are as follows:—

Amendments.

Sec. 1. line 12.—Immediately after the word "Defendants," insert the words "his, her or their constituted Attorney."

line 13 and 15.—After the word "Agent" expunge the words "or Attorney."

line 25.—Expunge all the words in the parenthesis.

2. line 4.—Expunge the words "have absconded," and insert in their place "be absent."

" " Insert, after the word "Colony," the words "or not resident therein."

" line 5.—Insert, after the word "Attorney," the words "as aforesaid."

3. line 5.—Expunge the word "absconding," and insert in its place the word "absent."

4. line 4.—Expunge the word "the" and insert in its place the word "such," and after the word "Defendants," expunge the words "who shall have so absconded."

6. line 9.—Expunge the words "Defendant or," and insert the words "or Defendant," after the word "Plaintiff."

Report received.

Ordered, that the report be received, and—

Ordered, that the amendments be engrossed and the Bill as amended read a third time

To-morrow.

Message from Assembly
agreeing to the confer-
ence requested.

A Deputation from the Commons House of Assembly brought up a Message acceding to the request for a Conference on the subject of the Bill of supplies to His Majesty.

Report of select com-
mittee of conference on
Bill of supply to His
Majesty.

The Honorable Mr. Spearman from the Select Committee appointed to confer with the Managers from the Assembly, reported that they had met the Managers and delivered their Instructions.

Revenue Bill, read 3rd
time.

Pursuant to the order of the day, the Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares, and Merchandise imported into this Colony," was read a third time.

And, on motion,
Re-committed.

On motion of the Honorable Mr. Thomas, seconded by the Honorable the Collector, it was—

Ordered, that it do not pass, and that it be re-committed.

The House then went into a Committee of the whole on the said Bill.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Reported.

The Chairman reported progress, and asked leave to sit again.

Ordered, that the report be received.

Again committed.

Presently the House again went into a Committee on the Bill.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Reported.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, that the report be received.

Amendment made by
Assembly to Harbor
Grace Island Light
House Bill—read.

The Amendment made by the Commons House of Assembly, on the Council's Amendments to the Bill entitled "An Act for the establishment of a Light House on Harbor Grace Island," was read a first, second and third time, and passed.

Passed and signed.

Whereupon the Honorable the Chief Justice signed the same.

The amendment.

The Amendment to be added to the sixth section, is in the following words:—"Provided always, that it shall be lawful for such Collector or Sub-Collectors of His Majesty's Customs, and such Justices of the Peace as aforesaid, to retain and withhold from the sums by them respectively collected for Light Duties under this Act, and paid into the hands of the Treasurer of the Colony, a Commission at and after the rate of five pounds per centum upon the amount so by them respectively collected and paid, as a compensation for their trouble in collecting the same."

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at 11 o'Clock, a. m.

16th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

THURSDAY, 16th APRIL, 1835.

The House met pursuant to adjournment.

House meets.

Present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present:

” ” JAMES SIMMS, *Attorney General.*
 ” ” JAMES CROWDY, *Colonial Secretary.*
 ” ” JAMES M. SPEARMAN, *Collector of the Customs.*
 ” ” WILLIAM HALY,
 ” ” WILLIAM THOMAS,
 ” ” JOHN B. BLAND.

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to provide for the greater security of Houses of Public Worship from Fire, was read a third time and passed.

Bill to provide for the greater security of Houses of Public Worship from Fire—read 3rd time and passed.

Ordered, that the title of the Bill be “An Act to make provision for the protection of Houses of Public Worship in the District of Saint John’s from destruction by Fire, and to make further Regulations in respect to the erection of Houses and other Buildings on the borders of the Highways, Roads, Streets and Lanes within the said District.”

Title.

Whereupon the Honorable the Chief Justice signed the same.

Bill signed.

Pursuant to the order of the day, the Bill to prevent the unnecessarily discharging Guns and other Fire Arms in the Town of Saint John’s, and in the Suburbs thereof, was read a third time and passed.

Bill to prevent the unnecessarily discharging Guns and other Fire Arms—read 3rd time & passed.

Ordered, that the title of the Bill be “An Act to prevent the unnecessary discharging of Guns and other Fire Arms in the Streets of Saint John’s, and the Suburbs thereof.”

Title.

Whereupon the Honorable the Chief Justice signed the same.

Bill signed.

Pursuant to the order of the day, the Bill, as amended, entitled “An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors,” was read a third time.

Law of Attachment amendment Bill read 3rd time.

The Honorable Mr. Dunscomb enters.

Member enters.

On motion of the Honorable Mr. Bland, seconded by the Honorable the Attorney General, it was—

On motion, An amendment expunged.

Ordered, that the Amendment doing away with the Proviso in the 1st section of the Bill, be expunged.

Ordered, that the said Bill do now pass.

Bill passed

Whereupon the Honorable the Chief Justice signed the same.

and signed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to amend an Act passed in the second Session of the Parliament of this Colony, entitled “An Act to regulate the making and repairing of Roads and Highways in this Island.”

Road Act amendment Bill committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered, that the Report be received.

Ordered, that the 38th standing Rule of the House, so far as it respects this Bill, be dispensed with.

38th standing rule dispensed with.

The said Bill was then read a third time and passed.

Bill read 3rd time pass'd and signed.

Whereupon the Honorable the Chief Justice signed the same.

Pursuant to notice, the Honorable the Collector moved for leave to bring in a Bill to authorize the Executive Government to appoint proper Persons to take the census of the Island.

Motion for leave to introduce a Bill to provide for the taking of the census of the Island.

Leave granted.

The said Bill was then read a first time, and—

Bill read 1st time.

Ordered to be read a second time To-morrow.

On motion made and seconded, the House adjourned until Saturday next, at one of the clock p. m.

House adjourns.

18th April, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

SATURDAY, 18th APRIL, 1835.

