

*Journal of the*  
*House of Assembly* **JOURNAL**  
1833-4/1834

OF THE  
**HOUSE OF ASSEMBLY**  
OF  
**NEWFOUNDLAND.**

**ANNO TERTIO REGIS GULIELMI IV.**

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FIRST SESSION OF THE FIRST GENERAL ASSEMBLY.

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St. John's, Newfoundland;

JOHN SHEA, PRINTER TO THE HONORABLE THE HOUSE OF ASSEMBLY.

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1833.



JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

NEW ZEALAND

AND THE NORTHERN DISTRICTS

FIRST SESSION OF THE FIRST GENERAL ASSEMBLY



Printed and Published by

JOHN CUMMINGS, PRINTER TO THE HONOURABLE THE HOUSE OF ASSEMBLY

1852





**WILLIAM R.**

**A Proclamation.**

(L. S.)

THOMAS COCHRANE.

WILLIAM the FOURTH, by the Grace of God, of  
the United Kingdom of Great Britain and  
Ireland, King, Defender of the Faith, &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

**W**HEREAS, by our Letters Patent under the Great Seal of Our United Kingdom aforesaid, bearing date at *Westminster* the *second* day of *March*, 1832, in the *second* year of Our Reign, We have given and granted to Our Trusty and Well-Beloved SIR THOMAS JOHN COCHRANE, *Knight*, our Governor and Commander-in-Chief of our Island of *Newfoundland*, full power and authority to summon and call a GENERAL ASSEMBLY of the *Freeholders* and *Householders* within our said Island:— It is therefore Our pleasure, and We do hereby declare and make known to all our loving Subjects within the same, that for the purpose of the Election of the Members of the said Assembly, the said Island shall be divided into *NINE Districts*, to be called respectively

- The District of ST. JOHN
- The District of CONCEPTION-BAY
- The District of FOGO
- The District of BONAVIDA
- The District of TRINITY-BAY
- The District of FERRYLAND
- The District of PLACENTIA and ST. MARY
- The District of BURIN
- The District of FORTUNE-BAY.

And it is Our further will and pleasure, and we do hereby declare, that the before-mentioned District of *St. JOHN* shall consist of and include all that part of our said Island, bounded by the shore, which is situate and lying between *Petty Harbour* and *Broad Cove* :

And that the before-mentioned District of *CONCEPTION-BAY* shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Broad Cove* and *Bay Verds Head* :

And that the before-mentioned District of *FOGO* shall consist of and include all that part of our said Island which, bounded in like manner, is situate between *Cape St. John* and *Fogo Island*, including that Island :

And that the before-mentioned District of *BONAVIDA* shall consist of and include all that part of our said Island, which, bounded in like manner, is situate and lying between *Cape Freels* and *Cape Bonavista* :

And that the before-mentioned district of *TRINITY BAY* shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Cape Bonavista* and *Cape Verds Head* :



And that the before-mentioned District of FERRYLAND shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Petty Harbour* and *Cape Race* :

And that the before-mentioned District of PLACENTIA and ST. MARY shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Cape Race* and *Rushoon* :

And that the before-mentioned District of BURIN shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Rushoon* and *Garnish* :

And that the before-mentioned District of FORTUNE BAY shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between *Garnish* and *Bonne Bay*.

And we do further signify and declare our pleasure to be that the said District of *St. John* shall be represented in the said Assembly by THREE Members ;

And that the said District of *Conception-Bay* shall be represented in the said Assembly by FOUR Members ;

And that each of the said Districts of *Fogo*, of *Bonavista*, of *Trinity Bay*, and of *Ferryland*, shall be represented in the said Assembly by ONE member ;

And that the said Districts of *Placentia* and *St. Mary*, shall be represented in the said Assembly by Two Members ;

And that each of the said Districts of *Burin* and *Fortune Bay* shall be represented in the said Assembly by ONE Member.

And it is our will and pleasure that the Governor, for the time being, of our said Island, do appoint some fit person to be the RETURNING OFFICER within each of the said Districts.

And we do further declare our pleasure to be, that our said Governor do issue, in our name, writs for the election of the members of the several districts before-mentioned, which writs shall be addressed to the several *Returning Officers*, aforesaid, and shall by them be returned to the COLONIAL SECRETARY for the time being, of our said Island.

And it is our will and pleasure that every man, being of the full age of *twenty-one* years and upwards, and being of sound understanding, and being our natural-born subject, or having been lawfully naturalized, and never having been convicted in due course of law of any infamous crime, and having for *two years*, next immediately preceding the day of election, occupied a *Dwelling-house* within our said Island, as OWNER or TENANT thereof, shall be eligible to be a member of the said House of Assembly.

And it is our further will and pleasure, that every man who, for *one year* next immediately preceding the day of election, hath occupied a *Dwelling-house* within our said Island, as OWNER or TENANT thereof, and who, in other respects, may be eligible, according to the regulations aforesaid, to be a member of the said House of Assembly, shall be competent and entitled to vote for the Election of Members of the said Assembly, in and for the District within which the Dwelling-House so occupied as aforesaid may be situate.

And it is our pleasure that the votes for the Members of the said Assembly shall be taken by the said several Returning Officers, at such one or more place or places within each of the said Districts as shall for that purpose be appointed in the body of the writ addressed to the Returning Officer of every such District respectively, and at or within such time or times as shall for the purpose be therein limited. But, inasmuch as by reason of the difficulty in internal communication within our said Island, many persons entitled to vote might be prevented from the exercise of such their franchise, if, in every case, it were necessary to attend in person for that purpose : We do therefore declare Our pleasure to be, that in respect of any Dwelling-House situate at the distance of more than *fifteen* miles from the nearest place of Election, within any of the said districts, the Vote of any Householder duly qualified as aforesaid may be given without his personal attendance, by a *written notice* subscribed by such Voter in the presence of two credible witnesses, and duly attested by their signatures ; which notices shall be in such form as our Governor, for the time being, of our said Island, shall from time to time direct.

And it is our further pleasure, that if any candidate or voter, at any such election, shall object to any vote then tendered, it shall be the duty of the Returning Officers to hear such objection, and what may be alleged in support of, or in answer to the same ; and to examine, on oath, the parties by or against whom such objection may be raised ; and any person or persons who may be adduced as a witness or as witnesses on either side, and upon such hearing to admit, or to overrule any such objection as may to such Returning Officer appear just and right.

And we do further declare our will to be, that the persons in favour of whom the greater number of votes shall be given in any such district, shall be publicly declared by such Returning Officer to be DULY ELECTED to be the REPRESENTATIVES thereof in the said General Assembly, and shall thereupon be returned and take their seats accordingly. *Provided always*, that, in cases of peculiar doubt or difficulty, it shall be competent to any such Returning Officer to make a special return, setting forth the grounds of such doubt, upon which the said House of Assembly shall afterwards decide.

And it is our will, and we do further declare, that the Assembly so to be chosen as aforesaid, shall continue only during our pleasure ; and that the said Assembly shall not proceed to the despatch of any business, unless Six Members, at the least, shall be present at and during the whole of the deliberations of the said House thereupon.

And whereas it may be necessary, in order to the complete execution of the several purposes aforesaid, that farther regulations should be made for the conduct of the said Elections and the Return of Members



to serve in the said House of Assembly, we have therefore authorized, and do hereby authorize our Governor, for the time being, of our said Island, by any proclamation or proclamations, to be by him from time to time issued, in our name, and in our behalf, to make such farther regulations as may be necessary for the conduct of the said Elections, and for the Return of Members to serve in the said House of Assembly, and for the due discharge of the duties of the said Returning Officer; and which regulation shall be of full force, virtue, and effect, until provision be otherwise made by law; it being nevertheless our pleasure that the regulations so to be made, as aforesaid, be not repugnant to, nor inconsistent with, the several provisions hereinbefore contained, or any of them.

Given at our Court, at St. James's, on the Twenty-sixth day of July, 1832, in the Third Year of our Reign.

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## Proclamation.

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(L. S.)

THOMAS COCHRANE,

WILLIAM the FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

**W**HEREAS, by our Proclamation, given at our Court at St. James's, and bearing date the 26th of July, in the third year of our Reign, We have declared and made known to all our loving Subjects within our Island of *Newfoundland*, that our trusty and well-beloved SIR THOMAS JOHN COCHRANE, Knight, our Governor and Commander-in-Chief of our said Island, hath our full power and authority to summon and call a GENERAL ASSEMBLY of the *Freeholders* and *Householders* within our said Island; and that, for the purpose of the Election of the Members of the said Assembly, the said Island shall be divided into the several *nine* Districts in our said Proclamation mentioned and appointed:

And Whereas we have also, by our said Proclamation, made known, enjoined and prescribed, certain other rules and regulations to be observed and kept in execution of the purposes in our said Proclamation declared; wherein we have also provided, that in case it may be necessary, in order to the complete execution of the said purposes, that further regulations should be made for the conduct of the said Elections and the return of Members to serve in the said House of Assembly, our Governor for the time being of our said Island shall, by any Proclamation or Proclamations, to be by him from time to time issued in our name and on our behalf, make such further regulations as may be necessary therein. In furtherance, therefore, of the purposes in our said recited Proclamation declared, and of the provisions therein contained, We do, by these presents, declare and make known to all our loving Subjects within our said Island, that the said Election of Members of the said General Assembly shall, for the greater convenience of the Electors of the same within the said respective Districts, be held at the several places herein-named, within the said Districts respectively, as follows—

The Election of *Three* Members of the said Assembly, for the District of ST. JOHN, shall be held at *St. John's, Torbay, and Portugal Cove*; which election shall commence and be opened at *St. John's*:

The Election of *Four* Members of the said Assembly, for the District of CONCEPTION BAY, shall be held at *Western Bay, Carbonear, Harbour Grace, Port-de-Grave, Brigus, and Harbour Main*; which Election shall commence and be opened at *Harbour Grace*:

The Election of *One* Member of the said Assembly, for the District of FOGO, shall be held at *Burnt Island, Twillingate, and Fogo*; which Election shall commence and be opened at *Fogo*:

The Election of *One* Member of the said Assembly, for the District of BONAVIDA, shall be held at *Cape Freels, Green's Pond, King's Cove, Keels, and Bonavista*; which Election shall commence and be opened at *Bonavista*:

The Election of *One* Member of the said Assembly, for the District of TRINITY BAY, shall be held at *Catalina, Trinity, New Harbour, Heart's Content, Hants Harbour, and Old Perlican*; which Election shall commence and be opened at *Trinity*:

The Election of *One* Member of the said Assembly, for the District of FERRYLAND, shall be held at *Bay Bulls, Cape Broyle, Ferryland, and Renew's*; which Election shall commence and be opened at *Ferryland*:

The Election of *Two* Members of the said Assembly, for the District of PLACENTIA and ST. MARY, shall be held at *Trepassey, St. Mary's, Great Placentia, Little Placentia, Barren Island, Merasheen, Paradise, and Oderin*; which Election shall commence and be opened at *St. Mary's*:



The Election of *One Member* of the said Assembly, for the District of **BURIN**, shall be held at *Burin, St. Lawrence, Lamalien, and Fortune*; which Election shall commence and be opened at *Burin*.

The Election of *One Member* of the said Assembly, for the District of **FORTUNE BAY** shall be held at *Garnish, Grand Jervey, Harbour Mille, Bellerum, St. John's Harbour, Harbour Britain, Hermitage Cove, and Bonne Bay*; which Election shall commence and be opened at *Harbour Britain*.

And it is our will and pleasure that the Members of the said Assembly be elected within the respective Districts aforesaid, between the *Twenty-fifth* day of this instant month of *September*, and the *Eighth* day of *December* next ensuing (both days exclusive), and on certain days within the said period, to be hereafter appointed and made known within the said respective Districts by the respective *Returning Officer* of the same.

And for the conduct of the said Elections, and the return of the Members so to be Elected, it is our will and pleasure that the following further regulations be duly observed.

That the *Returning Officer* of each respective District, upon receipt of our Writ to him directed, shall immediately endorse upon it the day of his receiving it, and without delay make Proclamation throughout the District of the places and days of the Election.

He shall also obtain the use of a House or other convenient building (not being a place of public worship) for the purpose of taking the Polls at each place of Election.

He shall provide a Poll-book to register the names of the Candidates, and the names and places of abode of the Electors or Voters, in the manner prescribed.

Every *Returning Officer* shall, before he proceeds to the Election, take and subscribe the Oath, as the same is in form set forth in the Schedule hereunto subjoined, before a Justice or Conservator of the Peace, in the presence of two Electors of the District, who shall subscribe their names thereto.

The *Returning Officer* shall respectively appoint a **POLL CLERK**, who shall, before he enters on duty, take and subscribe the Oath, as the same is in form set forth in the Schedule hereunto subjoined, before a Justice or Conservator of the Peace, in presence of the Returning Officer.

That, at opening the Election on the *first* day, at the first District station herein respectively appointed for holding and opening the Elections in each respective District, the Returning Officer shall make Proclamation and read the Writ openly; whereupon the Returning Officer shall call upon the Electors to name the Candidates.

That every Candidate proposed or offering himself for Election and before he shall be put in nomination, shall produce or cause to be produced a Certificate signed by two Electors, who shall be present at the nomination of such Candidate at the place of Election, and which Certificate shall be in the form set forth in the Schedule hereunto subjoined.

That if, after Proclamation made and reading of the Writ as aforesaid, on the first day of Election at the first place appointed herein for each respective District, there shall be more Candidates named or proposed in the form and manner aforesaid, than the legal number of Representatives assigned to the respective District, before the hour of four o'clock of the afternoon of the said first day of Election, the Returning Officer shall, if required on behalf of any Candidate duly nominated, proceed to take the Polls.

That if, after Proclamation made and reading of the Writ aforesaid, at such first place of Election herein appointed for the opening of the Election within each respective District, on the first day of the Election, there shall not be more Candidates duly nominated than the legal number assigned to the respective District, before the hour of four o'clock of the afternoon of the said day, then the Returning Officer shall, at or immediately after that hour, return such one or more Candidate or Candidates so duly nominated, of legal number only, as being duly elected.

That no Elector shall be admitted to vote out of that District wherein the dwelling-house of his occupation which entitles him to vote, is situate. But any Elector, voting in person, may give his vote at any one of the places of Election within the respective District.

That every Elector, on tendering his vote, shall declare to the Returning Officer his true name and the place where the dwelling-house of his occupation, within the district for which he tenders his vote is situate, before his vote shall be taken. All which particulars shall be entered upon the Poll-book. And any voter shall, before his vote be registered, if so required on behalf of any Candidate duly nominated, or for any just cause that the Returning Officer shall see fit, be duly sworn by the Returning Officer, and answer on Oath the questions following, or any of them:

1st—Are you of the full age of 21 years?

2d—Are you are a natural-born Subject of His Majesty King William the Fourth?

3d—Are you a lawfully naturalized Subject of His Majesty King William the Fourth?

4th—Have you ever been convicted, in due course of law, of any infamous crime?

5th—Have you already voted, either here or elsewhere, at this Election?

6th—Have you, as Owner or Tenant, and in which character, if in either, occupied within this District of [naming the district] a Dwelling-house for and during the period of one whole year immediately preceding this day of Election.

7th—At what place is the Dwelling-house you have so occupied situate, and do you now occupy it?

That the Returning Officer may enter apart on the Poll-book the vote of any Elector objected to by himself or on behalf of any Candidate duly nominated, if it shall be found more convenient to the ends of justice to hear witnesses for and against such objected vote at a future time; but all such objected votes shall be determined at the Election station of the District where they shall be tendered, and before the close of the Poll, at such station or place of Election.



That on the respective days to be appointed by the Returning Officer for holding the Elections for each district respectively, the Polling shall be opened at the hour of ten o'clock in the morning, by making usual Proclamation, and the Polls shall be kept open until four o'clock in the afternoon of each day, unless by consent of all the Candidates, the Polling shall cease before that hour, or the Election be duly determined; and the Returning Officer shall, at the close of the Poll each day, publicly declare the true state of the Poll. Nevertheless, on the first day of Election within each district, the Election shall be kept open until four o'clock of the afternoon.

The Returning Officer is authorized to administer to Candidates, Electors, and Witnesses, respectively, the Oaths prescribed to be by them taken at the respective Elections aforesaid.

All votes tendered by written notice on the part of Electors whose dwelling-house shall be situate at the distance of more than fifteen miles from the nearest place of Election, shall be delivered to the Returning Officer at such nearest place within the hours of Polling at such place of Election. And such written notice shall be in the form which is set forth in the Schedule hereunto subjoined. Nevertheless, if due qualification of such Elector shall be disputed, satisfactory proof thereof must be adduced by the evidence of any person or persons, being Electors of the district.

That the Sums to be paid to the Returning Officers in remuneration of their services, and all other costs and expenses that may be incurred in the necessary proceedings and conduct of the said Election of the Members of the said General Assembly, and all such charges (if any) as ought to be borne and paid by the respective Candidates at such Election, shall be subject to the consideration and provision of the said General Assembly.

Given under the Great Seal of our Island of Newfoundland.

Witness our trusty and well-beloved Sir THOMAS JOHN COCHRANE, Knight, our Governor and Commander-in-Chief in and over our Island of Newfoundland, at St. John's, the 20th day of September, 1832, in the third year of our Reign.

By His Excellency's Command,

JAMES CROWDY, Secretary.

## Schedule.

### *Form of Returning Officer's Oath.*

I [name of Returning Officer] do swear that I will honestly, impartially, and without favour to any Candidate, take the Poll at this Election, and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive, any money, gift, or reward, promise, contract or security for money, or other reward, for or in respect of the conduct which I shall observe during the ensuing election of [a Member, or Members, as the case may be] the General Assembly for the district of [name of District] or the return which I shall make at the close thereof, save and except such salary or other lawful compensation as I shall be entitled to receive in virtue of my appointment to, and the just and faithful execution of, my duty as Returning Officer at this Election.

Sworn at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1832, in the presence of [names of the two Electors present] before me [name and signature of the Justice or Conservator of the Peace.]  
 [Signed] \_\_\_\_\_ [Deponent's name.]  
 [Names and Signatures of the two Electors present.]

### *Form of Poll Clerk's Oath.*

I [name of the Deponent] do swear that I will honestly, impartially, and without favour to any Candidate, take the Poll at this Election for [a Member, or Members, as the case may be] of the General Assembly for the District of [name of District.] And that I have not directly or indirectly received, nor will I hereafter, directly or indirectly, receive any money, gift, reward, promise, contract, or security, for money or other reward, for, or in respect of the conduct I shall observe during the ensuing Poll, save and except such salary or other lawful compensation, as I shall be entitled to receive in virtue of my appointment to, and the faithful and just execution of, my duty as Poll Clerk at the



Election. And I do further swear that I will make a fair and true entry of all such persons as shall tender their votes before me, to be by me taken, and return the same truly to the Returning Officer by whom I am appointed, whenever and so often as I shall be thereunto required by him.

Signed by the Deponent.

Sworn before me, at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 1832, in presence of  
 [Returning Officer's Name.]  
 [Signed by the Justice or Conservator of the Peace.]

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*Form of Candidate's Certificate.*

We [names and places of abode of two Electors of the District] do certify that we have good knowledge that [name of the Candidate] who is proposed to be put in nomination to be Elected a Member of the General Assembly of Newfoundland, for the district of [name of District] has occupied a dwelling-house as [owner or tenant] thereof at [place where dwelling-house is situate] in the Island of Newfoundland, for and during the period of two years next immediately preceding the day of this Election. And we do verily believe that he is in all respects qualified to be Elected as such member aforesaid, according to the provisions of His Majesty's Proclamation, bearing date the twenty-sixth day of July, 1832. And the truth of all which, we are ready and willing to verify on oath, if so required.

[To be signed by two Electors.]

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*Form of Notice of Voter privileged to vote by such notice, his abode being more than fifteen miles distant from the nearest place of Election.*

To the Returning Officer for the District of \_\_\_\_\_.

I [name and place of abode of the Elector] in the District of [name of District] in the Island of Newfoundland, [occupation of the Voter,] having occupied a dwelling-house within the said District as [Owner or Tenant, as the case may be] thereof, for the period of one whole year next immediately preceding the day of this Election of a Member of the General Assembly for the said District; and being otherwise qualified as an Elector, according to the provisions of His Majesty's Proclamation of the 26th day of July, 1832, I do hereby give my vote for the election of [name of the Candidate voted for] to be such Member.

Dated at [Voter's place of abode] the \_\_\_\_\_ day of \_\_\_\_\_ 1832. [Signed by the Elector.]

Witnesses to the Signature of the said Elector.

[Names of two Witnesses and places of abode.] Which two witnesses must sign a Certificate in the following form:—

We do certify that we verily believe that the matter set forth in the foregoing notice is true.

[Signed by both the above Witnesses.]

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## Proclamation.

(L. S.)

THOMAS COCHRANE.

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

**W**HEREAS His Majesty, by his Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, and bearing date at Westminster, the Second Day of March, in the Second Year of his Reign, hath given and granted unto me full power and authority to summon and call a GENERAL ASSEMBLY of the Freeholders and Householders within this Island; and in pursuance of the said authority, and of the provisions of His Majesty's Proclamation, bearing date at his Court at St. James's, the 26th day of July, in the third Year of his Reign, and by and with the advice of His Majesty's Council I have caused Writs in due form to be issued for the Election of the Members of the said Assembly: I do, therefore, by these presents, further summon and call the Members so to be elected of the said GENERAL ASSEMBLY to assemble and meet at the town of *St. John*, in the said Island, for the dispatch of public business, on **TUESDAY**, the *First* day of *January*, 1833, and of which all persons concerned therein are required to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government-House, at *St. John's*, in the aforesaid Island, this 21st day of September, 1832, in the Third Year of His Majesty's Reign.

By His Excellency's Command,

JAMES CROWDY, Secretary.



# JOURNAL AND PROCEEDINGS

OF THE

## House of Assembly of Newfoundland.

Begun and holden at St. John's, on TUESDAY, the First Day of JANUARY, in the Year of our Lord One Thousand Eight Hundred and Thirty-Three, and in the Third Year of the Reign of Our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and of the United Church of England and Ireland, on Earth the Supreme Head.

TUESDAY, JANUARY 1, 1833.

**H**IS Excellency Sir THOMAS JOHN COCHRANE, Governor (by virtue of the power and authority to him given by His Majesty's Proclamation, bearing date the 26th day of July last) having, by his Proclamations bearing date the twentieth and twenty-first days of September last, hereunto annexed, summoned and called a General Assembly of this Island; and having appointed the same to meet at St. John's, the first day of January, in the Year of our Lord One Thousand Eight Hundred and Thirty-Three, the following are the Names of the Members returned by the Returning Officers of the several Districts of the Island to represent the same in the said General Assembly, viz:—

District of *St. John's*—JOHN KENT, WILLIAM THOMAS, and PATRICK KOUGH.

District of *Conception Bay*—ROBERT PACK, PETER BROWN, CHARLES COZENS, and JAMES POWER.

District of *Fogo*—THOMAS BENNETT.

District of *Trinity Bay*—JOHN BINGLEY GARLAND.

District of *Ferryland*—ROBERT CARTER.

District of *Placentia and St. Mary's*—ROGER FORSTAI SWEETMAN, and JOHN WILLS MARTIN.

District of *Burin*—WILLIAM HOOPER.

District of *Fortune Bay*—NEWMAN WRIGHT HOYLES.

District of *Bonavista*—WILLIAM BROWN.

By virtue and in pursuance of a Commission from His Excellency the Governor to the Honourable JAMES SIMMS, the Honourable WILLIAM HALY and DAVID BUCHAN, Esq.,—the said DAVID BUCHAN, Esq., one of the said Commissioners, came at Twelve of the Clock at noon into the Room where the Members of the House of Assembly were met, and the following Mem-

bers who appeared, took and subscribed the usual oaths prescribed by law in his presence, viz.:

District of *St. John's*—JOHN KENT, WILLIAM THOMAS, and PATRICK KOUGH.

District of *Conception Bay*—ROBERT PACK, PETER BROWN, and JAMES POWER.

District of *Trinity Bay*—JOHN BINGLEY GARLAND.

District of *Fogo*—THOMAS BENNETT.

District of *Ferryland*—ROBERT CARTER.

District of *Placentia and St. Mary's*—JOHN WILLS MARTIN.

District of *Fortune Bay*—NEWMAN WRIGHT HOYLES.

After which,

A Message was delivered from His Excellency the Governor, by JOSEPH TEMPLEMAN, Esq. Usher of the Black Rod, as follows:—

*Gentlemen of the House of Assembly,*

His Excellency the Governor commands your attendance immediately in the Council Room.

Accordingly,

The Members went up to attend His Excellency in the Council Room, when His Excellency was pleased to deliver the following Address:—

“GENTLEMEN,—A considerable portion of the respectable inhabitants of this Island petitioned His Majesty, earnestly soliciting that he would be pleased to grant to them a Local Government; and His Majesty, at all times solicitous, not only to promote the welfare of his subjects, but to meet their wishes, has been pleased to accede to their request—and we are this day met together to give effect to the boon their Gracious Sovereign has conferred upon them.

“GENTLEMEN,—Of all the various measures that have been pursued, or the changes that have from time to time taken place, to meet the varying condition of this colony, their importance dwindles into insignificance when compared with the momentous measure now about to be called into operation, in compliance with the desires of your fellow-countrymen, and in the hope of promoting their prosperity.

“You are now about to take upon you the most serious responsibility that can well devolve upon a people. Hitherto, like an heir under age, you have had no controul over your finances—while their deficiencies for your sup-



port have been free from all the labour of the one, and the grave responsibility attending the other.

"Your situation will now be most importantly changed. The people of Newfoundland will henceforth, in a great measure, become the guardians of their own happiness, and the promoters of their own welfare—and upon a wise and prudent use of the great privileges conceded to them, will materially depend their success in the attainment of these ends.

"The first and greatest exercise of the right they now enjoy, has been to return you, Gentlemen, to represent them here; and you, in accepting of this charge, have taken with it all the responsibilities it involves, and the consequences that arise from it.

"Of the various constitutions subsisting in Europe, that of your parent state has been considered by all nations as the one which best reconciles the freedom and independence of the people, with the due execution of the laws, and the good government of the nation—leaving all, without regard to rank or station, the full enjoyment of every wholesome right, and only restraining the evil-inclined from doing that which is wrong.—This constitution has been extended to you—and which I fervently trust will bring with it all the blessings the most sanguine can anticipate or hope for.

"The component parts of the government are, a Council composed of certain individuals selected by His Majesty, and an Assembly formed of the Representatives of the people—and these two bodies agreeing in any measure, when sanctioned by the King, or his Representative, it becomes a law. Each of these Estates will have its separate rights and privileges, corresponding to those enjoyed by the several branches of the Legislature in Great Britain—as far as they are applicable to the condition of a dependency on the parent state—rights and privileges arising more from the experience of past ages, as to their fitness and propriety, than from any express laws to establish them.

"It will be the duty of each branch of the Legislature—while it duly guards its own rights—carefully to avoid any interference with those of the other; as well as to give a liberal interpretation of its intentions in any supposed infringement of their own privileges, which, particularly on the first establishment of a new legislature, may very unintentionally arise—and thus avoid those differences that have so frequently occurred in other colonies, and which must ever be attended with disadvantage to their country, and detract from the dignity and value of their proceedings; and I can with great truth assure you, that it shall be my anxious endeavour—so long as I may have the honour to be His Majesty's Representative in this Island—to maintain, unimpaired, your several rights and privileges, equally with those the constitution more particularly places within my keeping.

