

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

**ANNO QUARTO REGIS GULIELMI IV.**

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**SECOND 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

JOURNAL

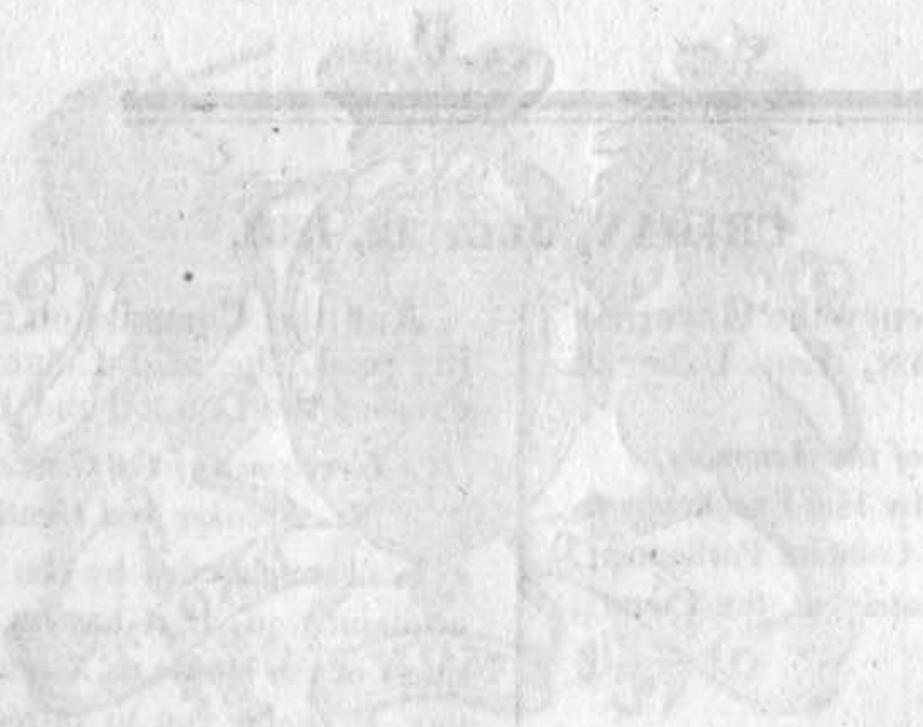
OF THE

PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY

OF NEWFOUNDLAND.



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**JOURNAL**  
AND  
**PROCEEDINGS**  
OF THE  
**HOUSE OF ASSEMBLY**  
**OF NEWFOUNDLAND.**

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FRIDAY, JULY 12, 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 open the present Session of the Colonial Parliament, requests your attendance immediately at 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, where the Hon. **JAMES SIMMS**, addressing the Council and House, stated that he had been duly commissioned by His Excellency the Governor to open the present Session of the Legislature.

And the Commission from His Excellency being read, the said Commissioner thereupon addressed the Council and House as follows:—

*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 you 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, previous to your final separation.

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

Mr. Speaker laid before the House a Letter from **EDWARD MORTIMER ARCHIBALD, Esq.**, acknowledging the receipt of Mr. Speaker's no-

tification that the House had appointed him to be their Clerk, and stating that he was in doubt as to the propriety of his accepting of the appointment, having previously received from the Crown a Commission appointing him to the Office of Clerk of the General Assembly.

A Petition of GEORGE THORNE and others, inhabitants of the Town of Harbour Grace, was presented by Mr. PACK, and read, setting forth,

That, in the last Session of the House, an Act was passed, entitled "An Act to regulate the streets of the town of Harbour Grace," which said Act provided that the main or lower street thereof, from the shop and dwelling-house occupied by PETER BROWN, Esq. to the premises occupied by THORNE, HOOPER & Co. should be only thirty feet in width. The Petitioners humbly conceive that the House could not be aware that a considerable portion of such part of the main or lower street was, at the time of the passing of the said Act, and now is, upwards of sixty feet in width; and that, in the more contracted parts thereof, many of the erections now standing are in a dilapidated state. The Petitioners are of the opinion that the security of the town requires such part of the said main or lower street, extending from and including the shop and dwelling-house of Peter Brown, Esq., and the dwelling-house of Mr. Churchill; and extending west to and including the premises occupied by Messrs. Thorne, Hooper & Co. —to be made of an equal width (fifty feet) with the other parts of the said main or lower street; and that all buildings and erections whatever, made from and after the fifteenth day of June of the present year (and all others, as circumstances will admit of the same,) should be made to conform thereto.

The Petitioners therefore humbly pray that the House will be pleased to make provision for the same, giving such further powers to the Commissioners appointed under the said Act, as will enable them to carry the same into effect, and more effectually to enforce the regulation of the whole line of the main or lower street. And further to provide for the regulation of the lanes and bye-roads in the said town of Harbour Grace and its vicinity; empowering the said Commissioners to open or widen, or shut up the same, as may be necessary for the general convenience of the town. The Petitioners further pray that the House, taking into consideration the reduced circumstances of a large portion of the inhabitants of the said town, consequent upon the calamitous fire with which it was recently visited, will be pleased to grant them some pecuniary assistance, to forward such part of the contemplated improvements as are necessary to be immediately entered upon, the whole expense of which they fear they are, from the circumstances referred to, unable at present to bear.

On motion of Mr. PACK,

*Resolved*,—That the said Petition be referred to a select Committee to examine and report thereon, with power to send for persons and papers.

*Ordered*,—That Mr. PACK, Mr. POWER, Mr

COZENS, Mr. KOUGH, Mr. THOMAS, Mr. KENT, and Mr. HOYLES, be a select Committee for the above purpose.

Mr. KENT moved that the House do come to the following resolution, viz. :—

*Resolved*, -That in consequence of EDWARD M. ARCHIBALD Esq. not accepting the situation of Clerk, the House do proceed to the nomination of another person.

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

For the Motion.

Mr. KENT

Mr. PACK.

Against the Motion.

Mr. KOUGH

— HOYLES

— SWEETMAN

— THOMAS

— CARTER

— POWER

— COZENS

— BENNETT.

So it passed in the negative.