House meets.	The House met pursuant to adjournment.
	Present,
	<i>The Honorable</i> HENRY JOHN BOULTON, <i>Chief Justice.</i>
Members present.	” ” JAMES SIMMS, <i>Attorney General,</i>
	” ” JAMES CROWDY, <i>Colonial Secretary.</i>
	” ” JAMES M. SPEARMAN, <i>Collector of the Customs.</i>
	” ” JOHN DUNSCOMB,
	” ” WILLIAM THOMAS,
	” ” JOHN B. BLAND.
	The minutes of Thursday last were read.
	Pursuant to the order of the day, the Bill to authorize the Executive Government to appoint proper Persons to take the census of the Island, was read a second time, and—
Census Bill read 2nd time.	Ordered to be committed To-morrow.
	The Honorable the Colonial Secretary stated that he had a Message from His Excellency the Governor.
	The said Message was then read, and is in the following words:—
	H. PRESCOTT:
Message from the Governor, stating that His Majesty had given his assent to certain Acts. — viz.	The Governor acquaints the Council, that His Majesty has been pleased, by an order in Council bearing date the 7th day of February last, to direct that the undermentioned Acts passed in the last Session of the Legislature of this Colony, should be left to their operation, viz.—
Quarantine continuation Act.	“ An Act to continue for one year 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.”
Registration of votes suspension Act.	“ An Act to suspend until the year One Thousand Eight Hundred and Thirty Five, the operation of an Act passed in the last Session of Parliament, entitled ‘ An Act for Registering the Names of Persons entitled to vote at Elections.’”
Treasury Notes Act.	“ An Act to authorize the Issue of Treasury Notes,” and—
Cholera Provision Act.	“ An Act for granting to His Majesty the sum of Five Hundred Pounds Sterling, to be appropriated and applied towards defraying any expenses which may arise in the event of the introduction of Asiatic Cholera in this Colony.”
	<i>Government-House,</i> 18th April, 1835.
Revenue Bill brought up — read 1st time.	A Deputation from the Commons House of Assembly brought up the Bill entitled “ An Act for granting to His Majesty certain Duties on Articles imported into this Colony.”
	Which was read a first time.
Member enters.	The Honorable Mr. Haly enters.
	On motion of the Honorable Mr. Thomas, it was
38th Rule dispensed with.	Ordered, that the 38th standing Rule of the House, so far as it relates to this Bill, be dispensed with.
Bill read 2nd time.	The Bill was then read a second time, and—
	Ordered to be committed presently.
Committed.	The House accordingly went into a Committee of the whole on the Bill.
	The Honorable Mr. Haly in the Chair.
	After some time the House resumed.
Reported.	The Chairman reported the Bill without amendment.
	Ordered, that the Report be received, and—
	Ordered, that the Bill be read a third time presently.
Read 3rd time, passed and signed.	The Bill was then read a third time and passed.
	Whereupon the Honorable the Chief Justice signed the same.
	The Honorable the Collector entered the following Protest :
Protest of the Hon. the Collector.	Dissentient, 1st—Because the enactments in this Act, entitled “ An Act for granting to His Majesty certain Duties, on articles imported into this Colony,” contained so far as the said

18th, 20th & 21st April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

enactments relate to and mention the Officers of His Majesty's Customs, with a view to impose the collection of the said Duties on those Officers, are opposed to the provisions of an Act of the Imperial Parliament, entitled "An Act for the management of the Customs," viz., 3 & 4, Wm. 4, cap. 51, sec. 12.---"And be it further enacted, that no 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 as such Officer, 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."

2nd—"And because by rejecting the several Amendments moved by me with the view of destroying the opposition at present existing between this Act entitled "An Act for granting to His Majesty certain duties on articles imported into this Colony," and those of the above recited Act of the Imperial Parliament, the Council have placed the affairs of His Majesty's Customs, stationed in this Island, in such a situation, that they may, with perfect 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 to be the bounden duty of the Legislature to guard against.

J. M. SPEARMAN.

On motion, made and seconded, the House adjourned until 10 of the clock, a. m. on Monday next. House adjourns.

MONDAY, 20th APRIL, 1835.

The House met pursuant to adjournment.

House meets.

Present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " JAMES SIMMS, *Attorney General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " JAMES M. SPEARMAN, *Collector of the Customs.*
 " " WILLIAM HALY,
 " " WILLIAM THOMAS,
 " " JOHN B. BLAND.

The Minutes of Saturday last were read.

At a quarter past Ten of the Clock, a. m., His Excellency the Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Commons House of Assembly in this House; and they being come thereto— Governor comes to the House—

His Excellency was pleased to assent to the Bill entitled "An Act for granting to His Majesty certain Duties on articles imported into this Colony." And assents to Revenue Bill.

Then the House of Assembly retired, and His Excellency withdrew.

On motion, made and seconded, the House adjourned until to-morrow at 1 of the Clock, p. m. House Adjourns.

TUESDAY, 21st APRIL, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*
 " " JAMES M. SPEARMAN, *Collector of the Customs.*
 " " JOHN DUNSCOMB,
 " " WILLIAM THOMAS.

The Minutes of yesterday were read.

21st April, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

Census Bill in Committee.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill to authorize the Executive Government to appoint proper persons to take the Census of the Island.

The Honorable Mr. Crowdy in the Chair.

A Message being announced, the House formed.

Assembly pass Bill to prevent the unnecessarily discharging of Guns, &c. with amendments.

A Deputation from the Commons House of Assembly brought up a Message announcing that they had passed the Bill sent down to them, entitled "An Act to prevent the unnecessary discharging of Guns, and other Fire Arms, in the Streets of Saint John's and the Suburbs thereof," with some Amendments, to which the concurrence of this House was requested—

The Amendments are as follows :

Amendments.

In the Title of the Bill—Expunge the word "Streets," and insert, in its place, the word "Towns."—Insert, between the words "Saint John's" and "and," the words "Harbor Grace, Carbonear, Port-de-Grave and Brigus."

In the preamble, 4th line—Expunge the words "Streets of the," and add to the word "Town" the letter "s"

" " 5th line—After the words "St. John's" insert the words "Harbour Grace, Carbonear, Port-de-Grave and Brigus."

1st Section, 6th line—Add to the word "Town" the letter "s."

" " " Expunge the words "of Saint John's."

" " 7th line—Between the words "thereof" and "discharge" insert the word "respectively."

" " 11th line—At the end of the Eleventh line insert the following words:—"And every person so offending shall, for every offence, upon conviction thereof on the oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace, or on the view of any such Justice, forfeit and pay to our Sovereign Lord the King, his Heirs and Successors, the sum of Ten Shillings, to be levied by Warrant of Distress from such Justice, on the Offender's Goods and Chattels; and for want of sufficient Goods and Chattels, such Offender shall be committed to Gaol for the space of Twenty-four hours; one half of the said fine to be paid to the Informer, and the other half towards the support of the poor of the said Towns, respectively. *Provided always*, that no prosecution for a breach of this Act shall be admitted, unless complaint be made thereof within Forty-eight hours after the offence committed."

Page 2nd, line 1st—Expunge the word "always," and insert, in its stead, the word "also."

Assembly pass Amendments to the Law of Attachment amendment Bill.

The same deputation brought up a Message acquainting this House that they had passed the Amendments made by the Legislative Council in the Bill entitled "An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors."

Census Bill committed;

The House again went into Committee on the Census Bill.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill with some amendments.

Ordered, that the report be received, and—

Ordered, that the Bill be engrossed and read a third time To-morrow.

Amendments to Bill to prevent the unnecessary discharging of Guns—read 1st time.

The Amendments to the Bill entitled "An Act to prevent the unnecessary discharging of Guns and other Fire Arms, in the Streets of Saint John's, and the Suburbs thereof," were then read a first time, and—

Ordered, to be read a second time to-morrow.

Order of the day for House going into Committee on Revenue Bill, discharged.

Ordered, that the order of the day for the House going into a Committee of the whole, on the Bill entitled "An Act for granting to His Majesty certain Duties upon Goods, Wares and Merchandize imported into this Colony," be discharged.

House adjourns.

On motion, made and seconded, the House adjourned until Thursday next at One of the Clock, p. m.

23rd, 24th & 27th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

THURSDAY, 23rd APRIL, 1835.

At Two of the clock p. m. there were—

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JOHN DUNSCOMB.

The House adjourned for want of a quorum.

House adjourned for want of a quorum.

