

# JOURNAL

OF

**HER MAJESTY'S COUNCIL**

OF

**NEWFOUNDLAND.**

**FIFTH SESSION, SECOND GENERAL ASSEMBLY.**

**His Excellency HENRY PRESCOTT, Esquire,**

*Companion of the Most Honorable Military Order of the Bath,*

**GOVERNOR.**



St. John's, Newfoundland.

PRINTED BY RYAN & WITHERS, PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1840.

# JOURNAL

Summary of the proceedings of the Council, for the year ending June, 1875.

Order in Council, leaving certain Acts of the Legislature to their operation.

Correspondence on the subject of Foreign Communication between England and Antigua.

Despatch from the Secretary of State relative to the transmission of Acts of the British Parliament to this Colony.

Do. do. on the Subject of the Disposal of Crown Lands.

## HER MAJESTY'S COUNCIL

Do. do. respecting a Bill of Her Majesty in relation to the House of Assembly.

Extract of Correspondence on the subject of a Mining Bill.

Correspondence with the Commissioners for the relief of the Poor in the District of St. John's.

Report of the Commissioners for the erection of a Colonial Building.

Letter from the Chief Justice stating the necessity of a Bill for the Coast of Labrador.

Communication from the Magistrate at St. John's, on the subject of the maintenance of the Police.

Do. do. on the subject of the Fisheries.

Report of Boards of Education.—St. John's, Conception Bay, Trinity, Pittsburg and St. Mary's, and Bermuda.



## FIFTH SESSION, SECOND GENERAL ASSEMBLY.

His Excellency HENRY PRESCOTT, Esquire.

Companion of the Most Honorable Military Order of the Bath.

GOVERNOR.



Friday, 1840.



This being the day appointed for the meeting of the Colonial Legislature—

At half-past One of the Clock,  
**PROCLAMATION.**



(L. S.)  
By His Excellency **HENRY PRESCOTT**, Esquire, Companion of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.

**WHEREAS** the GENERAL ASSEMBLY of this Island stands Prorogued until Wednesday the First day of January next; And Whereas I think fit further to Prorogue the said General Assembly until Friday the Third day of January:

I do, therefore, by this my Proclamation, further Prorogue the said GENERAL ASSEMBLY until Friday the Third day of January next, then to meet for the despatch of business: And all Persons concerned are required and commanded to take due notice, and govern themselves accordingly.

Given under my Hand and Seal at the Government-House, at St. John's, the Eleventh day of November, 1839, in the Third Year of Her Majesty's Reign.

By His Excellency's Command,  
**JAMES CROWDY,**  
*Secretary.*

*Mr. President, and Honorable Gentlemen of the Council,  
Mr. Speaker, and Gentlemen of the House of Assembly;*

When I closed the late Session in the month of October, it was not my intention to have re-assembled the Legislature, but the pressing necessities of the utterly helpless poor have compelled me to resort to this measure, and as there are other subjects to be considered, and experience does not seem to have proved the superior advantage of not meeting in the Summer, I shall bring under your observation all the public business, both regular and incidental, trusting that the whole may be completed before the commencement of the Seal Fishery.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The most urgent matter for your consideration is the present condition of the sick and destitute Poor, of Orphans and Idiots, combined with the just claims of those benevolent and industrious individuals who have long watched over and protected the two last named classes of sufferers. Since April nothing has been paid on this account, and I shall place before you

# HER MAJESTY'S COUNCIL.

## NEWFOUNDLAND.

FIFTH SESSION, SECOND GENERAL ASSEMBLY,  
3d VICTORIA.

Friday, 3d January, 1840.

This being the day appointed for the meeting of the Colonial Legislature—

At half-past One of the Clock, p. m., the House met—

House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.*  
“ “ JAMES SIMMS, *Attorney-General.*  
“ “ JAMES CROWDY, *Colonial Secretary.*  
“ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
“ “ WILLIAM THOMAS.  
“ “ JOHN B. BLAND.  
“ “ JOHN SINCLAIR.

Members present.

At Two of the Clock, p. m., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honorable the President of the Council commanded the Gentleman Usher of the Black Rod to go to the Commons House of Assembly, and inform the Members that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto, His Excellency was pleased to open the Session by a gracious Speech to both Houses.

His Excellency the Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

A Copy of His Excellency's Speech having been left with the House, it was read by the Clerk, and is as follows:

*Mr. President, and Honorable Gentlemen of the Council;*  
*Mr. Speaker, and Gentlemen of the House of Assembly;*

His Excellency's Speech.

When I closed the late Session in the month of October, it was not my intention so soon to have re-assembled the Legislature, but the pressing necessities of the utterly helpless poor have compelled me to resort to this measure; and as there are other subjects to be considered, and experience does not seem to have proved the superior advantage of our meeting in the Summer, I shall bring under your observation all the public business, both regular and incidental, trusting that the whole may be completed before the commencement of the Seal Fishery.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The most urgent matter for your consideration is the present condition of the sick and impotent Poor, of Orphans and Idiots, combined with the just claims of those benevolent and industrious individuals who have long watched over and protected the two last named classes of sufferers. Since April nothing has been paid on this account, and I shall place before you afflicting statements of consequent want and wretchedness.

I am well aware that in no part of the world should eleemosynary aid be given with more caution than in Newfoundland; but the infirmities of nature and the misfortunes occasioned by the character of our occupations, are surely entitled to public commiseration and relief.

I have transmitted on all occasions to the respective Legislative Bodies, copies of such Despatches as regard my conduct in conjunction with their proceedings.

# JOURNAL.



## PROCLAMATION.

By His Excellency HENRY PRESOTT, Esquire, Companion of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. (L. S.) H. PRESOTT.

WHEREAS the General Assembly of this Island stands prorogued until Wednesday the First day of January next; And Whereas I think fit further to prorogue the said General Assembly until Friday the Third day of January;

I do therefore, by this my Proclamation, further prorogue the said General Assembly until Friday the Third day of January next, then to meet for the dispatch of business: And all Persons concerned are required and commanded to take due notice, and govern themselves accordingly.

Given under my Hand and Seal at the Government-House, at St. John's, the Eleventh day of November, 1839, in the Third Year of Her Majesty's Royal

By His Excellency's Command,  
JAMES CROWDY,  
Secretary.

3rd January, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

By regulations prescribed by Her Majesty's Government, the House must be sensible that it is my duty rigidly to abide—and it will consequently be perceived, that had the Poor Bill, as sent up towards the conclusion of the late Session, been fully adopted by the Council, it could not possibly have received my assent.

I mention this to prevent misconception, and to obviate any future misunderstanding.

In an Address from the House of Assembly to Her Majesty, passed at the close of that Session, the subject of the last Contingency Bill is discussed at some length. As considerable time must elapse before any answer can be received, I would venture to suggest, without at all anticipating what the answer may be, that a Bill embracing such items as were originally undisputed, might, in consideration of the painful position of various claimants, be at once advantageously prepared.

I have formerly laid before you statements of the defective condition of the Building in which we are now assembled. I shall transmit to you the report of a Survey thereupon just made by my direction, to which I beg to call your particular attention.

*Mr. President, and Honorable Gentlemen of the Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall have the pleasure of transmitting to you, as soon as printed, a Report from the Geological Surveyor, containing much interesting information. He will be prepared to pursue his arduous and important labour at the earliest practicable period.

I have received a Despatch from Lord John Russell announcing that it is no longer desired that measures for the alienation of the Crown Territory should be delayed.

I shall therefore supply you with copies of correspondence on this head, which, with the documents already in your possession, and your own local knowledge, will, I hope, enable you to frame an act suited in every particular to the exigencies of the Colony.

I invite your early attention to this, because as the Bill will probably require a suspending clause, procrastination may occasion the loss of the fine season to applicants for Grants of Land.

The subject of a Road Bill will, I presume, occupy your deliberations.

The benefits arising from good Roads are so well known that observations respecting them would be trite and uninteresting, but it appears to me that while pursuing so useful an object, we should carefully avoid the evils which would inevitably result from any heavy accumulation of public debt.

I have heretofore recommended some points which I still believe to be worthy of your consideration. Upon them and others I shall always be happy to afford such information as I may possess; and to assist, as far as my humble means permit, your efforts for the general good.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

Ordered, that the Honorable Messrs. Simms, Spearman, and Thomas, be a Select Committee to draft an Address to the Governor in answer to His Excellency's Speech.

The Honorable Mr. Secretary Crowdy laid before the Council, by direction of the Governor, the following Extract of a Despatch from His Excellency to the Secretary of State for the Colonies of the 9th December, 1839, No. 64, with reference to an Address of the House of Assembly to Her Majesty, of the 10th October, 1839:—

“With regard to what is advanced respecting the conduct of the Council, I may observe that that body has not at present the means, supposing it to have the inclination, to make explanations relating to its Legislative decisions; but the General Assembly will be again in Session on the 3d of January, and I shall lose no time in transmitting any Address or Remarks which the Council may think fit to make, or in acquainting Your Lordship that none will be made.”

Committee appointed to draft address to the Governor in reply to his Speech.

Mr. Secretary Crowdy presents extract of a Despatch from the Governor to the Secretary of State on the subject of an address of the House of Assembly to Her Majesty.

The extract.

3rd & 6th January, 1840.

HENRY PRESCOTT, Esquire, C. B., Governor.

Ordered, that a Select Committee be appointed to draft an Address to the Governor with reference to the foregoing Extract; and

Select Committee appointed to draft an Address to His Excellency with reference to the foregoing.

Ordered, that the Honorable Messrs. Simms, Spearman, and Thomas, do compose the same.

On motion, made and seconded, the House adjourned until Monday next, at one o'clock, p. m.

House adjourns.

MONDAY, 6th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

The Honorable the Attorney-General, from the Select Committee appointed to draft an Address to His Excellency the Governor, in answer to his Speech at the opening of the Session of the Legislature, reported a draft thereof.

Attorney-General reports draft of Address in reply to the Governor's Speech.

Ordered, that the same be received.

Ordered, that the House go into Committee of the whole thereon presently.

Whereupon the House went into Committee accordingly.

Draft committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Address without amendment.

Reported.

Ordered, that the same be read.

The Address is as follows:—

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.

The Address.

May it please Your Excellency;

We, Her Majesty's most dutiful and loyal Subjects the Council of Newfoundland, beg leave to approach Your Excellency to express our humble thanks for your gracious Speech at the opening of the present Session of the Legislature.

We have heard from your Excellency, with much satisfaction, that the Geological Surveyor has laid before Your Excellency an interesting report of the progress he has made in his important labors, which we shall feel gratified in receiving whenever Your Excellency may be enabled to transmit the same to us in fulfilment of Your Excellency's expressed intentions.

We beg to assure Your Excellency that the subject of the Alienation of Crown Lands shall receive our most careful attention and serious consideration as soon as the documents to which Your Excellency has made reference shall be laid before us.

The subject of Roads, in common with all other matters incident to the welfare of the Colony, will, we beg to assure Your Excellency, on all occasions, claim our earnest consideration.

Ordered, that the Address be engrossed and read a third time to-morrow.

On motion, made and seconded, the House adjourned until Wednesday next.

8th, 10th & 11th January, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

WEDNESDAY, 8th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.

The Minutes of Monday last were read.

Address in answer to His Excellency's Speech Read third time and passed.

Pursuant to the order of the day, the Address to the Governor in answer to His Excellency's Speech on opening the Session of the Legislature, was read a third time and passed.

Committee to wait on the Governor to know when he will receive the same.

Ordered, that a Select Committee be appointed to wait on His Excellency the Governor to know when he will be pleased to receive the House with its Address—and

The Committee.

Ordered, that the Honorable Messrs. Crowdy and Spearman be a Committee for that purpose.

House adjourns.

On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 10th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.

The Minutes of Wednesday last were read.

Select Committee report that His Excellency will receive the Address to-morrow.

The Honorable Mr. Crowdy, from the Select Committee appointed to wait on the Governor to know at what time he would receive the Address of this House, reported that His Excellency had been pleased to name Saturday (to-morrow) at eleven o'clock, for that purpose.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow, at eleven o'clock, a. m.

SATURDAY, 11th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.  
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

House proceeds to the Government-House with their Address.

At Eleven o'clock, a. m., the House proceeded to the Government-House with their Address in answer to His Excellency's Speech at the opening of the Session.

At half-past Eleven the House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Address, and to return an answer thereto, in the following words:—

11th, 14th & 17th January, 1840.

HENRY PRESCOTT, ESQUIRE, C B. Governor.

*Mr. President, and Honorable Gentlemen of the Council;*

I thank you for this Address, which, in the assurance it contains of your intention to take into your earnest consideration all matters incident to the welfare of the Colony, has given me much gratification.

Governor's reply.

On motion, made and seconded, the House adjourned until Tuesday next.

House adjourns.

TUESDAY, 14th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*

" " WILLIAM THOMAS.

The Minutes of Wednesday last were read.

The Honorable Mr. Secretary Crowdy presented, by direction of the Governor, a return of Wolves killed between the 14th September, 1839, and the 3d January, 1840, being two in number.

Mr. Secretary Crowdy presents a return of Wolves killed.

On motion, made and seconded, the House adjourned until Friday next.

House adjourns.

FRIDAY, 17th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* JAMES SIMMS, *Attorney General.*

Members present.

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " JOHN B. BLAND.

The Minutes of Tuesday last were read.

The Honorable Mr. Crowdy enters.

Member enters

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, "An Act to make Provision for the Sick and Destitute Poor of the Island of Newfoundland," which was read a first time.

Poor Bill brought up and read first time.

Ordered, that the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

38th Rule dispensed with.

Whereupon the said Bill was read a second time, and—

Bill read second time.

Ordered, to be committed To-morrow.

The Honourable Mr. Secretary Crowdy presented a Message from His Excellency the Governor, which was read, and is as follows:—

Message from the Governor with Saint John's Board of Education Rules.

H. PRESCOTT.

The Governor transmits to the Council a copy of Rules submitted to him by the Board of Education for the District of St. John's. They appear to His Excellency to be well worthy of the consideration of the Legislature whenever a renewed Act for the promotion of Education may be in progress or contemplation.

See Appendix.

Government-House, 17th January, 1840.

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, laid the following documents before the House:—

The Honorable Mr. Secretary Crowdy presents Documents.

Copies of Correspondence with the Secretary of State for the Colonies, and other documents relative to the disposal of the Crown Lands.

See Appendix.

Copy of a Despatch from the Secretary of State for the Colonies relative to the remuneration to the Collector of the Customs for collecting the Colonial Revenue.

Ditto.

17th &amp; 18th January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

- See Appendix. Report of the Commissioners of Light Houses, suggesting the erection of Light Houses on Bacalieu Island and Cape Pine.
- Call of the House ordered. Ordered, That there be a call of the House to-morrow.
- House adjourns. On motion, made and seconded, the House adjourned until to-morrow, at twelve o'clock.

SATURDAY, 18th JANUARY, 1840.

- House meet. The House met pursuant to adjournment.

## Present,

- Members present.
- The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney-General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.

The Minutes of Yesterday were read.

- Call of the House. Pursuant to the order of the day the House was called.

## PRESENT,

- Members present.
- The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.

## ABSENT,

- Members absent.
- The Honorable* JOHN DUNSCOMB.  
 “ “ JOHN SINCLAIR.

On motion of the Honorable Mr. Crowdy, it was—

- Documents on the subject of Crown Lands to be printed. Ordered, That the Documents laid before this House yesterday, on the subject of the Disposal of the Crown Lands, be printed.

- Poor Bill committed. Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled, “An Act to make provision for the Sick and Destitute Poor of the Island of Newfoundland.”

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

- Reported with. The Chairman reported the Bill with some amendments.

Ordered, That the Report be received.

- Amendments. The amendments are as follows:—

At the end of the 1st Section expunge the words “of the Island of Newfoundland.”

In the 2nd Section, 4th line—Expunge the words “His Excellency”

“ “ “ 5th line—Insert after the word “Governor,” “or person administering the Government for the time being.”

“ 3d “ 3d line—Expunge all the words after the word “pounds,” and insert instead thereof, as follows: “Shall be appropriated to the relief of the Poor of the Out Ports by Commissioners, to be appointed for that purpose by the Governor, or person administering the Government for the time being”

“ 4th “ 2nd line—After the word “appointed,” insert “by the Governor or person administering the Government for the time being.”

18th &amp; 21st January, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

In the 4th Section, 4th line—Expunge all the words after the words “Saint John’s.”

“ 5th “ 4th line—Expunge the words “His Excellency.”

“ “ “ 5th line—Insert after the word “Governor,” the words “or person administering the Government for the time being.”

Expunge the 6th Section of the Bill.

In the 7th Section, 2nd line—Add the letter “s” to the word “Board.”

“ “ “ 5th line—Expunge the words “His Excellency,” and after the word “Governor” insert “or person administering the Government for the time being.”

Insert as the 8th Section—“And be it further enacted, that the Sums of Money hereby Granted, shall be paid by the Treasurer of the Colony in discharge of such Warrant or Warrants as shall be issued by the Governor or person administering the Government for the time being, in favour of any person or persons, to be applied to the purposes of this Act.”

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

On motion, made and seconded, the House adjourned until Tuesday next.

House adjourns.

TUESDAY, 21st JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Saturday last were read.

Pursuant to the order of the day the Bill entitled, “An Act to make provision for the Sick and Destitute Poor of the Island of Newfoundland,” was read a third time.

Poor Bill  
Read third time.

On motion, it was—

Ordered, that a conference be requested with the House of Assembly on the subject matter of the above named Bill.

Conference ordered  
respecting.

Ordered, that the Honorable Messrs. Crowdy and Spearman be a Committee to draft Instructions to the Conferees.

Select Committee to  
draft Instructions.

After some time the Honorable Mr. Crowdy, from the above named Committee, reported a draft.

Their Report.

Ordered, that the report be received.

Ordered, that the House go into Committee of the whole on the same presently.

The House accordingly went into Committee.

Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Instructions with some amendments.

Ordered, that they be adopted and engrossed.

Adopted.

The Instructions are in the following words:—

Her Majesty’s Council have sought this Conference to acquaint the House of Assembly that in the amendments they have made on the Bill entitled “An Act to make provision for

Instructions to  
Conferees on the Poor  
Bill.

21st January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

the sick and destitute Poor of the Island of Newfoundland," they have been governed solely by an anxious desire so to amend its several provisions as to ensure the assent of the Executive to the Bill, and its consequent immediate operation.

Her Majesty's Council felt themselves compelled to amend that clause of the Bill in which the House of Assembly named the Commissioners for carrying the provisions into effect, considering it to be more constitutional in principle and convenient in practice that these Officers should be appointed by the Executive, and in this view of the subject they are happy to find they are borne out by the Speech of His Excellency the Governor on opening the present Session, and also by the Despatch of the Secretary of State for the Colonies of the 4th June last, which is to the following effect:

"It might be difficult to lay down the general proposition that Commissioners for a Public Service, and the Officers acting under them, should always be appointed by the Executive Government, and never by an Act of the Legislature. But without agitating so wide a question I think it sufficient to say, that there was no apparent reason in the present case (the grant to the Poor in 1838) for withholding from the Executive Government their appropriate function of appointing Public Officers; and that experience, especially in the Colonies, demonstrates that the appointment of such Functionaries by Legislative Bodies, acting under no effective responsibility, is amongst the most fertile sources of abuse and misapplication of the Public Revenue."

Her Majesty's Council have also amended that clause of the Bill by which the said Commissioners are authorized to draw on the Colonial Treasury without the intervention of the Executive, because they believe it to be a course unprecedented in Colonial Legislation, and because his Excellency the Governor is restrained from giving his assent to a Bill containing such a provision by the 24th Article of the Royal Instructions which is as follows:

"You are not to suffer any public money whatsoever, whether it be appropriated to any particular service or not by the Act granting the same, to be issued or disposed of otherwise than by Warrant under your hand, by and with the consent of the said Council."

Her Majesty's Council further avail themselves of this occasion to express their regret that at this inclement season of the year so much time should have been allowed to elapse without any provision having been made for the destitute and houseless Poor. Her Majesty's Council, however, heartily concur in the grant now made, and were prepared to concur in one of even larger amount.

Instructions signed.

The foregoing Instructions having been read by the Clerk, the Honorable the President signed the same.

Conferees appointed.

Ordered, that the Honorable Messrs. Crowdy and Spearman be the Conferees on the part of this House.

Assembly accede to the Conference requested.

A Deputation from the House of Assembly brought up a message acceding to the conference requested.

Report of Conferees.

The Conferees went to the Conference, and having returned, reported that they had met the Managers from the Assembly, and delivered to them the Instructions with which they had been entrusted.

Poor Bill passed and

Ordered, that the Bill, as amended, entitled "An Act to make provision for the sick and destitute Poor of the Island of Newfoundland," do now pass.

Signed.

Whereupon the Honorable the President signed the same.

Contingency Bill for the past Session brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to defray the expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland," which was read a first time, and—

Ordered, to be read a second time to-morrow.

On motion, it was—

Address to the Governor for a copy of the Royal Instructions.

Ordered, that an address be presented to His Excellency the Governor, praying that His Excellency will be pleased to direct that a copy of the Royal Instructions, recently received by him, be laid before the House.

21st, 22nd & 24th January, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Select Committee to draft the same. Select Committee to draft Address.

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, presented the following Documents:— Documents presented by Mr. Secretary Crowdy

A Report of the Geology of Newfoundland, by J. B. Jukes, Esq.

Board of Education Return of Schools for the District of Placentia and Saint Mary's.

Petition of the Board of Education for the District of St. John's, for an increase of the Vote for the purposes of Education.

On motion, made and seconded, the House adjourned until to-morrow. House adjourns.

WEDNESDAY, 22nd JANUARY, 1840.

The House met pursuant to adjournment. House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.* Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of Yesterday were read.

Pursuant to the order of the day, the Bill entitled “An Act to defray the expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland,” was read a second time, and— Contingency Bill (of last Session) read 2d time.

Ordered, to be committed To-morrow.

On motion, made and seconded, the House adjourned until Friday next. House adjourns.

FRIDAY, 24th JANUARY, 1840.

The House met pursuant to adjournment. House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.* Members present.

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Wednesday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled, “An Act to defray the expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland.” Contingency Bill (of last Session) Committed.

The Honorable Mr. Crowdy in the Chair.

A Message being announced the House resumed,

A Deputation from the House of Assembly brought up a message requesting a Conference on the subject-matter of a Bill, to provide for the relief of the Poor of the Island of Newfoundland. Assembly request Conference on the subject of the Poor Bill.

Ordered, That the request be concurred in. Request concurred in.

Ordered, that the Honorable Messrs. Crowdy and Spearman be the Conferees on the part of this House. Conferees appointed.

24th January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Report of Conferees.

The Conferees went to the Conference, and having returned, reported that they had met the Managers from the House of Assembly, and received from them their Instructions, which are as follow :—

Assembly's Instructions  
to their Conferees on the  
Poor Bill.

The House of Assembly have desired this Conference on a Bill entitled "A Bill to Provide for the Relief of the Poor of the Island of Newfoundland," in order to inform Her Majesty's Council of their reasons for dissenting from the objections made by that Honorable Body in their last Conference to certain details in the late Bill entitled, "An Act to make Provision for the Sick and Destitute Poor of the Island of Newfoundland." Her Majesty's Council have stated, in the first paragraph, that in making amendments in that Bill "they have been governed solely by an anxious desire so to amend its several provisions as to ensure the assent of the Executive to the Bill, and its consequent immediate operation."

The Assembly will not say that the opinions and intentions of the Council were otherwise; but when every page of the Journals of Her Majesty's Council testifies that the House of Assembly can never regard the amendments of their Money Bills by that Body in any other light than as violations of their privileges, and when every page of the Journals of the Assembly (and with all of which the Council are furnished) proves that a Money Bill coming down amended from Her Majesty's Council can never be further considered in the Representative Branch of the Legislature, they cannot but feel that Her Majesty's Council might have known that they were not adopting the best means to secure the immediate operation of that measure, but were reiterating a course that has always most effectually tended to protract discussion.

In the second paragraph Her Majesty's Council declare their objections to have Commissioners appointed in the Act for carrying its provisions into effect; and further, that they regard it to be "more constitutional in principle, and convenient in practice, that these Officers should be appointed by the Executive;" and they adduce in support of their view "the Speech of His Excellency the Governor at the opening of the present Session," and an Extract from a Despatch of the Secretary of State for the Colonies of the 4th June, which Extract they also insert in their "Reasons for a Conference."

The following is the observation in His Excellency's Speech respecting the Poor Bill of last Session, in addressing the Assembly :—"By regulations prescribed by Her Majesty's Government the House must be sensible that it is my duty rigidly to abide—and it will consequently be perceived, that had the Poor Bill, as sent up towards the conclusion of the late Session, been fully adopted by the Council, it could not possibly have received my assent."

Without stopping to enquire why His Excellency was not advised to declare explicitly the "Regulations" by which he was thus fettered with reference to that Bill, or to point out the particular provision or principle therein embodied that militated against those "Regulations,"—without asking why His Excellency, when the House of Assembly, in their Address in reply to His Excellency's Speech, had declared that they were not aware in what respect the provisions of that Bill had been either "opposed to or beside" His Excellency's Instructions,—without demanding of Her Majesty's Council why, when the Assembly thus properly and reasonably sought that information which would have greatly accelerated the public business, His Excellency was advised to refrain from granting that which the Assembly had a right to expect—they are obliged to say that they can see nothing in the Extract quoted from the Despatch of the Secretary of State, nor anything advanced in His Excellency's Speech, to warrant the assumption that the appointment by Legislative enactment, and not by the sole voice of the Executive, of unpaid Commissioners, is either "unconstitutional in principle," or "inconvenient in practice."

As to the constitutional principle, surely it cannot be unconstitutional that the *three* branches of the Legislature shall have a concurrent voice in the nomination of unpaid Commissioners; nor can it be regarded for a moment as more "constitutional" that *one* of those branches should be permitted to exercise powers that ought to belong to the three; and with reference to the "convenience in practice," the experience the Country has had of the working of both systems, so far confirms the views of the Assembly of the great importance, both in point of utility and "convenience," of continuing the practice that has prevailed so

24th January, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

long, and has produced such happy results, that they see no reason for relinquishing so necessary a privilege.

In the Extract from the Despatch of the Marquis of Normanby of last June, quoted by the Council, the House of Assembly would most particularly remark that *there is no "regulation" of any kind whatever laid down*, and therefore the objection of His Excellency the Governor to the former Bill could not have been founded on *that* Despatch. In Lord Glenelg's Despatch of 10th December, 1838, to His Excellency, there is an unequivocal and clear "Instruction"—an explicit "Regulation," as follows:—

"In reply, therefore, to your demand of Instructions for your guidance in the event of the same course being hereafter repeated by the Assembly, I have to desire that should you see any probability of such an occurrence, you will make it known to that House that you will be compelled, at whatever inconvenience, to refuse your assent to any Bill of Supply in which provisions of such a nature, unconnected with the object of the Bill, are introduced by way of 'Tacks.'"

Here there is nothing ambiguous or doubtful, and the "Regulation" here prescribed demands imperatively that His Excellency should state expressly to the Assembly the *particular reason* whereby he was obliged to interpose. But in the whole of the Marquis of Normanby's Despatch, there is not a single observation that can reasonably be, for a moment, regarded as an "Instruction" or "Regulation," except in the very last paragraph His Lordship first approves of Lord Glenelg's objection to "Tacks" to the Bill of General Supply, he then declines, *in the clearest and most explicit terms*, "to agitate so wide a question" as, whether the Executive only, or the three branches of the Legislature, should exercise the appointment of Commissioners for a public service; and finally, he refrains from expressing anything like an "Instruction" or "Regulation" even upon the subject of the appointment of Public Officers, but contents himself with stating his opinion that there was no apparent reason, in the case of the Bill of Supply of 1838, to take out of the hands of the Executive the function of appointing a Public Officer; and in further proof of the correctness of this view, His Lordship tells explicitly, in the opening of the last paragraph, that he has given no "Instructions" on the subject, for he says, "I can therefore only repeat the Instructions of my Predecessor respecting any future act of the kind,"—while the entire of the last paragraph clearly exhibits His Lordship's motive for declining to open a discussion that could only tend to produce unpleasant feelings, and never could lead to the abandonment by the Assembly of one of their most important privileges, for His Lordship strongly enjoins His Excellency to avoid in his communications upon the subject with the Assembly every expression and form of proceeding which that House could, with any reason or plausibility, resent as a breach of their privileges."

On the subject of the objection of the Council to "that clause of the Bill by which the said Commissioners are authorized to draw upon the Colonial Treasurer without the intervention of the Executive," the Assembly beg leave to state that no such power either was or could be so given or contemplated. By the 24th Article of the Royal Instructions the Assembly were aware that the Governor was prohibited from permitting any Monies to be paid out of the Treasury except under His Excellency's Warrant, and that therefore whenever an Act passed, granting Monies, His Excellency was obliged to issue his Warrant or Warrants immediately, according to the nature of its provisions; but His Excellency was not by that Article prohibited from assenting to a Bill containing a provision of this nature, although the Eleven Articles immediately preceding were of Instruction as to what Bills, and what clauses of Bills, he should refuse his assent to.

Besides, the principle here objected to, of omitting to authorize the Governor to issue his Warrant prior to the payment of Monies by the Treasurer, was embodied in the Acts 4 W. 4 Cap. 4, Sess. 2—5 W. 4, Cap. 6—5 W. 4, Cap. 7—6 W. 4, Cap. 12—6 W. 4, Cap. 14—6 W. 4, Cap. 15—1 Vic. Cap. 2—1 Vic. Cap. 8—2 Vic. Cap. 2—2 Vic. Cap. 4; and though thus, during the entire period of the existence of the Legislature, in constant use, it was never before objected to by the Council, nor had it led to inconvenience, and therefore it needed not to have been brought into controversy at present; but, however, so anxious are the Assembly to

24th January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

avoid unnecessary discussion, that on all future occasions, notwithstanding these precedents, the Assembly have not the least objection to the insertion of a provision in every Money Bill in accordance with their apparent views in this respect.

Ordered, that the report be received.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "A Bill to provide for the relief of the Poor of the Island of Newfoundland," which was read a first time.

Ordered, that the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Whereupon the said Bill was read a second time, and—

Ordered, that the House go into Committee of the whole on the same presently.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an amendment.

Ordered, That the Report be received and adopted.

The amendment is as follows:—

In the 4th Section 7th line, Expunge all the words after the word "by" and insert in their place the words "Commissioners not fewer in number than Seven (of whom three shall be a quorum) to be appointed by the Governor, or Person administering the Government for the time being."

Ordered, That the Amendment be engrossed, and the Bill, as amended, read a third time presently.

Whereupon, the Amendment having been engrossed, the Bill, as amended, was read a third time and passed, and the Honorable the President signed the same.

The House again went into Committee of the whole on the Bill entitled, "An Act to defray the Expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered, That the Report be received.

The Amendments are as follows:—

In the 2nd Page, 11th and 12th lines—Expunge the words "Three Thousand One Hundred and Twenty-three Pounds Two Shillings and Ten Pence," and insert in lieu thereof "Two Thousand Two Hundred and Fifty One Pounds Two Shillings and Ten Pence."

" 4th " 9th and 10th lines—Expunge the words "And a further Sum of Ten Pounds for Extra Services."

" " " 13th and 14th lines—Expunge the words "And a further Sum of Five Pounds for Extra Services."

" " " 16th and 17th lines—Expunge the words "And a further Sum of Five Pounds for Extra Services."

" " " 20th and 21st lines—Expunge the words "And a further Sum of Five Pounds for Extra Services."

Message from the Assembly with Poor Bill.

Bill read first time.

38th Rule dispensed with.

Bill read second time.

Committed.

Reported with Amendment.

Amendment.

Poor Bill read 3d time passed and signed.

Contingency Bill of last Session—

Committed—

Reported, with

Amendments.

24th January, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

In the 4th Page, 24th and 25th lines—Expunge the words “And a further Sum of Five Pounds for Extra Services.”

“ 5th “ 1st five lines—Expunge the words “The Solicitor of the House of Assembly for his Services One Hundred Pounds. The Solicitor of the House of Assembly for Extra Services, Fifty Pounds.”

“ “ “ 8th and 9th lines—Expunge the words “The Chairman of Supply and Finance for his Services, Fifty Pounds.”

“ 6th “ 2nd and 3d lines—Expunge the words “The Chairman of Audit for his Services, Fifty Pounds”

“ “ “ 12th line—Expunge all the words after the word “Assembly,” and insert in place thereof, as follows—“One Hundred and Seventy-eight Pounds Eighteen Shillings.”

“ 6th and 7th Pages—being the last two lines of the 6th Page, and the first two of the 7th Page—Expunge the words “Travelling Charges and Extra Expenses to Six Members residing in Out Ports, One Hundred and Twenty Pounds, being at the rate of Twenty Pounds for each.”

“ 7th Page, 3d, 4th, and 5th lines—Expunge the words “Charges of Postages for Six Members residing in Out Ports, Eighteen Pounds, being at the rate of Three Pounds for each.”

“ 7th and 8th Pages—being the last line of the 7th Page, and the 1st line of the 8th Page—Expunge the words “Richard Holden, Assistant Clerk, for Extra Services, Fifty Pounds.”

“ 8th Page, 9th line—Expunge the words “And a further Sum of Fifty Pounds to Thomas Beck, Esq., for his attendance.”

“ 8th “ 12th line—Expunge the words “And a further Sum of One Hundred and Thirty Pounds to the Acting Clerk of the House of Assembly towards the defraying of Law Charges incurred by order of the House of Assembly.”

“ “ “ 17th line—Expunge the words “And a further Sum to Walter Dillon, Esq., for his Services.”

“ 8th and 9th Pages—Expunge the words “And a further Sum of One Hundred Pounds, and Thirteen Pounds, (including difference of Exchange, and one year’s Interest) to remunerate John Kent, Esquire, for One Hundred Pounds advanced by him and transmitted to England towards seeing Counsel in the Appeal of Kielley to the Privy Council from the Judgment of the Supreme Court, in the Case Kielley versus the Speaker and certain Members of the Assembly.”

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

The Honorable Mr. Spearman, from the Select Committee appointed to prepare an Address to His Excellency the Governor for a Copy of the Royal Instructions, reported an Address, which having been read—

Select Committee present draft of Address to Governor for copy of the Royal Instructions.

Ordered, That the same be received and adopted.

The Address is as follows:—

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c.

The Address.

May it please Your Excellency,

We, Her Majesty’s dutiful and loyal subjects, the Council of Newfoundland, most respect-

24th, 25th &amp; 28th January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

fully request that Your Excellency will be pleased to direct that there be laid before the Council a Copy of the Royal Instructions recently received by Your Excellency.

Select Committee to wait on the Governor to know when he will receive the Address.

Ordered, That a Select Committee be appointed to wait on the Governor to ascertain when His Excellency will be pleased to receive the same.

The Committee.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Committee for that purpose.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow.

SATURDAY, 25th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney-General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.

The Minutes of Yesterday were read.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next.

TUESDAY, 28th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney General.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.

The Minutes of Saturday last were read.

Member enters

The Honorable Mr. Crowdy enters.

Contingency Bill (of last Session) read 3d time passed and signed.

Pursuant to the order of the day the Bill entitled, “An Act to Defray the Expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland, was read a third time and passed, and the Honorable the President signed the same.

Select Committee present draft of Address to the Governor in answer to His Excellency's message respecting Address to Her Majesty by the Assembly.

The Honorable Mr. Spearman, from the Select Committee appointed to draft an Address to the Governor in answer to a Message from His Excellency transmitting an Extract of a Despatch from His Excellency to the Secretary of State for the Colonies, of the 9th December 1839, reported (in the absence of the Hon. the Attorney General) a draft, which he read.

Ordered, That the same be received.

Ordered, that the House go into Committee of the whole on the same presently.

Draft Committed.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered, that the report be received.

House adjourns

On motion, made and seconded, the House adjourned until To-morrow.

29th January, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

WEDNESDAY, 29th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

**Present,***The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*“ “ JAMES CROWDY, *Colonial Secretary.*“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the draft of an Address to the Governor in answer to a Message from His Excellency transmitting an Extract of a Despatch from His Excellency to the Secretary of State for the Colonies, of the 9th December 1839.

Draft of Address to the Governor in answer to His Excellency's Message of the 3d instant

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again To-day.

Ordered, That the report be received.

At three o'clock p. m. the House again went into Committee of the whole on the above named draft of Address to His Excellency the Governor.

Committed.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed,

The Chairman reported the Address.

Reported.

Ordered, That the same be received and adopted.

The Address is in the following words:—

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.

The Address.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Council of Newfoundland, in General Assembly convened, beg to address Your Excellency, in reply to your Message delivered to us on the 3rd instant, transmitting copy of an Address of the House of Assembly to Her Majesty which purports to have been passed on the 10th of October, 1839, together with an Extract of Your Excellency's Despatch to the Secretary of State in reference to such parts of the said Address as relate to the Council.

We should not have deemed it necessary to take any notice of this Address had it not been transmitted to us by Your Excellency, and it is only the respect which we owe to the Representative of our Sovereign which now induces us to offer a few observations on some of the principal points adverted to in a Document proceeding from a Body whose claims to consideration may be estimated by their own admission that they have fallen into bad repute with Your Excellency, the Judges, the Council, the Mercantile Community and the Press.

Your Excellency has had opportunities of testing by experience the principles and sentiments of the several Members of the Council, and as you are furnished with the means of knowing, from day to day, the proceedings of the two deliberative branches of the Legislature, Your Excellency is in a position to form an accurate and impartial judgment of the credit due to the charges which the House of Assembly have preferred against us; and we are therefore satisfied that ample justice is done to us in your Communications on this subject to Her Majesty's Government.

29th &amp; 31st January, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

A reference to the Journals of the Council and House of Assembly will show, that so far from our being averse to Education, the promotion of it has ever been an object of our earnest desire; and on no occasion have we rejected a Bill to establish an Academy—on the contrary every Bill for that object which has been submitted to us by the Assembly, has been cheerfully passed by us, with such amendments as in our opinion would render it efficient; and by the Assembly—not by the Council—invariably rejected.

