

Friday, 16th December, 1831.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Libel Law Bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole, on the Bill entitled "An Act concerning the Law of Libel."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

Reported and leave asked to sit again in three months.
Leave granted.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three months.

Ordered that the Report be received, and leave granted accordingly.

Appeal Bill read 3rd time, and passed.

Pursuant to the order of the day, the Bill to make more effectual provision for Appealing from the Judgment of the Court of King's Bench, was read a third time and passed, and it was—

Title ordered.

Ordered, that the title be "An Act to constitute a new Court of Appeal for revising the Judgments of the Court of Kings' Bench."

Bill signed.

Whereupon the Speaker signed the Bill, and it was—

Sent to Assembly for concurrence.

Ordered, to be sent to the Commons' House of Assembly, by the Master in Chancery, for the concurrence of that House.

Dissentiet,

Dissent of the Hon. Mr. Powell, against passing same.

To the Bill as now passed entitled "An Act to constitute a new Court of Appeal for revising the Judgments of the Courts of King's Bench," because, no provision is made for Appeal from Judgments of the Court of King's Bench founded on Foreign Judgments which had not the aid of a jury; and that such provision shall expressly enable the Appellant to present an Appeal, the very evidence affidavit or original Foreign Judgment, in order that the Court of Appeal may form its legal Judgment of that of the Court of King's Bench upon the Foreign Judgment Appealed; as for instance, that in a case of Judgment in Lower Canada, in the Common Pleas at Montreal, in 1794—while subject on all matters relating to property and civil rights to the laws of France and Ordinances of Quebec, an action was brought on that Judgment, in the Court of King's Bench in Upper Canada, (subject to the Laws of England) which on Foreign Judgments confirm them or not, according to the law of the Foreign Country; and therefore, must have before it evidence of the Foreign Law which rule the Foreign Court, or its Judgment cannot be sound. In case of Appeal, the same evidence which supported the Foreign Judgment should obviously be before the Court of Appeal, to enable it to procure such Judgment as the Court below ought to have given. Such was the law of the French Ordinance, touching Appeals, which was continued to be the same in Upper Canada, and has not been repealed before this Act.

The Original Judgment was in a Court where there was no Jury; and therefore, if the justice of the Original Judgment is impeached, and a new Judgment is called upon, even at the end of thirty-six years, to impeach or confirm an Appeal from, such new Judgment must be supported by the same legal evidence which supported the Original Foreign Judgment.

(Signed)

WM. DUMMER POWELL.

Agricultural Society Bill brought in.

Pursuant to notice the Honorable Mr. Crooks brought in a Bill to extend the provisions of an Act passed in the Eleventh Year of His late Majesty's reign, entitled "An Act to encourage the establishment of Agricultural Societies in the several Districts of this Province."

Read first time.

The said Bill was then read, and it was—

Ordered, that the same be read a second time on Monday next.

Assembly's Chaplain Salary Repeal Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill, entitled "An Act to repeal so much of the Law now in force as authorises the payment of a salary to a Chaplain to the House of Assembly."

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again in three months.
Leave granted.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three months.

Ordered, that the Report be received, and leave granted accordingly.

Transportation Bill recommitted.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to authorise the Criminal Courts, in this Province, to sentence to transportation.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Further Amendments reported.

The Chairman reported that the Committee had gone through the Bill, and had made