

JOURNAL

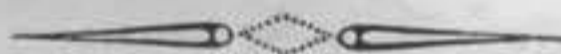
WILLIAM the Fourth, by the Grace of God, of the United Kingdoms of Great Britain and Ireland, King, Defender
(L.S.)
H. PRESCOTT, of the Parish, &c.

OF

HER MAJESTY'S COUNCIL

OF

NEWFOUNDLAND.



FIRST 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.

1837.

JOURNAL

OF

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FIRST SESSION, SECOND GENERAL ASSEMBLY

His Excellency HENRY PRINCEOTT, Esquire

Comptroller of the Most Honorable Military Order of the Province

GOVERNOR.



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HER MAJESTY'S COUNCIL.

PROCLAMATION.

(L. S.)
H. PRESCOTT.

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.

To all to whom these presents shall come, Greeting.

WHEREAS We are desirous and resolved, as soon as may be, to summon and call together the GENERAL ASSEMBLY of our Island of *Newfoundland*; We do, therefore, by and with the advice and consent of our Council of our said Island, hereby summon and call together a GENERAL ASSEMBLY in and for our said Island, to meet at St. John's in our said Island, on the *Thirtieth* day of *June* now next ensuing: And We do further declare, that We have this day given orders for the issuing of Writs in due form for the Election, summoning and calling together the said General Assembly, which Writs are to bear teste the tenth day of April instant, and to be returnable on the said 30th day of *June* next ensuing: And we do, by these presents, further declare and make known that the Election of the Members of the said General Assembly shall be made according to the forms and provisions prescribed in and by our several Proclamations heretofore issued in such behalf, bearing date respectively the 26th day of July, and the 20th day of September, 1832, in the Third year of our Reign; and also in pursuance of the provisions and regulations contained in a certain act of the Governor, Council and Assembly of our said Island passed in the Fourth year of our Reign, intituled "An Act for registering the names of persons entitled to vote at Elections; and also in pursuance of the provisions of another act of the Governor, Council and Assembly of our said Island, passed in the Fifth year of our Reign, (being chapter 2nd,) to amend the said last mentioned act.

Given under the Great Seal of our said Island.

Witness our trusty and well-beloved HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, our Governor and Commander-in-Chief in and over our said Island and its Dependencies, at St. John's, in our said Island, the Eighth day of April, in the Seventh year of our Reign.

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

PROCLAMATION.

(L. S.)
H. PRESCOTT.

By 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.

WHEREAS by His Majesty's Proclamation bearing date the Eighth day of April instant, the GENERAL ASSEMBLY of this Island is called to meet on Friday the Thirtieth day of June, now next ensuing: And whereas I think it fit and expedient, by virtue of the power and authority in me vested, to Prorogue the said General Assembly until Monday the Third day of July, now next ensuing: I do, therefore, by these presents, Prorogue the said General Assembly until Monday the said Third day of July next, then to meet for the despatch of business: And all persons concerned in the premises are required and commanded to take due notice hereof and govern themselves accordingly.

Given under my Hand and Seal, at the Government House at St. John's, in the aforesaid Island, the Tenth day of April, 1837, in the Seventh year of His Majesty's Reign.

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

PROCLAMATION

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.

(L. S.) H. PRESCOTT

To all to whom these presents shall come, greeting.

WHEREAS We are desirous and resolved as soon as may be, to summon and call together the General Assembly of our Island of New South Wales, by and with the advice and consent of our Council of our said Island, hereby summoned and called together, to meet at St. John's in our said Island, on the XXVth day of June next ensuing: And We do further declare, that We have this day given orders for the issuing of Writs in due form for the Election, summoning and calling together the said General Assembly, which Writs are to bear date the tenth day of April instant, and to be returnable on the said 20th day of June next ensuing: And we do, by these presents, further declare and make known that the Election of the Members of the said General Assembly shall be made according to the forms and provisions prescribed in and by our several Proclamations heretofore issued in such behalf, bearing date respectively the 20th day of July, and the 20th day of September, 1832, in the Third year of our Majesty: and also in pursuance of the provisions and regulations contained in a certain act of the Governor, Council and Assembly of our said Island passed in the Fourth year of our Majesty, intitled "An Act for registering the names of persons entitled to vote at Elections; and also in pursuance of the provisions of another act of the Governor, Council and Assembly of our said Island, passed in the Fifth year of our Majesty, (being chapter 2nd,) to amend the said last mentioned act.

Given under the Great Seal of our said Island.

Witness ourself, and well-beloved HENRY PRESCOTT, Esquire, Companion of the Most Honourable Military Order of the Bath, our Governor and Commander-in-Chief in and over our said Island, and its Dependencies, at St. John's, in our said Island, the Eighth day of April, in the Seventh year of our Majesty.

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

PROCLAMATION

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 New South Wales and its Dependencies, &c.

(L. S.) H. PRESCOTT

WHEREAS by His Majesty's Proclamation bearing date the Eighth day of April instant, the General Assembly of this Island is called to meet on Friday the Thirtieth day of June next ensuing: And whereas I think it fit and expedient, by virtue of the power and authority in me vested, to prorogue the said General Assembly until Monday the Third day of July, now next ensuing: I do, therefore, by these presents, Prorogue the said General Assembly until Monday the said Third day of July next, then to meet for the despatch of business: And all persons concerned in the premises are required and commanded to take the notice thereof and govern themselves accordingly.

HER MAJESTY'S COUNCIL,

NEWFOUNDLAND.

FIRST SESSION, SECOND GENERAL ASSEMBLY,

1st VICTORIA.

Monday, 3d July, 1837.

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

At half-past Twelve of the clock the House met—

House meets.

Present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

At 1 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, the Honorable the President said,—

Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

Honorable Gentlemen, and Gentlemen of the Assembly,

I am commanded by His Excellency the Governor to acquaint you that His Excellency does not think fit to declare the causes for which he has summoned the Legislature until there be a Speaker of the House of Assembly: it is therefore His Excellency's pleasure that you, Gentlemen of the House of Assembly, do forthwith repair to your Chamber, and there choose a fit person to be your Speaker, and that you present the person whom you shall have so chosen, to His Excellency in this House for his approbation.

The President declares His Excellency's pleasure that the Assembly choose a Speaker.

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

The Assembly retire.

At half-past 1 of the clock, His Excellency being again seated on the Throne, the Honorable the President commanded the Usher of the Black Rod to acquaint the Assembly that it is His Excellency's pleasure that they attend here immediately in this House—who being come,—

The Assembly summoned to attend.

MR. MORRIS said—

MAY IT PLEASE YOUR EXCELLENCY,

The House of Assembly, in obedience to Your Excellency's commands, have proceeded to the election of a Speaker, and I now have the honor to present to Your Excellency William Carson, Esquire, Member for St. John's, whom they have chosen to fill that office.

Mr. Morris presents Mr. Carson as Speaker.

Then the President of the Council said—

MR. CARSON,

His Excellency the Governor commands me to declare to you, that in full assurance of your ability, discretion and zeal, he entirely approves of the choice which the Assembly have made, and does confirm and allow you to be their Speaker.

The Governor confirms Mr. Carson as Speaker.

The Speaker of the Assembly then said—

MAY IT PLEASE YOUR EXCELLENCY,

Your Excellency having been pleased to approve of the choice the House of Assembly have made of me to be their Speaker, it becomes my duty as such, in the name of the Repre-

The Speaker entreats from His Excellency the privileges of his voice.

3rd July, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

representatives of His Majesty's loyal subjects the people of Newfoundland, humbly to demand that they may have freedom of Speech in their debates—that they and their servants may be free from arrest,—and that whenever His Majesty's Service and the interests of the Colony may require it, I, as their Speaker, may have free access to your Excellency's person.

I have also humbly to request that the same disposition which has induced your Excellency to approve of the choice which the Assembly have made of me to be their Speaker, will lead your Excellency to put the same favorable construction upon my conduct in discharging the duties of this important office—and may God grant to our most Gracious Sovereign King William the Fourth a long and prosperous reign.

The President of the Council then said—

MR. SPEAKER,

His Excellency the Governor commands me to assure you that he extends to you, in the most ample manner, all the privileges which have at any time been enjoyed by your predecessors in office as Speaker of the Assembly.

The Governor extends to the Speaker all the privileges enjoyed by his predecessors in office.

His Excellency was then pleased to open the present Session by a Gracious Speech to both Houses, of which the following is a copy:—

Mr. President, and Honorable Gentlemen of the Council;

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

I have to inform you that the Act for the protection of the Fisheries has been disallowed by His Majesty.

His Excellency's Speech.

The Act for regulating the printing and publishing of Books, Newspapers and Papers of a like nature, has been specially confirmed; and the remaining enactments of the late Session are left to their operation.

Of these, one for the relief of Sick and Disabled Seamen has proved effective only in the Districts of St. John's and Ferryland.

A prejudice having been excited against this Law, the persons elsewhere entitled to elect Directors refuse to exercise that privilege; and as no provision is made in such a contingency for the nomination of those Functionaries by any other process, the Act becomes a dead letter.

You will determine whether it be most advisable to remedy the defect I have stated, to modify the Act in other particulars, or altogether to repeal it.

The Hospital at River-Head having, under a stipulation providing for the accommodation of Lunatics and Pauper Patients, been made over to the Directors for this District, has been by them greatly enlarged and improved.

It will, I trust, in every circumstance be found serviceable to the Public, and consequently entitled to your favor and protection.

The Act for the encouragement of Education, so benevolently conceived and so honorable to the Legislature, has also, I regret to say, met with considerable impediments.

One District is for the present entirely deprived of its intended benefits, and in but few places is its operation cordial and complete.

I shall forward to you various letters and documents relating to this point, and most readily shall I assent to any measure that may tend to assuage religious jealousies and apprehensions, and promote the inestimable blessing of universal instruction.

I am here naturally led to the renewal of my former recommendation respecting the foundation of a Seminary for the higher branches of learning, combined with useful and elegant accomplishments.

The last Act to which I think it necessary to advert, is *that* for ascertaining the Census and other Statistical information.

From Twillingate and Fogo I have as yet no return: You will immediately receive all the others in the prescribed form; and they appear, especially as regards the Census, to be made with commendable accuracy.

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

I embrace this opportunity of expressing my regret at the inconvenience to which some of your Members may have been exposed by the double Election.

3rd July, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

I shall lay before you copies of correspondence between the Parent and Local Governments, fully explanatory of the circumstances which rendered so unusual a proceeding necessary on the late occasion.

As the Revenue Acts, unless renewed, will expire with the Session, I would suggest them as subjects for early deliberation.

The existing duties have proved light and harmless in their effect upon Trade, while they have yielded ample means for the ordinary routine of Government, and have also permitted large appropriations for the formation of Roads, the construction of Bridges, the advancement of Education, the encouragement of useful Charitable Institutions, and many other important objects.

These, I am convinced, will receive your support; and as the progressive improvement, the welfare and prosperity of the Island, mainly depend upon the continuance of the present financial system, I doubt not that its principle will be firmly upheld.

The account of the Expenditure of the last, and the Estimate of what will be required for the current year, shall be immediately sent down.

As the first Quarter is already ended, I hope that you will without delay enable me to pay up the Salaries due, and also to discharge the debt contracted for the Sick and Destitute, and for matters essential to the Administration of Justice.

Any recurrence of inconvenience of the existing description, may be prevented by hereafter commencing the financial year with the month of July.

I submit for your decision the expediency of making provision for a Stipendiary Magistrate at the Burgeo Islands, a material part of whose duty it would be to prevent the abstraction of bait by Foreigners.

It is also worthy of your reflection whether it may not be desirable to establish a Colonial Vessel for general purposes—such as, amongst others, the Governor's inspection of the Outports, the occasional conveyance of the Judges on Circuit, and the protection of the Revenue.

I was induced last year to authorize the Collector of the Customs to hire a small Schooner in the hope of discovering and bringing to punishment the authors of a gross act of smuggling in the neighbourhood of La Poile, the documents connected with which transaction are prepared for your inspection.

The wretched state of the Jail and Court-House of St. John's has frequently been made known to the Legislature.

It has been repeatedly presented by Grand Juries, and Estimates have been delivered of the amount of necessary repairs.

These I have now included in the general annual statement, hoping that so great an evil will at length be remedied.

I have only further to observe, in reference to the public expenditure, that it is my desire to act in accordance with your wishes and to practise a strict economy.

Mr. President, and Honorable Gentlemen of the Council;

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

I am commanded to bring under your consideration the subject of Prison Discipline, and to lay before each branch of the Legislature a copy of reports of a Committee of the House of Lords on Gaols and Houses of Correction; and also of an Act of the Imperial Parliament "for effecting greater uniformity of practice in the Government of the several Prisons in England and Wales."

It is the opinion of His Majesty's Principal Secretary of State, that although, from the nature of the investigation conducted by the Committee of the House of Lords, some of the observations in their reports, and of the recommendations embodied in their resolutions, are necessarily of an exclusive nature, yet there are many others which are of general application, and which, with such modifications only as are demanded by local circumstances, might probably be advantageously introduced into this Island.

I shall add to these reports some documents which you may find useful in this important examination.

3rd & 5th July, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

I am likewise directed to supply you with a copy of the *Blue Book*, as yearly transmitted for the information of His Majesty's Home Government.

It shall be accompanied by a transcript of the Circular Despatch issued on this head, by which you will perceive that hopes are entertained of the Colonial Statistical Returns being rendered more perfect by respective Legislative Enactments.

You will feel much interest in the reports of the Road Commissioners. The Boards appointed for the Central District, for Conception Bay, and for the connecting line between Carbonear and Heart's Content, present very pleasing details of their progress. From Trinity and Ferryland the accounts are less gratifying.

I presume that the assistance to be annually granted will in future be proportioned to the energy displayed by the authorities, and to the local capabilities, both of labour and material, for the prosecution of Works so beneficial to the Public.

I commend to your particular attention and favorable consideration the representations contained in the report of the Commissioners for the regulation of Statute Labour.

The 5th Wm. 4th, 2nd Session, Cap. 5, under which these Gentlemen are appointed, and the 4th Wm. 4, 2nd Session, Cap. 6, to which it refers, seem to require modifications, and it may probably be found expedient to consolidate them into one Act.

Permit me to assure you, in conclusion, of the satisfaction with which I shall concur in your efforts for the happiness of the Community—for the correction of abuses, if such there be—and for the improvement of our agricultural and commercial resources.

In the pursuit of such laudable objects, every reliance is to be placed upon your general knowledge, individual experience, devotion to the public good, and just appreciation of the many and great advantages already possessed by this extensive and flourishing Colony.

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

Ordered, that the Honorable Messrs. Simms and Sinclair be a Select Committee to draft an Address to His Excellency the Governor in answer to his Speech.

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

WEDNESDAY, 5th JULY, 1837.

Select Committee appointed to draft an Address to the Governor in reply to his Speech. House adjourns.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Monday last were read.

Attorney General reports a draft of an Address to the Governor in reply to his Speech.

The Honorable the Attorney General, from the Select Committee appointed to prepare an Address to His Excellency the Governor in answer to his Speech at the opening of the Session, presented a draft thereof—

Ordered, that the same be received.

Read first time.

The Address was then read a first time, and it was—

38th Rule of the House dispensed with.

Ordered, that the 38th Standing Rule of the House, so far as it respects the Address, be dispensed with—

Address read 2d time.

Whereupon the Address was read a second time, and—

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

Committed.

The House accordingly went into a Committee of the whole.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Reported with an amendment.

The Chairman reported the Address with an amendment.

Ordered, that the Report be received.

Ordered, that the Address be engrossed and read a third time on Friday next.

5th & 7th July, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Ordered, that a Select Committee be appointed to wait on His Excellency the Governor to know when he would be pleased to receive the same.

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

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

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

House adjourns.

FRIDAY, 7th JULY, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

“ “ JAMES SIMMS, Attorney-General.

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Wednesday last were read.

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

Address to the Governor in reply to his Speech at the opening of the Session, read third time, and passed.

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. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His 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.

The Address.

We have heard from your Excellency, with satisfaction, that His Majesty has been pleased to confirm or leave to their operation the enactments of the last Session, with one exception.

We beg to express our regret that the Acts for the relief of Sick and Disabled Seamen, and for the encouragement of Education, should have met with any difficulties in being carried into perfect operation; but we trust that objects so conducive to public benefit as those which these enactments are intended to embrace, will yet, eventually, be satisfactorily accomplished.

We assure your Excellency that we feel earnestly solicitous to co-operate in carrying into effect the renewed recommendations of your Excellency respecting the foundation of a Seminary for the higher branches of learning in this country.

We shall anxiously devote our earnest attention to the subject of Prison Discipline; and the Reports of the various Boards of Commissioners appointed for local purposes within the Island, to which your Excellency has drawn the attention of the Legislature.

We with great satisfaction embrace the present occasion to assure your Excellency that we with perfect cordiality of feeling reciprocate the desire expressed by your Excellency to promote the welfare of the Colony, by the correction of any existing abuses, and the adoption of any measures calculated to improve the Commercial and Agricultural resources of the Country.

Council Chamber, }
July, 1837. }

The Honorable Mr. Crowdy from the Select Committee appointed to wait on the Governor to know at what time he would receive the Address, reported that His Excellency had been pleased to appoint Monday next at noon for that purpose.

Select Committee report that His Excellency will receive the Address on Monday at noon.

On motion, made and seconded, the House adjourned until Monday next, at half-past 11 o'clock, a. m.

House adjourns.

10th, 14th & 19th July, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

MONDAY, 10th JULY, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

House proceeds to the Government-House with their Address.

At half-past 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 a quarter past Twelve of the Clock, 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 of which he had obtained a Copy, and which is in the following words—

“ *Mr. President, and Honorable Gentlemen of the Council,*—

Governor's Reply.

I return you my best thanks for this Address, and am assured that your labours in the present Session will conduce to the public good.”

House adjourns.

On motion, made and seconded, the House adjourned until Friday next, at 2 o'Clock, p. m.

FRIDAY, 14th JULY, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

The Minutes of Monday last were read.

House adjourns,

On motion, made and seconded, the House adjourned until Wednesday next, at 2 o'Clock, p. m.

WEDNESDAY, 19th JULY, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

Mr. Secretary Crowdy lays documents before the House.

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

Viz.

A statement of Salaries due to Public Officers for the quarter ending 30th June, 1837.

A return of the Census of the Island.

The Blue Book for the Year 1837.

19th & 20th July, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Reports of the Road Commissioners (under the Act 5th Wm. 4, Cap. 5.) for—

- The Central District ;
- Holyrood to Carbonear ;
- Carbonear to Heart's Content ;
- Trinity ;
- Ferryland.

Copy of Dispatch from the Secretary of State relative to Coins and the local Currency.

Copy of Dispatch from the Secretary of State directing the Governor not to assent to any Act for collecting Colonial Duties which does not contain a clause granting to the Collector of the Customs compensation for the service he may perform.

Copies of two letters from Captain Bennett relative to the protection of the Fisheries, and the prevention of Smuggling on the South Shore.

Documents relative to Gaols and Gaol Discipline.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to His Majesty certain Monies for the Service of the Quarter ending the first of July One Thousand Eight Hundred and Thirty-Seven," which was read a first time.

Bill granting to His Majesty certain monies for the Quarter ending 1st July 1837, —brought up, and read.

Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with—

38th Standing Rule of the House dispensed with.

The Bill was then read a second time, and—

Bill read 2nd time ;

The House went into a Committee of the whole on the same.

Committed ;

The Honorable Mr. Thomas 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 Bill be read a third time to-morrow.

On motion, made and seconded, the House adjourned until Wednesday next at 2 o'clock P. M.

House adjourns.

WEDNESDAY, 26th JULY 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN SINCLAIR.

The minutes of Wednesday last were read.

Pursuant to the order of the day, the Bill entitled "An Act for granting to His Majesty certain Monies for the Service of the Quarter ending the first of July, One thousand eight hundred and thirty-seven," was read a third time and passed.

Supply Bill for Quarter ending 1st July 1837—Read third time, and passed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of the House, entitled "An Act for authorizing His Excellency the Governor to admit persons to practise the profession of the Law in the several Courts of this Colony," which was read a first time, and—

Law Courts' Practitioners' Bill, brought up and read 1st time.

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

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

Mr. Secretary Crowdy lays documents before the House.

Estimate of the charge of defraying the Public Expenditure for the year ending 31st March, 1838.

Order in Council specially confirming "An Act for regulating the printing and publishing of Books, Newspapers, &c.

Order in Council for leaving certain Acts to their operation.

26th July, and 2nd & 9th August, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

Order in Council for leaving "Act for the relief of Sick and Disabled Seamen" to its operation.

Do. disallowing "Act for preventing the encroachments of Aliens on the Fisheries of this Island," &c.

Return of Persons paying Rates and Dues for the District of St. John's, under the Act 6th Wm. 4, Cap. 1, for the relief of Sick and Disabled Seamen.

Documents relative to Smuggling transactions to the Southward of the Island.

Presentments by Grand Juries at—

Placentia;
Harbor Britain;
Ferryland, (2 No.)
Harbor Grace, (2 No.)
Greenspond, and
Bonavista.

House adjourns,

On motion, made and seconded, the House adjourned until Wednesday next at 2 o'clock P. M.

WEDNESDAY, 2nd AUGUST, 1837.

House meets,

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
" " JAMES SIMMS, *Attorney General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JOHN DUNSCOMB.
" " WILLIAM THOMAS.
" " JOHN SINCLAIR.

The minutes of Wednesday last were read.

Notice respecting the introduction of a Bill for the regulation of Merchant Seamen.

The Honorable Mr. Dunscomb gave notice that on Wednesday next he would introduce a Bill for the better regulation of Seamen on board Merchant Vessels trading to and from this Island.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

On motion—the order of the day, for the second reading of the Law Courts' Practitioners' Bill discharged and Bill referred to a

Ordered, that the order of the day for the second reading of the Bill entitled "An Act for authorizing His Excellency the Governor to admit persons to practise the profession of the Law in the several Courts of the Colony," be discharged, and that the Bill be referred to a Select Committee to report thereon.

Select Committee to prepare a Report thereon.

Ordered, that the Honorable Messrs. Simms, Crowdy and Thomas be the Committee to prepare the Report.

Sheriff's Bill brought up and read 1st time.

A Deputation from the Assembly brought up a Bill for the concurrence of this House entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District," 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 Wednesday next at 2 o'clock, P. M.

WEDNESDAY, 9th AUGUST, 1837.

House meets,

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
" " ARCHIBALD WALKER, *Commandant.*
" " JAMES SIMMS, *Attorney General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JOHN DUNSCOMB.
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

9th August, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Minutes of Wednesday last were read.

The Honorable the Attorney General, from the Select Committee appointed to report on the Bill entitled "An Act for authorizing His Excellency the Governor to admit persons to practise the profession of the Law in the several Courts of this Colony," presented a Report.

Select Committee on Law Courts' practitioners' Bill make their report.

Ordered, that the same be received.

The Report was then read, and is in the following words:—

TO THE HONORABLE HIS MAJESTY'S COUNCIL.

The Committee, to whom was referred the Bill entitled "An Act for authorizing His Excellency the Governor to admit persons to practise the profession of the Law in the several Courts of this Colony,"—

The Report.

Beg leave to Report—

That the Bill in question, if passed into a law, is meant to confer on the Governor of this Colony, the authority, during the period of ten years from the passing of the same, of nominating and appointing such fit and proper persons as he shall choose, to act in the several characters of Barrister, Advocate, Solicitor, Attorney and Proctor, in the several Courts of this Colony; with all such rights, advantages and privileges as the persons now practising in the said Courts possess or enjoy.

That the said Bill prescribes no test or rule whereby the fitness or due qualification of any person so to be appointed shall be ascertained, previous to his being accredited, under the proposed warrant of His Excellency the Governor, in all or any of the characters aforesaid; nor does the Bill specify the occasions or circumstances of necessity or expediency wherein His Excellency may be called upon or elect to exercise the authority with which it is so proposed to invest him.

That the Colonial Act passed in the Fourth year of the Reign of His Majesty King William the Fourth, entitled "An Act to incorporate a Law Society in Newfoundland, and to regulate the admission of Barristers and Attornies to practise in the Law in the several Courts in this Island," contains, in the opinion of your Committee, provisions just and reasonable, and satisfactorily calculated, on principles of perfect impartiality, to secure to the Colony a succession, ample in number, of Barristers and Attornies adequately qualified, in character and attainments, to practise in the Law in the several Courts of this Island.

June, 1834.

That your Committee are of opinion that the Bill now under consideration is not calculated to promote any public benefit whatever; but that, on the contrary, apprehension may reasonably be entertained that, in the event of its passing into a Law, the general benefits which the public may reasonably expect to derive under the provisions of the above-mentioned act of the 4th Wm. 4, would be materially obstructed and disparaged.

JAMES SIMMS,

Chairman of the Committee.

Council Committee Room, }
9th August, 1837. }

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

"An Act to regulate the Terms and Sessions of the Supreme and Circuit Courts of this Island."

Supreme and Circuit Courts Terms Bill.

"An Act for effecting greater uniformity of Practice in the Government of the several Prisons in Newfoundland and its Dependencies, and for appointing Inspectors of Prisons throughout this Colony."

Prison uniformity of Practice Bill.

"An Act to regulate the Returns and Details of the various Offices and Departments in this Colony."

Blue Book Bill.

"An Act to amend the Law relating to Insolvent Debtors."

Insolvent Debtors' Amendment Bill.

"An Act to authorize summary proceedings in the Circuit Courts of this Colony."

Law Courts summary proceedings Bill.

"An Act to extend the Criminal Law of England to this Colony, under certain modifications."

Criminal Law of England Bill.

Which were severally read a first time, and—
Ordered, to be read a second time to-morrow.

—brought up and severally read a first time.

11th August, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

House adjourns,	On motion, made and seconded, the House adjourned until Friday next, at 1 of the clock P. M.
	FRIDAY, 11th August, 1837.
House meets.	The House met pursuant to adjournment.
	Present,
Members present.	<i>The Honorable</i> HENRY JOHN BOULTON, <i>Chief Justice.</i> “ “ ARCHIBALD WALKER, <i>Commandant.</i> “ “ JAMES CROWDY, <i>Colonial Secretary.</i> “ “ JOHN DUNSCOMB. “ “ WILLIAM THOMAS. “ “ JOHN SINCLAIR.
	The minutes of Wednesday last were read.
Supreme and Circuit Courts' Terms Bill read 2d time.	Pursuant to the order of the day the Bill entitled "An Act to regulate the Terms and Sessions of the Supreme and Circuit Courts of this Island," was read a second time.
38th Rule of the House dispensed with.	Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.
Bill Committed.	Whereupon the House went into a Committee of the whole on the said Bill. The Honorable the Commandant in the Chair. After some time the House resumed.
Reported.	The Chairman reported progress and asked leave to sit again to-morrow. Ordered, that the Report be received.
Criminal Law of England Bill read 2d time.	Pursuant to the order of the day, the Bill entitled "An Act to extend the Criminal Law of England to this Colony, under certain modifications," was read a second time.
38th Rule of the House dispensed with.	Ordered, that the 38th Standing Rule of the House so far as it respects this Bill be dispensed with.
Bill Committed.	Whereupon the House went into a Committee of the whole on the said Bill. The Honorable Mr. Dunscomb in the Chair. After some time the House resumed.
Reported with amendments.	The Chairman reported the Bill with some amendments. Ordered, that the Report be received, and— Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time to-morrow.
The Amendments.	The Amendments are in the following words :— In the preamble—Expunge all the words after the word "Colony." Insert as the 2nd Section—"And be it further enacted, that all pecuniary penalties imposed by any Law in England which, according to the provisions of this Act, shall be held to be in force in this Colony, shall be adjudged to be distributed in the following manner—that is to say, one half to the Informer and the other half to Her Majesty, her Heirs and Successors, to be paid into the Public Treasury to and for the use of the Island." Expunge the second Section of the Bill.
Prison uniformity of practice Bill read 2d time.	Pursuant to the order of the day, the Bill entitled "An Act for effecting greater uniformity of Practice in the Government of the several Prisons in Newfoundland and its Dependencies, and for appointing Inspectors of Prisons throughout this Colony," was read a second time, and— Ordered, to be committed to-morrow.
Blue Book Bill read 2d time.	Pursuant to the order of the day, the Bill entitled "An Act to Regulate the Returns and Details of the various Offices and Departments in this Colony," was read a second time, and— Ordered, to be committed to-morrow.
	On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

11th & 15th August, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Ordered, that the order of the day for the second reading of the Bill entitled "An Act to amend the Law relating to Insolvent Debtors," be discharged, and that the Bill be referred to a Select Committee to report thereon.

Ordered, that the Honorable Messrs. Crowdy, Thomas and Sinclair, be the Committee to prepare the Report.

Pursuant to the order of the day, the Bill entitled "An Act to authorize Summary proceedings in the Circuit Courts of the Colony" was read a second time—and—

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District," was read a second time—and—

Ordered, to be Committed to-morrow.

The Honorable Mr. Sinclair brought in a Petition "of the Members of the Protestant Episcopal Church at Harbor Grace," stating that the same having been made a Free Church, it has become necessary that some Law should be enacted for its government, and praying that a Bill may be passed for that purpose.

The Petition having been read—

The House adjourned until Tuesday next at one of the clock, p. m.

TUESDAY, 15th AUGUST, 1837.

The House met pursuant to adjournment.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Friday last were read.

Pursuant to the order of the day, the Bill entitled "An Act to extend the Criminal Law of England to this Colony, under certain modifications," was read a third time and passed.

On motion of the Honorable Mr. Crowdy, the order of the day for the Commitment of the Bill entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District," was discharged, and it was—

Ordered, that the Bill be Committed on this day week.

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 Terms and Sessions of the Supreme and Circuit Courts of this Island."

The Honorable J. B. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again on this day week.

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 regulate the Returns and Details of the various Offices and Departments in this Colony."

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again on this day week.

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 authorize summary proceedings in the Circuit Courts of this Colony."

The Honorable Mr. Dunscomb in the Chair.

On motion, the order of the day for reading the Insolvent Debtors' Amendment Bill—discharged, and a Committee appointed to report on the Bill.

Circuit Courts' summary proceedings Bill, read 2d time.

Sheriff's Bill, read 2d time.

Petition from members of the Episcopal Church at Harbor Grace brought in.

House adjourns.

House meets.

Members present.

Criminal Law of England Bill, read 3d time and passed.

Order of the day for reading the Sheriff's Bill—discharged.

Bill to be Committed this day week.

Supreme and Circuit Court Terms Bill committed.

Reported.

Blue Book Bill—Committed.

Reported—

Circuit Courts' summary proceedings Bill—Committed.

15th, 18th & 22nd August, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

After some time the House resumed.
 Reported. The Chairman reported progress, and asked leave to sit again on this day week.
 Ordered, that the report be received.
 House adjourns. On motion, made and seconded, the House adjourned until Friday next at one o'Clock,
 p. m.

FRIDAY, 18th AUGUST, 1837.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice.*
 " " ARCHIBALD WALKER, *Commandant.*
 " " JAMES SIMMS, *Attorney-General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " JOHN DUNSCOMB.
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Prison uniformity of Practice 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 effecting greater uniformity of practice in the Government of the several Prisons in Newfoundland and its Dependencies, and for appointing Inspectors of Prisons throughout this Colony."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Referred to Select Committee. The Chairman reported, that it is the opinion of the Committee that the Bill be referred to a Select Committee to report thereon.

Ordered, that the report be received.

Ordered, that the Honorable Messrs. Simms, Thomas and Bland, be the Committee to prepare the report.

Notice to bring in a Bill to regulate the appointment of Church Wardens. The Honorable Mr. Sinclair gave notice that on Tuesday next he would bring in a Bill to regulate the appointment of Church Wardens in the Episcopal Churches in this Colony.

House adjourns. On motion, made and seconded, the House adjourned until Tuesday next, at 1 o'Clock, p. m.

TUESDAY, 22nd AUGUST, 1837.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice.*
 " " JOHN DUNSCOMB.
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The Minutes of Friday last were read.

Members enter. The Honorable the Attorney General, and the Honorable the Colonial Secretary, enter.

Law Courts summary proceedings 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 authorize summary proceedings in the Circuit Courts of this Colony."

The Honorable Mr. Bland took the Chair.

A Message being announced, the House formed.

22nd August, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

A Deputation from the House of Assembly brought up a Bill entitled "An Act to establish an Academy, or College, in this Colony," to which the concurrence of this House was requested.

Academy Bill brought up.

The House again went into a Committee of the whole on the Law Courts Summary proceedings Bill.

Law Courts summary proceedings Bill in Committee.

The Honorable Mr. Bland in the Chair.

A Message being announced, the House formed.

A Deputation from the House of Assembly brought up a Bill entitled "An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony," to which the concurrence of this House was requested.

Merchant Seamen's regulation Bill brought up.

The House again went into a Committee of the whole on the Law Courts Summary proceedings Bill.

Law Courts summary proceedings Bill in Committee.

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.

Reported.

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 regulate the Returns and Details of the various Offices and Departments in this Colony."

Blue Book Bill, Committed.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Reported.

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 regulate the Terms and Sessions of the Supreme and Circuit Courts of this Island."

Supreme and Circuit Courts Terms Bill, Committed.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

Reported.

On motion of the Honorable the Colonial Secretary, seconded by the Honorable the Attorney General, it was—

On motion.

Ordered, that the order of the day for the Committal of the Bill entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District," be discharged,—and that the said Bill be committed on this day six months.

The Sheriffs' Bill ordered to be committed on this day six months.

The Bill brought up from the House of Assembly entitled "An Act to establish an Academy or College in this Colony," was read a first time, and—

Academy Bill read a first time.

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

The Bill brought up from the House of Assembly entitled "An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony," was read a first time, and—

Merchant Seamen's regulation Bill, read first time.

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

The Honorable Mr. Thomas gave notice, that on Tuesday next he would move for leave to bring in a Bill to amend an Act passed in the 4th year of the Reign of His late Majesty King William the 4th entitled "An Act to regulate the Building of Houses in Water-Street, in the Town of St. John's."

Notice of motion to bring in a Bill to amend the Act to regulate the building of Houses in Water Street.

The Honorable the Attorney General, from the Select Committee to whom had been referred the Bill entitled "An Act for effecting greater uniformity of practice in the Government of the several Prisons in Newfoundland and its dependencies, and for appointing Inspectors of Prisons throughout this Colony"—made the following Report:

The Honorable the Attorney General from the Select Committee appointed to report on the Prison uniformity of Practice Bill, made the following Report.

TO THE HONORABLE HIS MAJESTY'S COUNCIL.

The Committee to whom was referred the Bill entitled "An Act for effecting greater uniformity of practice in the Government of the several Prisons in Newfoundland and its Dependencies, and for appointing Inspectors of Prisons throughout this Colony"—

Beg leave respectfully to Report—

22nd & 25th August, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

The Report.

That the principal provisions of the Bill are directed—

1st.—To take from the Supreme Court the authority it holds under the existing Law of making Rules for the management and discipline of Prisons, and placing the same under the Superintendency of the Magistrates; investing His Excellency the Governor with power to revise such Rules as the Justices of the Peace of the Central District, in Session, may ordain, by such alterations or additions to the same as His Excellency shall think fit.

2nd.—That under the 5th and 6th Sections, Prisoners committed for Trial, or sentenced to imprisonment for a Term, would, in all cases, be committed to the Gaol of the District wherein the offence was committed, nearest to the residence of the Offender or Party accused.

3rd.—That the Members of the House of Assembly would be Inspectors of Prisons throughout the Island in their respective Districts.

Your Committee further beg leave to report that before any material improvement could be made in the discipline of the Prisons of this Colony, it would, in the opinion of your Committee, be essentially necessary that the Prisons should be enlarged, and improved in structure as well as extent, in order to render them susceptible of suitable regulations, and capable of affording the means of classifying the different grades of Offenders; combining also suitable space and apartments for employment and hard labour, and the customary discipline incident to Houses of Correction.

That the 5th and 6th Sections of the Bill tend, in the opinion of your Committee, to an uncalled-for interference with the existing Laws, and would not be found either beneficial or convenient, if even it were practicable to remove Prisoners during the Winter Season.

That the appointment of Members of the Legislature to be Inspectors of Prisons would, in the opinion of your Committee, be injudicious and inexpedient.

JAMES SIMMS,

Chairman.

Council Committee Room, }
23rd August, 1837. }

House adjourns.

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

FRIDAY, 25th AUGUST, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*“ “ JAMES SIMMS, *Attorney General.*“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Tuesday last were read.

Academy Bill read 2nd time.

Pursuant to the order of the day, the Bill entitled “An Act to establish an Academy or College in this Colony,” was read a second time, and—

Ordered, to be committed to-morrow.

Merchant Seamen's regulation Bill read 2nd time.

Pursuant to the order of the day, the Bill entitled “An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony,” was read a second time, and—

Ordered, to be committed to-morrow.

Supreme and Circuit Courts Terms Bill.

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 Terms and Sessions of the Supreme and Circuit Courts of this Island.”

The Honorable Mr. Sinclair in the Chair.

25th & 29th August, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

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 authorize summary proceedings in the Circuit Courts of this Colony." Law Courts summary proceedings 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. Reported.

The Honorable Mr. Sinclair, pursuant to notice, brought in a Bill to regulate the management of Episcopal Churches in this Colony—which was read a first time, and— Church regulation Bill,—read 1st time.

Ordered to be read a second time to-morrow.

On motion, made and seconded, the House adjourned until Tuesday next, at 1 of the clock P. M. House adjourns.

TUESDAY, 29th August, 1837.

The House met pursuant to adjournment. House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " ARCHIBALD WALKER, *Commandant.* Members present.

" " JAMES SIMMS, *Attorney-General.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Friday last were read.

On motion of the Honorable the Attorney General, seconded by the Honorable the Commandant, it was—

Ordered, that the order of the day for the second reading of the Bill to regulate the management of the Episcopal Churches in this Colony, be discharged, and that the Bill be printed. Order of the day for 2d reading of the Church regulation Bill discharged. The Bill 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 the regulation of Merchant Seamen engaged in the Vessels of this Colony." Merchant Seamen regulation Bill committed.

The Honorable Mr. Dunscomb in the Chair.

The Honorable Mr. Crowdy enters.

After some time the House resumed.

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

Ordered, that the report be received. —Reported.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to authorize Summary proceedings in the Circuit Courts of this Colony." Law Courts' Summary proceedings Bill. Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered, that the report be received. Reported, with amendments.

The amendments are in the following words:—

Expunge all the Sections of the Bill after the word "whereas," and insert in their stead as follows: The amendments.

It is expedient to dispense with a Jury for the Trial of Issues of fact and the Assessment of Damages upon interlocutory Judgment in the Circuit Courts of this Island, in certain cases: Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that from

29th August, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

and after the passing of this Act the several Circuit Courts of this Island shall respectively have full power and authority to hear and determine, in a summary way, without a Jury, all actions of Debt or Covenant for the recovery of a sum certain, and all actions of Debt or Assumpsit for Goods sold and delivered, Work and Labour, Servants' Wages, Board and Lodging, Rent in arrear, for Money had and received, lent and advanced, paid, laid out, or expended, or for the balance of an account stated, for money due upon Bill of Exchange, Note of hand, award, or foreign Judgment, or for any other such like demand.

2d.—And be it further enacted, that in all such Summary Proceedings the process for compelling the appearance of Defendant shall, in lieu of a formal declaration, express the cause of action in a compendious manner, and a Bill of particulars of the Plaintiff's demand shall be attached to a copy thereof, to be served on the Defendant, and shall be marked in the margin "Summary Proceedings without a Jury:" Provided always, that in all places where a Jury shall have been summoned, and can be procured, for the trial of causes, the Defendant may, at the time of entering his appearance, signify thereon his desire that the cause in which he shall so appear may be tried by a Jury, thereupon the parties shall proceed to Trial as in other cases originally intended to be so tried.

3rd.—And be it further enacted, that the Costs incident to the Trial of any such action by a Jury, shall be borne by the party requiring the same, unless the Judge who tries the cause shall certify that it was a proper cause, in his opinion, to be tried by a Jury.

4th.—And be it further enacted, that if the Defendant's set-off exceed the Plaintiff's demand, in any suit hereafter to be brought in the said Court, either by the decision of the Court or the finding of a Jury, judgment shall be entered for the balance so found to be due to the Defendant—Provided a Bill of the particulars thereof shall have been filed with the Clerk at the time of pleading to the said action.

5th.—And be it further enacted, that the Clerk of each of the said Courts shall docket all Judgments rendered in all such Summary Proceedings, alphabetically, according to the name of the Plaintiff first mentioned in the original Writ, in the Tabular form following—which shall be taken and held to be a record of the said Judgment, without any formal entry upon a Roll.

Name of Plaintiff.	Name of Defendant.	Form of Action.	Cause of Action.	Amount claimed in the Writ.	Amount recovered and Costs.	Total.	Execution, when issued and returned.	No. endorsed on the original process.
A. B. and C. F.	C. D.	Assumpsit, or Debt, as the case may be.	Goods sold or delivered, Bond, or Note of hand.	£50	£40 0 0 1 9 0	£41 9 0		35

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

Academy 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 an Academy, or College, in this Colony."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported.

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

Water Street Act amendment Bill, brought up, and read first time.

Pursuant to notice given, the Honorable Mr. Thomas asked leave and brought in a Bill to amend the Act 4th Wm. 4 Cap. 3rd, entitled "An Act to regulate the Building of Houses in Water-Street in the Town of St. John's, 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, at 1 o'Clock, p. m.

1st September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

FRIDAY, 1st SEPTEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

Members present.

The minutes of Tuesday last were read.

The Honorable Mr. Crowdy, from the Select Committee to whom had been referred the Bill entitled “An Act to amend the Law relating to Insolvent Debtors,” presented a Report.

Select Committee
make their report on
the Insolvent Debtors'
Amendment Bill.

Ordered, that the Report be received.

The Report was then read, and is in the following words :

The Select Committee to whom the Bill sent up from the House of Assembly, entitled “An Act to amend the Law relating to Insolvents” was referred, have taken the same into their consideration, and Report as follows:

The Bill proposes to invest the Judges of the Supreme and Circuit Courts of the Colony with the power of discharging Insolvents from their Debts in cases where fraud does not appear, without the consent or even contrary to the wishes of their Creditors. Whilst your Committee entirely concur with the House of Assembly in the deliberate opinion upon which this Bill is predicated—that the Judges of the said Courts have, by their ability and integrity, obtained the almost universal and well-merited confidence and respect of the public; and that to them the exercise of such unusual powers might safely be intrusted, yet your Committee cannot suffer the personal character, however high, of the Officer, to weigh with them in legislating for the general duties and powers of the Office; and they are unwilling, under the present constitution of the Insolvent Law of the Colony, to invest the Judges with functions of a character so unprecedented as are those contemplated by this Bill.

The Report.

Your Committee are likewise of opinion that depriving the Creditors of a voice in the discharge of an Insolvent from his Debts, and thereby rendering him independent of their good opinion, would be calculated to engender carelessness and extravagance, and to remove a salutary check upon the conduct of Debtors; and as by the Act of the Local Legislature 4th Wm. 4, Cap. 11, the person of honest Insolvents is protected from vindictive Creditors, your Committee feel that sufficient relief has been already extended to that class of persons.

Your Committee take this opportunity of recommending to the consideration of the House the present Insolvent Law, which stands much in need of amendment. The facilities afforded by the Act of the Imperial Parliament 5th Geo. 4, cap. 67, for being declared Insolvent, have been found exceedingly pernicious to industry and morality, by encouraging a reckless accumulation of debts, and a profligate expenditure of property; and as instances are not wanting to prove that persons have taken shelter under its provisions, and by it have been cleared of debts so trifling in amount that the produce of one or two years industry would suffice to have discharged them in full, your Committee would suggest that the privilege of being declared Insolvent under mesne process should be confined to individuals carrying on Trade within this Island and its Dependencies, whose Debts shall amount to at least £200.

They would also propose that encouragement be held out to Insolvents to make an early discovery of the decline of their affairs, by enabling their Trustees to allow them a certain per centage in proportion to the amount which those assets shall bear to the debts;—and your Committee are of opinion that if such amendments were made in the Insolvent Law, the Judges of the Supreme and Circuit Courts might then be beneficially invested with the power of clearing Insolvents from their debts in cases where no fraud shall appear, and where their assets shall be found sufficient to pay Thirteen shillings and four pence in the pound.

1st September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

Weights and Measures
Amendment Bill,
brought up, and read a
1st time.

A Deputation from the House of Assembly brought up a Bill entitled "An Act to amend an Act passed in the 4th year of the Reign of His late Majesty King William the 4th, entitled "An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber,"—which was read a first time, and—

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

Law Courts Summary
proceedings Bill, read
3rd time and passed.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to authorize Summary proceedings in the Circuit Courts of this Colony," was read a third time and passed.

Merchant Seamen's
regulation Bill, Com-
mitted.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony."

The Honorable Mr. Dunscomb in the Chair.

Member enters.

The Honorable Mr. Bland enters.

After some time the House resumed.

Reported.

The Chairman reported progress, and asked leave to sit again to-morrow; and stated it to be the opinion of the Committee that a conference should be requested with the House of Assembly on the subject of the penalty inflicted on Persons secreting Seamen.

Ordered, that the report be received.

Water Street Act
Amendment Bill, read
2nd time.

Pursuant to the order of the day, the Bill to amend the 4th Wm. 4, Cap. 13, entitled "An Act to regulate the Building of Houses in Water-Street, in the Town of St. John's," was read a second time, and—

Ordered, to be Committed to-morrow.

Supreme and Circuit
Courts Terms 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 Terms and Sessions of the Supreme and Circuit Courts of this Island."

The Honorable Mr. Sinclair 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 that the Bill, as amended, be read a third time to-morrow.

The Amendments are in the following words:

Amendments.

1st Section, 5th line.—Expunge the words "third Tuesday in," and insert in their stead "twentieth day of."

" 6th line.—Expunge the words "for a period of twenty-one days," and insert in their stead "until the eleventh day of June following."

" 10th line.—Expunge all the remaining words in this Section, commencing with the word "third," and ending with the word "inclusive," and insert in their stead the words "tenth day of November, and continue until the thirtieth of November following, inclusive."

2nd Section, 7th line.—Expunge the words "second Tuesday," and insert in their stead "tenth day."

" 9th line.—Expunge the words "second Tuesday," and insert in their stead "tenth day."

" 11th line.—Expunge the words "second Tuesday," and insert in their place "fifteenth day."

" 12th line.—Expunge the words "third Tuesday," and insert in their stead "nineteenth day."

3rd Section.—Expunge this Section, and insert in its place—"And be it further enacted, that the Circuit Courts for the Northern and Southern Districts of this Island shall open and be held at the day, times and places set forth in the following Table:—

1st September, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Northern Circuit Court.

	To Open.	To Close.
Twillingate,	20th September,	26th September.
Greenspond,	28th do.	5th October.
Bonavista,	6th October,	13th do.
Trinity,	15th do.	17th do.
Hants Harbor,	19th do.	23rd do.
Harbor-Grace,	25th do.	5th December.
Harbor-Grace,	10th April,	10th May.

Southern Circuit Court.

	To Open.	To Close.
Harbor-Britou,	16th September,	23rd September.
Burin,	25th do.	8th October.
Placentia,	10th October,	14th do.
St. Mary's,	16th do.	19th do.
Ferryland,	21st do.	5th November.
Ferryland,	20th April,	5th May.

Provided always, that if any day appointed for the opening of any Court as aforesaid shall fall on Sunday, the following Monday shall be the day whereon the Court shall commence—and that if through stress of weather, or other casualty, the Judge proceeding on either of the said Circuits shall not arrive at either of the said places within the period allotted for holding the Court thereat, he shall pass on to the next place appointed for holding the same; and provided also that if there shall not be any business to occupy the Court during the entire period allotted for that purpose, the Judge, in his discretion, giving twenty-four hours' notice of his intention, shall proceed on his Circuit without waiting to the end of the time appointed for closing the said Court; Provided always, that nothing herein contained shall extend to restrain the power of the Governor to order Sessions or Terms of the said Courts at other periods than those above-named, should it be deemed necessary, or to require the Judges and other Officers of the said Courts to proceed on their respective Circuits until provision shall have been made for defraying the usual charges thereof.

Expunge the 4th Section of the Bill.

Expunge the 5th Section of the Bill, and insert in its place the following words—

“ And whereas it is essential, for the convenience of the public, that the Supreme Court should be held in the Autumn before the communication with the Out-ports is suspended; and it is therefore expedient that two Judges should proceed with the business of the Court, notwithstanding the sitting of the Northern Circuit Court at Harbor Grace; Be it therefore enacted, that the said Supreme Court may be held by two Judges; provided that no final judgment shall be rendered in any case where they shall differ in opinion, until the Court shall be full.

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

Ordered, that a conference be requested with the House of Assembly to enable this House to make an amendment in the Penalty inflicted on Persons harbouring or secreting Seamen, by a Bill entitled “ An act for the regulation of Merchant Seamen engaged in the Vessels of this Colony.”

On motion,

Conference ordered on Merchant Seamen's regulation Bill.

Ordered that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House, and—

Conferees appointed, who are to draft Instructions.

Ordered, that they be a Committee to draft Instructions.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act to establish an Academy or College in this Colony.”

Academy Bill, Committed—

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

1st & 5th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

Reported. 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 Tuesday next at one of the
Clock, p. m.

TUESDAY, 5th SEPTEMBER, 1837.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice.*
“ “ ARCHIBALD WALKER, *Commandant.*
“ “ JAMES SIMMS, *Attorney-General.*
“ “ JAMES CROWDY, *Colonial Secretary.*
“ “ JOHN DUNSCOMB.
“ “ WILLIAM THOMAS.
“ “ JOHN B. BLAND.
“ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

Petition from certain inhabitants of Sniat John's to repeal Section of Water Street Act, presented. The Honorable Mr. Thomas asked leave and brought in a Petition from certain inhabitants of St. John's, praying that the 2d Section of the Act 4th Wm. 4, Cap. 3, may be repealed.

Committee appointed to draft Instructions to Conferees on Merchant Seamen's regulation Bill—report a draft. The Honorable Mr. Thomas, from the Select Committee appointed to draft Instructions to the Conferees on the Bill entitled “An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony,” presented a report.

Ordered, that the report be received.

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

Instructions Committed. The House accordingly went into a Committee.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Instructions, without amendment.

Adopted. Ordered, that they be adopted and engrossed.

The Instructions are in the following words:

The Instructions. Her Majesty's Council have requested this Conference with the House of Assembly for the purpose of proposing to them an amendment, in the ninth Section of the Bill entitled “An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony,” respecting the penalty imposed upon persons harbouring Deserters from ships registered in or belonging to this Colony.

They would suggest to the Assembly that the penalty of Twenty shillings for harbouring such Deserters should be increased to Ten pounds, with power to the convicting Justice to mitigate the same to Five pounds, for the following reasons:

The Council are of opinion that the trifling penalty of Twenty shillings would be quite inadequate to deter persons from committing the offence intended to be checked, and consequently the object sought for by the enactment would fail to be attained; and when they observe that a fine of Five pounds is imposed on a Master of a Vessel who may refuse, without reasonable cause, to give a Certificate to a discharged Seaman, they are at a loss to perceive upon what principle an offence which has been found by experience so much more mischievous, should be visited with a punishment so much less severe.

The Council do not think that Vessels not registered in or belonging to this Colony should enjoy greater protection within its limits than those which are; yet such would be the case were the penalty imposed by this Act smaller than that provided for a similar offence in the Act of the Imperial Parliament 5th and 6th Wm. 4, cap. 19,—by the 10th Section of which it is declared that whoever shall wilfully harbour a Seaman belonging to a ship not registered in or belonging to this Colony, shall be subject to the penalty of Ten Pounds.

5th September, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Pursuant to the order of the day, the Bill entitled "An Act to amend an Act passed in the 4th year of the Reign of His late Majesty King William the Fourth, entitled "An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber," was read a second time, and—

Weights and Measures Act Amendment Bill—
read 2nd 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 continue and amend an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Island'" —which was read a first time, and—

Pickled Fish Act Amendment Bill, read 1st time.

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

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to amend an Act passed in the third year of the Reign of King William the Fourth, entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's,"" which was read a first time, and—

Pilot's regulation amendment Bill brought up—
read 1st time.

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

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to regulate the Terms and Sessions of the Supreme and Circuit Courts of this Island"—was read a third time and passed.

Supreme and Circuit Courts Terms Bill—
read 3rd time and passed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill to amend an Act entitled "An Act to regulate the Building of Houses in Water-Street, in the Town of St. John's."

Water-Street Act amendment Bill—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered, that the report be received.

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

Reported.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to establish an Academy, or College, in this Colony."

Academy Bill.

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.

Reported.

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

The Amendments are as follows :

In the Title, and throughout the Bill, wherever they occur, Expunge the words "or College."

The amendments.

1st Section, 6th line.—Expunge the words "by and with the advice of His Majesty's Council."

" 7th line.—Expunge the word "Six," and insert in its stead the word "Seven."

" 8th line.—After the word "persons," insert the words "of whom the Speaker of the House of Assembly shall be one, to be."

" " line.—Expunge the word "as," between the words "persons" and "Directors;" and after the word "Directors" Expunge the words "or Trustees."

" 10th line.—Expunge all the words of this Section after the word "Act," and insert in their stead "which Directors shall respectively be appointed for the period of four years, and their residence in this Island: Provided always, that the same persons shall be eligible to be re-appointed."

Expunge the 2nd and 3rd Sections of the Bill.

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- 4th Section, 5th line.—Expunge the words “situation or.”
- “ 6th line.— do. “and holding.”
- “ 13th line.— do. “to receive such appointment or.”
- “ 14th line.— do. “and Trustee.”
- 6th Section, 3rd line.— do. “Senior principal” and insert in their stead the word “Head.”
- “ 4th line.—Expunge the word “Two” and insert the word “Three” in its stead, and between the words “hundred” and “pounds” expunge the words “and fifty.”
- “ 5th line.—Expunge the word “other,” and insert in its place the word “under.”
- “ 6th line.—Insert at the end of the line the words “exclusive of such emoluments and fees for Tuition as the Directors shall appoint to be taken by the said Masters.”
- “ 13th line.—Expunge the word “His” between “to” and “Majesty,” and insert “Her,” and also between “Majesty” and “Heirs.”
- Expunge the 10th, 11th, 12th and 14th Sections of the Bill.

Message from Assembly agreeing to Conference on Merchant Seamen's regulation Bill.
Conferees go to Conference and deliver their Instructions.

A Deputation from the House of Assembly brought up a Message agreeing to the Conference requested on the subject-matter of the Merchant Seamen's regulation Bill.

The Conferees went to the Conference, and having returned, reported that they had met the Managers on the part of the House of Assembly, and delivered to them their Instructions.

House adjourns.

On motion, made and seconded, the House adjourned until Friday next, at 1 o'Clock, p. m.

FRIDAY, 8th SEPTEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice,*
“ “ ARCHIBALD WALKER, *Commandant.*
“ “ JAMES SIMMS, *Attorney-General.*
“ “ JAMES CROWDY, *Colonial Secretary.*
“ “ JOHN DUNSCOMB.
“ “ WILLIAM THOMAS.
“ “ JOHN SINCLAIR.

The minutes of Tuesday last were read.

Academy Bill, read 3rd time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled “An Act to establish an Academy or College in this Colony,” was read a third time, and passed.

Message from Assembly requesting conference on Merchant Seamen's regulation Bill.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject-matter of the Merchant Seamen's regulation Bill.

Granted—
Conferees appointed.

Ordered, that the request be acceded to.

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House.

Education Act amendment 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 amend an Act passed in the sixth year of His late Majesty William the Fourth, entitled ‘An Act for the encouragement of Education in this Colony,’ which was read a first time, and—

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

—to be printed.

Ordered, that the Bill be printed.

Weights and Measures 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 amend an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled ‘An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber.’”

The Honorable the Attorney General in the Chair.

8th September, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

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 follows:—

In the preamble—Between the words “measuring” and “Coals” insert the words “Salt and.”

