

JOURNAL

OF

HER MAJESTY'S COUNCIL

OF

NEWFOUNDLAND.



SIXTH 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.

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1841.

JOURNAL.



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 the GENERAL ASSEMBLY of this Island stands Prorogued until Saturday the First day of August next: And Whereas I think fit further to Prorogue the said General Assembly until Monday the Second day of November next:

I do, therefore, by this my Proclamation, further Prorogue the said GENERAL ASSEMBLY until Monday the Second day of November next: And all Persons concerned are required and commanded to take due notice, and govern themselves accordingly.

Given under my Hand and Seal, at the Government-House, at St. John's, the Twenty-Second day of June, 1840, in the Fourth Year of Her Majesty's 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 the GENERAL ASSEMBLY of this Island stands Prorogued until Monday the Second day of November next: And Whereas I think fit further to Prorogue the said General Assembly until Saturday the Second day of January:

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

Given under my Hand and Seal, at the Government-House at St. John's, the Twenty-Ninth day of September, 1840, in the Fourth Year of Her Majesty's Reign.

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

HER MAJESTY'S COUNCIL.

NEWFOUNDLAND.

SIXTH SESSION, SECOND GENERAL ASSEMBLY,

4th VICTORIA.

Saturday, 2nd January, 1841.

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

The House met at half-past One o'Clock.

Present,

The Honorable WILLIAM SALL, K. H., Commandant.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES MORTON SPEARMAN, *Collector of Customs.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

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

His Excellency the Governor opens the Session.

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

The Honorable the President then announced that he had received a communication from the Colonial Secretary, stating that His Excellency the Governor had been pleased to make the following appointments—

Appointments by the Governor of—

Viz:—

Mr. Joseph Templeman, to be Acting Deputy Clerk of the Legislative Council, *vice* Ayre, absent on leave,

Acting Clerk of the Council ;

and

and

Mr. Gerard Robinson to be Acting Usher of the Black Rod *vice* Templeman.

Acting Usher of the Black Rod.

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

His Excellency's Speech.

Mr. President, and Honorable Gentlemen of the Council :

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

Two events, of the greatest consequence to us, as Loyal Subjects, have occurred since our last meeting. The first, the escape of Her Most Gracious Majesty from the furious assault of a wretched maniac—the second, the auspicious birth of the Princess Royal.

These incidents, though dissimilar in their character, are both calculated to excite deep feelings of joy and gratitude.

2nd January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

I have to acquaint you, that of the ten Acts passed in the last Session, six have been left to their operation; and that respecting two others, some correspondence has passed which shall be submitted to your inspection. I have not as yet been honored with any commands relative to the remainder.

The Despatch which I have received on the subject of the Land Bill, is so full and explicit, that in laying it before you, I shall feel confident that this matter will at length be settled in a manner suitable to the circumstances of the Colony.

I shall cause to be transmitted to you the last Report of the Geological Surveyor. His researches have not been productive of any immediate practical benefit, but they are far from unimportant; and I hope, before the close of the Session, to make some further communication in connexion with his past operations, with a view to their being rendered of permanent utility.

Her Majesty's Government having directed that such Buildings in Fort William as may be required for Colonial purposes, shall be transferred to the Colony, I would propose the appointment of a joint committee of the Council and House of Assembly, for the purpose of ascertaining how far this order can be made available for the future accommodation of the Legislature.

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

The Estimates for the ensuing financial year shall be sent down without delay.

The Revenue has been considerably augmented by the fiscal enactments of the last Session, and our pecuniary condition is satisfactory; but unless enlarged means of prevention are given to the Customs Department, the evil effects of smuggling, already great, will be still further experienced.

I must revert to the observations which I have formerly made from this place, and in repeated Messages, to the House, respecting the sick and impotent Poor, the Orphans and Idiots. For the current year no provision has been made for these unhappy People, and consequently, even the Hospital is closed against them.

As affecting applications are often made to me on this subject, I once more recommend it to your benevolent reflection.

From the peculiar nature of our avocations, it should seem especially incumbent on us to make a just and guarded provision for the utterly helpless.

Mr. President, and Honorable Gentlemen of the Council:

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

The approaching period of a General Election, and the scandalous events which have lately occurred in partial Elections, the last of which was rendered altogether abortive by the ferocious conduct of a mob at Carbonear, compel me to suggest for your deliberation, as an object of the first importance, the establishment of such a Law as may tend to preserve the public peace, and secure the free and undisturbed exercise of the elective franchise.

For this purpose it seems desirable that our system should be assimilated, as nearly as circumstances will admit, to that of the Mother Country.

I am anxious to press this matter upon your immediate attention, because, if in the two great Districts of the Colony which return *seven* of the *fifteen* members of which the House is composed, Elections can only be carried on under the protection of bayonets; if brutal force and lawless violence are to be perpetually resorted to, and, as heretofore, to a degree that can be restrained solely by military interference, the inevitable inference must be, that the Island is unfit for a representative system, and Legislative institutions—and that this ancient possession of the British Crown is not duly prepared for conducting its own affairs, and watching over its particular interests, by means of a General Assembly.

I shall have the honor of laying before you a Circular Despatch from the Secretary of State, recommending the formation of Roads with a view to the facilitating of Post Office communication.

2nd January, 1841.

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

The completion of the line connecting Placentia and St. Mary's with St. John's, would appear best calculated for the fulfilment of this object, and be essentially advantageous in other particulars.

A general Road Bill, establishing a complete and uniform mode of preliminary Survey, of subsequent supervision and effective audit, would be far preferable to the plan hitherto pursued of a yearly Act constantly varying in its provisions. Under the proposed arrangement it would only be necessary to decide, in each Session, upon the sums to be expended, and the localities to which they should be applied.

A case occurred early in the recess, which, in consequence of the Quarantine Act having been allowed to expire, occasioned considerable perplexity. To prevent a repetition of such inconvenience, and to enable the Executive legally to prescribe and enforce such measures as may, under Providence, best guard the Public from contagious disease, is a matter well worthy of your care.

You are aware that the Education Act will cease in the approaching month of May, and that consequently it will be necessary to continue it for a certain period, or to prepare another Bill. Its benefits have latterly been pretty generally extended; and I may here refer to the message with which I last Session recommended to your favourable consideration the Rules and Regulations of the Board of Directors for the District of St. John's—believing that under them Catholic and Protestant Children are educated together in habits of friendship, while they receive useful instruction and virtuous admonition.

A very serious Fire occurred in this Town in the month of September last, the destructive ravages of which were arrested by the ardent zeal and daring courage of the Garrison, of the Fire Companies, and of Individuals of every class of Society. Their strenuous efforts were, however, much impeded by the want of water, which it would be well to obviate in future by the formation of Reservoirs, the construction of floating Engines, or such other means as may on investigation appear expedient.

The principal Legal Functionary of the Island having declared it to be, in his opinion, very desirable that the Rights of the Fisherman, and of the Trade, should be regulated and defined by some express enactment to which the Judges might refer, and which would guide their decisions, I think it proper to submit this point for your determination.

I shall be happy to assist you to the utmost of my power in every effort for the public good; and it will be a source of the highest gratification to me should this, the concluding Session of the present General Assembly, be remarkable for the harmony of its proceedings and the beneficial results of its labors.

The Honorable the Attorney-General produced a Writ of *Dedimus Potestatem*, under the Great Seal of this Colony, authorizing him to administer to Mr. Joseph Templeman the necessary Oaths on being appointed Acting Deputy Clerk of this House, whereupon the Oath of Allegiance and the Oath for the due Execution of the said Office were administered to Mr. Templeman.

Oaths of Office administered to Acting Clerk of the House.

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

Select Committee appointed to draft Address in answer to the Governor's Speech.

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

6th, 8th & 9th January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

WEDNESDAY, 6th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

The Minutes of Saturday last were read.

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

FRIDAY, 8th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Wednesday last were read.

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

SATURDAY, 9th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of yesterday were read.

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

Ordered, that the same be received.

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

Whereupon the House went into Committee accordingly.

The Honorable James M. Spearman in the Chair.

9th January, 1841.

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

After some time the House resumed.

The Chairman reported the Address without Amendment.

Ordered, that the Report be received.

The Address having being read, 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. Address.

MAY IT PLEASE YOUR EXCELLENCY :

WE, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, beg to offer to Your Excellency our humble thanks for your Speech on opening the present Session of the Legislature.

We sincerely participate in your Excellency's feelings on the late attempt on the life of our beloved Sovereign, for whose providential escape from the horrid designs of an unhappy maniac, we exult in heartfelt gratitude.

In common with all her Majesty's loyal subjects, we sincerely rejoice in the birth of an Heir to Her Majesty's Throne; and we joyfully avail ourselves of this occasion to offer our affectionate and respectful congratulations on that auspicious event.

We thank Your Excellency for your promise to lay before us certain Correspondence which has passed respecting two of the Acts of the last Session; and we beg respectfully to assure you that the Land Bill, when the subject shall come before us, shall receive our best consideration; as shall likewise the Report of the Geological Surveyor.

We readily concur in the recommendation of Your Excellency respecting the Appropriation of the Buildings in Fort William; and we shall be prepared to unite with the other Branch of the Legislature in ascertaining the mode by which they may be rendered most available to the service of the public, in affording that accommodation to the General Assembly, which is acknowledged to be indispensably requisite.

We have contemplated with the deepest regret the disorderly proceedings and outrages which have characterized the two Elections of Members of the House of Assembly, which have been held since the last Session of the General Assembly, and more especially that in the District of Conception Bay; and we shall give our serious consideration to any measure which the representatives of the people may originate, with a view to their prevention in future.

To the circular Despatch recommending the formation of Roads for the purpose of facilitating Post Office communication, and to the enactment of a general Road Bill on the principle suggested by Your Excellency, we shall be prepared to devote our best attention; as well as to any measure which may be devised to guard the public from the introduction of contagious disease.

We shall gladly concur with Your Excellency and the other Branch of the Legislature, in the enactment of such a Bill as may appear to us calculated to promote the great blessings of Christian and Moral Education among Her Majesty's subjects in this ancient possession of Her Crown.

We entirely coincide in Your Excellency's suggestions with respect to the means of subduing the calamity of Fire when it unfortunately occurs; and shall cheerfully join in the adoption of such measures on this head, as on due investigation may appear expedient.

We shall not fail to give our best consideration to any enactment that may be deemed necessary and expedient in order to define the relative Rights of Fishermen and their Employers, and which may serve as a guide for the Colonial Tribunals.

We thank Your Excellency for the offer of your assistance in our efforts to promote the public good; and we beg to assure you that no exertion on our part shall be wanting to maintain, in all our intercourse both with Your Excellency and with the other Branch of the Legis-

9th, 11th & 13th January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

lature, that harmony and good will which we cannot but consider as indispensably necessary to the prosperity and welfare of the Colony.

Ordered, that the same be engrossed and read a third time on Monday.

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

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

On motion, made and seconded, the House adjourned until Monday next at One o'Clock.

Committee to ascertain when the Governor will receive the Address.

MONDAY, 11th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, K. H., Commandant.

“ “ JAMES SIMMS, *Attorney-General.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Saturday last were read.

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

The Honorable Mr. Spearman from the Committee appointed to wait on the Governor to ascertain his pleasure as to receiving the Address, reported that His Excellency had named Wednesday next, at half-past Eleven o'Clock, for that purpose.

On motion, made and seconded, the House adjourned until Wednesday next, at a quarter past Eleven o'Clock.

Address passed.

Report of Committee of time fixed for presenting the Address.

WEDNESDAY, 13th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, K. H., Commandant.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Monday last were read.

At half-past Eleven o'Clock, the House proceeded to the Government-House with their Address, in answer to His Excellency's Speech on the opening of the Session.

House proceeds to Government House to present the Address.

13th & 15th January, 1841.

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

At half-past Twelve o'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 in the following words :

“ Mr. President, and Honorable Gentlemen of the Council :

“ I receive this Address with great satisfaction, and fully confide in your expressed intention of devoting your time and care to the consideration of matters affecting the public good.” Governor's reply.

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

FRIDAY, 15th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, K. H., Commandant.

“ “ JAMES SIMMS, Attorney-General.

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Wednesday last were read.

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, laid before the House copies of sundry Despatches (with their Enclosures) from Her Majesty's Secretary of State for the Colonies (*vide* Appendix No. I to X.), which were severally read, and it was—

Colonial Secretary presents copies of sundry Despatches

Ordered, that the Despatch and other Documents relative to a proposed Bill “for the disposal of the Crown Lands” be printed.

Despatch relative to “Crown Lands” to be printed.

On motion, made and seconded it was—

Ordered, that an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to direct that there be laid before this House a detailed Account of the Contingent Expenses of the several Boards of Road Commissioners throughout the Colony, appointed by the Acts 1st Vic. cap. 2, and 2d Vic. cap. 3.

Address to the Governor for Accounts of Contingent expenses of Road Commissioners.

Ordered, that the Honorables Messrs. Simms and Thomas be a Committee to prepare the said Address.

On motion, made and seconded, it was—

Ordered, that an humble Address be presented to Her Most Gracious Majesty, congratulating her on the auspicious birth of the Princess Royal, and

Address to the Queen on the birth of the Princess Royal.

Ordered, that the Honorables Messrs. Crowdy, Spearman and Morris, be a Committee to prepare the said Address.

On motion, made and seconded, it was—

Ordered, that the Honorables Messrs. Crowdy, Spearman, Thomas and Morris, be a Committee from this House, to meet a Committee of the House of Assembly, in conformity with the suggestion contained in the Speech of His Excellency the Governor on the opening of the Session, with respect to the Buildings in *Fort William*, and that a message be sent down to the House of Assembly to acquaint them therewith.

Committee to inspect Buildings at Fort William, jointly with a Committee of the Assembly.

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

19th January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

TUESDAY, 19th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*" " JAMES SIMMS, *Attorney-General.*" " JAMES CROWDY, *Colonial Secretary.*" " JAMES MORTON SPEARMAN, *Collector of Customs.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

The Honorable the Attorney-General, from the Committee appointed to prepare an Address to His Excellency the Governor, for Accounts of Contingent Expenses of Road Commissioners, reported a draft, which having been read—

Ordered, that the same be received and adopted.

The Address is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Council of Her Majesty's Island of Newfoundland, in General Assembly convened, respectfully request that your Excellency will be pleased to direct that there be laid before us a detailed Account of the Contingent Expenses of the several Boards of Road Commissioners in the respective Districts of this Colony appointed by the Acts 1st Vict. cap. 2, and 2d Vict. cap. 3.

Whereupon the Honorable the President signed the same, and it was—

Ordered, that the Honorables Messrs. Simms and Thomas be a Committee to ascertain His Excellency's pleasure as to the time of receiving the said Address.

The Honorable the Attorney-General, from the said Committee, reported that His Excellency would receive the Address at Eleven o'Clock To-morrow.

Mr. Secretary Crowdy laid before the House, by command of His Excellency the Governor, Ten Copies of the last report made by Mr. Jukes, the Geological Surveyor. (See Appendix, No. XI.)

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

Address to the Governor for Accounts of Contingent Expenses of Road Commissioners adopted.

Address.

Signed, and Committee named to ascertain when the Governor will receive it.

Report.

Colonial Secretary presents Report of Geological Surveyor.

22nd January, 1841.

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

FRIDAY, 22nd JANUARY, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

The Honorable the Attorney-General, from the Committee appointed to present to the Governor the Address praying for certain Accounts from the several Boards of Road Commissioners, reported that His Excellency had been pleased to receive the said Address and had replied that he would direct the accounts therein required to be furnished.

Address to the Governor for certain Accounts of the Road Commissioners presented.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House the following Documents, viz :—

Colonial Secretary presents sundry Documents.

Copy of the Blue Book for 1839.

Estimate of the Colonial Expenditure for the Year ending 30th June, 1842.—(Appendix No. XII.)

Statement of Services inadequately provided for in the Appropriation Act of last Session.—(No. XIII.)

Return of Wolves killed.—(No. XIV.)

Sundry Reports and Returns from the Boards of Education at St. John's, Harbour Grace, Trinity, Bonavista, Twillingate, Burin, and Placentia.—(No. XV to XXI.)

And Presentments from the Grand Juries at Twillingate and St. Mary's, of want of accommodation in the Court Houses at those places.—(No. XXII and XXIII.)

All which were—

Ordered, to lie on the Table.

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

“ *Mr. President*—

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

“ *Resolved*, that a Committee of this House be appointed to act with a Committee of Her Majesty's Council, in order to consider the best means of regulating and defining the rights of the Fisherman and the Trade, and that a Message be sent to Her Majesty's Council acquainting them of this Resolution.

(Signed)

WILLIAM CARSON,

Speaker.

“ House of Assembly,
15th January, 1841.”

Message from the House of Assembly respecting the appointment of a joint Committee of both Houses on the subject of the rights of Fishing Servants, &c.

The Honorable the Colonial Secretary, from the Select Committee appointed to prepare an Address to Her Majesty of congratulation on the Birth of the Princess Royal, reported a draft thereof, which having been read, it was—

Draft of Address to the Queen, on the Birth of the Princess Royal, presented—

Ordered, that the same be adopted.

Adopted.

22nd January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The Address is as follows:—

“ TO THE QUEEN’S MOST EXCELLENT MAJESTY.

Address.

“ MAY IT PLEASE YOUR MAJESTY:

“ WE, Your Majesty’s dutiful and loyal subjects, Your Council of Newfoundland, in our Legislative capacity assembled, humbly beg to approach Your Majesty with our earnest and affectionate congratulations on the Birth of the Princess Royal; and with the expression of our ardent hope that Her Royal Highness, in the enjoyment of every virtue, may, through lengthened years, live equally with her illustrious Parents in the hearts of Your Majesty’s devoted subjects.”

Committee to ascertain when the Governor will receive the same for transmission.

Ordered, that the Honorables Messrs. Crowdy and Spearman be a Committee to ascertain when His Excellency the Governor will be pleased to receive the House with the said Address for the purpose of forwarding it to the Secretary of State for the Colonies.

The said Address was then again read and passed, and—

Ordered, to be engrossed on Parchment.

Message from the Assembly appointing a Committee to inspect Fort William.

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

“ *Mr. President—*

“ The House of Assembly acquaint Her Majesty’s Council that they have appointed a Committee to meet a Committee of Her Majesty’s Council to ascertain how far the Buildings at Fort William can be made available for the future accommodation of the Legislature.”

(Signed)

WILLIAM CARSON,
Speaker.“ House of Assembly,
22nd January, 1841.”

The Message from the House of Assembly of the 13th Instant having been read, it was, on motion, made and seconded,—

House declines to acquiesce in the request of the Assembly for the appointment of a joint Committee relative to Fishing Servants, &c.

Ordered, that a Message be sent to the House of Assembly, (in reply to their Message dated the 15th Instant,) acquainting them that Her Majesty’s Council see no reason for departing on this occasion from the usual and established practice, of Bills originating altogether with either one or the other Branch of the Legislature, and therefore cannot concur in the suggestion made by the House of Assembly in the Resolution communicated in the before-mentioned Message.

Her Majesty’s Council are fully sensible of the importance of the subject in question, and will be prepared to give it their most serious consideration when it shall come before them.

Whereupon the Master-in-Chancery was ordered to go down to the House of Assembly with a Message to the above effect accordingly.

On motion, made and seconded, the House adjourned until Tuesday next, at One o’Clock.

26th January, 1841.

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

TUESDAY, 26th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*“ “ JAMES SIMMS, *Attorney-General.*“ “ JAMES CROWDY, *Colonial Secretary.*“ “ JAMES MORTON SPEARMAN, *Collector of Customs.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Friday last were read.

The Address to Her Majesty, of Congratulation on the Birth of the Princess Royal, having been engrossed on Parchment, was read, and the Honorable the President signed the same. Address of congratulation to the Queen, signed.

Ordered, that an Address be presented to His Excellency the Governor, respectfully requesting that he will be pleased to transmit the said Address to Her Majesty's Secretary of State for the Colonies, for the purpose of its being laid at the foot of the Throne. Address to the Governor requesting him to forward the same.

The Honorable the Colonial Secretary from the Committee appointed to ascertain the Governor's pleasure as to receiving the House with the said Address, reported that His Excellency had named Friday next at half-past Twelve o'Clock, for that purpose. Colonial Secretary presents sundry Documents.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House the following Documents, *Viz* :—

Certain Reports from the Board of Road Commissioners in the District of Saint John's, (*vide* Appendix No. XXIV and XXV.)

Account Current of the Directors of the St. John's Hospital for the Year ending May, 1840, (No. XXVI.)

—which were *Ordered* to lie on the Table.

On motion, made and seconded, it was—

Resolved, that an Address be presented to His Excellency the Governor, respectfully requesting that he will be pleased to direct that there be laid before this House the opinion of the Supreme Court on the present state of the Law as respects the Rights of Fishing Servants and their Employers. Address to the Governor for opinions of the Judges as to the Law respecting Fishing Servants.

Ordered, that the Honorables Messrs. Crowdy and Spearman, be a Committee to prepare an Address in accordance with the foregoing Resolution.

After some time the Honorable Mr. Crowdy, from the said Committee, reported a draft of said Address, which was read and is as follows:—

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

“ MAY IT PLEASE YOUR EXCELLENCY :

“ WE, Her Majesty's dutiful and loyal subjects, Her Majesty's Council of Newfoundland, in General Assembly convened, respectfully request that Your Excellency will be pleased to direct that there be laid before this House the opinions of Her Majesty's Judges of the Supreme Court on the present state of the Law as respects the Rights of Fishing Servants and their Employers.”

Ordered, that the said Address be adopted. Adopted.

Whereupon the Honorable the President signed the same, and—

26th & 29th January, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Committee to present the Address.

Ordered, that the Honorables Messrs. Crowdy and Spearman, be a Committee for ascertaining the Governor's pleasure as to receiving the said Address, and to present the same to His Excellency.

The Honorable Mr. Crowdy, from the said Committee, reported that His Excellency would receive the said Address on Friday next at half-past Twelve o'Clock.

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

FRIDAY, 29th JANUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

At quarter past Twelve o'Clock, the House proceeded to Government House with the following Address to His Excellency requesting him to forward to the Secretary of State for the Colonies, the Address to Her Majesty of congratulation on the Birth of the Princess Royal.

House proceed to Government House with Address of congratulation to the Queen, and—

Address to 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.

MAY IT PLEASE YOUR EXCELLENCY :

WE, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, having prepared and passed an Address of congratulation to Her Majesty on the Birth of the Princess Royal, respectfully request Your Excellency will be pleased to forward the same to the Secretary of State for the Colonies, for the purpose of being laid at the foot of the Throne.

Council-Chamber,
26th January, 1841.

Governor's answer reported.

At One o'Clock the House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Addresses, and to say in reply that he would forward that to Her Majesty by the first opportunity, through the Secretary of State for the Colonies, to be laid at the foot of the Throne.

Address to the Governor for opinions of the Judges, presented.