The Contingency Bill of last Session was not, as stated in the Address, rejected by us, but by the Assembly. The Instructions to the Conferees of the Council, printed by the Assembly at the end of its Address, will show the grounds on which we acted; and the reply of the Assembly, also printed, and annexed to their Address, amply manifests the propriety of our proceedings on that occasion.

That reply contains an avowal of an attempt on the part of the Assembly to obtain Money for one object under cover of another—a mode of proceeding which we are unwilling to characterize by the terms which might be fairly applied to it, and which is, we believe, without a parallel in Colonial Legislation.

With respect to the Poor, we have never thrown out a Bill providing for their relief, nor have we interfered with the Sum proposed to be appropriated for such a purpose. During the past Session two Poor Bills were passed by us with some amendments which, in our opinion, were imperatively required to render them efficient and secure to them His Excellency's assent. One of these amendments was the expunging of a clause tacked to that Bill by the Assembly, which would have had the effect of subverting the foundation on which the Hospital had been placed by Your Excellency, in furtherance of the provisions of a certain Act passed in the Sixth Year of the Reign of his late Majesty King William the Fourth, entitled "An Act for the Relief of Sick and Disabled Seamen, Fishermen, and other persons."

We again beg to assure Your Excellency that it is with extreme reluctance we have entered on this subject, and we deeply regret that the impracticable nature of many of the measures of the Assembly has prevented their receiving our concurrence.

Ordered, That the Address be engrossed and read a third time presently.

Address engrossed, read 3d time, passed and signed.

Whereupon, the Address having been engrossed, was read a third time and passed, and the Honorable the President signed the same.

The Committee.

Ordered, That a Select Committee be appointed to wait on the Governor to ascertain at what time His Excellency will be pleased to receive the same.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Committee for that purpose.

House adjourns.

On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 31st JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable WILLIAM SALL, *Commandant*.

“ “ JAMES SIMMS, *Attorney-General*.

“ “ JAMES CROWDY, *Colonial Secretary*.

“ “ JOHN B. BLAND.

The Minutes of Wednesday last were read.

Select Committee report, that His Excellency will receive Address to-day.

The Honorable Mr. Crowdy, from the Select Committee appointed to wait on the Governor to ascertain at what time His Excellency will receive this House with its Address of the 29th Instant, reported that His Excellency had named Two o'clock To-day for that purpose.

Mr. Secretary Crowdy presents ext Address of

The Honorable Mr. Secretary Crowdy laid before the Council, by direction of the Majesty:—

31st January, 4th & 7th February, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

“ May it please Your Majesty :

“ The only course that Parliamentary usage left to the Assembly to pursue in order to acquire this information, was, by the appointment of a Committee to search the Journals of that Honorable Body, and report the proceedings had thereon to this House. This course the Assembly have adopted, but Her Majesty's Council have peremptorily refused to permit that search.”

The Extract.

Ordered, That a Select Committee be appointed to draft an Address to His Excellency the Governor with reference to the foregoing Extract.

Select Committee to draft Address to the Governor on the foregoing subject.

Ordered, That the Honorable Messrs. Simms and Crowdy do compose the same.

The Committee.

At two of the Clock the House proceeded to the Government-House with their Address of the 29th instant.

House proceeds to the Government House with its Address.

At three of the Clock, p. m., the House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Address, and to return an answer thereto, which was read, and is as follows:—

*Mr. President, and Honorable Gentlemen of the Council;*

This Address shall, without delay, be brought under the observation of Her Majesty's Government.

Governor's reply.

On motion, made and seconded, the House adjourned until Tuesday next.

House adjourns.

TUESDAY, 4th FEBRUARY, 1840.

The House met pursuant to adjournment.

Present,

*The Honorable JAMES SIMMS, Attorney General.*

Who adjourned the House for want of a quorum until Friday next.

House adjourned for want of a quorum.

FRIDAY, 7th FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable WILLIAM SALL, Commandant.*

Members present.

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JAMES M. SPEARMAN, Collector of the Customs.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The Minutes of Friday and Tuesday last were read.

The Honorable Mr. Secretary Crowdy laid before the Council, by direction of the Governor, the following Documents, viz.:—

Documents presented by Mr. Secretary Crowdy

Estimate of the charge of defraying the Public Expenditure of Newfoundland, in the Year ending 30th June, 1841—£10,134.

Statement of Services inadequately provided for by the Appropriation Act for the Year ending 30th June, 1840.

Treasurer's Account with the Colony for the half year ended 1st January, 1840.

The Honorable Mr. Crowdy, from the Select Committee appointed to draft an Address to the Governor in reply to His Excellency's Message transmitting Extract of an Address of the House of Assembly to Her Majesty, reported a draft.

Select Committee report Draft of an Address to the Governor in answer to His Excellency's message transmitting Extract of Address to Her Majesty from the House of Assembly.

Ordered, That the same be received and adopted.

Report received and adopted.

7th &amp; 11th February, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

The Address is as follows:—

The Address.

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, beg to thank Your Excellency for your Message of the 31st January, accompanied by an Extract of an Address from the House of Assembly to the Crown.

Your Excellency having been pleased to call our attention to the Extract, we conceive it due to Your Excellency to give a short statement of facts in reference to this matter.

On the 29th January a doubt was expressed by a Member of the Council as to the propriety of allowing our Journals to be searched by the House of Assembly for information respecting proceedings which had no connexion with business jointly entertained by the two Branches, and which we were at the time discussing with closed doors. This doubt having arisen, it was thereupon agreed that at our next meeting the subject should be discussed and determined. This was accordingly done, and the result was a determination on the part of the Council to allow of this search on every occasion, when desired by the House of Assembly, provided the subject-matter on which information be sought by that House shall not, at the time, be under discussion.

Ordered, That the Address be engrossed and read a third time presently.

Address read 3d time, passed and signed.

Whereupon, the Address having been engrossed, was read a third time and passed, and the Honorable the President signed the same.

Committee appointed to present the same.

Ordered, That the Honorable Messrs. Crowdy and Thomas be a Committee to wait on the Governor to ascertain at what time His Excellency will be pleased to receive the said Address, and to present it.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next.

TUESDAY, 11th FEBRUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*  
 “ “ JAMES SIMMS, *Attorney-General.*  
 “ “ JAMES CROWDY, *Colonial Secretary.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.

The Minutes of Friday last were read.

Report of Select Committee appointed to present an Address to the Governor.

The Honorable Mr. Crowdy from the Select Committee appointed to present the Address of this House to His Excellency the Governor, with reference to his Message transmitting Extract of an Address of the House of Assembly to Her Majesty, reported that His Excellency had been pleased to receive the same.

Mr. Secretary Crowdy presents Customs consolidated account current.

The Honorable Mr. Secretary Crowdy presented, by direction of the Governor, a Consolidated Account Current of Receipts and Payments of Her Majesty's Customs for the Year ending 5th January, 1840.

Member enters.

The Honorable Mr. Spearman enters.

Bills brought up, viz:—

A Deputation from the House of Assembly brought up two Bills for the concurrence of this House, entitled as follows:—

Read loan Bill

“ An Act to authorize the Treasurer of the Colony to raise on loan a Sum not exceeding Thirteen Thousand Five Hundred Pounds, for the purpose of Making and Repairing Streets, Roads and Bridges therein.”

11th, 14th & 18th February, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

"An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in the Colony, and to regulate the Expenditure of the same." Road (Provision) Bill.

Which were severally read a first time, and—

Ordered, to be read a second time to-morrow.

On motion, made and seconded, the House adjourned until Friday next. House adjourns

FRIDAY, 14th FEBRUARY, 1840.

The House met pursuant to adjournment. House meets.

Present.

*The Honorable* JAMES SIMMS, *Attorney-General.* Members present.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The minutes of Tuesday last were read.

Pursuant to the order of the day the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on loan a Sum not exceeding Thirteen Thousand Five Hundred Pounds for the purpose of Making and Repairing Streets, Roads and Bridges therein," was read a second time, and— Road Loan Bill  
Read second time.

Ordered, to be committed To-morrow.

Pursuant to the order of the day the Bill entitled "An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in the Colony, and to regulate the Expenditure of the same," was read a second time, and— Road (Provision) Bill.  
Read second time.

Ordered, To be committed To-morrow.

A Deputation from the House of Assembly brought up a message in the following words:

*Mr. President:*

The House of Assembly acquaint the Council that they have passed the following Resolution:— Message from the  
Assembly on the subject  
of Steam Navigation

Resolved, That a Message be sent to Her Majesty's Council acquainting them of the appointment by this House of a Select Committee of three to meet a Select Committee of their Honorable Body, in order the better to consider the most effectual means of promoting Steam Navigation between this Country and Great Britain,

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
12th February, 1840. }

Ordered, That a Select Committee be appointed to meet the Committee from the House of Assembly, with reference to the foregoing Message, and— Select committee on  
Steam Navigation  
appointed.

Ordered, that the Honorable Messrs. Thomas and Bland do compose the same.

On motion, made and seconded, the House adjourned until Tuesday next. House adjourns

TUESDAY, 18th FEBRUARY, 1840.

The House met pursuant to adjournment. House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney General.* Members present.

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Friday last were read.

18th &amp; 21st February, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

On motion, made and seconded, it was—

Address to the Governor for certain Financial Returns ordered.

Ordered, That an humble Address be presented to His Excellency the Governor requesting that His Excellency will cause to be laid before this House a Return shewing the amount of the Debts of the Colony; the means now in the Treasury applicable to their liquidation; the probable sums which the Legislature may reasonably calculate on having at its disposal on the termination of the present Financial Year; and also a Return shewing the net Revenue of the Colony in each of the Years 1836, 1837 and 1838.

Address adopted and signed.

Whereupon an Address to His Excellency, embodying the foregoing, having been engrossed, was read and adopted, and the Honorable the President signed the same.

Committee to wait on the Governor to present it.

Ordered, That the Honorable Messrs. Crowdy and Spearman be a Select Committee to ascertain at what time His Excellency will be pleased to receive the said Address, and to present it.

Nuisance Act in part Repeal Bill brought up and

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to repeal the 10th Section of an Act passed in the Third Session of the General Assembly of Newfoundland, entitled 'An Act for the more speedy abatement of Nuisances, and to make provision to prevent Swine from running at large,'" which was read a first time, and—

Read first time.

Ordered, To be read a second time to-morrow.

On motion, made and seconded, it was—

Read Loan Bill to be published.

Ordered, That the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on loan a Sum not exceeding Thirteen Thousand Five Hundred Pounds, for the purpose of Making and Repairing Streets, Roads and Bridges therein," be published.

House adjourns

On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 21st FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

Present.

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The minutes of 'Tuesday last were read.

Report of Select Committee appointed to present an Address to the Governor.

The Honorable Mr. Secretary Crowdy, from the Select Committee appointed to present an Address to the Governor for certain Financial Returns, reported that His Excellency had been pleased to receive the same.

Mr. Secretary Crowdy presents Financial returns

The Honorable Mr. Secretary Crowdy laid before the House, by direction of His Excellency the Governor, the documents requested by an Address of this House on Tuesday last, viz:—

Treasurer's Statement of the Net Revenue of the Colony for the Years 1836—7 and 8.

Statement of the Debts of the Colony and amount applicable to their liquidation.

Collector of Customs' Return of the probable amount he will have to pay over to the Treasurer for the Half Year ending 5th July, 1840.

Mr. Secretary Crowdy communicates from the Governor on the subject of an Address of the Assembly relative to the Relief of the Poor.

The Honorable Mr. Secretary Crowdy, by direction of the Governor, acquainted the Council that His Excellency has received a notification from the House of Assembly of its having passed an Address to him requesting that he will draw Six Hundred Pounds from the Treasury and apply it to the immediate relief of the Poor of 'St. John's and the Out Ports.

On motion, it was—

Ordered, That the House go into Committee of the whole on the above Message from His Excellency.

21st February, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

Whereupon the House went into Committee accordingly.

His Excellency's  
Message committed.

The Honorable Mr. Crowdy in the Chair.

The Honorable Mr. Spearman enters.

Member enters.

After some time the House resumed,

The Chairman reported the following Resolution.

Resolved, That an Address be prepared and presented to His Excellency the Governor thanking him for his Communication made this day by the Honorable the Colonial Secretary, and informing His Excellency that the Council fully concur in the appropriation by His Excellency of the Sum of Six Hundred Pounds to the Relief of the Poor in St. John's and the Out Ports.

Resolution of Committee  
on the subject of an  
Address to the Governor  
relative to the Relief of  
the Poor.

Ordered, That the Report be received and adopted.

Ordered, That the Address to His Excellency be engrossed forthwith.

Whereupon the Address was engrossed, and the Honorable the President signed the same.

Address engrossed and  
signed.

The Address is as follows:—

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c.

The Address to  
His Excellency relative  
to the Relief of the Poor.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, beg leave to approach Your Excellency to express our humble thanks for Your Excellency's Communication made this day by the Honorable the Colonial Secretary, and to inform Your Excellency that we fully concur in the appropriation by Your Excellency of the Sum of Six Hundred Pounds to the Relief of the Poor in St. John's and the Out Ports.

JAMES SIMMS.

Council-Chamber, }  
21st February, 1840. }

Ordered, That the Honorable Messrs. Crowdy and Spearman be a Committee to wait on the Governor to ascertain at what time His Excellency will be pleased to receive the said Address, and to present it.

Committee appointed to  
present it.

On motion it was—

Ordered, That a Select Committee be appointed to report on the Financial Statements transmitted to the House this day by His Excellency the Governor, preparatory to the House going into a Committee of the whole on the Road Bill.

Select Committee to  
report on Financial  
Documents.

Ordered, that the Honorable Messrs. Crowdy, Spearman and Thomas be the Committee for that purpose.

The Committee.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to continue an Act passed in the Fifth Session of the General Assembly of this Island, entitled 'An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the Duties of the said Offices,' " which was read a first time, and—

Clerk of Courts' Bill  
brought up and  
read 1st time.

Ordered, To be read a second time to-morrow.

On motion, made and seconded, the House adjourned until Friday next.

House adjourns

25th February, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

TUESDAY, 25th FEBRUARY, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Friday last were read.

Report of Committee appointed to wait on the Governor with an Address on the subject of Relief of the Poor.

The Honorable Mr. Crowdy, from the Select Committee appointed to present an Address to the Governor concurring in the appropriation of a sum of money to the relief of the Poor, reported that His Excellency had been pleased to receive the same.

Report of Select committee on Steam Navigation

The Honorable Mr. Thomas, from the Select Committee appointed to meet a Select Committee from the House of Assembly on the subject of Steam Navigation, reported the following Resolutions:—

Resolved, That it is the opinion of this Committee that a frequent and rapid Communication between St. John's and Great Britain or Ireland is of essential importance to the interests of Newfoundland.

Resolved, That it is the opinion of this Committee that the establishment of a Steam Communication between St. John's and Halifax, to meet the line of communication between England and Halifax, would greatly promote that object.

Resolved, That it is the opinion of the Committee, that as it appears by a Treasury Minute, dated on the 11th Day of March, 1839, Her Majesty's Government have engaged to take into their consideration the communication between Saint John's and Halifax, as soon as the arrangement for establishing a line of Steam Vessels between England and Halifax should be matured, and as the said arrangements have now been completed, it is the duty of the Legislature to testify their desire to co-operate with the Government by granting an increase to the Sum already Voted to encourage the establishment of such communication.

Resolved, That it is the opinion of this Committee that a Bill be prepared and reported to the Assembly repealing the Act under which the Sum of Fifteen Hundred Pounds has been granted to Her Majesty for the purpose of facilitating a communication by Steam between Saint John's and Halifax, and which Bill shall grant in lieu thereof, for the said Service, the Sum of Three Thousand Pounds, to be paid in Three Annual Instalments of One Thousand Pounds each, after such communication shall have been established, to such person or persons as Her Majesty's Principal Secretary of State for the Colonies shall direct.

Ordered, That the report be received.

Clerk of Courts' Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to continue an Act passed in the Fifth Session of the General Assembly of this Island entitled 'An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court and to make provision for the Officer discharging the duties of the said Offices,'" was read a second time, and—

Ordered, to be committed To-morrow.

Poor Bill brought up and read first time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to defray certain charges that have arisen for the support of Aged and Infant Paupers up to the first day of February, 1840," which was read a first time.

38th Rule dispensed with

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Bill read 2d time

Whereupon the Bill was read a second time.

Ordered, That the House go into Committee of the whole on the same presently.

25th & 28th February, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The House accordingly went into Committee.

Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported—

Ordered, That the report be received.

The Bill was then read a third time and passed, and the Honorable the President signed the same.

Read 3d time and passed

On motion, made and seconded, the House adjourned until Friday next.

House adjourns.

FRIDAY, 28th FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

Present.

The Honorable JAMES SIMMS. *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

Members present.

The minutes of Tuesday last were read.

A Deputation from the House of Assembly brought up a Message in the following words, to which they requested the concurrence of the Council:—

*Mr. President:*

The House of Assembly acquaint Her Majesty's Council that they have passed the following Resolution:

Message from the Assembly on the subject of an error in the Poor Bill.

Resolved, That as the word "Currency" has been clerically omitted between the words "Seven Pence" and "which," and also between the words "Seven Pence" and "be appropriated," in the Bill entitled "An Act to defray certain charges that have arisen for the support of Aged and Infant Paupers up to the first February, 1840," which has passed both Houses, a Message be sent to Her Majesty's Council to request their sanction for making the necessary correction.

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
27th February, 1840. }

The Honorable Mr. Spearman enters.

Member enters.

On motion, made and seconded, it was—

Ordered, That a Conference be requested with the House of Assembly on the subject of their Message of to-day, and that the following instructions be given to the Conferees on the part of this House:

Her Majesty's Council have sought this Conference with the House of Assembly for the purpose of acquainting that House, with reference to their Message of to-day, that as it appears to the Council that the omission of the word "Currency" between the words "pence" and "be" is an error which subjects the Colony to the payment of Money not legally due, the Council will sanction its insertion, but as the same cause does not exist for the insertion of the word "Currency" between the words "pence" and "which," and as its insertion would be opposed to the principle which has always prevailed of Grants to Her Majesty in Sterling, the Council cannot consent to the alteration in this instance.

Whereupon the Instructions to the Conferees having been read the Honorable the President signed the same.

28th February, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Assembly agree to Conference.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested

Conferees appointed.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House.

Report of Conferees.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had met the managers from the Assembly and delivered to them their Instructions; and that the Assembly's Managers having asked time and referred the matter to the House of Assembly, that House had come into the views of the Council, and caused the necessary alteration to be made in the Poor Bill accordingly.

Ordered, that the report be received.

Governor arrives at Council Chamber.

At Two of the clock, p. m., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honorable the President of the Council commanded the Gentleman Usher of the Black Rod to go to the Commons House of Assembly and inform the Members that it is His Excellency's pleasure that they do forthwith attend at the Bar of this House, and they being come thereto His Excellency was pleased to give his assent to a Bill entitled—

The Assembly summoned to attend him

His Excellency assents to the Poor Bill.

“An Act to Defray certain charges that have arisen for the Support of Aged and Infant Paupers up to the First of February, 1840.”

His Excellency retires.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

Report of Select committee on Financial Documents.

The Honorable Mr. Secretary Crowdy, from the Select Committee appointed to report on certain Financial Documents preparatory to the House going into a Committee of the whole on the Road Bill, reported as follows:—

*Statement Shewing the Amount of Debts on the Colony and the means in the Treasury applicable to their liquidation, 20th February, 1840.*

Amount of Loans to Cape Spear Light House ..	} To be Repaid } when called for	£1500 0 0		Amount of Cash in the Treasury on the 31st January, 1840, .....	£4145 13 11
— Harbour Grace do.		2500 0 0		BALANCE, .....	22,661 1 6
			4000 0 0		
— on Colonial Building (for payment of which no provision has been made)			400 0 0		
Unpaid of first Instalment under the Act 2d Vict. c. 4.		500 0 0			
Second Instalment under the same Act, due on 4th December next .....		3500 0 0			
Third ditto due on the 4th December, 1841.		3500 0 0			
			7500 0 0		
Half year's Interest on £4,400 loaned to Cape Spear and Harbor Grace Light Houses, and to Colonial Building, due on 30th June. ..			132 0 0		
Ditto on £7000, 2d and 3d Instalments under 2d Vict., c. 4, due on the 4th June next. ....			210 0 0		
Unpaid of Interest accruing before this date			27 0 0		
Amount unpaid of votes of the present and of former years. ....			14,537 15 5		
			£26,806 15 5		£26,806 15 5

(Signed)

JAMES CROWDY,  
Chairman.

Council Chamber,  
28th February, 1840. }

28th February, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Statement Shewing the probable Financial condition of the Colony on the 30th June, 1840.

Balance of Treasurer's Account, .....	£22,661 1 6	Probable amount of Customs Net Revenue for the half year ending 5th July, 1840—viz.:	
Contingencies of the Legislature for the Session of 1839, as agreed to by the Council, .....	2,251 2 10	Under Imperial Acts,....	£1000 0 0
Poor, by Address,.....	£600 0 0	Ditto Colonial Acts, ....	5600 0 0
Ditto, by Bill, .....	353 17 7		6600 0 0
	953 17 7	BALANCE, .....	19,916 1 11
To be provided in addition to the sums already voted on account of the undermentioned services:—			
Gaols, .. .. .	400 0 0		
Civil and Criminal Prosecutions, .....	150 0 0		
Repairs of Gaols, .....	100 0 0		
	650 0 0		
	£26,516 1 11		£26,516 1 11

In making this Report to your Honorable House, your Committee are aware that other claims will be made against the Colony, such for instance as the Contingencies of the present Session of the Legislature—but which, not being regularly before us, we have not included in this statement.

(Signed)

JAMES CROWDY,

Chairman.

Council Chamber,  
28th February, 1840. }

Ordered, That the foregoing Statements be Printed.

Pursuant to the order of the day, the House went into a Committee on the Bill entitled "An Act to continue an Act passed in the Fifth Session of the General Assembly of this Island entitled 'An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court and to make provision for the Officer discharging the duties of the said Offices,' "

Clerk of Courts' Bill  
Committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered, That the report be received.

Ordered, That the said Bill be read a third time to-morrow.

On motion, made and seconded, the House adjourned until Tuesday next.

House adjourns

3rd &amp; 6th March, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

TUESDAY, 3rd MARCH, 1840.

House meets.

The House met pursuant to adjournment.

Present,

*The Honorable* JAMES SIMMS, *Attorney General.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Friday last were read.

Mr. Secretary Crowdy  
presents a document.

The Honorable Mr. Secretary Crowdy laid before the House, by direction of the Governor, a Report of the Board of Road Commissioners for the District of St. John's.

Clerk of Courts' Bill  
Read 3d time and passed

Pursuant to the order of the day, the Bill entitled "An Act to continue an Act passed in the Fifth Session of the General Assembly of this Island, entitled 'An Act to combine the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the Duties of the said Offices,'" was read a third time and passed, and the Honorable the President signed the same.

Road Bill committed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act for Granting to Her Majesty Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the Expenditure of the same."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed,

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered, That the report be received.

House adjourns.

On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 6th MARCH, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Tuesday last were read.

Member enters.

The Honorable Mr. Spearman enters.

Steam Navigation Bill  
brought up and  
read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to repeal an Act entitled 'An Act to re-vest in the Treasury the Sum of One Thousand Five Hundred Pounds, granted to Her Majesty under an Act passed in the first year of the Reign of Her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John's and the Port of Halifax in the Province of Nova Scotia,' and to make further provision for facilitating communication by Steam between the said Ports of St. John's and Halifax," which was read a first time, and—

Ordered, To be read a second time to-morrow.

On motion of the Honorable Mr. Crowdy, it was—

Report of Road  
Commissioners for  
St. John's to be printed.

Ordered, That the Report of the Road Commissioners for the District of St. John's, be printed.

10th &amp; 13th March, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

On motion, made and seconded, it was—

Ordered, That the order of the day for the second reading of the Bill entitled "An Act to repeal the Tenth Section of an Act passed in the Third Session of the General Assembly of Newfoundland, entitled 'An Act for the more speedy abatement of Nuisances, and to make provision to prevent Swine from running at large,'" be discharged, and that the said Bill be read a second time on this day three months.

Nuisance Act amendment bill to be read 2nd time in three months.

On motion, made and seconded, the House adjourned until Tuesday next.

House adjourns.

TUESDAY, 10th MARCH, 1840.

At half past One of the Clock, p. m., there were—

PRESENT,

*The Honorable* JAMES SIMMS, *Attorney-General.*

" " JOHN B. BLAND.

The Honorable the Attorney General declared the House adjourned for want of a quorum until Friday next.

House adjourns for want of a quorum.

FRIDAY, 13th MARCH, 1840.

The House met pursuant to adjournment.

House meets.

Present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

Members present.

The minutes of Friday and Tuesday last were read.

Pursuant to the order of the day the House went into Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a Supply of money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same."

Road Bill committed.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again, and recommended that a Select Committee be appointed to report on the Statistics of the Money already granted by the Legislature for Roads.

Select Committee recommended to be appointed.

Ordered, that the report be received, and—

Ordered, That the Honorable Messrs. Thomas and Bland be the Committee.

The Committee.

On motion made and seconded, it was—

Ordered, That a Message be sent to the House of Assembly requesting them to furnish this House with the particulars of the Sums of Two Hundred and Twenty Pounds proposed to defray outstanding claims, and Two Hundred and Thirty Pounds for the completion of works on hand, in a Bill entitled "An Act for granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same."

Message to Assembly ordered for particulars of certain sums in the Road bill.

Whereupon a Message was sent accordingly.

Pursuant to the order of the day, the Bill entitled "An Act to re-vest in the Treasury the Sum of One Thousand Five Hundred Pounds, granted to Her Majesty under an Act passed in the first year of the Reign of Her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John's and the Port of Halifax in the Province of Nova Scotia," and to make

Steam Navigation Bill read 2nd time.

13th &amp; 17th March, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

further provision for facilitating communication by Steam between the said Ports of St. John's and Halifax," was read a second time, and—

Ordered, to be committed To-morrow.

Blue Book Bill brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to regulate the Returns and Details of the various Offices of this Colony," which was read a first time, and—

On motion, made and seconded, it was—

To be read 2d time in six months.

Ordered, To be read a second time this day six months.

Bills brought up, viz:

Deputations from the House of Assembly brought up for the concurrence of this House the Bills entitled—

Hospital Act amendment Bill—

"An Act to repeal in part an Act passed in the sixth year of the Reign of His late Majesty William the 4th, entitled 'An Act to provide for the relief of Sick and Disabled Seamen, Fishermen and other Persons,' and to authorize the appropriation of Monies collected under the said Act."

Fraud prevention Bill—

"An Act to prevent Fraud in the Sale of certain Articles imported into this Colony."

Carbonear Grammar School Bill—

"An Act to establish a Grammar School in the Town of Carbonear."

Building of Vessels encouragement Bill—

"An Act to encourage the Building of Vessels in the Colony of Newfoundland."

and severally read 1st time.

Which were severally read a first time, and—

Ordered, To be read a second time To-morrow.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next.

TUESDAY, 17th MARCH, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Friday last were read.

Select Committee on the Statistics of Money already granted for Roads make their report.

The Honorable Mr. Thomas, from the Select Committee appointed to report on the Statistics of the Money already granted by the Legislature for Roads, reported the following Statement:—

SPECIFICATION OF THE SEVERAL SUMS APPROPRIATED BY THE ACTS OF THE GENERAL ASSEMBLY FOR THE MAKING AND REPAIRING OF ROADS, STREETS AND BRIDGES IN THIS COLONY, BETWEEN THE YEARS 1834 TO 1839, INCLUSIVE.

	£	s.	d.
By the Act 4th W. 4th, Cap. 25, June 12, 1831, .....	1000	0	0
— 5th W. 4th, Cap. 13, (2d Session) 8th May, 1835, .....	2090	0	0
— 6th W. 4th, Cap. 15, 6th May, 1836, .....	7539	7	0
— 1st Vic., Cap. 2, 18th November, 1837, .....	16,801	0	0
— 2d Vic., Cap. 1, 13th July, 1828, .....	100	0	0
— 2d Vic., Cap. 3, 25th October, 1838, .....	14,196	0	0
— — Cap. 10, 25th October, 1838, .....	68	0	1
— 3d Vic., Cap. 11, 12th October, 1839, .....	250	0	0
— — Cap. 12, 12th October, 1839, .....	130	0	0

Carried forward..... £42,174 7 1

17th March, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

	£	s.	d.
Brought forward ....	42,174	7	1
By the Act 1st Vic., Cap. 2—Salary of Clerk of Board of Control, 2 years.....	100	0	0
— 2d — Cap. 4—Interest on Loan of £10,500 for one year, .....	630	0	0
— — — Do. do. of £7,000 for half year, due in June, 1840,.....	210	0	0
	840	0	0
	<u>£43,114</u>	<u>7</u>	<u>1</u>

Under the Statute Labour Acts of 4th W. 4, c. 6, and 5th W. 4, c. 6., the improvements promoted by the Road Commissioners have incurred a Debt, in the District of St. John's, which now remains to be discharged by Assessment or some other mode, amounting to this sum, (over and above the contributions in labour and the sums paid in commutation thereof,) .....	}	2012 7 6
		<u>£45,126 14 7</u>

WILLIAM THOMAS,  
Chairman.

17th March, 1840.

Ordered, That the Report be received and adopted, and—

Ordered, That the said report be printed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on loan a Sum not exceeding Thirteen Thousand Five Hundred Pounds for the purpose of Making and Repairing Streets, Roads and Bridges therein." Road Loan Bill Committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman asked leave to sit again on that day six months. Lost.

Ordered, that the report be received.

Pursuant to the order of the day the House went into a Committee of the whole on the Steam Navigation Bill. Steam Navigation Bill Committed.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported the Bill without amendment. Reported.

Ordered, That the Report be received.

Ordered, That the said Bill be read a third time to-morrow.

On motion made and seconded, it was—

Ordered, That the Bill entitled "An Act to prevent fraud in the Sale of certain Articles imported into this Colony," be read a second time on this day six months. Fraud Prevention Bill to be read 2nd time in six months.

Pursuant to the order of the day the Bill entitled "An Act to establish a Grammar School in the Town of Carbonear," was read a second time, and— Carbonear Grammar School Bill read 2d time.

Ordered, to be committed to-morrow.

Pursuant to the order of the day the Bill entitled "An Act to encourage the Building of Vessels in the Colony of Newfoundland," was read a second time, and— Building of Vessels encouragement Bill read 2d time.

Ordered, to be Committed to-morrow.

13th &amp; 17th March, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Hospital Act amendment  
Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to repeal in part an Act passed in the sixth year of the Reign of His late Majesty William the 4th, entitled 'An Act to provide for the relief of Sick and Disabled Seamen, Fishermen and other Persons,' and to authorize the appropriation of Monies collected under the said Act," was read a second time, and—

Ordered, to be Committed To-morrow.

House adjourns.

On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 20th MARCH, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Tuesday last were read.

Steam Navigation Bill  
read 3d time and  
passed.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act entitled 'An Act to revest in the Treasury the Sum of One Thousand Five Hundred Pounds, granted to Her Majesty under an Act passed in the first year of the Reign of Her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John's and the Port of Halifax, in the Province of Nova Scotia,' and to make further provision for facilitating communication by Steam between the said Ports of St. John's and Halifax," was read a third time and passed, and the Honorable the President signed the same.

Bills brought up, viz:

Deputations from the House of Assembly brought up for the concurrence of this House the Bills entitled—

Academy Bill.

"An Act to establish an Academy in this Colony."

Members of Assembly  
seat vacating Bill.

"An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead."

Jury Bill, and

"An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts," and—

Land Bill.

"An Act to provide for the disposal of the Public Lands of this Colony, and for other purposes mentioned therein."

severally read 1st time.

Which were severally read a first time, and—

Ordered, To be read a second time To-morrow.

Carbonear Grammar  
School Bill committed—

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled—"An Act to establish a Grammar School in the Town of Carbonear."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Lost.

The Chairman reported that the Committee had risen.

Ordered, That the Report be received.

Building of Vessels  
encouragement Bill  
committed—

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to encourage the Building of Vessels in the Colony of Newfoundland,"

The Honorable Mr. Crowdy in the Chair.

20th &amp; 23rd March, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Lost.

Ordered, That the Report be received.

A Deputation from the House of Assembly brought up the following Message :—

*Mr. President :*

The House of Assembly in pursuance of the Message of Her Majesty's Council of the 13th Instant, herewith send the particulars of the Sums of Two Hundred and Twenty Pounds proposed to defray outstanding claims, and Two Hundred and Thirty Pounds for the completion of work on hand, contained in a Bill entitled "An Act for Granting to Her Majesty a supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the Expenditure of the same."

Message from Assembly transmitting certain particulars of charges in the Road Bill (See Appendix)

WILLIAM CARSON,

Speaker.

House of Assembly, }  
20th March, 1840. }

On motion, made and seconded, the House adjourned until Monday next.

House adjourns

MONDAY, 23rd MARCH, 1840.

The House met pursuant to adjournment.

House meets.

*Present.*

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The minutes of Friday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same."

Road Bill committed—

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Lost.

Ordered, That the report be received.

Pursuant to the order of the day, the Bills entitled—

"An Act to establish an Academy in this Colony ;"

Academy Bill.

"An Act to regulate the manner of Empannelling Juries in the Supreme and Central Courts of this Island and to determine the qualification of Jurors in the said Courts ;"

Jury Bill.

"An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead," and—

Members of Assembly  
Seat Vacating Bill  
and

"An Act to provide for the disposal of the Public Lands of this Colony, and for other purposes mentioned therein,"

Land Bill—

Were severally read a second time, and—

severally read 2d time.

Ordered, To be committed to-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to repeal in part an Act passed in the sixth year of the Reign of His

Hospital Act  
amendment Bill  
Committed.

23rd & 24th March, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

late Majesty William the 4th, entitled "An Act to provide for the relief of Sick and Disabled Seamen, Fishermen, and other Persons, and to authorize the appropriation of Monies collected under the said Act."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered, That the report be received.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow.

TUESDAY, 24th MARCH, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General*.

" " JAMES CROWDY, *Colonial Secretary*.

" " JAMES M. SPEARMAN, *Collector of the Customs*.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of yesterday were read.

Hospital Act amendment Bill Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to repeal in part an Act passed in the sixth year of the Reign of His late Majesty William the 4th, entitled 'An Act to provide for the relief of Sick and Disabled Seamen, Fishermen and other Persons,' and to authorize the appropriation of Monies collected under the said Act."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported with—

The Chairman reported the Bill with some amendments.

Ordered, That the Report be received.

Amendments.

The Amendments are as follow:—

In the title of the Bill, 1st line—Expunge the words "repeal in part," and insert in place thereof the word "amend."

6th line—Expunge all the words after the word "persons."

In the Preamble—Expunge all the words after the word "persons," in the 6th line, and insert in their stead the words "And whereas in several Districts Directors have not been elected pursuant to the provisions of the said recited Act."

Expunge all the Sections of the Bill, and insert in place thereof the words "Be it therefore enacted by the Governor, Council and Assembly of Newfoundland, that in all cases wherein Directors have not been heretofore elected, or wherein they shall not be hereafter elected, pursuant to the provisions of the said Act, it shall and may be lawful for the Governor, or Person administering the Government of the Island, within three months after the day appointed for such election by the said recited Act, to nominate and appoint Directors for such Districts, and also to fill up any vacancy that may arise in any Board of Directors from the death, resignation or absence from the Colony of any Member or Members thereof—and the Directors so nominated and appointed shall have the like power and authority as those elected under and by virtue of the said before recited Act."

Ordered, That the amendments be adopted and engrossed, and the Bill, as amended, read a third time to-morrow.

24th &amp; 26th March, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to regulate the office of Sheriff, and to make provision for the appointment of Sheriff in each Judicial District in this Colony, and for other purposes therein mentioned," which was read a first time, and—

Sheriffs' Bill brought up and read 1st time.

Ordered, to be read a second time to-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead."

Members of Assembly's seat vacating Bill Committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, That the Report be received.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to provide for the disposal of the Public Lands of this Colony, and for other purposes mentioned therein."

Land Bill committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again To-morrow.

Ordered, That the report be received.

On motion, made and seconded, the House adjourned until Thursday next.

House adjourns.

THURSDAY, 26th MARCH, 1840.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

The Minutes of Tuesday last were read.

The Honorable the Colonial Secretary presented the following Messages from His Excellency the Governor:

Message from the Governor on subject 1st Vict. c. 4

H. PRESCOTT.

The Governor, in transmitting the accompanying Copy of a Despatch respecting the Colonial Acts of the year 1838, requests to be acquainted, for the information of Her Majesty's Principal Secretary of State, what intentions are entertained by the Council on the subject of the 1st Victoria, Cap. 4—to which the Council will perceive that reference is also made.

See Appendix.

Government-House, }  
26th March, 1840. }

H. PRESCOTT.

The Governor has much satisfaction in transmitting to the Council a copy of a Circular Despatch on the subject of the "Blue Book."

Message from the Governor on the subject of "Blue Book." See Appendix.

Government-House, }  
26th March, 1840. }

26th March, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Hospital Act  
amendment Bill  
read 3d time and passed.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled 'An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons,' and to authorize the appropriation of Monies collected under the said Act," was read a third time and passed, and the Honorable the President signed the same.

Members of Assembly's  
seat vacating Bill  
Committed—

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with—

Ordered, That the Report be received.

The Amendments are as follow :—

Amendments.

In the title of the Bill, 2nd line—Between the words "the" and "Assembly" insert the words "House of."

" Preamble, 2nd line—Strike out the word "General," and substitute the words "House of."

" " 4th line—Expunge the words "His Excellency."

" " 5th line—Expunge the words "the administrator of," and insert instead thereof the words "person administering."