1st Section, 6th line.—Between the words “of” and “Coals” insert “Salt and.”

“ 13th line.—Between the words “all” and “Coals,” insert the words “Salt and.”

Expunge the second Section of the Bill.

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

The Conferees having gone to the Conference and returned, reported that they had received from the Managers on the part of the Assembly the following Instructions:—

Conferees report having gone to the Conference and received from the Assembly's managers their Instructions on the Merchant Seamen's regulation Bill.

The House of Assembly of Newfoundland having had under their consideration the suggestions of Her Majesty's Council, on the ninth Section of the Bill entitled “An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony,” have resolved that they cannot agree to the suggestions made by Her Majesty's Council, as such an agreement would clearly be a departure from the principles which guide the House in levying charges upon the people, which must alone emanate from the House of Assembly:—The House, however, upon re-consideration of the section alluded to, are of opinion that the penalty fixed, is too low.

Pursuant to the order of the day, the Bill to amend an Act entitled “An Act to regulate the building of Houses in Water-Street, in the Town of St. John's.”

Water-Street Act amendment Bill, read 3rd time and passed.

On motion of Honorable Mr. Thomas, it was—

Ordered, that the title of the Bill be “An Act to amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled “An Act to regulate the Building of Houses in Water-Street in the Town of St. John's.”

Title of the Bill.

Pursuant to the order of the day, the Bill entitled “An Act to amend an Act passed in the Third year of the Reign of King William the Fourth, entitled “An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's,” was read a second time, and—

Pilots' Act amendment Bill, 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 for the regulation of Merchant Seamen engaged in the Vessels of this Colony,”

Merchant Seamen Regulation Bill—Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed,

The Chairman reported the Bill with some amendments.

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

Reported—with

The Amendments are in the following words:

In the Preamble—Expunge the word “present,” and insert “late” in its stead.

Amendments.

1st Section, 8th line.—Insert after the word “Vessel” the words “belonging to any British Subject and.”

“ “ line.—Expunge the words “and belonging to.”

“ 13th line.—Expunge the words “accepted,” and insert “excepted” in its stead.

2nd Section —Expunge all the words in this Section after the word “ascertained” in the 6th line.

3rd Section —Expunge this Section of the Bill.

4th Section, 15th line.—Expunge the word “every” and insert “any” in its stead.

“ 23d line.—Expunge the words “or of any deposited copy thereof as aforesaid.”

5th Section, last line but four.—Expunge the words “exclusive of Gaol fees,” after the word “pounds.”

7th Section, 9th line.—Expunge the word “not.”

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9th Section, 9th line.—Expunge the words between “shall,” in the 9th line of the Section and “and,” in the 11th line, and insert in their stead “be guilty of a misdemeanour.”

15th Section, 3d line.—Expunge the words “against the Ship or the Master or Owner thereof, in the Court of Vice Admiralty, or.”

“ 6th line.—Insert after the word “Owner” the words “of any such Ship as aforesaid.”

16th Section, 6th line.—Insert after the word “to,” the words “any British Subject.”

Expunge the 17th, 18th and 19th Sections of the Bill.

20th Section, 7th line.—Expunge the word “His” and insert the word “Her.”

“ last line.—Ditto do. do.

21st Section —Expunge the word “His” before the word “Majesty,” throughout this Section and insert the word “Her.”

22d Section, 8th line.—Expunge the word “accepted,” and insert “excepted” in its stead.

Expunge the 23rd Section of the Bill.

24th Section —Insert at the end of this Section the words “or which Justices of the Peace are empowered to do by the Law of England.”

25th Section, 17th line.—Insert after the word “to,” the words “any British subject in.”

“ 29th line.—Expunge the words “into the Treasury of the Island,” and insert in their stead the words “to the party grieved.”

26th Section, 16th line.—Expunge the word “three,” and insert the words “two or more” in their stead.

“ 17th line.—Expunge all the words between the word “amount,” and “provided.”

“ 43rd line.—Insert after the word “Offender,” the words “or the complaining party.”

House adjourns. On motion, made and seconded, the House adjourned until Tuesday next at one of the Clock, p. m.

TUESDAY, 12th SEPTEMBER, 1837.

—The House met pursuant to adjournment.

House meets.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

Weights and Measures Amendment Bill—

Ordered, that the Bill entitled “An Act to amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled “An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber,” be re-committed.

re-committed:

The House accordingly went into a Committee of the whole on the said Bill.

The Honorable Mr. Dunscomb 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.

12th September, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Amendments are as follows :

Amendments.

Re-insert the 2nd Section of the Bill.

3rd Section, 4th line.—Add the letter *s* to the word “ District.”

“ last line.—Expunge the word “ afore,” and insert in its stead the words “ before in part.”

A Deputation from the Commons House of Assembly brought up a Message requesting a Conference on the subject-matter of the Bill entitled “ An Act to extend the Criminal Law of England to this Colony, under certain modifications.”

Message from Assembly requesting Conference on Criminal Law of England Bill.

Ordered, that the request be acceded to.

Concurred in.

Ordered, that Messrs. Simms and Bland be the Conferees on the part of this House.

Conferees appointed.

The Conferees went to the Conference, and having returned, reported that they had received from the Managers of the Assembly the following Instructions:—

Their report.

Resolved, that the Committee appointed to manage the Conference with Her Majesty's Council, on the subject of the amendments made by the Council to the Bill to extend the Criminal Laws of England to this Colony under certain modifications, be instructed to state to the managers on the part of Her Majesty's Council that this House cannot agree to the amendments proposed by the Council to expunge the second Section and part of the Preamble of the Bill, as in such case the Colony would not, under the remaining Enactments, have the full benefit of all those progressive improvements and ameliorations of the Criminal Law of England which appear to be so frequently occurring by Acts of the Imperial Parliament.

Instructions received from the Managers on the part of the Assembly.

That the House of Assembly cannot believe that this object would be as effectually attained by leaving it for Special Enactments of the Legislature of this Colony from time to time; because independent of the consideration that such introduction of measures is contingent in a great degree upon individual exertion or attention, there would not improbably be sometimes differences of opinion on the subject in the Branches of the Legislature here which might exclude from operation in this Colony ameliorations in the Criminal Laws highly salutary in their character.

That this House is fully convinced that the greatest advantages would accrue to this Colony in having the Criminal Laws precisely the same here as in England, because the legal construction put upon their provisions by Her Majesty's Courts at Westminster, and the explications by the learned and enlightened Judges of those Courts of the effect and bearing of those Laws which so frequently occur, down to the minutest points of detail, would assist materially to direct our Courts here in administering them, and would undoubtedly operate as a safeguard to the liberties and interests of the people of this Colony.

That the House of Assembly is willing to agree to have the proviso at the end of the second Section of the said Bill expunged, believing that the objects of the Bill may be attained without it.

That the House would also have no objection, should the Council be willing to recede from their amendments, to insert Twelve months instead of Six months as the period to intervene from the passing of any future Criminal Statutes of the Imperial Parliament before they shall operate in this Colony. But in this case the House considers it advisable that the first Section of the Bill should be made to include the Criminal Statutes of the Imperial Parliament down to the end of the last Session, in order that several Criminal Statutes which the House has reason to believe are of great importance, may be extended to this Colony without much delay.

That as regards the Section introduced into the said Bill by Her Majesty's Council, regulating the appropriation of penalties, the House of Assembly cannot permit such a provision to be introduced by the Council, as possibly their concurrence in this instance might afford a precedent for a future interference in the appropriation of public monies, which appropriation is the privilege solely of this House.

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- Harbour Grace Island Light House 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 authorize the raising by Loan of a further sum of money for the completion of the Light-House on Harbor-Grace Island, and to make further regulations respecting the same”—which was read a first time, and—
Ordered, to be read a second time to-morrow.
- 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 for granting to Her Majesty certain Duties on Wines, Spirits, and other articles imported into this Colony”—which was read a first time.
Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.
- 38th Rule dispensed with—
Whereupon the same was read a second time, and—
Ordered, to be committed to-morrow.
- read 2nd time. A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to regulate the Making and Repairing of Roads and Highways in this Island, and to repeal certain Acts of the General Assembly relative to Highways.”
Pursuant to the order of the day, the Bill as amended, entitled “An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony,”—was read a third time and passed.
- Road Bill brought up. Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to amend an Act passed in the third year of the Reign of King William the Fourth, entitled ‘An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John’s.’”
The Honorable Mr. Sinclair in the Chair.
After some time the House resumed.
- Merchant Seamen’s regulation Bill, read 3rd time and passed. The Chairman reported progress, and asked leave to sit again to-morrow.
Ordered, that the Report be received.
- Pilots’ Act Amendment Bill—Committed. The Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, moved that an Address be presented to His Excellency the Governor, requesting His Excellency to direct returns to be laid before this House of the particulars of such Sums as have been expended on the Harbor-Grace Light House, and also of the expense of building the Cape Spear Light-House, with its Lantern and Apparatus.
Ordered, that the motion be agreed to, and that the Honorable Messrs. Thomas and Sinclair be a Committee to prepare the Address.
- Reported. Pursuant to the order of the day, the Bill entitled “An Act to continue and amend an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled ‘An Act to regulate the packing and inspection of Pickled Fish for Exportation from this Island’”—was read a second time, and—
Ordered, to be committed to-morrow.
- Motion for an Address to His Excellency the Governor for returns respecting Harbour-Grace and Cape Spear Light Houses. Pursuant to the order of the day, the Bill entitled “An Act to amend an Act passed in the fifth year of His late Majesty William the Fourth, entitled ‘An Act for the encouragement of Education in this Colony’”—was read a second time, and—
Ordered, to be committed to-morrow.
- Committee appointed to prepare the Address. On motion, made and seconded, the House adjourned until one of the Clock, p. m. to-morrow.

WEDNESDAY, 13th SEPTEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

13th September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Minutes of Yesterday were read.

The Honorable Mr. Thomas gave notice that on Friday next he would move for leave to bring in a Bill to amend the Law relating to the Registration of Deeds in this Colony.

Notice of motion to amend the Law relating to the Registration of Deeds.

The Honorable Mr. Thomas, from the Committee appointed to prepare an Address to His Excellency the Governor on the subject of the Bill entitled "An Act to authorize the raising by Loan of a further Sum of Money for the completion of the Light House on Harbour-Grace Island, and to make further regulations respecting the same,"—reported an Address.

Select Committee appointed to prepare an address to the Governor on Harbor Grace Light House Bill—present their report.

Ordered, that the Report be received.

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.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects the Council of Newfoundland, most respectfully request that your Excellency will be pleased to direct that there be laid before the Council an account of all Monies expended and Debts contracted by the Commissioners of Light Houses for the erection of the Light House on Harbour Grace Island, with the Costs of the Lantern and other Apparatus and expenses attached thereto; and also for similar expenses incurred in erecting and furnishing the Light-House at Cape Spear.

The Address.

Council Chamber,
13th September, 1837. }

Ordered, that the same be concurred in.

Ordered that the Honorable Messrs. Thomas and Sinclair be a Committee to wait on His Excellency with the Address.

Committee appointed to wait on His Excellency with the same.

A Deputation from the House of Assembly brought up a Message requesting a conference with the Council on the Merchant Seamen's regulation Bill.

Message from Assembly requesting conference on Merchant Seamen's regulation Bill.

The Bill entitled "An Act to regulate the making and repairing of Roads and Highways in this Island, and to repeal certain Acts of the General Assembly relating to Highways"—was read a first time, and—

Road Bill, read 1st time.

Ordered to be read a second time on Friday the 22nd instant.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair—

On motion, the conference requested by the Assembly acceded to.

Ordered, that the conference requested by the House of Assembly on the Merchant Seamen's regulation Bill, be acceded to, and that a Message in the following words be sent to the House of Assembly, by the Master in Chancery:—

MR. SPEAKER,

Her Majesty's Council accede to the conference requested by the House of Assembly on the Bill entitled "An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony," and have appointed Managers to meet the Conferees on the part of the House of Assembly in the Committee Room of the Council immediately.

Message to the Assembly acceding to the conference requested on Merchant Seamen's regulation Bill—and on the subject of an irregularity in sending a Message from that House.

Her Majesty's Council acquaint the Assembly that they have observed that for the first time the Message has been sent in an irregular manner, having been brought up by one Member of the Assembly, instead of two.—The Council are willing to believe that this irregularity has occurred through inadvertence, as they cannot conceive that the House of Assembly would be desirous of laying aside those forms of courtesy which are due to either House in their communications with each other; neither do they think it can be the wish of the Assembly to conduct the Public Business in an irregular or unusual manner.—The Council, therefore, accede to the conference desired by the Assembly, but do not wish this deviation from the accustomed mode of receiving Messages to be drawn into a precedent.

Council Chamber,
13th September, 1837. }

13th & 15th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

- Conferees appointed. Ordered, that Messrs. Thomas and Sinclair be the Conferees on the part of this House.
- Weights and Measures Bill, read 3rd time and passed. Pursuant to the order of the day, the Bill entitled "An Act to amend an Act passed in the 4th year of the Reign of His late Majesty King William the Fourth, entitled "An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber," was read a third time, as amended, and passed.
- Harbor Grace Island Light-House Bill, read 2nd time. Pursuant to the order of the day the Bill entitled "An Act to authorize the raising by Loan of a further sum of money for the completion of the Light-House on Harbor Grace Island, and to make further regulation respecting the same"—was read a second time, and—Ordered, to be Committed on Tuesday next.
- Education 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 amend an Act passed in the Fifth year of His late Majesty William the Fourth, entitled "An Act for the encouragement of Education in this Colony."
- Reported. The Honorable Mr. Sinclair 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.
- Conferees go to Conference. The Conferees having gone to the Conference, and returned, reported that they had received from the Managers on the part of the Assembly the following Instructions:—
- Their Report. Resolved, that the Conferees be instructed to state—that the House of Assembly cannot agree to the amendments made by Her Majesty's Council in the twenty-fifth Section of the Bill entitled "An Act for the regulation of Merchant Seamen engaged in the Vessels of this Colony," inasmuch as Her Majesty's Council have in that Section appropriated the Fines and Forfeitures in the said Section referred to, which it is alone the privilege of the House of Assembly to appropriate.
- Pilots regulation Bill, Committed— House of Assembly, }
13th September, 1837. }
- Reported. Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to amend an Act passed in the third year of the Reign of King William the Fourth entitled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's.' "
- Revenue Bill, Committed. The Honorable Mr. Sinclair 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. 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 certain Duties on Wines, Spirits and other articles imported into this Colony."
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 Friday next, at one of the Clock, p. m.

FRIDAY, 15th SEPTEMBER, 1837.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* HENRY JOHN BOULTON, *Chief Justice.*
" " ARCHIBALD WALKER, *Commandant.*
" " JAMES SIMMS, *Attorney-General.*
" " JOHN DUNSCOMB.
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

15th September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Minutes of Wednesday last were read.

The Honorable Mr. Thomas, from the Committee appointed to wait on His Excellency the Governor to request that certain Returns relative to the Expenses of Light Houses might be laid before the Council, reported that His Excellency would comply therewith.

Report of Select Committee appointed to wait on the Governor with an Address relative to Expenses of Light-Houses.
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 for the granting to Her Majesty certain Duties on Wines, Spirits, and other articles imported into this Colony"—

The Honorable Mr. Bland in the Chair.

A Message being announced the House resumed.

Three several Deputations from the House of Assembly brought up for the concurrence of this House the Bills entitled "An Act to repeal certain parts of an Act passed in the fifth year of the Reign of His late Majesty King George the Fourth, entitled 'An Act for the better administration of Justice in Newfoundland, and for other purposes,' and to regulate the fees of the Sheriff in this Colony."

Bill to repeal part of an Act for the better administration of Justice.

"An Act to extend the Criminal Laws of England to this Colony,"—and "an Act to regulate the appointment and duties of Sheriff of this Colony."

Criminal Law of England Bill and Sheriff's Bill—brought up.

The House again went into Committee on the Revenue Bill.

The Honorable Mr. Crowdy enters.

Member enters.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Revenue Bill, reported.

Ordered, that the Report be received.

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

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

The Amendments are as follows:—

Insert at the end of the 14th Section the following Proviso—Provided always, that the remuneration to be so paid as aforesaid to the Collector of the Customs or his Deputies, out of the said Sum of Nine Hundred Pounds, shall be at the rate of Twenty-five Shillings for every One Hundred Pounds respectively levied and collected by him or them under the provisions of this Act, over and above the sum that may be required to pay the additional Clerks and Officers employed to collect the Colonial Revenue.

Amendments on Revenue Bill.

Expunge the words "no longer," at the end of the last Section, and insert in their stead the words "from thence to the end of the then next Session of the Legislature of this Island."

The Bill brought up this day, entitled "An Act to extend the Criminal Laws of England to this Colony"—was read a first and second time.

Criminal Law of England Bill, read 1st and 2nd time.

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

Whereupon the House went into a Committee of the whole on the same.

Committed—

The Honorable Mr. Dunscomb 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 Bill be read a third time presently.

Whereupon the Bill was read a third time and passed.

Read 3rd time and passed.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the Bill entitled "An Act to amend an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber.'"

Assembly request Conference on Weights and Measures Bill—

Ordered, that the same be concurred in.

Agreed to.

15th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

Conferees appointed—

Ordered, that Messrs. Bland and Sinclair be the Conferees on the part of this House.

Report of Conferees.

The Conferees went to the Conference, and having returned, reported that they had received from the Managers on the part of the Assembly the following Instructions:—

Assembly's Instructions to their Conferees on the Weights and Measures amendment Bill.

Resolved, that the Committee appointed to manage the Conference with Her Majesty's Council on the subject of the amendments made by the Council to the Bill entitled "An Act to amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber," be instructed to state to the Conferees on the part of Her Majesty's Council that the House of Assembly cannot concur in the amendment made by the Council to the said Bill, by which Salt would be allowed to be sold by measure instead of by weight; as the House of Assembly consider that weight is the most certain and fair standard of computation for that article, because some kinds of Salt are much lighter and therefore of inferior quality to other kinds, and because the mode of computing the quantity of Salt by measure admits of great fraud on purchasers,—fair or unfair measure depending in a great degree upon the compactness or lightness with which Salt may be thrown into the Hogshead when measured.

That although difficulties have arisen in carrying into operation the provisions of the Act which require Salt to be weighed, arising principally from persons having been long accustomed and used to the measuring of Salt, the House of Assembly considers that this prejudice is fast wearing away, and in comparison with the adoption of a mode that will conduce to fair and honest dealing, such difficulties are not of much importance.

House of Assembly, }
15th September, 1837. }

On motion, the House adhere to their Amendments.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

Resolved, that the House adhere to their Amendments in the said Bill.

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

MR. PRESIDENT,

Assembly request to be furnished with the Council's Contingencies.

The House of Assembly request that Her Majesty's Council will be pleased to furnish the House of Assembly with the amount of their Contingencies for the present Session.

WILLIAM CARSON,

Speaker.

House of Assembly, }
15th September, 1837. }

Documents laid on the Table by Mr. Secretary Crowdy.—(See Appendix.)

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, presented sundry Documents on the subject of Education.

Revenue Bill, read 3rd time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act for granting to Her Majesty certain Duties on Wines, Spirits, and other Articles imported into this Colony," was read a third time and passed.

Sheriff's Bill, read 1st time.

The Bill brought up this day, entitled "An Act to regulate the appointment and duties of Sheriff of this Colony," was read a first time, and—

Ordered, to be read a second time on Friday next.

Administration of Justice repeal Bill, read 1st time.

The Bill brought up this day, entitled "An Act to repeal certain parts of an Act passed in the Fifth year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the better administration of Justice in Newfoundland and for other purposes; and to regulate the Fees of the Sheriff in this Colony," was read a first time, and—

Ordered, to be read a second time on Friday next.

Pickled Fish regulation 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 continue and amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

15th September, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Chairman reported the Bill, with an amendment, which is as follows :

Reported, with an

Insert at the end of the first Clause, the words "and from thence to the end of the then next Session of the Legislature of this Island."

Amendment.

Ordered, that the report be received.

Ordered, that the amendment 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 amend an Act passed in the third year of the Reign of King William the Fourth entitled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's.'"

Pilot's Act amendment Bill, Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an amendment, which is as follows :

Reported, with an

1st Section, 9th line.—Insert after the word "Act," the words "on all Vessels admeasured under the provisions of the Act 3rd and 4th Wm. 4, Cap. 55."

Amendment.

Ordered, that the Report be received.

Ordered, that the amendment 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 amend an Act passed in the Sixth year of His late Majesty William the Fourth, entitled 'An Act for the encouragement of Education in this Colony.'"

Education Bill, Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follows:—

Reported, with

In the Preamble, 5th line.—After the word "whereas," insert the words "it is expedient to amend;" and Expunge all the words of the Preamble after the word "Act," in the same line.

Amendments

Expunge the first Section of the Bill.

2nd Section, 7th line.—Expunge all the words after the word "Act," in this line, and ending with the word "also," in the 10th line.

" 12th line.—Expunge the words "an additional," and insert in their stead the letter "a."

" 18th line.—Expunge the words "or for any other just cause."

3rd Section.—Expunge this Section of the Bill.

4th Section.—Expunge all the words after the word "District," in the 15th line, and insert in their stead the words "Provided that no child shall be required to use any Book objected to by the Parents or Guardians of such Child."

6th Section.—Expunge this Section of the Bill.

8th " do. do. do.

9th " do. do. do.

Ordered, that the Amendments be engrossed, and the Bill, as amended, 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 the granting to Her Majesty certain Duties on Wines, Spirits, and other articles imported into this Colony"—which was read a first time, and—

Revenue Bill brought up—
Read 1st time.

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

On motion, made and seconded, the House adjourned until Monday next, at one of the Clock, p. m.

House adjourns.

18th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

MONDAY, 18th SEPTEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

On motion, the House went into a Committee on Privilege.

On motion of the Honorable the Chief Justice, the House went into a Committee of the whole on Privilege.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Chairman reports

The Chairman reported that the Committee had agreed to certain Resolutions, which are as follows:—

Resolutions thereon.

Resolved, that on the twelfth day of September instant, a Bill entitled “An Act for the granting to Her Majesty certain Duties on Wines, Spirits, and other Articles, imported into this Colony,” was sent up to the Council by the Assembly, to which the concurrence of the Council was requested; and that on Friday the 15th September following, the said Bill was sent down to the Assembly with certain Amendments, to which their concurrence was requested, and that the Assembly presently, on the same day, detached the said amendments from the said Bill, and sent it back to the Council with a Message that they had passed a Bill entitled “An Act for granting to Her Majesty certain Duties on Wines, Spirits and other Articles imported into this Colony,” to which they requested the concurrence of the Council.

Resolved, that the said proceeding is without precedent, is inconsistent with that decorum which ought to be observed in the intercourse between independent branches of the same Legislature, and is a breach of the Privileges of the Council.

Resolved, that the foregoing Resolutions be communicated to the Assembly, and that the order of the day for the second reading of the said Bill be discharged.

Ordered, that the Report be received.

Message on Privilege sent to the House of Assembly.

Whereupon a Message embodying the first two Resolutions, was sent to the House of Assembly by the Master in Chancery.

Pickled Fish Act amendment Bill, re-committed—

On motion of the Honorable the Chief Justice, the Bill entitled “An Act to continue and amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled ‘An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island,’ ”—was re-committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported, with

The Chairman reported the Bill with some Amendments, which are as follows:—

Amendments.

In the preamble, 8th line.—Insert after the word “continue” the words “and amend,” and expunge all the words in the preamble after the word “same.”

5th Section, last line but one.—Expunge the word “Judgment,” and insert the word “Prosecution,” in its stead.

Ordered, that the report be received.

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

Pilot Act amendment regulation Bill—

Pursuant to the order of the day, the Bill, as amended, entitled “An Act to amend an Act passed in the Third year of the Reign of King William the Fourth, entitled ‘An Act for

18th & 19th September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," was read a third time and passed. Read 3rd time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to amend an Act passed in the Sixth year of His late Majesty William the Fourth, entitled 'An Act for the encouragement of Education in this Colony,'" was read a third time and passed. Education Act amendment Bill—
Read 3rd time and passed.

On Motion of the Honorable Mr. Sinclair, seconded by the Honorable Mr. Thomas, the Church regulation Bill was read a second time. Church regulation Bill—
—read 2nd time.

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

Whereupon the House went into a Committee of the whole upon the same. 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. Reported.

Ordered, that the Report be received.

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

Ordered, that a Committee be appointed to report on the Contingencies of the Council. A Committee on Con-
tingencies appointed.

Ordered, that the Honorable Messrs. Dunscomb, Thomas and Bland be the Committee for that purpose.

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m. House adjourns.

TUESDAY, 19th SEPTEMBER, 1837.

The House met pursuant to adjournment. House met.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice. Members present.

“ ARCHIBALD WALKER, Commandant.

“ JOHN DUNSCOMB.

“ WILLIAM THOMAS.

“ JOHN SINCLAIR.

The minutes of yesterday were read.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to continue and amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island,'" was read a third time and passed. Pickled Fish Bill read
3rd time and passed.

The Honorable the Attorney General enters. Member enters.

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

Ordered, that the order of the day for the House to go into a Committee on the Church Regulation Bill, be discharged, and that it be— Order of the day for
committing Church
regulation Bill, dischar-
ged.

Ordered, to be Committed to-morrow.

The Honorable Mr. Crowdy enters. Member enters.

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 raising by Loan of a further Sum of Money for the completion of the Light-House on Harbor Grace Island, and to make further regulations respecting the same." Harbor Grace Island
Light-House Bill—
Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the report be received.

The Honorable Mr. Bland enters. Member enters.

19th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

On motion—

On motion of the Honorable Mr. Sinclair, seconded by the Honorable Mr Thomas, it was—

A Message sent to the House of Assembly for information respecting the building of Harbor Grace Island Light-House.

Ordered, that a Message be sent to the House of Assembly requesting that they would furnish the Council with such information as they may have received, showing the necessity of a further Sum of Money being granted to complete the building of the Harbor Grace Island Light-House.

Whereupon a Message was accordingly sent by the Master in Chancery.

On motion—

The Honorable Mr. Thomas moved for leave to bring in a Bill to amend the Act for the Registration of Deeds—

Registration of Deeds Bill brought in and read 1st time.

Whereupon, on leave being granted, the Bill was brought in and read a first time, and—
Ordered, to be read a second time to-morrow.

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

MR. PRESIDENT,

Message from the House of Assembly in reply to one from the Council on the subject of the sending up the same Revenue Bill a second time.

In reply to the Message of Her Majesty's Council of Yesterday, the House of Assembly beg to say that having on Friday the Fifteenth of September received a Bill entitled "An Act for granting to Her Majesty certain Duties on Wines, Spirits, and other articles imported into this Colony," which had been previously sent up to Her Majesty's Council for their concurrence, and to which Bill Her Majesty's Council had annexed Amendments materially affecting the privileges of this House in the appropriation of the Sum provided for defraying the expences of the collection, and also in the extension of the time to an indefinite period of the continuance of the Act, they came to the conclusion that this violation of the privileges of the House of Assembly could only be met by the rejection altogether of the Bill, or by the preparing a new one upon the same subject; and in order to prevent the injury and inconvenience that must have otherwise resulted to the public service, they resolved to adopt the moderate course of sending up a new Bill, which they did accordingly, but which Bill was in every respect an echo of the former one.

The Session of the Legislature having advanced to a period of the Year when it is most important that Members of the Assembly should be disengaged from their Legislative labours and the Session closed, were under the necessity of passing the second Bill in one day, but in so doing, they have by no means acted inconsistently with former precedent, for they find, by reference to their Journals, (see Session the 5th, page 89,) that on the 16th April, 1835, a second Revenue Bill was introduced, read a first and second time, committed, read a third time, and passed, on the same day, and which Bill was subsequently passed into a Law.

Under these circumstances the House of Assembly beg to acquaint the Council that, in the first place, the manner in which they pass a Bill cannot be construed as infringing upon the privileges of Her Majesty's Council—In the next place the Honorable the Council can have no data on which to found the conclusion that the Bill sent up on Friday was the same Bill that had been previously transmitted from this House. They beg leave to observe, that while upon all occasions during the present Session the House of Assembly have forborne to interfere with the privileges of the Honorable the Council,—upon many occasions have the Honorable the Council infringed most materially upon the privileges of the House of Assembly, by appropriating Fines in several Bills sent down with Amendments, and also by increasing the Salary of the Teacher contemplated under the Academy Bill:—But the House of Assembly, only solicitous to further the public business—only anxious for public improvement and the advancement of the public interests—forbore to remonstrate when they had a remedy in their hands by the rejection of the Bills.

This House, therefore, regret extremely that Her Majesty's Council should have adopted the Resolutions sent down on yesterday, on the subject of the Revenue Bill, as they are compelled to regard them only as adding to the catalogue of the encroachments of the Honorable the Council on the privileges of the House of Assembly.

WILLIAM CARSON,

Speaker.

House of Assembly, }
19th September, 1837. }

19th & 22nd September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

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

MR. PRESIDENT,

The House of Assembly herewith beg to lay before Her Majesty's Council all the information they have received "shewing the necessity of a further Sum of Money being granted to complete the building of the Harbour-Grace Island Light-House."

Message from the House of Assembly with documents relative to Harbor Grace Island Light-House.

WILLIAM CARSON,
Speaker.

House of Assembly, }
19th September, 1837. }

On motion, made and seconded, the House adjourned until Friday next, at one of the Clock, p. m. House adjourns.

FRIDAY, 22nd SEPTEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present,

" " JAMES SIMMS, *Attorney-General.*" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN SINCLAIR.

The Minutes of Tuesday last were read.

The Honorable Mr. Secretary Crowdy laid before the House, by direction of His Excellency the Governor, sundry documents applied for relative to the expences of building the Harbour-Grace Island Light House; also an extract of a letter from Captain Bennett of H. M. Ship *Rainbow*, on the subject of the manner in which the Revenue is defrauded by Smuggling from the French Islands of St. Pierre and Miquelon, and from Halifax, Quebec and America, and also relative to the purchase of Bait by French Boats.

Documents laid before the House by the Hon. Mr. Sec'ry Crowdy.— (See Appendix.)

On motion of the Honorable the Chief Justice, the House went into a Committee of the whole on the Message received from the House of Assembly on Tuesday last, in relation to certain resolutions of the Council which had been communicated to the Assembly.

On motion, the House goes into Committee on the Message received from the Assembly relative to the Revenue Bill.

The Honorable Mr. Sinclair in the Chair.

The Honorable Mr. Bland enters.

Member enters.

After some time the House resumed.

The Chairman reported that it is the opinion of the Committee that a Conference should be requested with the House of Assembly on the above-mentioned subject;—and they recommend that the following instructions, which were read to the House,—be given to the Conference:—

Chairman reports that a conference be requested—and also Instructions to the Conference.

In opening this Conference, Her Majesty's Council deem it necessary to declare that they cannot allow themselves to be drawn aside from the consideration of the important subject set forth in their first resolution communicated to the Assembly on Monday last, by the introduction of the extraneous matter which the Assembly have thought it expedient to endeavour to bring into discussion in their Message of Tuesday following; altho' the Council hold themselves ready to vindicate the course they have adopted, in all those particulars to which the Assembly have referred, whenever a fit opportunity shall present itself for taking them into consideration.

The Instructions.

It is, moreover, beneath the dignity of Public Bodies to reciprocate injuries; and therefore, if the grounds of complaint, which the Assembly have put forth against the course pursued by the Council on former occasions, as trenching upon the assumed Privileges of the Assembly, were well founded, which the Council by no means admit, the Assembly would best consult its own dignity by abstaining from following an example which they so strongly deprecate, instead of endeavouring to justify themselves for having adopted a

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course with regard to a measure sent down to them from the Council for which no precedent can be found in the annals of Legislation, by alleging that the Council have acted unjustifiably in other instances.

The Resolution of the Council, transmitted to the Assembly on Monday last, states "that on the 12th day of September instant, a Bill entitled 'An Act for granting to Her Majesty certain Duties on Wines, Spirits and other Articles imported into this Colony,' was sent up to the Council by the Assembly, to which the concurrence of the Council was requested; and that on Friday the 15th of September following, the said Bill was sent down to the Assembly with certain amendments, to which their concurrence was requested;" and "that the Assembly presently, on the same day, detached the said amendments from the said Bill, and sent it back to the Council with a Message that they had passed a Bill entitled 'An Act for the granting to Her Majesty certain Duties on Wines, Spirits, and other Articles imported into this Colony,' to which they requested the concurrence of the Council;" to which the Assembly, in their Message of the following day, reply, "that having on Friday the fifteenth of September, received a Bill entitled 'An Act for granting to Her Majesty certain Duties on Wines, Spirits, and other Articles imported into this Colony,' which had been previously sent up to Her Majesty's Council for their concurrence, and to which Bill Her Majesty's Council had annexed amendments materially affecting the privileges of this House, in the appropriation of the Sum provided for defraying the expenses of the Collection, and also in the extension of the time, to an indefinite period, of the continuance of the Act, they came to the conclusion that this violation of the privileges of the House of Assembly could only be met by the rejection altogether of the Bill, or by the preparing a new one upon the same subject; and in order to prevent the injury and inconvenience that must have otherwise resulted to the Public Service, they resolved to adopt the moderate course of sending up a new Bill, which they did accordingly, but which Bill was in every respect an echo of the former one"—and also that "the Honorable the Council can have no data on which to found the conclusion," and therefore have no right to conclude, that the Bill sent up on Friday was the same Bill that had been previously transmitted from this House.

In private life nothing can be more unpleasant than that individuals, possessing equal knowledge of the existence of any given fact, should be induced to put forth categorical statements diametrically opposed to each other in relation thereto; but that public bodies should so far forget what is due to the important interests they represent, as to state a fact to have happened, which they know never occurred, is a public calamity.

Unfortunately, however, this is the position in which the Council and the Assembly are placed with regard to each other, by their respective allegations with reference to the Bill in question; and therefore the Council feel most anxious to relieve themselves from the reproach of being supposed capable of committing so flagrant a breach of public honor as the misrepresentation of a fact within their own knowledge necessarily involves.

The Council desire to be understood as making no charge against the Assembly—their wish is to vindicate themselves.

Fortunately the Council require the aid of no oral testimony to prove the correctness of their assertion. The bare inspection of the Bill now upon the Table, as returned by the Assembly on Friday the Fifteenth September, as stated in the resolution of the Council exhibiting the hand-writing of the Chairman opposite each clause, as it passed through a Committee of the whole Council, irrefragably proves the correctness of the statement of the Council in that respect; and unless the Council, in deference to the Assembly, should reject the evidence of their own senses, they can have no occasion for other "data on which to found the conclusion" to which they came; and therefore they did, and do now, "conclude" and assert, "that the Bill sent up on Friday was the same Bill that had been previously transmitted from the Assembly,"—and consequently the Council are precluded from further proceeding with it.

The Council furthermore desire to state, that had the Bill lastly sent up been in fact a new Bill, and not the identical one which had been returned by the Council to the Assembly with Amendments, as the Council have asserted it to be, and of which the Bill itself bears in-

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trinsic evidence, yet that Bill being but an echo of the former one, as alleged by the Assembly, such a course, however moderate the Assembly may think proper to designate it, would have been, likewise, without precedent, and consequently could not have been recognized by the Council.

Her Majesty's Council fully participate with the Assembly in their solicitude to further the Public Business, and in their anxiety for Public Improvement, and the advancement of the Public Interests; but they cannot perceive how these objects can be so well attained as by conducting their Legislative proceedings in the usual and accustomed methods.

Ordered, that the Report be received and adopted.

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

Whereupon a Message was sent to the Assembly by the Master in Chancery, requesting a Conference. Message sent to Assembly requesting a Conference.

Pursuant to the order of the day, the Registration of Deeds Bill was read a second time, and— Registration of Deeds Bill, read 2nd time.

Ordered, to be committed to-morrow.

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

The Conferees went to the Conference, and, having returned, reported that they had delivered their Instructions to the Managers appointed on the part of the Assembly. Report of Conferees.

On motion of the Honorable the Chief Justice, the Bill entitled "An Act to regulate the appointment and duties of Sheriff of this Colony," was— On motion, Sheriff's Bill

Ordered, to be read on this day three months.

Pursuant to the order of the day the House went into a Committee of the whole on the Church regulation Bill. to be read on this day three months. Church regulation Bill Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received. Reported.

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

On motion of the Honorable the Chief Justice, the Bill entitled "An Act to repeal certain parts of an Act passed in the fifth year of the reign of His late Majesty King George the Fourth, entitled 'An Act for the better administration of Justice in Newfoundland and for other purposes,' and to regulate the Fees of the Sheriff in this Colony,"—was— On motion, Bill to repeal part of an Act for the better administration of Justice—

Ordered, to be read a second time on this day three months.

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 raising by Loan of a further Sum of Money for the completion of the Light-House on Harbor Grace Island, and to make further regulations respecting the same." to be read in three months. Harbor Grace Island Light-House Bill, Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill, without amendment.

Ordered, that the report be received. Reported, without amendment.

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

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

Ordered, that the order of the day for the second reading of the Bill entitled "An Act to regulate the Making and Repairing of Roads and Highways in this Island, and to repeal certain Acts of the General Assembly relating to Highways," be discharged, and that the Bill be read again on this day six months. On motion, Road Bill to be read in six months.

A Deputation from the Assembly brought up a Message stating that they had "passed the Amendments made by the Council in the Bill entitled "An Act to amend an Act passed in the third year of the Reign of King William the Fourth entitled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's,'"—without Amendment. Message from Assembly agreeing to amendments in Pilots' Act amendment Bill.

A Deputation from the Assembly brought up a Bill for the concurrence of this House, entitled "An Act to repeal an Act passed in the sixth year of the Reign of His late Majesty Hospital Act repeal Bill, brought up and read 1st time.

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King 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 and received under or by virtue of the said Act," which was read a first time, and—

Ordered, to be read a second time on Friday next.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next, at one of the Clock, p. m.

TUESDAY, 26th SEPTEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 " " ARCHIBALD WALKER, *Commandant.*
 " " JAMES SIMMS, *Attorney-General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " JOHN DUNSCOMB.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The minutes of Friday last were read.

Harbor Grace Island Light-House Bill—read 3rd time and passed.

Pursuant to the order of the day, the Bill entitled "An Act to authorize the raising by Loan of a further Sum of Money for the completion of the Light-House on Harbor Grace Island, and to make further regulation respecting the same," was read a third time and passed.

Message from the Assembly requesting a Conference on the subject of last Conference, Acceded to.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the Conference held on Friday the 22nd instant.

Conferees appointed.

Ordered, that the request be acceded to.

Their report.

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

The Conferees went to the Conference, and having returned, reported that they had received from the Managers on the part of the House of Assembly the following Instructions:

Instructions received from Assembly's Conferees.

The House of Assembly having taken into consideration the subject of the Conference prayed for by Her Majesty's Council on Friday the 22nd instant, cannot find in the arguments there urged, any thing to prove that in sending up a Bill on Friday the 15th instant, entitled "An Act for granting to Her Majesty certain Duties on Wines, Spirits, and other Articles imported into this Colony," they had departed from the strictest rules of propriety.

The House of Assembly had been sitting from the 3rd of July, almost uninterruptedly, to the present day, to the almost total neglect of the personal pursuits of the Members, and the Session now having become protracted to that season of the year when the close of the fisheries imperatively calls off their attention from the subject of Legislation, the Representatives were compelled to adopt every legitimate means to accelerate the business of the Country, in order that they may be promptly discharged from their Legislative labors.

For the better accomplishment of this object, regular notice had been given on September the 11th, and on the next day it was Resolved, (see Journals of that date,) that all the Rules of the House in reference to the introduction, the reading, committing and passing of Bills, the consideration of amendments to Bills made by Her Majesty's Council, and the moving of Addresses to His Excellency the Governor, be rescinded.

This rescision of all the Rules of the House of Assembly upon these subjects, it will at once be observed, was not made with reference to the Bill now in question—as that resolution was adopted prior to the transmission to the Council of the first Bill upon that subject; and, therefore, in departing from the usual course upon the consideration of the latter Bill, there could have been no intention on the part of the House of Assembly, to infringe upon the courtesy due to another branch of the Legislature.

With regard to the complaint of Her Majesty's Council that the Bill sent up on Friday the 15th was the same Bill that had been previously transmitted from the Assembly, the House of Assembly cannot recede from their former assertion that the Bill sent up on that occasion

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was to all intents and purposes a new Bill, even though the Mechanical or Clerical part of the body of the Bill may have been identical with the former Bill; for it will be remembered that the former Bill was dated as having passed the Assembly on the 12th instant, whereas the present Bill exhibits the date of its passing as the 15th; and as leave was asked in the regular way for its introduction—as it was, upon motion, read a first time—and upon motion, read a second time—upon motion, committed,—and the entire Bill, and the several Sections thereof, taken into consideration, and adopted seriatim; and again, as, upon motion, it was read a third time, and again, upon motion, passed—the House of Assembly must continue to consider it in the light of a new Bill—and having been impelled to the adoption of this course by the very same motives which led to the adoption of the resolution before adverted to, the Council must perceive that the House of Assembly had not acted with undue precipitation in a matter of so much import, or from any feeling inconsistent with the character of a deliberative body.

The House of Assembly, in making this explanation, would, however, by no means be considered as yielding to the Council a right of dictating to them in what manner they should entertain or pass any Bills that may come under their consideration; and they desire that it should be particularly understood that such explanation should not be regarded in the light of a precedent.

They make that explanation in order that more time may not be wasted in unprofitable discussion upon this subject,—but they are the more impelled to make it, because they strongly repudiate the extremely uncourteous and unfounded imputation conveyed in the third paragraph of the instruction to the Conferees received in Conference on last Friday, and because they still continue of opinion that the Council had no data, even upon their own showing, on which officially to conclude upon the identity of the two Bills.

The Commons House of Assembly beg leave further to say that, in adverting, in their Message of Tuesday last, to the many violations of the privileges of the House of Assembly by Her Majesty's Council, they were not actuated, as implied in the first Section of the Instructions to the Conferees of last Friday, by a desire to “draw the Council aside from the consideration of the important subject set forth in their first Resolution, communicated to the Assembly on Monday last, by the introduction of “extraneous matter,” nor in order to “reciprocate injuries”—they merely adopted that opportunity, an opportunity not sought by them, of drawing the attention of the Council to these infractions of our privileges with a view to the prevention of their recurrence.

The House of Assembly, although quite sensible of the importance of the maintenance of their just privileges, and of the necessity of preserving order in their proceedings, yet consider it would not be consistent with their dignity, as a deliberative Body, to exhibit any symptom of testiness upon matters extrinsic of such questions; but above all things would they regard it indecorous to travel out of their way, and to seek for opportunities of raising discussion upon subjects not coming officially before them.

They are most desirous that the Session should be speedily brought to a close—the season promises a disastrous issue to the Fisheries, and therefore it is of vital importance that the labors of the Legislature should be soon developed in enactments calculated, as far as possible, to anticipate the wants of the poor—to repair the disasters produced by such a calamity, and to promote the general improvement of the Colony—and they are ready to make every sacrifice to promote an object so necessary.

The primary means of its accomplishment is the passing of the Revenue Bill; and although two such Bills have already gone to the Council—as one of them has been by their Amendments rendered abortive, and they now declare they cannot proceed with the other—still are the House of Assembly determined to send up a third, in order that as they contemplate the expenditure of nearly £17,000 in the construction of Bridges and Making of Roads, besides some Two or Three thousand pounds for Charitable uses, in addition to the large Sums necessary for supporting the Civil Government of the Colony—the means of raising monies to meet these all-important objects may not be wanted.

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- Church regulation Bill, read 3rd time. Pursuant to the order of the day, the Church regulation Bill was read a third time—and on the question that it do now pass, the House divided, when there appeared—
Content—One—
Non-Content—Six.
 So it passed in the negative.
- Lost.
- Revenue Bill brought up— read 1st time. A Deputation from the House of Assembly brought up, for the concurrence of this House, the Bill 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, and—
 Ordered to be read a second time to-morrow.
- House adjourns. On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m.

WEDNESDAY, 27th SEPTEMBER, 1837.

- House meets. The House met pursuant to adjournment.
- Present,**
- Members present. *The Honorable HENRY JOHN BOULTON, Chief Justice.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.
- The minutes of yesterday were read.
- Registration of Deeds Bill, Committed. Pursuant to the order of the day, the House went into a Committee of the whole on the Registration of Deeds Bill.
 The Honorable Mr. Sinclair in the Chair.
- Member enters. The Honorable Mr. Bland enters.
 After some time the House resumed.
- Bill reported. The Chairman reported the Bill with some amendments.
 Ordered, that the report be received.
- 38th Standing Rule dispensed with. Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.
 Ordered, that the Bill be engrossed and read a third time to-day.
- Revenue Bill, read 2nd time. Pursuant to the order of the day, the Bill entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies,” was read a second time.
- 38th Rule dispensed with. Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.
- Revenue Bill, Committed. The House accordingly went into a Committee of the whole on the same.
 The Honorable Mr. Dunscomb in the Chair.
- Member enters. The Honorable Mr. Crowdy enters.
 After some time the House resumed.
- Bill reported. The Chairman reported progress, asked leave to sit again to-morrow, and recommended that a Conference be requested with the Assembly.
 Ordered, that the Report be received.
- Registration of Deeds Bill re-committed. On motion of the Honorable Mr. Thomas, the Registration of Deeds Bill was re-committed.
 The Honorable Mr. Sinclair in the Chair.
- Reported— After some time the Chairman reported the Bill with some Amendments.
 Ordered, that the Report be received.
 Ordered, that the Bill be engrossed and read a third time to-day.
- read 3rd time, and passed. Whereupon the Bill was read a third time, and passed.
- Title of Registration of Deeds Bill. Ordered, that the Title be “An Act to repeal part of an Act passed in the Parliament of Great Britain in the fifth year of the Reign of His Majesty King George the Fourth, entitled

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'An Act for the better Administration of Justice in Newfoundland, and for other purposes,' and to make further provision for the Registration of Deeds in this Colony."

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m. House adjourns.

THURSDAY, 28th SEPTEMBER, 1837.

The House met pursuant to adjournment. House meets.

Present,

- The Honorable HENRY JOHN BOULTON, Chief Justice.
 - " " JAMES SIMMS, Attorney General.
 - " " JOHN DUNSCOMB.
 - " " WILLIAM THOMAS.
 - " " JOHN B. BLAND.
 - " " JOHN SINCLAIR.
- Members present.

The minutes of yesterday were read.

The Honorable Mr. Dunscomb, from the Select Committee appointed to report on the Contingencies of this House, report as follows: Select Committee on Contingencies make their report.

The Select Committee appointed to take into consideration the Contingencies of this Honorable House, 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 Eighty Pounds Nine Shillings and Five Pence Sterling, and the latter to Sixteen Pounds Four Shillings and Eight Pence Sterling, making together One Hundred and Ninety-six Pounds Fourteen Shillings and One Penny Sterling, which they recommend to be paid. The Report.

Your Committee further recommend that the Officers of this House be placed in point of Emolument on a footing with the corresponding Officers in the House of Assembly.

(Signed) JOHN DUNSCOMB, Chairman.

Committee Room, 28th September, 1837.

Ordered, that the Report be received.

Whereupon a Message in the following words, was sent to the House of Assembly:

MR. SPEAKER,

Her Majesty's Council acquaint the House of Assembly that the Contingent Account of the Clerk of the Council amounts to One Hundred and Eighty Pounds Nine Shillings and Five Pence Sterling, and that of the Usher of the Black Rod to Sixteen Pounds Four Shillings and Eight Pence Sterling; and they have resolved, that their Officers be placed, in point of Emolument, on a footing with the corresponding Officers of the Assembly. Message to Assembly on Contingencies of Council.

(Signed,) H. J. BOULTON, P. C.

Council Chamber, 28th September, 1837.

Pursuant to the recommendation of the Committee of the whole House of Yesterday on the subject 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," it was—

Ordered, that a Conference be requested with the House of Assembly on the same, and that the Honorable Messrs. Thomas and Bland be the Conferees on the part of this House. Conference ordered on Revenue Bill—Conferees appointed.

A Message to the House of Assembly, by the Master in Chancery, requesting a Conference, was accordingly sent.

The Honorable the Chief Justice submitted to the House, for their consideration, a draft of Instructions to the Conferees, which he had prepared, and which was read and adopted.]

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The Instructions are in the following words :

The Instructions.

Her Majesty's Council have requested this Conference for the purpose of expressing to the Assembly their regret that the Bill sent up to the Council entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," is limited in its duration to one year from the end of the present Session, omitting the usual words "and from thence to the end of the then next Session of the Legislature."

The Council are of opinion that no temporary Act should be permitted to expire during any recess of the Legislature; and no mode occurs to the Council by which this end can with certainty be accomplished, except the usual one of continuing such Acts to the end of the Session next ensuing the time named as the period of their duration.

The Crown is invested, for the public good, with the necessary prerogative of determining at what time the Legislature shall meet for the dispatch of business; and no unnecessary embarrassment ought to be thrown in the way of the Government exercising a sound discretion on a point of so much importance.

Various causes, which will naturally present themselves to every intelligent mind, will doubtless frequently occur to render it desirable to convene the Legislature a little earlier one year and later another; but if the Crown is to be embarrassed in exercising a useful discretion by the certainty that a postponement, even for a few weeks, will cause the inevitable evil of a change in the law, whether of Revenue or Police, much injury might ensue to the Public Service, whatever might be the course which the Government would be driven to pursue in the choice of difficulties which need never have been created.

The climate renders it necessary, in this Colony in particular, to consult the convenience of Members residing at the Outports,—it being well known that at certain seasons of the year the usual modes of communication between several parts of the Island are altogether interrupted.

The present Revenue Act expires with the present Session, and the Council cannot consent, by deviating from former precedent, to establish one so objectionable as the change now proposed would introduce, and which, in a matter of Revenue, is obviously of the first importance.

Message from Assembly acceding 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, reported that they had delivered their Instructions to the Managers appointed on the part of the House of Assembly.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m.

FRIDAY, 29th SEPTEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 " " ARCHIBALD WALKER, *Commandant.*
 " " JAMES SIMMS, *Attorney-General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " JOHN DUNSCOMB.
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The minutes of yesterday were read.

On motion—

On motion of the Honorable the Chief Justice, seconded by the Honorable Mr. Bland, it was—

Order of the day for second reading of Hospital Act repeal Bill—discharged.

Ordered, that the order of the day for the second reading of the Bill entitled "An Act to repeal an Act passed in the Sixth year of the Reign of His late Majesty King William

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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 and received under or by virtue of the said Act"—be discharged—and that it be read a second time on this day three months.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to require the Inspection of Butter and Bread imported into this Colony,"—which was read a first time, and—

Butter and Bread inspection 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, for the concurrence of this House, a Bill entitled "An Act to repeal two certain Acts of the General Assembly, entitled 'An Act to regulate the Making and Repairing of Roads and Highways in this Island,' and "An Act to amend an Act passed in the second Session of the Parliament of this Colony, entitled 'An Act to regulate the Making and Repairing of Roads and Highways in this Island,'"—which was read a first time, and—

Road Acts repeal 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:—

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in and upon the Bill entitled "An Act to continue and amend an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island,'"—without amendment.

Message from Assembly acceding to amendments in Pickled Fish Bill.

WILLIAM CARSON,
Speaker.

House of Assembly, }
28th September, 1837. }

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the last Conference.

Message from Assembly requesting Conference—
acceded to—

Ordered, that the Conference be granted.

Ordered, that the Honorable Messrs. Thomas and Bland be the Conferees on the part of this House. Conferees appointed—

The Conferees having gone to the Conference, and returned—

The Honorable Mr. Thomas reported, that they had met the Managers on the part of the Assembly, and received from them the following Instructions:—

Report of Conferees.

Their exceeding solicitude for the advancement of the Public Service is the only reason why, after having sent up no fewer than three Revenue Bills to Her Majesty's Council during the present Session, the House of Assembly have requested this Conference on to-day, on the subject of the Conference of Yesterday, in order, if possible, to avert any misunderstanding or misconception on the part of Her Majesty's Council which may have a tendency to embarrass Her Majesty's Government.

Referring to the first and last paragraphs of the Instructions received from the Conferees of Her Majesty's Council, and reported to the House on Yesterday, the House of Assembly perceive that the Council appear to consider the defining the precise day of the determination of the Revenue Bill at present before them, as a deviation from precedent, on the part of the Assembly, and that they seem to consider the words "and from thence to the end of the then next Session of the Legislature," as usually qualifying the clause intended to limit the duration of the Bill; but from both these positions the House of Assembly beg most respectfully to dissent, and to disclaim any, even the least, desire to introduce a new and unusual principle into that Bill.

The House of Assembly beg to urge that they consider the use of the words above quoted rather an innovation on "former precedent" than a "deviation" therefrom; for they find that in the neighbouring Colonies of New Brunswick, Prince Edward's Island, and Nova-

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Scotia, such a qualification is not used, but on the contrary the period of the termination of the Act is defined by far more strictly than in the Bill at present in question.

On the Table of the House of Assembly lie at present the laws of New Brunswick passed in the Session of 1833; and the last Section of the Act 3rd Wm. 4, Cap. 1, being the Revenue Act of that Colony, runs in the following words "And be it further enacted that this Act shall continue and be in force from the first day of April next, until the first day of April which will be in the year of our Lord One Thousand Eight Hundred and Thirty-Four," which not only makes it operative only for one year, but also defines the precise day upon which it is to terminate.

The very last laws of Prince Edward's Island which reached this Island, are those of 1836, and the first act of that Session in that Colony provides in the last Section, in like manner, "that this Act shall continue in force until the seventh day of May, One Thousand Eight Hundred and Thirty Seven, being only for the period of one year."

The Acts of 1834, for the Province of Nova-Scotia, are also before the House; and the first Act of that Session in that Colony, in the very first Section, contains a provision that the Act shall come in force on the first day of April, 1834, "and shall remain and continue in operation until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Thirty-Five," being again for one whole year. But why further multiply precedents from other Colonies to prove the propriety of the course pursued by the House of Assembly on this occasion, when, upon opening the pages of the Statutes of Newfoundland, we find the Act 5th Wm. 4, Cap. 1, being the existing Revenue Act, where the last Section of the Act, running thus—"And be it further enacted, that the Act shall continue and be in force for two years, and no longer"—thus clearly proving, that in defining the precise day of the termination of a Revenue Bill, the Representative Branch of the Legislature had not "deviated from former precedents."

In the second paragraph of the Instructions to the Conferees, Her Majesty's Council express an opinion in which the House of Assembly fully concur, but the Assembly deduce a conclusion from the proposition there laid down quite opposite to that the Council would fain advance.—The House of Assembly *do* think that "no temporary Act should be permitted to expire during any possible recess of the Legislature;" but they cannot conclude that it is by the addition to the Act of the words "and to the end of the then next Session of the Legislature" "this end" should "with certainty be accomplished;" they think that it is the bounden duty of the Executive to provide that the inevitable evil of a change in the law, whether of Revenue or Police, whereby much injury might ensue to the public, should not occur, by the convention of the Legislature at such a time as would completely obviate that difficulty.

In England, in Scotland, and in Ireland, formerly, as well as now in the Imperial Legislature, how many Acts of Parliament go to prove the correctness of these views. Not to mention others, the Mutiny Act is one which is expressly limited to one year,—the very day of its termination, as in the Colonial Act before recited, being declared,—and this limitation professedly to compel the Government to hold a Session of the Legislature once in every year; and if the Government desire that the Mutiny Act, or any other temporary law, "should not be permitted to expire during any possible recess of the Legislature," it is their duty to convene the Legislature at such times as will render it impossible.

The House of Assembly, in sending up their Bill thus couched, were not actuated by any desire, as insinuated in the third paragraph of the Instructions, "to throw unnecessary embarrassments in the way of the Government," by prescribing "at what time the Legislature shall meet for the dispatch of business"—it is their opinion that the Legislature should meet annually—that the interests of the Country require it;—but that the Executive ought to have, as have Her Majesty's Government in England, the perfect enjoyment of the prerogative of prescribing the time at which such Session should be held. It is not to the desire of the Assembly "to throw embarrassments in the way of the Government," that the great "injury to the Public Service" has been inflicted this year, by the circumstance of deferring the Session to a period when an entire half year's debts have accrued to the Public Officers, and six months have elapsed during which public improvement has been at a stand.