The Honorable Mr. Spearman, from the Committee appointed to present to the Governor the Address of this House, requesting to be furnished with the opinion of the Judges of the Supreme Court on the present state of the Law as respects the Rights of Fishing Servants and their Employers, reported that His Excellency had been pleased to receive the said Address and to return the following answer thereto :

“ GENTLEMEN,

“ I will make application to the Judges in accordance with this Address.”

His Excellency's reply.

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

2nd February, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

TUESDAY, 2nd FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*“ “ JAMES SIMMS, *Attorney-General.*“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Friday last were read.

Mr. Secretary Crowdy presented two Messages from His Excellency the Governor, which were severally read and are as follows:—

H. PRESCOTT:

The Governor is bound to express his opinion that Nicholas Ash has suffered considerable loss from the disorderly and lawless conduct of a mob at Carbonear, and he therefore recommends his accompanying Petition to the just and favorable consideration of Her Majesty's Council.

Message from the Governor with Petition of Nicholas Ash.

Government-House,
29th January, 1841.

H. PRESCOTT.

The Governor transmits two Petitions to Her Majesty's Council of a similar character to that of Nicholas Ash recommended to the favorable consideration of the Council in His Excellency's Message dated 29th January.

Message from the Governor with two other Petitions similar to Nicholas Ash's.

Government-House,
2nd February, 1841.

The several Petitions accompanying the said Messages were likewise read, (*vide* Appendix No. XXVII to XXIX.)

Petitions read.

Mr. Secretary Crowdy also laid before the House copies of two Reports made by Captain Milne of Her Majesty's Ship *Crocodile*, relative to the Fisheries on the Coasts of this Island, (*vide* Appendix No. XXX.)

Colonial Secretary presents sundry Documents.

Also, Copies of the Colonial Treasurer's Account to the 31st December last, (No. XXXI.)

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to provide for the Contingent Expenses of the Legislature in the Fourth and Fifth Sessions of the Second General Assembly"—

Contingency Bill brought up from the Assembly—

—which was read a first time, and—

read a first 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 intituled "An Act to Establish an Academy in St. John's"—which was read a first time, and—

Academy Bill, brought up and read a first time.

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

On motion, made and seconded, it was—

Resolved, that an Address be presented to His Excellency the Governor, respectfully requesting that he will cause to be laid before this House a Copy of an Address presented to

Address to the Governor for Copy of Assembly's Address relative to Contingencies of the two last Sessions.

2nd & 5th February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

him by certain Members of the House of Assembly shortly after the Prorogation of the last Session of the Legislature on the subject of the Contingent Expenses of the two preceding Sessions, and also a detailed Statement of such Contingencies (if any) as were paid by His Excellency in consequence of that Address.

Ordered, that the Honorables Messrs. Simms and Crowdy be a Committee to prepare the said Address.

Address reported, adopted and signed.

After some time the Honorable the Attorney-General, from the said Committee, reported a draft of an Address in accordance with the above resolution, which was read and adopted, and the Honorable the President signed the same.

Ordered, that the Honorables Messrs. Simms and Crowdy be a Committee to ascertain the Governor's pleasure as to receiving the said Address, and to present the same to His Excellency.

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

FRIDAY, 5th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

The Honorable the Colonial Secretary, from the Committee appointed to present to the Governor the Address of this House, requesting to be furnished with a Copy of an Address from certain Members of the House of Assembly to His Excellency shortly after the Prorogation of the last Session of the Legislature, relative to the Contingencies of the two preceding Sessions, reported that His Excellency had been pleased to receive the said Address, and to say in reply that the Documents required should be furnished.

Colonial Secretary presents sundry Documents.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House, the Annual Report and Accounts of the Commissioners of Light Houses, (*vide* Appendix No. XXXII.)

Also, Accounts of the Contingent Expenses of the Board of Road Commissioners in the District of St. John's, (No. XXXIII,) as required by an Address of this House, which were—

Ordered, to lie on the Table.

Contingency Bill, read 2nd time.

Pursuant to the order of the day the Bill intituled “An Act to provide for the Contingent Expenses of the Legislature in the Fourth and Fifth Sessions of the Second General Assembly,” was read a second time, and—

Ordered, that the said Bill be committed to-morrow.

Academy Bill, read 2nd time.

Pursuant to the order of the day, the Bill intituled “An Act to Establish an Academy in St. John's,” was read a second time, and—

Ordered, that the said Bill be committed to-morrow.

5th & 9th February, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to authorize the Sheriff of Newfoundland to levy Execution in the several Districts of this Colony after final judgment," which was read a first time, and—

Bill to enable the Sheriff to levy Execution after final judgment, brought up and read first 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 intituled "An Act to encourage the Building of Vessels in the Colony of Newfoundland," which was read a first time, and—

Ship Building Bill brought up and read first time.

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

On motion, made and seconded, the Reports made by Captain Milne, of Her Majesty's Ship *Crocodile*, relative to the Fisheries on the Coasts of this Island, were—

Captain Milne's Reports relative to the Fisheries to be printed.

Ordered, to be Printed.

On motion, made and seconded, it was—

Ordered, that the Acting Clerk of this House do prepare a General Index to the Acts of the Legislature of this Colony.

General Index to the Colonial Acts to be prepared

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

TUESDAY, 9th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*

" " JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

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

Message from the Governor with memorial of Statute Labour Commissioners.

H. PRESCOTT.

The Governor recommends to the favorable consideration of Her Majesty's Council the accompanying Memorial of the Board of Road Commissioners appointed under the Act 5 W. 4 (2d Sess.) cap. 5.

Government-House,

9th February, 1841.

The Memorial was also read, (*vide* Appendix No. XXXIV.)

Memorial read.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House the following Documents, viz:—

Colonial Secretary presents sundry Documents.

Copy of a Memorial to the Secretary of State from Aaron Hogsett, Clerk of the Peace at St. John's, with Copy of Correspondence with the Secretary of State relative to the Act passed

9th February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

last Session for regulating the Fees to be received in the several Courts of Session and Police Offices in this Colony, (*vide* Appendix No. XXXV.)

Also, Copy of a Despatch enclosing an Order of Her Majesty in Council disallowing the Act of last Session requiring Security from the Officers of Customs for the Collection of the Colonial Revenue, (*vide* Appendix No. XXXVI), which were—

Ordered, to lie on the Table.

Colonial Secretary presents
sundry Documents.

Mr. Secretary Crowdy, also, by command of His Excellency, laid before the House the copy of the Address of certain Members of the House of Assembly, with the detailed Account of the Contingencies of the two last Sessions, (*vide* Appendix No. XXXVII), paid in consequence thereof, (as required by an Address of this House dated the 2d Instant), which was read.

Contingency Bill committed.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to provide for the Contingent Expenses of the Legislature in the fourth and fifth Sessions of the Second General Assembly."

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

Report.

Conference with the
Assembly to be requested.

The Chairman reported progress and asked leave to sit again to-morrow; and he stated that it was the opinion of the Committee that a Conference should be requested with the House of Assembly on the subject matter of the Bill.

Ordered, that the Report be received.

On motion, made and seconded, it was—

Instructions to be given to
Conferees.

Resolved, that a Conference be requested with the House of Assembly upon the subject-matter of the before-mentioned Bill, for the purpose of acquainting that House that Her Majesty's Council cannot concur in the said Bill, because it provides for the payment of other items than those previously concurred in by this House and paid by His Excellency the Governor, on an Address from certain Members of the Assembly pledging themselves to His Excellency that such sums should be provided for; which pledge this House conceives the Legislature are bound to redeem before other matters of Contingency are brought under consideration.

Jury Bill brought up from
the Assembly and read first
time.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts," which was read a first time, and—

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

Publication of Papers Bill
brought up and read first
time.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to give summary protection to persons employed in the publication of Reports and other Proceedings of the Legislature of Newfoundland," which was read a first time, and—

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

Academy Bill Committed

Pursuant to the order of the day the House went into Committee of the whole on the Bill intituled "An Act to establish an Academy in St. John's."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Report.

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

Ordered, that the Report be received.

Second reading of Ship
Building and Sheriff's final
process Bills.

Pursuant to the order of the day, the Bills respectively intituled "An Act to encourage the Building of Vessels in the Colony of Newfoundland," and "An Act to authorize the

9th & 12th February, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Sheriff of Newfoundland to levy Execution in the several Districts of this Colony, after final judgment," were severally read a second time, and—

Ordered, to be Committed to-morrow.

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

FRIDAY, 12th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

" " JAMES CROWDY, *Colonial Secretary*.

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Tuesday last were read.

Ordered, that the Honorables Messrs. Dunscomb and Thomas be the Conferrees on the part of this House on the subject matter of the Contingency Bill, and to draft Instructions. Conferrees on Contingency Bill.

After some time—

The Honorable Mr. Dunscomb, from the said Committee, reported a draft embodying the substance of the Resolution of the House of Tuesday last, which was read and adopted, and the Honorable the President signed the same. Instructions adopted.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House a Report (*vide* Appendix No. XXXVIII) by Thomas Byrne, (Surveyor of Roads), of a Survey made by him of the state and condition of the Roads and Bridges in this Island. Colonial Secretary presents sundry Documents.

Also—

The answers returned by the Judges relative to the present state of the Law as respects the Rights of Fishing Servants and their Employers, (No. XXXIX), in pursuance of an Address of this House, which were—

Ordered, to lie on the Table.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead," which was read a first time, and— Bill to enable Members of the Assembly to vacate their seats brought up and read first time.

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

A Deputation from the House of Assembly brought up a Message acceding to the Conference on the Contingency Bill. Conference on Contingency Bill.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the Assembly, and delivered to them the Instructions they had received.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to provide for the Contingent Expenses of the Legislature in the fourth and fifth Sessions of the Second General Assembly." Contingency Bill committed.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

12th February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Report.

The Chairman reported that the Committee had risen, and that he had been directed to ask for leave to sit again this day Six months,

Ordered, that the Report be received.

Deserted Families Act and Quarantine Act revival Bills brought up and read a first time.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to revive an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth (2d Session) intituled 'An Act to afford relief to Wives and Children deserted by their Husbands and Parents,'" which was read a first time, and—

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 intituled "An Act to revive an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled '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.

On motion, made and seconded, it was—

Report of Thomas Byrne (Road Surveyor) to be printed.

Resolved, that the Report of the Surveyor appointed by His Excellency the Governor to Report on the present state of the Roads throughout the Colony, this day laid on the table by His Excellency's command, be printed—with a statement preceding the Report on each separate Road, shewing the amount of all sums of money granted by the Legislature for its construction and repair, and that the same be accompanied by Marginal Notes and an Index.

The answer of the Chief Justice and of Assistant Judge Des Barres, to the Address of this House, on the present state of the Law as respects the rights of the Fishing Servants and their Employers, were severally read, and—

Opinion of the Chief Justice on the state of the Fishery Law, to be printed.

Ordered, that the answer of the Chief Justice be Printed.

Second reading of Publication of Papers Bill and Jury Bill.

Pursuant to the order of the day, the Bills respectively intituled "An Act to give summary protection to persons employed in the publication of Reports and other Proceedings of the Legislature of Newfoundland," and "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts," were severally read a second time, and—

Ordered, to be committed to-morrow.

Sheriff's final process Bill committed—

Pursuant to the order of the day the House went into Committee of the whole on the Bill intituled "An Act to authorize the Sheriff of Newfoundland to levy Execution in the several Districts of this Colony after final judgment."

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Reported without amendment.

The Chairman reported the Bill without amendment.

Ordered, that the Report be received, and that the said Bill be read a third time to-morrow.

Ship Building Bill committed.

Pursuant to the order of the day the House went into committee of the whole on the Bill intituled "An Act to encourage the Building of Vessels in the Colony of Newfoundland."

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

Report.

The Chairman reported progress and asked leave to sit again this day fortnight.

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

16th February, 1841.

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

TUESDAY, 16th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House the following Documents:—

Colonial Secretary presents sundry Documents.

Viz.

Presentment of Grand Jury at Harbour Grace (dated 28th January, 1841) of certain Works and Repairs required to be performed at the Court House there (*vide* Appendix No. XL.)

A Petition from the Inhabitants of Twillingate, praying that a Light House might be erected on the *Wadham Islands*, with a Report thereon by the Commissioners of Light Houses, (No. XLI.)

Correspondence relative to Lithographing the Maps, &c., appertaining to the Geological Survey, and the erection of a suitable Building in which to deposit Specimens, &c., (*vide* Appendix No. XLII.)

Also, Accounts of the Contingent Expenses of the Boards of Road Commissioners at Brigus and Port-de-Grave, (*vide* Appendix No. XXXIII.)

The Honorable Mr. Crowdy, from the Committee appointed to meet a Committee of the House of Assembly, to inspect the Buildings in Fort William, presented a Report which was read and is as follows:

Report of joint Committee of Council and Assembly on the Buildings at Fort-William.

"The Committee of this House appointed to inspect the Buildings at Fort William, in conformity with a recommendation made by His Excellency the Governor in his Speech on opening the present Session of the Legislature beg to Report—

That (in conjunction with a Committee of the House of Assembly) they have inspected the said Buildings, and they now recommend that the House of Assembly be requested to join with this House in an Address to His Excellency, praying that he will reserve, for the purposes of a Building for the Legislature, that portion of the Ground on which the Fort is built, which is bounded on the North by, and including, a Bomb-proof, on the East by and including the Commissariat Store, on the South by the Road to Quidi Vidi, and on the West by the Road in front of the Fort, and that the Buildings at present occupied by the Commandant and Fort Major be also reserved for the same purposes."

On motion, made and seconded, it was—

Resolved, that a Message be sent to the House of Assembly requesting that House to appoint a Committee to meet a Committee of the Council to prepare a joint Address to His Excellency the Governor, founded upon the said Report.

Address to the Governor thereon.

Ordered, that the Master-in-Chancery do go down to the House of Assembly with a Message in accordance with the foregoing Resolution; and—

Message to the House of Assembly.

Ordered, that the Members who composed the Committee to inspect the said Buildings, be the Committee to prepare the said joint Address.

16th & 19th February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Second reading of Bills—
to enable Members of the
Assembly to vacate their
seats—

Pursuant to the order the day, the Bills respectively intituled “An Act to declare vacant the Seats of Members of the Assembly of this Colony in certain cases, and to make provision for the Election of Members in their stead;”

To revive Deserted Families
Act,

“An Act to revive an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth (2d Session,) intituled ‘An Act to afford relief to Wives and Children deserted by their Husbands and Parents;’” and—

and

Quarantine Act.

“An Act to revive an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled ‘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’”—

were severally read a second time, and—

Ordered, to be committed to-morrow.

Publication of Papers' Bill
Committed—

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled “An Act to give summary protection to persons employed in the publication of Reports and other Proceedings of the Legislature of Newfoundland.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Lost.

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

Jury Bill
Committed.

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

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

To be referred to a Select
Committee to report thereon

The Chairman reported that it was the opinion of the Committee that the Bill should be referred to a Select Committee to Report thereon.

Ordered, that the Report be received, and—

Ordered, that the Honorable the Attorney General, and the Honorables Messrs. Spearman and Thomas, do compose the said Committee.

Sheriff's final process Bill,
read third time and passed.

Pursuant to the order of the day the Bill intituled “An Act to authorize the Sheriff of Newfoundland to levy Execution in the several Districts of this Colony after final judgment,” was read a third time and passed, and the Honorable the President signed the same.

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

FRIDAY, 19th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

19th February, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

The Honorable Mr. Thomas laid on the Table a Petition from certain Inhabitants of St. John's, against the Academy Bill, now before the House.

Petition against the Academy Bill.

The Honorable Mr. Morris laid on the Table a Petition from certain Inhabitants of Ferryland, against the Hospital Act (6th Wm. 4, Cap. 1).

Petition against the Hospital Act.

Mr. Secretary Crowdy, by command of His Excellency the Governor, (in pursuance of an Address of this House) laid on the Table sundry Accounts of the Contingent Expenses of certain Boards of Road Commissioners in Conception Bay, (Appendix No. XXXIII.)

Colonial Secretary presents sundry Documents.

On motion, made and seconded, it was—

Resolved, that the Letter of the Honorable A. W. Desbarres, one of the Judges of the Supreme Court of this Island, addressed to the Honorable the Colonial Secretary, and laid before this House by command of His Excellency the Governor, as the Honorable Judge's reply to an Address of this House to His Excellency requesting to be furnished with the opinions of the Judges in respect to the present state of the Law as regards the rights of Fishing Servants and their Employers, is no answer to the question proposed by this House, which thereupon desires to express its disappointment.

Answer of Assistant Judge Desbarres on the subject of the Fishery Laws declared not satisfactory—

Resolved, that an Address be presented to the Governor praying His Excellency will be pleased to request Mr. Justice Desbarres to furnish His Excellency, for the information of this House, with an explicit statement of his opinion on the question referred to.

Resolution to Address the Governor thereon.

Ordered, that the Honorables Messrs. Spearman and Thomas be a Committee to prepare the said Address.

After some time the Honorable Mr. Spearman, from the said Committee, reported a draft of an Address embodying the substance of the said Resolutions, which was read and adopted, and the Honorable the President signed the same.

Address reported and adopted.

Ordered, that the Honorables Messrs. Crowdy and Spearman be a Committee to ascertain the Governor's pleasure as to the time of receiving the said Address, and to present the same to His Excellency.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to Indemnify the Governor for Sums advanced towards defraying in part the Expenses of the Fourth and Fifth Sessions of the second General Assembly"—which was read a first time.

Contingency Indemnity Bill brought up and read a first time—

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

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

Second reading of ditto.

Ordered, to be Committed to-morrow.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors"—which was read a first time, and—

Attachment Bill brought up and read a first time—

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

and to be printed.

The Honorable the Attorney-General asked leave to bring in a Bill to regulate the disposal of Crown Lands in this Colony.

Leave being granted, the said Bill, intituled "An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies"—was accordingly brought in and read a first time, and—

Bill to regulate the disposal of Crown Lands brought in and read a first time—

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

and to be printed.

A Deputation from the House of Assembly brought up for the concurrence of this House "An Act to explain an Act passed in the third year of the Reign of Her present Majesty intituled 'An Act to Incorporate the Benevolent Irish Society'"—which was read a first time, and—

Bill to explain Irish Society Incorporation Act brought up and read a first time.

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

19th & 23rd February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Academy Bill
Committed—

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to establish an Academy in St. John's."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Lost.

The Chairman reported progress and asked leave to sit again this day six months.

Ordered, that the Report be received.

Members of Assembly
vacating seats Bill
Committed.

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

The Honorable Mr. 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 Tuesday next, at One o'Clock.

TUESDAY, 23rd FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

Colonial Secretary presents
Documents.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House a Return (as required by an Address of this House) of the Contingent Expenses of the Board of Road Commissioners from Bay Bulls to Cape Broyle (*vide* Appendix No. XXXIII,) which was—

Ordered, to lie on the Table.

Governor's answer to
Address relative to Assistant
Judge Desbarres.

The Honorable Mr. Crowdy, from the Committee appointed to present to the Governor the Address of this House of the 19th instant, relative to Mr. Justice Desbarres, reported that His Excellency had been pleased to receive the said Address, and to say in reply that he would request the Judge to furnish the opinion therein desired.

Assembly assent to appoint-
ment of a joint Committee
to prepare address relative
to Fort William.

A Deputation from the House of Assembly brought up a Message acceding to the request of this House for the appointment of a Committee to prepare a joint Address from both Houses to His Excellency the Governor relative to Fort William.

Contingency Indemnity Bill
Committed.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to Indemnify the Governor for Sums advanced towards defraying in part the Expenses of the Fourth and Fifth Sessions of the second General Assembly."

23rd February, 1841.

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

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Contingency Indemnity Bill
—reported without amend-
ment

Ordered, that the Report be received.

On motion, made and seconded, it was—

and

Ordered, that the 38th Rule of this House be dispensed with, so far as respects the said Bill, and that it be now read a third time.

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

Read a third time, passed &
returned to the Assembly.

Ordered, that the Master-in-Chancery do go down and acquaint the House of Assembly therewith.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to revive an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth (2d Session,) intituled 'An Act to afford relief to Wives and Children deserted by their Husbands and Parents.'"

Deserted Families Act
revival Bill committed—

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported without amend-
ment.

Ordered, that the Report be received and that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to revive an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled '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.'"

Quarantine Act revival Bill
committed—

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported without amend-
ment.

Ordered, that the Report be received, and that the said Bill be read a third time to-morrow.

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

Bill to enable Members of
the Assembly to vacate their
seats, 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.

Report.

Ordered, that the Report be received.

Pursuant to the order of the day, the Bills respectively intituled "An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors," and "An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies," were severally read a second time, and—

Second reading of Attach-
ment Bill and Land Bill.

Ordered, to be committed to-morrow.

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

26th February, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

FRIDAY, 26th FEBRUARY, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

Colonial Secretary presents Documents.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House an Account of the Contingent Expenses of the Board of Road Commissioners from Harbor Grace to Island Cove, (*vide* Appendix No. XXXIII), as required by an Address of this House.

Deserted Families Act and Quarantine Act revival Bills read a third time and passed.

Pursuant to the order the day, the Bills respectively intituled “An Act to revive an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth (2d Session) intituled ‘An Act to afford relief to Wives and Children deserted by their Husbands and Parents,’” and “An Act to revive an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled ‘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,’” were severally read a third time and passed, and the Honorable the President signed the same.

Bill to enable Members of the Assembly to vacate their seats, committed.

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

The Honorable Mr. Crowdy 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.

The Amendments are as follow :—

Amendments.

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

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

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

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

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

26th February, 1841.

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

Expunge the second, third, and fourth Sections.

Expunge the fifth Section, and insert in lieu thereof as the second Section, "*And be it further enacted*, by the authority aforesaid, that no person being an uncertified Bankrupt or Insolvent, under any commission of Bankrupt or Declaration of Insolvency duly issued and found against him, should be deemed qualified or enabled to be Elected or to be a Member of the said House of Assembly; and that whenever and so often as it shall happen that any person, being a Member of the said House of Assembly, shall, under due process of Law, be declared Bankrupt or Insolvent, the seat of such Member shall thereupon, *ipso facto*, become void; and the Speaker of the said House of Assembly shall thereupon certify the same to the Governor, or person administering the Government for the time being, who shall thereupon issue a new Writ for the Election of a Member in the stead of such person having so been declared Bankrupt or Insolvent as aforesaid; *Provided nevertheless* that after such person shall, in due form of Law, have been certified and discharged of his debts under such declaration of Bankrupt or Insolvency, such disability and disqualification as aforesaid shall cease and determine, and such person shall thereupon be deemed eligible (he being otherwise duly qualified) to be again elected a Member of the said House of Assembly."

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

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to encourage the Building of Vessels in the Colony of Newfoundland." Ship Building Bill
Committed—

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen. Lost.

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, intituled "An Act to encourage the Whale Fishery in this Colony," which was read a first time, and— Whale Fishery Act amend-
ment Bill brought up and
read a first time.

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

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies." Land Bill Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow, and he stated that the Committee recommend that the Table of Fees annexed to the Bill be referred to a Select Committee to enquire into and report thereon to the House. Report.