"In a letter from my Lord Goderich which I shall have the honour in a few days to lay before the Council and Assembly—it is stated that 'it cannot be made too apparent that the boon which has been granted, is seconded by the cordial good-will and co-operation of the executive government, and that the House of Assembly is regarded, not as a rival power, but as a body destined to co-operate with yourself in advancing the prosperity of the settlement.'

"I cordially unite in those sentiments. Under this feeling I have re-assumed this government—and no endeavour shall be wanting on my part to give the fullest effect to them; and I cannot avail myself of a fitter opportunity to observe upon an erroneous opinion entertained by many upon this subject, who, not distinguishing between a supreme government and a colony, honestly think that they see in their rulers motives for restraining the liberties of the people—and that to view their actions with suspicion and distrust becomes a necessary duty—of which the mischievous and designing avail themselves to promote the worst of purposes. But however such may, or may not, be the case in parent-states, it cannot be applicable to a dependency—which is in the fortunate position of affording no motive, on the one hand to a factious opposition to attempt the overthrow of a government, with a view to establish themselves in their places—nor to a government, on the other, to resort to undue and unconstitutional means to retain those trusts from which they might, otherwise, be ejected—and heartless must that colonial government

be that could gratuitously allow its conduct to be swayed by any other consideration than the welfare of the inhabitants entrusted to its care.

"The experience of the past will afford the best criterion by which to judge of my wishes and desires towards those you are here to represent. Uninfluenced by any local prejudices, and without a single personal desire to gratify, I can have but one object before me—their happiness and prosperity; and I assure you, Gentlemen, from the bottom of my heart, that it will be my most anxious and unceasing endeavour to co-operate with you in every measure that can best attain those objects for which the privileges now about to be enjoyed have been solicited by the people and graciously conceded to them by their Sovereign."

And thereupon, the President of His Majesty's Council, by His Excellency's command, said,

*Gentlemen of the House of Assembly,*

It is His Excellency the Governor's pleasure that you Gentlemen of the House of Assembly repair to the place where you are to sit, and there proceed to the choice of some proper person as your Speaker, and that you present such person whom you may so choose, here immediately, for His Excellency's approbation.

And the House being returned,

Mr. HOYLES, addressing himself to the Clerk, proposed to the House JOHN BINGLEY GARLAND, Esq. Member for *Trinity Bay*, to be their Speaker. And the choice of the House having unanimously fallen upon the said John Bingley Garland, Esq., he stood up in his place, and expressing the sense he had of the honour proposed to be conferred upon him by the House, submitted himself to their choice, and he was taken out of his place by Mr. Hoyles and conducted to, and placed in the Chair accordingly, whereupon

Mr. Speaker elect, addressed the House as follows:—

*Gentlemen,*

I am deeply grateful to you for the high honour which you have conferred, no less than the confidence which you have reposed in me, by my unanimous election to the distinguished situation of the Speaker of this Assembly. While, however, I express these sentiments, I cannot but convey to you at the same time, the doubts which I entertain of my own abilities and experience for the proper performance of the functions which attach to so important an office. It is not on myself that I place any reliance; but to the Members of this Assembly shall I look for both assistance and support, to enable me to maintain its rights and privileges, and to preserve with impartiality that proper order and regularity which will greatly contribute to give stability and effect to our proceedings as a Legislative Assembly.

Mr. Speaker elect, with the House, then went up to attend His Excellency in the Council Room, where Mr. Speaker elect was presented to His Excellency by Mr. Hoyles, Member for *Fortune Bay*, who addressed His Excellency as follows:

May it please your Excellency,

The House of Assembly, agreeably to your Excellency's command, have proceeded to the choice of a Speaker, and have unanimously elected JOHN BINGLEY GARLAND, Esq., Member for *Trinity Bay*, to that Office, and by their direction I beg leave to present him for your Excellency's approbation.

After which, His Excellency was pleased to say,

I approve of the Speaker whom the House of Assembly have chosen.



The House being returned, and Mr. Speaker having taken the Chair,

Mr. Speaker reported that the House had been in the Council Room, where his Excellency was pleased to approve of the choice the House had made of him to be their Speaker, and that he had spoken to the following effect:—

*May it please your Excellency,*

Your Excellency having been pleased to approve of the choice the House of Assembly have made of me to be their Speaker, it now becomes my duty, as such, in the name of the Representatives of His Majesty's loyal subjects, the people of Newfoundland, humbly to demand, that they may have freedom of speech in their debates—that their persons may be free from arrests—that they may enjoy all customary rights and privileges—and that whenever His Majesty's service and the interests of the Colony may require it, I, as their speaker, may have free access to your Excellency's person.

Mr. Speaker also reported, that His Excellency in reply had said—

*Mr. Speaker,*

I most cheerfully grant your request, conformably to the usage of the Imperial Parliament, the laws of the land, and the Royal Instructions.

After which,

Mr. Speaker said, His Excellency was pleased to make a speech, of which Mr. Speaker said he had obtained a copy, which he read to the House, and is as follows:—

*Mr. President and Gentlemen of His Majesty's Council, Mr. Speaker and Gentlemen of the House of Assembly,*

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

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

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

The geographical division of the Island, made by His Majesty's Proclamation of the 26th July, has had the effect of excluding the inhabitants of certain places from any participation in the rights enjoyed by their fellow-countrymen. This defect in those instructions

can, with most propriety, be remedied by the Legislature, and I am to signify to you His Majesty's wish that such provision may be made by law as will embrace every part of the Colony within some one of the electoral districts into which the Island has been divided.

*Mr. President and Gentlemen of His Majesty's Council, Mr. Speaker and Gentlemen of the House of Assembly,*

In a Colony that has been so long without any efficient laws to govern it, or any adequate mode of meeting by corresponding legal enactments, the varying change of circumstances which must arise in every country, you will be prepared to expect that a pressure of business will devolve upon you in every department of the Government, which will require your close and unremitting attention; your principal difficulty will be to decide to what point first to direct your attention, and to assist you in your deliberations, I shall cause to be laid before you in a few days a short account of the different Institutions connected with the Colony; and I beg to assure you that I shall never consider my time so well occupied as in facilitating your labours, and that I shall most cordially unite with you in every measure that may be conducive to the improvement and prosperity of this Island.

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

*Ordered,* that Mr. THOMAS, Mr. KENT, Mr. PACK, Mr. HOYLES, and Mr. BENNETT, be a Committee to prepare an Address in answer to His Excellency's speech.

On motion of Mr. HOYLES,

*Ordered,* that the Committee of Privileges do consist of the whole House.

Mr. BROWN moved that the House do come to the following resolution, viz.

*Resolved,*—That this House do now proceed to the election of its own Officers, viz. the Clerk, Sergeant-at-Arms and Messenger.

Mr. BENNETT moved an amendment to the foregoing resolution, as follows:—

Leave out the whole of the words in the said resolution from the word *Resolved*, and insert in place thereof the words following:—

“That the question of the appointment of the Officers of this House be referred to the Committee of Privileges.”

Which, being seconded and put, and the House dividing thereon, there appeared for the motion six, against it, four—

So it passed in the affirmative.

On motion of Mr. BROWN,

*Resolved,*—That the question of the appointment of the Officers of the House be considered in Committee of Privileges on Thursday next.

Then the House adjourned until to-morrow, at eleven of the Clock.



WEDNESDAY, 2d JANUARY, 1833.

A Petition of WILLIAM CARSON was presented by Mr. HOYLES, and read, setting forth,

That the Petitioner was a Candidate to represent the District of St. John's in this Honourable House as a Member for that District. That he was qualified, as will appear from his Certificate presented to the Returning Officer on Monday Morning, the Fifth of November last, on the commencement of the Election. That there were four other candidates, viz. :—JOHN KENT, WILLIAM THOMAS, WILLIAM BICKFORD ROW, and PATRICK KOUGH, Esqrs. That preliminary arrangements were entered into on the part of the Returning Officer, and an authorised deputation from each of the Candidates, one of which was, that each Candidate should bring in rotation to the Poll a tally of not more than ten voters.

That on Tuesday, the Second day of the Election, the Petitioner came to the Hustings rather late on that day, when he found to his surprise, that JOHN KENT had, in violation of the above agreement, made on the first day of the Election, brought forward two fictitious Candidates, for the purpose of giving him three tallies to the other Candidates' one. And that PATRICK KOUGH had, on the second day of the Election, likewise in violation of a positive arrangement, brought forward two fictitious Candidates, with the avowed purpose of giving him a similar advantage to Mr. KENT.

That the Petitioner strongly objected to this violation of a well-understood arrangement, when the Returning Officer stated, that he had of himself taken an especial objection, but had placed the votes brought forward by the fictitious Candidates on the Poll. Seeing Mr. THOMAS preparing to follow Mr. Kough's example, the Petitioner had no alternative but resigning the contest, or endeavouring to place himself, as far as circumstances would then permit, on an equality with his opponents. That Mr. Kent and Mr. Kough then consented to withdraw their fictitious Candidates, thereby acknowledging that they were creatures acting agreeably to their wills.

The Petitioner therefore strongly represents to this Honourable House, that Patrick Kough thereby obtained an unfair advantage over the Petitioner, which of itself is sufficient to disqualify him from being a Member of this Honourable House, and that all the votes thus unfairly obtained ought, agreeably to law and justice, to be thrown away and lost.—That it is a well-known maxim of law, that no person can profit by his own wrong.

That Mr. Thomas and the Petitioner demanded that each ought to be permitted to bring forward as many tallies as the other Gentlemen had unfairly obtained, but that the Returning Officer overruled this demand.

The Petitioner therefore prays that this Honourable House, animated by a love of justice as well as of respect for the law, will not sanction an advantage obtained by the violation of positive engagements, and in violation of the custom and law of Elections. That the persons voting for Mr. Kough, brought forward by William

Walsh and Stephen Ryan ought to be struck off the list of persons voting for Mr. Kough, which will reduce him forty-eight votes on the Poll. In a numerical point of view, this might have been of little consequence, had all the voters been finally polled; but the Petitioner is prepared to prove that, during the six days' Poll, he had never, at any one time, fewer than three tallies, of ten each, arranged, ready to be brought up on a minute's notice; and that he is likewise prepared to show that, at the close of the Poll on Saturday, the Tenth of November, he had still more than four hundred voters, possessing more property in this district than all the voters polled by his opponents during the week, many of whom were paupers and fishermen, having no fixed residence. The Petitioner is further prepared to prove to this Honourable House that very few special objections against his voters were taken; while it will appear from the poll-book that there were many of the voters brought to the poll by Mr. Kough, to whom special objections were taken. That the Petitioner particularly objected to splitting and dividing votes, as being contrary to the law of England. That the Act 10th of Queen Anne, chap. 23, renders it illegal to multiply voices by splitting and dividing houses and lands. It enacts, "That no more than one voice shall be admitted to one house or tenement." Whereas several, even six and seven, and more, eating from the same dish, and cooking from the same kettle, were admitted by the Returning Officer as good voters. That the Constitution does not invest any person with an authority to dispense with the law. Lord Goderich, in his instructions to the Governor, when recommending that the Colonial Law should change a principle of the Constitution in this country, expressly says, "That this however is a system which I apprehend His Majesty could not establish by the exercise of his authority." That the Returning Officer ought to have been guided by the law, in the construction and application of the word "occupancy."

That the Petitioner, at the close of the Poll, agreeably to the report of the Returning Officer, stood on the Poll five hundred and ninety-one votes, exactly the same number which he stated Mr. Kough had; but if the forty-eight votes polled by Walsh and Ryan, unfairly, as the Petitioner contends, he will stand five hundred and ninety-one, while Mr. Kough will stand only five hundred and forty-three, giving the Petitioner a majority of forty-eight votes. That the Petitioner, deeming himself secure in his existing position, had no motive or inducement to apply for an extension of the Poll to Portugal Cove.

With regard to the proceedings on the Hustings at St. John's on Monday the 12th November, the Petitioner begs to represent them as entirely irregular and illegal. That the Returning Officer had no authority to continue the Election at St. John's longer than the time specified in his notices, or proclamations, unless by the consent of Candidates, and by notices and proclamations as extensive as the first, and at least four days



(one inclusive) to the period of adjournment, which were in no degree complied with. Voters have rights as well as Candidates, and Returning Officers have no power to compromise them. The Petitioner therefore begs to represent the proceedings at the Hustings on the Twelfth of November as being illegal; and as the Election was not extended to Portugal Cove, the termination of the Election of three Members to represent in this Honourable House the District of St. John's, terminated on Saturday the tenth of November, and the then state of the Poll ought to have been the guide of the Returning Officer.

The Petitioner further begs to represent that the Statute 22d George the Third, Chapter 45, for restraining any person concerned in any contract, commission, or agreement, made for the public service, from sitting as a Member of the House of Commons, utterly disqualifies Patrick Kough for being a Member of this Honourable House.—As, for example, his fitting up several places and appointments in the Court-House for the opening convenience of the Local Legislature. Constituted authorities in this country have heretofore been accustomed to extend unrestrained the limits of their authority. That this House will, in its commencement, feel the necessity of controlling and bringing within the precincts of the law all acts that may affect the honour, the dignity, and independence of the Representative House of Assembly. Elections are fountains, from whence flow the purity of Parliaments and Legislative Assemblies; if the sources are permitted to be impure, the accumulated mass will soon be corrupt.

And praying that the House will take the matter of his Petition into consideration, and will place his name as one of the Members for the District of St. John's, in the room of the said Patrick Kough.

A Petition of HUGH ALEXANDER EMERSON was presented by Mr. PACK, and read, setting forth—

That, by virtue of His Majesty's Proclamation of the 26th day of July, A. D. 1832, regulating and appointing the number of Members or Representatives to serve in the General Assembly of this Island, One Member was allotted to the District of *Bonavista* in the said Island; and by virtue of the power and authority given by the said Proclamation to His Excellency the Governor of this Island, a Proclamation was published by His Excellency, bearing date the twentieth day of September, in the year aforesaid, appointing the several places within the said District of *Bonavista*, namely, *Cape Freels*, *Green's Pond*, *King's Cove*, *Keels*, and *Bonavista* proper, at which the votes for such Representative should be accepted and registered by a certain Officer appointed for that duty, called a Returning Officer, and that PETER LEMESSURIER, Esquire, was duly appointed to that office. That the Petitioner, being duly qualified by law to offer himself as Candidate for the District of *Bonavista*, to represent the same in the General Assembly, did accordingly cause himself to be offered for the suffrages of the Electors at

*Bonavista* aforesaid, on the day appointed for that purpose, namely, the twenty-ninth day of October last, and that, upon the closing of the Poll at that place, on the thirtieth day of the same month, the Petitioner was declared by the said Peter Lemessurier to possess forty-seven good and legal votes, over and above those given and recorded for the person named WILLIAM BROWN, who then and there offered himself for the suffrages of the Electors of the said District. That upon the close of the Poll at *King's Cove*, the Petitioner had a majority of fourteen votes over and above those polled for the said William Brown; and that at the close of the Poll at *Keels* aforesaid, the Petitioner had a majority of one hundred and six votes over and above any polled for the said William Brown. That the said Peter Lemessurier, well knowing the premises, afterwards, on the eighth day of November at *King's Cove*, and as such Returning Officer, accepted the voluntary resignation of the said William Brown, of any further claim by him to be longer considered as a Candidate at the said Election; whereby the Petitioner of right was, and ought to have been, duly returned by the said Peter Lemessurier, as the Representative of the said District of *Bonavista*; yet, that the said Peter Lemessurier did not, nor would return the Petitioner as the legal Representative of the said District; but that, afterwards, namely, on the fifteenth day of the Month of November aforesaid, he proceeded to and opened the Poll for the said District at *Green's Pond*. Whereas, by the unconditional, unqualified, and absolute resignation of the said William Brown to him, as such Returning Officer, the said Peter Lemessurier was bound, by the law of the land, to have returned the Petitioner at *King's Cove*, as the legal Representative of the District of *Bonavista*.

That the said Peter Lemessurier, disregarding his further duty and the provisions of the said Proclamation, did not proceed to the several places named in the said Proclamation, for the taking of the votes of Electors in those places residing, and wholly refused and neglected to proceed to and take the Poll at *Cape Freels*, one of the places in the said District named in the said Proclamation for holding the Poll, and where he was bound to have opened and held the Poll, provided the said Election was not legally closed at some other place in the said Proclamation named. That the said Peter Lemessurier, in further violation of the trust reposed in him, by his Proclamation as such Returning Officer, at *Green's Pond*, on the tenth day of November, declared and made known to the Electors therein residing, that the Poll for the said Election would be opened at that place on the twelfth day of that month. Whereas, the said Peter Lemessurier, on the said twelfth day of November, caused other Proclamations to be made, declaring that the Election would be held, and the Poll opened, for that purpose, on the fifteenth and sixteenth days of the same month. And further, that the said Peter Lemessurier, as such Returning Officer, on the fifteenth day of November, at *Green's Pond*, when one William Carter, who then and there



said William Brown, and was objected to on the part of the Petitioner, and required to be put to the oath of qualification, the said Peter Lemessurier wholly refused to administer the said oath of qualification to the said William Carter, whereby his vote was received by the said Peter Lemessurier contrary to law and the interest of the Petitioner. And praying, inasmuch as the said Election was duly and legally closed at *King's Cove* in his favour, by the resignation of the said William Brown, and the acceptance thereof by the Returning Officer, this Honourable House will be pleased to order, that the said Peter Lemessurier be required forthwith to amend the return of the Writ directed to him, and cause the Petitioner to be returned as the Representative for the District of *Bonavista*, in order that he may thereby be enabled to take his seat in this Honourable House, as by law he is entitled; or that this Honourable

House will be pleased to grant redress to the Petitioner by appointing a day and place for the examination of his witnesses, that he might satisfactorily prove the statements and allegations contained and set forth in his Petition.

On motion of Mr. HOYLES,

*Resolved*,—That this House will, on Saturday next, take into consideration the Petition of William Carson, complaining of the undue Election of Patrick Kough, as one of the Representatives of the District of St. John's.

On motion of Mr. PACK,

*Resolved*,—That this House will, on Monday next, take into consideration the Petition of Hugh Alexander Emerson, complaining of an undue Election for the District of Bonavista.

Then the House adjourned until Saturday next, at 11 o'clock.

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SATURDAY, 5th JANUARY, 1833.

ON motion of Mr. THOMAS,

*Resolved*,—That with a view to preserve that regularity which is absolutely necessary to maintain order in the admission of strangers to this House, and taking into consideration the very limited accommodation which the House affords, the mode of admission in future shall be by tickets from the respective Members, who shall be notified by the Honourable the Speaker of the number of strangers to be admitted by each member.

Mr. THOMAS reported from the Committee appointed, to prepare an address in answer to His Excellency's Speech, that the Committee had drawn up an Address accordingly, and he afterwards delivered the same in at the Clerk's table, where it was read, and is as follows:—

*To His Excellency Sir Thomas John Cochrane, Knight, Governor, and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency,

WE, the Representatives of His Majesty's loyal subjects, the Inhabitants of Newfoundland, in General Assembly convened, beg leave to thank your Excellency for your Speech, at the opening of this, the first Session of the first General Assembly of Newfoundland.

The many advantages that have resulted to those Colonies of the Crown, that have enjoyed the Legislative form of Government, His Majesty has been most graciously pleased to grant to this long-neglected Colony, are duly appreciated, and cannot fail to be experienced by all classes of the people of this Island; and your Excellency's congratulations upon the important event which has placed those advantages within our reach afford us much gratification.

The harmony and good will which characterised the Election of the Representatives for the District of St. John's, as well as those of the Representatives for the several Districts of the Island, are pleasing proofs that, in the lawful exercise of their rights and privileges, the people of Newfoundland are disposed, on all occasions, to preserve a due regard for the peace and good order of society.

We fully concur in opinion with your Excellency, that the division of this Island, made by his Majesty's Proclamation of the twenty-sixth of July last, has had the effect of excluding a numerous body of the loyal inhabitants of this Colony from participating with their fellow-countrymen in the benefit of being represented in the General Assembly; and it shall be one of the first objects of our attention to adopt such measures as may best tend to remedy this defect.

We thank your Excellency for the promise you have made, of laying before us an account of the different Institutions of the Colony; and although the many important matters connected with the interests of the Island, which require our early consideration, demand an earnest and unremitting attention, we trust that, with your Excellency's kind co-operation, we shall be enabled faithfully and efficiently to discharge the various important and responsible duties incumbent upon us.

We also feel thankful for the measures taken by your Excellency for our accommodation during the present session. And, notwithstanding the numerous difficulties which present themselves to the progress of a newly-constituted legislative body, we confidently hope, with the blessing of Divine Providence upon our labours, to perform the duty which we owe to our constituents and the country at large in such a manner, as to promote the prosperity of the Island, and advance the happiness of our fellow-subjects.



*Resolved*,—That the said Address be engrossed and presented to His Excellency by the whole House.

Mr. Speaker informed the House that His Excellency had communicated to him, that he would be prepared to receive the address of the House this day at two o'Clock.

On motion of Mr. PETER BROWN,

The House resolved itself into a Committee of the whole House to consider of their privileges.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and that the Committee had come to a resolution thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows:

*Resolved*,—That it be recommended to the House, to appoint a select committee to search for precedents as to the right of appointing the officers of the House, and to report the result of their search accordingly.

The Chairman also acquainted the House, that he had been directed by the Committee to move for leave to sit again, which the House agreed to.

The said resolution was then read a first and second time, and upon the question put thereon, agreed to by the House.

*Ordered*, that Mr. THOMAS, Mr. KENT, Mr. BROWN, Mr. CARTER, Mr. HOYLES, Mr. PACK, and Mr. BENNETT, be a Committee for the above purpose.

The hour appointed by His Excellency for receiving the Address of the House being arrived, Mr. Speaker and the House attended His Excellency with the Address accordingly.

And being returned,

Mr. Speaker reported that His Excellency was pleased to make the following answer:

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

I receive with much gratification this expression of your sentiments, which leaves me nothing to wish for; and is a guarantee that the benefits anticipated from our new Institutions will not be lost through want of cordiality in our proceedings, nor any failure in our united exertions to second them.

Mr. Speaker laid before the House a Letter from the Clerk of the Assembly of Prince Edward's Island to the Clerk of the House, transmitting, by direction of the Assembly of Prince Edward's Island, a copy of their Journal for 1832, together with the Laws passed in that Session, and requesting that an interchange of Laws and Journals may take place.

On motion, the order of the day was read, and thereupon,

On motion of Mr. HOYLES,

*Resolved*,—That this House will, on Tuesday the 15th inst, take into consideration the Petition of William Carson, complaining of the undue election of Patrick Kough, as a Representative for the District of St. John's.

On motion of Mr. KENT,

*Ordered*, that William Carson do enter into sufficient security to answer all expenses that may be incurred in investigating the merits of his Petition.

Mr. THOMAS gave notice that,

On Tuesday next, he should move that application be made to His Excellency for the documents relating to the Institutions of the Colony, which His Excellency had promised to lay before the House, provided the same were not laid before the House previously.

Mr. KOUGH gave notice that,

At an early day, he would bring forward a Resolution, having for its object the adoption of measures for increasing the Representation of the Colony.

Mr. PACK gave notice that,

On Saturday next, the 12th instant, he would move for leave to bring in a Bill, for limiting the duration of this and all future Assemblies of this Island to three years.

On motion of Mr. PETER BROWN,

*Resolved*,—That Mr. Speaker do order Mr. Cozens, Member for Conception Bay, to attend and take his Seat in this House on Saturday the 12th instant.

On motion of Mr. CARTER,

*Ordered*, that there be a call of the House on Saturday next, the 12th instant.

Then the House adjourned till Monday at 11 of the Clock.

### MONDAY, 7th JANUARY, 1833.

ON motion, the order of the day was read, and thereupon,

On motion of Mr. PACK,

*Resolved*,—That this House will, on Monday 21st inst. take into consideration the Petition of Hugh Alexander Emerson, complaining of an undue Election for the District of Bonavista.

On motion of Mr. THOMAS,

*Ordered*, that Hugh Alexander Emerson do enter into sufficient security to answer all expenses that may be incurred in investigating the merits of his Petition.

Mr. HOYLES gave notice that,

On Friday next, he should move for leave to bring in a Bill for enforcing the performance of



Quarantine, and for preventing the spreading of infectious diseases.

Mr. Secretary CROWDY informed the House that he had a Message from His Excellency the Governor to this House, signed by His Excellency, and he presented the same to the House, and the said Message was read by Mr. Speaker (all the Members being uncovered), and is as follows:—

MESSAGE.

“THOMAS COCHRANE.”

THE GOVERNOR, having received within these few days two memorials, one from the Bay of Bulls, and the other from the Port of Brigus, both stating many of the Inhabitants of these places to be in a great state of destitution, and praying for relief, and as His Excellency has reason to believe similar appeals will, ere long, be made from other parts, His Excellency has directed that these Memorials be laid before the House of Assembly for their immediate and serious consideration.

The Papers referred to in the foregoing Message of His Excellency the Governor were read by the Clerk, and are as follows:—

Copy of a Memorial from Alexander Stevenson and others, inhabitants of the Bay of Bulls.

Copy of a Memorial from William Sweetland and others, Inhabitants of Brigus.

*Ordered*,—That the said Message and Papers do lie on the Table, to be perused by the Members of the House.

On motion of Mr. THOMAS,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and state to His Excellency, that until the appropriation of the present duties is placed under the direction of the House of Assembly, the House has no funds under its controul applicable to the relief of the Petitioners from Brigus and the Bay of Bulls; but the House strongly recommends their Petitions to the favourable consideration of His Majesty's Government.

*Ordered*, that Mr. THOMAS, Mr. KENT, Mr. HOYLES, Mr. PACK, Mr. CARTER, and Mr. BENNETT, be a Committee for the above purpose.

On Motion of Mr. THOMAS,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, requesting that His Excellency would be pleased to lay before the House a full report of the present state of the Police Establishment of the Town of St. John's, to enable the House to judge of its efficiency to abate the numerous nuisances which daily present themselves in the streets, with a view to provide, by legislative enactments, for any want of authority which may be found in the present police for effecting an object so necessary to the public convenience.

*Ordered* that Mr. THOMAS, Mr. KENT, and Mr. KOUGH, be a Committee for the above purpose.

Then the House adjourned until Wednesday at eleven of the Clock.

WEDNESDAY, 9th JANUARY, 1833.

MR. PETER BROWN gave notice that,

On Wednesday, the 16th Instant, he should move for leave to introduce a Bill for preventing all Government Contractors, and persons holding places of emolument under Government, from sitting as members of the House.

Mr. Secretary CROWDY informed the House that he had two Messages from His Excellency the Governor to this House, signed by His Excellency, which he presented to the House; and they were read by Mr. Speaker (all the Members being uncovered) and are as follows:

MESSAGE.

“THOMAS COCHRANE.”

THE GOVERNOR having received from the Right Honourable Viscount Goderich, His Majesty's principal Secretary of State for the Colonies, a Despatch, bearing date the 27th of July, 1832, which contains many subjects of deep interest to the Colony, His Excellency has directed a Copy of it to be laid before the House of Assembly, with the hope that it will receive its deliberate and serious consideration.

MESSAGE.

“THOMAS COCHRANE.”

THE GOVERNOR, having received the Answer of the House of Assembly to the Message which he had transmitted to them relative to the Petitions for relief from the Inhabitants of Brigus and Bay of Bulls, His Excellency acquaints the House that his views, in submitting the Petitions to their consideration, were in order to obtain the Assembly's opinion and advice as to the nature and extent of the distress, and the most effectual and least onerous means by which it may be relieved. His Excellency, considering the subject of these Petitions peculiarly the province of the House of Assembly, arising no less from the constitution of the House, than their local knowledge and acquaintance with the habits of the people.