29th & 30th September, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

In the fifth paragraph, the Council have expressed a desire "to consult the convenience of Members (of the Assembly) residing at Outports;" but every Member resident in the Outports was present and a party to the passing of the Revenue Bill in its present form; and although "it is well known that at certain Seasons of the year the usual modes of communication between several parts of the Island are altogether interrupted," yet it is equally well known that, with two exceptions, every Session of the Legislature, up to the present, has been held at these very Seasons here adverted to, and that the period of the proposed termination of the Bill in question, being the month of October, leaves abundant time, in fact the entire Spring and Summer, when communication is perfectly open with all parts of the Island, for a Session of the Legislature before its expiration.

The House of Assembly beg then to reiterate, that in determining the *precise* time of the termination of the Revenue Act, they have not departed from precedent; and they would consider the adding of the qualifying words before quoted as a surrender of their privileges into the hands of the Executive; because then, by neglecting or deferring to convene the Legislature in Session, it would be in the power of the Executive to continue an Act which taxed the people to a period indefinitely beyond that to which the Representatives of the People, the only Branch of the Legislature who ought to have the power of taxation, would have desired.

Besides, from the peculiarity of the circumstances of this Colony, totally dependent as it is on the contingent success of the fisheries, it would be extremely imprudent to pass a Revenue Act for a period of longer duration than one year; for it does not follow that because the people may this year come forward, through their Representatives, to tax themselves for the improvement of the Country, that they could afford to do so at all next year, or to the same extent.

They beg to say again, that in defining the period of the Act they have not acted inconsistently with their duty; for had there been any impropriety in omitting the words in question, His late Majesty William 4th would not have omitted them in communicating His Royal Instructions granting a Legislature to Newfoundland, wherein (see Instruction the 15th) he instructs the Governor "that no law for granting unto us any sum or sums of Money, by duties of impost, tonnage, or excise, be made to continue for less than one whole year"—thereby clearly proving that while according with the precedents of the British Parliament, and while acting in unison with the Legislatures of the other British North American Colonies in determining the day of the termination of the proposed Revenue Bill, they are acting in strict conformity with His Majesty's Royal Instructions.

Under these circumstances, the House of Assembly consider that in sending up a second Revenue Bill, after the vitiation of the first by the amendments of Her Majesty's Council, in violation of the privileges of the House of Assembly,—and in sending up a third, when Her Majesty's Council refused to proceed on the second,—they have discharged their duty to their Queen and to their Country; but to infringe upon the principle contained in the last Section of the third Bill, they should regard as an abandonment of the most important of the privileges of the popular Branch of the Legislature.

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until to-morrow, at one of the House adjourns.
Clock, p. m.

SATURDAY, 30th SEPTEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice*.

Members present.

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of yesterday were read.

30th September, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

On motion of the Honorable the Chief Justice, it was—

Conference requested
with Assembly on the
Revenue Bill.

Ordered, that a Conference be requested with the House of Assembly on the subject of the last Conference.

Conferees appointed—

Ordered, that the Honorable Messrs. Thomas and Bland be the Conferees on the part of this House.

The Honorable the Chief Justice submitted to the consideration of the Council a draft of Instructions to the Conferees, which was read and adopted.

The Instructions are in the following words :

Instructions to Conferees.

The Council have requested this Conference for the purpose of expressing to the Assembly the reasons why they cannot concur in the opinions offered by them upon the subject brought under consideration at their last Conference.

With regard to the precedents quoted by the Assembly from the proceedings of the neighbouring Colonies, the Council are of opinion that they are by no means conclusive as mere precedents; because the circumstances of those Colonies and this Island are extremely different in those particulars which would seem to render the course suggested by the Council as the most desirable to be followed; while the precedents to be quoted from our own proceedings are, with the solitary instance cited by the Assembly, not only against the view taken by them of this subject, but, in that very instance, it is to be presumed that the Legislature saw the inconvenience likely to result from it, and therefore, at its next Session, continued that Act from the 20th April, 1837, the period named for its duration, to the end of the then next Session of the Legislature; besides, its continuance was originally for two years.

The Council are therefore of opinion that it is safer to follow precedents drawn from their own Legislative proceedings, which by experience have been found beneficial, than to resort to those in use in other Countries. Of the reasons which may have induced their adoption, we can have but very imperfect knowledge.

The precedents drawn from the Parent State are in this instance still less applicable. The Imperial Parliament is generally in Session more than half the year, and Bills are constantly receiving the Royal assent during the progress of the Session, as circumstances may seem to require.

The Government, moreover, have it in their power generally to procure the passage of such measures as the exigencies of the Public Service may demand, and do not ordinarily defer such matters to the last moment, when there can scarcely be time for reading them with that deliberation which their importance ought to ensure.

The Council, however, being anxious to meet the views of the Assembly, have determined to forego their own opinion upon this occasion, in the hope that the Assembly will at its next Session revert to what the Council believe to be a more desirable practice.

Butter and Bread inspection Bill read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to require the Inspection of Butter and Bread imported into this Colony," was read a second time, and—

Ordered, to be Committed on Monday next.

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, reported that they had delivered their Instructions to the Managers on the part of the Assembly.

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 for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies."

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

2nd & 3rd October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Chairman reported the Bill without amendment.

Reported.

Ordered, that the report be received.

Ordered, that the Bill be read a third time on Monday next.

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

House adjourns.

MONDAY, 2nd OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " JAMES SIMMS, *Attorney General.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Saturday last were read.

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," was read a third time and passed.

Revenue Bill read 3rd time and passed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to require the inspection of Butter and Bread imported into this Colony."

Butter and Bread Inspection Bill, Committed.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Reported.

Pursuant to the order of the day, the Bill entitled "An Act to repeal two certain Acts of the General Assembly, entitled 'An Act to regulate the Making and Repairing of Roads and Highways in this Island,' and 'An Act to amend an Act passed in the second Session of the Parliament of this Colony entitled an Act to regulate the Making and Repairing of Roads and Highways in this Island,'" was read a second time, and—

Road Acts repeal Bill, read 2nd time.

Ordered, to be committed to-morrow.

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m.

House adjourns.

TUESDAY, 3rd OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " JAMES SIMMS, *Attorney-General.*" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

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 entitled "An Act to repeal two certain Acts of the General Assembly, entitled 'An Act to regulate the Making and Repairing of Roads and Highways in this Island,' and 'An Act to amend an Act passed in the second Session of the Parliament of this Colony entitled an Act to regulate the Making and Repairing of Roads and Highways in this Island.'" Road Acts repeal Bill Committed.

Road Acts repeal Bill Committed.

The Honorable Mr. Dunscomb in the Chair.

The Honorable Mr. Sinclair enters.

Member enters.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again on Friday next.

Bill reported.

Ordered, that the Report be received.

3rd & 4th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

Amendments on Regis-
tration of Deeds Bill—
brought up and—

A Deputation from the House of Assembly brought up a Message agreeing to the Bill sent down to that House entitled "An Act to repeal part of an Act passed in the Parliament of Great Britain in the fifth year of the Reign of His Majesty King George the Fourth, entitled 'An Act for the better Administration of Justice in Newfoundland and for other purposes,' and to make further provision for the registration of Deeds in this Colony," with certain Amendments, to which they requested the concurrence of the Council.

read 1st time.

The Amendments were then read a first time, and—
Ordered, to be read a second time to-morrow.

Road provision Bill—
brought up, read a 1st
time—

A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled "An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same;" which was read a first time.

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

read 2nd time.

The Bill was then read a second time, and—
Ordered, to be committed to-morrow.

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

MR. PRESIDENT,

Message from Assem-
bly agreeing to Amend-
ments on Weights and
Measures Bill, with a
certain exception.

The House of Assembly having taken into consideration the Amendments of Her Majesty's Council on a Bill entitled "An Act to amend an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber,'" have concurred in all with the exception of that on the subject of the Amendment of Salt.

WILLIAM CARSON,
Speaker.

House of Assembly, }
3rd October, 1837. }

Conference ordered on
the subject of the Mes-
sage.

Ordered, that a Conference be requested with the Assembly on the subject of the above Message.

Conferees appointed
who are to draft In-
structions.

Ordered, that Messrs. Thomas and Sinclair be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

House adjourns.

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

WEDNESDAY, 4th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
" " JAMES SIMMS, *Attorney General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JOHN DUNSCOMB,
" " WILLIAM THOMAS,
" " JOHN B. BLAND,
" " JOHN SINCLAIR.

The minutes of yesterday were read.

Select Committee ap-
pointed to draft Instruc-
tions to Conferees on
Weights and Measures
Bill, present a report.

The Honorable Mr. Thomas, from the Committee appointed to prepare a draft of Instructions for the Conferees on the Message from the Assembly of yesterday, relative to the Amendments made by the Council in and upon the Weights and Measures Bill, presented the following Report:—

The Report.

The Council have requested this Conference with the Assembly, to express their desire to adhere to the accustomed methods of conducting business between these Branches of the

4th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Legislature, which they are convinced will be found best calculated to ensure an harmonious procedure in their intercourse; and to express their regret that the Assembly should, upon the occasion of the amendments made by the Council to the Bill sent from the Assembly, entitled "An Act to amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber,'" have adopted the extraordinary course of returning the said Bill, with a Message acquainting the Council that they "had concurred in all their amendments, with the exception of that on the subject of the amendment of Salt." The Council are persuaded that the Assembly will not find a precedent for such a mode of proceeding in the Journals of any Legislative Body professing a general adherence to Parliamentary usage.

Ordered, that the Report be received and concurred in.

Adopted.

Whereupon a Message was sent to the Assembly requesting a Conference.

Pursuant to the order of the day, the amendments made by the House of Assembly on the Bill entitled "An Act to repeal part of an Act passed in the Parliament of Great Britain in the Fifth year of the Reign of His Majesty King George the Fourth, entitled 'An Act for the better administration of Justice in Newfoundland and for other purposes,' and to make further provision for the Registration of Deeds in this Colony," were read a second time, and—

Registration of Deeds Bill—
read 2nd time.

Ordered, to be Committed to-morrow.

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

Message from Assembly acceding to Conference.

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

Report of Conferees.

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

MR. PRESIDENT,

The House of Assembly request a Conference with Her Majesty's Council on the subject-matter of the Amendments made by the Council in and upon the Bill entitled "An Act to amend an Act passed in the 6th year of His late Majesty William the 4th, entitled 'An Act for the encouragement of Education in this Colony.'"

Message from the Assembly requesting Conference on Education Bill.

WILLIAM CARSON,

Speaker.

House of Assembly,
4th October, 1837.

Ordered, that the request be concurred in.

Concurred in.

Ordered, that the Honorable Messrs. Simms and Bland be the Conferees on the part of this House.

Conferees appointed.

The Conferees went to the Conference, and having returned, reported that they had received from the Managers on the part of the Assembly the following Instructions:

Report of Conferees.

The House of Assembly request this Conference in order to explain why they cannot concur in the amendments made by her Majesty's Council on a Bill for the encouragement of Education in this Colony.

Assembly's Instructions to their Conferees on Education Bill.

From the Returns laid before the House of Assembly from the several Boards of Education appointed under an Act passed in the 6th year of the Reign of His late Majesty William the Fourth, entitled "An Act for the encouragement of Education in this Colony," it appears that in some Districts of the Island, owing to the impracticability of the Boards, from the dissensions of the Members thereof, the public have been deprived of the advantage intended by the Legislature to have been conferred on them by that Act. It therefore became adviseable to empower His Excellency the Governor to dissolve the Boards in all such Districts, and to appoint other persons better calculated to bring into effect the intentions of the Legislature. One great principle, therefore, of the Bill was to enable the Executive to accomplish that which the Legislature intended, by the nomination of proper persons to effect that object; and the House of Assembly feel that should they concur in the amendment which

4th & 5th October, 1837.

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expunges the Section conferring on His Excellency that power, they would be abandoning one of the most useful provisions of the Bill.

The desire on the part of some of the Members to have the Bible introduced as a School Book, having proved the principal cause of dissension among the Members of several Boards, naturally suggested the fourth Section of the Bill,—wherein it was provided that “no Book shall be selected that may be objected to by Members of any Religious denomination;” and this provision excluding all Books the introduction of which would have a tendency to create dissensions among the children, or the parents, or their Spiritual Teachers, the House of Assembly concluded would have the effect of causing the children of parents professing different Creeds to be brought up together in ties of Christian brotherhood; but the amendment of Her Majesty’s Council, expunging that philanthropic provision, and substituting one which empowers a child to introduce at School any book, however objectionable, whether to the religious principles or the morality of the other children, or their parents, provided only the parent of that child approve of it, the House of Assembly consider as calculated to perpetuate religious animosities, and engender strifes and dissensions, where only feelings of fraternity ought to be fostered.

The House of Assembly, under these circumstances—several Members of Boards of Education having passed as Presidents from one District into another—several Boards continuing impracticable—are of opinion that His Excellency ought to be empowered to dissolve these Boards that refuse or neglect to act, and to fill up such vacancies as may occur from any just cause. And they are also of opinion that the amendment to the fourth section, if concurred in, would render education a curse rather than a blessing to the people; and therefore, as the principle of the Bill would be wholly destroyed by the admission of these amendments, until Her Majesty’s Council reconsider them, they must refrain from adverting to the others.

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 certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same.”

The Honorable Mr. Dunscomb 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 to-morrow, at one o’clock, p. m.

THURSDAY, 5th OCTOBER, 1837.

The House met pursuant to adjournment.

Present.

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB,

“ “ WILLIAM THOMAS,

“ “ JOHN B. BLAND,

“ “ JOHN SINCLAIR.

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 entitled “An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill, with some Amendments.

Ordered, that the Report be received.

Reported, with Amendments.

Road (provision) Bill
Committed.

Reported.

House adjourns.

House meets.

Road (provision) Bill,
Committed.

5th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

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

The Amendments are as follows:—

- 1st Clause, at the bottom of the 4th Sheet—Expunge the words “For the Roads and ridges from Carbonear to Hearts Content, Four Hundred and Twenty Pounds,” and insert them at the end of the Clause. The Amendments.
- In the 2nd Section—Expunge the word “Henry” before “Martin,” and insert “Thomas” in its stead.
- Expunge the 3rd Section of the Bill.
- 4th Section, 3rd line.—Expunge the words “or any Member or Members of the House of Assembly.”
- 6th Section.—At the end of this Section add the words “unless the said Commissioners shall think fit to extend the period for giving such security.”
- 12th Section.—At the end of this Section add the words “and the same shall be deemed and taken to be a public Road and Highway.”
- 13th Section, 7th line.—Between the words “Commissioners” and “to,” insert the words “by and with the consent of the said Board of Control.”
- 15th Section.—At the end of this Section, insert the words “all which reports, matters, and things, shall be subject to the approval, order and control of the said Board.”
- Insert as the last Section.—“And be it further enacted, that no Contract shall be entered into for laying out or improving any Road whereon Public Money has not heretofore been expended, until a report thereon shall have been made to the said Board of Control, and their approval thereof shall have been signified to the Commissioners reporting thereon; Provided always, that if the said Board of Control should, upon receiving any such report, be of opinion that the contemplated expenditure is inexpedient, the said Board of Control shall report their reasons for not approving thereof to His Excellency the Governor, to be laid before the Legislature at its next Session, to abide their final determination in the matter.”

Pursuant to the order of the day, the House went into a Committee of the whole on the Amendments made by the Assembly on the Bill entitled “An Act to repeal part of an Act passed in the Parliament of Great Britain in the fifth year of the Reign of His Majesty King George the Fourth, entitled ‘An Act for the better Administration of Justice in Newfoundland, and for other purposes,’ and to make further provision for the Registration of Deeds in this Colony.”

Amendments in Registration of Deeds Bill—Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported, that the Committee disagreed to the first Amendment, but that they concurred in the remainder of the Amendments. Reported, with amendment.

Ordered, that the Report be received.

Ordered, that the 38th Standing Rule of the House, so far as it respects these Amendments, be dispensed with, and that they be read a third time presently. 38th Rule of the House dispensed with.

Whereupon the Amendments were read a third time and passed.

Amendments read 3rd time.
Conference ordered.

Ordered, that a Conference be requested with the Assembly on the subject of the Amendments, and—

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House, and that they be a Committee to draft Instructions. Conferees appointed who are to draft Instructions.

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m. House adjourns.

6th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

FRIDAY, 6th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The minutes of yesterday were read.

Road (provision) Bill
read 3rd time and pas-
sed.

Pursuant to the order of the day the Bill, as amended, entitled “An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same,” was read a third time and passed.

Select Committee ap-
pointed to prepare In-
structions to Conferees
on Registration of
Deeds Bill—present a
Report.

The Honorable Mr. Thomas, from the Committee appointed to prepare a draft of Instructions to the Conferees on the Amendments made by the Assembly on the Registration of Deeds Bill, presented the following Report:—

Instructions to Con-
ferees on the above
named Bill—

Reasons for disagreeing with the Assembly on the Amendment to the Bill entitled “An Act to repeal part of an Act passed in the Parliament of Great Britain in the fifth year of the Reign of His Majesty King George the Fourth, entitled ‘An Act for the better Administration of Justice in Newfoundland, and for other purposes,’ and to make further provision for the Registration of Deeds in this Colony”—wherein the Assembly, Section 2, line 11, between the words “made” and “by,” insert the words “by the party from whom shall pass such beneficial interest, or in case such person shall die or be absent from the Colony, then.”

A principal object of the Bill now under consideration is to afford greater facilities for registering instruments required to be registered by the above in-part-recited Act, commonly called the Judicature Act, than are given by that Act, which provides that some or one of the Parties executing any such Deed, Conveyance or other Assurance, as therein mentioned, shall appear before the Registrar of Deeds and acknowledge the execution thereof, if such Parties, or any of them, are resident in Newfoundland; which is extremely inconvenient and difficult for those persons to do who happen to reside at a distance from the Offices of the Registrars, of whom there are but three for the whole Colony; whereas, if the instruments could be registered after having been verified by Affidavit, this inconvenience would be almost entirely removed, there being numbers of persons in different parts of the Colony who are authorized to take Affidavits, before whom the Witnesses to such Instruments could conveniently appear.

If the party executing were the only person upon whose authority the Instrument should be permitted to be registered, it would only be necessary to authorize him to acknowledge the Deed, without Oath, before the persons named in the Bill to take the Affidavits of the Witnesses; but it may frequently happen that the Party will decline, or for some reason not avowed evade acknowledging the Instrument after he has attained his end by executing it; and therefore it is reasonable that the Instrument should be registered upon proof of its execution; and no danger can arise from such a course being adopted, since the intention of registry is merely to give notice to the Public that such a Deed has been executed. It does not render it effectual if there be any objection to its validity; and when produced in a Court of Justice, it must be proved just as if it had never been registered.

The Council are therefore led to hope that the Assembly will recede from this Amendment, otherwise the Bill, if passed, will be in a great degree nugatory.

Ordered, that the Report be received and adopted.

Adopted.

Assembly agree to
Conference requested.

A Deputation from the House of Assembly brought up a Message agreeing to the Conference requested on the Amendments to the Registration of Deeds Bill.

6th & 9th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Conferees went to the Conference, and, having returned, reported that they had delivered to the Managers on the part of the Assembly, the Instructions with which they had been entrusted. Report of Conferees.

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council, with reference to the subject-matter of the Conference of this day, that they recede from the Amendment in the Eleventh line of the Second Section of the Bill referred to. Message from Assembly receding from Amendment on Registration of Deeds Bill.

WILLIAM CARSON,
Speaker.

House of Assembly, }
6th October, 1837. }

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

MONDAY, 9th OCTOBER, 1837.

The House met pursuant to adjournment. House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Friday last were read.

On motion of the Honorable the Chief Justice, the Instructions to the Conferees of the House of Assembly of the 4th instant, on the subject of the Education Bill, were read, when it was— Assembly's Instructions to their Conferees on the Education Bill read.

Ordered, that a Conference be requested with the Assembly relative thereto, and—

Ordered, that the House do go into Committee on the same presently. Conference ordered thereon.

Whereupon the House went into a Committee of the whole. The Instructions Committed.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Honorable Mr. Bland enters. Member enters.

The Chairman reported a draft of Instructions to the Conferees on the part of this House. Report of Committee.

Ordered, that the report be received, and adopted

The Instructions are in the following words.

The Council have requested this Conference upon the subject of the last Conference upon the amendments made by the Council on the Bill sent up by the Assembly, entitled “An Act to amend an Act passed in the Sixth year of His late Majesty William the Fourth, entitled ‘An Act for the encouragement of Education in this Colony’—to acquaint the Assembly that they do insist on their amendments to the said Bill, for the following reasons: Instructions to Conferees.

Because the Returns from none of the Boards appointed under the Act for the encouragement of Education do, in the opinion of the Council, in any degree warrant the assumption of the Assembly that the public have been deprived of the advantage intended by the Legislature to have been conferred on them, owing to the impracticability of the Boards, from the dissensions of the Members thereof,—there being no instance of any Board failing to come to a final decision upon every point propounded for their consideration. It is true that in several instances the determination of the Boards were not sanctioned by an unanimous concurrence; but in these, as in all other cases of the kind, the majority prevailed, and the final determination of each Board was thus expressed. It is therefore incorrect to assert that the public have been deprived (if at all) from the dissensions of the Members of those Boards, of the benefits intended to be conferred by the Act.

9th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

The Governor is authorized by the Act for the encouragement of Education to appoint in each District thirteen persons, who shall be a Board of Education for every such District, who are authorized to make Bye-Laws, which shall be transmitted to His Excellency for his approval. It appears by the Returns laid before the Legislature, that in the Districts of Bonavista, Trinity and Conception Bay, Rules or Bye-Laws have been made by the Boards of those Districts respectively, relative to the using of the Bible in their Schools, to which His Excellency, it seems, has refused his approbation. Now without entering into the question of how far the Legislature may have conferred upon His Excellency the power of negation with regard to the Rules to be adopted by the several Boards, it is quite clear that his refusing his sanction to any given Rule cannot render the Act inoperative and deprive the people of Schools altogether. The only consequence would be that the Schools will proceed without such a rule.

By the fifth rule of the Board of Education for Trinity, Protestant Schoolmasters are to be employed in every place where the number of Protestants shall exceed that of the Roman Catholics, and *vice versa*.—Now assuming that his Excellency has a negative voice in the matter, surely his refusal to accede to this Bye-Law would have no other effect than to leave the Board without such a rule for their guidance, and they would proceed to appoint such Masters to the several Schools as the majority of the Board should approve of.

The places where the Schools are to be kept—the Stipends for the several Masters, with various regulations for their conduct, have been adopted by this Board, and approved of by His Excellency; and as the Governor has clearly no authority of an affirmative character, to require any particular rule to be made,—his power being, at most, negative,—the Council cannot presume that an Act of the Legislature will be rendered nugatory because powers, not thereby conferred, are not acquiesced in by the Boards acting strictly within their authority. The Council are therefore of opinion that the assumption of the Assembly that the Act has been rendered inoperative by the dissensions of the Members of any of the Boards, is entirely groundless. The Council are also of opinion that to dissolve any of the Boards of Education because the majority will not submit to the minority, would be arbitrary, unjust, and very offensive to those Gentlemen who have undertaken gratuitously to perform an onerous and important duty, because they think proper to adhere to what we have a right to assume to be their honest and conscientious opinion upon a subject most interesting to the Inhabitants of their respective Districts,—whose feelings, sentiments and wishes they may fairly be presumed to be better acquainted with than strangers residing at a distance; and the Council feel that they cannot suffer so very unmerited a reproach upon those Gentlemen, to pass unnoticed, as the recommendation of the Assembly—“that persons better calculated to carry into effect the intentions of the Legislature” be appointed,—plainly implies.

The Amendment made by the Council in the fourth Section of the Bill they conceive to be important, and cannot recede from. The words expunged are these—“and no Book shall be selected that may be objected to by Members of any religious denomination;” and as we live in a Christian Country, it may be fairly presumed that all persons are Members of some religious Denomination, and consequently the words expunged, if allowed to stand as part of the Bill, would enable any body to object to any Book the Board might, under the provisions of the former part of the clause, have sanctioned the use of—which authority would therefore be subjected to the capricious control of every Person, Man, Woman and Child, in the Island—for it is not confined to the Neighbourhood or District; which, instead of being philanthropic, would be unwise. Neither does the provision which the Council have substituted for the words expunged, bear the construction which the Assembly have put upon them: the Proviso is in these words—“provided that no child shall be required to use any Book objected to by the Parents or Guardians of such Child;” which most certainly would not empower “a Child to introduce at School any Book, however objectionable, whether to the religious principles or the morality of the other Children or their Parents, provided only the Parent of that Child approved of it.” The provision merely authorises Parents and Guardians to reject, but gives permission to no one to introduce any Book; and therefore the conclusion of the Assembly, that the amendment is “calculated to perpetuate religious animosities and engender strifes and dissensions where only feelings of fraternity ought to be fostered,” is not warranted by the premises.

9th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Council are rather at a loss to comprehend what the Assembly mean by the expression "several Boards continuing impracticable," as set forth in the latter part of their reasons for not agreeing to the Amendment to 4th clause of the Bill.

If it be meant that they are not inclined to surrender their own opinions upon the best mode of performing a very delicate and sacred trust reposed in them for the benefit of the public, to the judgement of others who have no right to dictate to them, the Council would admit the premises, but reject the conclusion that they consequently deserved to be unceremoniously turned out.

As the Assembly have clearly misapprehended the meaning and effect of the Amendment made by the Council on the 4th clause, as shewn above, it is unnecessary to enter into any refutation of the singular conclusion at which they have arrived, that, if concurred in, it would render Education a curse rather than a blessing to the people.

Lest such an unusual mode should be adopted upon some future occasion, the Council would put the Assembly in mind that it is not in accordance with Parliamentary usage for one Branch of any Legislature to advance at a Conference some objections to the measures under deliberation, reserving others for future discussion—the whole subject should be disposed of in one Branch, before any Conference be asked with the other upon the matter.

With respect to the "introduction of the Bible as a School Book having proved," as alleged by the Assembly, "the principal cause of dissention among the Members of several Boards," the Council desire to observe, that it does not appear, from the Returns laid before the Legislature, that any dissention has existed among the Members of the Board, except that of Conception Bay; and it is not very surprising that in a Board consisting of thirteen persons a difference of opinion should exist upon some points of general interest; but the Council do not thence draw the conclusion that the Board should be dissolved, in order to reconstruct it upon such principles that the opinions of the minority, as it at present exists, shall be made to predominate. Such a course would tend to destroy all independence of action, and would render the Boards mere Agents instead of responsible deliberative Bodies—a character given to them by an Act of the Legislature, and of which neither branch can deprive them.

Upon the abstract question of making the Bible an ordinary School Book, the Council is not called upon to offer an opinion; but surely it is exacting a little too much to insist that the opinions of a large majority should be required to yield to such a mere prejudice, on the part of the minority, that the majority, who wish to read the Bible, shall not be permitted to do so, even for one hour before or after the regular School hours.

It appears, from the last Census, that of the population of Conception Bay, 13,152 are Protestants and 10,063 Roman Catholics; and while the Protestants are anxious that their Children should have the opportunity of reading the Bible—care being taken that it shall be forced upon no one—surely it is unreasonable that their wishes and their conscientious opinions should be disregarded, in deference to the scruples entertained on the part of the minority.

The Council are at a loss to perceive upon what principle the religious opinions of Protestants are to be set entirely on one side, while those of the Roman Catholic are to be brought forward as the sole ground of decision in the matter.

While the Council entirely repudiate the idea of interfering with the religious opinions of any denomination of Christians, they cannot concur in allowing the religious scruples of one portion of the Community to be a reasonable ground for stifling the voice of conscience in another.

The Amendment made by the Council, in the 4th clause of the Bill, effectually provides against any Book being placed in the hand of a Child which the Parents or Guardians object to the use of; and should any Master transgress in this respect, he would be liable to be indicted, besides being dismissed from his situation.

Upon a full consideration of the whole subject, the Council insist upon their Amendments.

9th & 10th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

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

Message from the Assembly, with resolution on the subject of a breach of privilege.

MR. PRESIDENT,

The House of Assembly have passed the following Resolutions:—

Resolved, that the Message of Her Majesty's Council acquainting the House of Assembly that Her Majesty's Council have passed the Bill sent up from the House of Assembly, entitled "An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same," with some Amendments,—is a violation of the privileges of the House of Assembly; and the House cannot recognize a right in Her Majesty's Council to make any Amendments in a Bill granting Monies to Her Majesty.

Resolved, that a Message be sent to Her Majesty's Council communicating the Resolution now adopted.

WILLIAM CARSON,

Speaker.

House of Assembly,
6th October, 1837.

Road provision Bill brought up—read 1st time.

A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled "An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to regulate the expenditure of such Monies," which was read a first time, and—

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

Quarantine continuation Bill brought up—read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to further continue an Act passed in the General Assembly of this Colony in the third year of the Reign of His late Majesty King William the Fourth entitled 'An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island,'" which was read a first time, and—

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

Assembly agree to Conference on Education Bill.

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

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow, at one of the Clock, p. m.

TUESDAY, 10th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN SINCLAIR.

The minutes of yesterday were read.

Conferees appointed on Education Bill.

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the subject of the Education Bill.

Their Report.

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

Message from Assembly on Road provision Bill read.

On motion of the Honorable the Chief Justice, the Assembly's Message of the 6th inst., brought up yesterday, on the subject of the Road (provision) Bill, was read, and it was—

Conference ordered.

Ordered, that a Conference be requested with the Assembly relative thereto.

Ordered, that the House go into Committee on the said Message presently.

10th October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

Whereupon the House went into a Committee of the whole.

Message of the Assembly, Committed.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported a Draft of Instructions to the Conferees.

Chairman reports draft of Instructions to Conferees.

Ordered, that the report be received and adopted.

The Instructions are in the following words :

Her Majesty's Council have requested this Conference upon the Resolution of the Assembly transmitted to them on Monday last, declaring the Message of the Council to the Assembly acquainting that House "that Her Majesty's Council had passed the Bill sent up from the Assembly, entitled 'An Act for granting to Her Majesty certain Monies for the making and repairing of Roads and Bridges in the Colony, and to provide regulations respecting the same,' with some amendments," to be a violation of the privileges of the House of Assembly, and that that House cannot recognize a right in Her Majesty's Council to make any amendment in a Bill granting Monies to Her Majesty," for the purpose of acquainting the Assembly that while the Council has no disposition to interfere with any privilege claimed by the Assembly, so long as that House shall confine its pretensions within reasonable and convenient bounds, yet, as the King's Letters Patent, from whence the powers of Legislation are so recently derived to both Houses, confers no especial privilege upon either, the Council cannot permit a mere assumption of privilege as peculiar to the Assembly to be carried to such lengths as would, if acquiesced in, concentrate all power and authority in matters connected with Supply in the Assembly,—depriving the Council of that wholesome and salutary check upon the proceedings of the Assembly which they possess upon those of the Council.

The Instructions.

Although there must obviously be a wide and manifest distinction between the privileges incident to or assumed by the House of Commons, as one Branch of the British Parliament, exercising from a period of high antiquity supreme authority over a vast Empire, and those which are applicable to a subordinate Colonial Assembly recently called into existence by Royal Authority,—yet the Council will cheerfully acquiesce in the exercise by the Assembly of such a modification of the privileges assumed by the House of Commons as shall reasonably be found to comport with the useful developement of their Legislative powers. Upon this principle the Council have no hesitation in admitting that all Bills for the granting or appropriating the Public Money, or for laying any additional burthen upon the People, should naturally originate in the Representative Branch of the Legislature; but that no amendment can be made by the Council, even in such parts as do not affect the quantum of the supply to be granted or appropriated, would be extending the claim beyond those limits which the Council conceive may safely be conceded without inconvenience to the Public Service.

During the short period that the Legislature of Newfoundland has existed, many precedents are to be found of amendments being made by the Council in Money Bills, very much to the advancement and protection of the public interests; among others which the Council might cite, they desire to call the attention of the Assembly to the amendments made by the Council to the Bill granting an additional Sum of Money towards the erection of a Lighthouse on Harbor Grace Island, which amendment had for its object a very similar end to that hoped for in the amendments now offered to the Road Bill under consideration,—namely, the protecting the Colony against a wasteful expenditure of the Public Money. The Council would likewise advert to the very extensive amendments made by them to the Bill for the relief of Sick and Disabled Seamen, Fishermen and other Persons, which being manifestly useful, were substantially acquiesced in by the Assembly.

If positive assertion on the part of the Assembly were sufficient to constitute a right to exclude the Council from all interference with whatever they might think proper to draw within the verge of their assumed privileges, the Council might at no distant day be thrust out of all participation in the deliberative duties assigned them, by the same authority which enables the Assembly to make so large a claim upon their forbearance.

Should these pretensions of the Assembly be acquiesced in, that House would soon be in a condition to usurp all executive as well as legislative authority in matters of finance,—which one clause of the Bill, now under deliberation, to a very considerable extent has for its

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	object, by appointing all the Members of the Assembly, by their own mere motion, to be Ex-Officio Members of the several Boards of Commissioners named in the Bill for the expenditure of about three-fourths of the current year's Colonial Revenue, which, according to their notion of privilege, no one is to presume to interfere with,—a pretension quite inconsistent either with the public good or the independent discharge of the trust reposed in the Council, and one which the Council will never yield to.
	The Council entertain very serious doubts of the propriety of devoting so very large a proportion of the year's income to one object; and unless all reasonable means shall be taken to guard against a lavish and improvident application of it, they would prefer its remaining in the Treasury; and they do consequently insist upon the amendments made by them to the Bill in question.
Conferees appointed.	Ordered, that the Honorable Messrs. Dunscomb and Thomas be the Conferees.
Merchant Seamen's regulation Bill read 1st time.	A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony," which was read a first time, and— Ordered, to be read a second time to-morrow.
Quarantine continuation Bill read 2d time.	Pursuant to the order of the day, the Quarantine Continuation Bill was read a second time—
38th Rule dispensed with—	Ordered, that the 38th Standing Rule of the House, so far as it respects this Bill, be dispensed with.
Bill Committed—	Ordered, that the Bill be committed presently. Whereupon the House went into a Committee of the whole on the same, The Honorable Mr. Crowdy in the Chair. After some time the House resumed.
Reported, with—	The Chairman reported the Bill with an Amendment. Ordered, that the Report be received. The Amendment is as follows:
Amendment.	Expunge the last line of the Bill, and insert in its stead the words—"one year, and from thence to the end of the then next ensuing Session of the Legislature." Ordered, that the Bill as amended be read a third time to-morrow.
Assembly accede to the Conference requested.	A Deputation from the House of Assembly brought up a Message agreeing to a Conference requested on the Message of the Assembly of the 6th instant.
Report of Conferees.	The Conferees went to the Conference, and having returned reported that they had delivered to the Managers from the Assembly the Instructions with which they had been entrusted.
House adjourns.	On motion made and seconded the House adjourned until to-morrow, at one o'clock, p. m.
	WEDNESDAY, 11th OCTOBER, 1837.
House meets.	The House met pursuant to adjournment.
	Present,
Members present.	<i>The Honorable</i> HENRY JOHN BOULTON, <i>Chief Justice.</i> " " JAMES SIMMS, <i>Attorney General.</i> " " JAMES CROWDY, <i>Colonial Secretary.</i> " " JOHN DUNSCOMB, " " WILLIAM THOMAS, " " JOHN B. BLAND,
	The minutes of yesterday were read.
Quarantine continuation Bill—read 3d time and passed.	Pursuant to the order of the day the Quarantine Continuation Bill, as amended, was read a third time and passed.
Member enters.	The Honorable Mr. Sinclair enters.

11th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Pursuant to the order of the day the Bill entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony," was read a second time.

Merchant Seamen's regulation Bill—read 2nd time.

On motion of the Honorable the Chief Justice, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that the Bill entitled "An Act for granting to Her Majesty certain Monies for the Making and Repairing of Roads and Bridges in this Colony, and to regulate the expenditure of such Monies," be read a second time on this day three months.

Road (provision) Bill to be read second time in three months.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the last Conference.

Assembly request Conference on Road (provision) Bill.

Ordered, that the request be concurred in; and—

Request concurred in.

Ordered, that the Honorable Messrs. Dunscomb and Thomas be the Conferees on the part of this House.

Conferees appointed.

The Honorable the Chief Justice asked and obtained leave to present a Petition from certain Clergymen of the United Church of England and Ireland, in the Diocese of Nova-Scotia and Archdeaconry of Newfoundland, setting forth that they contemplate with alarm the measure under the consideration of the Legislature, for the Education of the Population by the establishment of an Academy, and Elementary Schools—from all of which the Bible is to be systematically excluded; and praying this Honorable House to withhold its sanction to the measure.

The Chief Justice presents a Petition from certain Clergymen on the subject of Education.

The Conferees having gone to the Conference, and returned, reported that they had met the Managers from the Assembly, and received from them their Instructions.

Report of Conferees on Road provision Bill.

Ordered, that the Report be received.

The Instructions are as follows:—

The House of Assembly desire, through the present Conference, to convey their opinion to Her Majesty's Council on the subject-matter of the Conference of yesterday.

Assembly's Instructions to their Conferees on Road Bill.

With reference to the observations in the first and second paragraphs of the Instructions to the Conferees of Her Majesty's Council, the House of Assembly beg leave to say, that as it is their duty to protect their privileges from encroachment, so is it their determination to preserve them inviolate; nor can they permit any other Branch of the Legislature to arrogate to themselves a right to prescribe the limits beyond which the exercise of their just privileges would be unreasonable and inconvenient.

In considering "the King's Letters Patent, from whence the powers of Legislation are so recently derived to both Houses," the House of Assembly cannot conclude, as do the Council, that they "confer no special privilege upon either"—those Letters Patent confer upon the Members of the House of Assembly the dignity of Representatives of the People, and upon the House itself all the privileges of the Representative Branch of the Legislature; and if upon all occasions the House are inclined to repel all "interference" with their privileges, they are most particularly determined strenuously to resist all violation of those which appertain to the raising or appropriation of the Public Revenues.

Those privileges connected with Revenues and Supplies they are determined to maintain "as peculiar to the Assembly;" but they deny altogether that the maintenance of their privilege, as described in the Resolution of the House of Assembly conveyed to Her Majesty's Council on Monday last, is by any means intended, or even calculated, to "deprive the Council of" what the Council are pleased to call "that wholesome and salutary check upon the proceedings of the Assembly," on matters connected with Supply; as they have still left them the privilege of "checking" the House of Assembly by the rejection of the Bill.

The proper course, however, for the Council would be to explain their objections in Conference to the Assembly when they desire to have a Money Bill altered or amended; and then the Assembly, if they saw not in the Amendments suggested, a spirit of hostility to the public welfare, a concealed desire to impede public improvement, a studied inclination to fritter away the time and fling embarrassments in the pathway of that branch of the Legislature, or a latent wish to insult a Body who have no disposition to reciprocate,—but found them dictated by a wise anxiety to carry measures truly beneficial to the interests of the poor and the happiness of all,—would feel gratified by being afforded an opportunity of testifying their concur-

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rence by the introduction of a new Bill.

The Council must be aware that the House of Assembly is constituted on the basis of the Constitution of the British House of Commons—the Council of Newfoundland, as will be seen by reference to the despatch of Lord Viscount Goderich, accompanying the Royal Instructions, and the despatch of the Right Honorable Thomas Spring Rice, dated 21st October, 1834, is not permitted to claim “in their relations with the Governor of the Colony, the privileges which belong to the Upper House of Parliament, in the relation borne by their Lordships to His Majesty.”

With regard to the third paragraph of the Instructions to the Conferees, the House of Assembly can only reiterate that they will not for a moment admit nor can a single authority be cited to prove, that in the manner of raising monies or determining their appropriation—in the privileges of the popular Branch of the Legislature, as connected with the Revenue and Supply—there is a shadow less of privilege vested in the House of Assembly than in the House of Commons of England, or a shadow more in the Council than in the House of Lords.

As to the precedents adduced by the Council in the fourth paragraph, they are at best only a memorial of the remissness of the late House in omitting to sustain, or voluntarily surrendering their privileges, and by no means an evidence of their non-existence. But the House of Assembly beg leave to repudiate all reference to that Body as an authority in the maintenance of public rights, where their assertion would be unpalatable to those in power.

Beside, be it remembered that the legality of the Constitution of the late House is more than equivocal for many reasons, but particularly because Members continued to hold their seats therein after they had been petitioned against as unqualified, while it was actually by their own votes the question of enquiry into their qualification was negatived; and also because it is more than doubtful, as the Writs have been unsealed under which they were elected, whether any of the Members of that House were legally elected, while it is quite certain and admitted that two Members were elected contrary to Law.

At the close of this paragraph the Council present an hypothesis by no means deducible from the premises. The House of Assembly have never, in any single instance, testified a desire to encroach upon or abstract from the legitimate and recognized privileges of the Council, nor have ever evoked a just reproof for an overweening and unconstitutional assumption of distinctions and privilege not their due.—Their Constitution as established by their King, they have forborne to touch, and the names of their Officers, and the number of their Quorum, they have never attempted to alter, and therefore the Council needs not be so extremely apprehensive that “at no distant day they might be thrust out of all participation in the deliberative duties assigned them.”

The House of Assembly felt somewhat surprised, upon considering the fifth paragraph, that the Council should think it strange or improper that “Executive and Legislative authority” should be exercised by one and the same body, when they cannot but know that the Assembly are aware that those inconsistent powers are exercised by Her Majesty’s Council.

But the Assembly, in making the Representatives of the People *Ex Officio* Members of the Boards of Commissioners of Roads, were guided by ample precedents, as well of other Legislatures, as, indeed, by precedents laid down by the Honorable the Council themselves, even during the present Session;—for in the Amendments made by Her Majesty’s Council, in violation of the privileges of the House of Assembly, to the Academy Bill, and which Amendments occasioned the loss to the Colony of a measure twice recommended by the Executive, and now a second time lost through the instrumentality of the Council,—in the Amendments to that Bill Her Majesty’s Council made even the Speaker of the House of Assembly an *Ex-Officio* Member of the Board of Directors intended for bringing the Act into execution and dispensing the monies raised and voted under its provisions.

But why, the House would beg leave respectfully to inquire, is it any more dangerous to the public interests, or infringing upon the spirit of the Constitution, that Members of the House of Assembly should in their respective Districts be watching over the expenditure of the public Monies,—why is it in them only “the exercise of Executive and Legislative authority” is considered objectionable, when in Her Majesty’s Council an Honorable Individual may sit

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HENRY PRESCOTT, Esquire, C. B. Governor.

and vote as a Legislator, in the enactment of Laws brought in perhaps by himself—preside on the Bench in their Administration—and pass into the Dungeon to regulate their Execution.

The House of Assembly consider it would be derogatory in them to advert to the discourtesy of the remainder of that paragraph, as well as of several preceding observations; but will say, with reference to the first remark in the last paragraph, that they only regret that the exigencies of the Country, created by the absorption of too large a proportion of the year's Revenue in excessive Salaries, will not permit a much larger expenditure for the Making of Roads and Bridges among a people who are threatened with all the horrors of starvation, while one Branch of the Legislature would appear to be coolly seeking for means of continuing useless and unprofitable discussions with another, forgetful of the necessities of those whose interests they are appointed to guard.

But at the close of the instructions the Council would seem to labor under some strange misconception; they express a determination, founded on the preceding arguments, "to insist on their Amendments." The House of Assembly are unable to understand this—a new Road Bill has since Monday been before the Council, the amended one having been thrown aside,—and the House of Assembly have had no information whatever that the present Bill has as yet been thrown out by Amendments.

They, however, sincerely hope that Her Majesty's Council will take the circumstances of the Colony into their most serious consideration, and not continue to impede a measure to which the attention of the Country is turned in the sanguine hope that improvements so extensive as these contemplated will be speedily brought into operation, and made ancillary to the neutralizing the melancholy effects of an unfortunate Fishery—to the assuaging the miseries of the Poor.

On motion, it was—

Ordered, that the 38th Rule of the House be dispensed with, so far as it respects the Bill entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony."

Merchant Seamen's Regulation Bill—

Whereupon the House went into a Committee of the whole on the said 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.

Reported.

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Friday next, at one of the clock, p. m.

House adjourns.

FRIDAY, 13th OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

" " JAMES CROWDY, Colonial Secretary.

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN SINCLAIR.

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 for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony."

Merchant Seamen's Regulation Bill Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received.

13th & 16th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

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

MR. PRESIDENT,

Message from Assembly on the subject of Privilege.

The House of Assembly have passed a Resolution expressive of their opinion of the Amendment made by Her Majesty's Council to a Bill entitled "An Act to further continue an Act passed in the General Assembly of this Colony in the third year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases.'"

The House of Assembly have therein declared that it is their opinion that the said Amendment is a violation of the privileges of the House, as the Bill in question is a Money Bill, and more particularly as the effect of the Amendment would be to extend the continuance of the Act to a period indefinitely beyond that defined by this House—and they much regret observing the frequency of the encroachments on their privileges exhibited during the present Session by Her Majesty's Council on subjects connected with Revenue, while the House of Assembly have manifested every disposition to respect the just and recognized Privileges of that Body.

WILLIAM CARSON,
Speaker.

House of Assembly, }
11th October, 1837. }

Abatement of Nuisances Repeal Bill—
read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to amend an Act passed in the third year of the Reign of His late Majesty King William the Fourth, entitled 'An Act for the more speedy abatement of Nuisances,' " which was read a first time, and—

Ordered to be read a second time to-morrow.

Quarantine continuation Bill—
brought up—
read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to further continue an Act passed in the General Assembly of this Colony in the Third year of the Reign of His late Majesty King William the Fourth, entitled 'An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island;'" which was read a first time, and—

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

38th Rule dispensed with—

read 2nd time—

The Bill was then read a second time, and—

Ordered, that the same be Committed presently.

Committed—

Whereupon the House went into a Committee of the whole on the said Bill.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Reported—

The Chairman reported the Bill without amendment.

Ordered, that the report be received.

read 3rd time and passed.

The Bill was then read a third time and passed.

House adjourns.

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

MONDAY, 16th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

" " JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB,

" " WILLIAM THOMAS,

" " JOHN B. BLAND,

" " JOHN SINCLAIR.

16th & 18th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The minutes of Friday last were read.

Pursuant to the order of the day, the Bill entitled "An Act to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled 'An Act for the more speedy abatement of Nuisances,'" was read a second time.

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

The House accordingly went into a Committee of the whole on the said Bill.

Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an amendment.

Reported, with an

Ordered, that the report be received.

The Amendment is as follows:

Expunge all the words of the first Section of the Bill after the word "that," in the second line, and insert in their stead the words "whenever any Swine shall be seized and lodged in the Public Pound it shall and may be lawful for the Owner thereof to redeem the same by paying as the value thereof the sum of Ten Shillings for the first and Twenty Shillings for any subsequent offence against the said Act, together with all costs incurred —on payment of which such Swine shall be restored to its Owner.

Amendment.

Ordered, that the amendments be engrossed, and the Bill, as amended, read a third time on Wednesday next.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony."

Merchant Seamen's regulation Bill—Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an amendment.

Reported, with an

Ordered, that the report be received.

The Amendment is as follows.

At the end of the last Section of the Bill, Expunge all the words after the word "Colony."

Amendment.

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

On motion, made and seconded, the House adjourned until Wednesday next at one of the Clock, p. m.

House adjourns.

WEDNESDAY, 18th OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

" " ARCHIBALD WALKER, Commandant.

" " JAMES SIMMS, Attorney General.

" " JAMES CROWDY, Colonial Secretary.

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Monday last were read.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled 'An Act for the more speedy abatement of Nuisances,'" was read a third time and passed.

Nuisance Bill read 3rd time and passed.

18th & 19th October, 1837.

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Merchant Seamen's regulation Bill read 3rd time and passed.

Pursuant to the order of the day the Bill as amended entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony," was read a third time and passed.

Supply Bill brought up and—

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 expense of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty eight, and for the making and repairing of Roads, Highways and Bridges in this Colony"—which was read a first time, and—

read a 1st time.

Ordered, to be read a second time on Friday next.

On motion, it was—

Conference ordered.

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

House in Committee to prepare Instructions to Conferees.

Ordered, that the House go into a Committee of the whole to prepare Instructions for the Conferees.

The House accordingly went into Committee.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Chairman reports progress.

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

Ordered, that the report be received.

Assembly agree to Conference.

A Deputation from the Assembly brought up a Message agreeing to the Conference requested.

Assembly agree to Council's Amendment on Merchant Seamen's regulation Bill.

A Deputation from the Assembly brought up a Message agreeing to the Amendment made by the Council in the Bill entitled "An Act for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony."

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at one of the Clock, p. m.

THURSDAY, 19th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 " " ARCHIBALD WALKER, *Commandant.*
 " " JAMES SIMMS, *Attorney General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.

The Minutes of yesterday were read.

Instructions to Conferees on Supply Bill—Committed—

Pursuant to the order of the day, the House went into a Committee of the whole to prepare Instructions for the Conferees on the Supply Bill.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Instructions.

Ordered, that the report be received, and—

Ordered, that it be adopted.

The Instructions are as follows:

Instructions to Conferees on the Supply Bill.

Her Majesty's Council has desired this Conference with an earnest desire to preserve that good correspondence with the Assembly which the best interests of the Colony require should subsist between all Branches of the Legislature,—and to offer such reasons as have moved the Council to require that the multifarious matter contained in the Bill sent up by the Assembly entitled "An Act for granting to Her Majesty a Sum of Money for defraying the expense of the Civil Government of this Colony, and for other purposes, for the year ending the thirtieth day of June in the year of Our Lord one thousand eight hundred and

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HENRY PRESCOTT, ESQUIRE, C. B. Governor.

thirty eight, and for the making and repairing of Roads, Highways and Bridges in this Colony," should be separated and made the subject of distinct Bills.

The Council disagree to the innovation of blending in one Bill the ordinary supplies necessary for defraying the charges of administering the Government with occasional grants of money for totally different and independent objects, and to the mingling the grant for discharging the incidental expences of the Legislature with either.

The Royal Instructions, no doubt with a view to the avoiding the inconveniences which must naturally arise from a contrary practice, require that, as much as possible, 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 especially that no clause be inserted in any Act which shall be foreign to what the title to such Act imports.

Such principles the Council consider as of the highest importance to be rigidly adhered to, as not only essential to the preservation of the rightful authority of each Branch of the Legislature in passing or rejecting of such measures as shall come before them, but also to the prevention of that constant resort which must otherwise be had on the part of the Council to amendments in Money Bills embracing every variety of object, which the Assembly assume to be an infringement of their privileges.

Whatever may be the private wishes of individuals, it is to be presumed that public bodies are solely actuated by a desire faithfully to discharge the trust reposed in them,—a principle applicable alike to each Branch of the Legislature—and consequently every measure should be so brought before them that each matter may be separately considered, and either adopted or rejected without prejudice to any other question.

The Assembly claim the privilege of originating all Money Bills, and they deny to the Council the right of altering or amending them. It is not necessary that the Council should either acquiesce in or repudiate these pretensions, but it is of the first importance that they should not allow such claims of privilege on the part of the Assembly to break down their own undoubted right freely and without restraint, as a co-ordinate Branch of the Legislature, to deal with every subject which may come before them, and not to be coerced into the adoption of a Bill embracing separate and distinct objects respecting which they may entertain diverse opinions; and therefore if the Assembly are anxious that Bills of appropriation should not be altered or amended in the Council, but simply passed or rejected in the form in which they come up, they must send them up in such a shape that the Council may without embarrassment concur in or dissent from each proposition, otherwise they will feel themselves compelled to make such amendments as they may deem essential, as the occasions shall arise—and if such a course shall be in opposition to claims of privilege set up by the Assembly, the blame will be at their own door for persevering in a course which the Council have an equal right to dissent from; and they take this opportunity distinctly to acquaint the Assembly that they will not be induced by any considerations of temporary expediency to deviate from those principles which they deem of such vital importance to the free exercise of an independent judgment upon every question that shall be brought under their deliberation.

The Council have already rejected a Bill for appropriating nearly three-fourths of the Colonial Revenue raised during the year towards the Making and Repairing of Roads and Bridges, because no sufficient provision was made in that Bill for guarding against a wasteful and lavish expenditure of so large a sum—a point which cannot be too scrupulously attended to—and now, with a view to constrain the Council to acquiesce in the views of the Assembly, the same appropriation is tacked to the Supplies necessary for carrying on the Government—a proceeding which the Council will steadily resist. If by a perseverance in this method of endeavouring to coerce the Council, any inconvenience shall be experienced on account of the usual Supplies not being granted for defraying the charges of administering the Government, the responsibility will not rest with the Council, as they are ready to concur with the Assembly in passing the usual Bill for granting those Supplies; and it will not shift that responsibility from the Assembly to the Council their sending up a Bill granting those Supplies, with grants of Money for other objects tacked to it, avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual Supply Bill, which they would otherwise reject or desire to see modified.

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The best parliamentary precedents deprecate the heaping together in one Law a variety of unconnected and discordant subjects, as being unparliamentary. But to do this in cases where it is known that one of the component parts of the Bill will be disagreeable to the Crown or to the Lords, and that if it was sent up alone it would not be agreed to—upon this account, and with a view to secure the Royal assent or the concurrence of the Lords, to tack it to a Bill of Supply which the exigencies of the State make necessary—is a proceeding highly dangerous and unconstitutional.

In the neighbouring Colonies of Nova Scotia and New Brunswick, to which the Assembly have so frequently referred for precedents which they have urged upon the Council as proper to be followed by the Legislature in this Island, all the Resolutions passed in Committee of Supply, upon which their Bills of appropriation are afterwards founded, are constantly sent up to the Council for their concurrence—thereby affording the Council the fullest opportunity of either concurring in or rejecting each proposed grant. Had this course been adopted upon the present occasion by the Assembly, there would not have been such strong objections to embracing all the grants in one Bill, although such a course is not usual in those Colonies. In the larger Provinces of Upper and Lower Canada a different mode is used, namely the appropriating particular grants of Money for specific objects in separate Bills, thus preserving the spirit of the constitution, which contemplates the free and unfettered exercise of the judgment, in each Branch of the Legislature, upon every distinct subject brought under deliberation.

In either House of Parliament it is usual to divide a complicated question, to enable those who are in favor of one part of a proposition, but opposed to another, freely to give their vote upon either; and it would be considered as most unfair to frame a complicated question with a view to deprive Members of that method of recording their sentiments.

For these reasons the Council do insist that the matters embraced in this Bill, which are diverse in their nature, shall be separated, and they will not concur in establishing a precedent that objects so dissimilar may be put together in one Bill, and more especially upon the present occasion will they resist such an attempt, since the grant for Making and Repairing Roads and Bridges has already been rejected by the Council on account of the provisions contained in the Bill appropriating the same having been deemed insufficient, in the opinion of the Council, for guarding against an improvident expenditure thereof.

Until this Constitutional question shall have been definitively determined it is unnecessary to discuss the sufficiency or inadequacy of any particular items of the appropriation proposed, or the propriety of making some of the grants, or of leaving out others equally proper to be made.

Conferees appointed.

Ordered, that the Honorable Messrs. Simms and Thomas be the Conferees on the part of this House.

Report of Conferees.

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

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

Call of the House.

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 one of the clock, p. m.

FRIDAY, 20th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB,

“ “ WILLIAM THOMAS,

“ “ JOHN B. BLAND,

20th & 21st October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was called.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

Call of the House.

Absent,

The Honorable JOHN SINCLAIR.

On motion, made and seconded, the House adjourned until to-morrow at one of the House adjourns.
Clock, p. m.

SATURDAY, 21st OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of yesterday were read.

The Honorable Messrs. Simms and Crowdy enter.

Members enter.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the last Conference.

Assembly request Conference on the subject of the last Conference.

Ordered, that the request be acceded to.