Ordered, that the Report be received, and—

Ordered, that the Honorables Messrs. Spearman, Thomas and Morris, do compose the said Committee.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to Indemnify Commissioners of Roads and other persons therein Road Commissioners
Indemnity Bill brought up
and read a first time—

26th February, & 2nd March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

mentioned from liability to Actions at Law, or Suits in Equity"—which was read a first time, and—

Ordered, to be Committed to-morrow.

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

TUESDAY, 2nd MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Friday last were read.

Pursuant to the order of the day, the Bills respectively intituled “An Act to indemnify Commissioners of Roads, and other persons therein mentioned, from liability to Actions at Law or suits in Equity,” and “An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty intituled ‘An Act to encourage the Whale Fishery in this Colony’”—were severally read a second time, and—

Ordered, to be committed to-morrow.

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

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly and request their concurrence in the Amendments made by this House therein.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled “An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors.”

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.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled “An Act to make provision for the encouragement of Education in this Colony”—which was read a first time, and—

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 intituled “An Act to repeal in part an Act passed in the Sixth year of the Reign of His

Second reading of Road Commissioners Indemnity and Whale Fishery Act Amendment Bills.

Bill to enable Members of the Assembly to vacate their seats, read a third time and passed, and—

sent down to the Assembly.

Attachment Bill Committed,

Report.

Education Bill brought up and read a first time.

Hospital Act repeal Bill brought up and read a first time.

2nd & 5th March, 1841.

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

late Majesty intituled 'An Act for the relief of Sick and Disabled Fishermen and Seamen, and other Persons,' and for other purposes," which was read a first time, and—

Ordered, to be read a second time tomorrow.

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

FRIDAY, 5th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Tuesday last were read.

The Honorable Mr. Thomas laid on the Table a Petition from the Board of Education at Trinity praying the Grant of a Sum of Money for the completion of School-Houses in that District.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House, a letter from Mr. Justice Desbarres, containing his opinion as to the Law with regard to the rights of Fishing Servants and their Employers (in pursuance of an Address of this House) which was read, and, together with a previous letter from the Judge on the same subject, was—

Colonial Secretary presents Documents.

Ordered, to be printed, (*vide* Appendix No. XLIII.)

To be printed.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to establish and regulate Fire Companies in the Town of Carbonear," which was read a first time, and—

Carbonear Fire Companies Bill brought up and read a first time.

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

On motion, made and seconded, it was—

Resolved, that an Address be presented to His Excellency the Governor requesting that he will be pleased to direct that there be laid before this House a Return shewing the amount of Fees received on account of the Great Seal of this Colony, attached to Grants of Land, in each of the years 1838, 1839 and 1840, with the appropriation thereof, and—

Address to the Governor for Return of Great Seal Fund.

Ordered, that the Honorables Messrs. Spearman and Morris be a Committee to draft the said Address.

Pursuant to the order of the day, the Bills respectively intituled "An Act to make provision for the Encouragement of Education in this Colony"—and "An Act to repeal in part an Act passed in the Sixth year of the Reign of His late Majesty intituled 'An Act for the Relief of Sick and Disabled Fishermen, Seamen and other Persons,' and for other purposes," were severally read a second time, and—

Education Bill and Hospital Act repeal Bill—read a second time.

Ordered, to be Committed to-morrow.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to Indemnify Commissioners of Roads and other Persons therein mentioned from liability to Actions at Law or Suits in Equity."

Road Commissioners Indemnity Bill—Committed.

5th & 9th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

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.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors."

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 Tuesday next, at One o'Clock.

TUESDAY, 9th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

On motion, made and seconded, it was—

Resolved, that the order of the day, for the second reading of the Bill intituled "An Act to explain an Act passed in the third year of the Reign of Her present Majesty intituled 'An Act to Incorporate the Benevolent Irish Society,'" be discharged, and that the said Bill be read a second time this day six months.

The Honorable Mr. Spearman, from the Committee appointed to prepare an Address to His Excellency the Governor in accordance with the Resolution of this House of the 5th instant, reported a draft embodying the substance of the said Resolution, which was read and adopted, and the Honorable the President signed the same.

Ordered, that the Honorables Messrs. Crowdy and Spearman, be a Committee to ascertain His Excellency's pleasure as to receiving the said Address, and to present the same.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House, Copy of a Despatch from the Secretary of State for the Colonies, enclosing one from the Treasury on the subject of the Act of last Session for facilitating Steam Communication with Halifax (*vide* Appendix No. XLIV)—

Also, Copy of a Despatch enclosing an Order of Her Majesty in Council approving the Colonial Act relating to Light Houses passed in October, 1839, (No. XLV)—

—which were read, and—

Ordered, to lie on the Table.

Attachment Bill—
Committed.

Order for second reading of
Benevolent Irish Society
Bill—Discharged.

Address to the Governor for
return of Great Seal Fund.

Colonial Secretary presents
sundry Documents.

9th & 12th March, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Pursuant to the order of the day, the Bill intituled "An Act to establish and regulate Fire Companies in the Town of Carbonear," was read a second time, and— Second reading of Carbonear Fire Companies Bill.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to Indemnify Commissioners of Roads and other Persons therein mentioned from liability to Actions at Law or Suits in Equity." Road Commissioners Indemnity Bill—
in Committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to repeal in part an Act passed in the Sixth year of the Reign of His late Majesty intituled 'An Act for the relief of Sick and Disabled Fishermen and Seamen, and other Persons,' and for other purposes." Hospital Act repeal Bill
Committed—

The Honorable Mr. Thomas 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 for the concurrence of this House a Bill intituled "An Act to prevent Fraud in the Sale of certain Articles imported into this Colony," which was read a first time, and— Bill to prevent Fraud in the
Sale of certain Articles—
brought up and read a first
time.

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

Pursuant to the order of the day the House went into committee of the whole on the Bill intituled "An Act to make provision for the encouragement of Education in this Colony." Education Bill—
in Committee.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

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

FRIDAY, 12th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, Attorney-General.

" " JAMES CROWDY, Colonial Secretary.

" " JAMES M. SPEARMAN, Collector of Customs.

" " JOHN DUNSCOMB.

" " PATRICK MORRIS.

The Minutes of Tuesday last were read.

12th & 16th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Second reading of Fraud prevention Bill.

Pursuant to the order of the day, the Bill intituled "An Act to prevent Fraud in the Sale of certain Articles imported into this Colony," was read a second time, and—

Ordered, to be Committed to-morrow.

Road Commissioners Indemnity Bill—in Committee.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to indemnify Commissioners of Roads, and other persons therein mentioned, from liability to Actions at Law or Suits in Equity."

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.

Bill to Incorporate the Benevolent Irish Society—brought up and read a first time.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to Incorporate the Benevolent Irish Society," which was read a first time, and—

Ordered, to be read a second time tomorrow.

Carbonear Fire Companies Bill—Committed.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to establish and regulate Fire Companies in the Town of Carbonear."

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

Reported without Amendment.

On motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock.

TUESDAY, 16th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Friday last were read.

Second reading of Benevolent Irish Society Incorporation Bill.

Pursuant to the order of the day, the Bill intituled "An Act to Incorporate the Benevolent Irish Society," was read a second time, and—

Ordered, to be Committed to-morrow.

Carbonear Fire Companies Bill read a third time and passed.

Pursuant to the order of the day, the Bill intituled "An Act to establish and regulate Fire Companies in the Town of Carbonear"—was read a third time and passed, and the Honorable the President signed the same.

16th March, 1841.

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

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House, sundry Documents (in pursuance of Addresses of this House) viz: Return of Fees received on account of the Great Seal of this Island, attached to Grants of Land, in the years 1838, 1839 and 1840, with the appropriation thereof, (*vide* Appendix No. XLVI.)

Colonial Secretary presents sundry Documents.

Also, sundry Accounts of Contingent expenses of Boards of Road Commissioners, (No. XXXIII), which were—

Ordered, to lie on the table.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity."

Road Commissioners Indemnity 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.

Ordered, that the Report be received.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to prevent Fraud in the Sale of certain Articles imported into this Colony."

Fraud Prevention Bill committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

Lost.

A Petition, presented by the Honorable Mr. Thomas, on the 5th instant, from the Board of Education at Trinity, was read and—

Petition from Board of Education at Trinity read.

Ordered, to lie on the Table.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to make provision for the Encouragement of Education in this Colony."

Education Bill committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the Bill intituled "An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies."

Land Bill committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Thursday next, at One o'Clock.

18th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

THURSDAY, 18th MARCH, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Tuesday last were read.

The Honorable Mr. Crowdy, from the Committee appointed to meet a Committee of the House of Assembly to draft a joint Address from both Houses to His Excellency the Governor, relative to the Buildings &c. in Fort William, reported a draft, which was read, and—

Ordered, to be engrossed.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled “An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies.”

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

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled “An Act to make provision for the Encouragement of Education in this Colony.”

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the Bill intituled “An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the Bill intituled “An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the Bill intituled “An Act to Incorporate the Benevolent Irish Society.”

Draft of joint Address relative to Fort William reported.

Land Bill in committee.

Reported with Amendments

Education Bill in committee.

Attachment Bill in committee.

Road Commissioners Indemnity Bill in committee

Benevolent Irish Society Incorporation Bill in committee.

18th & 20th March, 1841.

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

The Honorable Mr. Crowdy 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, be read a third time to-morrow.

The Amendments are as follow :—

Expunge the Title of the Bill and insert the following: "An Act to repeal an Act passed in the Third Year of Her Majesty's Reign, intituled 'An Act to Incorporate the Benevolent Irish Society,' and to make other provision for the Incorporation of the said Society."

Benevolent Irish Society
Incorporation Bill
Reported with Amendments

Amendments.

Insert as the first Preamble the words following: "Whereas an Act was passed by the Governor, Council and Assembly of this Colony, in the third year of Her Majesty's Reign, intituled "An Act to Incorporate the Benevolent Irish Society;" and it is necessary to repeal the said Act, and to make other provision for the Incorporation of the said Society."

Insert as the first Section: "Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, and by the authority of the same, that the said recited Act be and the same is hereby repealed."

To the Preamble of the Bill, now become the second Preamble, add the word "And."

Second Section, 1st line—Between "therefore" and "enacted" insert "further," and after "enacted" insert "by the authority aforesaid."

To each of the other Sections of the Bill insert the word "further," between "it" and "enacted."

Page 7, line 4—After "Charity" insert "and."

— lines 5, 6, 7—Expunge all the words between "correspondence" and "who."

Insert as the 7th Section of the Bill: "And be it further enacted, by the authority aforesaid, that all the Rents, Revenues and other property of the said Society shall be devoted to any or all of the purposes following, that is to say, to providing Food, Raiment, Fuel, Medicine and Medical Attendance for the Poor, and Education for the Children of the Poor, and to the reparation and improvement of the Houses and Lands belonging to the Society, and to the defrayal of the expenses necessarily incident to the promotion of the said before recited objects of the Society, and for no other purpose whatsoever."

On motion, made and seconded, the House adjourned until Saturday next, at One o'Clock.

SATURDAY, 20th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

" " JAMES CROWDY, *Colonial Secretary*.

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Thursday last were read.

20th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Benevolent Irish Society
Incorporation Bill read a
third time and passed, and

Pursuant to the order of the day, the Bill, as amended, intituled "An Act to Incorporate the Benevolent Irish Society," was read a third time and passed, and the Honorable the President signed the same.

sent down to the Assembly
for concurrence in the
Amendments.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request the concurrence of that House in the said Amendments.

Road Commissioners
Indemnity Bill in committee

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity."

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

The Amendments are as follow:—

Amendments.

In the Title, after the word "Equity," add—"And to make provision for the compensation of Persons sustaining damage or injury in certain cases."

In the Preamble—Expunge all the words after the word "Whereas" and insert in lieu thereof "it is necessary and expedient to protect and Indemnify the Commissioners of Roads and Bridges, and the Surveyors, Contractors and other Persons employed in carrying into effect the provisions of two certain Acts of the General Assembly of this Colony, hereinafter mentioned, from liability to pay or to be answerable to any Person or Persons for or on account or by reason of any damage or injury accruing to him or them by or through any act, matter or thing done or prosecuted under or by virtue of the provisions of the said Acts of the General Assembly; and also to make further provision in order justly and reasonably to compensate and indemnify Persons who have suffered and sustained, or who may hereafter suffer and sustain any such damage or injury by reason as aforesaid.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, that from and after the passing of this Act, no Action at Law or Suit in Equity shall be maintainable or sustained against any Commissioner or Board of Commissioners of Roads and Bridges, or against any Surveyor of Roads, Contractor, or other Person appointed, employed, or *bona fide* acting under authority and in the execution of the ordinances, powers and provisions of a certain Act of the General Assembly of this Colony, made and passed in the First Year of Her Majesty's Reign, or of another certain Act of the said General Assembly made and passed in the second Year of Her Majesty's Reign, and which said Acts are severally 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," for or on account of any act, matter or thing by them, the said Commissioners, or other Persons appointed, employed or acting as aforesaid, or by any of them *bona fide* directed, prosecuted, performed or done under authority or in pursuance of the provisions of the aforesaid Acts of the General Assembly, or either of them.

And be it further enacted, that for the purpose of ascertaining and determining the validity of all claims, and the amount or extent of compensation or indemnity to which any Person may be reasonably and justly entitled, as the Proprietor or Occupant of any Dwelling-House

20th March, 1841.

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

or Tenement, for or by reason of any damage alleged to have been caused and sustained to such Dwelling-House or Tenement, by or through the means of the acts, operations or proceedings of any Board of Commissioners of Roads and Bridges, or Surveyor of Roads, Contractor, or other Person appointed, employed, or *bona fide* acting under authority or in execution of the ordinances, powers and provisions of the before-mentioned Acts of the General Assembly of this Colony or either of them, any and every such Proprietor or Occupant aforesaid, considering himself or herself aggrieved and entitled to indemnity or compensation in the Premises aforesaid, shall within the space of Three Months from and after the passing of this Act, deliver to the Board of Control of the Public Works or Roads, Highways and Bridges, appointed under the provisions of the before-mentioned Act of the second year of the Reign of Her Majesty the Queen, a claim or statement in Writing, setting forth the particular facts and circumstances upon which such Proprietor or Occupant aforesaid, puts forward and founds his or her claim to indemnity or compensation; and the said Board of Control, or any number of its Members not being less than three, shall have full authority, and are hereby empowered to hear, enquire into and determine the validity or non validity of all such claims aforesaid; and to hear, enquire into, estimate, assess, determine and award the amount or sum, if any, to which all such claimants aforesaid may be reasonably and justly entitled in compensation or indemnity for any cause as aforesaid; and such determination and award shall be final. *Provided always*, that the said Board of Control shall not have authority to enquire into or determine any claim for compensation touching any cause or matter which is *provided for under the provisions* of the Eleventh and Twelfth Sections of the last before-mentioned Act, or which is *provided for under the provisions* of the Tenth and Eleventh Sections of the Colonial Act of the first year of Her Majesty the Queen, Chapter Two. *And provided also*, that in all cases wherein it shall be found that any such Claimant for compensation as aforesaid has derived any particular benefit or advantage incident to his Dwelling-House or Tenement under the proceedings of the said Commissioners of Roads by the widening or improvement of any Road or Street, the value of such benefit or advantage shall be taken into consideration, and allowance for the same be reasonably made in reduction of the amount that may be claimed in compensation by such Claimant.

And be it further enacted, that the said Board of Control shall have authority to call and bring before them all Persons who may be required to give evidence touching the matter of enquiry upon any such claim as aforesaid, and to examine such Persons upon Oath to be in due form administered before the said Board; which Oath the said Board of Control are hereby empowered to administer. And the said Board, after having duly heard and considered the evidence that shall be adduced before them on the part of the Claimant, and also the evidence that shall be adduced on the part of the Board of Road Commissioners, Surveyor of Roads, Contractor, or such other Parties as may appear to answer the matter of claim, shall make their decision and award thereon and deliver the same or the substance thereof in writing to the Claimant, and also (if required) to the Commissioners of Roads within the District wherein the cause of claim shall arise, and such decision and award shall be final.

And be it further enacted, that it shall be lawful for the Governor or Person administering the Government of this Colony for the time

20th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

being, on production to him of any award of the said Board of Control made and certified by them under their hands, wherein any Sum of Money shall be awarded to be due to any such Claimant as aforesaid, to pay the amount of such award by a Warrant in usual form upon the Colonial Treasurer.

And be it further enacted, that no Person shall bring, carry on, or prosecute any Action or Suit in any Court of Law in this Colony, for or on account of any cause, matter or thing, which in this Act is provided and directed to be enquired into, heard and determined before the Board of Control, in the manner herein-before appointed; and that no Court of Record or other Court in this Colony, shall have jurisdiction or hold plea touching any cause, matter or thing herein-before provided to be enquired into, heard and determined before the said Board of Control; and that in case any Action or Suit shall be brought, carried on, or prosecuted against any Person or Persons contrary to any provision of this Act, such Person or Persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any Trial to be had thereupon; and if judgment shall be given for the Defendant thereupon he shall recover treble costs and damages against the Person or Persons so bringing, carrying on, or prosecuting such Action or Suit.

The Honorable Mr. Spearman, from the Select Committee appointed to report on the Bill intituled "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts"—presented a Report thereon.

Ordered, that the same be received.

The said Report was read and is as follows:—

The Select Committee to whom has been referred the Bill sent up by the House of Assembly to the Council, "to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts," have taken the same into their deliberate and serious consideration, with an earnest desire to improve the system and render it more efficient to the attainment of the great and important ends it is designed to accomplish.

The Committee, finding that the present Bill is in its provisions exactly correspondent with the Bill sent up to the Council last Session, have had reference to the Amendments which the Council then proposed after a careful consideration of the subject; and having again investigated the objects and effect of those Amendments, the Committee respectfully recommend them to the adoption of the Council on this occasion, under the full assurance that this Bill, so amended, would, if it were to become the Law, accomplish very great benefit to the public at large, and that it would greatly advance the utility and value of Petit Juries, and thereby render less frequent the inducements, found under the existing system, of calling for Special Juries. The effect of the Amendments proposed would, as relates to Petit Juries, relieve a large number of the labouring class of Society from the obligations they now lie under in being called upon to discharge important duties *which are incompatible with their situation and condition in life*, and would cast those duties on a class of Persons, abundantly numerous, and better qualified to discharge and sustain them.

The Committee, in addition to the previous Amendments, recommend the adoption of a provision relating to Persons convicted of infamous crimes, and also to Aliens.

The Committee believe that the Bill so amended will in its principles be found to approximate, as closely as may be found compatible with the condition of this Colony, to the Law of England, and prove highly beneficial and satisfactory to the public at large if it be carried into operation.

Committee-Room,
20th March, 1841.

JAMES SIMMS,
Chairman of the Committee.

20th & 22nd March, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Pursuant to the order of the day, the Bill, as amended, intituled "An Act to make provision for the disposal and sale of ungranted and unoccupied Crown Lands within the Island of Newfoundland and its Dependencies," was read a third time and passed, and the Honorable the President signed the same.

Land Bill read a third time, passed, and sent down to the Assembly for concurrence.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence therein.

Deputations from the House of Assembly brought up for the concurrence of this House the following Bills intituled respectively—

Bills brought up and read a first time—

Viz:

"An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same"—

Road Bill—

"An Act to regulate the mode of Election of Members to serve in the General Assembly"—

Election Bill—

"An Act to provide for the taking the Votes at Elections by Ballot"—

Ballot Bill—

"An Act to make provision for the Establishment of a Light House on Cape Bonavista"—

Cape Bonavista Light House Bill.

which were severally read a first time, and—

Ordered, to be read a second time tomorrow.

On motion, made and seconded, the House adjourned until Monday next, at One o'Clock.

MONDAY, 22nd MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the Bill, as amended, intituled "An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity, and to make provision for the Compensation of Persons sustaining damage or injury in certain cases"—was read a third time and passed, and the Honorable the President signed the same.

Road Commissioners Indemnity Bill read a third time, passed, and sent down to the Assembly for concurrence in the Amendments.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

The engrossed joint Address from this House and the House of Assembly to His Excellency the Governor, respecting the Buildings in Fort William, was read and adopted.

Joint Address relative to Fort William—
Adopted.

22nd March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The Address is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Council and House of Assembly of Newfoundland, in General Assembly convened, respectfully beg to acquaint Your Excellency that in accordance with the suggestion made in the Speech with which Your Excellency opened the present Session, a joint Committee of the two Houses was appointed to inspect the buildings at Fort-William for the purpose of ascertaining how far they can be made available for the future accommodation of the Legislature.

That a Report was made, by such Committee, to each House, recommending that an Address should be presented to Your Excellency praying that there be reserved for the purposes of a Building for the Legislature “that portion of the ground which is bounded on the North by and including a Bomb-proof, on the East by and including the Commissariat Store, on the South by the Road to Quidi Vidi, and on the West by the Road in front of the Fort.”

And we now therefore most respectfully pray that Your Excellency will be pleased to appropriate, for the uses of the Legislature, the Ground and Buildings recommended in the said Report to be reserved for such purposes.

JAMES SIMMS,

Senior Member of Council presiding.

Council-Chamber,
22nd March, 1841.

Ordered, that the Master-in-Chancery do take a Copy of the said Address down to the House of Assembly with the following Message:—

MR. SPEAKER,

Her Majesty's Council having adopted the Address to His Excellency the Governor, prepared by a joint Committee of the Council and House of Assembly, with respect to the Buildings in Fort William, transmit herewith a Copy of that Address, and request the concurrence of the House of Assembly therein.

JAMES SIMMS,
Senior Member presiding.

Council-Chamber,
22nd March, 1841.

Pursuant to the order of the day the House went into committee of the whole on the Bill intituled “An Act to make provision for the encouragement of Education in this Colony.”

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

The Amendments are as follow:—

Page 1.—Expunge the preamble and the first two lines of the first enacting clause, and insert “Whereas it is expedient that an Act passed in the Sixth year of the Reign of His late Majesty, entitled “An Act for the encouragement of Education in this Colony,” and also a certain other Act passed in the

Message to the Assembly
with a copy of the Address.

Education Bill—
in Committee.

Reported with Amendments

Amendments.

22nd March, 1841.

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

Second Year of the Reign of Her Present Majesty, entitled "An Act to amend An Act passed in the Sixth Session of the First General Assembly intituled 'An Act for the encouragement of Education in this Colony,'" be repealed, and that further provision be made for the purposes of Education. Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that from and after the Sixth day of May, in the Year of Our Lord One Thousand Eight Hundred and Forty-one, the said in part recited Act and every matter and thing therein contained, shall be repealed—And be it further enacted."

Page 1, after the last line add as follows (as the first Section.)

" 2, line 1—Before "that" insert "And be it further enacted, by the authority aforesaid."

" 2, " 9—After the word "the" insert "said."

" 7, " 5—After the word "report" insert "in Duplicate."