In the first Section, 4th line—Expunge all the words after the word "that," and insert in lieu thereof—"On any Member of the House of Assembly tendering in writing under his hand certified by the Speaker, to the Governor or person administering the Government for the time being, the Resignation of his Seat in the said House, it shall and may be lawful for the Governor, or person administering the Government for the time being, provided he should accept such resignation, to issue his Writ within twenty one days from such acceptance, to a Returning Officer residing in the District where a vacancy shall have been so occasioned, for the Election and Return of a Member in the place of him so resigning, provided that nothing herein contained shall prevent a Member so vacating his seat from being re-elected a Member of the said House of Assembly."

Expunge the second and third Sections.

Ordered, That the amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Land Bill Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to provide for the disposal of the Public Lands of this Colony, and for other purposes mentioned therein."

The Honorable Mr. Bland in the Chair.

After some time the House resumed,

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, that the report be received.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow.

27th March, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

FRIDAY, 27th MARCH, 1840.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The Minutes of yesterday were read.

Pursuant to the order of the day the Bill entitled “An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead,” was read a third time and passed, and the Honorable the President signed the same.”

Members of Assembly seat vacating bill read 3d time and passed.

On motion, made and seconded, the Governor's Message of Thursday last, on the subject of the Act 1st Vic. cap. 4, and the Secretary of State's Despatch of the 23rd May, 1838, were read and taken into consideration.

Message from the Governor relative to the Act 1st Vic. c. 4, considered.

After some discussion the House proceeded to the order of the day.

On the order of the day being read for the second reading of the Bill entitled “An Act to regulate the Office of Sheriff, and to make provision for the appointment of Sheriff in each Judicial District in this Colony, and for other purposes therein mentioned,” it was—

Sheriffs' Bill to be read a second time in six months.

Ordered, That the said Bill be read a second time on that day six months.

On motion, made and seconded, the House adjourned until Monday next.

House adjourns

MONDAY, 30th MARCH, 1840.

The House met pursuant to adjournment.

House meets.

Present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Friday last were read.

The Honorable Mr. Secretary Crowdy acquainted the Council, by direction of the Governor, that His Excellency had received a notification from the House of Assembly of its having passed an Address to him requesting that he will draw Three Hundred and Seventy-eight Pounds Four Shillings and Sevenpence from the Treasury and apply it to the relief of the Poor.

Mr. Secretary Crowdy communicates from the Governor on the subject of an Address from the Assembly relative to the Poor.

On motion, it was—

Ordered, That the House go into Committee of the whole on the above Message presently.

His Excellency's Message committed.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the draft of an Address in reply to His Excellency's Message.

An Address reported.

Ordered, That the report be received and adopted.

30th March, & 1st & 3rd April, 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

The Address is as follows:—

The Address.

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects the Council of Newfoundland, beg leave to approach Your Excellency to express our humble thanks for Your Excellency's Communication made this day by the Honorable the Colonial Secretary, and to inform Your Excellency that we fully concur in the appropriation by Your Excellency of the further Sum of Three Hundred and Seventy-eight Pounds Four Shillings and Sevenpence for the relief of the Poor.

Ordered, That the Address be engrossed presently.

Whereupon the Address having been engrossed, the Honorable the President signed the same.

Committee appointed to present it.

Ordered, that the Honorable Messrs. Crowdy and Bland be a Select Committee to wait on the Governor to ascertain at what time he will be pleased to receive the said Address, and to present it.

Registration of Voters Act Repeal Bill brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to repeal an Act passed in the First Year of the Reign of His late Majesty, entitled 'An Act for registering the Names of Persons entitled to vote at Elections,' and to make more effectual provision for the same," which was read a first time, and—

Ordered, To be read a second time To-morrow.

On motion made and seconded, it was—

Land Bill referred to a Select Committee.

Ordered, That the order of the day for committing the Bill entitled "An Act to provide for the disposal of the Public Lands of the Colony, and for other purposes mentioned therein," be discharged, and that the said Bill be referred to a Select Committee to report thereon.

Ordered, That the Honorable Messrs. Crowdy and Thomas do compose the same.

House adjourns.

On motion, made and seconded, the House adjourned until Wednesday next.

WEDNESDAY, 1st APRIL, 1840.

At twenty minutes before Two o'clock, p. m., there were—

PRESENT,

*The Honorable* JAMES SIMMS, *Attorney General.*

“ “ JOHN B. BLAND.

House adjourns for want of a quorum.

The Honorable the Attorney General declared the House adjourned for want of a quorum until Friday next.

FRIDAY, 3rd APRIL, 1840.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The Minutes of Monday and Wednesday last were read.

Registration of Voters Act Repeal Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty, entitled 'An Act for registering the Names of Persons entitled to vote at Elections, and to make more effectual provision for the same,'" was read a second time, and—

6th &amp; 8th April, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Ordered, to be Committed to-morrow.

On motion, made and seconded, the House adjourned until Monday next.

House adjourns

MONDAY, 6th APRIL, 1840.

The House met pursuant to adjournment.

House meets.

Present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

Members present.

The minutes of Friday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts.”

Jury Bill committed.

The Honorable J. B. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, that the report be received.

On motion made and seconded, it was—

Ordered, That the order of the day for the committal of the Bill entitled “An Act to repeal an Act passed in the 4th Year of the Reign of His late Majesty, entitled ‘An Act for registering the Names of Persons entitled to vote at Elections, and to make more effectual provision for the same,’” be discharged, and that the said Bill be Committed on that day three months.

Registration of Voters Act Repeal bill to be committed in three months.

The Honorable Mr. Thomas gave notice that, on Wednesday next, he would move for leave to bring in a Bill to establish Academies in this Colony.

Notice of motion for an Academy Bill.

On motion, made and seconded, the House adjourned until Wednesday next.

House adjourns.

WEDNESDAY, 8th APRIL, 1840.

The House met pursuant to adjournment.

House meets.

Present.

*The Honorable* JAMES SIMMS, *Attorney General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

Members present.

The Minutes of Monday last were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to encourage the Whale Fishery in this Colony,” which was read a first time, and—

Whale Fishery Bill brought up and read 1st time.

Ordered, To be read a second time To-morrow.

A Deputation from the House of Assembly brought up a Message in the following words:

Message from Assembly for Council's contingencies.

*Mr. President:*

The House of Assembly request Her Majesty's Council will acquaint them the amount of their Contingencies for the present Session.

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
8th April, 1840. }

8th &amp; 10th April, 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Committee appointed on Council's Contingencies. Ordered, that the Honorable Messrs. Spearman and Thomas be a Committee to report on the Contingencies of this House.

Academies Bill brought in and read 1st time. Pursuant to notice the Honorable Mr. Thomas asked and obtained leave to bring in a Bill to establish Academies in this Colony; which Bill was read a first time, and—  
Ordered, to be read a second time to-morrow.

Labrador Revenue Bill brought up and read 1st time. A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to provide for the collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining," which was read a first time, and—  
Ordered, To be read a second time to-morrow.

House adjourns. On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 10th APRIL, 1840.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney-General.*  
" " JAMES M. SPEARMAN, *Collector of the Customs.*  
" " WILLIAM THOMAS.  
" " JOHN B. BLAND.

The Minutes of Wednesday last were read.

Labrador Revenue Bill read 2nd time. Pursuant to the order of the day, the Bill entitled "An Act to provide for the collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining," was read a second time, and—  
Ordered, to be committed to-morrow.

On motion, it was—

Address to the Governor for returns of Process to the Sheriff of Labrador ordered. Ordered, That an Address be presented to the Governor praying for returns on the subject of Process addressed to the Sheriff of Labrador, and—

Committee to prepare it. Ordered, That the Honorable Messrs. Thomas and Bland be a Committee to prepare the said Address.

Masters and Servants Bill brought up and read 1st time. A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for the more easy and less expensive decision of differences between Masters and Mistresses and their Servants, Apprentices and Labourers in this Colony," which was read a first time, and—

Ordered, To be read a second time to-morrow.

Whale Fishery Bill read 2nd time. Pursuant to the order of the day the Bill entitled "An Act to encourage the Whale Fishery in this Colony," was read a second time, and—

Ordered, To be Committed to-morrow.

Select Committee present Address to the Governor— The Honorable Mr. Thomas, from the Committee appointed to prepare an Address to His Excellency the Governor on the subject of Process addressed to the Sheriff of Labrador, reported an Address, which was read.

which was adopted. Ordered, That the same be received and adopted.

Whereupon the Honorable the President signed the same.

10th &amp; 13th April, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Address is as follows:—

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.

The Address.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects the Council of Newfoundland, beg leave to approach Your Excellency to request Your Excellency will be pleased to direct that there be laid before the Council a detailed account of all Process issued out of the Supreme Court against any person or persons upon the Coast of Labrador, between the Twelfth day of June, 1834, and the present time, setting forth the names of the parties to whom the service of the said Process was in each instance committed, and what was thereupon done in the premises, and by whom, and by what species of operation, the service of such Process was effected.

Council-Chamber, 10th April, 1840.

Ordered, That the Honorable Messrs. Crowdy and Spearman be a Committee to wait on the Governor to ascertain at what time His Excellency will receive the said Address, and to present it.

Committee appointed to wait on the Governor.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled, "An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts."

Jury Bill committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with amendments.

Ordered, That the Report be received.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Pursuant to the order of the day the Bill to Establish Academies in this Colony was read a second time, and—

Academies Bill read 2nd time.

Ordered, To be committed to-morrow.

On motion, made and seconded, the House adjourned until Monday next.

House adjourns.

MONDAY, 13th APRIL, 1840.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

Members present.

The Minutes of Friday last were read.

The Honorable Mr. Spearman, from the Select Committee appointed to wait on the Governor with an Address for certain Returns on the subject of Process at the Labrador, reported that His Excellency had been pleased to receive the said Address, and to state that the returns should be made.

Report of Select Committee appointed to wait on the Governor with an Address.

Pursuant to the order of the day the Bill entitled "An Act for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants, Apprentices and Labourers, in this Colony," was read a second time.

Masters' and Servants' Bill read 2nd time.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill to establish Academies in this Colony.

Academies Bill Committed.

13th, 15th & 16th April, 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again To-morrow,

Ordered, That the report be received.

House adjourns.

On motion, made and seconded, the House adjourned until Wednesday next.

WEDNESDAY, 15th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of Monday last were read.

On motion, it was—

Jury Bill order for 3d reading discharged.

Ordered, That the order of the day for the third reading of the Bill entitled, “An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts.” be discharged, and that the said Bill be re-committed to-morrow.

Bill to be re-committed.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow.

THURSDAY, 16th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of yesterday were read.

Message from the Governor with sundry Despatches from the Secretary of State— (See Appendix.)

Joseph Templeman, Esq., presented a Message from His Excellency the Governor, which was read and is as follows:—

H. PRESCOTT.

The Governor transmits, for the information of the Council, Copies of sundry Despatches which he received yesterday from the Secretary of State for the Colonies, numbered respectively 22, 24 and 28.

Government-House, }  
16th April, 1840. }

Letter from St. John's Road Commissioners presented.

Mr. Templeman also laid before the Council, by direction of the Governor, a Letter from the Chairman of the Road Commissioners at St. John's detailing certain works on Roads and Bridges which it is desirable to complete, with an estimate of the amount required.

Notice of intention to present a Petition relative to the Hospital Act.

The Honorable Mr. Spearman gave notice of his intention to present a Petition from certain Inhabitants of the Southern District, on the subject of the Hospital Act, on Monday next.

On motion it was—

Despatches from the Secretary of State to be printed.

Ordered, That the two Despatches from the Secretary of State, numbered 24 and 28, be printed.

16th &amp; 18th April, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, 1841, and for regulating the appropriation of the same," which was read a first time.

Supply Bill brought up and read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Whereupon the Bill was read a second time, and—

Read 2d time.

Ordered, to be committed to-morrow.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony," which was read a first time, and—

Police Office Fee Bill brought up and read 1st time.

Ordered, To be read a second time to-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled, "An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts."

Jury Bill re-committed.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again To-morrow;

Ordered, That the report be received.

On motion, made and seconded, the House adjourned until Saturday next.

House adjourns.

SATURDAY, 18th APRIL, 1840.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

Members present.

" " JAMES M. SPEARMAN, *Collector of the Customs*.

" " WILLIAM THOMAS.

The Minutes of Thursday last were read.

The Honorable Mr. Spearman, from the Select Committee appointed to report on the Contingencies of the Council, reported as follows:—

Report of Select Committee on the Contingencies of the Council.

The Select Committee appointed to take into consideration the Contingencies of the Council, beg leave to report that they have carefully examined the accounts of the Clerk, and Usher of the Black Rod—the former amounting to One Hundred and Fifty Pounds Eleven Shillings and Sevenpence; and the latter to Sixteen Pounds and Fourpence, making together One Hundred and Sixty-six Pounds Eleven Shillings and Elevenpence, which they recommend to be paid.

Your Committee further recommend that the Officers of the Council shall be paid for their services during the present Session as follows:

Clerk, One Hundred Pounds.

Master-in-Chancery, One Hundred Pounds.

Usher of the Black Rod, Seventy Pounds.

Door Keeper, Thirty-five Pounds.

Assistant Door Keeper and Messenger, Ten Pounds.

J. M. SPEARMAN.

18th April, 1840.

Ordered, That the Report be received.

18th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Return of the Process  
issued against persons  
at the Labrador.

Joseph Templeman, Esquire, laid before the Council, by direction of the Governor, a Return of the Process issued out of the Supreme Court, against Persons residing on the Coast of Labrador, pursuant to an Address of this House of the 10th April, 1840.

Police Office Fees Bill  
read 2d time.

Pursuant to the order of the day, the Bill entitled "An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony," was read a second time, and—

Ordered, To be Committed to-morrow.

Jury Bill Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts."

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Reported with—

The Chairman reported the Bill with some amendments.

Ordered, that the report be received.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

The Amendments are as follow:—

Amendments.

In the Preamble, 1st line—Insert the word "further" between "make" and "provision."

" First Section, 1st Page, 9th line—Expunge the letters and figures between "Act" and "entitled," and insert in lieu thereof "passed by the Parliament of the United Kingdom of Great Britain and Ireland in the Fifth Year of the Reign of His late Majesty King George the Fourth."

" " " 11th line—After "purposes" insert "and of the Royal Charter of his said Majesty, under which the said Supreme and Central Circuit Courts have been Instituted."

" " " 12th line—Between "the" and "Empannelling" insert "manner of," and after "Empannelling" expunge "of."

Insert as the Second Section—"And be it further enacted, that the 20th, 21st, 24th, 25th, 28th, 33d, 34th and 47th, of the General Rules and Orders of the Supreme Court, made on the 2ud day of January, in the Year One Thousand Eight Hundred and Twenty-Six, and also the 58th, 60th, and 61st Rules of the said Court, made the 12th day of January, in the Year One Thousand Eight Hundred and Thirty, and the 11th, 12th, 13th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23d, 24th and 25th of the General Rules and Orders of the Circuit Courts so far as they relate to the Central Circuit Court, made on the 31st day of January One Thousand Eight Hundred and Twenty Six, shall be, and the same are hereby repealed."

In the Second Page, 2nd line—After "every" expunge the remainder of the Section, and insert in lieu thereof "Man, except as hereinafter excepted, between the ages of Twenty One Years and Sixty Years, residing in the Central District of the Island aforesaid, within four miles of the Town of Saint John's aforesaid, who shall have in his own name, or in trust for him within the said District, Twelve Pounds by the Year above Reprizes in Lands or Tenements in Fee Simple

18th April, 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

tenure—or who shall have within the said District Twenty Pounds by the Year above Reprizes in Lands or Tenements held by Lease or Leases for the absolute Term of Twenty One Years, or some longer Term, or for any Term of Years determinable on any life or lives, or who shall within the said District be the sole occupant of any House, Lauds, or Tenements of the annual Rental or Value of Twenty Five Pounds, shall be qualified and shall be liable to serve on Petit Juries for the Trial of all Issues joined in the said Supreme and Central Circuit Courts, respectively, both Civil and Criminal.”

In the Second Page, 14th line—After the word “and” insert “every Officer of the Army or Navy on half-pay, and.”

“ “ “ 15th line—Expunge the word “and.”

“ “ “ 16th line—Expunge “this Colony,” and insert “the said District.”

“ “ “ 17th line—After the word “Grand” insert “and Special.”

Expunge the Fourth Section of the Bill.

Page 3d, line 14th—Expunge “qualified,” and insert in lieu thereof “liable.”

“ “ 17th—Expunge “verified by affidavit.”—Expunge the word “High” before “Sheriff” throughout the Bill.

Page 4th, line 3rd—Expunge “being or claiming to be,” and insert instead “liable to serve as.”

“ “ 4th—Expunge “legally qualified,” and insert “liable.”

“ “ 8th—Expunge the last three words of this line, the whole of the next line, and the first five words of the tenth line.

“ “ 11th—Expunge “Judges of the.”

“ “ 12th—Expunge “in open Court.”

“ “ 13th—Expunge “them,” and insert “the said Courts respectively.”

“ “ 15th—Expunge the last four words of this line, and the three succeeding lines, and insert instead thereof “on the third Monday in June in every Year, or so soon thereafter as the same may be conveniently accomplished.”

“ “ 19th—Expunge “respective,” and insert “said.”

“ “ 20th—Expunge the letter “s” after District, and then expunge the remainder of the page.

Page 5, line 1st—Expunge all the words in this line and insert “liable as aforesaid to serve as.”

“ “ 2nd—Expunge “lists of,” and also “such returns.”

“ “ 3rd—Expunge the first six words of this line.

“ “ 5th—Expunge “the” at the end of this line, and insert “a.”

“ “ 6th—After “sum” insert “after the rate.”

“ “ 9th—After “sum,” insert “after the rate.”

“ “ 12th—Expunge “the sitting of the,” and insert “each.”

“ “ 17th—After “District” insert “after those who were last summoned for either of the said Courts.”

“ “ 20th—Insert at the end of this line “during the said term.”

Page 6th, line 2nd—After “to” insert “attend,” and between “or” and “excused” insert “be.”  
Expunge “on such first day.”

“ “ 4th—Expunge all the words of this line except the last two, and insert instead “said Courts respectively if they shall think fit.”

18th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Page 6th, line 8th—Expunge “each” and insert “such.”

“ “ 10th—After “abode” insert “at least twenty-four hours previous to the time at which he shall be required to attend.”

Expunge the 7th Section of the Bill.

Page 7th, line 7th—Expunge “and” between “Grand” and “Special,” and insert “and Petit” after the word “Special.”

“ “ 11th—After “Colony” insert “the Clerks in the Secretary’s Office,” and between “the” and “Officers” insert “Judges and.”

“ “ 13th—Between “the” and “Clerks,” insert “Officers and.”

“ “ 17th—After “General” insert “all”—after “Clergymen” insert “in Holy Orders—all Persons who shall teach or preach in any Congregation of Protestant Dissenters having a Church or Chapel and following no other occupation or employment than that of Schoolmaster—all Barristers”—and after “Attornies” insert “Coroners, Constables, Sheriffs’ Officers, Persons actually performing, in relation to any religious Congregation in the said District, duties analagous to those performed by Parish Clerks and Sextons in England—all licensed Pilots, all Household Servants of the Governor, all.”

Page 8th, line 5th—Expunge “the first.”

“ “ 6th—Expunge “Forty-eight” and insert in lieu thereof “a sufficient number of the,” and after “appear” insert “first.”

“ “ 9th—Expunge “on the first day of,” and insert instead thereof “during,” and Expunge “and” and insert in place thereof “in manner following, that is to say.”

“ “ 10th—Expunge “such Persons” and insert instead thereof “the first Forty-eight on the list”—Expunge “for” and insert “during.”

“ “ 11th—Before “ten days” insert “the first,” and after “days” insert “of such term”—Expunge the last five words of this line and the first four words of the 12th line.

“ “ 15th—Expunge “for” and insert instead thereof “during”

Page 9th, “ 1st—Expunge “the forty-eight” and insert instead thereof “a sufficient number of the.”

“ “ 3rd—Expunge “in the last Term.”

“ “ 5th—Expunge the last word of this line and the two following lines, and insert instead thereof “Provided that nothing herein contained shall have the effect of exonerating any Juror who may have been summoned but not called upon to serve during one term from being summoned and serving during the next.”

Expunge the 10th section of the Bill.

“ “ 18th—Between “a” and “Jury” insert “Petty.”

Page 10th, line 13th—Expunge the last five words of this line and the first nine words of the next, and insert instead thereof “the said Courts respectively.”

“ “ 18th—Expunge “Prothonotary or”—Expunge “respecting” and insert “respectively.”

Page 11th, line 7th—Expunge the first six words, and insert the word “when” in their stead.

“ “ 8th—Expunge “Prothonotary” and insert instead thereof “Clerk of the Court.”

“ “ 18th—Expunge the last three words of this line and the six following lines, and insert instead thereof “from the panel for the trial of the cause wherein such Special Jury shall have been ordered; and the said sixteen.”

18th April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

Page 12th, line 9th—After “Twelve” insert “Persons whose”—After “names” insert “shall be”—After “drawn” insert “and who shall be present.”

“ “ 14th—Expunge “shall” and insert “may with the consent of both parties.”

“ “ 19th—After “lawful” insert “with the like consent.”

At the end of the 13th Section of the Bill, insert “Provided that in case either party shall neglect to attend at the time and place appointed by the Sheriff for striking such Jury, notice thereof as aforesaid having been given, the Clerk of the Court shall on behalf of the absent Party strike off the names of twelve of the persons drawn, in the same manner as such Party might have done if present; and if more than one Special Jury be required the names of those first drawn shall be put into the box before another Jury be drawn; And provided also that the Summons for each Juror shall, in the manner heretofore used, be served personally or left at his usual place of abode at least twenty-four hours before he shall be required to attend.”

Page 13th, line 14th—Expunge the word “Twenty” and insert “Forty”—at the end of this line insert “at the discretion of the said Courts respectively.”

“ “ 16th—Expunge “having been” and insert “may be” in their stead, and Expunge “if necessary.”

“ “ 17th—Between “Chattels” and “shall” insert “and.”

“ “ 18th—Expunge the words “handed over” and insert “paid.”

Page 14th, last line—Expunge “to” and insert “and shall.”

Ordered, That the said Bill, as amended, be printed.

Jury Bill as amended  
to be printed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled “An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, 1841, and for regulating the appropriation of the same”

Supply Bill Committee.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with—

Ordered, that the report be received.

The amendments are as follow :—

In the First Page, 1st Section, 7th line—Expunge “Thirteen Thousand Three Hundred and Fifty Five Pounds, One Shilling and One Penny,” and insert in lieu thereof “Ten Thousand and Thirty Eight Pounds, Four Shillings and Five Pence.”

Amendments.

“ 19th Page—Expunge the words “And a further Sum of Three Thousand One Hundred and Twenty Three Pounds, Two Shillings and Ten Pence, towards defraying the Contingent Expenses of Her Majesty’s Council, and of the House of Assembly during the Session of 1839, to be paid to the several parties on the Certificate of the Senior Member of Her Majesty’s Council, and of the Speaker of the Assembly respectively.”

“ 9th and 10th Pages—Expunge the words “And a further sum of Ninety Three Pounds, Thirteen Shillings and Ten Pence, towards defraying the Expense of the Interest of the said Sum of Three Thousand One Hundred and Twenty Three Pounds, Two Shillings, and Ten Pence, during the six months ending the 12th April, 1840, to be paid as aforesaid.”

18th &amp; 20th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

In the 12th Page, 2nd and 3d lines—Expunge the words “towards indemnifying His Excellency the Governor for drawing on the Treasury.”

“ “ 4th and 5th lines—Expunge the word “an”—add the letters “es” to “Address,” and insert the words “Council and” between the words “the” and “House.”

“ “ 6th, 7th, 8th, and 9th lines—Expunge the words “And a further sum of One Hundred Pounds towards defraying the Expenses of a School at Carbonear, to be appropriated by the Board of Education for Conception-Bay.”

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

House adjourns

On motion, made and seconded, the House adjourned until Monday next.

MONDAY, 20th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of Saturday last were read.

Supply Bill read 3d time and passed.

Pursuant to the order of the day the Bill entitled “An Act for granting to Her Majesty a Sum of Money for Defraying the Expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the 30th June, 1841, and for regulating the appropriation of the same,” was read a third time, as amended, and passed, and the Honorable the President signed the same.

Jury Bill read 3d time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled, ‘An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts,’ was read a third time and passed, and the Honorable the President signed the same.

Notice of intention to present a petition from Mr. Hogsett.

The Honorable Mr. Thomas gave notice that on Wednesday next he would ask for leave to present a Petition from Aaron Hogsett, Esquire, Clerk of the Peace at St. John’s.

Petition from the Southern District presented, relative to the Hospital Act.

The Honorable Mr. Spearman presented a Petition from Sixty Inhabitants of the Southern District, praying that the Hospital Act may be carried into “effective operation,” which was read, and—

Ordered, To lie on the table.

Contingencies of Council Committed—

On motion, the House went into a Committee of the whole on the Report of the Select Committee on the Contingencies of the Council.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Contingencies.

Ordered, That the report be received and adopted.

Message to the Assembly transmitting them.

Whereupon the following Message was transmitted to the House of Assembly :—

*Mr. Speaker;*

Message to the Assembly with the Council’s Contingencies

Her Majesty’s Council acquaint the House of Assembly that the Contingent Account of the Clerk of the Council, as annexed, amounts to One Hundred and Fifty Pounds, Eleven

20th & 21st April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

Shillings, and Seven Pence—and that of the Usher of the Black Rod, also annexed, to Sixteen Pounds and Four Pence—making together One Hundred and Sixty Six Pounds, Eleven Shillings, and Eleven Pence, Stirling, and that they have resolved that the Officers of the Council shall be paid for their Services during the present Session, as follows:—

- Clerk, One Hundred Pounds.
- Master-in-Chancery, One Hundred Pounds.
- Usher of the Black Rod, Seventy Pounds.
- Door Keeper, Thirty Five Pounds.
- Assistant Door Keeper and Messenger, Ten Pounds.

JAMES SIMMS.

Council-Chamber, }  
20th April, 1840. }

*Contingent Account of the Clerk of the Council.*

Account of Clerk of Council.

	£	s.	d.
Ryan & Withers, (Printing.)	21	0	4
Henry Winton, (Binding.)	0	10	5
A. M'Iver, (Stationery.)	4	10	0
Superintending Printing of the Journals.	25	0	0
Probable cost of Printing and Binding Journals for the present } Session. .... } 100 0 0	100	0	0
	£150	11	7 Stg.

*Account of the Usher of the Black Rod.*

Account of Usher of Black Rod.

	£	s.	d.
William Freeman's Account for fitting up,	8	9	2
James Clift, for Ten Hogsheads Coal.	4	5	0
Paid Sheriff—Blake's Account for Coal supplied in the Session } of 1838, omitted, .... } 5 15 5	5	15	5
	£18	9	7 C'y:
	£16	0	4 Stg.

On motion, made and seconded, the House adjourned until to-morrow.

House adjourns.

TUESDAY, 21st APRIL, 1840.

The House met pursuant to adjournment.

House meets.

Present,

- The Honorable* JAMES SIMMS, *Attorney General.*
- “ “ JAMES CROWDY, *Colonial Secretary.*
- “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
- “ “ WILLIAM THOMAS.

Members present.

The Minutes of yesterday were read.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill to establish Academies in this Colony.

Academies Bill committed.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, That the Report be received.

21st &amp; 22nd April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Labrador Revenue Bill  
committed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to provide for the collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining."

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, That the Report be received.

Whale Fishery Bill  
committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to encourage the Whale Fishery in this Colony."

The Honorable Mr. Spearman in the chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered, That the report be received.

House adjourns.

On motion made and seconded the House adjourned until to-morrow.

WEDNESDAY, 22nd APRIL, 1840.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

The minutes of yesterday were read.

Labrador Revenue Bill  
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to provide for the Collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining."

The Honorable Mr. Thomas in the chair.

After some time the House resumed.

Reported with—

The Chairman reported the Bill with some amendments.

Ordered, That the Report be received and adopted.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

The Amendments are as follow:—

Amendments.

In the Title of the Bill—Expunge the last three words of the 1st line, the first four of the 2d line, the letters "es" after "process" in the 3d line, and the last two words of the 5th line, and after "Islands" insert "upon the said Coast."

In the Preamble, 1st line—Expunge all the words after "is" and insert in lieu thereof "expedient to make better provision for the due execution of the Process of the Supreme Court on such parts of the Coast of Labrador as are within the Government of Newfoundland."

" 1st Section, 3d line—Expunge all the words of the Bill after "convened" in this line, and insert instead thereof "and it is hereby enacted that from and after the passing of this Act all and every part of the Coast of Labrador and the Islands upon the said Coast which now are or are deemed to be

22nd April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

within the Government of Newfoundland, and forming part and parcels of its Dependencies, shall be deemed to be and be within the Bailiwick of the Sheriff of Newfoundland; and that the said Sheriff of Newfoundland, now in office, and his successors in his said office, for the time being, shall at all times respectively have, hold, use exercise, and enjoy all and singular the same powers, authority and privileges as Sheriff in and over the said portions of the Coast of Labrador and Islands aforesaid as the said Sheriff of Newfoundland in his said office now hath and holdeth in and over the Island of Newfoundland by virtue of his Commission or any other authority whatsoever; for and notwithstanding anything in the Royal Charter of his late Majesty King George the Fourth, bearing date at Westminster, on the Nineteenth day of September, in the Sixth Year of his said Majesty's Reign, making provisions for the better administration of Justice in Newfoundland, contained to the contrary in any wise; and for and notwithstanding any other Law, Ordinance, Rule, or Usage, whatsoever to the contrary."

Ordered, That a Conference be requested with the House of Assembly on the subject matter of the above named Bill. Conference ordered.

Ordered, That the Honorable Messrs Spearman and Thomas be a Committee to draft Instructions to the Conferees. Committee to draft Instructions to Conferees.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to encourage the Whale Fishery in this Colony." Whale Fishery Bill committed.

The Honorable Mr. Spearman in the chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments. Reported with—

Ordered, That the Report be received and adopted.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

The Amendments are as follow:—

Insert at the end of the 1st Section of the Bill, "That is to say—to each of the three Vessels of not less burthen than One Hundred Tons each, Register Tonnage, which shall, between the First day of May, and the Tenth day of November; which will be in the Year of our Lord One Thousand Eight Hundred and Forty One, have landed in this Colony the largest quantity of Whale Oil or Blubber, being the produce of Whales killed and taken by the Crews of such Vessels respectively, a Bounty of Two Hundred Pounds." Amendments.

Expunge the remaining Sections of the Bill, and insert in their place as follows:—"And be it further enacted, that no Vessel shall be entitled to such Bounty unless she shall be owned and fitted out by some person or persons resident in or having an established Trade in this Colony, and be regularly Cleared at the Custom-House for the Whale Fishery, nor unless such Vessel shall have landed Ten Tuns of Whale Oil, or Fifteen Tuns of Whale Fat or Blubber."

And be it further enacted, That for the purposes of this Act, Thirty Hundred Weight of Whale Fat or Blubber shall be equivalent to one Tun of Whale Oil.

And be it further enacted, That the Bounties hereby provided shall be paid by the Treasurer of this Colony under the Warrant of the Governor or person administering the Government for the time being, to the person or persons who shall on or before the First day of

22nd & 23rd April 1840.

FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

January, One Thousand Eight Hundred and Forty Two, have produced satisfactory proofs to the Governor in Council that the Vessels fitted out by him or them are entitled to the three several Bounties herein provided or granted. Provided nevertheless, that no Person or Co-partnership shall be entitled to more than one of the said Bounties.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at twelve o'clock.

THURSDAY, 23rd APRIL, 1840.

House meets

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of yesterday were read.

Select Committee report  
draft of Instructions to  
Conferees on Labrador  
Revenue Bill.

The Honorable Mr. Spearman, from the Committee appointed to draft Instructions to the Conferees on the Labrador Revenue Bill, reported a draft.

Ordered, that the Report be received and adopted.

The Instructions are as follow:—

The Instructions.

Her Majesty's Council have requested this Conference with the House of Assembly in order to communicate to them the reasons which have actuated the Council in offering to the consideration of the House of Assembly the Amendments which the Council have made in the Bill sent up to them entitled “An Act to provide for the Collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining.”

The Council concur in opinion with the House of Assembly that provision ought to be made for the Collection of the Revenue on the Coast of Labrador; but as the Governor already possesses authority to appoint an Officer to Collect the Revenue payable under any Colonial Laws, the Council conceive that it would be quite superfluous to legislate on that subject, further than by including in the Revenue Bill the grant of an adequate Sum to remunerate One Officer for his services in the performance of such duty.

That as regards the Collection of the Revenue payable under the provisions of any Acts of the Imperial Parliament, the whole management of that branch of the Revenue is already vested in the Commissioners of Her Majesty's Customs; and the Legislature of Newfoundland are precluded from any interference with the subject. But the Council are informed by the Collector of Her Majesty's Customs that he is authorized by them to allow any Officer who may be appointed to collect such duties, any reasonable sum, not exceeding twenty-five per centum upon the amount of the Revenues he may Collect, as compensation for his services.

The Council being quite satisfied that no grounds exist on which a doubt can be founded that the Jurisdiction of the Supreme Court does actually extend over the Coast of Labrador and all other dependencies of the Government of Newfoundland, cannot acquiesce in any assumption to the contrary, and therefore disagree to any Legislation on that point.

With a view to provide for the due service of the Process of the Supreme Court on the Coast of Labrador, the Council consider that such object will be best attained by making the Labrador within the Bailiwick of the Sheriff of Newfoundland, who will then execute the Process of the Court on that Coast in the same manner, and by the same means usually employed by him in other remote parts of the Colony. On this subject the Council have only further to observe that, by Official Returns before them, it appears that only two Writs have been issued out of the Supreme Court for Service at the Labrador during the last Six Years, and the Court

23rd April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

cil believe that Process was as seldom required in that direction during the twenty preceding years.

JAMES SIMMS.

Council-Chamber, }  
23d April, 1840. }

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested.

Assembly accedes to the Conference.

The Conferees went to the Conference, and having returned the Honorable Mr. Spearman reported that they had delivered their Instructions to the Managers of the Assembly.

Report of Conferees.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to encourage the Whale Fishery in this Colony," was read a third time and passed, and the Honorable the President signed the same.

Whale Fishery Bill read 3d time and passed.

Pursuant to the order of the day the Bill, as amended, entitled, "An Act to provide for the Collection of the Revenue and for the execution of the Processes of the Supreme Court of Newfoundland on the Coast of Labrador and the Islands thereunto adjoining," was read a third time and passed, and the Honorable the President signed the same.

Labrador Revenue Bill read 3d time and passed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the Thirtieth June, One Thousand Eight Hundred and Forty One," which was read a first time.

Supply Bill brought up and read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

Read 2d time. Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered, That the report be received.

Ordered, That the said Bill be read a third time to-morrow.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies, and for other purposes," which was read a first time.

Revenue Bill brought up and read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

Read 2d time. Committed.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.

Ordered, That the Report be received.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to defray the Expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland," which was read a first time.

Contingency Bill (1839) brought up and read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

23rd &amp; 24th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Contingency Bill of  
1839 Read 2d time.  
Committed.

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, That the Report be received.

Contingency Bill (1840)  
brought up and read 1st  
time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to provide for the Contingent Expenses of the Legislature for the present Session," which was read a first time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

Read 2d time.

Whereupon the said Bill was read a second time, and—

Ordered, To be committed to-morrow.

Petition of  
Aaron Hogsett  
presented.

Pursuant to notice the Honorable William Thomas, having obtained leave, presented a Petition from Aaron Hogsett, Esquire, Clerk of the Peace, on the subject of a Bill now before the House to establish the Fees in the several Police Offices and Courts of Sessions in this Colony, which was read, and—

Ordered, To lie on the table.

House adjourns.

On motion made and seconded the House adjourned until to-morrow at Twelve o'clock.

FRIDAY, 24th APRIL, 1840.

House meets

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

The minutes of yesterday were read.

Supply Bill  
read 3d time.

Pursuant to the order of the day the Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the Thirtieth June, One Thousand Eight Hundred and Forty One," was read a third time.

Contingency Bill (1839)  
Committed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled "An Act to defray the Expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland."

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

Reported with

The Chairman reported the Bill with some amendments.

Ordered, That the Report be received.

The Amendments are as follow :—

amendments.

In the 2nd Page, 5th and 6th lines—Expunge "Three Thousand One Hundred and Twenty-Three Pounds, Two Shillings and Ten Pence," and insert in place thereof "Two Thousand Two Hundred and Forty-Six Pounds, Two Shillings and Ten Pence."

" 4th Page, 16th line—Expunge the word "Forty," and insert "Thirty" in place thereof.

24th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

- In the 4th Page, 20th line—Expunge the word “Thirty,” and insert “Twenty-Five” in place thereof.
- “ 5th Page, 2nd line—Expunge the word “Thirty,” and insert “Twenty-Five” in lieu thereof.
- “ “ 4th line—Expunge the word “Thirty,” and insert “Twenty-Five” in lieu thereof.
- “ “ Expunge the Fifth, Sixth and Seventh lines of this Page.
- “ “ 9th line—Expunge the words “One Hundred and Thirty,” and insert in place thereof “Eighty.”
- “ “ Expunge the 11th and 12th lines of this page.
- “ 6th Page—Expunge the 8th and 9th lines of this Page.
- “ “ 19th line—Expunge all the words of this page after the word “Assembly” in this line, and insert instead thereof “One Hundred and Seventy-eight Pounds Eighteen Shillings.”
- “ 7th Page, 7th line—Expunge “Six Hundred Pounds” and insert instead thereof “Four Hundred and Sixty-two pounds.”
- Expunge the last three words of the 8th line, the whole of the 9th line, and the first seven words of the 10th line, and insert in lieu thereof “on their attendance for Forty-two days during the Session, being.”
- “ 8th Page—Expunge the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 17th lines of this Page.
- “ 9th “ Expunge all the words of the Bill after the words “Six pence” in the third line of this Page.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled “An Act to provide for the Contingent Expenses of the Legislature for the present Session.”

