

THE
CARBONEAR STAR,
AND
CONCEPTION BAY JOURNAL.

Vol. I.

WEDNESDAY, AUGUST 7, 1833.

No. 32.

Legislature of Newfoundland.

HOUSE OF ASSEMBLY,

Monday, July 22.

Mr. THOMAS rose to propose a resolution which nothing but extreme necessity could justify; and it was to him a source of regret that he called upon the House to interfere.—Several individuals, whose houses had been destroyed by fire, had commenced building, with the knowledge that a bill was in progress in that House to regulate the building on vacant ground in Water-street in future. He was not prepared to say that he would support the bill in detail, nor was he sure it would pass into a law; should it, however, pass into a law, the buildings now going forward must come down, and the proprietors could ill bear the loss which would necessarily attend such a result. Were the parties men of capital, he would not interfere; but as such was not the case, he was most anxious they should not do that, which might afterwards be a source of regret and inconvenience. He had no objection to the erection of temporary sheds to accommodate the parties, and which might be removed in a few days. He would therefore propose, 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, this House do authorize the Magistrates of this District to prevent any wooden buildings of a permanent nature from being erected in any part of Water-street, until the bill before the House for regulating buildings in Water-street aforesaid, be finally disposed of; and that the House do indemnify the said Magistrate for so doing.

Mr. KOUCH seconded the resolution, and said he concurred in the views of the hon. mover.

Mr. KENT said a few words in support of the measure; but admitted that it was a great stretch of power, which nothing but the necessity of the case could justify.

Mr. CARTER opposed the resolution at some length, it being, in his opinion, a violation of the constitution. It was, he said, not only unconstitutional but unprecedented, and beyond the power of that House.—He contended that the bill now before the House had ample publicity; and if the interested parties would build, it was to their own loss. Would they assume a power which the Commons of England did not possess. It required the three branches of the Legislature to make a law, and would they pass a resolution which, to all intents and purposes, would have the effect of law.—He would never consent to the resolution.

The Assembly was now summoned to repair to Government house, to receive the assent to the Revenue Bill. They all went with the exception of Mr. Pack, who, we understood, objected to go on the principle that it was compromising the respectability and dignity of the House, and that the Governor ought to have repaired to the Council Chamber, and summoned the House to its Bar.

At o'clock, the House went into committee on bills.—Mr. Hooper in the chair.

Mr. KOUCH moved that the House go into Committee on the St. John's Police Bill, and said his object was to discuss the bill, and that he was quite ready either to expunge the obnoxious clauses or to amend them, as might be most agreeable to the House, and the public generally.

The different clauses were now read, and an animated discussion ensued.

Tuesday.

Mr. PACK presented a petition from several inhabitants of the town of Harbour Grace, praying that an act for the regulation of Fire Companies, passed in the first session of the Assembly, be amended; that in consequence of a material clause having been left out, the bill had been rendered nugatory in its operations, and wholly inadequate to the purposes contemplated.—The petition further stated that the bill was in some respects similar to the St. John's Fire Bill, differing as to local circumstances, yet it was

but the shadow of that bill. Although he fully concurred in the prayer of the petition, he thought the petitioners had taken a wrong view of the case, in attributing to the House a desire to give a preference to the town of St. John's. He admitted that there was an omission, but denied that that omission was intentional, or that any preference had been given. He would give the petition his support.

Petition ordered to lie on the table.
Mr. CARTER presented a petition from 181 inhabitants of the town of St. John's, praying that the St. John's Street Bill should, in its operations, be confined to the south side of Water-street; and that the north side of said street might be built of wood as heretofore. When the Bill was discussed on a former day, he declined giving an opinion, as he had not given it that consideration which its importance deserved. Since then, however, he had given it his attention, and had no hesitation in saying, that the prayer of the petitioners ought to be fully complied with by the House, and that it should have his best support.

Mr. THOMAS moved that the petition be referred to a Select Committee.

Mr. BENNETT seconded the motion.

Mr. CARTER communicated with one of the petitioners, and said they were anxious that it should be referred to a Committee of the whole House.