" 10, line 10—Between "doctrines" and "of" insert "or peculiar tenets," and between "any" and "Church" insert "particular or exclusive."

Insert as the 9th Section: "And be it further enacted, that so soon as the Governor, or Person administering the Government of this Colony for the time being, shall have appointed Commissioners for the several Districts under the provisions of this Act, the several Boards of Commissioners, under either or both of the said herein before recited Acts, shall transfer and pay over to the several Boards to be appointed under this Act, all School-Houses, Lands, Chattels and Monies obtained and held by them by virtue of the said Acts, and remaining in their power or under their control respectively—after deducting sufficient to defray any amount for which the said Boards respectively may have entered into Contracts or may be liable—and the said School-Houses, Lands, Chattels and Monies shall be held for the purposes of this Act, by the Boards to be appointed under the authority of the same.

The Honorable Mr. Morris laid upon the Table a Petition from certain Inhabitants of St. John's, respecting the Fisheries.

Mr. Secretary Crowdy, by command of His Excellency the Governor, laid before the House the copy of an Address from the House of Assembly, as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly beg leave to acquaint your Excellency that they have passed in Committee of Supply, and will insert the same in the Bill of Appropriation, two Votes, one granting to Her Majesty the sum of Three Hundred and Sixty Pounds, to defray the Accounts for the support of Aged, Infirm and Infant Paupers up to the first day of March, and also a Vote for the Sum of One Thousand Pounds for the relief of the Poor generally—that is to say, Five Hundred Pounds for the relief of the Poor of the District of St. John's, and Five Hundred Pounds for the relief of the Poor of the Extern Districts of this Island, the whole to be placed at the disposal of your Excellency. The House therefore request your Excellency will please to issue your Warrant or Warrants, to the Treasurer, for the payment of the said Accounts and for such Sum or Sums within the said amount of One Thousand Pounds, as the exigencies of the Poor may require.

WILLIAM CARSON,
Speaker.

House of Assembly,
13th March, 1841.

22nd March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The same having been read, it was, on motion, made and seconded—

Resolved, that an Address be presented to His Excellency acquainting him that this House will concur in the grant proposed by the House of Assembly to be made for the relief of the Poor.

Ordered, that the Honorables Messrs. Thomas and Morris be a Committee to draft the said Address.

After some time the Honorable Mr. Thomas, from the said Committee, reported a draft, which was read and adopted, and the Honorable the President signed the same.

The Address is as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, having had laid before us, by Your Excellency's command, the copy of an Address from the House of Assembly requesting your Excellency to issue your Warrant or Warrants to the Treasurer for the payment of certain Accounts for the support of Aged, Infirm, and Infant Paupers, up to the first day of March—and for such Sum or Sums within the amount of One Thousand Pounds as the exigencies of the Poor may require—and undertaking to include in a Bill of Appropriation the Sum of One Thousand Three Hundred and Fifty Pounds for the above purposes, do humbly state to your Excellency, in reply, that we shall concur in the grant proposed to be made by the House of Assembly for the purposes specified in their said Address.

JAMES SIMMS,
Senior Member presiding.

Council-Chamber,
20th March, 1841.

Ordered, that the Honorables Messrs Thomas and Morris be a Committee to ascertain the Governor's pleasure as to the time of receiving the said Address, and to present the same to His Excellency.

On motion, made and seconded, it was—

Ordered, that the Bill intituled "An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors," be now re-committed.

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

The Honorable Mr. Dauscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up a written Message [signifying their concurrence in the amendments made by this House in the Bill for Incorporating the Benevolent Irish Society.

Pursuant to the order of the day, the following Bills intituled respectively—

"An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same,"—

"An Act to regulate the mode of Election of Members to serve in the General Assembly,"—

Address to the Governor concurring in grant for relief of the Poor.

adopted.

Attachment Bill re-committed.

House of Assembly concur in Amendments to Benevolent Irish Society Bill.

Second reading of Road, Election and Cape Bonavista Light House Bills.

22nd & 24th March, 1841.

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

"An Act to make provision for the Establishment of a Light House on Cape Bonavista"—

were severally read a second time, and—

Ordered, to be committed to-morrow.

On motion, made and seconded, it was—

Resolved, that the order of the day for the second reading of the Bill intituled "An Act to provide for the taking the Votes at Elections by Ballot" be discharged, and that the said Bill be read a second time this day Six Months. Ballot Bill thrown out.

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

WEDNESDAY, 24th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Monday last were read.

The Honorable Mr. Thomas laid on the Table a Petition from certain Inhabitants of St. John's, praying that an Act might be passed for incorporating the Church Wardens and Vestry of St. John's Church, and gave notice that on an early day he would move for leave to bring in a Bill for that purpose. Petition from Inhabitants of St. John's, relative to St. John's Church.

Pursuant to the order of the day, the Bill, as amended, intituled "An Act to make provision for the encouragement of Education in this Colony," was read a third time and passed, and the Honorable the President signed the same. Education Bill read a third time and passed.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act further to amend the Law of Attachment and to facilitate the recovery of Debts from absent and absconding Debtors." Attachment Bill in committee.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments. Reported with Amendments.

Ordered, that the Report be received, and—

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

The Amendments are as follow:—

Page 1, line 2—(In the Title)—After "Attachment" insert "and arrest." Amendments.

" " 6—After "Attachment" insert "and arrest."

24th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Page 1, line 18—Expunge “Suits in Equity,” and the word “Suit” wherever it occurs in the Bill, except in the last Section.

- “ 2, “ 1—After “Goods” insert “Monies.”
- “ “ 2—After “Defendants” insert “or by arrest of his or their person or persons,” after “process” expunge “or” and insert “and.”
- “ “ 10—Expunge “six” and insert “four.”
- “ “ 12—After “and to” insert “sign judgment by default for want of a plea and.”
- “ “ 13—Expunge this line and insert “to final judgment.”
- “ “ 14—Expunge the three first words.
- “ “ 18—Expunge “for” and insert “of.”
- “ 3, “ 1—After “Goods” insert “Monies.”
- “ “ 5—Expunge “Person or Persons.”
- “ “ 6—After “Defendants” insert “or.”
- “ “ 7—After “Goods” insert “Monies, Debts.”
- “ “ 13—After “Goods” insert “Monies, Debts.”
- “ “ 14—After “Court” add “s.”
- “ “ 21—After “depending” insert “or in vacation to one of the Judges of the Supreme Court.”
- “ 4, “ 2—After “Court” insert “or Judge.”
- “ “ 3—After “the” insert “satisfaction of the,” and after “Court” insert “Judge.”
- “ “ 15—Expunge last seven words and insert “date of such order for payment.”
- “ 5, “ 5—Expunge “proceed” and remainder of clause, and insert “to sign judgment by default for want of a plea and proceed to final judgment; Provided always, that service of Notice of any Assessment of Damages, or of executing a Writ of Enquiry under interlocutory judgment upon the Person in whose custody the possession of such Lands, Goods, Monies, Debts or Effects may be, or from whom such Debts may be due to such Defendant or Defendants, or leaving such notice at the last place of abode in this Colony of such Defendant or Defendants, shall be deemed and taken to be sufficient service.”
- “ “ 14—Before “Goods” insert “Lands,” and after “Goods” insert “Monies.”
- “ “ 20—After “nature” insert “or where the expense of keeping the same shall be likely materially to reduce the value thereof.”
- “ 6, “ 23—Expunge “respectively” and insert “in vacation.”
- “ 7, “ 1—Expunge “them or him” and insert “such Court or Judge.”
- “ “ 19—Expunge last eight words.
- “ 8, “ 7—After “Defendants” insert “Lands.”
- “ “ 8—Expunge “Chattels.”
- “ “ 11—Expunge “and.”
- “ “ 12—Expunge “for” and insert “in,” expunge “above” and insert “from,” expunge “in addition” and the rest of the clause, and insert “to One Hundred Pounds, Ten Pounds—and a further sum at the rate of five per cent on the amount sworn to, above the first Hundred Pounds.”

Insert as the last Section: “And be it further enacted, that in all Actions at Law, or Suits in Equity, wherein the Plaintiff or Plaintiffs shall proceed against any Defendant who shall be absent from this Colony, or against more than

24th March, 1841.

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

one Defendant where all or any such Defendants shall be absent from this Colony, service of the Process and Declaration or Bill of Complaint, and of all Rules, Orders and Notices, touching the said Actions or Suits respectively, upon the Agent or Manager of the House of Trade or Business, within this Colony, of such absent Defendant or Defendants, or upon such of the said Defendants, where there are more than one, as shall be within the said Colony, or upon the Agent or Manager of any House of Trade or Business within this Colony carried on by Defendants, all of whom shall be absent from this Colony, shall be deemed and taken to be of as much validity as if personally served upon the said absent Defendant or Defendants."

The House resolved itself into a Committee of the whole on the Bill intituled "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts." Jury Bill in committee.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments. Reported with Amendments

Ordered, that the Report be received, and—

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

The Amendments are as follow:—

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

Page 1, lines 9 and 10—Expunge the letters and figures between "Act" and "intituled," and insert in lieu thereof "passed by the Parliament of the United Kingdom of Great Britain and Ireland in the Fifth Year of the Reign of His late Majesty King George the Fourth."

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

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

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

Page 1, line 16—After "every" expunge the remainder of the Section, and insert in lieu thereof "Man, (except as hereinafter excepted,) between the ages of Twenty One Years and Sixty Years, residing in the Central District of the Island aforesaid, within Four Miles of the Town of Saint John's, who shall have in his own name, or in trust for him within the said District, Twelve Pounds by the Year above Reprizes in Lands or Tenements in Fee Simple tenure—or who shall have within the said District Twenty Pounds by the Year above Reprizes in Lands

24th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

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

Page 2, line 11—After "absence" insert "of the principal," and after the word "and" insert "every Officer of the Army or Navy on half-pay, and."

" line 12—Expunge the word "and."

" line 13—Expunge "this Colony," and insert "the said District."

" line 14—After the word "Grand" insert "and Special."

Expunge the Fourth Section of the Bill.

Insert at the end of the 4th Section of the Bill (as amended) the following *Proviso*: "Provided always, and be it further enacted and declared that no Man not being a natural-born subject of Her Majesty the Queen is or shall be qualified to serve on Juries or Inquests except only in the cases hereinafter expressly provided for; and no Man who hath been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any Man who is under outlawry or excommunication, is or shall be qualified to serve on Juries or Inquests in any Court or on any occasion whatever: Provided nevertheless, and it is hereby further enacted that nothing herein contained shall extend or be construed to extend to deprive any Alien indicted or impeached of any felony or misdemeanor of the right of being tried by a Jury *de medietate lingue*, but that on the prayer of every Alien so indicted or impeached, the Sheriff or other proper Minister shall by command of the Court return for one half of the Jury a competent number of Aliens if so many there be in the town or place where the trial is had, and if not then so many Aliens as shall be found in the same town or place, if any, and that no such Alien Juror shall be liable to be challenged for want of freehold, or of any other qualification required by this Act; but every such Alien may be challenged for any other cause in like manner as if he were qualified by this Act."

Expunge the 5th Section of the Bill as amended.

Page 3, line 9—Expunge "qualified," and insert in lieu thereof "liable."

" line 12—Expunge "certified by affidavit."—Expunge the word "High" before "Sheriff," and throughout the Bill.

" line 17—Expunge "being or claiming to be" and insert instead "liable to serve as."

" line 18—Expunge "legally qualified," and insert "liable."

" last 2 lines—Expunge all the words between "thereof," and "the same."

" 4, line 1—Expunge "Judges of the."

" line 2—Expunge "in open Court."

" line 3—Expunge "them," and insert "the said Courts respectively."

" line 5 & 6—Expunge the words between "Magistrate" and "make" and insert in lieu thereof "shall on the third Monday in June in every year, or so soon thereafter as the same may be conveniently accomplished."

" line 6—Between the word "the" and "District" insert "said."

24th March, 1841.

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

Page 4, line 6 to 9—Expunge all the words between “District” and “Grand” and insert
“liable as aforesaid to serve as.”

“ line 10—Expunge all the words after “Jurors.”

“ line 13—Expunge “the” at the beginning of this line, and insert “a,” and after
“Sum” insert “after the rate” and after “every” insert “one.”

“ line 16—After “Sum” insert “after the rate,” and after “every” insert “one.”

“ line 19—Expunge “the sitting of the first” and insert “each.”

“ 5, line 1—After “District” insert “after those who were last summoned for either of the
said Courts.”

“ line 4—At the end of this line insert “during the said term.”

“ line 6—After “to” insert “attend,” and between “or” and “excused” insert “be.”

“ line 6 & 7—Expunge “on such first day,” and in lieu of the word “that” insert
“such.”

“ line 8—Expunge all the words between “for the” and “to order,” and insert in lieu
thereof “said Courts respectively if they shall think fit.”

“ line 11—Expunge “each” and insert “such.”

“ line 13—After “abode” insert “at least twenty-four hours previous to the time at
which he shall be required to attend.”

Expunge the Seventh Section of the Bill.

Page 6, line 5—Expunge “and” between “Grand” and “Special,” and after “Special”
insert “and Petit.”

“ line 8—After “Colony” insert “the Clerks in the Secretary’s Office,” and between
“the” and “Officers” insert “Judges and.”

“ line 10—Between “the” and “Clerks” insert “Officers and.”

“ line 13—After “General” insert “all;” after “Clergymen” insert as follows, “in
Holy Orders—all persons who shall teach or preach in any Congrega-
tion of Protestant Dissenters having a Church or Chapel, and following
no other occupation or employment than that of Schoolmaster—all
Barristers”—and after “Attornies” insert “Coroners, Constables,
Sheriff’s Officers, Persons actually performing, in relation to any reli-
gious Congregation in the said District, duties analagous to those per-
formed by Parish Clerks and Sextons in England—all Licensed Pilots,
all Household Servants of the Governor, all”

“ line 18—Between “of” and “next” insert “the.”

“ line 21—Expunge “the first Forty-eight,” and insert “a sufficient number of the.”

“ line 22—After “appear” insert “first.”

“ 7, line 2—Expunge “on the first day of,” and insert “during.”

“ line 3—After “term,” expunge “and such person,” and insert “in manner following;
that is to say—“the first Forty-eight on the list.”

“ line 4—Expunge “for” and insert “during the first,” and after “days” insert “of
such term.”

“ line 4 & 5—Expunge all the words between “and” and “Forty-eight.”

“ line 8—Expunge “for” and insert “during.”

“ line 12—Expunge “the Forty-eight” and insert “a sufficient number of the.”

“ line 13 & 14—Expunge “in the last Term.”

24th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Page 7, lines 16 & 17—Expunge the whole of these two lines and add instead thereof “Provided that nothing herein contained shall have the effect of exonerating any Juror who may have been summoned but not called upon to serve during one Term, from being summoned and serving during the next.”

Expunge the Tenth Section of the Bill.

Page 8, line 2—Between “a” and “Jury” insert “Petit.”

“ lines 15 & 16—Expunge all the words between “the” and “in” and insert “the said Courts respectively.”

“ line 19—Expunge “Prothonotary or.”

“ 9, line 2—Expunge all the words after “struck” and insert “when.”

“ line 4—Expunge “Prothonotary” and insert “Clerk of the Court.”

“ line 13 to 17—Expunge these five lines and the three first words of the 18th, and insert in lieu thereof “form the panel for the trial of the cause wherein such Special Jury shall have been ordered, and the said.”

“ line 21—After “Twelve” insert “persons whose,” and after “names” insert “shall be,” and after “drawn” insert “and who shall be present.”

“ last line—Expunge “shall” and insert “may with the consent of both parties.”

“ 10, line 4—After “lawful” insert “with the like consent.”

“ line 5—Insert at the end of the Section: “Provided that in case either party shall neglect to attend at the time and place appointed by the Sheriff for striking such Jury, notice thereof as aforesaid having been given, the Clerk of the Court shall on behalf of the absent Party strike off the names of twelve of the persons drawn, in the same manner as such Party might have done if present; and if more than one Special Jury be required the names of those first drawn shall be put into the box before another Jury be drawn: And provided also that the Summons for each Juror shall, in the manner heretofore used, be served personally or left at his usual place of abode at least Twenty-four hours before he shall be required to attend.”

“ line 17—Expunge “Twenty” and insert “Forty.”

“ line 18—After “Shillings” insert “at the discretion of the said Courts respectively.”

“ line 19—Expunge “having been” and insert “may be” in lieu thereof, and Expunge “if necessary.”

“ line 20—After “Chattels” insert “and.”

“ line 21—Expunge “handed over” and insert “paid.”

“ line 23—Expunge “to” and insert “and shall.”

Expunge the last Section of the Bill.

Bills brought up and read a first time—
Viz:

Pilots Act continuation—

Deputations from the House of Assembly brought up for the concurrence of this House the following Bills intituled respectively—

“ An Act to continue an Act made and passed in the Second year of the Reign of Her present Majesty intituled ‘An Act for the regulation of Pilots, and the Pilotage of Vessels, at the Port of St. John’s’—

Placentia Road, and—

“ An Act to provide for Making a line of Road connecting Placentia and St. Mary’s with St. John’s—

Loan Bills.

“ An Act to authorize the Treasurer of this Colony to raise on Loan a Sum not exceeding £5000 for completing the line of Road connecting Placentia and St. Mary’s with St. John’s—

which were severally read a first time, and—

Ordered, to be read a second time tomorrow.

24th & 26th March, 1841.

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

A Deputation from the House of Assembly brought up a Written Message signifying the concurrence of that House in the Joint Address to His Excellency the Governor respecting the Buildings in Fort William.

House of Assembly concur in Joint Address relative to Fort William.

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

FRIDAY, 26th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, Attorney-General.

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JAMES M. SPEARMAN, Collector of Customs.

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Wednesday last were read.

The Honorable Mr. Spearman laid on the Table a Petition from James Douglas, Chairman of the Board of Road Commissioners at St. John's, stating that neither in the Road Bill, nor in the General Supply Bill, now before the Legislature, had any provision been made for his Salary.

Petitions presented from James Douglas,

The Honorable Mr. Thomas laid on the Table a Petition from David Rogers, Assistant Messenger of this House, praying some remuneration for services rendered previously to his being allowed any Salary; also—

David Rogers

and

A Petition from Thomas Houlton, praying the concurrence of this House in the grant to him of a certain sum included in the Road Bill now before the House.

Thomas Houlton.

On motion, made and seconded,—

The Petition which was laid on the Table on Wednesday last, from certain Inhabitants of St. John's, relative to St. John's Church, was read, and—

Church Petition read—

Ordered, to be referred to a Select Committee to report thereon, in pursuance of the 43rd Rule of this House.

Select Committee to report thereon.

Ordered, that the Honorables Messrs. Crowdy, Spearman and Thomas, do compose the said Committee.

The Honorable Mr. Thomas, from the Committee appointed to present to the Governor the Address of this House agreed to on Tuesday the 22nd instant, reported that His Excellency had been pleased to receive the same.

Presentation of Address relative to the Poor reported.

Pursuant to the order of the day, the Bill intituled “ An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled ‘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—

Second reading of Pilots Bill.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled “ An Act to make provision for the Establishment of a Light House on Cape Bonavista.”

Cape Bonavista Light House Bill committed.

26th & 29th March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Pursuant to the order of the day, the Bills intituled respectively—

“An Act to provide for making a Line of Road connecting Placentia and St. Mary’s with St. John’s,” and—

“An Act to authorize the Treasurer of this Colony to raise on Loan a Sum not exceeding *Five Thousand Pounds* for completing the Line of Road connecting Placentia and St. Mary’s with St. John’s,”—

were severally read a second time, and—

Ordered, to be committed to-morrow.

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

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled “An Act to Establish a Grammar School at Carbonear,” which was read a first time, and—

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

On motion, made and seconded, the House adjourned until Monday next, at Twelve o’Clock.

MONDAY, 29th MARCH, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Friday last were read.

Mr. Secretary Crowdy, from the Committee appointed to present to the Governor the joint Address of this House and of the House of Assembly, respecting the Buildings in Fort William, reported that His Excellency had been pleased to receive the said Address and to return an answer thereto as follows:—

Second reading of Placentia Road and Loan Bills.

Road Bill in committee.

Carbonear Grammar School Bill brought up and read a first time.

Governor’s answer to joint Address relative to Fort William.

29th & 31st March, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Honorable Gentlemen, and Gentlemen,—

I shall be happy to act in accordance with this Address.

Government-House,
29th March, 1841.

On motion, made and seconded, it was—

Resolved, that the order of the day for the second reading of the Bill intituled "An Act to Establish a Grammar School at Carbonar" be discharged.

Order for second reading of Carbonar Grammar School Bill discharged.

Pursuant to the order of the day, the Bill, as amended, intituled "An Act further to amend the Law of Attachment and Arrest, and to facilitate the recovery of Debts from absent and absconding Debtors"—was read a third time and passed, and the Honorable the President signed the same.

Attachment Bill read a third time and passed.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

The Honorable Mr. Thomas laid on the Table a Petition from certain Inhabitants of Broad Cove, stating that no provision had been made in the Road Bill, now before this House, for the Road from Coady's Well to that Settlement.

Petition from Inhabitants of Broad Cove.

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

Road Bill in committee.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

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

WEDNESDAY, 31st MARCH, 1841.

The House met pursuant to adjournment.

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Monday last were read.

The Honorable Mr. Thomas laid on the Table a Petition from the Farmers, Householders and other Residents in and about Quidi Vidi, stating that no provision had been made in the Road Bill for the Road to that place.

Petition from Quidi Vidi.

On motion, made and seconded,—

Resolved, that the order of the day for the third reading of the Bill to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to deter-

Third reading of Jury Bill postponed.

31st March, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

mine the qualification of Jurors in the said Courts, be discharged and that the said Bill be read a third time to-morrow.

Cape Bonavista Light House
Bill committed.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to make provision for the Establishment of a Light House on Cape Bonavista."

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Road Bill in committee.

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

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Message from the Assembly
for conference on the
Education Bill—

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject matter of the Amendments made by this House in and upon the Bill to provide for the encouragement of Education in this Colony.

Ordered, that the request be acceded to, and—

Ordered, that the Honorables Messrs. Thomas and Morris be the Conferrees on the part of this House.

Conference held.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the House of Assembly and had received from them their Instructions.

Ordered, that the Report be received.

The Instructions were read and are as follows:—

Instructions.

The House of Assembly request this Conference of Her Majesty's Council, in order to convey to that Honorable Body, the reasons why they cannot agree to certain of the Amendments made by them in and upon a Bill sent up from the House of Assembly, entitled "An Act to make further provision for the encouragement of Education in this Colony."

The three first Amendments are predicated upon a presumption that the existing Education Act, if not repealed, will continue in operation after the Sixth day of May next; but should that Act, on the contrary, expire on that day, and thus of itself cease to be law, it is obvious that to pass an Act for its repeal, after that date, would be to Legislate uselessly and unnecessarily.

