

NEW SOUTH WALES.

MINUTES OF PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

DURING THE YEAR

1827,

WITH SUNDRY DOCUMENTS CONNECTED THEREWITH.

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1847.

MEMBERS

OF

THE LEGISLATIVE COUNCIL,

1827.

HIS EXCELLENCY THE GOVERNOR,

HIS HONOR THE CHIEF JUSTICE,

THE HON. WILLIAM STEWART, COLONEL,
Succeeded on the 24th December, 1827, by

*THE HON. PATRICK LINDESAY, COLONEL,

THE VENERABLE THE ARCHDEACON,

THE HON. THE COLONIAL SECRETARY,

THE HON. ROBERT CAMPBELL, SENIOR,

*THE HON. JOHN MACARTHUR,
(Took his seat on 24th December, 1827.)

THE HON. CHARLES THROSBY.

No. 1

Council Chamber, 26th February, 1827.

Council met pursuant to summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

HIS HONOR THE LIEUTENANT-GOVERNOR,
HIS HONOR THE CHIEF JUSTICE,
THE HONORABLE THE COLONIAL SECRETARY,THE HONORABLE ROBERT CAMPBELL, ESQ.,
THE HONORABLE CHARLES THROSBY, ESQ.

His Excellency was pleased to lay before the Council the following proposed Laws :—

No. 1.—“ *An Act to amend an Act of the Governor and Council, intituled, ‘ An Act for repealing the Laws now in force relative to the licensing and regulating of Public Houses, and for the better regulating the granting of Licenses for the sale of Ale, Beer, Wine, Spirits, and other Liquors in New South Wales, in future’*”; which Council took into consideration, and were pleased to pass into Law.

No. 2.—“ *An Act to enable the Proprietors of the Bank of Australia to sue and be sued*”; which was read a first time; further consideration postponed until the next day of meeting, for which day the Clerk was ordered to summon the Law Agent of the Bank of Australia to attend the Council.

Council then adjourned, *sine die*.

No. 2.

Council Chamber, 24th April, 1827

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

HIS HONOR THE LIEUTENANT-GOVERNOR,
HIS HONOR THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,THE HONORABLE ROBERT CAMPBELL, ESQ.,
THE HONORABLE CHARLES THROSBY, ESQ.

His Excellency was pleased to lay before the Council two Acts, Nos. 2 & 3.

No. 2.—Intituled, “ *An Act for preventing the mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by persons not known, and for regulating the Printing and Publication of such papers in other respects, and also for restraining the abuses arising from the Publication of blasphemous and seditious Libels.*”

No. 3.—Intituled, “ *An Act for imposing a duty upon all Newspapers, and Papers of a like nature, printed to be dispersed and made public*”; which were both severally read.

Council having then proceeded to take the clauses of the first mentioned Bill into consideration, *seriatim*.

It was moved by the Colonial Secretary, seconded by the Archdeacon, that the word “ *Editor*” be inserted in the affidavit, and throughout the other clauses of the Bill.

Question being put, it was carried in the affirmative; the Chief Justice and Mr. Campbell dissenting therefrom.

It was then moved by the Colonial Secretary, seconded by the Archdeacon, that the clauses now standing, Nos. 20 & 21, should be introduced and stand part of the Bill.

Question being put, the Chief Justice requested the consideration thereof should be postponed to next day, which was agreed to.

Council then adjourned to the 25th instant.

The Bill for regulating the Bank of Australia was referred back to the Law Agent of the Bank.

No. 3.

Council Chamber, 25th April, 1827.

PRESENT :—

HIS HONOR THE LIEUTENANT-GOVERNOR,
HIS HONOR THE CHIEF JUSTICE,THE VENERABLE THE ARCHDEACON,
THE HONORABLE CHARLES THROSBY, ESQ.

Council took into further consideration the Act intituled, “ *An Act for preventing the mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by persons not known, and for regulating the Printing and Publication of such papers in other respects, and also for restraining the abuses arising from the Publication of blasphemous and seditious Libels,*” and were pleased to pass the same into Law.

It was then ordered that the Lieutenant-Governor and the Archdeacon do take the Bill, in its amended form, to the Governor, and pray his assent thereto.

Council then took into further consideration “ *An Act for imposing a duty upon all Newspapers, and Papers of a like nature, printed to be dispersed and made public*”; further consideration postponed.

Council then adjourned to Wednesday, the second day of May.

No. 4.

Council Chamber, 2nd May, 1827.

PRESENT :—

HIS HONOR THE LIEUTENANT-GOVERNOR,

THE VENERABLE THE ARCHDEACON,

THE HONORABLE THE COLONIAL SECRETARY,

THE HONORABLE JOHN MACARTHUR, Esq.,

THE HONORABLE CHARLES THROSBY, Esq.

