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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF

### NEWFOUNDLAND.

SECOND SESSION, FIRST COLONIAL PARLIAMENT.

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

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BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

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St. John's, Newfoundland.

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

1833.

# LEGISLATIVE COUNCIL.

FRIDAY, 12th JULY, 1833.

**Present,**

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant Colonel SALL, Commandant,*  
" " JAMES CROWDY, Esquire, *Colonial Secretary.*  
" " W. HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

His Honor the President having stated that he had received a Commission from His Excellency the Governor, authorizing him to open the Session of the Council and Assembly, which stood prorogued to this day, the Serjeant-at-Arms was directed to summon the Speaker and House of Assembly. On their attendance in Council, the Commission was read by the Clerk, and his Honor addressed the Council and Assembly as follows:

The 2nd Session of the Parliament opened by Commission.

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

I am commanded by His Excellency the Governor to acquaint you that having, in conformity with the request of the House of Assembly, Prorogued you to this day, to enable them to introduce another Revenue Bill, you are now called together to proceed on this or such other matter as you may deem it essential to enter upon previously to your final separation.

Commissioner's address to the Council and Assembly.

On Motion of Mr. Crowdy, the House—  
Adjourned until Monday.

MONDAY, 15th JULY, 1833.

**Present,**

*His Honor Acting Chief Judge SIMMS, President.*  
*The Honorable Lieutenant Colonel SALL, Commandant,*  
" " JAMES CROWDY, Esquire, *Colonial Secretary,*  
" " WILLIAM HALY, Esquire,  
" " H. P. THOMAS, Esquire,  
" " J. B. BLAND, Esquire.

The Clerk of the Assembly brought up a Bill entitled "An Act for granting to his Majesty certain duties on all Wines and on all Brandy, Rum, Gin, and other Spiritous Liquors imported into this Island and its dependencies," which, on the motion of Colonel Haly, was read a first time.

Revenue Bill brought up;

---and read a 1st time.

Adjourned until to-morrow.

TUESDAY, 16th JULY, 1833.

**Present,**

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable COLONEL SALL, Commandant,*  
" " JAMES CROWDY, Esquire, *Colonial Secretary.*  
" " WILLIAM HALY, Esquire.  
" " H. P. THOMAS, Esquire.  
" " J. B. BLAND, Esquire.

On Motion of Lieutenant Colonel Sall, the Revenue Bill was read a second time. The House then went into Committee on it—Lieutenant-Colonel Sall in the Chair.

Revenue Bill read 2nd time.

The House having resumed, the Chairman reported that no amendments had been made in the Bill.

Adjourned until Thursday.

18th, 22nd, 23d &amp; 26th July, 1833.

SECOND SESSION FIRST COLONIAL PARLIAMENT, 4th WILLIAM IV.

THURSDAY, 18th JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant-Colonel SALL, Commandant,*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary,*  
 " " W. HALY, Esquire.  
 " " H. P. THOMAS, Esquire.  
 " " J. B. BLAND, Esquire.

Revenue Bill read 3rd  
time and passed.

On Motion of Lieutenant-Colonel Sall, seconded by Mr. Thomas, the Revenue Bill was read a third time and passed.

Adjourned until Monday.

MONDAY, 22d JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant Colonel SALL, Commandant,*  
 " " JAMES CROWDY, Esquire, *Colonial Secretary.*  
 " " W. HALY, Esquire,  
 " " H. P. THOMAS, Esquire,  
 " " J. B. BLAND, Esquire.

The Council having assembled at Government-House, by desire of His Excellency the Governor, the Serjeant-at-Arms was directed to summon the Speaker and House of Assembly for the purpose of hearing His Excellency's assent given to the Revenue Bill.

His Excellency the Go-  
vernor gives his assent  
to the Revenue Bill.

The Governor having come to the Council, the Serjeant-at-Arms announced the attendance of the Speaker and House of Assembly, who being admitted to the Bar of the Council, the Speaker addressed His Excellency, and presented to the President the Bill entitled "An Act for granting to His Majesty certain duties on all Wines, and on all Brandy, Rum, Gin, and other Spiritous Liquors imported into this Island and its dependencies," who delivering it to his Excellency, it was by him handed to the Secretary of the Council, and thereupon His Excellency's assent thereto was declared.

His Excellency then retired, and the Council—  
Adjourned until To-morrow.

TUESDAY, 23d JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable WILLIAM HALY, Esquire,*  
 " " H. P. THOMAS, Esquire,  
 " " J. B. BLAND, Esquire.