The Governor therefore trusts the House of Assembly will take this subject into their serious consideration, and afford him their advice thereon. And His Excellency further acquaints the House that he does not entertain the expectation that the expence attending such measures of relief as may be deemed necessary, is to be provided for by them.



The Document referred to in the first message from His Excellency was read by the Clerk, and is as follows:—

Copy of a Letter from Viscount Goderich, His Majesty's principal Secretary of State for the Colonies to His Excellency, bearing date the 27th July, 1832.

*Ordered*, that the said messages and papers do lie on the table, to be perused by the members of the House.

On motion of Mr. THOMAS,

*Resolved unanimously*,—That a Committee be appointed to draw up an Address to His Excellency the Governor, in reply to His Excellency's Message, transmitting to the House a Copy of the Letter of Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, submitting to the consideration of the House, the propriety of amalgamating the Council and Assembly of this Island, stating that this House is not disposed to adopt the suggestion of His Majesty's Secretary of State on this subject.

*Ordered*, that Mr. POWER, Mr. MARTIN, Mr. THOMAS, Mr. BENNETT, and Mr. CARTER be a Committee for the above purpose.

Mr. Speaker laid upon the Table a Letter from Mr. Secretary CROWDY to him, enclosing an extract from the Royal Instructions to His Excellency the Governor.

On motion of Mr. THOMAS,

The House resolved itself into a Committee of the whole House, on the consideration of the

message of His Excellency the Governor, relative to the Petitions from Brigus and the Bay of Bulls.

Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had come to a resolution thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows:—

*Resolved*,—That the Reports of the Committees at Brigus and the Bay of Bulls are documents of unquestionable authenticity, and that the House, being in possession of no other information in proof of the distress existing there, nor of any means of relieving it, do most seriously recommend to His Excellency the Governor to exercise that immediate benevolence towards the Petitioners from those places, which His Excellency has been induced to extend to the other parts of this Island.

The said Resolution was read throughout a first and second time; and, upon the question put thereon, agreed to by the House.

*Resolved*,—That a Copy of the said Resolution be presented to His Excellency by the whole House.

Then the House adjourned till to-morrow, at 11 of the Clock.

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#### THURSDAY, 10th JANUARY, 1833.

MR. POWER reported from the Committee appointed to draw up an Address to His Excellency, in pursuance of the Resolution of yesterday, that the Committee had drawn up an Address accordingly, and he afterwards delivered it in at the Clerk's table, where it was read, and is as follows:—

*To His Excellency Sir Thomas John Cochrane, Knight, Governor, and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency,

Your Excellency having been pleased to lay before the House of Assembly, a copy of a letter from Viscount Goderich, His Majesty's principal Secretary of State for the Colonies, dated the twenty-seventh day of July, one thousand eight hundred and thirty-two, and the attention of the House having been called to that part of the letter which proposes to amalgamate the Council with the House of Assembly, the House beg

leave to state to your Excellency, that, having taken the matter into their most serious consideration, they are unanimously of opinion, that the measure recommended by the Right Honourable Secretary, not being in accordance with the principles of the British Constitution, is in no wise applicable to the circumstances of this Colony.

*Ordered*, that the said Address be engrossed.

*Resolved*,—That the said Address be presented to His Excellency by the whole House,

Mr. Speaker informed the House that His Excellency had communicated to him, that he should be ready to receive the House, with the Resolution of yesterday, relative to the Petitions from Brigus and the Bay of Bulls, at Twelve o'Clock this day.

The hour appointed for waiting on His Excellency the Governor being arrived, Mr. Speaker and the House attended His Excellency, with the Resolution of the House relative to the Petitions from Brigus and the Bay of Bulls, and also with the Address of the House passed this day.



The Honourable Mr. Secretary CROWDY acquainted the House that he had a Message from His Excellency the Governor to the House, signed by His Excellency, and he presented the same to the House, and the said Message was read by Mr. Speaker, all the Members being uncovered, and is as follows :—

## MESSAGE.

“THOMAS COCHRANE.”

THE GOVERNOR has directed that the statement relative to the different Institutions of the Colony, referred to in His Excellency's speech at the opening of the Session, together with an average Statement of the Revenue and Expenditure for the last five years, and other financial documents may be laid before the House for their information.

The papers referred to in the foregoing Message of His Excellency the Governor were read by the Clerk, and are as follows :—

Memoranda on the Judicature of Newfoundland and on other subjects connected with that Colony.

Statement of the Revenue and Expenditure of Newfoundland for the year 1831.

Statement of the Receipt and Expenditure taken in an average for the five years ending December, 1831.

Estimate of the Civil Establishment of Newfoundland, to be provided for from the 1st day of April, 1833.

*Ordered*, that the said papers be printed.

Mr. KENT gave notice that, at an early day, he should move for a Statement of all fees payable in the Supreme, Circuit, and Sessions Courts.

On motion of Mr. THOMAS,

*Resolved*,—That, on Monday the 14th instant, this House do resolve itself into Committee of the whole House, to take into consideration the general state of the Colony.

On motion of Mr. KENT,

*Ordered*, that His Excellency's Message, received this day, and the documents accompanying the same, be referred to the Committee on the general state of the Colony.

Then the House adjourned until Saturday next at eleven of the clock.

## SATURDAY, 12th JANUARY 1833.

THE names of the different Members were called over, pursuant to the order of the House, made on Saturday the 5th inst, and the following Members were absent, viz. :—

CHARLES COZENS, Member for Conception Bay.

ROGER FORSTAL SWEETMAN, Member for Placentia and St. Mary's.

WILLIAM HOOPER, Member for Burin, and

WILLIAM BROWN, Member for Bonavista.

Mr. Speaker laid before the House a Letter, proving the delivery to Mr. COZENS of a Copy of the Resolution of Saturday last, commanding his attendance at the House.

The Serjeant-at-Arms also informed the House that he had yesterday duly notified Mr. COZENS of the order of a call of the House this day.

Mr. PETER BROWN moved that the House do come to the following Resolution, viz. :

*Resolved*,—That special messengers be employed to summon Roger Forstal Sweetman, William Hooper, and William Brown, Esquires, to attend and take their Seats in this House; the necessary expences of which shall be borne by those Members as the House may deem proper, which being seconded,

Mr. MARTIN moved an amendment to the foregoing Resolution, as follows, viz. :—

Leave out the words—“The necessary expenses of which shall be borne by those Members as the House may deem proper:” And insert in place thereof, the words following, viz. :—

“The expense of which shall be subject to the consideration of the House.”

Which, being seconded and put, passed in the negative.

The original Resolution was then put and passed in the affirmative.

Mr. HOYLES, pursuant to leave given, presented a Bill to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious and contagious diseases, and the spreading thereof in this Island.—And the same was read a first time.

*Ordered*, that the Bill be printed.

*Resolved*,—That the Bill be read a second time on Saturday the 19th instant.

On motion of Mr. KENT,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and request that His Excellency would be pleased to lay before the House a statement of all sums of money paid during the year 1832, for carrying into effect the sanitary regulations adopted by the Board of Health constituted by His Honour the President.

*Ordered*, that Mr. KENT and Mr. PACK be a Committee for the above purpose.

Mr. PACK, pursuant to leave given, presented a Bill to determine the duration of the present and all future Houses of Assembly for this Colony.—And the same was read a first time.

*Resolved*,—That this Bill be read a second time on the second day of February next.

On motion of Mr. THOMAS,

*Resolved*,—That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider of Ways and Means.



Mr. **KOUGH** gave notice that,

On Saturday, the 26th instant, he should move for leave to bring in a Bill for increasing the number of Representatives of this Colony.

On motion of Mr. **BENNETT**,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and request that His Excellency would be pleased to direct that there be

laid before the Assembly, Copies of the Reports sent to the British Government by the Judges and Attorney-General of this Island, on the subject of the Judicature of Newfoundland.

*Ordered*, that Mr. **BENNETT** and Mr. **THOMAS** be a Committee for that purpose.

Then the House adjourned till Monday at eleven of the Clock.

### MONDAY, 14th JANUARY, 1833.

**A** Petition from the Committee for the relief of the poor of the division of Port-de-Grave, was presented by Mr. **PETER BROWN**, and read, praying that relief may be extended to the poor inhabitants of that division.

On motion of Mr. **KENT**,

*Resolved*,—That this House having no means of administering relief to the poor inhabitants of Port-de-Grave, the Petition from the Committee for the relief of the poor of that division be referred to the Members for Conception Bay, as a Committee to wait on His Excellency on the subject thereof.

On motion, the order of the day was read, and thereupon,

The House resolved itself into a Committee of the whole House on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. **HOYLES** took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and that the Committee had directed him to move for leave to sit again on the consideration thereof, which the House agreed to.

On motion of Mr. **THOMAS**,

*Resolved*,—That this House require information on the following subjects, viz. :—

The authority under which the Grants for the support of the Ecclesiastical Establishment of this Island have been made.

A full and particular account of all Fees, Poundage, Perquisites and Emoluments received or receivable by the Sheriff of Newfoundland, or his Deputies, in the Central, Northern, and Southern Districts, for the years 1831 and 1832, distinguishing each District and Court separately, and including and specifying the number of Writs issued on original process, and the amount of fees receivable thereon, including Capiases and Bail Bonds. Also, the number of Executions issued and the amount of Fees and Poundage on final process received by or payable to the Sheriff and his Officers thereon. Likewise, the amount of Jury-Fees received by the Sheriff and his Officers, and all Fees upon

Proceedings, had upon the equity side of the said Courts respectively.

A full and particular Return of all Fees received or receivable by the Clerk of the Peace for the Central District of this Island for the year 1832, specifying the number of Depositions, Complaints, Summonses, Warrants, Examinations, Commitments, and Recognizances made, issued or taken by or before the Magistrates of St. John's, or any of them, and distinguishing the Fees or Sums received for Civil and Criminal Complaints or Proceedings, and the amount thereof respectively. Also, a Return of the amount of Fees on Commissions received by the Clerk of the Peace, on the granting of Licences and the receipt of Licence-money. Likewise, a full and particular account of all Fees, Perquisites and Emoluments, and the amount thereof arising from the Office of Coroner for this District during the year 1832.

A full and particular Account of all Fees and Emoluments received or receivable by the Clerk of the Supreme Court, Clerk of the Probate Court, and Registrar of Deeds for the year 1832, distinguishing the Probates and Administrations granted, and the Deeds or Instruments recorded, and the Fees received on each, and any other Fees or Emoluments (if any) received on account of any or either of the said offices.

A full and particular Account of the Custom-House Establishment. Also, a full and particular account of the Fees and Emoluments of the Attorney General. Also, a full and particular account of the Contingencies for the year 1831. Also, a full and particular Statement of the Charge for Stationary and Printing in the year 1831. Also, a full and particular Statement of the Charge for Fuel and Light in the year 1831. Also, a full and particular Statement of the Charge for supporting and maintaining the Poor in the year 1831. Also, a full and particular Statement of Expenses for making Roads—of repairing Government Bridges and Fences, and also of the Charge for “other incidental expenses” for the year 1831.

On motion,

*Resolved*,—That Mr. **HOYLES** have leave to withdraw the Petition of **WILLIAM CARSON**, complaining of the undue Election of **PATRICK KOUGH**.

Then the House adjourned till to-morrow, at eleven of the clock.



TUESDAY, 15th JANUARY, 1833.

ON motion, the order of the day was read, and thereupon,

On motion of Mr. THOMAS,

*Resolved*,—That this House will, on Friday next, resolve itself into a Committee of the whole House, to consider of Ways and Means.

On motion of Mr. HOYLES,

The House resolved itself into a Committee of the whole House, on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and that the Committee had directed him to move for leave to sit again, which the House agreed to.

On motion of Mr. KENT,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, with a Copy of the Resolution of yesterday, requiring information on various subjects, and request that His Excellency would be pleased to direct that the information required by that Resolution be laid before the House, with the least possible delay.

*Ordered*, that Mr. Speaker, Mr. BENNETT, Mr. PACK, Mr. KENT, and Mr. THOMAS, be a Committee for the above purpose.

On motion of Mr. PETER BROWN,

*Resolved*,—That this House require a full and particular account of all Salaries, Fees and Emoluments, received by the various Magistrates, Clerks of the Peace, Conservators and Coroners of this Island, with the names of the different Magistrates, Clerks of the Peace, Constables and Coroners of this Island, and of the several Districts in which they reside, or to which they belong. Also, an account of the number of the licensed Public Houses in the Island, distinguishing the various Districts in which the same are; and also of the whole amount of license-money paid in each and every District of the Island.

Also, the last Census of the Population of this Island, distinguishing the number of each religious creed, with the names and religious creeds of the different public officers of this Colony.

*Resolved*,—That the Committee appointed to wait on His Excellency with a Copy of the Resolution of yesterday, requiring information, do also lay before His Excellency a Copy of this Resolution.

Then the House adjourned until Thursday next, at 11 of the Clock.

THURSDAY, 17th JANUARY, 1833.

MR. Speaker laid before the House a Letter from His Honour the President of the Legislative Council, transmitting a Copy of a Resolution of that Honourable Body, as follows:

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

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

I have the honour to be, Sir,

Your most obedient,

And very humble Servant,

R. A. TUCKER.

To the Hon. J. BINGLEY GARLAND, Esq., }  
Speaker of the House of Assembly. }

MINUTE OF THE LEGISLATIVE COUNCIL.

16th January, 1833.

*Resolved*,—That the Honourable the Speaker of the House of Assembly be apprised by the President of the Legislative Council, that accommodation has been provided in the Council Chamber for those Members of the House of Assembly who may be disposed to attend the Sittings of the Legislative Council on those occa-

sions when admittance shall be allowed to the public; which will at all times be ascertained by a notice affixed to the door of the Council Chamber.

(A TRUE COPY.)

CHRISTOPHER AYRE,

Deputy Clerk of the Legislative Council.

*Ordered*, that the said papers do lie upon the table, to be perused by the members.

A Petition from JAMES PITTS, and other Inhabitants of the Island of Belle Isle, was presented by Mr. THOMAS, and read, setting forth—

That, from time immemorial, the said Island had been part and parcel of the District of St. John's. That, by His Majesty's Proclamation, bearing date the 26th day of July last, the Petitioners are at a loss to know whether the said Island is intended to be a part of the District of St. John's or of Conception Bay. That it would be an advantage to the Inhabitants of the said Island to be in the District of St. John's, on account of their contiguity to Portugal Cove; and more particularly so, as nearly all their business and dealings are with St. John's. And as the Petitioners have always been numbered with the Inhabitants of St. John's they entertained no doubt whatever of being in that District until lately, when they found that a question had been raised on the subject. Being aware of the very great inconvenience, trouble and expense, of going



to the other side of Conception Bay, either in cases of law relative to themselves, or as evidence for others, that it would be impossible for them at all times to attend. And further, from the circumstance of their connexion being, as above stated, with St. John's, the Petitioners feel confident that it would be much more to their advantage to be attached to the District of St. John's than to the District of Conception Bay.—The Petitioners therefore humbly pray, that the House will be pleased to make such regulations with

respect to the said Island, as will put it beyond any question that it is in the District of St. John's.

*Ordered*, that the Petition do lie on the table.

On motion of Mr. PACK,

*Resolved*,—That Mr. Speaker do issue a peremptory order on CHARLES COZENS, Esq. Member for Conception Bay, to attend and take his seat in this House on Saturday next, the 19th instant.

Then the House adjourned till to-morrow, at eleven of the Clock.

### FRIDAY, 18th JANUARY, 1833.

**R**OGER FORSTAL SWEETMAN, Esquire, returned duly elected Member for the District of Placentia and St. Mary's, took his seat, having previously taken and subscribed the oaths prescribed by law, in the presence of the Honourable JAMES SIMMS, one of the Commissioners appointed by His Excellency the Governor.

Mr. Speaker informed the House, that he caused the order of the House, commanding the attendance of CHARLES COZENS, Esquire, Member for Conception Bay, to be duly served on that Gentleman.

Mr. Speaker laid before the House the under-mentioned Papers, transmitted to him by the Hon. Mr. Secretary CROWDY, by command of His Excellency, in pursuance of the Resolution of the 14th instant, viz.:—

A Return, showing the charge for maintaining the Poor, Sick, &c. in the year 1831, together with certain documents on which the same is founded.

Also, the Monthly Returns of the Charge for supporting the Poor, &c. in the year 1832.

Also, a Return, showing the Fees and other Emoluments of His Majesty's Attorney-General of this Colony.

*Ordered*, that the said Papers do lie on the Table.

On motion of Mr. PETER BROWN,

*Resolved*,—That ROGER FORSTAL SWEETMAN, Esq. Member for Placentia and St. Mary's, having attended and taken the usual oaths and his seat in this House, the Resolution of this House passed on Saturday last, for employing special Messengers to summon the absent Members of the House, so far as the same relates to the said Roger Forstal Sweetman, be rescinded.

On motion of Mr. THOMAS,

*Resolved*,—That a Solicitor be forthwith appointed to assist in preparing and drafting the Bills to be brought before the House, who shall receive such remuneration for his services as the House may award.

The House then proceeded to the choice of a Solicitor, and thereupon,

*Resolved*,—That CHARLES SIMMS, Esq. be the Solicitor of the House, and that the Clerk do notify him thereof accordingly.

Mr. PETER BROWN, pursuant to leave given, presented a Bill for restraining all persons concerned in any contract, agreement, or commission for the public service, or holding any office of emolument under Government, from sitting or voting as Members of the Assembly of this Island, which was read a first time.

*Resolved*, That the Bill be read a second time.

On motion of Mr. KOUGH,

The House resolved itself into a Committee of the whole House on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in business to them referred, and that he was directed by the Committee to move for leave to sit again, which the House agreed to.

Mr. Speaker laid before the House a Copy of a Despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor, on the subject of the salary of THOMAS H. VILLIERS, Esq., Agent of the Island, transmitted to Mr. Speaker by the Hon. Mr. Secretary CROWDY, by command of His Excellency.

*Ordered*, that the said Papers do lie on the Table.

On motion of Mr. PETER BROWN,

*Resolved*,—That a Committee be appointed to prepare and bring in a Bill for the regulation of the Police of the Island.

*Ordered*, that Mr. HOYLES, Mr. KOUGH, Mr. BENNETT, Mr. BROWN, and Mr. CARTER, be a Committee for the above purpose.

On motion, the order of the day was read, and thereupon,

On motion,

*Resolved*,—That this House will, on Wednesday next, resolve itself into a Committee of the whole House to consider of Ways and Means.

Then the House adjourned till to-morrow, at 11 of the Clock.



SATURDAY, 19th JANUARY 1833.

**M**R. Speaker laid before the House a Letter received by him from CHARLES COZENS, Esq. Member for Conception Bay, acknowledging the receipt of the order of the House commanding his attendance, and praying that a few days further leave of absence may be granted to him before he be required to take his seat.

Mr. PETER BROWN moved that the House do come to a Resolution, as follows:—

*Resolved*,—That this House will not extend to Charles Cozens, Esq. any further leave of absence, but that Mr. Speaker do order him to attend and take his seat on Wednesday next.

Mr. MARTIN moved an amendment to the foregoing Resolution, as follows:—

Leave out all the words from the word “Resolved,” and in place thereof insert the words following, viz:—

That Charles Cozens, Esq. have a fortnight’s further leave of absence from Monday next.

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, our, against it, six.

For the Motion. Mr. HOYLES — POWER — BENNETT — MARTIN.	Against the Motion. Mr. PACK — SWEETMAN — KENT — CARTER — THOMAS — BROWN.
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So it passed in the negative.

The original Resolution was then put and passed in the affirmative.

On motion, the order of the day was read, and thereupon,

On motion,

*Resolved*,—That the Bill to provide for the performance of Quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island, be read a second time on Saturday the 26th instant.

Mr. HOYLES, pursuant to leave given, presented a Bill to prevent dangerous quantities of gun-powder being kept within the Town of St. John’s;—and the same was read a first time.

On motion,

*Resolved*,— That the Bill be now read a second time, and the said Bill was read a second time accordingly.

*Resolved*,— That the Bill be committed to a Committee of the whole House on Monday next.

Then the House adjourned until Monday at eleven of the Clock.

MONDAY, 21st JANUARY, 1833.

**C**HARLES COZENS, Esq., returned duly elected Member for the District of Conception Bay, took his seat, having previously taken and subscribed the usual oaths at the Table of the House, in the presence of DAVID BUCHAN, Esq. one of the Commissioners appointed by His Excellency the Governor.

On motion, the order of the day was read, and thereupon, on motion,

*Resolved*, That this House will, to-morrow, take into consideration, the Petition of Hugh A. Emerson, complaining of an undue Election for the District of Bonavista.

On motion of Mr. THOMAS,

*Resolved*,—That this House require to be informed what are the duties performed by His Majesty’s Attorney General for the salary of £450 paid to that officer. Also, what specific fees are payable for extra duties beyond those performed for the salary before named. Also, that this House require a detailed account of what his fees would have amounted to during the past year, if they had not been commuted for the sum of £250.

On motion of Mr. THOMAS,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and request that His Excellency will be pleased to direct that there be laid before this House Copies of all the Tables of Fees now

taken in the different Courts of Law. Also, Copies of the former and present Commissions of the Justices of the Peace for the District of St. John’s.

*Ordered*, that Mr. THOMAS and Mr. BENNETT be a Committee to wait on His Excellency, with Copies of the foregoing Resolutions.

On motion, the House resolved itself into a Committee of the whole House, on the consideration of the Bill for preventing dangerous quantities of Gunpowder being kept within the Town of St. John’s.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill, and had made several amendments thereto which they had directed him to report to the House; and he afterwards delivered the Bill, with the amendments, in at the Clerk’s Table.

The said amendments were then read throughout a first and second time; and upon the question severally put thereon, agreed to by the House.

*Ordered*, that the Bill, with the several amendments be engrossed.

Then the House adjourned till Wednesday next at eleven of the Clock.



## WEDNESDAY, JANUARY 23, 1833.

**MR.** Speaker laid before the House a Letter from the Hon. Mr. Secretary CROWDY, transmitting by command of His Excellency the Governor, in pursuance of the Resolution of the 14th inst., the following documents, viz. :—

A Return of the Details of the Public Expenditure in 1831, under the following heads—Contingencies of the Civil Department—Stationary and Printing for the Courts—Fuel and Light—Gaol Expenses—making and repairing Public Roads—Repairs and preservation of Public Buildings—Repairs of Bridges and Government Fences—and other incidental charges.

*Ordered*, that the said Papers do lie on the Table to be perused by the members.

Mr. THOMAS reported from the Committee appointed to wait on His Excellency the Governor with Copies of the Resolutions of Monday, that His Excellency was pleased to say he should cause the information and documents required, to be laid before the House.

On motion,

*Resolved*,—That this House will to-morrow take into consideration the Petition of HUGH A. EMERSON, complaining of an undue Election for the District of Bonavista.

An engrossed Bill to prevent dangerous quantities of gunpowder being kept within the Town of St. John's was read a third time, and thereupon,

On motion of Mr. THOMAS,

*Resolved*,—that the Bill be re-committed to a Committee of the whole House.

On motion, the order of the day was read, and thereupon,

On motion,

*Resolved*,—That this House will to-morrow resolve itself into a Committee of the whole House to consider of Ways and Means.

Then the House adjourned until to-morrow at eleven of the Clock.

## THURSDAY, JANUARY 24, 1833.

**MR.** Speaker laid before the House a Letter from the Hon. Mr. Secretary CROWDY, in explanation of the Despatch of the Right Hon. Viscount Goderich, His Majesty's Principal Secretary of State for the Colonies, on the subject of the Salary of Thomas H. Villiers, Agent of the Island.

*Ordered*, that the said Letter do lie on the Table.

On motion, the orders of the day were read, and thereupon,

On motion,

*Resolved*, that this House will to-morrow take into consideration the Petition of Hugh A. Emerson, complaining of an undue election for the District of Bonavista.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of Ways and Means.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had come to several Resolutions thereupon, which they had directed him to report to the House. And he read the same in his place and afterwards delivered them in at the Clerk's Table, where they were read, and are as follow :—

*Resolved*,—That it is the opinion of this Committee, that it is expedient and necessary to raise an additional Revenue.

*Resolved*,—That it is the opinion of this Committee, that a duty of sixpence sterling per gallon be levied on all spirits, the produce of Great Britain or her Colonies imported into this Island.

*Resolved*,—That it is the opinion of this Committee, that a duty of one shilling and sixpence sterling per gallon be levied on Champagne, Burgundy, Claret, Hock, and all other Wines imported into this Island, whose value in this market (exclusive of this duty) shall exceed the sum of eight shillings sterling per gallon.

*Resolved*,—That it is the opinion of this Committee, that a duty of one shilling sterling per gallon be levied on Port, Madeira, Sherry, and all other Wines imported into this Island, whose value, as aforesaid, shall exceed five shillings sterling per gallon.

*Resolved*,—That it is the opinion of this Committee, that a duty of ninepence sterling per gallon be levied on Fayal Madeira, Marsala, Malaga Sherry, Figueira Port, Teneriffe, and all other Wines imported into this Island whose value, as aforesaid, shall exceed two shillings and sixpence sterling per gallon.

*Resolved*,—That it is the opinion of this Committee, that a duty of sixpence sterling per gallon be levied on Catalonia, Benecarlo, Common Fayal, Cargo Claret, and other Wines imported into this Island, whose value, as aforesaid, shall not exceed the sum of two shillings and sixpence sterling per gallon.

*Resolved*,—That with a view to prevent imposition in the value of Wines not named, and which pay a duty according to their value in this market, it shall and may be lawful for the Colonial Treasurer, or the proper officer to be appointed for that purpose (on a suspicion that such Wines have been undervalued for



duty) to add ten per centum to the value of such Wines as stated in the Bill of entry made at the Custom-House by the importer thereof, or his agent, and to take such Wines for the use of the Island, at such said value, with ten per centum added thereon.

*Resolved*,—That it is most desirable these duties should be collected in the same manner, and under a like authority, as the present imperial duties are now collected.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of ways and means, which the House agreed to.

The said Resolutions were read throughout a first and second time, and, upon the question severally put thereon, agreed to by the House.

*Ordered*, that Mr. THOMAS, Mr. HOYLES, Mr. BENNETT, and Mr. KOUGH, be a Committee to prepare and bring in a Bill or Bills for

carrying into effect the foregoing resolutions of the Committee of ways and means.

Mr. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of His Excellency the Governor, in pursuance of a Resolution of the House, the following documents, viz.:

A Return of the Expence of the Custom-House Establishment.

A Return of the Fees and Emoluments of the Coroner, and Clerk of the Peace for the year 1832.

A Return of the Fees and Emoluments received and receivable by the Clerk of the Supreme Court, Clerk of the Probate Court, and Registrar of Deeds for the year 1832.

*Ordered*, that the said Papers do lie on the Table to be perused by the Members.

Then the House adjourned till to-morrow, at eleven of the Clock.

### FRIDAY, JANUARY 25, 1833.

Mr. Speaker laid before the House an account of the number of Protestant Episcopal Churches in this Island, transmitted to Mr. Speaker by the Hon. Mr. Secretary CROWDY, by command of His Excellency the Governor.

*Ordered*, that the said Paper do lie on the Table.