FRIDAY, 24th APRIL, 1835.

At half-past Two of the clock p. m., there were—

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*" " JAMES SIMMS, *Attorney General,*

" " WILLIAM THOMAS.

The House adjourned for want of a quorum.

House adjourned for want of a quorum.

MONDAY, 27th APRIL, 1835.

The House met.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present:

" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " JOHN DUNSCOMB,

" " JOHN B. BLAND.

The Minutes of the last three days were read.

Pursuant to the order of the day, the Bill to authorize the Executive Government to appoint proper Persons to take the Census of the Island, was read a third time and passed.

Census Bill read 3rd time and passed.

Ordered, that the Title of the Bill be "An Act for ascertaining the Census of this Island and its Dependencies, and other statistical information."

Title.

Whereupon the Honorable the Chief Justice signed the same.

Bill signed.

Pursuant to the order of the day, the Amendments to the Bill entitled "An Act to prevent the unnecessary discharging of Guns and other Fire Arms in the Streets of Saint John's and the Suburbs thereof," was read a second time.

Amendments to Bill to prevent the unnecessary discharging of guns read 2nd time.

Ordered, that the 38th Standing Rule of the House, so far as it respects these Amendments, be dispensed with.

38th Rule dispensed with.

The Amendments were then read a third time and acceded to.

Amendments read 3rd time and acceded to.

A Deputation from the Commons House of Assembly brought up a Message requesting a Conference on the subject of the Amendments made by the Council in the Bill entitled "An Act for the protection of the breeding of Hares and Wild Fowl."

Assembly request a conference on amendments to the Game preservation Bill.

Ordered, that the request be acceded to—that the Hon. Messrs. Thomas and Bland be the Conferees to meet the Managers from the Assembly immediately, and that the Master in Chancery do acquaint that House therewith.

Conferees appointed.

The same deputation brought up, for concurrence of this House, the Bill entitled "An Act to provide for the better conducting of the Fisheries of this Island," which was read a first time.

Fishery Bill brought up. Read 1st time.

The same deputation also brought up, for concurrence of this House, the Bill entitled "An Act to repeal part of an Act passed in the fourth year of His Majesty's Reign, entitled 'An Act to amend an Act of the General Assembly, entitled 'An Act to regulate the Streets of the Town of Harbor-Grace,'" which was read a first time, and it was—

Harbor-Grace Street Act amendment Bill brought up—

Read 1st time.

Ordered, to be read a second time to-morrow.

On motion of the Honorable Mr. Thomas, seconded by the Honorable the Colonial Secretary, it was---

Motion for the evidence produced in the Assembly on the Bill above named.

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Ordered, that the Master in Chancery do go down to the Commons House of Assembly and request that the evidence produced to that House, previous to the passing of the above named Bill, be furnished to this House.

On motion, the Petition of certain Inhabitants of Harbor Grace for the repeal of a part of the Harbor Grace Street Act amendment Bill was read.
St. John's Fire Companies' Act amendment Bill—

On motion of the Honorable the Attorney General, a petition from 122 Inhabitants of Harbor-Grace, praying that certain parts of the Act of the 4th Wm. 4, cap. 2, might be repealed, was read.

Revenue Act continuation Bill, and—

The same deputation also brought up, for the concurrence of this House, the Bills entitled—
“An Act to amend an Act of the Parliament of this Colony, entitled ‘An Act for the establishment and regulation of Fire Companies in the Town of Saint John’s:’”

Sick and disabled Seamen and Fishermen's relief Bill—brought up, and read 1st time.

“An Act to continue an Act of the Parliament of this Colony, passed in the fourth year of the Reign of His present Majesty, entitled “An Act for the further increase of the Revenue:”

“An Act for the relief of sick and disabled Seamen, Fishermen, and other Persons”—which were severally read a first time, and—

Ordered, to be read a second time to-morrow.

Report of Conferees on amendments made in Game preservation Bill.

The Honorable Mr. Thomas, from the Conferees appointed to meet the managers from the Commons House of Assembly, on the subject of the Amendments made in the Bill entitled “An Act for the protection of the breeding of Hares and Wild Fowl,” reported that they had met the said Managers, who had delivered to them the Instructions of the House of Assembly, in the following words:—

The Commons House of Assembly have requested this Conference with the Legislative Council for the purpose of acquainting them that the House of Assembly do not concur in the Amendments made by the Council in the Bill entitled “An Act for the protection of the breeding of Hares and Wild Fowl,” whereby it is proposed to expunge the words “Black Ducks and Wild Geese,” and to alter the time within which persons are prohibited from killing Hares and Partridges.

The House of Assembly were induced to extend the protection of the Law to the breeding of Wild Geese and Ducks by prohibiting the killing of them from the Twentieth of April to the Tenth of July, as the Assembly apprehend that unless some such provision were made, these species of Wild Fowl, which, some few years ago, abounded in vast numbers in all parts of the Island, would, from the destroying of them at all seasons of the year, in a short time entirely disappear, as of late years they have disappeared from the Eastern part of the Island, between Cape Race and Conception Bay---more particularly as the House are fully of opinion that the Black Duck and the Wild Goose both breed in this Island and remain here during the whole of the year, excepting about four months of the winter season, when the latter Bird seeks a warmer climate.

The Assembly do not concur in the amendment by which it is proposed to alter the period within which persons are prohibited from killing Hares and Partridges, as the Assembly are of opinion that both Hares and Partridges pair quite as early as the Twenty-fifth of March, and as the object of the Bill would be thereby in a great measure defeated.

The House of Assembly concur in the amendment expunging the words “or found dead in his or her possession.”

THOMAS BENNETT,
Speaker.

House of Assembly,
April 24th, 1835.

Master in Chancery to inform the Assembly that the Council insist upon their amendments.

On motion of the Honorable Mr. Thomas, it was---
Ordered, that the Master in Chancery acquaint the Commons House of Assembly that the Legislative Council insist upon their amendments in and upon the Bill above named.

38th Standing Rule dispensed with.

Ordered, that the 38th Standing Rule of the House, so far as it respects the Bill entitled “An Act to provide for the better conducting of the Fisheries of this Island,” be dispensed with.

Fishery Bill read 2nd time—

The said Bill was then read a second time, and---

Ordered, to be committed to a Committee of the whole House presently.

Committed—

The House then went into a Committee of the whole.

The Honorable Mr. Crowdy in the Chair.

27th & 28th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow.

Reported.

Ordered, that the report be received, and leave granted.

On motion, made and seconded, the House adjourned until to-morrow at 11 of the Clock, a. m.

House adjourns.

TUESDAY 28th APRIL, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

” ” JAMES SIMMS, *Attorney General.*

” ” JAMES CROWDY, *Colonial Secretary.*

” ” WILLIAM HALY,

” ” WILLIAM THOMAS,

” ” JOHN B. BLAND.

The Minutes of yesterday were read.

On motion of the Honorable the Colonial Secretary, seconded by the Honorable Mr. Bland, it was—

On motion, Revenue Act continuation Bill ordered to be read on this day six months.

Ordered, that the Bill entitled “An Act to continue an Act of the Parliament of the Colony, passed in the fourth year of the Reign of his present Majesty, entitled ‘An Act for the further increase of the Revenue,’” be read a second time on this day six months.

