Tasmanian Parliamentary Archives

Legislative Council

Manuscript Votes & Proceedings

15-08-1840 – 1-05-1848

T.S.A. Accession no. 4619

Classification no. LC 2/2

TASMANIAN PARLIAMENTARY ARCHIVES

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Legislative Council:

Manuscript votes and proceedings.

15 Aug 1840 - 1 May 1848

T.S.A. Accession No: 4619

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Legislative Council.

Saturday the 15 August 1840

Present.

His Excellency The Lieutenant Governor
His Honor the Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
The Auditor
Thomas Archer Esq.
Charles Swanston Esq.
Charles McLachlan Esq.
William C. Lawrence Esq.
William P. Ashburner Esq.
Josiah Spode Esq.

Edward MacDowall Esq. Attorney General, D. Lumsdell Colonial Treasurer, and J. T. W. B. Boyes Esq. Auditor respectively take the oaths and their seats.

His Excellency reads the following minute. /vide separate paper/ and lays upon the Table plans of the new College and new Government House and also of the proposed Improvements on the Wharves at Hobart Town & Launceston.

His Excellency lays upon the Table a despatch

No. 25 of the 30 Oct. 1839. from the Right Honble The Secretary of State relative to the claim of Mr. Daniel O'Connor for compensation for loss of property destroyed by Bushrangers. — Read.

His Excellency appoints as a committee to consider and report upon this claim,

The Colonial Treasurer
Mr Swanston
Mr McLachlan and
Mr Spode.

Two to be a Quorum.

The Lieutenant Governor lays upon the Table the Bills intituled as follows;

1. An Act for the making altering & improving the Main and other roads of this Island.

2 An Act to enable the Lieutenant Governor of this Island to appoint a Master of the Supreme Court.

3 An Act to amend an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth intituled An Act for the extension of Trial by Jury & to regulate the constitution of Juries.

4 An Act to regulate Trial by Jury and the constitution of Juries in Criminal cases

5. An Act to make further regulations for the preventing Fraud in the taking of Goods in Pawn and for affording an efficacious mode of redress to those persons who may be aggrieved by the misconduct of Pawnbrokers

6. An Act to prevent doubts as to the application of an Act of Parliament passed in the Twenty first year of James the First intituled "An Act to admit the Subject to plead the "general issue in informations of intrusion "brought on behalf of the King's Majesty and "retain his possession till Trial" to this Colony.

7. An Act for extending to this Colony a certain Act of Parliament passed in the first year of Her present Majesty intituled "An Act to "amend an Act of the third and fourth years "of His late Majesty intituled 'An Act for the "Limitation of Actions & suits relating to "Real Property and for simplifying the "Remedies for trying the Rights thereto'"

8. An Act to extend to this Colony the provisions of an Act passed in the First and second Act of Her present Majesty intituled "An Act to facilitate the recovery of Tenements "after due determination of the Tenancy."

9 An Act to amend an Act passed in the second year of the Reign of Her present Majesty intituled "An Act to promote the circulation of the Dollars of the several states of South America and Mexico.

10. An Act to provide for the enrollment of Powers of Attorney of the Van Diemens Land Company

11 An Act for adopting a certain Act of Parliament passed in the first year of the Reign of Her present Majesty intituled An Act for the amendment of the Laws with respect to Wills.

12 An act to consolidate the Laws relating to apprentices & Servants.

13. An Act to amend an act passed in the second year of Her present Majestys reign intituled "An act for apprenticing the children of the Queen's orphan schools in this Island

14. An Act to amend the Laws of this Colony relating to Robbery and Stealing from the Person.

15 An Act to amend the Law of this Colony relating to stealing from vessels in distress or wrecked.

16. An Act to restrain unqualified persons from practising as Attorneys or Conveyancers and to make further provision for the admission of Practitioners in the Supreme Court

17. An Act to provide for the attendance of Jurors on Coroners Enquests.

18. An Act to provide for the payment of certain Dues to be applied to the maintenance of Light-Houses in Van Diemen's Land.

19. An Act to enable the Colonial Treasurer for the time being to exercise the functions of Collector of Internal Revenue.

20. An Act to amend an Act for enabling the Lieutenant Governor to grant Letters of Denization in certain cases.

21. An Act for enabling the Government to secure a supply of Pure water for the Town of New Norfolk.

The Lieutenant Governor reads the following Minute relative to the new College (vide separate paper.) and lays upon the Table various documents connected with the subject.
Read Mr. Gells report upon the new College.

Read the Secretary of States Despatch No. 119. 14th August 1839 with its enclosures relating to the appointment of Mr. J. P. Gell.

Moved by the Colonial Secretary seconded by Mr. Lawrence that His Excellency's Minutes and Mr. Gell's report be printed

Carried unanimously

The Attorney General gives notice, that he shall

move on Monday the first reading of the Master of the Supreme Court Bill, and on Tuesday the first reading of the Road Bill.

The Lieutenant Governor states to the Council that in order to prevent the inconvenience which the Members experienced during the last session from their attention being drawn for their deliberations by strangers speaking to them in Council, he has directed that practice to be discontinued. But that persons may have every opportunity of communicating with the Members His Excellency has placed the adjoining room at their disposal during the hours the Council is sitting.

His Excellency also ~~gives~~ notice of his intention on Monday to read his Minute on the Estimates

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Monday 17. August 1840.

Present.

His Excellency and Twelve Members,

Absent

Mr Anstey & Mr Kerr.

Read the Minutes of last Meeting.

Mr Lawrence presents a Petition from the Revd. J. J. Therry relative to the objections of the Roman Catholics to the proposed College Withdrawn.

His Excellency reads the following Minute on the Estimates for 1841 - and lays on the Table The Estimates - also a Return of all the Roads in the Island as Gazetted; Papers relating to the amount of the Bishop of Australia's expenses when on a Visitation to V D Land; Petitions from certain Inhabitants of Hobart Town and Bothwell ~~with reference~~ in favor of the ~~New College~~ present School System, and various addresses respecting the general School System of the Colony. -

Moved by ~~Mr Ashburner Seconded by Mr~~

That His Excellency be requested to lay upon the Table a Return of the No. of acres in each district of the Island, and the reports and returns of the Commissioners of Land with

respect to their different values.

The Colonial Secretary gives notice that on Monday next the 24th Instant he will move the consideration of the Estimates in a Committee of the whole Council.

Moved by Mr Maclachlan seconded by the Att.y General. That His Excellency's Minutes on the Estimates be printed.

The Road Return ordered to be printed.

Master of the Supreme Court Bill read a First time - to be read a second time tomorrow

Pawnbrokers Bill read a First time - to be read a second time tomorrow.

The Attorney General gives notice of his intention to move the 1st Reading of the Apprentices & Servants Bill tomorrow.

Tuesday 18th August 1840

Present
His Excellency and Thirteen Members
Absent
Mr Anstey

Michael Fenton Esqr. takes the oaths and his seat in the room of Johnston Esqr.

Read the Minutes of last meeting.

Mr Lawrence presents a petition from the Revd. J. J. Kerry Vicar General requesting in behalf of the Roman Catholics to be heard by Counsel against the proposed College.

On the motion that it be received

Ayes 8
Noes 4.

Received and read. -

Counsel to be heard on Monday next.

His Excellency lays upon the Table a petition from the Inhabitants of New Norfolk against, and one from Green Ponds & Bagdad in favor of, the present regulations for Dayschools.

Read the petition from New Norfolk. and also a Petition from certain Inhabitants

of Hobart Town relative to the day Schools.

Road Bill read a first time - to be read a second time on Wednesday next

Practice of the Supreme Court Bill read a second time and committed - The report to be brought up - His Excellency lays the Bill on the Table - to be read a third time tomorrow.

The Colonial Secretary gives notice that he will tomorrow move,

"That it is the opinion of the Council that the rights vested in certain Companies under the Acts of Council No 7. and 8. 3rd Victoria - in the cases of the Longford and New Norfolk Bridges respectively shall not continue beyond the period of thirty years from the passing of the said Acts - and that the Solicitors of the respective Companies be instructed to prepare amended draft Acts accordingly."

The Colonial Secretary also gave notice that he would tomorrow move the suspension of the Standing Orders and that the Colonial Treasurer Bill be read a first second and third time

Pawnbrokers Bill read a second time and committed

Apprentices & Servants Bill read a first time to be read a second time tomorrow

In the Committee on the Pawnbrokers Bill it was moved ~~by the Col. Sec.~~ 2 That the license be £20 for the Towns of Hobart & Launceston but only £5 elsewhere.

Ayes 9

Noes 2.

1 That the amount of license be £20 instead of £5.

Ayes 7

Noes 5.

Wednesday 19 August 1840
present
His Excellency and thirteen Members
absent
Mr Amstey.

Read the minutes of last meeting

Moved that the petition of the Revd. S I Sherry presented yesterday be printed.
Agreed to.

The Chief Justice gives notice that on Saturday or Monday he will move that the order for the hearing of Council on Mr. Sherry's petition be discharged.

Mr Mclachlan gives notice that on Monday he will move three resolutions relative to the proposed college.

The Lieut. Gov. states to the Council, that *

The master of the Supreme Court Bill read a third time and passed.

Denyalon Bill read a first time. The Colonial Secretary gives notice that on Friday he will move the suspension of the Standing Orders & that this Bill be read a second & third time

* With respect to the discussions which have taken place in Council regarding the Road Bill, His Excellency conceives it might be satisfactory, if he were to make one or two observations as to his intentions, if the Bill in question be carried.—
Though the one Main Road only is mentioned as being under the charge of the Govt., it is His Excellency's intention to finish those to Richmond and Westbury, as also those along Sandy Bay and to Westbury from Longford. which have been begun; and if the Commissioners to be appointed under this Act will engage to pay the Superintendent, & for the cartage, he will, so long as His Excellency has the means of Convict Labor at his disposal, endeavor to supply the Laborers and their Tools, for the making of the Cross and Bye roads— Commencing of course with those roads which he may think most necessary for the public Interests.

[redacted]

Colonial Treasurers Act read a first time - the Standing Orders suspended and the Bill read a second and third time and passed.

VanDiemens Land Company Bill read a first time - to be read a second time on Saturday.

The Council continued in Committee the consideration of the Promoters Bill.

Moved by the Chief Justice seconded by Mr Mc Leachlan

That the words "or to take in pawn any articles or article whatever" be removed from the second section and wherever they appear throughout the act.

Agreed to.

The Council Resume. The report is brought up Hrs Excellency lays the Bill upon the Table - To be read a third time on Friday.

The Colonial Secretary moves the resolution relative to the Longford & New Norfolk Bridges Acts of which he gave notice yesterday.

Apprentices & Servants Bill read a second time & committed.

Thursday 20 August 1840

Present

His Excellency & Eleven Members

Absent

The Chief Justice the Colonial Secretary & Mr Hanby.

Read the minutes of last meeting

Mr Lawrence gives notice that on Saturday he will move

That His Excellency be requested to take measures to obtain for the benefit of the advantage of the opinion of His Honor the Puisne Judge on the question of the applicability or non applicability within the Colony of the Statute of the 21st James 1st. to admit the subject to plead the general issue in informations of intrusion and retain possession tile trial: and also that His Excellency be pleased to direct the attendance upon this Council of the Solicitor General for the delivery of his opinion upon the same question.

Mr Lawrence also gives notice that to-morrow if the Colonial Secretary be present he will move

That His Excellency be requested to lay upon the Table a return of the quantity of Coin and Bullion at present in the Colony distinguishing the quantity of Dollars from that of British Coin & Bullion.

New Munster Water Bill read a first time - To be read a second time to-morrow

Will & Testament Bill read a first time - To be read a second time this day week

Apprentices & Servants Bill in Committee - adjourned till to-morrow.

Friday 21 August 1840

Present

His Excellency and Eleven Members

Absent

The Chief Justice, The Colonial Secretary & Mr Rusby.

Read the Minutes of last Meeting

Mr Lawrence moves the resolution / which he gave notice yesterday / calling for a return of Coin in the Colony.

Legal Practitioners Bill read a first Time - To be read a second time Tomorrow week when the Attorney General will move to strike out of the Bill all clauses relating to Conveyancers.

Denization Bill read a second time, and committed. Committee adjourn till to-morrow week.

Pawnbrokers Bill read a third time and passed.

New Norfolk Water Act read a second time and committed - The Council Resume - the report is brought up - His Excellency lays the Bill upon the Table - to be read a third time on Monday.

Robbery from the person Bill read a first time - to be read a second time Tomorrow.

Stealing from Wrecks Bill read a first time - To be read a second time Tomorrow.

The Council continue in Committee the consideration of the Servants & Apprentices Bill - To sit again Tomorrow.

The Council resume. Coroners Inquest Savors Bills read a first time - To be read a second time Tomorrow.

Saturday 22 August 1840
present
His Excellency and thirteen Members
absent
Mr Bagley

Read the minutes of last Meeting

His Excellency with reference to Mr Laurence's motion for a return of the specie in the Colony explains that the statements forwarded by the Banks being purely confidential he is precluded from affording the Council further information than that supplied in the Gazettes of June & July last which he will lay upon the Table.

Mr McLachlan presents a petition from Messrs Jackson and Addison with reference to the act to remove doubts as to the application to this Colony of the act 21 James 1.
Read & received

Mr. Ashburner presents a petition from Maclaren relating to the same subject
Read & received

Both petitions ordered to be printed

Captain Fenton gives notice that on Monday next he will move for a return of the amount of sales of Crown Land in this Colony up to December last.

The Chief Justice moved that the order be discharged for the hearing of Counsel on the petition of the Revd S.L. Cherry, presented on the 18 Instant
Ayes 6
Noes 7.

Mr McLachlan requests permission to withdraw the resolutions of which he gave notice on Wednesday relating to the new College.
granted

Mr Laurence moves the resolution of which he gave notice on Thursday with regard to the opinions of the Police Judge and the Solicitor General on the applicability or otherwise of the Statute 21 James 1.
Ayes 5
Noes 8.

Robbery from the person Bill read a second time & committed — Committee to sit again on Monday.

Applicability of the Statute 21 James 1. Bill

read a first time – To be read a second time on Thursday next

Consideration of the Estimates deferred until Monday week.

Monday 24 August 1840

Present

His Excellency and Ten Members

Absent

The Chief Justice The Colonial Secretary Mr Hanley and Mr Fenton.

Read minutes of last meeting

The Council resume in Committee the consideration of the Robbery from the Person Bill – The report is brought up. His Excellency lays the Bill on the Table – To be read a third time on Wednesday.

New Norfolk Water Bill read a third time and passed.

Light House Bill read a first time – To be read a second time on Wednesday.

The Mexican Dollar Bill read a first time – To be read a second time on Saturday. The Colonial Treasurer gives notice that he will move in Committee on this Bill an amendment in the first clause

Mr Lawrence gives notice that on Saturday he will move that His Excellency be requested to lay on the Table of this Council an act for the repeal of the act for making Spanish Dollars a legal tender.

Washburner gives notice of his intention to-morrow to move for a return of the No. of Convicts now in the Colony distinguishing such as are employed on public Works or under punishment from such as are on assigned service.

Resolution withdrawn

Robbery from Wrecks Bill read a second time - committed - report brought up - Bill laid upon the Table - to be read a third time on Wednesday.

Orphan School Act Amendment Bill read a first time - To be read a second time on Wednesday.

Coroners Inquest Jurors Act read a second time and committed - Committee to sit again on Thursday.

Wednesday 26th August 1840

Present

His Excellency and Eleven Members

Absent

The Chief Justice The Colonial Secretary & Mr. Foster

Read the Minutes of last Meeting

Mr Lawrence presents a petition from Launceston praying that the proposed College may be erected on a site equidistant from Hobart Town & Launceston.

Read & received

Mr Lawrence presents a petition from Launceston praying that the system of Education as explained in the Lieut. Governors Minutes of Sept. 1839 & August 1840. may be adhered to in the proposed College

Read & received

Both petitions ordered to be printed.

Robbery from the person Bill read a third time and passed.

Robbery from Wrecks Bill recommitted - Report brought - Bill laid upon the Table - read a third time and passed.

Light House Bill read a second time and

committed. Committee to sit again on Friday.

Apprentices & Servants Bill further considered in Committee

On the motion of Mr Ashburner that the words "not exceeding fifty pounds" be substituted in the 8. Section for the words "not less than Five pounds nor more than Twenty Pounds.

Ayes 8
Noes 2

Committee to sit again on Friday.

Orphan School Act Amendment Bill read a second time & committed — Committee to sit again on Friday

Recovery of Tenements Bill read a first time — to be read a second time on Saturday

Limitation of Actions Bill read a first time To be read a second time on Saturday.

Thursday 27 August 1840

Present
His Excellency & 11 Members
Absent
The Chief Justice the Colonial Secretary & Mr Fenton.

Read the Minutes of last Meeting.

Mr Anstey presents a petition from the Inhabitants of Battands expressive of their thanks for the Institution of the New College — of their confidence in the liberality of the Council in making provision for the more eminently distinguished youths who may attain exhibitions to the Universities at Home, & suggesting that such provision be made before the separation of the present Council.

Read received & ordered to be printed.

Council resume in Committee the consideration of the Coroners Inquest Jurors Bill.

Moved by Mr Ashburner
That the fine to be inflicted on Jurors for non attendance in the third Section be reduced and that the words "not exceeding Two pounds be substituted for "ten pounds"

Ayes 3
Noes 8.

Committee to set again Tomorrow

X [illegible]

The Committee appointed by Hes Excellency on the 15 Inst present their report on the claim of Mr D O'Connor to compensation for the loss of his property by Bushrangers — Report read.

Read Memorial from D O'Connor praying for time &c. on the motion of the Colonial Treasurer

That Mr O'Connor be allowed ten days from this date to bring forward evidence in support of his claim.

Ayes 7
Noes 4.

X Jury Act Amendment Bill [illegible] Omitted

Vide 28 August

Friday 28 August

present
Hes Excellency and Eleven Members
Absent.
The Chief Justice The Colonial Secretary & Mr Fenton.

Read the minutes of last Meeting.

Hes Excellency lays upon the Table a Petition from ~~the~~ certain inhabitants of Campbell Town & Ross, Members & friends of the Church of England, against the present School System
Read

Mr Ashburner presents a petition from Francis E D Browne & Thomas Richards praying that while engaged in conducting the Public Press, they may be exempted in the new Jury act from serving or being summoned as Jurors

~~Read & received~~ Laid upon table

Mr Lawrence presents a ~~petition~~ Memorial from certain Landholders resident in & near Launceston respecting the Road Act, protesting more particularly, for certain reasons therein detailed, against that portion which relates to Cross & Bye roads, or the introduction of any Act, &c (See 5. Section) Read, received, & ordered to be printed.

Coroners Inquest Jurors Bill further considered in Committee — Report brought up — Bill

laid upon the Table - to be read a third time tomorrow

Jury Act Amendment Bill
~~Court Jury Bill~~ read a first time - To be read a second time tomorrow week.

Light House Bill further considered in Committee Report brought up - Bill laid upon the Table. To be read a third time tomorrow.

Saturday 29 August 1840

Present
His Excellency and Twelve Members
Absent
Mr Anstey and Mr Fenton.

Read Minutes of last Meeting.

Moved by Mr Lawrence seconded by Mr Ashburner.

That it is the opinion of this Council that the legalized circulation in this Colony of foreign Coin at a fixed arbitrary value has ceased to be a temporary convenience, and is likely soon to become a great public evil from the effect it will have upon the Exchanges with Great Britain and other parts of the world and even with the neighboring Colonies of Australia & New Zealand where no such arbitrary value is by Law attached to it, an effect always productive of numerous, great general public inconveniences

That the accidental & temporary advance of the market price of silver in this and other Countries, arising out of an accidental and temporary political cause affords a favorable opportunity, which ought to be embraced, of repealing the Laws which have legalized the circulation of foreign Coin in this Colony

at any fixed and arbitrary nominal value without incurring the heavy charge upon the Colonial Revenue for the indemnity of the holders of such foreign Coin, which will necessarily be incurred if the measure be postponed until after the market price of silver shall again have fallen to its accustomed level, when sooner or later it will become indispensable

That therefore His Excellency be respectfully requested to cause measures to be taken for the introduction of an Act for the repeal of the Laws which constitute any foreign coin a legal tender in this Colony at a fixed arbitrary value.

Ayes 3.
Noes 9.

His Excellency lays upon the Table, a copy of the Return of the Commissioners for the survey of all the lands within the Colony.

Coroners Inquest Jurors Bill read a third time and passed—

Lighthouse Bill read a third time & passed.

In moving the second reading of the Legal Practitioners Bill, the Attorney General gives notice that in Committee on this Bill he will move that all the clauses relative to conveyancers be struck out. Bill read a second time — To be considered in Committee this day week.

The Chief Justice gives notice of his intention to move as an amendment - that the admissions under this Act be restricted to articled Clerks and to persons who have served as Clerks of the Court. and that they be restricted to the practice of Attornies Solicitors & Proctors.

On the motion that the Wills Act Extension Bill be read a second time

Ayes 8
Noes 4.

Read and Committed. Report brought up - Bill laid upon the Table - to be read a third time on Monday.

On the motion that the Mexican Dollar Bill be read a second time

Ayes 10
Noes 1

Read & Committed - Report brought up - Bill laid upon the Table - to be read a third time on Monday.

Van Diemens Land Company's Bill read a second time & Committed — Committee to set again on Monday.

Monday 31 August
present
His Excellency & all the Members

Read minutes of last meeting

His Excellency lays upon the Table 1. a petition from certain Members & friends of the Church of England residing in Sorell, praying that such assistance may be afforded them as will enable them to maintain a school conducted on the principles of their Church & under the superintendence of their clergy: and 2. a petition from certain Members & friends of the Church of England residing in Clarence Plains. ~~Shewing~~ stating that their clergy have been deprived of the control & superintendence of the School, & praying that His Excellency will take such steps as will remedy this evil.

Read & Rec.

/2/ Mr. McLachlan presents a petition from certain inhabitants of Campbell Town approving of the system of Education as established by His Excellency & praying that it may not be departed from in the institution of the proposed College.

Read & rec.

/1/ Mr Fenton presents a petition from certain inhabitants of New Norfolk in support of the principles & plan of the proposed College.

Read & rec.

Three petitions ordered to be printed

His Excellency laid upon the table an account of the Land fund from 1st July 1836 to 1st July 1840.

Bills Act Extension Bill read a third time & passed.

Mexican Dollar Bill read a third time & passed.

On the motion for the order of the day Council is heard on the petition of the Revd. J.J. Therry presented on the 18 Instant.

Mr Lawrence gives notice that on Wednesday he will move

That it is the opinion of this Council that in the regulations intended to be made for the government of the Queen's School and projected College the wishes of the Members or Professors of the Roman Catholic Church, that their Children should be exempted from attendance at prayers, or religious exercises, or at the reading of Scripture, and that they have access freely afforded them to religious teachers of their own Church, ought to be acceded to and that His Excellency be respectfully requested to cause the proposed regulations to be drawn up in accordance with that opinion.

The Council go into Committee on the Estimates.

Mr Swanston gives notice that tomorrow he will move

That no allowances of any kind excepting the furnishing of the Govt. House as approved of by the Secretary of State be allowed the Lieutenant Governor, but that the Salary of His Excellency be in future £4000 per annum.

and also that he will move on Wednesday

That this Council respectfully requests that the Lieutenant Governor will fix the site of the new College on that part of the Crown Land now being part of the New Town Farm in order that the students may have free access to the Churches of their respective denominations and which they cannot have in any part of the Colony than in the neighborhood of Hobart Town or Launceston.

Tuesday 1 September 1840

present

His Excellency and all the members.

Read minutes of last meeting.

Mr Archer presents a petition from Campbelltown in favor of the proposed college and praying that it be liberally endowed.—

Read received ordered to be printed

Read also an address on which the sum of £1600 and ten acres of land are tendered by certain persons, residents of the same district, in aid of the new college, if that institution be erected at Campbelltown.

~~Read~~ Ordered to be printed

Read petition from Mr Hackett praying for the rescinding of the 3d Resolution of the 22d June 1839.

Mr McLachlan presents a Memorial from the Revd John Lillie Moderator of the Venerable the Presbytery praying that the principles recommended in His Excellency's former minute of 28th last may by a specific resolution of this Council be applied to the Collegiate Institution.

Read Received & ordered to be printed.

Mr Swanston gives notice that when the Estimates for the Clerical Department are under consideration he will move

That in consequence of the rapid enormous & increasing expenditure entailed upon the Colonial funds of this Colony for the building of Churches and Chapels & the support of the clergy of the three established Churches it is the opinion of this Council that no Clergyman should look to be quartered upon the Colonial Revenue as a matter of right but that the assistance granted from the Colonial Treasury for their support should depend upon the wants of the Community and not upon the number of Churches or Chapels that may be built. that therefore it is expedient the Act No 16 1 Victoria commonly called the Church Act should rather be repealed or so far amended as to give to the Lieutenant Governor and Executive Council the power to withhold the payment of any Salary to any Clergyman & the issuing of any monies for the Building of any Church or Chapel notwithstanding the conditions of the said mentioned Act may have

been fulfilled, whenever it may be the opinion of the Lieutenant Governor not imperatively required.

X-

Mr. ashburner moves for a return of the persons employed at the Signal stations and value of their rations

X The Council continued in Committee the consideration of the Estimates.

Moved by Capt. Swanston
That the sum of £200 in the Estimates as a salary for the Colonial Agent be struck out
Ayes 6. 6
Noes 8. Lost.

Wednesday 2d September.
Present
His Excellency & all the members.

Mr Lawrence moves the resolution, of which he gave notice on Monday, relative to the exemption of Roman Catholic children from ~~attendance~~ attendance at prayers &c in the regulations of the Queens School and projected College.

Mr Ashburner moves as an amendment
That it is the opinion of this Council that whenever the parents of any of the children of the Queens School & College shall signify to the Principal their desire that their children should not attend the religious exercises, reading of the Scriptures or Scriptural instructions in force in the Institution, the same shall be accorded; and that His Excellency be respectfully requested to cause the proposed regulations to be drawn up in accordance with this resolution.

The ~~Attorney~~ General moves as a second amendment That this Council do proceed with the order of the day.

The Attorney General's amendment being

contrary to Rule No. 9. Mr. Ashburner's amendment is put

Ayes 8
Noes 6.

The Colonial Treasurer gives notice that when the Estimates for the Schools are brought forward he will move.

That it is the opinion of this Council that the fundamental articles of the Christian Faith ought to be taught in the School and College, and that instruction as to the rites and ceremonies of particular Churches shall not form part of the public curriculum, but may be communicated at the discretion of the Principal and Fellows to those students who may be members of the denominations to which they respectively belong.

The Chief Justice presents a petition from the Venerable the Archdeacon praying that assistance may be afforded towards establishing and maintaining Schools in which the Children of the Church of England may receive a Christian Education upon the principles of that Church & under the superintendence of her Clergy.

Read received & ordered to be printed

The Attorney General presents a petition from Mr David Lord. praying that the Bill to remove doubts as to the applicability of the Statute 21 James 1st may be passed during this session.

Read received & ordered to be printed.

Moved by the Colonial Secretary that the documents relative to the Day Schools contained in the two Books now lying on the Table be printed.

Agreed to.

His Excellency lays upon the Table a petition from Messrs. Paton & Salmon District Assistant Surgeons praying for an increase of pay.

Read.

Council resume in Committee the consideration of the apprentices & Servants Bill — Report brought up — Bill laid upon the Table — To be read a third time on Saturday.

Thursday 3d Sept. 1840

present

His Excellency and Thirteen Members

absent

Mr Lawrence.

Read minutes of last meeting

His Excellency lays upon the table a petition from certain inhabitants of New Norfolk praying that the principles expressed in the Lieutenant Governor's minute of September last may not be departed from in the regulations of the Queen's School.

Read & ordered to be printed

Council continue in Committee the consideration of the Estimates.

Mr Swanston moves the resolution of which he gave notice on Tuesday relative to the repeal or amendment of the Church Extension act.

His Excellency lays upon the table a despatch of the Right Honorable the Secretary of State No 53 dated 31 December 1839. and its enclosures. Read & ordered to be printed

On the Estimates for the Church of Scotland. Mr Swanston moves proposed that the Revd Mr Lillie should have the usual allowance for Forage.

Ayes 6

Noes 7

The Colonial Secretary moves as an amendment
on Mr Swanston's motion

That it is the opinion of the Council
in reference to the charges upon the Colonial
Revenue now before this Council for the Church
Establishments provided for by Law, that
the Act No 16. Victoria commonly called the
Church Act should be amended during
the present session of the Council in
such manner as to admit of the Lieutenant
Governor in the Executive Council declining
to comply with any application made
according to the provisions of the said
Act No 16. Victoria in the Event of His
Excellency in Council being of opinion that
a Church or Minister is not required by
the denomination making such application
at the place applied for.

Original motion withdrawn.- Carried
unanimously.

Mr Swanston moves that it is the opinion of this
Council that the Minister of St Andrew's Church should be supplied with
the usual Forage allowance and that His Ex.y be respectfully *

Ayes 6

Noes 7.

*requested to make provision for that purpose-

Moved by the Colonial Secretary. That
it is the opinion of the Council that the
plans upon which the new Government House
is to be built should be left to the decision
of the Lieutenant Governor

Carried unanimously

Moved by Mr. Swanston

That this Council is of opinion that the present Salary of £2,500 per annum even with the other allowances is wholly inadequate to the support of the dignity of the Lieutenant Governor of this Colony and the Members would respectfully submit that it should not be less than £4,000 per annum independent of His Excellency's Private Secretary and Aide-de Camp.

Carried unanimously

His Excellency lays upon the Table the despatch of the Secretary of State No 47. of the 8 April 1839 relating to the Salary of the Revd Mr Lillie

* Read.

Van Diemens Land Company's Bill further considered in Committee - report brought up - Bill laid on the Table - to be read a third time Tomorrow.

* Mr. Swanston moves, that it is the opinion of this Council that the Minister of St. Andrew's Church should be supplied with the usual Forage allowance - and that His Excellency be respectfully requested to make provision for that purpose. Withdrawn

Friday 4 September 1840

Present

His Excellency and Thirteen Members

absent

Mr Lawrence.

Read minutes of last meeting.

His Excellency lays upon the Table the Bills respectively intituled

1 An Act to give validity to certain Acts done by the Registrar of the Supreme Court between the twentieth day of December 1838 and the first day of March 1839.

2 An Act to enable The Lieutenant Governor of this Island upon any unforeseen Emergency to subject vessels to the performance of Quarantine.

Mr. Fenton presents a petition from certain inhabitants of Van Diemens Land praying that the draft of the Act to remove doubts as to the applicability of the Act 21 James 1. may be amended so as to declare that the said Act does extend to and is in force in this Colony - that the Puisne Judge may be examined before the Council should there be any doubt on the subject - and in the event of its being decided that the Statute does not extend that a clause may

may be added suspending its operation until Her Majesty's approval be received — and that their remonstrance may be transmitted with the Act for Her Majesty's gracious consideration

Read received ordered to be printed

Mr Swanston presents a petition from certain inhabitants of the Colony praying for certain reasons therein detailed, that no portion of the public funds be appropriated for the erection or endowment of any College or Collegiate School beyond the Limits of Hobart Town — that a Committee of the Council be appointed to collect information and report on the subject, and report that until such report is laid upon the Table all further proceedings relative to the College may be suspended, and that the petition may be transmitted to the Secretary of State with any measure which may be submitted for his approval. —

Read received ordered to be printed.

Mr McLachlan presents a petition from John Dobson Esquire of Derwent Park against the Road Bill & praying that he may be heard by Counsel in opposition thereto.

Read & received.

His Excellency appoints

The Colonial Treasurer
The Attorney General
Charles McLachlan Esq
Wm Fenton Esq

to form a Committee of Enquiry into the facts stated in Mr Dobson's petition

Moved by Mr McLachlan

That Mr Dobson be heard by Counsel in support of his petition upon the second reading of the Road Act tomorrow.

Agreed to.

The Attorney General presents a petition from Mr Daniel O'Connor praying that he may be permitted to produce his evidence & to be heard by Counsel in support of his claims

read & received.

Counsel to be heard on Tuesday next.

Council resume in Committee the consideration of the Estimates.

Moved by the Colonial Treasurer

That this Council entirely approves of the principles contained in Mr Gell's report and is of opinion that instruction in the fundamental truths of the Christian faith founded upon the Scriptures forms an essential part of the ~~public~~ course of Instruction to be given in the proposed College whilst instruction in forms of Church Govt and in rites and ceremonies may be

communicated at the discretion of the Principal & Fellows respectively to the Students whose parents or Guardians wish them to receive it; & that His Excellency the Lieutenant Governor be requested to receive this expression of the opinion of the Council.

respectfully

Carried unanimously.

Moved by Mr. Fenton

That it is the opinion of this Council that a sum not exceeding £2500 be applied from the Colonial Revenue to the formation of a fund for establishing Exhibitions from the Queen's School to the Universities of the United Kingdom ~~& Ireland~~. Such Exhibitions to be regulated by future arrangements to be approved by the Lieutenant Governor & the Executive Council.

Carried unanimously

Moved by Mr Ashburner.

That the expenses for the Board and Education of Students in the Queens School shall not exceed fifty pounds per annum, or fifteen pounds per annum for the course of instruction without Board

Ayes 3

Noes 9.

Moved that the sum of £ 2,350 ~~[illegible]~~ be appropriated for the Queens Schools ~~& Day Schools~~.

Adjourned till tomorrow

Saturday 5th Sept. 1840

Present

His Excellency and Thirteen Members

Absent

Mr Lawrence.

Read the Minutes of last meeting

Mr. Fenton presents a petition from Mr. James Hackett praying, in reference to his petition presented in this Council on the 1st Instant, to be heard by Counsel.

Read & received.

Moved by Mr Fenton. That a day be fixed for the hearing of Counsel on behalf of Mr Hackett

Ayes 6

Noes 7.

Van Diemens Land Company's Bill read a third time & passed

Apprentices & Servants Bill read a third time and passed.

Council resume the consideration of the Estimates

On the motion that the sum of £2350 be appropriated for the Queens School.

Ayes 9
Noes 2.

The Council resume
The Colonial Secretary gives notice that on Wednesday he will move the suspension of the standing orders & that the appropriation Bill be then read 1st 2d & 3d time.

Civil Jury in Criminal cases Bill read a first time. To be read a second time on Tuesday next.

His Excellency lays upon the Table a Bill intituled "An Act declaratory of the rights of the Members of the United Church of England and Ireland to the exclusive use of the Church at Bothwell."

Order for the hearing of Counsel on Mr Dobson's petition discharged

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Monday 7 Sept. 1840
Present
His Excellency and Eleven Members
Absent.
Mr Lawrence[2], Mr Anstey[1], & Mr Ashburner[3]

Read minutes of last meeting.

Mr Swanston presents a petition from the Moderator of the Venerable the Presbytery of VDLand against the Bothwell Church Bill and praying that the right of property in that Church may be left to the legal Tribunals of the Colony.

Read & received

Mr Fenton presents a petition from Thomas Henry Brain Head Master of the Proprietary School New Town. praying for compensation for the losses he has sustained and is likely to sustain from the establishment of the Queen's School. Read & received.

His Excellency lays upon the Table the draft of an Act entitled "An Act to simplify proceedings at Law or in Equity by or against the Van Diemens Land Auction Company."

The Attorney General presents a petition

from James Gibb praying that a clause may be introduced in the Legal Practitioners Bill by which Clerks who have served for five years before the passing of the Act. but not under articles shall be qualified for admission as Practitioners in the Supreme Court upon undergoing the same examinations as articled Clerks.

Read & received

Jury Act amendment Bill read a second time and committed. Committee to sit again tomorrow.

The Colonial Secretary gives notice that in Committee on this Bill he will move That all persons who claim to be struck off or have their names placed upon the Jury list shall give at least 48 hours notice (to the Clerk of the Peace) (of their intention) previously to the lists being revised at Quarter Sessions. also

That the Colonial Secretary the Asst. Col. Sec. the Clerk of the Council & the Private Secretary be exempted.

Legal Practitioners Bill further considered in committee. To sit again on Wednesday.

The Attorney General gives notice that he shall then move that all persons shall be eligible to be admitted as Barristers Solicitors & who shall have served as articled Clerks for five years in England Scotland or Ireland, or who shall under such articles have served a portion of their time in England and the remainder here: and all persons who have heretofore served five years in a Solicitors Office but not contemplating the passing of this Act have not entered into articles.

His Excellency appoints as a Committee to report upon the steps necessary, and to frame rules, for the consideration of Private Bills to be brought before the Legislative Council.

The Attorney General.
W McLachlan Esq
W Fenton.

Tuesday 8 September 1840

Present

His Excellency & Eleven Members

absent.

Mr Austey, Mr Lawrence & Mr Ashburner.

Read minutes of last meeting

Mr Archer presents a Petition from certain Inhabitants of Norfolk Plains in favor of the new College.

Read, received, & ordered to be printed.

Mr Archer, with reference to an address presented by him on the 1st Instant from certain Inhabitants of Campbell Town, states that he is now authorized to offer 50 acres of land instead of 10 acres provided the College is built in that district

With reference to Mr Daniel O'Connor's petition presented in this Council on Friday last Council is now heard as to the claim of that individual to compensation for losses sustained by Bushranger, and Mr Morgan Chief Constable, Mr John Andrew, and Mr district Constable Clark are examined.

Moved by the Colonial Secretary.

That it is the opinion of this Council that Mr O'Connor's general services to the Police and the losses he has suffered exceeding £2,000, and which followed such services entitle him to a gratuity from the funds of this Colony not exceeding £500.

Ayes 8

Noes 3.

Wednesday 9 Sept.

Present

His Excellency and Eleven Members

Absent

Mr Anstey Mr Lawrence & Mr Ashburner

Read Minutes of last meeting

His Ex lay upon the Table an act for the general appropriation

13 of the Revenue for the year 1841 ~~at time~~

standing orders suspended, Bill read a first second & third time & passed.