Contingency Bill (1840)  
Committed.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with

Ordered, That the Report be received.

The Amendments are as follow :—

1st Section, 1st Page, 9th line—Expunge “Two Thousand Seven Hundred and Sixty-three Pounds, One Shilling and One Penny” and insert instead thereof “Two Thousand Two Hundred and Eighty Pounds, Twelve Shillings and Sevenpence”

amendments:

3rd Page—Expunge the whole of this Page after the tenth line thereof, and insert in its stead as follows :—

To the Door-keeper of the House of Assembly, Thirty-five Pounds.

To the Under Door-keeper of the House of Assembly, Twenty-five Pounds.

To the Messenger of the House of Assembly, Thirty Pounds.

4th Page—Expunge the first two lines of this Page.

“ 4th and 5th lines—Expunge the words “One Hundred” and insert “Eighty” in their stead.

“ Expunge the 6th and 7th lines of this Page.

“ 9th and 10th lines—Expunge “Six Hundred and Sixty-five Pounds” and insert in lieu thereof “Five Hundred and Four Pounds.”

24th &amp; 25th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

4th Page 11th and 12th lines—Expunge these two lines and the first two words of the 13th line, and insert in lieu thereof “on their attendance for Forty-two days during the Session, being.”

5th Page—Expunge the first six words of this Page.

6th “ Expunge the last four lines of this Page and the four lines of the 7th Page.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Police Office Fees Bill  
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony.”

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again To-morrow.

Ordered, That the Report be received.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at One o'clock.

SATURDAY, 25th APRIL, 1840.

House meets

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The minutes of yesterday were read.

On motion it was—

42d Rule of the House  
dispensed with.

Ordered, That the 42nd Rule of the House should be dispensed with so far as it respects a Petition from certain Merchants and other Inhabitants of St. John's, presented by the Honorable Mr. Thomas, praying the House not to consent to any measure calculated to increase the amount of Taxes payable in this Colony; which Petition was read, and—

Ordered, To lie on the table.

Supplementary Supply  
Bill brought up and  
Read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled “An Act granting to Her Majesty certain Supplies for the Civil Government of this Colony, and other purposes,” which was read a first time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

Read 2d time—  
Committed—

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

Ordered, That the Report be received.

Read 3d time and  
passed.

The said Bill was then read a third time and passed, and the Honorable the President signed the same.

On motion it was—

Ordered, That the Supply Bill do now pass.

Supply Bill passed.

Whereupon the Honorable the President signed the same.

25th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

A Deputation from the House of Assembly brought up the following Message:—

*Mr. President;*

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by Her Majesty's Council in and upon the Bill entitled "An Act to regulate the manner of Empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts," with an amendment, to which they request the concurrence of the Council; and—

Message from the Assembly agreeing to amendments on the Jury Bill with an amendment, and to the amendments on the Whale Fishery Bill.

The Amendments made by Her Majesty's Council in and upon the Bill entitled "An Act to encourage the Whale Fishery in this Colony," without amendment.

House of Assembly, }  
24th April, 1840. }

WILLIAM CARSON;  
Speaker.

The Assembly's Amendment on the Council's Amendments on the Jury Bill having been read, it was—

Assembly's amendment on Jury Bill read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the said amendment, be dispensed with.

Whereupon the Amendment was read a second time, and the House went into a Committee of the whole on the same.

Read 2d time.  
Committed.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported that the Committee do not agree to the Amendments.

Reported—not agreed to

Ordered, That the report be received.

Whereupon a Message was transmitted to the House of Assembly in accordance with the foregoing report.

Message to the Assembly acquainting them therewith.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to defray certain Expenses and Outstanding Claims on the Board of Road Commissioners in Saint John's, and for other purposes," which was read a first time:

Road Commissioners' outstanding claims Bill read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

The Bill was then read a second time, and the House went into a Committee of the whole thereon.

Read 2d time.  
Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again presently.

Reported.

Ordered, that the Report be received.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to defray the Expenses of the Legislature in the Fourth Session of the Second General Assembly of Newfoundland," was read a third time and passed, and the Honorable the President signed the same.

Contingency Bill (for 1839) read third time and passed.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to provide for the Contingent Expenses of the Legislature for the present Session," was read a third time and passed, and the Honorable the President signed the same.

Contingency Bill (for 1840) read 3d time and passed.

The House again went into a Committee of the whole on the "Bill to defray certain Expenses and Outstanding claims on the Board of Road Commissioners in Saint John's, and for other purposes."

Road Commissioners' outstanding claims Bill committed—

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments:

Reported with—

Ordered, That the Report be received.

25th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

The Amendments are as follow:—

Amendments.

Insert in the 2nd Page of the Bill, 15th line—After the word “Pounds,” “Provided that it be made to appear to the satisfaction of the Governor that the Commissioners are legally liable to pay such amount.”

Expunge the whole of the last Section of the Bill, except the first line, and insert as follows:—  
“That the Sum of Two Hundred and Twenty-Six Pounds be placed at the disposal of the Governor to defray the Expenses to be incurred in making general Surveys of the Roads and Bridges which have been made under the provisions of the several Acts of the Legislature for such purposes, and for making reports thereon detailing their state and condition, and all such information on the subject as may enable the Legislature to form a better judgment of the expediency of continuing or discontinuing the extension or improvement of any such Roads or Bridges.”

Ordered, That the amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Police Office Fees Bill  
Committed.

Pursuant to the order of the day the House went into a Committee of the whole on the Bill entitled “An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony.”

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported with—

The Chairman reported the Bill with some amendments.

Ordered, That the Report be received.

The Amendments are as follow:—

Amendments.

In the 2d Page 1st line—Expunge “Scale” and insert “Table” in its stead.

“ “ 2d line—Expunge “conspicuous” and insert “conspicuous” in its stead.

“ “ 4th line—At the end of this line insert “and shall be as follows.”

“ “ Between the 4th and 5th lines insert

“No. 1.”

“ “ Expunge all the words of this Page after the tenth line, and all the words of the third Page, and insert as follows:—

No. 2.

Fees Payable to the Clerk of the Peace in Courts of Session of Justices of the Peace.

	£	s.	d.
For Precept for Quarter Session, ....	0	7	6
“ Calling and Swearing Grand Jury, ....	0	5	0
“ Calling and Swearing every Petit Jury, ...	0	2	0
“ Drawing and Engrossing an Indictment or Information, and conducting Proceedings to final judgment, ....	1	1	0
“ Entering Proceedings in Trial by Jury of a Cause to final judgment, ....	0	6	8
“ Preparing and Engrossing a Record of Conviction or Acquittal, when required, ....	0	6	8
“ Every Recognizance for Sureties of the Peace, (to be paid by the party bound) ....	0	3	4
“ Attendance during each Quarter Sessions, ...	1	0	0
“ Making up the Records of each Quarter Sessions, pay- able only when such service shall be duly certified by the Justices or Justice ....	1	10	0

25th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

## No. 3.

Fees payable to the Clerk of the Peace in Civil Cases, Malicious Mischiefs, and in Petty Criminal Cases under Summary proceedings.

	£	s.	d.
For a Summons or a Subpæna	0	1	0
“ The hearing of every Case	0	1	0
“ Entering the Proceedings to Judgment	0	1	6
“ Every Warrant in Execution	0	1	0
“ Every Recognizance	0	1	0

Provided nevertheless that in any Civil Action in which the debt or matter in dispute shall not amount to the sum of Twenty Shillings, the Fees to be taken by the Clerk of the Peace shall not in the whole exceed the sum of Three Shillings and Sixpence.

## No. 4.

Fees to be allowed the Clerk of the Peace for the performance of Ministerial duties before a Justice or Justices of the Peace in Cases of Felony or Misdemeanor.

	£	s.	d.
For every Deposition or Examination taken and drawn and made in due form according to usual precedents in accredited Books of Practice	0	2	0
“ Every Summons	0	1	0
“ Every Subpæna	0	1	0
“ Every Warrant	0	1	6
“ Every Commitment	0	1	6
“ Every Recognizance for due appearance of Prosecutor to Prosecute, or Witness to give evidence at Trial, the same being taken in due form as aforesaid	0	1	6

## No. 5.

## Fees Payable to Constable or Bailiff.

For service of a Summons or Subpæna	0	1	0
“ Executing every Warrant to arrest the Person	0	2	6
And if the due service of either of the above Process shall require the Officer to travel beyond the distance of two miles he shall be further allowed for every mile extra	0	0	6
“ Execution of any Warrant or Order of Justices or Justice for levying under Judgment by Sale of Goods, when such Judgment and levy shall be under the sum of Twenty Shillings...	0	1	0

And when the said levy shall exceed Twenty Shillings then there shall be furthermore five per cent allowed thereon.

In the 4th page 11th line—Expunge “Fifty” and insert “Five” in lieu thereof.

Expunge the whole of the last Section of the Bill and insert in its place “And be it further enacted that this Act shall continue and be in force for the period of three years, and no longer.”

Ordered, That the amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

On motion, made and seconded, the House adjourned until Monday next at Eleven o'clock. House adjourns.

27th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

MONDAY, 27th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*“ “ JAMES CROWDY, *Colonial Secretary.*“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The Minutes of Saturday last were read.

Police Office Fees Bill  
Read 3d time and  
passed.

Pursuant to the order of the day, the Bill, as amended, entitled “ An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony,” was read a third time and passed, and the Honorable the President signed the same.

Road Commissioners'  
outstanding claims Bill  
read third time and  
passed.

Pursuant to the order of the day, the Bill, as amended, entitled “ An Act to defray certain Expenses and Outstanding Claims on the Board of Road Commissioners in Saint John's and for other purposes,” was read a third time and passed, and the Honorable the President signed the same.

Message from the  
Assembly requesting  
conference on the  
Contingency Bills.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the Contingency Bills of the last and present Sessions.

Ordered, That the request be concurred in.

Conferees appointed.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House.

Their Report.

The Conferees went to the Conference, and having returned the Honorable Mr. Spearman reported that they had met the Managers from the Assembly and received from them their Instructions.

Ordered, That the Report be received.

The Instructions are as follow :—

Assembly's Instructions  
to their Conferees.

The House of Assembly have sought this Conference in order to convey to Her Majesty's Council their strong dissent from the repeated encroachments of that Honorable Body on the well known and established privileges of the House of Assembly.

The right of each Branch of the Legislature to audit and determine the Contingent Expenses necessary for the proper transaction of the affairs of that Branch, cannot be denied, questioned or disputed, by any other Branch of the Legislature. This principle has already been insisted on by Her Majesty's Council, and acquiesced in by the Assembly, and the Assembly will not now or hereafter consent to have their right to determine the number of Officers requisite for their services, or the right of remuneration proper to compensate for their services, questioned by any other Branch of the Legislature.

They also regard the privilege of being the sole Judges of the quantum, matter, and manner of grants of the Public Money to be so well established as that it is perfectly needless to give reasons for it, and for these reasons do they consider the amendments of Her Majesty's Council on the Bills for defraying the Contingent Expenses of the Legislature for the past and present Sessions as an infringement on their privileges, calculated to produce great public injury, and personal vexation and embarrassment to those who, in the service of their country, have devoted their time, attention and labour to the discharge of duties imposed upon them by the Constitution.

Under these circumstances they beg leave to adopt the course pursued by the British House of Commons in the Year One Thousand Seven Hundred, on the occasion of amendments made by the House of Peers on a Money Bill, but which amendments, unlike those of Her Majesty's Council on the present occasion, did not go to affect the quantum, matter or manner of the Supply, and, to use the words of the Commons in their Conference, as they entertain the feeling and spirit which dictated them—

27th April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

"The Commons'" House of Assembly "cannot agree to the amendments made by" Her Majesty's Council "to these Bills, for that all Aids and Supplies granted to Her Majesty in Parliament are the sole and entire gift of the Commons; and as all Bills for the granting of such Aids and Supplies begin with the Commons, so it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills the ends and purposes, considerations, limitations, and qualifications of such grants, which ought not to be changed or altered by Her Majesty's Council.

"This is well known to be such a fundamental right of the Commons that to give reasons for it has been esteemed by our ancestors to be a weakening of that right."

The Commons "House of Assembly" therefore leave the Bills and the amendments with the "Council," together with the ill consequences that may attend "the not passing the Bills." [Hatsel, Vol. 3, p. 454, Appendix, No. 12.]

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
27th April, 1840. }

Pursuant to the order of the day the House went into a Committee of the whole on the Revenue Bill Committed Revenue Bill.

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with—

Ordered, That the Report be received.

The Amendments are as follow:—

In the 1st Section, 1st line—Between the word "enacted" and "that" insert by the Governor, Council and Assembly of Newfoundland in General Assembly convened, and by the authority of the same." Amendments

" " 2nd line—Insert "Eighteenth" in the place of "Thirtieth," and "November" in the place of "June."

In the 4th Page—Expunge the last Six lines of this Page.

" 12th Page, 12th line—Expunge the word "Articles," and insert "Sales shall" in its stead.

" " 14th line—Expunge the word "person," "persons," and insert in their stead "Officer," "Officers."

" " 15th line—Expunge the words "informed of," and insert "detained" in their stead.

" 15th Page, 13th line—Between "shall" and "accept" insert "within Twenty days."

" 17th Page, 2nd line—Expunge the word "Thirtieth," and insert "Eighteenth" in its stead—and expunge the word "June," and insert "November" in its stead.

Ordered, That the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.

Ordered, That a Conference be requested with the House of Assembly on the subject matter of the above named Bill. Conference ordered on Revenue Bill.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Committee to prepare Instructions for the Conferees. Committee to draft Instructions.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to defray certain Expenses and Outstanding claims on the Board of Road Commissioners in Saint John's, and for other purposes," which was read a first time. Road Commissioners' outstanding claims Bill brought up and read 1st time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

27th &amp; 28th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Road Commissioners' outstanding claims Bill  
Read 2d time—  
Committed—

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered, that the Report be received.

Read third time and passed.

The said Bill was then read a third time and passed, and the Honorable the President signed the same.

House adjourns.

On motion made and seconded the House adjourned until to-morrow at eleven o'clock.

TUESDAY, 28th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

The minutes of yesterday were read.

Report of Committee appointed to draft Instructions on Revenue Bill—

The Honorable Mr. Spearman from the Select Committee appointed to draft Instructions to the Conferees on the Revenue Bill reported a draft.

Ordered, That the Report be received.

Ordered, That the House go into a Committee of the whole thereon presently.

Committed.

The House accordingly went into Committee.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Instructions.

Ordered, That the Report be received and adopted.

The Instructions are as follow:—

The Instructions.

Her Majesty's Council have sought this Conference for the purpose of acquainting the House of Assembly that they do not concur in that Clause of the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies, and for other purposes," which enacts the repeal, on the 30th June next, of an Act passed in the Third Year of Her Majesty's Reign for the like purpose, and for the then immediate operation of the above recited Act.

1st. Because by the 15th Article of the Royal Instructions it is directed that no law for granting unto Her Majesty any sum or sums of Money, by duties of impost, shall be made to continue for less than one whole year.

2nd. Because by repealing the said Act before two-thirds of the year have expired, the Legislature will, in the opinion of the Council, be doing that indirectly which Her Majesty has expressly prohibited, and would therefore be acting in violation of the spirit of the said Royal Instruction.

3rd. Because a shorter period than that which will elapse between this present date and the 18th of November next, the period at which the Act now in force expires, is insufficient to provide the additional Instruments required by certain enactments of the said Bill, and to instruct the Officers of Her Majesty's Customs in their use and application.

Her Majesty's Council also acquaint the House of Assembly that they cannot concur in inserting in a Revenue Bill, a clause levying an impost on Ships and Vessels entering the

28th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Ports and Harbours of this Island,—not because Her Majesty's Council dissent from the propriety of levying such an impost, but because in their opinion the subject matter should be contained in a separate and specific Bill, and that it is desirable that consistently with the practice generally adopted in relation to such Imposts, its duration should be for a longer period than one year.

Ordered, That the Instructions be engrossed presently.

Whereupon the Instructions having been engrossed, were read and passed, and the Honorable the President signed the same. Instructions passed.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House. Conferees appointed.

A Deputation from the House of Assembly brought up a Message agreeing to the Conference requested. Assembly agree to Conference.

The Conferees went to the Conference, and having returned the Honorable Mr. Spearman reported that they had met the Managers from the Assembly, and delivered to them their Instructions. Report of Conferees.

Ordered, That a Conference be requested with the House of Assembly on the subject-matter of the Conference of yesterday. Conference ordered on Contingency Bills.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Select Committee to draft Instructions to the Conferees. Committee to draft Instructions—

After some time the Honorable Mr. Spearman, from the Select Committee, made the following report, which was read and adopted:— make their report.

Her Majesty's Council have sought this Conference for the purpose of acquainting the House of Assembly that they cannot recede from their amendments made on the Contingency Bills for the last and present Session for the reasons already stated to the House in conference on the Contingency Bill of last Session. To the principles by which the Council were then guided they feel themselves compelled to adhere, and whilst regretting any difference with the House of Assembly, it is to them a source of great satisfaction that their constitutional power of amending Bills of the description in question, is fully recognized by Her Majesty's Government. Instructions to Conferees on Contingency Bills.

The Council do not concur with the House of Assembly in their assumption that the declaration of the Council made on the Fourteenth of May, One Thousand Eight Hundred and Thirty Four—"That they cannot permit the privilege of auditing their own Contingent Expenses to be called in question or argued upon"—involves the wide principle attached to it by that House. The point then raised referred simply to the fact and truth of certain incidental charges incurred by their Clerk and Usher of the Black Rod in the discharge of their several duties, and had no relation to the appointment of an increased number of officers, or the augmentation of their Salaries, or the creation by the House of Stipendiary Offices for its Members.

28th April, 1840.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject matter of the last Conference (the Revenue Bill.) Assembly request conference on the Revenue Bill.

Ordered, That the request be concurred in.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House. Conferees appointed—

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had met the Managers of the Assembly and received from them their Instructions. Report of Conferees.

Ordered, That the Report be received.

28th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

The Instructions are as follow:—

The House of Assembly have sought this Conference on the subject-matter of the last Conference with a view to express their readiness, rather than subject the Country to the inconvenience that must result to the public service should no Revenues be granted in the present Session, to prepare two Bills in accordance with the terms of the objection of the Council to including a Tonnage Duty on Ships and Vessels in the general Revenue Bill; and their dissent from the construction put by the Council on the Fifteenth Article of the Royal Instructions.

House of Assembly, }  
28th April, 1840. }

WILLIAM CARSON,  
Speaker.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested on the Contingency Bills of the last and present Sessions.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House.

The Conferees went to the Conference, and having returned the Honorable Mr. Spearman reported that they had met the Managers from the Assembly, and delivered to them their Instructions; but that the said Managers declined receiving the Contingency Bills, which had been left with the Conferees on the part of this House on yesterday, on the ground that they had been instructed by the Assembly to do so.

Pursuant to the order of the day the Revenue Bill, as amended, was read a third time and passed, and the Honorable the President signed the same.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony," which was read a first time.

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Whereupon the said Bill was read a second and third time and passed, and the Honorable the President signed the same.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain Duties," which was read a first time.

Ordered, That the 38th Rule of the House, so far as it respects the above named Bill, be dispensed with.

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered, that the Report be received.

The said Bill was then read a third time and passed, and the Honorable the President signed the same.

On motion made and seconded, it was—

Ordered, That the Contingency Bills for the last and present Session, which had been left with the Conferees on the part of this House by the Managers from the House of Assembly, in Conference on yesterday, be returned by Message to the Assembly.

Whereupon a Message with the Contingency Bills was sent to the Assembly accordingly.

The Honourable the President informed the House that he had received the following letter from the Honorable the Colonial Secretary:—

Assembly's Instructions to their Conferees on the Revenue Bill.

Assembly accede to conference on the Contingency Bills.

Conferees appointed—

Their Report.

Revenue Bill read third time and passed.

Police Office Fees Bill brought up and read 1st time.

Read 2nd and 3d time and passed.

Tonnage Duty Bill brought up and read 1st time.

read 2nd time—Committed—

reported—

read third time and passed.

Contingency Bills left with Conferees in conference to be returned to the Assembly.

Message transmitted therewith accordingly.

28th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Secretary's Office, 27th April, 1840.

Letter from the Colonial Secretary on the subject of prorogation of the Legislature.

SIR,—

I have the honor, by command of the Governor, to acquaint you for the information of Her Majesty's Council, that it is His Excellency's intention to close the present Session of the Legislature on Wednesday next, the 29th Instant, at four o'clock.

I have the honour,

&c., &c., &c.,

(Signed,) JAMES CROWDY.

The Honorable the President of Her Majesty's Council. }

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony, and its Dependencies," which was read a first time.

Revenue Bill brought up and read 1st time—

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

read 2nd time— committed—

The Honorable Mr. Crowdy in the chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered, That the Report be received.

reported—

The said Bill was then read a third time.

read third time.

On the question being put that the same do now pass, it was moved and seconded, and—

Ordered, That a Conference be requested with the House of Assembly on the subject matter thereof.

Conference ordered on Revenue Bill.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

Conferees appointed—

After some time the Honorable Mr. Spearman, from the above named Committee, reported the following Instructions, which were read.

who report—

Ordered, That the Report be received and adopted.

Her Majesty's Council have sought this Conference with the House of Assembly to request the concurrence of that House in the following Amendments being made by the Council on a Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies."

Instructions to Conferees on the Revenue Bill.

JAMES SIMMS.

Council Chamber, 28th April, 1840. }

In the 12th Page, 14th line—Expunge the words "Person" "Persons" and insert in place thereof "Officer" "Officers."

Amendments

" " 15th line—Expunge the words "informed of" and insert in place thereof detained and taken."

Insert as the last Section but one, as follows:—And be it further enacted that all Penalties and Forfeitures recovered under this Act shall be divided, paid and applied as follows,—that is to say, after deducting the charges of Prosecution and Sale from the produce thereof, one-third part of the net produce shall be paid into the hands of the Treasurer of this Colony, to be applied as the Legislature shall direct— one-third part to the person who shall inform for the same, and the other third to the Officer who shall seize and sue for the same.

28th &amp; 29th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Assembly accede to conference.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested on the Revenue Bill.

Report of Conferees.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had delivered their Instructions to the Managers on the part of the Assembly.

Ordered, That the Report be received.

A Deputation from the House of Assembly brought up the following Message:—

Message from Assembly permitting amendments on Revenue bill.

*Mr. President;*

The House of Assembly, in compliance with the request of Her Majesty's Council, permit them to make the amendments set forth in the reasons given to the Assembly for a Conference on the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies."

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
28th April, 1840. }

Revenue Bill passed.

The Revenue Bill—with the Amendments embodied in the Council's Instructions to their Conferees,—and assented to by the House of Assembly on the subject of it—was then passed and the Honorable the President signed the same.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at eleven o'clock, a. m.

WEDNESDAY, 29th APRIL, 1840.

House meets.

The House met pursuant to adjournment.

*Present,*

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*  
" " JAMES CROWDY, *Colonial Secretary.*  
" " JAMES M. SPEARMAN, *Collector of the Customs.*  
" " WILLIAM THOMAS.

The minutes of yesterday were read.

The Honorable the Colonial Secretary presented the following Message from His Excellency the Governor:—

H. PRESCOTT.

Message from the Governor respecting Tonnage Duty Bill; suspending clause necessary.

The 19th Article of the Queen's Instructions directing the Governor not to give his assent to any "Bill or Bills whereby the Trade or Shipping of Great Britain shall be in any wise affected," the Council will see that His Excellency cannot assent to the Tonnage Duty Bill unless a suspending clause be attached to it.

Government-House, }  
29th April, 1840. }

The Royal Instructions laid before the House—

The Honorable the Colonial Secretary also laid before the House, by direction of the Governor, a copy of the Royal Instructions, in compliance with an Address of the Council.

To be printed.

Ordered, That the said Instructions be printed.

A Deputation from the House of Assembly brought up the following Message:—

*Mr. President,*

Assembly request Conference on a Message from the Governor.

The House of Assembly request a Conference with Her Majesty's Council on the subject-matter of a Message from His Excellency the Governor communicated to the House this day.

House of Assembly, }  
29th April, 1840. }

WILLIAM CARSON,  
Speaker.

29th April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

Ordered, That the request be concurred in.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House. Conferees appointed.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had met the Managers from the Assembly and received from them their Instructions. Report of Conferees.

Ordered, That the Report be received.

The Instructions are as follow:—

The House of Assembly have requested this Conference on the subject-matter of a Message from His Excellency the Governor, of this day, to inform the Council that it would be necessary that a suspending clause were added to the Bill entitled "An Act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain Duties," in compliance with the suggestion contained in the said Message, and to express their readiness to concur in the annexation of such clause.

Assembly's Instructions to their Conferees on the Tonnage Duty Bill, as corrected, with the Governor's Message.

House of Assembly, }  
29th April, 1840. }

WILLIAM CARSON,  
Speaker.

Ordered, That a Conference be requested with the House of Assembly on the subject-matter of the last Conference. Conference ordered on last Conference.

Ordered, That the Honorable Messrs. Spearman and Thomas be the Conferees and that they be a Committee to draft Instructions. Conferees appointed who are to draft Instructions.

After some time the Honorable Mr. Spearman, from the above named Committee, reported a draft. Their Report—

Ordered, That the Report be received and adopted. Adopted.

Ordered, That the Instructions be engrossed presently.

Whereupon the Instructions having been engrossed, were read and are as follows:—

Her Majesty's Council have sought this Conference with the House of Assembly on the subject of the last Conference, in order to acquaint that House that the Council concur with them in the desire to obviate the objection raised by His Excellency the Governor in respect to the Tonnage Duty Bill, which the Council suggest may be accomplished either by adding to the Bill now in the possession of the House of Assembly a suspending clause, in the presence of the Managers of the House of Assembly and Conferees of the Council, under Instructions to be respectively given to them; or by passing a new Bill containing a suspending clause.

Instructions to Conferees—subject, suspending clause to Tonnage Duty Bill.

29th April, 1840.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested. Assembly accede to Conference.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had delivered their Instructions to the Managers on the part of the Assembly. Report of Conferees.

Ordered, That the Report be received.

A Deputation from the House of Assembly brought up the following Message (with the Bill referred to):— Message from Assembly with Tonnage Duty Bill.

Mr. President,—

The House of Assembly acquaint Her Majesty's Council that they have passed a Bill entitled "An Act to make further provision towards defraying the Expenses of the Civil (Former Bill set aside.)

29th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

Government of this Colony by raising certain Duties," allowing the former Bill to be set aside in accordance with the suggestion of that Honorable Body.

WILLIAM CARSON,  
Speaker.

House of Assembly, }  
29th April, 1840. }

Conference ordered  
on the foregoing  
Message.

Ordered, That a Conference be requested with the House of Assembly on the subject-matter of the foregoing Message.

Conferees appointed,  
who are to draft  
Instructions.

Ordered, That the Honorable Messrs. Crowdy and Spearman be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

Draft presented and  
adopted.

After some time the Honorable Mr. Crowdy presented a draft, which was read and adopted.

The Instructions are as follows:—

Instructions to  
Conferees—subject,  
Message of to-day  
relative to Tonnage  
Duty Bill.

Her Majesty's Council have requested this Conference with the House of Assembly for the purpose of acquainting that House that it appears to the Council by the Message which they have addressed to the Council this day, in transmitting the new Bill for raising Tonnage Duties on Vessels, that the House of Assembly have misunderstood the Instructions delivered by the Conferees of the Council at the last Conference. The Council, so far from "allowing the former Bill to be set aside," deem it *indispensibly necessary* that the *first* Tonnage Duty Bill, having passed both Houses, be presented to the Governor for his approval, when, on the ground of its not containing the suspending clause required by him, the Governor will no doubt refuse his assent to it.

Assembly accede to  
Conference.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested.

Report of Conferees

The Conferees went to the Conference, and having returned the Honorable Mr. Crowdy reported that they had delivered their Instructions to the Managers on the part of the Assembly.

Tonnage duty Bill read  
1st time—

The Tonnage Duty Bill, brought up this day, was then read a first time.

Ordered, That the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.

Read 2d time—  
Committed—

Whereupon the Bill was read a second time, and the House went into a Committee of the whole thereon.

The Honorable Mr. Spearman in the chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

Ordered, That the Report be received.

Read 3d time and passed.

The Bill was then read a third time and passed, and the Honorable the President signed the same.

On motion made and seconded, it was—

Address of congratulation  
to Her Majesty  
ordered.

Ordered, That an Address of Congratulation to Her Majesty upon Her Majesty's Marriage be prepared.

Committee appointed to  
prepare it—

Ordered, That the Honorable Messrs. Spearman and Thomas be a Committee for that purpose.

Who report an Address.

After some time, the Honorable Mr. Spearman, from the above named Committee, presented an Address to Her Majesty, which was read and unanimously adopted, and is as follows:—

20th April 1840.

HENRY PRESCOTT, Esquire, C. B. Governor.

## TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address of congratulation to Her Majesty on Her Marriage.

MOST GRACIOUS SOVEREIGN,—

We, Your Majesty's dutiful and loyal subjects, Your Majesty's Council of Newfoundland, in General Assembly convened, joyfully embrace this, the first occasion on which we have met, in our Legislative capacity, since Your Majesty's marriage, to convey to Your Majesty our affectionate and most respectful congratulations upon that auspicious event.

We beg to assure Your Majesty that in no part of your widely spread Dominions does there exist a spirit of more devoted loyalty to Your Majesty's most august Person,—of more profound veneration for the British Constitution—and of more cheerful obedience to the law, than in this ancient Possession of Your Majesty's Crown; and though far removed from our native land, we feel an anxious interest in an event by which Your Majesty's personal happiness and the prosperity of our Country must be so essentially affected.

It is a source of heartfelt delight to us, and of gratitude to that Being, by whom Kings reign and Princes decree justice, that the illustrious Prince upon whom Your Majesty's choice has fallen, is so abundantly gifted with those qualities that are calculated to promote Your Majesty's happiness, and the peace and joy of the British nation. May the affectionate wishes of Your Majesty's subjects, both at home and abroad, be amply realized, and may every blessing, for time and eternity, attend Your Gracious Majesty, and Your Illustrious Consort.

JAMES SIMMS,

*Senior Member of Council, Presiding.*

Council-Chamber,  
St. John's, Newfoundland,  
29th April, 1840.

Ordered, That an Address be presented to His Excellency the Governor, requesting him to forward the Address to Her Majesty to the Principal Secretary of State for the Colonies, for the purpose of being laid at the foot of the Throne.

Address to His Excellency to forward that to Her Majesty ordered.

Ordered, That the Honorable Messrs. Spearman and Thomas be a Committee to draft the same.

Committee appointed to draft the same—

After some time the Honorable Mr. Spearman, from the Committee above named, reported a draft, which was read and adopted, and is as follows:—

who report the

To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.

Address to His Excellency to transmit the Address to the Queen.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Council of Newfoundland, in General Assembly convened, having prepared and passed an Address of congratulation to Her Majesty upon Her Majesty's marriage, humbly request Your Excellency will be pleased to forward the same to the Secretary of State for the Colonies, for the purpose of being laid at the foot of the Throne.

JAMES SIMMS,

*Senior Member, presiding.*

Council-Chamber,  
29th April, 1840.

The Honorable Mr. Secretary Crowdy reported that His Excellency would receive the House with its Address to-day.

At four of the Clock, p. m., the House presented the above Address to His Excellency the Governor, who was pleased to say that that to Her Majesty should be forwarded as requested.

Address presented.

At a quarter past four of the Clock His Excellency the Governor having come to the Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod

The Governor arrives at the Council Chamber.

29th April 1840.

## FIFTH SESSION, SECOND GENERAL ASSEMBLY 3rd VICTORIA.

The Assembly  
summoned to attend.

His Excellency assents  
to sundry Bills.

was ordered to direct the immediate attendance of the House of Assembly at the Bar of this House, and they being come thereto His Excellency was pleased to assent to the following Bills—

Viz :—

“An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies.”

“An Act to make further provision towards defraying the Expenses of the Civil Government of this Colony by raising certain duties.”

“An Act for granting to Her Majesty a sum of Money for defraying the expenses of the Civil Government of this Colony and for other purposes, for the Year ending 30th June One Thousand Eight Hundred and Forty-one.”

“An Act for granting to Her Majesty certain Supplies for the Civil Government of this Colony and other purposes.”

“An Act to defray certain Expenses and Outstanding Claims on the Board of Road Commissioners in Saint John's, and for other purposes.”

“An Act to encourage the Whale Fishery in this Colony.”

“An Act to Repeal an Act entitled ‘An Act to re-vest in the Treasury the Sum of One Thousand Five Hundred Pounds granted to Her Majesty under an Act passed in the First Year of the Reign of her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a Communication by Steam between the Port of Saint John's and the Port of Halifax, in the Province of Nova-Scotia, and to make further provision for facilitating Communication by Steam between the said Ports of Saint John's and Halifax.’”

“An Act to continue an Act passed in the Fifth Session of the General Assembly of this Island, entitled ‘An Act to combine the Office of Clerk of the Central Circuit Court and the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices.’”

“An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony.”

His Excellency the Governor was pleased to refuse his assent to a Bill entitled—

“An Act to make further provision towards defraying the Expenses of the Civil Government of this Colony by raising certain duties.”

After which His Excellency was pleased to address the two Houses of the Legislature in the following words:—

*Mr. President, and Honorable Gentlemen of the Council ;*

*Mr. Speaker, and Gentlemen of the House of Assembly ;*

I am happy in being now enabled to close a Session which has been extended far beyond my expectation ; and the results of which do not appear to be in correspondence with its duration.

I will endeavour to render the inconvenience proceeding from the absence of a Land Bill as light as possible to the Public, and I will, without delay, request such Instructions from Her Majesty's Government as may remove all doubts and difficulties on this subject, and probably prevent the necessity of a Suspending Clause being attached to a future Act.

*Mr. Speaker and Gentlemen of the House of Assembly ;*

In the name of Her Majesty I return thanks for the Supplies, which shall be carefully and economically administered.

It would have been a source of much gratification to me had the Appropriation Act been accompanied by Bills for defraying the Contingent Expenses of the Legislature for the last and present Sessions.

His Excellency refuses  
his assent to a Bill.

His Excellency's  
Speech on Proroguing  
the Legislature.

29th April 1840.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

A calm and dispassionate reference to the Despatches which I have lately had the honour to lay before you, will, I trust, on your next meeting, induce your reconsideration of this important matter.

The additional Duties imposed by the present Revenue Bill appear to me judicious, and essentially requisite to the future improvement of the Colony in many interesting particulars.

*Mr. President, and Honorable Gentlemen of the Council;*

*Mr. Speaker, and Gentlemen of the Assembly;*

A bountiful reward has this season crowned the hazardous toils of our hardy and adventurous Sealers; let us hope that in the other great yearly operation about to commence we may have equal cause for gratitude.

For the full enjoyment of our blessings it should be our great study to restore general harmony and good will—"to allow bygone differences to pass into oblivion"—to "practise forbearance"—and, "by mutual concessions in matters where such mutual concessions are practicable, without the sacrifice of any constitutional principle," to aim at concord and peace.

The Honorable the President of the Council then said, it is His Excellency the Governor's will and pleasure that this General Assembly be Prorogued to Saturday the First day of August next, to be then and here holden; and this General Assembly stands Prorogued accordingly.

The General Assembly  
Prorogued

APPENDIX.

APPENDIX.

# APPENDIX.

DOCUMENTS LAID BEFORE THE COUNCIL BY COMMAND OF  
HIS EXCELLENCY THE GOVERNOR.

## ESTIMATE

*Of the Charge of defraying the Public Expenditure of Newfoundland  
for the Year ending the 30th June, 1841.*

Ten Thousand One Hundred and Thirty-Four Pounds Sterling.

Proposed distribution of the above Sum of Ten Thousand One Hundred and Thirty-Four Pounds for the Service of the Year 1840—41.

	£	s.	d.	
Salary of the Clerk of the Council, .....	200	0	0	
Two Clerk's in Secretary's Office, ....	400	0	0	
Office Keeper of ditto, ....	60	0	0	
Messenger of ditto, ....	60	0	0	
Colonial Treasurer, ..	400	0	0	
Clerk of Northern Circuit Court, ....	200	0	0	
— Southern Circuit Court, ....	200	0	0	
Crier and Tipstaff, .....	60	0	0	
Gaoler, (St. John's), .....	50	0	0	
Two Police Magistrates, ditto, ....	600	0	0	
Clerk of the Peace, ditto, ....	120	0	0	
Chief Constable, ditto, ....	80	0	0	
Six Police Constables, ditto, ....	270	0	0	
Stipendiary Magistrates, (Out Ports), ....	1410	0	0	} as per detail.
Clerks of Peace, Gaolers, &c., ditto, ....	1174	0	0	
Gaol Surgeon, (St. John's), ....	40	0	0	
Gaol Barber, (ditto), ....	15	0	0	
Gaol Surgeon, (Harbour-Grace), ....	20	0	0	
To defray the Attorney-General's Fees, ....	250	0	0	
Solicitor-General's ditto, ....	200	0	0	
Pension of John Buckingham, Esq., ....	60	0	0	
Salary of Clerk of Supreme and Central Courts, ....				
	5864	0	0	

### MISCELLANEOUS.

Printing, Advertizing and Stationery, .....	450	0	0	
Civil and Criminal Prosecutions, ..	500	0	0	
Gaol Expenses, ..	800	0	0	
Coroner's Accounts, ..	150	0	0	
Fuel and Light, ....	200	0	0	
Postages and other Incidentals, ....	120	0	0	
Expenses of the Circuits, ....	600	0	0	
Firing Fog-Guns, ....	250	0	0	
Unforeseen Contingencies, ....	500	0	0	
To continue the Geological Survey, ....	600	0	0	
Repairs of Court-Houses and Gaols, ....	100	0	0	
	Total, ....	£10,134	0	0

N. B.—By an existing Act the Sum of £2100 is appropriated for the purposes of Education.

# APPENDIX.

## DETAIL

OF SALARIES AND ALLOWANCES TO STIPENDIARY MAGISTRATES,  
CLERKS OF PEACE, GAOLERS AND CONSTABLES AT THE  
UNDERMENTIONED OUT-PORTS.