On motion, the order of the day was read, and thereupon,

On motion of Mr. THOMAS,

*Resolved*,—That this House will take into consideration, the Petition of Hugh A. Emerson, Esq. complaining of an undue Election for the District of Bonavista, on the day after the return of the special messenger, lately sent by the House to summon WILLIAM BROWN, Esq. returned Member for Bonavista, to attend and take his seat in this House.

A Bill to provide for the performance of Quarantine, and to provide against the introduction and spreading of infectious and contagious diseases in this Island, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee of the whole House, on the consideration on of the said Bill.

Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the consideration thereof, which the House agreed to.

On motion of Mr. HOYLES,

The House then resolved itself into a Committee of the whole House, on the consideration of the Bill to prevent dangerous quantities of gunpowder being kept in the Town of St. John's.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill to them referred, and had made an amendment thereto, which they had directed him to report to the House; and afterwards he delivered the Bill with the amendments in at the Clerk's Table.

The said amendment was then read throughout a first and second time; and, upon the question put thereon, agreed to by the House.

*Ordered*, that the said Bill, with the amendment, be engrossed.

Then the House adjourned till to-morrow, at 11 of the Clock.

### SATURDAY, JANUARY 26, 1833.

A re-engrossed Bill, to prevent dangerous quantities of gunpowder being kept within the Town of St. John's, was read a third time,

*Resolved*,—That the Bill do pass, and that the Title be, "An Act to prevent dangerous quantities of gunpowder being kept within the Town of St. John's."

*Ordered*, that the said Bill be sent to the Council for their concurrence.

On motion, the House resolved itself into a Committee of the whole House on the further consideration of the Bill to provide for the performance of quarantine, and to prevent the introduction and spreading of infectious diseases in this Island.



Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said Bill, and had made several amendments thereto, which they had directed him to report to the House, and he

afterwards delivered the Bill with the amendments in at the Clerk's table.

The said amendments were then read throughout a first and second time, and, upon the question severally put thereon, agreed to by the House.

*Ordered*, that the Bill, with the amendments, be engrossed.

Then the House adjourned until Monday next at eleven of the Clock.

### MONDAY, JANUARY 28, 1833.

**A** Bill to restrain any person concerned in any contract, agreement, or commission, made and entered into for the public service, or holding an office of emolument under Government, from sitting or voting as a Member of the House of Assembly of this Island, was read a second time, and thereupon,

Mr. BROWN moved that the House do come to the following resolution:—

*Resolved*,—That the said Bill be committed to a Committee of the whole House.

Mr. HOYLES moved, by way of amendment, the following resolution.

*Resolved*,—That the further consideration of the said Bill be deferred till this day six months.

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, four, against it, eight.

For the Amendment.

Mr. BENNETT  
— KOUGH  
— THOMAS  
— HOYLES

Against the Amendment.

Mr. POWER  
— COZENS  
— SWEETMAN  
— CARTER  
— PACK  
— BROWN  
— KENT  
— MARTIN.

So it passed in the negative.

The original resolution upon the question put thereon, was then agreed to by the House.

*Ordered*, that the said Bill be printed.

*Ordered*, that the Committee appointed to search for precedents with regard to the right of the appointment of the Officers of the House, do report progress to-morrow.

Then the House adjourned till to-morrow, at eleven of the clock.

### TUESDAY, JANUARY 29, 1833.

**MR.** THOMAS, Chairman of the Committee appointed to search for precedents with regard to the right of the appointment of the Officers of the House, acquainted the House, in pursuance of the order of yesterday, that the Committee were not yet fully prepared to report to the House.

On motion, the House resolved itself into a Committee of the whole House, on the consideration of a Bill for restraining any person concerned in contract made for the public service, or holding an office or place of emolument under Government from sitting and voting as a Member of the Assembly of this Island.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said Bill, and had made several amendments thereto, which they had directed him to report to the House, and he de-

livered the Bill, with the amendments, in at the Clerk's Table.

The said amendments were read throughout a first and second time, and upon the question severally put thereon, agreed to by the House.

*Ordered*, that the said Bill, with the amendments, be engrossed.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the present state of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again to-morrow, on the subject thereof, which the House agreed to.

Then the House adjourned until to-morrow, at 11 of the Clock.

### WEDNESDAY, JANUARY 30, 1833.

**A**N engrossed Bill to provide for the performance of quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island, was read a third time.

*Resolved*,—That the Bill do pass, and that the title be "An act to provide for the performance of quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island."



*Ordered*, that Mr. HOYLES do carry the Bill to the Council, and desire their concurrence.

A Petition from the Members and Congregation of the Wesleyan Methodists, and others of the Town of St. John's, was presented by Mr. THOMAS, and read, setting forth—

That an Act, intituled "An Act to regulate the celebration of Marriages in Newfoundland," being about to expire: That in its operations it has infringed greatly upon the liberties and privileges of the Petitioners, and a considerable portion of His Majesty's subjects in this Island; which, previous to the year 1817, they had enjoyed from time immemorial, and which, though painfully afflictive, they have patiently and peaceably endured. And which Act, in its provisions, has been found inadequate to meet the wants, and to suit itself to the local circumstances, of this Colony; and that, in this age of liberality, it is by far too restrictive in its character. That the Petitioners feel greater confidence in approaching the Honourable House for the removal of this grievance, seeing that the Letter of Lord Goderich, accompanying the Instructions to His Excellency the Governor, directs the attention of the Council and Assembly to this subject; and conveys to them the power either to repeal or alter it, as their united wisdom shall see fit. That, in support of their Petition, they would suggest, that they are unacquainted with any circumstance connected either with themselves or the religious body to which they belong, which could justly involve a forfeiture of the rights and privileges which they had enjoyed; and they embrace this opportunity of declaring that they yield to none of His Majesty's subjects in a peaceable and loyal disposition towards His Majesty's Government. And they would further suggest that the early and long-continued labours of the Wesleyan Methodist Missionaries in the Island—that the number of their Missionaries and the widely-extended sphere of their labours—that the moral and religious advantages derived by the inhabitants of this Island, from their long and laborious and self-denying labours in various, and in some instances the most neglected, parts of this portion of His Majesty's possessions, of which several, if not all of the Honourable Members have been witnesses—entitle them to their most favourable consideration; and will, they trust, assist to urge their plea. The Petitioners would further remind the House, that a noble example of Christian liberality, worthy of imitation, has been set in some of the Houses of Assembly in the Sister Colonies. They would instance the Canadas, New Brunswick, and Prince Edward's Island, where the Wesleyan Methodist Missionaries have the unrestricted power of celebrating the holy rite of matrimony, and humbly praying that the Honourable House will, as an earnest of their future liberality, grant to the Methodist Missionaries of this Island and its dependencies the same privileges.

A Petition of the Minister, Church, and Congregation of the Non-Conformist body of Christians of the Town of St. John's, was presented by Mr. THOMAS, and read, setting forth—

That the Petitioners most respectfully approach the House, with the earnest prayer that they will be pleased to direct their attention to such a modification of the Marriage Law, as will restore to them the right of marriage by their own minister, and in accordance with their own views and principles;—a right which they always enjoyed until the year one thousand eight hundred and seventeen; the suspension of which they cannot but regard as casting an unjust reflection, and fixing an unmerited stigma on the minister and people, who have thereby been treated as unfit to be trusted with the celebration of marriage, whilst their brethren in Scotland, Ireland, the British Colonies, and Christian ministers of all denominations in the United States, unrestrictedly possess that privilege. The Petitioners respectfully submit that the privation under which they have laboured arose from no informality on their part in the celebration of marriage, nor has any impropriety whatever relating to that solemn rite ever been attempted to be charged upon them. They therefore have always felt it as a painful and impolitic restriction upon that freedom of conscience which is the birthright of every human being, and the boast of every British subject—completely at variance with the principles of civil and religious liberty, and subversive of that good feeling which should ever exist among their fellow-Christians of other denominations, and more especially towards their King and country, and the lawful authorities of the Island whom they are taught by their religion to venerate, esteem, and obey under God. The Petitioners, therefore, humbly pray that it may please the House to remove such a restriction on conscience, which must be regarded as both painful and reproachful to your fellow-Christians, the Non-Comformists, of this Island; And that they may be allowed to celebrate marriage among their own people without being liable to any pains or penalties whatever; subject only to such a regulation (equally binding upon every clergyman as shall secure a due and lawful provision for the regular and secure registry of them, in order to prevent the civil law respecting marriage from being evaded) as may appear good and desirable to the House.

A Petition from the inhabitants of the Town of Carbonear and its vicinity, was presented by Mr. PACK, and read, setting forth—

That as the Act, intituled "An Act to regulate the celebration of Marriages in Newfoundland" will come immediately under the consideration of the House, the Petitioners beg permission to suggest that the Act above referred to is of too restrictive a character to meet the local circumstances of this Colony, and a great grievance to the Petitioners. That the Wesleyan Methodist Missionaries were among the first to impart moral and religious instruction to the inhabitants of the Island and its dependencies. That the number of their agents and the sphere of their exertions are equal to those of any other class of religionists in this Island. That the moral and religious advantages received by the inhabitants from the long and assiduous attention of the



Methodist Missionaries to their sacred duties are very considerable. That the Missionaries themselves, with the Societies and Congregations under their ministerial care, have always manifested decidedly a peaceable and loyal disposition, is a fact which the members of the House will, they are persuaded, readily admit. That as, in accordance with the liberal and generous feeling now existing in the world, the Methodist Missionaries in the Canadas, New Brunswick, and Prince Edward's Island, have the unrestricted power of celebrating the holy right of matrimony, they, the Petitioners, humbly pray that the House will, as an earnest of their future liberality, grant to the Methodist Missionaries of this Island and its dependencies the same privilege.

A Petition from the Right Reverend Michael Anthony FLEMING, D. D. Prelate of the Catholic Communion of Newfoundland, was presented by Mr. KENT, and read, setting forth—

That the Petitioner humbly begs leave to solicit, in the most respectful manner, the favourable attention of the House to the painful condition to which a large and respectable portion of fellow-Christians, the Dissenters of this Country, are subjected, by a clause respecting the celebration of marriages, as contained in a Bill intituled "An Act to repeal an Act to regulate the celebration of Marriages in Newfoundland," which compels the Dissenters of this country to solemnize their marriages according to the ceremonies of another church, and by a clergyman of a different establishment. That the Petitioner, while he disclaims any idea of dictating to the House, hopes that it will not be deemed presumptuous in him to express his decided opinion, "that a conciliatory system of policy towards all classes of people is, under Providence, the best and surest support of every government, and that, in a free government like our own, nothing but a necessary regard to the safety of the constitution can justify the enactment of any laws of a restrictive nature, especially on matters of religion." Wherefore, when the loyal, peaceable, and pious deportment of the Dissenters of this country is constantly demonstrated, the Petitioner relies with confidence on the justice and liberality of the House, that the unmerited stigma which has been impressed on so meritorious a body by so unnecessary a law, will be removed. Your Petitioner humbly submits, that, with respect to marriage, (unless as a civil contract) the State should have no concern, as each religious sect ought to be left as fully at liberty, to regulate the religious ceremonies attendant on marriage as any other part of their ceremonials, as there can be no reason for compelling a man to be married by a clergyman of an opposite church, than for compelling him to participate in the ordinary service of that church every Sunday. Wherefore, the Petitioner considers that the parties, being of Dissenters, or any religionists, seeking to be married, and who profess conscientious motives, principles, and rites, in objection to those practised and performed in the Episcopalian or any other Church, ought not to be forced to violate their conscience; and that to force them under pains

and penalties to go through a ceremony foreign to their mind is unjust, unchristian, and intolerant, and in direct violation of the fundamental principles of the constitution. The Petitioner lays this view of the case before the consideration of the House, and also begs, in the most respectful manner to say, that he would consider it a reflection on the intellect and good feeling by which the present enlightened age is distinguished, were such a law suffered longer to exist, a law which every enlightened man abhors. That the Petitioner, deeply impressed with these sentiments, and sensible from experience of the grievance of being debarred the blessings of civil and religious liberty, he should deem himself unworthy of that freedom which, thanks to a wise paternal government, he now enjoys, could he for a moment be insensible to the hardships of his dissenting brethren, or hesitate to seek, by every constitutional means, the same share of liberty for them. The Petitioner, therefore, humbly entreats that it will please the House, in the commencement of its important labours, to repeal this unchristian and unwise law, and to extend to the Dissenters and Methodists of this Island the privilege of solemnizing marriages in their own congregations, and according to the rites of their own church, and by a clergyman of their own establishment;—a measure which will conciliate the affections and gratitude of so extensive and respectable a portion of His Majesty's subjects, and also, by an equal participation of religious as well as civil liberty, effectually consolidate, in one common sentiment of warm, unqualified attachment, to the new institution of this country, all classes of Christians.

A Petition from the Inhabitants of Harbour Grace was presented by Mr. PETER BROWN, and read, setting forth—

That the Act 5th George 4th, chap. 68, intituled "An Act to regulate the celebration of Marriages in Newfoundland" shortly expiring, and the House being about to make provision for the same, the Petitioners most humbly beg to represent to the House, that the Act above referred to has been found to be greatly inefficient in its application to the wants of the Island in not affording sufficient facilities for the celebration of marriage, its restrictions being fraught with much inconvenience. That the labours of the Wesleyan Missionaries in Newfoundland are nearly coeval with the earliest impartation of religious instruction to its inhabitants. That their number and sphere of labour for many years surpassed, and are now equal to that of any other religious denomination. That the political benefit accruing to the island, from the consequent large expenditure of monies drawn from the Parent Society in Great Britain for the support of its missionaries and mission establishments—the moral good resulting from their pious and indefatigable efforts in disseminating the truths of the Gospel—in administering the consolations of religion, and in the instruction of the rising generation in useful knowledge, together with the peaceable and loyal behaviour of the missionaries themselves, their societies, and congregations, are undenia-



ble facts, powerfully pressing themselves upon the liberal consideration of the House. That, in this enlightened age, it is the boasted glory of the government of the mother country, that all its recent enactments affecting the religious usages and feelings of its subjects have been stamped with the utmost liberality. That, in Colonial Legislation, the recent marriage acts of the respective provinces of the Canadas, New Brunswick, and Prince Edward's Island, have been framed in the same magnanimous spirit, and the Petitioners most humbly pray that the contemplated enactment of the House, based upon similar principles, with a just and wisely-guarded facility, will also give an unrestricted and equal right to the celebration of marriage by the acknowledged pastors or fathers of all denominations.

A Petition from the inhabitants of the North Shore of the Conception Bay, was presented by Mr. Peter Brown, and read, setting forth—

That the Petitioners are for the most part members of the Wesleyan Society, or regular hearers in the different Wesleyan Chapels on the North Shore. That the Petitioners are desirous that the ceremony of marriage should be performed amongst them by their own ministers. That, although the Petitioners are not excluded from the privilege, yet such privilege is only continued so long as the Shore is not without a minister of the Church of England. The Petitioners, therefore,

humbly pray the House to repeal section 4, of chapter 68 of George the Fourth, of an "Act to repeal an Act passed in the 57th year of the reign of his late Majesty King George the Third, intituled 'An Act to regulate the celebration of Marriages in Newfoundland,' and to make further provision for the celebration of marriages in the said Colony and its Dependencies." And the Petitioners further pray that the House will be pleased to allow the different religious bodies in this island the rite of marriage by their own ministers without restriction.

*Ordered*, that the said Petitions do lie on the Table.

Mr. THOMAS gave notice that,

At a future day, he should move for leave to introduce a Bill to regulate the celebration of Marriages in Newfoundland.

On motion, the order of the day was read, and thereupon,

On motion,

*Resolved*,—That this House will resolve itself into a Committee of the whole House to-morrow, on the consideration of the present state of the Judicature of the Colony.

Then the House adjourned until to-morrow at eleven of the Clock.

#### THURSDAY, JANUARY 31, 1833.

**T**HE Clerk acquainted the House that he had received a Letter from the Hon. the Speaker, stating that he was so unwell as to be

unable to attend the House, whereupon the House adjourned until Saturday next, at eleven of the clock.

#### SATURDAY, FEBRUARY 2, 1833.

**M**R. Speaker laid before the House a Letter from the Hon. Mr. Secretary CROWDY, transmitting by command of His Excellency the Governor, in pursuance of the Resolutions of the 12th, 15th, and 21st January, the following documents, viz. :—

Reports and observations at present before the Secretary of State for the Colonies, on the Judicature of Newfoundland.

An account of all salaries, fees, and emoluments received by the various magistrates, clerks of peace, constables, and coroners, with the names of such officers. The number of licensed public houses, and the amount of license-money collected.

Return of the last census of the population, with the names of all the different public officers in the Colony.

Return of tables of fees received in the courts of law.

*Ordered*, that the said Papers do lie on the Table to be perused by the Members.

On motion of Mr. PACK,

*Resolved*,—That this House will, on Wednesday next, take into consideration, the Petition of Hugh A. Emerson, complaining of an undue Election for the District of Bonavista.

On motion, the order of the day was read, and thereupon,

A Bill to determine the duration of the present and all future Houses of Assembly for this Colony, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Bill.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill to them referred, and had agreed thereto without any amendment, and he afterwards delivered the Bill in at the Clerk's Table.

*Ordered*, that the said Bill be engrossed.

On motion,

*Resolved*,—That the said Bill be read a third time on Tuesday next.



Mr. Speaker laid before the House, copies of the former and present commissions of the Justices of the Peace for the District of St. John's, transmitted to Mr. Speaker by the honourable Mr. Secretary Crowdy, by command of His Excellency in pursuance of a resolution of the House.

*Ordered*, that the said Papers do lie on the Table to be perused by the members.

Mr. BROWN gave notice that,

At a future day, he should move for leave to introduce a Bill to change the name of the Island.

Then the House adjourned till Monday at eleven of the Clock.

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MONDAY, FEBRUARY 4, 1833.

ON motion, the House resolved itself into a Committee of the whole House, on the consideration of the present state of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again, to which the House agreed.

Then the House adjourned until to-morrow, at eleven of the Clock.

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TUESDAY, FEBRUARY 5, 1833.

MR. Speaker laid before the House a Letter from the Hon. Mr. Secretary CROWDY, transmitting, by command of His Excellency the Governor, in pursuance of a resolution of the House, a return of the emoluments of the High Sheriff, for the years 1831 and 1832.

*Ordered*, that the said Papers do lie on the Table, to be perused by the Members.

WILLIAM BROWN, Esq. duly returned, elected a Member for the District of Bonavista, took his seat, having previously taken and subscribed the oaths prescribed by law, in the presence of the honourable the Attorney-General, one of the Commissioners appointed by his Excellency the Governor.

On motion, the order of the day was read, and thereupon,

An engrossed Bill to limit the duration of the present and all future Assemblies of this Island, was read a third time.

*Resolved*,—That the Bill do pass, and that the title be, "An Act to limit the duration of the present and all future Assemblies of this Island."

*Ordered*, that Mr. PACK do carry the Bill to the Council, and desire their concurrence.

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of the present state of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again, which the House agreed to.

Then the House adjourned till to-morrow, at eleven of the Clock.

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WEDNESDAY, FEBRUARY 6, 1833.

ON motion, the order of the day was read, and thereupon, on motion,

*Resolved*,—That Mr. PACK have leave to withdraw the Petition of Hugh A. Emerson, complaining of the undue election and return of William Brown, as member for the district of Bonavista.

On motion, the House resolved itself into a Committee of the whole House on the further consideration of the state of the judicature of the colony

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again, on the further consideration of the same, which the House agreed to.

A written message from the Legislative Council was delivered by Mr. AYRE, as follows:

Mr. Speaker,—The Members of the Legislative Council request to be furnished with all the papers and other documents in the possession of the House of Assembly, relative to the magazines for gunpowder, now existing near Crow's Nest, and explanatory of any arrangements that may have been entered into with the proprietors thereof.

And then the Messenger withdrew.

*Resolved*,—That the papers and documents mentioned in the said message, be furnished to the Members of the Legislative Council.

*Ordered*, that the Clerk do carry the same to the Council.

Then the House adjourned until Saturday next, at eleven of the Clock.



## SATURDAY, FEBRUARY 9, 1833.

**MR THOMAS** reported from the Committee appointed to prepare and bring in a Bill for carrying into effect the resolutions of the Committee of ways and means, and accordingly presented a Bill for imposing an additional duty on all wines, brandy, gin, rum, and other distilled spirituous liquors imported into this island; and the same was read a first time.

*Resolved*,—That the Bill be read a second time on Monday next.

*Ordered*, that the said Bill be printed.

On motion, the House then resolved itself into

a Committee of the whole House on the further consideration of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES, took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again, which the House agreed to.

Then the House adjourned till Monday next, at eleven of the Clock.

## MONDAY, FEBRUARY 11, 1833.

On motion, the order of the day was read, and thereupon,

On motion,

*Resolved*,—That the Bill for imposing an additional duty on all wines, brandy, gin, rum, and other distilled spirituous liquors imported into this island, be read a second time on Wednesday next.

On motion, the House then resolved itself into a Committee of the whole House, on the further consideration of the State of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again on the further consideration thereof, which the House agreed to.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Council have agreed to a Bill to prevent dangerous quantities of gunpowder being kept within the Town of St. John's, with certain amendments, to which amendments they desire the concurrence of this House.

And then the messenger withdrew.

The said amendments were then read a first time.

*Resolved*,—That the said amendments be read a second time to-morrow.

Mr. CARTER gave notice that,

On Monday next, he should move for leave to introduce a Bill to regulate weights and measures throughout the Island. Also, that on Monday next, he should move for leave to introduce a Bill to regulate the inspection of dry and pickled fish throughout the Island. Also, a bill to place the owners of fishing boats on an equality with the owners of other vessels in this Island.

Then the House adjourned until to-morrow at eleven of the clock.

## TUESDAY, FEBRUARY 12, 1833.

**MR. CARTER** gave notice that,

On the twenty-second day of February instant, he should move for leave to introduce a Bill for the more speedy recovery of small debts.

On motion, the order of the day was read, and thereupon,

The amendments proposed by the Council to the Bill for preventing dangerous quantities of gunpowder being kept within the Town of St. John's, was read a second time.

On motion of Mr. THOMAS,

*Resolved*,—That a conference be asked with the Legislative Council, on the subject of their amendments to the Bill for preventing dangerous quantities of gunpowder being kept within the town of St. John's.

*Ordered*, that the Clerk do go to the Council and request the said conference.

On motion of Mr. THOMAS,

The House resolved itself into a Committee of the whole House on the further consideration of Ways and Means.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had come to two Resolutions thereon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's Table, where they were read, and are as follows:

*Resolved*,—That a Committee be appointed to prepare an humble Address to His Majesty, setting forth,

That a large surplus of the revenues of this Island has, in former years, been remitted to, and expended by His



Majesty's Government, for purposes not connected with this Island. That His Majesty's Government have not only appropriated the whole of the Revenue of the Colony, but by the very act by which a Local Legislature was granted to Newfoundland, have reserved a further sum of six thousand five hundred and fifty pounds, for the payment of the salaries of public officers. And praying that a sum of money may be annually granted in aid of the Revenues of the Island, and as a recompense for the large portion of them formerly appropriated by His Majesty's Government, and that the same assistance may be extended to this infant Colony which His Majesty's Government, in its liberality, has always granted to the other possessions of the British Crown.

*Resolved*,—That a Committee be appointed to pre-

pare an humble address to His Majesty, praying that His Majesty will be pleased to place at the disposal of this House, the rents of the ships' rooms of this Island.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of Ways and Means; which the House agreed to.

The said Resolutions were read throughout a first and second time; and, upon the question put thereon, severally agreed to by the House.

*Ordered*, that Mr. BROWN, Mr. THOMAS, Mr. BENNETT, Mr. PACK, and Mr. CARTER, be a Committee to prepare Addresses to His Majesty in pursuance of the foregoing resolutions.

Then the House adjourned until to-morrow at eleven of the clock.

### WEDNESDAY, FEBRUARY 13, 1833.

**M**R. CARTER gave notice that,

On Thursday, the 21st instant, he should move for leave to introduce a Bill to remodel the different Courts of Justice throughout the Island.

On motion, the order of the day was read, and thereupon,

A Bill for imposing additional duties on all wines, brandy, gin, rum, and other distilled spirituous liquors imported into this island, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Bill.

Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, which the House agreed to.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council agree to the Conference requested by the House of Assembly on the subject of the amendments proposed by the Council to the Bill for preventing dangerous quantities of gunpowder being kept within the town of St. John's, and have appointed two managers to meet the Committee of

the House of Assembly presently in the Council Chamber.

And then the Messenger withdrew.

*Ordered*, that Mr. HOYLES, Mr. KENT, and Mr. THOMAS do manage the said Conference.

And they went to the Conference.

And being returned,

Mr. HOYLES reported that the Managers had been at the Conference, but that the Managers, on the part of the Council, had declined receiving any reasons or suggestions, unless the same were in writing.

On motion,

*Resolved*,—That the amendments proposed by the Council to the Bill, for preventing dangerous quantities of gunpowder being kept within the Town of St. John's, be committed to a Committee of the whole House.

The House, on motion, then resolved itself into a Committee of the whole House on the consideration of the said amendments.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, on the further consideration of the same, which the House agreed to.

Then the House adjourned until to-morrow, at eleven of the Clock.

### THURSDAY, FEBRUARY 14, 1833.

**A**Petition of ROBERT PROWSE and others, inhabitants of the division of Port-de-Grave, was presented by Mr. PACK, and read, setting forth—

That the statute 5th George the Fourth, chap. 68, entitled "An Act to regulate the celebration of Marriages in Newfoundland" has been found, in its applica-

tion, extremely inconvenient and unsuited to the wants of the scattered population of this Island, and too restricted in its character to meet the wishes of the people—not affording sufficient facilities for the celebration of marriages. That the labours of the Wesleyan Missionaries in Newfoundland have tended greatly to the dissemination of the truths of the Gospel among a vast



proportion of its inhabitants, who were without any religious instruction before the visits of these valuable men. And praying that the equal and unrestricted right of celebrating marriages within this Island may be extended to the Wesleyan Missionaries, and all other acknowledged ministers and teachers of religion.

A Petition of ROBERT BROWN, jun. and other inhabitants of Brigus, was presented by Mr. COZENS. and read, setting forth—

That an Act passed in the fifth year of his late Majesty's Reign, entitled "An Act to regulate the celebration of Marriages in the Colony of Newfoundland," imposed numerous restrictions on certain ministers and pastors, and their societies and congregations, by which the former were prevented from marrying their

own people, and the latter from having the ceremony performed by the ministers of their own choice. That such restrictions have been discountenanced by the Legislatures of the neighbouring Colonies in their recent enactments. That the Wesleyan Methodist Missionaries were among the first to communicate moral and religious instruction to the inhabitants of this island. And praying that the unrestricted right to celebrate marriages may be extended to the Wesleyan Methodist Ministers in particular, and to ministers and pastors of all denominations of Christians in general.

*Ordered*, that the said Petitions do lie on the Table.

Then the House adjourned until Tuesday next at eleven of the Clock.

## TUESDAY, FEBRUARY 19, 1833.

A Petition from the distressed inhabitants of the North Shore of Conception Bay was presented by Mr. PACK, and read, setting forth,

That the Petitioners are, for the most part, fishermen—that, owing to the small catch of fish last summer, and the failure of the potato-crop, Petitioners are in circumstances of great distress;—and praying that the House would take their case into consideration, and afford the Petitioners such relief as, in the judgment of the House, their emergency requires.

*Ordered*, that the Petition do lie on the table.

