

PROROGATION OF PARLIAMENT.

From the St. James's Chronicle, Aug. 20.

This being the day appointed for proroguing parliament, His Majesty went in state from St. James's Palace to the House of Lords. His Majesty wore the dress of an Admiral, and was loudly cheered on his going to the house and on his return.

HOUSE OF LORDS.

Shortly after 12 o'clock the doors were thrown open to those who had obtained tickets of admission from the Lord Chamberlain. The gallery was instantly filled, and in the body of the house there were a great number of peeresses and ladies in full court dresses.

At half-past 1 o'clock the Lord Chancellor entered the house, when prayers were read by the Right Rev. the Bishop of Ely. The attendance of peers was not numerous, but those present were attired in their state robes. The benches appropriated to the Foreign Ambassadors and Ministers were nearly filled, most of those distinguished personages being present.

Shortly before 2 o'clock Lord Melbourne, the Lord Chancellor, and the other Cabinet Ministers, left to meet the King at the entrance to the house, and in a few minutes afterwards the discharge of cannon and a flourish of trumpets announced his Majesty's arrival.

Shortly after 2 o'clock, his Majesty, attended by Lord Melbourne bearing the sword of state, Earl Shaftesbury bearing the cap of maintenance, and the other great officers of state and the household, entered the house and took his seat on the throne. The peers and peeresses, who all rose when the King entered the house, were desired by his Majesty to be seated.

His Majesty then directed Sir Augustus Clifford, Usher of the Black Rod, to summon the Commons to hear the Royal Speech on the prorogation of Parliament. In a few minutes the Speaker, accompanied by a number of members, appeared at the bar.

His Majesty having given his Royal Assent to the Consolidated Fund bill, the Lists of Voters bill, the Kingstown Harbour bill, the Public Works (Ireland) bill, the Copy right bill, and several other bills, the Speaker addressed his Majesty in a speech of some length, recapitulating the business of the session, and assuring his Majesty of the devoted loyalty of his faithful Commons.

His Majesty then in a firm and audible voice, delivered the following most gracious SPEECH.

"My Lords and Gentlemen,

"The state of the public business enables me, at length, to relieve you from further attendance in parliament; and in terminating your labours, I have again to acknowledge the zeal with which you have applied yourselves to the public business, and the attention which you have bestowed upon the important subjects which I brought under your consideration at the opening of the session.

"The assurances of friendly disposition which I receive from all Foreign Powers enable me to congratulate you upon the prospect that peace will continue undisturbed.

"I lament deeply that the internal state of Spain still renders that country the only exception to the general tranquillity which prevails in the rest of Europe; and I regret that the hopes which have been entertained of the termination of the civil war have not hitherto been realised.

"In fulfilment of the engagements which I contracted by the Treaty of Quadruple Alliance, I have afforded the Queen of Spain the co-operation of a part of my naval force, and I continue to look with unabated solicitude to the restoration of that internal peace in Spain, which was one of the main objects of the quadruple treaty, and which is so essential to the interests of all Europe.

"I am happy to be able to inform you that my endeavours to remove the misunderstanding which had arisen between France and the United States have been crowned with complete success. The good offices which for that purpose I tendered to the two governments, were accepted by both, in the most pacific and conciliatory spirit, and the relations of friendship have been re-established between them, in a manner satisfactory and honorable to both parties.

"I trust that this circumstance will tend to draw still closer the ties which connect this country with two great and friendly nations, with which they have so many important relations in common.

"I have regarded with interest your deliberations upon the reports of the Commission appointed to consider the state of the Diocese in England and Wales; and I have cheerfully given my assent to the measures which have been presented to me, for carrying into effect some of their most important recommendations.

"It is with no ordinary satisfaction that I have learned that you have with great labor brought to maturity enactments upon the difficult subject of tithes in England and Wales, which will, I trust, prove in their operation equitable to all the interests con-

cerned, and generally beneficial in their results.

"The passing of the acts for Civil Registration and for Marriages in England has afforded me much satisfaction. Their provisions have been framed upon those large principles of religious freedom which, with a due regard to the welfare of the Established Church in this country, I have always been desirous of maintaining and promoting; and they will also conduce to the greater certainty of titles and to the stability of property.

"It has been to me a source of the most lively gratification to observe the tranquillity which has prevailed, and the diminution of crime which has lately taken place in Ireland. I trust that perseverance in a just and impartial system of government will encourage this good disposition, and enable the country to develop her great resources.

"Gentlemen of the House of Commons,

"I thank you for the liberality with which you have voted not only the ordinary supplies of the year, but the additional sums required to provide for an increase in my naval force.

"I am also gratified to perceive that you have made provision for the full amount of compensation awarded to the owners of slaves in my colonial possessions, and that the obligations entered into by the legislature have thus been strictly fulfilled.

"The increased productiveness of the public revenue has enabled you to meet these charges, and at the same time to repeal or reduce taxes of which some were injurious in their effects upon my people, and others unequal in their pressure upon various parts of my dominions abroad.