A Petition from ROBERT JOB, whose name is subscribed thereto, was presented by Mr. THOMAS and read, setting forth,

That the Petitioner is desirous to aid in providing for the future safety, and in promoting the comfort of the inhabitants of the town of St. John's. Petitioner, under the impression that every thinking man, who has the same experience with himself, must agree with him in opinion that, however well the fire companies may be organized, and forces applied in times of extensive fires, cases may naturally be expected to occur where no human aid can be made effectual in stopping the progress of the flames until the whole of this dangerously-constructed town shall have been laid in ashes; and should it be while the harbour is frozen up, in all probability the greater part of the sealing fleet would share in the general destruction. The contemplation of the bare possibility of such an event, which must be followed with famine, and perhaps death, to thousands, should rouse the energies of every man to use all the means which Providence may have put within his power to guard against it. Under these strong convictions, the Petitioner seizes the present opportunity of bringing before the House this subject in that point of view in which it is seen by himself; and he thinks he may add, by the greater part of the householders—that, while the buildings in this town continue to be erected of wood, no advantages in widening the streets or fire-breaks will be a security against its destruction, should a fire occur during a gale of wind. Petitioner therefore prays that the House will make such enactments, during the present session, as will guard against the danger; and determine that, in future, no building on the line of Water-Street, on either side, which shall exceed eight or nine feet in height, shall be constructed entirely of wood, but that stone or brick walls, and slated or other incombustible roofs are indispensable.

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

A Petition of JAMES PRENDERGAST and JAMES BRINE of Harbour Grace was presented by Mr. KOUGH, and read, setting forth,

That, at a public meeting of the Inhabitants of Harbour Grace, held at the Court-House on the 27th day of August last, Robert Pack, Patrick Kough, George Lilly, Thomas Ridley, and Richard Anderson, Esquires, were duly appointed Commissioners for regulating the width of a main or lower street, and of marking out in that part of the said town which had been destroyed by fire, such number of cross-streets or fire-breaks, as it should appear that the future security of property did absolutely call for and require. That, agreeably to the power with which they had thereby been invested, the said Commissioners did formally lay down the lines and bounds which were to be observed in the re-construction and building of the town, and gave notice from time to time to such as manifested any inclination to disregard what had been settled upon, that in so doing they acted at their own peril. That sometime in the course of last Autumn, subsequently to the operations of the Commissioners, the Petitioners began to rebuild their dwellings, and actuated no less by a desire of co-operating with what appeared to be done for the benefit of the town and by the unanimous wish of the inhabitants, than by a reluctance of rendering themselves liable to the penal provisions of any Legislative Act which might then be in contemplation, they applied to Mr. James Sharp (a person acting under the control and by the orders of the said Commissioners) to point out the precise line the Petitioners were to observe in making their erections. That the Petitioners have since actually built their respective Houses, and have precisely and strictly observed and followed the directions and instructions of the said commissioners, and have undeviatingly conformed to the plan of the new street drawn up by them. That, by virtue of an Act of the Colonial Legislature, a portion of the inhabitants of the said town of Harbour Grace have nominated and appointed divers other commissioners for the purposes of putting in execution the various provisions of the said Act. That these commissioners so appointed, conceiving themselves authorized and justified, by the Act alluded to, disregard and reject the lines and plans and metes and bounds which had been laid down and prescribed by their predecessors. That, in conformity to such an opinion, the said commissioners have decided upon opening a new fire-break in a site whereon the petitioners have erected their dwellings, and have consequently notified the Petitioners to desist from further finishing their buildings, which are now, however, in a forward state of completion. That the Petitioners being fully persuaded that it is not the intention of the House to set aside, but to confirm, the proceedings of the former commissioners (seeing the great and peculiar hardship that would necessarily accrue to individuals in the event of any alteration being made in the plan of said town) most humbly pray that the House will take the matter into their earliest consideration.

*Ordered*,—That the said Petition be referred to the Select Committee, to whom was referred the Petition of George Thorne and others, to examine and report upon the same.

On motion of Mr. THOMAS,

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 follows:—

1st. *Resolved*,—That it is the opinion of this Committee, that it is expedient and necessary to raise an additional revenue.

2d. *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.

3d. *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.

4th. *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 the sum of five shillings sterling per gallon.

5th. *Resolved*,—That it is the opinion of this Committee that a duty of ninepence sterling, per gallon, be levied on Fayal, Madeira, Marcella, Malaga, Sherry, Figueira Port, Teneriffe, and all other wines imported into this Island, whose value, as aforesaid, shall exceed the sum of two shillings and sixpence sterling, per gallon.

6th. *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 all other wines imported into this Island, whose value, as aforesaid, shall not exceed the sum of two shillings and sixpence sterling per gallon.

7th. *Resolved*,—That with a view to present 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.

8th. *Resolved*,—That it is most desirable that 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 reported 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 then read throughout a first and second time ; and thereupon

Mr. KOUGH moved that the said fourth Resolution be not agreed to by the House ; which, being seconded and put, passed in the negative.

The said Resolutions were then, upon the question put thereon, severally agreed to by the House.

Mr. THOMAS, pursuant to leave given, presented a Bill for granting certain duties on wines, brandy, rum, gin, and other distilled spirituous liquors imported into this island, in conformity with the Resolutions of this Committee of Ways and Means ; and the same was read a first time.

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

Mr. KOUGH gave notice that,

At a future day, he should move for leave to introduce a Bill to provide an efficient watch for the town of St. John's.

Mr. PACK, pursuant to leave given, presented a Bill to regulate the cutting of ice in the different Harbours of the Island ; and the same was read a first time.

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

*Ordered*,—That the Bill be printed.

Mr. CARTER gave notice that,

On Friday next, he should move for leave to introduce a Bill in amendment of the Judicature Act.

Mr. PACK gave notice that,

He should move for leave, to-morrow, to introduce a Bill to guard against accidents by fire. Also, for leave to introduce a Bill to limit the duration of the present and all future Assemblies of this Island to three years.

Mr. THOMAS gave notice that

He should, to-morrow, move for leave to introduce a Bill to annex the islands of Belle-isle and Little Belle-isle and Kelly's Island, and the towns of Broad Cove and Petty Harbour to the District of St. John's.

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

### SATURDAY, JULY 13, 1833.

**A** Bill for granting to His Majesty certain duties on all wines, and on all brandy, and other spirits imported into this Island, was read a second time.