Broad Cove Annexation  
Bill  
--read 1st time.

The Clerk of Assembly brought up a Bill entitled "An Act to Annex Broad Cove, and other places therein-mentioned, to the District of St. John's;" which, on Motion of Colonel Haly, was read a first time.

Adjourned until Monday.

MONDAY, 26th JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable JAMES CROWDY, Esquire, Colonial Secretary,*  
 " " W. HALY, Esquire,  
 " " H. P. THOMAS, Esquire,  
 " " J. B. BLAND, Esquire.

26th, 27th, &amp; 29th July, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, *Governor.*

On Motion of Mr. Crowdy, the Broad Cove Annexation Bill was read a second time. ---read 2nd time.

The Clerk of Assembly brought up a Bill entitled "An Act to regulate the Building of Houses in Water Street in the Town of St. John's," which, on Motion of Colonel Haly, was read a first time. Water Street Bill ---read 1st time.

Adjourned until To-morrow.

SATURDAY, 27th JULY, 1833.

*Present.*

*His Honor Acting Chief Judge SIMMS, President.*

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

" " WILLIAM HALY, Esquire,

" " J. B. BLAND, Esquire.

On Motion of Mr. Crowdy, the Broad Cove Annexation Bill was read a third time and passed. Broad Cove Annexation Bill read a 3rd time and passed.

On Motion of Colonel Haly, the Water Street Bill was read a second time.

The Clerk of the Assembly brought up the Bills entitled—

"An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Carbonear;" Bills brought up,

"An Act to amend an Act of the General Assembly of this Island, passed in the Third Year of His present Majesty's Reign, entitled 'An Act to establish and regulate Fire Companies in the Town of Harbor Grace;'"

"An Act to regulate and improve the Police Establishment for the Town of St. John's, and to establish a Nightly Watch in the said Town;"

"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;'"

Which, on Motion of Colonel Haly, were read a first time. ---and read a 1st time.

On Motion of Colonel Haly, the House went into Committee on the Water Street Bill,— Mr. Crowdy in the Chair. Water Street Bill in Committee.

The House having resumed, on the Motion of the President, the Chairman reported that the Bill had gone through the Committee with several amendments.

The Carbonear Gunpowder Bill and Harbor Grace Fire Amendment Bill were read a second time, on the motion of Mr. Crowdy. Carbonear Gunpowder Bill and Harbor Grace Fire Amendment Bill ---read 2nd time.

Adjourned until Monday.

MONDAY, 29th JULY, 1833.

*Present,*

*His Honor Acting Chief Judge SIMMS, President.*

*The Honorable Lieutenant-Colonel SALL, Commandant,*

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

" " WILLIAM HALY, Esquire,

" " J. B. BLAND, Esquire,

On Motion of Lieutenant Colonel Sall, the Water Street Bill, as amended, was read a third time, and sent to the House of Assembly for their concurrence in the amendments. Water Street Bill read 3rd time, and

The Carbonear Gunpowder Bill was read a third time, and passed, on the motion of Mr. Crowdy. Carbonear Gunpowder Bill.

The Harbor Grace Fire Amendment Bill was also read a third time, and passed, on Motion of Colonel Haly; and on Motion of Colonel Haly the Police Establishment for St. John's Bill was read a second time. Harbor Grace Fire Amendment Bill read 3rd time and passed. St. John's Police Bill ---read 2nd time.

Adjourned until To-morrow.

30th &amp; 31st July, 1833.

SECOND SESSION FIRST COLONIAL PARLIAMENT, 4th WILLIAM IV.

TUESDAY, 30th JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant-Colonel SALL, Commandant,*  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary,*  
 „ „ W. HALY, Esquire.  
 „ „ H. P. THOMAS, Esquire,  
 „ „ J. B. BLAND, Esquire.

Petition presented to be permitted to erect Wooden Buildings on the North side of Water Street.

Mr. Thomas presented a Petition, signed by 280 persons, praying that the proprietors or Lessees of Land on the North side of Water Street might be permitted to erect their buildings of Wood, which, on motion of Mr. Thomas, was read and ordered to lie on the Table.

Harbor Grace Street Amendment Bill.

The Clerk of Assembly brought up a Bill entitled "An Act to amend an Act of the General Assembly, entitled 'An Act to regulate the Streets of the Town of Harbor Grace,' for the concurrence of the Council; and requested the Council would confer with the Assembly on the Water Street Bill.

—read 1st time.

On Motion of His Honor the President, the Harbor Grace Street Amendment Bill was read a first time.