Mr McLachlan gives notice with reference to this Bill* Council continue on Committee the consideration of the Surry Act Amendment Bill.

In the second section it was moved.

1 That no member of the Executive or Legislative Councils be summoned.

Ayes 8

Noes 3

2 That ~~the~~ no assistant Colonial Secretary be ~~exempted~~ summoned

Ayes 9

Noes 2.

Committee to set again To morrow.

Orphan School Act Amendment Bill further considered in Committee

To set again Tomorrow

Mr Swanston gives notice that in Committee on the Legal Practitioners Bill he will move

That this Act should give the power to their Honors the Judges at any time after the 1 Jany 1841, to make a division of the Bar prohibiting any Individual from practising and following the business & professions of Barrister Solicitor Attorney & Proctor, and to comprize the present & future members of the Profession.

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* That he will with His Ex:'s permission enter a protest against the appropriation for the Police & Gaols.

Thursday 10 Sept.r 1840

Present
His Excellency & Ten Members
Absent
The Chief Justice Mess.rs Anstey, Lawrence & Ashburner

The Attorney General presents a petition from Mr Robert William Nutt praying that admissions to practice under the Legal Practitioners Bill may be extended to any person who, previously to the passing of the act, may have actually served five years as Clerk to a practising Solicitor & Attorney in England.

Jury Act amendment Bill further considered in Committee. Report Brought up - Bill laid upon the Table. To be read a third time tomorrow.

His Excellency lays upon the Table a Bill intituled "An Act for amending an Act passed in the third year of the Reign of Her said Majesty intituled An Act for making erecting and maintaining a Bridge across the River Derwent in the Township of New Norfolk in the County of Buckingham." To be read a first time on Monday.

Orphan School Act amendment Bill further considered in Committee - Report brought up - Bill laid upon the Table. To be read a third time Tomorrow.

Recovery of Tenements Bill read a Second time and Committed.

Moved by the Colonial Treasurer
That this Act be made applicable to all cases where the rent does not exceed £40 instead of £20.
Ayes 7
Noes 3.
Committee to set again Tomorrow.

His Excellency lays upon the Table the draft of an Act intituled "An Act to amend an Act passed in the first year of Her present Majesty intituled An Act to make provision for the support of certain Ministers of the Christian Religion and to promote the erection of Places of Divine Worship.
To be read a first time on Monday

Tuesday 15 September 1840

present

His Excellency & Eleven members

absent

The Chief Justice Mr Huntley & Mr Ashburner.

Read minutes of last meeting

His Excellency lays upon the Table the plan of a proposed Bridge at Bridgewater.

Mr Swanston presents a petition from the Rev James Garrett praying to be heard by Counsel against the Bothwell Church Bill.

Read received

Counsel to be heard on Saturday next.

The Colonial Treasurer presents a petition from Sir Thomas Young praying that his son may be admitted to practise under the Legal Practitioners Bill upon certain conditions therein mentioned

Read received

14 Jury act amendment Bill read a third time & passed.

15 Orphan school Act amendment Bill read a third time and passed.

New Norfolk Bridge Act read a first time — To be read a second time Tomorrow

Church Act Amendment Bill read a first time — To be read a second time on Friday.

On moving the order of the Day for the second reading of the Road Bill — There being no Counsel in attendance in support of Mr Dobson's petition, and no communication having been received from that Gentleman — the order for the hearing of Counsel is discharged.

On the motion that the Road Bill be read a second time —

It is moved by Mr Lawrence seconded by Mr Archer

That this Bill be read this day six months

Ayes 2

Noes 9

Original motion carried without a Division, and the Bill read a second time & committed.

Wednesday 16 September 1840
present
His Excellency and Ten Members
absent
The Chief Justice, Messrs. Anstey Lawrence
Ashburner.

Read the Minutes of last Meeting
The Attorney General presents the Report of
the Committee appointed by His Excellency
on the 7th Instant, to report upon the steps
necessary and to frame rules for the
consideration of Private Bills.
Read and ordered to be printed

New Norfolk Bridge Act amendment Bill read
a second time and committed - report
brought up - Bill laid upon the Table - To
be read a third time Tomorrow. -

Norfolk Plains Bridge Act amendment Bill
read a first time - to be read a second
time Tomorrow.

Council resume in committee the
consideration of the Road Bill. -

Moved by Mr Swanston -
That in the 23 Section
the words "any Police or Assistant
1
Police Magistrate" be introduced instead
of the words "any Justice of the Peace."
Ayes 4
Noes 6.

Thursday 17 Sept.r

Present His Excy & 11 Members
Absent - Mr Anstey, Mr Lawrence & Mr Ashburner.

Read Minutes of last Meeting

Mr Fenton presents a Petition from John
James Fenton praying for Compensation
for the loss of his eye which he sustained
in the Public Service whilst in pursuit
of a Bushranger

Read and received.

Mr Fenton gives notice that Tomorrow he
will move a resolution in support of the
prayer of this petition

Moved by the Attorney General. That Mr Dobson
be heard by Counsel in support of his petition
presented on Friday the 4th Instant, on Saturday
next at 12 o'clock.

Agreed to.

On the motion for the second reading of the Statute of Limes Applicability Bill
It is moved by Mr Fenton as an amendment
That this Bill be read a second time this day six months.

Ayes 3
Noes 8

Original question put

ayes 8
Noes 3.

The Bill is then read a second time & committed.

Moved that the first clause stand part of the Bill

Ayes 8
Noes 3.

Committee to sit again tomorrow.

Norfolk Plains Bridge Act Amendment Bill read a second time and committed. — Committee to sit again tomorrow

New Norfolk Bridge Act Amendment Bill re committed
Committee to sit again Tomorrow.

Road Bill further considered in Committee.

Mr Fenton moves
That in the 23 Section the words "Police or Assistant Police Magistrate" be inserted

instead of "any Justice of the Peace"

The Colonial Secretary moves as an amendment
That the words "Senior Justice of the Peace as enrolled upon the Commission then being within the District" be substituted for the words in question.

Ayes 8
Noes 3

Friday 18 September 1840

present

His Excellency and Ten Members

Absent

The Chief Justice Messrs Austry Lawrence & Ashburner

Read the Minutes of last meeting.

The Colonial Secretary presents a petition from Mr Robert Stewart praying to be heard before the Council against a division of the Bar proposed as an amendment in the Legal Practitioners Bill

Read and received

Mr Swanston presents a petition from the Revd John Lillie Moderator of the Venerable The Presbytery praying to be heard against the Bothwell Church Bill

Read ~~and~~ received Ordered to Counsel to be heard to morrow

Council resume in Committee the consideration of the Road Bill.

Moved by Mr Fenton

1 That in the 30 Section "one year" be substituted for "three years"

Ayes 7

Noes 3

2 That the proviso in the 36 Section be struck out.

Ayes 3

Noes 7

The Council resume

Moved by Mr Fenton

That it is the opinion of this Council in reference to the Petition of John James Fenton Esq now before them that that Gentleman by the public services he has rendered when called upon by his neighbors to assist in the apprehension of Convict Bushrangers, upon the last of which occasions he lost an eye from a Gunshot wound, inflicted by a Convict who was subsequently apprehended and convicted, - has merited the consideration and approval of this Council, and that a pension for the loss of the eye in the manner already named should be granted him from the public funds of this Colony.

Ayes 7

Noes 3.

The following protest is then entered

Although we acknowledge the fact of the serious personal injury received by the Petitioner yet we are of opinion that the funds of this Colony are not ample enough to meet such claims for pensions or remuneration particularly ~~where~~ in cases where the appliants are not in distress or dependent either on such pension or remuneration And that however we may look upon the claim now set forth we cannot depart from what we consider a principle that ought never to be departed from by this or any other

Body entrusted with the care of the Public funds viz: that of establishing a precedent and thereby entailing on the Revenue of the State an expenditure that no human foresight could provide against and which neither this nor any other country can afford.

(Sd) C Swanston
E. MacDowell
Charles McLachlan.

Saturday 19 Sept. 1840
Present
His Excellency and Eleven Members
Absent
Messrs Anstey Lawrence & Ashburner

Read minutes of last Meeting.

The Colonial Secretary presents a Memorial from Mr Hugh Ross against the introduction in the Legal Practitioners Bill of a clause relative to a division of the Bar; and praying should such clause be inserted that compensation may be made to him for the losses he will sustain; or that it should either have a prospective effect only or contain a special exemption in his favor, and that he may be heard in support of his claims before this Council.

Read, received, and ordered to be printed.—

His Excellency lays upon the Table the draft of an Act entitled "An Act to regulate the practice of medicine in this Colony."

The first reading of the Bothwell Church Bill is postponed until Tuesday the 22 Instant.

Counsel is heard in support of Mr John Dobson's petition presented on Friday the 4 Inst.

Statute of James applicability Bill further considered in Committee - Report brought up - Bill laid on the Table - To be read a third time on Monday.

Church Act Amendment Bill read a second time and committed - Report brought up - Bill laid on the Table - To be read a third time on Monday.

The New Norfolk Bridge Act Amendment Bill reconsidered in Committee - Report brought up Bill laid on the Table To be read a third time on Monday.

Monday 21 Sept. 1840

Present

His Excellency and eleven Members

Absent

Mr Kerby Mr Lawrence and Mr Archburner

Read minutes of last meeting.

16 Church Act Amendment Bill read a third time and passed.

On the motion that the Statute of James applicability Bill be read a third time

Ayes 9

Noes 2

The Bill is then read a third time & passed.

17 New Norfolk Bridge ~~Act~~ amendment Bill read a third time and passed

Council resume in Committee the consideration of the Road Bill.

Moved by Mr Archer on reference to Section 45

That the fences through private lands should be ~~kept~~ repair in repair by the applicants for a Bye road.

Ayes 8

Noes 2.

Moved by the Colonial Secretary

That a clause be added to the following effect "That whenever the Director General

or Commissioners shall enter upon any land (already fenced) under the provisions of this act he or they respectively shall before destroying the fences already existing securely fence in the portion ~~of~~ land he or they propose ~~to occupy~~.

* Further consideration of Road Bill postponed until Thursday

Moved by Mr Fenton

That all cross roads passing through lands already enclosed shall be fenced off by the commissioners, the proprietors furnishing the materials - The fences afterwards to be kept in repair by the proprietors of such lands

~~Agreed~~ to

*

Quarantine Bill read a first time - Standing orders suspended - Bill read a second time and committed - Report brought up - Bill laid upon the Table - to be read a 3 time Tomorrow.

Registrars Bills read a first time. Standing orders suspended - Bill read a second time & committed. Committee to sit again on Wednesday.

Medical Practitioners Bill read a first time - To be read a second time on Friday.

The Colonial Treasurer gives notice that on the second reading of this Bill he will move.

Tuesday 22 Sept. 1840

Present

His Excellency & Eleven Members

Absent

Mr Anstey Mr Lawrence & Mr Ashburner.

18 Read minutes of last meeting.

18 Quarantine Act read a third time & passed

On moving the order of the day for the first reading of the Bothwell Church Bill. Counsel are called in - The Solicitor General addresses the Council and in proof of the preamble of the Bill examines Mr A. C. Low, Mr McCaig, Captain Clark J.P., Mr William Foord, Mr H.S. Hurst & the Revd T. B. Naylor who with the exception of Mr Low) are severally cross-examined by Mr T. C. Anstey the Counsel for the petitioners against the Bill.

Wednesday 23 Sept. 1840
present
His Excellency & Eleven Members
absent
Mr Anstey Mr Lawrence & Mr Ashburner.

Read minutes of last meeting.

The Consideration of the Bothwell Church Bill is resumed.
Counsel are called in
Mr. J. F. Sharland is examined by the Solicitor General and cross examined by Mr. T. C. Anstey.

On Mr Torlesse being called in it is moved by Mr McLachlan
That the evidence of Mr H B Torlesse be not received.
Carried unanimously

Mr Anstey then addresses the Council against the Bothwell Church Bill.

~~It~~ Moved by Mr McLachlan that the evidence of Mr J. F. Sharland be struck out
Carried unanimously

Mr Garrett is examined against the Bill.

Thursday 24 Sept. 1840
present
His Excellency and Ten Members
absent
Mr Archer, Mr Anstey, Mr Lawrence & Mr Ashburner

Read the minutes of last meeting

Consideration of the Bothwell Church Bill continued and the examination of the Revd. J. Garrett is resumed by the Council. The Revd. John Lillie, Moderator of the Presbytery is also examined.

The Chief Justice then presents a protest, signed by Mr Lillie & by Mr James Thomson Procurator & Agent of the Presbytery, against the interests of the Presbytery being affected or committed by the Bothwell Church Bill, and further declaring that the Presbytery is in no way a party or to be considered a party to it.

On Mr Swanston moving an adjournment, the Attorney General moves as an amendment that the Council do continue & that Mr. J. F. Sharland be called in.
Amendment put
Ayes 6
Noes 4.
Mr Sharland is then called in & examined.
Moved by Mr. McLachlan.
That it is the opinion of this Council that addresses of congratulation be presented to Her Most Gracious Majesty

the Queen and His Royal Highness Prince Albert on the auspicious event of their Marriage of Her Majesty with His Royal Highness and that His Excellency be requested to appoint a Committee of this Council to prepare such addresses accordingly.

Carried unanimously

His Excellency then appoints
The Chief Justice
The Colonial Secretary
The Attorney General
Mr Swanston &
Mr McLachlan
to prepare such addresses.

Friday 25 September 1840
present
His Excellency & nine members
Absent
The Chief Justice. Messrs Archer Austen
Lawrence & Packhurst.

Read minutes of last Meeting

Council resume in Committee the consideration of the Recovery of Tenements Bill — Report brought up. Laid upon the Table to be read a 3d time Tomorrow

Norfolk Plains Bridge Act Amendt. Bill continued in Committee. Report brought up. Bill laid on the Table — to be read a 3d time Tomorrow

His Excellency lays upon the Table a petition from certain Inhabitants of Great Swanport enclosing certain resolution passed at a public Meeting held on the 21 Instant and praying that for the purposes of the Road Bill Great Swanport may be made a distinct district. Read Ordered to be printed

Case and opinions of the Solicitor General and Mr Sidney Stephen exparte the Australian Company.

Read Ordered to be printed

The Standing orders relative to the presentation of petitions being suspended the Colonial Secretary presents a memorial from Thomas Wood Rowlands against the proposed resolution for the Division of the Bar - so far at least as the present members of the profession are concerned.

Read received & ordered to be printed

Mr Fenton presents an address from certain inhabitants of New Norfolk tendering the sum of £1167 in aid of the erection of the New College provided it be built in that district

Read received & ordered to be printed

The Attorney General presents a petition from the Revd. T B Naylor praying that the rate of assessment under the 33 Section of the Road Act may be fixed by the Council.

Read received & ordered to be printed.

Mr Swanston gives notice that he will withdraw the motion of which he gave notice on the 9th Instant. relative to a division of the Bar.

Saturday 26 Septr. 1840

present

His Excellency and Eleven Members

absent

Mr Archer, Mr Lawrence & Mr Ashburner.

Read minutes of last meeting

The Chief Justice presents a petition from certain practitioners in the Supreme Court stating that they have heard that a clause is to be introduced into the Legal Practitioners Bill for the admission of persons who have served five years not under articles and praying to be heard by Counsel against such clause.

Read & received.

Moved by the Chief Justice

That ~~should~~ before such clause be introduced into the Bill by this Council intimation be made to Mr Allport (the first person signing the petition) that the Petitioners may be heard by Counsel in opposition thereto.

Agreed to.

Mr McLachlan presents a memorial from Mr John Dobson in behalf of Thomas Alexander of Kirkaldy in Scotland the brother & heir at law of William Alexander late of Hobart Town representing that in 1823 the said William Alexander was possessed of a Grant of 300 acres of land in the Township of Bothwell and praying in reference to the Bothwell Church Bill that the rights of the heir at law may be taken into consideration.

Read & received

His Excellency lays upon the Table the draft of an Act intituled an Act to simplify proceedings at Law or in Equity by or against the Directors & Company of the Colonial Bank.

To be read a first time on Tuesday.

Ordered that the evidence taken and the documents on the subject of the Bothwell Church Bill be printed.

Recovery of Tenements Bill read a 3e time & passed.

Registrars Bill read a 3e time & passed.

Norfolk Plains Bridge Act Amendt. Bill read 3e time & passed.

on going into the order of the Day for the 1 Reading of the Bothwell Church Bill on the motion of the Atty. General Mr. J. F. Sherland is reexamined.

Moved by the Chief Justice

That the whole of the evidence given by the Revd. I Lillie on Thursday last be expunged from the Minutes

Moved by the Colonial Secretary as an amendment

That the Revd. I Lillie be recalled & examined

amendment put ayes 10

noes 1

Mr Lillie is then recalled & examined - and the Solicitor General addresses the Council

~~The Lieutenant Governor lays on the Table extracts from the following despatches, which Extracts His Excellency states contain the whole of the despatches themselves, but that without departing from former precedents he could not lay the original documents themselves before the Council.~~

~~1. Sir Geo Arthur to Sir Geo: Murray 27 May 1829~~
~~2. Sir Geo Murray to Sir Geo: Arthur 11 Novr. 1829.~~
~~3. Lord John Russell to Sir John Franklin 9 Septr. 1839~~
~~4. Lord John Russell to Sir John Franklin 14 Novr. 1839.~~

His Excellency lays on the Table the draft of an Act intituled "An Act to amend an Act passed in the fourth year of the reign of His late Majesty King William the Fourth intituled An Act to confirm and continue certain Duties of Customs and duties on Spirits"

Monday 28 September 1840
present
His Excellency and Eleven Members
Absent
Mr Archer Mr Lawrence & Mr Ashburner

Read minutes of last Meeting

Read the Extracts from despatches respecting the Rothwell Church. laid by His Excellency on the Table yesterday.
ordered to be printed

On the motion for the first reading of the Auction Company's Bill
Ayes 9
Noes 2
Bill read a first time — to be read 2nd on Wednesday.

Medical Practitioners Bill read a second time and Committed. Committee to sit again tomorrow

The Colonial Secretary gives notice that on Saturday he will move the suspension of the Standing Orders and that the Customs duties Act Amendment Bill be read a first second & third time.

The Colonial Secretary also gives notice that on Saturday he will move the suspension of the Standing Orders & that the Crown Leasing Act be then read a first second & third time

Tuesday 29 Sept 1840
present
His Excellency & Eleven Members
Absent
Mr Archer Mr Lawrence & Mr Ashburner.

Read minutes of last meeting

His Excellency lays upon the Table a Bill intituled "An Act for the appointment of Commissioners for leasing Crown Lands and for the contracting on the part of the Crown for taking Lands by Lease from private persons & for other purposes

Colonial Bank Act read a first time — to be read a second time on Thursday.

Legal Practitioners Bill resumed in Committee. Counsel is heard in support of the petition presented on Saturday in reference to a proposed clause for the admission of persons to practice who had served five years not under articles in a Solicitors Office

The Colonial Secretary moves

That the clause by which the preparation of deeds relating to real or personal estate is confined to Barristers Attornies Solicitors & Proctors under the Legal Practitioners Bill be struck out of the Bill.

Ayes 8 Noes 2.

Moved by the Chief Justice

That on a certain term in every year the Judges shall appoint the Master and five Barristers or Attorneys to be the Examiners for the remainder of the year or until the corresponding term next year. That the Master and three of the Barristers shall be a quorum and that notice shall be given to the Master one months previously that the Master and Examiners may appoint a time for the examination which shall not be less than one month after the time when such application shall have been received— And their duty shall be by all proper means to enquire into the qualification of the applicant including his knowledge of his profession & as to the respectability of his character. And that if the applicant be approved of by them for admission he may forthwith upon a certificate to that effect signed by the Master and major part of the Examiners present be admitted upon taking either in the open Court or before the Judge in Chambers the oaths now usually taken on the admission of a Barrister Attorney Solicitor or Proctor. And upon the payment to the Registrar of a fee of Five Guineas.

Carried unanimously

Wednesday 30 Sept.
present
His Excellency and Ten members
Absent
The Auditor Mr Archer Mr Lawrence & Mr Osborner.

Read minutes of last Meeting

The Chief Justice brings up the report of the Committee appointed by His Excellency on the 24 to frame addresses to Her Majesty & Prince Albert on the auspicious event of Their Marriage.

Addresses read & adopted.

Moved by the Chief Justice & carried unanimously

That these addresses be engrossed and that His Excellency be requested to forward them to the Right Hon.ble The Secretary of State to be by him laid before Her Majesty & His Royal Highness.

His Excellency lays upon the Table the draft of an Act to restrain unqualified persons from practising as Conveyancers.

On the motion that the Auction Company's Bill be read a second time

Ayes 7
Noes 3

Bill read & Committed

Moved by the Chief Justice that all the words within brackets in the 1st Section be be struck out.

Ayes 3
Noes 7.

Moved by the Chief Justice – That the Memorial (in 2d Section) be made to contain the names to ~~of~~ all the members & Shareholders of the Company in addition ~~instead~~ to ~~of~~ those of the Directors ~~only~~ and that certain words in the 6 & 7 lines p. be struck out

Ayes 6
Noes 4

Moved by the Chief Justice that to the 2d Section be added the following proviso

Provided also that nothing hereinbefore contained shall be held to exempt any of the Shareholders or Members of the said Company from any liability to which they otherwise would by law be subject as partners therein

Ayes 7
Noes 3.

The Sol.r of the Company is examined with reference to the amendments made in the Bill.

Moved by the Chief Justice

That the following words be added to the 3d Section

And upon the separate property of every such Manager & Director and every Member or Shareholder of the said Company.

Ayes 4
Noes 6

Moved by Mr Mackellar

That in the Schedule the Columns of Trade or Profession or place of abode be struck out

Ayes 5
Noes 2.

The Colonial Secretary gives notice that Tomorrow he will move the following to be introduced as the fourth clause

And be it further enacted that it shall not be necessary for any other of the Members of the said Company to take out a license under the provision of the Act of Council for regulating Sales by Auction except the person duly authorized to conduct any such sale or Sales by Auction for the said Company.

Committee to sit again tomorrow

His Excellency lays upon the Table "an Act to amend two Acts relating to the recovering payment of Bills of Exchange and Promissory notes.

Medical practitioners Bill further considered in Committee. Report brought up - Bill laid upon the Table - to be read a third time Tomorrow.

Thursday 1 October 1840

present

His Excellency and Six Members

absent

The Auditor Messrs Archer Lawrence Hackburner

Read minutes of last Meeting

Council continue in Committee the consideration of the Road Bill.

Moved by Mr Fenton

That an ascable assessment not exceeding six pence in the ~~Acre~~ to the mode of assessment instead of the annual value of property.

Agreed to.

Moved by Mr Fenton 46 Sec.

That in the event of a Bye road being used by more than one proprietor of land then in such cases all such proprietors shall pay their proportion of the expence of fencing & repairing it.

Ayes 7. Noes 2

Moved by Mr. Fenton 53 Sec.

That all fines shall be appropriated to the repairing the Roads and Bridges in the district where the fine takes place.

Ayes 5 Noes 4.

Moved by the Attorney General.

That it is the opinion of this Council that the rate to be levied for making and repairing Roads

under this Act should be paid ultimately by the Landlord whose property such sale is levied.

Ayes 8. Noes 1.

Moved by Mr Fenton that the following stand as Section 3.

And be it enacted that the Bye roads shall under this Act be deemed and taken to be those which lead from any farm or farms or allotments through any other person's lands to the Main or Cross Road and which may have been already proclaimed as such in the Gazette or which may hereafter be sanctioned by the Commissioners appointed under this Act.

Agreed to.

Conveyancers Bill read a first time to be read a second time tomorrow.

The Chief Justice presents a petition from certain auctioneers carrying on business in Hobart Town against a proposed clause in the auction Company's Bill to enable the Company to carry on their business by taking annually but one or at most two licenses.

Read and received.

Council resume in Committee the consideration of the auction Company's Bill.

Moved that the following stand as Section 4.

And be it further enacted that it shall not be necessary for any Member of the said Company or for any other person on behalf of the said Company to take out a license under the provisions of the Act of Council of this Island intituled "An act for regulating sales by auction" except such person or persons only as shall be actually employed by the said Company as the Auctioneer or the Auctioneers to sell by outcry or knocking down of hammer.

Ayes 6

Noes 4.

Moved that the following words be added to the Title "And to enable any Auctioneer or Auctioneers employed by them to sell on their behalf."

Ayes 9. Noes 1.

Report brought up - Bill laid on the Table - To be read a third time on Saturday.

The Attorney General gives notice that he shall then enter a protest on the grounds that the act is partial in its operation since not indeed by express words but by impenetrial enactment it in effect repeals for the benefit of a private Company a public Law of this Island.

Colonial Band Bill read a second time and committed.

Counsel is called in.

Moved by the Chief Justice in reference to 2d Section.

That the words "additions & places of abode" in the 16 line & all the words from "forth" to "until" in the 2d & 4 lines Page 4. be struck out. and that after the words "every Director" in the 17 line the words "Member of the said Company" be inserted

Ayes 5 Noes 5

The Excellency votes for the Motion.

Moved by the Chief Justice that the following words be added to the third section.

"Provided that nothing in this clause contained shall be held to exempt any of the Shareholders or members of the said Company from any liability to which they otherwise would by Law be subject as partners therein".

Ayes 4 – Noes 6.

Moved by the Chief Justice in reference to Section 3

That all the words from "and" in the 17 line to "Company" in the 23 line inclusive be struck out.

agreed to.

Report brought up – Bill laid on the Table – To be read a third time on Saturday.

Friday 2nd October 1840

present

The Secretary and Ten members

Absent

The Auditor Messrs Archer Lawrence Packhurst

Read minutes of last meeting.

The Chief Justice presents a petition from certain auctioneers in Hobart Town against the Auction Company's Bill praying to be heard by Counsel

read & received

Counsel to be heard on Monday next.

The Chief Justice presents a petition from Mr. R. L. Murray against the rateable assessment clause in the Road Bill and praying to be heard in their Counsel.

read & received

Mr Murray to be heard on Monday next

Mr Swanston presents a petition from Messrs Proctor and Thomas MacDowell against the rateable assessment clause in the Road Bill

read & received.

The order for the third reading of the Auction Company's Bill is discharged and the Bill recommitted

The consideration of the Legal practitioners Bill is postponed until Monday.

Remuneration Justices Bill read a second time and committed Report brought up - Bill laid on the Table To be read a third time Tomorrow.

Colonial Bank Bill recommitted -
Moved by the Chief Justice
That all the amendments introduced into this Bill yesterday be struck out & that the Bill remain as printed
Ayes 8 Noes 2.
Report brought up - Bill laid on the Table - to be read a third time on Monday.

In committee on the Auction Company's Bill it is moved by the Chief Justice
That all the Amendments made in this Bill (excepting the new 4th Clause, the addition to the title, but including the alteration in the schedule be struck out
Ayes 8 Noes 2.
Committee to sit again on Monday.

Medical Practitioners Bill recommitted - Report brought up - Bill as amended laid upon the Table - To be read a third time tomorrow.

Conveyances Bill read a second time and committed - Report brought up - Bill laid upon the Table - To be read a third time tomorrow.

The Bills of Exchange Bill read a first time - Standing orders suspended - Bill read a second time and committed - Committee to sit again Monday.

Customs duties Bill read a first time - to be read a second and third time on Monday

Land Crown Leasing Bill read a first time - To be read a second & third time on Monday next.

Saturday 3rd October 1840

present

His Excellency and ~~Seven~~ Eight Members

Absent

The Auditor, Messrs Archer Swanston Lawrence

Ashtonner & Fenton.

Read minutes of last meeting

Council resume in Committee the consideration of the Road Bill. Mr R. L. Murray is heard in support of his petition presented yesterday against the sweable assessment clause.

Civil Jury in Criminal cases Bill continued in committee - To set again on Monday.

The order for hearing Counsel on Monday on the petition from Certain Auctioneers against the Auction Company's Bill is discharged.

Monday 5th October 1840

present

His Excellency and ~~Seven~~ Eight Members

Absent

The Auditor - Archer Lawrence & Ashtonner

Read minutes of last meeting

Civil Jury in Criminal cases Bill further considered in Committee.

Bills of Exchange Bill continued in Committee - Report brought up Bill laid on the Table to be read a third time To-day.

His Excellency appoints

The Attorney General

The Colonial Treasurer &

Mr Fenton

To be a Committee to consider the details of the amended Road Bill.

Legal Practitioners Bill further considered in Committee -

Moved by the Chief Justice that the words "Clerk to Her Majesty's Solicitor General" be retained

Ayes 6 Noes 5.

His Excellency voting with the majority

Moved with reference to the 17 Clause

That the No of articled clerks be two

Ayes 8 Noes 2

Report brought up - Bill laid on the Table to be read a third time To-day.

Customs Act Amendment Act read a second time & committed - Report brought up - Bill laid on the Table - To be read a third time to day.

Crown Lands Leasing Bill is withdrawn

Colonial Bank Bill read a third time & passed.

Medical Practitioners Bill read 3d and passed

Limitation of actions Bill read 3d and passed
Conveyancers Bill read 3d and passed.
Bills of Exchange Bill read 3d and passed

Customs Act Amendt. Bill read 3d and passed

Legal Practitioners Bill read 3d & passed.

The Chief Justice gives notice that he will take an early opportunity of entering a protest against the last mentioned Bill

His Excellency then adjourns the Council until Wednesday the 28 Instant.

Wednesday 28 October 1840

Present
His Excellency & Ten Members
Absent
The Attorney General & Messrs Archer - Anstey & Lawrence

Council resume in Committee the further consideration of the Road Bill.

Mr Ashburner gives notice that on the clause relative to the mode of assessment being put to the Council he will move that the assessment shall include all Crown Lands ~~[illegible]~~

Moved in the 33d Sec.

That the assessment be upon the annual rental of the lands buildings & tenements, and that in no case whatever shall such assessment exceed in any one year 6 in the pound on such annual rental.

Ayes 9 Noes 1.

Moved by the Col: Secretary.
That power be given to remove summarily all gates across the main road.
Carried unanimously

Thursday 29 October 1840
present
His Excellency & Few members
Absent
The Chief Justice & Messrs. Archer Anstey & Lawrence

His Excellency lays upon the table a Bill intituled "An Act to continue in use for one year the Jurors Book"

His Excellency lays upon the table a petition from certain Landholders & other Inhabitants of Pittwater in favor of the Road Bill
Read & ordered to be printed.

Mr McLachlan presents a petition from Alexander McGeary praying the Lieutenant Governor to cause an investigation into his claim for further reward for the capture of the Aborigines during the years 1830-31 & 32 & to ~~accord~~ such compensation to him as he may be proved justly entitled to.
Read & received

Mr Fenton, presents a petition from certain of the Clergy, Landholders & free inhabitants of the district of New Norfolk on the subject of immigration & the mode of disposing of Crown Lands and praying His Excellency to bring the matters contained therein under the earliest consideration.
Read received & ordered to be printed.

On going into the order of the day for the further consideration of the Auction Company's Bill in Committee — Counsel is called in in support of the petition from certain Auctioneers — presented on the 2d Inst — and addresses the Council — the Counsel & Solicitor for the Company being also in attendance

Moved by the Col. Treasurer — That the report on the Auction Company's Bill be brought up as originally printed.

Ayes 7. Noes 2.

The Report is then brought up — Bill laid on the Table — to be read a third time on Saturday.

Civil Jury in Criminal Cases Bill further considered in Committee — Report brought up — Bill laid on the Table — to be read a third time tomorrow.

Mr McLachlan gives notice that tomorrow he will move that the 45 Section of the Road Bill be struck out.

Saturday 3 Oct.

present

His Excellency & twelve Members

Absent

Mr Archer & Mr Lawrence

His Excellency lays upon the Table a Circular despatch from the Right Honble the Sec^y of State dated 4 May 1840 enclosing copy of certain Rules for observance in Charters or Legislative Enactments for incorporating Banking Companies in the Colonies

Read & ordered to be printed

Mr Fenton presents a petition from Mr H Brooks of Port Davey praying for compensation for depredations committed upon him by armed Bushrangers, & for losses sustained by him in prosecuting them.

Read & received.

Mr Fenton gives notice that he shall on monday move a resolution in support of this petition

Auction Companys Bill read a 3^d time & passed

Council resume in Committee the consideration of the Road Bill.

Mr McLachlan moves as an amendment on Section 38.

That under existing leases prior to the passing of this act the assessment should be borne

pointed by by landlord and tenant with power to the Tenant to drop his moiety out of his rent. The tenant having the right of voting in such cases

Ayes 5. Noes 5

His Excellency votes for the amendment.

Moved by Mr Blackburn

That the proviso at the end of the 38th section (as printed) be struck out.

Ayes 3 Noes 8.

Moved by Mr Sparke.

That where any Rye road shall pass through any cultivated land then that portion of such Rye road so passing through such cultivated land shall be fenced off with a substantial fence approved of by the Commissioners &c Provided always that where any such Rye road shall pass through any uncultivated land, but which said uncultivated land shall be enclosed then the person so applying for such Rye road shall at his own expence put up all such swing gates, to be also approved by the Commissioners, as may be required in passing through such uncultivated but enclosed land.

Consideration deferred till Monday.

Monday 2nd Nov. 1840

present

His Excellency and twelve Members

Absent

Mr Archer & Mr Lawrence.

His Excellency refers the despatch laid on the Table on Saturday to the Committee appointed to report upon the steps necessary to frame rules for the consideration of private Bills, for their further report on the subject.

To be altered according to Petition

Mr Blackburn presents a petition from certain inhabitants of the district of Richmond, to the part of Goulburn, against the Road Bill.

Read, received, ordered to be printed.

Moved by Mr Fenton

That His Excellency be requested to appoint a Committee to enquire into the claim for compensation made by Henry Brooks in consequence of the losses sustained by him occasioned by convicts of the Crown having escaped from the penal Settlement of Norman's Peninsula and that the Committee report as to the justice of the claim & the amount if any that he may in their opinion be entitled to.

Ayes 3. Noes 9.

Road Bill further considered in Committee

on the resolution proposed by Mr Goode on Saturday

Ayes 8 Noes 3.

Mr Rathbone moves

That there shall be no difference between the Cross & Bye roads, but that where any Bye roads may be applied for, the same if approved of shall be fenced by the Commissioners on both sides, and the expense be borne by the Commissioners – and that the said fences shall become the property of, and be maintained by the proprietor of the land.

Ayes 3. Noes 8

Mr Rathbone moves

That all Bye roads passing through enclosed land be fenced and that one moiety of the expense of the same be paid by the applicants and the other moiety by the Commissioners – the fencing so erected being subsequently kept in repair by the proprietor of the soil whose property it shall become.

Ayes 4 Noes 7.

* Mr Rathbone withdraws the resolution of which he gave notice on Wednesday relative to the assessment of Crown Lands.–

The Report is brought up – Bill read on the Table – to be read a third time on Wednesday.

Tuesday 3d Nov: 1840

present

His Excellency & twelve Members

absent

Mr Archer and Lawrence

Moved by Mr Fenton

That the standing orders be suspended – and the Road Bill be recommitted – Agreed to. × and that the 48 Section be expunged and the following be substituted for it.

Moved by Mr Fenton ×

"That all bye roads passing through the lands of another person be fenced and that one moiety of the expense of the same be paid by the applicant or applicants & the other moiety by the Commissioners & proprietor of the soil in equal proportions the whole when fenced to be kept in repair by the proprietor of the soil whose property it shall become.

Ayes 7 noes 6

His Excellency voting with the Majority

Survey Book Bill read a second time & Committed –

Moved

the first reading of the Melbourne Church Bill.

Consideration adjourned. –

Wednesday 4 Novr. 1840

present

His Excellency and twelve Members

Absent

Mr Archer and Mr Lawrence

Road Bill further considered in Committee - the Report is brought up - Bill laid on the table - to be read a third time to-morrow.

Jurors Book Bill considered in Committee Report brought up - Bill laid on the table - to be read a third time to-day.

On the motion for the 1st Reading of the Bothwell Church Bill.

Ayes 6. Noes 6.-

His Excellency withdraws the Bill.

Jurors Book Bill read a third time & passed.-

Mr Blackburner presents a petition from certain Landowners and inhabitants of the County against the Road Bill.

Received.

Civil Juries in Criminal cases Bill recommitted Report brought up - Bill laid on the table - to be read a third time tomorrow.-

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Thursday 5 Novr. 1840

present

His Excellency & Members

Absent

Mr Archer Mr Lawrence

Mr Blackburner

Road Bill read a third time & passed unanimously without a division.

Civil Jury in Criminal Cases Bill read a third time & passed.

His Excellency then reads the following Minute (Vide separate paper).

Moved by Mr Swanston

That the Minute now read be printed

Carried unanimously

Saturday 5 December 1840.

Present

His Excellency and Eleven Members

absent

The Chief Justice Mr Anstey & Mr Lawrence.

His Excellency reads the following Minute [vide separate paper]

ordered to be printed.

His Excellency then lays upon the Table

1 The Puisne Judge's letter of the 19 November certifying against the Road Act as repugnant to the Law of England.

2 Attorney General's letter of the 25 November 1840

3. Attorney General's letter of the 30 November 1840 explanatory of the details of a new Road Bill which Mr MacDowell proposes to substitute for the Act certified against by Mr Justice Montague.

Read and ordered to be printed

Moved by the Col: Secretary

That this Council does not adhere to to Act 4 Victoriæ No. 32 commonly called the Road Act.

Carried unanimously.—

His Excellency lays upon the Table the draft of an Act intituled "An Act for the making altering improving and defining the Main and other Roads of this Island."

To be read a first time on Monday.

His Excellency lays upon the Table "An Act to render valid the Jury lists for the districts of Launceston Campbell Town and Richmond for the year one thousand eight hundred and forty one.