Ordered, that the Honorable Messrs. Simms and Thomas be the Conferees on the part of this House.

Conferees appointed.

The Conferees went to the Conference, and, having returned, 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 follows :

The House of Assembly have taken into consideration the reasons offered by Her Majesty's Council to justify their requiring "that the multifarious matter contained in the Bill sent up by the Assembly, entitled 'An Act for granting to Her Majesty a sum of money for defraying the expence of the Civil Government of this Colony, and for other purposes, for the year ending the 30th day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and for the making and repairing of Roads, Highways, and Bridges in this Colony,' should be separated and made the subject of distinct Bills;" and although they regard this requisition on the part of Her Majesty's Council as a further aggression on the privileges of the Assembly, still are they solicitous to contribute as much as in them lies towards producing "that good correspondence with the Council which the best interests of the Colony require should subsist between all Branches of the Legislature," by laying before the Council the grounds on which they dissent from those reasons that formed the subject-matter of the late Conference.

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

21st October, 1837.

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The House of Assembly are surprised that the Council could have fallen into an error so egregious as to imagine that it is an "innovation" on the part of this Branch of the Legislature to blend in one Bill "the ordinary supplies necessary for defraying the charges of administering the Government with occasional grants of money for totally different and independent objects;" as upon referring to every Bill of Supply that has passed this Legislature since its first establishment, for defraying the charges of the Government, it will be seen that in no one of them is there to be found that avoidance of granting "money for totally different and independent objects" which the Council here would seem to insist on.

The allusion in the third clause to the provision in the Royal Instructions forbidding His Excellency the Governor to assent to any Bill which shall contain any clause foreign to what the title to such Act imports, is by no means applicable to the Bill at present before the Council. That Bill imports, by its title, to be "An Act for granting to Her Majesty a sum of money for defraying the expense of the Civil Government of this Colony, and for other purposes, for the year ending the 13th day of June, 1838, and for the making and repairing of Roads, Highways and Bridges, in this Colony," and there is not one single provision in the entire Bill dissonant from these objects. The object of the entire Bill is to grant money to Her Majesty, and to appropriate the same; and, being such, there can be nothing heterogeneous from its unity when there are no votes contained therein but money votes, or votes regulating their appropriation.

With reference to the 4th, 5th, and 6th clauses of the reasons before them, the House of Assembly beg leave to say that if the propositions just laid down be correct, it is unnecessary to advert to these save only where there is exhibited an inclination on the part of the Council to controvert the right of the Assembly "to originate all Money Bills and to deny to the Council the right of altering or amending them." This right of the House of Assembly was not disputed or infringed on during the two first Sessions of the Legislature, although in both of these there had been Money Bills under consideration, which Bills invariably passed through Committee in the Council, without in anywise interfering with the privileges of the House; but in the third Session, on the 13th of March, 1834, a Message was sent down from the Council signed "H. J. Boulton, Speaker," demanding a Conference "on the subject of the Bill sent up to this House entitled 'an Act for the further increase of the Revenue;'" which Conference was the first attempt on the part of the Council to infringe on the privileges of the House of Assembly.

To the instructions to the Conferees of His late Majesty's Council on that occasion, this House beg leave, without further observation, to refer the Council for a reply to the insinuation that pervades these Sections, as well as former conferences, all through. The following is an extract:

"The Legislative Council have desired this conference upon the Bill sent up from the House of Assembly, entitled 'An Act for the further increase of the Revenue,' for the purpose of acquainting the House of Assembly, that, while they fully concur with them in the general principles of the Bill, they are of opinion that parts of it require amendment, which, it being inconsistent with Parliamentary usage that the Legislative Council should make in a Bill of this description, without the consent of the House of Assembly, they have desired this conference in order to explain the nature of the amendments they are desirous should be made."

The House of Assembly, however, cannot refrain from here adverting to the extraordinary circumstances connected with that conference. The instructions to the Conferees are not inserted on the Journals of the Council, and in the Journals of March 17th there appears a record that "the Chairman (of Committee) reported the Bill (the Revenue Bill) with some amendments," and again "ordered that the said report be received, and the Bill, as amended, be read a third time to-morrow;" and on March 18th the Journals of the Council exhibited the following, "Pursuant to the order of the day, the Revenue Bill, as amended, was read a third time and passed, whereupon the Speaker signed the same, and it was ordered to be sent to the Commons House of Assembly by the Master in Chancery, for the concurrence of that House in the said amendments." But notwithstanding these reiterated entries in the Journals representing that the Council had amended the Revenue Bill, the Message of Her Majesty's

21st October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

Council, as correctly entered upon the Journals of the House of Assembly, of the next day, March 19th, runs thus—

“MR. SPEAKER,

The Legislative Council have passed the Bill entitled ‘An Act for the further increase of the Revenue,’ without any amendment.

(Signed,)

H. J. BOULTON,

Speaker.”

Legislative Council, }
19th March, 1834.” }

Surely this needs no commentary!—In the seventh clause there are assertions made and repeated by Her Majesty’s Council which the House of Assembly regret being compelled to repel—that is, that the Road Bill has been tacked to the Supply Bill “avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual Supply Bill, which they would otherwise reject or desire to see modified.” This is not correct as applied to the House of Assembly, nor ought the Council to complain of the course adopted on this occasion, when they reflect that the House of Assembly sent them a Bill for granting money for Roads which, although well knowing that it was “inconsistent with Parliamentary usage that the Legislative Council should make amendments in a Bill of this description without the consent of the House of Assembly,” the Council nevertheless thought fit to send down amended, in violation of all “Parliamentary usage,” and of the privileges of the House of Assembly; and when the House of Assembly, in their anxiety to pass a measure that was calculated to assuage the miseries of the population, consequent on an unprecedented failure of the fisheries, consented to send up a second Bill, embodying all the amendments of the Council to the former Bill, consistent with its operation during the present Season.

In adopting the present course the House of Assembly were not actuated by a desire improperly to press the Bill in question on Her Majesty’s Council; but the members of the Assembly are now engaged in the Legislature when their personal pursuits and the interests of their families imperatively call them away, and particularly as the season is rapidly approaching when a passage to their residences will be attended with much danger to members from the distant Out-ports.

In the early part of the Session the Council during five weeks only sat five days, while the Assembly were every day engaged in the business of the country—and the repeated aggressions of the Council on the privileges of the Assembly, by amending Money Bills, was calculated to produce no effect other than bringing public business to a stand, or compelling members of the Assembly, by the production of new Bills as often as the Council please, to retard the Session to their own great personal injury.

The House of Assembly would also beg to correct another error that Her Majesty’s Council have fallen into in the seventh clause, and that is where they complain that the Road Bill appropriates nearly three-fourths of the Colonial Revenue. The Council must in a moment perceive their error here when they consider that the supplies about being granted this Session are not the supplies of one year—they are the supplies of five quarters, including two spring quarters; and when the Council take that into account they will find the Roads’ Vote to fall considerably below one-half the Colonial Revenue.

The House of Assembly regret exceedingly that the Poor have had no assistance from the Legislature towards neutralizing the effects of a bad seal fishery] in the spring, and that the winter is now so rapidly approaching without a single vote having passed for their relief, that if the Council defer much longer to pass that Bill the country must inevitably be given up to all the horrors incident upon a public famine, and the responsibility cannot rest upon the House of Assembly—it is in vain to assert it!

No fewer than three Revenue Bills have been sent up to Her Majesty’s Council, and Bill¹ after Bill has been flung out. Two Road Bills have gone up, and have both shared the same fate. What, then, the Assembly beg to ask, are they required to do more? They now send up a third, but forming a part of the general Supply Bill.

Although by a reference to the proceedings of the Parliament of England the Assembly could adduce many precedents in refutation of the position made in the eighth clause, they

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hasten to the ninth, as referring to the neighbouring Colonies, merely remarking that nothing is more usual than to bring all public works within the general Supply Bill in the Imperial Parliament, as will be seen by reference to the Act 7th Geo. 4, Cap. 79, where with a vast variety of heterogeneous votes a round sum is voted of £36,000 for public works in Ireland, beside Roads, &c. Without expressing an opinion on the subject of the manner in which the votes of supply are made in New-Brunswick and Nova-Scotia, they beg here to correct another error of Her Majesty's Council, where the Council say that "such a course is not usual in those Colonies."

On referring to the Acts passed in New-Brunswick in 1833, for instance, we find the Act 3, Wm. 4, Cap. 2., although apparently passed for paying the expenses of the Legislature, yet containing with those, items for the Attorney and Solicitor-General—for the destruction of Bears—the expenses of Light-Houses—the expenses of various Grammar Schools, and of Officers of the Militia; while in cap. 3, same Session, we find again schools, and the poor, and tide waiters, and light-houses—building Court-houses and Lock-up-houses—Militia Officers, Members of the Assembly, Province Agents, Couriers, exploration of Roads, improving of Roads, together with £1620 9s. 8d. for the contingencies of the House of Assembly during that Session, after the payment of all the officers. Surely these subjects are dissimilar, but the Bills are only for one object—that is for granting monies to the King.

Again, on referring to Nova-Scotia Acts, 1834, we find in 4, Wm. 4, cap. 11, the officers of the House of Assembly and the Council, tide waiters, paupers, stage-coaches, schools, fire-wardens, health-wardens, light-houses, post communications, and a great variety of others, together with upwards of £8000 for roads, ferries, and bridges. In 1835 the Act 5th Wm. 4, in like manner, is the general Supply Bill, and comprehends all the diversity of matter above-mentioned, with the expenses of the Legislature and Roads and Bridges;—and again, in 1836, cap. 1 is nearly a transcript of the former, with the addition of Dispensaries, Academies, and other matters. Surely then if the Council were aware of these facts they would not assert that "such a course is not usual in those Colonies."

But not only in those Colonies, but also in Prince Edward's Island the same course is adopted; for we find the Act 3, Wm. 4, cap. 38, comprehending all these subjects—it was a School Bill, a College Bill, a Bill for the defrayal of the expenses of the Legislature, an Excise Bill, a Customs Bill, a Public Buildings Bill, a Public Wharfs Bill, an Agricultural Society Bill, a Pauper Bill, a Mails Bill, a Public Wells Bill, a Gaols Erection Bill, a Census Bill, a Militia Bill, as well as a Road Bill.

But on a late occasion the Assembly were referred for precedents to the Legislature of Newfoundland—and why now turn to the Legislature of other Colonies, when our own affords abundant proof not only of the propriety of the course adopted by the Assembly on this occasion, but of the repeated concurrence in that course of the two other Branches of the Legislature.

In the year 1834 was the first Act passed granting monies to the Government to be appropriated, and there we find the Roads and all other matters united, and even the Bill of that year for the Contingencies of the Legislature, was permitted to pass, and very properly, with matters quite extraneous. In 1835, in like manner the Council passed the Road Bill and Supply Bill together, while even in the last Session of the Legislature the Supply Bill, even more heterogeneous in character, received the sanction of the Council.

In the Bill of last Session we find, beside the items for the Civil Government, that this Act comprehends the subjects of the erection of gaols and lock-up houses, and opening the entrance to Quidi Vidi harbour; and although a weights and measures Act exists, having passed Her Majesty's Council—and although we have a Registration of Voters Act, which also passed the Council, yet are the Assayers of Weights and Measures, and the Registrars of Voters, compelled to seek shelter under the Supply Bill, nor have Her Majesty's Council objected.

Surely then Her Majesty's Council having twice had the Road Bill under their consideration, cannot now complain of being embarrassed in whatever manner it goes before them a third time. As for the House of Assembly, the only regret they have on the score of that Bill is that the enormous salaries reserved out of the Imperial Revenues forbid their appropriating a shilling of those monies to the relief of the poor, or the improvement of the country

21st & 23rd October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

Under these circumstances, notwithstanding that the embracing the making of Roads in the general Supply Bill is not inconsistent with Parliamentary precedents—notwithstanding that it is an every day occurrence in the Colonies of Nova-Scotia, Prince Edward's Island, and New-Brunswick—notwithstanding that it has never but once been deviated from in Newfoundland, still, as the Members of the House of Assembly value the peace and tranquillity of the country, so likely to be interrupted if even extraordinary means are not resorted to to feed and to clothe an entire population, they feel that they should be wanting to themselves, and wanting to their country, if they permitted an overweening adherence to privilege—to well-defined and well-established privilege—to stand in the way of the support of the poor and the improvement of the country; and therefore they consent, upon this occasion, to send up the Road Bill once more in an independent and detached form.

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 Supply of Money for the Making and Repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same," which was read a first time.

Road (provision) Bill brought up and read 1st time—

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

The Bill was then read a second time.

read 2nd time—

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

Whereupon the House went into a Committee of the whole.

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 Bill be read a third time on Monday next.

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

House adjourns.

MONDAY, 23rd OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, Chief Justice.

Members present.

" " ARCHIBALD WALKER, Commandant.

" " JAMES SIMMS, Attorney-General.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Saturday last were read.

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 and Bridges in this Colony, and to regulate the expenditure of the same," was read a third time, and—

Road (provision) Bill read 3rd time; and—

On motion of the Honorable Mr. Bland, seconded by the Honorable the Commandant, it was re-committed.

re-committed.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported, that it is the opinion of the Committee that a Conference should be requested with the Assembly on the subject of there being no Monies appropriated for the Roads to Torbay or Fresh Water—the neighbourhood of Trepassey or the district of Fortune Bay.

Chairman reports that a Conference should be requested.

Ordered, that the Report be received and concurred in.

Ordered, that the Honorable Messrs. Bland and Sinclair be the Conferees on the part of this House, and that they be a Committee to draft Instructions.

Conferees appointed who are to draft instructions.

24th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at one of the Clock p. m.

TUESDAY, 24th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS

“ “ JOHN B. BLAND,

“ “ JOHN SINCLAIR.

The Minutes of yesterday were read.

Report of Committee appointed to draft instructions to Conferees on Road provision Bill.

The Honorable Mr. Bland, from the Committee appointed to draft Instructions to the Conferees on the Road provision Bill, reported a draft.

Ordered, that the Report be received.

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

Report Committed.

Whereupon the House went into a Committee of the whole.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Instructions, with some amendments.

Ordered, that the Report be received.

Ordered, that the same be engrossed presently.

Adopted.

Whereupon the same was engrossed, read, and adopted.

Message from Assembly agreeing to Conference.

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

The Instructions to the Conferees are as follows :

Instructions to Conferees on the Road provision Bill.

Her Majesty's Council have requested this Conference with the House of Assembly for the purpose of drawing the attention of the Assembly to some omissions which have occurred in the appropriation of Money under the Bill entitled "An Act for granting to Her Majesty a supply of money for the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same."

The Council observe that notwithstanding the very large sum of money which by that Bill is proposed to be expended, no provisions are made for the repair and maintenance of the Road leading from St. John's to Torbay in this District; nor is any money whatever appropriated for the purposes of Roads in the neighbourhood of Trepassey or Fortune Bay.

With a population larger than any Settlement in this District, except St. John's and Petty Harbour, the Agricultural produce of Torbay is much more than double that of any other except St. John's,—and indeed throughout the whole Island there are but very few places exceeding it in Agricultural importance. As a fishing station it is valuable; and from the constant communication it holds with the Capital, the road leading to it, which is in a bad state of repair, is especially worthy of attention; but yet provision for its improvement is altogether omitted in this Bill.

The Council are the more at a loss to account—in any satisfactory way—for these omissions, when they notice the attention paid by the House of Assembly to the wants of other and much less important Roads.—They observe, for instance, that a Sum of Two hundred and Forty pounds is granted for repairing the Road and Bridges from the Barrens to Upper Long Pond, by Allen, Junior's, farm. There is likewise the Sum of Two hundred pounds granted for a Road from Brine's Bridge to Long Pond by Rennie's Mill; and however convenient a good line of Road there may be to the few individuals having property near it, as a public thoroughfare it is, compared with the neglected Road, altogether insignificant.

24th & 25th October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

The Council feel constrained to place on record their disapproval of the arrangement by which no part of the large sum appropriated by this Bill is applied to Trepassey or the District of Fortune Bay.

The Council are anxious to indulge the hope that these omissions have resulted from an oversight;—and that the House of Assembly will adopt such measures as they may think fitting to remedy the evils to which the Council have now called their attention.

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. Report of Conferees.

Ordered, that the Bill entitled “An Act for granting to Her Majesty a supply of money for the making and repairing of Roads in this Colony, and to regulate the expenditure of the same,”—do now pass. Road (provision) Bill passed.

A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled “An Act for granting to Her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and for other purposes,” which was read a first time, and— Supply Bill brought up and read 1st time.

Ordered, to be read a second time on Thursday next.

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

Ordered, that a Conference be requested with the Assembly on the above-named Bill, and— Conference ordered.

Ordered, that the House go into a Committee of the whole to-morrow to prepare Instructions to the Conferees.

On motion, made and seconded, the House adjourned until to-morrow at one of the clock, p. m. House adjourns.

WEDNESDAY, 25th OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole to prepare Instructions to the Conferees on the Supply Bill. House in Committee to prepare Instructions to Conferees on the Supply Bill.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Instructions.

Ordered, that the Report be received. Chairman reports the Instructions to the Conferees.

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

On motion made and seconded the House adjourned until to-morrow, at one of the clock, p. m. House adjourns.

26th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

THURSDAY, 26th OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*“ “ ARCHIBALD WALKER, *Commandant.*“ “ JAMES SIMMS, *Attorney General.*“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of yesterday were read.

Instructions to Confer-
ees on Supply Bill
read 3rd time and pas-
sed.

Pursuant to the order of the day, the Instructions to the Conferces on the Supply Bill were read a third time and passed.

The Instructions are in the following words :

The Instructions.

The Council has desired this Conference upon the Bill sent up from the Assembly entitled “ An Act for granting to Her Majesty a Supply of Money for defraying the Expence of the Civil Government of this Colony for the Year ending the Thirtieth day of June in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes” —to express their regret that at this late period of the Session the House of Assembly should, so soon after holding a Conference upon the same subject, have recurred to the method of blending in one Bill the Supplies necessary for defraying the ordinary charges of administering the Government with occasional Grants of Money for totally different and independent objects, and of mingling the Grant for discharging the incidental Expenses of the Legislature with either.

Had the Assembly adopted the course pursued in the neighbouring Colonies of Nova-Scotia and New Brunswick, of sending up the resolutions passed by the Assembly in their Committee of Supply for the concurrence of the Council, and to which method the Council referred at the late Conference on Thursday last, although some objections would still have existed to embracing Grants requiring certain peculiar provisions for regulating their Expenditure, and might therefore be conveniently made the subject of separate Bills, yet the Council would have been happy so far to have met the views of the Assembly, and to have acceded to a course not breaking in upon important principles, and would not have felt it imperative upon them to refuse the Bill merely on that account, had the various Grants contained in it been previously concurred in by the Council in the manner above referred to. But as the Assembly has not adopted that course, the Council are under the necessity of again acquainting that House that they cannot depart from the Constitutional principles laid down by them at their late Conference, and that they will not be induced, by any considerations of temporary expediency, to deviate from them.

The Council does, therefore, insist that this Bill shall be limited to “ Granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony for the Year ending the Thirtieth day of June, 1838,” and that the Grants “ for other purposes” be excluded—that the Grant for defraying the Contingent and other Expenses of the Legislature be confined to another Bill, and that occasional Grants be not inserted in the same Bill with either.

These being the principles upon which alone the Council will proceed, they desire to confine their objections to such of the details of the Bill as have an exclusive reference to the ordinary Supplies, not wishing to extend their observations to matters contained in other parts of the Bill until they shall come before them in such [a shape as that they can be properly discussed.

The Council perceive that the appropriation for paying the Constable at Ferryland and Bay Bulls is reduced from £25 to £12 in each case, and that the Salary of the Gaoler at Ferryland is reduced from £25 to £20; while in St. Mary's, being a place of less importance,

26th & 27th October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

the Salary of the Constable is raised in the same proportion, viz. from £12 to £25,—while one Constable at Trinity has been struck off altogether, and the Salary of another at Catalina has been doubled, it being raised from £12 to £24; and at Green's Pond the Constable's Salary has been reduced from £15 to £12; while no appropriation at all is made for paying the Salary of the Constable at Torbay, one of the largest Settlements of the Central District.

The Council are of opinion that £12 is a sufficient Salary for any of the Constables at the smaller Settlements and Out-ports; and if a Salary were about to be granted for the first time, to a Constable at Bay Bulls or Ferryland for instance, they would concur with the Assembly in deeming that sum sufficient; but then they could not agree to double that amount being given to Constables in places of no greater importance—and therefore they deem it unjust to raise one man's Stipend at the expense of the Salary paid to another person similarly situated.

The individuals receiving these Stipends are, it is true, in an humble station of life—and the amount paid to each is inconsiderable; but they ought not on that account to be treated with a less regard to justice, nor ought their claims to be viewed less favourably, than if they had it in their power to advance their own pretensions within the walls of the General Assembly of the Island.

The remuneration to the Medical Attendant of the Gaol at St. John's is for the first time separated from the general expenses of that branch of the public service, as well as the Stipend to the Gaol Barber. The Salary formerly paid to the Surgeon, out of the general fund appropriated for Gaol expenses, it is true, is continued,—but it is coupled with a restriction which would deprive him of another situation, that of District Surgeon, with a larger Stipend, while the remuneration to the Barber is raised from £12, an allowance quite adequate, and which has been apportioned for years past by the Government, to £15—such a course of proceeding the Council can never consent to become parties to.

The Council cannot also but advert to the extraordinary exclusion of the Sheriff's Office from the benefits of the Grants for Stationery and Fuel, especially as that Officer performs services for the Government for which he receives no remuneration.

The Grant for the support of the Poor should, in the opinion of the Council, form the subject of a separate Bill, inasmuch as certain provisions ought to be contained in such a measure to guard and regulate the expenditure.—The Council are of opinion that the Bill should ascertain the persons to whom the money is to be dispensed, by some more definite term than that of "the Poor," and it ought not to be left to the discretion of the Commissioners to dole out the public funds to such persons as they may think proper to bestow it upon, but that a portion of the sum granted should be defined and set apart for the relief of the Aged, Sick, Infirm, and Impotent Poor.

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

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

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. Conferees report having delivered their Instructions.

On motion, made and seconded, the House adjourned until to-morrow at one of the Clock p. m. House adjourns.

FRIDAY, 27th OCTOBER, 1837.

The House met pursuant to adjournment. House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*" " ARCHIBALD WALKER, *Commandant.*" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary*" " WILLIAM THOMAS. Members present.

27th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

The Minutes of yesterday were read.

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

Supply Bill thrown out.

Ordered, that the order of the day for the second reading of the Bill entitled “An Act for granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony for the Year ending the Thirtieth day of June in the Year of our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes,” be discharged, and that the Bill be read again on this day three months.

The Honorable Messrs. Dunscomb, Bland and Sinclair enter.

Road Acts repeal 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 two certain Acts of the General Assembly, entitled ‘An Act to regulate the Making and Repairing of Roads and Highways in this Island,’ and ‘An Act to amend an Act passed in the second Session of the Parliament of this Colony entitled an Act to regulate the Making and Repairing of Roads and Highways in this Island.’”

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

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

MR. PRESIDENT,

The House of Assembly, in the omissions adverted to in the Conference of this day, have not been inadvertent of the public wants.

There is a Vote in the Bill under consideration for a Road from Grand Bank to Fortune; and the House is without any information further on the subject of the wants of the District of Fortune Bay, from the circumstance of that District not having been represented in the House during the present Session, and that there has been no petition from any of the people of that District.

The House have inserted in the Bill in question a Vote for a Bridge over Biscay Bay River, near Trepassey, and, with the exception of that work, have granted no money for any improvement in the District of Placentia and St. Mary's, except upon Petition from the Inhabitants.

The attention of the Assembly has also been called to the Roads to Upper-Long Pond, by Petition; and they consider them important, not only to the Inhabitants of those places, but as an approach to the Woods, of the greatest interest to the Poor of St. John's.

The Road to Torbay has been much improved of late years, to the total neglect of the small Settlements round the shore; and is quite practicable for Carts, Carriages or Sleighs; and those monies that would otherwise have been expended on that Road, the House thought it better to apply to the Roads to Logy Bay and to Outer Cove—both interesting and useful Fishing Stations.

WILLIAM CARSON,

Speaker.

House of Assembly,
24th October, 1837.

Assembly request a Conference on the subject of the last Conference.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the last Conference.

Ordered, that the request be agreed to.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at one of the Clock p. m.

28th October, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

SATURDAY, 28th OCTOBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

" " ARCHIBALD WALKER, *Commandant.*" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of yesterday were read.

With reference to the Message from the House of Assembly of yesterday, requesting a Conference, it was—

Ordered, that a Message in the following words be sent to that House.

MR. SPEAKER,

The subject of the last Conference having been finally disposed of by the rejection on the part of the Council of the Bill sent up by the Assembly, entitled "An Act for granting to Her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the Thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty-eight; and for other purposes"—the Council desire to observe that it is not usual to hold Conferences upon matters which are not longer pending in either House; nevertheless, out of an earnest wish to avoid any appearance of discourtesy towards the Assembly, the Council accedes to the Conference requested upon the present occasion, and have appointed two Members who will be ready to meet the Conferees from the Assembly in the Committee-Room of the Council immediately.

Message to Assembly acceding to the Conference requested on the subject of the last Conference—the question, however, having been disposed of, the Assembly are not to consider this as a precedent.

The Council request, however, that this instance may not be drawn into a precedent.

H. J. BOULTON,

P. C.

Council Chamber, }
28th October, 1837. }

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

The Conferees went to the Conference, and, having returned, reported that they had met the Managers from the Assembly, and received from them the following Instructions: Their Report.

In taking into consideration the subject-matter of the Conference of yesterday, the House of Assembly beg leave to protest against the assumption of any right on the part of Her Majesty's Council to dictate to this Branch of the Legislature the form in which they shall send up Bills for the appropriation of monies granted to Her Majesty.

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

It is the exclusive right of the Representative Branch of the Legislature to originate such Bills, and it is the most important of the Privileges of this House that in such origination they should not be interfered with by any other Branch of the Legislature.

In the last Conference asked by this House, and held with Her Majesty's Council, the House of Assembly fully explained their right to embrace the various subjects forming the *materiel* of the Bill at present before the Council, even with the addition of the subject of the Roads.—They proved that this right was exercised agreeably to the precedents of the Imperial as well as the Colonial Legislatures, and even to those of their own, and refuted all the arguments and corrected all the assertions embodied in the former Conference of the Council, and therefore do they feel astonished at the renewal of the assertion of that Honorable Body, that "the principles laid down by them in their late Conference" are Constitutional.

28th October, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

The House of Assembly regret extremely that Her Majesty's Council had not disclosed the numerous objections which appear to form the essence of the Conference of yesterday, when preparing their reasons for the former Conference on the Supply Bill, as their entertainment *then* would have evidently proved far more opportune than at present.—*Then* the Council were soliciting the Assembly to separate the Road Bill from the Supply Bill, and the Council must have known that a compliance with that solicitation must have had the effect of bringing a new Supply Bill under consideration; and, therefore, should it have been much more proper to have exhibited the present objections at a time when, if they appeared feasible, correspondent changes may have been introduced.

This course, however, it has not pleased the Council to adopt—They merely induce the House of Assembly to send up a new Road Bill, and a new Supply Bill, without exhibiting the shadow of an objection against the items embodied in the latter, which items are a mere transcript of those in the former Supply Bill; but no sooner do the Assembly prepare this new Bill than the Council meet it with a variety of ill-founded objections; and no sooner have the Assembly, for the reasons alleged in the last Conference, consented to separate the Road Bill from the Supply Bill, than, now a demand comes from the Council calling upon them to sub-divide the second Supply Bill into *various other Bills*—a demand so unreasonable and unconstitutional—unconstitutional at all times, but particularly unreasonable now, when the Session has been protracted to within a very few days of four months, that, the House of Assembly can never consent to yield compliance.

Having thus explained their opinions on the subjects embraced in the four first clauses of the Instructions to the Conferees of the Council, now before them, the House turn to the objections of that Honorable Board to the items contained in the Bill of Supply.

The Council object that the Salaries of the Constables of Bay Bulls and Ferryland have been reduced; and they complain that while this reduction has taken place in those places, the Salary of the Constable of Saint Mary's is raised in the same proportion, viz. from Twelve Pounds to Twenty-Five Pounds; but the Council have not reflected that while this reduction is made, there are three Stipendiary Constables added to that shore, in order to facilitate the administration of Justice; and that to effect this desirable object the House felt itself compelled to make the sum voted for the Salaries, according to the scale of the last year, pay all the Salaries of the current year.

With regard to the views which the Council appear desirous to take of the increase of the Salary of the Constable of Saint Mary's, as opposed to this reduction, the Assembly beg to observe that there is no parallel between these cases—for, as the Salaries of the Constables in Ferryland and Bay Bulls are reduced, so are their duties proportionally lessened, by the addition of other Constables to that Shore; and while *their* Jurisdiction now extends over a tract of Country of not more than three miles, for one, and four miles, for the other, that of the Constable of Saint Mary's runs along a shore of much more than one hundred miles in length—comprehending a considerable number of Fishing Settlements; but, at the same time, the House would beg leave to notice that even in the present reduction they did not bring down these Salaries to their primitive scale—for the Sum voted for both, in 1835, was only Twenty Pounds, while now it is Twenty-Four.

If the House of Assembly have struck off one Constable at Trinity, it is because they learned that the person holding that office was already well paid for his Services, by holding the sinecure of Gaoler at a Salary of Twenty-Five Pounds, and the Gaol as a place of abode, beside other emoluments—particularly as there is already one Stipendiary Constable in the Harbor; and in adding the amount to the small Salary of the Constable at Catalina, they had regard to the importance, in a Harbor so much frequented by Shipping from all parts of the Island, and where there was but one Stipendiary Constable, of having that Constable efficient; and by the abstraction of the Salary of the Constable of Torbay, they would wish to mark their sense of the impropriety in making a choice between two honorary Constables, for one to whom to give the Stipend, of passing by the person longest in office, the most respectable, and the best conducted.

The Council are quite incorrect in the insinuations that a larger Sum is given in the Bill to the District than to the Gaol Surgeon.—The Council, on re-examining the Bill, will find

28th October, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

that while the Salary of the Gaol Surgeon is Forty Pounds, that of the District Surgeon is only Thirty Pounds each; and it therefore is quite incorrect of the Council to state that the appropriation of Forty Pounds to the Office of Medical Attendant of the Gaol "is coupled with a restriction which would deprive him of another situation, that of District Surgeon, with a larger Salary."

The House of Assembly are of opinion that it is their duty to see that, while they are affording general relief to the Sick Poor, they shall have proper Medical attention; and they think that that object can be much better attained, by having the attention of one Medical man devoted to the Gaol, and having four Practitioners to attend the Poor of the District,—than if all the Medical appointments—both Civil and Military—the General Hospital—the Seamen's Hospital—the Military Hospital—the Sick Poor of the District and the Gaol,—continued to be heaped upon one Individual, however a favorite, to the total exclusion of the oldest, the best educated, as well as the most extensive Practitioners in the Island; and they shall take leave to pass over, in utter silence, the objection taken by the Honorable Her Majesty's Council to the Supply Bill, for the House having raised the Salary of the Gaol Barber of Saint John's from Twelve to the Sum of Fifteen Pounds per annum.

The next objection of the Council is to the "extraordinary exclusion of the Sheriff's Office from the benefits of the Grants for Stationery and Fuel." The House exercised in that respect a wise discretion—The Sheriff's Fees of Office are returned in the Blue Book as the enormous Sum of Six hundred and Fifty-five pounds Sterling, after the payment of all Sub-Sheriffs, Bailiffs, Runners, &c. That is a return made by that Individual himself, and certainly, if not far under the real amount, is by no means exaggerated; and the House, therefore, considered that Her Majesty's Subjects were already excessively taxed by that Officer, and that he ought not to be entitled to add to that taxation, by being permitted to draw upon the public Treasury for Fuel and Stationery for his House and Offices;—and as to those "Services" which the Council hint in the same paragraph that "that Officer performs for the Government, and for which he receives no remuneration," they appear, whatever their nature may be, to be more than abundantly remunerated by the enormous Fees of that Officer generally.

The Council devote their last clause to the consideration of the Poor Vote. In 1834, in 1835, and again in 1836, in fact every successive year during the existence of the Legislature, have the House of Assembly given grants of money for the relief of the Poor; but it is only now the Council think that such a grant "should form the subject of a separate Bill"—it is only now for the first time the Council thinks that "provisions ought to be contained in such a measure to guard and regulate the expenditure." Now in the present Bill such regulations have been actually embodied by the present House of Assembly; but neither by Council or Assembly were they ever thought of before, and therefore will the House of Assembly insist upon continuing the Poor Vote according to unvarying precedent.

Again, on that subject the Council express a most praiseworthy consideration for the Aged, the Sick, the Infirm, and the Impotent Poor; but the House would beg leave to observe, that during the approaching Winter it is not these who will be the principal claimants for the Statute Charities, if the wishes of the Assembly in that respect are concurred in so fully by the Council as to prompt them to pass the Bill. The able-bodied Fisherman, with whom the Fishery has failed,—and the Fishing Servant, whose Wife and Family have been doomed to starvation by the denial of his right to recover his Wages according to the customs of his Country,—These are likely to be the most urgent applicants for relief, and certainly are entitled to the best consideration.

Again do the Assembly beg leave to remind the Council that they never on any former occasion thought that the interest of the Poor required to be guarded by a separate Bill—the Council never before thought the expenditure of the Poor Vote needed any provisions of protection or regulation.—The Council never thought this in 1834, when the Poor Vote was nearly as large as at present—they did not think this in 1835 or 1836, but not only that—they never thought of the necessity of these guards or restrictions until now a second Supply Bill is before them, sent up from this House at a time when the business of the House is protracted by Her Majesty's Council to a time when the Members must discharge their public duties at the greatest possible loss and injury to their personal interests.

28th & 31st October, & 2nd November, 1837.

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Under such circumstances it must be quite obvious to the Council that a proper regard for their privileges, and a firm determination to preserve them unimpaired, as well as the extreme prolongation of the Session, must prevent the possibility of the concurrence of this Branch of the Legislature in the propositions which form the subject-matter of the late Conference. The House of Assembly feel that, in sending up during the present Session three Revenue Bills as fast as they were thrown out by the Council—in sending four Road Bills as fast as they were thrown out by the Council,—and now sending up a second Supply Bill after the rejection of the former,—they have more than discharged their duty to their Country and to their Sovereign.

House adjourns.

On motion, made and seconded, the House adjourned until Tuesday next at one of the Clock p. m.

TUESDAY, 31st OCTOBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Saturday last were read.

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

Reasons of Conferences of Council and Assembly, and also the Supply Bill, to be printed.

Ordered, that the reasons offered by the Council and Assembly at Conferences on the subjects of the Supply and Road Bills—and also that the Supply Bill—be printed.

House adjourns.

On motion, made and seconded, the House adjourned until Thursday next at one of the Clock, p. m.

THURSDAY, 2nd NOVEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Supply Bill brought up read 1st time—

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 expense of the Civil Government of this Colony for the year ending the thirtieth day of June in the year of our Lord One Thousand Eight Hundred and Thirty-eight, and for other purposes,” which was read a first time.

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

read 2nd time.

The Bill was then read a second time, and—

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

2nd & 3rd November, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

- The House accordingly went into a Committee of the whole. Committed—
 The Honorable Mr. Dunscomb in the Chair.
 After some time the House resumed.
 The Chairman reported that it is the opinion of the Committee that the Bill should be referred to a Select Committee to report thereon, and— Reported—that it be referred to a Select Committee.
 Ordered, that the Honorable Messrs. Thomas, Bland and Sinclair be a Committee for that purpose. Committee appointed.
 On motion of the Honorable Mr. Thomas, it was—
 Ordered, that the House go into a Committee of the whole on the Assembly's last Instruction to their Conferees on the Supply Bill. House in Committee on Assembly's Instructions to their Conferees on the Supply Bill.
 The House accordingly went into a Committee of the whole.
 The Honorable Mr. Bland in the Chair.
 After some time the House resumed.
 The Chairman reported that the Committee had agreed to certain Resolutions, which are as follows: Chairman reports certain Resolutions agreed to by the Committee.
- 1.—*Resolved*, that Her Majesty's Council will concur with the Assembly in passing a Bill for granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty-eight, upon the principles stated by the Council at their Conference on Friday last. The Resolutions.
 - 2.—*Resolved*, that Her Majesty's Council will concur with the Assembly in passing a Bill appropriating money to defray the usual Contingencies of the Legislature; to wit—the Stipends to the Clerks, and Writers employed under them, to the Master in Chancery and Solicitor, the Usher and Serjeant-at-Arms, to the Door-keepers and Messengers of both Houses, all Disbursements for Stationery and Printing of every description, and Tradesmen's Bills for Work done by order of either House, to be paid to the persons entitled to receive the same by Warrant from His Excellency the Governor, upon a Certificate of the Officer under whose direction the charge shall have been incurred.
 - 3.—*Resolved*, that Her Majesty's Council will concur with the Assembly in appropriating the Sum of One thousand Five hundred Pounds to the District of St. John's, and the further Sum of One thousand Five hundred Pounds for the other Districts, as proposed in the last Supply Bill,—to be applied, by Commissioners to be appointed by His Excellency, towards relieving the Poor, and any further Sum which the Assembly may deem requisite for that purpose—the expenditure to be general throughout each District, and not to be confined to the Inhabitants of any particular Town or Place.
 - 4.—*Resolved*, that with an earnest desire to meet the wishes of the Assembly, Her Majesty's Council will apply their best consideration to the reasons which may move the Assembly to propose any other Grant, so soon as they shall be put in possession of the facts and circumstances inducing the appropriation of such further sums.
- Ordered, that the report be received and adopted. Report adopted:
 On motion, made and seconded, the House adjourned until to-morrow at one of the Clock p. m. House adjourns.

FRIDAY, 3rd NOVEMBER, 1837.

The House met pursuant to adjournment. House meets.

Present.

The Honorable HENRY JOHN BOULTON, *Chief Justice*.
 " " ARCHIBALD WALKER, *Commandant*.
 " " JAMES CROWDY, *Colonial Secretary*.
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

Members present.

The Minutes of yesterday were read.

3rd November, 1837.

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Leave granted to Select Committee on Supply Bill to send for persons and papers.

The Honorable Mr. Thomas, from the Select Committee to whom the Supply Bill was referred, moved that the Committee have leave to send for persons and papers.

Agreed to.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

Resolutions on the subject of appropriation Bill.

Resolved, that the Council will concur in a Bill granting to Her Majesty a Sum of Money for paying Forty-two Pounds to each Member of the Assembly who shall have attended his duty for that number of days during the Session, to be certified by the Speaker.

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

Resolved, that the extreme period to which the present Session has been protracted, renders it necessary that every possible effort should be made to bring the business of the Legislature to a close; and that to avoid, as far as possible, the necessity of recurring to further Conferences upon the subject of the Appropriation Bill, the foregoing Resolution, and those of yesterday, be communicated by Message to the Assembly.

Whereupon a Message in the following words was sent to that House:

MR. SPEAKER,

Message to the Assembly transmitting Resolutions on the subject of appropriation Bill.

Her Majesty's Council, considering that the extreme period to which the present Session has been protracted renders it necessary that every possible effort should be made to bring the business of the Legislature to a close, and that, to avoid, as far as possible, the necessity of recurring to further Conferences upon the subject of the Appropriation Bill, they have adopted the following Resolutions.

Resolved, that Her Majesty's Council will concur with the Assembly in passing a Bill for granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty-eight, upon the principles stated by the Council at their Conference on Friday last.

Resolved, that Her Majesty's Council will concur with the Assembly in passing a Bill appropriating Money to defray the usual Contingencies of the Legislature—to wit, the Stipends to the Clerks and Writers employed under them, to the Master-in-Chancery and Solicitor, the Usher and Serjeant-at-Arms, to the Door-Keepers and Messengers of both Houses, all disbursements for Stationery and Printing of every description, and Tradesmen's Bills for Work done by order of either House—to be paid to the persons entitled to receive the same by Warrant from His Excellency the Governor, upon a Certificate of the Officer under whose direction the charge shall have been incurred.

Resolved, that Her Majesty's Council will concur with the Assembly in appropriating the Sum of One Thousand Five Hundred Pounds to the District of St. John's, and the further Sum of One Thousand Five Hundred Pounds for the other Districts, as proposed in the last Supply Bill,—to be applied, by Commissioners to be appointed by His Excellency, towards relieving the Poor, and any further Sum which the Assembly may deem requisite for that purpose;—the expenditure to be general throughout each District, and not to be confined to the Inhabitants of any particular Town or place.

Resolved, that with an earnest desire to meet the wishes of the Assembly, Her Majesty's Council will apply their best consideration to the reasons which may move the Assembly to propose any other Grant, so soon as they shall be put in possession of the facts and circumstances inducing the appropriation of such further Sums.

Resolved, that the Council will concur in a Bill granting to Her Majesty a Sum of Money for paying Forty-two Pounds to each Member of the Assembly who shall have attended his duty for that number of days during the Session, to be certified by the Speaker.

H. J. BOULTON,
P. C.

Council Chamber,
3rd November, 1837. }

6th November, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

On motion, made and seconded, the House adjourned until Monday next at one of the
Clock, p. m. House adjourns.

MONDAY, 6th NOVEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

Members present.

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

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

MR. PRESIDENT,

The House of Assembly having taken into consideration the Message of Her Majesty's Council of last Friday, together with the Resolutions of the Council accompanying the same, take leave to say, that, they are at a loss to conceive how it would be more calculated to advance “ the business of the Legislature to a close” to have five new Supply Bills originated in the Assembly, as therein required—brought to maturity there, and transmitted to that Body for consideration,—than, to have the Council determine, at once, upon the single Bill that is at present before them, a third time, and particularly as in the first, second, third and fifth Resolutions, they now express an approval of almost all the principal provisions therein embodied.

Message from Assembly on Supply Bill.

If the objections of Her Majesty's Council implied in the fourth Resolution were correctly founded, they would have been more fitly made when the first Supply Bill had been before that Honorable Board, or at all events when the second was under their consideration; but it was because all the Votes, therein adverted to, were founded on petitions introduced to this House with the approval or consent of His Excellency the Governor, and because the House were otherwise convinced of the propriety of granting them, they were, in the usual manner, and agreeably to unvarying precedent, embodied in the general Bill of Supply.

Now, however, when, through an anxious desire to promote the public service, the House of Assembly have sent up a third Bill for the consideration of Her Majesty's Council, and are most solicitous to be immediately discharged from their labours; and, particularly, as their opinions have already, in several Conferences, been laid before the Council on the objections of that Body to the Bill, they feel themselves compelled to insist upon adhering to the principles laid down in their last Conference—to insist upon the present Bill in its totality.

But, should Her Majesty's Council be prepared to incur the heavy responsibility of impeding the operations of the Executive, by a refusal to defray the Salaries of the Public Officers, voted by this House with the utmost liberality—embarrassing the Legislature, by a refusal to defray their Contingent Expenses, and consigning the Poor to misery and starvation, by a refusal to grant, at a time of unparalleled distress, Three Thousand Five Hundred Pounds for their relief;—should Her Majesty's Council, after the Assembly had thrice given them an opportunity of considering the measure, be prepared to take upon themselves so serious a responsibility,—then will the Assembly have no other alternative but forthwith to address a prayer to His Excellency, by an immediate prorogation, to close a Session already unreasonably protracted.

WILLIAM CARSON,
Speaker.

House of Assembly,
6th November, 1837. }

6th, 8th, 9th & 10th November, 1837.

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On motion of the Honorable Mr. Crowdy, it was—
 Message from' Assem- Ordered, that the Message be referred to the Select Committee appointed to Report on
 bly referred to a Select the Bill of Supply.
 Committee.
 House adjourns. On motion made and seconded the House adjourned until Wednesday next, at one of the
 Clock, p. m.

WEDNESDAY, 8th NOVEMBER, 1837.

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

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney General.*
 “ “ JOHN DUNSCOMB.

House adjourned for The Honorable the Attorney-General adjourned the House, for want of a Quorum, until
 want of a Quorum. to-morrow at one of the Clock, p. m.

THURSDAY, 9th NOVEMBER, 1837.

At a quarter past one of the clock, p. m. there were—

Present,

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

House adjourned for The Honorable the Attorney-General adjourned the House, for want of a Quorum, until
 want of a Quorum. to-morrow at one of the clock, p. m.

FRIDAY, 10th NOVEMBER, 1837.

House meet The House met pursuant to adjournment.

Present,

Members present. *The Honorable* ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Monday, Wednesday, and Thursday last, were read.

Select Committee on The Honorable Mr. Thomas, from the Select Committee appointed to report on the
 Supply Bill and on Supply Bill and on the Assembly's last Message on the subject of it, presented a report.
 Assembly's last Mes-
 sage, present a report.

Ordered, that the report be received.

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

Report referred to a Ordered, that the said report, with the Supply Bill, be referred to a Committee
 Committee of the whole of the whole House, to-morrow.
 House.

The Report is in the following words:—

Report. The Select Committee appointed to take into consideration the Bill sent up to the
 Council from the Assembly, entitled “ An Act for granting to Her Majesty a sum of Money
 for defraying the Expense of the Civil Government of this Colony, for the Year ending the
 Thirtieth day of June, in the year of Our Lord One thousand eight hundred and thirty-eight,
 and for other purposes,” and to report their observations thereon, and who were empowered to
 send for Persons and Papers, and to receive evidence upon the several points requiring ex-
 planation, have, pursuant to the order of the Council, examined the matters to them referred,
 and have agreed to the following Report.

In order to present a clear view of the subject, the Committee have thought it desirable
 to class in a Tabular form the various appropriations proposed by this Bill which require obser-

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HENRY PRESCOTT, ESQUIRE, C. B. *Governor.*

vation, under the following heads—videlicet—Number 1—Ordinary Charges for the Support of the Civil Government. Number 2—Salaries and Incidental expenses of the Legislature. Number 3—Miscellaneous Grants.—These Tables are given in the Appendix.

The Council having upon various occasions, during former Sessions, as well as recently, during the present, expressed their decided disapproval of the course adopted in this Bill, of tacking to the Ordinary Supplies grants of Money for objects having no relation the one to the other, the Committee have not thought it necessary to pursue a subject which may be regarded as settled by the unanimous decision of the whole Council, more than once expressed; and therefore they have contented themselves with merely extracting grants of this description, and exhibiting them for more ready reference in the Table Number 3; and as the Council have expressed a determination not to enter upon the consideration of occasional grants of Money so long as they shall continue to be tacked to the ordinary Supply Bill, the Committee has not felt at liberty to enter into any inquiry respecting the utility, justice, or necessity of any of them. For the same reasons they have forborne to enter into any minute consideration of the causes which have led to the very great increase, which they regret to perceive, in the Contingencies of the Assembly—although they cannot avoid noticing the fact that these Contingencies amount in the aggregate to Two Thousand Three Hundred and Ninety-three Pounds Two Shillings and Six Pence, being considerably more than double the sum granted for the like purpose last year.

The Committee also desire to draw the attention of the Council to the fact that while sums far exceeding those granted heretofore for the like services are specifically appropriated for Printing the Journals, and other General Printing—for the Members' Wages—for Stipends to the usual Servants of the Assembly, as well as those appointed to new situations not heretofore found necessary—yet, that a sum of Six Hundred and Ninety-nine Pounds in addition is appropriated for Contingencies—and although the Committee have desired to examine the votes of the Assembly, to ascertain what charges are included in this sum, the person who acts as Clerk of the Assembly refuses to afford the information required.

The Committee have, therefore, endeavoured to procure information elsewhere upon this point,—and although not official, yet they have reason to believe it to be tolerably correct. They have ascertained that notwithstanding Five Hundred and Eighty-eight Pounds has been openly, and specifically appropriated to the Members themselves, yet that a very large sum, about Two Hundred Pounds further, is included in this general sum for the like object; which the Committee cannot but express their strong disapproval of. If the Members wish to apply a larger sum out of the Public Revenue to their own use, surely it should be openly done, so that the Public and the Council, whose concurrence is required, should be able to judge of the propriety of the Grant.

They have also reason to believe that Fifty Pounds are included in this sum to be paid to one of the Members as Chairman of some Committee; and notwithstanding One Hundred and Sixty Pounds are granted specifically to R. J. Parsons, the Printer of the Patriot, for General Printing, while only Forty-nine Pounds were required for that service from another Printer last year, yet the Committee believe the sum of Twenty Pounds, or more, is included in this sum of Six Hundred and Ninety-nine Pounds, for Printing the Speech of one of the Members.

The Committee have also ascertained, to their entire satisfaction, that much larger sums than were formerly granted to the Clerk and Sergeant-at-Arms, are also included in this Grant, to be paid to persons acting in those capacities, to the exclusion of the Officers appointed by the Crown; and that considerable sums are therein voted to increase the Stipends specifically granted in the Bill to their other Servants, who have been appointed by themselves. Under these circumstances the Committee would strongly urge the rejection of the entire sum of Six Hundred and Ninety-nine Pounds. Formerly the services designated as Contingent were set forth in the Journals of the Assembly, together with the sums for defraying such charge; but now that course is not pursued, and all information upon the subject is denied.

To the distribution, however, of the Monies granted for defraying the Ordinary Charges of the Civil Expenditure of the Government, the Committee have directed their earnest attention, because they are of opinion that principles of the deepest interest and most serious

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consequence are involved in the consideration of the changes sought to be effected at the sole suggestion of the Representative Branch of the Legislature.

By our Constitution the Sovereign is the fountain of justice, and either directly, or indirectly, through the higher order of functionaries, appoint to every office connected with its administration, while the Legislature is charged with providing the funds necessary for defraying the expense incurred by such appointment.

The responsibility of selecting proper persons to fill stations of trust being vested in the Executive Branch of the Government, it is necessary that these selections should be made fairly and independently, with a view to the efficient discharge of the duties imposed, for which the Executive is again responsible. For these reasons, the Committee are of opinion, that the method heretofore, and now, adopted, by the Assembly in this Colony, of minutely appropriating the various specific sums composing the aggregate of the charge for conducting each branch of the public service, if not productive of the evil which the Committee are about to bring under the notice of the Council, at least affords the opportunity for effecting it. The Legislature has thought it necessary, from time to time, to provide Stipends for Magistrates, and Constables, to reside at certain places in the different Districts of the Island. In making this arrangement care should be taken to keep separate the respective functions of the Executive and of the Legislature, otherwise the latter will be in a condition, in effect, to usurp the functions of the former. If it be thought necessary that there should be Forty Constables, for instance, in the outports, at a Salary of Ten Pounds each, Four Hundred Pounds should be granted, in gross, to meet the charge; and should the Legislature, upon any future occasion, be of opinion that the Public Revenue could not, with due regard to other branches of the public service, bear so heavy a charge, it might be diminished, without affecting exclusively the interests of any one in particular, leaving it to the Executive Government to distribute the diminished grant in such a manner as should best preserve the efficiency of the department. The Police of London is paid by the Government, but it would scarcely enter into the view of Parliament to regulate the particular Stipend of each Policeman.

The Legislature of Newfoundland, however, acting upon this principle, descends to the minutest distribution, and regulates the precise sum to be paid to each individual; the consequence is, that upon every occasion, where the Supplies are being voted, each Member has passed in review before him the individuals of his neighbourhood who are to receive the most insignificant Sums, and an opportunity is thereby afforded of making the person, and not the office, the subject of discussion;—and should any Constable or other functionary have become obnoxious to the Members from his quarter of the Country, his Stipend is scrutinized with the greatest rigour, and perhaps reduced one half, or withheld altogether,—while those who have ingratiated themselves with the same persons have their Salaries raised without regard to services.

The Committee have examined several witnesses to ascertain if there were any circumstances which could reasonably warrant the changes set forth in the Table Number 1, but have been able to discover none that would warrant an honourable mind in selecting the instances that are there exhibited as proper cases for especial reduction or augmentation, for abolition or introduction.

The Constable at Ferryland is a very reputable man, has been in office more than twenty years, resides in what may be called the County town of the District, where the Circuit Court is held, and where there is more business transacted than in any other place in the Southern District of the Island, with the exception, perhaps, of Burin—he has received an excellent character from several respectable persons residing there, but it appears from their statements that he is opposed to the Member representing that District, and his Salary is reduced from Twenty-five Pounds to Twelve Pounds.

The Assembly have assigned in their reasons offered at a former conference on this subject, as the cause of this reduction, that there are three Stipendiary Constables added to that Shore in order to facilitate the Administration of Justice,—that his duty is consequently diminished.

In the first place the Committee are of opinion that such Salaries should not be granted by the Legislature until the necessity of the appointment were indicated by the Government;

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HENRY PRESCOTT, ESQUIRE, C. B. Governor.

but in these instances it will be obvious, upon an examination even of the Table now under consideration, that such inconsiderable places as Cape Broyle, Caplin Bay, and Aquafort, all in the immediate neighbourhood of Ferryland, and containing together a population of only 530 souls, cannot require a Constable in each, while the Assembly have withheld the Salary of the Constable at Torbay, where the population amounts to 758 inhabitants, and is much further from St. John's than either of the other places is from Ferryland; but it appears in evidence that the Constable at Torbay was adverse to the present Members during the former Elections.

The Salary of the Constable at St. Mary's has been raised in the same proportion as that of the Constable at Ferryland has been diminished, although by the evidence taken by your Committee, it would appear he is by no means an efficient Officer, and on one occasion he positively refused to do his duty in aiding the Constables sent from St. John's in the Government Yacht to apprehend some of his immediate neighbours for a riot. The ground alleged by the Assembly for raising this Constable's Salary, videlicet—that his duties extended throughout a line of coast of one hundred miles in extent,—is, within the knowledge of your Committee, quite delusive, as it is well known that none of these Constables are sent beyond their own immediate vicinity; and, they have ascertained that in fact there is little for him to do.

In the case of the Constable at Torbay, the Assembly has not hesitated to place the withholding of his Salary upon personal grounds, stating that they would “wish to mark their sense of the impropriety in making choice between two honorary Constables, of passing by the person longest in office, the most respectable, and the best conducted.”

The Committee have examined witnesses on this point, and find the statement quite unfounded.—There has been but one Constable at Torbay the last ten years.

The Salary payable to the second Constable at Trinity has been withheld under circumstances of the most crying injustice; and the Committee have clearly ascertained by indisputable evidence, that there is not the slightest foundation for the statement made by the Assembly, at their last Conference on the subject, videlicet—that he holds the sinecure office of Gaoler and lives in the Gaol.

At Bonavista there are two Stipendiary Constables, receiving Twelve Pounds Ten Shillings each—the Salary to one of these is withheld and the amount conferred on the other without any apparent reason. And it is a fact worthy of observation that while Salaries are voted by the Legislature to the Constables residing at three small Harbours near Ferryland, before referred to, with a population, in all, of 530 souls, the Salaries heretofore payable to three out of five Constables, at Bonavista, Trinity, and Torbay, containing together a population of 3564 souls, have been withheld.

There is also the same appearance of personal feeling manifested in the arrangements attempted to be made in this Bill relative to the Gaol and District Surgeon, Dr. Kielley, who is known to be decidedly opposed to the political conduct of the present Members of the Assembly, happens to fill both these situations, and with a view to deprive him of one, a proviso is attached to the Grant for paying the Gaol Surgeon, that he shall not hold the situation of Medical Attendant upon the Poor of the District.—If the Salaries, instead of being Forty Pounds for the Gaol and One Hundred and Twenty Pounds for the District, were such as a professional man could be expected to devote his whole time for, there might be some reason for saying that the two were incompatible, since he could not devote his whole attention to two different employments; but this is not the case,—and the situations are not in the least incompatible; therefore he ought not to be removed by Legislative exclusion without complaint and without a hearing. The plan for dividing the District into Four Wards, the Committee are of opinion, might be beneficial to the Public, and therefore, however it may interfere, in a certain degree, with the present emolument of Dr. Kielley, they would not recommend any opposition to such an arrangement; but they are decidedly of opinion that the interests of the Poor would not be consulted by his entire exclusion.