Council took into further consideration "An Act for imposing a duty upon all Newspapers, and Papers of a like nature, printed to be dispersed and made public."

The Lieutenant-Governor moved the insertion of a clause for the preventing the forging of Stamps, seconded by Mr. Macleay, which was agreed to.

It was moved by the Colonial Secretary, seconded by the Lieutenant-Governor, that the blank in the first clause of the Act be filled up with the sum of "four" pence, upon which an amendment was moved by the Archdeacon, seconded by Mr. Macarthur, that "six" pence be inserted in lieu of "four" pence, which was negatived, and the original motion was then put, and carried.

The clauses of the Bill having been read *seriatim*, the third reading was postponed till to-morrow, to which day, May 3rd, Council then adjourned.

No. 5.

Council Chamber, 3rd May, 1827.

PRESENT :—

HIS HONOR THE LIEUTENANT-GOVERNOR,

THE VENERABLE THE ARCHDEACON,

THE HONORABLE THE COLONIAL SECRETARY,

THE HONORABLE JOHN MACARTHUR, Esq.,

THE HONORABLE ROBERT CAMPBELL, Esq.,

THE HONORABLE CHARLES THROSBY, Esq.

Council having met by adjournment, took into further consideration "An Act for imposing a duty upon all Newspapers, and Papers of a like nature, printed to be dispersed and made public," which Council were pleased to pass.

Council then proceeded to take into consideration a proposed Law intituled, "An Act to enable the Proprietors of the Banking Establishment or Company, carried on in the Town of Sydney, in the Colony of New South Wales, under the name, style, and firm of The Bank of Australia, to sue and be sued in the name of the Managing Director for the time being, and for other purposes therein mentioned," and were pleased to pass the same.

Ordered, That the Lieutenant-Governor and Colonial Secretary do wait on His Excellency the Governor with the two Bills passed this day.

His Excellency the Governor having come down to the Council Chamber, was pleased to lay before the Council a Bill, intituled, "An Act for preventing the Printing and Publishing of Books and Papers by Persons not known," which Council were pleased to pass.

Ordered, That the Venerable the Archdeacon and the Colonial Secretary, do wait on the Governor with the said Bill.

Council then adjourned, *sine die*.

No. 6.

Council Chamber, 30th May, 1827.

Council met pursuant to summons.

PRESENT :—

HIS HONOR THE LIEUTENANT GOVERNOR,

HIS HONOR THE CHIEF JUSTICE,

THE VENERABLE THE ARCHDEACON,

THE HONORABLE JOHN MACARTHUR, Esq.,

THE HONORABLE CHARLES THROSBY, Esq.

The Clerk read a letter from His Excellency the Governor directing him to express his regret that he could not meet the Council to-day—Question of adjournment being put by the Archdeacon, seconded by Mr. Throsby—Council adjourned to 12 o'clock to-morrow.

No. 7.

Council Chamber, 31st May, 1827.

PRESENT :—

HIS HONOR THE LIEUTENANT-GOVERNOR,

THE VENERABLE THE ARCHDEACON,

THE HONORABLE THE COLONIAL SECRETARY,

THE HONORABLE JOHN MACARTHUR, Esq.,

THE HONORABLE ROBERT CAMPBELL, Esq.,

THE HONORABLE CHARLES THROSBY, Esq.

The Colonial Secretary brought down a Message from the Governor, expressive of his regret that he should have troubled the Members to meet, and that he would not detain them longer.

The Clerk was then directed to enter the following Memorandum in the Council Book:—

"MEMORANDUM."

"It having been communicated to the Council, that His Honor the Chief Justice has refused to re-certify the Bill No. 3, for imposing a duty on Newspapers, which passed the Council with the blank filled up with the duty of "four"-pence, on the 3rd day of May, 1827."

"judge,

“ judge it expedient to record the following facts relative to the progress of that Bill through the Council. First—That when the Bill was laid before the Council by the Governor, on the 24th day of April, the Chief Justice being present, the Clerk read the Bill, stating that the sum of four-pence was marked on the margin in pencil, to which no objection was made by the Chief Justice. Secondly—That on the 2nd day of May, the Bill was read a second time, and the clauses were read *seriatim*; upon the introduction of a clause for the preventing the forgery of Stamps, the Clerk was desired to wait on the Chief Justice at the Court House, where he was presiding at a trial, and request to know if he saw any objection to the insertion of that clause, which the Chief Justice said he could certify. The Clerk was desired to summon the Chief Justice and Mr. Campbell, to attend the next day. On the third day of May, the Colonial Secretary, upon taking his place in Council, said, ‘the Chief Justice was obliged to go to Court, but that he was happy to say he had seen the Chief Justice, who stated to him, he had no objection to the Bill.’”

Council then adjourned, *sine die*.