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

Mr. THOMAS, pursuant to leave given, presented a Bill to annex the towns of Petty Harbour and certain other places to the District of St. John's ; and the same was read a first time.

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

Mr. PACK, pursuant to leave given, presented a Bill for limiting the duration of the present and all future Assemblies of this Island ; and the same was read a first time.

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

Mr. PACK, pursuant to leave given, also presented a Bill to guard against accidents by fire, 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. 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 gone through 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, and had agreed to the same with certain amendments, 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 Chairman also reported that he was directed by the Committee to move for leave to sit again ; 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 Bill, with the Amendments, be engrossed.

Mr. THOMAS, pursuant to leave given, presented a Bill for regulating the building of Houses ; and the same was read a first time.

*Ordered*,—That the said Bill do lie on the Table.

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

MONDAY, JULY 15, 1833.

**A**N engrossed Bill for raising a Revenue 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, and its Dependencies.”

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

A Bill to regulate the cutting of ice in the different harbours was read a second time.

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

Mr. PACK, pursuant to leave given, presented a Bill to prevent dangerous quantities of Gunpowder being kept within the town of Carbonear; and the same was read a first time.

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

Mr. POWER, pursuant to leave given, presented a Petition from SLADE, ELSON & Co., THOMAS CHANCEY, and GOSSE, PACK & FRYER of Carbonear, which was received and read, setting forth,

That, if the House should think proper to pass a Gunpowder Bill for the said town, the Petitioners are satisfied to give up to the use of the Public their Magazines for the term of five years from the passing of any such Act, on any terms of rent which the Legislature shall conclude upon for barrels, half-barrels and quarter-barrels of Gunpowder deposited therein; and further, that if the inhabitants should in the mean time build a Magazine at the distance which may be pointed out by Law for the use of the town, the Petitioners would be perfectly satisfied to relinquish any claims upon the Public for their Magazine from that period.

*Ordered*,—That the said Petition do lie on the Table.

A Bill to guard against accidents by Fire, was read a second time.

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

A Bill to limit the duration of the present and all future Assemblies of this Island, was read a second time.

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

Mr. THOMAS, pursuant to leave given, pre-

sented a Petition from WILLIAM JOHNSTON and others, inhabitants of the town of St. John's, which was received and read, setting forth,

That the Petitioners view with increased alarm the dreadful consequences which may ensue to the said Town and to the Inhabitants of the Colony at large from fire taking place during a high wind, and especially in the winter season, which it might be out of the reach of human power to put a stop to, until the whole should have been consumed, while the houses continue to be built of wood. That the space of ground now laid waste presents a favourable opportunity for such improvements as may prevent the recurrence of such heart-rending scenes as the Petitioners have frequently been called to witness. The Petitioners feeling confident that it is fully within the power of the House to guard against evils of such vast magnitude occurring in future, most humbly pray that the House will be pleased to enact, that all buildings in future in the line of Water-street shall be erected of stone or brick walls, and be covered with slates or other incombustible roofs, except such buildings whose uprights shall not exceed in height eight feet, and stores built over the water unconnected with the buildings in the street by a space of ten feet: provided also, that these if they be built of wood shall be covered both on the sides and roof with tin or other incombustible material. And as necessary to the future stability and prosperity of the town that it be further enacted, that all leases for the erection of such buildings as aforesaid shall not be of shorter duration than forty years.

*Resolved*,—That the said Petition be referred to a select Committee to examine and report thereon, with power to send for persons and papers.

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

*Ordered*,—That the Petition be printed.

Mr. KOUGH, pursuant to leave given, presented a Bill to provide an efficient Watch for the town of St. John's, and the same was read a first time.

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

*Ordered*,—That the said Bill be printed.

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

THURSDAY, JULY 18, 1833.

**M**R. BENNETT reported from the Committee to whom was referred the Petition of William Johnston and others Inhabitants of the Town of St. John's, praying that an Act may be passed to prevent the future erection of wooden buildings on the line of Water-street in the said Town, and thereupon presented

A Bill to regulate the future erection of Houses on Water-street in the Town of St. John's; and the same was read a first time.

*Ordered*,—That the Bill be printed.

On motion,

*Resolved*,—That Mr. THOMAS have leave to withdraw the Bill presented by him on Saturday last, to regulate the building of wooden Houses in the Town of St. John's.

A Bill to annex Petty Harbour and certain other places to the District of St. John's, was read a second time.

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

A Bill to prevent dangerous quantities of Gunpowder being kept within the Town of Carbonear, 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. 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 gone through the Bill for annexing Petty Harbour and certain other places to the District of St. John's; to which they had agreed without any amendment. The Chairman also reported, that the Committee had had

under their consideration the Bill for limiting the duration of the present and all future Assemblies of this Island, and they recommended that the further consideration of the said Bill be postponed to this day three months; which Report the House agreed to.

*Ordered*,—That the Bill reported without any amendment be engrossed.

On motion of Mr. THOMAS,

*Resolved*,—That Mr. Speaker do communicate to His Excellency the Governor, that the Bill for granting to His Majesty certain duties on all Wines, and on all Brandy, Rum, Gin, and other Spirituous Liquors imported into this Island, hath passed the Council and House of Assembly, and is now ready for His Excellency's assent thereto.

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

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### FRIDAY, JULY 19, 1833.

**M**R. Speaker acquainted the House that he had communicated to His Excellency the Governor, in compliance with the direction of the House, the substance of the Resolution of yesterday relative to the Revenue Bill.

Mr. PACK, Chairman of the Select Committee appointed to examine and report upon the Petition of George Thorne and others, moved, by the direction of the Committee, that Mr. Speaker do issue his warrant commanding Richard Anderson to attend and give evidence before the said Committee.

Mr. BENNETT moved, by way of amendment, as follows:

*Resolved*,—That the Chairman of the Select Committee to whom was referred the Petition of George Thorne and others, do issue a peremptory order on the said Richard Anderson to attend and give evidence before the said Committee; which, being seconded and put, passed in the affirmative.