On motion of Mr. PACK,

*Resolved*,—That Mr. Speaker and the whole House do wait on His Excellency the Governor with the Petitions from the distressed inhabitants of the North Shore of Conception Bay and the other parts of the Island, and request that His Excellency will be pleased to extend to the Petitioners such relief as he may have in his power.

*Ordered*,—That Mr. HOYLES and Mr. PACK be a committee to wait on His Excellency, to know his pleasure, when he will be attended by the House with the said Petitions.

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of the amendments proposed by the Council to the Bill, for preventing dangerous quantities of gunpowder being kept within the town of St. John's.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said amendments, and had directed him to report that they had agreed to the amendments numbered one, six, eight, eleven, and twelve, and that the Committee recommended that a conference should be asked with the Coun-

cil on the subject of the amendments numbered two, three, four, five, seven, nine, and ten; which report the House agreed to.

Mr. PACK reported from the Committee appointed to wait on His Excellency the Governor, to know his pleasure, when he would be attended by the House with the Petition from the distressed inhabitants of the North Shore of Conception Bay, that the Committee had waited on His Excellency, and that His Excellency was pleased to appoint Thursday next, at eleven of the clock, at Government House.

A Petition from the Inhabitants of Carbonear was presented by Mr. PACK and read, setting forth,

That the Petitioners suffer numberless disadvantages and inconveniences from the want of a free trade to the United States of America, and have frequently been in danger of famine in the inclement season of winter, owing to vessels not being able to arrive here with the autumn supplies from the mother country. The Petitioners therefore humbly pray that Carbonear and the outports may be placed on the same footing as St. John's, that is, that American vessels may be allowed to enter the outports, and trade as free as in the Capital of the Island. The Petitioners further state that they are well aware that the Colonial Government has not the power of interfering with the regulations relative to the trade of the Empire; but they humbly pray that the House will join with the Petitioners in petitioning His Majesty and Council to grant the boon so much desired.

*Ordered*,—That the Petition do lie on the table.

On motion, the House then resolved itself into a Committee of the whole House, on the further consideration of the Bill imposing duties on all wines and spirits imported into this Island.

Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.



The Chairman reported from the Committee that they had gone through the said Bill, and had had made several amendments thereto, which they had directed him to report to the House; and he delivered the Bill, with the amendments, in at the Clerk's Table.

The said Amendments were read throughout a

first and second time, and, upon the question put thereon, were severally agreed to by the House.

*Ordered*,—That the Bill, with the amendments, be engrossed.

To-morrow being Ash-Wednesday, the House adjourned until Thursday next, at eleven of the clock.

### THURSDAY, FEBRUARY 21, 1833.

**M**R. Speaker and the House attended His Excellency the Governor with the Petition of the distressed inhabitants of the North Shore of Conception Bay, pursuant to the resolution of Tuesday last.

And being returned,

Mr. Speaker reported that the House had waited on His Excellency with the said Petition, and that His Excellency was pleased to say he would take the same into his most favourable consideration.

An engrossed Bill for imposing duties on all wines, and on all brandy, rum, gin, and other spirituous liquors imported into the island, was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be, “An Act for granting to His Majesty certain duties on all wines and on all brandy, rum, gin, and other spirituous liquors imported into this Island.

*Ordered*,—That the Clerk do carry the same to the Council and desire their concurrence.

Mr. THOMAS gave notice that,

On Saturday next, he should move for leave to introduce a Bill to repeal the present Marriage Act, and to regulate the future celebration of Marriages in this Colony.

Mr. HOYLES gave notice that,

On Monday next, he should move for leave to introduce a Bill for the establishing and regulating of Fire Companies in the Town of St. John's. Also, a Bill for regulating Pilots and Pilotage for the Port of St. John's.

On motion, the House then resolved itself into a Committee of the whole House, on the further consideration of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had come to a Resolution thereon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows:

*Resolved*,—That it is the opinion of this Committee that the present system of Judicature is inadequate to the proper administration of justice in this Island, and

this Committee strongly urge the necessity of a Bill being introduced into the Assembly, which will have for its object the remodelling of the present Courts of Justice.

The said Resolution was read throughout a first and second time; and, upon the question put thereon, was agreed to by the House.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council have agreed to a Bill entitled “An Act to provide for the performance of quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island,” with certain amendments, to which amendments they desire the concurrence of the House of Assembly.

And then the Messenger withdrew.

On motion,

*Resolved*,—That a further conference, by Committee, be asked with the Legislative Council, on the subject of the proposed amendments to the Bill for preventing dangerous quantities of gunpowder being kept within the town of St. John's, and that the Clerk do go to the Council and request the said conference.

On motion of Mr. THOMAS,

*Resolved*,—That the Committee who may be appointed to manage the said conference, be instructed to state to the Committee of the Council that this House cannot agree to the amendments numbered two, four, five, and nine, for the following reasons, viz.:—

#### SECOND AMENDMENT.

First,—That it being the intention of the Act to prevent any vessel or boat having gunpowder on board from lying alongside of any wharf (for the express purpose of landing the same), this amendment will be found insufficient for that purpose. A vessel may be in the stream for twelve months and be liable to no penalty.

Secondly,—Because any merchant may moor an old vessel at the distance of fifty fathoms from his wharf, and make a magazine of her for the storing of gunpowder; and, provided she be not moored or brought alongside any other vessel or boat, there is nothing in the amendment to prevent any other vessel or boat from being brought alongside her, either to deposit or to take out gunpowder.

Thirdly,—An exception should be made in favour of Sealers, having their usual and requisite quantity of



gunpowder on board, otherwise they cannot come to a wharf to land their first *trip* of seals without first depositing their gunpowder in the magazine and paying two shilling and sixpence a barrel for it. This might occasion many ignorant persons to be fined, and would tend greatly to prevent sealers from outports coming to St. John's to sell their seals.

Fourthly,—Men-of-war, or other Government vessels should not be allowed to be alongside a wharf with gunpowder on board, except for the purpose of landing the same.

Fifthly,—Vessels should be allowed to be forty-eight hours in the stream after entry at the Custom-House, before being compelled to land their gunpowder. In fact, this amendment would render the whole act imperative to prevent danger from shipping, and would be highly prejudicial to the seal fishery.

#### FOURTH AMENDMENT.

The House of Assembly cannot agree to this amendment, unless provision be made for sealers in the second section, as recommended.

#### FIFTH AMENDMENT.

The House of Assembly have not agreed to this amendment, as they have some doubts whether the power by it given to the justices, can legally be vested in them without repealing the Judicature Act; as the 5th Geo. 4, cap. 67, gives them power in civil cases to the amount of forty shillings only, and the 6th Geo. 4, cap. 114, has an especial clause, making null and void any Colonial Act which is repugnant to the provisions of any Imperial Act.

#### NINTH AMENDMENT.

The House of Assembly have not agreed to this Amendment:—

First,—Because the observations on the fifth amendment, apply to the words "Sessions Courts" in the Bill.

Secondly,—For the reasons contained in the observations on the second Amendment, which apply generally to this Amendment. And

Thirdly,—This clause heaps accumulated fines on every person and persons employed about or owning the gunpowder, and may be visited with extreme severity on many parties in addition to the forfeiture of the gunpowder. But more particularly is this amendment objectionable, because it fines the *owner* of gunpowder imported in *another merchant's vessel*, for the fault of the master of such vessel in bringing her alongside a wharf, although the owner of gunpowder have no controul whatever over the vessel or her master, and in fact commit no fault.

A Message from the Council by Mr. AYRE.

Mr. Speaker, —The Legislative Council agree to the further conference desired by the House of Assembly on the subject of the amendments to the Bill for preventing dangerous quantities of gunpowder being kept within the Town of St. John's.

And then the Messenger withdrew.

*Ordered*, that the Managers who managed the last conference, together with Mr. BENNETT, do manage this conference.

And they went to the conference.

And being returned,

Mr. THOMAS reported that the Managers had been at the conference, and that they had complied with the instructions of the House.

On motion, the amendments proposed by the Council to the Bill to provide for the performance of quarantine, and more effectually to provide against the introduction of contagious or infectious diseases, and the spreading thereof in this Island, were read, and thereupon,

*Resolved*,—That this House do agree to all the said amendments, except the second one.

And the said second Amendment being read, and it appearing that the same was touching money matters, therefore,

*Resolved*,—That this House cannot further consider the said Amendment.

Then the House adjourned until to-morrow at twelve of the Clock.

### FRIDAY, FEBRUARY 22, 1833.

**M**R. SWEETMAN having stated to the House that very urgent business requires his presence at Placentia, therefore,

*Resolved*,—That he have leave to be absent from the House for three weeks.

Then the House adjourned until to-morrow, at eleven of the Clock.

### SATURDAY, FEBRUARY 23, 1833.

**T**HE Hon. Mr. Secretary CROWDY acquainted the House that he had a Message from His Excellency the Governor, signed by His Excellency, and he presented the same to the House. And the said Message was read by Mr. Speaker, all the Members being uncovered, and is as follows:—

#### MESSAGE.

THOMAS COCHRANE."

The Governor has given his most serious attention to the Petition, praying for relief from the Inhabitants of the North Shore of Conception Bay, and which was presented to him by the House of Assembly yesterday.



The prompt attention that the Governor has given to the calls for relief from various portions of the Island, must convince the House of Assembly and the community at large, of his anxious desire to meet every case of distress by corresponding alleviation, and that his endeavours are only bounded by the limited discretion with which he is invested.

When the Governor informed the House of Assembly that he considered himself warranted in providing for the Civil Government of the Colony until the first of April, his views were confined to its ordinary and usual disbursements. And although the Governor has been induced, by the appeals of distress which have reached him, to make very large and serious advances, he feels he has already exceeded the limit contemplated by the King's Government; and that further to indulge those feelings which have hitherto guided him, particularly now that the Legislative Government is in full operation (and in a case which peculiarly belongs to the Local Government to provide for), would be to subject his conduct to just animadversion; the more so, as, great as the distress has been represented to be, no public meetings have hitherto been called in the capital or other towns with a view to its relief.

Under these circumstances the Governor has left him but the choice of one of two modes of proceeding, and he will be most happy to adopt that which will best accord with the wishes and views of the House of Assembly; either to meet such supplies as may be raised by public subscription for the relief of the Petitioners, by an advance to a corresponding extent on the part of Government—and the responsibility of which the Governor will take upon himself, notwithstanding the vast additional expense that has already been imposed on the mother country during the last twelve months—or the Governor will be happy to advance, on behalf of the Local Government, such sum of money as the House of Assembly may deem requisite to meet the necessities of the occasion, the same to be refunded from the first duties levied, unless His Majesty's Government shall think proper to relinquish their claim thereto.

*Ordered*, that the said Message do lie on the Table.

On motion of Mr. THOMAS,

*Resolved*,—That, in reply to His Excellency's Message, a strong and respectful remonstrance be presented to him, setting forth the distressed state of the Petitioners, and pressing upon His Excellency the absolute necessity of affording them some present relief.

*Ordered*,—That Mr. THOMAS, Mr. HOYLES, and Mr. PACK, be a Committee to prepare an Address to His Excellency, in pursuance of the foregoing Resolution.

The said Committee thereupon retired to the Committee Room, and shortly afterward Mr. THOMAS reported that the Committee had prepared the draft of an Address to His Excellency,

in reply to His Excellency's Message, presented to the House this day; and he delivered the same in at the Clerk's Table, where it was read, and is as follows:—

*To His Excellency Sir Thomas John Cochrane, Knight, Governor, and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.*

May it please your Excellency,

The House of Assembly having taken into their serious consideration the Message of your Excellency, relative to the Petition from the distressed inhabitants of the Northern Shore of Conception Bay, regret exceedingly the determination which your Excellency has found yourself compelled to adopt.

If the House of Assembly had any funds under their immediate controul applicable to the relief of the sufferers, they would not have hesitated, under the alarming and appalling accounts of distress and starvation that have been pressed upon their notice, to apply such funds to their relief; but, being without any present revenue, they cannot allow their individual feelings so far to interfere with their sense of public duty, as to accede to the proposal of your Excellency, that the House of Assembly should borrow money from the Parent Government, and pledge the expected Revenues of the Colony for the repayment of such loan—a measure fraught with the most ruinous effect on the finances of the Colony, involving it in debt at its first step in Provincial Legislation, highly dangerous as a precedent, and calculated to fix an incubus on its independence, which, in the course of time, might work its destruction.

In reply to the other proposal, the House of Assembly beg leave to inform your Excellency, that a public subscription has been raised in Carbonear for the relief of the distressed inhabitants of some parts of Conception Bay, which, although inadequate to their support throughout the winter, has assisted (together with numerous private charities, which have been more extensive this year than was ever before known) in maintaining the distressed to the present time.

That the accumulated misery now so apparent may be attributed in a great measure to a total failure of the potato-crop, a circumstance which has not occurred to so alarming an extent for the last thirty years.

The House of Assembly therefore earnestly, yet respectfully, press upon the consideration of your Excellency, the wants of the Petitioners from Conception Bay, and feel a confidence that your Excellency will consider yourself warranted by the exigency of the case, strengthened by the pressing application of the House of Assembly, in granting, on the part of His Majesty's Government, such relief as the Petitioners actually stand in need of.



*Resolved*,—That the said Address be engrossed and presented to His Excellency by a Committee of the House.

*Ordered*,—That Mr. PACK, Mr. HOYLES, and Mr. POWER, be a Committee for that purpose.

*Ordered*,—That the Committee who prepared the Address do wait on His Excellency to know His Excellency's pleasure when he will be attended with the same.

Then the House adjourned until Tuesday at eleven of the Clock.

### TUESDAY, FEBRUARY 26, 1833.

**M**R. HOYLES, pursuant to leave given, presented a Bill for the establishing and regulating of Fire Companies in the Town of St. Johns.

Also, a Bill to regulate the Pilotage of Vessels at the Port of St. John's, and the same were severally read a first time.

*Resolved*,—That the said Bills be read a second time.

Mr. PACK reported from the Committee appointed to wait on His Excellency the Governor, with the Address of the House in answer to His Excellency's Message, relative to the Petition from the distressed inhabitants of the Northern Shore of Conception Bay, that the Committee had attended His Excellency with the Address accordingly, and that in reply he was pleased to say, that he would, on the part of His Majesty's Government, grant a sum of money equal in amount to what might be raised by public subscription for the relief of the Petitioners.

On motion of Mr. BENNETT,

*Resolved*,—That a conference be asked with the Legislative Council on the subject of the second Amendment proposed by the Council to the Quarantine Bill, and that the Clerk do go to the Council and request the same.

*Ordered*,—That Mr. THOMAS, Mr. PACK,

Mr. KENT, and Mr. HOYLES, do manage the said Conference.

On motion of Mr. BENNETT,

*Resolved*,—That the Committee appointed to manage the said Conference, be instructed to state to the Committee of the Council, that it appearing to this House that the said second Amendment is a section proposed to be added to the Bill to provide for the performance of quarantine by the Council, wherein are contained certain fines and penalties which it is the right of this House to impose, therefore this House cannot consider the said Amendment without sanctioning an interference by the Council with the privileges of this House; but that could this House consider the said Amendment, they could not, in any manner, agree to the same, as they are of opinion that the said amendment would impose unnecessary restrictions upon the commerce of this Colony, and would subject vessels coming from countries free from plague or infection to the performance of quarantine for a long period, from the circumstance of their having on board a single bale of goods manufactured in some other country in which any infectious disease might at the time be prevalent.

Then the House adjourned until to-morrow, at eleven of the clock.

### WEDNESDAY, FEBRUARY 27, 1833.

**A**N engrossed Bill to prevent any person concerned in any contract made for the public service in holding an office or place of emolument under Government, from sitting or voting as a member of the Assembly, was read a third time, and thereupon,

On motion of Mr. THOMAS,

*Resolved*,—That the Bill be re-committed to a Committee of the whole House.

Then the House resolved itself into a Committee of the whole House on the consideration of the said Bill.

Mr. Speaker left the Chair.

Mr. CARTER took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said Bill, and had made an amendment thereto, which they had directed him to report to the House; and he

delivered the said Bill, with the amendment, in at the Clerk's Table.

The said Amendment was read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

*Ordered*,—That the Bill, with the amendment, be engrossed.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—In reply to the Message from this House to the Council, informing the Council that this House had agreed to all the amendments proposed by the Council to the Bill 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, with the exception of the second one, and requesting a conference with the Council on the subject of the said amendment, I am directed to acquaint this House that the Council do not adhere to the said amendment, and have withdrawn the same.



And then the Messenger withdrew.

On motion of Mr. KOUGH,

The House then resolved itself into a Committee of the whole, on the consideration of the Judicature of the Colony.

Mr. Speaker left the Chair.

Mr. PACK took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again, which the House agreed to.

A Message from the Council from Mr. AYRE.

Mr. Speaker,—The Legislative Council requests a conference with the House of Assembly on the subject of the amendments proposed by the Council to the Bill for preventing dangerous quantities of gunpowder being kept within the Town of St. John's, and objected to

by the House of Assembly, and have appointed their Managers to meet the Managers on the part of the House of Assembly in the Committee Room at three o'clock this day.

And then the Messenger withdrew.

*Resolved*,—That this House do agree to the Conference as requested by the Legislative Council, and that the Clerk do acquaint them therewith.

*Ordered*, that Mr. THOMAS Mr. KENT, Mr. BENNETT, and Mr. KOUGH, do manage the said Conference.

And the names of the Managers were called over, and they went to the Conference.

And being returned,

Mr. THOMAS reported that the Managers had been at the Conference, and he stated the subject of the Conference to the House.

Then the House adjourned until to-morrow, at eleven of the Clock.

#### THURSDAY, FEBRUARY 28, 1833.

On motion of Mr. BENNETT,

*Resolved*,—That a Committee be appointed to search into the journals of the Council to ascertain what proceedings have taken place in Council relative to the Bill for granting to His Majesty certain duties upon all wines, and upon brandy, gin, rum, and all spirituous liquors imported into this Island.

*Ordered*,—That Mr. BENNETT, Mr. HOYLES and Mr. PACK, be a Committee for the above purpose.

Mr. BENNETT reported from the Committee appointed to search the Journals of the Council relative to what proceedings had taken place upon the Revenue Bill, and he read the following extract:—

#### IN COUNCIL, FEBRUARY 21, 1833.

The Revenue Bill, on the motion of His Honour the President, seconded by the Hon. Colonel SALL, was read a first time. The Honourable JAMES M. SPEARMAN moved that the Bill be read a second time on Monday the 25th instant, seconded by the Hon. JAMES CROWDY.

#### FEBRUARY 25.

The Hon. JAMES SPEARMAN moved the order of the day for the second reading of the Revenue Bill. On the motion of the Hon. JAMES SPEARMAN was read a second time; seconded by the Hon. JAMES CROWDY. The Hon. JAMES SPEARMAN moved that the Bill, which had been read a second time, be, to-morrow, the 26th instant, referred to a Committee of the whole House; seconded by the Hon. JAMES CROWDY—agreed to.

#### FEBRUARY 26.

The Hon. JAMES SPEARMAN moved the order of the day, that the House resolve itself into a Committee on the Revenue Bill, seconded by the Hon. JAMES CROWDY. His Honour the President addressed the

Council, and concluded by moving an amendment that the order of the day be discharged. The Hon. JAMES SIMMS seconded the motion, when, there not being a majority in favour of the Amendment, the original motion was agreed to; upon which the Hon. JAMES SPEARMAN moved that the Hon. JAMES SIMMS do take the chair; seconded by the Hon. JAMES CROWDY—carried. The Hon. JAMES SPEARMAN moved that the House resume, and that the Chairman report progress; seconded by His Honour the President. The House then resumed, and the Chairman reported progress.

#### FEBRUARY 27.

The Hon. JAMES SPEARMAN moved that the House do resolve itself into a Committee for the further consideration of the Bill for granting certain duties on wines and spirits; seconded by the Hon. JAMES CROWDY—Carried. The Hon. JAMES SIMMS in the Chair, the House resumed, and the Chairman reported that the Bill had gone through the Committee without any alterations or amendments. The Hon. JAMES SPEARMAN moved that the Bill be read a third time; seconded by the Honourable JAMES CROWDY. The House divided upon the motion, and the Bill was lost.

*Ordered*,—That the said extract do lie on the table.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, which the House agreed to.

Then the House adjourned until to-morrow at eleven of the clock.



FRIDAY, MARCH 1, 1833.

ON motion, the House resolved itself into a Committee of the whole House, on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had come to a Resolution thereupon, which they had directed him to report to the House. And he read the same in his place, and afterwards delivered it in at the clerk's table, where it was read, and is as follows:—

*Resolved*,—That it is the opinion of this Committee that an address be presented to His Excellency the Governor, setting forth the peculiar circumstances un-

der which the Colony now stands, owing to the rejection, by the Legislative Council, of the Revenue Bill, and praying that His Excellency would be pleased to inform the House whether he possesses any power by which the Colony may be relieved from its present embarrassment.

The said Resolution was read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

*Ordered*,—That Mr. THOMAS, Mr. BENNETT, Mr. PACK, Mr. HOYLES and Mr. KOUGH, be a Committee for preparing an address, in pursuance of the foregoing Resolution.

Then the House adjourned until to-morrow at eleven of the Clock.

SATURDAY, MARCH 2, 1833.

MR. THOMAS reported from the Committee appointed to prepare an Address to His Excellency the Governor, in pursuance of the Resolution of yesterday, that the Committee had drawn up an Address accordingly, and he afterwards delivered it in at the Clerk's table, where it was read, and is as follows:—

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

May it please your Excellency,

We, the Representatives of His Majesty's dutiful and loyal subjects, the people of Newfoundland, beg leave, at this time, humbly to bring to the notice of your Excellency, the circumstances of embarrassment in which this Colony is placed, owing to the rejection, by the Legislative Council, of the Bill lately passed in the House of Assembly, granting to His Majesty certain duties on all wines, and on all brandy, gin, rum, and other spirituous liquors imported into this Island.

In the early part of the Session your Excellency was pleased to lay before us an Estimate of the Civil Establishment of the Colony, and also a statement of the sum necessary to be raised, in addition to the small amount of Revenue at present at our disposal, for the purpose of defraying the charges of the Civil Establishment for the current year.

After having obtained, through application to your Excellency, those documents and that information requisite to enable us to judge of the propriety and necessity of the supplies to be voted, we did, in due time, take into our mature consideration the ways and means of raising such additional amount of Revenue as would meet the public expenses of the Government, and in imposing the duties mentioned in the Bill for granting to His Majesty certain duties on all wines,

and on all brandy, gin, rum, and other spirituous liquors imported into this Island, we not only cautiously avoided interfering with the operation of any Act of the Imperial Parliament, for the regulation of the trade of the British Possessions, now in force, but we also exercised our best judgment in the selection of such articles as we considered legitimate objects of taxation, by imposing those duties on articles of luxury—carefully abstaining from increasing the price of anything necessary for the support of the poor; and in framing the Bill we had further in view, the collection of the duties imposed by it, at the least possible expense.

This Bill, after having passed through the regular stages in the Lower House, without a dissentient voice, was subsequently sent to the Legislative Council for concurrence, but to our great surprise and astonishment, was rejected by that body, on the ground that the Legislature of this Colony does not possess the power of imposing duties upon any articles imported into it, already subject to duty under any act of the Imperial Parliament. And if the arguments sought to be supported by the Legislative Council can be maintained, such is the nature of the commerce and the circumstances of the people of this Island, that it would be impossible for us to raise the monies necessary for the support of the Government and for other public purposes; since without the power of levying taxes upon articles imported into the Island, there is not, in our opinion, any other mode by which a Revenue adequate to the wants of the Colony could be raised. But, notwithstanding the opinion of the Legislative Council to the contrary, manifested by the rejection of the Revenue Bill, we are decidedly of opinion, that we do not only possess the power of raising a Revenue, by imposing duties upon the articles mentioned in the Bill which has been lost, but that, in the course which we have upon this occasion pursued, we are borne out by the Acts of the Legislatures of the neighbouring Colonies,



which Acts have been, from time to time, confirmed and approved of by His Majesty in Council.

It is unnecessary for us to enumerate the evils that must arise from the occurrence of this unfortunate event, which is calculated to create a feeling of dissatisfaction and discontent in the minds of His Majesty's subjects in this colony; and we cannot but view with the deepest regret, the conduct of the Legislative Council at this early stage of our proceedings, since, if the power of raising a Revenue by the Bill which has been lost, and which they have denied to us, could not be exercised, the benefits which would have accrued to us, and which His Gracious Majesty intended to confer upon this Island, by granting it a Legislative Constitution, would be lost—the public improvements which we have contemplated must be abandoned, and our endeavours otherwise to ameliorate the condition of the Colony would be cramped and frustrated.

Under the present constitution of the Legislative Council, we have also to regret, that it required a majority of three-fourths of the members present, to enable the Revenue Bill to be passed through that body; and we cannot but consider the course pursued by the

Council, as manifesting a feeling more calculated to check the early operations of the Assembly, than to promote the best interests of the Colony.

Under these circumstances, which we cannot too deeply lament, we deem it our duty to lay our situation before your Excellency, and we humbly request that your Excellency will be pleased to inform us, whether you possess any power which will enable your Excellency to relieve us from our present embarrassment.

*Resolved*,—That the Address be engrossed and presented to His Excellency by Mr. Speaker and the whole House.

*Ordered*,—That Mr. HOYLES, Mr. THOMAS, and Mr. PACK do wait on His Excellency to know his pleasure, when he will be attended by the House with the said Address.

Mr. HOYLES reported from the Committee appointed to wait on His Excellency to know his pleasure when he would be attended by the House with the Address, that the Committee had waited on his Excellency accordingly, and that he was pleased to appoint Monday next, at one of the clock.

Then the House adjourned until Monday, at twelve of the clock.

#### MONDAY, MARCH 4, 1833.

**T**HE House attended His Excellency the Governor with the Address, pursuant to the Resolution of Saturday last, and being returned, Mr. Speaker reported that the House had attended His Excellency with the Address to which he was pleased to make the following reply: *Mr. Speaker and Gentlemen of the House of Assembly,*

It is with deep concern I learn from your Address that any circumstance has occurred to interrupt that perfect good understanding which it is so desirable should exist between the two branches of the Legislature, or that any proceedings on the part of the Council have been such, as to lead you to apprehend that they will create feelings of dissatisfaction in the minds of His Majesty's subjects in this Colony.

It is a further source of regret to me to be informed that the Council has felt called upon to refuse a Bill you deem of such importance to the Island, and the rejection of which you consider injurious to its interests; and those benefits lost which you had anticipated as the result of the constitution His Majesty had been graciously pleased to extend to this colony—a measure which, I feel no doubt, has been the source of no less concern to the Council than it has been productive of disappointment to you.

The Bill to which your Address alludes not having reached me, I can form no opinion how far it is in accordance with the Laws of the Imperial Parliament or the Royal Instructions; but the same desire which (with the desire to facilitate the public business) led me in the commencement of the Session to send to each branch of the Legislature, a copy of that part of my instructions bearing upon this subject, now induces me to state that, on perusing the draft of these instruc-

tions, I observed a clause which it appeared to me tended to defeat the only means the Colony possesses of raising an adequate Revenue for the support of its Government,—that of a tax upon imports. And being most anxious that no obstacle should exist likely to impede the successful operation of the new constitution, I addressed his Majesty's Principal Secretary of State for the Colonies on the point, from whom I received the reply I now read to you.

“On reference to your instructions, you will perceive that the clause prohibiting the Governor from giving his assent to any tax affecting the trade or commerce of the mother country, has been omitted. It is therefore only necessary for me to desire that you will not assent to any act imposing discriminating duties on British produce, or taxes for other purposes than those of raising a Revenue.”