On the motion of the Attorney General the standing orders are suspended and the Bill read a first & second time and committed — the Report is brought up — the Bill laid on the Table — To be read a third time on Monday.

Monday 7 December 1840
Present
His Excellency & Twelve Members
Absent
Mr Hastey. and Mr Lawrence.

Read minutes of the last Meeting.

The Jury List Bill is recommitted.

On the motion that the Road Bill be read a first time

Ayes 8. Noes 4

Read a first time.

The Attorney General having given notice that ~~the Road~~ he should move the second reading of the Road Bill on Friday

Mr Fenton moved as an amendment

That the Road Bill be read a second time tomorrow

Ayes 7. Noes 5.

Tuesday 8 December 1840
present
His Excellency and Twelve Members
absent
Mr Hastey and Mr Lawrence.

Read minutes of last meeting.

Road Bill read a second time and committed.

Moved by the Chief Justice
That the cross roads shall be published by the Commissioners as such in the Gazette, and that they with the Main Road shall be the only public Roads.

Carried unanimously

The Council resume - His Excellency lays upon the Table a Bill entitled "An Act to "amend the Law now in force with respect "to the service of writs of summons of "the Supreme Court of this Island."

To be read a first time on Saturday.

Wednesday 9th December 1840
present
His Excellency and Eleven Members
absent
The Chief Justice, Messrs Anstey & Lawrence

Read minutes of last Meeting

Council resume in Committee the consideration of the Road Bill.

Moved by Mr Fenton in reference to Section 14. that all the words from the word "through" in the 3d line to the words "every such case" in the 5th line be struck out

Ayes 7. Noes 4

Moved by Mr Ashburner in reference to the 30 Section and that such place of meeting shall be the Police Office of the District, or any other place which he may deem more convenient.

Ayes 3. Noes 7.

Moved by Mr. Fenton in reference to the same Section - that the words "Police Magistrate or assist. Police Magistrate" be introduced instead of the words "Senior Justice".

Carried unanimously.

Saturday 12 December
present
His Excellency & Twelve Members
Absent
Mr Anstey & Mr Lawrence

Read minutes of last meeting

Road Bill further considered in Committee

Moved by the Col Secretary & carried unanimously
1° That no person shall be allowed to vote who shall not have paid up his rate.

2° That in cases of altering the main road whenever the amount awarded by Arbitrators shall exceed the sum of £200 the alteration shall not be commenced upon until the compensation shall be sanctioned by a vote of the Legl Council.

His Excellency lays upon the Table the draft of an Act to subject Insolvents Estates to the payment of Expenses incurred by the Sheriff in levying and retaining possession of property

Read a first time - Standing Orders suspended - read 2d time & Committed.

Service of Writs Bill read a first time - Standing Orders suspended read a second time & Committed

The Attorney General gives notice of his intention in Committee on this Bill to move

That service of the writ at the residence of the Defendant should in certain cases be deemed of equal validity as personal service.

Council adjourn.

On reassembling at 4 p.m. the Jury List Bill is reconsidered in Committee - report brought up - Bill laid on the Table - read a 3d time & passed.

Saturday 19 Dec. 1840

present

His Excellency & ten Members

absent

Messrs Anstey Archer Lawrence & Ashburner

Read Minutes of last meeting

His Excellency lays upon the Table the draft of Act for extending to this Colony a certain Act of Parliament passed in the 3d & 4th year of Her present Majesty intituled an act to repeal part of an act of the 43d Year of the reign of Queen Elizabeth entituled an act to avoid tickling and frivolous suits in Law in Her Majesty's Courts in Westminster and for an act of the 22d & 23d year of the Reign of King Charles the 2d intituled an act for laying impositions on proceedings at Law to make further provisions in lieu thereof.

Read Bill further considered in Committee - Report brought up Bill laid on the Table to be read a third time on Monday.

Heads of Writs Bill resumed in Committee - Report brought up - laid on the Table - to be read a 3d time on Monday.

Monday 21 Decr.
present
His Excellency and Ten Members
absent
Messrs Anstey Archer Lawrence & Ashburner.

Read minutes of last Meeting

Road Act recommitted - Report brought up - Bill laid upon the table - read a third time & passed.

Service of Writs Bill read a third time & passed.

~~Council adjourn till~~

His Excellency adjourns the Council until Wednesday 13 January next.

No. 1.

Legislative Council
Wednesday 24th August 1842

Present

His Excellency The Lieutenant Governor
The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Auditor
The Collector of Customs
Mr. Archer
Mr. Swanston
Mr. Ashburner
Mr. Fenton
Mr. Kerr
Mr. Kermode
Mr. Gregson

(Mr. Austey absent)

The Council meet pursuant to Summons; and G. W. B. Boyes Esqr. Colonial Secretary, Thos. Welsh Esqr. Attorney General, and Saml. Carr Esqr. Auditor, respectively take the oaths & their seats.

William Kermode Esqr. and Thomas Gregson Esqr. also take the oaths & their seats.

His Excellency reads His address to the Council (Vide separate Papers)

Moved by Mr. Kerr and seconded by the Colonial Secretary "That

That His Excellency's Address be printed" - carried.

Moved by Mr. Swanston, seconded by the Colonial Secretary "That Addresses of congratulation be presented to Her Majesty, the Queen, and His Royal Highness Prince Albert on the Birth of His Royal Highness the Prince of Wales, and that His Excellency be pleased for that purpose to nominate a Committee of the Council to draw up the same." Carried.

His Excellency appoints,

The Chief Justice
The Colonial Secretary
The Attorney General and
Mr. Swanston

to prepare such address.

The Lieutenant Governor lays upon the Table the Bills intituled as follows:

1. An Act to amend and consolidate the Laws now in force in this Island, regulating the Practice of Medicine therein.

2. An Act for admitting Articles the Produce of New Zealand into this Island & its Dependencies duty free.

3. An Act to repeal the 2d. Sect. of the Act of Council of this Island intituled "An Act to provide for the payment of certain Dues to be applied to the Maintenance of Light Houses in Van Di Land & its Dependencies, & to make other provision in lieu thereof; and to reduce the rates of

& Charges of Pilotage of Steam Vessels

4. An act for regulating Vehicles conveying Passengers for Hire within the Towns of this Island.

5. An act to amend an act passed in the 2d Year of Her present Majesty intituled An Act for regulating Marriages in Van D. L. & its Dependencies.

6. An act to amend an act passed in the 2d Year of the Reign of H. P. Majesty intituled "An act for registering Births, Deaths, & Marriages in the Island of V. D. L. and its Dependencies.

7. An act to institute Courts of Requests with a more Extended Jurisdiction than those at present Existing in this Island.

8. An act to amend the Laws in force in this Island for the Distribution of Insolvent Estates, & for making further provision in respect thereof.

The Lieutenant Governor lays on the Table a Despatch from the R. H. the Secretary of State, relative to an Act of the Council to provide for the payment of certain Dues to be applied to the maintenance of of Light Houses in this Colony - Despatch read. (Vide Sep. Pap.)

The Lieutenant Governor also lays on the Table a Despatch from the R. H. the Secretary of State, acknowledging the receipt of a Resolution of the Council expressing their opinion that the present Salary of £2500 per An: is wholly inadequate to the support of the dignity of the Lieutenant Governor of V. D. Land - Despatch read (Vide Sep: Pap.)

The Colonial Treasurer moves the 1st reading of the Bill for regulating the practice of Medicine - Motion seconded by the Colonial Secretary. Read a first time.

The Colonial Treasurer gives notice that he will move the 2d reading of this Bill tomorrow.

The Collector of Customs moves the 1st reading of the Bill for admitting articles the produce of New Zealand into this Island & its Dependencies duty free. Motion seconded by the Colonial Treasurer. Read a first time.

The Collector of Customs gives notice that he will move the 2d reading of this Bill tomorrow.

The Col: Secretary moves the 1st reading of the Bill to provide for the maintenance of Light Houses. Motion seconded by the Colonial Treasurer. Read a first time.

The Colonial Secretary gives notice that he will move the 2d reading of this Bill tomorrow.

The Col: Secretary moves the 1st reading of the Bill for the regulation of Vehicles conveying Passengers for Hire within the Towns of this Island. Motion seconded by the Colonial Treasurer. Read a first time.

The Col: Secretary gives notice that he will move the 2d reading of this Bill tomorrow.

The Attorney General moves the 1st reading of the Bill for registering Births, Deaths, & Marriages - Motion seconded by the Colonial Secretary - Bill read a 1st time.

The Attorney General gives notice that he will move the 2d reading of this Bill on Friday.

The Attorney General moves the 1st reading of the Bill to amend an Act for regulating Marriages in V. D. S. & its Dependencies - Motion seconded by the Colonial Secretary. Read a first time.

The Attorney General gives notice that he will move the 2d reading of this Bill on Friday.

Mr Fenton gives notice that tomorrow he will move for a return of the number of Persons employed by the Post Office in the delivery of Letters at Hobart Town, Launceston, & throughout the Colony, and the amount of their Salaries, and any other Expenditure on this account.

Adjourned

No. 2

Thursday 25th August 1842

Present His Excellency and 13 Members. Absent Mr Austey.

John Kerr Esq. is sworn in as a Member of the Council under Her Majesty's Warrant.

Read Minutes of last Meeting

Mr Fenton moves the following Resolution "That a return be laid on the Table of the number of Men employed in the delivery of letters at Hobart Town, Launceston, & throughout the Colony, stating the Amount of Salary of each, and other Expenses entailed in supporting them, if any: also the average number of letters delivered daily in Hobart Town, distinguishing those charged at 2d from those at the higher rates". Motion seconded by Mr Ashburner.

Ayes —— 9
Noes 4

Resolution carried.

The Colonial Treasurer moves the 2d reading of the Bill intitled "An Act to amend and Consolidate the Laws now in Force in this Island regulating the Practice of Medicine Bill read a second time. Bill committed.

In the consideration of the 8 Section, Mr Gregson

Gregson moved that this section be struck out.
Motion seconded by Mr. Ashburner.

Ayes 3
Noes 10
Motion lost.

The Committee adjourn until tomorrow.

Orders of the Day
Friday 26th August 1842

1 Adjourned Committee on Medical Practitioners Bill
2 New Zealand Produce Duty Exemption Bill - 2d reading
3 Light House Maintenance Bills - 2d Reading
4 Regulation of Vehicles in Towns Bill 2d reading.

No. 3
Friday 26th August 1842

Present His Excellency and 11 Members - Absent, the Chief Justice, Mr. Dunlop. Mr. Fenton

Read Minutes of last Meeting

1. On the Motion of the Colonial Secretary, the adjourned Committee on the Medical Practitioners' Bill postponed the consideration of that Bill until the arrival of Chief Justice.

2. The Collector of Customs moves the 2d reading of the New Zealand Produce Duty Exemption Bill - Bill read a 2d time. Bill committed - the Council resume - Report brought up. Bill to be read a 3d time on Monday next.

3. The Chief Justice and Mr. Fenton take their seats the Council resume in Committee the consideration of the Medical Practitioners' Bill - the Council resume - Report brought up - to be read a third time on Wednesday next.

4 The Colonial Secretary moves the 2d reading of the Bill to repeal the 2d sect. of an act intituled "An act to provide for the payment of certain Dues to be applied to the Maintenance of Light Houses in Van. D. Land and its Dependencies to make other provisions in lieu thereof & to reduce the rates & charges of Pilotage of Steam Vessels." Bill read a 2d time. Bill committed - the Council resume - Report brought up - to be read a third time on Wednesday next.

5. The Colonial Secretary moves the 2d reading of the Bill for the Regulation of Vehicles carrying Passengers for Hire within the Towns of this Islands. Bill read a second time. Bill committee.

In the consideration of the 1st section Mr. Fenton moves that this section be struck out. Mr. Swainston seconds the motion.

Ayes — 5
Noes 8

Council

Council resume – Report brought up – to be read a third time on Wednesday next.

6. His Excellency lays on the Table the Blue Book for 841.

7. The Attorney General gives notice that he will on Tuesday next move the 1st. Reading of the Courts of Requests extended Jurisdiction Bill.

The Council adjourn until Monday.

Orders of the Day
Monday 29 August 1842

1. New Zealand Produce Duty Exemption Bill – 3d. Reading
2. Registration Amendment Bill 2d do
3. Marriage Amendment Bill 2 — do —

Tuesday 30 August 1842

1. Courts of Requests extended Jurisdiction Bill – 1st Rg.

Wednesday 31 August.

1 Medical Practitioners Bill —— 2d Reading
2. Light House Maintenance Bill 2d do
3. Registration of Vehicles in Towns Bill 2 — do

No. 4
Monday 29th August 1842

Present His Excellency & all the Members

Read

Read Minutes of last Meeting

1. His Excellency lays on the Table a Bill for licensing Proprietors of Steam Boats to sell fermented and Spirituous Liquors to the Passengers on board such Boats.

2. New Zealand Produce Duty Exemption Bill read a third time & passed.

3. The Attorney General moves the 2d. Reading of the Marriage Amendment Act. on the motion of His Honor the Chief Justice this Bill is referred by the Lieutenant Governor to a sub Committee consisting of His Honor the Chief Justice the Attorney General the Colonial Treasurer and Mr. Kerr, with power to examine Witnesses.

His Excellency lays on the Table a Letter from certain Dissenting Ministers in reference to this Bill.

His Excellency also lays on the Table a Memorial from certain Wesleyan, Independent & Baptist Ministers, setting forth objections entertained by them respectively congregations to the proposed Marriage Amendment Bill

4. The Attorney General moves the 2d. reading of the Births, Deaths & Marriages Registration Bill. Bill read a 2d time & committed.

In

In the consideration of the first section, His Honor the Chief Justice moves that after the word "person" in line 11 the words "any sum or fee" be inserted; & that after the word "Child" in line 12, the remainder of the section be struck out — Motion seconded by Mr Gregson

Ayes — 8
Noes — 6

Mr Ashburner moves the following proviso be added to this section "Provided that it shall be be lawful to register the Birth of any Child during any period within 6 Months from the passing of this Act, anything in the 10 section of the said recited Act to the contrary notwithstanding.

Ayes 4
Noes 10

In the consideration of the 2d section His Honor the Chief Justice moves as an Amendment "that this section be expunged." — Motion seconded by Mr Anstey.

Ayes — 8
Noes — 6

In the consideration of the Schedule attached to this Bill on the motion of the Attorney General His Excellency refers this Schedule to the L.P. Committee on the Marriage Amendment ~~Bill~~ Act.
Committee adjourns.
The Council resume.

5. His Excellency lays on the Table a Bill for regulating Places of Public Entertainment, and for punishing Persons Keeping disorderly Houses — read a first time — to be read a second time tomorrow.

6. The Attorney General moves the 1st reading of the Bill for Licensing the Proprietors of Steam Boats to sell fermented and Spirituous Liquors to the Passengers on board of such Boats — read a first time — to be read a 2d time tomorrow.

Council adjourns until tomorrow at 2 o'clock.

Orders of the Day
Tuesday 30th August 1842

1 Court of Request extended Jurisdn Bill — 1st read'g
2 Places of Public Entertainment Regn Bill — 2d do
3. Proprietors of Steam Boats to sell fermented Liquors Bill — 2d do

Wednesday 31 August.

1. Medical Practitioners' Bill — 3d read'g
2. Light Houses Maintenance Bill — 3d do
3. Vehicles in Towns Regulation Bill 3 — do

No. 5.

Tuesday 30th August 1842

Present His Excellency and all the Members.

Read Minutes of last Meeting

1. The Col: Secretary laid on the Table the Return called for on Friday last on the motion of Mr Fenton

2. The Attorney General moved the 1st reading of the Courts of Requests extended Jurisdiction Bill - read a first time - to be read a second time on Monday next.

3. Places of Public Entertainment Regulation Bill - 2d reading postponed.

4. The Attorney General moves the 2d reading of the Bill to license the Proprietors of Steam Boats to sell fermented & Spirituous Liquors - Bill read a 2d time & Committed.

In the consideration of the Preamble His Honor the Chief Justice moves as an Amendment that the words "Malt Liquors and ginger Beer be substituted for fermented and Spirituous Liquors. Motion seconded by the Colonial Secretary.

Ayes — 2
Noes — 12

Bill withdrawn.

Orders of the Day
Wednesday 31st August

1. Medical Practitioners Bill — 3d reading
2. Light Houses Maintenance Bill — 3d. Do
3. Vehicles in Towns Regulation Bill — 3d Do

Monday - 2d September

1. Places of Public Entertainment Bill — 2d reading

Monday 5th September.

1 Courts of Requests extended Jurisdiction Bill — 2d reading

No 6.

Wednesday 31st August 1842

Present His Excellency and thirteen Members. Chief Magistrate

Read Minutes of last Meeting

1. Colonial Secretary moves the third reading of the Medical Practitioners Bill. Bill read a third time & passed.

2. The Colonial Secretary moves the 3d reading

reading of the Light Horse Maintenance Bill - Bill read a third time and passed.

3. The Colonial Secretary moves the 3d reading of the Vehicles in Town Regulation Bill - Bill read a third time and passed.

4. The Attorney General gives notice that he will on Friday next move the second reading of the Bill for regulating Places of Public Entertainment.

5. His Excellency states that he will on Monday next read his Finance Minute and lay on the Table certain Returns connected therewith.

6. His Excellency relieves the Attorney General from his attendance on the Sub Committee on the Marriage Amendment Bill.

The Council adjourn until Friday at two o'clock.

Orders of the Day
Friday 2d September 1842

1. Places of Public Entertainment regulation Bill - 2d Read

Monday 5 Sept.

1 Courts of Request extended Jurisdiction Bill - 2d Reading.

No. 7

Friday 2d September 1842

Present His Excellency & the Hon Members. absent the Hon the Chief Justice & the Treasurer.

Read Minutes of the last Meeting

1. The Attorney General moves the 2d reading of the "Places of Public Entertainment Bill". Bill read a 2d time and committed

Moved as an amendment of the Colonial Secretary that the following clause be inserted after Section 3.

"And be it enacted that it shall be lawful for any two or more Justices of the Peace to require into every or any offence alleged to have been committed against the said recognizance and if they shall find that such licensed Person as aforesaid hath committed any such offence it shall be lawful for such Justice or Justices to order the convicted Party to pay a Penalty not Exceeding Fifty pounds & declare his or her recognizance to be forfeited and his or her license to be void and such recognizance and license shall be forfeited and void accordingly". Motion seconded & the Colonial Secretary

Ayes - 7
Noes 4 carried.

the Council resume - Report brought up. To be read a third time on Monday.

Orders of the Day

Monday 5 September 1842

1. Courts of Requests Extended Jurisdiction Bill 2d. & 3d.
2. Places of Public Entertt. Regulation Bill — 3d. do

No 8.

Monday 5th September 1842

Present His Excellency & all the Members

Read the Minutes of last Meeting

1. Mr. Ashburner gives notice that he will tomorrow move for various Reports relative to the Board of Education.

2. His Excellency reads his Finance Minute.

3. His Excellency lays on the Table the Estimates for the year 1843.

Also the Report of the Board of Education

Education together with the Tables appended.

4. Moved by Mr. Kerr, seconded by the Colonial Secretary that His Excellency's Finance Minute be printed.

5. The Colonial Secretary gives notice that he will tomorrow move the Consideration of the Estimates in a Committee of the whole Council

6. Mr. Fenton gives notice that he will tomorrow move for a return showing the Amount of registered Mortgages and Judgments and the Interest payable thereon.

7. On the motion of the Attorney General the Places of Public Entertainment Regulation Bill is recommitted. The Council resume - Report brought up - to be read a third time tomorrow.

8. The Attorney General moves the second reading of the Court of Requests Extended Jurisdiction Bill - Bill committed.

The Attorney General moves that the Bill be reprinted as now altered.

The Council resume.

9. Mr. Ashburner moves that the Report of the Board of Education be printed

Fenton

Motion seconded by Mr. Archer

Orders of the Day

Tuesday 6th September

1. The Estimates for 1843.
2. Places of Public Entertainment Regulation Bill. 3rd read.

Notice of Motion

1. Mr. Ashburner — Various Reports relative to the Board of Education
2. Mr. Fenton — Return showing the Amount of Registered Mortgages and Judgments, and the Interest payable thereon.

No. 9.

Tuesday 6th September 1842

Present His Excellency and all the Members.

Read the Minutes of the last Meeting

1. Mr. Ashburner moves for the following Returns, viz.

(1.) The number of Members who have attended the Meetings of the Board of Education during the Twelve Months ending 30th June 1842

(2.) The number of times the Schools have been visited during the same period by the Members of the Board, or their Secretary, specifying the different Schools so visited.

(3.) The number of other Visitors who have inspected the Schools during the same period.

(4.) The number of Books, Stationery &c. supplied to the different Schools; as also the Rewards given to the Children during the same period.

(5.) The Religious denomination of each Schoolmaster, and how they are employed on the Sabbath.

2. Mr. Fenton moves for a Return "showing the

the Amount of Registered Mortgages and Judgments, and the Interest payable thereon". Motion seconded by Mr. Kermode.

Ayes — 3
Noes — 11

3. His Excellency lays on the Table,
(1) Report of the Queen's Schools for the Years 1841 – 2
(2) Papers relative to the claims of Major De Gillern, and Messrs. Enge & Griffiths to remuneration for attendance as Military Jurors.

His Excellency appoints a Sub Committee to take their claims into consideration, composed of
The Colonial Treasurer
The Auditor
Mr. Swanston
Mr. Kerr
(3) Also the Memorial of John Jones, praying for compensation for injuries inflicted on him by a Constable.

His Excellency refers this matter to a Sub-Committee, to consist of
The Attorney General
The Collector of Customs
Mr. Archer.

Read the Report of the Queen's School – ordered to be printed.

4. On the Motion of the Colonial Secretary the Council resolves itself into a Committee upon the Estimates for the year 1843.

On the question that the sum of £27,093.2.6 Estimated for the Police, do stand part of the Estimates, Mr. Ashburner gives notice that he will enter a Protest against this charge being defrayed from Colonial Funds.

The Council adjourn.

Orders of the Day

Wednesday 7th September 1842

1. The Estimates for 1843.

Notices of Motion.

1. Mr. Ashburner – Protest against the charge for Police in the Estimates.

Dropped order
Places of Public Entertainment Regulation Bill – 3d. Reading.

No 10.

Wednesday 7th September 1842

Present His Excellency and thirteen Members

Read the Minutes of last Meeting

1. The Council resume the consideration of the Estimates for 1843. in Committee

(1) Under the Head of the Church of Rome, the item of £150 for a Minister at Launceston is increased to £230.

(2) The Estimate for the Wesleyan Mission to be expended within the Colony is increased to £500.

(3) Day Schools - an addition of £125 is made to provide for a School at Kangaroo Point.

2. The Attorney General gives notice that he will tomorrow move the second reading of the Courts of Requests Jurisdiction Extension Bill, and the first reading of the Insolvent Amendment Bill.

Orders of the Day

Thursday 8th September 1842

1. The Estimates for 1843.
2. Court of Requests Extended Jurisdiction Bill - 2nd Rg.
3. Insolvent Amendment Bill — 1st "

Dropped Order

1. Places of Public Entertainment Regulation Bill 3rd Rg.

No 11

Thursday 8th September 1842

Present His Excellency and 12 Members. Absent His Honor the Chief Justice and Mr. Austey.

Read the Minutes of last Meeting

1. His Excellency lays on the Table,

(1) The Report of the Immigration Agent

(2) A Bill to repeal the Laws now in force in this Island of which Spanish Dollars and the proportional parts thereof and South American and Mexican Dollars are made current therein.

2

2 The Council resume in Committee the consideration of the Estimates for 1843.

On a question from Mr. Ashburner respecting a proposed Pension to John Baker, His Excellency lays on the Table a correspondence explanatory of this Item.

Consideration of the Estimates in Committee concluded. The Council resume -

3. The Committee on the Court of Requests Extended Jurisdiction Bill adjourned until Saturday next.

4. The Attorney General moves the 3rd reading of the Places of Public Entertainment Regulation Bill.

Read Mr Clarke's application for a License or Patent for the Theatre together with the Memorandum of the Chief Police Magistrate and the Police Magistrate, Hobart, pointing out the necessity of placing some check upon the Persons who now give Balls & Concerts.

Bill read passed.

5. The Attorney General moves the First reading of the Bill to amend the Laws in Force for the distribution of Insolvent Estates. Bill read - to be read a second time on Wednesday next.

6 Mr Ashburner puts in the following Protest against the Charge for the Police being borne on Colonial Funds.

"In voting for passing the Estimate ~~for~~ £27.093.2.6 for the Police Department, we cannot but reiterate the Protests that have been expressed in this Council for so many Years, against the charge being ~~made~~ borne wholly by the Colony. We protest against it as impolitic and unjust; unjust because it is forced upon the Colony for purposes purely beneficial to the Mother Country - being alone rendered necessary for the regulation and Control of the Criminals of Great Britain, sent here for punishment - to the danger of the Inhabitants who would but for the maintenance of so large a Police Force, be at the Mercy even for their Lives, of the Vilest and most reckless Criminals. It is impolitic because, being unjust, it tends to destroy the confidence that ought to subsist between the governed and their rulers: and weakens that attachment which should ~~subsist~~ bind the Colony to the Parent State.

The Cessation of assignment having deprived the Colony of the labour of the Prisoners, ought to throw every expense attending them on Great Britain, which is sufficiently fortunate in being rid of the Contamination it forces on our Shores.

(Signed) W. Ashburner
Thos. Anstey
W. Kennedy

(Sd) Thos. Archer
J. Kerr

Orders of the Day

Saturday 10 September 1842

1. Courts of Requests jurisdiction Bill in Committee

Wednesday
14th September 1842

1. Insolvent Amendment Bill — 2d reading

No 12

Saturday 10th September 1842

Present His Excellency 112 Members

Read the Minutes of the last Meeting

1. On the motion of the Attorney General the Council resume in Committee the consideration of the Courts of Requests extended jurisdiction Bill.
In the consideration of the seventh section, the Attorney General moves as an amendment that the words "Justices of the Peace" be substituted for "Special Jurors". Motion seconded by the Colonial Treasurer.

Ayes 3
Noes 8

The

The Colonial Treasurer moves that the seventh and eighth sections be expunged — Motion seconded by Mr Grigson.

Ayes 10
Noes 1

The Council adjourns.

Orders of the Day

Monday 12th September 1842

1 Courts of Requests extend jurisdiction Bill in Committee

Wednesday 14th September

1. Insolvent Amendment Bill —— 2d reading

No 13

Monday 12th September 1842

Present His Excellency and nine Members absent His Honor the Chief Justice, Mr Anstey, Mr Ashburner, McKeon & McGregson.

Read Minutes of last Meeting

1

1. The Courts of Requests extended Jurisdiction Bill further considered in Committee.

Mr. Ashburner and Mr. Ker take their Seats.

In the consideration of the 14 Section Mr. Ashburner moves as an amendment the addition of the following Proviso:

"Provided that the Fees shall not exceed those fixed by the Table of Fees approved by the Lieutenant Governor in the Gazette Notice under date the 29th September 1836."

Motion seconded by Mr. Fulton.

Ayes - 3
Noes 8.

2. The Council resume - His Excellency lays on the Table an Act for the general Appropriation of the Revenue for the year 1843.

The Colonial Secretary moves the 1st Reading of the Appropriation Act. Standing Orders suspended and the Bill read for 2d and 3d time and passed.

3. His Excellency lays on the Table a Bill to regulate the Sale by retail of Fermented and Spirituous to Passengers on board of Steam Boats working in the Rivers of this Island, and to promote Good order therein.

4. Mr Fenton presents a Petition from Mr. Robert Stewart a Barrister of the Supreme Court against a Clause which has been introduced into the Courts of Requests extended Jurisdiction Bill which limits the appointment of Commissioners for the said Courts to Barristers and Advocates of England Ireland and Scotland of not less than three Years standing: and praying that he or some other Member of the Bar may be heard against the Act.

Mr Fulton gives notice that he will on some future day move that Mr Stewart be heard.

5. The Attorney General moves the 1st Reading of the Dollar Acts Repeal Bill - Bill read a first time - to be read a second time tomorrow.

Orders of the Day.
Tuesday 13th September 1842

1. Adjourned Committee on Courts of Requests extended Jurisdiction Bill.
2. Dollar Act Repeal Bill. —— 2d Reading

Wednesday 14th September 1842

1. Instalment Amendment Bill - 2d Reading

Notice of Motion.

Mr. Fenton – That Mr. Stewart be heard against the passing of the Courts of Requests extended Jurisdiction Bill.

No 14

Tuesday 13th September 1842

Present His Excellency & 12 Members – absent His Hon the Chief Justice & Mr. Anstey.

Read the Minutes of last Meeting

1. His Excellency lays on the Table the Report of the Director of Public Works on the proposals which have been made to the Government to supply Hobart Town & Launceston with pure water.

Also the Report upon the same proposals of a Board appointed by His Excellency to take them into consideration, together with the Plans for the Works at Hobart Town which have been submitted to His Excellency.

2. On the motion of the Attorney General the further consideration of in Committee of the Courts of Requests Extended Jurisdiction Bill is postponed until tomorrow – to take precedence of the orders of the Day.

3

3. The Attorney General moves the 2d reading of the Dollar Acts Repeal Bill – motion seconded by the Colonial Secretary. Bill read a second time and Committed.

In the consideration of the Title Mr. Ashburner moves as an Amendment that the words "a legal tender" be substituted for "current"

Motion seconded by the Colonial Treasurer.

Ayes 8
Noes 4

The Council resume. Report brought up. to be read a third time tomorrow.

4. The Attorney General brings up the Report of the Sub. Committee appointed to investigate the claim of John Jones to Compensation.

The Colonial Secretary gives notice that he will on Thursday move a Resolution to give effect to the recommendation of the Sub. Committee.

Wednesday 14th September 1842
Orders of the Day

1. Adjourned Commee on Courts of Requests Extd. Jurisn Bill.
2. Insolvent Amendment Bill — 2d reading
3. Dollar Acts Repeal Bill — 3d do

Notice

Notice of Motion.
Wednesday 14 Sept.

Hel Colonial Secretary — Resolution to give effect to the Recommendations of the Sub Committee appointed to take into consideration the Petition of John Jones of Campbell Town for Compensation for Injuries inflicted upon him by a Convict Constable.

Notice of Motion.

Mr Fenton — That Hon Stewart be heard before the Council against the passing of the Court of Requests extended Jurisdiction Bill.

No 15

Wednesday 14th September

Present His Excellency and 13 Members
absent Mr Huntley

Read Minutes of last Meeting

1. His Hon the Chief Justice presents a Petition from the Clergy of the Church of England against the Existing System of Rural Education.
Petition Read. Received Ordered to be printed

2. On the Motion of the Attorney General the Council go into Committee on the Court of Requests Extended Jurisdiction Bill.

Mr Fenton moves that Mr Stewart be heard against the proposed clause restricting the appointment of Commissioners to Barristers of England or Ireland or Advocates of Scotland of three years standing. Motion seconded by Mr Kermode

Ayes — 11
Noes — 2

Mr Stewart heard

His Honor the Chief Justice with the concurrence of the Seconder of the Amendment withdraws the clause referred to.

The Council resume. Report brought up to be read a third time on Monday.

3. Dallas acts Repeal Bill read a third time & passed.

4. The Attorney General moves the 2nd reading of the Amendment Amendment Bill.
Bill read a second time & committed. On the Motion of the Colonial Secretary this Bill is referred by His Excellency to a Sub. Committee to

to consist of

His Honor the Chief Justice
The Attorney General
The Colonial Treasurer
Mr Keir
Mr Gregson
Mr Livingston.

With power to Examine Witnesses

The Council adjourn until Monday.

Orders of the Day
Monday 19th September

1. Courts of Reports Extended Jurisdiction Bill — 3rd Reading

Notices of Motion.

1. The Colonial Secretary — Resolution to give effect to the recommendation of the Sub-Committee appointed to take into consideration the Petition of John Jones of Campbell Town for Compensation for Injuries inflicted upon him by a Convict Constable.

No 16.

Monday 19th September 1842

Present His Excellency & 12 Members — Absent Mr Austey & Mr Kermode.

Read Minutes of last Meeting.

1. His Excellency lays on the Table a Bill for making & maintaining a Bridge over the South Esk River at Rieby's Ford.

2. His Honor the Chief Justice on the part of the Sub Committee on the Insolvent arrangement Bill reports progress & prays leave to sit again.

3. Mr Gregson presents a Petition from certain Persons at present holding Licences praying for an Amendment of the Act entitled "An Act to consolidate & amend the Laws relating to the Sale by Retail of Wine Imported & Spirituous Liquors, and to promote good order in Public Houses."
Petition read & received.

Mr Gregson moves that Petitioners be heard by Counsel at the Bar of the Council on Friday next.
Motion seconded by Mr Keir

4. On the motion of the Attorney General the Courts of Requests extended Jurisdiction Bill is recommitted.

Mr. Fenton gives notice that he will move "that in all £10 cases, Assessors or a Jury should be optional with the Plaintiff and Defendant".

Also

"That Agents be permitted to practise in "the Courts of Requests."

The Committee adjourns

5. The Council resume. The Colonial Secretary moves the following Resolution

"That it is the opinion of this Council that John Jones is entitled to receive the sum of £40 being the Amount recommended by the last Committee as a Compensation to him for the ill-treatment he received at the Hands of a Convict Constable by which he lost a finger & otherwise endured much bodily & mental suffering & that the Council will be prepared to Vote the Sum required for this purpose from the Public Funds whenever they shall be called upon to do so.

Carried unanimously.

6. The Attorney General moves the first reading of a Bill to regulate the sale by retail of fermented & Spirituous Liquors to Passengers on Board of Steam Boats working on the Rivers of this Island and to preserve good order therein.

Bill read a first time - to be read a second time on Wednesday.

7. Mr. Ashburner moves the 1st reading of the "Richys Ford Bridge Bill - Bill read a 1st time - to be read a 2d time on Wednesday.

The Council adjourns until Wednesday at 11 o'clock.

Orders of the Day.

Wednesday 21 September 182

1. Adjourned Committee on L. Reg: Ext: Juris: Bill
2. Retail Licensing for Steam Boats Bill - 2d reading
3. Richys Ford Bridge Bill - 2d do

Notices of Motion

1. Mr. Fenton - "That in all £10 cases, Assessors or a Jury should be optional with Plaintiff & Defendant
2. Mr. Fenton. That Agents be permitted to practise in the Courts of Requests".

Friday 23d September

1. Mr Gregson — "That certain Persons at present holding Licenses be heard by Counsel at the Bar of the Council in support of their Petition for an Amendment to the Licensing Act."

No. 17

Wednesday 21st September

Present His Excellency & 12 Members — absent Mr Amtey & Mr Swanston.

Read Minutes of last Meeting

1. His Hon the Chief Justice presents a Petition from the Revd Mr Bateman praying for remuneration for his attendance at St James Church Jericho.

Petition read & received

2. Mr Gregson presents a Petition from Mr Edwards praying that "Agents be allowed to practise before Courts of Requests.

3. The Council resume in Committee the consideration of the Courts of Requests Extended Jurisdiction Bill.

Mr

Mr Fenton moves as an amendment to the 7 section that the word "Fine" be substituted for the word "Ten". Motion seconded by His Hon the Chief Justice.

Ayes — 3
Noes — 9

Mr Swanston takes his seat.

Mr Fenton moves as an Amendment in the 11th section that the words "or Agent" be inserted after "Attorney". Motion seconded by Mr Ashburner.

Ayes 11
Noes 2

Mr Gregson moves that the following Proviso be added to the 11th section.

"Provided always that it shall not be lawful for any Person whomsoever to practise "as an Agent in any of the said Courts in any "action wherein the demand exceeds ten "pounds and provided also that it shall "not be lawful for any Person to practise "in any of the said Courts as an Agent in "any action brought for the recovery of an "Amount not exceeding £10 unless such "Person shall at the time of the passing of "this act have been in actual practice as "such agent in and before some or one "of the Courts of Requests now existing in this "Island nor unless such Person shall upon

"upon examination before a Deputy Comr. or Asst.
"Comr. in whose Court such person shall be
"desirous to practise as such Agent have
"received from such Deputy Comr. or Asst. Comr.
"a Certificate under his hand which Certificate
"such Commissioners respectively are hereby
"Empowered to give to the effect that the
"Party so examined is in the opinion of
"such Commissioners respectively qualified
"both as respects his character and ability to
"practise as such Agent provided always
"that it shall be lawful for any Deputy
"Comr. or Asst. Comr. to prevent any Person
"from practising as such Agent in his or
"their Courts respectively by reason of any
"neglect or misconduct which would
"render an Attorney or Solicitor of the
"Supreme Court liable to be struck off
"the Rolls."

Motion seconded by His Honor the Chief Justice.

Ayes 11
Noes 2

The Committee adjourns until tomorrow.

4. The Council resume.

Mr. Ashburner moves the second reading of the Rubjs Ford Bridge Bill

Bill

Bill read a second time and Committed.
The Committee adjourns until tomorrow.

Orders of the Day

Thursday 22d September.

1. Courts of Regr. Exto. Juris. Bill - adjourned Commde.
2. Rubjs Ford Bridge Bill — / — do —

Dropped order.

Retail Licensing Steam Boats Bill - 2d Reading

Notices of Motion

Friday 23d September

1. Mr Gregson". That certain Persons at present holding Licenses be heard by Counsel at the Bar of the Council in support of their Petition for an Amendment to the Licensing Act.

No. 18.

Thursday 22d September 1842

Present, His Excellency and 12 Members
Absent, Mr. Anstey and Mr. Archer

Read Minutes of last Meeting

1. His Honor the Chief Justice presents a Petition from the Revd. J. S. Henry Roman Catholic Vicar General praying that a Sum of £1350 be granted in aid of the erection of St. Joseph's Church, Hobart Town.

Petition read and received

Read also the Colonial Secretary's letter of the 21st September to the Revd. Mr. Henry.