Out-Ports.	Magis- trates.	Clerks of the Peace.	Constables.		Gaolers.	Total.	
			No.	Salary.			
	£	£		£	£		
Harbor Grace	150	50	3	85	50	335	0 0
Carbonear	120		3	75		195	0 0
Brigus and Port-de-Grave	120	20	2	50		190	0 0
Bay-de-Verds			1	12		12	0 0
Harbour-Main			1	12		12	0 0
Cats' Cove			1	12		12	0 0
Western Bay			1	12		12	0 0
South Shore			1	12		12	0 0
Ferryland	100	20	1	12	25	157	0 0
Bay Bulls	100		1	12		112	0 0
Toads' Cove			1	12		12	0 0
Cape Broyle			1	12		12	0 0
Capelin Bay			1	12		12	0 0
Aquafort			1	12		12	0 0
Fermeuse			1	12		12	0 0
Placentia	100	20	1	25	25	170	0 0
Barren Islands			1	12		12	0 0
Merashien			1	12		12	0 0
Little Placentia			1	12		12	0 0
Burin	100	20	1	25	25	170	0 0
St. Lawrence			1	12		12	0 0
Lamaline			1	12		12	0 0
Trepassey			1	12		12	0 0
St. Mary's	100		1	25		125	0 0
Harbour Britain	100	20	1	12		132	0 0
Grand Bank	100		1	12		112	0 0
Trinity	120	20	1	25	25	190	0 0
Catalina			1	24		24	0 0
Bonavista	100	20	2	25		145	0 0
Greenspond			1	12		12	0 0
Twillingate and Fogo	100	20	3	49		169	0 0
Exploits Bay			1	12		12	0 0
Brigus (South)			1	12		12	0 0
Witless Bay			1	12		12	0 0
Petty Harbour			1	20		20	0 0
Perlican			1	12		12	0 0
Hearts Content			1	12		12	0 0
Hants Harbour			1	12		12	0 0
New Harbour			1	12		12	0 0
Renewse			1	12		12	0 0
Portugal Cove			1	20		20	0 0
Torbay			1	18		18	0 0
					Total . .	£2584	0 0

### RECAPITULATION.

13 Stipendiary Magistrates	£1410	0	0
9 Clerks of Peace		210	0 0
51 Constables		814	0 0
5 Gaolers		150	0 0
		£2584	0 0

## APPENDIX.

### STATEMENT OF SERVICES FOR WHICH NO PROVISION, OR AN INADEQUATE ONE, WAS MADE IN THE APPROPRIATION ACT FOR THE YEAR ENDING 30TH JUNE, 1840.

Service.	Amount voted.	Amount already paid.	Amount of claims presented.	Probable Sum required.	Remarks.
Civil and Criminal Prosecutions ..	350 0 0	349 9 3	40 0 2	150 0 0	
Gaol Expenses ..	450 0 0	433 15 1	....	400 0 0	
Repairs of Court-Houses & Gaols	Nil.	....	25 5 9	100 0 0	
Circuits .....	500 0 0	671 2 10	....	....	Surplus paid from Unforeseen Contingencies.

### *Despatches from the Secretary of State for the Colonies.*

No. 9.

DOWNING STREET, 2nd November, 1839.

SIR,

I transmit, herewith, for your information and guidance, with reference to your Despatches No. 59 of the 29th of October and No. 68 of the 1st December last, a copy of a letter from the Secretary to the Lords Commissioners of Her Majesty's Treasury, containing their Lordships' decision in regard to the grant to the Collector of Customs at St. John's Newfoundland, of an additional remuneration for the collection by him of the duties imposed by Local Acts.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

JOHN RUSSELL.

Governor PRESCOTT,

&c. &c. &c.

TREASURY CHAMBERS, 29th October, 1839.

SIR,

With reference to your Letters of 18th December, 1838, and 12th January, 1839, on the subject of remuneration to the Collector of Customs, Newfoundland, for the Collection of Colonial Duties, and to the Act of the Legislature of that Colony submitted in your Letter of 27th March last, I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord John Russell that as the remuneration of £50 per annum for the Collection of Duties imposed by Colonial Enactments, in addition to such part of the Salary of £800 per annum already received by the Collector as was assigned to him in consideration of the services he has been called upon to perform for the Colonial Government, was proposed by the House of Assembly who were cognizant of the nature and extent of the extra labour or responsibility devolving on that Officer in respect of the Colonial Duties, my Lords have not seen reason to dissent from that proposition or to suggest any direction for the issue to the Collector of any portion of the further amount of £150 which had been placed in deposit to await their Lordships' decision.

My Lords have therefore apprized the Commissioners of Customs that they are pleased to authorize and approve of the employment of the Collector at St. John's, Newfoundland, in

## APPENDIX.

the Collection of the additional Colonial Duties to which the Correspondence between that Officer and the Governor of the Colony had reference, and to sanction his receiving the remuneration which the Assembly had proposed to assign to him; and my Lords have also signified to the Commissioners their desire that the Collector may be apprized that any future application for his assistance, or that of the other Officers of his department, in the Collection of Colonial Duties, or in carrying into effect other Colonial Enactments, should be submitted to the Commissioners of Customs in order that the directions of this Board may be given thereon, and that they should not be made the subject of discussion between the Collector and the Local Authorities.

I am, &c.

(Signed)

G. J. PENNINGTON,  
*Pro Secretary.*

JAMES STEPHEN, Esq,  
&c. &c. &c.

No. 14.

DOWNING-STREET, 6th December, 1839.

SIR,

Of the series of Acts passed by the Legislature of Newfoundland in their Session of 1838, there remain five upon which the final decision of Her Majesty has not yet been communicated.

I have now the honor to transmit to you an order passed by Her Majesty in Council on the 15th ultimo, leaving Cap. 2, 6, 7 and 8 [Nos. 89, 93, 94, 95] to their operation.

The Act (Cap. 9,) [No. 96] for declaring the value of the Dollar, and making it a legal tender in the Island, is objectionable, so far as regards debts which shall hereafter accrue and subsist; such provisions being contrary to the intent of Her Majesty's Order in Council of the 7th September, 1838, relating to the Sterling value at which the Dollar should pass current in the West Indies and American Colonies.

This Act, therefore, which has a suspending clause, cannot receive Her Majesty's confirmation.

I avail myself of this opportunity to remind you, that the Act, Cap. 4, of the Session of 1837, has not yet been amended. The objections to this Act which were stated by Lord Glenelg in his Despatch, No. 191, of the 23d May, 1838, are too important to allow of its receiving Her Majesty's assent; and I request therefore to be informed whether it is the intention of the Legislature to amend it in the manner suggested by his Lordship.

I have, &c.,

(Signed,)

J. RUSSELL.

The GOVERNOR  
of Newfoundland.

AT THE COURT AT WINDSOR;

*The 15th November, 1839.*

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

Marquess of Normanby,  
Lord Chamberlain,  
Earl of Albermarle,  
Earl of Erroll,

Viscount Palmerston,  
Viscount Melbourne,  
Viscount Ebrington,  
Mr. Labouchere.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council

## APPENDIX.

and Assembly of the said Island, did, in the Month of October, 1838, pass four Acts which have been transmitted, entitled as follows :—

### VIZ.—

No. 89.—“An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies.”

No. 93.—“An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's.”

No. 94.—“An Act to preserve the Harbours and Roadsteads of Newfoundland and its Dependencies from Nuisances and Obstructions.”

No. 95.—“An Act to further amend an Act intituled ‘An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Island.’”

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report. Whereof the Governor, Lieutenant-Governor or Commander-in-Chief for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

### CIRCULAR.

DOWNING-STREET, 26th December, 1839.

SIR,

I have the honor to transmit to you three sets of Blue Books for the years 1839, 1840, and 1841.

Each set consists of Five copies. The original and duplicate copies are to be returned, when filled up, to this office : one copy is to be retained by yourself, and the two remaining copies are to be laid before the Council and Assembly.

Should any additional number of particular blank returns be wanted, I shall be happy to forward them upon receiving an intimation of the number of sheets required.

The importance of having these Books correctly filled up and promptly returned has frequently been dwelt upon in the Despatches of my Predecessors, and I am happy to acknowledge that with regard to many Colonies these returns are very efficient.

I have only therefore to request that if in the Colony under your Government any impediment should exist to the accurate performance of this duty by the Colonial Secretary, you will use your utmost endeavors to remove the difficulty, so that the original may be transmitted to this office as soon after the close of each year as possible.

I have, &c.,

(Signed,)

J. RUSSELL.

CAPTAIN PRESCOTT, R. N.,

C. B., &c. &c. &c.

No. 22.

DOWNING-STREET, 12th February, 1840.

SIR,

I transmit, herewith, for your information and guidance, a copy of a Correspondence with the Post Office relative to the transfer of the control of the Post Office in Newfoundland

## APPENDIX.

to the Post-Master General, and the appointment of a fit person to fill the Office of Post-Master.

I have, &c.

(Signed)

JOHN RUSSELL.

Governor PRESCOTT,

&c. &c. &c.

GENERAL POST-OFFICE, 1st February, 1840.

SIR,

I am commanded by the Post-Master General to transmit, for the information of Lord J. Russell, the accompanying copy of a Letter from the Board of Treasury, with its enclosure, relative to arrangements to be made for the conveyance of the Mails between Halifax and St. John's, Newfoundland; and I am directed by His Lordship to state, that he is prepared, in conformity with the wishes of the Lords of the Treasury, to assume the control of the Post-Office in Newfoundland.

It was His Lordship's intention to have consulted with Lord J. Russell as to the nomination, through the Governor, of some proper person on the spot to have filled the situation of Post-Master; but having received an application from Mr. W. L. Solomon, the son of the former Colonial Post-Master, lately deceased, who states that he is recommended by the principal Authorities and Inhabitants, the Post-Master General is disposed, if Lord J. Russell concurs, to appoint Mr. Solomon to the Office of Post-Master, subject to the approval of the Governor.

His Lordship requests to be informed what Salary has hitherto been attached to the situation of Colonial Post-Master in Newfoundland.

I have, &c.

(Signed)

THOMAS LAWRENCE.

J. STEPHEN, Esq.

TREASURY CHAMBERS, 7th January, 1840.

MY LORD,

I have it in command from the Lords Commissioners of the Treasury, to transmit, for your information, extract of the conditions submitted to this Board by the Lords of the Admiralty, so far as is necessary, to explain the proposed arrangements for the conveyance of Post-Office Mails between Halifax and St. John's, Newfoundland.

At the same time, I have to acquaint Your Lordship that my Lords have also notified the contemplated arrangement to the Secretary of State; and I have to request that you will communicate with the Secretary of State on the steps it may be proper to take with a view to the appointment of some Public Officer at St. John's to receive and despatch the Mails from and to Halifax, and who shall be responsible to the Post-Master General in respect of the performance of the duty in question, and of any Packet Postage payable on the Letters delivered into his charge.

I am, &c.

(Signed)

G. J. PENNINGTON.

The Post-Master General,

&c. &c. &c.

## APPENDIX.

### EXTRACT FROM THE CONDITIONS.

One of such Vessels so equipped and manned shall be ready to leave Halifax, Nova Scotia, with Her Majesty's Mails and Despatches within 24 Hours after the arrival at that Port from England of each of the Mail Steam Vessels about to be employed under a Contract with S. Cunard, Esq. of Halifax, N. S., which latter are intended to arrive at Halifax from England twice in each Calendar Month, commencing in the beginning of June, 1840.

The said Vessel is to proceed with all possible despatch to St. John's, Newfoundland, and there deliver the said Mails and Despatches to the Post-Master or other person appointed to receive them, after remaining not more than 48 hours (unless authorized so to do in writing by the *Governor* or *Post-Master*, such written authority being immediately transmitted to the Secretary of the Admiralty) she is to return to Halifax and there in like manner deliver the said Mails and Despatches.

If during any of the Winter Months, it should happen that the Port of St. John's, Newfoundland, is found to be inaccessible on account of the Ice, the Mails and Despatches are to be landed and received on board at such part of the South-West Coast of the said Island as may be accessible, and conveyed to and from St. John's by land with the utmost despatch, at the expense of the contracting parties, the return Mails being despatched from St. John's within the same period after the arrival there of the Mails from Halifax as if the said vessel had entered the Port of St. John's.

The Mails are to be in charge of an Officer appointed by the Lords Commissioners of the Admiralty or the General Post Office, who is to be instructed by the contracting parties, and landed and brought on board when required; but should this arrangement be deemed inexpedient by Her Majesty's Government, the Mails are to be received from and delivered to the respective Post-Masters by the Commander of the Vessel, a receipt being given and taken for the same. The Commander of the Vessel will in that case be required to take the oath or Declaration of Office, should the Lords Commissioners of the Admiralty deem it expedient.

There shall be no unnecessary delay in sailing as soon as the Mails are on board; the utmost expedition shall be used in making the passage; the Vessel shall not enter any intermediate Port, except from stress of weather or other unavoidable circumstance (unless expressly authorized in writing to do so by the Lords Commissioners of the Admiralty or their authorized Agent), and the Mails shall be delivered on arrival without any loss of time.

The Contract Vessel is not to carry any Cattle on deck.

A Sailing Bill shall be kept by the said Commander in such form as the Lords Commissioners of the Admiralty may from time to time direct, on which Bill shall be accurately noted the time of each arrival and departure of the said Vessel, to be signed by the said Commander; one copy of the said Sailing Bill to be transmitted to the Secretary to the Admiralty and another to the Secretary of the General Post-Office, London, by the first Post after each return of the said Vessel to Halifax, Nova Scotia.

The Contracting Parties and their Servants, employed in or about the said Vessel, shall do all in their power to carry into full effect the stipulations contained in this Contract, and shall at all times obey the directions of the Lords Commissioners of the Admiralty, or their authorized agents.

A secure place to be provided for the custody of the Mails and Despatches, under Lock and Key, and the Key to be kept by the Officer in charge of the Mails.

COLONIAL OFFICE, 14th February, 1840.

SIR,

I have laid before Lord J. Russell your Letter of the 1st Instant, stating that the Post-Master-General is prepared to assume the control of the Post Office in Newfoundland, and suggesting an arrangement for the appointment of a Post-Master in that Colony.

I am to acquaint you, in reply, for the information of the Post-Master-General, that

## APPENDIX.

Lord J. Russell has no objection to offer to the provisional appointment of Mr. W. L. Solomon to the office of Post-Master; but he is happy to find that the Post-Master-General will afford the Governor of Newfoundland an opportunity of reporting his opinion on the subject.

The Post-Master of Newfoundland has hitherto been remunerated for his trouble by a payment of Six Pence on all Letters, and Two Pence on all Newspapers received—of Two Pence on Letters sent, and the same Sum on all Letters of Soldiers and Men-of-War Sailors. This remuneration amounts to about £30 or £40 per annum.

I have, &c.,

(Signed)

JAMES STEPHEN.

THOMAS LAWRENCE, Esquire.

No. 24.

DOWNING STREET, 19th February, 1840.

SIR,

I have to acknowledge the receipt of your Despatch of the 9th December, No. 64, enclosing an Address to Her Majesty from the House of Assembly of Newfoundland, impugning the conduct of the Council—of yourself,—and of Mr. Archibald, the late Clerk of the Assembly.

I have likewise received your Despatches Nos. 65 and 66, of the 10th and 11th December—the former containing the vindication of Mr. Archibald against the charges of the Assembly, the latter explaining some points connected with the Address. Your own vindication is contained in the Despatch transmitting the Address itself.

The specific object which the Assembly have had in view in making this appeal to Her Majesty is to be found in their prayer that Her Majesty “would adopt such Reform in the Council as will most tend to promote a harmonious working with the Assembly for the public good, and would order that the Executive of Newfoundland be protective of the interests and of the liberties of the people in their Representatives,” or, as the Assembly sum up their meaning, “that to the people of Newfoundland be extended the blessing of just and impartial Government.”

As the Council have not yet had an opportunity of answering the statement made by the House of Assembly, I shall defer the expression of any opinion on the merits of the controversy between the two Bodies.

I shall confine myself to that part of the Address which contains the Assembly's charges against yourself and the late Clerk of the Assembly.

I have carefully examined these charges, and your defence, and I have no hesitation in expressing my strong dissent from the opinion of the Assembly, that in the conduct of the very arduous duties which have devolved upon you as Governor of Newfoundland, there is any, the slightest foundation for impugning the justice and impartiality of your Government. The complaints of the Assembly against your administration are not confined to recent occurrences. They embrace subjects which have already received the full consideration of the Government, and I see no reason to doubt the correctness of that decision of my predecessor which exonerated you from all blame in these transactions. It would be Her Majesty's wish that these subjects of by-gone differences should be allowed to pass into oblivion.

Neither is your justification less complete on those new points which have now for the first time been brought under the notice of Her Majesty's Government. In some instances you are at issue with the Assembly in matters of fact, in which it would appear that the Assembly have proceeded on insufficient information; and I willingly admit the sufficiency of your exculpation.

But whatever difference of opinion may have existed between yourself and the House of Assembly, in regard to recent events in Newfoundland, your conduct throughout appears to

## APPENDIX.

have been regulated by an earnest desire to act fairly and impartially in your high office. Her Majesty has been graciously pleased to signify her approval of your conduct, and to express her concurrence in the view which has been taken by her Ministers, that under circumstances of considerable embarrassment, you have in no degree deviated from the line of your duty.

With reference to the conduct of Mr. Archibald, the late Clerk of the Assembly, I consider that he acted wisely in retiring from that office; and the motives by which he has been actuated in taking that step are highly honourable to him.

As regards the complaints which the Assembly have preferred against him, it is my duty to state that having fully considered the whole case, I am of opinion that the statement of Mr. Archibald affords a successful and complete defence against the charges brought against him.

I have, &c.,

(Signed)

J. RUSSELL.

Captain PRESCOTT, R. N., C. B.

No. 28.

DOWNING-STREET, 9th March, 1840.

SIR,

I have to acknowledge the receipt of your Despatch, No. 8, of the 30th January transmitting a copy of the Address presented to you by the Council of Newfoundland, containing the answer of that Body to the charges which had been advanced against them by the House of Assembly, in their Address to the Queen of the 10th October last.

I would, in the first place, remark, in regard to this controversy which has unfortunately sprung up between the Council and Assembly of Newfoundland, that I disclaim, on the part of Her Majesty's Government, any right of interference between the two Bodies; and that on any ordinary occasion, I should have felt that it was unnecessary and undesirable to express any opinion as to the imputed demerits of either.

The question has, however, presented itself in a shape which precludes its being so treated. The Assembly of Newfoundland have preferred against the Council the serious charge of the abuse of their constitutional powers, of encroachments on the privileges of the Lower House, added to a studied desire to produce collision, and to obstruct the public improvement of the Colony; and on these grounds is founded a prayer to the Crown to introduce such organic changes in the Council as would secure greater harmony in the transaction of public affairs.

I have Her Majesty's commands to state that in the transactions which have given rise to these complaints, the Council of Newfoundland do not appear to Her Majesty's Government to have exceeded the powers which are constitutionally vested in them, and that there is not found to be any sufficient ground for the charge that they have exhibited a determination to impede the progress of the public business, or to deprive the Assembly of their legitimate rights and privileges.

Her Majesty's Government still hold the opinion that these differences are but transitory—and that some forbearance on the part of the Assembly will ensure them the respect of those classes which they now admit to be indisposed towards them, and secure the harmony of the Constitution. If in this hope they are disappointed, it will be necessary to examine more deeply into the source of the evil, with a view to ascertain why, in Newfoundland, a system of free government should have failed in producing its natural happy results. If the Constitution of the Island is insufficient or unfitted for the object intended by it, it will be for the interest of the Island that the system of Representation should be remodelled, and the franchise placed on such a basis as shall secure the participation of those portions of the community who are at present excluded from it.

It is unnecessary that I should enter further into the consideration of this question; and I sincerely trust that by mutual concessions, in matters where such mutual concessions are

## APPENDIX.

practicable without the sacrifice of any constitutional principle, greater concord may be made to prevail between the two Branches of the Legislature, and that Her Majesty may be spared the painful conviction that the present form of government, and the manner in which that form of government is exercised in Newfoundland, are inapplicable to the condition of the Colony.

I have, &c.,

(Signed,)

Governor PRESCOTT,

J. RUSSELL.

&c. &c. &c.

### *Correspondence with the Secretary of State for the Colonies, and other Documents, relative to the disposal of the Crown Lands.*

EXTRACT OF A LETTER FROM GOVERNOR PRESCOTT TO THE SECRETARY OF STATE FOR THE COLONIES, DATED 24<sup>TH</sup> NOVEMBER, 1839.

“I have thought it right to propose certain Queries to the Surveyor General, which, with his Answers, I have the honor to enclose—and I have to inform Your Lordship that I concur with Mr. Noad in his recommendation for a reduction in the price of Land.

#### QUERIES.

A general idea of the quantity of un-granted Land within four miles of Saint John's?

What alteration might be made advantageously to the public in the terms, pecuniary or otherwise, of Sale or Rents in the vicinity of St. John's or elsewhere?

#### REPLIES.

This description of Land is chiefly found between the Portugal Cove Road and the Topsail Road, though not immediately adjoining either of them, and may consist of about Twelve Thousand Acres.

At present Land within four miles of St. John's, is disposed of at a price varying from Nine to Twenty shillings per Acre (the latter price however very rarely occurs) according to its quality and situation. From four to six miles the price is Seven Shillings and Sixpence—and from six to eight miles it is Six Shillings per Acre. In both these latter instances the regulations, with reference to price, does not discriminate between lands situate on a High Road and those to which access is only gained with difficulty and expense; the prices too are high, whether they are considered with reference to the Soil or the Rates as established in the neighbouring Colonies. It may also, with much propriety, be questioned whether, in determining the price of Land, other circumstances ought not to be considered as well as the distance of such Lands from St. John's—a large proportion of that at the disposal of the Crown, and situate within eight miles of the Town, is comparatively far removed from any Fishing Settlement, and as an almost indispensable article of Manure is the refuse of the fishery, such Lands as here referred to can be cultivated with no more advantage to the Farmer, than others more remotely but more advantageously situated. An alteration in this regulation may therefore be made with much advantage to the public, by lowering the price of Land situate between four and eight miles from St. John's to Two Shillings and Sixpence per Acre, and by determining the value of each Lot within the four miles with reference to its locality and peculiar circumstances, the minimum price being that just above named.

Are facilities given to Squatters to obtain Grants of those Lands cleared by them?

I am not aware that in any manner can greater facilities be given to Squatters than those now afforded them.—When they are discovered, in compliance with the wish of His Excellency, they are warned of the inconvenience they and their families are liable to by continuing to

## APPENDIX.

### QUERIES.

### REPLIES.

Have industrious individuals, unable to purchase, been permitted to rent Land, with a remission of rent for the first two years?

occupy land without any legal title thereto; and are made acquainted with the manner in which they may obtain one; and to parties who had for some years been resident on the Lands they occupied, Grants have been furnished gratis.

It but rarely occurs that a poor Settler, however disposed to labour, and desirous to comply with the established rules, is able to purchase a lot of Land, although very limited in extent, at the existing rates; and had the rule been rigidly enforced, the consequence to numerous poor but industrious Settlers, would have been, in fact, to have dispossessed them of the Land where they had located themselves, and to have acted as a prohibition to future applicants.

Industrious Settlers have therefore been permitted by His Excellency to rent Land, with a remission of rent for the first two years.

What quantity of Land may be supposed to be brought into cultivation by Squatters?

The quantity of Land brought into cultivation by parties who have no title from the Crown cannot easily be determined. In most of the Settlements near St. John's—as Torbay, Petty Harbour, Portugal Cove, &c.—with very few exceptions, the occupants are all of that character. At the Out-Ports—as Bay Bulls, Ferryland, and in Conception Bay,—the same observation will apply. It is, however, apparent, that parties so situated are becoming aware of the desirableness of obtaining Grants, as applications for them from the class of persons adverted to are gradually increasing.

Should any distinction of price be made between Land near a road and Land distant therefrom?

If a different, and to the applicant an easier disposition of Crown Lands be made, similar to that named in the reply to the second query, no distinction of price will be necessary; as in no case would the purchase money bear heavily on the Cultivator. If the present rates are continued, it will be most desirable that Land not situated on a High Road should be valued with reference to its soil and position.

What is the yearly quantity of Land granted?

The quantity of Land Surveyed this present year, and for which Grants have issued or are in progress, amounts to nearly Two Thousand Three Hundred acres. The number of Grantees Forty-nine.

(Signed)

J. NOAD,

*Surveyor General.*

9th November, 1837.

Her Majesty's Government having determined that Lands beyond Two Miles from the Town of St. John's, shall in future be sold in Fee Simple, and not Granted, as heretofore, the following are the terms on which such purchases can be made:—

	Per Acre.
From 4 to 6 Miles from St. John's, .....	0 7 6
“ 6 to 8 “ ditto, .....	0 6 0
Within 2 Miles of the Towns of Harbour-Grace and Carbonear,....	0 5 0
All the rest of the Island, .....	0 2 0

Not more can be sold within two Miles of Harbour-Grace and Carbonear, and one mile of other principal Settlements, than Twenty Acres to one individual.

The Purchase Money to be paid in four half-yearly Instalments, of which two are to be paid before any possession of the Land be given to the Grantee. The Grant to be void if the whole be not paid before the expiration of two Years.

If there should be two or more Petitioners for the same Lot, with equal pretensions to it, the same will be put up to Public Sale.

The Land *within* four miles of the town of St. John's having been reserved to be disposed of in small quantities to those wishing Gardens or small Farms—some of the Gentlemen who

## APPENDIX.

formed the "Committee of the Inhabitants of St. John's," were requested to afford their opinion as to the most eligible mode of disposing of the said Land, with justice to applicants and advantage to the Community; and they have advised that the Ground so reserved should be Leased for Fifty Years—which His Excellency is pleased to approve of, and Land will accordingly be Leased on the following terms:—

### ON THE PORTUGAL COVE AND TORBAY ROADS.

	Per Acre.
Within 2 Miles of St. John's, at .....	1s. per ann.
From 2 to 4 Miles .....	9d.

### RIVER HEAD ROAD.

South Side of the River, within 2 miles of St. John's .....	1s.
Do. from 2 to 4 miles .....	9d.
North Side of the River, within 1 mile .....	2s.
Do. within 2 miles .....	1s. 6d.
Do. from 2 to 4 miles .....	1s.

### MERRY MEETING PATH AND FRESH WATER ROAD.

Within 2 miles of St. John's .. .. .	1s.
From 2 to 4 miles .. .. .	9d.

Lands situated on any other Path or Road within 2 miles of St. John's, valued the same as those on Portugal Cove and Torbay Roads.

No larger quantity can be so leased to one individual than Ten Acres within two miles, nor than Twenty Acres from thence to the four-mile boundary.

22d July, 1833.

Her Majesty's Government having directed that in future all Crown Lands shall be Sold; those persons who are in possession of Lands by permission, but without any other title, will have the option of taking Grants on the terms on which they have heretofore been given, provided application be made for the same within three months from the date hereof.

22nd July, 1833.

Her Majesty's Principal Secretary of State for the Colonies has directed, that in all future Sales of Land belonging to the Crown, Purchasers will be required to pay down, at the time of Sale, 10 per Cent. on the whole value of the purchase, and the remainder within fourteen days from the day of Sale—that until the whole price is paid the Purchaser will not be put in possession of the Land—and that in the event of payment not being made within the prescribed period, the Sale will be considered void, and the deposit be forfeited.

Secretary's Office, }  
17th July, 1837. }

### EXTRACT OF A DESPATCH FROM THE SECRETARY OF STATE FOR THE COLONIES, DATED 5TH JULY, 1838.

"In continuation of the Correspondence transmitted to you in my Despatches of the 12th March and the 2nd June last, I now enclose, for your information and guidance, copies of two further Letters addressed to me on behalf of the Delegates of Newfoundland, by Mr. J. V. Nugent, together with a copy of the answer which I have returned to him.

In transmitting to you these Documents, it appears to be only necessary that I should call your special attention to that part of my Letter of the 5th Instant which relates to the passage of an Act for regulating the Disposal of Lands in Newfoundland, and the necessity that the operation of any such Act should be suspended until Her Majesty's pleasure respecting it shall be declared."

GOVERNOR PRESCOTT,  
&c. &c. &c.

## APPENDIX.

EXTRACT OF A LETTER FROM THE RIGHT HON. LORD GLENELG TO J. V. NUGENT, ESQ.,  
DATED 5TH JULY, 1839.

“ I enclose herewith, in conformity with your request, copies of the Acts passed by the Legislature of New-Brunswick and Upper Canada, for regulating the disposal of the Public Lands in those Provinces. Her Majesty's Government will be prepared to devote their attention to any Act which may be passed for a similar purpose by the Legislature of Newfoundland; but as it would obviously be very inconvenient that it should, after going into operation, be disallowed by Her Majesty in Council, the Governor of Newfoundland will be instructed specially to reserve any such Act until the pleasure of Her Majesty in Council shall be known, unless the Act itself should contain a provision to that effect. This, as you will observe, was the course pursued in Upper Canada; while in New-Brunswick the Civil List Act, which contains the principle of the regulations respecting the disposal of Lands, was considered and approved by Her Majesty's Government before it was submitted to the Local Legislature.”

No. 65.

Executive.

GOVERNMENT-HOUSE, *St. John's, Newfoundland,*  
5th November, 1838.

MY LORD,

On the opening of the last Session I laid before the General Assembly Your Lordship's Despatch of the 3d January, No. 166, on the subject of Crown Lands, and expressed my readiness to assent to any Legislative enactment within the limits prescribed thereby.

I subsequently received a Despatch from Lord Durham, dated June 18, enclosing a Commission addressed to Mr. Charles Buller, which is already known to Your Lordship.

Both these Documents I published in the *Royal Gazette* of the Island, and recommended them to the attention of the Legislature, informing Lord Durham that I would, as far as possible, act in accordance with his wishes.

A second Despatch, of which, as also of the above, I enclose a copy, conveyed to me a transcript of Lord Durham's Letter to your Lordship, of the 29th of June.

Proceedings relating to allotments of Land have, in consequence of these Communications, been suspended now for some months, and will be so until I receive Your Lordship's commands on the subject.

I assembled the Executive Council on the 31st ultimo, and requested their opinion as to the applicability of the Australian regulations on this point to Newfoundland, as suggested in Your Lordship's Despatch above mentioned. The Council are of opinion that they are totally inapplicable, and cannot in any way be adapted to this Colony.

I then brought under their consideration the rules which had for some years been followed here in the alienation of Lands of the Crown, as well as the Queries put to the Surveyor General, with that officer's answers, as transmitted to your Lordship in my Despatch of 24th of November, 1837, No. 64. The Council are of opinion that the rules, with modifications, as stated or recommended in those answers, are extremely well calculated for the present condition of the Colony.

In these opinions I entirely concur. In this severe climate, with an ungenial soil, and roads yet in their infancy, it is the industrious, hard-working man whose interests we have very much to consider. Such a man obtains a Grant of a few Acres—hires a newly imported servant for the season—clears the ground by his own and his servant's united efforts, and raises a crop to assist in the support of his family. Principally in this way the vicinity of St. John's has been greatly improved since my arrival here, and it really begins to assume a smiling appearance.

We have some good Farmers renting small estates to the advantage of their Landlords, of themselves, and of our Agriculturists in general, to whom their skill and example afford useful instruction. Should people of this description, or capitalists, desire to have locations

# APPENDIX.

as our Roads progress, there will be no difficulty in their way; but I do not think that facilities should be given for the acquisition of extensive tracts of Lands by adventurers who may merely speculate upon making a profit in their own persons, or those of their children, by their increased value at a remote and uncertain period, till when little or no cultivation would take place upon them.

I shall be happy to have your Lordship's instructions on this subject; and to be allowed to proceed according to the principles recommended in this Despatch, until some local Legislative enactment shall be made.

I have the honour to be,

My Lord,

Your Lordship's most obedient,

Humble Servant,

(Signed)

H. PRESCOTT.

The Right Honourable

Lord GLENELG.

No. 66.

Executive.

GOVERNMENT HOUSE, *Newfoundland*,  
6th November, 1838.

MY LORD,

With reference to my Despatch of 5th Instant, No 65, and with a view of proving to Your Lordship in what small quantities Land has been allotted here, I have the honor to enclose a statement for the year 1837, drawn up by the Surveyor General under my direction.

I have, &c.

(Signed)

H. PRESCOTT.

The Right Honourable

LORD GLENELG.

## STATEMENT OF LAND SURVEYED AND GRANTED IN NEWFOUNDLAND FOR THE YEAR 1837.

	Acres.
To E. Blamey, being part of 1200 Acres to which her late Husband was entitled as a Captain in the Royal Navy,.....	381
To Ann Haly, being Land to which her late Husband was entitled from his rank in the Army,.....	500
As Glebe.....	500
To 49 Individuals, being an average of about 20 Acres each,.....	919
	2300

(Signed)

J. NOAD,

*Surveyor General.*

30th November, 1838.

No. 235.

DOWNING-STREET, 4th January, 1839.

SIR,

I have to acknowledge the receipt of your Despatches of the 5th and 6th November last, Nos. 65 and 66, on the subject of the disposal of the Crown Lands in Newfoundland.

## APPENDIX.

You inform me that in consequence of a Communication from the Earl of Durham you had suspended all proceedings for the allotment of Lands—that the regulations established in the Australian Colonies are inapplicable to Newfoundland—and that in your opinion and in that of the Council it would be better to continue the rules which have for some years been observed in the Colony under your Government in regard to the sale of Crown Lands.

I have not yet received from the Earl of Durham the report on the disposal of the Crown Lands in British North America with a view to which he issued the Commission which was enclosed in his Despatch to you of the 18th June last. The general scheme therefore which his Lordship had in contemplation is still unaccomplished, and I am accordingly anxious that as far as possible the suspension of proceedings for the allotment of Land in Newfoundland should be continued until I shall have had an opportunity of considering Lord Durham's recommendation. At this season of the year but little inconvenience can be created by such a suspension—none, I apprehend, which would countervail the advantage of facilitating the introduction of one general and improved system throughout British North America.

The peculiar circumstances of Newfoundland will not escape the notice of Her Majesty's Government in determining on that system, and I shall not fail to recur to the information contained in your present Despatches, and in that of the 24th November, No. 64.

I have, &c.

(Signed)

GLENELG.

Captain PRESCOTT, R. N.,

C. B., &c. &c. &c.

No. 42.

GOVERNMENT-HOUSE, Newfoundland, }  
5th July, 1839. }

MY LORD,

I beg leave to inform your Lordship, that in my opening Speech to the Legislature on the 17th of last May, I alluded to Lord Glenelg's Despatch of January 4th, No. 235, and suggested the propriety of postponing the consideration of any measure respecting Crown Lands until the receipt of Her Majesty's commands, which I presumed might be soon expected.

As much inconvenience and anxiety are felt on account of the probable loss of the fine season to those who are applying for Grants, I have the honor to solicit your Lordship's early consideration of the subject.

I have, &c.,

(Signed)

H. PRESCOTT.

The Most Noble

The Marquis of Normanby,

&c., &c., &c.

No. 2.

DOWNING-STREET, 14th September, 1839.

SIR,

I have the honour to acknowledge the receipt of your Despatch, No. 42, of the 5th July last, in which you request to be furnished with the early decision of Her Majesty's Government on the subject of the disposal of Crown Lands in Newfoundland.

In reply, I have to acquaint you that I do not consider it necessary to continue the suspension of all proceedings for the allotment of Lands, which you had adopted in conformity with directions from the Earl of Durham. You are therefore at liberty to resume the former system of Sale by Auction at an upset price.

## APPENDIX.

I am aware that this principle of Sale is considered by you as inapplicable to Newfoundland, and that the Council have, although their reasons have not been stated, expressed their concurrence in that view. Attaching every weight to such opinions, I am nevertheless so strongly convinced that the Australian system, which has been thus generally adopted, is founded on correct principle, that I should not be induced to sanction any departure from it, except on much more conclusive proof than has yet been afforded of its inapplicability to the circumstances of the Colony, and of the superior fitness of the plan by which it is proposed to supersede it.

I have, &c.,

(Signed)

J. RUSSELL.

Captain PRESCOTT, R. N.,  
&c., &c., &c.

No. 60.

GOVERNMENT-HOUSE, *Newfoundland*, }  
14th November, 1839. }

MY LORD,

As in the Despatch of 14th September, No. 2, on the subject of Crown Lands, Your Lordship says, "You are therefore at liberty to resume the former system of Sale by Auction at an upset price," it is necessary for me to state that such a system never has existed here; but as your Lordship thinks it unnecessary that the suspension of proceedings for the allotment of Land should be further continued, I will, on the assembling of the Legislature, bring this subject under its consideration, hoping that an Act may be framed for the disposal of Crown Lands suited to the circumstances of this Colony, and calculated to obtain Her Majesty's approbation.

I have, &c.,

(Signed)

H. PRESCOTT.

The Right Honorable  
Lord JOHN RUSSELL,  
&c., &c., &c.

### *Report of the Board of Road Commissioners for the District of St. John's.*

The Board of Road Commissioners for the Central District, in submitting this, their second Report, to the Legislature, take leave briefly to notice the various improvements which have been made and entered upon during the course of the past year.

DUCKWORTH STREET.