A Petition of MARY INNOTT, of Harbour-Grace, Widow, was presented by Mr. KOUGH, and read, setting forth,

That at a public meeting of the Inhabitants of Harbour Grace, held at the Court-House on the 27th day of August last, Robert Pack, Patrick Kough, George Lilly, Thomas Ridley and Richard Anderson, Esqs., were duly appointed Commissioners for regulating the width of a Main or Lower Street, and for marking out in that part of the Town which had lately been destroyed by Fire, such number of cross-streets or Fire Breaks as it should appear that the future security of property did absolutely call for and require. That agreeably with the power with which they had thereby been invested, the said Commissioners did formally lay down the lines and bounds which were to be observed in the reconstruction

and building of the Town, and gave notice from time to time to such as manifested any inclination to disregard what had been settled upon, that in so doing they acted at their own peril. That some time in the course of last Autumn, subsequently to what is stated to have been effected by the Commissioners, the Petitioner let certain plots of ground on building Leases, and upon which Petitioner and her Tenants have since erected certain dwelling-houses and shops of considerable value, in strict conformity to the directions given by the said Commissioners, as particularly pointed out by Mr. James Sharp, who acted under their orders. That by virtue of an Act of the Legislature, part of the Inhabitants of Harbour-Grace have nominated and appointed divers other Commissioners, for the purpose of carrying the provisions of the said Act into effect; and which said last Commissioners seem to have disregarded the lines and plans, metes and bounds laid down and prescribed by their predecessors, and have ordered Petitioner and her Tenants to refrain from extending their Buildings or any further proceedings thereon, to her very great loss and damage. That in consequence of such interruption, the Petitioner's Tenants look to her for the severe losses they have suffered and are further likely to suffer thereby, and which it is obvious the Petitioner is liable to pay.—The Petitioner therefore most humbly prays that the House will take her case into consideration, and afford her such relief as they may deem proper.

*Ordered*,—That the Petition be referred to the Select Committee appointed to examine and report upon the Petition of George Thorne and others, of Harbour Grace.

An engrossed Bill to annex Broad Cove and certain other places to the District of St. John's, was read a third time.

*Resolved*, -That the Bill do pass, and that the Title be "An Act to annex Broad Cove and certain places therein mentioned to the District of St. John's."

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

A Bill for establishing and regulating the Police of Conception Bay was read a second time, and thereupon

Mr. PACK moved that the Bill be committed to a Committee of the whole House.

Mr. THOMAS moved the following amendment, viz :—

*Resolved*,—That the further consideration of the said Bill be postponed until this day six months ;

Which being seconded and put, and the House dividing thereon, there appeared for the amendment, seven ; against it three.

For the Amendment. Mr. BENNETT — KOUGH — SWEETMAN — THOMAS — HOYLES — HOOPER — MARTIN.	Against the Amendment Mr. COZENS — POWER — PACK.
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So it passed in the affirmative.

A Bill to provide a more efficient watch for the Town of St. John's, was read a second time, and thereupon

Mr. PACK moved that the further consideration of the said Bill be postponed until this day six months ; which being seconded and put, and the House dividing thereon, there appeared for the motion, two ; against it, eight.

For the Motion. Mr. PACK — POWER.	Against the Motion. Mr. MARTIN — THOMAS — HOOPER — HOYLES — BENNETT — SWEETMAN — COZENS — KOUGH.
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So it passed in the negative.

On motion of Mr. KOUGH,

*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 several Bills that stood committed.

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 made some progress in the business to them referred, and had gone through the Bill for preventing dangerous quantities of Gunpowder from being kept within the Town of Carbonear, 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 were agreed to by the House.

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

On Motion of Mr. HOYLES,

*Resolved*,—That a Committee be appointed (in pursuance of the recommendation of His Excellency the Governor) to report to the House the amount that ought to be paid to the Officers of the House for their services, and to audit the accounts of expenses incurred for printing, stationery, and furniture.

*Ordered*,—That Mr. HOYLES, Mr. PACK, Mr. KENT, Mr. THOMAS, Mr. SWEETMAN, Mr. BENNETT, Mr. HOOPER and Mr. POWER be a Committee for the above purpose.

Mr. COZENS gave notice, that

He should move for leave, to-morrow, to introduce a Bill to regulate the making and repairing of highways in this Island.

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

SATURDAY, JULY 20, 1833.

A Petition of PATRICK LINEHAN and others, of the town of St. John's, Publicans, was presented by Mr. PACK, and read, setting forth,

That the Petitioners view with much concern an Act which is about to pass into a Law, for the purpose of regulating and improving the Police Establishment of the Town of St. John's, and to establish a nightly watch in the said town. That the Petitioners always anxious for the general safety of the community, cannot but regard any Act of the Assembly which has for its object the protection of public and private property,

as of great and manifest advantage to all classes of the inhabitants of the town of St. John's. That the Petitioners on reading the Seventh Section of the Act above referred to, perceive that forty-eight persons are to be nominated by certain Justices of the Peace every six months, so long as the said Act shall continue in force, from among the licensed Publicans of the town of St. John's, to serve as Constables, and that the said Constables so nominated and appointed shall be bound to serve as such, for the space of six months without fee or reward. That the Petitioners feel sensibly that

at all times whenever necessity required their services, they have, as far as in them lay, discharged their duty to the public as good and loyal subjects; and the Petitioners cannot but think, that should the Seventh Section of the Act before referred to be passed into a Law, a serious hardship and inconvenience will be felt by the Petitioners who already pay large sums of money into the License Funds, which sums of money go to the support of the Police and other Establishments. The Petitioners further state that they form only a part of a very large community composed of merchants, tradesmen, and shopkeepers, who have all an equal stake in this country with the Petitioners, and consequently ought to be called upon when occasion requires to perform a part of that duty necessarily imposed for the public good. The Petitioners therefore trust that the House will be pleased to take the matter into consideration, and if the House should deem it expedient that forty-eight Constables should be appointed agreeably to the Seventh Section of the Act aforesaid, the Law should provide for their being chosen from the Housekeepers of St. John's generally.

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

A Bill to regulate the future erection of Houses in Water-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 several Bills that stood committed.

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 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,

*Resolved*,—That no Member have leave to introduce any Bill into this House for the present Session, after Thursday the twenty-fifth instant.

Mr. COZENS, pursuant to leave granted, presented a Bill for regulating the making and repairing of Roads in this Island, and the same was read a first time.