2. The Council resume in Committee the consideration of the Rieby's Ford Bridge Bill. In the consideration of the 2d Clause the Colonial Secretary moves that the words "or through ~~or~~ over or "across the Ford adjoining the same" be struck out.

Motion seconded by Mr. Fenton
ayes — 3
Noes — 9

The Committee adjourn

orders of the Day
Friday 23d September 1842

1. That certain Persons at present holding Licenses be heard by Counsel at the Bar of the Council in support of their Petition for an Amendment of the Licensing Act

2. Adjourned Committee on Rieby's Ford Bridge Bill

Dropped order
Adjourned Committee on Court of Requests Extended Jurisdiction Bill.

No. 19.

Friday 23d September 1842

Present, His Excellency and 12 Members
Absent, Mr. Anstey and Mr. Archer.

Read Minutes of last Meeting.

1. Counsel heard on behalf of petitions for an amendment to the Licensing Act.

2. Mr. Fenton presents a petition from Mr. Melville, praying for certain alterations in the present Insolvent Law. Petition read and received, and referred to the Sub-Committee on the Insolvent Amendment Bill.

3. His Excellency lays on the Table the Returns relative to the Schools called for by Mr. Ashburner

Ashburner. Ordered to be printed.

4. The Council resume in Committee the consideration of the Courts of Requests extended Jurisdiction Bill. Committee adjourn until Monday.

5. The Council resume. The Committee on the Risbey's Ford Bridge Bill further adjourn until tomorrow at eleven.

6. Mr. Kerr gives notice that he will tomorrow move for the following Returns:—

Day Schools.

1. A Return of the names & Visitors, and dates of visits, for the 12 months ending 30th June 1839.
2. A Return of the Books and School requisites, issued during the same period.
3. A Return of the Rewards given to the Children during the same period.
4. The Religious denomination of the Teachers employed during the same period.

Orders of the day.
Saturday 25th September.

1. Risbey's Ford Bridge Bill — Adjourned Committee.

Notice of Motion
Mr. Kerr. Day School Returns.

Monday

Monday the 26th September

1. Courts of Requests Extended Jurisdiction Bill — Adjourned Committee.

No. 20

Saturday, 24th September, 1842

Present. His Excellency and ten Members
Absent. His Honor the Chief Justice, the Colonial Treasurer, Mr. Anstey, and Mr. Archer.

Read the minutes of last meeting.

1. Mr. Fenton presents a petition from Mr. Hall, praying that the printing for the Commissariat and Ordnance Departments and that of the Tasmanian Journal may no longer be printed at the Government Printing Office. Petition read.

   Mr. Fenton moves that it be received — Motion not seconded.

2. Mr. Kerr, in pursuance of the notice given by him yesterday, moves for certain Returns relative to the Day Schools. Returns ordered to be printed.

3. The Council resume in Committee the consideration

consideration of the Reibey's Ford Bridge Bill.

The Council resume — Report brought up — Bill to be read a third time on Monday next.

The Council adjourn until Monday at one o'clock.

Orders of the Day.
Monday, 26th. September.

1. Courts of Requests extended Jurisdiction Bill — Adjourned Committee.
2. Reibey's Ford Bridge Bill — 3rd. Reading.

No. 21.

Monday, 26th. September 1842.

Present. His Excellency and eleven Members
Absent. Mr. Anstey, Mr. Archer, and Mr. Ashburner.

Read Minutes of the last Meeting.

1. His Excellency informs the Council that he has received intelligence of an attempt having been made on the life of Her Majesty the Queen, which fortunately proved abortive. Congratulatory addresses on the subject of Her Majesty's providential escape referred to the Sub-Committee engaged in preparing the addresses of congratulation on the Birth of His Royal Highness the Prince of Wales.

2. His Honor the Chief Justice brings up the Report of the Committee appointed by His Excellency to prepare Addresses to His Majesty and His Royal Highness Prince Albert on the Birth of His Royal Highness the Prince of Wales.
Read and adopted.

3. On the motion of the Colonial Treasurer the Raby's Ford Bridge Bill is read a third time and passed. His Honor the Chief Justice voting against the third Reading.

4. Mr. Fenton presents a Petition from certain Magistrates and Landed Proprietors of the Districts of New Norfolk and Hamilton and others, praying for the introduction of a Bill to restrain the rate of Interest.
Petition read and received and ordered to be printed.

Mr. Fenton presents a Bill to fix the rate of Interest. Bill withdrawn.

5. Mr. Pregson presents a Petition from certain Persons who were refused renewals of their Licenses at the last Meeting of the Justices for the District of Oatlands, praying for such Amendment of the Licensing Act as may give the power of Appeal to all those who were so refused.
Petition read and received.

6. Committee on the Courts of Requests extended Jurisdiction Bill further adjourned.

The Lieutenant Governor adjourns the Council until the 12th of October at one o'clock.

No 22.

Wednesday 12th October 1842

The Council meet pursuant to adjournment

Present His Excellency & 11 Members
Absent Mr Anstey, Mr Archer, Mr Ashburner.

Read Minutes of last Meeting

1. The Lieut. Governor lays on the Table Copy of a Letter addressed by His Excellency to Captain Fenton in reply to a Communication from that Hon'ble Member enclosing a proposal of a Law or Ordinance on the subject of the present Exorbitant Rate of Interest on Money, in which His Excellency informs the Hon'ble Member that after a careful perusal of that Proposal His Excellency refuses to lay that Proposal before the Legislative Council; also a Verbatim Copy of the Proposal of Law referred to in His Excellency's letter.

Letter and Proposal read.

Mr Fenton gives notice that it is his intention to enter a Protest against the refusal of His Excellency agreeably to the Act of Geo: 4. Chapter 83.

2. The Council continued in Committee the consideration of the Courts of Requests Extended Jurisdiction Bill.

Adjourned until tomorrow.

The Council adjourns till tomorrow at one o'clock.

Orders of the Day

Thursday 13th October 1842

1. Courts of Requests extended Jurisdiction Bill adjourned Committee }

No 23

Thursday 13th October 1842

Present, His Excellency & Eleven Members
Absent, Mr Anstey, Mr Archer, Mr Ashburner

Read Minutes of last Meeting.

1. The Council resume in Committee the

the consideration of the Courts of Requests extended Jurisdiction Bill.

Mr Gregson moves as an Amendment that the following Proviso be added to Sect: 11

" Provided nevertheless that no such Form or Rule shall in any manner alter or repeal or suspend or be repugnant to any of the Provisions of this or of any other Act of this Island or any Law in force in this Island and its Dependencies any thing herein contained to the Contrary notwithstanding.

Motion seconded by Mr. Fenton.

ayes	5
Noes	6

Mr Gregson moves as an Amendment the introduction of the following Clause to stand as Section 13 of the Act.

" And be it Enacted that in case of the non-appearance of the Defendant in any action to be commenced in any of the said Courts no Plaintiff shall recover in such action unless it shall be proved on Oath at the Trial that the said Summoning Officer of the said Court summoned or caused to be summoned the Defendant in the said action to appear by a printed or written Summons or a Summons partly written or partly printed stating the cause of action personally served on the said Defendant, or at his or her usual place of residence ten clear days previous to and exclusive of the day appointed in the said Summons for the hearing of the said action when the sum sought to be recovered in the said action shall not exceed Ten Pounds and where the Defendant dwelt lodged or abided at the time of such service within fifteen Miles of the Court House or other place wherein the said Court shall be stated in the said Summons as having been appointed to be holden and twenty clear days previous to and exclusive of the day so stated as aforesaid when the sum so sought to be recovered shall exceed Ten Pounds or the Defendant did not dwell lodge or abide at the time of the said service within fifteen Miles of the said Court House or other place as aforesaid."

Motion seconded by Mr. Fenton.

Ayes	10
Noes	1

The Colonial Treasurer moves the introduction of the following Clause

" And be it Enacted that no Barrister attorney or other Person shall be entitled of right to be heard as Counsel or Advocate for any other person in any proceeding in the said Court and no person not being a Barrister or Attorney admitted to the

Supreme

Supreme Court of Van Diemens Land, or where the sum sued for does not exceed ten pounds, an agent heretofore practising in some one or more of the Courts of Requests of this Island shall be entitled to have or receive any sum of Money for appearing or acting on behalf of any other person in the said Court and no Attorney or agent shall be admitted to have or recover any sum for such appearing or acting unless the debt or damages recovered shall exceed forty Shillings or in the case of the Defendant unless the Plaintiff shall have claimed a larger sum than that amount. Provided always that the Expense of employing any such attorney or agent either by the Plaintiff or Defendant shall not be considered as Costs in the cause unless the Commissioner, Deputy Comr. or Asst. Comr. shall so order."

Motion seconded by Mr. Fenton

ayes	4
Noes	7

The Council resume. Report brought up. Bill to be read a third time on Monday next.

2. His Excellency lays on the Table a Return moved for on Saturday the 28th Ult. relative to the Public Day Schools ordered to be printed

The Council adjourns until Monday the 17th at one o'clock

Orders of the Day
Monday 17th October 1842

1 Courts of Requests extd. Juris: Bill – 3d reading

Dropped order

1 Retail Licensing for Steam Boats Bill – 2d reading.

No. 24

Monday 17th October 1842

Present, His Excellency & 11 Members
Absent, Mr. Anstey, Mr. Archer, Mr. Ashburner.

Read Minutes of last Meeting.

1. His Honor the Chief Justice brings up the Report of the Committee appointed by His Excellency to Examine into and report upon the Bill to Amend the Laws now in force in this Island for the Distribution of Insolvent Estates and for making further provision in respect thereof. Report read.

2. Courts of Requests Extended Jurisdiction Bill read a third time and passed.

3. The Attorney General moved the second reading of the Retail Licensing for Steam Boats Bill

Bill read a second time and committed.

In the consideration of the Title the Colonial Treasurer moves as an Amendment that the words "spirituous be expunged. Motion seconded by the Colonial Secretary.

ayes — 7
noes 4

The Council resume — Report brought up.
Bill to be read a 3d time on Thursday.

Council adjourn until tomorrow at 2 o'clock

No. 25
Tuesday 18th October 1842

Present His Excellency and ten Members.
Absent, His Honor the Chief Justice, Mr. Anstey, Mr. Archer, Mr. Ashburner.

Read Minutes of last Meeting

1. His Excellency lays on the Table a Memorial from the Inhabitants of Launceston against the introduction into the Legislative Council of any Enactment that would have the effect of curtailing the free use and employment of Capital in this Colony.
Memorial read ordered to be printed.

2. His Excellency adjourns the Council until Wednesday the 2nd November at one o'clock.

No. 26
Wednesday the 2nd November 1842

The Council meet pursuant to adjournment.

Present,
His Excellency and Eleven Members.

Absent,
Mr. Archer, Mr. Ashburner and Mr. Gregson.

Read Minutes of last Meeting

1. The Retail Licensing for Steam Boats Bill read a third time and passed.

2. The Colonial Treasurer brings up the Report of the Committee appointed by His Excellency to Inquire into and report upon the Claims of Mayo de Fillem and Messrs Gage and Griffiths to Compensation for Services as Military Jurors. The Committee recommend that the Sum of £74. 18. 6 be paid to Mayo de Fillem, that the Sum of £109. 7. be paid to Mr. Gage and that the Sum of £60. 15. be paid to Mr. Griffiths as Compensation for their Services.

The Colonial Secretary gives notice that

that he will tomorrow move a Resolution to give effect to the recommendation of the Committee.

3. Insolvent Bill withdrawn.

Council adjourn until tomorrow at one o'clock.-

Notice of Motion

Tomorrow. The Colonial Secretary. Resolution to give effect to the recommendation of the Committee appointed to report upon the claims of Major de Gillern, Major Gage & Griffiths, for their services as Military Jurors.

No. 27

Thursday 3rd November 1842.

Present

His Excellency and 12 Members

Absent

Mr Archer & Hon. Ashburner

Read Minutes of last Meeting

1. His Honor the Chief Justice brings up the Report of the Committee appointed to take into consideration "a Bill to Amend an Act passed in the 2d. Year of Her present Majesty Entitled An Act for regulating Marriages in Van Diemen's Land and its Dependencies" and the Schedule attached to "A Bill to amend an Act passed in the 2d Year of the Reign of Her present Majesty entitled an Act for registering Births Deaths Marriages in the Island of Van Diemen's Land and its Dependencies" ordered to be printed.

His Honor the Chief Justice gives notice that he will tomorrow move the adoption of this Report.

2. His Excellency lays on the Table a Bill to amend an Act passed in the 4th Year of the Reign of His late Majesty King William 4th for regulating the Sale by Retail of Wine Mead & Spirituous Liquors by making provision for rehearing of rejected Applications for Certificates for Renewals or Transfers of Licenses".

3. The Colonial Secretary moves the following Resolution:

That this Council are of opinion that Major Delgillern is entitled to receive the Sum of £74. 18. 6. Mr. Gage the Sum of £104. 7. 0. & Mr. Griffiths the Sum of £ 60. 15. 0. being the Amount of Compensation recommended by the Jud Committee appointed by His Excellency to investigate their claims, to be paid to them respectively for Services rendered in attending

as

as Jurors at the Sittings of the Supreme Court in the Years 1824 & 1825 and that this Council will accordingly be prepared to Vote the necessary Sum for this Service whenever they may be called upon to do so

Motion seconded by the Colonial Treasurer

Mr. Fenton moves as an Amendment that there Officers be compensated for the number of days they were detained in Hobart Town agreeably to Summons.

Amendment seconded by Mr. Kermode

Ayes 4
Noes — 6

Amendment lost.

Original Motion put & carried

4. The Attorney General moved that the standing orders be suspended and that the Retail Licensing Amendment Bill be read a 1st time & Bill read a first time — to be read a 2d time tomorrow

5. Mr. Fenton presents a Petitions praying for a reduction in the rate of Interest by means of a Legislative Enactment from Inhabitants of the following Districts viz

Launceston
Campbell Town
Avoca Port
Oatlands & Pittwater
Green Ponds & Clarence Plains
New Norfolk

Petitions read & Received & Ordered to be printed.

Mr. Fenton gives notice that he will tomorrow move the following Resolution:

"That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the state of the Colony and the necessity of restricting the Rate of Interest on Money to a fair proportion with Articles of produce & Consumption

6 Mr. Fenton presents a Petition from Edr. Nicholas praying that a Committee may be appointed to examine into the several Plans & proposals sent in in consequence of the Government Notice of the 13 July 1841 calling for Plans & Estimates for Supplying the Towns of Hobart and Launceston with Water, and to report to His Excellency the Lt Governor and the Legislative Council which Plan is most advantageous to the Public and which can be most easily & cheaply executed without detriment to any public & private Interests.

Petition read

Mr. Fenton moves that this Petition be received

Ayes — 2
Noes — 9

Council adjourn till tomorrow at 2 o'clock.

Orders of the Day

Friday 4th December 1842

1. Retail Licensing Amendt. Bill — 2d Reading

Notices of Motion

1. His Honr the Chief Justice. That the Report of the Committee upon the Marriage Amendment and Registration Amendt. Bills be adopted.

2. Mr. Fenton. "That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the ~~necessity~~ state of the Colony and the necessity of restricting the rate of Interest on Money to a fair proportion with articles of produce & consumption.

No. 28.

Friday 4th December 1842

Present,

His Excellency and eleven Members

Absent

Mr. Archer Mr. Swanston & Colo. Ashburner

Read Minutes of last Meeting

1. His Honr the Chief Justice moves that this Council do adopt the Report of the Committee to whom it was referred to examine into and report upon the Bill to amend the Act for regulating Marriages in Van Diemens Land and its Dependencies: and also to examine into and report upon so much of the Bill to amend the Act for registering Births, Deaths & Marriages as relates to the Schedule to the last mentioned Bill annexed.

Motion seconded by the Colonial Treasurer

Report adopted.

2. Mr. Fenton moves the following Resolution "That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the state of the Colony and the necessity of restricting the rate of Interest on Money to a fair proportion with articles of produce & consumption.

Motion not seconded.

3. The Retail Licensing Amendment Bill read a second time and committed.

The Council resume. Report brought up. to be read a third time tomorrow.

4. Mr. Fenton gives notice that he will tomorrow move the following Resolution:

"That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the necessity of restricting the rate of Interest on Money to a fair proportion with articles of produce and consumption."

Council adjourn till tomorrow at one o'clock.

Orders of the Day.

Saturday 5th November 1842

1. Retail Licensing Amendment Bill — 3d Reading

Notices of Motion

1. Mr. Fenton. "That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the necessity of restricting the rate of Interest on Money to a fair proportion with articles of produce and consumption."

No 29

Saturday 5th November 1842

Present

His Excellency and 12 Members

absent

Mr. Archer & Mr. Ashburner

Read Minutes of last Meeting

1. Mr Gregson presents a Petition from Richard Morgan praying that in the proposed Amendment of the Licensed Victuallers Act provision may be made to empower the Justices to reconsider the case of the Petitioner & to grant him the relief to which he may appear in justice entitled.

Petition read & received.

2. His Honor the Chief Justice brings up the Report of the Committee to which it was referred to prepare an Address of Congratulation to Her Majesty on the occasion of her providential Escape from the attempt made upon the Royal Life in May last.

The Council adopt the Address prepared by the Committee.

3. Mr. Fenton presents a Petition from the Inhabitants of the District of Richmond praying for a reduction in the rate of Interest.

Petition received & ordered to be printed.

4. Mr Gregson moves that the order of the Day be discharged and that the Retail Licensing Amendment Bill be recommitted.

Motion seconded by the Chief Justice

ayes 7
noes 0

His Excellency voting with the Majority

Bill recommitted.

Mr Gregson moves that the Committee adjourn.

Motion seconded by the Chief Justice
Motion withdrawn. Council resume

Bill read a third time & passed.

5. Mr Fenton moves the following Resolution
"That His Excellency will be pleased to appoint a Committee of the whole Council to examine Evidence as to the necessity of restricting the rate of Interest or Discount to a fair proportion with Articles of produce consumption."

Motion seconded by Mr Kermode

ayes - 2
noes - 8

The Council adjourn until Tuesday at two o'clock.

No 30

Tuesday 8th November 1842

Present
His Excellency and 6 Members
Absent
Mr Archer, Mr Ashburner and Mr Fenton.

Read Minutes of last Meeting

1. His Excellency lays on the Table a Despatch with which he has been favored by the Right Honble the Secretary of State dated 9 June 1842 (No 112) announcing that Her Majesty's Government taking into consideration the recommendation of His Excellency contained in His Despatch No 105, 10 July 1841 have determined to avail themselves of the opportunity afforded by the present Vacancy in the Archdeaconry of Van Diemens Land to separate it from the See of Australia, and to constitute it an independent See.

Despatch read.

2. The Attorney General moves that the Council go into Committee to resume the consideration of the Registration Amendment Bill.

Section 5 and Schedule Expunged.

The Colonial Treasurer gives notice that

he will to-morrow move

"That the first section do stand as it originally did, and that the Penalty of Ten Pounds for the non registration of a Birth within 42 days provided by the 8 Section of the existing Registration act be repealed — The Council resume

3. The Attorney General gives notice that he will when the Council shall be in Committee upon the Mourning Amendment Bill, move that the Revd Mr Henry be examined at the Bar of the Council"

4. His Excellency lays on the Table a Bill to enable the Lieutenant Governor of this Island for the time being to make Contracts at certain Rates for the Supplying the Town and Port of Hobart Town with Pure Water and for other purposes Connected therewith.

The Attorney General moves the first reading of the Hobart Town Water Bill
Bill read a first time.
To be read a second time on Thursday.

The Council adjourn until tomorrow at nine o'clock.

Orders of the Day
Thursday 10 November 1842

1

1. Hobart Town Water Bill — 2d reading

Notices of Motion
Tomorrow

1. The Colonial Treasurer "That the first section of the Registration Amendment Bill stands as it originally did and that the penalty of Ten pounds for the non-Registration of a Birth within 42 days provided by the 8 Section of the Existing Registration act be repealed

2 The Attorney General — When the Council shall be in Committee on the Mourning Amendment Bill — "That the Revd Mr Henry be Examined at the Bar of the Council"

No 31
Wednesday 9th November 1842

Present
His Excellency and Eleven Members
Absent
Mr Anstey Mr Swanston Mr Ashburner

Read Minutes of last Meeting

1. Mr Fenton presents for the purpose of being Entered upon the Minutes of this Council the following Copy of the grounds upon which he together with Mr Kermode Mr Ingpen dissapprove of His Excellency's refusal to lay before the Council that Honorable Members proposal

of

of a Law to restrict the rate of Interest on Money

(Insert the document)

2. The Council go into Committee on the Registration of Births, Deaths & Marriages Amendment Bill. The Council resume. Report brought up. Bill to be read a third time tomorrow.

3. The Attorney General gives notice that he will, when the Marriage Amendment Bill shall be under consideration, move an Amendment to render valid all Marriages solemnized between the Months of August and November 1838.

The Council adjourn until tomorrow at one o'clock.

Orders of the Day

Tomorrow 10th November 1842

1. Hobart Town Water Bill — 2° reading
2. Registration of Births, Deaths & Marriages amendment Bill } 3° do

Notices of Motion

The Attorney General — Marriage Amendment Bill (1) That the Revd. Mr. Thiry be examined at the Bar of the Council.
(2) An amendment to render valid all Marriages solemnized between the Months of August & November 1838.

No. 32

Thursday 10 November 1842

Present
His Excellency and Ten Members
absent
His Hon the Chief Justice Mr. Anstey
Mr. Archer Mr. Ashburner

Read Minutes of last Meeting

1. The Attorney General moves the 2° reading of the Hobart Town Water Bill. Bill read a second time and committed.

On the consideration of the 1st Section Mr. Fenton moves the adjournment of the Committee until His Hon the Chief Justice shall be present.

Motion seconded by Mr. Gregson
Ayes — 3
Noes — 6

The Committee having considered the other clauses of the Bill, adjourn until tomorrow for the purpose of reconsidering the 3° & 4° Sections.

2. The 3° reading of the Registration Amendt. Bill is postponed until tomorrow.

The

The Council adjourn until tomorrow at two o'clock.

Orders of the Day
Tomorrow 10 November 1842

1. Third reading of Registration of Births, Deaths and Marriages amendt. Bill (postponed)

2. Adjourned Committee on the Hobart Town Water Bill.

Notice of Motion.

1. The Attorney General – Marriage amendt. Bill. (1) that the Rev. Mr. Ferry be Examined at the Bar of the Council.

No. 33.

Friday 11 November 1842

Present
His Excellency and Ten Members

Absent
His Honor the Chief Justice, Mr. Austey, Mr. Archer & Mr. Ashburner

Read Minutes of last Meeting

1. His Excellency lays on the Table a "Bill to enable the Lt. Governor of this Island to secure a supply of pure Water for the Town and Port of Launceston and to make Contracts for that purpose.

2. Registration of Births, Deaths & Marriages amendt. Bill read a third time & passed.

3. The Council resume in Committee the consideration of the ~~water~~ Hobart Town Water Bill. Council resume. Report brought up. Bill to be read a third time on Monday.

4. The Attorney General moves the first reading of the Launceston Water Bill.
Bill read a first time – to be read a second time on Monday.

The

The Council adjourn until Monday at one o'clock.

Orders of the day

Monday 14 November 1842

1. Hobart Town Water Bill — 3d reading
2 Launceston — do — do — 2 — do

Notice of Motion

1 The Attorney General — Marriage Amend^t Bill "That the Rev^d Mr. Thorry be Examined at the Bar of the Council."

No 34

Monday 14 November 1842

Present
His Excellency and Ten Members
absent

Mr Anstey Mr Archer Mr Swanston and Mr Ashburner

Read Minutes of last Meeting

1. His Excellency lays on the Table a Bill "to amend an Act passed in the 2d Year of the Reign of Her present Majesty intituled An Act for regulating Marriages in Van Diemen's Land & its Dependencies

2. Mr Dyregson presents a Petition from Mr Degraves praying to be heard by Counsel against the passing of the Hobart Town Water Act. Petition read & received and ordered to be printed.

Mr Dyregson moves that Mr Degraves be heard by Counsel at the Bar of the Council on Wednesday next. Motion seconded by Mr Fenton and carried.

The Attorney General moves the postponement of the 3d reading of the Hobart Town Water

Water Act, until Wednesday after the Petitioner shall have been heard by his Counsel.

3. Mr Pepson presents a Petition from Thomas Whitehead praying for compensation for losses occasioned to him by the act of a Lunatic named "Easton" who in the Month of March last set fire to property belonging to the Petitioner whereby the whole of his Property was destroyed. Petition read and received.

4. Launceston Water Bill on the Motion of the Attorney General read a second time & committed.

The Colonial Treasurer moves that Captain Cheyne be examined at the Bar of the Council. Motion seconded by the Colonial Secretary.

Captain Cheyne Examined.

The Council adjourn until tomorrow at two o'clock.

Orders of the Day
Tomorrow 15 November

1. adjourned Committee on Launceston Water Bill

Notice of Motion.

1 The Attorney General. Marriage Amend. Bill
"That the Revd. Mr Thery be examined at the Bar of the Council.

No. 35.
Tuesday November 15th 1842

Present
His Excellency and Ten Members
absent
His Hon. the Chief Justice, Mr Anstey, Mr Archer & Mr Ashburner

Read Minutes of last Meeting

1. The Council resume in Committee the consideration of the Launceston Water Bill. Upon the reading of the 1st section the Colonial Treasurer moves as an amendment that for the words between the word "Act" in line 13 and the word "shall" in in line 26, the following be substituted,
"the Waters of and in the South "Esk River together with the soil and bed there-"of (subject nevertheless to all private rights or "interests to or in the same)
Motion seconded by the Colonial Secretary
ayes - 7
noes - 3
Amendment carried.

Upon the Motion of the Attorney General that the 2d section be read, Mr Fenton moves as an Amendment "that the further consideration of this Bill be deferred until the next Meeting of the Council"
Amendment not seconded.

His

His Honor the Chief Justice takes his seat.

The Committee continue the consideration of the Launceston Water Bill.

Council adjourn until tomorrow at one o'clock.

Orders of the Day

Wednesday 16 November 1842

1. That Mr. Degraves be heard by his Council at the Bar of the Council against the passing of the Hobart Town Water Bill.

2. Adjourned Committee on Launceston Water Bill

3. Third reading of Hobart Town Water Bill.

Notice of Motion.

The Attorney General. Marriage Amendt. Bill "That the Rev. Mr. Thery be examined at the Bar of the Council."

No. 36.

Wednesday 16 November 1842

Present

His Excellency & Ten Members

Absent

Mr. Hunter, Mr. Archer, Mr. Ashburner and Mr. Gipson

Read Minutes of last Meeting

1. Upon the Petition of Mr. Degraves, Counsel is heard against the passing of the Hobart Town Water Bill.

The Attorney General moves the 3d reading of the Hobart Town Water Bill.

Motion seconded by the Colonial Treasurer

ayes 6
noes 4

Bill read and passed.

2. The Council resume in Committee the Consideration of the Launceston Water Bill.

Upon the motion that the tenth section be read as amended the Council divide,

ayes — 6
noes — 4

The Council resume. Report brought

brought up. Bill to be read a third time on Friday.

3. The Attorney General gives notice that he will on Friday move the first reading of the Marriage Amendment Bill, and that the Revd Mr Henry be then examined at the Bar of the Council.

The Council adjourn until Friday at Two o'clock.

Order of the Day

Friday 18th November 1842

1. Third Reading of the Launceston Water Bill
2. First reading of the Marriage Amend.t Bill

Notice of Motion

"That the Revd Mr Henry be examined at the Bar of the Council."

No 37

Friday 18th November 1842.

Present

His Excellency and Ten Members

Absent

Mr. Anstey, Mr. Archer, Mr. Ashburner
Mr. Kermode.

Read Minutes of last Meeting

1. His Excellency lays on the table a petition from the Revd F. Miller, relative to the Marriage Amendment Bill. Petition read and received.

2. His Excellency lays on the table a Bill to provide for the payment of the Salary of the Person to be appointed Bishop of Van Diemen's Land and its Dependencies.

3. Upon the Attorney General moving the third reading of the Launceston Water Bill Mr. Gregson moves as an amendment that the Bill be recommitted.

Amendment seconded by Mr. Kerr.

Ayes ---------- 4.
Noes ---------- 6.

Original Motion put and carried

Ayes ---------- 6
Noes ---------- 4

Bill

Bill read and passed.

4. Before proceeding to move the First reading of the Marriage Amendment Bill, the Attorney General moves that the Revd Mr. Sherry be examined at the Bar of the Council.

The Revd Mr. Sherry examined accordingly

The Marriage Amendment Bill read a first time — to be read a second time on Tuesday.

His Honor the Chief Justice gives notice of certain amendments which it is his intention to propose when that Bill shall be in committee.

5. The Attorney General moves the First reading of the Bishops Salary Bill — Bill Read — to be read a second time on Tuesday.

The Council adjourn until Tuesday at Two o'clock

Orders of the day.

Tuesday 22 November 1842.

1. Marriage Amendment Bill — Second reading.

2. Bishop's

2. Bishop's Salary Bill — Second reading.

No 38

Tuesday 22nd November 1842.

Present

His Excellency and Ten Members

Absent

Mr. Archer, Mr. Ashburner, Mr. Fenton, Mr. Kermode.

Read Minutes of last Meeting.

1. Mr. Kerr presents a petition from certain Dissenting Ministers residing in the Northern Division of this Island praying that an Enactment authorising the issue of Licences for the Deputy Registrars forthwith instead of the seven days delay may be embodied in the proposed Marriage Amendment Act — Petition read and received.

His Honor the Chief Justice gives notice that he will tomorrow move an amendment to carry out the views of the petitioners

2. The Attorney General moves the second reading of the Marriage Amendment Bill. Bill read a second time. To be committed tomorrow.

3. The

3. The Attorney General moves the second reading of the Bishop's Salary Bill — Bill read and committed — The Council resume Report brought up — Bill to be read a third time tomorrow.

The Council adjourn until tomorrow at One o'clock.

Orders of the Day.

Wednesday 23rd November.

1. Committee upon the Marriage Amendment Bill.

2. Bishop's Salary Bill — Third reading

Notices of Motion.

1. His Honor the Chief Justice — Amendment to the Marriage Amendment Bill.

No. 39.

Wednesday 23rd November 1842

Present His Excellency and 10 Members

Absent

Mr. Aarchin, Mr. Ashburnin, Mr. Fenton and Mr. Kermode.

Read Minutes of last Meeting

1. The Bishop's Salary Bill read a third time and passed and passed.

2. The Council go into Committee upon the Marriage amendment Bill

The Council resume. Report brought up.

3. His Excellency lays on the Table the following Despatch (No. 137.) dated 2d August with which His Excellency has been honored by the Right Honble the Secretary of State.

Despatch and Enclosures read.

His Excellency adjourns the Council until Eight o'clock this Evening

4. On the reassembling of the Council at Eight o'clock, the Attorney General moves that the Standing orders be Suspended

suspended, and that the Marriage Amendment Bill be read a third time.

Bill read and passed.

His Excellency adjourns the Council sine die.

No. 40

Friday 20th January 1843.

Present

His Excellency the Lieut Governor
His Hon. the Chief Justice
The Col: Secretary
The Att. General
The Col: Treasurer
The Auditor
The Collector of Customs
Mr Swanston
Mr Fenton
Mr Kerr
Mr Kermode
Mr Gregson.

Absent

Mr Amstey Mr Archer & Mr Ashburner

The Council meet pursuant to summons

1. Peter Fraser Esq. Col: Treasurer takes the oath & his seat.

2. His Excellency lays on the Table a Bill to amend an Act passed in the 2d Year of the Reign of H. P. Majesty entitled "An Act for regulating Marriages in Van Diemen's Land & its Dependencies.

The Attorney General moves the First reading of this Bill. Motion seconded by the Colonial Secretary - Bill read a first time.

3. The Attorney General moves the suspension of the standing orders & the 2d reading of the above Bill - Motion seconded by the Colonial Secretary. Bill read a second time. & committed

In the consideration of the Title the Attorney General moves as an amendment that the words "to repeal an Act passed in the 6th Year of the Reign of H. P. Majesty entitled an Act" be introduced after the words "a Bill" and that the words "and to amend the last mentioned Act" be added to the Title.

Motion carried.

In the consideration of the 2d Sect: Mr Fenton moves that the Revd Mr Bedford be examined at the Bar of the Council in the reference to the provision that one of the Parties about to be married shall have resided

for

for the space of 15 days within the Parish or District within which the Marriage is to be solemnized.

Motion seconded by Mr Swanston.
Ayes 3
Noes 8

Mr Fenton moves as an Amendment to the following effect: that in case there shall be no Church Chapel, or other Place of Worship of the Communion or denomination to which either of the contracting Parties belongs in the Parish in which one of such Parties shall have his or her usual residence it shall be sufficient for such affidavit to set forth that one of the said Parties hath for the space of 15 days immediately preceding the issue of such License or in case of Publication of Bans immediately preceding the 3d publication thereof had his or her usual place of abode within the Parish or District nearest to that in which such Marriage is intended to be solemnized.

Motion seconded by Mr Swanston.
Ayes 7
Noes 4

His Hon the Chief Justice moves as an Amendment that the words "within this Island in line 25 be struck out.

Motion seconded by Mr Fenton, His & carried

His Hon the Chief Justice moves as an amendment the following proviso:

Provided that nothing in this Act or any other Act shall authorize the Marriage by Licence of any Person under Sentence of Transportation.

Motion seconded by the Attorney General & carried.

The Committee adjourn until tomorrow at 3 o'clock.

No. 41

Saturday 21 January 1843

Present

His Excellency and (11) Eleven Members

Absent

Mr Anstey. Mr Archer & Mr Ashburner

1. The Attorney General moves that the orders of the Day be discharged and that the Committee on the Marriage act Amend. Act be further adjourned.

Motion seconded by His Hon the Chief Justice & carried.

2

2. His Excellency lays on the Table a "Bill to enable the Lieut Governor of Van Diemen Land to nominate & appoint a Sheriff for the Colony of V. D. L. & its Dependencies for the remainder of the year 1843. & until the first Monday in the month of January 1844. & to confirm & render valid certain acts of Persons heretofore nominated and appointed Sheriffs for V. D. L. & its Dependencies & for other purposes relating thereto".

His Excellency also lays on the Table the opinion of the Attorney & Solicitor General as to the necessity of the introduction of this Bill

Opinion read.

3. The Attorney General moves the suspension of the standing orders. Motion seconded by His Hon. the Chief Justice and carried.

4. Sheriffs Bill read a first & second time & committed - ~~Report brought up~~.

5. The Council resume. Report brought up.

On the motion of the Attorney General the Council adjourn until 10 o'clock -

6. On the reassembling of the ~~Council~~ Members, the Attorney General moves that the Sheriffs Bill be recommitted - Motion seconded by H. H. the C. Justice. Bill recommitted.

The Council resume
Report brought up.

Bill read a third time & passed.

The Council adjourn until 2 o'clock on Monday.

No. 42

Monday 23rd January 1843.

Present His Excellency & 10 Members

absent.

Mr. Anstey. Mr. Archer. Mr. Ashburner. Mr. Fenton.

Read Minutes of last Meeting

1. The Council resume in Committee the consideration of the Marriage Act amend.t Bill

His Excellency lays on the Table a Letter from the Revd. W. Bedford, Senior Chaplain praying that the last Marriage Act may be repealed & that no alteration may take place as to Marriages by Clergymen of the Church of

of England before the arrival of the Bishop of Tasmania.

Letter read.

2. On the Motion of the Attorney General, the proposed Amendments to the Bill are read ordered to be printed.

The Council adjourn until Wednesday at one o'clock.

No 43.

Wednesday 25 January 1843

Present

His Excellency and 10 Members

absent

Mr. Amsty. Mr. Archer. Mr. Ashburn & Mr. Senton

Read Minutes of the last Meeting

1. The Council resume in Committee the Consideration of the Marriage Act Amendment Bill.

Council adjourn until tomorrow at one o'clock

No. 44

Thursday 26th January 1843

Present

His Excellency & 10 Members

Absent

Mr. Amsty, Mr. Archer, Mr. Ashburn & Mr. Senton.

Read Minutes of last Meeting

1. The Council resume in Committee the consideration of the Marriage Act Amendment Bill.

The third section as amended having been read, the Attorney General moves that the Section as read do stand part of the Bill.

Motion Seconded of the Col: Secretary

Ayes 8
Noes. 1

The Council adjourn until tomorrow at 2 o'clock.

No 45.

Friday 27th January 1843.

Present

His Excellency & 10 Members

Absent

Mr. Austey. Mr. Archer. Mr. Ashburn. Mr. Fenton.

Read the Minutes of the last Meeting.

1. The Council resume in Committee the consideration of the Marriage Act Amendment Bill.

Council adjourn until Monday at one o'clock.

No. 46

Monday 30th January 1843

Present

His Excellency & 9 Members

Absent

Mr. The Attorney General. Mr. Austey. Mr. Archer Mr. Ashburner & Mr. Fenton.

Read the Minutes of last Meeting

The Council continue in Committee the consideration of the Marriage amendt. Bill

The Council Committee adjourn until tomorrow at one o'clock.

No. 47

Tuesday 31st January 1843.

Present, His Excellency & 10 Members

Absent, Mr. Attorney General. Mr. Austey. Mr. Archer Mr. Ashburner

Read Minutes of last Meeting

1. The Marriage Act Amendment Bill is further amended in Committee.

The Council resume. Report brought up.

2. His Honor the Chief Justice moves the third Reading of the Marriage Act Amendt. Bill

Bill read a third time & passed.

His Excellency adjourns the Council sine die.

Tuesday 24 Oct. 1843.

The Legislative Council met this day at 3 o'clock & His Excellency the Lt. Governor having taken the Chair read the following Address.

(Address)
(vide Princ. C. S. Pr.)

The Hon'ble the Colonial Secretary, the Auditor & Wm. Kermode Esq. are sworn in as Members of the Council.