Pursuant to the order of the day, the Bill entitled “An Act to amend an Act of the Parliament of this Colony, entitled ‘An Act for the establishment and regulation of Fire Companies in the Town of Saint John’s,’” was read a second time, and—

St. John’s Fire Companies’ Act amendment Bill read 2nd time.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the Bill entitled “An Act to repeal part of an Act passed in the fourth year of His Majesty’s Reign, entitled ‘An Act to amend an Act of the General Assembly, entitled ‘An Act to regulate the Streets of the Town of Harbor Grace,’” was read a second time, and—

Harbor Grace Street Act amendment Bill read 2nd time.

Ordered, to be committed to-morrow.

The Honorable the Collector enters.

Member enters.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to provide for the better conducting of the Fisheries of this Island.”

Fishery Bill committed

The Honorable Mr. Secretary Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments, which are as follows:—

reported with amendments.

In the 2nd Section, expunge the words “or stranger whatsoever.”

Expunge the 7th, 9th and 10th Sections.

Insert, as the 7th Section, the following words—“And whereas it is expedient to repeal the 25th Section of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, entitled “An Act for the better administration of justice in Newfoundland, and for other purposes, and to afford protection in certain cases to Seamen, Fishermen and Servants employed in the Fishery, as well as to the Creditor for supplies necessary for the Fishery:— Be it therefore enacted, that the 25th Section of the said last in part recited Act be, and the same is hereby repealed.

Insert as the 8th Section, “And be it further enacted, that in the distribution to be made of the produce of the estates and effects of every person or persons hereafter declared insolvent in Newfoundland, every Seaman, Fisherman or Servant employed in the Fishery, and every Creditor for supplies necessary and furnished bona fide for the Fishery, during the current season, that is to say, at any time after the close of the last preceding season of the Fishery, shall be considered as a privileged Creditor, and shall first be paid Twenty Shillings in the Pound, and that all other Creditors shall be paid equally and rateably. Provided always, that at the distribution of the said effects, the Seamen, Fishermen and Servants

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shall be entitled to receive in the proportion of Thirteen Shillings and Fourpence in the Pound, and the Creditor for supplies, at the rate of Six Shillings and Eightpence in the Pound, until each of the said parties shall have received the full sum of Twenty Shillings in the Pound.

Insert as the 9th Section—

“And be it further enacted, that all Fish and Oil which shall be taken and made during the current year by the person or persons who shall hire or employ any such Seaman, Fisherman or other Servants employed in the Fishery, or the proceeds thereof, which shall have come to the hands or possession of such Creditor or Creditors, for supplies so furnished as aforesaid, or so much thereof as shall be sufficient to realize Twenty Shillings in the Pound to such preferred Creditors, upon the distribution of such insolvent estate, shall be taken and deemed to be a part of the estate and effects of such Insolvent; and shall be recoverable by such decree, order or judgment, and process of the Court before which such insolvency shall have been declared, as such Court shall deem equitable and proper for the recovery thereof. Provided always, that nothing herein contained shall extend to any claim or demand which shall not have been preferred or prosecuted at the first Court of competent jurisdiction which shall have sat next after the termination of the fishing season during which such claims or demands shall have accrued.

In the 12th Section, 9th line—Between the words “proprietor” and “and,” insert the following words, “of the Ship or Vessel on board of which such Fishermen or Seamen had first entered.”

Reported.

Ordered, that the Report be received, and—

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Appropriation Bill brought up.

A Deputation from the Commons House of Assembly brought up the Bill entitled “An Act for granting to His Majesty certain Supplies for the support of His Majesty’s Government in this Island for the year of our Lord One thousand eight hundred and thirty-five.”

Sick and disabled Seamen and Fishermen’s relief Bill, read 2nd time.

Pursuant to the order of the day, the Bill entitled “An Act for the relief of sick and disabled Seamen, Fishermen, and other persons,” was read a second time, and—

Ordered to be committed to-morrow.

Appropriation Bill read 1st time.

The Bill entitled “An Act for granting to His Majesty certain Supplies for the support of His Majesty’s Government in this Island, for the year of our Lord One thousand eight hundred and thirty-five,” was read a first time.

38th Standing Rule dispensed with.

Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.

Bill read 2nd time.

The Bill was then read a second time, and—

Ordered, to be committed to-day.

Committed—

The House then went into a Committee of the whole on the said Bill.

The Honorable Mr. Haly in the Chair.

A Message being announced, the House formed.

Enlargement of Sessions’ jurisdiction Bill brought up.

A deputation from the Commons House of Assembly brought up the Bill entitled “An Act to enlarge the jurisdiction of the Courts of Sessions, and to extend the authority of Justices of the Peace in this Island,” for the concurrence of this House.

Appropriation Bill committed—

The House again went into a Committee of the whole on the Appropriation Bill.

The Honorable Mr. Haly in the Chair.

After some time the House resumed.

Reported, and also a Resolution that a Conference be requested with the Assembly.

The Chairman reported the Bill with some amendments, and also a Resolution of the Committee, and asked leave to sit again.

The Resolution is in the following words:—

RESOLVED, That a Conference be requested with the Commons House of Assembly, on the subject matter of the Bill entitled “An Act for granting to His Majesty certain Supplies for the support of His Majesty’s Government in this Island, for the year of our Lord One thousand eight hundred and thirty-five.”

28th & 29th April, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

Ordered, that the Report be received.

Ordered, that the Honorable Messieurs Crowdy and Thomas be the Conferees on the part of this House, and that they be a Committee to draft Instructions. Conferees appointed—
and to be a Committee
to draft Instructions.

On motion, made and seconded, the House adjourned until 11 of the Clock, a. m. to-morrow. House adjourns.

WEDNESDAY, 29th APRIL, 1835.

The House met pursuant to adjournment.

House meets.

Present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

” ” JAMES SIMMS, *Attorney General.*
 ” ” JAMES CROWDY, *Colonial Secretary.*
 ” ” JAMES M. SPEARMAN, *Collector of the Customs.*
 ” ” WILLIAM HALY,
 ” ” JOHN DUNSCOMB,
 ” ” WILLIAM THOMAS.

The Minutes of yesterday were read.

The Honorable Mr. Bland enters.

The Honorable Mr. Crowdy, from the Committee appointed to draft Instructions to the Conferees, on the subject matter of the Bill entitled “An Act for granting to His Majesty certain supplies for the support of His Majesty’s Government in this Island, for the year of our Lord One thousand eight hundred and thirty-five,” reported a draft thereof, which was read, and is in the following words:— Committee appointed
to draft Instructions to
Conferees on Appropri-
ation Bill—report a
draft.

The Legislative Council have requested this Conference upon the Bill sent up by the Assembly, entitled “An Act for granting to His Majesty certain Supplies for the support of His Majesty’s Government in this Island, for the year of our Lord One thousand eight hundred and thirty-five,” for the purpose of expressing to the Assembly the reasons which have prevented the Legislative Council from concurring in many of the appropriations thereby sought to be made, in the manner in which this Bill brings them under their consideration. Instructions to Confe-
rees.