(Signed) HENRY G. DOUGLAS, *Clerk of the Council*.

No. 8.

Council Chamber, 24th December, 1827.

The Council having met pursuant to Summons.

His Excellency the Governor submitted His Majesty's Warrant dated 7th April, 1827, revoking the former Warrant, dated 17th July, 1825; and appointing a Legislative Council in the Colony of New South Wales, consisting of the following Members, viz:—

HIS HONOR CHIEF JUSTICE FRANCIS FORBES, ESQ.,
THE OFFICER NEXT IN COMMAND TO THE COMMANDER OF THE FORCES,
THE VENERABLE ARCHDEACON THOMAS HOBBS SCOTT,
THE HONORABLE COLONIAL SECRETARY, ALEXANDER MCLEAY, ESQ.,
THE HONORABLE JOHN MACARTHUR, ESQ.,
THE HONORABLE R. CAMPBELL, ESQ., SEN.,
THE HONORABLE CHARLES THROSBY, ESQ.

His Excellency the Governor informed the Council, that Colonel Patrick Lindsay, of H. M. 39th Regiment of Foot, was the Officer next in Command to the Commander of the Forces.

The several Members above named being present, they each took and subscribed the Oaths of Office, and Declaration against Transubstantiation.

His Excellency the Governor informed the Council that he had been pleased to appoint Thomas de la Condamine, Esq., to act as Clerk of the Council; and Mr. de la Condamine then took and subscribed the oath of Secrecy.

The following Message from His Excellency the Governor was then read.

“ Message from His Excellency the Governor to the Legislative Council.”

“ It being desirable that some precise Rules should be established for the proceedings of the Legislative Council, in order to avoid the inconvenience which might arise from the want of specific regulations on this head, His Excellency the Governor begs to recommend the subject to the consideration of the Council.

(Signed) “ RA. DARLING.”

Government House, Sydney, 24th December, 1827.

His Excellency the Governor having withdrawn from the Council, His Honor the Chief Justice was unanimously requested to take the Chair, and the Council proceeded to take the Governor's Message into their consideration.

It was then moved, and unanimously resolved, that the Council should proceed to the election of three of its own Members, who should form a Committee for the purpose of preparing a Draft of Rules and Orders for the conduct and dispatch of business in the Council, and that the said Draft, when prepared, should be laid before the Council for its consideration, and the adoption of such further measures as may be directed thereupon.

The following Members being resident in Sydney, were unanimously elected for the purpose of preparing the said Draft of Rules and Orders as aforesaid, viz:—

THE HONORABLE PATRICK LINDSAY, ESQ., COLONEL,
THE VENERABLE ARCHDEACON SCOTT,
THE HONORABLE ROBERT CAMPBELL, ESQ., SEN.

The Council adjourned to Monday, the 31st of December instant, at Eleven o'clock, then to take into consideration the Report of their Committee.

No. 9.

Council Chamber, 31st December, 1827.

The Council met in pursuance of adjournment.

PRESENT:—

HIS HONOR CHIEF JUSTICE FORBES,
THE HON. PATRICK LINDSAY, ESQ., COLONEL, | THE HONORABLE THE COLONIAL SECRETARY,
THE VENERABLE ARCHDEACON SCOTT, | THE HONORABLE ROBERT CAMPBELL, ESQ.

The Honorable Patrick Lindsay, Esq., Colonel, submitted to the Council the Report of the Committee appointed to prepare a Draft of the Rules and Orders for the conduct and dispatch of business in the Council.

The.

The Report having been read, and unanimously approved, it was resolved, that the several Rules and Orders proposed by the Committee be adopted, and should henceforward be observed in the conduct and dispatch of business in the Council.

It was then resolved that the Rules and Orders should be submitted to His Excellency the Governor, and the Honorable Patrick Lindsay, Esq., Colonel, and the Venerable Archdeacon Scott, were requested to carry them up with the following Message :—

“ To His Excellency Lieutenant-General Ralph Darling, Captain-
“ General and Governor-in-Chief in and over the Territory of
“ New South Wales and its Dependencies, &c., &c., &c.

“ MAY IT PLEASE YOUR EXCELLENCY :

“ The Council having taken into consideration your Excellency's Message of the 24th of
“ December instant, pointing out the necessity of establishing specific Regulations for the Pro-
“ ceedings of the Legislative Council, and recommending the subject to their attention, they have,
“ in pursuance of your Excellency's suggestion, framed and agreed to certain Standing Rules and
“ Orders, a copy of which they have now the honor to lay before your Excellency.”

“ By Command of the Legislative Council,

“ T. de la CONDAMINE,

“ Acting Clerk of Council.”

“ Council Chamber, 31st December, 1827.”

The Council then adjourned, *sine die*.

By Command,

T. de la CONDAMINE,

Acting Clerk of Council.