A Message was then sent to the House of Assembly, stating that the Council accede to their request for a Conference on the subject of the Water Street Bill, and had appointed two of its Members to meet the Managers of the Assembly in the Committee Room, immediately.

Mr. Crowdy and Mr. Bland were appointed Managers, who reported, on their return from the Conference, that some objections had been made by the Assembly to the Council's amendments.

The objections having been taken into consideration, it was—

Resolved, that the Committee appointed to manage the Conference be instructed to state that the Council agree to withdraw the 1st, 3rd, 5th, and 7th, and that part of the 8th Amendment which expunges the 9th section of the Bill; and they feel themselves called on to state, that in withdrawing these amendments they are influenced by an earnest desire that some measure calculated to protect the Town from the calamitous fires to which it has been subjected, should be adopted, although it does not go to the extent that the Council consider desirable.

Resolved, that the Council cannot agree to withdraw their amendment expunging the 5th section of the Bill.

A Conference was then requested with the Assembly, and the Council's Managers were instructed to present to the Assembly the Resolutions above stated, which on their return they reported they had done.

Harbor Grace Street Amendment Bill, read 2nd time.

On Motion of Colonel Haly, the Harbor Grace Street Amendment Bill was read a second time.

Adjourned until To-morrow.

WEDNESDAY, 31st JULY, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant-Colonel SALL, Commandant,*  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary,*  
 „ „ H. P. THOMAS, Esquire,  
 „ „ J. B. BLAND, Esquire.

The Clerk of the Assembly brought up the "Water Street Bill."

Harbor Grace Street Amendment Bill read 3rd time.

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

Adjourned until To-morrow, 1 o'clock

1st August, 1833.

SIR THOMAS JOHN COCHRANE, KNIGHT, Governor.

THURSDAY, 1st AUGUST, 1833.

Present,

*His Honor Acting Chief Judge SIMMS, President,*  
*The Honorable Lieutenant Colonel SALL, Commandant,*  
 „ „ JAMES CROWDY, Esquire, *Colonial Secretary.*  
 „ „ W. HALY, Esquire,  
 „ „ H. P. THOMAS, Esquire,  
 „ „ J. B. BLAND, Esquire.

The Council having assembled at the Council Chamber, at the Court House, the Serjeant-at-Arms was directed to summon the attendance of the Speaker and House of Assembly.

His Excellency the Governor arrived at one o'clock, and shortly afterwards the Speaker and Members of the Assembly were admitted to the Bar of the Council, when His Excellency was pleased to give his assent to the Bills entitled—

“ An Act to annex Broad Cove and other places therein-mentioned to the District of St. John's; ”

“ An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Carbonear; ”

“ An Act to regulate the Building of Houses in Water Street in the Town of St. John's; ”

“ An Act to amend an Act of the General Assembly of this Island, passed in the Third Year of His present Majesty's Reign, entitled ‘ an Act to establish and regulate Fire Companies in the Town of Harbor Grace; ’ ”

“ An Act to amend an Act of the General Assembly, entitled ‘ An Act to regulate the Streets of the Town of Harbor Grace. ’ ”

His Excellency then addressed the Council and Assembly as follows :

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

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

I am happy to have it in my power to release you from your Parliamentary duties, which have from various circumstances been extended to a period which I fear must have proved inconvenient to you, and to which you have devoted yourselves with a zeal and attention which cannot but reflect much credit upon you, and convey to the people an assurance that their Representatives have been anxious to fulfil the trust confided to them.

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

It is satisfactory to think that the question as to your powers to levy Local Duties is now finally set at rest; and I thank you for the promptitude with which you have devoted your attention to the improvement of the Revenue; and I will not omit this opportunity to reiterate the sense I entertain of the anxiety you evinced to obviate any inconvenience that might arise from the loss of the Revenue Bill, in placing the growing duties at my disposal; and I trust you will not upon this, or any other occasion, find reason to regret the confidence you have reposed in me.

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

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

It has afforded me much gratification to perceive, that neither on the difference which occurred between the two Branches of the Legislature, on the subject of the Revenue Bill, nor on any different view taken by them in the course of the Session, on points of minor importance, has there been any interruption to that harmony and good understanding which ought at all times to exist between two such important bodies.

It is only by collision of opinion that truth is elicited; and were one or other branch of the Legislature implicitly to follow the views of the other, the great advantage to a sound decision, derived from separate discussion, would be entirely lost.

Though it may be said that your labours have not been in proportion to the length of time you have been in Session, yet it is neither a proof of a want of exertion or of the exercise of a sound discretion on your parts. On the first establishment of a new institution like the

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