While in some instances the amount granted is inadequate, in the opinion of the Council, to defray the charges incident to the service to which it is devoted; other sums are sought to be appropriated towards the payment of charges not connected with the ordinary expenses of the government, and therefore should become the subject of a separate grant.

While the Legislative Council have every disposition to respect the privileges claimed by the Assembly in relation to matters of supply, yet a due regard to the principles of our Constitution, render it imperative upon them not to permit those privileges to be urged to such an extent as to infringe upon the unquestionable right of the Council to reject any measure in which they cannot acquiesce without a sacrifice of their opinions and a surrender of their judgment, which would be the practical result of establishing the principle that all grants of public money, no matter for what service, might properly be embraced in one general Bill of Supply, which, as they cannot amend it without infringing upon the privileges claimed by the Assembly, must either be assented to by the Council, although they may not concur in any of the occasional grants thereby attempted to be made, or else they must be put to the unpleasant necessity of rejecting the whole Bill, thereby depriving those Servants of the Government of their usual emoluments, in the propriety and justice of defraying which, all branches of the Legislature concur.

The practice of tacking to Bills of Supply, matters which are not connected with that particular object, have at all times been strenuously resisted by the Upper House of Parliament, as being calculated to deprive them of their legitimate right of freely discussing every subject that might come before them. The Legislative Council are therefore of opinion, that nothing beyond the usual annual supply, for the support of the Civil Government, should be embraced in the Bill, and that all occasional Grants should be provided for in as many separate Bills as there may be distinct objects to which they may be intended to be devoted.

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Upon these principles the Legislative Council cannot concur in the following proposed Grants being made in this Bill, viz:—Towards remitting to James Brine Wood certain Colonial Duties paid by him on the importation of a quantity of Madeira Wine, agreeably to the prayer of his petition, £37 2s.

One pound per diem each for every day's attendance in the House of Assembly of such of the Members of the said House representing Out-Ports, as do not reside in Saint John's, provided the same shall not exceed the number of Forty-two days in the whole.

Towards compensating James Blaikie, Esq., late Clerk of the Central Circuit Court, for past services, £100.

Towards defraying the expense of providing Law Books for the use of the following Out-Ports, viz:—Harbor-Grace, Trinity, Bonavista, Twillingate, Ferryland, Placentia, Saint Mary's, Burin and Harbour Briton, £100.

And the several sums devoted to the improvement of Roads.

The Legislative Council also object to the Contingencies of the Legislature forming a part of the annual Supply Bill: these contingencies are incurred for the personal convenience and current expenses of the Legislature while in Session, and should therefore be provided for in a separate Bill, unincumbered with any other subject which could create a difference of opinion, and thereby put in jeopardy the payment of individuals they had themselves employed. Upon the present occasion, moreover, sums are attempted to be granted for the Officers, Servants and Contingencies of the Legislative Council, without the previous sanction of the Council, and without any intimation having been made to the Assembly of the sums which the Council had voted for those services—the Assembly thereby assuming to regulate the expenses of the Council, which is an interference with their privileges which they are bound to resist.

The grant of £100 to purchase Books for the use of both Houses, the Legislative Council are ready to concur in, although they cannot but regret that it should not have originated in Resolutions adopted by one House and sent to the other for concurrence, expressing the joint opinion of both Houses of the propriety of the grant intended for their mutual convenience, and also expressing the mode by which the intention of the Legislature should be attained.

With regard to the reduction made in the Salary of the Clerk of the Southern Circuit Court to the extent of one half the sum heretofore paid to that Officer, the Legislative Council cannot perceive any principle by which such change can be justified. From the nature of his Office he is debarred from entering into any other regular employment; for although he is not actively employed all the year round, yet he must hold himself in readiness to attend his duty in any part of his District when called upon—besides which, the duty itself requiring the Officer to pass by sea to the ports he is ordered to visit, is necessarily hazardous, and the Council are the more struck with this reduction, when comparing the condition in which this Officer would thus be left with that of others provided for in the same Bill—this Officer is to receive but £100 for the year, while a grant of the like sum is made to James Blaikie, Esq., for past services, although he has at all times heretofore received the full amount of salary at which he took upon him his employments.

The Council are likewise of opinion that the sum of £230 proposed for the expense of conveying the Judges on their Circuits will be found totally inadequate to that end, and they very much fear, that without a further appropriation, one of the Circuits at least must, for the present year, be discontinued.

The third Clause of the Bill the Council cannot concur in, as it carries with it a distrust, not only in the Treasurer, but in the Executive Government, and tends directly to place the Treasurer in a condition to judge of the propriety of the Governor's Warrants, which it is not to be presumed will be issued in violation of any of the various Acts appropriating the public Revenue.

There are some matters of minor importance to which the Council desire to draw the attention of the Assembly, although they are not of such a nature as would be insisted upon should the Assembly view them in a different light.

There are three separate grants to Magistrates for Saint John's, Harbor-Grace and Carbonear, and in each case the style of the Officer is different from that used in either of the others.

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HENRY PRESCOTT, Esquire, C. B., Governor.

The Magistrates in Saint John's are properly enough, as the Council conceive, called Police Magistrates—in Harbor-Grace the Officer is called the Chief Magistrate, which is not a correct designation of any ordinary Justice of the Peace; and in Carbonear the term Stipendiary is applied. The Council would prefer the one style of Police Magistrate, or the term Magistrate alone, without any other designation. The using a variety of expression in any law has a tendency to produce embarrassment in the construction of it, and leads to conflicting opinions where a difference was never intended in principle.

There is a sum of £250 appropriated to the repair of Government Buildings, and another sum to the repair of Gaols, which are also Government Buildings. The Council, believing the Government House to be meant as the object of the former grant, have expunged the word "Buildings," and inserted "House" in lieu thereof.

There is a service named for which no provision has been made, and which the Council presume has arisen from accident—it is for defraying the expense of employing three persons to lay out Roads to Holyrood and several other places.

The sum of £1590 is granted towards opening, making and repairing Roads and Bridges in the several Districts of this Island—but the amount in detail exceeds that sum by £50.

The Legislative Council extremely regret that a Bill of so much importance should have been left to so late a period of the Session that there would not be time to pass it through its different stages before the day named for the prorogation, consistently with those prudential rules which all Legislative Bodies adopt, as well to prevent surprise as to ensure a deliberate and careful examination of every subject brought under discussion, did the Council concur in all its provisions, and therefore they have been reluctantly compelled to dispense with their usual method of proceeding in the passage of Bills, in order that the public service might not be subjected to the greater inconvenience of being left without any supply, or of rendering it necessary to prolong an otherwise protracted Session.

Ordered, that the Report be received, and that it be concurred in.

A deputation from the Commons House of Assembly brought up a Message in the following words:—

Mr. SPEAKER,

The Commons House of Assembly agree to the Conference as requested by the Legislative Council on the subject matter of the Act for granting to His Majesty certain Supplies for the support of His Majesty's Government in this Island, in the year of our Lord One thousand eight hundred and thirty-five, and have appointed Conferees on the part of this House to meet the Conferees on the part of the Legislative Council at the time and place appointed.