I have only further to acquaint you that, with the reservation above made, I shall have no hesitation in assenting to any Revenue Bill in which the two branches of the Legislature may agree; provided it be such, as, in other respects, shall meet with my concurrence; but, under existing circumstances, as represented by you, I can only lament that I possess no power to relieve you from the embarrassment under which you state you at present labour.

On motion of Mr. BENNETT,

*Resolved*,—That this House will, to-morrow, in committee of the whole House, take into consideration the reply of His Excellency the Governor to the Address of the House.

Then the House adjourned until to-morrow at eleven of the Clock.



TUESDAY, MARCH 5, 1833.

ON motion, the House resolved itself into a Committee of the whole House, on the consideration of the reply of His Excellency the Governor to the Address of the House.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some progress in the business to them referred, and had come to a Resolution thereupon, which they had directed him to report to the House. And he read the said Resolution in his place, and afterwards delivered the same in

at the clerk's table, where it was read, and is as follows:—

*Resolved*,—That an humble Address be prepared and forwarded to His Majesty on the existing state of the Colony.

The said Resolution having been read throughout a first and second time, was, on the question put thereon, agreed to by the House.

*Ordered*,—That Mr. THOMAS, Mr. PACK, Mr. HOYLES, Mr. BENNETT, and Mr. BROWN, be a Committee for drawing up an address, pursuant to the foregoing Resolution.

Then the House adjourned until to-morrow, at eleven of the clock.

WEDNESDAY, MARCH 6, 1833.

ON Motion of Mr. HOYLES, the House proceeded to take into consideration the amendments proposed by the Council to the Bill for preventing dangerous quantities of gunpowder being kept within the town of St. John's; and thereupon,

*Resolved*, - That this House do agree to the said Amendments.

*Ordered*,—That the Clerk do carry the Bill, with the Amendments, back to the Council, and acquaint them therewith.

A re-engrossed Bill to prevent all persons concerned in any contract made for the public ser-

vice, or holding offices or places of emolument under Government from sitting or voting as Members of the Assembly of this Island, was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be "An Act to restrain all persons concerned in any contract made for the public service, or holding offices or places of emolument under government, from sitting or voting as members of the Assembly of this Island."

*Ordered*,—That the Clerk do carry the Bill to the Council, and desire their concurrence.

Then the House adjourned until Friday at eleven of the clock.

FRIDAY, MARCH 8, 1833.

MR. THOMAS reported from the Committee appointed to prepare an Address to His Majesty, in pursuance of the Resolution of the House on Tuesday, that the Committee had drawn up an Address accordingly, and he read the same in his place, and afterwards delivered it in at the Clerk's Table.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Address.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said Address, and had made some amendments thereto, which they had directed him to report to the House; and he delivered the Address, with the amendments, in at the Clerk's Table.

The said Amendments were read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

*Ordered*,—That the Address, as amended, be engrossed.

Then the House adjourned until Monday next, at eleven of the Clock.

MONDAY, MARCH 11, 1833.

THE engrossed Address to His Majesty was read, and is as follows:—

TO THE KING'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE REPRESENTATIVES OF NEWFOUNDLAND, CONVENED AT ST. JOHN'S, IN GENERAL ASSEMBLY.

*May it please Your Majesty,*

We, the Representatives of your Majesty's faithful Commons of Newfoundland, beg leave most respectfully to express, on their behalf, to our most Gracious Sovereign, the sincere attachment felt throughout this Island for your Majesty's person and government.

We also take this early opportunity of tendering to your Majesty, in the name of the inhabitants of this



Island, our warmest gratitude for the gracious manner in which your Majesty has listened to the Petitions of your dutiful and loyal subjects, and the deep interest manifested by your Majesty for their happiness and welfare, in granting to this, the oldest of your foreign possessions, a Legislative Constitution similar to that enjoyed by your Majesty's neighbouring Colonies. Convened at this time in our legislative capacity, our best endeavours have been, and shall be used to ameliorate the condition of our constituents and of the colony at large, by the enactment of those local laws and ordinances, the want of which has been so long and severely felt.

In the early part of the Session His Excellency the Governor, with a view to facilitate the advancement of the public business, laid before us an estimate of the civil establishment of the colony, with a statement of the amount of revenue at present collected under Acts of the Imperial Parliament, and showing the sum yet necessary to be raised to meet the public expenses of the Government. Our attention was also directed to the adoption of some more satisfactory system of administering justice than that at present in operation—to the encouragement of the fisheries and agriculture—and to the opening of a more safe and speedy communication between the different settlements of the Island by means of roads, as objects of primary importance, and as best calculated to improve the condition of the poorer classes, rendered still more unfortunate by the total failure of the potato-crop during the last season. For carrying these useful purposes into effect, but more particularly for defraying the charges of the civil establishment, we took into our consideration the ways and means of raising such amount of revenue as, in addition to the sum at present at our disposal, we considered would be required.

On a careful review of the resources of the Colony, and of the means of raising a revenue, which presented themselves to our minds, we deemed it a duty imperatively incumbent upon us, not only to avoid direct taxation, in itself always odious, but carefully to abstain from levying taxes which would in any manner increase the price of articles necessarily consumed by the poor, and that class of the hardy inhabitants of the Island engaged in the fisheries. In accordance with these views, we framed a Bill (a copy of which is hereto annexed, and to which, for greater certainty, we humbly crave leave to refer your Majesty) imposing duties on certain articles of luxury, the growth and production of foreign countries, and also a duty on British spirits, which latter duty, by the operation of an Act of the Imperial Parliament, passed in the sixth year of the reign of His late Majesty King George the Fourth, entitled "An Act to regulate the trade of the British Possessions abroad" attaches to, and is payable upon, foreign spirits, thereby avoiding the imposition of any duty which might have the effect of a discriminating duty. In framing the Bill we had two main objects further in view, first, the necessity of cautiously avoiding any interference with the policy or operation of the said Act

of the Imperial Parliament, and secondly, the saving of the heavy expense of an excise establishment in the collection, by the officers of the customs, of the duties imposed in the Bill.

This Bill, after having passed through our branch of the Legislature without a dissentient voice, was in due form transmitted to the Legislative Council for their concurrence, but, to our great surprise and regret, was rejected by that body, for reasons which, if valid, would not only deprive us of the power of raising a revenue adequate to the wants of the Colony, but which would, in a great measure, destroy a right inherent in us as the representatives of a free people, that of taxing our constituents for the support of the Government.

The objection offered by the Legislative Council to this Bill, and which we are led to believe caused its rejection by that body, is, that the articles mentioned in our Bill having been already subjected to duty under the said Act of the Imperial Parliament for the regulation of the trade of the British Possessions abroad, the Act of any Colonial Legislature imposing additional duties on the same articles, is repugnant to the Imperial Act, and consequently of no force or effect.

Upon a careful review, however, of the Act of the Imperial Parliament in question, we are at a loss to discover anything therein on which the Legislative Council could have formed such an opinion, and we humbly submit that no part of the Bill passed through our branch of the Legislature is in any manner repugnant or in opposition to the spirit or policy of the said Act of Parliament, for the following reasons.

The Act of the Imperial Parliament in question was passed at the time the government of the mother country wisely determined upon extending to your Majesty's Colonies the privilege of prosecuting a direct trade with foreign countries, and the principal object of the Act, as its title expresses, was the regulation of the trade of the British Possessions abroad, and the protection of British Manufactures by the imposition of high rates of discriminating duty upon articles of foreign growth or production imported into the Colonies. That it was the intention of the Imperial Parliament to levy taxes upon articles consumed in the colonies, no further than was necessary for the regulation of trade, clearly appears from the thirteenth section of the act, whereby the produce of all the duties collected under it is placed under the controul of the Local Legislatures of the several colonies respectively, thus confining the Act within the saving of the declaratory statute passed in the eighteenth year of the reign of His late Majesty King George the Third, concerning taxation by the Parliament of Great Britain in any of the colonies, provinces, and plantations in North America and the West Indies. But we humbly conceive that there is nothing in any of the above-mentioned acts of the Imperial Parliament which prevents the Legislatures of the Colonies from raising a revenue by imposing duties upon articles of foreign growth and production imported into them, provided the same be not discriminating duties.



As a further reason that such could not have been the intention of your Majesty's Government, we would humbly refer your Majesty to an Act of the General Assembly of the Province of Nova Scotia, passed in the year of our Lord one thousand eight hundred and twenty-nine, and entitled "An Act for the further increase of the Revenue, by imposing duties on articles imported from foreign countries" (a copy of which is hereto annexed) whereby certain duties are imposed on various articles of foreign growth and production, expressly in addition to, and over and above the duties payable upon the same articles, by the said Act of the Imperial Parliament for the regulation of the trade of the British Possessions abroad. This Act of the Legislature of Nova Scotia, we find, was afterwards, on the first day of November, one thousand eight hundred and thirty, approved of by your Majesty in Council.

That the Imperial Parliament has itself recognized the power of a Colonial Legislature to impose additional duties upon articles already chargeable with duty by the said Act of the Imperial Parliament for the regulation of the trade of the British Possessions abroad, we would humbly crave the attention of your Majesty to a statute of the Imperial Parliament, passed in the seventh year of the reign of His late Majesty King George the Fourth, entitled "An Act to alter and amend the several laws relating to the Customs;" the forty-fourth section of which recognizes and sanctions a duty imposed by the Legislature of Canada on spirits, in addition to the duty payable thereon under the said first-mentioned Act of Parliament.

But we deem it unnecessary to adduce further arguments in support of an argument which admits of so little doubt; for, indeed, if the construction put upon the Acts of the Imperial Parliament by the Legislative Council could by any means be correct, the Legislature of this Colony would be deprived of the power of raising a Revenue by imposing duties upon articles of import, as no other means, adequate to that purpose, are within its power, and the numerous advantages which the Colony would have derived from the constitution which your Majesty has been graciously pleased to confer upon it, would be thereby in a great measure lost.

It is to us matter of deep and serious regret, that the Legislative Council should have felt itself called upon to reject a Bill by which we contemplated raising funds at the least sufficient to provide for the support of the civil establishment for the current year. We would here also humbly bring to the notice of your Majesty, the limited number of the Legislative Council, and the fact that, during the whole of the discussion on this important Bill, only four of the members of that body were present, who, being equally divided upon the question, the Bill was consequently lost. Under the circumstances of embarrassment in which we were placed by the loss of the Bill, we made immediate application to His Excellency the Governor, and prayed that he would use such means as might be in his power to relieve us from our difficulties; but, although mani-

festing every disposition to facilitate the advancement of the public business, His Excellency did not consider that he possessed any power of removing the obstacle which had been opposed to the progress of our Legislative labours.

Under these circumstances, which we deeply deplore, and convinced of the paternal care and solicitude of your Majesty for the happiness and welfare of your subjects, in all parts of your dominions, we feel that there is no other course left us than that of making our situation known to your Majesty, assured that it will receive your Majesty's earliest consideration, and that your Majesty will grant us such relief as the nature of our case may require; and since we have been prevented from availing ourselves of the only means by which we deem it prudent or practicable to raise a revenue, we have most humbly to claim the favourable consideration of your Majesty's Government in making provision for the support of the Government of the Colony for the present year.

Mr. THOMAS reported from the Committee appointed to prepare the Address to His Majesty, that the Committee had also drawn up an Address to His Excellency the Governor on the subject of the said Address to His Majesty; and he delivered the same in at the Clerk's Table, where it was read, and is as follows:—

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

May it please your Excellency,

The House of Assembly, having passed an Address to His Majesty on the subject of the existing state of the Colony, owing to the rejection of the Revenue Bill by the Legislative Council, respectfully request that your Excellency will be pleased to forward the same to England with all convenient speed, to be laid at the foot of the throne.

*Resolved*,—That the said Address be adopted, and be presented to His Excellency by the whole House.

*Ordered*,—That Mr. HOYLES and Mr. PACK be a Committee to wait on His Excellency the Governor, to know His Excellency's pleasure when he will be attended by the House with the said Address.

Mr. HOYLES reported from the Committee appointed to wait on His Excellency the Governor on the subject of the above Address, that His Excellency was pleased to say he would receive the House this day at two o'clock.

The hour appointed for waiting on his Excellency being arrived, Mr. Speaker and the House attended His Excellency with the Address, and accordingly, being returned, Mr. Speaker reported that His Excellency was pleased to make this answer to the Address of the House:—

*Mr. Speaker and Gentlemen of the House of Assembly,*  
I shall take care to transmit to His Majesty's Principal Secretary of State for the Colonies, by the earliest



opportunity, your address to His Majesty, in duplicate, with a request that, under the present circumstances of the Colony, it may receive the earliest consideration.— And I deeply regret that anything should have arisen to interrupt the performance of your Legislative duties, in which, from the commencement of the Session, you have evinced very great zeal and attention.

On motion, a Bill for establishing and regula-

ting Fire Companies for the Town of St. John's, also,

A Bill for the regulation of Pilotage at the Port of St. John's, were severally read a second time.

*Resolved*,—That the said Bills be committed to a Committee of the whole House.

Then the House adjourned until Wednesday at eleven of the clock.

### WEDNESDAY, MARCH 13, 1833.

**MR PETER BROWN**, pursuant to leave given, presented a Bill for the establishment and regulation of a Police in the District of Conception Bay, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

**Mr. HOYLES** gave notice that,

At a future day, he should move for leave to bring in a Bill to incorporate the Town of St. John's.

**Mr. PETER BROWN** also gave notice that,

In a few days, he should move for leave to introduce a Bill to regulate the streets of Harbour Grace.

On motion of **Mr. PACK**,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and request that His Excellency will be pleased to direct that a census of the Population of the whole Island be taken during the present year, distinguishing the amount of the population of the several towns and districts respectively.

*Ordered*,—That **Mr. PACK** and **Mr. CARTER** be a Committee for the above purpose.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

**Mr. Speaker** left the Chair.

**Mr. COZENS** took the Chair of the Committee.

**Mr. Speaker** resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for the establishing and regulating of Fire Companies in the Town of St. John's, and had made several amendments thereto, which they had directed him to report to the House; and he delivered the Bill, with the Amendments, in at the Clerk's table.

The Chairman also reported that he was directed by the Committee to ask for leave to sit again on the consideration of such Bills as stood committed, which the House agreed to.

The said Amendments were then read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

*Ordered*,—That the Bill, with the amendments, be engrossed.

Then the House adjourned until to-morrow, at eleven of the clock.

### THURSDAY, MARCH 14, 1833.

On motion, the House resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

**Mr. Speaker** left the Chair.

**Mr. CARTER** took the Chair of the Committee.

**Mr. Speaker** resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for the regulation of Pilotage at the Port of St. John's, and had made some amendments thereto, which they had directed him to report to the House; and he delivered the Bill, with the amendments, in at the Clerk's Table.

The Chairman also reported that he was directed by the Committee to move for leave to sit again on the consideration of the several Bills that stood committed, which the House agreed to.

The said Amendments were read throughout a first and second time, and, on the question put thereon, were severally agreed to by the House.

*Ordered*,—That the said Bill, with the Amendments, be engrossed.

Then the House adjourned until to-morrow at eleven of the clock.

### FRIDAY, MARCH 15, 1833.

On motion, the Bill for the establishment and regulation of the Police of Conception Bay was read a second time, and thereupon,

*Resolved*,—That the Bill be committed to a Committee of the whole House.

Then the House adjourned until to-morrow at eleven of the clock.



SATURDAY, MARCH 16, 1833.

**A**N engrossed Bill for establishing and regulating Fire Companies in the Town of St. John's was read a third time, and thereupon,

*Resolved*,—That the Bill do pass, and that the Title be, "An Act for the establishment and regulation of Fire Companies in the Town of St. John's."

An engrossed Bill to regulate the Pilotage of vessels at the Port of St. John's was read a third time, and thereupon,

*Resolved*,—That the Bill do pass, and that the Title be "An Act to regulate the Pilotage of Vessels at the Port of St. John's."

*Ordered*,—That the Clerk do carry the said Bills to the Council and desire their concurrence.

Mr. PETER BROWN, pursuant to leave given,

presented a Bill to regulate the streets of Harbour Grace, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

Mr. PACK reported from the Committee appointed to wait on His Excellency the Governor with the Resolution of the House relative to a census of the population, that the Committee had waited on His Excellency accordingly, and that in reply, His Excellency was pleased to say, that he did not consider himself warranted in ordering that a census of the population of the Island should be taken, unless the House of Assembly would undertake to provide means to defray the expense of the same.

Then the House adjourned until Monday, at eleven of the clock.

MONDAY, MARCH 18, 1833.

**O**N Motion, a Bill for regulating the Streets of Harbour Grace was read a second time, and thereupon,

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion of Mr. POWER,

*Resolved*,—That this House will, on Monday next, resolve itself into a Committee of the whole House to take into consideration the general state of the Colony.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had had under their consideration the Bill for the establishment and regulation of a Police in the District of Conception Bay, and that they had come to a resolution thereupon, which

they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows:—

*Resolved*,—That under the present embarrassed circumstances of the Colony, owing to the loss of the Revenue Bill, and considering that there are no adequate means under the controul of the Legislature, this Committee deem it inexpedient to agree to any Bill during the present Session, having for its object the payment of a salary to any public officer.

The Chairman also reported that he was directed by the Committee to move for leave to sit again upon the consideration of such Bills as stood committed, which the House agreed to.

The said Resolution was read throughout a first and second time, and, upon the question put thereon, was agreed to by the House.

Then the House adjourned until to-morrow at eleven of the clock.

TUESDAY, MARCH 19, 1833.

**M**R. THOMAS, pursuant to leave given, presented a Bill to regulate the celebration of Marriages in Newfoundland, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

Mr. THOMAS gave notice that he should move for leave, on a future day, to introduce a Bill to legalize and confirm all marriages which have hitherto taken place in this Island.

Then the House adjourned until to-morrow at eleven of the Clock.

WEDNESDAY, MARCH 20, 1833.

**A** Petition from Mrs. MARY TRAVERS was presented by Mr. HOYLES, and read, setting forth—

That Petitioner's House was used and occupied during the election for the general purposes thereof, and praying remuneration for the same.

On motion of Mr. HOYLES,

*Resolved*,—That the said Petition be referred to a select Committee to examine into the same, and report thereon to this House.

*Ordered*,—That Mr. HOYLES, Mr. PACK, and Mr. PETER BROWN be a Committee for such purpose.



On motion, a Bill to regulate the celebration of marriage in this Island was read a second time, and thereupon,

*Resolved*,—That the Bill be committed to a Committee of the whole House.

Mr. PETER BROWN, pursuant to leave given, presented a Bill to establish and regulate Fire Companies in the Town of Harbour Grace, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee,

that they had gone through the Bill to regulate the Streets of Harbour Grace, and had made certain Amendments thereto, which they had directed him to report to the House; and he delivered the Bill, with the Amendments, in at the Clerk's Table.

The Chairman also reported that he was directed by the Committee to move for leave to sit again on the consideration of such Bills as stood committed, which the House agreed to.

The said Amendments were read throughout a first and second time, and, upon the question put thereon, were agreed to by the House.

*Ordered*,—That the Bill with the Amendments be engrossed.

Then the House adjourned until to-morrow at eleven of the Clock.

#### THURSDAY, MARCH 21, 1833.

MR. HOYLES reported from the Committee to whom was referred the Petition of MARY TRAVERS, and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, when it was read, and is as follows:—

The select committee appointed to inquire into and report upon the Petition of MARY TRAVERS, praying payment for the use of the House, and for expenses incurred during the Election, do recommend the House not to consider the said Petition.

*Ordered*,—That the Report do lie on the Table.

An engrossed Bill to regulate the Streets of Harbour Grace, was read a third time, and thereupon,

On motion of Mr. THOMAS,

*Resolved*,—That the words "of rental" be struck out of the fourth section of the Bill; and the said words were struck out accordingly.

*Resolved*,—That the Bill do pass, and that the title be, "An Act to regulate the streets of the Town of Harbour Grace."

*Ordered*,—That the Clerk do carry the Bill to the Council, and desire their concurrence.

On motion, a Bill to establish and regulate Fire Companies in the Town of Harbour Grace, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee of the whole House on the consideration of the several Bills that stood committed.

Mr. Speaker left the Chair.

Mr. MARTIN took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the subject thereof, which the House agreed to.

A Message from the Legislative Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council have agreed to a Bill to regulate the pilotage of vessels at the port of St. John's, with certain amendments, to which amendments they desire the concurrence of this House.

And then the Messenger withdrew.

The said Amendments were then read throughout a first and second time, and thereupon,

*Resolved*,—That this House do agree to the said Amendments, and that the Clerk do carry the Bill, with the Amendments, back to the Council, and acquaint them therewith.

Then the House adjourned until to-morrow, at eleven of the clock.

#### FRIDAY, MARCH 22, 1833.

MR. KOUGH, pursuant to leave given, presented a Bill to increase the number of Representatives of this Island, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

*Ordered*,—That the said Bill be printed.

Mr. KENT gave notice that,

At an early day, he should move for leave to introduce a Bill, to declare the qualification and character of persons admitted to practice as Barristers and Attorneys of the Supreme Court of Newfoundland.



On motion, the House resolved itself into a Committee of the whole House, on the consideration of the several Bills that stood committed.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to establish and regulate Fire Companies in the Town of Harbour Grace. Also, the Bill to regulate the celebration of Marriages in this Island; to which Bills they had made certain amendments, which they had directed him to report to the House;

and he delivered the Bills with the Amendments in at the Clerk's Table.

The Chairman also reported that he was directed by the Committee to move for leave to sit again on the consideration of such Bills as stood committed, which the House agreed to.

The said Amendments were then read throughout a first and second time, and, upon the question put thereon, were agreed to by the House.

*Ordered*,—That the Bills, with the Amendments, be engrossed.

Then the House adjourned until to-morrow, at eleven of the Clock.

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SATURDAY, MARCH 23, 1833.

**A**N engrossed Bill to establish and regulate Fire Companies in the Town of Harbour Grace, was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be "An Act to establish and regulate Fire Companies in the Town of Harbour Grace."

*Ordered*,—That the clerk do carry the Bill to the Council and desire their concurrence.

Mr. KENT, pursuant to leave given, presented a bill to declare the qualification and character of persons admitted to practice as Barristers and Attorneys of the Supreme Court of Newfoundland; and the same was read a first time.

*Resolved*,—That the Bill be read a second time on Monday next.

Then the House adjourned until Monday next, at eleven of the clock.

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MONDAY, MARCH 25, 1833.

**A**N engrossed Bill to regulate the celebration of Marriages in this Island and its dependencies, was read a third time, and thereupon,

On motion of Mr. HOYLES,

*Resolved*,—That the Bill be re-committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Bill.

Mr. Speaker left the Chair.

Mr. MARTIN took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had re-considered the Bill to regulate the celebration of Marriages in Newfoundland, and had made an amendment thereto, which they had directed him to report to the House; and he delivered the Bill with the Amendment in at the clerk's table.

The said amendment was read throughout a

first and second time, and, upon the question put thereon, was agreed to by the House.

*Resolved*,—That the Bill do pass, and that the Title be, "An Act to repeal the laws now in force concerning the celebration of Marriages, and to regulate the future celebration of Marriages in this Island."

*Ordered*,—That the clerk do carry the Bill to the Council and desire their concurrence.

On motion, a Bill to declare the qualification and character of persons admitted to practice as barristers and attorneys of the Supreme Court of Newfoundland, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

Mr. Carter, pursuant to leave given, presented a bill to extend the summary jurisdiction of the Supreme Court, and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

Then the House adjourned until Wednesday at eleven of the clock.

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WEDNESDAY, MARCH 27, 1833.

**O**N motion, the House resolved itself into a Committee of the whole House on the consideration of the several Bills that stood committed.

Mr. Speaker left the chair.

Mr. COZENS took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the bill to declare the qualification and character of persons admitted to



practice as barristers and attorneys of the Supreme Court of Newfoundland, and had agreed to the same, with an amendment, which they had directed him to report to the House; and he delivered the bill, with the amendment, in at the clerk's table.

The Chairman also reported that he was directed by the Committee to move for leave to sit again on the consideration of such Bills as stood committed, which the House agreed to.

The said amendment was then read throughout a first and second time, and, upon the question put thereon, was agreed to by the House.

*Ordered*,—That the Bill, with the amendments be engrossed.

Mr. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy, transmitting, by the command of His Excellency the Governor, an extract from a Letter from His Majesty's Principal Secretary of State for the Colonies to His Excellency, on the subject of increasing the garrison of the colony, for the purpose of maintaining order in the outports.

*Ordered*, that the said Letter and Extract do lie on the Table to be perused by the members.

A message from His Excellency the Governor by JOSEPH TEMPLEMAN, Esq., Usher of the Black Rod.

*Mr. Speaker and Gentlemen of the Assembly.*

His Excellency the Governor commands your attendance immediately in the Council Chamber.

Accordingly,

Mr. Speaker, with the House, went up to attend His Excellency.

And being returned,

Mr. Speaker reported that the House had attended in the Council Chamber, in compliance with the command of His Excellency the Governor, when the Honourable the Attorney-General addressed the Council and the House, and stated, that he had been duly commissioned by His Excellency to assent to certain Bills which had passed the House of Assembly and the Legislative Council. The commission from His Excellency the Governor was then read, and thereupon, the Attorney-General, in the name and on behalf of His Excellency, assented to "an Act to provide for the performance of Quarantine, and more effectually to prevent the introduction of contagious or infectious diseases, and the spreading thereof in this Island." Also, to "An Act to prevent dangerous quantities of gunpowder from being kept within the Town of St. John's."

Then the House adjourned until to-morrow, at eleven of the clock.

THURSDAY, MARCH 28, 1833.

**T**HE Clerk acquainted the House that Mr. Speaker was prevented by a domestic calamity from attending the House this day, where-

upon the House adjourned until Saturday next at eleven of the Clock.

SATURDAY, MARCH 30, 1833.

**A**N engrossed Bill to declare the qualification and character of persons admitted to practice as barristers and attorneys of the Supreme Court of this Island, was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be "An Act to declare the qualification and character of persons admitted to practice as Barristers and Attorneys of the Supreme Court of this Island."

*Ordered*,—That the clerk do carry the Bill to the Council and desire their concurrence.

Mr. KOUGH moved that the bill for increasing the number of the Representatives of this Island be now read a second time; which, being seconded and put, and the House dividing thereon, there appeared for the motion, three—against it, seven.

For the Motion. Mr. KOUGH — THOMAS — MARTIN	Against the Motion. Mr. BENNETT — COZENS — W. BROWN — HOYLES — POWER — PACK — CARTER.
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So it passed in the negative.

On motion, the House resolved itself into a Committee of the whole House on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. POWER took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the subject thereof, which the House agreed to.

Then the House adjourned until Monday, at eleven of the clock.



MONDAY, APRIL 1, 1833.

ON motion, the House resolved itself into a Committee of the whole House on the consideration of the general state of the colony.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for

leave to sit again on the subject thereof; which the House agreed to.

Mr. KENT gave notice that,

On an early day, he should move for leave to introduce a Bill to repeal that part of the Judicature Act which established a Court at the Labrador.

Then the House adjourned until to-morrow at eleven of the clock.

TUESDAY, APRIL 2, 1833.

MR. KENT, pursuant to leave given, presented a Bill to repeal that part of the Judicature Act which establishes a Court at the Labrador; and the same was read a first time.

*Resolved*,—That the Bill be now read a second time—and the same was read a second time accordingly.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of the general state of the colony.

Mr. Speaker left the chair.