When entering on the improvements in Duckworth Street, the sum granted for this service was found inadequate to effect the necessary alterations and repairs of the whole line. The Commissioners were, therefore, confined to such parts as more immediately demanded their attention. That part of the Street situate between Fort William and the Commercial Rooms has undergone a thorough repair, and many essential alterations have been made in it. A very considerable improvement has been effected in that part between the top of Queen Street and the residence of James Fergus, Esq., which, from being, as formerly, almost impassable from water and filth, is now clean and commodious. To complete this Street and remove that part

## APPENDIX.

of the Episcopal Burial Ground which at present so much obstructs the passage between the Court House and the Church, the sum of £500 would be required. The Commissioners, in drawing the attention of the Legislature to this delicate but important matter, respectfully submit, that there is no alteration in the town more essentially necessary than the widening of the Street in this particular part.

### GOWER STREET.

Of all the Streets in the Town Gower Street is the most susceptible of improvement.—The whole of this Street is unequal and undulating, and almost all the Houses have been built without the slightest reference to the future improvement of it. In several places the Commissioners found it necessary to make deep cuts in order to reduce the Street as nearly to a level as circumstances would admit; and, in the hollows filling to a considerable extent was also found unavoidable.—A very decided and necessary alteration has been effected in that part situate between the Military Road and Cochrane Street, thence to the King's Road, and on to Prescott Street. The alterations made on that part of the Street which communicates between Cochrane Street and the Road leading to the King's Bridge, have been so important as to afford an excellent entrance into the town on that side. Another decided improvement has been made in that part which leads to the East and West of the Methodist Chapel, and on the Cross Street between the Factory and the Episcopal Church, which was formerly very difficult of ascent, but has now been reduced to a very gentle rise, perfectly secure and easy for carts and carriages to pass. In no part of the town is improvement more visible than in these parts of Gower Street just referred to. Considerable, however, as have been the improvements accomplished in this direction, the Street which communicates between the Episcopal Church and the Wesleyan Chapel is in a very insecure state. To render it permanent, a retaining wall, or some such support, will be required along that part which skirts the low ground directly to the Eastward. At this point also, there is a vast accumulation of water, which is discharged from the various drains that receive it from the high lands directly to the North and West, and which rushes from Pitt's land, along the hollow leading to "Bell's Shoot," to the great destruction of property, the inconvenience of the numerous householders in the neighbourhood, and the manifest injury of Duckworth Street and the adjacent lanes. To prevent these annoyances in future, it will be necessary to take the water up where it enters the lands of Mr Pitts, and convey it by a covered drain to the Harbor; to accomplish which the sum of £150 will be necessary.

### COCHRANE STREET.

Cochrane Street, which was rapidly decaying, has been partially repaired. The sum granted for the repairs of this beautiful Street was too small to enable the Commissioners to put upon it such a body of material as would give it a proper curvature, which alone could prevent the water from running over it, whereby it is cut up and destroyed.

The whole of the Cross Streets which intersect Water and Duckworth Streets, between the Custom-House Hill and Hunter's Cove, have been greatly improved, and thoroughly repaired, and from being the very worst, have been made the very best Streets in the Town. In Gambier and Holloway Streets the side gutters have been paved, by way of experiment, and there does not remain a doubt that the whole of the Streets would not only be improved, but more effectually preserved and kept in proper form, by the side gutters being well paved.

### QUEEN STREET.

A Drain, similar to that in the King's Road, has been run from the top of Queen Street to the Harbour. The sum granted for this Street was found wholly insufficient for building the Drain alone, without entering on the repairs of the Street, and the Commissioners had to incur a liability of £75 beyond the original grant for this Street.

The want of funds alone have restrained the Commissioners from attempting the slightest improvement on the surface of this fine Street, and it has consequently been left in a very unfinished state. One great object, however, has been attained—that of completely removing the water from the surface. The sum of £90 would be necessary to complete this Street.

### THE SAFETY WALL.

The Safety Wall in Duckworth Street, which fell in the autumn of 1837, remains in the same state as the Contractor had left it, notwithstanding that a grant of the Legislature has

## APPENDIX.

been given for its reconstruction. The Contractor and the Commissioners being at issue, it was deemed advisable not to go on with the work, until the case should be decided. Law proceedings were instituted against the Commissioners last year, but the case did not come on for trial until the last term of the Supreme Court, when the sum of £66, currency, (the balance which would become due *on the completion* of the Contract) was awarded the Contractor, by a Special Jury, although the wall had not been raised to the height intended, and there is a specific clause in the agreement entered into, stating that the payment of the amount contracted for was only to be made "on the production to the Commissioners of a Certificate signed and sworn to by the Superintending Surveyor of the work, stating that the Contract had been well and faithfully performed in every particular." As the case involved some points in law, the final settlement of it was reserved for the decision of the Judges in Chambers.

To meet the expenses incurred, and to discharge the debts in connection with this Wall, the Commissioners throw themselves on the Legislature, and claim its future protection from the capricious operations of the law, in the discharge of their public duty.

The Commissioners cannot close this notice of the Safety-Wall without intimating their firm conviction, that the failure of it arose out of some defect in the construction of the work, and a disregard, on the part of the Contractor, to the necessary means of its preservation.

### MILITARY ROAD.

For the Military Road no grant has been given by the Legislature. As this Road was getting into a very bad state, the Commissioners appropriated the sum of Fifty Pounds to its repair, of the grant placed at their disposal "for keeping in repair the Roads and Streets in and about the Town." A Contract has been entered into for this work, commencing at the Bake House, and ending at the Orphan Asylum School.

The Commissioners regret that winter had set in before the whole line could be finished, which will occasion very considerable inconvenience to those persons who reside on the North side of the Street near the Asylum, in consequence of the higher side being cut down to effect a better level.

### THE KING'S ROAD.

The Drain in the King's Road has been finished, and is found to answer the purposes intended. The Road has also been brought into inclined planes, agreeably to the Section of the Surveyor, and is now an excellent outlet to the Country at that part of the Town. To render the improvements permanent, however, it will be necessary to pave the side gutters, to prevent the water from cutting up and undermining the Street.

### SIGNAL-HILL ROAD.

The Road leading from Fort William to Signal Hill has been much improved; and by the sinking of a Drain on part of the table-land which marks the first elevation of the Hill, a Pond, which used hitherto to inundate the Road, has been so reduced as to cease to incommodate the public passenger.

### STREET BETWEEN THE FACTORY AND THE ORPHAN ASYLUM SCHOOL.

This Street has undergone considerable alteration. It has been raised in some parts and lowered in others, and its ascent is now perfectly easy, safe and commodious.

### WATER STREET.

The whole line of Water Street, from the premises of Messrs. T. & J. Brocklebank to Mr. Radford's at River Head, has undergone material alteration. Many very useful catch-water drains have been cut, and other essential improvements made, which cannot fail greatly to facilitate a free intercourse in this populous and stirring Street. Great, however, as the improvements have been, there still remains much to be done.

When the Commissioners commenced operations in this Street, it was their intention to place a curb-stone along the whole line of the Street, to mark it out more distinctly—which, together with the side-walks, was provided for in the original plan and specification. This project, however, the Commissioners were compelled to relinquish, owing to the want of funds. The only object which they now have in view is, to place substantial paved gutters along the side walks, which will mark them more particularly from the main road-way, and occasion less

## APPENDIX.

obstruction to vehicles of all kinds, and afford infinitely greater security to pedestrians by inducing them more to the sides of the Street, where it is intended they shall walk.

The Commissioners cannot accomplish even this useful design, owing to the number of Cellars which abound in almost every part of the Street, extending in several places beyond the side walks, and which are in a very insecure and dangerous state. In endeavouring to abate these nuisances the Commissioners have encountered much difficulty; and they humbly submit that the only efficient remedy would be, a specific enactment of the Legislature, which they earnestly hope His Excellency the Governor will be pleased to recommend in the proper quarter.—To enable the Commissioners to carry out their intentions in the improvement of this Street a further sum of £200 will be necessary.

### STONE BRIDGE IN DUCKWORTH STREET.

The Stone Bridge opposite "Beck's Cove," in Duckworth Street, has been completed. It is well and substantially built, and fully answers the expectations which were formed of it, and when the Street shall have been improved, it will tend greatly to beautify this section of the Town.

### ROAD TO THE KING'S BRIDGE.

The Road leading from the Eastern end of Duckworth Street to the King's Bridge has undergone a very material alteration. It has been cut down in some parts and raised in others, and the whole distance has been reduced to planes of easy inclination. The immense quantity of filling required in that part next the Bridge, rendered it a work of great labour and expense; and notwithstanding that the ascent is now very easy, the road is, comparatively, in an unfinished state.—To secure the road, and render it safe, sod embankments will be required, and suitable railings placed at each side as far as the road has been raised, or retaining walls built with a parapet, on each side from the Bridge, to a distance of 200 feet or upwards.—Opposite the house of the High Sheriff the road is spongy and full of springs, which have the effect of keeping the road continually soft. To remedy this evil it will be necessary to lower the side-paths—to sink the side drains considerably below the level of the road, and to run mitre-drains in sufficient number, which will completely free the road from the under water.

From the vast quantity of material, and the great labour, which this road required to bring it into its present form, the contract was extremely deceptive, and the work was consequently set at one half of its value—(say £115 currency.) The Contractor has suffered accordingly; but as the Commissioners have neither the power nor the means of affording compensation to parties who may have, under such circumstances, sustained loss, they must only leave them to the consideration of the Legislature.

### QUIDI VIDI ROAD (SOUTH SIDE).

For this very useful and much frequented Road, the sum of £100 only was granted by the Legislature, which sum has been expended between the Bridge leading to Signal-Hill and the residence of Charles Fox Bennett, Esq., embracing very little more than one-third of the whole distance between the Town and the Harbor of Quidi Vidi. There is not a Bye-road in the District which is more in need of general formation and repair, or which has a fairer claim to immediate attention than the road leading round the beautiful and romantic Lake of Quidi Vidi, inasmuch as it leads directly to one of the oldest fishing establishments in the District. The outlet from Quidi Vidi harbour to the sea is very narrow, and in heavy weather very difficult and even dangerous; and were the road well made to it, it is probable that the whole of the fish taken in this place would be conveyed to St. John's by land. Were the sum of £200 granted, it would not alone enable the Commissioners to carry forward the road on the South side of the Lake, but would also serve to continue the improvements round the Eastern end, so as to meet the improved line to the White Hills at the Grove-farm houses. Thus would be afforded an easy intercourse between St. John's and Quidi Vidi, as also one of the most delightful and picturesque promenades in the vicinity of the Town.

### ROAD BETWEEN THE OUTER COVE ROAD AND THE WHITE HILLS.

This Road is completed, and will be found highly advantageous to the Farmers and other Settlers in the neighbourhood.

### PORTUGAL COVE ROAD.

For this important Road the sum of £100 only was granted; and how to apply so small a sum with advantage, was found a matter of some difficulty. The whole line of Road is in

## APPENDIX.

need of general repair, and almost every Bridge and Cross-drain on it are beginning to give way. Some of these have been partially repaired, and others made anew. The Bridge at the Cove has been reconstructed, and the abutments have been built with stone and lime mortar; and that part of the road between Mr. Coughlan's house and the bridge at the Cove has been widened and much improved. To place this road in such a state of repair as it demands, it being the most frequented of all the public roads in the District, the sum of £500 would be necessary.

### WESTWARD-POINT ROAD.

The Road from Goff's Bridge, Portugal Cove, to Westward Point, was contracted for in August, 1838, and has been pushed forward with great difficulty and labour, through an almost solid bed of rock, for more than half the distance originally intended. This has effected an incalculable good, and cannot fail to be highly beneficial to the inhabitants. The Commissioners, however, in their zeal to complete the most difficult part, have incurred a debt of £85; and to enable them to discharge this just debt, they throw themselves with confidence on the Legislature.

### BELL-ISLE ROAD.

This Road has been opened, to the width of 12 feet, from Bell-Isle Beach to Lance Cove; but to make it useful to the public, it will be necessary to drain many parts, to erect several Bridges thereon, and to gravel the entire line. To effect which a further grant of £200 will be required.

### BROAD-COVE ROAD.

The making of this Road has been contracted for as far as the limited sum granted will reach. The work was commenced at the Portugal Cove Road, and carried onwards towards Broad Cove. Were the sum of £200 granted, it would serve to drain and make the marshes and other bad parts, the whole distance. The Commissioners are of opinion that the monies which may hereafter be set apart for this very useful road, would be most beneficially applied in this way. Broad Cove is a thriving little place, and to give its inhabitants an easier intercourse with St. John's, is worthy the consideration of the Legislature.

### TORBAY ROAD.

In carrying out the improvements on the various lines of Road, the Commissioners have laid it down as a fixed rule, to commence their operations on those parts which are nearest to St. John's. In the application of the grant for this road the Commissioners were induced to deviate from this principle for the following reasons—first, on account of the smallness of the grant; and secondly, because a strong petition was presented to the Board from the inhabitants of Torbay, praying that the money might be laid out on the worst parts of this Road, which, they stated, were in the vicinity of Torbay. To this application the Commissioners readily acceded, and the whole of the money has been expended near Torbay.

The Commissioners cannot close their remarks on this most useful line of Road, without respectfully drawing the attention of the Legislature to the necessity of giving a liberal grant for the completion thereof, as it is one much frequented both by Fishermen and Farmers, and a very considerable trade is carried on between Torbay and the Capital. It is besides the only outlet from St. John's to Flat Rock and Pouch Cove.

### OUTER COVE ROAD.

This Road has now been made to within 2½ miles of Outer Cove. About the distance of three miles from St. John's it was found imperative to change the old line, and by keeping further to the South and West, to obtain a better level, as also to give it a better direction, thereby shortening the distance considerably—both of which objects have been attained by this alteration.

The new line passes through a country thickly wooded, which has been opened up and cleared of trees, stumps and roots, to the width of thirteen feet. Several essential Bridges have been built with stone and lime mortar, and covered temporarily to serve during the present winter. Sleighs and sledges may now be worked the whole distance to Outer Cove.—When this Road is completed it will afford an easy intercourse with the Capital, and facilitate the bringing in to the market of St. John's, by the inhabitants of this Settlement, the produce of the place, as well as open up a new tract of land for agricultural enterprise.

## APPENDIX.

### LOGY BAY ROAD.

The Road to Logy Bay has been made on a very limited scale to within half a mile of the Cove. A further sum of £60 would not only make it the whole way, but would enable the Commissioners perfectly to finish the part already formed.

### FLAT ROCK ROAD.

The Road between Flat Rock and Torbay has been opened, but no part of it has yet been made; it is, consequently, in a very rough and imperfect state. On approaching Flat Rock from the Torbay side it will be impracticable to follow the old line. At the top of the hill which overlooks Flat Rock, it will be necessary to keep further from the shore, and to sweep the high ground which, immediately to the South and West of this Settlement, joins the Pouch Cove Road to the North and West of the Cove. To trace out and level this part of that line only, the sum of £200 will be required, and until this shall have been done, the whole line of Road beyond Flat Rock to Pouch Cove will be comparatively unavailable for Horse and Cart work.

### POUCH COVE ROAD.

This beautiful line of Road, between Flat Rock and Pouch Cove, is now completely opened and cleared. About fifteen wooden Bridges have been thrown across the larger streams and brooks, and measures are now taking to drain the worst parts with the residue of last year's grant. As the intercourse on this Road cannot be very great at such a distance from the Capital, it will be advisable, after it shall have been drained, to make only from eight to ten feet of the centre, in order, with a small sum, to carry it forward a considerable distance. This plan will hold good on all the remote lines of Road where agricultural pursuits are only in embryo; the great object being to connect the more distant settlements with St. John's.

### RIVER-HEAD ROAD.

The Road leading from the West end of the Town towards the River Head is still in an unfinished state.

The repairs of this Road were Contracted for considerably under value, and the Contractors [have consequently suffered. Their Sureties have advanced the sum of £50 to enable them to complete the work, but still they have been unable to do so.

This fine entrance into the Town from the South and West was to have been well made to the width of 25 feet of a clear Roadway, with suitable gutters on each side where required, to convey the surface water to the catch-water drains, but none of these requisites have yet been fulfilled.

The whole of the available funds for this service have been drawn, and the Commissioners have no discretionary power to extend relief to the Contractors, nor have they any funds to draw upon, even if they possessed the power. The Contractors then have no alternative but to petition the Legislature, which alone can afford them relief.

### BAY OF BULLS ROAD.

This Road is the great outlet to all the Settlements South of the Capital, and is second only, in importance, to the Placentia line of Road. It may be said to commence at the Corn Mill of the Messrs. Job, at River-Head, where it joins the Topsail line, and from about one hundred yards beyond this point, it is well made to the distance of four and a half miles, running beyond Blockmaker's Hall a considerable way, and passing over Sweeney's Marsh on the new line. At the Eastern boundary of Aylward's land a departure from the old Road was found unavoidable.

To obtain a better level the Commissioners had to pass through the lands of Foley, Aylward, Ryan, and others, for which compensation was claimed and given, agreeably to the provisions of the Road Act. The sums awarded as compensation on this, and the Petty Harbour line of Road, considerably reduced the funds of the Commissioners for these two Roads. The great advantages gained, however, by the alterations alluded to, cannot but prove highly advantageous to the public. From Sweeney's Marsh the greater part of this Road runs through a beautiful country, thickly wooded, which has been opened up the whole of the way to Bay of Bulls to the width of 26 feet. The greater part of the swamps and bad parts have been drained, by which the Road has been made firm and dry, and wooden Bridges have been constructed over the principal rivers and brooks along the whole line.

## APPENDIX.

Beyond that part of the Road which is completed, it would not be advisable to level and gravel more than 10 feet of the centre, to the end that the Road may be the more speedily pushed forward to Bay of Bulls; and calculating at the rate of £80 per mile, agreeably to a scale of 10 feet wide, the sum of £1200 would complete the whole distance.

In no part of the Country is there to be found finer land than on each side of this interesting and beautiful Road. The ground, generally, lays low, and being well sheltered from the sea winds by a high ridge which skirts the whole of the Eastern coast, it is well adapted for the purposes of agriculture. The natural soil is good, and it has been greatly enriched by alluvial deposits from the high ground on the East and West.

### NEWTOWN ROAD.

On this Road a very good Bridge has been built, with stone abutments, and strongly covered with wood; and that part of the Road between the Bridge and the cross-road which leads to the lands of Mr. Hogan, will be completed early the ensuing Spring. A number of enterprising Farmers, and other Settlers, reside in the quarter to which this road leads, which entitles it to a first consideration among the minor roads of the District.

### UPPER LONG POND ROAD.

This very fine line of Road is well made to about half a mile beyond Long Pond Bridge, and has already been found highly beneficial to the very numerous livers adjacent thereto. Among the various Roads in the District, this is, on the whole, one of the best made, and as it meets the Road from Brine's Bridge to Upper Long Pond by Rennie's Mill, the two Roads combined, gives every facility to intercourse with the town.

There are a great many livers beyond that part at which the made road terminates, who are entitled to the favorable notice of the Legislature. Another small grant would serve to run this road forward, on a narrow scale, to a point nearer the verge of agricultural settlers, and would prove of great value to them.

### BRINE'S BRIDGE ROAD.

The Road leading from the Head of the King's Road to Brine's Bridge is much in need of repair. No grant has ever been given for this much-frequented road, which is the outlet from the Town to the most populous part of the District. Were the sum of £80 given, it would amend and greatly improve it. To reduce the hill adjacent to Mr. Michell's house, and render it easy, would require the sum of £30.

### FRIENDLY HALL ROAD.

The sum of £50 was granted for this Road and has been expended. About one-third of the distance is now completed, and to make good the remaining two-thirds would require a further sum of £130.

### PETTY HARBOR ROAD.

This Road, which branches off from the Bay of Bulls line about half a mile South of Waterford Bridge, is now partly formed to within two miles of Petty Harbor. The smallness of the sum granted for this service induced the Commissioners to confine the made part to 7 feet in width; and even this very limited width involved great expense and labour. The natural difficulties which occurred almost at every step, greatly increased the rate per mile of making; and hence the reason why the road is so narrow, and so much of it yet unimproved. To make the remaining two miles will require a very considerable sum of money, even on the same scale as that part already formed. As the road approaches the Harbor, the obstacles increase, and to form it to the water's edge the sum of £350 would be required.

### SOUTH-RIVER ROAD.

For the making of this Road the sum of £80 was granted, which has been nearly expended, and will prove of great utility to the farmers and others in that neighbourhood, for whose benefit it was principally intended. Should a sum equal in amount be granted this year, it would serve to unite this very useful road with the Bay of Bull's new line, at the Southern extremity of Sweeney's Marsh.

### OLD PLACENTIA ROAD.

This Road is completed to within half a mile of the farthest-in agricultural settlers.—Much good, notwithstanding, could still be effected by running it a little farther towards the

## APPENDIX.

interior, as new tracts of excellent land would be opened up to inclining settlers, in a very desirable and fertile part of the country.

### BAY OF BULLS AND OLD PLACENTIA ROAD.

The Settlers on these lines of Road have no means of communication by any cross road; it is, therefore, very desirable that one should be made to connect these two Roads; and were it laid out so as to cut the Old Placentia Road nearly opposite Mount Pearl, and running it by a populous Settlement, situate between these two points, to join the Bay of Bulls Road somewhere near the Southernmost part of Sweeney's Marsh, it would be of the greatest utility to the whole of the Settlers in the Southern section of the District.

### WIGMORE GULLY ROAD.

The Money granted for this Road has enabled the Commissioners to make it tolerably good as far as Neill's Farm, which has already proven of great utility to the Farmers and other Settlers on this line of Road. A very difficult part however remains yet to be made. To the Westward of Neill's old Farm-house the Road enters a beautiful valley; at this part a perfect flat, over which the water from the higher ground to the South and West flows, without being confined to any particular course. In consequence of this, and to obtain a safe and commodious passage, the Road will require to be slightly raised the whole way across the valley (which is not more than two hundred yards), and two or three small Bridges should be thrown across at such parts as may be deemed expedient. By the adoption of this plan, the water which is now scattered over the plane will be conducted into proper channels, and an easy communication afforded to the numerous Farmers and other inhabitants to the Westward of this almost impassable spot.

### ROAD FROM THE WIGMORE GULLY ROAD TO MEET THE OLD TOPSAIL ROAD.

This Road branches off from the Wigmore Gully Road, on the Eastern side of Neill's old farm house, and passes towards the interior. The numerous Settlers on this fine line were destitute of anything which deserved the name of Road. A sort of open space, on which, here and there, the stones taken from the adjacent lands had been thrown indiscriminately, was all that marked the path.

The primary object of this Road is, to unite the Wigmore Gully Road with what is called the Old Topsail Road, near Ryan's Farm; and from thence passing up the valley, will run on a line to join the new Topsail Road, about eight miles from St. John's—thus opening up by far the finest agricultural tract in the neighbourhood of St. John's.

### WATERFORD BRIDGE.

This Bridge has been re-constructed and thoroughly completed, and will be found to answer the best expectations which were formed of its utility. The abutments, which, in the first instance, were discovered to be defective, have been constructed so as to render the whole fabric permanently secure. The Arch is built of the very best rubble stone which the locality could afford, and which was procured at much expense and labour; and if proper attention be paid to keeping the whole structure in repair, there can now be little doubt of its durability. It is an object combining great usefulness, with much architectural beauty.

The sum of £50 was sought for by Petition, during the last Session, for the purpose of cleansing and deepening the river, but was not granted. As the future stability of the Bridge will, in a great measure, depend on this work being accomplished, the Commissioners solicit the particular attention of the Legislature to it, with an anxious desire that the vote may not be overlooked.

### THE BROOKFIELD, TOPSAIL AND HOLYROOD ROAD.

This Road, which parts from the Bay of Bulls and Petty Harbour line at the River Head, has been made for some years past, to a distance of nearly five miles from St. John's. At Steady-water, the Board of Road Commissioners appointed under the Appropriation Act, commenced their improvements; and it was, by them, partly opened and drained to Topsail. At that part where the Road enters the thick woods, it has been found advisable to depart from the old Topsail track, for the purpose of obtaining a better level; and by alternately following and crossing the old path, a very beautiful and level line has been found. Upwards of two thirds of the distance between Steady-water and Topsail has been contracted for, and will be finished early in the ensuing Summer.

## APPENDIX.

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Owing to the want of means to contract for the whole distance, a difference of opinion existed as to the method of expending the sum granted, to the greatest public advantage. On mature consideration, and after a minute inspection of the unmade part, it was judged expedient to contract for the repairs of the worst parts first, which being made would afford to the public a tolerably passable Road all the way to Topsail; and the Commissioners the more readily agreed to this proposition, as that part of the Road in the immediate vicinity of Topsail was impassable with safety on the new line.

The greater part of the obstructions which prevented a clear and level Roadway to Topsail have been wholly or partially removed, and temporary Bridges have been built to serve for the present winter, so that the whole distance from St. John's to Topsail can now be worked with sleds and sleighs. That section of the Road between the late Mr. Doyle's land and the 7th mile post was contracted for by a person of the name of William Quigley. This particular part required a good deal of filling, and several considerable cuts were necessary to be made. The Contractor, who was but little skilled in such matters, suffered severely in consequence of having taken the contract too low. An application was made by him, last year, to the Legislature, for compensation, and his claim met with some consideration. A small sum was awarded him, which he greatly needed, having performed a great deal of work for comparatively little money; but the Road Bill, in which the grant was included, not having passed, he has not yet obtained the amount. This portion of the Road still remains in a very unfinished state, owing to the utter inability of the Contractor to complete it.

That part of the Road which is nearest to St. John's, situate between Mr. Palk's house, River-Head, and Brookfield Farm, was not, in the first instance, laid out on the best line that might have been obtained. The alteration, where it would be desirable to run the new line, is now impracticable, owing to the vast quantity of cultivated land on the Southern or lowest side, the purchase of which would absorb too much money to attempt it.

The present line, however, is susceptible of great improvement, and were an adequate sum given, many of the worst hills could be lowered, and the valleys raised so as to reduce the whole to gently inclined planes. This Road is much too narrow for the purposes required, and it cannot be denied that this populous part of the District is justly entitled to the most favourable consideration of the Legislature. It is not alone entitled to consideration on the score of resident population, but it will, when made, form part of the great Northern and Western line which is intended to intersect the country. Where it reaches Holyrood it there meets the line of road which connects the whole of the Settlements on the North side of Conception and the South side of Trinity Bays. At Holyrood it will be joined to the St. Mary's Road by Salmonier, as also by the great Western Road, which is in contemplation, to Placentia. On that part situate between Topsail and Holyrood little has been done beyond draining the swamps, freeing it of stumps, roots, &c., and erecting temporary bridges across Manuel's Brook, Long Pond and Kellygrews Rivers.

This Road, in whichever point we view it, is, by far, the most important one in the Island; and, in time, will become the grand connecting link between St. John's and all the Western and Northern Settlements of the Colony.

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The Commissioners, in framing this Report, have confined it more particularly to the Roads and Streets for which grants of the Legislature have been given. There are other Streets of the Town, and various other Roads, which equally claim consideration; and the Commissioners conceive it not beyond the scope of their duty, respectfully to draw the attention of the Legislature to their very bad condition, with a view of obtaining the means to repair them.

The whole of the Cross Streets and Lanes, between Beck's Cove and Hutchings's Lane, River-head, are in a very bad and filthy state, and ought no longer to be neglected; for, independent of other important considerations, it will be impossible to keep Water Street clean, so long as water is allowed to overflow the Cross Streets and Lanes, and run down over it, leaving thereon a very unpleasant deposit. The sum of £300 would go far to remedy these and other evils which exist in almost every Street in the Western Wards of the Town.

## APPENDIX.

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The Street which branches off from Duckworth Street, near the residence of James Fergus, Esq., J. P., and leading towards Monday's Pond, is in a deplorable state, and quite unsafe for the ordinary intercourse of life. No Street in the Town is more in need of repair than this.

### STREET OPPOSITE BECK'S COVE.

This Street, which intersects Water and Duckworth Streets, at Duckworth Street bridge, is in a very disgraceful state. The water which is discharged from the high ground immediately North of this Street, runs over its centre, and the greater part of the filth of the neighbourhood is thrown thereon. Were a covered drain built from the Bridge to the Harbour the nuisances in this Street would be completely abated, and the surface, which is now offensive to the eye, would be rendered clean and wholesome.

Close to Duckworth Street bridge is an eligible situation for a Public Tank or Reservoir for Water. Of the many useful measures which have occupied the attention of the Legislature, there is not one fraught with greater benefits to the public than this. The sum of £300 would not only serve to build a Reservoir of sufficient dimensions, but would also form an aqueduct between the Bridge and the Harbour.

The Commissioners respectfully submit, that the experiment could be made for the above sum; and if found to answer others could be constructed in all the Public Coves of the Town, every one of which offers a suitable situation for the purpose. Should these suggestions be acted upon, the public would be furnished with Conduits from which to obtain pure and wholesome water, not alone sufficient for daily use, but an ample supply to serve in case of fire.

The same improvements which are applicable to Beck's Cove could be carried out in Hunter's Cove to a far greater extent, by uniting it to Duckworth Street.

### PRESCOTT STREET.

This Street joins Duckworth Street at Hunter's Cove bridge, and has been open for upwards of two years. As yet, however, it has proved of little or no advantage to the Public, nor is it likely to be of much, unless its present direction be altered: what the alteration should be, it is unnecessary for the Commissioners to say; but that a change of the line is called for there is no doubt.

This Street is situate in the very centre of the Town, with an ample space on each side, on which dwelling-houses may be erected; and were it fairly laid out, levelled and drained, there is every reason to believe that a populous Street would shortly arise. That inclination to extend the Town towards the Westward (which is now so manifest) would cease, and the small capitalist would embrace the opportunity of investing his money in houses which could not fail to be occupied; and thus would the Town have all the benefit which is found to arise out of a more condensed population.

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So far as the Roads of this District have been made, an excellent foundation has been laid, which will, in time, render them easy of improvement. The general directions and inclinations of all the new lines of Road have been laid out so as not to require change; to accomplish which no pains or labour have been spared by the Surveyor or his assistants. Whatever future improvement the country may undergo, little or no alteration will be necessary on the lines of road lately laid out; consequently not a single shilling of the public money has been uselessly expended thereon.

Notwithstanding that the Commissioners have been at great pains to lay solid foundations in the various roads under their direction, still the materials, whether consisting of gravel or stone, have seldom been judiciously selected and arranged by the Contractors, and have often been laid so promiscuously upon the roads as to render it inconvenient to travel upon them. The shape of the roads, too, or cross-sections, which are of great consequence, have been but too often disregarded by the Contractors; but the very low rate at which most of the roads were contracted for, made the duty onerous and painful on the Commissioners to enforce a *rigid* adherence to the sections and specifications.

The Contractors for the making of Roads in this District, are every day becoming more experienced in the art, and are also gaining a more accurate knowledge of the rate at which

## APPENDIX.

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Roads can be properly made ; and as, in future, the excuse of total ignorance cannot be pleaded, a more rigid system can, with justice, be enforced, and the whole of the works subjected to a more rigorous inspection.

No season could, possibly, have been more trying for the newly made roads than the latter part of last year. The alternate severe frosts and saturating rains loosened the roads to such a degree as to throw to the surface every particle of soft material ; and the whole of the earthy matter, which ought, in the first instance, to have been rejected, will be fairly exposed in the ensuing Spring ; which will not only enable the Commissioners to remedy past defects, but will afford the best test as to the durability of the materials which have been already used.

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### PLACENTIA ROAD, BY HOLYROOD AND SALMONIER.

A preliminary Survey of the line of road by Holyrood and Salmonier to Placentia, was made by Mr. Blackburn in the year 1835. On a minute inspection of the plan submitted, it was discovered that that part of the line traced between Holyrood and Salmonier tended too much to the Southward, and that the ground over which the Survey had been made, was too elevated and undulating for the ordinary purposes of a good road.

In order to obtain more precise information relative to this important Road, (which is intended to connect Conception and St. Mary's Bays) another Survey was ordered by the Board of Road Commissioners appointed under the Appropriation Act of 1836.

By a plan of the Survey submitted by Mr. Byrne, the Surveyor to the Board, it was found that a more level line could be obtained, at a lower elevation, and in a much better direction—passing through land infinitely superior in point of fertility, and offering far greater advantages to Settlers along the whole line between Holyrood and Salmonier. Mr. Byrne's Survey was confined principally to that part of the Road which runs directly from Holyrood, at the head of Conception-Bay, to Salmonier, at the head of St. Mary's Bay.

In the year 1836 a grant was given by the Legislature for this Road, which has been partly applied in the Survey alluded to, and partly expended in opening about 5 miles on that part next to Holyrood ; and as far as this particular part is concerned, there can exist but one opinion, which is, that no material alteration can be made with advantage to the Public. Mr. Blackburn's preliminary Survey extends onwards from Salmonier to Great Placentia, by Colinet ; and on this part of his plan, also, a considerable difference of opinion existed, even among persons who were best acquainted with the route. It was said that a more direct line from Holyrood to Placentia could be had, which would greatly shorten the distance, and facilitate the intercourse between St. John's and that distant Settlement. With a lively consideration of the importance of the matter, the Board of Road Commissioners for the Central District ordered another cursory Survey to be made in the months of December and January last, with a view to obtain more accurate information on the subject.

In conformity with the instructions of the Board, Mr. Byrne, their Surveyor, left St. John's on the morning of the 26th December last, and proceeded to a point on the Salmonier line of road, 5 miles West by South of Holyrood ; from whence he directed his course due West on to Colinet (leaving the Salmonier line on his left,) and thence to Great Placentia, and with his party arrived at the latter place on the 13th day after leaving St. John's, without any satisfactory result—having met with many difficulties to the formation of a road, in consequence of ponds, and other obstructions, in the way.

On his return from Placentia, Mr. Byrne took (for part of the way) a direction still more Northerly than that by which he went ; and, by doing so, gathered much information as to the description of country which lays between the Bays of Conception and Placentia. Mr. Byrne's Report is now before the Commissioners ; and, from the information which it conveys, no great difficulty exists in arriving at pretty correct general conclusions. The information, however, is not of that precise character, nor is it founded on that strict investigation, which would warrant the Commissioners in recommending to the Legislature the exact line of Road which ought to be adopted in tracing the great Northern and Western line by Trinity and Placentia Bays.

From all the information which the Commissioners have as yet obtained, they do not think it advisable to change the line of Road to Placentia, unless by the avoidance of some elevated

## APPENDIX.

barrens, which may be done without any material departure from the present route; and they are the more induced to this opinion because the Road by Salmonier unites the Bays of Conception, Placentia and St. Mary's, by one leading Road.

In giving expression to their opinions, the Commissioners are not to be understood as meaning that the line of Road by Salmonier to Great Placentia is the best adapted to open a communication with the more distant Western and Northern Settlements of the Colony; for a glance at the plan furnished by Mr. Byrne, when compared with the Chart of Newfoundland, will show that, to effect this desirable object, it will be imperative to keep very much farther to the Northward in order to produce such a line as will render it easy to run Branch Roads into the main one from both sides of the Island; and to compass this, the main North line might follow the Road which leads round Conception Bay, as far as Salmon Cove, (a distance of about 5 or 6 miles beyond Holyrood), where it should part the Conception Bay Road, and taking nearly a Northwest direction, keeping as near to Dildo Cove and Chapple Bay as circumstances would admit, run thence onwards between Trinity and Placentia Bays, nearly as far as North Harbour, at the head of Placentia Bay, where the Northern line to Trinity and Bonavista might, with propriety, branch off.

The Commissioners, in closing this Report, are glad to avail of the opportunity afforded them, to acknowledge the services of Mr. Byrne, their Surveyor, who has, in every instance where they have had occasion to employ him, merited their unqualified confidence and approbation; and they conceive it their duty to state, that Mr. Byrne has established for himself, in his particular department as a Surveyor and Inspector, claims on the Country which they anxiously trust will not be overlooked. The Board have, therefore, to recommend Mr. Byrne to the particular consideration of His Excellency the Governor, and of the other branches of the Legislature, as a person whose future services as a Land and Road Surveyor may be made highly beneficial to the Colony; and they respectfully submit the propriety of including Mr. Byrne's Salary in the general Bill of Supply.

JAMES DOUGLAS,

*Chairman.*

St. John's, February 22d, 1840.

### PARTICULARS OF OUTSTANDING CLAIMS ON THE COMMISSIONERS OF ROADS FOR THE CENTRAL DISTRICT, AND AMOUNTS REQUIRED FOR THE COMPLETION OF CERTAIN CONTRACTS.

	£	s.	d.
Queen Street, .. .. .	75	0	0
Safety Wall, .. .. .	66	0	0
Westward Point Road, .. .. .	85	0	0
Topsail Road, to William Quigley, .. .. .	65	0	0
River Head Road, to Robert Shaw and others, .. .. .	60	0	0
King's Bridge Road, to Michael Allen, .. .. .	80	0	0
Bay of Bulls Road, to Matthew Dillon, (for work performed),	12	0	0
Alexander Norries, for work done on Queen Street, .. .. .	7	0	0
	£450	0	0
Probable expenses of law suit of Safety Wall, .. .. .	£		

JAMES DOUGLAS,

*Chairman of the Board of  
Road Commissioners.*

St. John's, March 16, 1840.

## APPENDIX.

### *Letter from the Chairman of the Road Commissioners at St. John's.*

STONE BUILDINGS, *April 7th*, 1840.

SIR,

I have the honor to acquaint you, for the information of His Excellency the Governor, that a meeting of the Board of Road Commissioners for the Central District was held on yesterday, to take into consideration the present state of the affairs of the Board, and the condition of the various works under their direction.

First, with reference to the incidental expenses of the Board, which have heretofore been defrayed from a fund set apart from the gross sums granted by the Legislature, for this District, in the Road Bills of 1838 and 9, but in consequence of no Road Bill having passed the present year, it is much to be desired that a direct provision should be made by the Legislature to liquidate the expenses which will necessarily be incurred by the Board in superintending to completion the numerous Contracts now in progress, and others which will be entered into by the Board.