The injustice of withholding any part of the Year's Stipend to persons fulfilling Public Situations at fixed Salaries, will be still more apparent, when it is recollected that during the present Session, the first Quarter's Salaries have been granted upon the estimate laid before the

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Legislature by the Governor, and that the Officers have continued up to this time, (a further period of Four Months) to discharge their duties under the expectation of being paid as usual—and, therefore, whatever may be the decision of the Legislature, as to future years, the honor and faith of the Government is pledged to see these Persons paid for the present year,—if not for a longer period;—but the Committee are decidedly of opinion, that the reduction in any Branch of the Public Service ought to be in the aggregate amount, and not in the detail, which should be regulated upon the responsibility of the Government, and not made the subject of personal favoritism.

After a patient investigation of the whole matter, and after hearing the testimony of the Witnesses called before them upon the several points to which they have been examined, the Committee are of opinion that considerations of a personal nature, growing out of political hostility, have had much more influence in dictating the appropriation of Public Money to the objects referred to by the Committee, than are consistent with a just and impartial administration of those Branches of the Public Service to which the Committee have thought it material particularly to draw the attention of the Council; and they are fully convinced that nothing can have a more direct tendency to sap the integrity of subordinate Public Servants than the constant dread of having their Stipends reduced, or withheld, or the perpetual prospect being held out to them of their being increased at the mere motion of a popular body; and, therefore, they do urge upon the consideration of the Council, the necessity of using all proper means to prevent the belief gaining ground that the only road to preferment is through the agency of the Members of the Assembly, and more especially in matters connected with the administration of Justice. During the progress of this investigation the Message sent up to the Council on Monday last, upon the subject of this Bill, has been referred to the Committee, wherein the Assembly declare that “they are at a loss to conceive how it would be more calculated to advance the business of the Legislature to a close to have five new Supply Bills originated in the Assembly,” in accordance with the Resolutions of the Council therein referred to.

The Committee are of opinion that nothing can be more obvious than that by these means the most important Grants would thus be at once concurred in and that others upon which there might be a difference of opinion would be brought under the consideration of both Branches in such a shape that mutual explanations might conveniently be had upon them; and if, ultimately, the Council and Assembly could not agree upon them, they would be rejected without detriment to other matters.—In this Message, the Assembly endeavour to throw the responsibility of not granting the ordinary Supplies—of withholding the Money for the relief of the Poor, whom they represent to be upon the verge of starvation—and of refusing to pay the Contingencies of the Legislature—upon the Council; but the most superficial view of the subject will be sufficient to correct an error so obvious, and to place the responsibility where the Committee are convinced it will ultimately rest, if the Assembly persevere in their present course,—and especially when the determination of the Council upon this subject was made known to the Assembly so long ago as the Nineteenth day of October last.

The Council in their Resolutions have expressed their readiness to concur in passing the ordinary Supply Bill for discharging those expenses of the Civil Government for which the public faith is pledged—that they will concur in paying the usual Contingencies, although far exceeding the amount granted for that purpose in former years, together with the vote of Three Thousand Pounds, or more if the Assembly desire it, for the Poor—and that they will, contrary indeed to their own sentiments, agree to the Members receiving Forty-two Pounds each for their attendance during the Session; but this will not suffice—the Assembly insist upon several further Sums very nearly approaching One Thousand Pounds being given to themselves under various pretences, and to considerable Sums being paid to Persons selected by the Assembly whose services the Council are not informed of;—And it is thus that the Poor are to be left to misery and starvation, because the Members of the Assembly are not permitted by the Council to appropriate to themselves and their adherents so much of the Public Money as they think proper to take.

The Sums appropriated by the present Bill to be paid to the Fourteen Members themselves who have taken their seats, amount in the aggregate to upwards of One Thousand Five Hundred Pounds—last year they were contented with one-fifth of that Sum.

10th November, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. Governor.

Last year the Contingencies, including Printing and the Stipends to every Officer and Servant connected with the Assembly, amounted to Nine Hundred and Eighty-four Pounds Nine Shillings and Three Pence, whilst this year their Contingencies amount to Two Thousand One Hundred and Seventy-eight Pounds Two Shillings and Six Pence, exclusive of Five Hundred Pounds appropriated by the Bill to defray the expense of three of their own body, as Delegates, to treat with Her Majesty's Government on the subject of the Administration of Justice and other matters, and also exclusive of Two Hundred and Fifteen Pounds to the Officers and Servants of the Assembly appointed by the Crown, whose services the Assembly have refused to receive, whilst they propose to pay other persons for performing their functions, and so increase the charge upon the public by paying two sets of Officers instead of one.

Thus it will be seen that the Assembly propose to increase the Public Expenditure this year over any preceding year, with reference to themselves and their Officers, by the addition of the large sum of One Thousand Nine Hundred and Eight Pounds Ten Shillings and Nine Pence, and with what advantage to the Colony the Committee are at a loss to perceive.

Upon a careful review of the whole subject the Committee are of opinion that since the Assembly have, notwithstanding their knowledge of the Council's determination, persisted in comprising in the same Bill appropriations for every description of Expenditure—there is no course left for the Council to adopt, consistent with their sense of a just application of the Public Money, and of their repeated declarations of the principles upon which they must be governed, than to amend the Bill by rejecting all such portions of it as they cannot, without further information, conscientiously concur in.

APPENDIX.

No. 1.

Office.	Place.	Present Salary.	Salaries reduced or augmented, withheld or originated, by the Assembly.	Number of Inhabitants.	No. of Males from 14 to 60 years of age.
Constable	Ferryland	£ 25 0 0	£ 12 0 0	507	
Gaoler	Do.	25 0 0	20 0 0		
Constable	Bay Bulls	25 0 0	12 0 0	609	
Do.	Renewse	20 0 0	12 0 0	601	
Do.	Greenspond	15 0 0	12 0 0	734	
Do.	St. Mary's	12 0 0	25 0 0	441	
Do.	Catalina	12 0 0	24 0 0	523	
Do.	Bonavista	12 10 0	25 0 0	1553	
Do.	Do.	12 10 0	0 0 0		
Do.	Trinity	12 0 0	0 0 0	1253	3564
Do.	Torbay*	18 0 0	0 0 0	758	200
Do.	Cape Broyle†	0 0 0	12 0 0	210	70
Do.	Caplin Bay‡	0 0 0	12 0 0	193	64
Do.	Aquaforte§	0 0 0	12 0 0	127	34
Do.	St. Lawrence	0 0 0	12 0 0	232	
Gaol Barber.	St. John's	12 0 0	15 0 0		

* 9 miles from St. John's.

‡ Under 3 miles from Ferryland.

† 6 miles from Ferryland.

§ 3 ½ miles from do.

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No. 2.

Office or Service.	APPROPRIATION.	
	1836.	1837.
COUNCIL.		
Clerk	£100 0 0	£100 0 0
Usher	50 0 0	50 0 0
Door-Keeper	35 0 0	35 0 0
Contingencies of Clerk	112 19 7	196 14 1
Do. of Usher	7 11 11	0 0 0
Master-in-Chancery	100 0 0	100 0 0
	<u>£405 11 6</u>	<u>£481 14 1</u>
ASSEMBLY.		
Speaker—New grant, besides pay as a Member	0 0 0	200 0 0
Clerk	100 0 0	0 0 0
Serjeant-at-Arms	50 0 0	0 0 0
Door-Keeper As usual	35 0 0	35 0 0
Two Under-Doorkeepers—New Offices	0 0 0	50 0 0
Messenger As usual	30 0 0	30 0 0
Assistant do. New Office	0 0 0	20 0 0
Reporter Do.	0 0 0	50 0 0
Newspapers New charge	0 0 0	9 2 6
Newfoundlander—Printing Journals	130 0 0	160 0 0
R. J. Parsons, Proprietor Patriot—General Printing	49 0 0	160 0 0
Contingencies	190 9 3	699 0 0
Fourteen Members at £42 each	300 0 0	588 0 0
Solicitor	100 0 0	100 0 0
Witnesses examined respecting the conduct of J. Stark, J. P.	0 0 0	57 0 0
Messenger to Harbor Grace, to summon them	0 0 0	20 0 0
	<u>£984 9 3</u>	<u>£2178 2 6</u>
Towards compensating Clerk, Serjeant-at-Arms, Door-Keeper, and Messenger of the Assembly, appointed by the Crown		215 0 0
		<u>£2393 2 6</u>

No. 3.

[A] To the Representatives of the late Wm. Phipard, in full for all claims on the Colony	£40 0 0
[A] To Thomas Morton, late a Constable in St. John's, for loss of office	35 0 0
Towards defraying the expense of a Geological Survey of the Island	350 0 0
Towards supporting a Grammar School at Carbonear for three years, each year	100 0 0
Towards defraying the expense of Three Delegates appointed by the House of Assembly to treat with Her Majesty's Government in London on the subject of the Administration of Justice, the Agriculture, the Fisheries, and the General State of the Colony	500 0 0
John Efford—(compensation for pulling down his store at Port-de-Grave)	20 0 0
James Doyle—(maintaining an orphan from March 1832 to June 1837)	36 19 6
James King—(building a Bridge over Salmon Cove River)	30 0 0
Dr. Walsh—(Small Pox attendance under Board of Health)	25 0 0
Catherine Walsh—(sending Lunatic to Ireland)	10 0 0
Mrs. Mulloy—(supporting her husband, Dr. Mulloy, a Lunatic)	30 0 0
James McDonald, Harbor-Grace—(supporting a deserted child)	15 0 0
Robert Tremlett—(supporting and sending to St. John's a blind pauper)	15 0 0
Captain Pearl—(conveying petitions)	50 0 0

[A] Of these Persons, Phipard was High Constable, at a Salary of One Hundred Pounds a Year, but withheld by the Legislature—the man being too old and infirm to do his duty; while Morton, a Petty Constable, was dismissed for misconduct; and yet the Estate of the former, after his death, is granted Forty Pounds for Two Years' back pay,—while the latter gets a Year's pay voted at once.

11th & 13th November, 1837.

HENRY PRESCOTT, Esquire, C. B. Governor.

On motion, made and seconded, the House adjourned until to-morrow at one of the House adjourns.
Clock p. m.

SATURDAY, 11th NOVEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

Members present.

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Supply Bill and on the Report of the Select Committee on the Message of the Assembly relative thereto. Supply Bill and Report of Select Committee thereon—Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again on Monday next.

Reported.

Ordered, that the report be received.

On motion, made and seconded, the House adjourned until Monday next at one of the House adjourns.
Clock, p. m.

MONDAY, 13th NOVEMBER, 1837.

The House met pursuant to adjournment.

House meets:

Present,

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Saturday last were read.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Bland, it was—

Ordered, that a Message be sent to the House of Assembly in the following words:

MR. SPEAKER,

Her Majesty's Council request the House of Assembly will lay before them a copy of the Instructions and Reports to be furnished to the Delegates appointed to treat with Her Majesty's Government on certain matters, and for the expense of whose Mission a sum of Five Hundred Pounds is provided in the Supply Bill now before the Council,—and also what mode is proposed to be adopted for the appointment of such Delegates. Message to the Assembly for information respecting the granting of a sum of Money for Delegates to proceed to England.

On motion of the Honorable Mr. Thomas, seconded by the Honorable John Sinclair, it was, also—

Ordered, that the following Message be sent to the House of Assembly:

MR. SPEAKER,

Her Majesty's Council request the House of Assembly will lay before them any information the Assembly may possess relative to the facts and circumstances which induced them to Message to the Assembly for information respecting sundry grants of Money in the Supply Bill.

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make the Grants in the Supply Bill to Johanna Mulloy, Captain Pearl, R. N. and the Clerk of the Peace at Harbor Grace.

House adjourns. On motion, made and seconded, the House adjourned until to-morrow at 2 o'Clock, p. m.

TUESDAY, 14th NOVEMBER, 1837.

House meets: The House met pursuant to adjournment.

Present.

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ “ ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of yesterday were read.

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

MR. PRESIDENT,

Message from Assembly relative to certain grants in Supply Bill.

The House of Assembly, in reply to the two Messages transmitted to them on yesterday, on the subject of certain grants comprehended in the Bill of Supply at present before the Council, although they cannot at this late period of the Session consent to make any alterations in that measure, yet, from that anxious desire which they have always manifested, to maintain a good correspondence with Her Majesty's Council as a co-ordinate Branch of the Legislature, have determined to furnish upon these subjects all the information requested by that Body.

They, therefore, in compliance with the request contained in the first Message, consent to lay before the Council copies of the "Report of a Committee of the whole House on the present state of the Administration of Justice in Newfoundland," and the Reports of Select Committees "on the present state of the Agriculture," and "of the Fisheries of this Colony," together with a Copy of the Instructions to "the Delegates appointed to treat with Her Majesty's Government on certain subjects;" but in reply to that part of the Message wherein the Council enquire "what mode is proposed to be adopted for the appointment of such Delegates," the House of Assembly beg to acquaint the Council that the Delegates have been already appointed by votes of this House, passed *nemine contradicente*, and shall, under every circumstance, proceed on their mission at the close of the Session.

On the subject of the grants mentioned in the second Message of yesterday, the House take leave to acquaint Her Majesty's Council that the vote to Mrs. Mulloy was granted on a petition presented to this House by permission of His Excellency the Governor; and, as the House saw that her Husband had been for many years a respectable Medical Practitioner in this Island, they judged her a very fit object of Legislative support, when suddenly reduced, from comfort and independence, to a state of destitution by means of her Husband's insanity.

The Grant to Captain Pearl, R. N., is, in like manner, a vote founded on a petition from that Gentleman, presented to this House under the sanction of His Excellency the Governor; and as that petition came before the House strongly supported by a letter from the Chairman of the Committee from which Mr. Pearl derived the appointment, they considered the evidence of the Chairman conclusive of the validity of his "claim;" and as the then Chairman is now distinguished by a Seat in Her Majesty's Council, the House of Assembly feel not a little surprised that the Council should be at a loss for information on the subject (See the letter subjoined.)

With regard to the Clerk of the Peace at Harbor Grace, the House of Assembly could not discover upon what principle, in this Colony, where there are no fewer than four such Offices, this person is particularly selected for a Salary, while those of the Capital of the

14th November, 1837.

HENRY PRESCOTT, ESQUIRE, C. B. *Governor.*

Island, of Ferryland, and Trinity, are suffered to go without any.—In the Government estimate, sent down to this House in the year 1834, there is not the least advertence to this Officer.—In 1835 we find that the Sum of Eighteen Pounds is asked for as his Salary in the estimate; but, desiring to economize, the House voted Fifty Pounds to that Officer, on the recommendation of the Police Committee, to cover the expences of Civil and Criminal Prosecutions; but to no purpose—the Fifty Pounds were drawn and the expense of the Prosecutions not lessened.—And in 1836 the Committee on Police recommended to have a Salary paid that Officer in lieu of all Fees, but the Returns of the Blue Book prove that this Officer took both Salary and Fees—therefore it was that this House, regarding the duties of that Office now as exactly the same as they were in 1835, when His Excellency Governor Prescott estimated his Services at Eighteen Pounds, made no objection to grant that Sum for the current year.

The House having thus, in their solicitude to support a right understanding with Her Majesty's Council at a period when the public interests especially require it, complied with every request made by that Honorable Body, beg leave emphatically to protest against these repeated violations of the privileges of this Branch of the Legislature.

The House of Assembly are at a loss to conceive whence Her Majesty's Council have derived a precedent for the course at present pursued on the Supply Bill.—The Commons House of Assembly consists of the Representatives of the people, returned by the free voice of the people, and possessing their unbounded confidence; and as it is for them to raise Revenues from the produce of the industry of the people, so is it their undoubted right and dearest privilege to appropriate these Revenues, for the promotion of the public interests, in such manner as they, on the part of the people, whom they represent, shall judge necessary; and therefore do they regard the requests of Her Majesty's Council, as conveyed in the Messages of yesterday, highly derogatory from the privileges of this House.

The only precedent furnished by Hatsell of "reasons" being sought by the Lords for passing a Bill in the Commons, is in Vol. 4 page 3—so far back as 1575—nearly three Centuries ago—but even then the Commons indignantly repelled the right assumed by the Lords to make "the request:"—but in page 48, in terms of strong indignation, he adverts to others—his observation is as follows—

"And though some of the more ancient precedents are of instances where one House of Parliament has demanded of the other their reasons for bringing in, or amending, or refusing to agree to certain Bills, these proceedings (as they were very properly declared to be irregular so long ago as the year 1575 in the case of Lord Stourton's Bill; and again in 1661 upon the Bill for the Execution of persons attainted of High Treason) ought not to be followed as examples; because, instead of composing differences, they tend rather to raise disputes, touching the privileges and independency of that House of whom such reasons are demanded.

In more modern times the privileges of the Representative Branch of the Legislature are better understood; and in proportion as freedom has progressed and tranquillity pervaded the Realm, so have the mutual jealousies which in times of civil commotion marked the character of the two Houses of Parliament, been gradually subsiding, until, according to the same writer, Vol. 3, page 132, "the Commons have asserted and maintained this claim through such a long and various course of precedents, particularly from the time of the Restoration to the beginning of this Century, that the Lords have now, for many years, desisted either from beginning any Bill or from making amendments to Bills passed by the Commons, which, either in the form of positive taxes, or pecuniary penalties, or in any other shape, might, by construction, be considered as imposing burthens upon the people."

The same learned writer on the precedents of Parliament observes, Vol. 3. p. 62, "The House of Commons have, on their part, asserted, and I believe invariably preserved, the exclusive exercise of the right," as expressed in the Resolution of July 3, 1678, "that Bills of Supply, imposing burthens upon the people, should be the Grant of the Commons, and that the Lords should have no other voice, than, as one Branch of the Legislature, by their assent, to give the authority of a law to the levying of those aids and taxes which the Commons shall think wise and fitting to impose."

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Again, in page 76, he remarks, "on the other hand, the Lords ought not to intermeddle with, but to leave to the House of Commons that jurisdiction and those rights which they, on their part, are equally entitled to: I mean the *exclusive* right of judging in all matters relating to their privileges, and to the Election of their own Members: and of granting, arranging, and disposing of all aids and taxes to be levied on the people."—And in pages 133 and 134, he traces these privileges back to the reign of Henry 4th, when, in 1407, the famous Bill entitled "The Indemnity of the Lords and Commons," passed into a law.

The House of Assembly, then, will never admit that they are less the Representatives of the people than are the House of Commons of England, nor less in the confidence of those whom they represent, nor less the Guardians and Dispensers of the Public Treasures; and never will they permit a Body constituted as is Her Majesty's Council, to assume rights superior to those exercised by the British House of Lords.

In acceding, therefore, to the requests of yesterday, the House of Assembly would be understood as testifying their anxious desire to facilitate the movements of the machinery of Government, to free the Executive from the embarrassments arising from the accumulation of Debts to Public Officers, and of other engagements, now of seven months' standing—to relieve the necessities of the Poor,—and above all things, in order that a Session so tedious, so pregnant with difficulties, may close in a spirit of conciliation and kindness becoming the several Branches of a Deliberative Assembly—but by no means as laying down a precedent for the future, in thus voluntarily sacrificing all precedent to the extreme exigency of the time.

Extract of a Letter to Captain Pearl, R. N., dated Nov. 22, 1831.

"I shall consider it a pleasing part of my duty, as Chairman, to bear my testimony to the zeal and assiduity which you exhibited in the discharge of the duties imposed on you by the Committee, and to forward, as far as in my power, your claims on that Committee.

Your's truly,

(Signed,) Wm. THOMAS,
Chairman of the Committee of 1830.

Capt. JAS. PEARL, R. N.

WILLIAM CARSON,
Speaker.

House of Assembly, }
14th November, 1837. }

Ordered, that the Message be referred to the Committee of the whole House on the Supply Bill.

Supply Bill Committed;

Pursuant to the order of the day, the House went into a Committee of the whole on the Supply Bill.

After some time the House resumed.

Reported, with—

The Chairman reported the Bill with some Amendments which are as follows:

Amendments.

In the title of the Bill—Expunge the words "and for other purposes."

In the preamble, 7th line.—Between the words "Colony" and "the," insert the word "and"; and after the word "Justice," expunge the words "and the Contingent Expenses of the Legislature."

In the 1st Section, 2nd Page, 3rd line.—Expunge the words "Nineteen Thousand One Hundred and Sixty-eight Pounds, Two Shillings," and insert in their stead "Fifteen Thousand and Ninety-Six Pounds, Two Shillings and Two Pence."

2nd Page, 11th line.—Expunge the words "and for other purposes."

4th " 13th line.—Expunge the words "Three Hundred and Seventy-two Pounds," and insert in their stead "Four Hundred and Eleven Pounds.

4th " 21st line.—Expunge the word "Twelve," and insert the words "Twenty-five" in their stead.

22nd line.— Do. do. do. do.

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- In the 1st Section, 5th Page, 2nd line.—After the word “Renews,” expunge the word “Twelve,” and insert the word “Twenty” in its stead.
- “ 13th line.—Insert the word “Five,” between the words “Twenty” and “Pounds.”
- 5th Page.—After the 14th line, insert “And a further Sum of Twenty-five Pounds to the Gaoler of Burin.”
- 6th Page, 3rd line.—Expunge the words “Seventy-four,” and insert the words “Eighty-six” in their stead.
- “ 5th line.—Expunge the word “One,” and insert “Two” in its stead.
- “ 6th line.—Expunge the words “Twenty-five” and insert “Thirty-seven” in their stead.
- “ 10th line.—Expunge the words “One Hundred and Ninety” and insert “Two Hundred and Eleven” in their stead.
- “ 12th line.—Expunge the letter “a,” and insert the word “two” in its stead.
- “ 13th line.—Expunge the word “Twelve,” and insert “Fifteen” in its stead.
- “ 21st line.—After the word “Pounds,” insert the words “a Constable at Torbay, Eighteen Pounds.”
- 7th Page, 4th line.—After the word “Stationery,” expunge the words “exclusive of the Sheriff’s Office.”
- “ 19th line.—After the words “Sheriff’s House,” expunge the words “and Offices.”
- “ 22nd line.—Expunge the 22nd, 23rd and 24th lines.
- 8th Page, 22nd line.—Expunge all the words beginning with the word “and,” in this line, and ending with “1837” in the next page.
- 9th Page, 2nd line.—Expunge all the words beginning with “and,” in this line, and ending with “Small Pox,” in the tenth line.
- “ 15th line.—Expunge all the words between the words beginning with “and,” in this line, and ending with “Pounds,” at the bottom of the page.
- 10th Page, 14th line.—In the Fourteenth line, after the word “Pounds,” expunge the remainder of the line, and also the 15th and 16th lines.
- “ 19th line.—Expunge the two last words of the 19th line, and the whole of the 20th and 21st lines.
- 12th Page, 6th line.—Expunge the 6th, 7th, 8th, 21st, 22nd, 23rd and 24th lines.
- 15th Page.—Expunge the 15th page, and the first 20 lines of the 16th page.
- 17th Page, 16th line.—Expunge the 16th, 17th and 18th lines, and from the word “general,” in the 21st line, expunge the remainder of the page.
- 18th Page, 1st line.—Expunge the first eleven lines.
- 20th Page, 5th line.—Expunge the 5th, 6th, 7th and 8th lines.
- “ 12th line.—From the words “Conception Bay,” in the 12th line, expunge the remainder of the page.
- 21st Page.—Expunge the first fourteen lines, and also the 20th, 23rd, 26th, 27th, and 28th lines.
- 22nd Page.—Expunge the first ten lines.

Ordered, that the report be received.

Report received.

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 to-morrow at one o’Clock, House adjourns.
p. m.

15th November, 1837.

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WEDNESDAY, 15th NOVEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*" " ARCHIBALD WALKER, *Commandant.*" " JAMES SIMMS, *Attorney General.*" " JAMES CROWDY, *Colonial Secretary.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of yesterday were read.

Supply Bill, read 3rd time and passed with Amendments.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act for Granting to Her Majesty a Sum of Money for defraying the expence of the Civil Government of this Colony for the year ending the Thirtieth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and for other purposes," was read a third time and passed.

House in Committee on the Contingencies of the Legislature, &c.

On motion of the Honorable Mr. Thomas, the House went into a Committee of the whole on the Contingencies of the Legislature, and on the other Grants that have been rejected in the Supply Bill.

The Honorable Mr. Bland in the Chair.

A Message being announced, the House formed.

Message from the Assembly requesting Conference on the Supply Bill.
Concurred in.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject-matter of the Amendments made by the Council in the Supply Bill.

Ordered, that the request be concurred in.

Conferees appointed.

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

The Honorable Mr. Dunscomb enters.

House in Committee on Contingencies of Legislature.

The House again went into Committee on the Contingencies of the Legislature.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Chairman reports—

The Chairman reported the following Resolution:

Resolution.

Resolved, that Her Majesty's Council will concur in a Bill granting to Her Majesty a Sum of Money sufficient to defray the following Charges, viz:—

To defray the Salary of the Clerk of Her Majesty's Council, for the present Session	£100	0	0
To defray the Salary of the Master in Chancery attending Her Majesty's Council, for the present Session	100	0	0
To defray the Salary of the Usher of the Black Rod	50	0	0
To defray the Salary of the Door-keeper of Her Majesty's Council	35	0	0
To the Usher of the Black Rod, to defray the Contingencies of his Office, to be paid to him by Warrant on being certified by him to the Governor	16	4	8
To the Clerk of Her Majesty's Council, to defray the Contingent Expenses of his Office, including Stationery and Writing-Clerks, to be paid to him by Warrant, on being certified by him to the Governor	230	0	0
To the Clerk of the House of Assembly	100	0	0
To the Serjeant-at-Arms attending the House of Assembly for the present Session	50	0	0
To the Solicitor of the House of Assembly, for his Services during the present Session	100	0	0
To the Door-keeper of the House of Assembly, for his Services during the present Session	35	0	0

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HENRY PRESCOTT, Esquire, C. B. Governor.

To two Under-Door-keepers of the House of Assembly, for their Services during the present Session, Twenty-five Pounds each	50	0	0
To the Messenger of the House of Assembly, for his Services during the present Session	....	....	....	30	0	0
To the Assistant Messenger of the House of Assembly, for his Services during the present Session	....	....	....	20	0	0
To the Librarian of the Legislature	....	....	....	15	0	0
To the Reporter of the House of Assembly, for his Services in reporting the Speeches and other Proceedings of the House of Assembly, during the present Session	....	....	....	50	0	0
To the Treasurer of this Colony, for furnishing Copies of certain Public Accounts to the Assembly during the present Session	....	....	....	15	0	0
To John Shea for arrears due to him for Printing Journals of the Assembly for the last Session	....	....	....	56	16	3
To the Clerk of the Assembly, to defray the Expenses of Newspapers furnished to the House of Assembly during the present Session	....	....	....	9	2	0
To the Clerk of the Assembly, to defray the Contingent Expenses of his Office, including Stationery and extra Clerks employed in his Office, to be paid by Warrant on being certified by him to the Governor	....	....	....
To the Serjeant-at-Arms, to defray the Contingent Expenses of his Office, including Tradesmen's Bills for Work done under his Superintendance, to be paid by Warrant on being certified by him to the Governor	....	....	....
To defray the Expenses of Printing the Journals, the amount to be paid by Warrant in favour of the Printer, on the Certificate of the Clerk of the Assembly that the Work has been performed	....	....	....	160	0	0
To defray the Expense of the General Printing of the Assembly, to be paid in like manner	....	....	....	160	0	0

Ordered, that the Report be received and adopted.

Report received.

The Conferees on the subject-matter of the Amendments made by the Council in the Supply Bill, went to the Conference, and, having returned, reported that they had met the Managers from the Assembly, and received from them their instructions, which are as follows:

Conferees report having received from the Assembly's Managers the following

The House of Assembly have desired the present Conference in order to express their exceeding regret that Her Majesty's Council should have persevered in pursuing, with respect to the Supply Bill, the extraordinary and unconstitutional course which marks all their proceedings up to the present moment.

Instructions.

The reiterated dictation of Her Majesty's Council to this House as to what Bills of Supply should be originated, and the manner as well as the matter of their constitution—but particularly the unprecedented circumstance of the Council sitting in Committee of Supply, and taking evidence, and in secret too, upon the grants voted by the House of Assembly, as well as their unparliamentary refusal to permit a Committee of the Assembly to peruse the report of Committee, in order to the correction of the misrepresentations therein embodied, until they had first given it publication through the public press—and finally the sending down the Bill with Amendments, notwithstanding the repeated declarations of this House on the subject of their privileges—all these concur to compel the House of Assembly to adopt that course which the British House of Commons pursued in the year 1700, on the occasion of the Lords sending down with Amendments the Bill entitled "An Act for granting an aid to His Majesty, by Sale of the forfeited and other Estates and Interests in Ireland, and by a Land Tax in England, for the several purposes therein mentioned"—but none of which Amendments went to affect the quantum or the manner or the matter of the said Supply or aid: and in pursuing this course the House of Assembly beg leave to adopt not only the spirit but the very letter of the instructions of the House of Commons to their Conferees, as follows, viz.—

"The Commons" House of Assembly "cannot agree to the Amendments made by" Her Majesty's Council "to this Bill, for that all aids and supplies, granted to Her Majesty in Par-

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liament, 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 the 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 Bill and the Amendments with” the Council, “together with the ill consequences that may attend the not passing the Bill.”

(Hatsell, Vol. 3, page 454, Appendix No. 12.)

Ordered, that the Report be received.

On motion, several resolutions were adopted on the Assembly's Message of yesterday.

On motion of the Honorable the Chief Justice,—the Assembly's Message of yesterday having been read,—the following Resolutions were severally seconded by the Honorable Messrs. Sinclair, Walker, and Crowdy—and adopted.

The resolutions.

Resolved, that the Message delivered yesterday at the Bar of the Council by a Deputation from the Assembly, besides the information requested by the Council by their Message Monday last, contained a variety of reasons why the Assembly had thought it proper to adopt a certain line of conduct upon the subject therein referred to, and at the same time animadverted in highly unbecoming terms upon the conduct of the Council towards them.

Resolved, that if the Assembly had desired either to vindicate their own proceedings or to express their disapprobation of the course pursued by the Council, such reasoning as they desired to offer could only be delivered at a Conference; and that it is unparliamentary for one Branch of the Legislature to come to the Bar of the other to offer reasons upon any subject.

Resolved, that the foregoing Resolutions be communicated to the Assembly.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at one of the Clock p. m.

THURSDAY, 16th NOVEMBER, 1837.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*

“ ARCHIBALD WALKER, *Commandant.*

“ JAMES CROWDY, *Colonial Secretary.*

“ JOHN DUNSCOMB.

“ WILLIAM THOMAS.

“ JOHN SINCLAIR.

The Minutes of yesterday were read.

Member enters.

The Honorable the Attorney-General enters.

On motion of the Honorable the Chief Justice, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that the following Address be presented to His Excellency the Governor.

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.*

MAY IT PLEASE YOUR EXCELLENCY,

Address to the Governor for certain returns to be laid before the Council at the next Session.

Her Majesty's Council respectfully request that Your Excellency will be pleased to order each Stipendiary Magistrate, or Bench of Magistrates in cases where more than one acts jointly with others, throughout the Island, to prepare and transmit to your Excellency,

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HENRY PRESCOTT, Esquire, C. B. Governor.

to be laid before the Council at the next Session, a Return, in the form accompanying this address, to embrace a period of one whole year next preceding the date of such Return.

H. J. BOULTON,
P. C.

No. of Warrants, Summons and other process, issued.	Nature of the Offence, or other cause of Complaint, and whether Civil or Criminal.	No. executed, and by whom, and whether by a Stipendiary or other Constable.		Mileage, and other Fees allowed for executing same, in each case.	Cause, if any, why Warrants &c. not executed.	Miscellaneous Services performed by each Stipendiary Constable.	Fees for such Service.	No. of Sessions, General and Petty, held in each place where Sessions are held, with names of Justices present at each Court.
		Stipendiary Constable	Constable appointed with Salary.					

RETURN for One Year next preceding this day of 1838.

Ordered, that the Honorable Messrs. Crowdy and Sinclair be a Committee to wait on His Excellency with the Address.

The Honorable Mr. Bland enters.

The Assembly's Instructions to their Conferees of yesterday were read, when—

On motion of the Honorable the Chief Justice, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that the Instructions delivered to the Managers appointed by this House to meet the Conferees on the part of the Assembly at the last Conference on the Bill sent up by the Assembly, entitled "An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony for the year ending the Thirtieth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and for other purposes," be referred to a Committee of the whole House this day three months.

Assembly's Instructions to their Conferees on the Supply Bill, to be committed on this day three months.

The Documents brought up from the House of Assembly on the 14th Inst. having been read, it was—

Ordered, that they be printed for the use of Members.

Documents ordered to be printed.

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

House adjourns.

FRIDAY, 17th NOVEMBER, 1837.

The House met pursuant to adjournment.

House meets.

Present,

- The Honorable HENRY JOHN BOULTON, *Chief Justice.*
- " " ARCHIBALD WALKER, *Commandant.*
- " " JAMES CROWDY, *Colonial Secretary.*
- " " JOHN DUNSCOMB.
- " " WILLIAM THOMAS.
- " " JOHN SINCLAIR.

Members present.

The Minutes of yesterday were read.

The Honorable Mr. Crowdy, from the Committee appointed to wait on the Governor with the Address of yesterday, reported that the Committee had presented the same to His Excellency, who would take measures to procure and forward to the Council the Returns required.

Select Committee report having presented Address to His Excellency, and his reply.

A Message from the Assembly having been announced, and the Messengers admitted, His Honor the President left the Chair, and went down to the Bar to receive it; but as it commenced in a very offensive strain of invective towards the Council, His Honor immediately retired, and resumed the Chair, leaving the Messengers at the Bar; and having informed the

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House of his reasons for resuming the Chair before the Message was delivered, it was moved that the Bar be cleared,—whereupon it was ordered that the Bar be cleared accordingly—and the Messengers having been directed to retire, they let the Message fall within the Bar, and retired muttering something about the People. The paper was ordered to be forthwith put without the door by the Usher of the Black Rod, and so the Council declined receiving it.

Address to Her Majesty on the subject of the loss of the Supply Bill—brought in—

The Honorable the Chief Justice asked and obtained leave to bring in an Address to Her Majesty.

The Address was then read, and—

Ordered, to be referred to a Committee of the whole House.

Committed—

The House accordingly went into Committee.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Address with some Amendments.

Ordered, that the Report be received.

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

The Address is in the following words :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty—

The Address.

We, Your Majesty's most dutiful and loyal Subjects, the Council of Newfoundland, in our Legislative capacity assembled, beg leave to approach Your Majesty with sentiments of the most sincere and affectionate attachment to Your Majesty's Person and Government, and to express our deep regret that upon the first occasion of our assembling at the commencement of Your Majesty's auspicious reign, circumstances should have occurred to prevent the Granting to Your Majesty, by the General Assembly, of the usual and necessary Supplies for carrying on Your Majesty's Government in this Colony; but we indulge the belief that when we shall have laid before Your Majesty the causes which have led to this untoward result of our labours during a very protracted Session of more than four months, Your Majesty will not regard this Branch of the Legislature as unmindful of their duty to Your Majesty in declining to becoming parties to an appropriation of the Public Revenue which in our consciences we believe would have been as unjust towards many faithful servants of Your Majesty in Newfoundland, as it would have been detrimental to Your Majesty's just prerogative, and subversive of those principles which are essential to the stability of the mixed form of government so happily established in Your Majesty's realm, and under which the dependencies of the British Crown have hitherto been governed and protected.

Without trespassing beyond those limits which our position as a Branch of the Legislature would seem to prescribe, to animadvert upon the present constitution of the Assembly, which many persons feared would lead to the results which all deplore, we shall confine ourselves to a succinct statement of the facts with which we have had to deal, and of our reasons for adopting the line of conduct in relation thereto, which our duty to Your Majesty and the true interests of the Colony compelled us to pursue.

The General Assembly met for the despatch of business on the 3d day of July last, and has continued in Session, without intermission, to the present time, although it was not until the 18th day of October, after having been three months and upwards in Session, that the Bill appropriating the Supplies necessary for defraying the charges of administering the Civil Government of the Colony was sent up to us by the Assembly. Upon being read a first time it was found that a measure for granting nearly three-fourths of the current year's Revenue for making and repairing Roads and Bridges, which had been the subject of a former Bill, but had been thrown out by us for reasons assigned to the Assembly at a Conference upon the subject, was nevertheless tacked to the Supply Bill in order to coerce the Council into its adoption—that several Grants of Money to individuals, not recommended by the Executive Government, and of the propriety of which we were altogether uninformed, together with an appropriation for alleged Contingencies of the Assembly more than double the amount which had been found sufficient upon all former occasions, and a very large share whereof was under various pretences awarded to the Members themselves, were also included in this one Bill—thus comprising in one general appropriation the entire expenditure proposed for the

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year. Such a course of proceeding we acquainted the Assembly, at a conference, we could not concur in, as it deprived the Council of all opportunity of separately rejecting such Grants as we could not approve of.

On the 21st of October the Assembly sent up a new appropriation for Roads, which being more in accordance with what we had represented to the Assembly to be our views upon the subject, although still liable to much objection, was nevertheless passed by us without amendment, the Assembly keeping back the Supply Bill until the Road Bill was passed.

Immediately on a Message being sent acquainting the Assembly that the Council had passed the Road Bill, they sent up a second Bill appropriating Money for defraying, it is true, the greater portion of the charges for conducting the public service; but while some charges were not provided for, others were introduced which were not required by the Government, and several occasional grants having no reference to the public service, together with the grant for the Contingencies of the Legislature, were still included. We again requested a conference, and after reiterating our unalterable determination not to concur in any attempt to tack occasional grants or other sums for alleged contingencies to the usual Bill of Supply, for the reasons already stated, we proceeded to enumerate such of the items in that part of the Bill which related to the ordinary charges for Administering the Government as we thought objectionable, and to point out the necessity of providing for others which had been altogether omitted.

It has been usual in this Colony to designate with great minuteness and particularity the precise objects to which the Supplies are to be devoted, so much so that not even a Constable receives any stipend not specifically appropriated. The inconvenience of this extreme particularity is most obvious upon the present occasion; and we humbly conceive, had a different method been pursued, much of the inconvenience now felt would never have existed.

It is undoubtedly the province of the Executive Government to make such a distribution of the Supplies granted under the several heads of public expenditure as shall be most conducive to the efficiency of the public service, and, especially, it should be so in all matters relating to the Administration of Justice. Upon this principle Parliament proceeded when the reservation was made of a Sum for paying the Salaries of the Governor, Judges, Attorney-General, and Colonial Secretary, the particular distribution being left to the discretion of the Crown. The Legislature, however, have hitherto acted differently, and the specific stipend to each Magistrate and Constable for each locality is fixed by the Act appropriating the funds necessary for defraying the charge.

In consequence of this system the individual filling each of these situations is brought under the notice of the Legislature, and any private pique or other cause of dislike, as well as a wish sometimes to advance the interests of a favourite officer, may under various pretexts cause attempts to be made for diminishing, abolishing, or increasing the stipend of these humble functionaries as they come under view.—Had the appropriation for defraying the stipends of the Constables, for example, been granted in one gross sum, it would have remained with the Government to have distributed it as the public service, and a due regard to the claims of public servants, might require; and had the Assembly been disposed to retrench, such retrenchment would not have been at the expense of any individual officer, but upon the gross amount, so that attacks upon individuals could not thus be effected, and should a desire exist to favour any individual, the opportunity would not be afforded, because any increase would go to augment the general fund applicable to that service, and the Legislature would thus be prevented reaching individuals at all, either for good or evil.

In the Supply Bill now under consideration, and which the Council could not concur in, this system was attempted by the Assembly in a manner most unjustifiable; and we beg most respectfully to refer your Majesty to the accompanying instructions to our Conferees upon the occasion, as well as to the Report of the Select Committee upon the subject.

The persons whose stipends were either withheld or diminished, were opposed at the late Elections to the candidates returned for their respective districts, while those whose stipends were increased were friendly to their return and otherwise objects of their favour. If such a course of legislation were once allowed to take root, especially where the Administration of Justice is concerned, it needs no argument to prove to your Majesty that a blind subserviency

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to the Members of the Assembly would shortly supersede devotion to your Majesty's service. We have therefore felt ourselves constrained to resist firmly at the outset all attempts of this nature, even at the hazard of a temporary suspension of the Supplies.

We have also felt it our duty uniformly to resist the tacking to the Supply Bill the appropriation for defraying the contingent expenses of the Legislature; and in no instance since the existence of a Legislative Assembly in this Colony has such a method prevailed.

The grant for Contingent Expenses last year was £984 9s. 3d.—this Session the Assembly have insisted upon granting to themselves a much larger sum, while the entire grant proposed by them for Contingencies has increased to the sum of £2,392 2s. 2d., which we look upon as out of all reason and unnecessary; and consequently we have insisted that these grants shall come up as heretofore in a separate measure, that we may, without detriment to other questions, discuss this subject unincumbered by other considerations; and the only object for tacking those grants to the Supply Bill is to constrain us to acquiesce in them rather than lose the Supplies. And we humbly submit to your Majesty that nothing can be more unconstitutional than for the Assembly to threaten withholding the Supplies for defraying the usual charges of administering the Government, because they are not allowed to appropriate a large sum to themselves and to those whom they may think proper to patronize.

If they can appropriate to their own use one sum under pretence of Privilege, they can take whatever they please; but the Council are of opinion that they would be guilty of a flagrant breach of their duty to your Majesty, and to the public, did they allow themselves to participate in such a manifest impropriety.

Whatever Contingent Expenses are fairly incurred to advance the legitimate interests of the public, or to remunerate individuals, whether Members or other persons, who shall have performed any service demanding a fair compensation, will be most favourably considered by us, with every desire to meet the just expectations of the Assembly; but any appropriations of the public Revenue which shall, in our judgment, be manifestly and flagrantly improper, we feel bound as steadily to resist, as tending directly to sap public integrity and to draw the people into a belief that all preferment must be sought for by propitiating the Legislature, instead of entitling themselves thereto by an honest discharge of their duty to your Majesty.

In the neighbouring colonies of Nova-Scotia and New Brunswick these difficulties are obviated by the Assemblies sending up the resolutions passed in Committee of Supply to the Councils for their separate concurrence, which being concurred in by them are frequently included in Bills embracing every variety of grant.

In the Canadas, however, several Bills are sent up for separate Grants—thus, by either mode, affording the Councils an opportunity of discussing each matter by itself, and either concurring in or rejecting it as they shall be advised. The Assembly in Newfoundland refuse to adopt either course, and insist upon tacking all their favourite Grants to the Supply Bill; and we humbly submit to Your Majesty that granting the Supplies only upon conditions which they know will not be acceded to, is tantamount to refusing them; and although we regret the temporary inconvenience that some of the Public Functionaries will suffer from the adherence on the part of the Assembly to what we believe to be a most dangerous policy, yet we are fully persuaded that it is absolutely necessary for the protection of the public against the assumption of authority at once arbitrary and unjust, and which, if allowed to establish itself, will very soon concentrate all power in that Branch of the Legislature, to the subversion of the just prerogative of the Crown and the liberties of the People.

Lest Your Majesty should deem the sums of money which have been the subject of our anxious deliberation too insignificant in themselves to call forth so much earnestness on our part, we humbly beg to acquaint Your Majesty that the net year's Revenue, arising from Duties paid into the Treasury of the Island during the year ending the 5th July last, and disposable by the Local Legislature, only amounts to the sum of £24,974 0s. 6d., upon which there exists a permanent charge, created by Colonial enactments, amounting to £2,520, besides some small sums not brought into the calculation—thereby reducing the disposable balance of the year's receipts to £22,454 0s. 6d.—It is true there is a balance remaining from past years of nearly £6,000, and there may be perhaps about £1,000 arising from Licences to sell Spirituous Liquors, giving at the utmost a disposable Revenue for the year, of £29,454.

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Of this sum a Bill has already passed, as before observed, appropriating £16,801 for Roads—a sum which we thought was far too much to be applied for such a purpose, as its expenditure would reduce the disposable Revenue to £12,653; but in deference to the earnest desire of the Assembly, we reluctantly yielded our assent thereto.

When, however, the Supply Bill came up, we found that although it contained an appropriation in the aggregate of £19,068 2s., exceeding the Revenue by £6,415; yet that provision for some important Branches of the Public Service had been either altogether omitted, or so far diminished as to be totally inadequate to the keeping up the efficiency of the service for which it professed to provide. This was especially observable in the appropriations for the various charges connected with the administration of Justice. In these particulars the Assembly has applied retrenchment with a most unsparing hand, while in all matters connected with the patronage which they began to exercise in so remarkable a manner on passing the threshold of their Chamber, they have exhibited a prodigality and profusion quite inconsistent with the idea that a wise economy could have influenced the retrenchments subsequently made with so little regard to the efficiency of the departments into which they were carried, or indeed to their being upheld at all.

We humbly desire to lay before Your Majesty some few details from whence among others we have drawn the foregoing conclusions, and trust that Your Majesty will thence perceive how necessary it has been for Your Majesty's Council to perform with firmness and decision a duty, ungracious, perhaps, in appearance, and exceedingly liable to be misconstrued.

Although the last Session of the Legislature, previous to the new elections, occupied nearly the same period of time during which the present General Assembly have been in Session, and although no less than seventeen Bills received the Governor's assent, and several others were introduced in either House which were not concurred in, yet the Contingencies of the Assembly, including £300 voted to defray the expenses of Members attending from the Outports of the Island, amounted to no more than £984 9s. 3d.—an ample sum, considering the amount of our Revenue and the business completed; while the appropriation made by the Assembly for their Contingencies this Session, exceeds that amount by the large sum of £1,193 13s. 3d. exclusive of a Grant of £215 to indemnify such Officers and Servants of the Assembly as had been appointed by the Executive Government at the organization of the Legislature in 1833, but had been excluded from the performance of their duties to make way for persons appointed by themselves—being an excess over the preceding Session of £1,408 13s. 3d. to which may be added the sum of £500 voted to three of their own body as Delegates to proceed to England to “treat” with Your Majesty concerning certain alleged grievances,—giving a grand total of £1908 13s. 3d., beyond what was appropriated by the former Assembly for their Contingencies—the whole of which sum, if real economy were desired, might, without any detriment to the public service, have been applied to other objects; and we do not hesitate to assert that this lavish appropriation of the public money would be in many respects unjust and worse than useless.

On the other hand considerable sums which experience had proved to be absolutely necessary for the service of Your Majesty's Government, have been withheld, notwithstanding detailed estimates exhibiting the expenditure of the previous year were early in the Session laid before the Legislature.

In the most important Branch of the Public Service, the Administration of Justice, the utmost parsimony is exhibited. The sum shown in the Estimate as necessary for defraying the expense of Civil and Criminal Prosecutions usually conducted by the Crown is £900—this estimate is predicated upon past experience. The sum granted last year was £600, which was found insufficient, and the further sum of £274 17s. 6d. still remains as an outstanding charge against the Government, and yet the Assembly have still further reduced the grant for this service to the perfectly inadequate sum of £500.

Last Session £460 were granted to defray the expense of the usual Circuits, which was found insufficient, and the excess, £105 7s. 11d., was defrayed out of a fund devoted to the discharge of unforeseen Contingencies; notwithstanding which the Assembly have still further diminished the grant to £400, which is found to be quite inadequate to defray the expenses of the Circuits from whence the Judges have just returned.

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Again, under the head of Gaol expenses, the grant of £700 was found little more than sufficient to defray the usual charges for Prisoners, and yet without any regard to the exigencies of the service, £300 alone are appropriated for dietry, clothing, and all incidental expenses for Prisoners throughout the Island; while it is well known that previous to the establishment of the new regulations of the Supreme Court for the management of the Gaols, the charge for Prisoners in the Gaol of St. John's alone frequently exceeded that amount in six months.

After a careful consideration of the events of the Session, we find ourselves reluctantly brought to the belief that personal antipathy and private feelings have had much more influence in bringing the Assembly to the conclusions at which they have apparently arrived, than a due regard to the public interests.

House adjourns.

On motion, made and seconded, the House adjourned until to-morrow at ten of the Clock, a. m.

SATURDAY, 18th NOVEMBER, 1837.

House meets.

The House met pursuant to adjournment.

Present.

Members present.

The Honorable HENRY JOHN BOULTON, *Chief Justice.*
 “ “ ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of yesterday were read.

Address to Her Majesty on the loss of the Supply Bill, read 3rd time and passed.

Committee appointed to wait on the Governor to know when he will receive the House with the Address.

Report of Committee.

An Address to the Governor to forward the Address to Her Majesty—read and concurred in.

Pursuant to the order of the day, the Address to Her Majesty upon the causes which have led to the loss of the Supply Bill was read a third time and passed.

Ordered, that the Honorable Messrs. Simms and Crowdy be a Committee to wait on His Excellency the Governor to know when His Excellency will be pleased to receive this House with the Address.

The Honorable the Attorney-General, from the above named Committee, informed the House that His Excellency will receive the Address at one o'clock to-day.

The Honorable the Chief Justice then moved an Address to His Excellency the Governor, which was read and concurred in, and 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.

The Address.

MAY IT PLEASE YOUR EXCELLENCY;

Her Majesty's Council having resolved to address Her Majesty the Queen, upon the causes which have led to the termination of their labours during the present Session, without having been enabled to concur with the Assembly in passing a Bill for granting the usual Supplies for defraying the charges of the Civil Government of the Colony, respectfully request that your Excellency will be pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Council-Chamber, }
 18th November, 1837. }

H. J. BOULTON,
 P. C.

An Address of condolence to Her Majesty—

The Honorable the Chief Justice then moved for leave to bring in an Address of Condolence to Her Majesty on the death of His late Majesty, which having been seconded by the Honorable the Commandant, was agreed to.

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HENRY PRESCOTT, Esquire, C. B. Governor.

The Address was accordingly brought in and read, and—
 Ordered, to be Committed to a Committee of the whole House presently.
 The House then went into Committee of the whole.
 The Honorable the Attorney-General in the Chair.
 After some time the House resumed.
 The Chairman reported the Address without amendment.
 Ordered, that the report be received.
 Ordered, that the Address be engrossed and read a third time to-day.
 After some time the Address was read a third time and passed, and is in the following words :

Address to Her Majesty brought in and read—

Committed—

Reported, and—

Passed.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN ;

We, Your Majesty's most dutiful and loyal subjects the Council of Newfoundland, in General Assembly convened, beg leave to express to Your Majesty our unfeigned sorrow for the afflicting dispensation with which it has pleased an all-wise Providence to visit the British Empire, by removing from an affectionate people a Sovereign who, sympathizing in their national feelings, and ever anxiously desiring to promote their prosperity, reigned supreme in the hearts of his Subjects.

The Address.

If the reign of our late revered Sovereign has not been signalized by the brilliancy of military achievements or the lustre of our National arms emancipating foreign nations from impending subjugation, the page of history, which shall record the no less glorious tho' peaceful victories which he won over the prejudices of former times, will be read with feelings of the deepest gratitude by the descendants of those Slaves whose freedom he procured by one great act of National beneficence—while our Children will reap the benefit of those exertions which His late Majesty so successfully made to renovate and give new vigour to our glorious Constitution, which Your Majesty, in the spring and flower of youth, has been called so appositely to foster and protect.

Altho' Your Majesty, in ascending the Throne of your Ancestors, has been called to fill the proudest station which humanity can be heir to,—extending your Imperial Sceptre over Dominions flourishing under its protection in every quarter of the Globe,—and cherishing with the most zealous loyalty to Your Majesty's illustrious House those sentiments of pride which their title to the name of British so justly inspires in the breast of all Your Majesty's subjects, in whatever clime their lot may be cast,—yet we are impressed with the fullest conviction that the welfare and prosperity of this ancient possession of Your Majesty's Crown will still be watched over with the same anxious solicitude which His late Majesty always manifested towards a Colony which had enjoyed the gratifying distinction of being visited by him, when serving his country upon that element of which Your Majesty is the justly acknowledged Mistress.

Long may Your Majesty live to reign in the affections of an enlightened, loyal and contented people.

H. J. BOULTON,
P. C.Council-Chamber,
18th November, 1837.

At half-past twelve o'clock, the House proceeded to the Government House with their Address to Her Majesty on the subject of the loss of the Supply Bill, and also with that to His Excellency the Governor.

House proceeds to the Government House with their Address to Her Majesty on the loss of the Supply Bill, and also with that to His Excellency.

The House having returned, the Honorable the Chief Justice reported that His Excellency had been pleased to receive the Address to Her Majesty, and to say, that it should be forwarded by the first convenient opportunity.

The House returns. Governor's reply to the Address presented to him.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

On motion—

Ordered, that the Address of Condolence to Her Majesty be presented by the Honorable the President of Her Majesty's Council.

The Address of Condolence to Her Majesty to be presented by the President of the Council.

18th November, 1837.

FIRST SESSION, SECOND GENERAL ASSEMBLY, 1st VICTORIA.

His Excellency the Governor comes to the Council-Chamber. The Assembly summoned to attend him. His Excellency assents to sundry Bills, viz.

At two of the Clock, p. m., His Excellency the Governor having come to the Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod 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.

Pilot regulation Act amendment Bill.

An Act to amend an Act passed in the third year of the Reign of King William the Fourth, entitled "An Act for the regulation of Pilots, and the Pilotage of Vessels, at the Port of Saint John's."

Pickled Fish Act regulation Bill.

An Act for regulating the packing and inspection of Pickled Fish for Exportation from this Island.

Merchant Seamen's regulation Bill.

An Act for the regulating the Service of the Merchant Seamen engaged in the Vessels of this Colony.

Registration of Deeds Act amendment Bill.

An Act to repeal part of an Act passed in the Parliament of Great Britain in the fifth year of the Reign of His Majesty King George the Fourth, entitled "An Act for the better administration of Justice in Newfoundland and for other purposes," and to make further provision for the Registration of Deeds in this Colony."

Criminal Law of England Bill.

An Act to extend the Criminal Law of England to this Colony, under certain modifications.

Quarantine continuation Bill.

An Act to further continue an Act passed in the General Assembly of this Colony in the third year of the Reign of His late Majesty King William the Fourth, entitled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island."

Harbor Grace Light-House (provision) Bill.

An Act to authorize the raising by Loan a further sum of Money for the Completion of the Light-House on Harbor Grace Island, and to make further Regulations respecting the same.

Supply Bill for Quarter ending 1st July, 1837.

An Act for granting to Her Majesty certain Monies for the Service of the Quarter ending the first of July, One thousand eight hundred and thirty-seven.

Road (provision) Bill.

An Act for granting to Her Majesty a supply of Money for the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same.

Revenue Bill.

An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize, imported into this Colony and its Dependencies.

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;

His Excellency's Speech on proroguing the Legislature.

I find myself at length compelled to close a Session, the results of which are any thing but satisfactory.—I have reason to regret that some matters of an important character, recommended at its commencement to your consideration, remain in their former state—but of infinitely greater moment is the general distress which must be consequent upon the absence of an Appropriation Act.

Before you are again assembled, we shall probably have the benefit of the opinion of Her Majesty's Government upon the subject in dispute between the different Branches of the Legislature; and as I am informed by the House of Assembly that some of its Members are delegated for the purpose of making a representation of the state of the Colony, I have to express my conviction that all alleged grievances, which shall be substantiated by proof, will be redressed, and my hope that such as may not be sustained will no longer be suffered to agitate the public mind.

It is in vain to look back upon the events of this Session—I trust that our future proceedings may be of a happier description; and that the sanguine expectations once so generally and reasonably entertained here of the advantages to be derived from the establishment of a Local Legislature, may not be ultimately disappointed.

The General Assembly Prorogued.

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 Monday the Fifth day of February next, to be then and here holden; and this General Assembly stands Prorogued accordingly.

DOCUMENTS Laid Before the Council by Command of His Excellency the Governor

Account of the ... of the ...

ESTIMATE

Of the charge of defraying the Public Expenditure of the Colony of New South Wales, in the year ending the 31st day of March 1838.

Presented to the Council by the Governor, His Excellency Sir George Murray, in the year ending the 31st day of March 1838.