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

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

#### MONDAY, JULY 22, 1833.

**MR. THOMAS** moved that the House do come to the following Resolution, viz. :—

*Resolved*,—That with a view to prevent persons from building in violation of an Act now passing this House, and thereby subjecting themselves to considerable loss and inconvenience, the House do authorise the Magistrates for the District of St. John's to prevent any wooden buildings of a permanent nature from being erected in any part of Water-street, in the town of St. John's, until the Act for regulating the building of Houses therein be finally disposed of, and that this House will indemnify the Magistrates for so doing.

Which being seconded, and stated from the Chair, and a discussion arising thereon,

On motion,

*Resolved*,—That Mr. THOMAS have leave to withdraw the said Resolution.

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 at Government-House.

And then the Messenger withdrew.

Accordingly,

Mr. Speaker and the House went up to attend His Excellency;

And being returned,

Mr. Speaker reported that the House had attended His Excellency in the Council Chamber at Government-House, where he Mr. Speaker had addressed His Excellency as follows :—

*May it please Your Excellency,*

On behalf of His Majesty's loyal and faithful subjects the Commons of Newfoundland, I beg leave to present to your Excellency a Bill entitled "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 and its Dependencies," and respectfully crave your Excellency's Assent to the same.

Whereupon His Excellency was pleased to give his Assent to the said Bill.

On motion, the House then 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. HOOPER 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.

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

TUESDAY, JULY 23, 1833.

A Petition of THOMAS DANSON and others, Inhabitants of the town of Harbour-Grace, was presented by Mr. PACK, and read, setting forth,

That deeply deploring the consequences of the dreadful fires by which they have been so awfully visited, they trust the House will interpose its authority, and enact such Laws as it may in its wisdom deem expedient to prevent the recurrence of similar calamities. They have to represent to the House that the Act of the first General Assembly, entitled, "An Act for the establishment and regulation of Fire Companies in the Town of Harbour-Grace," has been found totally nugatory, being destitute of such provisions as would enable the competent authorities to carry into effect any measure tending to better the condition of the said town. The Petitioners therefore pray that the House would pass a Law to compel all persons occupying houses with unsafe chimnies, to rebuild or repair the same, and restrain them from making fires therein—to oblige all the male inhabitants of the said town between the ages of fifteen and sixty years to serve in the said Fire Companies—to oblige every person to provide ladders and buckets, and to prevent by heavy penalties the carrying of firebrands, smoking in the streets, open places, sheds or work-shops, or on the wharves, and also the boiling of pitch or other combustible matter within sixty feet of any dwelling-house, store, or any other building of wood, wharves excepted. That it is a source of poignant regret that any cause should exist to create the marked distinctions to be found in the Acts of the House for establishing Fire Companies in the towns of St John's and Harbour-Grace—the Act for the latter being the shadow of the former, with such alterations as localities rendered necessary; and the latter part of the fourth section of the former Act, to which the Petitioners conceive they are entitled by every principle of justice and humanity, being omitted.

*Ordered*,—That the said Petition be referred to the Select Committee appointed to examine and report upon the Petition of George Thorne and others, of Harbour-Grace.

A Petition of TIMOTHY HOGAN and others, Inhabitants of the town of St. John's, was presented by Mr. CARTER, and read, setting forth,

That the House are about to enact a Law that all Buildings in future erected in the line of Water-street, in the said town, shall be erected of stone or brick walls, and be covered with slates or other incombustible roofs, except such buildings the uprights of which shall not exceed eight feet in height. That the Petitioners are sensible the said Act is for the purpose of prohibiting the erection of any building in the line of the said street, except the same shall be built of stone or brick. That many of the Petitioners have suffered greatly heretofore by having their property destroyed by fire, but notwithstanding this the Petitioners are convinced that a serious and manifest injury would be felt by them

if such an Act as above referred to should become a Law, inasmuch as the Petitioners all hold their premises on short building leases, and if it should be made imperative on all persons, if they build at all, to erect their houses of stone or brick, the Petitioners would be obliged by necessity, in the event of their houses being destroyed by fire or otherwise, to surrender up their leases to the proprietors of the soil. And the Petitioners beg further to state to the House, that many of them have had their houses destroyed by the late fire—that they have only a remaining interest of a few years in the premises, and, although they might be enabled again to erect wooden houses thereon for the support of their families, yet their circumstances will not permit them to build of stone or brick; the consequences therefore of such an Act becoming a Law would be utterly ruinous to the Petitioners;—under these circumstances the Petitioners trust the House will take the matter into their serious consideration.

*Resolved*,—That the Petition be referred to a select Committee to examine and report thereon, with power to send for persons and papers.

*Ordered*,—That Mr. CARTER, Mr. KENT, Mr. KOUGH, Mr. SWEETMAN, Mr. THOMAS, Mr. HOOPER, Mr. COZENS, Mr. MARTIN, Mr. PACK, Mr. POWER and Mr. BENNETT be a Committee for the above purpose.

A Petition of THOMAS D. QUINN and others, Inhabitants of the town of St. John's, was presented by Mr. KOUGH, and read, setting forth,

That the said Petitioners who had affixed their names to a Petition to the House praying that none but stone buildings might be erected on the site of that part of Water-street lately consumed by fire, beg now to state to the House, that when signing the said Petition they were under the impression, that it was to be confined solely to the south or water-side of the said street;—and as according to a Bill before the House framed on that Petition, wherein it is expressly stated that both sides of the said street are to be constructed of stone or brick walls, &c.; the Petitioners consider it a hardship on individuals connected with the north side of the said street, who holding leases are not enabled to erect such buildings. And as they consider the street is to be fifty feet wide, together with the other enactments for the safety thereof, no danger can occur by having that side of the said street constructed of wood, besides affording a facility of again building to those individuals who suffered by the late fire. The Petitioners therefore pray that an amendment may be made in the said Bill limiting the said regulations to the south side of Water-street alone.

*Ordered*,—That the Petition be referred to the Select Committee appointed to examine and report upon the Petition of Timothy Hogan and others.

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

WEDNESDAY, JULY 24, 1833.