The House of Assembly are of opinion that as the monies granted under the original Act, have been made payable only for and during the space of Five Years, from the passing of the same, all and every provision of the said original Act, and of the Act 2 Vic. ch. 5, in amendment of the same, expire with the expiration of the said term of Five Years, because the said provisions are all incident upon, and entirely subservient to, the said grant.

Lord Kenyon, in the case of Williams v. Pritchard, 4. T. R. distinctly says:—"it cannot be contended that a subsequent Act of Parliament will not control the provisions of a prior Statute, if it were intended to have that operation."

To prove that they view this subject in a correct light, the Assembly would also beg to refer to the Act 2 Vic., ch. 10.—Under the provisions of this Act a Board of Commissioners of the Poor was nominated, with power to appoint a paid Secretary, and certain regulations made for the appointment, by the Governor, and for the remuneration of four District Surgeons.

31st March, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

If, then, the regulation clauses of the Education Act must continue in force after the efflux of the time for which the Money was granted, then must the regulations with reference to the Poor Vote above mentioned, be still in force, and the Commissioners nominated in that Act, and the four District Surgeons and the Secretary appointed under it, must, *even now*, be entitled to enjoy their primitive jurisdiction, and the latter be legally entitled to two years Salary, which are becoming due since the 30th June, 1839. But when, by a subsequent Bill of Supply, a Sum of Money was again granted for the relief of the Poor, although that grant was unaccompanied by any provision repealing the former Act, yet, the Governor was advised to pass over and not recognize any rights of the said Commissioners and District Surgeons as such, but to regard the said Act as having expired, and upon such advice His Excellency nominated and appointed *other* persons as Commissioners, to disburse the Sum then granted for the use of the Poor,—and was advised correctly, because the money grant it was that constituted the essence of the Act, and the moment that grant became exhausted, then all the provisions founded on it passed away.

But Her Majesty's Council, in passing a Road Bill in 1838, without repealing the Road Act passed in 1837, again acknowledged this principle, for in the Act of 1838, there was no repealing clause to affect the Act of 1837, and therefore, if the regulation clauses of the latter were to continue in force after the exhaustion of the Money which formed their basis, then were the Legislature engaged in uselessly accumulating Acts that merely repeated former Acts.

Again is the principle of the expiry of an Act upon the exhaustion of the Money on which it is founded, asserted by the Governor in His Excellency's Speech at the opening of the present Session; (and in this assertion the Council in their Executive capacity, as His Excellency's Advisers, were concurrent parties.)—In that Speech His Excellency recommends the Legislature to pass "a General Road Bill" for regulating the management of the making of Roads, in order that it may be, in subsequent Sessions, only necessary "to decide upon the Sums to be expended, and the localities to which they should be applied."—But it is obvious that if the regulating clauses of the existing Act survived the expenditure of the Money granted under it, His Excellency's recommendation would appear unnecessary, or His Excellency should have been advised to recommend the repeal of the existing law upon the subject.

Finally, the Assembly have, upon the very subject before them—that is, upon the question whether the Education Act will or will not cease on the Sixth of May,—the highest opinion in the Colony; for we find that in the same Speech His Excellency is advised by the Council—and which Council have the advantage of the direction and advice of the highest Law Officer of the Crown in Newfoundland—to inform the assembled Legislature that—"The Education Act will cease in the approaching month of May, and CONSEQUENTLY *it will be necessary to continue it for a certain period, OR TO PREPARE ANOTHER BILL,*" and the latter course the Assembly have pursued.—For these reasons they beg respectfully to object to the Three first Amendments.

With respect to the Seventh Amendment, the Assembly object to the proposed alteration, as their intention in framing that part of the Act as it is, was to render the Public Education available to all, both Catholic and Protestant.

It was their wish to remove every thing like ambiguity from the subject; and as the Catholic portion of the community, who form a majority of the whole population, believe, that to use the Sacred Scriptures as a common School Book, is a profanation of God's Holy Word, and will not permit their children to receive Education at Schools where it is, as they consider, so desecrated—and as the highest Law Officer of the Crown in this Colony gave it as his opinion, that the Bible did not teach "the doctrines or peculiar tenets of any particular or exclusive Church," and was, therefore, not included among those Books forbidden to be used in Schools under the present Acts, they framed this Section in such a manner, as that its applicability to the Bible could not be questioned.

WILLIAM CARSON,

*Speaker.*House of Assembly,
29th March 1841.

31st March & 2nd April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

A Deputation from the House of Assembly brought back the Education Bill in which certain Amendments had been made to those made by this House.

The said Amendments having been read a first time—

Ordered, that the 38th Rule of this House, so far as it respects the said Amendments, be dispensed with, and that they be now read a second time.

Whereupon the said Amendments were accordingly read a second time and the House went into Committee of the whole thereon.

The Honorable Mr. Crowdy in the Chair.

The some time the House resumed.

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

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony for the year ending the 30th day of June, 1842, and for other purposes"—which was read a first time, and—

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

On motion, made and seconded, it was—

Resolved, that the order of the day, for the House going into committee of the whole on the Bill intituled "An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's,'" be discharged, and that the said Bill be committed to-morrow.

A Deputation from the House of Assembly brought up a Written Message as follows:—

MR. PRESIDENT,

The House of Assembly request Her Majesty's Council will furnish them with an Account of the Contingencies of the Council for the present Session.

WILLIAM CARSON,
Speaker.

House of Assembly,
31st March 1841.

Ordered, that the Honorables Messrs. Crowdy, Thomas and Morris, be a Committee to ascertain and report upon the Contingencies of this House.

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

FRIDAY, 2nd APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Wednesday last were read.

Amendments of the Assembly read and committed.

Supply Bill brought up and read a first time.

Committal of Pilots Bill postponed.

Message from Assembly for account of Contingencies.

Committee appointed to ascertain and report thereon.

2nd April, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

The Honorable Mr. Thomas laid on the Table a Petition from certain Inhabitants of St. John's, complaining that no provision had been made in the Road Bill for the repairs of the Cock-pit Road. Petition relative to Cock-pit road.

The Honorable the Attorney-General laid on the Table a Petition from Richard Perchard, Keeper of Her Majesty's Gaol at St. John's, complaining of a Provision in the Bill of Supply for the ensuing year, now before the House, by which he will be deprived of his usual Fees of Office, and praying the House not to concur therein. Petition from Richard Perchard, Gaoler, St. John's

Pursuant to the order of the day, the Bill intituled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony for the year ending the 30th day of June, 1842, and for other purposes"—was read a second time, and— Second reading of Supply Bill.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to make provision for the Establishment of a Light House on Cape Bonavista." Cape Bonavista Light House Bill in committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments. Reported with Amendments.

Ordered, that the Report be received.

The Amendments are as follow :—

In the Title, between the words "on" and "Cape" insert "or near to" Amendments.

In the Preamble, the same.

First Section, line 2—After "Assembly" insert of "Newfoundland"

Page 3, line 5—Between the words "on" and "Cape" insert "or near to"

" 4, line 5—After "Council" insert "and the said Commissioners shall enter into the necessary Contracts for, and proceed to the erection and completion of, the said Light House."

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

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's.'" Pilots Bill in committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the Bill intituled "An Act to regulate the mode of Election of Members to serve in the General Assembly." Election Bill in committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported some 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.

3rd April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

SATURDAY, 3rd APRIL, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

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

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

Pursuant to the order of the day, the House went into Committee of the whole on the Amendments made by the House of Assembly to the Amendments of this House to the Bill intituled “ An Act to make provision for the encouragement of Education in this Colony.”

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported that it was the opinion of the Committee that the Amendments made by this House in the Bill should be adhered to, and that a Conference should be had with the House of Assembly to acquaint them therewith.

Ordered, that the Report be received, and—

Ordered, that the Conferrees who managed the last Conference do manage this Conference.

Ordered, that the Honorables Messrs. Crowdy, Thomas and Morris, be a Committee to draft Instructions for the said Conference.

Pursuant to the order of the day, the Bill, as amended, intituled “ An Act to make provision for the establishment of a Light House on or near to Cape Bonavista”—was read a third time and passed, and the Honorable the President signed the same.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

Pursuant to the order of the day, the House went into Committee of the whole on the further consideration of the Bill intituled “ An Act to regulate the mode of Election of Members to serve in the General Assembly.”

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported some 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 Committee of the whole on the further consideration of the Bill intituled “ An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same.”

Jury Bill read a third time and passed.

Committee on Amendments to Education Bill.

Conference to be had with the Assembly.

Cape Bonavista Light House Bill read a third time and passed.

Election Bill in committee.

Road Bill in committee.

3rd & 5th April, 1841.

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

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

On motion, made and seconded, it was—

Resolved, that the several items in the Road Bill which in Committee on the said Bill were reserved for further consideration, be referred to a Select Committee to report thereon to the House.

Select Committee to report on certain items in the Road Bill reserved for further consideration.

Ordered, that the Honorables Messrs. Crowdy, Thomas and Morris, do form the said Committee.

On motion, made and seconded, the House adjourned until Monday next, at Twelve o'Clock.

MONDAY, 5th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

“ “ JAMES CROWDY, *Colonial Secretary*.

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Saturday last were read.

The Honorable Mr. Thomas laid on the Table a Petition from certain Merchants and Ship-Owners of St. John's, praying that the Colonial Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's (now about to expire) may not be continued.

Petition against the Pilots Bill.

The Honorable Mr. Morris entered a Protest against the Bill to regulate the manner of Empannelling Juries, in the following words:—

Protest against Jury Bill by Hon. P. Morris.

Dissentient—

Firstly,—Because I consider the qualification for Petit Jurors, the possession of “real property to any amount, or occupying any House or Tenement of the annual rent or value of Twelve Pounds,” provided in the Bill sent up from the House of Assembly, entitled “An Act to regulate the manner of empannelling Juries in the Supreme and Circuit Courts of this Island,” more suitable to the circumstances of Inhabitants of the Central District than the qualifications required in the Amendments—“Twelve Pounds by the year above reprises in Lands or Tenements in fee-simple tenure, or who shall have within the said District Twenty Pounds by the year above reprises in Lands or Tenements held by Lease or Leases for the absolute term of Twenty-one Years, or some longer term, or for any term of years determinable for any life or lives; or who shall, within the said District, be the sole Occupant of any House, Lands or Tenements of the annual rental or value of Twenty-five Pounds.”

Secondly,—Because the qualification for Petit Jurors, provided in the Bill sent up by the House of Assembly, is the same as those required by the 24th Rule of the Supreme Court, adopted by the Chief Justice Tucker and the Assistant Judges, immediately after the promulgation of His Majesty's Royal Charter empowering them to make Rules for the Empannelling Jurors.

5th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Thirdly,—Because from the period of the formation of such Rules, to the retirement from the Bench of Chief Justice Tucker, the Rule was acted upon, and continued to meet the approval of that Learned and Eminent Judge, whose long experience afforded him the very best opportunity of judging of its application to the peculiar state of the community.

Fourthly,—Because the property qualification for Petit Jurors, in the Amendments, are higher than those required for Jurors in England, Wales and Ireland, and are therefore in effect calculated to supersede the great leading principle of Trial by Jury, which secures to every "Englishman" the right of being tried by his equals.

Fifthly,—Because the Rule proposed for Summoning and Empannelling Grand and Special Juries in the Amendments made by the Council to the Bill sent up from the House of Assembly, "That every Principal Merchant and chief accredited Agent of a Mercantile Establishment, in the absence of the principal of the same, and every Officer of the Army and Navy on half-pay, and every Gentleman in the Central District, who shall have been three months resident in the said District shall be liable to serve on the Grand and Special Juries of the Supreme and Central Circuit Courts aforesaid," is based on far too limited a platform—is vague and indefinite—and leaves too much to the discretion of the Stipendiary Magistrate who would be empowered to make the selection.

Sixthly,—Because it appears at variance with every just principle that a high qualification should be required for Petit Jurors, and no property qualification whatever for Grand and Special Jurors.

Seventhly,—Because in the Bill sent up from the House of Assembly a property qualification is proposed for Special Jurors, by the adoption of which the number of fit and proper persons to serve on Special Juries would be greatly augmented, and who are now excluded as they do not come under the denominations of Principal Merchants, Agents, or Gentlemen, &c. &c.

Eighthly,—Because the number of persons qualified, under the mode proposed in the Amendments made by the Council, are far too limited, as will appear by reference to the Panel of Grand and Special Jurors laid before the House of Assembly, and who are selected by the Sheriff on a principle precisely the same as that proposed in the Amendments of the Council—the total number is Seventy-five—

Sixty-nine Merchants and Agents of Merchants,
Two Shop-Keepers,
Two Gentlemen,
One Architect,
One Printer ;

and from the transitory character of the Mercantile Body, considerable numbers of them are at most seasons absent from the Country.

Ninthly,—Because the mode now proposed for selecting Special Jurors is the same as that recently adopted in the Courts, and at variance with Judge Tucker's Rules; and is therefore calculated to establish, instead of removing, the grounds of objection that have been made to it.

PATRICK MORRIS.

Pursuant to the order of the day, the House went into Committee of the whole on the further consideration of the Bill intituled "An Act to regulate the mode of Election of Members to serve in the General Assembly."

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

5th April, 1841.

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

On motion, made and seconded, it was—

Ordered, that the Bill, as amended, be fairly engrossed, and referred to a Select Committee to report thereon to the House, and—

Election Bill to be engrossed and referred to a Select Committee.

Ordered, that the Honorables Messrs. Crowdy, Spearman and Morris, do form the said Committee.

The Honorable Mr. Spearman laid on the Table a Petition from certain Pilots of St. John's against certain clauses proposed to be inserted in the Bill for the Regulation of Pilots and the Pilotage of Vessels at St. John's, now before the House.

Petition relative to Pilots Bill.

The Honorable Mr. Crowdy, from the Committee appointed to prepare Instructions to the Conferrees on the subject of the last Conference, reported a draft, which was read and adopted.

Instructions to Conferrees on Amendments to Education Bill

The Instructions are as follow:—

Her Majesty's Council have asked this Conference for the purpose of acquainting the House of Assembly that they adhere to the Amendments made by them in and upon the Bill intituled "An Act to make provision for the encouragement of Education in this Colony."

Whereupon the Honorable the President signed the same.

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

Conference acceded to by the Assembly, and held.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the Assembly and delivered to them their Instructions.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled "An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's.'"

Pilots Bill in committee—

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an Amendment.

Reported with an Amendment.

Ordered, that the Report be received.

The Amendment is as follows:—

In Page 2, line 5—Expunge "Four Years" and insert "One Year."

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

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony"—which was read a first time, and—

Pickled Fish Inspection Bill brought up and read a first time.

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

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony for the year ending the 30th day of June, 1842, and for other purposes."

Supply Bill in committee.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported some 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.

6th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

TUESDAY, 6th APRIL, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

Election Bill in committee.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled “An Act to regulate the mode of Election of Members to serve in the General Assembly.”

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.

Pilots Bill read a third time and passed.

Pursuant to the order of the day, the Bill, as amended, intituled “An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled ‘An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John’s’”—was read a third time and passed, and the Honorable the President signed the same.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

Second reading of Pickled Fish Bill.

Pursuant to the order of the day, the Bill intituled “An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony”—was read a second time, and—

Ordered, to be committed to-morrow.

Supply Bill in committee.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony for the year ending the 30th day of June, 1842, and for other purposes.”

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.

The Amendments are as follow:—

Amendments.

Page 2, lines 11 and 12—Expunge “Sixteen Thousand Two Hundred and Thirty-seven Pounds Thirteen Shillings and Sixpence” and insert “Fourteen Thousand Seven Hundred and Fifty-eight Pounds and Fifteen Shillings”

“ 11, last line—Expunge the whole of this line.

“ 12, Expunge the whole of this Page and the first eleven lines of the following Page.

“ 20, lines 2, 3, 4—Expunge all the words between “which” and “the Colony,” and insert in lieu thereof “have heretofore been paid by”

“ “ lines 8, 9, 10—The like Amendment as the foregoing.

6th April, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Page 21, lines 6 & 7—Expunge “under the Certificate of Two Magistrates”

“ 25, line 15—Between the words “expense” and “of” insert “of Printing the Report and”

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

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled “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—

Revenue Bill brought up and read a first time.

Ordered, to be read a second time tomorrow.

On motion, made and seconded, it was—

Ordered, that the Bill intituled “An Act to regulate the mode of Election of Members to serve in the General Assembly,” be now re-committed.

Election Bill re-committed

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

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Bill with a further Amendment.

Reported with a further Amendment.

Ordered, that the Report be received.

The Amendments to the said Bill are as follow:—

In the Title—Expunge “General” and insert “House of”

Amendments.

In the Preamble, lines 2 & 3—Expunge “General” and insert “House of”—Expunge “of this Island” and insert “Newfoundland.”

Page 1, line 7—Expunge “made” and insert “holden of any Member or Members to serve in the House of Assembly”

Page 2, lines 5 & 6—Expunge “and their respective Deputies”

“ line 15—After “Certificate” insert “of qualification”

“ line 16—After “Electors” insert “of the District for which he shall be put in nomination and”

Page 3, line 3—After “required” insert “under the provisions of this Act”—after “Administered” insert “to any Voter at the time and place of taking the Polls,” and expunge “by this Act”

“ line 5—After “all” insert “General”—Expunge the four words immediately after “Elections,” and insert “whatever of Members to serve in any future House of Assembly”

“ line 8—After “shall” insert “in all General Elections and also in all other Elections”

“ line 9—After “Writs” insert “to be issued for such Elections”

“ line 10—Expunge “forty” and insert “thirty”

“ line 19—Expunge “where” and insert “wherein any”—After “Election” insert “aforesaid”—After “may” expunge “take place” and insert “be appointed to be holden”

“ line 21—After “nomination” insert “the Returning Officer in such Electoral District shall cause”—Expunge “shall” and insert “to”

“ 4, line 1—Expunge “parts” and insert “places”

“ line 2—Expunge “last two words” and insert “said District”

6th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

- Page 4, line 3—Expunge this line and the rest of the Section
- “ line 15—Expunge “D” and insert “F”
- “ 5, line 3—Expunge “timely” and insert “in due time”
- “ line 10—Expunge this line and the rest of the Section, and insert “And be it further enacted, that at every contested Election of a Member or Members to serve for any District of this Colony, in any future House of Assembly, the Polling shall commence at Nine o’Clock in the forenoon of the Sixth day ensuing the day of nomination of the Candidates, unless such Sixth day shall be Saturday or Sunday, and then on the Monday following, at the place of nomination, and also at the several other places or stations specified and appointed in Schedule D of this Act for taking the Polls in the respective Districts; and such Polling shall continue for Two days only, such days being successive days—that is to say for Seven Hours on the First day of Polling, and for Eight Hours on the second day of Polling; and no Poll shall be kept open later than Four o’Clock in the afternoon of either of the said days.”
- “ 5, line 20—Expunge this line and the rest of the Section and insert “all Electors claiming to vote at any such Election as aforesaid, shall deliver their vote within their respective Districts at such of the appointed Polling Stations as shall be situate nearest to the Dwelling-house under which they derive their qualification, and that no Elector shall be allowed to vote at any other Polling Station than as aforesaid, save and except as is hereinafter provided in the Sixteenth Section of this Act.”
- “ 6, line 4—Expunge this line and the succeeding lines to the 11th line, including “Signatures,” and insert “in all cases wherein the Dwelling-house in respect to which any Person claiming to vote at any such Election as aforesaid, shall be situate at a distance of more than Fifteen Miles from the nearest Polling Place or Station within any District wherein any such Election aforesaid shall be holden, such Person, being a duly Registered Voter, shall not be required to attend the Election or taking of the Polls in Person, for the purpose of giving his vote, but shall be authorized to deliver his vote at such nearest Polling Station aforesaid, by a Notice in Writing, to be signed by such Voter with his name, in the presence of two credible witnesses, and which signature shall be duly attested by them under their signatures, and which notice shall be in the form of Schedule E to this Act annexed.”
- “ line 18—Expunge “to vote”—After “person” insert “being duly registered and claiming to vote”
- “ 7, line 6—Expunge this and the Eleven succeeding lines.
- “ line 18—Expunge “sixth” and insert “first”—before “person” insert “same.”
- “ line 21—Expunge “seventh” and insert “second”
- “ 8, line 2—Expunge “eighth” and insert “third”
- “ line 2—After “you” insert “now”
- “ line 17—After “Members” insert “or a Member as the case may be”
- “ line 18—After “God” commence a new Section and insert, “And be it further enacted, that”
- “ line 19—After “Election” insert “aforesaid.”
- “ 9, line 1—After “Election” insert “in virtue of his being a Registered Voter.”

6th April, 1841.

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

Page 9, line 13—Expunge this line and the rest of the Section, and insert “And be it further enacted that no Person claiming to vote at any Election, save and except as hereinafter is provided, whose name shall not be and appear upon the Register of Voters made and returned under the provisions of a certain Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled “An Act for Registering the names of Persons entitled to Vote at Elections,” shall be deemed to be or be qualified or entitled to Vote at the Polls to be taken at any such Election aforesaid. Provided nevertheless, that any Person claiming to Vote within the District wherein any Election as aforesaid shall be holden, and whose period of occupancy of a Dwelling-House within the said District shall have been less than Twelve Months at the time when the Court of Revision appointed under the Act aforesaid was last holden within such District, but whose Twelve Month occupancy of a Dwelling-House within such District shall have been completed subsequently to the holding of such Court of Revision aforesaid, and at least ten days before the day of nomination, and not after, of a Candidate or Candidates at such Election aforesaid, shall be entitled, on application to the Justice or Justices of Peace constituting the Court of Revision aforesaid, or some or one of such Justices or Conservators of the Peace aforesaid within the District of the Domicile of such Voter, to have his name inserted in a Supplementary list as a qualified Registered Voter, upon due proof, made to the satisfaction of such Justice, Justices or Conservator of the Peace, that the Person claiming to be Registered is then lawfully entitled to be a Voter within such District aforesaid.”

“And be it further enacted, that the Justice or Justices of the Peace in the respective Electoral Districts, shall deliver to such Voter claiming and found to be entitled to be placed upon such Supplementary list in the Register of Voters, a certificate thereof, containing the name of such Voter and specifying the location of the Dwelling-House of his occupancy by virtue of which he is deemed entitled to Vote, and to such Certificate the said Justice or Justices granting the same shall sign his or their name or names, and express the true date of the day whereon the same shall be granted; and such Voter shall, at least five days before the day of nomination of Candidates at any Election to be holden in such Electoral District aforesaid, deliver to the Returning Officer of such Election the said Certificate, and such Returning Officer shall thereupon enter the said Voter's name in usual form, description and manner, upon a Supplementary list of Voters within the said Register, as a qualified Voter, and duly file and safely keep all such Certificates, and return and deliver the same, together with the Register of Voters, to the Colonial Secretary.”