APPENDIX.

Table with multiple columns listing various categories of expenditure such as 'Salaries of the Clerk of the Council', 'Colonial Treasury', 'Class of N. C. Court', 'Magistrates in Out-Ports', etc., with associated monetary values.

(A) A contra entry additional Expense will be inserted under the ...

APPENDIX.

DOCUMENTS LAID BEFORE THE COUNCIL BY COMMAND OF HIS EXCELLENCY THE GOVERNOR.

ESTIMATE

*Of the charge of defraying the Public Expenditure of the Colony
of Newfoundland, in the year ending the 31st day of March
1838.*

Twelve Thousand Five Hundred and Forty-three Pounds Sterling.

Proposed distribution of the above Sum of Twelve Thousand Five Hundred and Forty-three Pounds, for the Service of the year 1837-8.

Salary of the Clerk of the Council	....	....	....	200	0	0	
Two Clerks in Secretary's Office	....	....	....	400	0	0	
Office-Keeper of ditto	....	....	....	60	0	0	
Messenger ditto	....	....	....	45	0	0	
Colonial Treasurer	....	....	....	400	0	0	
Clerk of N. C. Court	....	....	....	200	0	0	
—— S. C. Court	....	....	....	200	0	0	
Crier and Tipstaff	....	....	....	60	0	0	
Gaoler (St. John's)	....	....	....	50	0	0	
Two Police Magistrates (ditto)	....	....	....	500	0	0	
Chief Constable (ditto)	....	....	....	80	0	0	
Six Police Constables (ditto)	....	....	....	270	0	0	
Stipendiary Magistrates in Out-Ports	....	....	....	1210	0	0	} Per detail annexed.
Clerk of Peace, Gaolers &c. (ditto)	....	....	....	970	0	0	
Superintendent of Convicts at hard labour	....	....	....	50	0	0	
To pay additional Officers of Colonial Revenue	....	....	....	800	0	0	
To defray the Attorney-General's Fees	....	....	....	250	0	0	
				-----			5745 0 0
Salary of the Judge of the Admiralty (2 years)	....	....	....	1000	0	0	
MISCELLANEOUS.							
To defray Expenses of Printing, Stationery, &c.	....	....	....	550	0	0	
Civil and Criminal Prosecutions	....	....	....	900	0	0	
Gaols	....	....	....	700	0	0	
Coroners	....	....	....	150	0	0	
(a) Fuel and Light	....	....	....	300	0	0	
Ordinary Repairs of Court-Houses &c.	....	....	....	180	0	0	
Postages and Incidentals	....	....	....	120	0	0	
Relief of the Poor	....	....	....	1000	0	0	
Expense of Circuits	....	....	....	560	0	0	
				-----			4460 0 0

							Carried forward <u>£11205 0 0</u>

(a) A considerable additional Expense will be incurred under this head from the erection of several new Court-Houses.

APPENDIX.

ESTIMATE (Continued.)

	Brought forward	£11205	0	0
Unforeseen Contingencies	....	500	0	0
Fog Guns	....	250	0	0
		750	0	0
Allowance to Chairman of Sessions	....		
Compensation to James Blaikie	....		
Necessary Repairs to the Court-House Buildings at St. John's	....	588	0	0
	Total	£12,543	0	0

N. B.—By existing Acts a Salary of £300 a-year is provided for the Clerk of the Supreme and Central Courts, and £2,100 for the purposes of Education.

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates, Clerk of the Peace, and Gaolers and Constables in the undermentioned Out-Ports of Newfoundland for the year ending 31st March 1838.

Out-Ports.	Magistrates.	Clerk of Peace.	Constables.		Gaolers.	TOTAL.			
			No.	Allowance.					
	£	£		£	£				
Harbour-Grace	150	50	3	85	50	335	0	0	
Carbonear	120		3	75		195	0	0	
Brigus and Port-de-Grave	120		2	50		170	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	60		1	25	25	110	0	0	
Bay Bulls	60		1	25		85	0	0	
Toad's Cove			1	12		12	0	0	
Fermeuse			1	12		12	0	0	
Placentia	60		1	25	25	110	0	0	
Little Placentia			1	12		12	0	0	
Barren Islands			1	12		12	0	0	
Merasheen			1	12		12	0	0	
Burin	100		1	25	25	150	0	0	
Lamaline			1	12		12	0	0	
Trepassey and St. Mary's	60		2	24		84	0	0	
Harbour Britain	60		2	24	25	184	0	0	
Grand Bank	100								
Trinity	120		2	37		182	0	0	
Catalina			1	12		12	0	0	
Bonavista	100		2	25		125	0	0	
Greenspond			1	15		15	0	0	
Twillingate and Fogo	100		3	49		149	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	
Torbay			1	18		18	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	
Renews			1	20		20	0	0	
						Total	£2180	0	0

RECAPITULATION.

Thirteen Stipendiary Magistrates	£1210	0	0
One Clerk of Peace	50	0	0
Forty-Six Constables	770	0	0
Five Gaolers	150	0	0
	£2180	0	0

STATEMENT showing the Amount Voted and Expended under those Items of the "Miscellaneous Expenditure" during the year 1836-7, on which there has been a Saving or Excess (the Excess in each case being charged to the Vote for "Unforeseen Contingencies")—the Amount of claims still out-standing—and the Estimated charge for the same Items for the current Year.

Items of Expenditure.	Amount Voted for 1836-7.	Amount Expended.	Excess paid from Vote for "Unforeseen Contingencies."	Amount of Outstanding claims.	Unapplied Balance.	Estimated Charge for 1836-7.
Printing, Stationery, &c.	£ 300 0 0	£ 299 13 7	£	£ 247 4 5	£ 0 6 5	£ 550 0 0
Civil and Criminal Prosecutions	600 0 0	602 4 0	2 4 0	274 17 6		900 0 0
Gaol Expenses	700 0 0	684 19 7			15 0 5	700 0 0
Coroners' Accounts	120 0 0	118 15 6		26 16 0	1 4 6	150 0 0
Fuel and Light	200 0 0	196 15 8		7 9 9	3 4 4	300 0 0
Postages and Incidentals	100 0 0	99 18 2½		1 1 7	0 1 9½	120 0 0
Repairs of Gaols and Court-Houses	100 0 0	112 15 5	12 15 5	53 17 11		180 0 0
Circuits	460 0 0	565 7 11	105 7 11			560 0 0
Relief of the Poor	600 0 0	600 0 0		400 17 5		1000 0 0
Roads and Bridges	7539 7 0	5554 7 0				
Fog Guns	447 4 5	442 18 4		88 1 0	4 6 1	250 0 0
Stipendiary Magistrates and Constables in the Outports	2180 0 0	1921 17 0			158 3 0	2180 0 0
Vote for the protection of the Fisbery to the Westward	50 0 0	29 19 0			20 1 0	
Unforeseen Contingencies	500 0 0	498 13 9			1 6 3	500 0 0

N. B.—The saving under the head of "Salaries to Stipendiary Magistrates" arises from certain of those Gentlemen not taking up their residence at the places to which they were appointed, till some time after the commencement of the year.

APPENDIX.

Orders in Council relative to certain Local Acts.

AT THE COURT AT SAINT JAMES'S,

19th August, 1836.

Present,

THE KING'S MOST EXCELLENT MAJESTY ;

Lord President,	Viscount Melbourne,
Lord Chancellor	Viscount Howick,
Lord Privy Seal,	Lord Holland,
Lord Steward,	Lord Glenelg,
Earl of Albermarle,	Sir John Hobhouse, Bart.
Earl of Minto,	Mr. Chancellor of the Exchequer,
Lord John Russell,	Mr. Poulett Thomson,
Viscount Palmerston.	

WHEREAS the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, have passed fourteen Acts, which have been transmitted, entitled as follows—

VIZ.

- No. 62.—An Act for granting to His Majesty the Sum of Five Hundred Pounds, to defray any necessary expenses that may be incurred in preventing the extension and spread of Small Pox.
- No. 64.—An Act for ascertaining the Census of this Colony, and other Statistical information.
- No. 65.—An Act to amend an Act passed in the fourth year of His Majesty's Reign, entitled "An Act for declaring all Landed Property in Newfoundland Real Chattels."
- No. 66.—An Act to continue certain Acts therein-mentioned, concerning the Revenue of this Colony.
- No. 67.—An Act to limit the duration of the present and all future Houses of Assembly in this Colony.
- No. 68.—An Act to continue an Act passed in the third year of His Majesty's Reign, entitled "An Act for the regulation of Pilots, and the Pilotage of Vessels at the Port of Saint John's."
- No. 69.—An Act to continue an Act passed in the third year of the Reign of His present Majesty, entitled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island."
- No. 70.—An Act to make perpetual an Act passed in the fourth year of His Majesty's Reign, entitled "An Act for the Relief of Insolvent Debtors taken in Execution."
- No. 72.—An Act to authorize the raising by Loan of a further Sum of Money for the completion of the Light-House on Harbor Grace Island.
- No. 73.—An Act for the encouragement of Education in this Colony.
- No. 74.—An Act to authorize the erection of a Colonial House in the Town of St. John's, and the raising by Loan of a Sum of Money for that purpose.
- No. 75.—An Act for granting to His Majesty a Sum of Money for the making and repairing of Roads and Bridges in this Colony.
- No. 76.—An Act for granting to His Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year of our Lord one thousand eight hundred and thirty-six.
- No. 77.—An Act for granting to His Majesty a Sum of Money to defray the Contingent Expenses of the Legislature during the present Sessions.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of His Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating

APPENDIX.

to Trade and Foreign Plantations; and the said Committee have reported as their opinion to His Majesty that the said Acts should be left to their operation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report: Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief, of His Majesty's Island of Newfoundland, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed,)

C. GREVILLE.

AT THE COURT AT SAINT JAMES'S,

19th *August*, 1836.

Present,

THE KING'S MOST EXCELLENT MAJESTY;

Lord Chancellor	Viscount Melbourne,
Lord President,	Viscount Howick,
Lord Privy Seal,	Lord Holland,
Lord Steward,	Lord Glenelg,
Earl of Albermarle,	Sir John Hobhouse, Bart.
Earl of Minto,	Mr. Chancellor of the Exchequer,
Lord John Russell,	Mr. Poulett Thomson,
Viscount Palmerston.	

WHEREAS the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, have passed an Act, which has been transmitted, entitled as follows,

VIZ.

No. 71.—An Act for preventing the mischiefs arising from the printing and publishing Books, Newspapers, and Papers of a like nature, by persons unknown, and to regulate the Printing and Publishing the same.

AND WHEREAS the said Act has been referred to the Committee of the Lords of His 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 His Majesty that the said Act should be specially confirmed: His Majesty was thereupon this day pleased, by and with the advice of his Privy Council, to approve thereof, and to declare his Special Confirmation of the said Act; and it is hereby specially confirmed, ratified, and finally enacted accordingly: Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of His Majesty's Island of Newfoundland, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed,)

C. GREVILLE.

AT THE COURT AT ST. JAMES'S,

the 21st *September*, 1836.

Present,

THE KING'S MOST EXCELLENT MAJESTY,

The Lord Chancellor,	Viscount Melbourne,
The Lord Chamberlain,	Lord Holland
Earl of Minto,	Lord Denman,
Lord John Russell,	Lord Glenelg,
Viscount Palmerston,	Mr. Chancellor of the Exchequer.

WHEREAS the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the Month of March 1836, pass an Act, which has been transmitted, entitled as follows,

VIZ.

No. 61.—“An Act for the Relief of Sick and Disabled Seamen, Fishermen, and other Persons.”

APPENDIX.

AND WHEREAS the said Act has been referred to the Committee of the Lords of His 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 His Majesty that the said Act should be left to its operation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report: Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of His Majesty's Island of Newfoundland, for the time being, and all other Persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed,)

C. GREVILLE.

AT THE COURT AT ST. JAMES'S,

the 21st *September*, 1836.

Present,

THE KING'S MOST EXCELLENT MAJESTY,

The Lord Chancellor,
The Lord Chamberlain,
Earl of Minto,
Lord John Russell,
Viscount Palmerston

Viscount Melbourne,
Lord Holland,
Lord Denman,
Lord Glenelg,
Mr. Chancellor of the Exchequer.

WHEREAS, the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the Month of May 1836, pass an Act which has been transmitted, entitled as follows,

VIZ.

No. 63.—“ An Act to prevent the encroachments of Aliens on the Fisheries of this Island, and for the further protection of the said Fisheries.”

AND WHEREAS the said Act has been referred to the Committee of the Lords of His 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 His Majesty that the said Act should not receive His Majesty's Royal confirmation:—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare His disallowance of the said Act, and the same is hereby disallowed accordingly: Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of His Majesty's Island of Newfoundland, for the time being, and all other Persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed,)

C. GREVILLE.

Copies of Despatches from the Secretary of State for the Colonies.

(CIRCULAR.)

DOWNING-STREET, 31st *August*, 1836.

SIR,

The particular attention of His Majesty's Government has been called to measures adopted by various Colonial Legislatures, for revising and altering the Rates at which different Coins should pass Current, and be a legal tender with reference to local monies of account.

These regulations have obviously considerable influence upon the transactions of those Departments imposed by Acts of Parliament, more especially upon transactions of the Military Chest; and as material inconvenience has already been experienced in these respects, it is desirable to adopt such measures as may prevent the recurrence of such inconvenience, and thereby avoid the necessity of revoking such enactments as may be deemed objectionable, after they shall have been promulgated and carried into effect.

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With this view I have to desire that you will not permit any Act, or Ordinance, or Proclamation, or Regulation, to come into operation in the Colony under your Government, relating to the Local Currency and Circulating Medium, or to the Rates at which Coins should pass current, or be a legal tender, or to the circulation of Promissory Notes, or other paper, either by the Local Government or by any Corporate Bodies or Individuals, without having first received His Majesty's sanction conveyed to you by the Secretary of State.

I have, &c.

(Signed,)

GLENELG.

Captain PRESCOTT, R. N., C. B.

DOWNING-STREET, 27th March, 1837.

SIR,

I have the honor to enclose you herewith, the Copy of a Letter addressed to me by Mr. SPEARMAN, the Collector of Customs at St. John's, relative to the course pursued towards him by the Assembly of Newfoundland, in imposing on him the task of collecting certain Colonial Duties, without at the same time granting any remuneration for the additional labour and responsibility thus thrown on him. As such a proceeding is clearly inconsistent with justice, and is very disadvantageous to Mr. Spearman, I have to desire that you will not in future assent to any act by which he is required to collect Colonial Duties, unless that act shall contain a clause granting to him an adequate remuneration for the service.

I have, &c.,

(Signed,)

GLENELG.

Captain PRESCOTT, R. N., C. B.

Copies of Letters from Captain Bennett, of H. M. S. Rainbow, to His Excellency the Governor.

*His Majesty's Ship RAINBOW,
Newfoundland, 31st August, 1836.*

SIR,

As the cruize of the *Rainbow* upon the South Coast (as far as the Ship herself is concerned) has terminated, I do myself the honor of addressing Your Excellency, for the purpose of offering a few remarks which I hope may not be unacceptable.

I shall commence by stating that I have reason to believe there never has been a year in which the Bait has been so well preserved, or the French so completely kept over upon their own Coast; for no instance has come to my knowledge of a single French Boat having succeeded in taking Bait on the South Coast of Newfoundland, except in one, where, as a reward for having saved the lives of Five of the *Rainbow's* Officers, I had given permission to a person belonging to St. Pierre's, named Leon Coste, to take as much Caplin as would serve HIMSELF for two trips to the Great Bank, but in my absence, *Frenchman-like*, he filled his Vessel and sold them to great advantage at St. Pierre's; but in his second attempt to do so, he was captured by one of the *Rainbow's* Boats—Latterly, some of the Boats from St. Pierre's have endeavoured to encroach beyond the limits; one was taken after a hard chase, and she is now in possession of my Officer at Lamelin, and used as a Tender.

I have had a variety of correspondence and some interviews with the Governor of St. Pierre's, and I really believe that he means well; but from the very great number of Bankers which now yearly come out from Europe to the Fishery, (I believe this year they exceed three hundred,) it is impossible for them to be supplied with Bait from the French Islands, and of course, during the Caplin Season, very large prices are held out to *our* Fishermen to bring them over; and although I believe they have not succeeded in carrying much this year, yet they very candidly say that next year they intend to enter into that Trade, as if they escape

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with *one* cargo out of three, their profit will be handsome, and as the run across is so short it is next to impossible to prevent them, except by the employment of a Coast Guard. I am sorry to say that many respectable persons about Fortune Bay, who were extremely active in getting up the Petition which I believe to have caused the passing of the late local Act, were themselves deeply engaged in the Caplin Trade to St. Pierre's, and therefore some part of that Act is as *unexpected* by, as *unpalatable* to them.

I have now to call the attention of your Excellency to the Smuggling Trade with St. Pierre's which is carried on by the inhabitants of nearly the whole of the South Coast (where they are out of the reach of the Officers of the Customs,) and I am satisfied that it is of very great magnitude. When I arrived at St. Pierre's in April, there were eleven Boats from different parts of Newfoundland there, which had brought over *Wood, Game*, and other things, and in exchange they returned with Tea, Sugar, Brandy, different articles of Clothing, &c. &c. indeed they did not attempt to disguise the fact.

As I before remarked, the distance across is so very short that it is next to impossible to capture them, an hour's run taking them among the Lamelin shelves. Another mode in which the Colonial Revenue suffers is by vessels coming from Halifax, Quebec, and other places, and going into different unfrequented small Harbors, exchange their cargoes of Spirits, Flour, Bread, Clothing, &c. for Fish; I have heard that this has been done on the West Coast by American vessels, who have got rid of entire cargoes, and when I was at St. George's Harbor, a person from Halifax was residing there retailing the cargoes which he had brought there, and which of course had paid no Colonial duties.

At Ingarachoix there are resident some five or six hundred French, from whom the Colony derives no benefit. If they are permitted to act so far contrary to the Treaties as to reside there entirely, they ought certainly to be amenable to the Taxes laid upon the British Inhabitants of Newfoundland; this is the place most frequented by the French, and I regret that bad weather prevented me from going in there, because I believe that they not only cut and export Wood for constructing vessels, as well as for fuel, but that they actually build vessels of considerable size there. It was my intention to have gone into all the Western Harbors, but I was so completely employed on the South Coast during the Caplin Season, that I had not time left to perform the necessary duty to the Westward: in fact Newfoundland and Labrador would fully occupy the attention and services of three Ships of War.

During the month which I was in the Gulph of St. Lawrence, we had so much fog and bad weather, that our services there have been of little avail; I saw only one American Schooner, from whom I learnt that he had in four months only fallen in with five of his Countrymen. This vessel, belonging to the State of Maine, had been fishing to the Northward of Belle-Isle in one of our settled Harbors, which he called *Foxey Bay*, but which does not appear in my chart. As I considered his going there might be "to the prejudice of some of the exclusive rights of the Hudson Bay Company," inasmuch as he might (in addition to his fishing) be doing a little in the Fur and Skin trade, I endorsed his Register, but I believe, upon reflection, that I was wrong.

I omitted to mention that the French from St. Pierre's are in the habit in the early part of the Spring, of sending their boats over to the Burgeo Islands for the purpose of digging Shell Bait; this being done before the arrival of the Ships of War upon the Coast, and indeed before it would be prudent for ships to approach it, can only be prevented by the inhabitants themselves, but they say they want some person to be officially authorized to do so, no one feeling disposed to take upon himself the onus of a proceeding which would be unpopular, inasmuch as that many of the people there are brought over to favor the French by liberal presents of Brandy.

I have made a representation upon this head to the Governor of St. Pierre's, which he has promised to attend to.

I have no further remark to offer to your Excellency at present, which I may perhaps have occasion to do upon my return from Cape St. John's, to which place I shall proceed immediately the Rainbow's provisions and water are replenished.

I am satisfied that I shall leave this Station without having been able to fulfil, *to the letter*, the instructions of the Commander-in-Chief, which could readily have been done, had I been as well acquainted with the Station as I am at present; indeed to do justice to the Service, it would be beneficial if the same Officer could be employed upon it for a succession of years, as by the mode at present adopted, no sooner does an Officer become acquainted with what is

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necessary to be known than he leaves the Station and is succeeded by another, who has the same knowledge to acquire before he can clearly see his way.

I have, &c.

(Signed,)

THOS. BENNETT,
Captain.

To His Excellency

Captain H. PRESCOTT, C. B.
*Governor and Commander-in-Chief,
Newfoundland.*

*His Majesty's Ship RAINBOW,
Newfoundland, 3d October, 1836.*

SIR,

I do myself the honor of addressing your Excellency for the purpose of stating that the fishing season having terminated, I am about to quit this Station, in order to rejoin the Commander-in-Chief at Halifax, for whom I shall be glad to receive any despatches which your Excellency may have to send.

When I last left St. John's, I had hoped to have been able to have made some addition to the letter which I did myself the honor of addressing to your Excellency dated the 31st of August; but the constant severe gales from the Eastward, and the very heavy sea upon the Coast, has prevented me having any communication with the Fisheries to the Northward.

I was extremely anxious to have visited Tolinguet, but it would have been highly imprudent to have run the Ship into the bight of the Bay in such a series of tremendous weather, attended, as it was, with incessant Fog.

I was fortunate enough to be in the Harbor of Croque during some of the worst part of it, where I found the French King's ship *Giraffe*, and saw several English fishermen from different parts of the Coast, none of whom had any complaint to offer.

The French, to the Northward, have been very successful in their Fishery, so much so that many have been obliged to desist from fishing, having used all their Salt, and they are now even anxiously looking for vessels from France with a further supply.

I have, &c.

(Signed,)

THOS. BENNETT,
Captain and Senior Officer.

His Excellency

Captain H. PRESCOTT, C. B.

Extract of a Letter from Captain BENNETT, of Her Majesty's Ship *Rainbow*, to His Excellency the GOVERNOR, dated 15th September, 1837.

"I have already (last year) pointed out to your Excellency the manner in which the Revenue is defrauded by articles of every description being smuggled into the Out-Ports, not only from the French Islands of St. Pierre's and Miquelon, but also from Halifax, Quebec, and even from America. This is in a great measure the consequence of there being no Collectors of the Revenue, or even persons authorized to demand or to receive the Colonial or Custom-House dues.

Vessels are constantly coming over from the above-named places, exchanging Brandy, Rum, Sugar, Tobacco, Tea, Molasses, Clothing, Furniture, &c. for Fish; of course they confine their voyages to places where they know they are not likely to be disturbed by Ships of War or Agents from the Custom-House, and your Excellency can have no idea to what an extent this traffic is carried on, to the prejudice of the English merchant, and the serious loss to the Colonial Revenue.

With respect to the smuggling from St. Pierre's, I regret to say that this year it has been *Quadrupled*; the ruinous system of smuggling Caplin to the French fishermen at St. Pierre's is productive of serious diminution to the Newfoundland Revenue, and undoubted loss to the British merchant, and operates in every possible manner to favor the French fishery, and to

APPENDIX.

depress that of the English; in point of fact *nothing* could be conceived more likely to aid the French fishermen in their competition with our own people.

Last year the French bankers, in consequence of our vigilance in preventing them from hauling Caplin upon our Coasts, were constrained to lay *for weeks* at St. Pierre's before they could procure their necessary quantity of bait; this year they had nothing to do but to purchase bait from the English boats, in exchange for Tea, Tobacco, Brandy, &c. &c. and when completed with water to proceed to the Bank in prosecution of their voyage—in short nothing could be devised more likely to forward their views. I cannot understand the policy of permitting this traffic, as it appears to me a sort of *Commercial Suicide*, putting into the hands of our opponents the means of successfully competing with our fishery, already by far too much depressed."

BOARD OF EDUCATION for the Electoral District of St. John's, appointed by the Government under the Hand and Seal of His Excellency the Governor dated the 30th July, 1852.

The Vice-Chairman EDWARD WIZ, Archbishop of this Island.

The Right Reverend Doctor MICHAEL ATTYREY PALMISTO.

The Reverend DANIEL SPENCER WARD.

The Reverend JOHN SMITHS.

and

- WILLIAM CARROLL
- PATRICK BOUGH
- WILLIAM MICKLEBORN BOY
- MANN WILCOGHBY
- HENRY PHILLIPS THOMAS
- PATRICK MORRIS
- ROBERT JOB
- BRYAN DOBSON
- WILLIAM RICHARDS

EDUCATION RETURNS.

I am directed by the Government to inform you that in establishing Schools of Education under the Colonial Act 1847, it has been considered expedient to include in the list of Schools not only those of the Roman Catholic Religion, but also those of the Protestant Religion, and that the several Schools should be placed on an equal footing as regards the appointment of the Teachers, and the mode of their remuneration.

The Board of Education has the honor to inform you that they have the pleasure to state to His Excellency that they consider the several Schools, and the mode of their remuneration, should be placed on an equal footing as regards the appointment of the Teachers, and the mode of their remuneration. The Board of Education has the honor to inform you that they have the pleasure to state to His Excellency that they consider the several Schools, and the mode of their remuneration, should be placed on an equal footing as regards the appointment of the Teachers, and the mode of their remuneration.

A. T. THURLEIGH

The ARCHDEACON

EDWARD WIZ

I have the honor to inform you that the Board of Education has the pleasure to state to His Excellency that they consider the several Schools, and the mode of their remuneration, should be placed on an equal footing as regards the appointment of the Teachers, and the mode of their remuneration.

I have &c.

(Signed)

EDWARD WIZ

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ST. JOHN'S.

BOARD OF EDUCATION for the Electoral District of *St. John's*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, dated the 8th July, 1836.

The Venerable **EDWARD WIX**, Archdeacon of this Island.

The Right Reverend Doctor **MICHAEL ANTHONY FLEMING**,

The Reverend **DANIEL SPENCER WARD**,

The Reverend **JOHN SMITHIES**,

and,

WILLIAM CARSON,

PATRICK KOUGH,

WILLIAM BICKFORD ROW,

MARK WILLOUGHBY,

HENRY PHILLIPS THOMAS,

PATRICK MORRIS,

ROBERT JOB,

BRYAN ROBINSON, and

WILLIAM RICHARDS,

} Esquires.

Secretary's Office,

8th July, 1836.

SIR,

I am directed by the Governor to inform you that in establishing Boards of Education under the Colonial Act 6th Wm. 4, Cap. 13, he had considered yourself and the Roman Catholic Bishop as general Superintendents of your respective Churches—and that the second clause contemplated the appointment of what would in England be termed "Parochial Clergy."

The Board (appointed under this view of the Act) for the District of St. John's, having stated to His Excellency that they considered themselves illegally constituted in consequence of the Roman Catholic Bishop not being included in the Warrant, and the point having been submitted for the opinion of the Judges, they have unanimously decided that the Bishop should, under the provisions of the Act, have been included; and it having since been referred to the Attorney General whether, according to the reasoning upon which that opinion was founded, the Archdeacon ought also to be a Member, his answer has been given in the affirmative.

His Excellency has therefore issued a new Warrant, which I have the honor to enclose, and he requests that you will convene the Members at your early convenience. He regrets the delay which has taken place, in consequence of his misconception of the 2nd clause of the Act, but feels assured that this evil will, as far as possible, be corrected by the zeal and energy of the Board.

I have, &c.

(Signed,)

J. TEMPLEMAN,

Acting Secretary.

The Venerable

The ARCHDEACON.

St. John's, 8th July, 1836.

SIR,

I beg to acknowledge the receipt of your letter of this day's date, enclosing a new Warrant for the formation of a Board of Education under the Colonial Act 6th Wm. 4, Cap. 13, of which His Excellency has done me the honor to appoint me a Member. In compliance with the desire of His Excellency that I should lose no time in convening the Members of the said Board, I immediately wrote to each Member of the Board, and expressed a hope that it would not be inconvenient to those Gentlemen to meet at the Library-Room, in the Court-House, on Wednesday next at Eleven o'Clock in the Forenoon.

I have, &c.

(Signed,)

EDWARD WIX.

J. TEMPLEMAN, Esquire.

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Thursday.

DEAR SIR,

I have the honor to enclose for His Excellency's approval the Rules passed at the Education Board. We meet to-morrow at 2 o'clock, when I shall be happy to communicate His Excellency's pleasure respecting them.

Your's very truly,

(Signed,)

EDWARD WIX.

To J. TEMPLEMAN, Esq.

BYE-LAWS, RULES and REGULATIONS for the government of the Board of Education appointed in pursuance of the Act of the Colonial Legislature 6 Wm. 4th Cap. 13, for the Electoral District of St. John's, and for the establishment and management of the Schools within its District—

Adopted on the 15th day of July, 1836.

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, a 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.

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 to be established by this Board except such as shall be approved of by the Board; whose aim it shall be to select works which cannot give any reasonable offence to members of any religious denomination.

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, or Acting 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 in advance, according to the following scale—

Reading, a half-year.....	2s. 6d.
Reading and Writing, do.	5 0
Reading, Writing and Arithmetic, do....	7 6

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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 where the said payment, or any part thereof, cannot be obtained, such Scholar shall be admitted gratis.

12th.—That all Schools to be established by this Board shall adhere to its Bye-Laws, Rules and Regulations.

(Signed,)

EDWARD WIX,
Chairman.

BRYAN ROBINSON,
Secretary.

SCHEDULE A,

Is the form of an order to the Treasurer of the Board to pay money—to be signed by the Chairman and countersigned by the Secretary.

SCHEDULE B,

Is the form of a Register of the attendance of Scholars.

SCHEDULE C,

Is the form of a Return of the names and ages of Scholars—of the date of their admission—Parents' names—state at the time of admission and at date of return—and of the number of individuals admitted, &c.

Secretary's Office,

21st July, 1836.

SIR,

I am directed by the Governor to convey to you his approval of the "Bye-Laws, Rules and Regulations" adopted on the 15th instant, for the government of the Board of Education for the Electoral District of St. John's, copy of which you transmitted to me in your note of this date.

I have, &c.

J. TEMPLEMAN,
Acting Secretary.

The Venerable
The ARCHDEACON.

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CONCEPTION BAY.

BOARD OF EDUCATION for the Electoral District of *Conception Bay*, appointed by Warrant under the Hand and Seal of His Excellency the GOVERNOR, the 21st July, 1836.

The Reverend **JOHN BURT**
" " **CHARLES BLACKMAN**
" " **DENIS MACKIN**
" " **CHARLES DALTON**
" " **JOHN PICKAVANT**
" " **JOHN HAIGH, and**

PETER BROWN
JAMES POWER
ROBERT PROWSE
JOHN STARK
THOMAS RIDLEY
WILLIAM STIRLING, and
ROBERT J. PINSENT,

Esquires.

Secretary's Office,
24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint, for the Electoral District of Conception Bay, I have the honor to transmit to you herewith His Excellency's Warrant constituting the said Board.

I have &c.

(Signed,)

J. TEMPLEMAN,
Acting Secretary.

The Reverend **J. BURT.**

Harbour Grace,
10th August, 1836.

SIR,

We beg to acquaint you, for the information of His Excellency the Governor, that the Commissioners of Education for the Electoral District of Conception Bay, met, agreeable to adjournment, at the Court-House in this Town on Monday the 8th instant, and that immediately on the meeting of the Board, Mr. Stark proposed, which was seconded by the Reverend Mr. Blackman, that the Monies voted by the Legislature for the encouragement of Education in this District be distributed between the Episcopalians, the Roman Catholics, and the Methodists, to be placed under the controul of Sub-Committees selected from each sect, and which motion, we are happy to inform His Excellency, the Board had the prudence to reject, believing the Legislature had no such intention in voting a Sum of Money to engender religious distinctions in the Pupils to be educated under this Board.

We beg also to inform you, for the information of His Excellency, that the Board was unanimous in the number of Schools to be established, as also the stations approved of, the Stipends to Teachers, as well as the Books to be used in the Schools being selected from the Works used in the National Schools of Education in Ireland, but we have much cause to lament that the following Resolution was proposed by Mr. Prowse and seconded by Mr. Stark, and carried by the casting vote of Mr. Burt, Chairman (Mr. Stirling was called on a professional visit and Mr. Pickavant was not present,) and will become one of the fundamental Rules of the Board, if approved of by His Excellency.

Resolved,—That the authorised version of the Holy Scriptures, without note or comment, be added to the Books already proposed and adopted by this Board, and that an hour either before or after regular School hours, be appropriated for the reading of such by the Children of the Parents who may desire it; and that after such time the Scriptures shall be removed from the School Room.

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As His Excellency is well aware, the cause of conflicting opinions in Ireland was as long as the system of which the foregoing Resolution is in substance the same, and formally adopted by the Kildare Street Society, in Schools, and that the result was the total withdrawal of all the Catholic Children from said Schools; and we are sure His Excellency is well aware that we, professing the Roman Catholic Religion, cannot countenance or support a system which have been condemned not only by the Superiors of the Irish Catholic Church but by His Most Gracious Majesty's enlightened Government.

We must further submit to His Excellency's superior judgment the situation the foregoing Resolution will place us in as Roman Catholics, and which we are sure he will see that we have no alternative left, if he should be pleased to approve of it, but to request His Excellency will be pleased to accept our resignation, as we could not conscientiously remain as members of a Board of Education whose object is to divert the public monies granted for Elementary Education into Religious or Sectarian purposes.

We beg also to inform His Excellency, that prior to the passing of this Resolution that we repeatedly and solemnly told the Board that if they adopted it we had no alternative left but to request His Excellency would be pleased to withhold his approval of the same, thereby preventing it from becoming a Bye-Law, or if he should approve of it to accept our resignations, and which solicitations appeared to be quite useless, and which was the cause of our withdrawal from the Board before the conclusion of the meeting.

We are quite satisfied His Excellency will view our conduct in a favourable light in withdrawing from a Board that cannot have our support if such a line of policy is continued, but on the contrary must be conscientiously discouraged by us.

We have, &c.

(Signed,)

DENIS MACKIN
CHARLES DALTON
PETER BROWN
JAMES POWER.

Harbour-Grace,

11th August, 1836.

SIR,

I take leave to forward you, for the approval of His Excellency the Governor, the Bye-Laws adopted by the Board of Education for the Electoral District of Conception Bay.

I have, &c.

(Signed,)

J. BURT,
Chairman.

JOSEPH TEMPLEMAN, Esquire,
Acting Colonial Secretary.

BYE-LAWS, RULES AND REGULATIONS for the Government of the Board of Education appointed in pursuance of the Act of the Colonial Legislature 6 Wm. 4, C. 13, for the Electoral District of *Conception Bay*, and for the establishment and management of Schools within its District—

Adopted on the 6th day of July and 9th day of August 1836.

1st.—That General Meetings of the said Board of Education shall be holden the first Wednesday in December and the first Wednesday in April, in each year, at eleven o'clock in the forenoon, in addition to the General Annual Meeting required by the Act to be holden on the first Wednesday in July.

2nd.—That the Money voted by this Act, when required, shall be drawn by the Chairman of the Board, who shall disburse the same agreeably to the Resolutions of the Board.

3rd.—That the Chairman be not empowered to countersign the Bill of, or in any other way pay, any Teacher, until such Teacher shall have produced a Certificate of his or her attention and correct conduct from two or more of the Commissioners residing more immediately in his or her neighbourhood, or until the opinion of the Board at a general meeting be had.

4th.—That it shall be lawful at all times during School hours for any one or more members to visit all the Schools and inspect the Books of the Teachers under the direction and control of the Board, and if need be, to report the proceedings of such Schools to the next Meeting.

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5th.—That the Teachers shall not reject any Scholar on account of Parents neglecting or refusing to pay the sum required, but that the case shall be submitted to two of the nearest Commissioners, who shall have power to determine the matter, subject to an appeal to the general Board.

6th.—That every Teacher of every School under the control of this Board shall keep a Register (in form the same as annexed) and shall make a return to the Secretary once in every Six Months; and the said Teachers shall be paid half yearly.

FORM OF REGISTER.

Name.	Profession.	Age.	Entered.	Full Acquirements.	First Examination.	Months at School.	Improvement.	Left.
Patk. Dawley	R. Catholic	10 yrs.	July 1st, 1836	Monosyllables	Jan. 1st, 1837	3 ¼	Six syllables	Jan. 1
Jno. Williams	Episcopalian	8 "	Aug. 4th	Ignt. of letters	"	2 ⅔	Dissyllables	"
Ann George	Wesleyan	12 "	July 6th	Five syllables	"	3	Testament	"

7th.—That the hours of School from 1st May until 1st October be, in the forenoon, from 9 o'Clock till 12; and in the afternoon from 2 till 4: and from 1st October till the 1st May from 10 to 12 in the forenoon and from 2 till 4 in the afternoon: and that the Summer vacation be from 15th June till the 10th August inclusive, and the Winter vacation from 20th December to the 2nd January inclusive.

8th.—That the Teacher be allowed to employ himself on the Sabbath in giving Religious Instruction, but not in the School Room.

9th.—That no Books shall be used in any Schools established or to be established by this Board, except such as shall be approved of by the Board.

10th.—That the following Books be used in Schools under the control of this Board,—Viz., Common Primers, Common Spelling Books, First Book of Lessons for the use of the Irish National Schools, Third Book of Lessons for the use of the Irish National Schools, Treatise on Arithmetic by Francis Walkingham.

11th.—That the authorised version of the Holy Scriptures (without note or comment) be added to the Books already proposed and adopted by this Board, and that an hour (either before or after the regular School hours) be appropriated for the reading of such by the children of the parents who desire it; and that after such time the Scriptures shall be removed from the School Room.

Secretary's Office, August 14th, 1836.

Sir,

In acknowledging the receipt of your letter of the 11th inst., transmitting the Bye-Laws of the Board of Education for the Electoral District of Conception Bay, I am directed by the Governor to observe, that as the 11th Rule prescribes that the authorized version of the Scriptures is alone to be used, the benefit of it must be confined to Protestant Children.

As all the Catholic Members of the Board object to this Rule, His Excellency wishes it to be re-considered, hoping that in place thereof some regulation may be adopted by which religious instruction shall be secured to the Children of every sect, *without shocking the principles or opinions of any.*

His Excellency, in this view, desires me to transmit the 7th Rule of the Board for the District of St. John's, and to propose it for the consideration of that of which you are the Chairman.

Rule 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.

I have, &c.,

(Signed)

J. TEMPLEMAN,
Acting Secretary.

The Reverend JOHN BURT,
Chairman of the Board of Education,
Harbour Grace.

APPENDIX.

Harbour Grace,

August 30th, 1836.

SIR,

I beg to acquaint you, for the information of His Excellency the Governor, that your letter of the 15th of August has this day been laid before a Special Meeting of the Board of Education for this District, and in reply thereto I am requested to furnish his Excellency with a transcript of the proceedings of the Board, which be pleased to receive enclosed.

I have, &c.

(Signed,)

J. BURT,
Chairman.

JOS. TEMPLEMAN, Esq.,
Acting Colonial Secretary.

At a Special Meeting of the Board of Education, held at the Court House on Tuesday the 30th August, 1836.

PRESENT,

Reverend John Burt, Chairman; Rev. Charles Blackman, Rev. Charles Dalton; and, Peter Brown, Thos. Ridley, Wm. Stirling, James Power, Robt. J. Pinsent, John Stark, Robert Prowse, Esquires.

The Chairman read a letter from the Colonial Secretary in reference to the Bye-Laws, which had been transmitted to His Excellency the Governor for his approval.

The Gentlemen who proposed and seconded the 11th Rule, viz. "That the authorised version" &c. to which Rule especial reference had been made, then stated at some length, to the Board, their unaltered convictions of the value and importance of the said Rule.

It was then proposed by Peter Brown, Esquire, and seconded by the Revd. C. Dalton, that the eleventh rule be rescinded, and be replaced by the seventh rule of the St. John's Board of Education, as suggested by His Excellency the Governor, in his communication of the 15th of August, to the Chairman of the Board. All the Members of the Board who were present, spoke on this motion; and upon the proposition being put there appeared—

For the Resolution,

Against it,

PETER BROWN, Esquire,
Reverend C. DALTON,
JAS. POWER,
ROBT. J. PINSENT, } Esquires.
WM. STIRLING, }

The Reverend J. BURT,
" " C. BLACKMAN,
THOS. RIDLEY, }
JOHN STARK, } Esquires.
ROBT. PROWSE, }

The original resolution of the Board, which was carried by a Majority, was consequently declared as unaltered: upon the result of this resolution being known, Peter Brown, Esquire, left the Meeting; subsequently the Rev. C. Dalton stated that a sick call obliged him to leave.

It was proposed by W. Stirling, Esq., seconded by Thomas Ridley, Esq., and resolved unanimously—

"That all Ministers of Religion, and persons appointed by them, shall have power to visit the Schools under the control of this Board, and from time to time 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, or any such person, shall be permitted to impart any instruction in the School."

At the time this Resolution was being put from the Chair, James Power, Esq., left the Meeting, having previously taken part in the discussion and declared his approval of the said Rule.

It was proposed by Robert Prowse, Esquire, seconded by John Stark, Esquire, and Resolved unanimously—

"That as it is not compulsory, by the 11th Rule, for the Roman Catholic children to read the Scriptures, neither shall it be imperative on a Teacher who may be a Roman Catholic to instruct therein."

It was proposed by Thomas Ridley, Esquire, seconded by John Stark, Esquire, and Resolved unanimously—

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"That the above Resolutions be forwarded to His Excellency the Governor, for his approval, in addition to the former Bye-Laws."

Transcribed from the Original.

(Signed)

WM. CHAS. ST. JOHN,
Secretary.

Harbour-Grace,
31st August, 1836.

SIR,

We beg to inform you, for the information of His Excellency the Governor, that the Board of Education for this District held a Special Meeting in this Town yesterday, to take into consideration His Excellency's communication of the 15th inst., and to re-consider the 11th Resolution which was passed on the 9th inst. by the casting vote of Mr. Burt, Chairman; the Reverends Mackin, Haigh and Pickavant absented themselves from this Meeting.

We are sorry we cannot inform His Excellency of the Board agreeing to his suggestion by substituting the 7th Rule of the Saint John's Board of Education in place of that obnoxious Rule which His Excellency so justly alluded to as shocking the principles or opinions of some.

An abstract of the Meeting we hereby beg to submit to His Excellency.

Proposed by Mr. Brown, and seconded by the Rev. Mr. Dalton—

"That the Eleventh Rule be rescinded, and be replaced by the Seventh Rule of the St. John's Board of Education, as suggested by His Excellency the Governor in his communication of the 15th of August with the Chairman of this Board."

On a division, there was for the foregoing Resolution the Revd. Mr. Dalton, Messrs. Stirling, Pinsent, Power and Brown; against it, the Rev. Messrs. Burt and Blackman, Messrs. Stark, Prowse and Ridley; which numbers being equal, the resolution was not carried.

We flatter ourselves His Excellency will see that we are most willing to contribute our best interests for the well-being of the Board of Education for this District, and nothing but a conscientious adherence to our religious tenets obliges us to again request His Excellency to be pleased to withhold his assent from a measure which will have a tendency, if carried into effect, of depriving the Catholic children of this District of the benefit of an elementary education, which our Legislature intended should be imparted to children of every religious denomination, without any distinction.

We have, &c.

(Signed,)

CHARLES DALTON
PETER BROWN
JAMES POWER.

Secretary's Office,
1st September, 1836.

SIR,

Having laid before the Governor the minute of the proceedings of the Board of Education for Conception Bay, transmitted to me in your letter of the 30th ulto., I am directed to acquaint you that His Excellency is sorry he cannot sanction the 11th Rule of the Bye-Laws therein referred to, which will therefore have to be expunged.

The Rule or Resolution founded on that beforementioned will consequently be unnecessary.

His Excellency is pleased to approve of all the rest of the Bye-Laws adopted by the Board.

I have, &c.,

(Signed)

J. TEMPLEMAN,
Acting Secretary.

The Reverend JOHN BURT,
Chairman of the Board of Education,
Harbour Grace.

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Harbour Grace,
1st November, 1836.

SIR,

I take leave herewith to transmit you, for the information of His Excellency the Governor, minutes of the proceedings of the Board of Education for this District, at a Meeting held Yesterday the 31st ultimo.

I have, &c.

(Signed,)

J. BURT,
Chairman.

The Honble JAS. CROWDY,
&c. &c.

At a Meeting of the Board of Education, held the 31st day of October, 1836, at the Court House, Harbor-Grace, and in conformity to a requisition of three of the Commissioners of the said Board—

PRESENT,

Reverend John Burt, Chairman; Rev. Charles Blackman, Rev. J. Haigh, Rev. J. Pickavant, and Wm. Stirling, Thos. Ridley, Robert Prowse, Peter Brown, John Stark, and Robt. J. Pinsent, Esquires.

The Chairman opened the proceedings by reading the following requisition:

“Harbour Grace,
Monday, 24th October, 1836.

“To the Reverend J. BURT,
Chairman of the Board of Education.

“We, being three or more Members of the Board of Education for the Electoral District of Conception Bay, request you will be pleased, as speedily as possible, to convene a General Meeting of the Board at Harbor-Grace on Monday next the 31st October, at noon, in order to consider the propriety of revising, altering and amending the General Rules and Bye-laws of the Board, so as to secure the permanent use of the Bible to Protestant children, in consequence of the refusal of Protestants generally to send their children to Schools from which the Bible is excluded.

“We have the honor to be, Sir,

&c. &c.

(Signed) “JOHN HAIGH,
“JOHN STARK,
“THOMAS RIDLEY.”

A letter from the Colonial Secretary to the Chairman, under date of 1st Sept. 1836, was also laid before the Board.

It was then proposed by John Stark, Esquire, seconded by Rev. John Pickavant—

That this Board exceedingly regret that His Excellency the Governor should have refused the free and permanent use of the Bible to the Protestant Children in the Schools established by this Board—

For the Resolution,

The Reverend J. BURT,	ROBT. PROWSE, Esquire,
“ “ C. BLACKMAN,	JOHN STARK, “
“ “ J. PICKAVANT,	WM. STIRLING, “
“ “ J. HAIGH,	THOS. RIDLEY, “

Against it,

PETER BROWN, Esquire, ROBT. J. PINSENT, Esquire.

Several of the Commissioners having stated the determination on the part of Protestants in this Bay, generally, to withhold their children from Schools at which the Bible is prohibited—

It was proposed by Thomas Ridley, Esquire, seconded by R. J. Pinsent, Esquire, and Resolved—

“That the Money voted by the Legislature, under the Education Act, for this District, be drawn by the Chairman; and that a Memorial be presented to the Legislature for a division of the same, with any future sums that may be voted, between the Protestants and Roman

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Catholics, according to the Census; as the present system is found not to answer the purposes of the Legislature.

(Signed) **WM. CHAS. ST. JOHN,**

Secretary.

Secretary's Office,

11th Nov. 1836.

SIR,

I have to acknowledge the receipt of your letter of the 1st instant, and to acquaint you in reply that the Governor does not think it necessary to make any observation upon the first Resolution adopted on the 31st ultimo by the Board of Education for Conception Bay.

With respect to the second, His Excellency directs me to say that he cannot issue a Warrant, or otherwise sanction any expenditure of Money, except in accordance with the existing Rules approved by him.

It is his intention to submit to the Legislature all the proceedings and correspondence which have taken place in connexion with the Education Act, and to recommend the subject for revision and most serious consideration.

I have, &c.

(Signed) **JAS. CROWDY.**

Chairman of the Board of Education,
Harbor-Grace.

TRINITY.

BOARD OF EDUCATION for the Electoral District of *Trinity*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, the 24th May, 1836.

The Reverend **WILLIAM BULLOCK**

“ “ **WILLIAM ELLIS**

GEORGE SKELTON

WILLIAM KELSON

THOMAS DRAWBRIDGE

ROBERT BAYLY

JOHN THOMSON

ALEXANDER BREMNER

JAMES WISEMAN

MR. ARCHIBALD GRAHAM

“ **SAMUEL A. GENT**

“ **WILLIAM STONEMAN**

“ **RICHARD ASH (Junn.)**

Esquires

Secretary's Office,

24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education, which, under the authority of an Act passed during the late session of the Colonial Legislature, the Governor has been pleased to appoint for the Electoral District of Trinity, I have the honor to transmit to you herewith His Excellency's Warrant constituting the said Board.

I have, &c.

(Signed)

J. TEMPLEMAN.

The Revd. **WM. BULLOCK.**

APPENDIX.

Trinity, 8th July, 1836.

SIR,

I herewith transmit to you a set of Bye-Laws, Rules and Regulations agreed upon at the first annual meeting of the Board of Education held at Trinity on the 6th day of July instant, which you will be pleased to lay before his Excellency the Governor, and await his instructions thereon.

I have, &c.

(Signed)

GEO. SKELTON,
Chairman.

JOSEPH TEMPLEMAN, Esq.,
Acting Colonial Secretary.

Court-House, Trinity,
6th July, 1836.

At a Meeting of the Board of Education held this day, at which the following gentlemen were present—Viz.

Revd. Wm. Bullock
" Wm. Ellis
Wm. Kelson
Geo. Skelton
Thos. Drawbridge

} Esquires,

R. Bayly, Esq.
Mr. Samuel A. Gent
" Wm. Stoneman
" Rd. Ash (Junr.)

Resolved unanimously, That Geo. Skelton, Esq., be the Chairman of the Board of Education for the ensuing year.

Resolved unanimously, That Wm. Kelson, Esq., be the Treasurer during the same period.

Resolved unanimously, That R. Bayly, Esq., be Secretary during the same period.

Resolved, That in consequence of the Colonial Legislature having in the last Session passed "An Act for the encouragement of Education in this Colony," in which said Act the sum of £125 Sterling annually, for five years, has been granted towards defraying the expense of establishing Schools in the District of Trinity Bay; that the said sum shall be annually expended in as fair and equitable a manner as possible; and that for that purpose the following Bye-Laws, Rules and Regulations (subject to the approval of His Excellency the Governor) shall be established,

1st.—That a School shall, if possible, be established at every place or harbor within the said District, where the number of Inhabitants at the time of taking the Census in 1828 amounted to or exceeded 100 persons, with the exception of such places as are supplied with Schoolmasters by the Newfoundland and North American School Society; but that no School shall be established at any place unless the Inhabitants of that place shall engage at their own expense to build a School-House within two years, or before the third annual meeting of the Board.

2nd.—That a rateable allowance shall be made as a Salary for each Schoolmaster, according to the number of Inhabitants which each place contained at the time of taking the said Census, according to the following scale, viz.—

Less than 100	Inhabitants.....		£ 0 0 0
From 100 to 150	do.		5 0 0
150 " 200	do.		6 0 0
200 " 250	do.		7 0 0
250 " 300	do.		8 0 0
300 " 350	do.		9 0 0
350 " 400	do.		10 0 0
Above 400	do.		12 0 0

Provided the aggregate amount of the Sum to be allowed to the Schoolmasters collectively shall not exceed four-fifths of the Annual Grant, or, in other words, £125 Sterling.

3rd.—That according to the above arrangement the Sums to be allowed to the respective Schoolmasters in this District will be as follows, viz.

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Names of Harbours and Places.	No. of Inhabitants at the last Census.	Salary of School-master.
Bird Island Cove	200 estimated at	£ 6 0 0
Catalina	357	10 0 0
Ragged Harbour	143	5 0 0
English Harbour	176	8 0 0
Salmon Cove	108	5 0 0
Ship's Cove	120	These places supplied with School-masters by the Newfoundland and North American School Society.
Trinity	930	
Old Bonaventure	119	
New Bonaventure	100	5 0 0
New Harbour and Dildo Cove	286	8 0 0
Hearts' Delight	117	5 0 0
Hearts' Content	314	9 0 0
New Perlican	186	6 0 0
Silly Cove	153	6 0 0
Hants' Harbour	263	8 0 0
Old Perlican	548	12 0 0
Grates' Cove	332	9 0 0
Total.		£100 0 0

4th.—That the remaining part of the annual grant, say £25 sterling, shall be expended in purchasing Books for the said Schools, which Books shall be equitably distributed by the Board in rateable proportions, according to the number of Inhabitants at the last Census.

5th.—That Protestant Schoolmasters shall be employed in every place where the number of Protestants shall exceed that of the Roman Catholics,—and vice versa; and that no invidious distinction shall be made between Churchmen and what are generally called Dissenters.

6th.—That in appointing Schoolmasters, a preference shall always be given to an inhabitant of the place for which the appointment is to be made, if a proper person can be found in that place; and that every such Schoolmaster shall not only be recommended by a majority of the Inhabitants, but shall also be approved of by the Board before the appointment be final.

7th.—That the instruction given shall be of an elementary nature, and shall consist of Reading, Writing and common Arithmetic.

8th.—That whenever a Protestant School-master is appointed, no Books shall be made use of in School of a Sectarian tendency; that no preference shall be shown to any Scholar on account of his belonging to any particular class of professing Christians; and that no religious instruction shall be given, excepting what is contained in the Holy Scriptures without note or comment.

9th.—That every School shall be open for at least Six Months in each year, for six hours each day, Sundays excepted.

10th.—That if at any of the beforementioned places no proper person for a School-master can be found, and the Board cannot supply that place with one, the allowance for a School-master at that place shall be expended in purchasing Books for the Schools generally, or shall be equally divided among the School-masters that are actually appointed, for the purpose of increasing their respective Salaries, at the option of the Board.

11th.—That such persons as are able to do so, are earnestly recommended to make an addition to the salary of their School-master, and particularly in those places where the salary is small, so as to place him in as comfortable circumstances as their means will allow; as without this, it is not to be expected that his instructions to the rising generation will do much good.

12th.—That on any complaint being made against any School-master, either for neglect of duty or for immoral conduct, the case of that School-master shall be enquired into at the

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annual meeting, and he shall be reprov'd or dismissed as the Board shall then direct, and, if necessary, a new appointment shall be made.

13th.—That no meeting of the Board shall take place at a shorter notice than fourteen days.

14th.—That these Bye-Laws, Rules and Regulations, if approved of by His Excellency the Governor, shall be printed.

(Signed)

GEO. SKELTON,
Chairman.

Secretary's Office,
14th July, 1836.

SIR,

In answer to your communication of the 8th instant, transmitting copies of Rules and Regulations adopted on the 6th by the Board of Education for the District of Trinity, I am directed by the Governor to offer for the consideration of the Board the following suggestions.

May not that part of Rule 1st which relates to the erection of School Houses, operate as an impediment to the object of Educating the poor?—Instead of it might it not be advisable to adopt the plan of the Newfoundland School Society, and fix the following sums as a remuneration to be paid to the Teachers by the parents of the pupils, always one quarter in advance—for Reading, 2s. 6d. ; Reading and Writing, 5s. ; Reading, Writing and Ciphering, 7s. 6d. ; and leaving to the Teacher to provide a place for holding the School on such terms as the Board may approve.

In cases of extreme poverty the teacher may suspend the above payments till the pleasure of the Board may be known.

It is presumed that when the Census now in progress shall be completed, it will be adopted under the same Rule instead of that of 1828.

In the 8th Rule it is presumed that the authorized Protestant Version of the Scriptures is intended.

In the 9th Rule, might it not be provided that a holiday or half-holiday may be allowed on Saturdays and on some particular anniversary days?

His Excellency, however, leaves these points entirely for the consideration of the Board, from whom he will be happy to hear on this interesting subject.

I am, &c.,

(Signed)

J. TEMPLEMAN,
Acting Secretary.

GEO. SKELTON, Esq.
Chairman of the Board of Education,
Trinity.

Trinity, 9th August, 1836.

SIR,

I have to acknowledge the receipt of your letter of the 14th ulto. containing some suggestions of His Excellency the Governor on the subject of amending the Bye-Laws, Rules and Regulations made at the first annual meeting of the Board of Education for the District of Trinity Bay, held at Trinity on the 6th ultimo.

And in reply I beg leave to state, for His Excellency's information, that another meeting of the Board was immediately convened, agreeably to Rule 13th, when the suggestions made by His Excellency were taken into consideration, and thought they would be an improvement to the Rules adopted at the former meeting:—and as it had been found that the Newfoundland School Society has lately engaged a School Master at New Bonaventure, and another at Heart's Content, some other slight alterations were made respecting the Salaries to be

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allowed to the School Masters—and a new Rule added allowing the respective Ministers of Religion to abstract the Children of their respective Communions for the purpose of Catechetical Instruction.