Mr. HOYLES took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had come to a Resolution thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read and is as follows, viz:—

*Resolved*,—That an Address be prepared and presented to His Excellency the Governor, stating the embarrassment under which the House labours in consequence of the rejection of the Revenue Bill, and praying that His Excellency will be pleased to take upon himself the payment of the necessary expenses of the Colony, until an answer to the Address of this House, recently forwarded to His Majesty, be received from His Majesty's Government.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again; which the House agreed to.

The said Resolution was then read throughout a first and second time, and, upon the question put thereon, was agreed to by the House.

*Resolved*,—That a Committee be appointed for preparing an Address in pursuance of the foregoing Resolution.

*Ordered*,—That Mr. BENNETT, Mr. THOMAS, Mr. HOYLES, Mr. PACK, Mr. KOUGH and Mr. KENT be a Committee accordingly.

A Message from the Legislative Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council have agreed to the Bill for establishing and regulating Fire Companies in the Town of St. John's, with certain amendments. Also, to the Bill for establishing and regulating Fire Companies in the Town of Harbour Grace,

with certain amendments, to which Amendments they desire the concurrence of this House.

And then the Messenger withdrew.

On motion of Mr. PACK,

*Resolved*,—That a Committee be appointed to search into the Journals of the Legislative Council, to ascertain what proceedings have been had upon the Bill for limiting the duration of the present and all future Assemblies of the Island to three years.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the subject thereof; which the House agreed to.

On motion, the Amendments proposed by the Legislative Council to the Bill for establishing and regulating Fire Companies in the Town of St. John's—also, the Amendments to the Bill for establishing and regulating Fire Companies in Harbour Grace, were read throughout.

*Resolved*,—That this House do agree to the said Amendments respectively.

*Ordered*,—That the clerk do carry the Bills with the Amendments back to the Council and acquaint them therewith.

*Resolved*,—That Mr. MARTIN have leave to return home, urgent business requiring his presence at St. Mary's.

Mr. PACK reported from the Committee appointed to search into the Journals of the Council to ascertain what proceedings have been had upon the Bill for limiting the duration of the Assembly of this Island to three years, that the Committee had accordingly searched the Journals of the Council, and found that the said Bill had been read a first time on the fifth day of February, and was ordered to lie on the Table.

*Ordered*,—That the said Report do lie on the Table.

Then the House adjourned until to-morrow, at eleven of the clock.



## WEDNESDAY, APRIL 3, 1833.

ON motion, the House resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. POWER took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee,

that they had gone through the Bill to repeal the Labrador Court, and had agreed to the same without any amendment.

*Ordered*,—That the Bill be engrossed.

Then the House adjourned until to-morrow at eleven of the Clock.

## THURSDAY, APRIL 4, 1833.

ON motion, the House resolved itself into a Committee of the whole House on the consideration of the general state of the Colony.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had come to a Resolution thereon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows, viz. :—

*Resolved*,—In the event of His Excellency the Governor taking upon himself, on the part of His Majesty's Government, to defray the necessary public expences of the Colony, until His Majesty's pleasure in answer to the Address of this House on the subject of the loss of the Revenue Bill can be known, that this House do place, at the disposal of His Excellency, towards the payment of those public expenses, such part of the Revenue, at present levied under Acts of the Imperial Parliament, as may be subject to the appropriation and controul of this House, until a reply can be received from His Majesty's Government, and be made known to this House.

The said Resolution was then read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

Mr. THOMAS reported from the Committee appointed to draw up an Address to His Excellency the Governor in pursuance of the Resolution of Tuesday, that the Committee had prepared the draft of an Address accordingly; and he delivered it in at the Clerk's Table, where it was read, and is as follows :—

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

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENED.

May it please your Excellency,

As the period for which the Imperial Parliament have granted funds to defray the charges of the civil establishment, and the other incidental expenses of this colony has expired; the House of Assembly deem it their duty, before the close of the present Session of the Legislature, again to call the attention of Your

Excellency to the peculiar circumstances of embarrassment in which they are placed, in consequence of the loss of the Revenue Bill.

By their address, presented on a former day, the House of Assembly have already made known to Your Excellency the principles of the Bill in question, on which they bestowed the most mature consideration, and by which, in the exercise of their inherent right, they imposed certain duties on those articles of consumption best calculated to bear taxation, for the support of the Government of the Colony. The rejection of this Bill by the Legislative Council not only deprived the Assembly, for the present, of the means of raising such amount of Revenue as the wants of the Colony demanded, but also involved a question of vast importance to it. Under a conviction that the relief which the nature of their case required, could only be obtained by an appeal to the Throne, the House of Assembly passed an Address to His Most Gracious Majesty (which your Excellency has been pleased to forward) in which they fully set forth their present embarrassed situation, and have humbly prayed that His Majesty's Government will, for the present year, provide means to defray the public expenditure of the Colony.

As considerable time must however elapse before His Majesty's pleasure in answer to their application can be known, and as the best interests of the Colony may, in the meantime, suffer materially from the want of means to support its Government, the House of Assembly most respectfully request that your Excellency will be pleased, on the part of His Majesty's Government, to provide for the necessary public expenditure for a further period, until a reply be received from His Majesty's Government to the Address of this House.

As the House of Assembly are disposed to afford every assistance within their power towards the support of the Government, they have passed a Resolution, placing at the disposal of your Excellency, in the event of your Excellency's taking upon yourself the payment of the public expenses of the Colony, such part of the Colonial Revenue levied under Acts of the Imperial Parliament as may be subject to their appropriation and controul, during the period before-mentioned, and until sufficient time be allowed to your Excellency for calling together the House of Assembly to make known to them His Majesty's pleasure in answer to their Address.



*Resolved*,—That the Address be engrossed and presented to His Excellency by Mr. Speaker and the whole House.

*Resolved*,—That a committee be appointed to wait on His Excellency to know His Excellency's pleasure, when he will be attended by the House with the said address.

*Ordered*,—That Mr. PACK and Mr. HOYLES be a Committee for that purpose.

Mr PACK reported from the committee appointed to wait on His Excellency to know His Excellency's pleasure when he would be attended by the House with the Address, that the committee had waited on His Excellency accordingly, and that His Excellency was pleased to say that he would be ready to receive the House whenever they should be ready to attend him.

Accordingly, at four of the clock, Mr. Speaker and the House went up to attend His Excellency with the said Address.

And being returned,

Mr. Speaker reported that the House had been in attendance on His Excellency the Governor with the said Address, and that in reply His Excellency was pleased to say that he should send an answer by Message on Saturday next.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. POWER took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again; which the House agreed to.

To-morrow, being Good Friday, the House adjourned until Saturday next, at eleven of the clock.

#### SATURDAY, APRIL 6, 1833.

**A**N engrossed Bill, to repeal the establishment of a Court on the Coast of Labrador was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be, "An Act to repeal so much of an Act passed in the fifth year of the Reign of his late Majesty King George the Fourth, as authorizes the Governor of Newfoundland to institute a Court of Civil Jurisdiction on the Coast of Labrador."

*Ordered*,—That the Clerk do carry the Bill to the Council and desire their concurrence.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the consideration thereof—which the House agreed to.

The honourable Mr. Secretary CROWDY acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House—and the said Message was read by Mr. Speaker (all the Members being uncovered), and is as follows:—

#### MESSAGE.

THOMAS COCHRANE, Governor.

The Governor acquaints the House of Assembly that

he has taken into his most serious consideration, the address which they presented to him on the 4th instant.

The Governor is fully alive to the inconvenience the House of Assembly must experience from the difficulties which have opposed themselves to raising a Revenue to meet the demands of the Colony, and to enable them to carry on those ameliorations and improvements contemplated by them; and under the peculiar situation in which the loss of the Money Bill has placed the House of Assembly, and one not foreseen by His Majesty's Government, the Governor, although he would not feel justified in entering upon any expense not already sanctioned from home, will not hesitate to continue to defray those charges necessary to carry on the Government of the Colony until the pleasure of His Majesty's Government shall be known.

The Governor duly appreciates the motives which have induced the House of Assembly to place at his disposal, that part of the Colonial Revenue levied under Acts of the Imperial Parliament which is subject to their controul, and which cannot fail to assure His Majesty's Government of its disposition to remove all obstructions to the public service, and of its reliance on that desire which His Majesty's Government have at all times evinced to promote the welfare and happiness of the people of Newfoundland.

*Ordered*, that the said Message do lie on the Table, to be perused by the Members.

Then the House adjourned until Monday next, at eleven of the clock.

#### MONDAY, APRIL 8, 1833.

**O**N motion of Mr. THOMAS,

*Resolved*,—That this House view, with sincere regret, the distress which prevails in various parts of this

Island, in consequence of the failure of the potato-crop last year, and feeling the deepest alarm lest a similar occurrence may take place from the great want of seed potatoes, and the consequent poverty of so many of the



Inhabitants, they strongly impress on His Excellency the Governor the necessity of purchasing a quantity of potatoes to distribute among the poor in St. John's and the different outports of the Island—taking such precautions as His Excellency may deem requisite to ensure the planting thereof.

*Resolved*,—That Mr. HOYLES, Mr. PACK, and Mr. SWEETMAN be a Committee to wait on His Excellency the Governor with a copy of the foregoing Resolution.

On motion of Mr. PACK,

*Resolved*,—That no member have leave to introduce any Bill into this House after to-morrow, unless the same relates to some Bill or proceedings now before the House.

A Message from his Excellency the Governor by JOSEPH TEMPLEMAN, Esq., Usher of the Black Rod.

Mr. Speaker,—The Commissioner appointed by His Excellency the Governor to signify His Excellency's pleasure touching a certain Bill which has passed this Honourable House and the Legislative Council, commands your attendance in the Council Chamber.

Accordingly,

Mr. Speaker and the House went up to attend the said Commissioner in the Council Chamber, And being returned,

Mr. Speaker reported that the House had attended in the Council Chamber, when the honourable the Attorney-General, addressing the Legislative Council and the House, stated that he had been duly commissioned by his Excellency the Governor to make known to the Council and the House that his Excellency did not assent to a certain Bill which had passed the Council and the House entitled "An Act to regulate the Pilotage of Vessels at the Port of St. John's." The commission from his Excellency was then read, and thereupon the Attorney General, in the name and on the behalf of his Excellency, declared that his Excellency did not give his assent to the said Bill, entitled "An Act to regulate the Pilotage of Vessels at the Port of St. John's."

Then the House adjourned until to-morrow, at eleven of the Clock.

#### TUESDAY, APRIL 9, 1833.

MR. Speaker laid before the House a Letter from the honourable Mr. Secretary CROWDY, stating, by command of his Excellency, that his Excellency was desirous that the House should resolve upon a proper sum as remuneration for the services of the different returning officers.

*Ordered*,—That the said Letter do lie on the Table.

Mr. HOYLES reported from the committee appointed to wait on his Excellency the Governor with the Resolution of yesterday, that his Excellency was pleased to say that he would comply with the same.

Mr. HOYLES, pursuant to leave given, presented a Bill for the regulation of the pilotage of vessels; and the same was read a first time.

*Resolved*,—That the Bill be now read a second time—and the same was read a second time accordingly.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee. Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for extending the summary Jurisdiction of the Supreme Court, and had agreed to the same, with certain amendments, which they had directed him to report to the House; and he delivered the bill, with the amendments, in at the clerk's table.

The Chairman also reported that he was directed by the Committee to move for leave to sit again on the consideration of such Bills as stood committed, which the House agreed to.

The said amendments were then read throughout a first and second time, and, upon the question put thereon, agreed to by the House.

*Ordered*,—That the Bill, with the amendments be engrossed.

Mr. CARTER, pursuant to leave given, presented a Bill for the more speedy abatement of nuisances, and the same was read a first time.

*Resolved*,—That the said Bill be read a second time.

Then the House adjourned until to-morrow, at twelve of the clock.

#### WEDNESDAY, APRIL 10, 1833.

ON motion of Mr. THOMAS,

*Resolved*,—That a Select Committee be appointed to consider the Message of His Excellency the Governor on the subject of the sums to be paid to the several

Returning Officers, and to report thereon to His Excellency.

*Ordered*,—That Mr. THOMAS, Mr. KOUGH, Mr. KENT, Mr. BENNETT, Mr. CARTER, Mr. HOYLES, and Mr. PACK, be a committee for the above purpose.



On motion, the House then resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for the regulation of Pilots, and had agreed to the same without any amendments.

*Ordered*,—That the Bill be engrossed.

Then the House adjourned until to-morrow at twelve of the Clock.

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THURSDAY, APRIL 11, 1833.

**A**N engrossed Bill for the regulation of Pilots was read a third time.

*Resolved*,—That the Bill do pass, and that the Title be, “An Act for the regulation of Pilots and the Pilotage of vessels at the port of St. John’s.”

An engrossed Bill for extending the summary Jurisdiction of the Supreme Court was read a third time, and thereupon,

On motion of Mr. CARTER,

*Resolved*,—That the words “upon payment into the hands of the Clerk of the Court, or of such Justices as aforesaid, of the costs and expenses of summoning and paying such Jury, by the party or parties praying

for the same” be introduced into the section of the Bill, after the words

*Resolved*,—That the Bill do pass, and that the Title be, “An Act in amendment of an Act of the Imperial Parliament, passed in the fifth year of the reign of his late Majesty King George the Fourth, entitled ‘an Act for the better administration of Justice in Newfoundland and for other purposes.’”

*Ordered*,—That the clerk do carry the Bills to the Council and desire their concurrence.

Then the House adjourned until to-morrow, at twelve of the clock.

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FRIDAY, APRIL 12, 1833.

**W**ILLIAM HOOPER, Esq. returned duly elected Member for the District of Burin, took his seat, having first taken and subscribed the usual oaths in the presence of DAVID BUCHAN, Esq. one of the commissioners appointed by His Excellency.

On motion, a Bill for the more speedy abatement of nuisances, was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of such Bills as stood committed.

Mr. Speaker left the chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again on the consideration thereof; which the House agreed to.

Then the House adjourned until Monday, at twelve of the clock.

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MONDAY, APRIL 15, 1833.

**O**N motion, the House resolved itself into a Committee of the whole House, on the consideration of such Bills as stood committed.

Mr. Speaker left the Chair.

Mr. COZENS took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for the more speedy abatement of nuisances, and had made some amendments thereto, which Amendments

they had directed him to report to the House; and he delivered the Bill, with the Amendments, in at the Clerk’s Table.

The said Amendments were read throughout a first and second time, and, upon the question put thereon, were agreed to by the House.

*Ordered*,—That the Bill with the Amendments be engrossed.

Then the House adjourned until to-morrow at eleven of the clock.

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TUESDAY, APRIL 16, 1833.

**O**N motion of Mr. THOMAS,

*Resolved*,—That an application be made to His Excellency the Governor, requesting that His Excellency will be pleased to appoint a Colonial Treasurer, under

sufficient security for the due performance of the duties of his office.

*Resolved*,—That the Treasurer be authorized to retain one and a half per centum out of all monies which may be received by him in right of his office.



*Ordered*,—That Mr. BENNETT, Mr. KOUGH, Mr. HOOPER, and Mr. THOMAS, be a Committee to wait on his Excellency with a copy of the foregoing Resolutions.

An engrossed Bill for the more speedy abatement of nuisances was read a third time, and thereupon,

On motion of Mr. KOUGH,

*Resolved*,—That the Bill be re-committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Bill

Mr. Speaker left the Chair.

Mr. COZENS took the chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had re-considered the said Bill, and had made an amendment thereto, which they had directed him to report to the House; and he delivered the Bill, with the Amendment, in at the Clerk's Table.

The said Amendment was then read throughout a first and second time, and, upon the question put thereon, was agreed to by the House.

*Ordered*,—That the Amendment be engrossed.

*Resolved*,—That the Bill do pass, and that the Title be, "An Act for the more speedy abatement of Nuisances."

*Ordered*,—That the Clerk do carry the Bill to the Council and desire their concurrence.

Mr. BENNETT reported from the Committee appointed to wait on His Excellency the Governor with a Copy of the Resolutions passed this day, relative to the appointment of a Treasurer, that His Excellency, in reply, was pleased to say he would take the same into his consideration.

A Message from the Legislative Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council have agreed to a Bill entitled "An Act for restraining all persons concerned in any contract or agreement made for the public service, or holding offices or places of emolument under Government, from sitting or voting as Members of the Assembly of this Island," with certain amendments, to which Amendments they desire the concurrence of this Honourable House.

And then the Messenger withdrew.

The said Amendments proposed by the Council were then read throughout a first and second time.

*Resolved*,—That this House do agree to the Amendments proposed by the Council to the said Bill.

*Ordered*,—That the clerk do carry the Bill with the Amendments back to the Council and acquaint them therewith.

Then the House adjourned until to-morrow, at twelve of the clock.

### WEDNESDAY, APRIL 17, 1833.

MR. Speaker laid before the House, a Letter from the Hon. Mr. Secretary CROWDY, transmitting, by command of His Excellency the Governor, the Copy of a Despatch from the Right Honourable Viscount GODERICH, His Majesty's Principal Secretary of State for the Colonies, in answer to the Despatches of Mr. TUCKER and His Excellency, on the subject of the Fires at Harbour Grace.

*Ordered*,—That the said Papers do lie on the Table, to be perused by the Members.

A Message from His Excellency the Governor by JOSEPH TEMPLEMAN, Esq., Usher of the Black Rod.

*Mr. Speaker and Gentlemen of the Assembly.*

The Commissioner appointed by His Excellency the Governor, to declare His Excellency's Assent to certain Bills which have passed this Honourable House and the Legislative Council, requests your attendance in the Council Chamber to hear His Excellency's assent given to the said Bills.

Accordingly,

Mr. Speaker and the House went up to attend the said Commissioner in the Council Chamber, And being returned,

Mr. Speaker reported that the House had been in attendance in the Council Chamber, and that the Honourable the Attorney-General, addressing the Council and the House, stated that he had been duly commissioned by His Excellency the Governor to declare His Excellency's assent to several Bills which had passed the Legislative Council and the House of Assembly. The commission from His Excellency was then read, and thereupon the Attorney General, in the name and on the behalf of His Excellency, assented to the following Bills, viz.:—

A Bill entitled "An Act for the establishment and regulation of Fire Companies in the Town of St. John's."

A Bill entitled "An Act to establish and regulate Fire Companies in the Town of Harbour Grace."

A Bill entitled "An Act to regulate the Streets of the Town of Harbour Grace."

A Bill entitled "an Act to declare the qualification and character of persons admitted to practice as Barristers and Attorneys of the Supreme Court of this Island."

A Bill entitled an Act to regulate Pilots and the Pilotage of Vessels at the Port of St. John's."



Mr. Speaker acquainted the House that he had received from His Excellency the Governor a warrant signed by His Excellency, adjourning the House until the Twentieth day of May next, and he read the same to the House, whereupon,

Mr. THOMAS moved that the House do come to the following resolution.

*Resolved*,—That this House do adjourn itself until Monday the twentieth day of May next, at twelve of the clock ; which, being seconded and put, passed in the affirmative.

Then the House adjourned accordingly.

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MONDAY, MAY 20, 1833.

**T**HE House met, pursuant to adjournment, when, on the motion of Mr. CARTER, the names of the different Members were called over, and the following gentlemen answered to their names, viz. :—

Mr. SPEAKER, Mr. KENT, Mr. THOMAS, Mr. KOUGH, Mr. BENNETT, Mr. CARTER, Mr. HOYLES, and Mr. WILLIAM BROWN.

Mr. HOYLES reported from the Committee appointed to investigate the claims of the different Returning Officers, and to report thereon to the Governor, that the Committee had completed their investigation, and had made their report to His Excellency accordingly.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council have agreed to the Bill entitled “An Act for the more speedy abatement of nuisances” with certain amendments.

Also, the Bill entitled “An Act in Amendment of an Act of the Imperial Parliament passed in the fifth year of the Reign of His late Majesty King George the Fourth, entitled, ‘An Act for the better adminis-

tration of Justice in Newfoundland, and for other purposes,’ ” with certain amendments.

Also, the Bill entitled, “An Act to repeal the laws now in force concerning Marriages, and to regulate the future celebration of Marriages in this Island” with certain amendments—to which amendments they desire the concurrence of the House of Assembly.

And then the Messenger withdrew.

On motion, the said Amendments were severally read a first time.

*Resolved*,—That the said Amendments be read a second time to-morrow.

On motion of Mr. KENT,

*Resolved*,—That a Committee be appointed to search the Journals of the Council, to ascertain what proceedings have been had upon the Bill for the abolition of the Labrador Court.

*Ordered*,—That Mr. KENT and Mr. CARTER be a committee for that purpose.

Then the House adjourned until Wednesday at twelve of the clock.

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WEDNESDAY, MAY 22, 1833.

**O**N motion, the amendments proposed by the Council to the Bill for the more speedy abatement of nuisances, were read a second time.

Also, the amendments to the Bill in amendment of the Judicature Act, were read a second time.

*Resolved*,—That the said amendments be committed to a committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House on the consideration of the said amendments.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the subject thereof, which the House agreed to.

The Chairman also reported that he was direct-

ed by the Committee to move that a conference be asked with the Legislative Council by committee, on the subject of the Amendments proposed to the Bill for the more speedy abatement of nuisances.

*Resolved*,—That such conference be asked with the Council on the subject of the said amendments, and that the Clerk do request the same.

Mr. KENT reported from the Committee appointed to search the Journals of the Council as to the proceedings had upon the bill for the abolition of the Labrador Court; that they had searched the Journals of the Council, and found that the said bill had been read a first time, but that no further proceedings had been taken thereon.

On motion, the amendments proposed by the Council to the bill, concerning marriages, were read a second time.

*Resolved*,—That the said amendments be committed to a Committee of the whole House.

Then the House adjourned until to morrow at twelve of the clock.



THURSDAY, MAY 23, 1833.

**M**R. HOYLES gave notice that he should to-morrow move for leave to introduce a Bill for opening a Fire-break in the Town of St. John's."

A Message from the Legislative Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council agree to the conference asked by the House of Assembly on the subject of the amendments to the Act for the more speedy abatement of nuisances, and have appointed two of their members to manage the said conference, who are ready to meet the managers on the part of the House of Assembly, immediately in the Committee-Room.

And then the Messenger withdrew.

*Ordered*,—That Mr. THOMAS, Mr. HOYLES, Mr. CARTER, and Mr. KOUGH, be a committee to manage the said conference.

On motion of Mr. THOMAS,

*Resolved*,—That the Committee appointed to manage the conference with the Council, on the subject of the amendments to the Bill for the more speedy abatement of nuisances, be instructed to state to the managers, on the part of the Council, that this House cannot agree to the amendment proposed by the Council to the eighth section of the said Bill, as persons would thereby be permitted to carry putrid substances and offensive matter through the streets of populous towns by night, in carts that are not tight, close, and covered. But, that the House recommend to the Council to strike out all the words in the section in question, between the word "after" and the word "evening" which will make it imperative on all persons to have such carts, whether used by day or by night, *tight, close, and covered*.

That the House cannot agree to the amendment to the eleventh section, as it would place too arbitrary and inquisitorial a power in the hands of the Magistrates.

And the names of the Managers being called over, they went to the conference.

And being returned,

Mr. THOMAS reported that the Managers had been at the conference, and had complied with the instructions of the House.

On motion, the House then resolved itself into a Committee of the whole House on the consi-

deration of the amendments proposed by the Council to the Bill in amendment of the Judicature Act and to the Marriage Bill.

Mr. Speaker left the Chair.

Mr. KOUGH took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the consideration thereof, which the House agreed to.

The Chairman also reported that he had been directed by the Committee to move that a conference be asked with the Legislative Council on the subject of the Amendments to the Bill in amendment of the Judicature Act.

*Resolved*,—That a conference be asked with the Council on the subject of the said amendments, and that the Clerk do request the same.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Council request a conference by committee with this House on the subject of the Amendments to the Bill for the more speedy abatement of nuisances.

And then the Messenger withdrew.

*Resolved*,—That the conference be held with the Council, as requested.

*Ordered*,—That the Managers who managed the last conference do manage the present conference.

And the names of the Managers being called over, they went to the conference.

And being returned,

Mr. THOMAS reported that the Managers had been at the conference, and he stated the subject thereof to the House.

On motion of Mr. THOMAS,

*Resolved*,—That the House do agree to the amendments proposed by the Council to the Bill for the more speedy abatement of nuisances, and that the Clerk do carry the Bill with the amendments back to the Council and acquaint them therewith.

Then the House adjourned until to-morrow at twelve of the clock.

FRIDAY, MAY 24, 1833.

**O**N motion, the House resolved itself into a Committee of the whole House, on the consideration of the Amendments proposed by the Council to the Bill to regulate the celebration of Marriages in this Island.

Mr. Speaker left the chair.

Mr. CARTER took the Chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move that a Conference, by Committee, be asked with the Legislative Council on the subject of the said Amendments.

*Resolved*,—That a Conference be asked with the Council on the subject of the said Amendments, and that the Clerk do request the same.



Mr. Speaker laid before the House a Letter from the Honourable Mr. Secretary CROWDY, stating that he was commanded by His Excellency the Governor to call the attention of the House to the necessity for a Fire Break between Church Hill and Fort William, in the Town of St. John's.

*Ordered*,—That the said Letter do lie on the Table.

Mr. HOYLES moved that leave be granted him to bring in a Bill for opening a Fire Break in the eastern part of the Town of St. John's; which,

being seconded and put, and the House dividing thereon, there appeared for the motion, four, against it, three.

<p>For the Motion.</p> <p>Mr. KENT — THOMAS — HOYLES — KOUGH.</p>	<p>Against the Motion.</p> <p>Mr. BENNETT — W. BROWN — CARTER.</p>
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So it passed in the affirmative.

Then the House adjourned until to-morrow, at twelve of the clock.

### SATURDAY, MAY 25, 1833.

MR. HOYLES, pursuant to leave given, presented a Bill for opening a Public Street and Fire Break in the Town of St. John's; and the same was read a first time.

*Resolved*,—That the Bill be read a second time.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Legislative Council agree to the Conference asked by the House of Assembly on the Amendments proposed to the Marriage Bill, and to the Bill in amendment of the Judicature Act; and have appointed two Managers to meet the Managers on the part of the House, immediately in the Committee-Room.

And then the Messenger withdrew.

*Ordered*,—That Mr. THOMAS, Mr. KOUGH, Mr. HOYLES, and Mr. CARTER do manage the said conference.

On motion of Mr. CARTER,

*Resolved*,—That the Committee appointed to manage the conference with the Legislative Council, on the subject of the Amendments proposed to the Bill in amendment of the Judicature Act, be instructed to state to the Committee of the Council that the House of Assembly cannot agree to the amendment numbered five, by which it is proposed that an attachment shall in no case issue for any sum below five pounds, as the House conceive that the enactment authorising the issue of attachments for sums of two pounds and upwards is much wanted, and will be found highly beneficial to all classes of persons concerned in trade, but more particularly to small traders and poor persons, to whom sums of trifling amount, but of great importance to them, are due from strangers and others whose residence is not fixed in the Island, and that without the aid of such process these small traders and poor persons must in most cases suffer the loss of their just debts. That for a period of more than thirty years, the laws of the colony authorized the issuing of attachments for debts of the amount of five pounds and upwards, until by the Act of the 5th Geo. 4, chap. 67, the sum was raised to ten pounds, and, during that period, the operation of this law was found highly advantageous, and no complaints were made against it. That the House have been in some measure influenced in fixing the sum for which an attachment may issue at two pounds, by

the almost unanimous opinion of the Commercial Body (who are well able to judge of the effects of such a regulation) in favour of the measure.