"The present condition of manufactures and commerce affords a subject of congratulation, provided the activity which prevails be guided by that caution and prudence which experience has proved to be necessary to stable prosperity.

"My Lords and Gentlemen,

"The advanced period of the year, and the length of time during which you have been engaged in public affairs, must render you desirous of returning to your respective counties. You will there resume those duties which are in importance inferior only to your legislative functions, and your influence and example will greatly conduce to the maintenance of tranquillity, the encouragement of industry, and the confirmation of those moral and religious habits and principles which are essential to the well-being of every community.

THE STAR.

WEDNESDAY, OCTOBER 5, 1836

A melancholy accident occurred between PORT-DE-GRAVE and BARENEED on Friday last. A fine young girl, named FANNY HISCOCK, while attempting to reach a bunch of berries which grew on the edge of a precipice, of approaching which, she had been just cautioned by her female companion, lost her balance and fell a height of about 60 feet, and was killed on the spot.

The following is an extract of a letter dated, Western Bay, Sept. 26, 1836.

SIR,—I herewith transmit to you an account of a melancholy occurrence which took place in this neighbourhood, on Sunday morning last, about two hours before day.—Some persons who were setting up at a wake on the north side of Northern Bay, where alarmed at the appearance of a bright fire at Smooth Cove, a distance of about one mile and a half, they immediately hastened to the spot, giving the alarm as they passed.—When they reached the place they found the dwelling house of DAVID WALSH burnt to the ground, and not a living creature on the spot; there are but two inhabited houses in the place, and they knew the occupiers of them were away, but had left their children at home. They then went farther on and gave the alarm, making enquiries for the children, whom they learned had all remained in the house during the absence of their parents. Upon returning with others to the ruins, they discovered the bodies of the unfortunate children burnt to cinders.

It would appear from all that I can learn, to have been accidental. The father and mother had gone to Low Point for several days, the woman leaving even her sucking infant to the care of the other children, the oldest of which was not more than 13 years. It is supposed that late in the night the infant waked requiring some refreshment; that the sister must have got up, lighted the lamp and left it burning in the chamber, as it was found amongst the ruins in that part, together with a small iron spoon and a broken cup, and it seems from the position on the chamber, they all perished in their beds—three in each bed, as they were found thus together.

The Magistrates of this district having entertained some doubts as to the legal con-

structions of certain sections of the Colonial Act 4th W. IV., cap. 15, for registering the names of persons entitled to vote at elections, have lately submitted the same for the opinion of the Attorney General; and as the subject is one of considerable importance, we have been kindly permitted, for the information of our readers, to copy the reply which has been transmitted to them.—The opinion of the Attorney General is so perfectly consistent with sound reasoning, and so obviously in keeping with the intention of the Legislature, that we think it will carry with it the conviction of every thinking man.—Public Ledger, Sept. 30.

It is as follows:—

Attorney General's Office, 27th Sept., 1836.

GENTLEMEN.—I have the honor to acquaint you that I have, by his Excellency the Governor's directions, with particular care considered the case which you have submitted to me, "Whether a person paying rent for a field, barn, store, or stall, or holding the same in fee, although not a householder, comes within the meaning of this provision, and derives thereby a franchise entitling him to claim Registry as a voter in the election of members of the House of Assembly?"—I would beg to premise, that in the endeavour to arrive at a true construction of the 11th section of the Act, in reference to the question proposed, it is requisite, first, to ascertain and consider what the law was (in pari materia) before the making of the Act;—and secondly, what was the object and intention of the Legislature in making the Act of 4 W. 4;—thirdly, that all the laws on this subject, in the whole and every part, must be taken together as if they were one law, so that one portion may be so construed in relation to another that the whole, according to the natural and genuine exposition of its parts, may, if possible, be sustained in consistent and harmonious operation throughout its provisions.

The law of election of members of the House of Assembly is originated by the King's Proclamation of the 26th July, and 20th September, 1832, and by these certain qualifications of electors of members of the House of Assembly are established. The first of those Proclamations prescribes (inter alia) "that every man who for one year next immediately preceding the day of election, hath occupied a dwelling house within this Island, as owner or tenant thereof, shall be entitled to vote for the election of members of the said Assembly in and for the district within which the dwelling house so occupied may be situate.

The same Proclamation farther directs 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 as thereinbefore prescribed, may be given without his personal attendance by written notice," &c., the form of which notice is prescribed in the Proclamation of the 20th September. The latter Proclamation promulgates the law for the conduct and proceedings of Elections, and (inter alia) prescribes that every elector on tendering his vote shall declare to the returning officer his true name, and 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. And among the interrogatories which the returning officer is authorized to require such elector to answer on oath, are the following:—

Have you as owner or tenant, and in which character, &c., occupied, &c., a dwelling house? &c. And at what place is the dwelling house you have so occupied situate, and do you now occupy it?

From the whole tenor of those Proclamations, I deduce that every voter must be an actual occupant, either as owner or tenant of a dwelling house situate within the district for which he offers his vote.