Page 10, line 11—Expunge this line and the rest of the Section, and insert “And be it further enacted that for the purposes of this Act the Town of St. John's shall be divided into three Wards, to be called the Middle, Western, and Eastern Wards; and that the Middle Ward shall be bounded on the West by the Ships' Cove between the Premises now occupied by James and William Stewart and Company and those lately occupied by Weston Hunt, and from thence by a line drawn from the centre of the said Cove through the centre of Queen-Street, up Barter's Hill, and through the Road leading from thence to the Barrens, and from thence by a Road leading from the top of the said Road from Barter's Hill towards Fort Townshend, in a direction South of Sergeant Barnard's Property, through Fort Townshend, and along the Military Road till it joins the King's Road, then down the centre of the King's Road, to the Harbour

6th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

of St. John's, through the middle of the Government Wharf; And the said Middle Ward shall contain all Houses and Tenements within the above-described boundaries: And the Western Ward shall comprise all Houses and Tenements West of the said Middle Ward, all those on the South Side of the Harbour of St. John's, and all Houses and Tenements West of a Road leading from the head of the said King's Road towards Rennie's Mill, up Brine's Hill, and onward in a Northerly direction till it joins the Portugal Cove Road, and all those West of the Portugal Cove Road after it joins the last mentioned Road from Brine's Hill: And the Eastern Ward shall comprise all Houses and Tenements to the Eastward of the Middle and Western Wards."

Page 11, lines 5 & 6—Expunge "where the Poll is prescribed to be taken," and insert "or stations appointed for taking the Polls"

" line 13—Expunge "each" and insert "the"

" line 14—Expunge "deliver" and insert "return," and expunge "back"

" line 20—After "days" insert "after the close of the Poll"

" 12, line 4—After "the" insert "Election of such"

" line 5—Expunge "chosen" and insert "who shall have the majority of votes"

" line 7—After "that" expunge "whose" and insert "in all cases wherein"

" line 8—After "demanded" insert "on the day appointed for the nomination of a Candidate or Candidates."

" line 9—Expunge "several"—expunge "s" in "Officers"

" line 10—Before "to" insert "appointed in such Election"—expunge the last six words

" line 11—Expunge first seven words.

" line 12—After "afternoon" insert "of the said day"—expunge "no sooner" and insert "not before"

" line 20—Expunge the second word of this line

" 13, line 3—Before "Person" insert "other"

" line 4—Expunge the four last words, and insert "wilfully state that which is untrue"

" line 5—Expunge the three first words

" line 6—Expunge "by" and insert "in"

" line 7—Before "incur" insert "be deemed guilty of perjury and shall"

Expunge the last section of the Bill

" 14, line 8—Expunge all the line except the last two words, and insert "to the performance of my duties as Returning Officer."

" 16, line 9—Expunge the last three words and insert "to the performance of my"

" line 10—Expunge the first three words and insert "duties as Poll Clerk"

" line 16—Expunge "fair and"—after "true" insert "and faithful"

" 18, line 15—After "of" insert "the Proclamation of"—expunge "Proclamation" and insert "King William the Fourth"

" 19, line 1—After "Eastern" insert "Middle"

" line 2—After "Town" insert "St. John's"

" 20, line 5—Expunge "having" and the four succeeding lines, and insert "being a Registered voter for the said District"

" line 10—Expunge all but the last two words

6th & 7th April, 1841.

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

Page 20, line 12—After “of” insert “the Proclamation of”—expunge “Proclamation” and insert “King William the Fourth”

“ line 13—Expunge “Nine” and insert “and residing more than Fifteen miles distant from the nearest Polling Place.”

On motion, made and seconded, the House adjourned until To-morrow at One o’Clock.

WEDNESDAY, 7th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

Pursuant to the order of the day, the Bill, as amended, intituled “An Act to regulate the mode of Election of Members to serve in the General Assembly”—was read a third time and passed, and the Honorable the President signed the same. Election Bill read a third time and passed—

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request their concurrence in the Amendments made therein.

On motion, made and seconded, it was—

Ordered, that the said Bill, as amended, be printed. Ordered to be printed.

A Deputation from the House of Assembly brought up a Written Message requesting a Conference on the subject-matter of the Amendments made by this House in and upon the Bill intituled “An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity, and to make provision for the Compensation of Persons sustaining damage or injury in certain cases.” Message from the Assembly requesting Conference on Amendments to Road Indemnity Bill.

Ordered, that the request be acceded to.

Ordered, that the Honorables Messrs. Thomas and Morris be the Conferrees on the part of this House.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the Assembly and had received from them their Instructions.

Ordered, that the Report be received.

The said Instructions are as follow:—

The House of Assembly request this Conference on the subject matter of the Amendments of Her Majesty’s Council on the Bill intituled “An Act to Indemnify Commissioners of Roads and other Persons therein mentioned from liability to Actions at Law and Suits in Equity,” in order to explain to Her Majesty’s Council their principal objections to the said Amendments and their reasons for adhering to the opinion that the said Act should pass into Law upon the principles therein set forth. Instructions,

The original Bill appeared to the Assembly called for in order to protect parties who, under the authority of an Act of the Legislature, were obliged to discharge certain duties for

7th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

the public service without fee or reward, and also in the conscientious discharge of these duties, had, while acting *bona fide* for the public improvement of certain Highways, necessarily, and not of malice, produced a certain amount of inconvenience to some Individuals, and thus unwillingly had subjected themselves to a personal responsibility which that Legislature that had imposed upon them these functions were bound to remove.

The Road Acts of 1837 and 1838, for instance, provided that the Public Ways at St. John's, denominated "the New Road," "the King's Road," and "the Road from King's Bridge to Duckworth Street," should be improved, and threw upon the Commissioners of Roads, appointed under the provisions of these Acts, for the District of St. John's, the duty of procuring the effectuation of these improvements and in carrying out the intention of the Legislature; in that regard they necessarily produced partial inconvenience to Individuals, and, in one instance, damages have been obtained against a Contractor, and in another, against the Chairman of the Board, acting *bona fide* under the authority of the Board, for the same.

The House of Assembly conceive, that considering that the first of the Acts referred to had passed four years since, and that the second of the said Acts had passed three years since, and that up to the present date no other actions have been instituted, or complaints made, of injury resulting from the inconveniences above described, all the ends of Public Justice would be answered by passing an Act of Indemnity to secure the said Commissioners, and all acting *bona fide* under their authority, from the institution of vexatious and harrassing Suits and Actions for acts done by them some two or three years back for the improvement of the Country under the authority of and in obedience to the provisions of the Laws of their Country.

Besides, the House of Assembly are of opinion, that if the principle were once admitted that no hill shall be cut down, or no hollow filled up, in making or amending the Public Ways of the Colony, without subjecting Commissioners, &c., to Actions at Law and Suits in Equity for complying, according to the best of their judgment, with the Law, on the plea of inconvenience produced to Individuals—it is vain to hope for improvement in the Public ways of the Country, or for those facilities for internal communication which are so requisite for the advancement of the Civilization of the People and for the Agricultural improvement of the Country.

The Assembly object, therefore, to the present Amendments of Her Majesty's Council, because they propose to institute a novel and unsworn Tribunal, with an extraordinary jurisdiction, only limited by the limits of the Island, for the trial and determination, without appeal, of all Causes arising under the said Acts, except certain Causes the trial and determination of which are already provided for; and because the institution of such Tribunal would only operate as an inducement or attraction to numberless parties to sue for damages before a Court which they can approach without any risk of incurring expense in the experiment, or costs in their defeat,—parties who, as above mentioned, have hitherto refrained even from complaint.

WILLIAM CARSON,
Speaker.

House of Assembly,
7th April, 1841.

A Deputation from the House of Assembly brought back the Road Commissioners Indemnity Bill with an Amendment upon the Amendments made by this House therein.

Ordered, that the Master-in-Chancery do go down and acquaint the House of Assembly that this House has passed the following Bills, without Amendment—

—VIZ.—

"An Act to authorize the Sheriff of Newfoundland to levy Execution in the several Districts of this Colony after final judgment"—

"An Act to revive an Act passed in the third year of the Reign of His late Majesty King William the Fourth, intituled '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'"—

Road Indemnity Bill
brought back from the
Assembly.

Message acquainting the
Assembly of the passing of
certain Bills.

7th April, 1841.

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

“ An Act to revive an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth (2nd Session.) intituled ‘ An Act to afford relief to Wives and Children deserted by their Husbands and Parents ’ ”—

“ An Act to establish and regulate Fire Companies in the Town of Carbonear.”

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled “ An Act to declare the Law with respect to Wages of Servants employed in the Fishery of this Colony, and for other purposes ”—which was read a first time, and—

Fishery Bill brought up and read a first time.

Ordered, to be read a second time tomorrow.

A Deputation from the House of Assembly brought up a written Message as follows:—

Message from the Assembly proposing additional clause to Revenue Bill.

MR. PRESIDENT,

The House of Assembly request that Her Majesty's Council will insert in the Bill intituled “ An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies,” now before them, the following Section, and that the said Section shall stand the last Section, but one, in the said Bill;—

“ And be it further enacted, that it shall be lawful for the Officers of Her Majesty's Customs to take such samples of any Goods as shall be necessary for ascertaining the amount of any duties payable on the same; and that all such samples, whether taken under the authority of this Act, or of any former Act, shall be disposed of and accounted for in such manner as the Governor, or Person administering the Government of this Island, for the time being, shall, with the advice of Her Majesty's Council, direct.

WILLIAM CARSON,

Speaker.

House of Assembly,
7th April, 1841.

Pursuant to the order of the day, the Bill intituled “ 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 and—

Second Reading of Revenue Bill.

Ordered, to be committed to-morrow.

Pursuant to the order of the day, the House went into committee of the whole on the Bill intituled “ An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony.”

Pickled Fish Bill in Committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported some 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.

8th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

THURSDAY, 8th APRIL, 1841.

The House met pursuant to adjournment.

Present,

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

A deputation from the House of Assembly brought up a written Message, stating that the Amendments made by this House in the Bill for establishing a Light House on or near to Cape Bonavista, had been passed without Amendment.

Message from the Assembly concurring in Amendments to Cape Bonavista Light House Bill.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill entitled “An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony.”

Pickled Fish Bill in Committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received.

The Amendments are as follow:—

Reported with—

Amendments.

Page 1, line 11—Between “Assembly” and “in,” insert “of Newfoundland”

“ 19—Insert as the Twenty-sixth Section, the following: “And be it further enacted, that no Pickled Fish, herein required to be Inspected, shall be Exported from this Colony unless the same shall have been Inspected in the Town or Harbour from which it is intended to be so Exported: And any Inspector who shall grant a Certificate for Fish which he shall not have personally Inspected, shall be guilty of a misdemeanour.”

Insert as the Twenty-seventh Section, the following: “And be it further enacted, that any Purchaser of Inspected Pickled Fish who may, at the time of delivery, require the same to be re-inspected, shall be entitled to do so, on paying the expenses incident on such re-inspection, and shall pay for such Fish according to the qualities branded by the Inspector who shall have re-inspected the same.”

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

Pursuant to the order of the day, the Bill entitled “An Act to declare the Law with respect to Wages of Servants employed in the Fishery of this Colony, and for other purposes”—was read a second time, and—

Ordered, to be committed to-morrow.

Second reading of Fishery Bill.

The Amendments made by the House of Assembly, to the Amendments of this House, in and upon the Bill intituled “An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity,” having been read, it was—

Amendments to Road Indemnity Bill Committed.

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

8th, 10th & 13th April, 1841.

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

The House accordingly went into Committee upon the said Amendments.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that it was the opinion of the Committee that a Conference should be had with the House of Assembly on the subject of the last Conference.

Report.
Conference to be requested
thereon.

Ordered, that the Report be received.

Ordered, that the Honorables Messrs. Spearman and Thomas be a Committee to draft Instructions for the said Conference.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies."

Revenue Bill in Committee

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Bill with the additional clause proposed by Message from the House of Assembly to be inserted therein, without Amendment.

Reported with additional
clause proposed by the
Assembly.

Ordered, that the Report be received, and—

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

On motion, made and seconded, the House adjourned until Saturday next, at One o'Clock.

SATURDAY, 10th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

The Minutes of Thursday last were read.

On motion, made and seconded, the House adjourned until Tuesday next, at Twelve o'Clock.

TUESDAY, 13th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " PATRICK MORRIS.

The Minutes of Saturday last were read.

13th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Third reading of
Supply and Pickled Fish
Bills.

Pursuant to the order of the day, the following Bills, as amended, and intituled respectively—

“An Act for Granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony for the year ending the 30th day of June, 1842, and for other purposes”—

“An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony”—

were severally read a third time and passed, and the Honorable the President signed the same.

Ordered, that the Master-in-Chancery do take the said Bills down to the House of Assembly, and request their concurrence in the Amendments made therein.

Revenue Bill read a third
time, passed, and returned
to the Assembly.

Pursuant to the order of the day, the Bill intituled “An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies,” with the additional clause proposed by the House of Assembly, inserted therein, was read a third time and passed, and the Honorable the President signed the same.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly and acquaint them that this House had passed the same without Amendment.

Report on the Contingen-
cies of the present Session.

The Honorable Mr. Crowdy, from the Select Committee appointed to ascertain and report upon the Contingencies of this House during the present Session, presented a Report as follows:—

The Select Committee appointed to take into consideration the Contingencies of this House, beg leave to report that they have carefully examined the Accounts of the Clerk and the Usher of the Black Rod, the former amounting to Two Hundred and Thirty-five Pounds Ten Shillings and Nine Pence, and the latter to Thirty-eight Pounds Four Shillings and Four Pence, which they recommend to be paid.

Your Committee further recommend that the Officers of this House shall be paid for their Services during the present Session, as follows:—

VIZ:—

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

(Signed)

JAMES CROWDY,
Chairman.

April 13, 1841.

On motion, made and seconded, it was—

Committed.

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

The House accordingly went into Committee on the said Report.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had agreed to the said Report.

Adopted.

Ordered, that the Report be received and adopted.

Instructions to Conferes on
the subject of the last
Conference (Road Indemnity
Bill) Committed.

The Honorable Mr. Spearman from the Committee appointed to draft Instructions to Conferes on the subject of the last Conference, reported a draft.

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

The House accordingly went into Committee.

The Honorable Mr. Dunscomb in the Chair.

13th April, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

After some time the House resumed.

The Chairman reported the Instructions which were read and adopted, and ordered to be engrossed. Instructions adopted.

They are as follows:—

Her Majesty's Council have requested this Conference for the purpose of informing the House of Assembly that they adhere to the Amendments made by them in a Bill intituled "An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity," for the following reasons:—

That the Bill as sent up from the House of Assembly, professes to have for its object the protection and indemnity of the Commissioners of Roads and others under certain liabilities incurred by them in the execution of their duty; which liabilities, if incurred, rest on their being, under the general principles of the common Law, responsible for certain alleged injuries committed against the property of individuals in the progress of their operations in the improvement of the Roads.

But while the Bill would thus exonerate the Commissioners from all liability to answer the complaint or demands of parties injured, it provides no means whereby the parties may elsewhere obtain redress of their injuries. And further, the Bill erroneously assumes that such injured parties *have all neglected* to seek indemnity by giving notice, *under the provisions of the Road Act*, of their requiring their claims to be adjusted by Arbitration; Whereas such notice of Arbitration is limited by the Act solely to *one particular class of cases*, wherein land may have been taken from any person for the purpose of improving the Road, no provision whatever having been made whereby parties may obtain compensation for other incidental injuries incurred through the operations of the Commissioners.

If the proceedings of the Commissioners in the *bona fide* execution of their duty have involved them in responsibilities to certain parties, and if it be deemed just, reasonable, and necessary to exonerate the Commissioners from liability in such cases by an *ex post facto* Law, it follows in equal and reasonable justice, that injured parties, thus debarred of their lawful rights of recourse against the Commissioners, should be afforded some other medium of redress; for it is not to be justified or tolerated that a whole community are to achieve a public benefit at the cost or to the damage of any individual.

It is not requisite on the part of any such injured parties to prove express malice in order to establish their claims against the Commissioners; and if malice, which is not imputed or implied in the incidents of this Bill, were in any case found to be an ingredient in the inducements actuating the conduct of the Commissioners, it would disentitle them to the protection or indemnity proposed to be extended to them, which can be predicated only on the ground of their having exercised their very undefined and general authority in a fair, discreet and reasonable manner for the promotion of the public good.

That although the Road Acts under which the Commissioners have operated may have subsisted for several years it by no means follows that injuries to parties have not occurred within the latter two years. That it cannot be assumed that parties injured are all quiescent under their injuries, since it is notorious that in several instances the Commissioners have, in order to pacify parties complaining, held out hopes to them that a mode of compensation would be ultimately provided to meet their cases.

The two instances of Actions at Law, *and their results*, mentioned in the Instructions of the House of Assembly to their Conferees in the former Conference on this Bill, sufficiently shew the position in which injured parties stand in relation to the Commissioners and others employed under them; and if those cases comprised *the whole* of the claims for compensation, there would be then no necessity to adopt the present Bill of indemnity to the Commissioners

What liabilities may be incurred by Commissioners or others by their operations upon the Roads must depend on the particular facts and authority incident to their proceedings. It is very possible that in some instances a hill may be lowered or a valley filled up without invol-

13th & 14th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

ving any liability to any person. In other cases liabilities may be incurred. But the exemption from, or liability to make compensation, rests not on any new principle dependent on the opinion of the House of Assembly. The Law, as it has from time immemorial subsisted, does, when the facts of such cases are fully developed, sufficiently distinguish their character, and determine them on principles already established; and to the substitution of a one-sided justice, in place of those principles, the Council cannot become parties. The Tribunal proposed by the Council, to determine those questions of compensation, they considered to be a preferable medium to that of Arbitration, as appointed under the Act 2d Vic. c. 3, s. 11; and they are of opinion that the objections urged by the House of Assembly against the appointment of the Board of Control to determine the claims of parties, apply with greater force against the mode of Arbitration.

In adverting to the Amendments made by the House of Assembly in the Amendments made by Her Majesty's Council in and upon the Bill intituled 'An Act to Indemnify Commissioners of Roads and other persons therein mentioned from liability to Actions at Law, or Suits in Equity,' the Council would remark that no such Amendment appears to have been made by the Assembly; that House having expunged the whole of the Council's Amendments and inserted in lieu thereof an Amendment of their own on their own original Bill, a proceeding unparliamentary, and without precedent in the Legislature of this Colony. The Council therefore return the Bill to the House of Assembly in order that this inadvertence may be corrected.

Ordered, that the Master-in-Chancery do go down to the House of Assembly, and request the said Conference.

The Master-in-Chancery returned and reported that the House of Assembly having adjourned he was unable to deliver the said Message.

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

Conference requested.

WEDNESDAY, 14th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

Report on Contingencies read, and Message sent to Assembly thereon.

The Report of the Select Committee on the Contingencies of this House (for the present Session) was read, and thereupon it was—

Ordered, that the following Message be sent down 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 as annexed amounts to Two Hundred and Thirty-five Pounds Ten Shillings and Nine Pence, and that of the Usher of the Black Rod to Thirty-eight Pounds Four Shillings and Four Pence, and that they have resolved that the Officers of the Council shall be paid for their Services during the present Session, as follows :—

Message.

14th April, 1841.

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

VIZ:—

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

(Signed)

JAMES SIMMS,
 Senior Member presiding.

Council-Chamber,
 20th March, 1841.

1841.

CONTINGENT EXPENSES OF THE COUNCIL.

CLERK.

SESSION 1840.

M'Iver's Account, (Stationery and Binding)	£13 11 3
J. M'Coubrey, (Printing)	4 2 6
Ryan & Withers, (do.)	13 17 4
	<hr/>
	31 11 1

1841.

Ryan & Withers, (Printing)	68 7 2
M'Iver, (Stationery and Binding)	6 8 6
William Lilly, (engrossing)	2 2 0
Superintending and preparing for Printing Byrne's Report... ..	2 2 0
Superintending and preparing Journals for Printing	25 0 0
Probable expense of Printing Journals	100 0 0
	<hr/>
	203 19 8
	<hr/>
	£235 10 9

USHER OF THE BLACK ROD.

SESSION 1840.

Making Index, Marginal Notes, and preparing for Printing the Royal Instructions	2 2 0
4 Hogsheads Coals (8s. 9d. cy.)	1 10 4
	<hr/>
	3 12 4

1841.

Freeman's Account, (fitting up Council Room)	23 5 4
M'Grath's do. (Smiths' Work)	2 0 0
Moore, (Painting)	0 4 4
10 Hogsheads Coals, (8s. 9d. cy.)	3 15 10
Repairing Throne	0 6 6
Richard Perchard, cleaning Room	5 0 0
	<hr/>
	34 12 0
	<hr/>
	£38 4 4

14th & 15th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Conference on Road
Indemnity Bill.

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

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the House of Assembly, and had delivered to them their Instructions together with the Bill to which they referred.

Amendments to Pilots Act
continuation Bill agreed to.

A Deputation from the House of Assembly brought up a written Message stating that that House had agreed to the Amendments made by this House in the Pilots' Act continuation Bill.

Road Bill in committee.

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

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported some 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 Twelve o'Clock.

THURSDAY, 15th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Yesterday were read.

Road Bill in committee—

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

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.

The Amendments are as follow:—

Amendments.

Page 2, line 2—Expunge "thirteen" and insert "twelve"—expunge "five" and insert "eight"—between "hundred" and "pounds" insert "and twenty-five"

14, 19—Expunge the words "by order of the House of Assembly"

16, 13—Expunge "seven hundred and eighty-five" and insert in lieu thereof "Two Hundred and Thirty Pounds.

" 15—Expunge the remainder of this page after "follows"

15th April, 1841.

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

- Page 17, lines 2 & 3—Expunge the words “one hundred and twenty,” and insert “thirty”
- “ line 6—Expunge the words “one hundred” and insert “thirty”
- “ Expunge from line ten to line fourteen, inclusive
- 18, 3—Expunge “forty” and insert “thirty”
- “ Expunge lines eight and nine
- “ Expunge lines one, two, and three
- 20, 1—Insert between “making” and “Streets” the word “Roads”
- “ 3—Insert between “making” and “Streets” the word “Roads”
- “ 4—Expunge the words “in Tilting Harbor,” and insert in lieu thereof “at Twillingate”
- “ Expunge the rest of this page, and the eleven following pages, and insert in lieu thereof as follows: “And be it further enacted, that for the purposes of this Act it shall and may be lawful for the Governor, or Person administering the Government for the time being, by and with the advice of Her Majesty’s Council, to appoint Boards of Commissioners for the several Districts and portions of Districts, and the several Roads and Bridges hereinbefore specified respectively; and also, by and with such advice as aforesaid, to fill up from time to time such vacancies as may occur in such Boards by the death, absence from the Colony, or refusal to act, of any of the Members. Provided always that a majority of the Members of every such Board respectively shall form a Quorum.
- 32, Expunge this Page
- 33, Expunge from line one to line nineteen, inclusive
- 34, 9—Expunge “only” and insert in lieu thereof “duly”
- “ 19—Expunge “two” and insert “fourteen”
- 35, 1—After “work” expunge the remainder of the clause, and insert in lieu thereof as follows—“shall be signed by the person or persons making such tender with his or their name or names, with the addition, also, of the place of abode and the trade or employment of such parties respectively; and to every such tender shall also be annexed an undertaking in writing, signed by two sufficiently responsible persons, under a penalty equal in amount to the sum specified in such tender, as Sureties for the due performance of the work for which the person or persons tendering shall offer to contract, in the event of such tender being accepted by the said Commissioners. And the said undertaking shall set forth the addition of the place of abode, and the trade or employment of the said Sureties; and their signatures shall be attested by some person being a householder of the respective District, who shall sign his name as witness of the same, and such undertaking shall be in the form following, that is to say:—
- “In consideration of the contract for (describe the work tendered for) being given to (name of person tendering), we hereby undertake to become bound to our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of (amount for which the tender may be made), conditioned for the due performance by the said (person tendering) of the said work, in manner prescribed for the specification for the same.