**M**R. **PACK** reported from the Committee upon the Petition of George Thorne and others, of the town of Harbour-Grace; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows:—

That the Committee have maturely considered the prayer of the said Petition, and in order to form a correct opinion thereupon, have examined a number of the Inhabitants of the town of Harbour-Grace, and do recommend to the House to amend the Act to regulate the streets of the town of Harbour-Grace, passed in the last Session, by enacting that the lower or main street of the said town, throughout the whole line of it, be made of the breadth of fifty feet. That a line of thirty feet be drawn towards the Sea from William Innott's house; thence from the south point of that line eastward towards the point of the south line of the said

street, as laid down by the Commissioners in 1832, near the house of Peter Brown, Esq.; and from the south point of the line opposite William Innott's house, westward to the south point of a line drawn, in a direction towards the Sea, of thirty feet from the south-west corner of the present dwelling-house of Thorne, Hooper & Co. That all erections or buildings of any description which may hereafter be built in the said town of Harbour-Grace shall not be erected nearer than fifty feet north from the said line,—and all buildings or erections of any description which shall be built on the water-side of the said town, shall conform to the said line as laid down for the southern direction of the said lower street.

*Resolved*,—That the said Report be received and adopted by the House.

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

THURSDAY, JULY 25, 1833.

**A** Petition of **EDWARD PYN**N and others, Inhabitants of the town of Harbour-Grace, was presented by **Mr. PACK**, and read, setting forth,

That it is with much regret the Petitioners perceive that an attempt has recently been made to effect an alteration in the plan of street marked out and decided by Robert Pack, Patrick Kough, George Lilly, Richard Anderson, and Thomas Ridley, Esquires, Commissioners appointed by the Inhabitants of Harbour-Grace, on the 17th day of August last. That the Petitioners are firmly of opinion such an alteration would be manifestly injudicious and prejudicial, not only because the arrangements of the aforesaid Commissioners were more satisfactory to the great majority of the community, but also because circumstances attending their late conflagrations, incontestably prove that those arrangements were better adapted to the ends designed. That in consequence thereof the Petitioners most earnestly solicit, that the Acts of the said Commissioners may be fully established and confirmed by the House. That as scarcely any compensation would be equal to the loss and inconvenience to which they would be exposed, and would experience in the event of their dwellings, stages and flakes being taken down, or removed, the Petitioners humbly pray that all erections and buildings now standing, and being in those parts of the said town of Harbour-Grace which have not as yet been consumed, be suffered to remain undisturbed until such time as the same may be destroyed by fire; and that persons may be appointed by the House who shall proceed to mark out the line of streets and cross-streets, in future to be observed in making erections and buildings in the said parts of the aforesaid town; and the Petitioners fully confiding in the wisdom and integrity of the House, feel assured that the fore-

going circumstances will be taken into early consideration.

*Ordered*,—That the said Petition do lie on the Table.

**Mr. CARTER**, in pursuance of leave granted, presented a Bill in Amendment of certain parts of the Judicature Act, and the same was read a first time.

*Ordered*,—That the Bill be printed.

**Mr. HOOPER** reported from the Committee to whom were referred the several Petitions of **Robert Job**—of **William Johnston** and others—of **Timothy Hogan** and others—and of **Thomas D. Quinn** and others, concerning the erection of wooden houses in Water-street, in the town of St. Johns; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows, viz.:

That it is the opinion of the Committee that the buildings on the south line of Water-street, should be constructed of stone or brick, covered with slates, tiles, tin or iron, and that no wooden buildings in the rear should approach nearer than forty feet from the front buildings. That the houses and stores on the extremes of lines, or on firebreaks on the north side of Water-street, should also be built of stone, and be roofed with incombustible material. That at convenient distances not exceeding two hundred feet in any line of building that may in future be erected, strong party walls should be built, projecting above the roofs and beyond the sides, having the chimnies of the adjoining houses constructed therein, and that all wooden buildings presenting themselves or fronting on any of the firebreaks should be covered with slates, tin or iron, as well on the sides as on the roofs.

That provision should be made enabling tenants who

may build of stone, to have leases granted them of not less than forty years. That the expense of the party walls, recommended by the Committee, should be borne by all the tenants in the line or block wherein the same may be erected, and who may thus have additional security afforded them;—always taking into account, in proportion to the interest of the landlord, and the party building, the saving to be made in the building of two chimnies.

*Resolved.*—That the Report be received and adopted by the House.

*Ordered.*—That the Bill for regulating the making and repairing of highways in this Island be printed.

Mr. PACK, in pursuance of leave granted, presented a Bill in amendment of the Act of the General Assembly, to regulate the streets of the town of Harbour-Grace; 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 several Bills that stood committed.

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 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.

Mr. PACK, pursuant to leave granted, presented a Bill in amendment of an Act of the General Assembly, entitled, "An Act 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.

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

FRIDAY, JULY 26, 1833.

A Petition of MARY TRAVERS, was presented by Mr. MARTIN, and read, setting forth,

That the Petitioner begs to represent to the House the attention and services of herself and her servants, toward the confort of the House from the 26th day of December last. The Petitioner begs also to intimate to the House, the inconvenience and loss she has sustained by not yet having received the sum awarded her, and ordered long since by the House, to be paid to her for the use of her premises at the Election, and that for want of it her creditors have instituted expensive law suits against her;—and praying that the House will take her case into consideration, and forward a recommendation thereon to His Excellency the Governor.

*Ordered.*—That the Petition do lie on the Table.

*Ordered.*—That the Bill in amendment of the Act to regulate the streets of the town of Harbour-Grace be printed.

On motion, the House then 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. HOOPER 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 gone through the Bill to regulate the building of houses in Water-street, in the town of St. John's, to which they had made 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 said Amendments were read throughout a first and second time, and thereupon

Mr. HOYLES moved that the Report of the Committee be not agreed to; which being seconded and put, and the House dividing thereon, there appeared for the motion, four; against it, eight.

For the Motion.	Against the Motion.
Mr. KENT	Mr. PACK
— HOYLES	— HOOPER
— BENNETT	— CARTER
— MARTIN.	— THOMAS
	— COZENS
	— SWEETMAN
	— KOUGH
	— POWER.

So it passed in the negative.

The said Amendments were then, upon the motion put thereon, agreed to by the House.