A tenant of a freehold, although he holds, yet he may not necessarily occupy. And I consider it therefore conclusive, that to be an occupier so as to enable him to vote, the elector must reside in the dwelling house by himself or his family; and that he must be a tenant or owner, having the actual control of the tenement, and not a lodger who is but an inmate under the tenant.

I am also clearly of opinion that the tenement must be such a dwelling house joined with such an occupancy, that, in an indictment for burglary, the house might be properly laid as the dwelling house of the elector.

I now proceed to consider the object and operation of the Act 4 W. 4. c. 15, entitled "An Act for registering the names of persons entitled to vote at elections."

The preamble of the Act sets forth the inducement, intent, and purport of the Legislature in these words:—"Whereas it would greatly conduce to the purity and convenience of elections for members to serve in the Commons' House of Assembly if the names of all persons entitled to vote at such elections were registered:—The Act then proceeds through eleven sections to prescribe the rules, proceedings, and forms of registration, and the eleventh section runs thus:—"And be it further enacted that no

more than one person shall be registered as a person entitled to vote for or in respect of the occupation of any one dwelling house: Provided that for the purposes of this Act any tenement shall be deemed a dwelling house for which the occupier pays rent by the year, and of which he has the exclusive possession."

I have carefully examined this Act throughout, but cannot discover by any intendment expressed, or to be reasonably implied from any part of it, that the Legislature contemplated the object of extending, diminishing, or altering the qualifications established as regards electors.

Under the proviso in the section now recited, I am given to understand that several persons claim registration as voters under the term "Tenement" as therein used; and assume that such word is meant to comprehend, and does comprehend, land, a barn, store, stall, &c., in common with dwelling house.

The word tenements is held to signify property, its limited sense, a house, or homestead; but in and in its larger sense it is a comprehensive word, whereby not only houses, but all lands and inheritances which may be held pass. Anything that may be holden of a corporeal and permanent nature is comprehended in its extensive meaning, in which are included rent charge, an office, commons, a peerage, and other incorporeal possessions.

The question then that arises on this assumption is, whether the word tenement is employed in this Act, in its limited, or in its extensive sense? If in its limited sense, then, according to my comprehension, tenement, in its natural and genuine signification taken in this instance, as it ought to be in conjunction with the former part of the section, simply means any building or portion of a building occupied as a dwelling house, and held in the exclusive possession of the elector or person claiming to be registered as a voter.

Reading the whole of this section with attention, it may be plainly intimated that there existed an evil to cure, or that an inconvenience was anticipated which it was intended by the Legislature to prevent, by the enactment that "No more than one person shall be registered, &c., for, or in respect of the occupation of any one dwelling house;" providing at the same time that, for the purposes of this Act, namely the registration of all persons entitled to vote at such elections, "any tenement shall be deemed a dwelling house for which the occupier pays rent by the year, and of which he has the exclusive possession."

It is notoriously known that in this colony the instances are numerous and common wherein, within one building or dwelling house, several, and sometimes many tenements or dwellings are comprized;—all under the same roof, but so imperfectly separated, as to constitute in the whole strictly speaking, no more than one dwelling house. It is equally well known that joint inhabitants of the same dwelling house have on past occasions all claimed a right to vote by virtue of inhabiting, in divers character, the same dwelling house. For remedies of which errors and inconveniences I think it plain to be inferred that this section of the Act was framed. Nor do I comprehend how it can be reasonably regarded in any other sense, or construed to any other import.

Under this view I feel no hesitation in submitting it as my humble opinion that "Tenement," as it is used in this section of the Act, is intended to mean, and does mean a house or homestead, and no other thing.

If to the word tenement its extensive signification were to be applied, then this absurdity must ensue from such construction, that by mere intendment, without any express enactment to such effect, the principles established by his Majesty's Proclamation in regard to the qualifications of householder electors would be repealed, and the rules prescribed by the same authority for the conduct of elections would be to an important extent rendered absurd or inoperative.

I am therefore of opinion that a man occupying either as owner or tenant, a field, barn, store, or stall, does not acquire thereby a qualification to vote at elections, and has no right therefore to claim registration as a voter;—and that none but householders in the actual occupancy of a dwelling house, in which they reside either as owner or tenant within the district for which they offer their vote, are entitled by law to vote at elections of members of the House of Assembly;—the franchise being distinctly, according to my best opinion, a purely householder franchise.

I have the honour to be

Gentlemen,

Your most obedient

Humble Servant,

JAMES SIMMS,

H. M. Atty. Genl.

Star Co. Lit. & L. a. i. G. &c.; and Com. Dig. and other authorities.

Died

At Bay Roberts, on Friday evening last, after a short illness, which she bore with re-

marks ELLEN At few d of Mr Custo Sept bag 6 b Oct 27 but 5 b dri Oct 61 gal cas fist Sept 27 Sir 26 Thor Merit Hum Over Amer 27 Belia Schr Brig 28 Triu 28 fl Heba on Schr bu Sept Iren Irish 26 Flin Sued 28 Bern Coru Sept Lavi brig schr 19 A 2 schr 20 w schr la baro 23 fi sch m Dar cl Ame 24 ol Brig Ame h Brig 26 S PH and WI DW INC moe suff F