His Excellency then lays upon the Table the Bills enumerated in the address:

Upon its being moved by Mr. Swanston & seconded by Mr. Austey that a reply to the Lt. Governor's address be presented, His Excellency retires from the Council Chamber, and the Chair is taken by His Honor the Chief Justice

The following address is then upon the motion of Mr. Swanston unanimously agreed to by the Council

(Address in reply)

The Council resolve — that His Honor the Ch. Justice with the mover and seconder of the address, be a deputation to wait upon the Lieut. Governor to ascertain at what time, and in what place His Excellency will be pleased to receive the address:

The Deputation wait upon the Lieut.

Lt Governor, & upon their return, inform the other Members that His Excellency will receive them immediately in his own private room.

The Member wait upon the Lt Governor accordingly. His Excellency then resumes the Chair & upon the motion of Mr Kerr, it is ordered that the address be printed & circulated.

Read Lord Stanley's dispatch to the Lt Governor of the 26 April 1843, stating that His Lordship has had the honor to submit to the Queen the congratulatory address from this Council on the birth of the Prince of Wales and that He has received Her Majesty's Commands to signify the gratification which Her Majesty has experienced at receiving that address.

2° Lord Stanley's Dispatch of the 2d May 1843, transmitting Mr George Anson's letter to the Lieut. Governor of 25 April 1843, in which Mr Anson states that he is commanded by His Royal Highness Prince Albert to return thanks to the Members of this Council for their address of congratulation on the Birth of H. R. H. the Prince of Wales.

The following Bills are then read a first time.

1. a Bill to regulate Distresses & Replevins

2. a Bill to amend an act passed in the 4 Year of the Reign of Her present Majesty intituled an act for the making, altering, improving & defining the Main & other Roads of this Island.

The following orders of the Day are then appointed.

Wednesday 25 Oct. 1843

1. Distress & Replevin Regulation Bill — 2° Reading
2. Road act amendt. Bill 2°. do

Thursday 26 Oct.

1. Transportation Offenders Summary Punisht Bill 1st Reading
2. Offence agt the Person Punisht. Bill 1. do —
3. The Lt Governor's Salary Bill 1 — do —
4. Council Justice Improvement Bill. 1. do

The Council adjourn until 2 o'clock to-morrow

No. 2

Wednesday 25 October 1843

Present

His Excellency & 13 Members — absent the Collector of Customs

Read Minutes of last Meeting

Sent Home 22d Jan 44

His Honor the Chief Justice presents a Petition from the Bishop and Clergy of the Church of England in Van Diemen's Land, praying

pringing that the Money about to be voted for the purposes of Education in the Colony may be distributed among the various Denominations in proportion to their Numbers, according to the late Census.

Petition read & received.

The Distress & Replevin Regulation Bill read a second time & committed

The Committee adjourn until 2 o'clock tomorrow.

The Col: Secy gives notice that he will tomorrow move the insertion of an indemnity clause in the Distress & Replevin Regulation Bill ...

Motion made & seconded that Road act amendment Bill be read a second time.

The Bill withdrawn.

Notice of Motion.

Mr Gregson. That he will on Wednesday next the 1 Prox: move that a Return of Insolvencies since the Establishment of the Insolvent Courts in Hobarton & Launceston be laid upon the Table - exhibiting in each case the Amount of Debts & assets - the Expenses - distinguishing the Fees received by the Commissioners - the Charges of the Solicitors against the Estate, and the Charges of the assignee - also the Amount of distribution in each case, shewing the rate per pound on the Debts proved - distinguishing the Judgment Creditor from the Simple Contract Creditor, and as far as possible shewing the period of time occupied in winding up the Affairs of each Estate, & the present Stage of the Proceedings in each case, that has not been finally disposed of.

The following orders are fixed for tomorrow the 26. Inst.

1. Transported Offs. Punish. Bill 1. Cmty
2. Treat Jones Salary Bill — 1. "
3. Commit. Juste Imp. Bill — 1. "
4. Tirement Census Bill — 1. "
5. Release Freehold Entity Bill — 1. "

No 3.

Thursday 26 Oct 1843

Present
Hrs Gellibrand 13 Members
absent
The Collector of Customs

Read the Minutes of last Meeting

The Colonial Secretary presents a Petition from Alexander Donaldson a discharged Soldier of the New South Wales Royal Veteran Company, Submitting that on the R.V.C. being disbanded, Petitioner remained in the Colony as a Settler under the inducements held out to Soldiers in the Memorandum of General Darling of 13 June 1829 - & that the expectations so held out have not been fulfilled - He therefore prays that Justice may be done to him.

Petition read & received.

2 Home - 22 Jan 44

The Chief Justice presents a Petition from Francis Russell Nixon D.D. Lord Bishop of Tasmania praying that the Money about to be voted for the purposes of Education in the Colony may be apportioned to the various Denominations in proportion to their numbers according to the late Census - & that he may be heard before the Council in support of his Petition.

Petition read and received.

The Chief Justice gives notice that tomorrow he will move that the Lord Bishop be heard in support of his Petition.

Read a first time - Transported Offenders Punishment Bill.

Read 1st time - Lieut Governors Salary Bill -

Read 1st time - Criminal Justice Supplt Bill

Read 1st time - Triennial Census Bill

The Attorney General gives notice that he will tomorrow move the 2d reading of the Bill.

Read 1st time - Release of Freehold Estates Bill - to be read 2d time tomorrow.

Mr Swanston gives notice that he will tomorrow move when the Lt Governors Salary Bill is under consideration, move the insertion of the following clause:-

"And be it enacted that the said Salary a yearly sum of £4000 shall be computed & paid for the Day of — 1843 inclusive

Distress & Replevin Regulation Bill further considered in Committee - Report brought up - Mr Gellibrand lays the Bill upon the Table - & the Attorney General gives notice that he will move the 3d reading of this Bill on Monday next.

Ordered.

ordered — That the Petition from the Bishop & Clergy of the Church of England in V. D. L. & the Petition from Francis Russell Nixon D.D. Lord Bishop of Tasmania be severally printed.

The following orders of the Day are then fixed for tomorrow:

Notice of Motion

1. The Chief Justice — That the Lord Bishop of Tasmania be heard in support of his Petition.

2. Transp.d Off.s Punish.t Bill	2d	Reading
3 Lt. Governor Salary Bill	2d	"
4 Criminal Justice Impt Bill	2d	"
5 Tasmanian Census Bill	2	"
6. Release of Freehold Estates do	2	"

Notice of Motion

Mr Swanston. That the following clause be inserted in Lt. Governor Salary Bill (Vide above).

Notice of Motion
Wednesday 2d. Nov.

Mr Gregson — That a Return of Insolvencies &c. &c.
(Vide Minutes of 25 Inst.)

Monday 17 July 1844

Present His Excellency & 12 Members
absent Mr. Archer Mr. Fenton

Roderic O'Connor Esq. takes the oaths & his seat.

His Excellency reads the following address
(Vide printed papers)

His Excellency lays on the Table the following Bills:

1. a Bill to amend an act passed in the 4th year of the Reign of H. P. M. intitd. an act to make further provision for the admission of Practitioners &c. &c.

2. a Bill to amend an act of this Island intitd. an act for the better regulating the Keeping & Carriage of Gunpowder.

3. a Bill to extend to this Island & its Dependencies an act lately passed in England for improving the Law of Evidence.

Moved by Mr. Kermode & Seconded by Mr. Swanston that His Excellency's

Address

Monday 30 Oct.

Present
His Excellency & 11 Members
absent
The Collector of Customs - Mr. Archer & Mr. Fenton.

Read Minutes of last Meeting

Mr Ashburner presents a Petition from Capt: Moriarty & the Revd. J. Bishton, humbly praying on behalf of the Church Committee of Wesleyans, that His Excellency & the Council will take their case into consideration & grant them such a sum of Money as will make their receipt of Money from the Treasury £700.

Petition read & received.

The Council continue in Committee the consideration of the Transported Offenders Summary Punishmt Bill.

The Council resume - Report brought up - His Excellency lays the Bill on the Table as amended. to be read a third time on Wednesday

Punishment of Offences against the Person Bill read a 2d time & committed - Committee adjourn to Wednesday.

Upon Motion being made that the Lt.

Lt. Governors Salary Bill be read a 2d time,

His Excellency retires from the Council, & the Chair is taken by the Chief Justice.

The Bill is read a 2d time & committed.

A Sub Com: consisting of Mr Manstone. Mr Anstey - Mr. Ashburner & Mr Fergusson - appointed to enquire into the adequacy of the Provisions of the Bill. & to report the result on Friday next, to which day the Committee adjourn.

The Sub Com: to appoint their own time of Meeting - & the Auditor to be requested to confer with them.

The Council adjourn to 20 o'clock tomorrow.

Orders of the Day
Tuesday 31 Oct.

1. The Lord Bishop of Tasmania to be heard in support of the prayer of his Petition.

Drop Orders

1. Criminal Jus: Imp: Bill — 2 Reading
2. Triennial Census Bill — 2 — "
3. Release Freehold Estates Bill — 2 — "

Wednesday 1 Nov.

Notice of Motion -
Mr. Fergusson - Return of Insolvencies 1. 1.
1. Transported Offenders Summary Punishmt Bill - 3d Reading
2 Punishment of Offences agt. Person Bill - adj. Comm.

Friday 3 Nov.

1 The Lt. Governors Salary Bill — adj. Comm.

Leg. Co.

Tuesdy 31 Oct.

Present

Mr. Kelling & B. Members

absent

The Collector of Customs

Capt. Fenton presents a Petition from Mr. W. Proctor, praying the erection of a College in this Island.

Petition read & received.

Motion made & question put that the Petition be printed.

ayes — 2

nes — 11

The Chief Justice presents a Petition from the Revd. G. Bateman, praying that some Compensation may be awarded to him for the arduous duties performed by him at St. James Church Jericho & likewise that some stipend be issued or Endowment made for the performance of the Spiritual duties at the said Church of St. James Jericho. continually, & for ever.

Petition read & received.

The Lord Bishop of Tasmania is heard in support of the prayer of his Petition.

The

The Council adjourn until 20 o'clock tomorrow.

Order of the Day

Wednesday 1 Nov.

Notice of Motion —

Mr. Gregson to move, that a Return of Insolvencies &c. &c. (vide from Motion)

1 Transported offenders Sum: Pun: Bill. 3d reading
2. Punish. offence agt. Person Bill — adj. Com:

Drop't order

1 Criminal Justice Impt Bill — 2d reading
2 Criminal Cons Bill — 2 — " —
3. Relea Freehold Estate Bill — 2 — " —

Friday 3 Nov.

1 St Jovin Salty Bill — adj. Com:

Leg: Coun:
Wednesday 1 Nov.

Present His Excellency & 13 Members absent. The Collector of Customs

Read Minutes of last Meeting

Mr Pryson in accordance with his previous Notice, moves that a Return P. P. (vide Notice) Motion seconded by Mr. Unsley & carried.

Upon the motion of the Attorney General that the transported offenders Summary Punish: Bill be now read a third time, — the Council divide

ayes — 5
Noes — 8

Offences against the Person Bill considered in Committee.
Council resume — Report brought up — to be a third time on Friday

Census Bill read a second time, — and Committed.

Resolved that the Bill with respect to its Schedules be referred to a Sub Committee, consisting of the Chief Justice & Mr. Swanston.
Committee adjourn.
Council resume.
Release of Freehold Estates Bill read

read a second time & committed.
Council resume — Report brought up — to be read a 3d. time on Friday.

The Council adjourn until 2 o'clock on Friday.

Orders of the day
Friday 3d. Nov.

1. Lt. Governors Salary Bill — adjd. Com:
2. Offences agt. Person Bill — 3d. reading
3. Census Bill — adjd. Com:
4. Release of Freehold Estates Bill — 3d. reading

Dropt order

1. Criminal Justice Bill — 2d. reading

Leg: Coun:
Friday 3d. Nov. 43

Present His Excellency & 12 Members absent the Collector of Customs — Mr. Unsley

Read the Minutes of last Meeting

Mr Pryson presents a Petition from Mr John Edwards, humbly praying that His Excellency & the Council will [illegible]

the Court of Requests Extended Jurisdiction ~~Bill~~ act passed during the last Session, to be amended by granting the same power to the Commissioners to examine Agents and give Certificates to practise in actions not exceeding $10 as is by the 12 Section of that act given to the Deputy and assistant Comrs. only.

Petition read and received.

3 Home 22d Sess. on 1st Pet. Hos. T.

Mr Swanston presents a Petition from certain Inhabitants of Hobarton interested in the cause of Popular Education, praying that His Excellency & the Council would be pleased to accede to the wishes of the General Community by allowing the present plan of Public Elementary Education to remain as it is.

Petition read, received & ordered to be printed

The Col: Trea: presents a Petition from Mr. Thos. James Crouch, humbly praying that His Excellency & the Council will take his long Service into favorable consideration, together with the very heavy responsibility which he is under, & be pleased to grant an increase to his present Salary, as Under Sheriff.

Petition read & received.

Mr Gregson moves that the following address be presented to Sir John Franklin on the occasion of his departure from the Colony.

(vide printed Papers)

Motion seconded by the Attorney General and

~~carried~~ passed without a division, - His Honor the Chief Justice & Mr Swanston having previously withdrawn from the Council

Offences against the Person Bill read a third time & passed.

The Sub. Committee to whom the Census Bill was referred, being up their Report Council resumed.

The Attorney General gives notice that he will move the 3d reading of this Bill on Wednesday next.

Release of Freehold Estates Bill read a third time & passed.

The Council in Committee resume the consideration of the Lt Governor's Salary Bill - Sub Committee being up their Report - which is adopted - Committee adjourn until 1/2 past one o'clock on Monday next.

Orders of the Day
Monday 6 Nov. 1843

1. Lt Governor's Salary Bill - in Comce.

Dropt order

1. Criminal Intro Bill - 2d reading

Wednesday

1 Census Bill - 3d reading

Leg: Coun:
Monday 6 Nov. 1843

His Honor the Chief Justice in the Chair

The Council in Committee agree to a Report on the Lt Governor's Salary Bill —

His Excellency takes the Chair.
Council resume.

4 Home. 22.0 Jan 44 Mr Ken presents a Petition from the Revd. F. Miller & the Revd. Charles Price on behalf of the Committee of the Congregational Union, humbly submitting that the grounds upon which the Petition from the Bishop and Clergy for the Establishment of Schools in exclusive connexion with the Church of England are untenable, and praying His Excellency & the Council that the said Petition may not be Entertained.

Petition read & received.

5 do do The Attorney General presents a Petition from certain Inhabitants of Launceston interested in the cause of Public Education, praying His E: & the Council that no Educational Plans may be supported at the common expense which do not accord with the just, Enlightened & impartial System already Established.

Petition read & received.

His Excellency lays on the Table the following Bills.

1. a Bill to amend an act passed in the 6 Year of H. present M.ty intituled an act for making & maintaining a Bridge over the South Esk River at Ribby's Ford.

2. a Bill to regulate the Hiring of Convicts holding Probation Passes & for other purposes connected therewith.

The Attorney General gives notice that he will on Friday next move the first reading of these Bills

Committee of the whole Council on the Lieut. Governor's Salary Bill bring up their Report

His Excellency lays the Bill upon the Table —

The Attorney General gives notice that he will on Friday next move its 3d reading

On the motion of the A. General the 3d reading of the Census Bill is postponed to Friday next.

The Council adjourn until 2 o'clock on Friday the 10 Instant.

Orders of the Day
Friday 10 Nov. 1843

1. Ribby's Ford Bridge Bill — 1 reading
2. Hiring of Convicts Reg. Bill 1 — "
3. Lt Governor's Salary Bill [illegible]
4. Census Bill [illegible]

Leg: Coun:
Friday 10 Nov. 1843

Present His Excellency & 8 Members

It being 1/4 past 2 o'clock and there not being 10 Members exclusive of the President assembled, His Excellency adjourns the Council until 2 o'clock on Tuesday the 14 Instant.

Orders of the Day
Tuesday 14 Nov. 1843

1. Ridge's Fund Bridge act Amend Bill — 1 reading
2. Hiring of Convicts Regulr. Bill — 1 do
3. Lt Governor's Salary Bill — 3 do
4. Census Bill — 3 do.

Leg: Council
Tuesday 14 Nov. 1843

Present
His Excellency and 10 Members

Absent
The Collector of Customs - Mr. Andy - Mr. Archer & Mr. Ashburner.

The Petitions which have been presented relative to public Education ordered to be printed.

6 Home 22d Jan. 44 Mr. Kerr presents the Petition of Henry Dowling Baptist Minister officiating at Yorkstreet Chapel, Launceston, deprecating any change in the System of Education pursued in the Govt. Schools in this Colony - Read - received & ordered to be printed.

7 Home do also the Petition of the Revd. Nathl. Turner & Henry Gaud, praying that no Change may take place in the present System of Education until sufficient time shall have been given to all parties to explain their views on this important subject - Read - received & ordered to be printed.

8 do do Home 22 Jany 44 also the Petition of the Ministers & Members of the Wesleyan Congregations in Hobart Town - prayer similar to that of the preceding Petition - Read - received & ordered to be printed.

The Colonial Treasurer presents the Petition

9 Petition of the Landholders Merchants, & others of the District of Campbell Town, praying that the application having for its object the overthrow of the present System of Public Education may be refused. Read & received & ordered to be printed.

Home 22 Jany 44

10 3. Mr. Kennedy presents the humble Petition of the undersigned Inhabitants of Van D. Land, resident in the Districts of Avoca & Fingal, praying that a due apportionment of Money from the Colonial Revenue may be voted to the Religious in this Colony. Read. Rec. & ordered to be printed.

Home 22 Jany 44

His Excellency lays upon the Table the Report of the Board of Education for 1843 - also the third annual Report of the Queen's School - Both Documents ordered to be printed -

The Ruby's Ford Bridge Bill read 1st time - 2d time tomorrow
Hiring of Convicts Regulation Bill read 1st do 2d " do
Census Bill recommitted - Council resume - Report brought up - His Excellency lays the Bill upon the Table - to be read a 3d time tomorrow -

The Attorney General gives notice that he will move tomorrow the 1st reading of the Road act amendment Bill.

adjourned until 2 o'clock tomorrow

Notices of Motion & order of the day
Wednesday 15. Nov. 1843

1. Ruby's Ford Bridge Bill - 2d reading
2. Hiring Convicts Reg: Bill - 2d " -
3 Census Bill - 3 " -
4. Road act amendt. Bill - 1 " -

No 12.
Wednesday 15 November 1843

Present
His Excellency & 10 Members
absent
The Collector of Customs - Mr. Amstey & Mr. Ashburner

Read the Minutes of last Meeting

On the motion of the Att: General - the Ruby's Ford Bridge act amendt. Bill is read a 2d time & committed - C

Council resume - Report brought up - His Excellency lays the Bill on the Table - to be read 3d time on Monday next -

On the motion of the Att: Genl: the Hiring of Convict Reg: Bill is read a 2d time & committed -

Council resume - Report brought up - His Excellency lays the Bill on the Table - to be read 3d time on Monday next -

The Triennial Census Bill read a third time & passed -

Road act amendt Bill read a 1st time - & the Att: Genl: gives notice that he will move its 2d reading on Monday next the 20 Inst.

The Council adjourn until Monday next at 2 o'clock.

orders of the day
Monday 20 Nov. 1843

1. Ruby's F. Bridge Bill - 3 reads.
2. Hiring Con: Reg: Bill - 3 " -
3. Road act. amendt. Bill - 2 " -

No 13 Monday 20 Nov. 1843

Present

His Excellency & 10 Members

Absent

The Collector of Customs - Mr. Anstey - Mr. Archer - & Mr. Ashburner -

Read Minutes of last Meeting -

His Excellency reads his Minute upon the Estimates for 1844 - (vide printed papers) ordered that the Minute be printed -

11 Home 23 Jan 44 The Col: Treasurer presents the Petition of the Revd. Jno: Lillie Minister of St. Andrew's Church, Hobart Town praying that he may be heard in vindication of the views of the Presbytery with respect to the present System of Public Education & against the change proposed by the Lord Bishop of Tasmania - Petition read & received -

The Col: Treas: gives notice that he will tomorrow move that Mr. Lillie be heard in accordance with the prayer of his Petition -

12 4 Home 22 Jan 44 The Chief Justice presents the humble Petition of certain Inhabitants of the District of Brighton, praying that a due apportionment of Money from the Col: Revenue may be voted to the Religious denominations in this Colony - Read - rec. & ordered to be printed -

Mr. Gregson presents the Petition of Auth: F. Kemp, praying that the 3d. Sector of the Road act may be amended - & that the amendment may be introduced into the Bill now before the Council - Petition read & received -

Mr.

13 Mr. Swanston presents the Petition of certain Inhabitants of the District of Bothwell - praying that His Ex: & Council will be pleased to allow the present System of Public Elementary Education to remain as it is, that a longer trial may be allowed it - read - rec. & ordered to be printed -

22 Jany 44

Vide No 14 5 Mr. Kermode presents Petitions from Longford & from the St. Pauls Riverside, praying that a due apportionment of Money from the Col: Revenue may be voted to the Religious denominations in this Colony - read - rec. & ordered to be printed -

2 Home 22 Jan 44

The Colonial Secretary gives notice that he will move the consideration of the Estimates on Wednesday -

Mr. Kermode gives notice that he will move when the Estimates are under consideration - that this Council is of opinion that a sum of Money not exceeding £353 be paid to the Committee of the Church at Westbury, in order to enable it to defray the expense incurred in the erection of the said Church: & prays His Excellency to provide for the same in the Estimates now under consideration

Mr. Gregson gives notice that he will move tomorrow for a Return of the several officers employed in the Surveyor Dept. with an account of the duties performed by Each, including the Surveyor General, during the last 12 Months; - the return to state particularly the time that Each has been employed in field service - the nature of that Service

15

Service in each case, & the Extent of Land Surveyed —

The Ribys Ford Bridge Bill read a 3d time & passed.
Hiring Con: Reg: Bill ——— read a 3 do — do
Road act amendt Bill read a 2d time & committed —
Council resume — report brought up: ~~[illegible]~~
Bill laid upon the Table as amended — to be read a
3 time on Wednesday —

Council adjourn until 2 o'clock on Wednesday

Notices of Motion

Wednesday 22d Nov. 1843

1. Col: Treas: to move — that the Revd Mr Lillie be heard before this Council. ~~[illegible]~~

2. Col: Secy: to move — the consideration of the Estimates

3. Mr Kennedy — to move when Estimates are under consideration — That this Council is of opinion &c (vide Minutes)

4 Mr Gregson to move for a return of the General officers in the Surveyor Dep: t. &c. &c. (vide Minutes —)

order of the day

1. Road act amendt Bill — 3d reading —

No. 14.

Wednesday 22d Nov. 1843

Present

His Excellency & 11 Members

absent

The Collector of Customs. Mr Austey & Mr Ashburner

Read the Minutes of last Meeting

15 Home 22 Jany 44 Mr Ken presents the Petition of the Rev. W. Wade Minister of the Baptist denomination, residing in Wolcestown, who prays that no steps may be taken to make any fundamental alteration in the System of Public Education — Read & Recd.

16 not sent home Mr Swanston presents a Petition from Evandale praying that His Ex: & Council will not acquiesce in any scheme for the distribution according to the Census of the Funds voted for Education. Read & Recd

17.6. Mr Gregson presents a Petition from Richmond & Sorell & their respective Vicinities, praying that a due apportionment of Money from the Colonial Revenue may be voted to the Religious denomination in this Colony in support of Public Education — also

27 Home 22 Jany 44 one from Richmond & Sorell praying that Public Education may be supported by the grant of Money in such separate sums as shall on Equity seem to be just — accompanied by Regulations for securing the Superintn of the Schools by Ministers of Religion throughout the Colony — Read & Recd.

18 8 Home 22 Jany 44 The Chief Justice presents a Petition from

3 Nov
Hon
22 Jan 44
9

Petn signed by about 1200 Inhabitants of V. D. L.
praying that a due apportionment of Money from
the Col: Rev: may be voted to the religious denomina-
tions in support of Public Education - also me-
morial from Hobart Town & another from Campbell Town
with a similar prayer - Read and Received -

Mr Gellibrand appointed a Comtee. consisting of
Mr Gunn the Ch: Justice - Mr Swanston & the
Mayor to revise the Rules for regulating the
proceedings of the Council. & to report thereon -

On the Motion of the Col: Secy. the Council
go into Comtee. upon the Estimates for the
service of the Year 1844 -

The Amounts Estimated for the Salaries of the Legislative
the Council - Col: Secys Dept. - the Q. D. Land
Society for the Promotion of Science - the Col: Treas:
Dept. - the Auditor & Inspector of Accts Dept. -
the Col: Audit Dept. - Customs - Post Office - the
Port Office - the Accts. of Stores - the Lighthouse
Station - the Harbour Masters &c. Govt. Printer - the
Inspector of Cattle - the Col: Agent - & the Police
Dept. respectively agreed to -

Committee adjourned until 2 tomorrow

Captain Fenton gives notice of his intention to move
tomorrow, that a return be called for of the applica-
tions for the purchase of Crown Lands since the act
of Parliament fixing the the Minimum price of Crown
Lands at 20/. per Acre

Mr.

Mr Ryan moves "that a Return be made of the Land
& Officers employed in the Land & Depts" &c. &c. (vide
last Minutes)

Agreed to.

The Council adjourn until 2 o'clock tomorrow

No 15

Thursday 23rd Nov. 1843

Present

His Excellency & all Members

absent

The Collector of Customs - Mr Amos & Mr Archdeacon

Read Minutes of last Meeting.

19 Nov 22 Jan 44 Mr Ker presents a Petition from the Inhabs of
Ls from the Point School Establishment - Read Rec?

20 10 Nov 22 Jan 44 The Chief Justice presents a Petition from Hobart Town
praying that a due apportionment of Money from
the Col: Rev: may be voted to the religious denomina-
tions of the Colony - Read Rec?

Capt. Fenton moves "that a Return &c. (vide last
Minutes) agreed to.

On the Motion of the Col: Sec: the Council
in Comtee. resumed the consideration of the
Estimates - The Votes proposed for the Public
Works - the Judicial Dept. - the Ecclesiastical Establt
the Schools - the Military - Pensions - Passports - &

the

the Miscellaneous Sivers, agreed to—

Also a vote of £10,937. 8. 4 to cover the Expenditure of 1842.

The Lieut. Gov. states it to be his intention to adjourn the Council to Tuesday the 19 December.

The Col: Secy: gives notice that the appropriation act will be ready to be laid upon the Table on that day—

The Chief Justice presents a Petition of the (undersigned) Parent & Guardian of the Pupils & Scholars of the Jurisdiction School, Holcomb, praying that His Excellency will be pleased to give it the additional value & extended utility which it cannot fail to derive from His Excellency's Vigilant & unremitting inquiries into its management - its objects - & its Effiring -
Read - rec. & or: to be printed -

Signed by certain Land-holders, Merchants Farmers & other Inhabitants of V. D. Land

Mr Gregor presents two Petitions for an act to legalize the renewal of distillation from Colonial Grain - read & received -

Capt: Fenton presents a Petition with the same prayer - Received.

His Excellency adjourns the Council to Tuesday the 19 Proximo -

1 Sol a Imbell
Ch. Co.

No 16.
Tuesday 2d January 1844.

Present His Excellency & 9 Members
Absent. The Collector of Customs. Mr. Austey. Mr. Archer
Mr. Ashburner & Mr. Gregor.

There not being present a sufficient number of Members to constitute a Council, His Excellency adjourns until 2 o'clock.

Notice of Motion
Wednesday 3d Jan: 1844
1. Col: Sec: to move reading of appropriate act.

No 17.
Wednesday 3d Jan: 1844

Present His Excellency & 10 Members
Absent the Collector of Customs. Mr. Austey. Mr. Archer & Mr. Ashburner.
Read Minutes of the Meeting of 23d November last.

The Comp: General takes the oaths & his Seat.

His Honor the Chief Justice presents a Petition signed by Messrs. Jacomb, Wilson & Depanes, Brewers of Holcomb Town and its Vicinity, praying that they may be heard by Counsel at the Bar of the Council against the proposed Enactment for "regulating the Brewing of Beer ale, & Porter for Sale, and to prevent the adulteration thereof". Read & received.

The Chief Justice gives notice that on the 2d reading of the Bill, he will move that Petitioners be heard by Counsel

21 Mr Swanston presents Petitions signed by 19 Inhabitants of Cauthon
22 by 227 Inhabitants of Launceston; by 57 at Sorell; by 27 at West Tamar
23 24 by 162 at Kensington & its Vicinity — 39 at Brown's
25 26 27 Rivers — by 1662 in Hobart Town — & also a Petition
28 Signed by 325 Mothers resident in Hobart Town
praying His Excellency & Council will not acquiesce in any Scheme for the distribution according to the Census of the Funds voted for Education —

Petitions read & received.

Mr Swanston presents a Petition signed by certain Inhabitants of V.D.L. earnestly and humbly praying that His E: & Coun: will be pleased to take measures for the Establishment of an Institution for Educating the youth of the Colony in the higher branches of learning —

Petition read, received, & ordered to be printed.

29 Mr Kerr presents a Petition signed by 77 Parents & Guardians of Children attending the Public School at Launceston, praying the continuation of the present plan of Instruction: and also a Petition
30 Signed by 74 Inhabitants at Green Ponds, containing a similar prayer. Read & received

His Excellency lays on the Table the following Bills:

1 a Bill to Establish Circuit Courts &c &c

2. a Bill for exonerating Mines &c &c

3. a Bill to authorize the Seizure of Dogs &c

4. a Bill to repeal the 5 Sec: of Conveyancers act &c

5 a Bill to regulate the Slaughtering of Sheep &c

Mr Fenton gives notice that he will tomorrow move,

1. For a Return shewing the Sums paid out of the Cal: Treas: within the last 5 years for Convict labour, Tools, Clothing, Food &c. giving the number of Men employed in each Party, where stationed — how long employed & the quantity of work done — If roads the number of Miles, — including the Sums voted for the Wharf, Bridges & Streets in & near Hobarton & Launceston — distinguishing the expense of Superintendence of each Party separately —

2d For a Return shewing the Number of applications for the purpose of Crown Land prior to the act of Parliament 6 Vict: (fixing the minimum price of Land at a pound an acre) which have not been yet advertized for Sale — the extent applied for, & the minimum Govt. price fixed for each Lot.

The attorney General moves that the Circuit Court Bill be read.

Motion seconded by Col: Secretary

adjourned to tomorrow.

His Excellency lays on the Table a Circular Despatch with which he has been honored by the R. H. S. State under date 28 June 1843, conveying the Views of Her Majesty's Govt. in reference to the imposition of differential Duties on Goods imported into the Colonies.

His Ex: lays on the Table two letters from the Surgeon General under date 28 Ult. transmitting the Returns called for in the Resolutions which passed the Leg: Council on the 22 & 23 Nov. last.

The Council adjourn to 2 o'clock tomorrow.

Notices of Motion
Thursday 4 Jan: 1844

1. Col: Secy. Reading of appropriate act
2. Mr. Tenton — Return of Sum paid &c.
3. Mr. Tenton. Return of Land applies. prin to 6 Vict.

Orders of the Day

1. adjourned Debate on Circuit Courts Bill

Contingent Notice of Motion

1. Chief Justice. Counsel be heard on 2d Reading of Brewery Bill against Bill

No 18.
Leg: Ct.

Thursday 4 Jan: 1844

Present
His Excellency & 10 Members
absent
The Collector of Customs. Mr. Archer — Mr. Ashburner & Mr. Kerr.

Read Minutes of last Meeting (3 Inst.)

31 The Lieut. Governor presents the Petition of certain Clergymen of the Church of England and of John Loch Esq. submitting observations annexed upon the Report of the Board of Education in vindication of the Statements made by Petitioners respecting the condition and management of the School; and praying that His Excellency & Council will be pleased to direct that a special inquiry be made into their condition, and into the truth of the statement of the abuses, neglect & evils reported to exist in them by the accounts of Petitioners and others.

Petition read received. & ordered that the Petition only be printed.

His Honor the Chief Justice withdrawn the notice he gave yesterday that on the 2d Reading of the Brewery Bill he would move the Counsel be heard against the Bill — & he now gives notice

that he will move after the 1st reading that Counsel be heard & witnesses be examined.

On the motion of the Col: Secretary, the appropriation act is read a 1st time, and afterwards the standing orders being suspended, a 2d & 3d time, & passed.

The Committee consisting of His Honor the Chief Justice Mr Swanston & Mr Grayson to whom His Ex: referred the revision of the Rules for regulating the proceedings of the Council having brought up their report

His Excellency lays the same upon the Table - ordered to be printed.

Mr Fenton defers until Monday next his motion for the Returns of which he yesterday gave notice.

Debate on Circuit Courts Bill resumed. & on the motion of the Attorney General, the Bill is read a 1st time -

On the motion of the Attorney General the standing orders are suspended, & the same Bill is read a 2d time & committed.

Committee adjourn until 2 o'clock tomorrow.

His Excellency lays on the Table a Bill to extend the order of Discharge &c &c -

On the motion of the Attorney General the Bill is read a 1st time - to be read a 2d time tomorrow.

Misstone exemption Duty Bill read a 1st time - to be read a 2d time tomorrow.

Leizure of Dogs Bill read a 1st time - to be read a 2d time tomorrow

Conveyance Bill read a 1st time - to be read a 2d time tomorrow -

The Council adjourn to 2 o'clock tomorrow

Order of the Day

Friday - 5 Jan: 1844

1. adjd Com: Circuit Courts Bill
2. Insolt Dis: Bill — 2d Reads.
3. Miss Wine exemption Duty Bill 2d —
4. Leizure of Dogs Bill 2d —
5. Conveyance Bill — 2d —

Notices of Motion
Monday 8. Jan: 1844

1. Mr Fenton - Return of Sum paid for C. Labour &c
2. Mr Fenton - Return of Land appd prior to 6 Vict.

Contingent Notice of Motion

1. Chief Justice. Brewery Bill - Counsel & witnesses 1 Reading

No 19

Friday 5 Jan: 1844.

Present His Excellency & 11 Members

Absent The Collector of Customs, Mr. Archer
Mr. Ashburner

Read the Minutes of last Meeting (4th Inst)

~~Sub~~ Committee on the Rules to report what is the rule of this Council with respect to the Entering of reasons of Dissent by any Member or Members and whether notice be necessary.

The Council in Committee resume the consideration of the Circuit Courts Bill — Committee adjourned to Monday at 2 o'clock

Malicious Injury Insolvents Bill read 2d time & committed — Council resume — report brought up — Bill laid by His Excellency on the Table — to be read a 3d time on Monday —

Mess Wine duty Exemption Bill read 2d time and Committed — Committee adjourned to Monday

Conveyancers Bill read a 2d time & committed — reported — again laid upon the Table — third reading to be moved on Monday —

The Council adjourned to Monday —

No 20

Monday 8 January 1844

Present His Excellency & 11 Members
Absent. The Coll: Customs. Mr. Archer — Mr. Ashburner

Read Minutes of last Meeting (5 Inst)

Capt. Fenton in accordance with his previous notice moves

1st That His Ex: be requested to cause a Return to be laid upon the Table shewing the number of applications for purchase of Crown Land prior to the Act of Parliament 6 Vict: fixing the Min: price at £1 an acre, which have not yet been advertized for sale — the extent applied for — & the Min: Govt. price for each Lot. agreed to.

2. That His Excellency be requested to cause a Return to be laid upon the Table shewing the sum paid out of the Colonial Treasury within the last 5 years for Convict Labour, Tools, Clothing, Food, &c. &c. giving the number of Men employed in each Party — where stationed — how long employed — & the quantity of work done — If Roads, the number of Miles, including the sums voted for the Wharf Bridges & Steels in & near Hobart & Launceston — distinguishing the Expense of Superintendence of each Party separately — Motion seconded by Mr. Kermode & lost upon a division.

Capt. Foster puts upon record the following Protest in reference to the Appropriation Act, Signed by Mr Kennedy & himself —

(Vide Printed Papers for Protest.)

Supreme Courts Bill resumed in Committee reported — His Excellency lays the Bill as amended upon the Table, & the standing orders having been suspended, the Bill is read a 3d time & passed —

Council resume.

Insolvent discharge Extension Bill read a 3d time & passed —

Mess Wine Exemption Duty Bill resumed in Comm. reported — His Ex: lays the Bill on the Table — to be read a 3d time on Wednesday —

Conveyance Bill read a 3d time & passed.

Seizure of Dogs Bill read a 2d time & Comd. reported — His Ex: lays the Bill on the Table — to be read a 3d time on Wednesday —

Ship & Hatto Regn. Bill read 1st time — to be read a 2d time on Wednesday —

Brewing Regulation Bill read a 1st time to be read a 2d time on Friday —

The Chief Justice ~~[illegible]~~ moves in accordance with his previous notice that on motion being made for 2d reading of the Brewing Regulation Bill on Friday next Messrs Incomb. Degraves & Wilson be heard by Counsel against the Bill, & that they also be at liberty to examine witnesses.

Copartnership act amendt. Bill read 1st time — to be read 2d time on Wednesday.

The Council adjourn to Wednesday at 2 o'clock.

No 21

Thursday 11 January 1844

Present His Excellency & 10 Members absent The Coll: Custom — Mr. Archer — Mr. Ashburn. & the Auditor.

Read Minutes of last Meeting. (8 Inst.)

Mr. Kennedy presents a Duplicate, signed by Mr. Archer, of the protest in reference to the Appropriation Act recorded in the Minutes of the 8 Inst:

His Excellency lays on the Table "Bill to "amend the Law in respect to the constitution of Courts of General Quarter Sessions, and the Punishment and control of Transported and other offenders".

The

The Comss. Genl. gives notice that upon the 2d reading of the Bill, he will move that a clause be added making the Gazette legal proof of Ticket of Leave Holders in all Civil Suits.