That the House of Assembly cannot agree to the amendments numbered nine, ten, and eleven, by which it is proposed that there shall be an appeal from the decisions of the Courts of Sessions in all cases exceeding five pounds, as the House are of opinion that the granting such power of appeal would, in most cases, operate in favour of the merchants and planters, and most severely against the poor labourers and servants. It is of the utmost importance that servants and labourers in the outports of the Island should have a final and speedy decision upon their claims and disputes. That in most cases of appeal from the decisions of the Courts of Sessions in the outports, the poor man must suffer very great want and inconvenience before the appeal can be decided, and the House are fearful such a measure, instead of affording any advantages to the poorer classes, would only give the rich and powerful the means of oppressing them. The House having, by the tenth section of the Bill, allowed the intervention of a Jury at the option of either party, conceive that this would be a sufficient safeguard in such cases, against any supposed partiality on the part of the said Courts of Sessions. And lastly, that the House have been induced to extend the powers of the Courts of Sessions in these cases from the beneficial operation of the old laws, which, for a great length of time, gave to Justices of the Peace and to the Courts of Sessions, more extensive powers than are contemplated by this Bill.

On motion of Mr. THOMAS,

*Resolved*,—That the Committee appointed to manage the conference with the Legislative Council on the amendments proposed to the Bill for regulating the celebration of Marriages, be instructed to state to the Committee of the Council, that it is the opinion of this House that it would be more desirable that the conviction mentioned in the amendment numbered five, should take place in the Supreme or Circuit Courts of this Island, than privately before a single Judge, and they suggest the propriety of such an alteration of the amendment being made. That this amendment does not apply to His Majesty's Roman Catholic subjects,



and cannot be acted upon by their clergy, and the Assembly suggest that, at the end of the section, the following proviso be added, "Provided nevertheless, that nothing in this section shall extend or be construed to extend to clergymen of the Roman Catholic Religion celebrating marriage between persons of their own persuasion." That the Assembly have limited the penalty in this section to fifty pounds, by adding the words "not exceeding the sum of fifty pounds sterling" after the word "award."

And the names of the Managers were called over, and they went to the conference.

And being returned,

Mr. THOMAS reported that the Managers had been at the Conference, and that they had complied with their instructions.

Mr. Speaker laid before the House a Letter from MICHAEL HAYES, stating that he remained

unpaid for his services in summoning the Members for Bonavista and Burin to attend and take their seats in the House.

*Ordered*,—That the said MICHAEL HAYES do lay before the House, on Monday next, his accounts for the services mentioned in his Letter.

On motion of Mr. KOUGH,

*Resolved*,—That a Committee be appointed to examine and audit all accounts for expenses incurred during the present Session, and to report thereon, and recommend the payment thereof to His Excellency the Governor; the Committee to have power to meet and act in the event of a prorogation or long adjournment.

*Ordered*,—That all Members resident in the Town of St. John's do form the said Committee.

Then the House adjourned until Monday, at twelve of the clock.

### MONDAY, MAY 27, 1833.

**A** Bill for opening a public Street in the Town of St. John's was read a second time.

*Resolved*,—That the Bill be committed to a Committee of the whole House.

On motion, the House then resolved itself into a Committee of the whole House, on the consideration of the said Bill.

Mr. Speaker left the Chair.

Mr. HOOPER took the chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the said Bill for opening a public street in the Town of St. John's, and had agreed to the same with an amendment, which they had directed him to report to the House; and he delivered the Bill, with the Amendment, in at the Clerk's Table.

The said Amendment was then read throughout a first and second time, and, upon the question put thereon, was agreed to by the House.

*Ordered*,—That the Bill, with the amendment, be engrossed.

On motion of Mr. THOMAS,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and request that His Excellency will be pleased to direct that a Copy of the Regulations established for the performance of Quarantine under the Act lately passed by the Legislature, be laid before the House.

*Ordered*,—That Mr. THOMAS, Mr. BENNETT, and Mr. KOUGH, be a Committee for the above purpose.

Then the House adjourned until to-morrow, a twelve of the clock.

### TUESDAY, MAY 28, 1833.

**M**R. THOMAS reported from the Committee appointed to wait on His Excellency with a Copy of the Resolution of yesterday relative to the Quarantine Regulations, that the Committee had waited on His Excellency accordingly, and that, in reply, His Excellency was pleased to say that he would cause the said Regulations to be laid before the House.

Mr. Speaker laid before the House a Letter from the Honourable Mr. Secretary CROWDY, transmitting, by command of His Excellency, two Copies of the Laws enacted during the present Session, for the use of the House.

An engrossed Bill for opening a public Street in the Town of St. John's was read a third time.

*Resolved*,—That the Bill do pass, and that the Title

be, "An Act for opening a public street and fire-break in the Town of St. John's."

*Ordered*,—That the Clerk do carry the Bill to the Council and desire their concurrence.

Mr. Speaker laid before the House the accounts of MICHAEL HAYES, for his services as a Special Messenger in summoning the Members for Bonavista and Burin.

*Ordered*,—That the said Accounts do lie on the Table.

A Petition from JOHN TILLEY was presented by Mr. CARTER, and read, setting forth that he is about establishing a Manufactory of bricks at the head of Trinity Sound in Trinity Bay, and praying that an exclusive privilege of making Bricks may be granted to him.



*Ordered*,—That the said Petition do lie on the Table.

Mr. Speaker laid before the House Copies of the Quarantine Regulations, transmitted to him by the Honourable Mr. Secretary CROWDY, by command of His Excellency the Governor.

On motion of Mr. KENT,

*Resolved*,—That the Accounts of MICHAEL HAYES be referred to a Select Committee, to examine and report thereon to the House.

*Ordered*,—That Mr. THOMAS, Mr. KENT, Mr. HOYLES, and Mr. KOUGH, be a Committee for the above purpose.

Mr. THOMAS reported from the Committee appointed to examine the accounts of the said MICHAEL HAYES, that they had examined the same and approved thereof, and recommended to the House that the same should be paid.

A Message from the Council by Mr. AYRE.

Mr. Speaker,—The Council request a conference with the House of Assembly on the subject of the Amendments to the Bill in amendment of the Judicature Act, and have appointed the Managers to manage the said Conference, who will be ready to meet the Managers on the part of the House immediately in the Committee-Room.

And then the Messenger withdrew.

On motion,

*Resolved*,—That the Conference asked by the Council be agreed to.

*Ordered*,—That the Managers who managed the last Conference do manage this Conference.

And they went to the Conference.

And being returned,

Mr. THOMAS reported that the managers had been at the Conference, and he stated the substance thereof to the House.

On motion,

The House then proceeded to the further consideration of the Amendments proposed by the Council to the said Bill in amendment of the Judicature Act, and thereupon,

Mr. THOMAS moved that the House do agree to the said amendments.

Mr. BENNETT moved by way of Amendment that a further conference be asked with the Legislative Council on the subject of the last Conference; which, being seconded and put, passed in the negative. The original motion was then put, and passed in the affirmative.

*Ordered*,—That the clerk do carry the Bill with the Amendments back to the Council and acquaint them therewith.

Then the House adjourned until Thursday next, at twelve of the clock.

#### THURSDAY, MAY 30, 1833.

A message from the Legislative Council by Mr. AYRE.

Mr. Speaker,—The Council request a Conference by Committee with the House of Assembly on the subject of the Amendments proposed to the Bill to regulate the celebration of Marriages.

And then the messenger withdrew.

On motion,

*Resolved*,—That the conference asked by the Council be agreed to.

*Ordered*,—That Mr. HOYLES, Mr. THOMAS, Mr. KOUGH, and Mr. HOOPER, do manage the said conference.

And the managers went to the conference.

And being returned,

Mr. HOYLES reported that the managers had been at the conference, and he stated the substance thereof to the House.

The House then proceeded to the further consideration of the Amendments proposed to the Bill to regulate the celebration of marriages, and thereupon,

Mr. BENNETT moved that the House do agree to the said Amendments: which, being seconded and put, and the House dividing thereon, there appeared for the motion, four; against it, two.

For the motion.	Against the motion.
Mr. BENNETT	Mr. THOMAS
— BROWN	— KOUGH.
— HOYLES	
— HOOPER.	

So it passed in the affirmative.

*Ordered*,—That the Clerk do carry the Bill with the Amendments back to the Council and acquaint them therewith.

Then the House adjourned until to-morrow at twelve of the clock.

#### FRIDAY, MAY 31, 1833.

On motion of Mr. KENT,

*Resolved*,—That the Committee appointed to audit all accounts for expenses incurred during the present Session, be authorized to consult and advise with the Executive upon the propriety of retaining or relinquishing the possession of the building in which the Legislature are assembled.

On motion of Mr. THOMAS,

*Resolved*,—That the Speaker do apply to His Excellency the Governor, and request that His Excellency will be pleased to direct that a printed copy of the Acts passed may be furnished to each of the Members of the Assembly.



A Message from the Legislative Council by JOSEPH TEMPLEMAN, Esq., Usher of the Black Rod:—

Mr. Speaker and Gentlemen of the House of Assembly,

The Commissioner appointed by His Excellency the Governor to declare His Excellency's Assent to certain Acts which have passed the Council and House of Assembly, requests your attendance in the Council Chamber, to hear His Excellency's assent given to the same.

And then the Messenger withdrew.

Accordingly,

Mr. Speaker and the House went up to attend the said Commissioner in the Council Chamber, when the honourable JAMES CROWDY, addressing the Council and the House, stated that he had been duly commissioned by His Excellency the

Governor to declare His Excellency's assent to certain Bills which had passed the Council and House of Assembly. The Commission from His Excellency was then read, and thereupon the said Commissioner on his behalf declared His Excellency's assent to the following Bills, viz:—

A Bill entitled—"An Act for the more speedy abatement of Nuisances."

A Bill entitled—"An Act for opening a public Street and Fire-break in the Town of St. John's.

The said honourable JAMES CROWDY, then addressing the Council and House of Assembly, stated that he had been duly commissioned by His Excellency to adjourn the Council and House of Assembly until Monday, the eighth day of July next: and the Commission from His Excellency being read, the said JAMES CROWDY thereupon accordingly adjourned the Council and House until Monday the eighth day of July next.

MONDAY, JULY 8, 1833.

THE House met pursuant to adjournment,

On motion of Mr. KENT,

The House resolved itself into a Committee of Privileges.

Mr. Speaker left the Chair.

Mr. HOYLES took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. HOYLES, the Chairman, reported from the Committee that they had made progress in the business to them referred, and had directed him to move for leave to sit again: which the House agreed to.

The Chairman also reported that the Committee had come to a Resolution, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was read and is as follows:—

Resolved,—That this House has the right of appointing its own officers, namely, the Clerk, the Sergeant-at-arms, and Messenger.

Whereupon, Mr. BENNETT moved that the said Resolution be not agreed to; which, being seconded and put, and the House dividing thereon, there appeared for the motion, four; against it, six.

For the motion.

Mr. HOYLES  
— CARTER  
— BENNETT  
— COZENS.

Against the motion.

Mr. W. BROWN  
— POWER  
— KENT  
— THOMAS  
— PACK  
— KOUGH.

So it passed in the negative.

The said Resolution was then, upon the question put thereon, agreed to by the House.

On motion of Mr. KENT,

Resolved,—That EDWARD MORTIMER ARCHIBALD, Esq. be the Clerk of the House.

On motion of Mr. PACK,

Resolved,—That ELIAS RENDELL, Esq. be the Sergeant-at-Arms of the House.

On motion of Mr. POWER,

Resolved,—That Mr. JOHN CANNING be Door-keeper.

The Honourable Mr. Secretary CROWDY acquainted the House that he had three messages from His Excellency the Governor to the House, signed by His Excellency, and he delivered the same to the House. And the said Messages were read by Mr. Speaker (all the Members being uncovered) and are as follows:—

"MESSAGE."

"THOMAS COCHRANE."

"The Governor having communicated to his Majesty's Government the rejection, on the part of the Council, of the Revenue Bill sent to them from the House of Assembly, and the late Chief Judge having made to them a full exposition of the grounds on which he, as a Member of the Council, opposed that Bill, His Excellency acquaints the House of Assembly that His Majesty's Government have informed him, that they are quite unable to concur in the view which appears to have been taken by the Council, as to the powers of taxation belonging to the Colonial Legislature. And His Excellency has great pleasure in further acquainting the House that it has been highly satisfactory to His Majesty's Government to perceive the judgment and cordiality with which the House of Assembly has exerted itself to diminish the inconvenience anticipated from the loss of the Revenue Bill in question.

MESSAGE.

"THOMAS COCHRANE."

The Governor has great satisfaction in transmitting to the House of Assembly the copy of a despatch and enclosure His Excellency has received from His Majesty's Principal Secretary of State for the Colonies, by



which the House will perceive that it is the intention of His Majesty's Government to request from the Imperial Parliament a vote for the service of this colony, for this year, equal to that of 1832.

MESSAGE.

“THOMAS COCHRANE.”

The Governor, with great regret, acquaints the House of Assembly that a Fire broke out in this town early yesterday morning, and which was not subdued until an entire division of houses on both sides of Water-Street was, with much property, completely destroyed. His Excellency laments to understand that the Act which passed into a law on the 17th April last for the express purpose of efficiently providing for such exigencies remains entirely inoperative; and that the extent of loss on the present occasion is mainly to be attributed to a want of due organization and unity of action in the means taken to arrest the flames; and that it is owing to the providential absence of wind that a much larger portion of the town was not sacrificed.

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

His Excellency further recommends to the House of Assembly to adopt some means to secure the absence of those not inclined to render their services on such occasions, or to compel their labour when present, as it has long been a serious reproach in this town that a large portion of the populace looks on with indifference and apathy (if not with the hope of profiting from it) at the destruction of the lives and property of their fellow-creatures, to whom they are so often indebted for previous maintenance and support;—and His Excellency strongly recommends to the Legislature to

enact severe laws for the prevention or punishment of such conduct.

*Government-House,*  
July 8, 1833.

The Documents attached to the second Message were then read by the Clerk, and are as follows:—

Copy of a Despatch from the Right Honourable E. G. STANLEY, His Majesty's Principal Secretary of State for the Colonies, to His Excellency Sir THOMAS COCHRANE, dated 4th May, 1833.

Copy of a Letter from Lord HOWICK, under Secretary of State for the Colonies, to the Hon. J. K. STEWART.

Copy of the estimate of the charge for defraying the Civil Establishment of Newfoundland, from the 1st April, 1833, to the 31st March, 1834.

*Ordered*,—That the said Messages and Papers do lie on the Table.

Mr. BENNETT gave notice that he should, to-morrow, move that the House do, in committee of the whole House, take into consideration the general state of the Colony.

On motion of Mr. THOMAS,

*Resolved*,—That an application be made to His Excellency the Governor, by the Speaker, praying that His Excellency would be pleased to prorogue the General Assembly for two days, in order that the House may have an opportunity of passing an Act to raise a Revenue.

On motion of Mr. HOYLES,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and respectfully request that he will be pleased to order that, in the event of a fire taking place in this town, the alarm be immediately given by the firing of two guns, quick in succession, from each of the batteries at Fort William and Fort Townshend, as well as Signal Hill, without the orders of the commanding officer.

*Ordered*,—That Mr. HOYLES, Mr. BENNETT, and Mr. THOMAS, be a Committee for the above purpose.

Then the House adjourned until to-morrow, at twelve of the Clock.

TUESDAY, JULY 9, 1833.

A Message from His Excellency the Governor by JOSEPH TEMPLEMAN, Esq. Usher of the Black Rod.

*Mr. Speaker and Gentlemen of the Assembly,*

The Commissioner appointed by His Excellency to declare His Excellency's Assent to a certain Act which has passed the Council and House of Assembly, requests your attendance immediately in the Council Chamber.

And then the Messenger withdrew.

Accordingly,

Mr. Speaker and the House went up to attend the said Commissioner in the Council-Chamber, where the Honourable JAMES SIMMS, addressing the Council and the House, stated that he had been duly commissioned by His Excellency the Governor to declare his assent to a certain Act which had passed the Council and House of

Assembly. The Commission from His Excellency was then read, and thereupon, the said Commissioner declared His Excellency's assent to a Bill entitled—“An Act to repeal the laws now in force concerning Marriages, and to regulate the future celebration of Marriages in this Island.”

The said Commissioner, further addressing the Council and House of Assembly, also stated that he had been duly commissioned by his Excellency to prorogue the General Assembly. And the Commission from His Excellency being read, the said Commissioner thereupon declared it to be His Excellency's pleasure that the General Assembly should stand prorogued until Friday the twelfth day of July instant; and that the General Assembly accordingly stood prorogued until that day, then to meet for the despatch of business.

EDWARD M. ARCHIBALD, *Clerk of the General Assembly.*



# APPENDIX.



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## REVENUE.

	£	s.	d.
Customs' Duties (a) 1830, .....	15,623	17	5½
License Money (b) .....	1,008	1	8
		£16,631	19 1½

N. B. (a)—The duties collected in 1830 exceeded those of 1829 by upwards of £4,000; but those of 1831 are considerably short of the amount above stated, being only £13,204 2s. 8½d.

(b) This sum does not include the License Money collected in the *Outports*, which is small in amount, and is appropriated towards the payment of the Police Establishments in the different places in which it is collected.

Total .....£16,631 19 1½

## EXPENDITURE.

### CIVIL ESTABLISHMENT.

#### CIVIL DEPARTMENT.

	£	s.	d.
Salary of the Governor .....	3000	0	0
Secretary, and Clerk of the Council .....	700	0	0
2 Clerks in the Secretary's Office .....	400	0	0
Office-Keeper, £60—Messenger, £35 .....	95	0	0
Surveyor-General .....	300	0	0
Chain-man to Ditto .....	15	16	4
Colonial Agent .....	300	0	0
School of Industry (St. John's) .....	104	0	0
Newfoundland School Society .....	100	0	0
School in Conception Bay .....	25	0	0
Making Fishery Returns .....	56	0	0
Customs' Establishment .....	4498	5	3

£9594 1 7

#### JUDICIAL DEPARTMENT.

Chief Judge .....	1200	0	0
2 Assistant Judges .....	1400	0	0
Attorney General .....	450	0	0
Clerk of the Supreme Court .....	400	0	0
3 Clerks of Circuit Courts .....	650	0	0
Crier of Supreme and Central Courts .....	20	0	0
High Sheriff .....	513	5	0
Labrador Court, { Judge .....	700	0	0
{ Clerk, £200—Sheriff, £150 .....	350	0	0
{ 2 Constables at £26 per annum .....	52	0	0
Judge of Vice-Admiralty Court .....	500	0	0

£6235 5 0

£15,829 6



## POLICE ESTABLISHMENT (ST. JOHN'S.)

	£	s.	d.	
Brought forward .. .. .				£15,829 6 7
Chief Magistrate .. .. .	360	0	0	
2 Police Magistrates .. .. .	320	0	0	
9 Constables .. .. .	320	13	4	
	<hr/>			£1000 13 4

## ECCLESIASTICAL DEPARTMENT.

Archdeacon .. .. .	300	0	0	
5 Lay Readers .. .. .	65	0	0	
Catholic Bishop's Allowance .. .. .	75	0	0	
	<hr/>			£440 0 0

## PENSIONS.

William Armstrong (late Marshal Supreme Court) .. .. .	50	0	0	
Mrs. Westcott (wife of late Attorney-General) .. .. .	30	0	0	
	<hr/>			£80 0 0

## CONTINGENCIES.

Civil Department .. .. .				£238 5 4
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## JUDICIAL DEPARTMENT.

Expenses of Civil and Criminal Prosecutions .. .. .	604	19	0½	
Circuit Judges on Circuit .. .. .	300	10	4	
Labrador Court .. .. .	270	0	0	
Fuel and Light .. .. .	91	17	10½	
Stationary and Printing .. .. .	232	1	4½	
Gaol Expenses { Dietry, Medicines, and Medical Attendance .. .. .	747	3	5	
{ Washing .. .. .	26	9	11½	
Coroner's Accounts .. .. .	131	2	8	
Attorney-General's Fees .. .. .	250	0	0	
	<hr/>			2654 4 7½

## MISCELLANEOUS EXPENDITURE—Consisting of

Expenses of supporting Paupers, Orphans, and Bastards .. .. .	780	18	4½	
Support and Lodging of Sick Paupers .. .. .	257	19	2	
Medical Attendance on ditto .. .. .	200	0	0	
Expenses of providing passages out of the Colony for persons who would } otherwise become a constant burden on it .. .. . }	60	2	9	
	<hr/>			1299 0 3½
Expenses of making and repairing Public Roads .. .. .	350	11	4	
Repairs and Preservation of Public Buildings .. .. .	693	14	6	
Repairs of Bridges and Government Fences .. .. .	54	0	8	
Other incidental Charges .. .. .	565	2	5½	
	<hr/>			1663 8 11½
Total expenditure (1831) .. .. .				£23204 19 1½



**RECEIPT AND EXPENDITURE**

TAKEN ON THE AVERAGE OF THE FIVE YEARS ENDING DECEMBER, 1831.

**REVENUE.**

Amount of Customs' Duties after deducting expense of Custom's } Establishment .....	£	s.	d.
	8633	0	0
License Money .....	917	2	8
<b>Total average revenue .....</b>			<b>£9,550 2 8</b>

**EXPENDITURE.****SALARIES.**

Civil Department (exclusive of Customs) .....	5115	16	4
Judicial Department .. .. .	6271	5	0
Police Establishment (St. John's) .. .. .	1004	13	4
Ecclesiastical Department .. .. .	440	0	0
Pensions .. .. .	80	0	0
			<b>12,907 14 8</b>

**MISCELLANEOUS AND CONTINGENT EXPENDITURE.**

Civil Department .. .. .	252	18	7
Judicial Department .. .. .	3003	4	11
Support of Paupers, Orphans, &c. .. .. .	746	9	10
Support of Sick Paupers .. .. .	312	3	1
Medical Attendance on ditto .. .. .	200	0	0
Passages .. .. .	123	15	7
Repairs and preservation of Public Buildings—making and repairing } Roads—repairs of Bridges and Government Fences, and other } incidental charges .. .. .	1625	11	11
			<b>6264 3 11</b>
<b>Total average expenditure (exclusive of Customs' Establishment) .. .. .</b>			<b>£19,171 18 7</b>

**ESTIMATE OF THE  
CIVIL ESTABLISHMENT OF NEWFOUNDLAND**

TO BE PROVIDED FOR FROM THE FIRST DAY OF APRIL, 1833.

**CIVIL DEPARTMENT.**

Salary of Clerk of the Council .. .. .	£	s.	d.
	200	0	0
2 Clerks in the Secretary's Office .. .. .	400	0	0
Office-Keeper, £60—Messenger, £35 .. .. .	95	0	0
Surveyor-General .. .. .	300	0	0
Chain-man to Ditto .. .. .	15	16	4
Colonial Agent .. .. .	300	0	0
School of Industry (St. John's) .. .. .	104	0	0
Newfoundland School Society .. .. .	100	0	0
School in Conception Bay .. .. .	25	0	0
Making Fishery Returns .. .. .	56	0	0
			<b>£1595 16 4</b>



## JUDICIAL DEPARTMENT.

	£	s.	d.	
Brought forward .....				£1,595 16 4
Clerk of the Supreme Court .....	400	0	0	
3 Clerks of Circuit Courts .....	650	0	0	
Crier of Supreme and Central Courts .....	20	0	0	
High Sheriff .....	513	5	0	
Gaoler .....	36	0	0	
Labrador Court, { Judge .....	700	0	0	
{ Clerk, £200—Sheriff, £150 .....	350	0	0	
{ 2 Constables at £26 per annum .....	52	0	0	
Judge of Vice-Admiralty Court .....	500	0	0	
				£3221 5 0

## POLICE ESTABLISHMENT (ST. JOHN'S.)

Chief Magistrate ..	360	0	0	
2 Police Magistrates .....	320	0	0	
9 Constables .....	320	13	4	
				£1000 13 4

## ECCLESIASTICAL DEPARTMENT.

Archdeacon ..	300	0	0	
5 Lay Readers ..	65	0	0	
Catholic Bishop's Allowance .....	75	0	0	
				£440 0 0

## PENSIONS.

William Armstrong (late Marshal Supreme Court) .. ..	50	0	0	
Mrs. Westcott (wife of late Attorney-General) .. ..	30	0	0	
				£80 0 0
Total Civil Establishment .....				£6337 14 8

**RETURN OF THE POPULATION OF NEWFOUNDLAND**

ACCORDING TO THE LAST CENSUS (TAKEN IN 1827—8).

DISTRICTS.	POPULATION.		TOTAL	REMARKS.
	Protestants.	Roman Catholics.		
St. John's - - - - -	4951	10,214	15,165	
Conception Bay - - - - -	10,629	7230	17,859	
Trinity Bay - - - - -	4250	903	5,153	
Bonavista Bay - - - - -	3721	950	4,671	
Twillingate and Fogo - - - - -	2878	669	3,547	
Bay Bulls - - - - -	33	1107	1,140	
Ferryland - - - - -	181	1795	1,976	
Trepassey and St. Mary's	Not specified in the Re- } turns from these districts }		847	
Placentia - - - - -			2,802	
Burin - - - - -	968	1152	2,120	
Fortune Bay - - - - -	2601	207	2,808	
Add for stragglers in detached and distant places, } which those taking the Census could not visit, }			2,000	
<b>TOTAL</b>			<b>60,088</b>	

Secretary's Office, 25th January, 1833.



**RETURN OF THE ESTABLISHMENT OF THE CUSTOMS  
IN THE ISLAND OF NEWFOUNDLAND.**

Name of the Officer.	Employment.	Station.	Salary	Explanatory Remarks.
JAMES M. SPEARMAN	Collector	St. John's	£700	<p>“ Subject to any future revision which the Lords of His Majesty's Treasury may think fit to make with respect to the Salaries of the Officers in the North American Colonies generally.”—<i>Hon. Board's Letter, 6th Sept. 1832.</i></p> <p>Also, Admeasurer of Vessels.</p> <p>Also, act. Warehouse-keeper</p> <p>Also, Assistant Clerk.</p>
GEORGE BAYLY	Comptroller	Ditto	700	
JOHN MOORE	Waiter and Searcher	Ditto	350	
GEO. T. HAYWARD	Ditto	Ditto	350	
JOHN WINTER	First Clerk	Ditto	100	
THOMAS READ	Second Clerk	Ditto	100	
EDWARD L. MOORE	Locker	Ditto	100	
ANDREW PEARCE	Sub-Collector	Twillingate	100	
ROBERT BAYLY	Ditto	Trinity	150	
JAMES BAYLY	Ditto	Harbour Grace	250	
JOHN L. M'KIE	Ditto	Bay Bulls	100	
ROBERT CARTER	Ditto	Ferryland	100	
WM. G. BRADSHAW	Ditto	Placentia	100	
THOMAS E. GADEN	Acting Ditto	Little Bay	100	
JOSHUA GREEN	Ditto	Port-de-Grave	100	
GEO. KING.	Sub-Collector	Burin.	100	
			£3500	

N. B.—The above Return comprises the permanent Establishment of the Customs in this Island. The Collector and Comptroller having authority to employ two boatmen, at an annual expense not exceeding £140 sterling, and tide-waiters at 4s. 4d. sterling, per diem, each, whenever in their opinion the business of the port may require their services.

*Custom-House, St. John's, 17th January, 1833.*

J. M. SPEARMAN, Collector.  
GEORGE BAYLY, Comptroller.