Mr. BENNETT deprecated in strong language the conduct of the hon. member, and maintained that it was inconsistent with Parliamentary usage, and at variance with the dignity of the House, that petitioners should dictate to them the manner in which they ought to proceed.

Mr. CARTER said that as he had been intrusted with the petition, and as he fully concurred in all it contained, nothing should prevent him from furthering its object. He was determined to oppose its going into Committee. It was well enough for those hon. members who could walk down to that House without inconvenience to themselves or their business; but the situation of Out-harbour members was very different; they were anxious to get to their homes.

Mr. THOMAS observed that the hon. member (Mr. Carter) had resolved the question into one of time; for his part he did not see what time had to do with it; the duty of every member of that House was to give up his time when public business demanded it. As for himself, he would willingly sit from that hour until twelve at night, ay, until twelve the next day, could he benefit his constituents by it. He pledged himself that the Out-port members would spare neither time nor trouble in settling a question which should meet the approbation of all parties. He was sorry the question had taken such a turn. He had always done his duty fearlessly and independently, and he would not shrink from it now, though it involved his last shilling.

Mr. Thomas's motion agreed to.

Mr. KOUCH presented a petition from 45 individuals who had signed a petition presented to that House a few days ago, praying that the House would pass a bill to enforce the erection of stone or brick buildings in future in Water-street. The petitioners stated that they had been deceived as to the nature of the petition, and that it was their wish that stone buildings should be confined to the south side only; they, therefore, prayed that the House would amend the bill to that effect. The hon. member observed that if the bill was carried in its present shape, it would ruin many respectable and industrious citizens—men who formed an intermediate class between the capitalist and the poorer classes, retailing to the latter many necessities of life at a reduced but reasonable profit. Many from frugality and strict economy had been enabled to purchase the land on which their houses stood. In his opinion it would be an act of injustice to compel them to sink their all, and more than all, in stone buildings. He would therefore give it his best support.

Mr. KENT heard nothing from the hon. member which could induce him to alter his opinion. The measure before the House was

one which affected, not only the present, but all future generations. The lives, the credit, and the future prosperity of the inhabitants of this town were involved in the question. Other hon. members might alter their opinions, and inflame the hundreds of the late sufferers, who were not to be supposed capable of giving the subject a dispassionate consideration, labouring, as they were under recent calamities. He stood on high and independent principles, and had given his unbiased opinion. Whatever the consequences might be, he for one would never sacrifice the interests of his constituents, nor be drawn aside by the clamours of interested parties. He, therefore, would support the bill in the original form.

Mr. KOUCH could not allow the hon. gentleman's observations to pass unnoticed, especially as they referred to him. He would assure the hon. gentleman that he stood upon grounds as high and independent as he did. He never shrank from his duty. He denied having used inflammatory language. He had given his candid opinion on the subject before to-day in that House, and it was not to be supposed that he who had so great a stake in the well-being of the town, could have acted otherwise than he had done.

Wednesday.

Mr. PACK as Chairman of the Select Committee of the Harbour Grace Street Bill, reported progress thereon, the report was then read, a slight alteration was made at the suggestion of Mr. Power.

Mr. CARTER regretted that he had been unable to bring in the Judicature Bill, on account of the great research it required, but hoped it would be ready to-morrow.

Mr. THOMAS observed that according to the practice of the Imperial Parliament, such bills always originated in the House of Lords, and in his opinion the House of Assembly of this Island should leave such bills to the Council.

Mr. CARTER replied that perhaps he was not so conversant with Parliamentary tactics as his hon. friend Mr. Thomas, yet he would persevere, and bring in the bill to-morrow.

The House went into Committee, Mr. Hooper in the Chair. The following Petitions were then read, one from Robert Job, and another from William Johnston and others, praying that the House do pass a bill to enforce the erection of Stone Buildings in future in Water-street, and to compel proprietors of lands, to give leases for at least forty years.

A Petition from Timothy Hogan and others, against the St. John's Street Bill, praying that as their leases were but for a short time, and that in the event of their houses being destroyed by fire, they would be obliged to throw up their leases if the said bill passed; they therefore prayed that the House do not pass the Bill.