THOMAS BENNETT,
Speaker.

House of Assembly,
April 29th, 1835.

The Bill brought up yesterday from the Commons House of Assembly entitled "An Act to enlarge the jurisdiction of the Courts of Session, and to extend the authority of Justices of the Peace in this Island," was read a first time, and—

On motion of the Honorable the Attorney General, seconded by the Honorable Mr. Haly, it was—

Ordered, that the said Bill be read a second time on this day six months.

The Honorable Mr. Crowdy, from the Conferees appointed to meet the Managers from the Commons House of Assembly, on the subject of the Appropriation Bill, reported that they had met the said Managers and delivered to them their Instructions.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to provide for the better conducting of the Fisheries of this Island," was read a third time and passed.

Whereupon the Honorable the Chief Justice signed the same.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to amend an Act of the Parliament of this Colony, entitled 'An Act for the establishment and regulation of Fire Companies in the Town of St. John's.'"

Report received and concurred in.

Assembly agree to conference on the Appropriation Bill.

Enlargement of Sessions Jurisdiction Bill read 1st time—and

On motion, ordered to be read a 2nd time on this day six months.

Report of Conferees on Appropriation Bill.

Fishery Bill read 3rd time, passed and—

Signed.

St. John's Fire Companies' Act amendment Bill committed—

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- The Honorable Mr. Thomas in the Chair.
After some time the House resumed.
- Reported.** The Chairman reported the Bill without amendment.
Ordered, that the Report be received.
- 38th Standing Rule dispensed with.** Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.
- Bill read 3rd time, passed and—Signed.** The said Bill was then read a third time and passed.
Whereupon the Honorable the Chief Justice signed the same.
- Sick and disabled Seamen and Fishermen's relief Bill Committed—** Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for the relief of sick and disabled Seamen, Fishermen and other persons."
The Honorable the Collector in the Chair.
After some time the House resumed.
- Reported.** The Chairman reported the Bill with some Amendments, which are as follows:—
- Amendments.** Expunge the first six lines of the preamble, and the word "and" at the beginning of the seventh line.
Expunge the 1st Section, and insert, in its place—"Be it therefore enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Island, to appoint seven Directors for the management of such Hospital or Hospitals as may be used or occupied for the reception of Patients under the provisions of this Act, which Directors shall have power and authority to nominate and appoint such and so many Collectors as may be necessary for the collecting of the dues hereby authorized to be raised as hereinafter mentioned, and to take such security from such Collectors for the due performance of their duty as they may think proper to require."
Expunge the 2nd, 3rd, 4th, 5th, 6th, 7th and 11th Sections.
12th Section, 3rd line—Expunge the word "three," and insert in its stead the word "one."
" " 5th & 6th lines—Expunge the words commencing with "of," in the 5th line, and ending with the word "be," in the 6th line—and insert, in their place, the words "appointed by and under the authority of this Act."
" " 7th line—Expunge all the words in this Section after the word "require."
Expunge the 13th, 14th, 15th, 16th, 17th, 19th & 20th Sections.
Ordered, that the Report be received.
Ordered, that the Amendments be engrossed, and that the Bill, as amended, be read a third time to-morrow.
- On motion, an order of the day discharged.** On motion of the Honorable Mr. Thomas, the order of the day was discharged so far as it respects the Bill entitled "An Act to repeal part of an Act passed in the fourth year of His Majesty's Reign entitled 'An Act to amend an Act of the General Assembly, entitled 'An Act to regulate the Streets of the Town of Harbor-Grace.'"
- House adjourns.** On motion, made and seconded, the House adjourned until One of the Clock, p. m. to-morrow.

THURSDAY, 30th APRIL, 1835.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice.*
" " JAMES SIMMS, *Attorney General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JAMES M. SPEARMAN, *Collector of the Customs.*
" " WILLIAM HALY,
" " JOHN DUNSCOMB,
" " JOHN B. BLAND.

The Minutes of yesterday were read.

Motion for a select committee on contingencies.

On motion of the Honorable the Colonial Secretary, it was—

30th April, & 1st May, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor,

Ordered, that a Select Committee be appointed to report on the Contingencies of this House.

Ordered, that the Honorable Messieurs Spearman and Bland be a Committee for that purpose. Committee appointed

After some time the Honorable Mr. Spearman, from the Select Committee appointed to report on the Contingencies, reported a Resolution. Who report a Resolution.

The House then went into a Committee of the whole on the said Report. Committee of the whole on the report.

The Honorable Mr. Crowdy in the Chair.

After some time the Chairman reported the Resolution without amendment. Chairman reports Resolution.

Ordered, that the Report be received and adopted, and— Resolution reported and adopted.

Ordered, that the Resolution be transmitted to the Commons House of Assembly.

Whereupon a Message, as follows, was sent to that House by the Master in Chancery,

Mr. SPEAKER,

The Legislative Council acquaint the House of Assembly that they have adopted the following Resolution upon the subject of their Contingencies during the last and present Sessions of the Legislature. The Message.

RESOLVED, That the sum of £125 7s. 8d. be paid to the Clerk to pay the Contingencies in his Office during the last and present Sessions of the Legislature, and that the sum of £8 13s. 8d. be paid to the Usher of the Black Rod, to defray the Contingencies of his Office during the last and present Sessions of the Legislature; and that the Master in Chancery, the Clerk, the Usher of the Black Rod, and the Doorkeeper of this House be placed, in point of Emolument, on a footing with the Solicitor, Clerk, Serjeant-at-Arms and the Doorkeeper of the House of Assembly.

H. J. BOULTON.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act for the relief of sick and disabled Seamen, Fishermen and other persons," was read a third time and passed. Sick and disabled Seamen and Fishermen's relief Bill read 3rd time, passed, and—

Whereupon the Honorable the Chief Justice signed the same. Signed.

A Deputation from the Commons House of Assembly brought up a Bill entitled "An Act for granting to His Majesty certain Monies for the service of the year of our Lord One thousand eight hundred and thirty-five," which was read a first time. Appropriation Bill brought up, read 1st time, and—

On motion of the Honorable Mr. Spearman, seconded by the Honorable the Chief Justice, that the same be read a second time on this day six months, the House divided: On motion, ordered to be read on this day six months.

When there appeared—

Content,

The Honorable THE CHIEF JUSTICE,
 " " COLONIAL SECRETARY,
 " " COLLECTOR OF THE CUSTOMS,
 " " Mr. HALY,
 " " DUNSCOMB,
 " " BLAND.

Non-Content,

The Honorable THE ATTORNEY GENERAL.

So the question passed in the affirmative.

On motion, made and seconded, the House adjourned until to-morrow at 1 of the Clock p. m. House adjourns.

FRIDAY, 1st May, 1835.

The House met pursuant to adjournment. House meets.

Present.

The Honorable HENRY JOHN BOULTON, Chief Justice.
 " " JAMES SIMMS, Attorney General.
 " " JAMES CROWDY, Colonial Secretary,
 " " WILLIAM HALY,
 " " JOHN DUNSCOMB.

Members present.

1st, 2nd & 5th May, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

The Minutes of yesterday were read.