Witness our hands, the day of 184

A. B.

C. D.

In presence of
E. F.

15th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

And all such tenders shall be opened by the said Board of Commissioners in the presence of the parties tendering, and also in the presence of their proposed Sureties, (if they should desire it) at the time and place appointed for the opening of the same."

Page 36, line 5—After "require" expunge "reasonable"

" 6—After "from" insert "as hereinbefore provided"

" 19—Expunge the word "made" and insert in lieu thereof "executed"

37, 16—After "Legislature" and before "without" insert "shall be altered"

38, 22—Expunge "road" after "other," and insert "work"

" lines 26 to 30—Expunge all the words from "present" to "voted," and insert in lieu thereof "pay out of such monies as shall be at their disposal"

39, 4—Insert after "Road," and also to compensate any person or persons for any damage which may be occasioned to their property by the making or repairing such Road

42, 5—After the word "transmit" insert "in duplicate," and after the word "Governor" insert "or person administering the Government"

" 12—Expunge "engagement" and insert "agreement"

" 17—Expunge the rest of this page and twenty-two lines of the next

45, 20—Insert after "unappropriated" "or uncontracted for"

46, 19—After "placed" insert "that may hereafter be dug, excavated, made, erected or placed"

49, 6—Expunge from line six the rest of the page, and three lines of the following

51, Expunge the last clause.

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

Placentia and St. Mary's
Road Bill in committee

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to provide for making a Line of Road connecting Placentia and St. Mary's with St. John's."

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Message from the Assembly
for Conference on Education
Bill—

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject-matter of the Amendments made by that House to those made by this House on the Education Bill.

Agreed to.

Ordered, that the request be acceded to, and—

Ordered, that the Honorables Messrs. Thomas and Morris be the Conferrees on the part of this House.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the House of Assembly, and had received from them their Instructions.

Ordered, that the Report be received.

The Instructions are as follow:—

Instructions.

The House of Assembly, in requesting a Conference with Her Majesty's Council on the subject of the Amendments of the Assembly on the Amendments made by that Honorable Body in and upon the Bill sent up from the Assembly intituled "An Act to make further

15th & 16th April, 1841.

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

provision for the encouragement of Education in this Colony," are only actuated by a desire to preserve that harmony which ought to exist between the several Branches of the Legislature.

The Assembly therefore, although they entertain no doubt that the existing Education Act will expire on the Sixth day of May next, yet in their deep anxiety to secure the passing of an Act of such importance to the rising youth of the Country; they nevertheless consent to recede from their Amendment of the first, second, third and fourth Amendments of the Council on the said Bill, but as they consider that to recede from their Amendments of the seventh Amendment would necessarily have the effect of excluding the children of all the Catholics of the Island, who form a considerable majority of its population, from all the advantages intended for them by that measure, they feel that as it is their duty to legislate impartially for the benefit of the whole community, and not for the exclusive advantage of a portion of the people, and as the passing of the Bill in the shape intended would in their opinion have the effect of promoting sectarian differences and exciting religious feuds, they cannot recede from but must adhere to their Amendment expunging the said seventh Amendment of Her Majesty's Council on the Bill before mentioned.

WILLIAM CARSON,
Speaker.

House of Assembly,
15th April, 1841.

On motion, made and seconded, it was—

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

The House accordingly went into Committee.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported some 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 committee of the whole on the Bill intituled "An Act to declare the Law with respect to Wages of Servants employed in the Fishery of this Colony, and for other purposes."

Assembly's Instructions on
Education Bill in committee

Fishing Servants'
Bill in committee.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported some 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.

FRIDAY, 16th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, Attorney-General.

" " JAMES CROWDY, Colonial Secretary.

" " JAMES M. SPEARMAN, Collector of Customs.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Yesterday were read.

16th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Amendments to Pickled
Fish Bill agreed to.

A Deputation from the House of Assembly brought up a Message stating that the Amendments made by this House in the Bill intituled "An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony," had been agreed to without Amendment.

Third reading of Road Bill
and—

Pursuant to the order of the day, the Bill, as amended, intituled "An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same"—was read a third time.

Conference requested
thereon.

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

Ordered, that the Honorables Messrs. Spearman and Thomas be a Committee to draft Instructions.

After some time—

The Honourable Mr. Spearman from the said Committee reported a draft, which was read and adopted.

The Instructions are as follows:—

Instructions to Conferees.

Her Majesty's Council have requested this Conference with the House of Assembly on the subject of the Bill intituled "An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same," for the purpose of acquainting that House that they have made certain Amendments in the said Bill which they conceive will render it more consistent with the proper objects of a Road Bill, from which they consider that Grants for Packet Boats, Ferries and Breakwaters should be excluded. And further to acquaint the House of Assembly that they observe that there is no Grant in the present Bill to defray the Salary of the Chairman of the Board of Road Commissioners for the Central District—an omission which the Council presume must have arisen from inadvertence, since the Sum of One Hundred and Fifty Pounds for the said Salary was included in the Road Bill sent up by the House of Assembly to the Council during the last Session, which vote the Council had then no objection to, and which they are now ready to concur in.

The Council beg to draw the attention of the House of Assembly to the fact that a person named Roger Flahavan incurred an expense of Thirty Pounds in repairing Job's Bridge last Winter, which outlay was incurred for the purpose of preventing the injury which had been occasioned to it by a gale of wind, from extending. This Work was performed by direction of the Board of Road Commissioners for this District, and with the approbation of His Excellency the Governor. The Council therefore conceive it is only an act of justice to Mr. Flahavan, that he should be reimbursed, and they are ready to concur in a vote for that purpose.

The Council would also draw the attention of the House of Assembly to the claim of a man named Martin Walsh, who during the last year bestowed labour and expense to the amount of Thirty Pounds, in repairing part of the Portugal Cove Road. This Work was deemed absolutely essential to avoid necessity of a much heavier expense being incurred at a later period, and was performed under the direction of the said Board, with the like concurrence of the Governor. This Sum the Council also consider to be due, and they are ready to concur in a Grant for its liquidation.

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

17th & 19th April, 1841.

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

SATURDAY, 17th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

“ “ JAMES CROWDY, *Colonial Secretary*.

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

Pursuant to the order of the day, the House went into Committee of the whole on the further consideration of the Bill intituled “An Act to provide for making a Line of Road connecting Placentia and St. Mary’s with St. John’s.”

Placentia and St. Mary’s
Road Bill in committee

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen, and had recommended that a Conference should be had with the House of Assembly to acquaint that House that the Council are of opinion that the line of Road proposed by the Bill would not be operative for the purpose of conveying the Mails, but that the Council will concur with the Assembly in appropriating such a Sum as may be necessary for completing a line of Road between St. John’s and Tre-passey, touching at the intermediate Ports.

Report.

Conference to be had
with Assembly thereon.

Ordered, that the Report be received, and—

Ordered, that the Honorables Messrs. Crowdy and Thomas be a Committee to prepare Instructions for the said Conference.

Committee to prepare
Instructions.

Pursuant to the order of the day, the House went into committee of the whole on the further consideration of the Bill intituled “An Act to declare the Law with respect to Wages of Servants employed in the Fishery of this Colony, and for other purposes.”

Fishing Servants’
Bill in committee.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

On motion, made and seconded, the House adjourned until Monday next, at One o’Clock.

MONDAY, 19th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

“ “ JAMES CROWDY, *Colonial Secretary*.

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

“ “ JOHN DUNSCOMB.

“ “ PATRICK MORRIS.

The Minutes of Saturday last were read.

19th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Instructions to Conferrees on Placentia and St. Mary's Road Bill reported.

The Honorable Mr. Crowdy, from the Committee appointed to draft Instructions for the Conferrees on the subject of the Placentia Road Bill, reported a draft.

The same having been read, it was—

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

The House accordingly went into Committee.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

Adopted.

The Chairman reported the Instructions without Amendment.

Ordered, that the Report be received, and—

Conference requested.

Ordered, that the Master-in-Chancery do go down to the House of Assembly and request the said Conference presently.

The said Instructions are as follows:—

Instructions.

Her Majesty's Council request this Conference with the House of Assembly for the purpose of acquainting that House that they cannot concur in the Bill sent up by the House of Assembly intituled "An Act to provide for making a line of Road connecting Placentia and St. Mary's with St. John's," because they are of opinion that the line of Road contemplated by the said Bill would not be operative for the purposes of facilitating Post Office Communication in this Colony—but the Council will readily concur with the House of Assembly in appropriating for this object, such a Sum of Money as may be necessary for completing a line of Road between St. John's and Trepassey, touching at the intermediate Ports.

The Council consider the line of Road to Trepassey much preferable to that proposed by the Assembly, inasmuch as when Vessels bound to St. John's from the Westward are obstructed by ice or contrary winds, they do not go into Placentia or St. Mary's Bay's, but generally take shelter in Trepassey or in some one of the Ports between that and St. John's; and thus a Road connecting Trepassey with St. John's, would greatly facilitate the transmission of the Mails.

Period fixed for the Prorogation.

The Honorable the President reported that he had received a letter from the Colonial Secretary intimating that it was the intention of His Excellency the Governor to prorogue the Legislature on Monday next at Two o'clock.

Pursuant to the order of the day, the House went into Committee of the whole on the Bill intituled "An Act to declare the Law with respect to Wages of Servants employed in the Fishery of this Colony, and for other purposes."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Lost.

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

Message from Assembly acceding to Conference on Placentia Road Bill.

A Deputation from the House of Assembly brought up a Message acceding to the Conference on the Placentia Road Bill.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the House of Assembly, and delivered to them their Instructions.

Road Bill passed and sent down to the Assembly.

The Bill intituled "An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same"—was passed, and the Honorable the President signed the same.

Ordered, that the Master-in-Chancery do take the said Bill down to the House of Assembly, and request the concurrence of that House in the Amendments made therein.

On motion made and seconded, it was—

19th & 20th April, 1841.

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

Ordered, that the House do now go into Committee of the whole on the Instructions given by the House of Assembly to their Conferrees at the Conference on the Amendments to the Education Bill. House in Committee on Instructions of the Assembly in Conference on Education Bill.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had adopted the following additional Proviso to the Bill—"And provided also, that no Child of the Roman Catholic persuasion shall be compelled to use any Book of a religious tendency, save and except those of the Irish National Schools, now in use in the Schools established by the Boards of Education appointed under the authority of the said in part recited Acts"—and recommended that a Conference should be had with the House of Assembly to inform them that this House adhered to its Amendments, but would consent to the said Proviso being introduced into the Bill. Report. Conference to be had with the House of Assembly.

Ordered, that the Report be received, and—

Ordered, that the Honorables Messrs. Crowdy and Thomas be a Committee to draft Instructions for the said Conference. Committee to prepare Instructions.

On motion, made and seconded, it was—

Ordered, that the Bill intituled "An Act to provide for the making a Line of Road connecting Placentia and St. Mary's with St. John's" be committed this day Three Months. Placentia Road Bill lost.

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

TUESDAY, 20th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Yesterday were read.

On motion, made and seconded, it was—

Ordered, that the order of the day for the House going into Committee on the Bill intituled "An Act to authorize the Treasurer of this Colony to raise on Loan a Sum not exceeding Five Thousand Pounds for completing the Line of Road connecting Placentia and St. Mary's with St. John's" be discharged, and that the said Bill be committed this day Six Months. Order for Committal of Placentia Road Loan Bill discharged.

The Honorable Mr. Thomas, from the Committee appointed to prepare Instructions to the Conferrees on the Education Bill, reported a draft.

The same having been read, it was—

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

The House accordingly went into Committee.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

House in Committee on Instructions to Conferrees on Education Bill.

20th & 21st April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The Chairman reported the Instructions, which are as follow:—

Instructions.

Her Majesty's Council have requested this Conference with the House of Assembly upon the subject of the last Conference, respecting the Amendments made by the Council on the Bill intituled "An Act to make further provision for the encouragement of Education in this Colony," for the purpose of submitting to that House the following propositions.—*First*: The Council will adhere to the Amendment made by them, in page 10, line 10, of the said Bill, but will consent to the adoption of the following Proviso, to be added to the last Section but one of the Bill—"And provided also, that no Child of the Roman Catholic persuasion shall be compelled to use any Book of a religious tendency, save and except those of the Irish National Schools now in use in the Schools established by the Boards of Education appointed under the authority of the said in part recited Acts," or,—*Second*: The Council will agree to recede from the Amendment made by them, in the page and line aforesaid, upon the following words being inserted at the end of the last Section but one of the said Bill, "except in those cases wherein a separation may take place, pursuant to the Proviso hereinafter contained, that is to say:—

"Provided also, that if in any of the Districts aforesaid it shall be made to appear to the Governor and Council, or to the person administering the Government for time being and Council, by representation in writing, signed by a majority of the Clergymen of either the Protestant or Roman Catholic persuasion, residing and domiciled within the said District, that the parents or guardians belonging to their respective congregations cannot agree to have their Children, or Wards, educated in the same Schools, in consequence of anything contained in this Act, or in consequence of any Rules or Regulations made by any Board of Education appointed under the Provisions of this Act, then the Governor, or person administering the Government as aforesaid, shall, and he is hereby required to nominate and appoint two Boards of Education for the said District, and to place at the disposal of the said Boards respectively all sum or sums of money hereby appropriated to the said District, in proportion to the numbers which the Protestants and Roman Catholics bear to each other in the said District—the said proportion to be ascertained by the Census taken in accordance with the Act 6 Wm. 4 cap. 4.

Ordered, that the Report be received,—

Ordered, that the said Instructions be engrossed.

Adopted.

The same having been engrossed, were read and passed, and the Honorable the President signed the same.

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

WEDNESDAY, 21st APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Yesterday were read.

21st, 22nd & 23rd April, 1841.

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

Ordered, that the Master-in-Chancery do go down to the House of Assembly and request a Conference on the subject-matter of the Amendments to the Education Bill. Message to the Assembly for Conference on Education Bill.

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

The Conferrees, (the Honorables Messrs. Thomas and Morris,) went to the Conference, and being returned, reported that they had met the Managers from the House of Assembly, and delivered to them their Instructions.

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

THURSDAY, 22nd APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the Bill intituled “An Act for granting to Her Majesty a Supply of Money for the making and repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same.” Message from Assembly requesting Conference on Road Bill.

Ordered, that the request be acceded to, and that the Conferrees who managed the last Conference on the said Bill do manage this Conference.

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the Assembly, and had received from them their Instructions. Conference held.

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up a Message requesting a Free Conference on the Education Bill. Message from Assembly requesting Free Conference on Education Bill.

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

FRIDAY, 23rd APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Yesterday were read.

23rd April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Instructions of Assembly in
Conference on Road Bill—

The Instructions received from the Managers of the House of Assembly at the Conference on the Road Bill, were read, and are as follow:—

The House of Assembly have requested this Conference with Her Majesty's Council on the subject-matter of the Conference held on Monday last, on the Bill intituled "An Act for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same," for the purpose of acquainting her Majesty's Council that they have always considered that a grant for a Packet Boat, to ply between Burin and Placentia, thus connecting, by water, those important Settlements, which cannot be connected by land, and affording a useful Post Communication with the former Port, to which there is access for the Post Office Packets and other Vessels at all Seasons of the year, was properly placed in the Bill for the Making of Roads; and also that grants for Ferries, upon similar grounds, should not be excluded therefrom; nor can they conceive why the contemplated Break-water at Placentia, being as it would have been only a raising, and rendering passable the present Street through that Harbor, at the water side, should have been otherwise provided for.

With reference to the claims of Roger Flahavan and Martin Walsh, they were, by accident, omitted to be laid before the Committee on Roads, but, nevertheless, the House would have been prepared to provide for them in the same manner in which they had provided, even on the last day of the last Session, for a service similarly overlooked without intention.

On the subject of the objection of the Council to the omission of a grant in that Bill "to defray the Salary of the Chairman of the Board of Road Commissioners for the Central District," notwithstanding that "the Sum of £150 for the said Salary was included in the Road Bill sent up by the House of Assembly to the Council during the last Session," the Assembly beg leave to observe, that the said Sum of £150, together with the Sum of £100 voted in the same Bill to Mr. Noad, for superintending the works at Quidi Vidi, were both, immediately on the loss of the said Road Bill, embodied in a short Bill, which passed into a Law at the close of that Session, and under this latter Bill both sums were paid.

The Assembly take this opportunity, once more, of protesting, in the strongest manner, against the right assumed by the Council to amend their Money Bills, an assumption which the Council, by experience, must be aware can have no other effect than to render it impossible for the Representative Branch of the Legislature to entertain them further.

WILLIAM CARSON,
Speaker.

House of Assembly,
21st April, 1841.

Another Conference thereon.

Ordered, that a Conference be requested with the House of Assembly on the subject of the last Conference on the Road Bill, and—

Ordered, that the Honorables Messrs. Spearman and Thomas be a Committee to prepare Instructions.

After some time the said Committee reported a draft.

The same having been read, it was—

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

The House accordingly went into Committee.

The Honorable Mr. Morris in the Chair.

After some time the House resumed.

The Chairman reported the Instructions, which are as follow:—

Her Majesty's Council have sought this Conference with the House of Assembly on the subject of the last Conference, on the Road Bill, for the purpose of acquainting that House that they are aware that the Sum of One Hundred and Fifty Pounds voted to the Chairman of the

House in Committee on the
Instructions to Conferrees.

23rd & 24th April, 1841.

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

Board of Road Commissioners of St. John's, was included in the Act 3rd Victoria, Cap. 7, intituled "An Act to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes," but the Council would observe that by the title itself of that Act it appears that the Salary therein voted to the said Chairman was for former services. The point to which the Council desired to call the attention of the House of Assembly is the fact, that the Chairman of the Central Board of Road Commissioners was engaged in the due performance of his duties during the Year 1840, and for which services the Council believe he has received no remuneration; and that they cannot understand, why that Public Servant is not to be paid for his past services as heretofore.

The Council also desire to acquaint the House of Assembly that they see no reason to depart from the Amendments made by them in this Bill, and that they do therefore adhere to the same.

The same having been engrossed, were again read and adopted, and the Honorable the President signed the same.

Instructions
Adopted.

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

The Conferrees went to the Conference, and being returned, reported that they had met the Managers from the Assembly and delivered to them their Instructions.

Conference held.

Ordered, that the request of the House of Assembly for a Free Conference on the Education Bill be acceded to, and—

Free Conference on Education Bill agreed to and Conferrees instructed thereon.

Ordered, that the Master-in-Chancery do go down to acquaint the House of Assembly therewith.

Ordered, that the Conferrees of this House be instructed in managing the said Conference not to recede from any of the positions taken by this House on the subject of the said Bill, but to adhere to the same.

The Conferrees went to the Free Conference, and having returned, reported that they had met the Managers from the Assembly, who being instructed peremptorily to uphold the views of the House of Assembly, no compromise could be suggested or hoped for, and that unless a further Message should be received from that House, the Bill might be considered as lost.

Report.

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

SATURDAY, 24th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable JAMES SIMMS, Attorney-General.

" " JAMES CROWDY, Colonial Secretary.

" " JAMES M. SPEARMAN, Collector of Customs.

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " PATRICK MORRIS.

The Minutes of Yesterday were read.

24th & 26th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

Contingency Bill brought up
and read a first time.

A Deputation from the House of Assembly brought up for the concurrence of this House a Bill intituled "An Act for Granting to Her Majesty a Sum of Money to defray the Expenses of the Legislature during the present Session"—which was read a first time, and—

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

On motion, made and seconded, the House adjourned until Monday next, at One o'Clock.

MONDAY, 26th APRIL, 1841.

The House met pursuant to adjournment.

Present,

The Honorable WILLIAM SALL, *K. H., Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ PATRICK MORRIS.

The Minutes of Saturday last were read.

Colonial Secretary presents
Copies of Despatches from
Secretary of State.

Mr. Secretary Crowdy, by Command of His Excellency the Governor, laid before the House copies of two Despatches from the Secretary of State for the Colonies, which were read, and—

Ordered, to be entered on the Journals.

They are as follows:—

No. 101.

DOWNING-STREET,
20th March, 1841.

SIR,

Answer to Address to Her
Majesty on the birth of the
Princess Royal.

I have received your Despatch No. 11 of the 29th January, enclosing an Address to the Queen from the Council of Newfoundland, congratulating Her Majesty on the Birth of the Princess Royal.

I have had the honor to lay that Address before the Queen, and Her Majesty has been graciously pleased to command me to instruct you to signify to the Council the gratification with which she has received their congratulations on an event so deeply interesting to Her Majesty's feelings, and calculated, by the blessing of Divine Providence, to promote the stability of the succession to the Crown of the extended Dominions over which Her Majesty has been called to reign.

I have, &c.

(Signed,)

J. RUSSELL.

Governor PRESCOTT,

&c. &c. &c.

No. 104.

DOWNING-STREET,
31st March, 1841.

SIR,

Answer to Address of House
of Assembly for the separa-
tion of the Executive from
the Legislative Council.

I have to acknowledge the receipt of your Despatch of the 11th February, No. 13, in which you transmit an Address to Her Majesty from the House of Assembly of Newfoundland,

26th April, 1841.

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

praying for the separation of the Executive from the Legislative Council.

Having laid this Address before the Queen, I have received Her Majesty's commands to signify through you to the Assembly, Her Majesty's opinion that there are several other questions relating to the affairs of Newfoundland which must precede the subject of the establishment of an Executive Council in the consideration of Her Majesty's Government.

I have, &c.

(Signed,)

J. RUSSELL.

Governor PRESCOTT,
&c. &c. &c.

Pursuant to the order of the day, the Bill intituled "An Act for granting to Her Majesty a Sum of Money to defray the Expenses of the Legislature during the present Session"—was read a second time, and—

Second reading of Contingency Bill.

Ordered, to be committed to-morrow.

Ordered, that Strangers withdraw.

Ordered, that in the event of any Delegation from the House of Assembly being sent to England respecting the public affairs of the Colony, that a Deputation from this House be also sent for the purpose of bringing under the consideration of Her Majesty's Government the present condition of Newfoundland, and to supply such information as may be required touching its public affairs.

Deputation of the House to proceed to England.