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

A Petition of ROBERT AYLES and others, Inhabitants of the town of Carbonear, was presented by Mr. PACK, and read, setting forth,

That the Petitioners pray the House to support any Bill that may be introduced into the House having for its object the establishment of Fire Companies in the said town.—And humbly pray for the support of the House to a Bill for regulating the keeping of Gunpowder in magazines, and not in houses and stores.—They also humbly pray the House to support a Bill for

cutting out through Ice, vessels engaged in the Seal Fishery, when such vessels are frozen up in harbour.

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

An engrossed Bill to regulate the building of houses 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 to regulate the future erection of houses on Water-street, in the town of St. John's."

*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. HOOPER took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill in amendment of the Act to establish and regulate Fire Companies in the town of Harbour-Grace, and had agreed to the same without any amendments. Also, that they had gone through the Bill for improving the Police of the town of St. John's, and for establishing a nightly watch therein, 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 acquainted the House 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 amendments to the Bill for establishing a nightly watch in the town of St. John's, were then read throughout a first and second time, and upon the question put thereon were agreed to by the House.

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

*Ordered*,—That the Bill reported without amendment be engrossed.

An engrossed Bill to prevent dangerous quantities of Gunpowder being kept within the town of Carbonear, was read a third time.

*Resolved*,—That the Bill do pass, and that the title be "An Act to prevent dangerous quantities of Gunpowder from being kept within the town of Carbonear."

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

On motion, the House then adjourned until 7 o'clock, P. M.

At 7 o'clock, P. M. the House met, pursuant to adjournment.

A Bill to amend certain parts of the Judicature Act, 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 in amendment of the Judicature Act, 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 amendments to the said Bill were then 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 fairly engrossed.

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

## SATURDAY, JULY 27, 1833.

**A**n engrossed Bill to amend an Act 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 amend an Act of the General Assembly, entitled 'An Act to establish and regulate Fire Companies in the town of Harbour-Grace.'"

An engrossed Bill to improve the Police of St. John's, and to establish a nightly watch in the said town, was read a third time, and thereupon,

On motion of Mr. KOUGH,

*Resolved*,—That the words "and they are hereby

directed and required" be inserted in the fifth line of the ninth section after the word "shall."

The said words were accordingly inserted by the Clerk.

*Resolved*,—That the Bill do pass, and that the title be "An Act to regulate and improve the Police of the town of St. John's, and to establish a nightly watch in the said town."

An engrossed Bill to amend certain parts of the Judicature Act, was read a third time.

*Resolved*,—That the Bill do pass, and that the title be "An Act to amend certain parts of an Act of the

Imperial Parliament, passed in the fifth year of His late Majesty's Reign, entitled 'An Act for the better Administration of Justice in Newfoundland, and for other purposes.'"

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

A Bill in amendment of an Act of the General Assembly for regulating the streets of 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 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 Bill to amend the Act to regulate the streets of the town of Harbour-Grace, 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 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 Bill with the amendments, be engrossed.

Mr. HOYLES moved, that leave be granted him to introduce a Bill to permit the High Sheriff to leave the Island without vacating his office; which being seconded and put, and the House dividing thereon, there appeared for the motion, three; against it, seven.

For the Motion.

Mr. HOYLES

— PACK

— KOUGH

Against the Motion.

Mr. CARTER

— MARTIN

— KENT

— POWER.

— COZENS

— HOOPER

— BENNETT.

So it passed in the negative.

A Petition of JOHN HOWLEY, of St. John's, was presented by Mr. HOYLES, and read, setting forth,

That on the 7th day of July instant, his house, stores, and wharf, with an oil vat and house adjoining, were consumed by fire. That the Petitioner had barely time to place his family in a situation of safety, and was prevented from saving any of his property, and can unhesitatingly state that he was the greatest individual sufferer by the late calamitous fire. That the Petitioner has learnt with regret, that a Bill is now before the House, and likely to pass into a Law, to compel persons on the south side of Water-street to build their houses of brick or stone;—that if the Petitioner is compelled to build of brick or stone, he must surrender the lease of the ground he now holds;—and praying that some aid may be granted him by the House, to enable him to rebuild on his premises.

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

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

## MONDAY, JULY 29, 1833.

**A** Message from the Council, by Mr. AYRE.

Mr. Speaker,

The Legislative Council have agreed to the Bill entitled "An Act for regulating the future erection of wooden houses in the town of St. John's," with certain amendments, to which they desire the concurrence of this House.

And then the Messenger withdrew.

The said amendments were read throughout a first and second time.

*Resolved*,—That the said amendments be referred to a Committee of the whole House.

An engrossed Bill to amend the Act for regulating the streets of the town of Harbour-Grace, was read a third time, and thereupon

Mr. KOUGH moved that the following clause be added to the Bill by way of Rider, viz. :—

And be it further enacted, that all the power and authority conferred, or intended to be conferred by the

said recited Act upon the Commissioners thereby intended to be appointed, and who have been appointed under and by virtue of the same, shall be, and they are hereby annulled and repealed; and from and after the passing of this Act, such appointment of the said Commissioners shall be deemed to have utterly ceased and determined to all intents and purposes,—provided, nevertheless, that the said Commissioners, or any of them, shall not be liable to, nor chargeable by any suit or action for any lawful act, deed or thing committed by them or any of them, while in the due execution of his or their duties, as such Commissioner or Commissioners as aforesaid :

Which being seconded and put, passed in the affirmative.

*Resolved*,—That the Bill do pass, and that the title be "An Act to amend an Act of the General Assembly, entitled '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, the House then 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 building of houses in Water-street, in the town of St. John's.

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 made some progress in the business to them referred, and that they were of opinion a conference should be asked with the Legislative Council on the subject of the said amendments, and thereupon

*Resolved*,—That a Conference by Committee be asked with the Council, on the subject of the said amendments, and that the Clerk do request the same.

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

## TUESDAY, JULY 30, 1833.

ON motion of Mr. KOUGH,

*Resolved*,—That a Committee be appointed to wait on His Excellency the Governor, and respectfully request that his Excellency would be pleased to direct that the proper Officer may take immediate measures for carrying into effect the clauses and the Imperial Act, 1st Geo. IV., chap. 51, so far as they relate to buildings of wood being erected between Water-street and Duckworth-street, in the town of St. John's, and which manifestly endanger the safety of the said town.