Capt. Fenton gives notice that he will tomorrow move that His Excellency be requested to cause to be laid upon the Table of the Council a Return of the quantity of Crown Land let on lease last year and the amount of Rent paid — also a similar one for the present year under the new Regulations.

Messwine exemption duty Bill read a 3d time & passed.

Seizure of Dogs Bill read a 3d time & passed.

Slaughtering of Sheep & Cattle Regulation Bill read 2d time & Committed — report brought up — His Excellency lays the Bill on the Table — recommitted on the motion of the Colonial Secretary — to be further considered on Monday.

Second reading of Copartnership Bill adjourned to Monday.

Read Extract from a Dispatch from Lord Stanley under date 5 November 1842. No. 170 — in reference to the Law of Copartnership.

The Council adjourn to 2 o'clock tomorrow.

No. 22

Friday 12 January 1844

Present His Excellency & 11 Members absent. The Collector of Customs. Mr. Archer. Mr. Ashburner.

Read Minutes of last Meeting.

Capt. Fenton in accordance with his notice of yesterday moves &c. &c. (vide Minutes of yesterday)

Capt. Fenton gives notice that he will on a future day bring the question of a Money Law under the consideration of the Council.

On the motion being made that the Brewing Regn. Bill be read a 2d time, the Council for Messrs. Fourmb. Dugan & Wilson is heard against the Bill.

Mr. Alexander Gibbs is examined & the further consideration of the Bill is postponed to Monday by Int.

Capt. Swanston moves that His Excellency be requested to cause a Return to be laid upon the Table, showing the quantity of Barley & Malt imported into the Colony during the last 10 years, Ending 31 Dec. 1843. agreed to.

Quarter Session Bill read 1st time — read 2d time on Monday (15. Int.)

The Council adjourn to Monday 15 Int. at 2 P.M.

No. 23.

Monday 15 Jan: 1844.

Present His Ex: & 11 Members
absent The Coll. of Custom - Mr. Archer. Mr. Ashburn

Read Minutes of last Meeting.

Capt. Fenton gives notice that he will on Monday next make the following motion:
"That this Council w/ vide printed Minutes)

The Council resume in Committee the further Consideration of the Slaughtering Sheep & Cattle Regn. Bill - report brought up - His Excellency lays the Bill on the Table as amended - to be read a 3d. time on tomorrow -

Copartnership Bill read a 2d. time & committed - Council resumed - report brought up - His Excellency lays the Bill on the Table - to be read a 3d. time on Wednesday -

Quarter Sessions Bill read a 2d. time & committed -

The Council adjourn to tomorrow at 3 o'clock P.M.

No. 24

Tuesday 16 Jan: 1844

Present His Ex: & 11 Members
absent The Collector of Custom - Mr. Archer
Mr. Ashburn.

Read Minutes of last Meeting

Slaughtering Sheep & Cattle Regulation Bill read a 3d. time & passed -

The Council in Comm. resume the Consideration of the Quarter Sessions Bill report brought up. His Excellency lays the Bill on the Table - to be read a 3d. time on Thursday.

His Excellency lays on the Table a Return of Crown Land let on Lease during the Year 1843 in accordance with the Resolution of the Council of the 11 Inst.

The Council adjourn to 2 o'clock tomorrow

No. 25

17 Jan: 1844
Wednesday.

Present His Excellency & 11. Members
absent. The Coll: Custom - Mr. Archer - Mr. Ashburnier

Read the Minutes of last Meeting.

His

32

His Excellency lays on the Table a printed Petition signed by certain Clergymen of the Church of England & J. D. Lock Esqr. submitting a Copy of their account of the Government Schools, with observations upon the Report of the Board of Education in Vindication of the Statements made by Petitioners respecting the Condition & management of the Schools.

Examination of Witnesses on the Brewing Regulation Bill resumed — Mr. Marshall — Mr. Coombs, Mr. Degraves & Mr. Morrison examined —

Copartnerships Bill recommitted — reported — & read a 3d. time

Mr. Fenton puts on Records the following Protest against the act (Vide Printed Papers)

The Council adjourn to 2 o'clock tomorrow.

Note. Upon the conclusion of Mr. Degraves' examination Mr. McDowell, submitted on behalf of the Petitioners, that they should be allowed to give Evidence in reference to the Brewing Bill — when the Council decided that their testimony could not be received.

No. 26

Thursday 18. January 1844

Present His Excellency & 11 Members absent the Collector — Mr. Archer. Mr. Ashbourne.

Read Minutes of last Meeting

The Chief Justice presents a Petition from certain persons carrying on business as Butchers in Hobarton, praying that they may be heard by Counsel against the Provisions of the proposed Bill "for Lighting, paving &c. &c. &c.

Read & received —

The Chief Justice gives notice ~~that~~ of his intention to move, after the first reading of the Bill to which the Petition refers, that the Petitioners be heard by Counsel.

The Chief Justice also presents a Petition from certain Licensed Victuallers, praying that the Bill intituled "a Bill to regulate the Brewing of Beer" may not pass. Read & received.

The Colonial Secretary presents a Memorial from certain Inhabitants of Hobarton, praying that the Retail Dealers of Goods in Hobarton, may be protected against the injurious consequences of the Licensing of Hawkers & Pedlars in the Towns. Read & received.

Quarter Sessions Bill to be read a 3d. time tomorrow.

The Council resume the consideration of the Brewing Regulation Bill — and Mr. Chapman & Mr. Prentice are addressed as Witnesses by Mr. McDowell — & Mr. Hunt & Mr. Boynton are examined by the Attorney General.

Mr. McDowell then addresses the Council, & the Bill is read a 2d time & committed — reported & laid upon the Table — to be read a 3d time tomorrow.

The Council adjourn to 2 o'clock tomorrow.

(**Note.** The examination of Witnesses for the Petitioners against the Brewing Regulation Bill having been this day concluded, and Strangers having been ordered to withdraw, the following points were then discussed by the Council:

First — Whether Mr. McDowell should now be allowed to address the Council a second time, by way of reviewing the Evidence given, there being no precedent on the records of the Council for such a Course — and if so, whether, in the event of Witnesses being examined for the Crown, that address should be made before or after their Examination.

The Council decided that Mr. McDowell shall be allowed to address the Council again — and that he shall address it after Witnesses Examined.

Secondly. Whether Witnesses for the Crown shall be examined — Carried on a division that they shall be examined — there being noes 3 — ayes 8.

Thirdly.

No. 27.

Friday 19 January 1844

Present His Excellency & 11 Members

Absent. The Collector Customs. Mr. Archer Mr. Archbrenner —

Read Minutes of last Meeting

Mr. Fenton requests that the motion of which he gave notice on the 15 Inst. respecting the subject of a Resing Saw may stand over until the next Meeting of the Council.

Quarter Sessions Bill read — a 3d time & passed.
Brewing Regulation Bill read a 3d time & passed.

His Excellency adjourns the Council sine die.

Wednesday 17 July 1844

Present His Excellency & 12 Members
absent Mr. Arbor & Mr. Fenton

Roderic O'Connor Esqr. takes the oaths & his seat.

His Excellency reads the following address:
(Vide printed Papers)

His Excellency lays on the Table the following Bills:

1. A Bill to amend an act passed in the 4 Year of the Reign of H.P. Mg. intitd. an act to make further provision for the admission of Practitioners in the Supreme Court and to prevent unqualified Persons from practising.

2. A Bill to amend an act of this Island intitd. an act for the better regulating the Carriage & Keeping of Gunpowder.

3. A Bill to extend to this Island & its Dependencies an act lately passed in England for improving the Law of Evidence.

Moved by Mr. Kennedy & Seconded by Mr. Lounston that His Excellency's address be printed. carried unanimously.

The Attorney General gives notice that he will tomorrow move the 1st reading of the three Bills laid on the Table by His Excellency.

The Council adjourns to 2 o'clock tomorrow.

Friday 19th July 1844

Present His Excellency & 12 Members

Read Minutes of last Meeting

His Excellency lays on the Table the report of the Board of Education - ordered to be printed.

Supreme Ct. Practitioners Bill read a 1st time to be read 2d time on Monday next.
Carriage of Gunpowder Regulation Bill read 1st time - & the standing orders being suspended a 2d time & committed - report brought up - His Excellency lays the

the Bill on the Table - to be read a 3d time on Mondy next -

Law of Evidence Improvement Bill read a 1st time. & the standing orders being suspended a 2d time & committed - Report brought up - His Excellency lays the Bill on the Table - to be read a 3d time on Monday next.

The Council adjourns to Monday the 22d Instant at 2 o'clock. P.M.

Tuesday the 23d July 1844.

Present His Excellency & 13 Members.
absent Mr Crosker.

Read Minutes of last Meeting

Mr Kerr presents a Petition from J. Kelsh praying compensation for loss of his Office of Town Surveyor - Read - and withdrawn.

Capt. Fenton gives notice that he will tomorrow move that His Excellency be respectfully requested to allow a Return to be laid upon the Table shewing the sums paid out of the Col: Treasury within the last 2 years for Convict labour, tools, Clothing, Food &c the number of Men employed in each Party - where employed & how long - the quantity of work done - if roads, the No of Miles - also the Bridges, Wharfs & Streets in Hobart Town & Launceston, shewing the amount paid for superintendence separately.

also that His Excellency be requested to allow a Return of the Amount of all registered Mortgages, Judgments & Interest payable thereon, to be laid on the Table

Supreme Court Practitioners Bill read a 2d time & committed - report brought up - to be read a 3d time tomorrow.

Carriage of Gunpowder Regulation Bill read a 3d time & passed.

Laws of Evidence Improvement Bill read a 3d time & passed.

His Excellency reads the following Minute on the Finances of the Colony.
(Vide printed Papers.)

Mr Kerr moves that His Excellency's Minute be printed - carried unanimously.

The Colonial Secretary gives notice that he will commence the reading of the Estimates tomorrow.

&c

The Council adjourns to tomorrow at 2 o'clock.

Wednesday 24 July 1844

Present His Excellency & 13 Members
absent Mr. Archer.

Read Minutes of last Meeting

Mr. Dry presents a Petition from Ed.d Abbott Esq.r

On the motion being put that it be read the Council divided
ayes 6
Noes 7.

Capt. Fenton gives notice that when the Estimates shall be under consideration, he will move — That whilst this Council acknowledges the Efficiency of the Police of the Territory, the necessity of keeping up the present Estab.t as long as this is treated as a Penal Colony — whilst it is not disposed to find fault with the Estimates on that head laid on the Table which it believes to be prepared in a spirit of Economy, this Council considers that the maintenance of such an Est.t is principally called for by the transportation & punishment of Criminals of Gt. Britain & for British purposes only: that one third of the amount of this Estimate is therefore sufficient in fairness, to be borne by the Colony — & that the remaining 2/3 ought to be defrayed by the British Govt.

That it appears &c. &c. (vide printed Minutes)

Capt. Fenton moves in accordance with his notice of yesterday —
1st. (For return of sum paid for Convict labour &c.)
(vide yesterday's Minutes)

2d. (Return of Amount of registered Mortgages &c.
vide yesterday's Minutes)

The Council divide.
ayes 3
Noes 10

His Excellency lays on the Table the Blue Book for 1843:

also in accordance with the request of Mr. Fenton an Extract from a Dispatch from the Right Hible the S. of State, dated 5 July 1843, No 52, conveying the Views of Hm. Govt. on the question of introducing an Usury Law into this Colony.

Supreme Court Practitioners Bill read a 3d. time & passed.

The Council go into Committee for the consideration of the Estimates

The Council adjourns to tomorrow at 2 o'clock.

Thursday the 25 July 1844

Present His Excellency & 13 Members
absent - Mr. Archer -

Capt: Fenton gives notice that he will tomorrow move (vide Printed Minutes 15 January 1844) Vagrancy Laws.

The Council resume the consideration of the Estimates for 1845.

On the motion being made that the Sum of £30717.3.7 be appropriated for the maintenance of the Police Department,

Capt: Fenton moves that whilst this Council acknowledges the efficiency &c
(Vide Minutes of yesterday)

The Col: Secretary moves the previous question, & the Council divide:

ayes 7
Noes 6.

The Council having finished the consideration of the Estimates, the Colonial Secretary gives notice that he will be prepared to move the passing of the appropriation act on Monday next.

The Council adjourns to Monday next at 2 o'clock.

Monday 29 July 1844

Present His Excellency & 13 Members
absent Mr. Archer

Mr. O'Connor presents a Petition for the repeal of the Insolvent act - ordered to be printed.

Mr. O'Connor presents the following Protest
(Vide printed Minutes
on Police Charge

Capt. Fenton presents the following Protest
(Vide printed Minutes
Police Charge

Capt. Fenton in accordance with the notice given by him on the 25 Inst. moves that &c
(Vide Minutes 15 January 1844. Vagrancy Laws)

The Council divide: ayes 3
Noes 10

The Col: Secy. moves that the Estimates be recommitted - this motion having been acceded to, that certain of the Votes be reduced in amount. The report is then brought up, & His Excellency lays the appropriation act on the Table, which, the standing orders having been suspended, is read a 1. 2. & 3 time & passed.

His

His Excellency then lays the following Bills on the Table:

1. a Bill to amend an act passed in the 11th year of His late Majesty King Geo: 4 intitd. an act to regulate the impounding of Animals for teespass & for other purposes relating thereto:

2d. a Bill to make the H. T. Gazette evidence in actions brought by and against Convicts holding a Ticket of Leave

3d. a Bill to prevent unnecessary Communication with Maria Island.

The Bills so laid upon the Table are respectively read a first time.

The Council adjourns to Wednesday the 18th September next at 2 o'clock P.M.

No 7.

Wednesday 18 Sept. 1844.

The Council meet pursuant to adjournment.

Present His Excellency & 10 Members
absent Mr. Lenton Mr. Archer. Mr. O'Connor & Mr. Dry.

Read the Minutes of last Meeting 29 July 1844.
Mr Kerr presents the Memorial of Edward Moore – Withdrawn.

His Excellency lays on the Table the Report of a Board appointed to consider the Existing Insolvent Law in this Colony – ordered to be printed.

His Excellency lays on the Table a printed Return of the rates of wages to Mechanics & labourers in V.D.L. taken in the Month of August 1844. as reported by the Police Magistrates of the Districts.

His Excellency lays on the Table the following Bills:–

1. a Bill to provide for the liberation from Gaol of Persons imprisoned for non-payt. of Fines.

2. a Bill to repeal &c. &c. (Transported Offenders Counsel Bill)

3. a Bill to provide payment of Witnesses Expenses &c. &c.

4

4. a Bill to amend the act for the payment of the Salaries of Lt Governor & Judges &c &c.

5. a Bill for the better administration of Justice in Norfolk Island &c

Ticket of Leave Gazette Bill read 2d time & committed - report brought up - the Bill laid on the Table - to be read 3d time on Friday next.

Maria Island Communication Bill read 2d time & committed - report brought up - Bill laid on the Table - to be read 3d time on Friday next.

Impounding of Animals Regulation Bill read 2d time & comm.d report brought up - Bill laid on the Table - to be read 3d time on Friday next.

Lt Governor's Salary Bill read 1st time - to be read 2d time tomorrow.

Norfolk Island Justice Bill read 1st time to be read 2d time ~~tomorrow~~ Friday next.

Non payment of Fines Bill read 1st time to be read 2d time tomorrow.

Transported Offender Counsel Bill read 1st time, to be read 2d time tomorrow.

Witnesses Expenses Bill read 1st time, to be read 2d time tomorrow.

Adjourned to 20 clock tomorrow the 19 Inst.

No. 8.

Thursday 19 Sept. 1844

Present His Excellency & 11 Members
Absent The Comp. Genl. Mr. Archer. Mr. Fenton.

Read the Minutes of last Meeting

Lieut Governor's Salary Bill read 2d time & comd. report brought up - Bill laid on the Table - to be read 3d time on Monday 23d Inst.

Non payment of Fines read 2d time & comd. to be further considered on 23d Inst.

Transported Offender's Counsel Bill read 2d time & comd: report brought up - Bill laid on the Table - to be read a 3d time on Monday 23d Inst.

Witnesses Expenses Bill read 2d time - to be Committed on Monday 23d Inst:

His Excellency lays on the Table a Return of

of Sums paid out of the Cal: Treasury within the last 2 Years for Convict labour tools, Clothing Food &c. the number of Men employed in each party, where employed, & how long, the quantity of work done, if roads, the No. of Miles: also the Bridges & streets in & about H. T. & Launceston showing the amount paid for Superintendence. Ordered to be printed.

Adjourned to tomorrow at 2 o'clock.

No 9.

Friday 20. Sept: 1844

Present His Excellency & 10 Members absent - Mr. Archer. Mr Fenton - Mr Gregson Mr Swanston.

Read Minutes of yesterday.

Ticket of Leave Gazt. Bill read 3d. time & passed.
Marine Island Commn. Bill read 3d. " - do
Impounding of Animals - " do - " - do
Norfolk Island Bill read 2d. time & comd.
Motion made & seconded - That instead of the Court contemplated by the Bill as now drawn, there shall be a Court consisting of a Judge, & a Jury of five commissioned officers -
The Committee divide
ayes - 6
noes - 4

His Excellency withdraws the Bill, in order that a new Bill may be prepared in accordance with the above vote.

Adjourned to Monday next the 23d. Inst at 2 o'clock -

No 10.

Monday 23d September 1844.

Present His Excellency & 12 Members absent Mr. Archer Mr. Fenton.

Read the Minutes of last Meeting

Lt. Governors Salary Bill read 3d. time & passed.
Transpd. Offender Comml do - do - do - do
Witnesses Expenses Bill committed - report brought up - Bill laid on the Table - to be read 3d time on Thursday next.
Non payment of Fines Bill further considered in Committee - report brought up - Bill laid on the Table.

Adjourned to Wednesday at 2 o'clock

No 11.

Wednesday 25 Septr. 1844

Present His Excellency & 10 Members

Read the Minutes of last Meeting

Mr O'Connor gives notice that he will tomorrow move that His Excellency will be pleased to cause the following returns to be laid on the Table:

1. a numerical return of all informations heard in which Convictions have followed at the different Police Offices throughout the Colony in which a Fine has been inflicted from 1 July 1843 to 1st July 1844

2 A numerical return for the same period of all cases heard as above which have been dismissed by the Magistrates, or in which no pecuniary penalty has been inflicted.

3. A return of the number of persons who have under the convictions referred to, been Committed to Gaol in default of payment during the same time, with the periods for which they have remained in Gaol.

4

4. The number of persons remaining in the Gaols of this Colony on 1 July last, who had been committed in default of payment of payment of Fines inflicted by the Magistrates at the various Police Offices.

An payment of Fines Bill to be read 3d time tomorrow.

His Excellency lays on the Table the amended Draft of the Norfolk Island Bill.
On the motion of the attorney General the Bill is read 1st time, and the standing orders being suspended, a 2d time & committed.

Committee adjourn to tomorrow at 2 o'clock.

No 12.

Thursday 26 Septr. 1844

Present His Excellency & 12 Members absent Mr Archer. Mr Grayson

Read Minutes of last Meeting

The Chief Justice presents the Petition of Capt Clark relative to the Road act - read & received.

Mr

Mr Connor moves for the Returns included in his notice of yesterday. agreed to.

Mr Dry gives notice that he will move tomorrow that His Excellency be requested to cause a return to be laid on the Table of the Light Dues & Tonnage dues, inwards & outwards; & of the Pilotage Harbour Dues, & Fees, paid at the Port of Launceston from 1st July 1843 to 1st July 1844.

Witnesses Expenses Bill read 3d time & pd.
Non payment of Fines do — do — do — do

Council in Committee resume the Consideration of the Norfolk Island Bill — report brought up — Bill laid on the Table to be read 3d time on Monday the 30 Inst.

The Council adjourn to Monday the 30 at 2 o'clock.

No 13.
Monday 30 September 1844

Present His Excellency & 12 Members —
absent. Mr Archer Mr Kerr
Read Minutes of last Meeting
Mr Dry moves for the Return included in his notice of yesterday. agreed to.

Norfolk

Norfolk Island recommitted. report brought up — the Bill laid on the Table — read 3d time & passed.

His Excellency lays on the Table a return of the quantity of Wheat & Flour imported last year from South America into New South Wales

His Excellency adjourns the Council to Wednesday the 20th November at 2 o'clock.

Wednesday 20 November 1844

The Council meet pursuant to adjournment.
Present. His Excellency & 10 Members —
Absent. Mr Archer Mr Fenton & Mr O'Connor
Read Minutes of last Meeting.
His Excellency lays on the Table, in accordance with the Resolution of the Council at its last Meeting, the following Returns:
1. Return of the Light Dues & Tonnage Dues, & ~~Fees~~ inwards & outwards, & of the Pilotage, Harbour Dues & Fees, paid at the Port of Launceston from 1 July 1843 to 1 July 1844.
2. Return of the informations under which Pecuniary Penalties were sought to be recovered heard & determined at the various Police offices from 1 July 1843 to 1. July 1844

distinguishing

distinguishing the result of such proceedings.
(ordered to be printed.

His Excellency lays on the Table, a letter from His Honor the Chief Justice, under date 16 Oct. 1846, representing that the Act intituled an act for the better administration of Justice in Norfolk Island, & for other purposes connected therewith is repugnant to the laws of England. Letter read.

Moved by the Colonial Secretary & seconded by the Comp: General - that this Council does adhere to the Act for the better administration of Justice in Norfolk Island & for other purposes connected therewith - Carried without a division.

His Excellency adjourns the Council sine die.

Legislative Council
19th Feby 1845

Present His Excellency and all the Members.
John Dunn Junior Esqre takes the oaths and his seat as a Member of this Council
The Lieutenant Governor reads the following address
(address printed 9 pp)

His Excellency then lays on the table the following Bills, namely

1st a Bill to exempt certain vessels from the payment of Port charges
2d a Bill to increase the duties chargeable on certain goods, wares, and merchandise mentioned in the second section of the Act of this Island intituled an Act to confirm and continue certain duties of customs and duties on spirits and for other purposes connected therewith

The Lieutenant Governor retires, and the chair is taken by the Chief Justice.

His moved by Mr Gregson and seconded by Mr Kermode that His Excellency's address be printed for the information of the Members

Mr Swanston presents a petition intituled the petition of the inhabitants of Hobart Town in public meeting assembled, and signed by Robert Pitcairn on behalf of the meeting. The prayer of which is, that the proposed enactment to increase the duties on certain goods wares and merchandise mentioned in the second section of the Act of this Island intituled an Act to confirm and continue certain duties Customs and duties on Spirits may not be passed into a Law

Read, and received as the petition of R Pitcairn

Mr Kermode gives notice that he will move tomorrow that His Excellency be requested to lay upon the table the dispatch of Lord Stanley as to probation labour referred to by His Excellency in his speech

Mr O'Connor gives notice that he will move tomorrow that His Lieutenant Governor be requested to lay on the table the report of the finance Committee alluded to in His Excellency's address

The Attorney General gives notice that on Monday next he will move the first reading of the Port dues Exemption Bill and also of the increase of duties Bill

The Colonial Secretary gives notice that on Friday next he will move

1st that it is the opinion of this Council, that it is highly desirable to supply the inhabitants of Hobart Town and Launceston with pure water, and that the same should be done by the Government by means of convict labour, and that This Council will at the proper period afford their assistance in carrying out this measure, and for establishing such rates on the rent of land houses and premises not exceeding one shilling and sixpence in the pound as will enable The Local Government to pay for the convict labour and stores required, by annual instalments derivable from the rates so levied not exceeding in any one year the sum of four hundred pound.

2d that it is the opinion of this Council that it is highly desirable to construct a Bridge across the Derwent at Bridgewater, and that the same should be done by convict labour, and that the Council will at the proper period afford their assistance

in carrying out this measure and for establishing such just and and equitable tolls as will enable the Local Government to pay for the Convict and other Labour and Stores required, by annual instalments derivable from the tolls to be levied, not exceeding in any one year the sum of four hundred pounds

3d As the exigencies of the Public service will require assistance in the course of the current year to aid the Revenue

That this Council approves of the preliminary arrangement made by His Excellency The Lieutenant Governor with the Commercial Bank for a Cash Credit of not exceeding twenty five thousand pounds in the current year to be placed to account monthly in such sums as the service may require for the month and the overdrawn account to be charged at the rate of seven per Cent per Ann.

The petition presented by Capt. Swanston ordered to be printed

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Legislative Council
20th Nov 1845

Present His Excellency and twelve Members absent Mr Swanston and Mr Dry.

Read the minutes of last meeting

The Colonial Secretary gives notice that he will move tomorrow

That it is the opinion of This Council that it is highly desirable to carry into effect the scheme of irrigation proposed by Major Colton — and that the same should be done by The Government by means of Convict Labour, and that this Council will, at the proper period afford its assistance in carrying out this measure and for establishing such rates to be paid by parties availing themselves of the use of the water, as will Enable the Local Government to pay for the convict labour required, by annual instalments derivable from the rates so levied

In pursuance of the notice given by him yesterday Mr Kermode moves that His Excellency be requested to lay upon the table the despatch of Lord Stanley as to probation labour referred to in the address — 2ded by Mr Connor and agreed to

The Lieutenant Governor

Mr O'Connor moves that ~~the petition~~ be requested to lay on the table the report of the Finance Committee alluded to in His Excellency's address

The Lieutenant Governor says the report is requested on the table

His Excellency lays on the table

1 a Bill for the regulation of Prisons

2 a Bill to amend an Act of this Island passed in the second year of the reign of Her present Majesty intituled an act to regulate the Police in certain towns and Ports within the Island of Van Diemen's Land & to make more effectual provision for the preservation of the peace and good order throughout the said Island and its dependencies generally

3 a Bill to consolidate and amend the laws in respect to the constitution of Courts of general and quarter sessions to define the jurisdiction powers and authorities of such Courts and of Justices of the peace in certain cases relating to transported offenders and for other purposes connected therewith

4 a Bill for the control of transported offenders and for other purposes relating thereto

The Attorney General gives notice that he will, to morrow, move the first reading of each of the above Bills.

On the motion of Mr Gregson seconded by Mr Dunn read the report of the Finance Committee

Moved by Mr Gregson and seconded by Mr Kerr that the report now read be printed

The Council divide

ayes 4 — noes 8.

Adjourn.

Legislative Council
21 Feby 1845

Present His Excellency and all the Members
The minutes of last meeting are read
His Excellency Lays upon the table extracts from Lord Stanley's dispatch to Sir Lardley Wilmot Bart dated 31 Augt and received 30th Decemb 1844 — read and ordered to be printed

The Colonial Secretary — in pursuance of the notice given by him at the meting of the 19th inst — moves, that it is the opinion of this Council, that it is highly desirable to supply the inhabitants of Hobart Town and Launceston with pure water — vide the notice to the end — the blank to be filled up with the words "five hundred pounds" — The motion is seconded by The Attorney General and passed without a division

Motion made by The Colonial Secretary in pursuance of notice and seconded by Mr Gregson, that it is the opinion of this Council, that it is highly desirable to construct a Bridge across the Derwent — vide the notice to the end — the blank being previously filled up with the words "five hundred"
passed without a division

Motion made by the Colonial Secretary in accordance with notice and seconded by the Auditor — that it is the opinion of this Council, that it is highly desirable to carry into effect the scheme of irrigation proposed by Major Cotton — vide the notice to the end
Amendment moved by Mr Gregson and seconded by Mr Kerr — that the resolution now before the Council be withdrawn
ayes 3 — noes 11
Original resolution put
ayes 11 — noes 3

Motion made by the Colonial Secretary in pursuance of notice and seconded by The Auditor — As the exigencies of the public service will require assistance in the course of the current year to aid the revenue, that this Council approves of the preliminary arrangement made by His Excellency The Lieutenant Governor with the Commercial Bank for a cash credit of not exceeding twenty five thousand pounds — vide to the end of the notice —
Amendment moved by Capt. Fenton and seconded by Mr Reemode — that this Council — fully concurring with His Excellency in opinion that the present depressed state of the Revenue is inadequate to meet the expense, which is imposed upon it — is of opinion that the Home Govern —

is bound by every principle of justice and equity to relieve the Colonial Government from their difficulty, as it has been created in maintaining an expense for the sole benefit of the mother country in conhouling her convicts sent to this Colony, and who are employed solely for British purposes with strict injunctions not to be employed on roads or any other work tending to promote the interests or well being of the Colony unless paid for — and that this Council cannot consent - in justice to the interests of the Colony which they are bound to represent — to create a Colonial debt which under the existing policy must continue yearly to increase without any prospect of the Revenue being able to meet it - more particularly unless some remedial measures are adopted to create a home consumption as a market for our produce at a remunerating price oppressed as it is by a high rate of interest on money which leaves no return to the employer of capital — that This Council under these circumstances would not be justified in agreeing to pay and thereby fix a rate of interest as a Government measure at 7 per cent a rate that it is admitted by all, that no human ingenuity or industry can pay and for the benefit of the Home Government which can so readily procure it at a third of that rate

Council divide

ayes 4 — Noes 9 — Mr Dunn who is a Director of the Commercial Bank does not vote

Amendment moved by Mr Gregson and seconded by Mr Kerr — that His Excellency be requested to draw upon the Home Government for the amount required for the Public service

Ayes 5 — Noes 8

The original motion carried by

Ayes 9 — Noes 4

Prisons' regulation Bill read a first time — to be read a 2nd time on Thursday next

Transported offenders Bill read a first time — to be read a 2nd time on Wednesday next

Police regulation Bill read a first time — to be read a 2nd time on Wednesday next

Quarter sessions Bill read a first time, to be read a 2nd time on Monday next

Adjourned to Monday at 1 o'clock

24 Febr: 1845
Present His Excellency and
all the Members

Read the minutes of last meeting

Mr Grigson presents a Petition from Colonists of V.D.L. praying that the proposed enactment to increase the Duties on certain Goods wares & Merchandise mentioned in the 2d Sect. of the act of this Island intituled an act to confirm & continue certain Duties of Customs & Duties on Spirits may not be passed into a Law — read & received.

1 Port dues exemption Bill read a first time — to be read a 2d time on Wednesday.

2 Increase of Duties Bill read a 1st time — to be read a 2d time on Wednesday.

Mr Dry gives notice of his intention to move tomorrow that the Report of the Finance Committee with Mr Barnes observations be printed for the information of the Council. — agreed

Mr Grigson gives notice of his intention to move on Wednesday that His Excellency be requested to withdraw the proposed enactment entitled a Bill to increase the Duties &c.

Quarter Session Bill read a 2d time & Committed —

The Council adjourn at 5 o'clock to Tuesday

Tuesday at 2 o'clock.

Tuesday 25 Feby 1845.

Present His Excellency & 12 Members

Read Minutes of last Meeting.

Mr Grigson presents a Petition from certain Colonists of V.D.L. containing the same prayer as the one presented yesterday. Read & received.

Mr Swanston presents a Petition entitled the Petition of the undersigned Merchants Traders & others engaged in Whaling from the Ports of V.D.L. praying that they may be exempted from those Charges from which it is intended to relieve the Vessels of other Nations frequenting the Ports of this Island. Read & received.

Mr Fenton presents a Petition entitled the Petition of the Inhabitants of New Norfolk & Hamilton Districts in public Meeting assembled, praying that the proposed Enactment to increase the duties on Certain Goods. Wares & Merchandize may not be passed into a Law. Read & received.

With

With reference to the notice of Motion given by Mr. Dry yesterday, the Report of the Finance Committee is ordered to be printed.

The Council resumes in Committee the consideration of the Lunatic Asylums Bill — the Council resumes — the report is brought up — His Excellency lays the Bill on the Table as amended — to be read a third time on Friday.

No 6

Wednesday 26 July 1845

Present His Excellency & all the Members

Read Minutes of last Meeting.

Port Dues exemption Bill read a 2d time — Committed — Reported — laid on the Table as amended — ordered to be read a third time on Friday.

Motion made & seconded "That the increase of Duties Bill be read a 2d time" — Amendment moved by Mr Gregson & seconded by Mr. Fenton,

"That the Bill be read a 2d time this day Six Months.

Ayes	3
Noes	11

Original motion carried by

Ayes	11
Noes	3

The Bill read a 2d time — committed — reported — laid on the Table — ordered to be read a 3d time on Friday.

Transported Offenders' Bill read a 2d time — Committed — reported — laid on the Table — ordered to be read a 3d time on Friday —

Police Regulation Bill read a 2d time — Committed — reported — laid on the Table — ordered to be read a 3d time on Friday —

No 7

Thursday 27th July 1845

Present His Excellency & 12 Members — absent the Chief Justice & Hon. Comm. Read Minutes of last Meeting

Mr Dry presents a Petition intitled the Petition of Launceston & its Vicinity praying that the increase of Duties Bill may not be passed into a Law. Read & received.

Mr Fenton gives notice of his intention to move a Resolution to the effect:

"That His Excellency be requested to bring in a Bill to authorize Distillation from Colonial Grain".

Regulation of Prisons Bill read a 2d time — Committed — reported — laid on the

the Table to be read a 3d time tomorrow.

No 8.

Friday 28 February 1845.

Present His Excellency & 13 Members
absent Mr O'Connor.

Read Minutes of last Meeting

Mr Fenton in pursuance of notice moves
"That His Excellency be requested to
"authorize Distillation in this Colony from
"Colonial Grain". Seconded by Mr Dry.

ayes — 5
noes — 8.

The Quarter Sessions Bill is read a 3d time
& passed the Chief Justice voting against
the same.

The Transported Offenders Bill is read a
3d time & passed.

The Police Bill is read a 3d time & passed

The Prisons' Regulation Bill is read
a 3d time & passed.

The Port Dues exemption Bill is read
a 3d time & passed.

The increase of Duties Bill is read a
3d time & passed.

His Excellency adjourns the Council
to Wednesday the 23d April next.

No 9.

Wednesday 23d April 1845

Present His Excellency & 12 Members.
absent Mr O'Connor & Mr Dry.
Read the Minutes of last Meeting

Read the Chief Justices letter to His Excellency
the Governor, dated 4 March 1845. Re-
presenting the act lately passed intituled
an act to amend the Laws in respect to the
Constitution of Courts of General & Quarter Sessions
to define the Jurisdiction Powers & Authorities
of such Courts & of Justices of the Peace in certain
Cases relating to Transported & other Of-
fenders & for other purposes connected there-
with, ~~[illegible]~~ to be repugnant to the
Laws of England.

Which moved & seconded, and question
put

That the act intituled an act to &c &c
(as above) passed in this Council on the
28 day of February last, be advised to

ayes — 9
noes 3

His

His Excellency lays upon the Table a Bill to render more effectual the Punishment of Hard Labour.

The Standing orders are dispensed with, the Bill is Carried through the successive Stages & passed without a division.

His Excellency, at the request of Mr. Fenton lays on the Table Lord Stanley's Despatch No. 228. of the 30 August 1844, notifying Her Majesty's disallowance of the act passed by this Council Commonly Called the Beer act — ordered to be* printed.

His Excellency adjourns the Council to Wednesday the 25 June next

(*: This Despatch was printed accordingly & circulated to the Members.)

(Sd) A. Turnbull
C. C

N.B. On 17 June, Members informed that Council adjourned sine die — probably to meet on 22d July — on 7th July summoned for 22d July & on the 11 July it was summoned for 30th July instead of 22d July. Vide Letter Book.

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 10.

WEDNESDAY, 30TH JULY, 1845.

The Council meets pursuant to Summons

PRESENT, His Excellency and all the Members, except Mr. O'Connor and Mr. Dry.

His Excellency, upon taking the chair, reads his Address. (Vide p. 953.) of the Gazette

Moved and seconded, and carried unanimously—That His Excellency's Address now read be printed for the information of the members.

His Excellency then lays upon the table,—

1. A Bill to remove Doubts in certain cases of Arson.
2. A Bill to declare that the Act of Parliament passed in the Twenty-first year of King James the First, intituled "An Act to "admit the Subject to plead the General Issue in Informations "of Intrusion brought on behalf of the King's Majesty, and "retain his Possession till Trial," shall be and be declared to have been in force in this Island and its Dependencies.
3. A Bill to encourage Banks for Savings in Van Diemen's Land.
4. A Bill to simplify the Transfer of Property.
5. A Bill for regulating Highways and other Roads in Van Diemen's Land.
6. A Bill to provide for lighting, paving, and cleansing the City of Hobart Town, for the Appointment and Election of Commissioners for carrying the several Objects aforesaid into effect, and for other Purposes connected therewith.
7. The Estimates of the Revenue and Expenditure for 1846.

The Bills laid upon the table by His Excellency are successively read a first time.

The Arson Bill—the James Act Bill—and the Savings' Banks Bill are ordered to be read a second time on Friday.

The Transfer Bill is ordered to be read a second time on Monday.

The Highways' Bill and the Commissioners' Bill are ordered to be read a second time on Thursday week.

The Estimates for 1846 are ordered to be printed.

The Council adjourn to 2 o'clock on Friday.

No. 11.

FRIDAY, 1ST AUGUST.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Dry presents a petition from certain members of the legal profession in Hobart Town, praying that the Statute of James may not be adopted in this Colony. Read and received.

Mr. Gregson presents a petition from the Sheriff, praying to be repaid a loss of £132 4*s.* 1*d.* incurred by him in the strict discharge of his duty in the case of Christian and Davies. Read and received.

The Bill to remove Doubts in certain cases of Arson is read a second time—committed—reported—laid upon the table—and ordered to be read a third time on Monday next.

Adjourn to Monday

His Excellency lays upon the Table a Bill to render more effectual the Punishment of Hard Labour.

The Standing orders are dispensed with, the Bill is Carried through the successive Stages & passed without a division.

His Excellency, at the request of Mr. Fenton lays on the Table Lord Stanley's Despatch No. 228. of the 30 August 1844, notifying Her Majesty's disallowance of the act passed by this Council Commonly Called the Beer act — ordered to be* printed.