The Rules &c. in their amended form are now enclosed, which you will be pleased to lay before His Excellency the Governor, and await his instructions thereon.

I have, &c.

(Signed)

GEO. SKELTON,

Chairman.

JOSEPH TEMPLEMAN, Esq.,
Acting Colonial Secretary.

BYE-LAWS, RULES AND REGULATIONS, &c. for the establishment and management of Schools in the Electoral District of *Trinity Bay*; agreed upon at the first annual meeting of the Board of Education for the said District, held in the Court House at Trinity, on Wednesday the 6th day of July, and revised at a meeting of the Board held at the same place on Monday the 8th day of August 1886.

At the first annual Meeting of the Board of Education for the Electoral District of Trinity Bay, held at the Court House at Trinity on Wednesday the 6th day of July, 1836—

PRESENT,

Revd. Wm. Bullock

“ Wm. Ellis

Geo. Skelton

Wm. Kelson

Thos. Drawbridge

} Esquires,

R. Bayly, Esq.

Mr. Samuel A. Gent

“ Wm. Stoneman

“ Rd. Ash (Junr.)

The following Resolutions were proposed and adopted.

Resolved, That the following Members of the Board shall be its officers for the ensuing year,—Viz.

Geo. Skelton, Esq., Chairman,

William Kelson, Esq., Treasurer,

Robert Bayly, Esq., Secretary.

Resolved, That in consequence of the Colonial Legislature having in the last Session passed “An Act for the encouragement of Education in this Colony,” in which said act the sum of £125 Sterling annually for five years, has been granted towards defraying the expense of establishing Schools in the Electoral District of Trinity Bay, that the said sum shall be annually expended in as fair and equitable a manner as possible; and that for that purpose the following Bye-Laws, Rules and Regulations (subject to the approval of His Excellency the Governor) shall be established,

BYE-LAWS, Viz.

1st.—That a School shall, if possible, be established at every place or harbor within the said District, where the number of Inhabitants at the time of taking the Census in 1828 amounted to or exceeded 100, with the exception of such places as are supplied with School Masters by the Newfoundland and North American School Society; but that when the Census now in progress shall be completed it shall be made use of in lieu of that taken in 1828.

2nd.—That a rateable allowance shall be made as a Salary for each Schoolmaster, in proportion to the number of Inhabitants at each place, according to the following scale.

From 100 to 150	Inhabitants.....		£5 10 0
150 “ 200	do.		6 10 0
200 “ 250	do.		7 10 0
250 “ 300	do.		8 10 0
300 “ 350	do.		9 10 0
350 “ 400	do.		10 10 0
Above 400	do.		12 10 0

Provided the aggregate amount of the sum to be allowed to the School Masters collectively, shall not exceed four-fifths of the annual Grant, or, in other words, £100 Sterling.

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3rd.—That according to the above arrangement the sums to be allowed to the respective School Masters in this District will be as follows, Viz.

Names of Harbours and Places.	Number of Inhabitants.	Salary of School-master.
Bird Island Cove	200 estimated at	£ 6 10s. 0d.
Catalina	357	10 10 0
Ragged Harbour	143	5 10 0
English Harbour	176	6 10 0
Salmon Cove	108	5 10 0
Ship Cove		
Trinity (West side)	} These places supplied with School-masters by the Newfoundland and North American School Society.	
Old Bonaventure		
New Bonaventure		
Hearts' Content		
Trinity (North side)	164	6 10 0
New Harbour and Dildo Cove	286	8 10 0
Hearts' Delight	117	5 10 0
New Perlican	186	6 10 0
Silly Cove	153	6 10 0
Hants' Harbour	263	8 10 0
Old Perlican	548	12 10 0
Grates Cove	332	9 10 0
Total.....		£ 98 10 0

4th.—That the remaining part of the annual Grant shall be expended in purchasing Books for the said School, which Books shall be equally distributed by the Board in rateable proportions according to the number of inhabitants at the Census in 1828, agreeably to Bye-Law 1st, respecting the Census now in progress.

5th.—That Protestant School Masters shall be employed at every place where the number of Protestants shall exceed that of the Roman Catholics, and *vice versa*; and that no invidious distinction shall be made between Churchmen, and what are generally called Dissenters.

6th.—That in appointing School Masters a preference shall always be given to an Inhabitant of the place for which the appointment is to be made, if a proper person can be found in that place; and every such School Master shall not only be recommended by a majority of the Inhabitants, but shall also be approved of by the Board before the appointment be final.

7th.—That the instruction given shall be of an elementary nature, and shall consist of Reading, Writing, and Common Arithmetic.

8th.—That wherever a Protestant School Master is appointed, no Books shall be made use of in School, of a Sectarian tendency; that no preference shall be shewn to any Scholar on account of his belonging to any particular class of professing Christians; and that no religious instruction shall be given, excepting what is contained in the authorized version of the Holy Scriptures, without note or comment.

9th.—That every School shall be open on the Week days, for at least Six Months in each year, for six hours in each day,—New Year's day, and Saturdays, in the afternoon, excepted.

10th.—That if at any of the beforementioned places no proper person for a School Master can be found, and the Board cannot supply that place with one, the allowance for a School Master at that place shall be expended in purchasing Books for the Schools generally, or shall be equally divided among the School Masters that are actually appointed, for the purpose of increasing their respective Salaries, at the option of the Board.

11th.—That such persons as are able to do so, shall pay their respective School Masters the following Sums, Viz.—For each Scholar taught Reading and Writing, 5s. for each year; and for each Scholar taught Reading, Writing and Arithmetic, 10s. for each year. But that such persons as are unable to do so, shall be exempted from paying those sums, at the discretion of the Board.

12th.—That on any complaint being made against any School Master, either for neglect of duty, or for immoral conduct, the case of that School Master shall be enquired into at the

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annual meeting of the Board, and he shall be reprov'd or dismissed as the Board shall then direct; and if necessary, a new appointment shall take place.

13th.—That no meeting of the Board shall take place at a shorter notice than fourteen days.

14th.—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.

15th.—That these Bye-Laws, Rules and Regulations, if approved of by His Excellency the Governor, shall be printed.

(Signed)

GEO. SKELTON,
Chairman.

Secretary's Office,

22nd August, 1836.

SIR,

I have to acknowledge the receipt of your letter of the 9th instant, enclosing Rules and Regulations adopted for the Schools of Trinity Bay; and the Governor directs me to say, that after careful consideration he thinks it advisable to expunge the last clause of the 8th Rule. His Excellency comes to this conclusion because that Rule contemplates the probable union of Catholics and Protestants in all the Schools—and the 14th Rule very wisely and properly points out the means of religious instruction for every sect.

He approves of all the rest, and trusts that they may be found to operate for the general benefit.

I am, &c.,

(Signed)

J. TEMPLEMAN,
Acting Secretary.

GEO. SKELTON, Esq.

*Chairman of the Board of Education,
Trinity.*

Trinity, 12th September, 1836.

SIR,

I have to acknowledge the receipt of your letter of the 22nd ultimo, containing a statement of the Governor's approval of the Rules and Regulations adopted by the Board of Education for this District, with the exception of the last clause of the 8th Rule; and I did not fail to take the earliest opportunity of convening a meeting of the Board, to lay before it its contents.

And I have to inform you, that the Board, with all due deference to His Excellency's advice, on the propriety of having the last clause of the 8th Rule expunged, has taken the subject in all its bearings, as it regards this District, into its most serious consideration; and the result of its deliberations has been, that its members unanimously regret they cannot see the propriety of having that clause expunged; and that, therefore, the Board begs leave most respectfully to offer to His Excellency the following reasons for coming to such a conclusion.

1st.—That at all the places in this District where the Board intends to establish Schools, there is not one at which any Minister of Religion constantly resides; and as most of the places, comparatively speaking, are seldom visited by any such Ministers, it is not likely that any religious instruction which they can impart at any transient visit can do much good, even if such visits were more frequent than they are or can be; and especially if the Scholars have no previous knowledge of the word of God, which must absolutely be the case if the Holy Scriptures are kept out of sight.

2nd.—That as regards Protestants, there is nothing Sectarian in introducing the authorized version of the Holy Scriptures as elementary Books—all our Protestants constantly ap-

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pealing to them as the standard of their Faith, and the rule of their conduct; and that as regards Roman Catholics, to keep those sacred deposits of truth and knowledge out of sight in twelve Schools, because a few Roman Catholic Children may attend them, is surely too great a concession for the Board to make.—Such a concession, to say the least of it, would be a sacrifice of principle—a sacrifice which no Protestant would require a Roman Catholic to make under a change of circumstances; and which, therefore, no Protestant is bound to concede to a Roman Catholic.

3rd.—That the Board cannot conceive that any system of Education where the Word of God is kept out of sight, can ultimately benefit the rising generation either in this, or any other community; and that, therefore, its members cannot conscientiously bring themselves to consent to have the sacred volume kept out of the Schools. But, setting aside the above reasons, and others which might be offered, the Board is of opinion that the last clause of the 8th Rule may, with a trifling variation of expression, and a small addition, be so altered as to give no offence whatever to any reasonable Roman Catholic; and it would be in vain to contend with others of that community; and the Board most humbly hopes that His Excellency the Governor, on re-considering the subject, will see the propriety of having the clause adopted in its amended form, as agreed upon this day, and which is as follows:—“And that no Religious instruction shall be given in School excepting that of Protestant Children being instructed in reading the authorized version of the Holy Scriptures, without note or comment—but that Roman Catholic Children shall be excused from receiving any such instruction, if their Parents are averse to it.”

I have, &c.

(Signed)

GEO. SKELTON,

Chairman.

In behalf of the said Board.

Secretary's Office,

19th September, 1836.

SIR,

In reply to your letter of the 12th instant, I am directed to say that the Governor is perfectly aware of the importance of religious instruction, and as far as his own feelings are concerned would be well pleased that the authorized version of the Scriptures should be read in all our Schools.—But as our Community consists of various sects, and the intentions of the Legislature undoubtedly were that the benefits of Education should be equally extended to all, His Excellency cannot sanction any rule which may operate as an exclusion to the Children of the Roman Catholic persuasion.

As, however, the population of your District is mainly Protestant, the Governor has no objection to your proposed 8th Rule, as modified at the last meeting of the Board, being tried; but should any material difficulty, of the description above contemplated, arise from its application, His Excellency will expect it, on his requisition, to be rescinded by the Board; and should the Board not consent to receive his present sanction of the Rule, under this stipulation, he must, however reluctantly, object to the clause pointed out in Mr. Templeman's letter of the 22nd of August, and consequently to the addition proposed at the last meeting of the Board.

The addition of the Books of the Irish Education Board, in conjunction with your excellent 14th Rule, would seem to be a means of removing every objection, and at the same time of securing general religious instruction.

I am, &c.

(Signed,)

JAS. CROWDY.

GEO. SKELTON, Esq.

Trinity.

Trinity, Sept. 28, 1836.

SIR,

I have the honor to enclose a copy of a Resolution passed at a Meeting of the Board of

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Education for this District, held here on the 27th inst. which you will be pleased to lay before His Excellency the Governor.

I have, &c.

(Signed,)

GEO. SKELTON,

Chairman.

The Honourable JAS. CROWDY.

Resolved,—That the Board does not anticipate any objection to the introduction of the Bible into the Schools; but that as acceding to the stipulation of His Excellency would be an acknowledged abandonment of the principle upon which the Bye-Law is founded, it is obliged to decline so doing."

Secretary's Office,

1st October, 1836.

SIR,

I am directed to acknowledge the receipt of your letter of the 28th ultimo, and to express the Governor's regret at the resolution adopted on that day by the Board of Education of which you are Chairman.

As His Excellency has, unavailingly, conceded as far as a conscientious and impartial execution of his duty will permit, he is now under the painful necessity of expressing his disapprobation of the concluding clause of the 8th of your bye-laws, which consequently cannot be carried into operation.

The clause in question commences with the words "and that no religious instruction;" and the Governor's disapprobation extends equally to the alteration proposed to be made in it, as communicated to me for His Excellency's information in your letter of the 12th ultimo.

I have, &c.

(Signed)

JAS. CROWDY.

GEORGE SKELTON, Esquire,
Chairman of the Board of Education,
Trinity.

Trinity, 4th October, 1836.

SIR,

The Board of Education having met this day to take into consideration His Excellency's final decision upon the disapproved clause of the 8th of our bye-laws, as conveyed to it in your letter to me of the 1st instant, it regrets exceedingly that it cannot any further act upon such a prohibition of the sacred Scriptures. And I am instructed by it to say, that the resolution to which it has come, is founded upon a principle which its Members cannot conscientiously abandon, and with no intention whatever of embarrassing His Excellency's Government.

I have &c.

(Signed,)

GEO. SKELTON.

The Honorable JAMES CROWDY.

Secretary's Office,

8th October, 1836.

SIR,

I have received and laid before the Governor your letter of the 4th instant communicating that the Board of Education at Trinity "cannot any further act," in consequence of His Excellency's disapproval of the 8th clause of the bye-laws; and in reply I am directed to express His Excellency's regret that this determination of the Board will for the present deprive the District of the benefits of the Education Act.

I have &c.

(Signed,)

JAS. CROWDY.

GEO. SKELTON, Esquire,
Chairman of the Board of Education,
Trinity.

APPENDIX.

BONAVISTA.

BOARD OF EDUCATION for the Electoral District of *Bonavista Bay*, appointed by Warrant under the hand and seal of His Excellency the Governor, the 18th June, 1836.

The Revd. HENRY FITZGERALD

“ NICHOLAS DEVEREUX

“ ADAM NIGHTINGALE

SAMSON MIFFLEN

JOHN SKELTON

WILLIAM BROWN

EDWARD J. MULLOWNEY

JOHN WINTER

GEORGE FRAMPTON

Mr. EDWARD MULLALLY

“ JOSEPH SHEARS

“ ALEXANDER ARNOT

“ THOS GAYLOR.

Esquires

Secretary's Office, St. John's.

SIR,

Your name being placed at the head of the Board of Commissioners of Education, which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint for the Electoral District of Bonavista Bay, I have the honor to transmit to you herewith his Excellency's Warrant constituting the said Board.

I have, &c.

(Signed,)

J. TEMPLEMAN.

The Rev. HENRY FITZGERALD.

Bonavista, August 3, 1836.

SIR,

As Chairman of the Board of Education for this District, I beg leave to transmit to you, for the information and approval of His Excellency the Governor, the following copy of the Resolutions passed by the Board at a meeting holden yesterday, August 2.

The Revd. H. J. Fitzgerald having been chosen Chairman, and Mr. J. Gaylor Secretary. It was Resolved—1st. That as from the small amount of the sum granted, but little can be done towards the establishing of efficient Schools wherever they are wanted in this Bay, five Schools be established at the following places, with the following Salaries for the teachers; Viz. at Broad Cove, with a Salary of £25 currency; at Tickle Cove, with a Salary of £25 currency; at Salvage, with a Salary of £25 currency; at Vere Island, with a Salary of £10 currency; at Pinchard's Island, with a Salary of £15 currency.

2d. That six weeks vacation in the best season of the fishery, be allowed to the Schoolmasters at Broad Cove, Tickle Cove and Salvage; and two months in the same season, to those of Vere Island and Pinchard's Island—that thus they may be supported in greater comfort.

3rd. That the difference between £100 currency and £100 sterling, be expended in the purchase of School requisites to be equally divided among the five schools.—Those parents &c. who can afford to pay for the same, being required to do so—those who cannot, receiving them gratis.

4th. That it be strongly recommended to the people to build School Houses where there are none already built; which is the case at Broad Cove and Tickle Cove.

I remain,

Sir, &c.

(Signed,)

H. J. FITZGERALD.

JOSEPH TEMPLEMAN, Esq.,

Acting Colonial Secretary.

P. S.—As Chairman (since the Board found themselves unable to arrive at the definite meaning of the last clause of the Act respecting the drawing of the Money) I must humbly

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request some information as to the person or persons for whom it may be proper to draw the money for the payment of the School-masters—the time from which it may be drawn—and the time when it may be drawn; as something will be needed for the purchase of School requisites.

I am, &c.

(Signed,)

H. J. FITZGERALD.

Secretary's Office,

11th August, 1866.

SIR,

I have received your letter of the 3d inst. containing certain rules which had been resolved upon by the Board of Education at Bonavista, and having laid the same before the Governor, I am directed to convey to you his Excellency's approval of the said rules as far as they go.

I am at the same time to inform you that on a requisition from the Board, the Governor will issue a Warrant on the Colonial Treasurer for such sum, and in favor of such person as they may point out.

I am,

Sir, &c.

(Signed)

J. TEMPLEMAN,

Acting Secretary.

The Revd.

H. J. FITZGERALD,
Chairman of the Board of Education,
Bonavista.

Bonavista, August 19, 1866.

SIR,

I beg leave to lay before you for the information and approval of His Excellency the Governor, the accompanying resolutions of the Board of Education for this District.

The ten copies of the Acts were received, and also a communication from you bearing date 11th Aug. announcing His Excellency's approval of certain former resolutions of the Board.

I am,

Sir, &c.

(Signed,)

H. J. FITZGERALD,
Chairman.

J. TEMPLEMAN Esq.,
Acting Secretary.

At a Meeting of the Board of Education, held at Bonavista, August 18, 1866.

PRESENT,

Revd. H. J. Fitzgerald, Revd. A. Nightingale, S. Mifflin and J. Skelton, Esq's, and Messrs. J. Shears, E. Mullally, T. Gaylor.

The following resolutions were passed unanimously:—

1st. That School-masters be procured as soon as possible.

2d. That to insure cordiality of proceeding where the majority of the population in those places in which Schools shall be established shall be Roman Catholic, the Teacher shall be of that persuasion, if to be procured, and *vice versa*.

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3rd. That each School-master shall keep a Journal of his School; one part of which shall respect the admission of Scholars, &c; the other his daily labours, according to the following copy:

JOURNAL OF ADMISSION.

Scholar's Name.	Profession.	When admitted.	When withdrawn.	Proficiency when admitted.
-----------------	-------------	----------------	-----------------	----------------------------

JOURNAL OF DAILY LABOURS.

August.	1. Monday.	2. Tuesday	3. Wednesday	4. Thursday	5. Friday	&c.	&c.
Scholar's Names. A. B. C. D. E. F. G. H. &c.	X						
Total present.	2.						

4th.—That the hours of School from May 1 to December 1, shall be from 9 o'clock, a. m. to mid day—and from 2 o'clock, p. m., to 5 o'clock, p. m.—and from December 1 to May 1, from $\frac{1}{2}$ past 9 o'clock, a. m., to 3 o'clock, p. m., with an interval of $\frac{1}{2}$ an hour at mid-day for refreshment.

5th.—That Saturday be allowed as a day of rest.

6th.—That the Books used in the Schools be those which are used in the Schools of the Newfoundland School Society and other Schools around us—and that the Books be purchased at the depository of the Newfoundland School Society, as being cheapest and best.

7th.—That the Members of the Board shall have power to visit the Schools, examine the Children, and inspect the School-masters' journals.

8th.—That there be quarterly meetings of the Board, held at the following Seasons, viz.—the first Wednesday in January, the first Wednesday in April.

9th.—That the School-masters be required to transmit a copy of their Journals for the inspection of the Board in January and April, at the time of the quarterly meetings, or as soon after as possible—and the Journals themselves in July and October, at which last period the School-masters shall be required to appear in person.

10th.—That the School-masters be paid at the quarterly meetings.

11th.—That the Sum of Fifty Pounds, Sterling, be drawn on behalf of the Board; part of which shall be expended in School requisites, according to a former resolution of the Board; and the residue lodged with the Treasurer for the purposes of the Act, &c.

12th.—That Mr. T. Gaylor be appointed Treasurer.

13th.—That Mark Willoughby, Esquire, be requested and authorized by the Board to draw the above Sum of £50 Sterling—furnish the requisites, and transmit the remainder to the Treasurer.

The Meeting then adjourned.

Secretary's Office,
6th September, 1836.

SIR,

I have received your letter of the 19th ultimo, together with the resolutions of the Board of Education for the District of Bonavista therein enclosed, and having laid the same before the Governor, I am directed to convey to you His Excellency's approval of such of those resolutions as are intended as Bye-Laws for the Government of the Board, or for the

APPENDIX.

general regulation of the Schools established by it, viz.—the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 12th.—The 11th and 13th, having merely a temporary object, do not require His Excellency's sanction.

On the subject of the 6th, I am desired to remark that the object of the Legislature being the diffusion of Education among the Children of every religious persuasion in this Colony, without distinction or preference, the Books to be selected for the Schools should be such as will not be repugnant to the tenets of any sect whatever.

The Board of Education here and at Harbor Grace, have accordingly adopted the books used in the National Schools of Ireland.

And with regard to the Religious Instruction of the pupils in the several Schools, His Excellency observes that no provision has been made by your Board for that purpose—he, therefore, suggests, for its consideration, a rule which has been adopted in the Districts of St. John's and Harbor Grace, and of which a copy is subjoined.

“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.”

At future meetings of your Board it will be very desirable that such resolutions as are of a general nature shall be kept quite distinct from those the object of which is only temporary.

I am,

Sir, &c.

(Signed)

J. TEMPLEMAN,
Acting Secretary.

The Revd.

H. J. FITZGERALD,

*Chairman of the Board of Education,
Bonavista.*

Bonavista, September 19, 1836.

SIR,

Your last communication to me of the 6th of this month, having been duly received, and a meeting convened, the following resolution was passed unanimously.

14th. That all Ministers of Religion resident in this Bay 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.

This resolution I transm it to you for the information and approval of His Excellency the Governor.

I remain,

Sir, &c.

(Signed,)

H. J. FITZGERALD.

JOSEPH TEMPLEMAN, Esq.,

Acting Colonial Secretary.

Secretary's Office,

5th October, 1836.

SIR,

I have received and laid before the Governor your letter of the 19th of Sept. and he directs me in reply to express his approbation of the 14th rule which the Board has adopted at his suggestion; but as he observes that no notice has been taken of the following paragraph of Mr. Templeman's letter of the 6th September, “on the subject of the 6th rule, I am desired to remark that the object of the Legislature being the diffusion of Education among the children of every religious persuasion in this Colony, without distinction or preference, the books to be selected for the Schools should be such as will not be repugnant to the

APPENDIX.

“tenets of any sect whatever. The Boards of Education here and at Harbour Grace have accordingly adopted the books used in the National Schools of Ireland”—he requests that you will convene the Members of the Board and again bring it before them. Should the words of the 6th rule be designed to establish the authorized version of the Scriptures as a School book, His Excellency cannot give his sanction to a measure which would operate as an exclusion to children of the Roman Catholic persuasion.

The Legislature which passed the Education Act was, in regard to religious profession, of a mixed description, as is the community for whose universal benefit it was intended; and as Roman Catholics object to the introduction of our version of the Scriptures, and to their children being instructed therefrom, His Excellency trusts that the Board will see the propriety of so wording the 6th rule as may remove from their minds all doubt and apprehension on the subject.

I am,

Sir, &c.

(Signed)

JAS. CROWDY.

The Rev. H. J. FITZGERALD,

Bonavista.

Bonavista, November 25, 1836.

SIR,

I beg to acknowledge the receipt of your letter of Oct. 5, 1836, and send you the following extracts from the proceedings of the Board of Education in this Bay.

Nov. 25. A Meeting was convened this day (a Board could not be formed sooner in consequence of the absence of one member and the sickness of another) at which were present Revd. H. J. Fitzgerald and A. Nightingale—S. Miffen and J. Skelton, Esq'rs—Messrs. A. Arnott, J. Shears, and T. Gaylor. Mr. E. Mullally was reported confined to his bed by sickness.

A letter was read from the Colonial Secretary, bearing date Oct. 5, after the reading of which the following resolutions were passed unanimously:—

1st. That His Excellency the Governor be informed that this letter, though dated Oct. 5, did not reach this place till November 22, in a vessel (the Ocean) direct from St. John's—and that the Board had meanwhile purchased School requisites, according to its 6th rule, to the amount of £16 currency and upwards—which requisites are now on hand.

2d. That this meeting exceedingly regrets that His Excellency should object to the authorized version of the Scriptures in the Schools of this Bay, the population of which is more than three-fourths Protestant—more especially as in all the Schools in the Bay the Scriptures have always been used as a School book; and no objection has been made by Roman Catholics generally, to send their children to such Schools—they, on the contrary, having always readily and thankfully embraced the opportunity of education afforded by such Schools.

3rd. That His Excellency be informed that no objection was made when all the Roman Catholic members of the Board were present, to the use of such books as were in common use in the Schools of the Bay; though they appeared well aware of the character of such books. The matter was, however, only a matter of conversation; no definite rule being made on the subject, as the members of the Board were worn out by a long sitting of nearly six hours.

At the Meeting of August 18, at which rule 6 was adopted, the Roman Catholic member who was present most fully agreed with all the other members then present in adopting the Scriptures as one of the School books.

4th.—That this Board would not insist on the Bible being put into the hands of the Roman Catholic Children that might be in any of the Schools—(tho' in three of the Schools contemplated by the Board there would not probably be any children of that persuasion)—but they might otherwise employ themselves (in a separate part of the room if necessary) in learning their tasks &c. for the half-hour each day in which the others might be reading the Bible. They would leave the matter entirely optional with the Roman Catholics whether or not their children should read the Bible with the others.

5th.—That this Board hopes under these considerations to receive His Excellency's assent to the use of the Bible in the Schools.

6th.—That His Excellency be informed that the majority of the members now present have no knowledge of the nature of the books used in the National Schools of Ireland—but that those members who have a knowledge of them know that some of them inculcate tenets

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contrary to Protestantism, and therefore are unfit for Protestants—they have reason also to believe, from the reading of documents to be depended on, that the whole system works very unfavourably in Ireland to the interests of Protestantism, and is almost universally condemned by Protestants of all denominations.

7th.—That if His Excellency will not allow the Scriptures to be used, this Board must respectfully but firmly state it to be their conscientious determination not to lend themselves to a system of education which would exclude the pure word of God; as they would thereby fail in their duty to themselves and their fellow subjects in surrendering their unalienable right—a right derived from God himself—to search the Scriptures.

I subscribe myself, &c.

(Signed)

H. J. FITZGERALD,
Chairman.

JAMES CROWDY, Esq.

Secretary's Office,
22d December 1836.

SIR,

In reply to your letter of the 25th ultimo, transmitting extracts from the proceedings of the Board of Education of Bonavista Bay, I am directed to acquaint you that as it is the Governor's intention to bring the Education Act under the consideration of the Legislature, with a view to some alteration being made in it, His Excellency has no objection to the Board acting for the present on the Rules and Regulations which have been adopted, reserving to himself however the power of disallowing the 6th Rule should it be found to have the effect of preventing the Children of Roman Catholics from participating in the benefits which the Act contemplated should be extended to all classes.

I am,

Sir, &c

(Signed,)

JAS. CROWDY.

The Revd. H. J. FITZGERALD,
Bonavista.

Bonavista,
7th September, 1837.

A Meeting of the Board of Education was this day held, at which were present—

Revd. H. J. Fitzgerald, Thomas Gaylor, Samson Miffen

Edward Mullally, and Archibald Arnot, Esquires.

Resolved, that His Excellency be informed that a full Meeting could not be had at the proper time or up to this date, on account of the pressing business, &c. of some of the Members, and others being absent, and that therefore, the Members present determine to proceed to business and draw out a statement of their proceedings for the past year, to be transmitted to His Excellency.

2d.—That His Excellency be informed that this Board has established four Schools—a full report of which, respecting the Masters, their Salaries, Scholars, expenses for requisites, &c. is herewith sent.

His Excellency will perceive that the accounts of the Board have been made out up to November next for greater convenience.

(Signed,)

H. J. FITZGERALD,
Chairman.

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STATEMENT OF THE SCHOOLS IN THE BONAVIDA DISTRICT.

Settlement where the School is situated.	Master's Name.	Date of appointment.	Salary.	Scholars.		Protestants.	Roman Catholics.	Sums appropriated for School requisites.	Total of Scholars.
				Male.	Female.				
Broad Cove	Pk. Larkins	1st Nov. 1836	£25Cy.	25	15		Roman Catholics	£4 1 6 Cy.	40
Tickle Cove	Jn. Skiffington	7th May, 1837	25	27	19	Not stated	Not stated	4 1 6	46
Salvage	Jn. Sainsbury	1st Nov. 1836	25	29	16	Protestants		4 1 6	45
Fair Island	Moses Cutler	Do.	10	20	12	Protestant		2 0 9	32
Pinchards' Island			15	No application made		for an appointmt.		2 0 9	

(Signed,)

H. J. FITZGERALD,

Chairman.

The District of Bonavista in Account with the Board of Education.

		Currency.		1836.		Currency.
836.	10 Sept. To Cash paid Mr. Willoughby for School requisites as per acct.....	£16 6 0		1837	10 Sept. Cash received from the Colonial Treasurer.....	£57 13 10
	11 May, To Cash to be paid Pat. Larkins ½ year's salary Nov. to May.....	12 10 0			10 Aug. This sum to be received by warrant from the Colonial Treasurer, as notified by the Colonial Secretary to this Board	57 13 10
	1 Nov. Do Do. John Sansbury 1 year's salary, 1st Nov. 1836 to the 1st Nov. 1837.....	25 0 0				
	Do. Do. Pat. Larkins ½ year's salary 1st May to 1st Nov. 1837.....	12 10 0				
	Do. Jno. Skiffington ½ year's salary May 7 to Nov. 7, 1836.....	12 10 0				
	Do. Do. Moses Cutler 1 year's salary Nov. 1st 1836 to Nov. 1837....	10 0 0				
		_____				_____

TWILLINGATE AND FOGO.

BOARD OF EDUCATION for the Electoral District of *Twillingate and Fogo*, appointed by Warrant under the Hand and Seal of His Excellency the Governor the 24th May, 1836.

The Revd. J. CHAPMAN

— — MARTIN J. BERRIGAN

ANDREW PEARCE

ROBERT TREMLETT

STEPHEN LAWLER

JOHN PEYTON

THOMAS LYTE

JAMES BELL,

MR. HENRY KNIGHT

“ JAMES LUDLOW

“ JAMES PRESTON

“ JOSEPH BURGE

“ JOSEPH COLBURNE.

} Esquires.

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Secretary's Office,
24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education, which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint, for the Electoral District of Twillingate and Fogo, I have the honor to transmit to you herewith His Excellency's Warrant constituting the said Board.

I have, &c.

(Signed,)

J. TEMPLEMAN,

Acting Secretary.

The Revd. J. CHAPMAN,
Twillingate.

Twillingate, 14th August, 1836.

SIR,

Herewith I beg leave to transmit to you, for His Excellency's information, a paper, containing the substance of the proceedings of the Board of Education for the District of Fogo.

It is the opinion of the Members of our Board generally, that it would have been a more effectual way of proceeding to have assigned the whole of the annual grant to about Three Schools, than to have broken it into so many small portions as we have done, answering to the number of our most destitute settlements:—But we thought it agreeable to the principle of equity to try first what could be done by a general distribution of the grant, as exhibited in the accompanying resolutions. Should this plan fail, which we fear it will do, we shall then feel ourselves at liberty to contract our operations, and to establish that number of Schools only, which the grant is calculated to render effectual.

You will oblige me by informing me, at your convenience, whether the grant for the year 1836, providing we expend little or none of it this year, will be available to us for the year 1837, or any of the following years. Some of our Members are doubtful on this point.

P. S.—No Secretary has been appointed.

I am, &c.

(Signed,)

JOHN CHAPMAN,

Chairman of the Board of Education.

J. TEMPLEMAN, Esq.

REGULATIONS adopted by the Board of Education for the District of *Fogo*, on the 4th day of August, 1836, at their first meeting.

1st.—That a fair proportion of the Grant of the Legislature be applied, on certain conditions, to every settlement of importance within this District.

2nd.—That the following annual Sums, in Currency, be assigned, in aid of paying Schoolmasters, at the stations named below, Viz.

At Fogo, the Sum of.....£ 15	At Tizzard's Harbour.....£ 7
Tilting Harbor..... 15	Morton's Harbour..... 10
Joe Bat's Arm & Barred Islands 15	Exploits Burnt Island..... 10
Change Islands..... 10	Fortune Harbour..... 8
Herring Neck..... 12	Shoe Cove..... 7
Twillingate (South Island)..... 20	Nipper's Harbour..... 5

3rd.—That, in addition to the above sum, the Master is to be paid, in advance, for each Child, from the Parents or Guardians thereof—

For Reading & Writing	5s.	}	per annum.
“ Reading, Writing & Arithmetic	10s.		

4th.—That the Schools, in all the above named Settlements, are to open on the first day of September, and close on the last day of April, in each year, except those at Fogo, Tilting Harbor, Joe Bat's Arm and Barred Islands, and at Twillingate, South Island, which are to

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close on the last day of May in each year,—providing that the Inhabitants and School-master, at any of these stations, do not, by mutual agreement, continue the School through the interval.

5th.—That any person, before admitted Teacher, must be recommended to the Board by the Inhabitants of the settlement for which he is intended, and by two or more of the Directors residing nearest that place.

6th.—That every Teacher employed by the Board shall keep a Register of his Scholars, and an account of all payments made to him, which he shall transmit to the Secretary at the close of School-term, when he shall be paid the Sum due to him for that year.

7th.—That any of the Members shall have power to inspect the management of the Schools, and the conduct of the Teacher, and to report thereon, if requisite, to other two Members of the Board, who shall discharge him on sufficient cause.

8th.—That in those settlements where the population are of different religious denominations, no books which can reasonably give offence are to be introduced for the instruction of the Scholars.

9th.—That after the year 1886, the Board shall meet twice in each year, viz. on the first Wednesday in July, as provided in the Act, and on the third Wednesday in the month of August.

10th.—That the Chairman, or in case of his absence, or refusal, any three Members of the Board, shall have authority to call a special meeting of the Board, giving a fortnight's notice thereof, and naming the object for which the meeting is called.

(Signed,)

J. CHAPMAN,

Chairman.

Members present at the first Meeting of the Board—

The Revd. J. Chapman

“ J. M. Berrigan

Mr. James Bell

“ Robert Tremlett

“ Andrew Pearce

“ William Burge

Mr. Thomas Lyte

“ John Peyton

“ James Preston

“ Henry Knight

“ Josiah Colbourne

Absent—Mr. S. Lawler, — Mr. James Ludlow.

Treasurer to the Board,

Mr. ANDREW PEARCE, *Twillingate.*

Secretary's Office,

13th September, 1836.

SIR,

The regulations adopted by the Board of Education for the District of Fogo, (Copy of which was transmitted in your letter of the 14th ultimo) having been laid before the Governor, I have received His Excellency's directions to signify to you his approval of the same.

I have, &c.

(Signed,)

JAMES CROWDY.

The Revd. J. CHAPMAN,

Twillingate.

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FERRYLAND.

BOARD OF EDUCATION for the Electoral District of *Ferryland*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, the 24th May 1836.

The Revd. **TIMOTHY BROWN**
ROBERT CARTER, Esq. R. N.
ROBERT CARTER, Esq. Customs
BENJAMIN SWEETLAND, Esq.
THOMAS WRIGHT, Esq.
GEORGE SIMMS, Esq.
THOMAS CONGDON, Esq.
PETER WINSOR, Esq.
JAMES CARTER, Esq.
MR. MATTHEW MORRY
“ **JOHN W. SAUNDERS**
“ **EDWARD POWER**
“ **ALLEN GOODRIDGE**.

Secretary's Office,
24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education, which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint, for the Electoral District of *Ferryland*; I have the honor to transmit to you herewith his Excellency's Warrant constituting the said Board.

I have, &c.

(Signed,)

J. TEMPLEMAN,
Acting Secretary.

The Revd. **TIMOTHY BROWN**.

BYE-LAWS, RULES and REGULATIONS for the Government of the Board of Education for the Electoral District of *Ferryland*, and for the establishment of the Schools within its District, adopted on the 15th October, 1836.

1st.—That for the purposes of the said Act, there shall be four Meetings of the Board holden at *Ferryland* in each and every year, at the times herein after mentioned, *Viz.* on the first Wednesday in July, the first Wednesday in October, the first Wednesday in January, and the first Wednesday in April.

2d.—That the Teachers of all Schools established by the said Board shall require and receive, for their use and benefit, from every Scholar, payment in advance according to the following scale—

Reading for the half year.....	2s. 6d.
Reading and Writing, ditto.....	5 0
Reading, Writing and Arithmetic,	7 6.

3rd.—That the School Hours from the first day of March to the first day of November shall be from nine in the morning to twelve, and from one to five in the afternoon; from the first November to the first March, from nine to twelve, and from one to three.

4th.—Teachers to be paid their Salary quarterly, in advance, if required; and the inhabitants of each settlement to provide a School-room and Fuel for the same.

5th.—No Sectarian names to be permitted to be used in any School under the control of this Board; and that no books having religion for their tendency, be allowed in any School; but that those to be used must be confined to works on Elementary Education.

6th.—That all Teachers shall receive and educate any number of Children that may be sent them as free Scholars.

7th.—That all Ministers of Religion shall have power to visit the Schools under the control of this Board, and from time to time withdraw the pupils of their respective Commu-

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nions 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.—All orders for the payment of Salaries must be signed by the Chairman, and countersigned by the Secretary.

9th.—That every Teacher connected with this Board keep a Registry of Scholars, and a quarterly return thereof to the Secretary shall be made.

10th.—That all Schools about to be established by this Board shall adhere strictly to its Bye-Laws, Rules and Regulations, and which shall be affixed in some conspicuous part of each School-room.

(Signed,)

THOMAS WRIGHT,

Secretary.

Ferryland, 16th Oct. 1836.

Secretary's Office,

28th November, 1836.

SIR,

I have laid before the Governor the Copy of the Rules and Regulations adopted by the Board of Education of the District of Ferryland, and in conveying to you His Excellency's approval of them, I am at the same time to acquaint you that it is given with the understanding that in the event of the inhabitants of any Settlement not complying with the latter part of the 4th Rule, which provides that they shall furnish a School-room and Fuel, it shall not preclude them from enjoying that portion of the Grant which it was intended by the Legislature should be appropriated to each Settlement.

I have, &c.

(Signed)

The Revd. **TIMOTHY BROWN,**
Ferryland.

JAMES CROWDY.

20th December, 1836.

A Warrant constituting a new Board of Education for the Electoral District of *Ferryland* was this day issued, composed of the following Gentlemen—viz.

The Revd. Timothy Brown
— — Andrew Cleary
Lieut. Robert Carter, R. N.
Robert Carter, Esq.
Thomas Wright, Esq.
John L. McKie, Esq.
Thomas Congdon, Esq.

Peter Winsor, Esq.
James Carter, Esq.
Matthew Morry, Esq.
John W. Saunders, Esq.
Edward Power, Esq.
Allen Goodridge, Esq.

PLACENTIA AND ST. MARY'S.

BOARD OF EDUCATION for the Electoral District of *Placentia & St. Mary's*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, the 5th August, 1836.

The Reverend **PELAGIUS NOWLAN**
ROGER F. SWEETMAN
JOHN WILLS MARTIN
FRANCIS L. BRADSHAW
WILLIAM G. BRADSHAW
JOSEPH TUCKER
JOSIAH BLACKBURN
WILLIAM SWEETLAND
JOHN COZENS
ALEXANDER CHAMBERS
THOMAS KOUGH
Mr. **JOHN RIELLEY**
“ **NICHOLAS HAYES.**

} Esquires.

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Secretary's Office,
24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint for the Electoral District of Placentia and St. Mary's, I have the honor to transmit to you herewith His Excellency's Warrant constituting the said Board.

I have &c.

(Signed,
JOSEPH TEMPLEMAN,
Acting Secretary.

Placentia, 23rd August, 1836.

SIR,

At a Meeting of the Board of Education for the District of Placentia and St. Mary's, the enclosed Resolutions were agreed to; I request you to lay them before His Excellency the Governor for approval.

I am, Sir,

Your obedient Servant,

(Signed,
R. F. SWEETMAN.

J. TEMPLEMAN, Esquire.

At a General Meeting of the Commissioners appointed under the Colonial Act 6th Wm. 4, Cap. 13, for Education in the District of Placentia, for the purpose of carrying into effect the provisions of the said Colonial Act, held at the Court-House on Monday 22nd August—

Present—

Reverend P. Nowlan
R. F. Sweetman]
F. L. Bradshaw
W. G. Bradshaw
Josiah Blackburn

William Sweetland
John Rielley
Thomas Walsh
James Murphy
Nicholas Hayes.

1st.—Proposed by Wm. Sweetland, Esq., and seconded by the Revd. P. Nowlan, that R. F. Sweetman, Esq. be Chairman of the Board of Education, and that Mr. J. Murphy be appointed Secretary to the same.

2nd.—Resolved, that His Excellency's Instructions to the Revd. P. Nowlan be communicated to the Board.

3rd.—The Commissioners keeping in view the purposes of the Act, *Resolve*, that agreeable to the said Act their Schools be styled elementary, and confined to the teaching of Reading, Writing and Arithmetic.

4th.—Resolved, that nothing of a Sectarian tendency shall be taught in the Schools, nor any religious instruction given in School hours.

5th.—Resolved, that no sum less than Ten pounds, stg., should be voted to any place.

6th.—Resolved, that no sum be given to any place which is supposed to be capable, but will not make any effort in favour of the building of their School.

7th.—Resolved, that considering a large majority of the inhabitants capable of contributing towards the education of their children, that no pupil shall be admitted to the Schools unless he pay or cause to be paid an entrance fee of five shillings currency, save and except the Board give a certificate of the inability of the parents to pay—then and in such case to be exempt from paying.

8th.—Resolved, That the Sum of Two Shillings and Six Pence, in aid of the funds of the Schools, be exacted quarterly from the Parent or Parents of each Pupil, unless certified by the Board to be unable to pay, when the pupil shall be admitted free.

9th.—Resolved, That the Board appoint the School-Master or School-Mistress, for the time being, to collect the entrance fee and quarterly subscription, and to account to the Board for the same.

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10th.—Resolved, That in the selection of Teachers, those only should be chosen who are of the best moral character, whose writing be approved of by the Board, and most capable of teaching the various branches set forth as above, and is well recommended.

11th.—That the Sum of Twenty Pounds, Sterling, be voted for the support of a School at Trepassey.

12th.—That the Sum of Twenty Pounds, Sterling, be given for the support of a School at St. Mary's.

13th.—That the Sum of Thirty Pounds, Sterling, be voted for a School-Master, and Twenty Pounds, Sterling, for a School-Mistress, for Great Placentia.

14th.—That the like Sum be voted for a School-Master and School-Mistress, at Little Placentia.

15th.—That Twelve Pounds, Sterling, be given for the support of a School at Rameo Islands.

16th.—That Twelve Pounds, Sterling, be given for the support of a School at Red Island.

17th.—That the Sum of Fifteen Pounds, Sterling, be given for a School-Master, and Ten Pounds, Sterling, for a School-Mistress, at Sound Island.

18th.—That Eleven Pounds, Sterling, be given for the support of a School at Barren Island.

19th.—Resolved, That Lawrence Neill be appointed School-Master for St. Mary's, Anne Walsh, School-Mistress at Great Placentia; John Kain, School-Master, and Hannah Walsh, School-Mistress, at Little Placentia; John Hallett, School-Master, and Mrs. Beazley School-Mistress, at Sound Island: and the Board regret their means being inadequate to the establishment of Schools at the following places—viz. Woody Island, Isle of Valen, Burgeo, Merasheen, Presque and Paradise.

20th.—Resolved,—That the Inhabitants be notified by the Secretary of the Board the necessity of erecting or providing a School-House in their respective locations, in order to participate in the benefit of the Act.

21st.—Resolved, That such Persons as have been teaching School since 6th May, and are now appointed by the Board, be entitled to the full Salary voted by the Commissioners.

22nd.—Resolved, That the thanks of the Board be conveyed to His Excellency the Governor for his offer of Grants of Land whereon to erect Schools.

(Signed,)

R. F. SWEETMAN,

Chairman.

Secretary's Office,

28th September, 1836.

SIR,

I have received and laid before the Governor the Resolutions adopted by the Board of Education for Placentia and St. Mary's, transmitted in your letter of the 23rd ultimo, and I am directed by His Excellency to say, that before giving his approval to them he must request you will be good enough to explain a seeming inconsistency in giving to Great and Little Placentia each Fifty Pounds, and to St. Mary's Twenty Pounds only—the latter appearing by the last Census to have a larger population than the former of the other two.

I have, &c.

(Signed)

JAMES CROWDY.

R. F. SWEETMAN, Esquire,
Placentia.

Placentia, 15th November, 1836.

SIR,

At a Meeting held at the Court House this day, His Excellency the Governor's Warrant of the 5th August, appointing a new Board of Education for Placentia and St. Mary's, was read, as also your letter of the 28th September, when the enclosed Resolutions were adopted, which I request you to lay before the Governor.

APPENDIX.

Should His Excellency approve of the Resolutions, it is desirable to have the Rules or Resolutions, as amended, printed, that the same may be transmitted without delay to the respective Schools, as ordered by the tenth resolution at this day's meeting: fifty copies will suffice for the Schools, the members of the Board of Education, and for distribution in the District.

I beg to state that three of the members of the present Board will shortly be absent, viz. Mr. John Cozens, who does not reside in this District; Mr. Sweetland, who quits this Bay in a few days to reside at Bonavista; and I intend to sail for Ireland in the course of next month.

I have, &c.

(Signed,)

R. F. SWEETMAN.

The Hon. JAMES CROWDY.

At a General Meeting of the Board of Commissioners under the Education Act, for the District of Placentia and St. Mary's, held at the Court House at Placentia on Tuesday the 15th Nov. 1836, pursuant to notice—

PRESENT,

R. F. Sweetman, Esq. Chairman

Revd. P. Nowlan

William Bradshaw, Esq.

F. L. Bradshaw, Esq.

Joseph Tucker, Esq.

Josiah Blackburn, Esq.

Mr. John Ridley

Mr. William Sweetland—who,

in the absence of a Secretary for the Board, was voted to act as such, pro. tem.

His Excellency the Governor's communication of the 5th August, appointing a new Board of Commissioners, together with the Warrant, and also His Excellency's communication of the 28th September, relative to the proceedings of the Board's meeting on the 22d of August last, were ordered to be read, which being done—

1st.—It was Resolved, by W. Bradshaw, Esq. and seconded by F. L. Bradshaw, Esq.,

That the smallness of the original vote for St. Mary's was owing to a communication from thence which stated "that the sum of twenty pounds would be sufficient for that place."

2d.—Resolved, by J. Blackburn, Esquire, seconded by Reverend P. Nowlan,

That in consequence of the migratory habits of the inhabitants of the Rameo and Barren Islands, and no one being found on them capable or willing to teach, and no effort being made by the inhabitants thereof to get up Schools, tho' solicited so to do by the members of this Board,—the 15th and 18th Resolution of our last meeting, in favor of those places, be rescinded.

3d.—Resolved, by Reverend P. Nowlan, seconded by J. Blackbourne, Esquire,

That in consequence of Mr. John Hollett declining to teach at Sound Island, and the inhabitants thereof being unwilling to erect a School House there, though solicited so to do, the 17th Resolution at the meeting of the Board on the 22d August last, be rescinded.

4th.—Resolved, by J. Blackburn, Esquire, seconded by F. L. Bradshaw, Esquire,

That Saint Mary's be placed on a footing with Great and Little Placentia, with regard to Teachers and their allowances.

A communication from Mr. T. E. Collet, at Harbour Bouffet, to Mr. Sweetland, stating that at a meeting of the inhabitants of that place it was determined to erect a School House there; that being in possession of some funds they had contracted for its erection being completed by May next,—was then read to the Board, when it was—

5th.—Resolved, by F. L. Bradshaw, Esq. seconded by Mr. John Rielly,

That the sum of Ten pounds be voted for Harbour Bouffet, in aid of their School, for the Teacher; and as it was the wish of the inhabitants that Mr. T. E. Collett would take the charge of instruction on him, that he be appointed their School-master.

6th.—Resolved, by F. L. Bradshaw, Esquire, seconded by J. Blackburn, Esquire,

That the sum of Eight pounds be set apart for a supply of Stationery and Books for the use of the Schools.

7th.—Resolved, by F. L. Bradshaw, Esquire, seconded by Revd. P. Nowlan,

That John Sinclair, Esquire, Merchant at St. John's, be Treasurer for the Board of Education for the District of Placentia and St. Mary's, and that the Chairman do issue the neces-

APPENDIX.

sary Warrant or Warrants to the said Treasurer to receive from His Excellency the Governor the sum voted those Districts under the Colonial Act of 6th Wm. 4, Cap. 13, agreeable to the 5th section thereof.

8th.—Resolved, by F. L. Bradshaw, Esquire, seconded by Mr. Rielly,—

That a Warrant in duplicate, stating them to be first and second, drawn by any Teacher appointed under this Board, certified by the Chairman of the Board, or in his absence by three at least of the Members of the Board, shall be sufficient Warranty or Voucher for the Treasurer from time to time to pay the stipend due thereon.

9th.—Resolved, by J. Blackburn, Esquire, seconded by Mr. Rielly,—

That the School-Hours to be observed in the months of November, December, January, February and March, be from 10 o'clock in the Forenoon till 3 in the Afternoon; and from the 1st day of April till the last of October, be from 9 o'clock in the Forenoon till 12 o'clock, and from 2 o'clock in the Afternoon till five, Saturdays excepted, when School hours cease at 12.

10th.—Resolved, by J. Blackburn, Esq. seconded by Mr. Rielley,—

That when the Resolutions of this Board have had His Excellency the Governor's approval, a copy of them be furnished each of the Teachers, and be by them placed in public view in some conspicuous part of their School-Room.

11th.—Resolved, by F. L. Bradshaw, Esq. seconded by Revd. P. Nowlan,—

That the Board regret the loss of Mr. James Murphy's able services, in consequence of the omission of his name from the last Warrant.

(Signed,)

R. F. SWEETMAN,
Chairman.

WM. SWEETLAND,
Secretary, pro. tem.

Secretary's Office,
20th December, 1836.

SIR,

I have received and laid before the Governor your letter of the 15th ultimo, transmitting certain Resolutions adopted at a Meeting of the Board of Education for Placentia and St. Mary's District; and I am directed to convey to you His Excellency's approval of the Rules and Regulations forwarded in your letter of the 23d August, as modified by the resolutions above adverted to.

There can be no objection to the rules being printed, but the expense must be defrayed from the sum appropriated for your District, as His Excellency has no other fund from which to pay it.

I transmit herewith a Warrant forming a new Board, substituting Mr. George Simms and Mr. James Murphy, for Mr. Wm. Sweetland and Mr. John Cozens.

I have, &c.

(Signed)

JAMES CROWDY.

R. F. SWEETMAN, Esquire,
Placentia.

Warrant above referred to, dated the 20th December, 1836, and composed of the following Gentlemen—

The Revd. P. Nowlan
R. F. Sweetman, Esq.
John W. Martin, Esq.
F. L. Bradshaw, Esq.
Wm. G. Bradshaw, Esq.
Joseph Tucker, Esq.
Josiah Blackburn, Esq.

George Simms, Esq.
James Murphy, Esq.
Alex. Chambers, Esq.
Thomas Kough, Esq.
Mr. John Reilley, and
Mr. Nicholas Hayes.

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BURIN.

BOARD OF EDUCATION for the *Electoral District of Burin*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, the 24th May, 1836.

The Reverend **MICHAEL BERNEY**
" " **WILLIAM HENNIGAR**

WILLIAM HOOPER
CLEMENT BENNING
WILLIAM EVANS
WILLIAM HARRISON
GEORGE KING
ELIAS FALLE
FREDERIC PAGE
JOHN THORNE
Mr. **THOMAS DARBY**
" **GEORGE LAKE**
" **JOHN FORSEY.**

} Esquires

Secretary's Office,
24th May, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education, which, under the authority of an Act passed during the late Session of the Colonial Legislature, the Governor has been pleased to appoint, for the Electoral District of Burin; I have the honor to transmit to you herewith his Excellency's Warrant constituting the said Board.

I have, &c.

(Signed.)

J. TEMPLEMAN,
Acting Secretary.

The Revd. **MICHAEL BERNEY.**

Burin, 12th September, 1836.

SIR,

I have the honor to transmit herewith a Code of "Bye-Laws, Rules and Regulations, adopted by the Board of Education for this District," as also an appropriation of the Sum voted for that purpose, agreeably to an Act of the Colonial Legislature 6th Wm. 4, Cap. 13; and which you will please lay before His Excellency the Governor, at your earliest leisure, for his approval.

I have &c.

(Signed,)

FREDERIC R. PAGE,
Secretary.

To **JAMES CROWDY, Esquire,**
Colonial Secretary.

DISTRICT OF BURIN.

BYE-LAWS, RULES and REGULATIONS for the Government of the Board of Education, adopted at a Meeting on the 12th September, 1836, convened and held at the Court-House.

At a Meeting of the Board of Education for the District of Burin, convened at the Court-House on Monday the 12th day of September—

Present—

The Revd. **Michael Berney**
" " **James Hennigar**
William Hooper, Esq.
Clement Benning, Esq.

Frederic R. Page, Esq.
George King, Esq.
Elias Falle, Esq.
Mr. Thomas Darby.

APPENDIX.

And from which were chosen the following Gentlemen as Officers for the ensuing Year.

Viz.

Reverend Michael Berney, *Chairman.*

Frederic R. Page, Esquire, *Secretary.*

George King, Esquire, *Treasurer.*

The Reverend Michael Berney being chosen Chairman on the present occasion, the following Bye-Laws, Rules and Regulations, for the guidance of the Board of Education appointed in pursuance of the Act of the Colonial Legislature 6th Wm. 4, Cap. 13, for the Electoral District of Burin, and for the Establishment and Management of Schools, were unanimously adopted:—

1st.—At the Annual Meeting of the Board, to be holden on the first Wednesday in July in every year, there shall be chosen 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 Burin, in each and every year, at the times herein after 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 seven 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 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.

6th.—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.

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 to be established by this Board, except such as shall be approved of by the Board, whose aim it shall be to select works which cannot give any reasonable offence to members of any religious denomination.

9th.—That no money shall be paid by the Treasurer except under an order of the Board, 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 and shall make a return to the Secretary once in every three months, and shall be paid quarterly.

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 in advance according to the following scale—

Reading for the half year..... 2s. 0d.

Reading and Writing, ditto..... 4 0

Reading, Writing and Arithmetic, 5 0

And shall keep a correct account of the amount received, and transmit the said account at the end of each quarter to the Secretary.

12th.—That in cases where parents or guardians are not able to pay the specified sum for the Education of Children, it shall be in the power of the Board to admit them gratis.

13th.—That all persons offering themselves in the character of Teachers, shall undergo examination before the Board, in reference to their moral character and other suitable qualifications.

14th.—That all Schools to be established by this Board, shall adhere to its Bye-Laws, Rules and Regulations.

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The Revd. Michael Berney having left the Chair, and the Revd. James G. Hennigar having been called thereto, the thanks of the Meeting were voted to the former Gentleman for his able conduct in the Chair.

It was considered expedient, and thereby Resolved on, that the following sums be appropriated towards the establishment and support of Schools at the places enumerated under, for the year ending on the first day of November, 1837, that is to say,

Flat Islands.....	£ 6 0 0
Rock Harbour, Jean de Bay, Goulds Cove, Spanish Cove	8 0 0
Beau Bois, Big Head, Little Bay, Judicial, Tides Cove, Mortier.....	10 0 0
Burin.....	33 0 0
Great St. Lawrence, Little St. Lawrence, Corbin.....	11 0 0
Lawn.....	5 0 0
Lamalaine.....	10 0 0
Grand Bank, and that part of the District from Fortune to Garnish, the latter included.....	17 0 0
	<hr style="width: 100%; border: 0.5px solid black;"/>
	£100 0 0

(Signed,)

FREDERIC R. PAGE,
Secretary.

Secretary's Office,
24th September, 1836.