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

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 subject of the amendments to the Bill for regulating the building of houses in Water-street, in the town of St. John's, and have appointed two managers to meet the managers on the part of the House, in the Committee-room, immediately.

And then the Messenger withdrew.

*Resolved*,—That Mr. THOMAS, Mr. KOUGH, Mr. KENT and Mr. CARTER do manage the said Conference.

On motion of Mr. THOMAS,

*Resolved*,—That the Committee appointed to manage the said Conference with the Council, be instructed to state to the Committee of the Council, that the House of Assembly cannot agree to the first amendment proposed by the Council, because, being an Act having general operation, it would be found most oppressive on poor industrious persons owning premises on the north side of Water-street, who, in case of any future accident by fire, would neither be able to rebuild their houses of stone, nor yet tenants to rebuild of such material. Of this description are three-fourths of the owners of property on the north side of Water-street, between Patrick Gleeson's and Mrs. Deerin's premises, (adjoining James Stewart & Co.) both inclusive;—this law would therefore, be ruinous to a great many poor inhabitants of the town of St. John's, whose whole property is vested in their buildings. The House are of opinion that the law as proposed by them would

afford ample security to the town, for, as under the Act for establishing Fire Companies, these Companies are now organizing, and have ordered two new Engines, of great power, from England, the Assembly feel confident, that with such additional strength and organization, not more than three or four houses could, in future, be destroyed by fire, in such parts of the town as may be rebuilt according to the provisions of the Bill which has passed the lower House,—whereas, if the amendment be persisted in, it would be the means of the Bill being entirely lost, as its operation would ruin a large portion of the middle classes in the town of St. John's, in the event of another fire taking place. That the House cannot agree to the second amendment, for the reasons above assigned. The House conceiving that iron shutters being provided for windows, and doors being covered with iron or tin, is all that is necessary, they cannot, therefore, agree to the fifth amendment. The House believing that it is customary in Great Britain, when streets are required by Act of Parliament to be built agreeably to any particular plan or of any particular material, to compel all landlords not inclined to build, or not having the means to build on their own property, to give leases for sixty and even ninety years, to tenants who expend large sums of money for the uniformity of such streets, the Assembly therefore feel, that the obliging landlords to grant short leases for forty years to tenants building of stone, would be but a small compensation for such outlay of capital, and by no means commensurate with the advantage derived by the landlords in receiving back good, staunch, and secure buildings at the expiration of such leases, in place of vacant pieces of ground which have usually been surrendered unimproved at the end or earlier termination of the term granted. That the House cannot agree to the seventh amendment, as it is directly repugnant to the Imperial Act 1st, Geo. IV, chap. 51, which allows all parts of Water-street, not already widened, to be of the width of forty feet when built of stone, as for instance, that part of Water-street west of Codner & Jennings's premises. That the House cannot agree to the ninth amendment, expunging the ninth section of the Bill, as the security therein mentioned will be required, if the north side of the street be built of wood.

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.

A Message from the Council, by Mr. AYRE,  
"Mr. Speaker,

The Legislative Council request a Conference with the House of Assembly, on the subject of the amendments proposed to the Bill to regulate the building of houses in Water-street, in the town of St. John's, and have appointed two Managers to meet the Managers on the part of the House in the Committee-room, immediately.

And then the Messenger withdrew.

Resolved,—That the Conference be granted, as asked

by the Council, and that the Committee who managed the last Conference do manage the present one.

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 thereof to the House.

On motion of Mr. KOUGH,

Resolved,—That the amendments proposed by the Council to the Bill to regulate the building of houses on Water-street, in the town of St. John's, be agreed to; 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 o'clock.

### WEDNESDAY, JULY 31, 1833.

THE House met pursuant to adjournment, but there being no business before

them, they adjourned until to-morrow, at twelve of the clock.

### THURSDAY, AUGUST 1, 1833.

A Message from His Excellency the Governor, by JOSEPH TEMPLEMAN, Esq. Usher of the Black Rod.

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

His Excellency the Governor commands your attendance in the Council Chamber, at the Court-house, immediately.

Accordingly, Mr. Speaker and the House attended His Excellency in the Council Chamber, at the Court-house, when his Excellency was pleased to give his Assent to the several Bills following, viz. :—

An Act to prevent dangerous quantities of Gunpowder being kept within the town of Carbonear.

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 Harbour-Grace."

An Act to regulate the building of houses in Water-street, in the town of St. Johns.

An Act to amend an Act of the General Assembly, entitled "An Act to regulate the streets of the town of Harbour-Grace."

An Act to annex Broad Cove and certain other places therein mentioned, to the district of St. John's.

And then His Excellency was pleased to make the following Speech to both Houses :—

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 many 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 on 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 views 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 in 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 of a sound decision, derived from separate discussion, would be entirely lost.

Though it may be said [that your labours have not been in porportion to the time you have been in Session, yet it is neither a proof of a want of exertion, nor of the exercise of a sound discretion on your parts. On the first establishment of a new institution like the present, it is more desirable to take time, and to weigh and consider the various duties it imposes on you,—and rather to search into and discover the defects in your local polity, than hastily to apply remedies which, the probabilities are, would prove ineffectual. At the same time it is no less true that many important matters await your grave consideration, and that on re-assembling, your undivided attention will be required to be given to them. Let me, therefore, express a hope that

you will each of you, during the recess, in your different districts, devote as much of your time as your personal affairs will permit, to the state and condition of the people within your reach—ascertain their local wants, as well as the best method of relieving them—and inform yourselves on those general laws, which, in common with the rest of their fellow-countrymen, will best promote their happiness and welfare,—and you may rest assured, that on our meeting again, you will find in me the same anxiety and disposition to further that object of all good government, which has ever regulated my actions since my arrival among you.

After which, the Honourable the President of His Majesty's Council said,—

*Gentlemen of the Council:*

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

It is His Excellency the Governor's will and pleasure, that this General Assembly be prorogued until Friday, the first day of November next; and this General Assembly is accordingly prorogued until Friday the first day of November next.

**EDWARD M. ARCHIBALD, Clerk of the General Assembly.**

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**END OF THE SECOND SESSION.**

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