His Excellency adjourns the Council to Wednesday the 25 June next

(*: This Despatch was printed accordingly & circulated to the Members.)

(Sd) A. Turnbull
C. C

N.B. On 17 June Members informed that Council adjourned sine die — probably to meet on 22d July — on 7th July summoned for 22d July. & on the 11 July it was summoned for 30th July instead of 22d July. Vide Letter Book.

Wednesday 30th July 18

Present His Excellency and Members except Mr. Le Conte Mr. Dry

His Excellency upon taking reads the following addr (vide Gazette P. 953)

GOVERNMENT NOTICE.
No. 108.
Colonial Secretary's Office, 1st August, 1845.

By His Excellency's Command,
J. E. BICHENO.

Knowles, Francis, H. George.
Lancashire, Jonas, ditto.
Lear, James, Woodford.
Logan, Robert, Surrey.
Lorriman, Benjamin, Eden.
Mann, Harriet, Hindostan.
Mears, Henry, C. Harcourt.
Miller, Henry, Competitor.
Moggridge, George, Andromeda.
Morris, John, Waterloo.
Moss, Benjamin, Marmion.
Mooring, Edward, W. Miles.
Oldfield, William, George III.
Payn, Joseph, Persian.
Pendlebury, Thomas, C. Hayes.
Preece, Evan, P. Charlotte.
Prior, James, Phœnix.
Riggett, George, Manlius.
Richardson, William, Thames.
Ruddick, James, L. East.
Sanderson, William, Lotus.
Seacombe, William, Asia.
Singer, John, York.
Slater, Daniel, Medway.
Smith, Edward N., Sir J. Byng.
Smith, Frederick, Larkins.
Smith, Jesse, York.
Steel, Joseph, Red Rover.
Veitch, Robert, Chapman.
Vickers, John, Morley.
Wallington, William, Andromeda.
Ward, Thomas, Guilford.
Wood, William, L. Harewood.
Wright, James, Asia.

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 12.

MONDAY, 4TH AUGUST, 1845.

PRESENT, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Dry presents a petition from the Clergy of the Church of England residing within the Deanery of Longford, and Diocese of Tasmania, praying that a sum of £400 may be voted towards the maintenance of 16 Schools within the Deanery; and that a further sum of £100 may be voted for the purchase of Books and School-furniture. Read, received, aud ordered to be printed.

Mr. Kermode gives notice, that he will move to-morrow—

"That His Excellency be pleased to lay on the table of this Council the Despatches of the Right Honourable the Secretary of State relative to the Police and Gaol Expenditure of the Colony, and other matters connected therewith:—also His Lordship's Despatches relative to the appointment of Major Cotton as Deputy-Surveyor-General of the Island:—also His Lordship's Despatch relative to the payment from the funds of this Island of £300 a year to Major Victor, as Director of Public Works."

Transfer of Property Bill read a second time and committed—Committee report progress, and ask leave to sit again—granted.

The Bill to remove Doubts in certain cases of Arson is read a third time, and passed.

The second reading of the James' Act Extension Bill is adjourned to next Monday.

The Savings' Banks Bill is read a second time and committed—the Committee will sit again to-morrow.

Council adjourn to 2 o'clock to-morrow.

No. 13.

WEDNESDAY, 6TH AUGUST.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Kermode moves—"That His Excellency be requested to lay on the table the several Despatches referred to in his notice of yesterday."

The Council resume in Committee the consideration of the Savings' Banks Bill.

His Excellency appoints the following Members, namely—

The Attorney-General, Mr. Gregson, and
Mr. Swanston, Mr. Dry,
Mr. Kerr,

to be a sub-Committee to take evidence as to the best mode of carrying out the objects of the 29th section of the Bill, and to report their opinions thereon—three to be a quorum.

The Council adjourn to Thursday, at 2 o'clock.

No. 14.

THURSDAY, 7TH AUGUST.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Gregson presents a petition from certain persons holding Licences for the Sale of Ale, Wine, Spirits, &c. praying for certain amendments of the Licensing Acts. Read and received.

Mr. Gregson presents the petition of the Inhabitants of Hobart Town, in public meeting assembled, praying that the proposed Lighting and Paving Act, and Highway Bill, and other licensed taxes notified in the Gazette, may not pass. Read, received, and ordered to be printed.

Mr. Dry presents the petition of Richard Kirk, Soap-maker in Hobart Town, praying that an *ad valorem* duty of 10 per cent. be imposed on all Soap the manufacture of New South Wales imported into this Colony. Read and received.

Captain Fenton presents the humble petition of the Land owners and other Inhabitants of New Norfolk and Hamilton, in public meeting assembled, praying that the Highways' Bill may not pass. Read and received.

Mr. Gregson presents a petition, signed by certain Farmers and others, praying that the proposed Highway Bill may not pass. Read and received.

Mr. Gregson gives notice, that he will move to-morrow—

1. "That His Excellency be humbly requested, that the Report of the Commissioners on the subject of Education may be laid upon the table."

2. "That His Excellency be humbly requested, that the Report of the Board of Education for the year ending 30th June 1845, be laid on the table."

3. "That the persons holding Licences for the Sale of Ale Wine, Spirits, &c. who have petitioned the Council, be heard by Counsel on Monday."

The Sub-Committee on the Savings' Banks Bill report progress, and ask leave to sit again on Tuesday next—granted.

On the motion being made, "That the Highways Bill be read a second time," it is moved by Mr. Gregson, who is seconded by Mr. Kermode, "That the words 'this day six months' be added to the motion"—

Ayes..... 7
Noes..... 6

Amendment carried.

No. 15.

FRIDAY, 8TH AUGUST.

Ten Members not being present at fifteen minutes after the appointed hour of meeting, the Council is adjourned to Monday, at 2 o'clock.

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 16.

MONDAY, 11TH AUGUST, 1845.

PRESENT, His Excellency and twelve Members: absent Mr. Kermode and Mr. O'Connor.

Read the Minutes of last meeting.

The James Act Extension Bill is read a second time, and committed—in Committee, the enacting part is carried by—

Ayes..... 7
Noes..... 5

The report is brought up—the Council resumes—His Excellency lays the Bill on the table—to be read a third time on Friday.

In accordance with previous notice, Mr. Gregson moves—

1. "That His Excellency be requested to lay on the table the Report of the Commissioners on the subject of Education." Withdrawn.

2. "That His Excellency be requested to lay on the table the Report of the Board of Education for the year ending June, 1845." Agreed to.

3. "That the Licensed Publicans who have petitioned the Council be heard by Counsel." Deferred.

Ordered, that the second reading of the Commissioners' Bill be set down for to-morrow.

No. 17.

TUESDAY, 12TH AUGUST.

Present, His Excellency and twelve Members.

Read the Minutes of last meeting.

The Sub-Committee on the Savings' Banks Bill ask leave to sit again—granted.

On the motion of the Attorney-General that the Commissioners' Bill be read a second time, it is moved by Mr. Gregson (who is seconded by Mr. Dunn), "That the words 'this day six months' be added"—

Ayes..... 6
Noes..... 6

His Excellency gives his casting vote against the amendment.

The Bill is then read a second time, and committed.

On the motion being made, "That the preamble as amended do pass," an adjournment is moved by Mr. Gregson, and seconded by Mr. Kerr, which is agreed to without a division; and His Excellency accordingly adjourns the Council to Friday, at 2 o'clock.

No. 18.

FRIDAY, 15TH AUGUST.

Present, His Excellency and all the Members.

Read the Minutes of last meeting.

His Excellency lays on the table the Report of the Board of Education, dated 13th August, 1845.

The Blue Book for 1844 laid on the table.

The Colonial Secretary presents the petition of David Lord, of Hobart Town, praying to be heard by Counsel against the James Act Extension Bill. Read and received.

Mr. Dunn presents the petition of E. P. Butler, of Hobart Town, Solicitor, praying to be heard by Counsel against the James Act Extension Bill; that the Council may be pleased to appoint a Committee to take evidence, and report whether the said Bill will be a benefit to the Colony; and that the third reading may be postponed until after petitioner has been heard by Counsel."

Mr. Dry gives notice, that he will move on Monday, "That a Committee, consisting of five Members, be appointed to take evidence, and report, upon the applicability of the Statute of James to this Colony."

Captain Fenton gives notice, that he will move on Monday—

1. "That this Council, earnestly sympathising in the distress of the Agriculturists, which is the main cause of the distress now pervading all other portions of the community, consider that any local taxes, rates, or assessments against the wishes of the people interested, would be impolitic and unjust, irrespective of the great constitutional objection to be taxed without a Representative Assembly."

2. "That this Council respectfully submit to His Excellency, that the better mode of creating a Revenue would be to adopt the principle carried out by the other Colonies towards us, and sanctioned by Her Majesty, of imposing a duty on their produce and manufactures equal to that which they impose upon ours; which would thus create a greater return than that now proposed by direct taxation on the people of this Colony, least able to bear it; and which would, at the same time, tend to promote the prosperity of the Colony, by thus far protecting the trifling exports we possess, and on which our prosperity, and ability to pay taxes direct or indirect, alone depend."

On the first order of the day (the third reading of the James Act Extension Bill) being read, it is ordered to be discharged, and to be set down for Tuesday next.

On the motion being made, that the Council go into Committee upon the Commissioners' Bill, Mr. Gregson moves that the words "this day six months," be added—seconded by Mr. Kermode—

Ayes	8
Noes	6

Amendment carried.

Adjourn to Monday [illegible]ock.

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 19.

MONDAY, 18TH AUGUST, 1845.

PRESENT, His Excellency and all the Members.

Read the Minutes of last meeting.

His Excellency lays on the table a Bill to enable the Commandants of Norfolk Island and Port Arthur to appoint Constables.

The Colonial Secretary gives notice, that he will to-morrow move the consideration of the Estimates.

Mr. Dry moves—"That a Committee, consisting of five Members, be appointed to take evidence, and report, upon the applicability of the Statute of James to this Colony." Seconded by Mr. O'Connor—

Ayes.....	10
Noes.....	4

His Excellency appoints the Colonial Secretary, the Attorney-General, Mr. Swanston, Mr. Kerr, and Mr. Gregson to be the Committee.

Captain Fenton moves the first resolution of which he gave notice on Friday—not seconded.

Captain Fenton moves the second resolution of which he gave notice on Friday—seconded by Mr. Kermode. Subsequently withdrawn.

Constables' Appointment Bill read the first time—to be read a second time to-morrow.

Adjourn to 2 o'clock.

No. 20.

TUESDAY, 19TH AUGUST.

Present, His Excellency and all the Members.

Read the Minutes of last meeting.

Mr. Dry gives notice, that he will move to-morrow—"That, for the guidance of the Council in passing the Estimates, a Committee be appointed to enquire into, and report upon, the amount of expenditure in each Department of the Government arising out of the Convict Establishment."

The order for the third reading of the James Act Extension Bill is discharged—the Bill is ordered to be read a third time on Tuesday next.

The Constables' Appointment Bill is read a second time—committed—reported—laid upon the table—ordered to be read a third time on Thursday.

The Colonial Secretary moves—"That the Council do now go into Committee for the consideration of the Estimates." Seconded by the Comptroller-General.

Mr. Dry moves, by way of amendment—"That the consideration of the Estimates be postponed till to-morrow." Seconded by Mr. Kermode—

Ayes	7
Noes	7

His Excellency gives his casting vote for the amendment.

Adjourn to 1 o'clock to-morrow.

ADAM TURNBULL, *Clerk of the Councils.*

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 21.

WEDNESDAY, 20TH AUGUST.

PRESENT, His Excellency and all the Members.

Read the Minutes of last meeting.

Mr. Dry gives notice, that he will move to-morrow—"That, in accordance with the prayer of the petition of the Clergy of the Deanery of Longford, the sum of £500 be granted in aid of the Schools under their charge."

Mr. Dry moves—"That, for the purpose of guiding this Council in passing the Estimates, a Committee be appointed to enquire into, and report upon, the amount of expenditure in each Department of the Government." Seconded by Mr. Kermode—

Ayes.....	7
Noes.....	7

His Excellency votes against the motion.

Upon its being moved by the Colonial Secretary, "That the Council do go into Committee for the consideration of the Estimates," it is moved by Mr. Gregson, and seconded by Mr. Kermode, "That the discussion be adjourned to Monday next"—

Ayes	7
Noes	7

His Excellency votes against the adjournment, and the Council goes into Committee accordingly. After voting for the first item of the Civil Establishment, the Committee, on the motion of Mr. Gregson, seconded by Mr. Dunn, is adjourned to Monday next, by—

Ayes.....	9
Noes.....	5

His Excellency then adjourns the Council also to Monday next, at 1 o'clock—for which day the notice of motion, and order of the day, for to-morrow are to be set down.

ADAM TURNBULL, *Clerk of the Councils.*

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 22.

MONDAY, 25TH AUGUST, 1845.

PRESENT, His Excellency and all the Members.

Read the Minutes of last meeting.

Mr. Dry presents—1. A Petition from certain Ministers of Religion residing in Launceston, against a grant of public money being made to any particular denomination in support of its Schools. Read, received, and ordered to be printed.

2. A Petition from certain Merchants, Ship-owners, and Traders, inhabitants of Launceston, praying that His Excellency would be pleased to direct the continuance of the Signal Stations in their present effective state.

Mr. Gregson presents—1. A Petition from certain Inhabitants of the Sub-Police District of Brighton, praying that His Excellency will be pleased to direct that Courts of Quarter Sessions and of Requests be held at Pontville. Read and received.

2. The Memorial of John Morgan, who prays, *inter alia*, that a Bill may be passed to abolish Imprisonment for Debt.

3. The Petition of certain proprietors and occupiers of ground in the Sub-Police District of Brighton, praying that they may not be deprived of the services of a resident Magistracy.

Mr. Dry gives notice of his intention to move—"That the Colonial Secretary be requested to lay on the table a balance sheet, showing the debt owing by the Colony on the 31st December, 1844."

The Report of the Board of Education is ordered to be printed.

Mr. Kerr gives notice of his intention to move to-morrow—"That His Excellency be requested to lay on the table copies of the Correspondence which passed between the Board of Education and the Commissioners appointed by His Excellency on the 25th February last, for the purpose of investigating the manner on which the system then established in the territory has been conducted, and the effect it has produced."

Mr. Dry withdraws his notice of motion relative to the Clergy of the Deanery of Longford.

The Constables' Appointment Bill is read a third time, and passed.

His Excellency withdraws the Estimates of the Revenue and Expenditure for 1846.

His Excellency adjourns the Council to Tuesday, the 21st October next.

No. 23.

TUESDAY, 21ST OCTOBER.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

His Excellency reads his Address. (*Vide p.* 1329.)

His Excellency lays on the table the Estimate of the Expenditure of the Government of Van Diemen's Land for the year 1846. Also,

1. A Bill to amend an Act, intituled "An Act to repeal an Act intituled 'An Act for taking an Annual Account of the Population of the Island of Van Diemen's Land,' and to make provision for the taking an account of the said Island triennially."

2. A Bill to define the Offence of absconding by transported Offenders.

The Comptroller-General gives notice of his intention to move for a Return of all persons fully committed for trial before the Supreme Court and Courts of Quarter Sessions during the last two years, according to a form to be proposed.

The Colonial Secretary gives notice that he will move the consideration of the Estimates on Friday.

The Standing Orders are suspended, and the Census Bill is read a first time—second reading on Friday.

The Definition of absconding by transported Offenders' Bill is also read a first time—second reading on Friday.

His Excellency adjourns the Council to Friday, at 1 o'clock.

Wednesday 30th July 1845

The Council meets pursuant to Summons
Present His Excellency and all the Members
except Mr O'Connor and Mr Dry

His Excellency upon taking the Chair reads the following address—
(vide Gazette page 953)
Moved and seconded and carried unanimously that His Excellency's address be read & printed for the information of the Members—
His Excellency then lays upon the Table the following Bills—
1 a Bill to remove doubts in certain cases of arson

MINUTES OF THE LEGISLATIVE COUNCIL.

No. 24.

FRIDAY, 24TH OCTOBER, 1845.

PRESENT, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Dry presents the humble Petition of certain Farmers and others residing in the Parish of Illawarra, who pray for some assistance towards the establishment of a School. Read and received. Also, similar Petitions from certain Farmers residing at the MacRae Hills,—from certain Householders and others residing at Avoca,—from certain Farmers, Landowners, and residents dwelling in the Parish of Carrick,—from certain Farmers and others residing in the Parish of Little Hampton,—from certain Farmers residing at the White Hills,—and from certain Farmers, Landowners, and residents in the Parish of Hadspen.

Mr. Dry presents the humble Petition of certain Jurors of the District of Oatlands, praying that a revision and alteration of the Jury Law may be made. Read, received, and ordered to be printed.

Mr. Dry gives notice, that he will move at the next meeting of this Council,—1. That the Colonial Secretary be requested to place on the table a Balance sheet, showing the amount owing by the Colony on the 31st December, 1844.

2. That a Committee, consisting of five members, be appointed to inquire into and report upon the amount of Expenditure in each department of the Government arising out of the Convict system.

The Comptroller-General moves the resolution of which he gave notice at the last meeting. Agreed to.

The Colonial Secretary, seconded by the Comptroller-General, moves—"That the Council do now go into Committee for the consideration of the Estimates."

Mr. Gregson, seconded by Mr. Dry, moves—"That the motion now made for going into Committee be adjourned to Tuesday next." Amendment carried.

The Census Bill is read a second time—committed—reported—laid upon the table—and ordered to be read a third time on Tuesday next.

The Definition of absconding by transported Offenders' Bill is read a second time and committed—the Committee report progress, and ask leave to sit again on Tuesday.

Adjourn to 1 o'clock on Tuesday.

No. 25.

TUESDAY, 28TH OCTOBER.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

The Chief Justice presents—1. The Petition of Francis Russell, Bishop of Tasmania, praying that the Ecclesiastical expenditure may not be reduced more than that of the other Departments of the Public Service. Read and received.

2. The Petition of William Garrard, Chaplain of New Norfolk, and two other Chaplains, praying that the Salaries and Allowances which they have been accustomed to receive may be continued to them. Read and received.

Mr. Dry, seconded by Mr. Dunn, moves the first resolution of which he gave notice on Friday last. Passed without a division.

Mr. Dry, seconded by Mr. Kermode, moves the second resolution of which he gave notice yesterday; namely—"That a Committee consisting of five members be appointed to enquire into and report upon the amount of Expenditure in each department of the Government arising out of the Convict system."

Council divide—

Ayes..... 7
Noes..... 7

His Excellency gives his casting vote against the motion.

The Colonial Secretary, seconded by the Comptroller-General, moves—"That the Council do now go into Committee for the consideration of the Estimates."

Mr. Gregson, seconded by Mr. Kermode, moves—"That all the words after 'that' be omitted, and that the following be substituted for them:—

"As the decisions of this Council on the Estimates for the ensuing year are of vital importance to the Colonists; and as it is desirable for them to know, as also that the Home Government should understand, the individual opinions (by the votes) of each of its Members, this Council do now adjourn until every Member is in his seat, or until his or their places be supplied by one or more, whose votes may be recorded."

Council divide—

Ayes 6
Noes 7

The Council go into Committee.

On the motion being made, "That the sum of £518 17*s.* 6*d.* be appropriated in support of the Establishment of His Excellency the Lieutenant-Governor," it is moved by Mr. Gregson, and seconded by Mr. Fenton—"That all the words after 'that' be expunged, and that the following words be substituted for them:—

"It being of the greatest importance to the interests of this Colony (and especially in its present depressed condition) that every shilling of its Colonial Revenue should be devoted solely to Colonial purposes; and it being evident, from the long-continued silence of Her Majesty's Secretary of State on the claims of the Colonists, that, unless the most prompt and decided measures are now adopted, greater individual and more general ruin must ensue; and as it is a maxim founded upon truth, that what is unjust cannot in a true sense be necessary (the sacrifice of principle to circumstances being, in every instance, as unwise as it is unworthy), this Council do decline voting the sums stated in the Estimates laid on the table for the payment of the Judicial, Police, and Gaol Establishments during the ensuing year, so far as the expenses of the Convict Department with respect to those items are concerned. At the same time, in doing so, they desire to place upon record an expression of regret that they should, by a sense of public duty, be compelled to adopt any measure likely even temporarily to embarrass His Excellency's Government."

The Council divide—

Ayes..... 7
Noes..... 7

His Excellency gives his casting vote against the amendment.

Mr. Dry moves—"That all the words after 'that' be omitted, and that the following words be substituted for them:—

"The Council do adjourn to Friday next, to give the Auditor time to prepare a statement in further explanation of the sums specified in the 24th page, as being required to supply deficiencies and to cover expenses not provided for in the Estimates of Expenditure for the year 1844."

The Council divide—

Ayes 7
Noes 7

His Excellency gives his casting vote against the amendment

The Committee then proceed in the consideration of the Estimates—and bring up their report.

Adjourn to 2 o'clock to-morrow.

No. 26.

WEDNESDAY, 29TH OCTOBER.

Present, His Excellency and thirteen Members: absent, Mr. O'Connor.

Read the Minutes of last meeting.

Mr. Gregson presents the humble Memorial of John Jackson, Hugh Addison, and John E. Addison, praying that the Act of James the First, intituled "An Act to admit the Subject to plead "the general Issue on Informations of Intrusion brought on behalf "of the King's Majesty, and to maintain his Possession until "Trial," may be declared to be applicable *now* in this Colony. Read, received, and ordered to be printed.

The Petition of the Bishop of Tasmania is ordered to be printed.

Mr. Gregson presents, but afterwards withdraws, a Petition from the Licensed Victuallers.

Mr. Dry gives notice, that he will move to-morrow for a Return showing the amount of Police Expenditure from 1835 to 1844 inclusive, with the quarterly expenditure for 1835 and 1836; of the Judicial Expenditure from 1837 to 1844 inclusive; and of the Land Revenue from 1837 to 1844 inclusive, with the amount charged on it.

His Excellency lays upon the table a Bill, intituled "An Act "for the general Appropriation of the Revenue for the Year One thousand eight hundred and forty-six."

The Colonial Secretary moves that, in accordance with the 20th Rule, the Standing Orders be suspended.

Mr. Gregson, seconded by Mr. Fenton, moves—"That all the words after 'that' be omitted, and that the following words be substituted for them,—'the proceedings of yesterday were illegal, and contrary to the Act 9 Geo. 4, cap. 83.'"

The Council divide—

Ayes..... 6
Noes..... 7

The Colonial Secretary, seconded by the Comptroller-General, then moves the first reading of the Appropriation Bill; and it is read accordingly.

Upon the motion being made, and put—"That the Bill be read a second time," Mr. Dry, seconded by Mr. Gregson, moves, —"That all the words after 'that' be omitted, and that the following words be substituted for them,—'this Bill be read this day six months.'"

The Council divide—

Ayes 7
Noes 7

His Excellency gives his casting vote against the amendment.

Mr. Gregson, seconded by Mr. Kerr, moves—"That this Council do now adjourn to to-morrow, at 1 o'clock."

Ayes 7
Noes 7

His Excellency gives his casting vote against the adjournment.

The Colonial Secretary, seconded by the Comptroller-General, moves—"That the Bill be now read a third time."

Ten Members not being present, His Excellency adjourns the Council to 1 o'clock to-morrow.

No. 27.

THURSDAY, 30TH OCTOBER.

Present, His Excellency and nine Members: absent, Mr. Fenton, Mr. Kerr, Mr. Kermode, Mr. Dry, and Mr. O'Connor.

Ten Members not being present at 15 minutes after the appointed hour of meeting, the Clerk reports the circumstance to the Lieutenant-Governor; and His Excellency accordingly adjourns the Council to 1 o'clock to-morrow.

correct 11 Novr 1845 Alan Tunstall

The minutes of the 31 Oct^r & 1 Novr not yet confirmed informal which have been further adjourned to 1st Decr at 10 o'clock 11. 11 Nov^r/45

Minutes of The Legislative Council

No 1.

Wednesday 26th January, 1848.

The Legislative Council met this day, pursuant to summons.

Present, His Excellency the Lieutenant Governor, His Honor the Chief Justice, The Colonial Secretary, the Colonial Treasurer, the Attorney-General, the Auditor, The Chief Police Magistrate, Mr. Swanston, Mr. Fenton, Mr. Kerr, Mr. Dry, Mr. Kermode, Mr. Gregson: absent, Mr. O'Connor.

A Warrant under the Royal Sign Manual and Privy Seal, bearing date at Osborne House, Isle of Wight, 31st July, 1847, is read, appointing Charles Swanston, Michael Fenton, John Kerr, Richard Dry, William Kermode, and Thomas George Gregson, Esquires, to be of the Legislative Council of Van Diemen's Land.

The Attorney-General takes the oaths and his seat as a Member of the Legislative Council.

Messrs. Swanston, Fenton, Kerr, Dry, Kermode, and Gregson, take the oaths and their seats, under the Royal Warrant, as Members of the Legislative Council.

His Excellency reads his opening address to the Council.

His Excellency then lays on the Table the documents enumerated in his address; namely—

1. The Judgement of the Chief Justice in the case of Symmons v. Morgan.
2. The Judgement of the Puisne Judge in the same case.
3. The Opinion of the Attorney-General in reference thereto.
4. The Opinion of the Solicitor General.
5. Extract from Sir George Murray's Despatch, dated 31st July, 1828, transmitting the Act of Parliament, 9 Geo: 4, c. 83.
6. Despatch from Earl Grey to Sir Charles Fitzroy, dated 31st July, 1847, respecting certain contemplated changes in the Constitution of New South Wales.
7. Despatch from Earl Grey to Sir William Denison, dated 7th June, 1847, relative to Steam Communication with the Australian Colonies.
8. A Bill to remove Doubts respecting the Validity and legality of Acts of the Lieutenant Governor and Legislative Council of Van Diemen's Land.
9. A Bill to prevent the Practice of Crimping.
10. A Bill to simplify the law abolishing Imprisonment for Debt, and to repeal the Acts of this Island making provision for the Distribution of Insolvent Estates.

On the motion of Mr. Kerr it is ordered that His Excellency's Address

Address be printed for the information of the Members.

Moved by the Colonial Secretary, and seconded — "That the decisions of the Judges in the case of Symons v. Morgan, with the opinions of the Attorney and Solicitor General, and the extract from Sir George Murray's Despatch, referring to the 9 Geo. 4, c. 83, be printed for the information of the Council." Carried unanimously.

On the motion of the Colonial Secretary, it is ordered that the Despatch of Earl Grey relative to the contemplated changes in the Constitution of New South Wales, and that respecting Steam Communication, with its enclosures, be also printed for the information of the Council.

The Attorney General gives notice that he will, on Monday next, move the first reading of the Bill to remove Doubts as to the Validity of Acts of the Lieutenant-Governor and Council, and the Bill to prevent the Practice of Crimping.

On the motion of Mr Dry seconded by the Colonial Secretary, it is ordered, that His Excellency's Address, the opinions of the Law Officers, and the extract from Sir George Murray's Despatch, be printed before the other Documents this day ordered to be printed.

His Excellency adjourns the Council to Monday, the 31st Instant, at two o'clock.

Orders of the Day.
31st Jany 1848

1. Doubts Removal Bill — 1st reading
2. Practice of Crimping Prevention Bill — 1st reading

(signed) J. W. Kirwan
Clerk of the Councils

No. 2.

Monday, 31st January

Present, His Excellency and thirteen Members: absent Mr. O'Connor.

Read the Minutes of last meeting.

Captain Swanston presents a Petition, signed by 25 resident Colonists of Van Diemen's Land, praying His Excellency and Honorable Council not to pass into law the Bill to remove doubts respecting the Validity and Legality of Acts of the Lieutenant Governor and Council of Van Diemen's Land, and that they may be heard by Counsel in support of the merits of the Petition.

Petition read and received.

Captain Swanston gives notice that he will, on Wednesday, move that the Petitioners be heard by Counsel against the Bill.

The Colonial Secretary gives notice that he will, on Wednesday, move the appointment of a Committee, with power to examine witnesses and call for documentary evidence if necessary, to take into consideration and report their views upon the proposed Act to simplify the Law abolishing Imprisonment for Debt, and to repeal the Acts of this Island for the distribution of Insolvent Estates.

The Colonial Secretary gives notice that he will, on Wednesday, move that the Council resolve itself into a Committee of the whole Council, to consider and report upon the Despatch now on the table of the Council, recently received from the Right Honourable the Secretary of State, relative to the establishment of Steam Communication between Great Britain and the Australian Colonies.

On the motion of the Attorney-General, the Bill to remove Doubts respecting the Validity and Legality of Acts of the Lieutenant-Governor and Legislative Council of Van Diemen's Land is read a first time.

The Attorney-General gives notice that he will, on Wednesday next, move the second reading of the Bill.

Bill

Bill to prevent the Practice of Crimping read a first time—
The Attorney-General gives notice that he will, on Wednesday, move the second reading of the Bill.

His Excellency lays on the table "A Bill to repeal the Act of Council of this Island, intituled "An Act to restrain the Increase of Dogs."

The Attorney General gives notice that he will, on Wednesday next, move the first reading of this Bill.

Minutes of the Legislative Council.

No 3.

Wednesday, 2nd February, 1848.

Present, His Excellency and all the Members.

Read the Minutes of 31st January.

Captain Swanston presents a Petition from 22 residents Colonists of Van Diemen's Land, praying that their names may be added to the petition presented by Charles Swanston, Esq., against the passing into a Law of the "Bill to remove Doubts respecting the Validity and Legality of Acts of the "Lieutenant Governor and Council." Petition read.

On the motion that it be received, the Council divide—

Ayes.....8
Noes.....6

Captain Swanston, pursuant to notice, moves— "That Council be now heard against the Bill laid on the table by His Excellency to remove Doubts respecting the Validity and

"and Legality of Acts of the Lieutenant Governor and "Council of Van Diemen's Land". Seconded by Captain Swanston.

Council divide—

Ayes.....6.
Noes.....8

The Colonial Secretary moves the resolution of which he gave notice on the 31st January— "That a Committee "be appointed to consider and report on the proposed Act to "simplify the Law abolishing Imprisonment for Debt.

Carried.

His Excellency nominates—

The Chief Justice,
The Colonial Treasurer,
The Attorney-General,
The Chief Police Magistrate,
Mr. Swanston,
Mr. Kerr, and
Mr. Dunn, to form such Committee.

The Colonial Secretary postpones bringing forward his motion, which stands on the orders for to-day, for the Council going into Committee on the Despatch from Earl Grey, relative to Steam Communication to the Australian

Moved by the Attorney-General, and seconded by the Colonial Secretary— "That the Bill to remove Doubts respecting "the Validity and Legality of Acts of the Lieutenant Governor and "Council of Van Diemen's Land be read a second time."

Moved as an amendment by Mr. Gregson, and seconded,— "That the Council do adjourn until Monday, "the 7th instant, to give time for considering maturely the "important question now under discussion." Debate ensued— question put on the amendment— Council divide

Ayes.....4.
Noes.....10.

Question

Question put on original motion—

Ayes ——— 9.

Noes ——— 5.

The Bill is then read a second time, and committed.

His Excellency adjourns the Council until 2 o'clock to-morrow.

No 4.

Thursday, 3rd February

Present, His Excellency and all the Members.

Read the Minutes of 2nd February.

Captain Fenton presents a petition signed by John Thomas Waterhouse, Merchant and Ship-owner, residents in Howard Town, praying His Excellency and Council not to pass into a law the "Bill to remove Doubts respecting the Validity and Legality of Acts of the Lieutenant Governor and Council," on the ground that the petitioner will, in such an event, be deprived of his remedy by three actions at law now pending in the Supreme Court between himself and the Government, for wrongs done him under the Differential and ad Valorem Acts; and praying that he may be heard by Counsel in support thereof.

Petition read and received.

Captain Fenton gives notice, that he will move that the Petitioner be heard by Counsel before the third reading of the Bill.

The Chief Justice requests that His Excellency will be pleased to lay before the Committee appointed to consider and report on the Insolvent Law the report of the Attorney General on this subject: and that that Officer may be allowed to be examined by the Committee in reference thereto. Granted.

On the motion of the Attorney General, the Council go into Committee on the "Bill to remove Doubts "respecting the Validity and Legality of Acts of the "Lieutenant Governor and Council of Van Diemen's Land."

In the consideration of the enacting clause, the Attorney General moves the insertion, after the word provide, in the 34th line, of the words "either expressly or impliedly". Carried.

Moved by Captain Fenton, and seconded by Captain Swanston—"That the word 'hereafter' in the 19th line of the Enactment clause be struck out".

Committee divide—

Ayes ——— 3

Noes ——— 11.

Amendment lost—Council resume—report brought up—and His Excellency lays the Bill as amended on the table—to be read a third time on Monday the 7th instant.

On the motion of the Attorney General, the Bill to prevent the Practice of Crimping is read a second time—to be committed to-morrow.

Dog Act Repeal Bill read a first time—the Attorney General gives notice, that he will to-morrow move the second reading of the Bill.

His Excellency lays on the table a Bill for the better Protection of the Sheriff of Van Diemen's Land.

2. Bill for preventing the extension in the Island of Van Diemen's Land of the infectious disease in Sheep commonly called the Scab.

His Excellency adjourns the Council to two o'clock tomorrow

Orders of the day
4th February 1840.

1. Council to go in Committee on Crimping Bill.
2. Dog Act Repeal Bill—2nd reading.

Minutes of the Legislative Council.

No 5.

Friday, 4th February 1848.

Present, His Excellency, and thirteen Members: absent Mr Swanston

The Chief Justice gives notice, that on the next meeting of the Council he will move — "That the Bill to remove "doubts respecting the Validity and Legality of Acts of the "Lieutenant Governor and Council be recommitted, with "the view to the insertion of a clause, which shall save the "rights of all persons who may have already brought, or "may hereafter bring actions before the Act shall come "into operation."

In pursuance of notice, Captain Fenton moves — "That "Counsel be heard on Monday next in support of "the prayer of the Petition of John Thomas Waterhouse, "which was read and received by the Council yesterday."

Seconded by Mr Dry.

Council divide —

Ayes ——— 5.
Noes ——— 8.

Motion lost.

Captain Fenton gives notice of his intention to inquire, at the next meeting of the Council, whether the Government contemplate introducing a Bill to permit Distillation.

On Captain Fenton giving notice, that he would at the same time inquire if it was the intention of the Government to legalize the old Grants, the Honorable Member is informed by His Excellency, that a Bill is now in course of preparation having that object in view.

His Excellency as requested by the Chief Justice yesterday, lays on the table —

The opinions of the late and the present Attorney General, and the Commissioner of Insolvent Estates, in reference to the Insolvent Law — referred to the Chairman of the Committee appointed to consider and report upon this subject.

His Excellency also lays on the table the Report of the Board of Education for 1847. Ordered to be printed.

The Council proceed to the orders of the day 1. on the motion of the Attorney General, go into Committee on the Crimping Bill — Committee adjourned the further consideration of the Bill to Monday next — Council resume.

Dog Act Repeal Bill read a second time — to be committed on Monday next.

His Excellency adjourns the Council to Monday next, the 7th instant, at 2 o'clock.

Motions set down for Monday.

1. The Chief Justice to move recommittal of Doubts' Removal Bill.

2. Captain Fenton to inquire whether a Distillation Act is contemplated.

Orders of the Day. Monday 7th instant.

1. Doubts' Removal Bill — 3rd reading.
2. Crimping Bill further consideration in Committee
3. Dog Act Repeal Bill — to be committed.

No 6.

Monday 7th February.

Present, His Excellency and all the Members.

Read the Minutes of 4th instant.

Mr Gregson presents a Petition, signed by 106 Merchants and Traders carrying on business in the City of Hobart Town, praying His Excellency to lay on the

the table of the Honorable the Legislative Council an Act having for its object the repeal or amendment of the Ordinance, intituled "An Act to increase the duties chargeable on certain Goods, Wares and Merchandize, mentioned in the 2nd Section of the Act, intituled "An Act to confirm and continue certain Duties of Customs and Duties on Spirits, and for other Purposes connected therewith." Read, received, and ordered to be printed.

Mr. Dry presents a Petition, signed by J. Morgan, a resident householder of Hobart Town, praying His Excellency and Council not to pass into Law the "Bill to remove Doubts respecting the Validity of Acts of the Lieutenant Governor and Council"; and that he may be heard by Counsel in support of his Petition. Read and received.

Mr. Gregson presents a Bill to repeal the Differential Duties Act, and also a Bill to repeal the ad Valorem Duties Act. Both Bills are withdrawn.

Mr. Fenton asks the question of which he gave notice yesterday in reference to a Distillation Act; and is informed by His Excellency, that this subject, amongst others of a financial character, will at an early period engage the attention of the Government.

The Chief Justice, pursuant to notice, moves— "That the Bill to remove Doubts respecting the Validity and Legality of Acts of the Lieutenant Governor and Council be re-committed."

Council divide—

Ayes ——— 6.
Noes ——— 8.

The Council then proceed to the orders of the day— motion made and question put, "That this Bill be now read a third time"— debate ensued.

Mr. Dry moves— "That the third reading of the Bill be adjourned to to-morrow, at 2 o'clock." Not seconded.

The original question is then put by His Excellency the President— "That the Bill be now read a third time, and do pass"—

Ayes ——— 8.
Noes ——— 6.

The Bill is accordingly read a third time and passed.

His Excellency adjourns the Council until two o'clock to-morrow.

Orders of the Day. 8th February 1848.

1. Crimping Bill— further consideration in Committee.
2. Dog Act Repeal Bill— to be committed.

No 7.

Tuesday 8th February.

The Clerk of the Council having reported to the Lieutenant Governor, that a sufficient number of Members have not assembled to constitute a Council; His Excellency enters the chamber, and adjourns the Council to the 28th instant, at 2 o'clock, to admit of the preparation in the mean time of the necessary measures to be laid before the Council.

The Chief Justice obtains leave for the Committee on the Insolvent Law to sit during the adjournment of the Council.