SIR,

I have received and laid before the Governor a copy of the Bye-Laws, Rules and Regulations adopted by the Board of Education of the District of Burin, and I am directed by His Excellency to convey to you his approval of them.

I have, &c.

(Signed,)

JAS. CROWDY.

The Revd. **MICHAEL BIRNEY,**
Chairman of the Board of Education,
Burin.

FORTUNE BAY.

BOARD OF EDUCATION for the Electoral District of *Fortune Bay*, appointed by Warrant under the Hand and Seal of His Excellency the Governor, the 25th October, 1836.

The Reverend W. NISBETT

JOHN CHAPMAN, Esquire

THOMAS E. GADEN, Esquire

JOHN ELLIS, Esquire

Mr. ANDREW ELLIS

“ WILLIAM GALLOP

“ ——— LEE

“ JOHN CLUIT

“ ROBERT WHITE

“ JOHN WAKELY

“ JOHN GRANDY

“ THOMAS ANDERSON

“ THOMAS READ.

Secretary's Office,
25th October, 1836.

SIR,

Your name being placed at the head of the Board of Commissioners of Education which, under the authority of an Act passed during the last Session of the Colonial Legislature, the

APPENDIX.

Governor has been pleased to appoint for the Electoral District of Fortune Bay, I have the honor to transmit to you herewith His Excellency's Warrant constituting the said Board.

I have, &c.

(Signed,)

JAMES CROWDY.

The Rev. W. NISBETT.

Harbor Briton, Fortune Bay,

2nd December, 1836.

SIR,

I have had the honor of your letter, with the Governor's Warrant of the 25th of October, for the Board of Education, and after a good deal of trouble to get a sufficient number of them to assemble, I have been at last enabled to have their first meeting on the 25th November. At this Meeting 14 Bye-Laws, Rules and Regulations, were unanimously agreed to, and 5 other Resolutions passed by a majority of 6 to 1.

I hope what has been done will meet His Excellency's views and approbation; if it should not, it would greatly embarrass us from the great difficulty of assembling so many persons as is necessary to transact the business. In the Winter Season here, communication is not only cut off with St. John's, but also in a great degree with the neighbouring Settlements—few, except Clergymen or Medical men, would think of travelling. These arrangements are the best that the Board could make to begin with, and for a year. I hope that next summer the Board will be able to act on its 10th Rule, if suitable persons can be found to go from Settlement to Settlement. I have visited all the places named in Resolution 2, except Grote,* which is very difficult of access. They are the largest Settlements in the District, and average from 16 to 18 families, which are large for this neighbourhood, where the locations do not in general consist of more than 4 or 6 families. They are all very poor. I make these remarks because they have some bearing on the Resolutions passed by the Board; and with great respect,

Sir,

I have the honor to be, &c.

(Signed,)

WILLIAM NISBETT,

*Chairman of the Board of Education,
Fortune Bay.*

The Hon. JAMES CROWDY.

* Grote is on a point of Land between Connaigre and Hermitage Bay. I hope to visit it soon. Pushthrough is on the opposite shore, across the Bay.

The Master is expected to Teach in both places—6 months in each. See Resolution 2, and Rule 9.

BYE-LAWS, RULES AND REGULATIONS, for the Government of the Board of Education, appointed in compliance with the Act of the General Assembly of Newfoundland, 6th Wm. 4, Cap. 13, for the Electoral District of Fortune Bay, adopted 25th November, 1836.

Rule 1st.—For the purposes of the said Act there shall be held three meetings of the said Board at Harbor Briton—that is to say,—on the first Wednesday in May, the first Wednesday in July, and the 20th day of September in every year.

2nd.—At the Meeting of the Board on the first Wednesday in July, agreeably to the requisition of the Act, there shall be chosen a Chairman, Treasurer and Secretary.

3rd.—That the Chairman, or, on his refusal, or in his absence, any Four 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 two days notice of the same, and acquainting the Members with the object of the said Meeting.

4th.—No business 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 so many Schools as they can be efficiently applied to.

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6th.—That every School connected with the Board shall be inspected by the Chairman and one other Member at least,—who shall report its state to the Board not less than twice in the year.

7th.—The Teachers shall instruct the Children by any Books that their Parents or Guardians may furnish them with, provided they have no immoral or disloyal tendency.

8th.—No money shall be paid by the Treasurer except under an order of the Board, which shall be signed by the Chairman, and countersigned by the Secretary, according to Schedule A.

9th.—A School shall be established at Harbour Briton, at Bellerum, at Hermitage Cove, and at Pushthrough and Grote—as soon as Teachers can be engaged by the Chairman to take charge of them.

10th.—As the people in this District are in very small Settlements, much scattered, and move from place to place, Teachers shall be employed who shall remove from Settlement to Settlement, teaching so long a time in each and every Settlement, as shall be determined by the Board.

11th.—The Schools shall be taught daily, at least six hours in Summer, and five hours in Winter, except on Saturday, when three hours shall be sufficient.

12th.—Every Teacher connected with this Board shall keep a Register of the attendance of the Scholars, which shall be shewn to the Members of the Board, as often as they may visit the School—and shall make a return to the Board of the state of his School, according to the form prescribed in Schedule B, and shall be paid half-yearly. The return shall be made at least in the year.

13th.—In every Settlement where a Master shall be located, the Parents of the Scholars shall contribute so much money, or wholesome food, as may be sufficient for the subsistence of the Teacher; and shall also find him in lodging and in fuel for the School. But if any family be, in the judgement of the Board, or of the Chairman, in a state of poverty so great as to be unable to give this support, or any part of it, the Children of such family shall be instructed by the Teachers in common with the other Scholars, notwithstanding.

14th.—All Schools to be established by this Board shall adhere to its Bye-Laws, Rules and Regulations.

The above Rules unanimously agreed to on the 25th November, 1836.

(Signed,)

ANDREW ELLIS,
Secretary.

SCHEDULE A,

Is the form of an order to the Treasurer of the Board to pay Money—to be signed by the Chairman and countersigned by the Secretary.

SCHEDULE B,

Is the form of a Return of the names and ages of Scholars—the date of their admission, Parents' names, state at the time of admission and at time of return—the number admitted of both sexes—with Remarks.

Resolved,—that the Reverend Wm. Nisbett be Chairman, and Mr. Andrew Ellis, Secretary, and Thomas E. Gaden, Esquire, be Treasurer, of this Board of Education for the District of Fortune Bay.

2nd.—Resolved,—that the following Sums be granted by this Board as Salaries to Teachers within this District.

Viz.

£20 Currency	to a Teacher at Harbor Briton,
£20 Currency	ditto at Bellerum,
£35 Currency	ditto at Grote and Pushthrough,
£20 Currency	ditto at Hermitage Cove,
£20 Currency	ditto at Harley's Cove.

3d.—Resolved, that £10 Cy. be granted towards the erection of a School House at Harbor-Briton, and £10 for the same purpose at Bellerum.

4th.—Resolved, that the sum of £5 be expended in the purchase of Elementary Books

APPENDIX.

for the use of such children as whose parents are unable to purchase them; and that the Chairman do send for them as soon as possible.

5th—Resolved, That the Chairman be and he is hereby authorized to engage and employ Persons as Teachers, agreeably to the Rules 9th and 10th of the Regulations of the Board, and in such other places as shall seem to the Board expedient.

At a Meeting of the Board of Education held at Harbor Briton on the 25th Nov. 1836—

Present—

Revd. William Nesbitt

Mr. Andrew Ellis

Mr. William Gallop

“ John Chapman

“ Robert White

“ John Grandy

“ John Ellis—

The above 5 Resolutions were agreed to by a majority of Six to One dissentient voice.

(Signed)

WILLIAM NESBITT,

Chairman of the Board of Education,
Fortune Bay.

Secretary's Office,

13th December, 1836.

SIR,

I have received and laid before the Governor the Bye-Laws, Rules, &c. of the Board of Education of Fortune Bay; and I am directed to convey to you the following observations of His Excellency thereon.

As respects the 13th Rule His Excellency recommends that a fixed sum should be given for each Child—2s. 6d. for reading—5s. for reading and writing, and 7s. 6d. for reading, writing and arithmetic; and let the Master decide whether this remuneration, together with the stipend allowed by the Board, is a sufficient inducement to him to perform the duty.

If the inhabitants will furnish a residence, School-room, Firing and Food, so much the better; but this should not be made a *sine qua non*. The Board, at their option, might remit the above payments in case of extreme poverty.

In reference to the 7th Rule, and 4th Resolution, as the population of Fortune Bay is essentially Protestant,—the proportion of Catholics not amounting to 1 in 10,—His Excellency considers there will probably be no difficulty in the choice of books; but he expects that great care will be taken that the Roman Catholic Children are not compelled or even invited to read such as would not be approved by their Parents or Clergy.

In consideration of the difficulty of communication with Fortune Bay at this season of the year, His Excellency sanctions the Board's immediately proceeding to carry into operation the Rules and Resolutions adopted by them; and he will, on a requisition signed by a majority of the Board, issue a Warrant for such sum as may be required for this purpose; but he desires that at the first general meeting of the Board the foregoing observations may be submitted to it.

I have, &c.

(Signed,)

JAS. CROWDY.

The Revd. WM. NESBITT,

Chairman of the Board of Education,
Fortune Bay.

POPULATION RETURNS.

1836.

REFERENCE TO THE DISTRICTS.

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Saint John's	1
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1 CENSUS and RETURN for the District of ST. JOHN'S,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
St. John's, Quidi Vidi and Vicinity.	2226	2899	3975	122	2842	3343	154	928	683	178	8	8
Petty Harbour.	124	146	218	9	172	160	10	369	13	170	33	2
Torbay.	132	199	200	13	145	151	15	24	11	67	1	
Outer Cove and Logy Bay, . . .	58	65	78	1	63	65	1	17	15	62		
Flat Rock, Pouch Cove, and Biscan Cove.	89	109	225	2	112	152	1	3	7	107		
Portugal Cove,	63	167	157	9	146	148	10	10	12	74	1	
Broad Cove:	33	48	50	3	38	33	5		4	27		
Bell Isle and Lance Cove: . . .	56	85	81	7	83	71	5	20	7	15		3
Total.	2781	3718	4984	166	3611	4123	201	1371	752	700	43	13

APPENDIX.

Extending from PETTY HARBOUR to BROAD COVE.

Hheads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.	
																MISCELLANEOUS.	
180	9134	3438	91955	4852	3128	365	981	116	482	28	833	1146	2623	772	11551		
														14946			
13	226	91	5070		43	16	19		2	2	48	87	284		813		
11	1358	431	19570	140	272	69	63		2	2	65	40	156		602		
6	1047	173	8060	590	65	32	24						11		294		
	104	65	8820		35	3	48	4		1	13	13	160	226	235		
3	197	75	5650	20	53	14	19	25	11	2	67	78	356	59	244		
	87	69	2740		60	1	33	1	15	1	5	5	121		60		
8	260	148	6570		152	28	120	29	68	1	10	10	102		257		
221	12413	4290	148425	5602	3808	528	1307	175	579	37	1041	1379	3813	1057	14656		
														18,926			

APPENDIX.

2 CENSUS and RETURN for the District of CONCEPTION BAY,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
South Shore	114	153	157	7	144	141	7	23	11	110		2
Holyrood	84	105	116	2	81	114	3	38	11	31		12
Chapel's Cove	28	36	37		25	40	3	13	4	10	2	4
Harbour Main	81	129	134	2	94	130	4	48	9	45		9
Gasters	19	19	28		24	27				8		
Salmon Cove & Cats' Cove	53	91	90	4	80	84	4	11	2	22	1	4
Bacon Cove :	23	36	32	1	31	28	1	9	1	8		1
Colliers	43	84	81	5	61	65	5	22	11	29		4
Turk's Gut & Bull Cove	24	40	43		15	33	1	1	2	12		1
Brigus	223	293	283	11	241	247	17	165	61	81		1
Cupids	123	208	178	2	158	168	10	72	44	12		4
Cap'in Cove, Salmon Cove, & South Gut	66	110	79	4	99	87	8	18	10			
Northern Gut	36	59	42	1	49	50	4	20	7	1	3	
Bareneed & Sandy Cove	71	106	108	6	89	113	10	42	16	9		11
Port-de-Grave	158	189	227	11	192	214	10	121	65	50	1	20
Bay Roberts	192	266	281	23	269	252	25	94	42	44	11	7

APPENDIX.

Extending from BROAD COVE to BAY DE VERD'S HEAD.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
																MISCELLANEOUS.
	97%	68%	14360	78	36½	21	48	124	76				455	44	144	
	160%	89%	19860	192	34½	23	43	113	103	1	14	3	2		468	
62	9.16	48 5.16	5560		16½	13	14	29	36	1	11	5			158	
	212½	188½	19200	144	91	68	78	96	42	1	30	10			550	
	15	15	3560		10½	2	9	15	5						98	
	80%	80½	14220	110	42½	24	40	45	52						366	
	18%	17%	3540	8	8	2	21	9	19						139	
	38½	33	8380	8	14½	11	18	14	34				32	5	297	
	15%	15½	3120		5	2	14	4	8				8	56	71	
	1229%	830%	13750	362	67½	61	60	66	54	3	94	73	85	684	549	
	147½	95½	15770	60	34	34	33	88	107	1	2	7	237	311	292	
	33 13.16	29 13.16	6950	12	4½	5	11	23	13				281	43	91	
	27	27	5580	28	15½	5	47	31	27				124		108	
	26½	24½	8310		3½	3	8	50	55	1	44	31	400		90	
	63½	54 9.16	13450	12½	10½	2	17	82	88	1	50	50	776	158	95	
	123½	83½	24080	44½	15½	15	44	116	146	1	32	11	767	296	190	

APPENDIX.

3 CENSUS and RETURN for the District of CONCEPTION BAY,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qils.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Spaniards' Bay	81	122	126	4	129	116	7	62	24	8		15
Bread and Cheese Cove	27	56	44	2	37	51	3	9	7	17	2	
Upper Island Cove	89	134	148	4	104	133	7	12	10	49	2	1
Bryan's Cove	41	54	48	6	69	50	6	17	7	34		
Harbour Grace	543	714	805	25	634	774	31	466	161	59	2	4
Mosquito	62	89	95	3	78	99	2	67	15	1		
Carbonear	636	878	957	32	840	843	35	755	145	5		
Fresh Water and Clown's Cove	80	108	130	2	78	103	4	33	13	36	2	
Salmon Cove and Perry's Cove	45	70	56	2	63	54	5	17	4	48		
Broad Cove, Mulley's Cove, and Black Head	118	158	199	10	151	174	16	38	30	105	6	1
Adam's Cove	44	61	65	5	53	62	6	8	4	34		1
Bradley's Cove	15	27	32		25	28		4		19		
Western Bay	104	160	178	13	161	143	13	26	13	73	7	4
Ochre-pit Cove	35	58	70	2	46	49	1	2	7	27	1	
Northern Bay	47	74	72	4	57	70	5	15	6	39	1	3
Gull Island	22	33	37	3	30	30	2	70	4	27		
Job's Cove	35	54	50	1	51	45	2	24	10	35		
Lower Island Cove	81	106	131		109	118	4	56	27	77		
Low Point	22	23	31		15	26		19	12	21		
Bay de Verds	56	68	99	5	70	81	1	46	23	44	5	
Total.	3521	4971	5289	202	4452	4842	261	2380	818	1157	46	109

APPENDIX.

Continued.

Heads of Families who are Servants,	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians,	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers	
																MISCELLANEOUS.	
	63 $\frac{3}{8}$	42 $\frac{7}{8}$	11660	32	10 $\frac{1}{2}$	4	20	41	36	1	115	35	405	14	170		
	13 $\frac{3}{8}$	12 $\frac{1}{4}$	3690	4	4 $\frac{1}{2}$	1	11	18	31				196		13		
	27 $\frac{1}{2}$	25 $\frac{1}{2}$	8760		4 $\frac{1}{2}$	8	6	41	18				456		96		
	29	25	5780	8	11 $\frac{1}{2}$	7	16	5	9				171		86		
	1419 $\frac{1}{2}$	502 $\frac{1}{2}$	319698	1454	170	81	133	177	80	5	155	133	1315	324	1971		
	314 $\frac{1}{8}$	90 $\frac{1}{8}$	13974	393	36 $\frac{1}{2}$	32	13	41	18				90	110	248		
	1396 $\frac{1}{2}$	480 $\frac{1}{4}$	86011	992	132 $\frac{1}{2}$	153	69	117	23	4	150	127	622	1341	2522		
	81 $\frac{1}{2}$	70 $\frac{1}{2}$	10180	60	7 $\frac{1}{8}$	14	3	34	9				20	482	19		
	57 $\frac{1}{4}$	37	8540	46	12 $\frac{3}{8}$	7	17	1	3				43	153	75		
	139 $\frac{3}{8}$	109 $\frac{3}{8}$	25040	29	50 $\frac{3}{8}$	17	63	85	39	1	6	5	9	658	109		
	44 $\frac{1}{4}$	42 $\frac{1}{4}$	9580	40	16 $\frac{1}{4}$	2	22	41	8				2	218	44		
	19 $\frac{1}{2}$	15 $\frac{1}{2}$	3440	8	10 $\frac{1}{4}$	5	26	18						116			
	124 $\frac{1}{2}$	92 $\frac{3}{8}$	20940	56	34 $\frac{1}{2}$	9	43	82	30				48	464	195		
	32 $\frac{1}{2}$	22 $\frac{1}{2}$	6080		7 $\frac{1}{4}$		12	12	3				1	182	52		
	64 $\frac{1}{4}$	42 $\frac{1}{4}$	9740		13	3	29	5	15				9	123	171		
	20 $\frac{1}{4}$	17	4080		4 $\frac{1}{2}$		9	2					3	75	67		
	22 $\frac{1}{2}$	16 $\frac{1}{2}$	4760		2 $\frac{1}{4}$		9	2					54	20	162		
	32 $\frac{1}{2}$	28 $\frac{1}{2}$	7720	14	2 $\frac{1}{2}$	2	21	2		1	18	2	15	505	32		
	10 $\frac{1}{4}$	7 $\frac{1}{4}$	2540				7	3						1	125		
	2411-16	1911-16	4966			2							193		200		
	6688 $\frac{1}{16}$	2873	746869	4184	910 $\frac{3}{8}$	638	1034	1632	1187	22	621	492	6819	6333	10063		

APPENDIX.

4 CENSUS and RETURN for the District of TRINITY BAY,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.			
		Males.			Females.			Males.	Females.	Under 15 Qts.	From 15 to 30.	Upwards of 30.	
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.						
Red Head Cove	2	3	3		3	3		2		2			
Grate's Cove	64	95	101	8	75	89	8	43	20	43		5	
Daniel's Cove	3	6	8	1	4	5	2	1		6			
Old Perlican	82	122	149	14	114	129	12	21	11	66		4	
Lance Cove	2	6	3		4	2			1	2			
Seal Cove	10	34	29	1	32	21	1	4	5	13		2	
Hant's Harbour	49	101	72	12	84	57	6	26	9	48		5	1
Caplin Cove	8	14	8		14	7		1	1	8			
Scilly Cove	46	58	76	6	59	54	8	10	7	58		3	
Turk's Cove	10	19	14	1	13	19		2	1	14		1	
New Perlican	36	49	71	2	46	50	3	25	5	44		6	2
Heart's Content	60	72	96	4	72	70	6	41	25	64		7	1
Heart's Desire	8	11	13		8	11		2	1	11			
Heart's Delight	28	43	44	4	40	31	2	1	2	34			
Green's Harbour	1	1	3			2				3			
New Harbour	26	49	50	1	34	40	1	15	4	33		3	1
Dildo Cove	14	14	22	3	19	13	3	4	3	14		4	
Old Shop	3	5	4	1		4	1		1	4			
Norman's Cove	6	9	7	1	12	6	1		1	7			
Tickle Harbour	9	10	13	3	7	12	1	2	2	9			

APPENDIX.

Continued.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers			
																MISCELLANEOUS.			
	½	¼	81				3												
1	31½	14	2495		9½	2	38						158	183	98				
	3	1¼	465		¾		8												
1	86½	37¼	5563		10½	14	61	3	3					529	43				
	4	1	246		¼		2	3					16						
	11¼	7	1397		2¼		13	2					83	44					
2	44¼	22	3797		9¼	5	41	16					38	327	2				
	3¼	2	660					2					7	38					
	30½	11	2683		7¼	1	30	24	19				223						
	8½	3½	975		2¼		23	2					24						45
6	8½	5	1674		1¼	4	23	31	8				240	1	10				
6	29¼	17¼	3541		4¼	6	24	22	9	1	28	18	336		50				
	12¼	6½	802		3¼		13						18		28				
	32½	26¾	1593		11		37	5					165		2				
	1	½	75										6		2				
	32½	19¼	2328		7¼	6	43						167		27				
	25¼	7¾	788		3¼		24	2					81						
	4		240		½		7	9					10		6				
	3¼	1¼	482		½		8	2					34		3				
	3¼	2¼	547		2¼		10		3				13		37				

APPENDIX.

5 CENSUS and RETURN for the District of TRINITY BAY,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qds.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Chance Cove	11	16	17	2	10	12	1	1	2	16	3	
Gooseberry Cove	2	1	5		4	2				3		
Heart's Ease	8	4	11		9	7	1	2	1	9		
Fox Harbour	2	4	2		2	3		1		2		
Seldown	2	4	2		3	2						
Rider's Harbour	8	12	15	2	20	10	1			6	1	
Ireland's Eye	7	7	8	1	7	7	1	1		8		
British Harbour	8	14	10	1	11	13	1	1	1	10		
Careless Harbour	8	16	11	1	15	8	2	1		6	3	
New Bonaventure	15	30	22		20	18	2	3	4	9	3	
Old Bonaventure	29	41	34	3	28	27	3	8	4	29	1	
Spaniards' Bay	3		6	1		5	2		1	5		
Trouty	16	27	20		22	18	3	6	1	22	1	
Island Cove	5	8	6		7	5		3	1	5		
Cuckold's Cove	17	29	28	1	25	20		6	5	17	3	
Trinity	144	245	254	16	227	254	21	166	70	49	42	6
Ship Cove	23	33	30	4	35	25	3	7	5	10	6	
Salmon Cove	28	52	40	2	39	34		4	8	22	5	
English Harbour	21	28	50	4	28	49	3	22	9	4	16	
Ragged Harbour	9	45	27		35	27	2	6	11	13	14	
Catalina	65	131	107	3	102	96	3	58	23	38	26	
Bird Island Cove	53	78	72	5	83	53	6	36	5	32	5	
Total	959	1546	1565	108	1372	1320	110	532	250	798	168	11

APPENDIX.

Continued.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
																MISCELLANEOUS.
	6½	3¾	690		2½		13						61			
			171				1						32		3	
			90					1					12			
			48												11	
	½	¾	246				4								60	
			99				1						32			
	1½	1½	258		2		11						29		23	
			159				2						45		9	
	¼		182				6						89	7	3	
	7½	1½	333		2		9						130		18	
	½	¼	165		½		6						15			
	1½	1½	522		1½		6						92		5	
			171										30			
	1	½	573		1¾		5	5					111		3	
43	258½	85	7553	3	43¾	7	82	69	21	1	130	109	942	117	194	
	7½	5½	1167		7½		33	1					110		32	
	6½	5¾	1047		9½	1	26						178		1	
	5½	5¾	1017		8½	1	19	4					109	84		
			893				8						12		141	
9	10	7	2535	1	5¾	4	36	1	10				334	75	114	
17	4	3½	1756		6½		16	1	1				104	204	30	
85	682	308¾	48317	4	167½	51	692	205	74	2	158	127	4098	1639	1066	

APPENDIX.

6 CENSUS and RETURN for the District of *BONAVISTA BAY*,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qds.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Bonavista	276	389	404	42	339	359	31	104	69	57	66	2
Newman's Cove	1	1	3	1	4	2				1		
Knight's Cove	13	9	10	2	14	10	1		2	6	1	
Stock Cove	6	8	5		9	6				2		
King's Cove	70	109	84	6	81	75	5	42	11	18	23	
Broad Cove	33	40	41	3	48	36	1	2	2	6	5	
Keels	44	64	69	8	50	64	3	7	11	24	7	
Tickle Cove	38	54	69	3	41	54	2	3	1	5	8	
Red Cliff Island	11	17	17	1	14	16	1	1			1	
Open Hall	18	20	29	4	36	25	4	4	2	4	8	
Plate Cove	9	24	19		15	15				6	1	
Goose Bay	2			1	1	2				1		
Barrow Harbour	7	8	9	1	6	4	1	7	1	3	2	1
Broom Close	2	3	1		1	2				1		
Salvage :	30	41	37	3	36	31	2	27	4	11	8	2
Flat Island	7	5	6	1	4	7		3		4		
Bloody Bay	1				4	1						
Fresh Water Bay	6	9	1		6	8	1					
Gooseberry Islands	11	17	27	1	26	16	1	6	3	5	4	
Deer Islands	5	5	10		13	6		2		2	2	
Silver Hair Island	1	4	1		2	1				1		

32
44
46

APPENDIX.

Extending from CAPE BONAVISTA to CAPE FREELS.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain	Tons of Hay.	Number of Horses.		Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers	
																MISCELLANEOUS.	
28	298½	197½	33830	35	148	46	244	315	19	1	71	73	1032	448	257		
	½	½	35										11				
	6	½	87½					5					30		18		
1	2½	2	238					5							28		
11	33½	25½	4253	21	5	4	19	58	2	1	25	25	130		283		
	14	12½	2516½		1½	3	11	33	4						173		
	25½	21	3666		4	2	17	25	4	1	10	10	186		110		
	14½	13½	2898		2½		15	54					105	8	114		
	6½	4½	770		¼			13					55		12		
	13	7½	1795½		6½		14	40					84		40		
	10½	9	1967		2½		9	21					8		65		
	1½	½	140		½			2					4				
	2½	2½	563½		1½	1	6	1	14				35		2		
1		¾	117½										7				
5	6½	11½	2756½		5½	1	18	45	13	1			170		11		
		2½	392					12					26				
1		¼	70				1						5				
5	¾	¾	140					2					25				
	4	6	903		2		9	1					68	3	26		
1		1½	262½					1					36				
													8				

APPENDIX.

7 CENSUS and RETURN for the District of BONAVISTA BAY,

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Fair Island	12	26	25		23	18	3	9	1	3	7	1
Smart Island	2	7	4		2	5					1	
New Harbour	1	2	1		1	3		2		1		
Indian Bay	1	2					1					
Greenspond	126	153	126	18	142	133	8	151	20	9	24	27
Fool Islands	13	34	29		27	17	1	2	2	3	9	
Swain Islands	8	23	23	1	14	20	1	3		2	1	4
Cobler's Island	4	12	5		13	7	2	6	1	3	1	1
Pinchard's Island	16	38	40	2	35	25	1	25	5		5	6
Puffin Island	1	3	3		3	3		4				1
Pouch Island	4	6	4		10	6		9	1	1	2	
Bennett's Island	1	3	3		2	3		4				1
Flower's Island	3	6	4		3	7		6			2	1
Cape Island	11	24	13		23	13	1	21	5	6	1	2
Middle Bill (Cape Freels).	7	16	7		11	9		19	4	1	3	2
Total	801	1182	1149	98	1059	1010	71	469	145	181	197	51

APPENDIX.

Continued.

Heads of Families who are Servants,	Number of Acres in possession,	Number of Acres under cultivation,	Bushels Potatoes yearly,	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers	
																MISCELLANEOUS.	
1		3	416½				2	3		1			104			1	
		1	140					4					18				
		½	42					1					9				
1	2	½	28		2		4						4				
29	15	12½	1365		2½		3	24	4	1	22	28	704	2		45	
		¾	766½					6					103			9	
		¾	504										85				
		1½	262½										35			11	
2	3	3½	381				2	17					147			24	
													15			1	
		½	80½										34			2	
		¼	45½										15				
1		¾	122½				3	4					26				
2		1½	276½										98			2	
		2¼	455										51			15	
89	462½	356	62287	56	184	57	377	693	60	6	128	136	3473	461		1249	

APPENDIX.

Extending from CAPE FREELIS to CAPE JOHN.

	Heads of Families who are Servants.
	Number of Acres in possession.
	Number of Acres under cultivation.
	Bushels Potatoes yearly.
	Bushels of Oats or other Grain
	Tons of Hay.
	Number of Horses.
	Neat Cattle.
	Hogs.
	Sheep.
	Schools.
	Male Pupils.
	Female Pupils.
	Protestant Episcopalians.
	Protestant Dissenters.
	Roman Catholics.
	MISCELLANEOUS.
	Number and Denomination of Churches and Ministers

APPENDIX.

9 CENSUS and RETURN for the District of FERRYLAND

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Renewse	103	143	185	10	117	139	7	452	13	47	44	26
Fermeuse :	70	95	112	9	92	99	2	156	12	52	10	11
Aquafort	23	33	34	4	30	24	2	20	4	20		
Ferryland	84	108	156	15	104	110	14	223	17	33	10	15
Caplin Bay	39	42	64	4	37	43	3	79	8	16	3	8
Cape Broyle	34	43	70	2	46	45	4	49	3	15	2	5
Brigus	30	38	44	4	34	39	3	163	7	37	9	1
Baleen	8	3	9		6	4	1	52	2	12	3	
Soils Cove	4	2	4		1	3						
Caplin Cove	6	6	13	2	5	5	2	29		12	3	
Burn Cove	12	15	20		8	17		25		10	1	
Toad's Cove	42	72	74	4	51	59	3	164	2	37	17	1
Mobile	28	27	46	2	14	31		33		18		
Witless Bay.	91	118	174	10	105	130	5	164	1	34	19	
Bay Bulls	105	135	218	11	106	130	7	288	23	30	18	10
								1897	92			
								1989 749*				
Total	679	882	1223	77	758	878	53	1240		370	199	77

APPENDIX.

10 CENSUS and RETURN for the District of PLACENTIA

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants.		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Portugal Cove, Back River, and Biscay Bay	4	5	6	1	6	10						
Trepassey	32	48	58	4	30	45	9	46	7	9	1	8
St. Shot's, Peter's River & Holyrood	7	13	6	2	12	9						
Point L'Haye	5	10	4		6	5						
St. Mary's	60	85	59	5	96	79	1	107	9	7	23	14
Coote's Pond, River Head, and Mal Bay	11	16	11	1	11	12		1	1			
Colinet Island	5	10	6	1	13	11		23	1	4	2	1
Admiral's Beach, Gleeson's Cove, and Mussel Pond	8	16	8	1	15	11				5		
Black Duck Gullies	7	5	4		6	8			1	3		
Little Harbor & Great Salmon River	4	4	1	2	3	2						
Rattling Brook and Cox's Point	3	7	1	1	11	7			2	1		1
Harry Cove Pt., Harry Cove, & Tickle	4	4	1	3	2	6			1			
Colinet and John's Pond	5	7	1	2	6	5	1					
North Harbour and Cape Dog	5	3	7		9	6				2		
Barrisway and Beckford	2		2	2	1	1		1		1		
Branch, Point Lance & Golden Bay	9	21	11	1	9	12		8	1	1		2
Red Land and Lear's Cove	3	4	1	1		1	1					
Distress	10	12	4	2	6	10	1	2	2			
Cuslett, Angel's Cove, & Devil's Cove	4	2	3		2	5						
Gooseberry and Ship Cove	3	6	4		11	4	1					
Barrisways, Black and Green Points	5	9	3	1	10	9						
Point Verd, and S. E. Arm	18	33	18	2	32	26	2	1				
Great Placentia	41	38	21	3	55	55	4	159	8		2	8
N. E. Arm, Fresh Water, & Pt. Mal	25	42	30	1	55	35	1	6	2		2	5
Little Placentia	76	105	80	6	94	97	2	89	11	13	20	11
Fox Harbour, Ship Harbour, and Seal's Cove	6	8	7		16	7		4		5		
Ram's Islands	25	41	40		32	37	4	39	4	15	13	1
Crawley's Island, Mooney's Cove, and Bald Head	8	10	10		9	7		2		5	2	
Tinny Cove, Famish & Pinch Guts	9	18	12		11	13	1	1		5	3	
Little Harbour, and La Manche	5	5	7	1	2	5				6		
Southern Harbour	6	9	9		7	6	1	1		7		

APPENDIX.

and ST. MARY'S, Extending from CAPE RACE to RASHOON.

Heads of Families who are Servants,	Number of Acres in possession,	Number of Acres under cultivation,	Bushels Potatoes yearly,	Bushels of Oats or other Grain.	Tons of Hay,	Number of Horses.					Schools.	Male Pupils,	Female Pupils,	Protestant Episcopalians,	Protestant Dissenters,	Roman Catholics,	Number and Denomination of Churches and Ministers.	
						Neat Cattle.	Hogs.	Sheep.	MISCELLANEOUS.									
	165	85	525		37	3	37		3				2		26			
3	83	60½	3390		67½	17	72	1	16				17		230			
	21	12	1050		32½	11	56	13	25						42			
	1½	1½	550		2½		7								25			
18	63½	54½	6970		30	4	54	34	16	1	38	29	15		426			
	40	32	1720		22	1	36	17	1						53			
6	17½	17½	1050		15	32	1	30	15	6					65			
	9	9	830			9	21	2	2						51			
	42	22	1170		7	1	7	3	5						24			
	16	16	380		10		19		4						12			
	7	7	550		9	1	10		7						29			
	33	23	710		20	1	31	7	14						17			
	80	57	540		10		15	1	10						22			
	27	25	780		8½		17	1	1						25			
	7	7	240		4		6	1							7			
	144	54	2240		71	9	91	32	22						63			
	14	14	400		13	4	15	4	7						8			
	82	77	2160	12	66½	12	98	21	8						39			
	22	22	940		14½	2	22	9							13			
	40	40	1120	10	23	5	39	14	5						26			
	172	97	1270	7	29	6	38	17	13						32			
	80	80	2950	21	57½	7	80	18	72						114			
32	175½	175½	4085	258	50½	8	41	16	67	1	9	21	15		328			
	89	89	3260	20	69	8	96	12	94						174			
12	60½	60½	6670		36½	3	52	23	36	2	43	40	2	6	476			
	11	11	610		10½	1	25		13						42			
	4½	4½	530		9		16		11						90			
	1½	2½	360		½		2		1				1		37			
	7½	7½	550		6½		11	8	12				42		14			
	1¼	1¼	200		1		1		6				8		12			
	8¼	8¼	800	20	8½	1	16	11					8		25			

APPENDIX.

II CENSUS and RETURN for the District of PLACENTIA

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qts.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Arnold's Cove, Bourdeaux, and Come-by-Chance	7	8	11		10	12		1		7	1	
North Harbour	7	14	7		9	9				7		
Baker's Cove and Red Island	11	18	17	1	17	14	3	10	3	6	6	
Harbour Buffett	10	10	13	1	12	7		15		8	5	
Mussel Harbour and Burke's Cove	5	6	7		10	7		3		5		1
Hay Stack and Paddy Poor's Cove	6	8	5	1	11	8				6		
Sound Island	25	27	42	4	29	39	1	8	7	21	3	2
Woody Island	16	23	26		24	18		2		18		
Barren Island	22	35	29	3	32	23	2	4	2	16	3	1
Ship Island and Sandy Harbour	4	2	5	2	6	3				5		
Bruley, Tack's Beach, & Virgin Cove	10	18	12		18	10		3	1	10	1	
Burgeo	17	34	16		22	21	2	21	2	15		1
Merasheen	25	32	29		29	30	1	59	9	19	11	
Isle of Valen	24	33	32	2	41	31	1	21	6	13	6	4
Oliver's Cove and Mahoney's Cove	10	14	13		18	11	2	4	3	11	1	1
Grandy's Point	7	9	13	2	6	9		1	2	4	2	1
Presgue	19	41	34	1	33	39		8	2	10	7	4
Toslow and Little Bond	6	2	11	1	4	9	1	12	2	1	2	6
Little Paradise	5	11	11	1	12	6	1	1		2	1	2
Great Paradise	9	17	15	3	12	11	2	14	2	1	1	6
S. E. Bight and Darby's Harbour	7	1	8	1	9	8	1	2		8		
Petit Fort and Burn Island	5	5	4		6	9		3		1		2
Clattice Harbour	7	10	12	1	7	10	1		1	7	1	
Gallows Harbour and Holloway's Passage	4	7	5		3	7				3		
Oderin	25	23	37	1	25	31	2	12	2	12	6	3
Patrick's Island and Petticoat Island	4	10	4		6	5		4		1	2	
Total	712	1024	353	68	989	925	49	699	94	297	128	90

APPENDIX.

and ST. MARY'S, Continued.

Heads of Families who are Servants,	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.		Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians,	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
																	MISCELLANEOUS.
	53½	23½	780		14	1	17	4						24		18	
	2	2	470		1		2									39	
	4½	4½	710		6		12			5						83	
	2½	2½	490		1½		2			2				37		20	
	2½	2½	600		2½		7	4	16					9		24	
	2½	2½	560		4		10	2	3					33			
	5½	5½	1145		2½		5		4					118		39	
	5½	5½	1210		2		4		1					73		20	
	17½	17½	2140		7½		13	16	13					2		128	
	3½	3½	310		1		1		7					8		10	
	7½	7½	1000		9½		17		9					13		49	
6	32½	32½	930		10	1	12		5					51		67	
	13½	13½	880		5½		10	2	11					3		185	
1	3½	3½	690											83		84	
	3½	3½	650													65	
																42	
1	5½	5½	1540					2	7							149	
	3½	3½	900							10						22	
	2	2	490													43	
	209	19	1030		15		7		3					11		65	
	4½	4½	720		3		3									30	
	1½	1½	300											11		16	
	1½	1½	440											1		41	
	1	1	300													22	
1	46	16½	760		13		20		7					102		41	
	3½	3½	180		1½		3							21		8	
80	1958	1356½	67585	363	866½	108	1225	310	584	4	90	90	710	6	3985		

APPENDIX.

12 CENSUS and RETURN for the District of BURIN

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants.		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qrs.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Rashoon	2		1	1						1		
Flat Islands	16	28	29		33	19		26	3	1	5	11
Jean de Bay	11	15	16	1	8	8			3	3	1	1
Rock Harbour	20	32	22	1	31	27	1	26	2	2		11
Gold's Cove	3	6	4		3	3				1		
Spanish Room	4	10	10		10	5		1	1		1	1
Big Head	3	2	3		2	3			1	2		
Little Bay	9	13	11		15	11		3	1	3	3	1
Beau Bais	17	22	22	6	22	22	3	11	4	5	2	6
Judical	4	5	6		7	4		2		2		1
Tide's Cove	3		3		1			5	1	3		1
Fox Cove	13	7	11	1	11	11		4		4	2	
Mortier	6	4	7		12	10		12	3			2
Burin (proper)	160	194	243	8	215	226	10	225	37	14	14	74
Corban	8	12	14	2	8	10	1	8	2	6		2
Little St. Lawrence	8	12	16		12	11	1	7	2	6		1
Great St. Lawrence	35	52	58	4	59	41	8	6	4	19	10	1
Laun	13	28	19		15	24	2	17	2	11	3	3
Lamaline	36	80	53	4	45	58		17	6	40	4	1
Fortune	26	38	36	4	27	28	3	22	5	10	8	4
Grand Bank	45	59	52	2	64	59	2	41	6	17	2	17
Little Barrisway	3	1	2		1	4		1		2		
Grand Beach	2		2		3	3				2		
Frenchman's Cove	3	5	5		6	5		1		3		
Garnish	11	14	19	1	14	13	1	2	1	12		
Total.	461	639	664	35	644	605	32	437	84	169	55	138

APPENDIX.

Extending from RASHOON to GARNISH.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
MISCELLANEOUS.																
	1	1	66											1	1	
3	11½	5	380		1½	1	8							72	66	
3	27½	15½	766		9		18	4	4					31	20	
8	11½	8½	945		2½	1	9						2	65	75	
1	9	5½	480		3		8								16	
1	19	10½	396		6½		12							4	33	
	5½	4½	320				2						1	2	8	
2	3	1	261											1	53	
5	71½	21½	1125		5½	3	17								112	
3	10½	7½	275		2		4								24	
	5½	3½	231		1								1		9	
5	38½	16	916		7½	2	9						10		35	
6	36½	25½	351		5	1	6		50				10	4	34	
46	236½	95	6903		37	1	93	3	55	1	8	12	184	566	408	
1	12½	12½	747		6½	2	11								57	
2	24½	18½	861		6½		15							8	53	
3	58½	48½	2702		19½	7	44						23	31	178	
	19½	11½	1499		3½	8	47						3	16	88	
4	140	133	6095		122½	15	170						156	9	98	
	62½	62½	1484		10½	6	27	7					94	89		
2	81½	81½	2593		63½	7	95	8	36				88	196	1	
	6	4½	156		4½		1		3				9			
	4½	4½	92		2		1						6		2	
	29	14	335		9		18						19		3	
	12	12	372		11½		13		20				65			
95	937½	623½	30357		338½	54	628	22	168	1	8	12	671	1095	1374	

APPENDIX.

13 CENSUS and RETURN for the District of FORTUNE BAY

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants.		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Point Enragee	5	3	9	1	8	8	1	1		7	1	
Great Jervis	1	5	1			1				1		
Barrisway La Plate	4	2	6	1	7	5				5		
Grand John	5	6	5		6	4				6		
Longue de Serf	3	4	6		3	3	1			6		
Fox Cove	4	9	7		8	4				6		
Tank Fountain	5	6	11	1	4	9	2			11		
Bay Le John	7	10	7		7	8				7		
Harbour Mille	6	13	7		7	8	1	1		8		
Head of Fortune Bay	7	14	12	2	10	13	1	1		10		
English Harbour	2	3	2		3	2		1		3		
Fomme	1	2	1		1	1				1		
Conne	3	4	4		2	4	1	1		6		
Lobster Cove	2	3	3		2	2		1		5		
Long Harbour Point	2	5	4		4	4			1	4		
Hare Harbour	2	4	4		4	5				3		
Malle Bay Point	1		1					4		2		
Rencontre Island	1	1	3	1	2	2				2		
Lolly Cove	2	5	2	1	3	6				3		
Bay East	1	3	4		2	2				3		
Bay North	4	9	7		10	5				5		
Lady Island	3	6	5		8	4				4		
Long Island	4	9	5		11	6				5		
Chapel Island	1	4	2		2	2				2		
Corban	4	2	3	1	4	5		8		2	1	1
Borre	4	6	5		6	5				5		
Belleoram	20	24	22	4	21	31	2	42	2	15		11
St. Jacques	8	13	7	2	6	10	2	5		6	1	1
English Harbour	4	5	4	1	3	4		2		4	1	
Boxey	1	1			1	2		2	1	1		
Blanchard	5	8	4	1	7	6		2		5		

APPENDIX.

Extending from GARNISH to CAPE RAY.

Heds of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.	
																MISCELLANEOUS.	
	4½	3½	100		4½		4		2				31				
	1½	1	60										7				
	3½	2½	132										21				
	8½	3½	225										21				
	3½	2	126										17				
	4½	3½	245		2½		2	1	3				22		6		
	10	10	128		13		13		2				33				
	6	4	189		1		1						32				
	9	5½	285		3		3						37				
	19	17½	990		18		17	2	14				15		38		
	2½	2	185		1½		1		6				11				
	½	½	18										5				
	3½	2½	225		3		3						16				
	1½	1	80		3		3						11				
	2½	1½	120										18				
	1	½			1		1						17				
	½												5				
	1	¾	36		6		6						9				
	1½	¾	39										17				
	1	½	30										11				
	5	3½	165		½				5				21		10		
	2½	2½	128												23		
	2½	1½	93										31				
	1½	1	42		1½		1		4				10				
1	4½	2½	150		8		7	5	11				20		3		
	2	2	93		1		1						22				
	24	15	507		13½		9		60				126		22		
	3½	1½	96		4		4	2	2				45				
	3½	2½	81		4½		4		9				13		6		
	5	5	30		6		6		8				2		5		
	3½	1½	75		2		2						26		2		

APPENDIX.

14 CENSUS and RETURN for the District of FORTUNE BAY

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants.		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Comb's Cove	7	10	7	1	11	12		11	2	15		1
Rack Cove	8	10	16	1	7	12	1			11		
Red Cove	3	5		3	3					3		
Bay de Lue Island	4	4	7	2	6	6				5		
Miller's Passage	7	8	10	4	8	15	1	8		14		1
Little Bay	7	15	7	1	11	11		2		6		
Sagona Island	9	18	14		18	9				12		
Brunette Islands	15	17	22	5	28	18	2	9	2	14	4	
Jerseyman's Harbour	10	10	3	1	13	14		67		3		1
Harbour Britain	15	16	13	2	24	15	1	75	3	8		
Connaigre	8	8	16	2	8	8	1			12		
Pass Island	9	12	14	3	4	13	1	9		20		
Groule	17	36	22		24	21		15		31		
Swill Rocks	2	2	3		1	5		1		4		
Blackhead Cove	3	1	3	1	5	6	1			3		
Hermitage Cove	15	25	19	1	17	17	1	6	1	21		
Furby's Cove	16	17	19	1	21	21		9		24		
Head of Hermitage Bay	10	18	12	2	14	12	1	7		19		
Galtois	14	21	13	2	18	14	1	67		19		
Picaree	6	7	12		11	8	1	4		9		
Round Harbour	4	2	5	1	7	4	1	6		9	1	
Long Island Harbour	4	5	6	1	6	8				6		
Push Trough	12	19	12	2	22	15	1	11		18	1	
Harbour Gally	2	5	3	1	4	4				4		
Great Jervis	2	5	5	1	4	4				4		
Bonne Bay	10	16	15	1	13	12		3		18		
Musketta	4	4	3	2	6	3		2		4	1	
Facheaux	3	12	7		4	3				5		
Little Hole	3	7	3		3	5		3		5		
Richard's Harbour	7	8	8	1	7	10	1	4		12		
Cul De Sac	6	14	12	1	6	7	1	4		13		

APPENDIX.

Continued.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
																MISCELLANEOUS.
	8½	5½	183		12		12						54			
	4½	2½	98		5		5						47			
	2	1	54										14			
	2½	1½	95		2		2						25			
	8	5½	265		4		4						32	22		
	21½	8	150		6½		6	4	2				47			
	6½	4½	193										59			
	18	9½	314		16		14		10				97	6		
1	21	3	72		4		3	3	10				92	16		
4	24½	7½	258		5	2	2	1					132	17		
	4½	2½	122										43			
	5½	2	103										56			
	5½	1½	24										118			
	1	½	12										12			
	2	1	58										17			
	9½	4½	224										87			
	9½	4½	178		1		1						79	9		
	7	6½	290		5		5						43	23		
2	10	3¾	175		9	1	6	1					83	53		
	2	¾	30										40	4		
	2½	1	60										26			
	2½	1¾	155										26			
	5	1½	80										82			
	¾	½	15										14			
	1½	½	30										1	18		
	5	1½	67										63			
	2	½											20			
	1												26			
	1												20			
	2½	¾											39			
	2	¾	18										86	9		

APPENDIX.

Continued.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.
																MISCELLANEOUS.
	8½	5½	183		12		12						54			
	4½	2½	98		5		5						47			
	2	1	54										14			
	2½	1½	95		2		2						25			
	8	5½	265		4		4						32	22		
	21½	8	150		6½		6	4	2				47			
	6½	4½	193										59			
	18	9½	314		16		14		10				97	6		
1	21	3	72		4		3	3	10				92	16		
4	24½	7½	258		5	2	2	1					132	17		
	4½	2½	122										43			
	5½	2	103										56			
	5½	1½	24										118			
	1	½	12										12			
	2	1	58										17			
	9½	4½	224										87			
	9½	4½	178		1		1						79	9		
	7	6½	290		5		5						43	23		
2	10	3¾	175		9	1	6	1					83	53		
	2	¾	30										40	4		
	2½	1	60										26			
	2½	1¾	155										26			
	5	1½	80										82			
	¾	½	15										14			
	1½	½	30										1	18		
	5	1½	67										63			
	2	½											20			
	¼												26			
	1												20			
	2½	¾											39			
	2	¾	18										86	9		

APPENDIX.

15 CENSUS and RETURN for the District of FORTUNE BAY

NAMES OF SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.						Number of Servants.		Number of Fishing Boats.		
		Males.			Females.			Males.	Females.	Under 15 Qils.	From 15 to 30.	Upwards of 30.
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.					
Rencontre	4	7	5	1	8	7	3		8			
New Harbour	6	5	6	1	5	3	8	1	12			
Chaleur Bay	2	1	2		3	2	2		4			
Bay Francois	1		1			1			1			
Cul De Sac	2		1	1	1	2	2		3			
La Hune Harbour	3	5	3		3	5	4	1	5	1		
Fox Island	4	2	5	1	2	3	1		6			
Rameau Islands	5	8	4	1	8	4	3	1	4	2		
Bear Island	2		2		4	2	1		3			
Burgeo Islands	22	21	32	3	34	26	24	3	34		2	
Red Island	2	3	2		3	1			2			
Cutteau Bay	2	4	3		2	3	1		2			
Grand Bruit	3		3	1	1	2	2		3			
La Poile Bay	12	17	11		10	13	42		6		1	
Garia Bay	2	2	2	1	4	3			3			
Indian Island	1	2	1	1		1			1			
Swill Island and La Moine	2	5	3		2	2			3			
Rose Blanch	7	20	10		11	10			10			
Burnt Islands	1	4	2		1	3	1		3			
Dead Islands	4	5	7		7	9		1	6			
Point Blanch	6	11	10	2	6	9	10	1	6	5		
Grand Bay	3	3	3		4	3	5		4	1		
Cape Ray	4	8	5		8	4	3		5			
Total	454	680	600	69	623	604	28	508	17	632	21	19

APPENDIX.

Continued.

Heads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.	
																MISCELLANEOUS.	
	2½	¾	46										31				
	2½	¾	27										26		4		
	1	½	10										10				
	¼												2				
	¾												7				
	2½	1	90										21				
	1¼	¾											11		3		
	3½	1¼	35										29				
	½	½											9				
	10½	8	190		2		2						142		1		
	½	½											13				
	½	½											9				
	½	½											9				
2	6	4½	40		6		6						92		1		
	3½	3¼			8		8						12				
	¼	½											5				
	¾	½											12				
	4½	2½	60										47				
	½	½											11				
	¾	1½	10										26				
	2½	1											49				
	4	2½											18				
	1½	½											28				
10	385½	211½	8304		184	3	167	15	148				2821		308		

APPENDIX

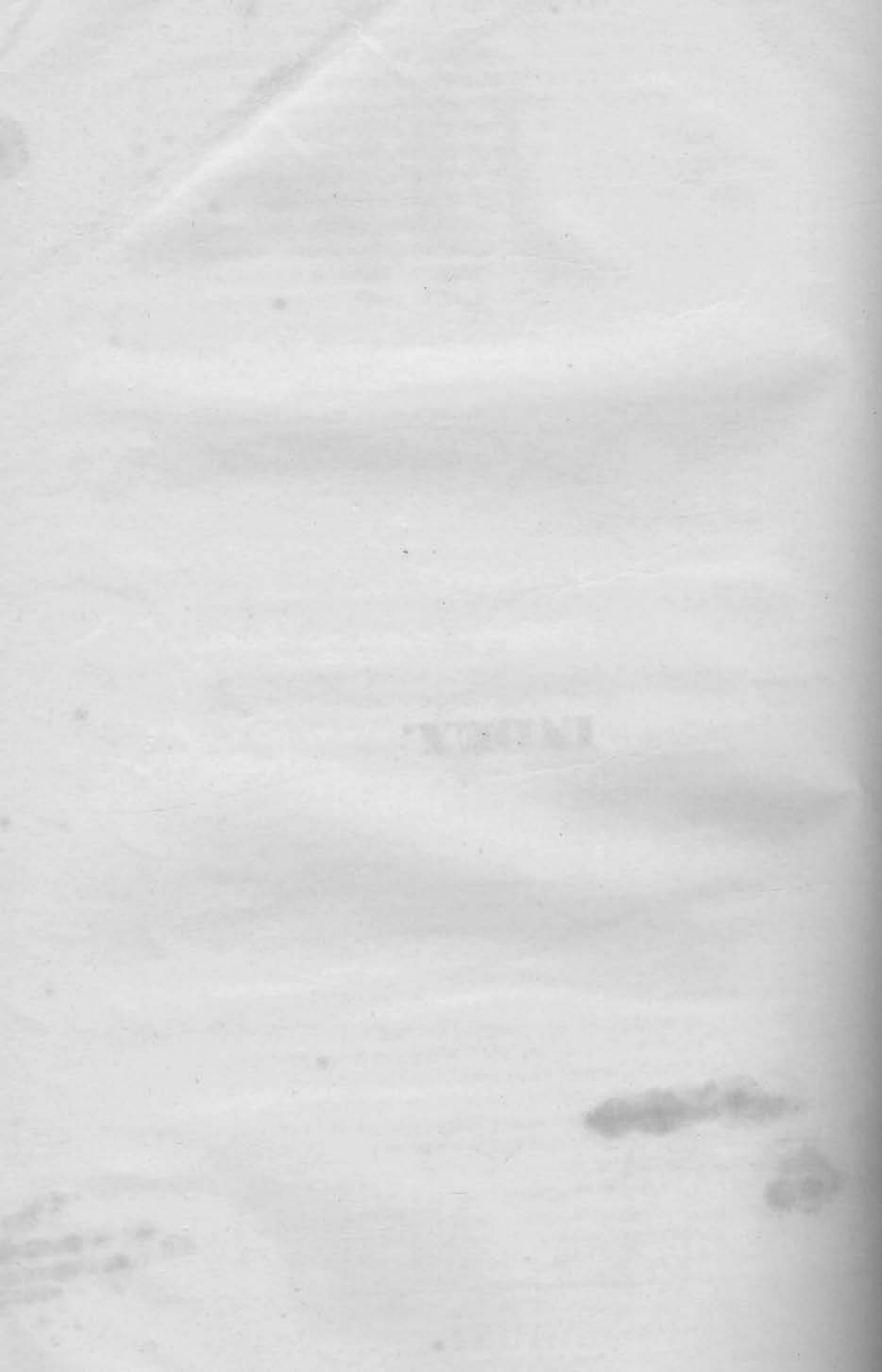
TO BE USED BY MEMBERS OF THE BOARD OF FORESTRY

No. of trees	No. of trees	No. of trees	No. of trees
100	100	100	100
200	200	200	200
300	300	300	300
400	400	400	400
500	500	500	500
600	600	600	600
700	700	700	700
800	800	800	800
900	900	900	900
1000	1000	1000	1000
1100	1100	1100	1100
1200	1200	1200	1200
1300	1300	1300	1300
1400	1400	1400	1400
1500	1500	1500	1500
1600	1600	1600	1600
1700	1700	1700	1700
1800	1800	1800	1800
1900	1900	1900	1900
2000	2000	2000	2000

APPENDIX.

Districts of NEWFOUNDLAND.

Heads of Families who are Servants,	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	Number and Denomination of Churches and Ministers.					
																MISCELLANEOUS.					
																Churches and Chapels.			Ministers.		
Ep.	R.C.	W	Ep.	R.C.	W																
221	12413	4290	148425	5602	3808	528	1307	175	579	37	1041	1379	3813	1057	14056	7	5	3	3	5	2
													18,926								
	6688	2873	746869	4184	940	638	1034	1632	1187	22	621	492	6819	6333	10063	9	7	9	2	5	5
													23,215								
85	682	308½	48317	4	167½	51	692	205	74	2	158	127	4098	1639	1066	13	1	6	2		4
													6803								
89	462½	356	62287	56	184	57	377	693	60	6	128	136	3473	461	1249	7	2	1	2	1	1
													5183								
749	1592½	1043½	55983	101	487½	112	402	103	172	6	133	105	313		4798	1	6			3	
													5111								
80	1958	1356½	67585	363	866½	108	1225	310	584	4	90	90	710	6	3985	1	4			3	
													4701								
95	937	623	30357		338	54	628	22	168	1	8	12	671	1095	1374		1	3		1	2
													3140								
3	385½	211½	8304		184	3	167	15	148				2821		308				1		
													3129								





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