With reference to the Bill ordered yesterday to be read on that day six months, entitled "An Act for granting to His Majesty certain Monies for the service of the year of our Lord One thousand eight hundred and thirty-five,"

Protest of the Honorable the Attorney General, with reference to the Appropriation Bill.

The Honorable the Attorney General entered the following protest:—

DISSENTIENT---

Because, although the Bill in its present state be in several important particulars objectionable, no less in relation to the principles of some of its provisions than as regards the privileges of the Council in relation to them, still those objections might possibly have been obviated on further reference by Message to the House of Assembly, requiring a Conference with them; but which medium of remedy the absolute and immediate rejection of the Bill utterly precludes.

And, because the rejection of the Bill by the Council, within the space of a few minutes after its being brought up from the House of Assembly, is not calculated to sustain the deliberative character of the Council; but rather bears the features of hasty resentment, susceptible of being imputed to an over sensitive feeling in relation to their own privileges; while at the same time it appears, upon reference to the Council's Message to the House of Assembly on the subject matter of this Bill, it is not quite clear that the Council themselves are perfectly free from the imputation of interference with the privileges of the House of Assembly.

And, because no necessity exists to require the *instant* rejection of this Bill, and no good end is promoted by such a procedure.

And, because no practical evil or inconvenience could have arisen from the retention of the Bill before the Council for the space of Twenty-four hours; after which if it were found that the House of Assembly would not concur with the Council in the adoption of means requisite for its amendment, the reasons now subsisting in the minds of the Council to induce its rejection, if valid, would not become weakened in their force after receiving the sanction of deliberation and reflection.

And, because it is most desirable and important to the public interests that all collision between the Council and House of Assembly upon such an important subject as that to which this Bill relates, should be most sedulously avoided.

JAMES SIMMS.

Friday, 1st May 1835.—One o'clock.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at 12 of the clock, Noon.

SATURDAY, 2nd MAY, 1835.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES CROWDY, *Colonial Secretary.*

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " JOHN B. BLAND.

The Minutes of yesterday were read.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next at One of the clock, p. m.

TUESDAY, 5th MAY, 1835.

House meets.

The House met pursuant to adjournment

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES SIMMS, *Attorney General,*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

5th & 6th May, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

The Minutes of Saturday last were read.

On motion, made and seconded, the House adjourned until to-morrow at 1 of the House adjourns.
Clock p. m.

WEDNESDAY, 6th MAY, 1835.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

” ” JAMES SIMMS, *Attorney General,*

” ” JAMES CROWDY, *Colonial Secretary.*

” ” JAMES M. SPEARMAN, *Collector of the Customs.*

” ” WILLIAM HALY,

” ” JOHN DUNSCOMB,

” ” JOHN B. BLAND.

The Minutes of yesterday were read.

A deputation from the Commons House of Assembly brought up two Bills for the concurrence of this House, and then withdrew.

Assembly bring up Bills.

A second deputation from the Commons House of Assembly brought up a Bill for the concurrence of this House, and then withdrew.

The Bill entitled “An Act for granting to His Majesty certain Monies for defraying the expense of the Civil Establishment of this Colony, during the year of Our Lord One thousand eight hundred and thirty-five, and for other purposes,” was read a first time.

Appropriation Bill read 1st time.

Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.

38th Rule of the House dispensed with.

The said Bill was then read a second time.

Appropriation Bill read 2nd time;

Ordered, that the House go into a Committee of the whole on the same presently.

The House accordingly went into Committee.

Committed;

The Honorable Mr. Spearman in the Chair.

After some time the House resumed, and—

The Chairman reported the Bill without amendment.

Reported;

Ordered, that the Report be received, and—

Ordered, that the Bill be read a third time to-morrow.

The Bill entitled “An Act to make provision for defraying the Contingent Expenses of the Legislature during the last and present Sessions,” was read a first time.

Contingency Appropriation Bill read 1st time.

Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.

38th Rule of the House dispensed with.

The said Bill was then read a second time.

Bill read 2nd time;

Ordered, that the House go into Committee on the same presently.

The House accordingly went into a Committee of the whole.

Committed;

The Honorable the Attorney General in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported;

Ordered, that the Report be received, and—

Ordered, that the Bill be read a third time to-morrow.

The Bill entitled “An Act for reimbursing, to certain Members of the House of Assembly, the expenses of their attendance in Parliament during the present Session,” was read a first time, and—

Members of Assembly reimbursement Bill read 1st time.

Ordered, to be read a second time to-morrow.

Ordered, that there be a Call of the House to-morrow.

Call of the House ordered.

On motion, made and seconded, the House adjourned until to-morrow at One of the House adjourns.
Clock, p. m.

7th May, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

THURSDAY, 7th MAY, 1835.

House meets.

The House met pursuant to adjournment

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*" " WILLIAM SALL, *Commandant.*" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " JOHN B. BLAND.

The Minutes of yesterday were read.

Call of the House.

Pursuant to the order of the day, the House was called.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*" " WILLIAM SALL, *Commandant.*" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " JOHN B. BLAND.

Absent,

The Honorable WILLIAM THOMAS,

" " JOHN B. GARLAND.

Motion for Conference with the Assembly on the Appropriation Bill.

On motion of the Honorable the Attorney General, it was—

Ordered, that a Conference be requested with the Commons House of Assembly, on the subject matter of the Bill entitled "An Act for granting to His Majesty certain Monies for defraying the Expense of the Civil Establishment of this Colony, during the year of Our Lord One thousand eight hundred and thirty-five, and for other purposes."

Conferees appointed, who are to draft Instructions.

Ordered, that the Honorable Messieurs Spearman and Dunscomb be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

Contingency Appropriation Bill read 3rd time, passed and—

Pursuant to the order of the day, the Bill entitled "An Act to make provision for defraying the Contingent Expenses of the Legislature during the last and present Sessions," was read a third time and passed.

Signed.

Whereupon the Honorable the Chief Justice signed the same.

Select Committee appointed to draft Instructions—report a draft.

The Honorable Mr. Spearman, from the Select Committee appointed to draft Instructions to the Conferees, on the subject matter of the Bill entitled "An Act for granting to His Majesty certain Monies for defraying the Expense of the Civil Establishment of this Colony during the year of Our Lord One thousand eight hundred and thirty-five, and for other purposes," reported a draft thereof.

Ordered, that the Report be received.

Report committed;

The House then went into a Committee of the whole on the said Report.

The Honorable John B. Bland in the Chair.

After some time the House resumed.

Reported;

The Chairman reported the Instructions, which are in the following words, without amendment—

Instructions to Conferees on Appropriation Bill.

The Legislative Council being deeply impressed with the evil consequences which must ensue from any interruption of that good correspondence between the two Houses which it is so essential to the best interests of the Colony to preserve, have desired this Conference upon the Bill sent up from the Assembly, entitled "An Act for granting to His Majesty certain

7th & 8th May, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

Monies for defraying the expense of the Civil Establishment of this Colony, during the year of Our Lord One thousand eight hundred and thirty-five, and for other purposes," in order to acquaint the Assembly that although they have (for the purpose of meeting the wishes of the Assembly, in a spirit the most conciliatory) postponed upon this occasion, the rigid adherence to those principles which were asserted by the Council at the Conference held with the Assembly on the 29th April, yet they deem it necessary, for the preservation of their own rights and privileges, as a co-ordinate branch of the Legislature, to protest against the method adopted in this Bill of introducing matter foreign in the ordinary annual supply for the support of the Civil Government of the Colony being upon any future occasion drawn into a precedent, as they shall feel it to be their bounden duty strenuously to resist such a course of proceeding in all time coming as tending to deprive the Council of their legitimate and necessary right of discussing and voting separately upon matters which have no proper reference to each other.