Signed J. W. Kirwan
Clerk of the Council

Minutes of the Legislative Council
No 8.

Monday March 6th 1848.

The Council meet pursuant to adjournment.

Present, His Excellency, the Colonial Secretary, the Treasurer, the Attorney General, the Auditor, the Chief

Chief Police Magistrate, Messrs. Swanston, Kerr, Kennedy, Gregson, Dumaresq and Dry: absent, His Honor the Chief Justice, Messrs. Fenton and O'Connor.

Read Minutes of the 7th and 8th February last.

His Excellency reads the following Minute:—

Gentlemen,

Some months ago I received instructions from the Secretary of State, directing me to communicate with the Government of New South Wales, for the purpose of making arrangements which would allow of the Convicts still in the hands of the Government in that Colony being transferred to Van Diemen's Land.

Many reasons operated to induce me to delay acting upon these instructions; but about two months since, having directed the Comptroller General to visit Norfolk Island, I took advantage of the opportunity, and ordered him to call at Sidney on his way back, and to make such arrangements with reference to the Convicts as would prevent their transfer to this Colony; while at the same time the consideration of economy, which induced the Home Government to order such a transfer, would receive every attention.

I am happy to be able to inform the Council, that these arrangements have been concluded in a most satisfactory manner; and that not one of the Sydney Convicts will be sent to this Country, until the result of a reference to the Secretary of State is made known.

Mr. Dry presents a Petition, signed by 46 resident Colonists of Van Diemen's Land, praying His Excellency and Council to abandon the Act lately "passed to remove Doubts respecting the Validity and "Legality of Acts of the Lieutenant Governor and Council

of this Colony." Petition read and received, and on the motion of Mr. Dry, seconded by Captain Swanston,

"That the Petition, with the others lately presented on the same subject, be printed."

Ayes ——— 5.

Noes ——— 6.

His Excellency reads the following Minute in reference to the Chief Justice's representation as to the repugnancy to the Act of Parliament, 9 Geo. 4. c. 83. of the Act lately passed, intituled "An Act to remove Doubts," &c.

Gentlemen,

His Honor the Chief Justice having represented to me, that the Act recently passed by the Legislative Council, entitled "An Act to remove "Doubts respecting the Validity and Legality of Acts "of the Lieutenant Governor and Council of Van Diemen's "Land," is repugnant to the Act of Parliament 9 Geo. 4. cap. 83. I now lay before you the representations in question, in order that you may be fully in possession of the grounds upon which His Honor has formed such an opinion.

The reasons adduced by His Honor having been submitted to the Law Officers of the Crown, I have received from those gentlemen a joint opinion which I now lay upon the Table, that the Act in question is not repugnant to the Statute: but as it has been pronounced to be so by the Chief Justice, they recommend that the Council should be invited to adhere to it, as an Act imperatively required, in order to remedy the mischief which would otherwise result from the decision of the Supreme Court in the case Symons v. Morgan.

I also lay upon the Table a list drawn out by the Solicitor General, showing the various Acts of Council which will be affected, should the same principle be applied to them as was acted upon by the Supreme Court in the case before mentioned.

By this it appears that fifteen Acts, many of them of the utmost importance, would be invalidated; and twenty-one more would be open to question and discussion.

Under these circumstances, as it is my duty, in accordance with the provisions of the Statute 9 Geo. 4. cap. 83 to bring the Act in question under the review of the Council; so it is no less my duty to invite the Council to adhere to it, as the only means by which the Colony can be relieved from the evils which must necessarily follow when doubt and uncertainty exist as to the validity of laws upon which both individuals and the Government have hitherto relied.

Read His Honors representation, dated 21st Febry: 1848.

Read the opinion of the Law Officers thereon.

Read the opinion of the Solicitor General as to the Acts affected by the recent decision of the Supreme Court in the case Symonds v. Morgan.

Moved by the Colonial Secretary, and seconded by the Colonial Treasurer — "That the Council do now "adhere to the Act lately passed to remove doubts respecting "the Validity and Legality of Acts of the Lieutenant Governor "and Council."

At the request of Mr Gregson, the Colonial Secretary is allowed to postpone his motion to Friday next, to admit of the documents read to the Council this day in reference to this subject being first printed, and circulated for the information of the Members. The motion is accordingly set down for Friday, the 18th instant.

Ordered that the documents in question be printed.

The Council proceed to the orders of the day — and, on the motion of the Attorney General, go into Committee on the Dog Act Repeal Bill — Council resume — report brought up, and the Bill as amended laid on the Table by His Excellency — to be read a third time on Friday next.

His Excellency reads the following Minute in reference to the Dog Act Repeal Bill, standing in the orders of the day for the second reading:—

Gentlemen,

With reference to the Bill which is now about to be committed, it is my intention to withdraw it, and to substitute in its place an Act which, while it will equally repeal the Act 10th Victoria, No. 6, will yet carry out the objects for which that Enactment was passed.

I have communicated with many persons on this subject, and all appear to agree in opinion, that some measure by which a check may be put upon the increase of dogs is absolutely necessary.

I have caused notice to be given to all persons having licences to cut timber on Crown Land, that should any be found to infringe the condition of the licence, which allows them to have only one dog, and that one on the chain, their licences will be withdrawn.

I have also given an order that no Prisoner of the Crown shall be allowed to keep a dog without a licence from the Police Magistrate, who will be instructed to be very careful as to the persons to whom he issues the licence.

These

These measures, together with that of a registration of dogs, as in operation in New South Wales, will I hope have the effect of restricting the number of dogs to that actually required for some useful purpose.

The Bill is accordingly withdrawn.

His Excellency lays on the Table a Bill for constructing, regulating, and maintaining certain Cross and Bye Roads in Van Diemen's Land.

The Attorney General gives notice that he will, on Thursday, move the first reading of this Bill; and the first reading also of the Extension of Seab in Sheep Prevention Bill, and the Sheriff's Protection Bill.

His Excellency adjourns the Council to Thursday, at 12 o'clock.

Orders of the Day. Thursday, 9th March.

1. Road Bill ——— 1st reading
2. Seab in Sheep Bill ——— 1st reading
3. Sheriff's Bill ——— 1st reading

Friday

1. The Colonial Secretary to move adherence to Dowbs' Removal Act.
2. Crimping Bill ——— 2nd. reading

No 9.

Thursday 9th March, 1848.

Present His Excellency and thirteen Members: absent, Mr. Dry.

Read Minutes of 8th instant.

His Excellency reads a Minute upon the subject of Education in this Colony. (Ordered to be printed)

His Excellency then lays on the Table—

1. A Return showing the Voluntary Payments of Parents towards the present Schools for 1848.

2. A Return showing the Amount paid in 1837 and 1838 for the support of Education.

3. A Bill for the Establishment and Maintenance of Primary and other Schools in Van Diemen's Land.

Ordered that His Excellency's Minute, with the above Returns, be printed for the information of the Members.

On the motion of the Attorney General, the Road Bill is read a first time — to be read a second time on Monday, the 13th inst.

Extension of Seab in Sheep Prevention Bill read a first time — to be read a second time on Tuesday, the 14th March.

Sheriff's Protection Bill read a first time — to be read a second time to-morrow, the 10th instant.

The Attorney-General gives notice that he will to-morrow move the first reading of the Establishment and Maintenance of Schools Bill.

Council adjourn to to-morrow at two o'clock.

Orders of the Day. Friday, 10th March, 1848.

1. Colonial Secretary to move adherence to 11 Vict. No 1.
2. Crimping Bill ——— 3rd reading.
3. Education Bill ——— 1st reading.
4. Sheriff's Bill ——— 2nd reading.

No 10.

Friday, 10th March 1848.

Present His Excellency and thirteen Members: absent, His Honor the Chief Justice.

Read Minutes of last Meeting.

Mr. Dry presents a Petition signed by certain persons resident at Launceston holding wholesale and retail Licences for the sale of Spirits &c. praying His Excellency and Council to take such steps as are necessary for lowering the Duties on Brandy, Rum, and Gin — read and received.

Mr.

Mr. Gregson presents a Petition from J. Pillinger praying His Excellency and Council to vote a Sum of Money to enable the Expenses incurred by him in defending the Grant to him by the Crown of certain Land in the County of Somerset, to repeal which Grant a writ of [redacted] was allowed by the Attorney General to be issued; and that he may be heard by Counsel in support of his claim — read and received.

Mr. Gregson gives notice that he will on Monday move that the Petitioner be heard by Counsel.

Mr. Dry gives notice that he will, on Monday move, that His Excellency will be pleased to lay on the Table the following Returns.

1st of the daily average of all Schools receiving aid from the Government whether under the Board of Education, or the penny a day System for the Year ending 31st December 1847. And for the two Months ending February 1848.

2nd of the number of Visits paid to the Schools during the same period, specifying whether visits of the Inspector or of private Individuals.

3d of the number of School Rooms and School Houses in existence on the 31st December 1847. whether built by the Board of Education or private subscription — and if rented, whether the rent is paid by the Government or by private Individuals.

4th of the Cost to the Government of each child under the Board of Education and under the new System.

Mr. Dry gives notice that he will at the same time also move that His Excellency will be pleased to lay on the Table Lord Stanley's and Mr. Gladstone's Despatches on the subject of Education — and that the same be printed.

Mr. Dry also gives notice that he will, on Monday move that a Committee consisting of 5. Members be appointed to inquire into and report upon the amount of Expenditure in each Department of the Government arising out of the Council System.

The Colonial Secretary in pursuance of notice, moves the following Resolution:— "That the Council do now adhere to the Act lately passed entitled "An Act to remove doubts respecting the Validity and Legality of Acts of the Lieutenant Governor and Council of Van Diemen's Land," notwithstanding the representation of His Honor the Chief Justice that that Ordinance is repugnant to the Act of Parliament 9 Geo. 4. C. 83d— Carried on a division the numbers being.

Ayes ——— 8

Noes ——— 5

The Bill to prevent the practice of Trimping read a 3d time and passed.

The Establishment and Maintenance of Schools' Bill read a 1st time — to be read a second time on Wednesday, the 15th instant.

Ordered that the Sheriff's Protection Bill which stands on the orders for to-day, be set down for Monday the 13th instant.

His Excellency adjourns the Council to Monday at 12 o'clock.

Motions set down for Monday 13th March 1848.

1. Mr. Gregson to move that Mr. Pillinger be heard by Counsel
2. Mr. Dry. to move for certain Education Returns.
3. Mr. Dry to move for Lord Stanley's & Mr. Gladstone's despatches on Education.
4. Mr. Dry for appointment to inquire into and report on Amount of Expenditure of each Department of the Government arising out of the Council System.

Orders of the day. Monday 13th March.

1. Road Bill — 2d reading and committed. 2. Sheriff's Bill — 2 reading

No 11.

Monday 13th March 1848.

Present, His Excellency, and thirteen Members: absent Mr. Kermode.

Read Minutes of 10th instant.

His Excellency lays on the Table a Census Return of the population of the several districts of the Island of Van Diemen's Land for the Year 1848 — ordered to be printed.

Mr. Gregson moves the resolution of which he gave notice at the last Meeting — "that Mr. Pillinger be heard by Counsel in support of his claim to Compensation"

Ayes ——— 6

Noes ——— 7.

Mr. Dry moves for the Education Returns of which he gave notice at the last Meeting — agreed to —

Mr. Dry moves, that His Excellency be pleased to lay on the Table Lord Stanley's and Mr. Gladstone's despatches on the subject of Education; and that the same be printed — granted —

Mr. Dry moves that the resolution which stands on the orders for to-day, for the appointment of a Committee to enquire into and report on the amount of Expenditure in each Department of the Government arising out of the Convict System, be expunged — allowed —

Mr. Dry then gives notice that he will move this resolution on Thursday next.

On the motion of the Attorney-General the Road Bill is read a second time and committed — The Committee having proceeded in the consideration of the Bill as far as the 15th clause adjourn its further consideration to to-morrow — The Council resume.

His Excellency adjourns the Council to 12 o'clock to-morrow.

Orders of the Day. Tuesday 14th March.

1. Council in Committee on the Road Bill.
2. Sheriffs Bill ——— 2d reading.
3. Sheep Bill ——— 2d reading.

No 12.

Tuesday 14th March 1848.

Present His Excellency and eleven Members: absent: Messrs Swanston, Dry, and Dumaresq.

Read Minutes of last Meeting.

The Council resume in Committee the consideration of the Road Bill — clauses 2, 10, 13, 17, 21, 24 and 38 postponed for further consideration — Committee adjourn —

The Council resume —

The Sheriffs protection Bill, read a second time and committed — reported — His Excellency lays the Bill as amended on the Table — to be read a third time on Thursday — the 16th instant.

His Excellency lays on the Table a Bill to repeal the Act of Council of this Island intitled "An Act to restrain the increase of Dogs" and to substitute other provisions in lieu thereof.

Council adjourn to 2 o'clock

Orders of the Day Wednesday, 15th March.

1. Sheep Bill ——— 2d reading.
2. Education Bill — 2d reading.

(signed) J. W. Kirwan
Clerk of the Council

No 13.

Legislative Council
Wednesday 15 March 1848.

Present His Excellency and thirteen Members.
Absent His Honor The Chief Justice.

Read Minutes of last Meeting.

Mr Dry presents a Petition from Adam Thomson, Keeper of Her Majesty's Gaol at Launceston, praying first that His Excellency would be pleased to lay on the Table of the Council the correspondence between himself and the Government in reference to the application of a person named Wicks for the situation of Under Gaoler - and secondly that His Excellency and Council would be pleased to allow him to be heard by Counsel in support of his claim to have the expenses incurred by him in defending an action arising out of this Correspondence defrayed from the Revenue of the Colony by a Vote of the Council - Petition read and received.

Mr Dry gives notice that he will to-morrow move - 1st that the papers referred to in the Petition of the Gaoler at Launceston be laid on the Table - and further that in accordance with the prayer of his Petition he be heard by Counsel - 2d For a Return of the number of Convicts employed as Teachers under the Penny a day System.

The Attorney-General gives notice that he will move the 1st reading of the Dog Act Amendment Bill to-morrow.

His Excellency lays on the Table a Bill to amend and extend the provisions of the act or Ordinance of the Island entitled an Act for the Settlement of claims to grants of land and for other purposes relating thereto, and for the more effectually quieting Titles to land in this Colony.

Extension of Seal in Sheep prosecution Bill read a second time and committed - Committee adjourn.

The Council resume -

His Excellency lays on the Table in accordance with the resolution of the Council of the 10th instant - certain Returns from the Inspector of Schools upon the subject of Education - ordered to be printed.

The Council adjourn to 2 o'clock to-morrow.

Thursday 16th March

Motions

1. Mr Dry - to move appointment of Committee to enquire into amount of Expenditure of each Department of the Government arising out of the Convict System.

2. Mr Dry to move for Correspondence in Adam Thomson's case - and that he be heard by Counsel

3. Mr Dry to move for a return of the No of Convict Teachers under the penny a day System.

Orders of the Day.

1. Sheriffs Bill - 3d reading.
2. Dog Act Amendment Bill - 1st reading
3. Sheep Bill - in Committee
4. Road Bill - in Committee
5. Education Bill - 2d reading

No 14.

Thursday 16th March 1848.

Present His Excellency and 13 Members.

Absent Mr. Kerr.

Read Minutes of last Meeting.

The Colonial Secretary presents a Petition from F. Manning of Sandy Bay, Incenborough suggesting a reduction in the rates payable by the Tenant for the repair of Roads under the Road Bill now under the consideration of the Council — and also that in all mortgaged lands, the Mortgagor may be allowed to deduct on payment to the Mortgagee 2½ per Cent on the yearly amount of Interest when the road levy does not exceed 2ˢ per acre, and 5 per cent, when it does not exceed 4ˢ per acre — read and received.

Captain Fenton gives notice that he will to-morrow move — 1st That His Excellency will be pleased to lay on the Table of this Council the Evidence and report of the late Attorney General Alfred Stephen, Esqr on the old Grants and all papers and documents connected therewith.

2. That His Excellency will be pleased to lay on the Table the Royal Warrant or Copy thereof releasing the defects in the old Grants, and so far confirming all old Grants as against His Majesty, His Heirs, or Successors, in the most unqualified manner.

Mr. Dry moves the resolution of which he gave notice on the 13th instant for the appointment of a Committee consisting of 5 Members to enquire into, and report on the Amount of Expenditure of each Department of the Government arising out of the Council System — carried unanimously — and His Excellency nominates the following Gentlemen to form such Committee —

Mr. Dry.
Mr. Swanston.
Mr. Innes.
The Treasurer.
The Auditor.

Mr. Dry pursuant to notice moves that His Excellency will be pleased to lay on the Table, the correspondence between the Government and Adam Thomson, the Gaoler at Launceston.

Council divide —

Ayes ——— 7
Noes ——— 7

His Excellency gives his casting vote against the motion.

Mr. Dry withdraws his motion for hearing Counsel in support of Adam Thomson's Petition.

Mr. Dry pursuant to notice moves for a return of the number of Convicts employed as Teachers under the penny-a-day System.

The return laid on the Table by His Excellency — and ordered to be printed.

His Excellency intimates that he will to-morrow be prepared to read his Finance Minute — and lay the Estimates on the Table.

On the motion that the Sheriffs Protection Bill be now read a 3ᵈ time, Mr. Dry moves as an amendment that the Bill be recommitted.

Council divide —

Ayes ——— 2
Noes ——— 11

The original motion is then put and carried — and the Bill is read a 3ᵈ time and passed.

Dog

Dog Act Repeal Bill read a first time — to be read a 2d time to-morrow the 17th instant.

The Council resume in Committee the consideration of the Sheep Bill — report brought up — Bill recommitted on the motion of Mr. Gregson. — reported. — His Excellency lays the Bill as amended on the Table — to be read a third time on Monday 20th instant.

Council adjourn to 2 o'clock to-morrow.

Friday 17th March 1848.

Orders —

1. Capt. Fenton to move that His Excellency will be pleased to lay on the Table of the Council
1st The evidence and report of the late Attorney General Alfred Stephen Esqre on the old grants, and all papers and documents connected therewith
2. The Warrant, or copy thereof releasing the defect in the old grants, and so far confirming all old grants as against Her Majesty, Her Heirs or Successors in the most unqualified manner.

Draft order from Wednesday 15th Inst.
1. Education Bill ——— 2d reading

Order of the day
1. Finance Minute
2. Road Bill ——— in Committee
3. Dog Bill ——— 2d reading

No 15.

Friday. 17. March 1848.

Present His Excellency and thirteen Members.
Absent Mr. Connor.

Read Minutes of last Meeting.

His Excellency read his Finance Minute (Vide printed Minute) — ordered to be printed.

His Excellency lays on the Table the Estimates for 1848.

Capt. Fenton gives notice that he will on Monday move that His Excellency will be pleased to lay on the Table of this Council the Secretary of State's letter intimating Her Majesty's "disallowance" of an Act of this Island declaring the Statute of Lands not to be applicable to this Colony

The Colonial Secretary gives notice that he will on Monday move that the Council resolve itself into a Committee of the whole House for the consideration of the Estimates.

Captain Fenton — moves, as connected with the resolution of which he yesterday gave notice — that His Excellency would be pleased to allow the letter from Lieut. Governor Arthur to the Secretary of State and the documents which accompanied it on the Subject of the old Grants together with the Secretary of State's reply — to be laid on the Table — acceded to —

On the orders of the day being read — Mr. Gregson is allowed to present two Petitions — one signed by 145 persons holding wholesale and retail Licences in Hobart Town praying for a reduction on the present import duties on Spirits — and another signed

signed by 46 persons holding Licences for the Sale of wine, Spirits &c. praying a reduction in the Amount now payable on Spirits found on Examination by the Customs at the Bonded Stores to be under proof — petitions read and received.

The Council resume in Committee the consideration of the remaining clauses of the Road Bill — ordered that the Bill with the various amendments made thereto be printed for the information of the Council.

His Excellency lays on the Table a Bill for the more effectually preventing the counterfeiting of Foreign Coins within the Island of Van Diemens Land and the altering or importing of such counterfeit Coin within the same.

The Attorney General gives notice that he will move the 1st reading of this Bill on Monday the 20th Inst.

His Excellency adjourns the Council to Monday the 20th Inst. at one o'clock.

Monday 20 March 1848.

Motions

1. Capt. Fenton to move for the despatch conveying Her Majesty's disallowance of the ~~Declaration of the~~ Statute of James to this Colony.

Colonial Sec. declaring the Statute of James not to be applicable to this Colony.

2. Colonial Secretary — to move that the Council resolve itself into a Committee of the whole House to consider the Estimates for 1848.

Drop'd order from Wednesday 15. March

1. Education _____ 2d reading

Drop'd order from Friday — 17th March

1. Dog Bill _____ 2d reading

Orders of the Day.

1. Sheep Bill _____ 3d reading
2. Counterfeit Coin Bill 1st "

No 16.

Monday 20 March 1848.

Present His Excellency and twelve Members
Absent His Honor the Chief Justice & Mr. O'Connor

Read Minutes of last Meeting.

Captain Fenton pursuant to notice — moves that His Excellency will be pleased to allow to be laid on the Table the Secretary of State's despatch conveying Her Majesty's disallowance of the Colonial Act declaring the Statute of James not to be applicable acceded to by His Excellency — and the despatch is accordingly laid on the Table — and allowed also by His Excellency to be printed.

On the motion of Capt. Fenton the report of the late Attorney General Alfred Stephen Esqre on the subject of the old Grants — and the Evidence given before the Legislative Council in 1846. in reference to the applicability of the Statute of James to this Colony — are ordered to be printed for the information of the Council.

Moved by the Attorney General and seconded by the Colonial Secretary.

"That the Bill for the Establishment and Maintenance of Primary and other Schools "in this Colony be now read a second time."

Moved as an Amendment by Mr. Gregson and seconded by Mr. Dumaresq —

"That this Bill be read a second time "this day 6 Months" —

Ayes _____ 7.
Noes _____ 5.

Dog Bill read a second time and the Attorney General gives notice that he will on Thursday the

the 23d Inst. move that the Council go into Committee on this Bill — Disease in Sheep Bill — read a third time and passed — Counterfeit Coin preventive Bill read a first time —

On the motion of the Colonial Secretary the Council go into Committee for the consideration of the Estimates.

His Excellency lays on the Table a Return Printed shewing the Revenue and Expenditure of the Colony for the year 1847 —

The Votes proposed for the Establishment of His Excellency the Lieut. Governor of £825. 12. 0 — and for the Executive and Legislative Councils of £835. 18. 0. are unanimously agreed to —

On the Vote for the Colonial Secretary's Department of £2795. 0. 0. being proposed —

Mr. Gregson moves the further consideration of the Estimates being adjourned to to-morrow.

Ayes ——— 7
Noes ——— 5

Committee adjourn accordingly.

The Council adjourn to one o'clock to-morrow.

Tuesday. 21st March

Orders of the day

1. Council in Committee on Estimates.

No 17.

Tuesday 21st March 1848.

Present His Excellency and eleven Members
Absent His Honor the Chief Justice — the Attorney General and Mr. Dunn.

Read Minutes of last Meeting.

Mr. Swanston presents a Petition signed by certain Ministers of the Presbyterian Church and of the Independant and Baptist Congregations and other persons resident in Norfolk Town — praying that His Excellency and Council will not sanction the Penny-a-day System of Education in this Colony — read and received.

Mr. Dry presents a Petition for Mr. John Browne postmaster at Launceston praying for an augmentation to his present Salary.

On the motion being made by the Colonial Secretary —

That the Council do resume the Committee the consideration of the Estimates for 1848.

Mr. Dry moved — seconded by Mr. O'Connor the following resolution by way of Amendment —

That the Council do reject the Estimates submitted by His Excellency the Lieut. Governor as being Excessive in amount, and throwing charges on the Colonial Revenue which in justice ought not to be borne by this Colony.

Ayes ——— 7
Noes ——— 4

Original motion lost & Estimates rejected.

His Excellency then in accordance with the instruction of Her Majesty's Government, calls upon the Members who have supported this resolution, to submit to Him the Estimate which they propose to substitute for those laid by His Excellency before the Council.

Moved by the Colonial Secretary and seconded by the Treasurer —

That a Select Committee be appointed

appointed with power to examine Witnesses — to consider and to report to this Council which of the two schemes pointed out in Lord Grey's Despatch respecting the Establishing of Steam communication between Great Britain and the Australian Colonies may be deemed the preferable one for the interests of this Colony — agreed to —

His Excellency nominates the Honble Swanston, Fenton and Dry — to be the Select Committee for the consideration of the Subject.

His Excellency adjourns the Council to Thursday the 23^d Inst.

Orders of the Day for Thursday 23^d March.

~~1. Estimates for 1846. 1847.~~
1. Dog Bill ——— in Committee
2. Road Bill ——— in Committee

No 15.
Thursday. 23^d March 1848.

Present His Excellency and Fifteen Members
Absent His Honor the Chief Justice
Read Minutes of last Meeting

The Colonial Secretary gives notice that he will to-morrow move the following resolution —

That this Council approves of the expenditure of the Sum of £15381. 3. 9 stated in the accounts laid on the Table to have been spent in the year 1847 — over and above the Estimates for that year.

His Excellency lays on the Table the two following Bills

1. A Bill to amend an Act of this Island intitled an Act for the Regulation of Prisons.

2. A Bill to amend an Act of this Island entitled An Act to consolidate and amend the Laws in respect to the Constitution of Courts of General and Quarter Sessions to define the Jurisdiction Powers and authorities of such Courts and of Justices of the Peace in certain cases relating to Transported and other offenders and for other purposes connected therewith.

The Attorney General gives notice that he will to-morrow move the 1st reading of these Bills.

The Attorney General also gives notice that he will to-morrow move the 1st reading of the Settlement of Claims to Grants Bill — and the 2^d reading of the Counterfeiting Coin Prevention Bill.

On the motion of the Attorney General the Council go into Committee on the Dog Bill — further consideration adjourned — Council resume —

His Excellency lays on the Table the Road Bill as printed with the various amendments made thereto in Committee — report to be brought up to-morrow.

The Council adjourn to one o'clock to-morrow.

Friday 24 March.

Motions —
1. Colonial Secretary to move a vote of approval for the Sum of £15381. 3. 9. to cover expenses for 1847.

1847-

Orders of the Day.

1 Road Bill _____ Report to be brought up
2. Prison Regulation Bill _____ 1st reading
3. Quarter Session Bill _____ 1st "
4. Grants to Land Bill _____ 1st "
5. Town Bill _____ 2d "

Contingent orders.

Dog Bill ___ in Committee

No. 19.

Friday 24 March 1848.

Present His Excellency and 13 Members
Absent His Honor the Chief Justice.

Read Minutes of yesterday

Mr. Dry presents a petition signed by certain Inhabitants of Hobart Town - praying His Excellency and Council to repeal the clause of the Dog Bill now before the Council imposing a registration fee of five shillings and substitute in lieu thereof a general fee of one shilling for each Dog — read and received.

Mr. Redmond presents a petition from John Hull of Hobart Town, Printer — praying His Excellency and Council to delay the passing of the Dog Bill until the Inhabitants have sufficient time allowed them to petition against the passing of it - read and received.

Mr. Fenton gives notice that he will to-morrow move - that the following documents be laid on the Table.

1st A Copy of the case in the matter of Alfred Garrett laid by the Crown Board before the Supreme Court and the opinion of their Honors the Judges thereon.

2. A copy of the record in the Writ of Intrusion tried in the Supreme Court in the case of The Queen v. Fenton

3. A copy of the record in the Ejectment of Doe on the demise of Garrett v. Fenton tried in the Supreme Court.

4. A Copy of the record in the Ejectment of Doe on the demise of Butler v. Martin tried in the Supreme Court.

5. A Copy of the records in the several Ejectments of Doe demise Lord v. Jackson Addison and Maclaren tried in the Supreme Court.

Mr. Dry gives notice that he will on Monday the 27th Inst. move —

1st That a Committee of this Council be appointed for the purpose of enquiring into and reporting upon the Grievances of the Colony.

2. That His Excellency will be pleased to allow to be laid on the Table the Secretary of State's despatch recently received having reference to the Land Fund, and to the Expenditure of the Police & Gaols in this Colony.

The Colonial Secretary moves in accordance with previous notice the following resolution — That the Council approves of the Expenditure of the Sum of £15361. 8. 9. stated in the accounts laid on the Table to have been spent in the year 1847. - over and above the Estimates for that year.

Ayes ____ 11
Noes ____ 2

Captain Swanston in supporting this resolution, states it to be his intention to

to enter on the records of this Council a Protest against this expenditure.

On the motion of the Attorney General the Council resume in Committee the consideration of the Road Bill - report brought up. and presented to His Excellency - to be read a 3d time on Monday 27th Inst. - Council resume -

On the motion of the Attorney General the Prison regulation Bill - the Quarter Sessions amendment Bill - and the Grants to Land Bill are respectively read a first time - the two former to be read a 2d time to-morrow

The Counterfeiting Coin Prevention Bill read a 2d time - to be committed to-morrow

Saturday - 25th March 1848.

Motions

1. Capt. Fenton to move for the following Documents

1. A Copy of the case in the matter of Alfred Garrett laid by the Lareat Board before the Supreme Court and the opinion of their Honors the Judges thereon

2. A Copy of the record in the Writ of Extension filed in the Supreme Court in the case of The Queen v. Fenton.

3. A Copy of the record in the Ejectment of Doe on the demise of Garrett v. Fenton tried in the Supreme Court.

4. A Copy of the record in the Ejectment of Doe on the demise of Butler v. Martin tried in the Supreme Court.

5. A Copy of the records in the several Ejectments of Doe demise Lord v. Jackson.

Addison and Maclaren tried in the Supreme Court.

Orders of the day.

1. Prison regulation Bill ——— 2d reading
2. Quarter Session Bill ——— 2d "
3. Coin Bill ——— in Committee
4. Dog Bill ——— in "

No 20.

Saturday 25th March 1848.

Present His Excellency and thirteen Members
Absent Mr. Fenton.

Mr. Kermode presents a petition from certain Flockowners of Van Diemen's Land - praying that the Sheep Act lately passed may not be allowed to come into operation before the 1st January 1850 - read and received.

Mr. Dry presents a petition from certain Householder of Hobart Town - praying His Excellency in Council to introduce a clause into the Dog Bill now under consideration to allow one Dog to be kept on the Chain without registration, or to reduce the amount of registration fee from 5/ to 1/. for each Dog - read & received.

At the request of Mr. Dry, in the absence of Capt. Fenton, the original mover - the order which stands for to-day for considering the resolution that certain Judgments given in the Supreme Court, should be laid on the Table, is discharged, and Mr. Dry gives notice that he will on Monday next

move

move for the production of these documents.

On the motion of the Attorney General the Prison regulation Bill is read a 2d time and committed - reported - His Excellency lays the Bill as amended on the Table - to be read a 3d time on Monday the 27th Inst. - Council resume

The Quarter Session Amendment Bill read a 2d time & committed - reported - laid on the Table - to be read a 3d time on Monday next.

On the motion of the Attorney General the Council go into Committee on the Counterfeit Coin Bill - further consideration adjourned.

The Council resume in Committee the consideration of Increase of Dogs restraining Bill - further consideration adjourned to Monday.

His Excellency adjourns the Council to one o'clock on Monday.

Monday 27th March 1848.

Motions

1. Mr Dry - to move for appointment of Committee to report on the Grievances of Colony.
2. — do — to move for Despatch respecting Land Fund & Police & Gaol expenditure.
3 — do — to move for Copies of certain Judgements in the Supreme Court.

Orders of the Day.

1. Road Bill —— 3d reading
2. Prison Bill —— 3d reading
3 Dr Session Bill —— 3d " in Committee
4 Dog Bill —— in Committee
5 Counterfeit Coin Bill - in — do —

No 21.

Legislative Council

Monday 27 March 1848

Present His Excellency and all the Members

Read Minutes of last Meeting.

Mr Swanston presents a petition from certain Citizens of Hobart Town, praying that no further support may be granted to the Penny-a-day System of Education — and one also from certain Ministers resident at Launceston — containing a similar prayer — petitions read and received.

Mr Fenton presents a petition from John Martin Innkeeper at New Norfolk - praying that the Bill for the Settlement of Claims to Land may not be passed into a law — read & received.

Mr Dry presents a petition signed by M. Fenton as the Trustee & agent of Catherine Dunn praying that the Bill now on the Table of the Council for the Settlement of claims to Grants of Land may not be passed into a law — read and received.

Mr Dry presents a petition from Edward Abbott of O'Brien's Bridge — praying that a Section may be introduced into the Bill for the Settlement of claims to Grants of Land making it obligatory on the Government to issue a Grant on the decision of the Caveat Commissioners

or

move for the production of these documents.

On the motion of the Attorney General the Prison regulation Bill is read a 2d time and committed - reported His Excellency lays the Bill as amended on the Table - to be read a 3d time on Monday the 27th Inst. - Council resume

The Quarter Session Amendment Bill read a 2d time & committed - reported - laid on the Table - to be read a 3d time on Monday next.

On the motion of the Attorney General the Council go into Committee on the Counterfeit Coin Bill - further consideration adjourned.

The Council resume in Committee the consideration of Increase of Dogs restraining Bill - further consideration adjourned to Monday.

His Excellency adjourns the Council to one o'clock on Monday.

Monday 27th March 1848.

Motions

1. Mr Dry - to move for appointment of Committee to report on the Grievances of Colony.
2. — do — to move for Despatch respecting Land Fund + Police + Gaol expenditure.
3 — do — to move for Copies of certain Judgements in the Supreme Court.

Orders of the Day.

1. Road Bill —— 3d reading
2. Prison Bill —— 3d reading
3 Dr Lefroy Bill —— 3d "
4 Dog Bill —— in Committee
5 - Counterfeit Coin Bill - in — do —

MINUTES OF THE MEETING OF THE LEGISLATIVE COUNCIL CONCERNING A PETITION FOR FURTHER SUPPORT FOR THE PENNY-A-DAY SYSTEM OF EDUCATION, &c.

27, March, 1848

to award compensation in lieu thereof — read and received.

It is ordered that the petitions in reference to the Grants Bill be printed for the information of the Council.

Mr Dry pursuant to notice moves the following resolution —

That a Committee of the Council be appointed to enquire into & report upon the grievances of the Colony —

Ayes ——— 5.
Noes ——— 9

Mr Dry moves that His Excellency will be pleased to allow the Despatch lately received respecting the Land Fund & Police & Gaol expenditure to be laid on the Table — acceded to by His Excellency — and the Despatch is accordingly placed on the Table & allowed by His Excellency to be printed.

Mr Dry is allowed to withdraw the first of the series of resolutions of which leave notice on Saturday last that certain Judgements in the Supreme Court be laid on the Table and the remaining resolutions are then put to the Vote & carried

Mr Dry gives notice that he will to-morrow move that a Copy of the record on trial of feigned Issue in the case of Lord v. Jackson & Addison be laid on the Table.

Moved by the Attorney General
seconded by the Colonial Secretary.

That the Road Bill be now read a 3d time — Council divide —

Ayes ——— 5.
Noes ——— 8

Prison regulation Bill read a 3d time & passed
Quarter Session Bill read a 3d time & passed

Council resume in Committee the consideration of the Dog Bill — reported — laid on the table as amended by His Excellency — to be read a third time to-morrow.

Counterfeit Coin Bill resumed in Committee — reported — laid on the Table — to be read a 3d time to-morrow

The Attorney General gives notice that he will to-morrow move the 2d reading of the Grants to Land Bill.

The Council adjourn — to 2 o'clock to-morrow

Tuesday 28 March 1848.

Motions

1. Mr Dry to move for Copy of the record on the trial of feigned Issue in the case of Lord v. Jackson & Addison

Orders of the Day.

1. Dog Bill ——— 3d reading
2. Coin Bill ——— 3d "
3. Grants Bill ——— 2d "

J. W. Dixon
Clerk of the Council

of Expenditure incurred by the Colonial Department arising out of the Convict System being brought up, the Chairman states that, owing to certain returns required from the Comptroller General's Department not having been furnished before Saturday last, the Committee are not yet in a position to submit their report to His Excellency in Council.

His Excellency in consequence adjourns the Council to Monday, the 1st May, at 2 o'clock.

No 25:

Monday 1 May 1848.

Present: His Excellency and twelve Members: absent Mr. O'Connor and the Chief Police Magistrate.

Read Minutes of last Meeting.

Mr. Dry presents a petition from Rowland Robert Davies Clerk, Rural Dean of Longford, representing that there were many localities in which Schools to be conducted on the Church of England System under the management of the Bishop of the Diocese might be established, and the usefulness of many already in existence increased, were the present method of disposing of the public funds amended; and praying therefore for the impartial distribution of all sums voted to Public Education, irrespective of religious denomination, at the rate of not less than two-pence per diem for each child in attendance at school.- Read, received, and ordered to be printed.

His Excellency lays on the table copies of certain Records in the Supreme Court, called for by a resolution of the Council on the 29th March last. Ordered to be printed.

On the order of the day being read, that the Report of the Committee appointed to enquire as to the amount of Expenditure incurred by departments of the Colonial Government arising out of the Convict System be brought up, the Chairman states that the Committee have had under their consideration certain returns furnished by the Judicial, Quarter Sessions, and Police Departments, from which they have derived valuable information: that they have also received returns from the Comptroller-General's Department, but as these returns have involved a further reference on points which the Committee deem it necessary to be informed, and as it has been stated that the preparations of the additional returns will require some five or six weeks longer, the Chairman informs His Excellency that the Committee are still unable to submit their Report.

The

The Lieutenant-Governor then informs the Council that he has no other business to bring under their consideration; and, having expressed his thanks to the Members for their attention to the general business of the Session, adjourns the Council sine die.

[signed] J. W. Kirwan
Clerk of the Councils

Tasmanian Parliamentary Archives

Legislative Council

This Roll Contains

Manuscript Votes & Proceedings

12-04-1826 – 7-09-1839

to

15-08-1840 – 1-05-1848