Secondly, the Commissioners beg to intimate to His Excellency that in order to the efficient discharge of their public duty, it is unavoidably necessary that they should retain in their service Mr. Thomas Byrne, Surveyor, and Mr. Stephen J. Daniel, Secretary, together with the two Inspectors. The services of the Surveyor and his Assistants will not alone be required for this District, but will be made available for the Placentia line of Road by Salmonier, which is, as yet, very imperfectly Surveyed and laid out, and for which a considerable sum of money is still at the disposal of the Board. But as the Commissioners have not the means of paying these individuals, they beg to submit the difficulties under which they labour, to the favorable consideration of the Legislature.

As a great many Contracts in this District remain to be finished, and others entered into, and as ample employment can be found for all the Officers employed under the Board, highly conducive to the public advantage, the Commissioners are induced to hope that His Excellency will accord with them in opinion, and be pleased to bring the whole of the facts stated above under the view of the other branches of the Legislature, with His Excellency's recommendation that an express provision be made for the purposes alluded to, namely:—

	£	s.	d.	
For defraying the Salary of Thomas Byrne, Surveyor, . . . .	166	0	0	Sterling
For defraying the Salary of Stephen J. Daniel, Secretary,	100	0	0	
For defraying the Salary of Edward Tobin, Assistant Surveyor, . . . . .	60	0	0	
For defraying the Salary of Daniel Eagan, Assistant Surveyor, . . . . .	60	0	0	

Thirdly,—The Commissioners beg to draw His Excellency's attention to the outstanding claims upon them, a statement of which they subjoin, with a request that His Excellency will be pleased to bring the same under the consideration of the Legislature, with a view to obtain a grant to discharge them.

#### STATEMENT.

	£	s.	d.
Queen Street, . . . . .	75	0	0

(This sum has been paid the Contractor out of the Grant for the Blockmaker's Hall Road and Bay of Bulls Road, and is, if voted, intended to revert to its first appropriation.)

Safety Wall in Duckworth Street, . . . . .	66	0	0
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(The £66 put down for the Safety Wall as a claim upon the Commissioners, was awarded the Contractor by a Jury; but as the case involved some points in Law, it was reserved to be argued in Chambers, and as Counsel have not been heard on either side of the question, no decision has been given.)

## APPENDIX.

	£	s.	d.
Western Point Road, ....	85	0	0
Bay of Bulls Road, .. .. .	12	0	0
Duckworth Street, .. .. .	7	0	0
Job's Bridge, .. .. .	16	0	0

Fourthly,—The Commissioners would likewise bring under the notice of His Excellency several individuals who have suffered loss in consequence of the low rates at which Contracts were taken by them. These parties having already applied by petition to the proper quarter, where their claims have been recognised, and compensation awarded them in two successive Road Bills, which have not passed the Legislature; moreover, as their individual losses have been certified by this Board, the Commissioners think it not beyond their province to advert to the subject, with a desire that their claims may again be referred to the Legislature, viz.—

	£	s.	d.
William Quigley, the Contractor for part of the Topsail Road,	65	0	0
Michael Allen, Sen., the Contractor for the Road to the King's Bridge, .. .. .	80	0	0
Robert Shaw and others, the Contractors for the River Head Road, .. .. .	60	0	0

Fifthly,—The Commissioners beg to submit to His Excellency the utility of re-appropriating the sum formerly granted “to build a wharf at Boden's Cove” (together with an additional sum) for constructing a proper landing place for fish-offal and other manure at BOLAN'S COVE, such a measure being of the greatest importance to the agricultural population of this District.

Sixthly,—The Roads and Streets of this District having occupied the attention of the Board, the Commissioners are of opinion that, as the various Streets and Roads in and about the Town, from being so constantly worked, require to be kept in repair; and that if a specific grant were given for that purpose, it would, eventually, be productive of a great saving to the Colony.

The King's Bridge is in a very dilapidated state, and stands much in need of general repair. The retaining walls are shaken, and will shortly tumble down if not prevented by some means or other. The walls must either be taken down, and reconstructed in a more substantial way, or Buttresses will be required to support the present ones.

The Commissioners, fully impressed with the vast benefit which is conferred on Commerce by a rapid and easy communication, take leave to point out *three public or main Roads*, upon which large sums of money have been expended, and which expense will have been wasted if they are not now perfected. The first in importance is the Portugal Cove Road, which is fast falling into decay, and will shortly become impassable if not timely repaired. The whole of the Bridges are beginning to give way, and several of them are, at this moment, not perfectly safe for public use. The sum of £400 would serve to reconstruct the decayed Bridges, and give the whole of the Road a coat of gravel.

The second in consequence is the Topsail Road, the worst parts of which are already contracted for, to be brought into a fit state for the reception of gravel. Were the sum of £700 granted for this Road it would complete a carriage way to Topsail, which is much to be desired. Besides the general utility of this road, the great quantity of wood which is cut along the whole line, and hauled on it, renders it of great importance to the population of this District.

The next Road to which the Commissioners would advert is the Bay of Bulls new line. This Road, if stopped short at that point which is now reached, will prove of little use to the public, because certain Bridges have been constructed and others are in course of being built, which, unless the road be made, cannot be used. Cross Drains are also being cut which cannot be passed unless covered and finished, and the whole of the rubbish and other obstructions levelled and cleared away. The sum of £500 would not only remedy the evils pointed out, but would finish this useful Road as far as the Golds River, a distance of 9 miles from town, which would be of incalculable advantage to the public.

The reason which has prompted the Commissioners to point out the state of these leading Roads is, that if the works be now relinquished they cannot again be resumed without entail-

## APPENDIX.

ing on the Colony a great accession of expense; they would, therefore, submit, that were provision made for the purposes adverted to, it would prove alike useful and advantageous to the inhabitants of the whole Island.

The Commissioners would beg leave to add that, in their opinion, great advantages would be derived by the Commercial interests of the Colony from having a Bridle Path or narrow Road opened between Holyrood in Conception Bay and Long Harbor, or some other point nearer the head of Placentia Bay, a very populous District to which no road at present leads. Were the sum of £500 voted for this service, an accurate Survey could be made, and a Road opened to the width of 8 or 10 feet. The advantages of this Road will be better understood by having reference to the Report of this Board submitted to His Excellency on the 22nd of February last, and the Plan which accompanied that Report.

In addition to the unliquidated claims already adverted to, is the Salary of the Chairman of this Board, for the past and present year, at £150 sterling per annum, which is respectfully submitted to His Excellency and the other Branches of the Legislature for consideration.

I have the honor to be,

Sir,

Your very obedient Servant,

JAMES DOUGLAS,

*Chairman.*

The Honorable

JAMES CROWDY.

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### *Letter from the Commissioners of Light-Houses.*

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ST. JOHN'S, *January 6th, 1840.*

SIR,

The Commissioners of Light-Houses appointed under Act 3d Vict., Cap. 5, feeling a desire to give their fullest aid to the carrying out of the important views contemplated by the Act already referred to, have accordingly given mature consideration to the subjects which seem to call particularly for attention, and upon them they have directed that I should lay their views before His Excellency the Governor.

The attention of the Commissioners was, in the first place, attracted to the Island of Baccaloo, which appears to them to be a position where the establishment of a Light would be attended with the most material benefit to a large portion of the Trade of the Country.

This Island, from its Geographical situation, commands the extensive Bays of Trinity and Conception; the former of which, though having an extensive trade and contributing to the general Light fund, does not at present enjoy any of the advantages arising from the operation of the Act,—the erection of a Light on Baccaloo would go, in full, to meet this desideratum—and its beneficial effects in reference to the Sealing Trade of the Island generally, must be manifest from the fact that this is the point whence the St. John's and Conception Bay Vessels, (the great majority) usually take a departure, and is also the land they desire to make on their return voyages; and in this latter view particularly would the more Northern Vessels be more or less participators in the convenience and security the Light would unquestionably afford. The Commissioners deem any further detail on this head unnecessary—the reasons given, they feel assured, will show how well founded are their views of the expediency of the measure they suggest for consideration.

Cape Pine, for many well known reasons, seems also to demand prominent attention. The subject of the establishment of a Light here has long been canvassed, and on no occasion has any objection ever been urged against the necessity of the measure, still it remains unattended to, although a season scarcely passes by that does not serve to show how much loss of life and property would probably be prevented by a Light on the head land. The Commis-

## APPENDIX.

sioners feel, therefore, that they would be wanting in the discharge of their duty, did they not take occasion strongly to urge the importance of the subject. The trade of the neighbouring Colonies, of Canada, New-Brunswick, &c., would benefit materially, and its interests would be largely involved in this undertaking, for the losses at Cape Pine and its vicinity, from time to time, have been chiefly amongst the Vessels engaged in the Timber Trade of those Provinces, it being usual with them to make this land both on their outward and homeward voyages. The Legislatures of those Countries would, doubtless, furnish their contingent to promote an object which so directly concerns their important shipping interests; and the Commissioners are induced to believe that a suggestion has more than once been thrown out by the Countries referred to, which leaves little doubt that their co-operation would be cheerfully given to the undertaking. It is, however, only with an understanding that such assistance should be furnished, that the Commissioners would advise the adoption of the measure. With Newfoundland it must assuredly originate, but every principle of equity demands that her neighbours should participate in the outlay, as they unquestionably will in the beneficial results.

I am desired by the Commissioners, in laying these views before His Excellency, to request that no time may be lost in submitting them to the Legislature, where their important subject-matter must command due attention.

Much additional duty will devolve on the Commissioners, should the Legislature—concurring in their recommendations—decide on carrying them into effect; but they will deem their services compensated by the great public benefits which they will then confidently anticipate, and which they will feel happy in having been instrumental in promoting.

I have, &c.,

(Signed)

THOMAS BENNETT,  
*Chairman of Commissioners  
of Light Houses.*

HONORABLE JAMES CROWDY,  
&c., &c., &c.

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### *Bye-Laws, &c., of the Board of Education for the District of St. John's.*

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1st. At the Annual Meeting of the Board, to be holden on the first Wednesday in July in every year, there shall be chosen by ballot, from the said Board, a Chairman, Treasurer, and Secretary.

2nd. That for the purposes of the said Act there shall be four meetings of the said Board holden at St. John's in each and every year, at the times hereinafter mentioned, that is to say—on the first Wednesday in July, the first Wednesday in October, the first Wednesday in January, and the first Wednesday in April.

3rd. That the Chairman, or on his refusal, or in his absence, any three Members of the Board, by a requisition under their hands, shall have power to call a Special Meeting of the said Board, whenever he or they shall deem it expedient so to do, giving at least four days notice of the same, and mentioning the object of the said Meeting in the Notice.

4th. That no business of the said Board shall be transacted except at the said General or Special Meetings; and no measure shall be adopted by the said Board except five Members at least concur therein.

5th. That it shall be the object of the Board to extend the funds at its disposal to the support of as many Schools as they can be efficiently applied to.

6th. That when application shall be made for the establishment or for the support of any School, it shall be certified under the hands of at least three Members of the Board, that the School so proposed to be established or supported, would be or is a fit and proper object for the application of the Funds at the control of the Board, without which Certificate no such application shall be entertained.

## APPENDIX.

7th. That all Ministers of Religion shall have power to visit the Schools under the control of this Board, and from time to time to withdraw the Pupils of their respective Communions for the purpose of imparting to them religious instruction, for which every facility shall be afforded by the Teachers; but no Minister shall be permitted to impart any such instruction in the School.

8th. That no Books shall be used in any School established by this Board except the "Irish National School Books," or such others as may be approved of by the Board; and which every Teacher is hereby required to use, and no others, upon penalty of dismissal from his Office.

9th. That no money shall be paid by the Treasurer, except under an order of the Board, in the form prescribed in Schedule A, which order shall be signed by the Chairman and Countersigned by the Secretary.

10th. That every Teacher connected with the Board shall keep a Register of Scholars, according to the form prescribed in Schedule B, and shall make a Return to the Secretary once in every six months, according to the form prescribed in Schedule C, and shall be paid half yearly.

11th. That the Teacher of every School to be established by this Board shall require and receive for his own use and benefit, from every Scholar, payment according to the following Scale:

Reading.....	half year	2s. 6d.
Reading and Writing and Arithmetic .....	————	5s.

and shall keep a correct account of the amount received, and transmit the said account at the end of each half year to the Secretary; provided always, that the Children of persons who are unable to make such payments may be admitted gratis, by an order signed by two Members of the Board.

12th. That no Minister of Religion or Teacher, or any other person whatever, shall be permitted to impart in any School or Schools established by this Board, the doctrines or peculiar tenets of any particular or exclusive Church or Religious Society whatever.

13th. That all School Houses, erected by this Board, or otherwise coming into their possession, shall be legally invested in the hands of Trustees nominated by the Board for the exclusive purpose of educating Children, according to the Bye-Laws, Rules and Regulations; and that all Schools established by this Board shall adhere to its Bye-Laws, Rules and Regulations.

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### PETITION FOR AN INCREASE OF THE VOTE FOR THE PURPOSES OF EDUCATION.

*The Memorial of the Board of Commissioners for the Electoral District of St. John's,*

SHEWETH, to His Excellency the Governor, that the Act of the Colonial Legislature 6th Wm. 4., Cap. 13, for the establishment of Schools in this Island, will expire in the year 1841. That the Commissioners have no more pecuniary means in hand, or in prospect, than will carry on their operations for the ensuing nine months, when, if the aforesaid Act be not renewed, or extended, their Schools will be closed for want of means, and all the labour and care hitherto bestowed upon them will be, in a great measure, if not altogether, frustrated.

Memorialists, therefore, beg leave to submit to Your Excellency the difficulty in which they will be placed, and respectfully request a recommendation to the House of Assembly to adopt such means, as in their wisdom they may see fit, for the continuance and extension of their labours, earnestly entreating a small addition to the annual grant of about £50 or £60 more, which will enable them to carry out their plans of usefulness more efficiently, and to meet the demands of an increasing number of claimants, seeking accommodation and instruction for their children.

By order of the Board,

(Signed)

D. S. WARD,  
Chairman.

To His Excellency the Governor,  
&c., &c., &c.

January 9th, 1840.

## APPENDIX.

AN ACCOUNT OF THE NUMBER OF SCHOOLS AND SCHOLARS, AND THE COST AND EXPENDITURE ATTENDING THE SAME IN THE DISTRICT OF PLACENTIA AND ST. MARY'S, FOR THE YEAR 1839.

Place of Abode.	No. of Schools.	No. of Scholars.	Teachers' Salaries.	
			Male.	Female.
Great Placentia	2	84	£ 30	£ 20
Little Placentia	2	106	30	20
Saint Mary's	2	87	30	20
Red Island	1	27	8	..
Trepassey	1	43	30	..
Harbour Beaufet	1	27	24	..
Merasheen	1	29	..	25
Point Verd	1	36	..	10
Presque	1	81	25	..
Barren Island	1	26	..	18

W. G. BRADSHAW,  
*Chairman.*

### CUSTOMS' RETURNS.

*Port of St. John's.*

J. M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods Imported in the Year ended the 5th day of January, 1840, shewing the aggregate Quantities and Values of the various Articles with the amounts of duty collected thereon.

Articles Imported.	Quantity Imported.	Value.	Duty.
<i>Wine—videlicet:—</i>			
1st Class	168 4-5 Gallons	141 5 7	12 8 9
2d ditto	8,546½ „	2015 11 8	427 6 6
3d ditto	9,943 „	1095 14 0	379 9 3
4th ditto	17,193 „	1291 7 5	429 16 6
Spirits	32,210½ „	3797 13 5	805 6 3
Apples	1192½ Barrels	598 5 0	29 16 5
Beef and Pork (salted)	44,533 3 23 Cwts.	98,130 7 6	1682 6 7½
Bread or Biscuit	106,946 2 21 „	89,640 17 11	1336 14 2
Butter	13,602 1 18 „	40,049 15 11	1020 12 10
Cattle (neaf)	.. Head	.. .. .	.. .. .
Coals	13018½ Tons	8609 9 1	325 9 2
Flour	49,974½ Barrels	72,023 15 2	1855 4 5
Goods, Wares, and Merchandize, not otherwise enumerated or described	.....	262,919 6 3	6572 19 11½
Hogs	..	.. .. .	.. .. .
Horses, Mares, or Geldings	..	.. .. .	.. .. .
Lumber	2,742,242 Feet	3,978 2 1	94 18 9
Oatmeal	3,579 Barrels	3,077 1 2	89 6 6
Timber, (Ton) and Balk, of all kinds, including Scantling	618½ Tons	617 15 10	17 10 2
Sheep	.. Head	.. .. .	.. .. .
Shingles	1,808,950	903 15 9	30 3 0
Tea	200,128 Lbs.	14,995 15 10	833 17 4
Totals.....		£603,885 19 7	£15,943 6 6½

Custom-House, St. John's,  
The 11th day of January, 1840.

J. M. SPEARMAN,  
*Collector.*

DR. CONSOLIDATED ACCOUNT CURRENT of Receipts and Payments for the Year ended 5th day of January, 1840. CR.

1839. To Out-Bay Balances, viz:—				£	s.	d.
	Trinity,	10th October, 1839,	.. ..	214	14	1
	Carbonear,	"	.. ....	28	6	3
	Harbor-Grace,	"	.. ..	32	3	11
	Little Bay,	"	.... ....	43	15	0
	,, Out-Bay Receipts, viz:—					
	5th January,	.. ....	1070 11 7½			
	5th April,	.... ....	126 15 9			
	5th July,	.... ....	1738 16 5			
	10th October,	.. ..	881 18 6	3818	2	3½
	,, Proceeds of Tobacco detained for under valuation			23	18	7½
1840.	,, Outstanding Bonds, 5th January, 1839, ....			1043	3	5
January 5.	,, Duties on Goods imported this date, ....			12125	4	3½
N. B.—The Returns from Fogo, Burin and La Poile, for the Quarter ended 10th October, 1839, have not yet been received, and, consequently, the Duties collected at those places, for that Quarter, are yet to be accounted for.						
				£17,329	7	10½

1839. By Balance from last Year, .. ..				£	s.	d.
	,, Out-Bay Balances, viz:—			85	15	9
	Fogo,	5th July, 1839,	.. ....	216	1	2
	Greenspond,	10th October, 1839,	....	32	3	11
	Trinity,	"	....	173	2	11
	Harbor-Grace,	"	....	114	11	5
	Little Bay,	"	....	29	6	6
	Drawbacks,	....	....	86	6	9
	Returned Duties,	....	....	2	19	5
	Over Entries,	.. ..	....	0	16	9
	Double Entries,	....	....	0	18	5
	Incidental Expenses,	....	....	37	4	7
	,, Salaries, viz:—					
	J. M. Spearman,	....	....	50	0	0
	John R. M. Cooke,	....	....	150	0	0
	E. L. Moore,	....	....	150	0	0
	John Canning,	....	....	100	0	0
	James M. Winter, Fogo,	....	....	76	2	5
	Lorenzo Moore, Greenspond,	....	....	88	15	11
	John L. McKie, Bay Bulls,	.. ..	....	51	2	5
	Thomas Read, La Poile,	....	....	76	2	11
	Day pay Tide Waiters,	....	....	190	0	4
	Allowance to Imperial Sub-Collectors,	....	....	73	14	1½
	Outstanding Bonds,	....	....	130	6	7
	Paid Treasurer,	....	....	15,463	15	6½
				£17,329	7	10½

I do hereby declare that the foregoing Accounts are just and true, in every particular, to the best of my knowledge and belief.

CUSTOM-HOUSE, St. John's,  
The 18th day of January, 1840. }

J. M. SPEARMAN,  
Collector.

We do hereby certify that we have duly audited the foregoing Accounts, and that we have finally settled and closed the same.

St. John's, Newfoundland, }  
25th day of January, 1840. }

WILLIAM THOMAS, }  
JAMES POWER, } Auditors.  
H. A. EMERSON. }

*A DETAILED ACCOUNT of all Process issued out of the Supreme Court against any Person or Persons on the Coast of Labrador, between the 12th June, 1834, and the present time, setting forth the names of the Parties to whom the Service of the said Process was in each instance committed, and what was thereupon done in the Premises, and by whom, and by what species of operation the service of such Process was effected.*

Plaintiff.	Defendant.	Plaintiffs Attorney	Amount sued for.	When Issued.	When Returnable.	Remarks.
1834. William Price, Nathaniel Gould, James Dowie, Peter M-Gill and Thomas Hetherington.	William Sampson.	Charles Simms.	£ s. d. 984 11 0	28th August, 1834.	First day of Term of Supreme Court.	This Writ was directed to the Sheriff of Newfoundland, and the Agent of the Plaintiffs at Labrador, but was never carried into operation,—the Plaintiffs claim being compromised and settled between the Parties. The Writ has never been returned.
1835. Thomas Martin and John Jacob.	William Noseworthy, Senior, William Noseworthy, Junior, and Jacob Noseworthy.	Plaintiffs in person.	116 4 9	25th May, 1835.	First day of Term of Supreme Court.	This Writ never having been returned, nor (as I believe) acted upon, I cannot say positively to whom it was directed. It was sued out by the Plaintiffs at their own risk, and, to the best of my recollection, was directed to the <i>Sheriff of Newfoundland</i> —but intended to be carried into effect by an Agent of the Plaintiffs.

Several applications have been made to the Judges since 1835, and one or two to the present Chief Justice, respecting Process against Persons at the Labrador, but the applications have been all refused in consequence of there being no one to execute the Process.

J. G. H. BOURNE,  
Chief Justice.

EDWARD M. ARCHIBALD,  
Chief Clerk and Registrar, Supreme Court.

April 16, 1840.

# APPENDIX.

## THE ROYAL INSTRUCTIONS.

(L. S.) VICTORIA R.

INSTRUCTIONS to Our Trusty and well-beloved HENRY PRESCOTT, Esquire, Our Governor and Commander-in-Chief of Our Island of Newfoundland and its Dependencies, or in his absence to the Lieutenant-Governor or Officer Administering the Government of Our said Island and its Dependencies for the time being. Given at Our Court at Buckingham Palace, this seventh day of May, One Thousand Eight Hundred and Thirty-Eight, in the third Year of Our Reign.

### I.

With these, Our Instructions, you will receive Our Commission under the Great Seal of Our United Kingdom of *Great Britain and Ireland* constituting you Our Governor and Commander-in-Chief in and over Our Island of *Newfoundland* and its Dependencies.

### II.

And you are forthwith to call together the following Persons, whom We do hereby appoint to be Members of Our Council in Our said Island,—any three of whom to be a *Quorum*,—viz., *The Chief Officer in the command of Our Land Forces*, for the time being, in Our said Island; *The Attorney General* of Our said Island for the time being; *The Colonial Secretary* of Our said Island for the time being; *The Collector or other Chief Officer of Our Customs* of Our said Island for the time being; *John Dunscomb, William Thomas, John Bayley Bland, and John Sinclair*, Esquires.

### III.

And you are, with all usual solemnity to cause Our said Commission to be read and published at the first Meeting of Our said Council, and you shall then and there take the Oaths appointed to be taken by an Act passed in the First Year of the Reign of King George the First, intituled “An Act for the further Security of His Majesty’s Person and Government, “and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, “and for extinguishing the hopes of the pretended Prince of Wales and his open and concealed Abettors,” as altered and explained by an Act passed in the Sixth Year of the Reign of King George the Third, intituled “An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of Her late Majesty Queen Anne, intituled “An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to persons “indicted of High Treason or Misprision of Treason,” or in lieu thereof the Oath required to be taken by an Act passed in the Tenth Year of His late Majesty King George the Fourth, intituled “An Act for the relief of His Majesty’s Roman Catholic subjects,” according as the said former Acts, or the said last mentioned Act shall be applicable to your case; and you shall likewise take the usual Oath for the due execution of the Office of Our Governor and Commander-in-Chief in and over our said Island, and for the due and impartial administration of Justice. And further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and the Plantations be duly observed, which said Oaths, Our Council of Our said Island, or any three or more of the Members thereof, shall, and have full power and authority and are hereby required to Tender and administer unto you; all of which being duly performed, you shall administer to each of the Members of our said Council such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of Our said Council taking the same: And you are also to administer unto them the usual Oath for the due execution of their places and trusts respectively; all which Oaths shall also be administered by you to all such persons as shall hereafter be appointed to be Members of your said Council, before they respectively enter upon the execution of the duties of such their Office.

### IV.

You shall administer or cause to be administered the Oaths mentioned in these Our Instructions, to all Judges, Justices and other persons who hold any place of Trust or Profit in our said Island; without the doing of all which you are not to admit any person whatsoever

Governor's Commission.

Members of the Council.

Governor's Commission to be read and published.

Oaths to be taken by the Governor

1 Geo. 1, cap. 13.

6 Geo. 3, cap. 53.

10 Geo. 4, cap. 7.  
Oath to be taken by Roman Catholics.

Governor's Oath of Office.

Oaths to be taken by Members of Council.

Governor to administer the same Oaths to Judges and persons holding Offices of Trust

## APPENDIX.

into any Public Office, nor suffer those who may have already been admitted, to continue therein.

### V.

You are to communicate forthwith such of these our Instructions to our said Council, wherein their advice and consent are mentioned to be requisite, and] likewise [all such others from time to time, as you shall find convenient for our service to be imparted to them.

These instructions to be communicated to the Council &c.

### VI.

You are to permit the Members of our said Council to have and] enjoy freedom of Debate and vote in all affairs of public concern that may be submitted to their consideration in Council.

Members of Council to have freedom of debate and Vote.

### VII.

And whereas by our Commission you are empowered, in case of the death or absence of any of the Members of our said Council, to fill up the vacancies therein to the number of seven, and no more—you are, therefore, from time to time, to send to us, through one of our Principal Secretaries of State, the names and qualifications of any Members by you put into our said Council, by the first opportunity after so doing.

Vacancies in the Council.

### VIII.

You are neither to augment or diminish the number of the Members of our said Council as already established, nor to suspend any of them without good and sufficient cause, nor without the consent of the majority of the said Council, signified in Council after due examination of the charge against such Councillor, and his answer thereunto; and in case of the suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereunto, to be duly entered upon the Council Book, and forthwith to transmit copies thereof to Us, through one of Our Principal Secretaries of State. Nevertheless, if it should happen that you should have reasons for suspending any of the Members of Our said Council, not fit to be communicated to Our said Council, you may, in that case, suspend such Member, without such consent of the majority of the Council as aforesaid. But you are thereupon immediately to send Us, through one of Our Principal Secretaries of State, an account of your proceedings therein, together with your reasons at large for such suspension, and also your reasons for not communicating the same to Our Council.

Council not to be augmented or diminished.

Suspension of Councillors.

### IX.

And whereas effectual care ought to be taken to oblige the Members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a Quorum to transact business as occasion may require; it is Our will and pleasure that if any of the Members of Our said Council shall hereafter absent themselves from the said Island, and continue absent above the space of *Six Months* together, without leave from you, first obtained under your Hand and Seal, or shall remain absent for the space of *One Year* successively, without leave given them under Our Royal Sign Manual and Signet, his or their place or places in the said Council shall immediately thereupon become void; and that if any of the Members of Our said Council, residing within Our said Island, shall hereafter absent themselves when duly Summoned, without a sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend the said Councillors so absenting themselves until Our further will and pleasure therein be known, giving immediate notice thereof to Us, through one of Our Principal Secretaries of State. And we do hereby will and require that this Our Royal Pleasure be signified to the Members of Our said Council, and entered in the Council Book as a standing Rule.

Absence of Members of Council on leave or otherwise.

### X.

And Whereas by Our Commission to you under Our Great Seal of Our United Kingdom of *Great Britain* and *Ireland*, you are authorized and empowered, with the advice and consent of Our Council, to summon and call General Assemblies of the Freeholders and Householders of Our said Island of *Newfoundland*, and its Dependencies under your Government, and with the advice and consent of the said Council, or the major part of them, to make, constitute, and ordain Laws, Statutes, and Ordinances for the public peace, welfare and good Government of Our said Island and its Dependencies; It is Our Will and Pleasure that the

General Assembly empowered to enact Laws, &c.

## APPENDIX.

Style of enacting  
Laws.

following Regulations be carefully observed in the framing and passing of all such Laws, Statutes and Ordinances as are to be passed by you, with the consent of Our said Council and Assembly, Viz:—That the style of enacting the said Laws, Statutes and Ordinances, be by the Governor, Council, and Assembly, and no other.

### XI.

Laws affecting  
the constitution  
of the Assembly.

And We hereby require and command that you do not, on any pretence whatever, give your Assent to any Law or Laws to be passed, by which the number of the Assembly shall be enlarged or diminished, the duration ascertained, the qualifications of the Electors or the Elected fixed or altered, or by which any Regulations shall be established with respect thereto, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the Draft of such Bill or Bills, and shall have received Our Royal Pleasure thereon, unless you take care in the passing such Bill or Bills, that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our Will and Pleasure shall be known thereon.

### XII.

No Law to which  
the Royal assent  
may have been  
refused to be  
re-enacted.

And you shall not re-enact any Law to which the assent of Us, or Our Royal Predecessors, has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State, of the reason and necessity for re-enacting such Law.

### XIII.

No Law establish-  
ing Courts or  
Militia to be  
temporary.

Duration of Laws

And it is our express Will and Pleasure that no Law constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a *Temporary* Law, and that no Law for granting unto Us any sum or sums of Money, by Duties of Import, Tonnage or Excise, be made to continue for less than one whole year; as also, that no other Laws whatsoever be made to continue for less than *Two years*, except only in cases where it may be necessary, upon some unforeseen emergency, to make provision by Law for a service in its nature temporary and contingent.

### XIV.

Each different  
matter to be  
provided for by a  
different Law;—

and no clause  
foreign to the title  
to be introduced.

Recital of Laws  
altered, repealed,  
&c.

You are also, as much as possible, to observe in the passing of all Laws, that each different matter be provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in, or annexed to, any Act, which shall be foreign to what the title of such respective Act imports; and that no Perpetual clause be part of any Temporary Law; and that no Act whatever be suspended, altered, continued, revised or repealed by general words, but that the Title and Date of such Act so suspended, altered, continued, revised or repealed, be particularly mentioned and expressed in the enacting part.

### XV.

Laws affecting  
the Revenue.

And you are particularly enjoined not to pass any Law, or do any Act by Grant, Deed, Conveyance or otherwise, whereby Our Revenue may be lessened or impaired, without Our special leave or command therein.

### XVI.

Lotteries.

It is Our Will and Pleasure that you do not give your assent to any Bill or Bills for raising Money by the institution of any Public or Private Lotteries.

### XVII.

Bills affecting the  
property of Per-  
sons who have  
never resided in  
the Colony.

It is Our Will and Pleasure that you do not, on any pretence whatever, give your assent to, or pass, any Bill or Bills, in Our Island under your Government, by which the Lands, Tenements, Goods, Chattels, Rights, and Credits of Persons who have never resided within Our said Island, shall be liable to be seized or taken in Execution for the recovery of Debts due from such Persons, otherwise than is allowed by Law in cases of a like nature within Our Realm of England, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the Draft of such Bill or Bills, and shall have received Our Royal Pleasure thereupon, unless you take care, in the passing of such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the Execution thereof until Our Royal Will and Pleasure shall be known thereupon.

## APPENDIX.

### XVIII.

It is Our further Will and Pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may have been, or shall hereafter be, passed by the Council and Assembly of the Island under your Government, for the Naturalization of Aliens, nor for the Divorce of Persons joined together in Holy Matrimony, nor for establishing a Title in any Person to Lands, Tenements and Real Estates, in our said Island and its Dependencies, originally granted to, or purchased by Aliens, antecedent to Naturalization.

Bills for the naturalization of Aliens—Divorce Bills, &c.

### XIX.

Whereas great mischief may have arisen by the frequent passing of Bills of an unusual and extraordinary nature and importance in the Plantations; which Bills remain in force there from the time of enacting until our Pleasure be signified to the contrary; We do hereby will and require you not to pass or give your assent to any Bill or Bills, passed in the Assembly, of an unusual and extraordinary nature or importance, whereby Our Prerogative, or the Property of Our Subjects, may be prejudiced; nor to any Bill or Bills whereby the Trade or Shipping of this Kingdom shall be in any wise affected; until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such Bill or Bills, and shall have received Our Royal Pleasure thereupon; unless you take care, in the passing of any such Bills, as aforementioned, that there be a clause inserted therein, suspending and deferring the execution thereof until Our Pleasure shall be known concerning the same.

Bills of an unusual and extraordinary nature.

Bills affecting Trade or Shipping.

### XX.

You are also to take care that no private Act be passed, whereby the Property of any Private Person may be affected, in which there is not a saving of the rights of Us, Our Heirs and Successors; all Bodies Politic and Corporate, and of all other except such as are mentioned in the said Act, and those claiming by, from and under them; and further, you shall take care that no such Private Act be passed, without a clause suspending the execution thereof, until the same shall have received Our Royal Approbation. It is likewise Our Will and Pleasure that you do not give your assent to any Private Act, until proof be made before you, in Council, and entered in the Council Book, that Public notification was made of the Parties' intention to apply for such an Act in the several Parish Churches where the Premises in question lie, for three Sundays at least successively, before any such Act shall be brought into the Assembly; and that a Certificate under your hand shall be transmitted with, and annexed to every such Private Act, signifying that the same has passed through all the forms above mentioned.

Bills affecting Private Property.

Private Bills.

### XXI.

You are to take care that in all Acts, or Orders, to be passed within Our said Island, in any case for levying Money or imposing Fines and Penalties, express mention be made that the same is granted or reserved to Us, Our Heirs and Successors, for the Public uses of the said Island, and the support of the Government thereof, as by the said Act or Order shall be directed.

Bills for levying Money, Fines, &c

### XXII.

You are not to suffer any Public Money whatsoever, whether it be appropriated to any particular service or not, by the Act granting the same, to be issued or disposed of otherwise than by Warrant, under your hand, by and with the consent of the said Council; but the Assembly may nevertheless be permitted from time to time to view and examine the Accounts of Money or value of Money, disposed of by virtue of Laws made by them, as there shall be occasion.

Appropriation of the Public Money

### XXIII.

We do hereby particularly require and enjoin you, upon pain of Our highest displeasure, to take care that fair Books of Accounts of all Receipts and Payments of all such Money be duly kept, and in which Books shall be specified every particular sum raised or disposed of, together with the names of the Persons to whom any payment shall be made, to the end We may be satisfied of the right and due application of the Revenue of Our said Island, with the probability of the increase and diminution of it, under every head and article thereof.

Public Accounts,

### XXIV.

It is Our Will and Pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the Fourth Year of the Reign of His late Majesty

Paper Bills of Credit,

## APPENDIX.

Act 4 Geo. 3  
cap. 34.

King George the Third, intituled "An Act to prevent Paper Bills of Credit, hereafter to be issued in any of His Majesty's Colonies or Plantations in America, from being declared to be a Legal Tender of such Bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same;" and also an Act passed in the Thirteenth Year of the Reign of His said late Majesty King George the Third, to explain and amend the above recited Act passed in the Fourth year of His Reign as aforesaid; and you are not to give your assent to, or pass any Act, whereby Bills of Credit may be struck or issued in lieu of Money, or for the payment of Money, either to you Our Governor or to any Person whatsoever, unless a clause be inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our Heirs, or Successors.

13 Geo. 3 cap. 57.

### XXV.

Copies of all Acts to be duly transmitted for the signification of the Royal pleasure thereon.

You are to transmit an authenticated and separate copy of every Law, Statute or Ordinance that at any time hereafter shall be made or enacted within the Island under your Government, under the Public Seal, unto Us, through one of Our Principal Secretaries of State, within three Months, or sooner, after their being enacted, upon pain of Our highest displeasure, and also of such pecuniary, or other penalty, as we may please to inflict; But if it shall happen that no Shipping shall come from Our said Island within three Months after the making such Laws, Statutes or Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.

### XXVI.

Preparation of Acts for transmission.

And it is Our further Will and Pleasure, that the Copies and Duplicates of all Acts that shall be transmitted as aforesaid, be fairly abstracted in the Margins; and that there be inserted the several dates or respective times when the same passed the Council and Assembly and received your assent; and you are to be as particular as may be possible in your observations to be sent to Us, through one of Our Principal Secretaries of State, upon every Act; that is to say, whether the same is introductory of a New Law, declaratory of a former Law, or does repeal a Law then before in being. And you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such Laws, unless the same do fully appear in the Preamble of the said Acts.

### XXVII.

Transcripts of Acts and Journals of Council to be furnished for transmission to England;

You are to require the Secretary of the Island under your Government, or his Deputy for the time being, to furnish you with Transcripts of all such Acts or Public Orders as shall be made from time to time, together with Copies of the Journals of the Council; and that all such Copies be fairly abstracted in the Margins, to the end the same may be transmitted to Us, through one of Our Principal Secretaries of State, which he is duly to perform upon pain of incurring the forfeiture of his Office.

### XXVIII.

Also Journals of the Assembly.

You are also to require from the Clerk of the Assembly of the said Island, or other proper Officer, Transcripts of all the Journals and other proceedings of the said Assembly; and that all such Transcripts be fairly abstracted in the Margins, to the end the same may in like manner be transmitted as aforesaid.

### XXIX.

Commissions to Judges and other Officers to be during pleasure only.

And it is Our further Will and Pleasure that all Commissions to be granted by you to any Person or Persons to be Judges, Justices of the Peace, or other necessary Officers, be granted during pleasure only.

### XXX.

Suspension of Officers.

You shall not suspend any of the Judges, Justices, or other Officers or Ministers, without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Us, through one of Our Principal Secretaries of State.

### XXXI.

Administration of Justice.

It being of the greatest importance to Our Service, and to the welfare of Our Subjects, that Justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof, be effectually prevented, We do particu-

# APPENDIX.

larly require you to take especial care that in all Courts where you are authorized to preside, Justice be impartially administered, and that in all Courts established within our said Island, all Judges and other Persons therein concerned, do likewise perform their several duties without any delay or partiality:

## XXXII.

You are to take care that all Writs be issued in Our name throughout Our said Island under your Government.

Writs.

## XXXIII.

You shall not, by colour of any Power or Authority hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant or dispose of any Office or Place within Our said Island, which now is or shall be granted under the Great Seal of this Kingdom, or to which any person is, or shall be appointed by Warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such Office or Place, or upon the suspension of any such Officer by you, put in any fit Person to officiate in the interim, until you shall have represented the matter to Us, through one of Our Principal Secretaries of State.