Ordered, that the Report be received.

A deputation from the Commons House of Assembly brought up a Message from that House, consenting to the Conference requested on the Appropriation Bill.

Pursuant to the order of the day, the Bill above named was read a third time, and passed.

Whereupon the Honorable the Chief Justice signed the same.

The Honorable Mr. Spearman, from the Conferees appointed by this House to meet the Managers from the Assembly, reported that they had done so, and delivered to them their Instructions, on the subject matter of the Appropriation Bill.

Pursuant to the order of the day, the Bill entitled "An Act for reimbursing to certain Members of the House of Assembly the expenses of their attendance in Parliament during the present Session," was read a second time.

Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.

The House then went into a Committee of the whole on the said Bill.

The Honorable Mr. Haly in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

A deputation from the Commons House of Assembly brought up a Message in the following words:—

MR. SPEAKER,

The Commons House of Assembly recede from their disagreement to the Amendments made by the Legislative Council in the Bill entitled "An Act for the protection of the breeding of Hares and Wildfowl," and have agreed to the said Amendments.

THOMAS BENNETT,
Speaker,

Commons House of Assembly,
May 7th, 1835.

On motion, made and seconded, the House adjourned until to-morrow at One of the Clock, p. m.

FRIDAY, 8th MAY, 1835.

The House met pursuant to adjournment.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

" " WILLIAM SALL, Commandant.

" " JAMES SIMMS, Attorney General.

" " JAMES M. SPEARMAN, Collector of the Customs.

" " WILLIAM HALY,

" " JOHN DUNSCOMB,

" " JOHN B. BLAND.

The Minutes of yesterday were read.

Message from Assembly consenting to Conference on Appropriation Bill.
Bill read a 3rd time, passed, and—
Signed.

Conferees report that they had delivered their Instructions.

Members of Assembly reimbursement Bill read 2nd time.

38th Standing Rule of the House dispensed with.

Bill committed.

Committee rises.

Message from Assembly receding from disagreement to amendments in Game preservation Bill.

House adjourns.

House meets.

Members present.

8th May, 1835.

FIFTH SESSION FIRST COLONIAL PARLIAMENT, 5th WILLIAM IV.

The Honorable the Chief Justice received the following Communication from the Honorable Mr. Secretary Crowdy.

Secretary's Office,
8th May, 1835.

Letter from Mr. Secretary Crowdy to the Chief Justice on the subject of the prorogation of the Legislature.

SIR—

I have the honor, by command of the Governor, to acquaint you that it is His Excellency's pleasure that the Legislature be prorogued to Saturday the 31st day of October next.

I have the honor to be,

Sir,

Your obedient humble Servant,

JAMES CROWDY.

The Honorable

The CHIEF JUSTICE.

Governor comes to the House and assents to Bills, viz—

At 2 of the Clock, p. m., His Excellency the Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to assent to the following Bills:—

Harbour Grace Island Light House Bill.

An Act for the establishment of a Light House on Harbor-Grace Island.

Carbonear Street regulation Bill.

An Act to regulate the Streets of the Town of Carbonear.

Unnecessary discharge of Fire Arms prohibition Bill.

An Act to prevent the unnecessary discharging of Guns, and other Fire Arms, in the Towns of Saint John's, Harbor-Grace, Carbonear, Port-de-Grave and Brigus, and the Suburbs thereof."

Road Act amendment Bill.

An Act to amend an Act passed in the second Session of the Parliament of this Colony, entitled "An Act to regulate the making and repairing of Roads and Highways in this Island."

Taking of Caplin for manure prohibition Bill.

An Act for preventing the taking and using of Caplin for manure.

Game preservation Bill

An Act for the protection of the breeding of Hares and Wildfowl.

St. John's Fire Companies Act amendment Bill.

An Act to amend an Act of the Parliament of this Colony, entitled "An Act for the establishment and regulation of Fire Companies in the Town of Saint John's."

Duration of Parliaments limitation Bill.

An Act to limit the duration of the Parliaments of this Colony.

Law of Attachment amendment Bill.

An Act to amend the Law of Attachment, and to facilitate the recovery of Debts from absent or absconding Debtors.

Offices of Clerks of Courts amalgamation Bill.

An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices.

Cape Spear Light House (additional provision) Bill.

An Act for raising a further sum of Money for completing the erection of a Light House on Cape Spear.

Contingency appropriation Bill.

An Act to make provision for defraying the Contingent Expenses of the Legislature during the last and present Sessions.

Appropriation Bill.

An Act for granting to His Majesty certain Monies for defraying the expense of the Civil Establishment of this Colony, during the year One thousand eight hundred and thirty-five, and for other purposes.

Governor's Speech:

After which, His Excellency was pleased to address the two Houses of the Legislature in the following words:—

Honorable Gentlemen,

and Gentlemen,

I have great satisfaction in relieving you from the labours of a Session protracted far beyond my original expectation.

The Acts to which I have given my assent will, I trust, be beneficial to the Island.

I observe, with particular pleasure, the mode adopted for enforcing the removal of obstructions and impurities from the Streets of Saint John's. It is to be desired that the present regulation may be followed by the construction of common Sewers, and by other measures conducive to cleanliness, health and comfort.

8th May, 1835.

HENRY PRESCOTT, Esquire, C. B., Governor.

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

I thank you for the Supplies; in the application of which I shall observe all due economy. Some alteration must, of necessity, take place in the arrangement of the Circuit Courts, in consequence of the reduction you have made in the Estimate for that branch of the service. I will endeavor to render the administration of Justice in the Out Ports as effective as the present limited means will permit.

*Honorable Gentlemen,
and Gentlemen;*

The probability of an improving Revenue from pre-existing sources, induces me to believe that the additional duties now imposed will be found sufficient to effect a gradual extinction of the Treasury Notes.

The light tax laid upon Imports will prove, I feel assured, in no degree oppressive; and I entertain sanguine hopes that in succeeding Sessions, after providing for all departments of the public service, you may find a surplus to be devoted to further internal improvements.

In taking leave of you under the idea of not meeting you again in your collective capacity for several months, I cannot recommend any thing more earnestly to your attention than the promotion of concord and friendly feeling throughout the Colony; nor can I too strongly express my opinion that the influence which you naturally derive from your position as Members of the Legislature will be best and most laudably exerted in allaying party spirit wherever it may unhappily exist.

The Honorable the Chief Justice then said, it is His Excellency the Governor's will and pleasure that this Colonial Parliament be prorogued to Saturday the thirty-first day of October next. to be then and here holden; and this Colonial Parliament stands prorogued accordingly.

Parliament prorogued.

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