A petition signed by 44 inhabitants, praying that the House would confine the St. John's Street Bill in its operation to the south side of Water-street only. That as the bill contemplated the width of the street to fifty feet, Petitioners humbly conceived that a sufficient security would be given to property on the opposite side in the event of fire.

Upon these petitions a long and animated debate ensued, which terminated in the petitions being referred to a Select Committee.

The House adjourned at one o'clock.

Thursday.

Mr. PACK presented a petition numerously and respectfully signed from the inhabitants of Harbour Grace, stating that the Commissioners who had been appointed in 1832, to form the boundaries, and to arrange the plan for the new Street and Fire Breaks, had been improperly superseded by others who had deviated from the original line laid down, and prayed that the House would be pleased to confirm the acts of the Commissioners.—Mr. Pack was of opinion that the prayer of the petitioners should be granted, he would therefore move for leave to bring in a bill to amend the Harbour Grace Street bill. Mr. Cozens seconded the motion.

Mr. THOMAS was of opinion that the House should take time to consider before they

sanctioned such a proceeding. The Harbour Grace Street bill had been hurried through the Legislature, before the people of that town had time to be acquainted with its provisions; although he was one of those who had committed themselves in that too precipitate Bill, he would be extremely cautious how he gave his sanction to another bill to amend it. He would therefore suggest to the House the propriety of bringing in a bill to amend it, or to wait until the next session, and to allow the Inhabitants of Harbour Grace time to consider, he had received a letter from the Chief Magistrate of Harbour Grace, narrating the proceedings of a public meeting which he would read, the House would then see whether the terms of the act had not been complied with.

Mr. KOUCH said the petition should have his best support, and was entitled to the fullest consideration of the House. He also was one of those who supported the bill in the last Session, but that he had had his doubt as to its correctness, and he was now confirmed in these doubts by the petition which has just been read. The letter which his hon. colleague had noticed, was not an official one, consequently not intended for that House. He was of opinion, that as the house had erred, it would best maintain its dignity by supporting the prayer of the petition. After a few observations from Messrs. Carter, Bennett, Power, and others, leave was granted to bring in the bill.

Mr. CARTER asked leave to bring in a bill to amend an Act passed in the 6th reign of Geo. 4. entitled an Act for the better administration of justice in Newfoundland, and for other purposes, the bill was read a first time.

Mr. THOMAS said that as the session was far advanced, he was of opinion that it had better lie over for the next session. He fully agreed as to the principles of the bill, but thought it a hardship to keep the Out-harbour members from their business, when it was almost certain that it could not pass that session. He would therefore move that the bill be printed.

Mr. KOUCH seconded the motion, and agreed with the last speaker in thinking that there was not time. It would occupy the Council at least ten days, and by its lying over until the next session, the people would have time to consider its merits.

Mr. CARTER was most anxious that it should pass this session, as he was desirous of obtaining the valuable assistance of some hon. gentlemen, who report said was preparing for a flight to the Upper House, such was the importance of the bill to the Out-harbour, that on behalf of his constituents, he was determined to press it forward this session, he cared not what objections it encountered in the Council; this House was not to know what time the upper house would be occupied in any bill. As an Out-harbour member he felt the loss of time, but he had a duty to discharge to his constituents.

Friday.

Mr. PACK brought forward a motion for the purpose of petitioning the Government to alter the present manner of conducting elections.—Motion lost.

The House went into Committee on the St. John's Street Bill, to which several amendments were made. The Speaker resumed the Chair. The bill, with its amendment, having been read, a discussion ensued, to know whether the bill should pass finally, which was ultimately agreed to.

The House went into Committee on the St. John's Police Bill: the seventh clause, after a good deal of discussion, was left out.

It was agreed to, that an assessment be made upon the rental of the town instead of upon the property, as originally intended, and that the assessment be collected jointly with that of the Fire Company Bill. The Act to continue in force one year, and until the next session.

The Harbour Grace Fire Company Bill was then introduced, and some alteration made.

The Speaker resumed the Chair; the report of the Committee read and agreed to.

Mr. PACK presented a petition signed by upwards of a hundred inhabitants of Carbo-