Appointments to vacant Offices.

## XXXIV.

You are to transmit unto us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of Jurisdictions, Courts, Offices and Officers, Power, Authorities, Fees and Privileges, granted and settled, or which shall be granted and settled within Our said Island and its Dependencies, as likewise an Account of all the Expenses attending the Establishment of the said Courts, and of such Funds as are settled and appropriated to discharge the same.

Colonial Returns.

## XXXV.

And Whereas complaints have been made by the Officers of Our Customs, in our Plantations in America, that they have been frequently obliged to serve on our Juries, and personally to appear in Arms, whensoever the Militia is drawn out, and thereby are much hindered in the execution of their Employments; Our Will and Pleasure is that you take effectual care, and give the necessary directions, that the several Officers of our Customs be excused and exempted from serving on Juries, or personally appearing in Arms in the Militia, unless in case of absolute necessity, or serving any Parochial Offices which may hinder them in the execution of their Duties.

Officers of Customs exempted from certain Services.

## XXXVI.

You shall not remit any Fines or Forfeitures whatever, above the Sum of Fifty Pounds, nor dispose of any Forfeitures whatsoever, until upon signifying unto Our Commissioners of Our Treasury, or Our High Treasurer for the time being, the nature of the Offence, and the occasion of such Fines and Forfeitures, with the particular sums or value thereof, (which you are to do with all speed) you shall have received our directions therein; but you may, in the mean time, suspend the payment of the said Fines and Forfeitures.

Remission of Fines.

## XXXVII.

It is Our Will and Pleasure that you do not dispose of Forfeitures or Escheats to any Persons until the Provost Marshal, or other proper Officer, have made enquiries, by a Jury upon their Oaths, into the true value thereof, nor until you shall have transmitted to Us, through one of Our Principal Secretaries of State, a particular account of such Forfeitures and Escheats, and the value thereof, and shall have received Our directions thereupon; and you are to take care that the produce of the said Forfeitures and Escheats, in case We shall think proper to give you directions to dispose of the same, be duly paid to the Receiver of Our Casual Revenue, and that a full account thereof be transmitted to Us, through one of Our Principal Secretaries of State, with the names of the Persons to whom disposed of.

Appropriation of Forfeitures, &c.

## XXXVIII.

Whereas you will receive from Our Commissioners for executing the Office of High Admiral, a Commission constituting you Vice Admiral of Our said Island; you are hereby required and directed carefully to put in execution the several Powers thereby granted to you.

Vice Admiralty.

## APPENDIX.

### XXXIX.

**Piracy.** And Whereas Commissions have been granted in Our Colonies and Plantations for Trying Pirates in those Parts, pursuant to the Acts for the more effectual suppression of Piracy; Our Will and Pleasure is, that in all matters relating to Pirates, you govern yourself according to the intent of the Acts before-mentioned, and any Commission which may have been received, or which you may receive, in reference thereto.

### XL.

**Letters of Marque and Reprisal.**

And Whereas there have been great irregularities in the manner of granting Commissions in our Plantations to Private Ships of War; you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their Subjects, in Amity with Us, to any Person whatsoever, without Our especial Command.

### XLI.

**Ecclesiastical affairs.**

And Whereas by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 10th day of May, 1825, the Island of Newfoundland was constituted to be part of the See of the Bishop of Nova-Scotia; and the said Bishop was thereby duly authorized to Exercise Jurisdiction, Spiritual and Ecclesiastical, in the said Island; it is Our Will and Pleasure that in the Administration of the Government of the said Island, you should be aiding and assisting to the said Bishop, and to his Commissary or Commissioners, in execution of their Charge, and in the exercise of such Ecclesiastical Jurisdiction, excepting only the granting Licenses of Marriages and the Probates of Wills.

### XLII.

**Divine Worship.**

We do enjoin and require that you take especial care that Almighty God be devoutly and truly served throughout your Government; the Book of Common Prayer, as by Law established, read each Sunday and Holiday; and the Blessed Sacrament administered according to the Rites of the Church of England; and in all matters relating to the Celebration of Divine Worship, you are to advise with the Right Reverend Father-in-God, the Bishop of Nova-Scotia, for the time being.

### XLIII.

**Presentations to Ecclesiastical Benefices.**

Upon the vacancy of any Ecclesiastical Benefice in Our said Island and its Dependencies, you will present to the said Bishop of Nova-Scotia for the time being, for Institution to such vacant Benefice, any Clerk in Holy Orders, of the United Church of England and Ireland, who shall have been actually resident within the said Diocese, and officiating there, as a Clerk in Holy Orders, for Six Calendar Months at the least, next before such benefice shall have become vacant, whom the said Bishop may Certify to you to be a fit and proper Person to fill such vacancy, and to be a Person of Good Life and Conversation, and conformable to the Doctrine and Discipline of the said United Church; but if at the time of any such vacancy occurring there shall not be resident within the said Diocese any Clerk in Holy Orders of the said United Church, who shall have been resident and Officiating therein as aforesaid, in whose favour the said Bishop shall think proper so to Certify to you, or if no such Certificate shall be received by you from the said Bishop within three Calendar Months next after such vacancy shall occur, then, and in either of such cases, you shall forthwith report the circumstance to Us, through one of Our Principal Secretaries of State, to the intent that We may nominate some fit and proper Person, being a Clerk in Holy Orders as aforesaid, to fill the said vacancy; and We do enjoin and command you to present to the said Bishop, for Institution to any such vacant Ecclesiastical Benefice, any Clerk who may be so nominated by Us, through one of Our Principal Secretaries of State.

### XLIV.

**Administration of the Sacrament by persons not in due Orders.**

You are to enquire whether there be any Minister within your Government, who preaches and Administers the Sacrament in any Orthodox Church or Chapel, without being in due Orders, and to give an account thereof to the said Bishop of Nova Scotia.

### XLV.

**Office of Ordinary**

And Whereas doubts have arisen whether the powers of granting Licenses for Marriages, and Probates of Wills, commonly called the Office of Ordinary, which We have reserved to you Our Governor, can be exercised by Deputation from you to any other Person within Our

APPENDIX.  
APPENDIX.

said Island under your Government; it is Our express Will and Pleasure, and you are hereby directed and required not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any Person or Persons whatsoever in Our said Island, under your Government.

XLVI.

And you are to take especial care that a Table of Marriages, established by the Canons of the Church of England, be hung up in every Orthodox Church, and duly observed.

Canon Law of Marriages.

XLVII.

It is Our Will and Pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining Schools, in order to the training up of youth to reading, and to a necessary knowledge of the Principles of the Christian Religion; you are not, however, to give your assent to any Act respecting Religion, without a clause suspending its operation, until Our Pleasure shall have been signified thereupon, unless a draft thereof shall have been previously transmitted by you for Our consideration and approval.

Education.

XLVIII.

And we do further direct that in all matters arising within your Government, connected with the Education of Youth in the Principles of the Christian Religion, according to the Doctrine of the said United Church of England, or connected with the prevention of Vice and Profaneness, or connected with the Worship of Almighty God, or the promotion of Religion and Virtue, you be advising with the Bishop for the time being of the said Diocese of Nova Scotia, and be aiding him in the execution of all such designs and undertakings as may be recommended by the said Bishop for the promotion of any of the objects before mentioned, so far as such designs and undertakings may be consistent with the Law and with your Commission and these Our Instructions.

Governor to advise with the Bishop in Ecclesiastical matters.

XLIX.

And whereas you will receive, through one of Our Principal Secretaries of State, a Book of Tables in Blank, commonly called the Blue Book, to be filled up with certain returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of Our said Island of Newfoundland. Now We do hereby signify Our Pleasure that all such returns be accurately prepared and punctually transmitted to Us, from year to year, through one of Our Principal Secretaries of State; and that no Officer within Our said Island, within whose department it may be necessary to contribute any Return or Returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you any Warrant for the payment of his Official Salary, which may become due and payable to him, so long as such duty shall be in arrear or remain unperformed.

Blue Book.

L.

And in case of any Distress of any other of Our Plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our Island under your Government can spare.

Assistance to neighbouring Colonies.

Ll.

You shall likewise, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the Island under your Government, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made, or advantage gained by Trade, or in what way We may contribute thereto.

Governor to report the wants, products, &c. of the Colony.

LII.

If any thing shall happen which shall be of advantage or security to Our Island and its Dependencies under your Government, which is not herein, or by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take order for the present therein, giving unto Us, through one of Our principal Secretaries of State, speedy notice thereof, so that you may receive our ratification, if we shall approve the same; Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare War without Our knowledge and particular commands therein.

Governor to take advice of Council in cases not provided for in these Instructions

## APPENDIX.

LIII.

Emoluments of the Officer administering the Government in the Governor's absence.

And Whereas We are willing to provide in the best manner for the support of the Government of Our said Island, by setting apart sufficient allowances to such as shall be Our Lieutenant Governor or Commander-in-Chief, residing for the time being within the same; Our Will and Pleasure is, that when it shall happen that you shall be absent from Our said Island, one full moiety of the Salary, and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the time of your absence be paid and satisfied unto such Lieutenant Governor, or Officer administering the Government for the time being, which We do hereby order and allot unto him for his maintenance, and for the better support of the Dignity of Our Government.

LIV.

Governor to make reports of his proceedings.

And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

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### PETITIONS.

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*To the Honorable Her Majesty's Council of Newfoundland,  
in General Session Convened.*

The Memorial of the Inhabitants in the Southern District,

*Humbly sets forth—*

That We, the undersigned, most respectfully beg leave to state that a Petition was lately got up by several persons in this District, through the exercise of deceptive and improper influence, the purport of which was a prayer to the Honorable the House of Assembly to amend the Hospital Act.

That your Memorialists have since been informed that under the name of Amendment Repeal is intended.

That your Memorialists therefore humbly pray Her Majesty's Council will continue in substance the said Act, with such Amendments as in Her Majesty's Council's collective wisdom may be considered useful.

Your Memorialists furthermore humbly presume to observe that the said Act, carried into effective operation, would be made very beneficial to persons requiring and entitled to medical relief under its institution.

And your Memorialists as in duty bound will ever pray.

Ferryland, 14th March, 1840.

(Signed)

THOMAS PRITCHARD,

And 60 others.

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*To the Honorable Her Majesty's Council of Newfoundland,  
in General Assembly convened.*

The Petition of the undersigned Merchants, Traders, and other Inhabitants of Saint John's, in the Island aforesaid,

*Humbly Sheweth—*

That the Commerce of this Colony, unaided by Public Grant, has to compete with Foreign Nations who extend to their Subjects a Bounty on prosecuting the Newfoundland Fisheries.

That already the amount of Taxation payable upon the Imports into this Colony presses heavily upon its Trade, and any additional burthen would, it is to be feared, have a ruinous effect upon the Commerce of the Island, by compelling Merchants to contract their business,

# APPENDIX.

and thus throw out of employment a large portion of those at present engaged in the Fisheries, and who would, from the same cause, have to contend with an enhanced price of Provisions, and other indispensable articles.

That your Petitioners have learned with extreme regret and alarm, that a Bill has passed the House of Assembly, and is now before your Honorable House, having for its object the increase of Taxation.

Your Petitioners earnestly and respectfully pray that your Honorable House will not give the sanction of Law to such an intention, and will withhold your consent from any measure calculated to increase the amount of Taxes at present payable in this Colony.

And your Petitioners will ever pray.

(Signed)

**NICHOLAS GILL,**

And 48 others.

25th April, 1840.

To the Governor, a copy of the Report of the  
 Committee on the Petition of the Fishermen, &c.  
 Relative to the Bill of Despatch from the Secretary to the Board  
 of State, on subject of an Address of the House of Assembly to Her  
 Majesty, 16.  
 With reference to Extract from an Address of the House of Assembly  
 to Her Majesty, 22.  
 For certain Financial Returns, 31.  
 Reports to relief of the Poor, 36, 49.  
 For removal of Process directed to Sheriff of Labrador, 43.  
 To the Queen, of congratulation on Her Majesty's Marriage, 71.  
 To the Governor, requesting his Excellency to forward Address of congratulation  
 to the Queen, 71.

## AMENDMENTS.

- On Sick and Destitute Poor, &c. —
- Amended Bill, 13.
- Contingency Bill (1839), 14.
- Hospital Act in part repeal Bill, 30.
- Bill to declare vacant the seats of Members of the Assembly in certain cases, &c., 36.
- Jury Bill, 48.
- Supply Bill, 49.
- Labrador Revenue Bill, 42.
- Whale Fishery Bill, 31.
- Contingency Bill (1839), 54.
- Contingency Bill (1840), 57.
- Of Assembly, on amendments in Jury Bill, brought up, read first and second time, and committed, 49; not agreed to, 56.
- On Road Commissioners' Outstanding Claims Bill, 60.
- Police Office Fees Bill, 42.
- Revenue Bill, 57.
- (Second) Revenue Bill, 57.

## BILLS.

- Provided for Sick and Destitute Poor, — brought up and read first time, 9; read second time, 9; committed, 10; reported, with amendments, 10; read third time, 11; Conference on, ordered, 11, 11; passed and signed, 12.
- Providing for Contingencies of the Revenue — brought up and read first time, 12; read second time, 12; committed, 13, 16; reported, with amendments, 16; read third time, 18; passed and signed, 18.
- Relief of Poor, — brought up and read first time, 10; read second time, 10; committed, 10; reported, with amendments, 10; read third time, 16; passed and signed, 14.
- Road Law, — brought up, 22; read first time, 23; read second time, 23; committed, 23; ordered to be reported in six weeks, 23.
- Provision for making and repairing Roads, — brought up, 22; read first time, 23; read second time, 23; committed, 24, 31, 32; read, 25.



# INDEX.

## ADDRESSES,

- To Governor, in reply to his Speech on Opening the Session, 7.
- Requesting Copy of Royal Instructions, 17.
- Relative to Extract of Despatch from his Excellency to the Secretary of State, on subject of an Address of the House of Assembly to Her Majesty, 18.
- With reference to Extract from an Address of the House of Assm- bly to Her Majesty, 22.
- For certain Financial Returns, 24.
- Relative to relief of the Poor, 25, 40.
- For returns of Process directed to Sheriff of Labrador, 42.
- To the Queen, of congratulation on Her Majesty's Marriage, 71.
- The Governor, requesting his Excellency to forward Address of congratulation to the Queen, 71.

## AMENDMENTS,

- On Sick and Destitute Poor Bill, 10.
- Relief of Poor Bill, 16.
- Contingency Bill of last Session, 16.
- Hospital Act in part repeal Bill 36.
- Bill to declare vacant the seats of Members of the Assembly in certain cases, &c., 38.
- Jury Bill, 46.
- Supply Bill, 49.
- Labrador Revenue Bill, 52.
- Whale Fishery Bill, 53.
- Contingency Bill (1839), 56.
- Contingency Bill (1840), 57.
- Of Assembly, on amendments in Jury Bill, brought up, read first and second time, and committed, 59; not agreed to, 59.
- On Road Commissioners' Outstanding Claims Bill, 60.
- Police Office Fees Bill, 60.
- Revenue Bill, 63.
- (Second) Revenue Bill, 67.

## BILLS,

- Provision for Sick and Destitute Poor,—brought up and read 1st time, 9; read second time 9; Committed, 10; reported, with amendments, 10; read third time, 11; Conference on, ordered, 11, 13; passed and signed, 12.
- Providing for Contingencies of last Session,—brought up and read first time, 12; read second time, 13; Committed, 13, 16; reported, with amendments, 16; read third time, 18; passed and signed, 18.
- Relief of Poor,—brought up and read first time, 16; read second time, 16; Committed, 16; reported, with amendments, 16; read third time, 16; passed and signed, 16.
- Road Loan,—brought up, 22; read first time, 23; read second time, 23; Committed, 33; ordered to be re-committed in six months, 33.
- Provision for making and repairing Roads,—brought up, 22; read first time, 23; read second time, 23; Committed, 30, 31, 35; lost, 35.

# INDEX.

## BILLS—(Continued.)

- To Repeal 10th Section of Nuisance Act,—brought up and read first time, 24; ordered to be read a second time in three months, 31.
- Clerk of Courts,—brought up and read first time, 25; read second time, 26; Committed, 29; reported, 29; read third time, 30; passed and signed, 30; assented to by Governor, 72.
- For support of Paupers,—brought up and read first time, 26; read second time, 26; Committed, 27; reported 27; read third time, 27; passed and signed, 27; assented to by Governor, 28.
- Steam Navigation,—brought up and read first time, 30; read second time, 31; Committed, 33; reported, 33; read third time, 34; signed and passed, 34; assented to by Governor, 72.
- For Regulating Returns and Details of various Offices in the Colony,—brought up and read first time, 32; ordered to be read second time in six months, 32.
- Hospital Act Amendment,—brought up and read first time, 32; read second time, 34; Committed, 35, 36; reported, with amendments, 36; read third time, 38; passed and signed, 38.
- Fraud Prevention,—brought up and read first time, 32; to be read second time in six months, 33.
- Carbonear Grammar School,—brought up and read first time, 32; read second time, 33; Committed, 34; lost, 34.
- Encouragement of Ship Building,—brought up and read first time, 32; read second time, 33; Committed, 34; lost, 35.
- To Establish an Academy,—brought up and read first time, 34; read second time, 35.
- To Declare Vacant Seats of Members of Assembly in certain cases, &c.—brought up and read first time, 34; read second time, 35; Committed, 37, 38; reported with amendments, 38; read third time, 39; passed and signed, 39.
- To Regulate the Empannelling of Juries, &c.—brought up and read first time, 34; read second time, 35; Committed, 41, 43; reported, with amendments, 43; re-committed, 45, 46; reported with amendments, 46; read third time and passed, 50.
- To Provide for Disposal of Crown Lands, &c.—brought up and read first time, 34; read second time, 35; Committed, 37, 38; referred to a Select Committee to report thereon, 40.
- To regulate the Office of Sheriff, &c.—brought up and read first time, 37; ordered to be read a second time in six months, 39.
- Registration of Voters Act repeal,—brought up and read first time, 40; read second time, 40; ordered to be Committed in three months, 41.
- Whale Fishery Bill brought up and read first time, 41; read second time, 42; Committed, 52, 53; reported, with amendments, 53; read third time, 55; passed and signed, 55; assented to by Governor, 72.
- To Establish Academies in this Colony, brought in and read first time, 42; read second time, 43; Committed, 43, 51.
- Providing for Collection of Revenue at Labrador, &c.—brought up and read first time, 42; read second time, 42; Committed, 52; reported, with amendments, 52; Conference ordered on, 53.
- For the more easy Decision of Differences between Masters and Servants, &c., brought up and read first time, 42; read second time, 43.
- Supply,—brought up and read first time, 45; read second time, 45; Committed, 49; reported, with amendments, 49; read third time, 50; passed and signed, 50.
- Regulating Fees in Police Offices,—brought up and read first time, 45; read second time, 46; Committed, 58, 60; reported, with amendments, 60; read third time, 62; passed and signed, 62.
- (Second) Supply,—brought up and read first time, 55; read second time, 55; Committed, 55; reported, 55; read third time, 56; passed and signed, 58; assented to by Governor, 72.

# INDEX.

## BILLS—(Continued.)

- Revenue,—brought up and read first time, 55; read second time, 55; Committed, 55, 63; reported, with amendments, 63; Conference ordered on, 63; read third time, 66; passed and signed, 66.
- Providing for Contingencies (1839),—brought up and read first time, 55; read second time, 56; Committed, 56; reported, with amendments, 56; read third time, 59; passed and signed, 59; Conference on, requested by Assembly, and ordered, 62; Conference on, ordered, 65; left with Conferees in Conference, to be returned to the Assembly, 66.
- Providing for Contingencies (1840),—brought up and read first time, 56; read second time, 56; Committed, 57; reported, with amendments, 57; read third time, 59; passed and signed, 59; Conference on, requested by Assembly, and ordered, 62; Conference on, ordered, 65; left with Conferees in Conference, to be returned to the Assembly, 66.
- Supplementary Supply,—brought up and read first time, 58; read second time, 58; Committed, 58; reported, 58; read third time, 58; passed and signed, 58; assented to by Governor, 72.
- For Defraying Outstanding Claims on Board of Road Commissioners, &c.—brought up and read first time, 59; read second time, 59; Committed, 59; reported, with amendments, 59; read third time, 62; passed and signed, 62.
- Road Commissioners Outstanding Claims (Second),—brought up and read first time, 63; read second time, 64; Committed, 64; reported, 64; read third time, 64; passed and signed, 64; assented to by Governor, 72.
- Police Offices Fees (Second),—brought up and read first time, 66; read second and third time, passed and signed, 66; assented to by Governor, 72.
- Tonnage Duties,—brought up and read first and second time, 66; Committed, 66; reported, and read third time, passed and signed, 66; Governor's assent thereto refused, 72.
- Revenue (Second)—brought up and read first and second time, 67; Committed, reported, and read third time, 67; Conference ordered on, 67; amendments thereto, 67; passed and signed, 68; assented to by Governor, 72.
- Tonnage Duties (Second)—brought up, 69; read first and second time, 70; Committed, reported, read third time, passed and signed, 70; assented to by Governor, 72.

## CALL OF THE HOUSE, 10.

## COLONIAL SECRETARY,

- Presents Documents,—6, 9, 10, 13, 20, 21, 22, 24, 30, 44, 46, 68.  
Letter from, relative to proroguing the Legislature, 67.

## COMMITTEES,

- Select—to draft Address to the Governor in reply to his Speech, 6.  
Select—to draft Address to the Governor with reference to Extract of Despatch to Secretary of State, 7; report a draft, 18.  
On Address to the Governor, 7.  
Select—to wait on the Governor to know when his Excellency would receive the Address, 8; report of, 8.  
Select—to draft Instructions to Conferees on Sick and Destitute Poor Bill, 11; report of, 11.  
On Instructions to Conferees on Poor Bill, 11; report of, 11.  
Select—to draft Address to the Governor requesting copy of Royal Instructions, 13; report a draft, 17.  
On Contingency Bill of last Session, 13, 16.  
On Relief of Poor Bill, 16.

# INDEX.

## COMMITTEES—(Continued.)

Select—to wait on the Governor to know when he would receive Address requesting copy of Royal Instructions, 18.

On Address to Governor relative to Extract of Despatch to Secretary of State, 18, 19, 20.

Select—to draft Address to the Governor relative to extract of Address from the House of Assembly to Her Majesty, 21; report a draft, 21.

Select—to meet Committee from Assembly on subject of Steam Navigation, 23; report resolution, 26.

Select—to present Address to the Governor for certain Financial Returns, 24; report of, 24.

Select—to report on Financial Documents, 25; report of, 28.

On Message from the Governor on the subject of an Address of the Assembly relative to the relief of the Poor, 25; report a resolution and draft of Address to the Governor, 25.

Select—to ascertain when his Excellency would be pleased to receive Address, and to present it, 25; report of, 26.

On Clerk of Courts' Bill, 29.

On Road Bill, 30, 31, 35.

Select—to report on the Statistics of the Money already granted by the Legislature for Roads, 31; report of, 32.

On Road Loan Bill, 33.

— Steam Navigation Bill, 33.

— Carbonear Grammar School Bill, 34; report of, 34.

— Bill for encouragement of Ship Building, 34.

— Hospital Act amendment Bill, 35, 36.

— Bill to regulate the office of Sheriff &c., 37.

— Bill for declaring vacant the seats of Members of Assembly in certain cases, &c., 37, 38.

— Bill for disposing of Crown Lands, &c., 37, 38.

— Message from the Governor on the subject of an Address from the Assembly requesting him to draw monies from the Treasury for the Relief of the Poor, 39; report a draft of Address to his Excellency, 39.

Select—to report on Bill for disposing of Crown Lands, 40.

On Jury Bill, 41, 43, 45, 46.

Select—on Contingent expenses of Council, 42; report of, 45.

Select—to prepare Address to the Governor for returns of Process directed to the Sheriff of Labrador, 42; report a draft, 43.

Select—to wait on the Governor to know when his Excellency would receive the Address, and to present it, 43; report of, 43.

On Academies Bill, 43, 51.

— Supply Bill, 49.

— Report of Select Committee on Contingencies of Council, 50.

— Labrador Revenue Bill, 52.

— Whale Fishery Bill, 52, 53.

Select—to draft Instructions to Conferees on Labrador Revenue Bill, 53; report a draft, 54.

On Supply Bill, 55.

— Revenue Bill, 55, 63.

— Contingency Bill (1839), 56.

— Contingency Bill (1840), 57.

— Police Office Fees Bill, 58, 60.

— Supplementary Supply Bill, 58.

# INDEX.

## COMMITTEES—(Continued.)

- On Assembly's Amendment on Jury Bill, 59.
- Road Commissioners' Outstanding Claims Bill, 59.
- Select—to draft Instructions to Conferees on Revenue Bill, 63; report a draft, 64.
- On (Second) Road Commissioners' Outstanding Claims Bill, 64.
- Instructions to Conferees on Revenue Bill, 64.
- Select—to draft Instructions to Conferees on Contingency Bills, 65; report a draft, 65.
- On Tonnage Duties Bill, 66.
- (Second) Revenue Bill, 67.
- Select—to draft Instructions to Conferees on subject of adding Suspending Clause to Tonnage Duties Bill, 69; report a draft, 69.
- Select—to draft Instructions to Conferees on subject of Message from Assembly relative to Tonnage Duties Bill, 70.
- On (Second) Tonnage Duties Bill, 70.
- Select—to prepare an Address of Congratulation to the Queen upon Her Majesty's Marriage, 70; who report an Address, 71.
- Select—to draft an Address to the Governor, requesting His Excellency to forward the Address of Congratulation to the Queen, 71.

## CONFERENCES, ORDERED,

- On Sick and Destitute Poor Bill, 11, 13. /
- Subject of Message from House of Assembly relative to an Error in the Paupers' Relief Bill, 27; Report of Conferees, 27.
- Labrador Revenue Bill, 53.
- Contingency Bills, 62, 65.
- Revenue Bill, 63, 65.
- (Second) Revenue Bill, 67.
- The annexation of a Suspending Clause to Tonnage Duties Bill, 69.
- Subject of Message from the House of Assembly with (Second) Tonnage Duties Bill, 70.

## CONTINGENCIES OF COUNCIL,

- Amount of, requested by Assembly, 41.
- Select Committee appointed to report thereon, 42; their report respecting, 45.
- Select Committee's report thereupon, Committed, 50.
- Particulars of, transmitted by Message to the House of Assembly, 50.

## COUNCIL,

- Proceeds to Government-House with its Address in answer to His Excellency's Speech, 8.
- Ditto ditto with Address to the Governor requesting His Excellency to forward Address of Congratulation to the Queen, 71.

## DOCUMENTS—Presented by Colonial Secretary.

- Extract of a Despatch from Governor to Secretary of State, 6.
- Return of Wolves Killed, 9.
- Rules of Board of Education for the District of St. John's, 9.
- Copies of Correspondence with the Secretary of State for the Colonies, &c., relative to the Disposal of Crown Lands, 9.
- Copy of a Despatch from the Secretary of State for the Colonies relative to remuneration to the Collector of the Customs for collecting the Colonial Revenue, 9.

# INDEX.

## DOCUMENTS Presented—(Continued.)

- Report of Commissioners of Light-Houses, suggesting the Erection of Light-Houses on Bacalieu Island and Cape Pine, 10.
- Report on the Geology of Newfoundland, by J. B. Jukes, Esq., 13.
- Return of Schools, &c., (under Education Act) for District of Placentia and St. Mary's, 13.
- Petition of the Board of Education for District of St. John's, for an increase of the Annual Vote, 13.
- Extract of an Address from the House of Assembly to Her Majesty, 20.
- Estimate of the charge of defraying the Public Expenditure of Newfoundland, in the year ending 30th June, 1841, 21.
- Statement of services inadequately provided for by the appropriation Act for the year ending 30th June, 1840, 21.
- Treasurer's Account with the Colony for the half year ended 1st January, 1840, 21.
- Consolidated Account Current of Receipts and Payments of Her Majesty's Customs for the year ending 5th January, 1840, 22.
- Consolidated Account Current of Goods Imported into this Colony for the year ended 5th January, 1840, 22.
- Treasurer's Statement of the Net Revenue of the Colony for the years 1833-7 and 8, 24.
- Statement of the Debts of the Colony, and Amount applicable to their liquidation, 24.
- Collector of Customs' Return of the probable Amount he will have to pay over to the Treasurer for the half year ending 5th July, 1840, 24.
- Report of the Board of Road Commissioners for District of St. John's, 30.
- Sundry Despatches from Secretary of State for the Colonies, (numbered respectively, 22, 24, & 28), 44.
- Letter from Chairman of Road Commissioners at St. John's, respecting certain works in progress, 44.
- Return of Process Issued out of Supreme Court against Persons residing on Coast of Labrador, 46.
- Royal Instructions, 68.

## GOVERNOR,

- Arrives at the Council Chamber, 5, 28, 71.
- His Speech on Opening Session, 5.
- Address to, in reply to His Speech, 7.
- His answer to the Address in reply to His Speech, 9.
- Message from, with Rules of St. John's Board of Education, 9.
- His reply to Address relative to Extract of Despatch to Secretary of State, &c., 21.
- Assents to Bill for Relief of Paupers, 28.
- Assents to sundry Bills, 72.
- Refuses his assent to Additional Duties (Tonnage) Bill, 72.
- His Speech on Proroguing the Legislature, 72.

## GENERAL ASSEMBLY,

- Convened, 3.
- Prorogued, 73.

## INSTRUCTIONS TO CONFEREES,

- Council's—on Sick and Destitute Poor Bill, 11.
- Assembly's—on do. do. 14.

## INDEX.

### INSTRUCTIONS TO CONFEREES—(Continued.)

- Council's—on subject of a Message from the House of Assembly relative to an error in the Paupers' Relief Bill, 27.  
—— —on Labrador Revenue Bill, 54.  
Assembly's—on Contingency Bills, 62.  
Council's—on Revenue Bill, 64.  
—— —on Contingency Bills, 65.  
Assembly's—on the Revenue Bill, 66.  
Council's—on (Second) Revenue Bill, 67.  
Assembly's—on subject of annexing Suspending Clause to Tonnage Duties Bill, 69.  
Council's—on ditto ditto ditto, 69.  
—— —on Tonnage Duties Bill, 70.

### MESSAGES from the Governor,

- With Extract of Despatch from His Excellency to the Secretary of State, with reference to an Address of the House of Assembly to Her Majesty, 6.  
—— Rules of St. John's Board of Education, 9.  
Transmitting Extract of an Address from the House of Assembly to Her Majesty, 20.  
With sundry Documents, 10, 13, 20, 21, 22, 24, 30.  
On the subject of an Address of the Assembly relative to the Relief of the Poor, 24.  
On subject of Act 1st Victoria, Cap. 4, 37.  
With Copy of Despatch on subject of the "Blue Book," 37.  
On the subject of an Address from the Assembly requesting His Excellency to draw Monies for the Relief of the Poor, 39.  
With sundry Despatches from the Secretary of State, (numbered respectively, 22, 24, & 28), 44.  
—— Letter from Chairman of Road Commissioners at St. John's, 44.  
—— Return of Process of Supreme Court, issued against Persons residing on Coast of Labrador, 46.  
Relative to Tonnage Duties Bill, 68.  
With Copy of Royal Instructions, 68.

### MESSAGES from the House of Assembly,

- With Sick and Destitute Poor Bill, 9.  
—— Contingency Bill of last Session, 12.  
Acceding to Conference requested on Sick and Destitute Poor Bill, 12.  
Requesting Conference on subject-matter of last Conference (Sick and Destitute Poor Bill, 13.  
With Bill Providing for Relief of Poor, 16.  
—— Road Loan Bill, 22.  
—— Road Bill, 23.  
Relative to the appointment of a Select Committee on the subject of Steam Navigation, 23.  
With Bill to Repeal, in part, Nuisance Act, 24.  
—— Clerk of Courts' Bill, 25.  
—— Paupers' Relief Bill, 26.  
On subject of Error in Paupers' Relief Bill, 27.  
Acceding to Conference requested on Error in Paupers' Bill, 28.  
With Steam Navigation Bill, 30.

## INDEX.

### MESSAGES from the House of Assembly—(Continued.)

With Bill for Regulating Returns and Details of the various Offices of this Colony, 32.

— Hospital Act Amendment Bill, 32.

— Fraud Prevention Bill, 32.

— Carbonear Grammar School Bill, 32.

— Building of Vessels Encouragement Bill, 32.

— Academy Bill, 34.

— Members of Assembly Seat-Vacating Bill, 34.

— Jury Bill, 34.

— Crown Lands Bill, 34.

Transmitting particulars of certain Charges in Road Bill, 35.

With Sheriffs' Bill, 37.

— Whale Fishery Bill, 41.

— Registration of Voters' Act Repeal Bill, 42.

For amount of Council's Contingent Expenses, 41.

With Labrador Revenue Bill, 42.

— Masters' and Servants' Bill, 42.

— Supply Bill, 45.

— Police Offices Fees Bill, 45.

Acceding to Conference requested on Labrador Revenue Bill, 55.

With Supply Bill, 55.

— Revenue Bill, 55.

— Contingency Bill (1839), 55.

— Contingency Bill (1840), 56.

— Supplementary Supply Bill, 58.

Agreeing to Amendments on Jury Bill, with an Amendment, and to the Amendments on the Whale Fishery Bill, 59.

With Road Commissioners Outstanding Claims Bill, 59.

Requesting Conference on Contingency Bills, 62.

With (Second) Road Commissioners Outstanding Claims Bill, 63.

Acceding to Conference requested on Revenue Bill, 65.

Acceding to Conference on Contingency Bills, 66.

With (Second) Police Offices Fees Bill, 66.

— Tonnage Duties Bill, 66.

— (Second) Revenue Bill, 67.

Acceding to Conference on (Second) Revenue Bill, 68.

Assenting to Amendments on (Second) Revenue Bill, 68.

Requesting Conference on a Message from the Governor, 68.

Acceding to Conference requested on the subject of adding a Suspending Clause to Tonnage Duties Bill, 69.

With (Second) Tonnage Duties Bill, 69.

Acceding to Conference requested on Tonnage Duties Bill, 70.

### MESSAGES to the Assembly.

Requesting particulars of certain Sums in the Road Bill, 31.

Transmitting Amount of Contingencies of Council, 50.

Acquainting that House that the Council did not agree to its amendment on the Jury Bill, 59.

Returning Contingency Bills to Assembly, 66.

# INDEX.

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## NOTICES OF MOTIONS,

- For leave to bring in a Bill to establish Academies in this Colony, 41.
- present a petition from certain Inhabitants of Southern District, relative to Hospital Act, 44.
- present a Petition from A. Hogsett, Esq., 50.

## ORDERS OF THE DAY DISCHARGED,

- For Committal of Crown Lands Bill, 40.
- third reading of Jury Bill, 44.

## PETITIONS (presented),

- From St. John's Board of Education, praying for an increase of the annual vote for the purposes of Education, 13.
- Certain Inhabitants of Southern District, praying that the Hospital Act might not be repealed, 50.
- Aaron Hogsett, Clerk of Peace, on subject of a Bill before the House to establish the Fees in the several Police Offices and Courts of Sessions in this Colony, 56.
- Certain Merchants and others, against further Taxation, 58.

## PRINTED—ordered to be,

- Documents on subject of Crown Lands, 10.
- Report of Road Commissioners—St. John's District, 30.
- Two Despatches from Secretary of State (numbered respectively 22 and 28), 44.
- Jury Bill, 49,
- Royal Instructions, 68.

## PUBLISHED—ordered to be,

- Road Loan Bill, 24.

## PROCLAMATION,

- Convening General Assembly, 3.

## QUORUM,

- House adjourned for want of, 21, 31, 40.

## RULES OF THE HOUSE,

- 38th dispensed with, 9, 16, 26, 45, 55, 56, 58, 59, 63, 66, 67, 70.
- 42d dispensed with, 58.

## RESOLUTIONS,

- On the subject of an Address to the Governor, relative to the relief of the Poor, 25.
  - Steam Navigation, 26.
- 

## APPENDIX.

- Estimate of the charge of defraying the Public Expenditure of Newfoundland, for the year ending 30th June, 1841.
- Despatch from Secretary of State for the Colonies, (No. 9), with its enclosure, relative to remuneration to the Collector of Customs.

# INDEX.

- Despatch from Secretary of State (No. 14), relative to certain Acts of Legislature.  
Order in Council, leaving certain Acts of Legislature to their operation.  
Circular Despatch from Secretary of State, relative to Blue Book.  
Despatch from Secretary of State, (No. 22), with enclosures, relative to Post Office.  
Do. do. do. (No. 24) relative to charges of the House of Assembly against the Governor, the Council, and Mr. Archibald.  
Do. do. do. (No. 28), relative to charges advanced by the House of Assembly against the Council.  
Correspondence with the Secretary of State for the Colonies, and other Documents, relative to the Disposal of the Crown Lands.  
Report of the Board of Road Commissioners for the District of St. John's.  
Particulars of outstanding Claims on Board of Road Commissioners.  
Letter from the Chairman of Board of Road Commissioners.  
Letter from Commissioners of Light Houses.  
Bye-Laws, &c., of Board of Education for District of St. John's.  
Petition from St. John's Board of Education, for an increase of the annual vote for the purposes of Education.  
Return of Schools, &c., (under Education Act) in the District of Placentia and St. Mary's.  
Customs' Consolidated Account of Goods imported into this Colony in the year ended 5th January, 1840, &c.  
Do. Account Current of Receipts and Payments for the year ended 5th January, 1840.  
Detailed Account of all Process issued out of the Supreme Court against Persons on the Coast of Labrador, &c.  
The Royal Instructions.  
Petition from certain Inhabitants of the Southern District, praying that the Hospital Act might not be repealed.  
Petition from certain Merchants and other Inhabitants of St. John's against further taxation.