The following Address to His Excellency the Governor was thereupon prepared, adopted, and presented to His Excellency :—

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.

Address to the Governor thereupon.

MAY IT PLEASE YOUR EXCELLENCY :

WE, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, humbly pray Your Excellency that if any Deputation be sent to England from the House of Assembly of this Colony, respecting the public affairs of Newfoundland, a Deputation be sent by Your Excellency from the Council to England for the purpose of bringing under the consideration of Her Majesty's Government the present condition of Newfoundland and of supplying such information as may be required touching the public affairs of this Colony.

WILLIAM SALL,

Lt.-Colonel & President.

Council-Chamber,
26th April, 1841.

Mr. Secretary Crowdy, by His Excellency's Command, laid before the House a Copy of an Address to His Excellency from the House of Assembly, as follows :—

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

Copy of Address of the Assembly, relative to expenses of a Delegation from that House to Her Majesty's Government.

MAY IT PLEASE YOUR EXCELLENCY :

The House of Assembly having appointed a Delegation to proceed to London to defend, on the part of this House, the Representation of Newfoundland, respectfully request Your Excellency will please issue Your Excellency's Warrant for the Sum of Three Hundred Pounds, to defray the necessary expenses of the same.

WILLIAM CARSON,

Speaker.

House of Assembly,
26th April, 1841.

26th April, 1841.

SIXTH SESSION, SECOND GENERAL ASSEMBLY, 4th VICTORIA.

The same having been read, it was—

Ordered, that an Address be presented to the Governor in answer thereto, and the following was adopted and presented accordingly.

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, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, in reply to your Excellency's Message this day laid before us by the Colonial Secretary—conveying an Address to your Excellency from the House of Assembly, praying that the Sum of Three Hundred Pounds be appropriated for the payment of a Delegation from that House to the Parent Government—beg to acquaint your Excellency that, provided an equal sum be appropriated for the payment of a Delegation from this House to Her Majesty's Government, upon the state of this Colony, we are ready to concur in the desire expressed in the said Address from the House of Assembly.

WILLIAM SALL,
Lt.-Colonel & President.

Council-Chamber,
26th April, 1841.

At twenty minutes past three o'clock His Excellency having come to the Council-Chamber, and being seated on the Throne, the Acting 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 give his assent to the following Bills:

—Viz—

An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.

An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony.

An Act to authorize the Sheriff of Newfoundland to levy Execution in the several Districts of this Colony after Final Judgment.

An Act to establish and regulate Fire Companies in the Town of Carbonear.

An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled "An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's."

An Act to make provision for the Establishment of a Light House on or near to Cape Bonavista.

An Act to revive an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth (2nd Session) intituled "An Act to afford relief to Wives and Children deserted by their Husbands and Parents."

An Act to repeal an Act passed in the Third Year of Her Majesty's Reign, intituled "An Act to Incorporate the Benevolent Irish Society," and to make other provision for the Incorporation of the said Society.

An Act to revive an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled "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."

An Act to Indemnify the Governor for Sums advanced towards defraying, in part, the Expenses of the Fourth and Fifth Sessions of the Second General Assembly.

Address to the Governor concurring therein conditionally.

The Governor arrives at the Council Chamber to close the Session.

Assents to certain Bills.

26th April, 1841.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

After which His Excellency was pleased to address to the two Houses the following

SPEECH:

“ Mr. President and Honorable Gentlemen of the Council;

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

His Excellency's Speech.

“ As a Committee of the House of Commons has been appointed to enquire into the state of Newfoundland, before which Committee I shall have to appear;—I will, on the present occasion, confine myself to the expression of my regret that such a proceeding should have become indispensably necessary to the tranquillity and welfare of the Colony.”

The Honorable the President then said it is His Excellency the Governor's will and pleasure that this General Assembly be prorogued to Monday the Third day of May next, to be then here holden; and this General Assembly stands prorogued accordingly.

Session closed.

APPENDIX.

in the numerical order in which they were presented. (The numerical order in which they were presented.)

The Bill of the Attorney-General... I think it best to refer to the Bill...

This Bill is in accordance with the... I have the honor to enclose copy of Regulations which I have adopted...

Mr. Lord, I have the honor to enclose copy of Regulations which I have adopted, with the advice of the Council, in consequence of no Act having been passed during the late Session...

They are in accordance with your Lordship's directions as regards Sale by Auction; and in other respects which I think to be the best and wisest for the Colony. A Bill sent up to the Council by the House of Assembly, was before a select Committee...

of the former when the Session closed. As soon as I can obtain a copy of it, as modified in that Committee, I shall transmit it in both its original and amended forms, to your Lordship...

APPENDIX.

I have &c. (Signed) H. PRESCOTT.

The Right Honorable Lord John Russell.

NOTICE.

To prevent present inconvenience to the Public—to facilitate the means of procuring Grants of Land—and to remove every pretext for its undue occupation.—The Governor, by and with the advice of the Council, has adopted the following Regulations for its allocation:—

All Petitions for Land now in the Office of the Surveyor-General, or which may hereafter be lodged there, shall be submitted to the Governor (or his approval).

If a Petition be so approved, the Land applied for will be surveyed and Advertisable for Sale in three successive Gazettees, put up at Public Auction at an upset price of 2s. per Acre, and sold to the highest Bidder.

A Deposit of Ten per Cent to be paid down at the time of Sale, and the remainder of the purchase money within 14 days thereof.

On such payment, as also of the established Fees, being made, the Grant will be delivered.

JAMES CROFT, Secretary's Office, 1840.

APPENDIX.

CONTAINING COPIES OF ALL
DOCUMENTS LAID BEFORE THE COUNCIL BY COMMAND OF
HIS EXCELLENCY THE GOVERNOR.

(In the numerical order in which they were presented.)

No. 1.

No. 31.

Correspondence
on the subject of
a Bill for regula-
ting the disposal
of Crown Lands
in Newfoundland.

GOVERNMENT-HOUSE,
7th May, 1840.

MY LORD,

I have the honor to enclose copy of Regulations which I have adopted, with the advice of the Council, in consequence of no Act having been passed during the late Session of the Legislature for the alienation of the Crown Lands.

They are in accordance with your Lordship's directions as regards Sale by Auction; and in other respects suited, I think, to the state and nature of the Colony.

A Bill sent up to the Council by the House of Assembly, was before a select Committee of the former when the Session closed. As soon as I can obtain a copy of it, as modified in that Committee, I shall transmit it, in both its original and amended forms, to your Lordship, with such remarks upon it as may appear to me requisite; hoping to receive, before the next Session, the decision of Her Majesty's Government as to what may be conceded, and what should be withheld, in any future Act for this object.

I have &c.

(Signed,)

H. PRESCOTT.

The Right Honorable
Lord JOHN RUSSELL.

NOTICE.

To prevent present inconvenience to the Public—to facilitate the means of procuring Grants of Land—and to remove every pretext for its undue occupation,—The Governor, by and with the advice of the Council, has adopted the following Regulations for its alienation:—

1

All Petitions for Land now in the Office of the Surveyor-General, or which may hereafter be lodged there, shall be submitted to the Governor for his approval.

2

If a Petition be so approved, the Land applied for will be Surveyed and Advertised for Sale in three successive *Gazettes*, put up at Public Auction at an upset price of 2s. per Acre, and sold to the highest Bidder.

3

A Deposit of Ten per Cent. to be paid down at the time of Sale, and the remainder of the purchase money within 14 days thereof.

4

On such payment, as also of the established Fees, being made, the Grant will be delivered.

JAMES CROWDY,
Secretary.

Secretary's Office,
4th May, 1840.

APPENDIX.

No. 51.

GOVERNMENT-HOUSE,
20th July, 1840.

MY LORD,

I have the honor to inform your Lordship that when, in pursuance of the intention mentioned in my Despatch of May 7th, (No. 31), I applied for a copy of the Land Bill, as amended in the last Legislative Session by a Committee of the Council, I discovered that nothing had been done respecting it by such Committee—but the Attorney-General, at my request, has since drawn up a Bill, which I now enclose, together with the original Bill sent up by the House of Assembly.

The Bill of the Attorney-General will doubtless receive some modifications when under discussion in the Legislature, but its principle seems to me unobjectionable, and it must I think be considered as beyond all comparison superior to the other.

The machinery of Commissioners is the part of this Bill which appears to me most liable to objection—as it proposes to have them for the Electoral Districts, they will amount to 31, and as they are to be remunerated for their trouble, the expense will be great, and I fear far beyond the proceeds—while all their duties might be as well performed by the Surveyor-General and his Deputies.

The present obligations upon the Rent Fund are in the Bill of the House of Assembly wholly overlooked. These, independently of the Salary of the Surveyor-General and his Chainman, are for the support of Government Buildings, and a pension to Mrs. Westcott.

Should the Rents of Crown Lands be wholly paid over to the Treasurer, to be subject to the appropriation of the Legislature, as proposed in the Bill of the House of Assembly, a new source of contention between that Body and the Executive Government will be opened with reference to these subjects, more especially as respects the former; and although the Buildings are on a Scale disproportioned to the state of the Colony, and to the pecuniary appointments of the Governor,—yet they ought not to be suffered to go to decay. Upon this point, and upon any others in connexion with the measure in question, I shall be particularly anxious for your Lordship's commands, that at the next meeting of the General Assembly I may be fully prepared to act in accordance with the views of Her Majesty's Government.

I have, &c.

(Signed,)

H. PRESCOTT.

Lord JOHN RUSSELL.

DOWNING-STREET,
9th November, 1840.

SIR,

I have received your Despatches Nos. 31 & 51, of the 7th of May and 20th of July, 1840, relative to the mode of disposing of the Crown Lands in Newfoundland.

The temporary Regulations reported in No. 31 are approved.

With regard to the Bills proposed by the House of Assembly and by the Attorney-General of the Colony, for settling the manner in which those Lands should, in future, be alienated, I enclose, for your information, the copy of a Report from the Commissioners of Colonial Lands and Emigration, to whom I thought it right to refer the subject. The general opinions expressed by those Gentlemen, meet with my concurrence: I shall, however, be ready to concede to the present occupiers of Lands in the Colony such advantages as, in the peculiar circumstances of Newfoundland, may appear to you equitable to those persons and beneficial to the Community at large. In every other respect, I should wish the suggestions of the Commissioners to be embodied in the Bill, which you will instruct the Attorney-General to prepare for the purpose of being submitted to the Legislature at its next meeting. Should the Bill not pass into Law, you will instruct the Surveyor-General to conform to the Rules which it is intended to establish.

APPENDIX.

The administration of the Land Department must be reserved to the Executive Government, together with the same power of appropriating the Revenue arising from it as is exercised at present.

I have, &c.

(Signed,)

J. RUSSELL.

Governor PRESCOTT,

&c. &c. &c.

Colonial Land and Emigration Office,

9, Park Street, Westminster, 30th Oct. 1840.

SIR,

In obedience to the directions contained in your letter of the 18th ulto., We have perused and considered the Despatches therein enclosed from the Governor of Newfoundland,—the first reporting some temporary regulations which he had sanctioned for the disposal of Crown Lands, and the second submitting for approval the draft of a Bill which had been prepared by the Attorney-General for the same object.

We see no objection to the temporary regulations reported by the Governor.

The Bills transmitted by him are two—one a Bill which was passed by the Assembly in the last Session of the Legislature, and sent up to the Council, but not acted upon in that body; the other a draft by the Attorney-General, which it was proposed to introduce into the Legislature at its next meeting.

We could not recommend the adoption of the former measure: It begins by sanctioning in general terms the disposal of the Public Lands, but then lays down the following exceptions:

1st.—Every person who has been in actual possession of land for twelve months previously to the passing of the Bill, to have a free Grant of the same.

2nd.—All land situated within five miles of the sea, to be divided into small lots, and during the next ten years every married Fisherman to be entitled to a free Grant of ten Acres of such Lands within the District where he may reside.

3rd.—Every purchaser of Land to be entitled, during the next ten years, to claim a free Grant of five Acres of adjacent Lands for every Acre which he may have improved of his original purchase, provided the quantity so obtained shall not exceed fifty acres in all, or be greater than the whole of the first purchase.

Extensive reserves of Land are authorized for carrying these provisions into effect: And for the general execution of the Bill, paid District Commissioners are proposed, who, it is reported by the Governor, would amount to 31 in number.

We fear that with such large exceptions as these, the principle of Sale would be quite neutralized in Newfoundland. With regard to persons who have improved their lands without possessing a title, we think that the most equitable mode of proceeding is to give them a right of pre-emption at the general price named by Government for all waste lands in the same situation. Large reserves of Land, for the purpose of making Grants in extension to original grantees or purchasers, are open to a great variety of serious objections. And with regard to land bordering on the sea, we conceive that either it should be left common to all, where the public interest requires it, or else that in any case in which it is a fit subject for appropriation by individuals, it should be disposed of under the same general rules of Sale which are applicable to all other Lands in the Colony. Considering how fully the disposal of the Public Lands by Sale has been for several years past adopted as a principle throughout the British Colonies, by the Government, we apprehend that it would not be possible to concur in such a measure as the one of which we have presented an outline.

The draft prepared by the Attorney-General is also not free from the objection of admitting too many exceptions to the rule of Sale; but we think that with some modifications it might receive the Royal Assent, without infringing established principles. We conceive, for

APPENDIX.

the reasons we have so often had occasion to submit, that the establishment of one fixed uniform price would be preferable to Sale by Auction. In other respects the alterations we have to propose are only on points of detail; and we have therefore embodied our recommendations in the shape of remarks upon the annexed Summary of the Bill,—believing this to be the most convenient method of submitting our suggestions, and of enabling the Attorney-General in the Colony to embody any of them which may be considered worthy of adoption.

The Governor expresses an anxiety to receive Instructions on the authority by which the Land Revenues are hereafter to be appropriated, and of the manner of providing for existing charges upon them. These are subjects which lie beyond our province, and they are only alluded to by us for the purpose of bringing them under notice. The mode in which the Attorney-General's draft proposes to deal with them is, that all former charges are to continue to be paid out of the Land Fund, and that the surplus should be handed over to the Colonial Treasurer for the general purposes of Government.

We have, &c.

(Signed)

T. FREDK. ELLIOTT.
ROBT. TORRENS.
ED. E. VILLIERS.

To
JAMES STEPHEN, Esq.
&c. &c.

SUMMARY

OF A BILL FOR THE DISPOSAL OF
CROWN LANDS.
PREPARED BY THE ATTORNEY-GENERAL OF
NEWFOUNDLAND.

	Remarks.
1	
No Grant of Land to be made to Aliens.	
2	2
Land to be Sold by Auction; and if no Bidder, it may be Sold by Private Contract at the upset price.	No Public Land to be disposed of otherwise than by Sale.
3	3
Governor and Council to fix the upset price, and to make such regulations from time to time as they may deem expedient.	A uniform price to be fixed by the Governor in Council, subject to the confirmation of the Secretary of State for the Colonial Department.
4	
The Eee-simple of the Lands to be Sold.	
5	5 & 6
Commissioners to be appointed within the Electoral Districts; <i>Seven</i> in the District of St. John's and <i>Three</i> in other District.	On the subject of Commissioners the Governor remarks as follows:—"The machinery of Commissioners is the part of this Bill which appears to me most liable to objection— as it proposes to have them for the Electoral Districts, they will amount to 31, and as they are to be remunerated for their trouble, the expense will be great, and I fear far beyond the proceeds, while all their duties may be as well performed by the Surveyor-General and his Deputies." The creation of Commissioners appears quite unnecessary, and the payment of them objectionable, and these clauses, and all subsequent references to them, ought to be omitted.
6	
The Commissioners to hold not less than three meetings in the year in their respective Districts, for considering applications for Lands, and to transmit their Reports to the Surveyor-General to be delivered to the Colonial Secretary for the Governor's information, and to keep Registers.	

APPENDIX.

7

Regulates manner of applications to the Surveyor-General and the proceedings of that Officer upon them.

8

Printed forms of application to be issued at the Office of the Surveyor-General, price 2s.

9

The Governor and Council to direct the making of Surveys and to pay for them out of the Surplus Funds in the hands of the Receiver of Monies for the Sale of Lands.

10

The Governor and Council may reserve Lands for public purposes.

11

Persons who have held Land without a Title since 1830, to be allowed to retain such Land on paying a certain Sum prescribed by the Governor for it.

12

Governor authorized to make Grants to Officers of the Army and Navy, or other Public Officers, under such conditions as Her Majesty shall require.

13

All ungranted Land lying within 200 yards of high-water-mark, shall be reserved for purposes of Fishery only, and shall be freely used by any of the Inhabitants for such purposes.

14

Any person so holding Land within 200 yards from high-water-mark, and discontinuing to use the same for the purposes of the Fishery for the space of three successive years, shall be considered to have abandoned such Lands, which accordingly shall revert again to the public use.

15

Any person using such Land for the purposes aforesaid, and wishing to have a free Grant of the same, shall send in his Petition to the Governor, and shall receive a free Grant, subject to the conditions of employing the Land under the limitations before provided.

16

Persons residing in the Island may cut down Timber on ungranted and unoccupied Land, for purposes of erecting Buildings connected with Fisheries, as freely as under any former Act of Parliament.

17

Surveyor-General to publish the place of his residence, and that of his Deputies, and also the residence of the Commissioners.

7

In lieu of District Commissioners there should be one General Land Office under the Surveyor-General, where maps of the surveyed territory may be always open to inspection.

11

Say, on payment of the fixed uniform price:

12

There should be no mention of "other Public Officers;" The simplest enactment would be that the Governor should have power to make Grants to Officers of the Army or Navy, under such regulations as may from time to time be established by Her Majesty.

13, 14 & 15

Clause 13 appears to conflict with 15. The whole of these would be better omitted. Under clause 10, the Governor could reserve, to be common to all, Lands respecting which the public interest required it. All Lands not common should be disposed of under the general principle of Public Sale.

17

Appears superfluous.

APPENDIX.

18

Due notice to be published of the Sale by Auction of any Lands, and of the conditions upon which they will be Sold.

19

Sales of Land by Auction to take place within the District in which they are situated, unless otherwise directed by special order of Council.

20

One third of the purchase Money to be paid at the time, and the remainder to be paid within 4 weeks, and in failure of such payment the deposit to be forfeited and the sale to be deemed void.

21

Subject to certain conditions of keeping up Fences, the Fee-simple of the Land to be granted within one month after the payment of the purchase Money and the usual Fees.

22

The Land to be the Purchaser's from the time when it is paid for, although he may not as yet have received his Title-deeds.

23

Persons having purchased a Grant, and occupied it for 6 years, may be allowed to receive the adjoining Land at the price of one third of the then reasonably estimated value, provided the Claimant has brought into cultivation at least one third of the former Grant, and fulfilled all other conditions.

24

Persons who have bought and paid for Land may assign the same to others before they are furnished with the Title-deeds.

25

The Governor may say what sort of Hedge or Fence is necessary, and no Person shall be able to maintain an Action for Trespass unless such Fence is put up.

18

Due notice to be given of the Districts open for selection; and after the expiration of a given time from the date of the notice, the Lands to be granted in the order of application on payment of the uniform price.

19

To be omitted.

20

Ten per cent upon the purchase Money to be paid at the time of application at the Land Office, and the remainder to be paid &c. (as in the text.)

21

The condition of surrounding Land with Fences, in a country covered to a great extent with Timber, and in situations where there would often be no near neighbours, would seem unsuited to the circumstances of most new Countries in North America. But as this condition appears both in the Assembly's Bill of last year, and in the Attorney-General's draft, and is introduced as if adopted from previous practice, it is to be supposed that there must be cases in Newfoundland, in which such a condition is at once desirable and capable of being fulfilled. If so, however, it would seem advisable to point out rather more definitely if possible the cases to which this condition is intended to apply. A report from the Governor, affording information upon this point, would be of use.

22 & 24

These clauses would seem of doubtful necessity: and at any rate, if 22 is adopted, 24 can hardly be required.

23

This clause is decidedly objectionable. There ought to be one general power of acquiring Land by all parties indifferently, on the same terms of fair and open purchase. The present clause moreover would entail the necessity of Reserves of Land for its execution—a most injurious system.

The proper method of accomplishing the object of this clause, is to name a price sufficiently high to prevent Land from falling into the hands of Persons who do not intend to cultivate. There would then be no occasion to attempt to encourage cultivation by paying parties for it by additional Grants; nor yet would there occur the evils—which this mode of attempting it must create—of accumulating more Land in the hands of individuals than they can possibly cultivate, even if they should be inspired with the desire.

24

Vide remark on 22.

25

Vide remark on 21.

APPENDIX.

26

There shall be at least two Sales in each District in the year, if there be a demand for Land.

27

Fees.

28

The Governor may issue such Rules as are necessary for carrying the Act into execution, and the same shall be published, and copies of the Act shall be open to public inspection in the Surveyor-General's Office.

29

The Commissioners to be paid as the Governor shall think fit, and the Surveyor-General to be paid by a Commission or per Centage on each Grant.

30

The manner in which the Surveyor and Deputy-Surveyors shall keep and render their Accounts.

31

A Salary of £500 per annum to be paid to the Surveyor-General, quarterly, out of the proceeds of the Land Sales.

32

Surveyor-General and Receiver of Monies for Sale of Lands, to give security.

33

Out of the Surplus of the Land Fund, the Governor may expend £200 annually, for the improvement of the Land.

34

After defraying all the Expenses heretofore charged on the Land Fund, and those allowed by the present Act, the Receiver to pay into the hands of the Colonial Treasurer the residue for general purposes, and to deliver in his account to the Colonial Secretary twice every year.

35

The Act to be in force for Five years.

26

To be omitted.

27

A Table of Fees is contained in the Blue Book as having been approved by the Secretary of State in 1835, with which the Schedule annexed to this Bill generally agrees. We presume that it is intended to be a continuation, by enactment, of the previously established practice, and that the rates therefore may be considered proper, if Fees are to be continued at all. In the case of Local Surveyors and their Assistants, there is probably no other convenient way of providing for their remuneration. But to all the other Officers we should deem a commuted allowance, payable out of the General Land Fund, preferable. The price ought to be sufficiently increased to cover this expense.

29

It has been suggested already that no Commissioners will be necessary, and that none of the references to them in the Bill should stand.

34

This clause contains a provision on existing charges upon the Land Revenue, to which subject, generally, attention is drawn in the report of which the present memorandum is an enclosure.

If there should be an effective demand for an immigration of labourers in Newfoundland, this would be a convenient plan to make some suitable provision for that purpose out of the Land Revenues. We fear there is not much encouragement in the Island for Emigrants, but as there is not time for communicating with the Governor, before the Session, this point might be mentioned to him, and left to his discretion according to local circumstances.

(Signed)

T. FREDK. ELLIOTT.
ROBT. TORRENS.
ED. E. VILLIERS.

APPENDIX.

No. 2.

No. 29.

DOWNING-STREET,
15th March, 1840.

SIR,

I have been honoured with your Despatch No. 67, of the 18th December last, transmitting twelve Acts passed by the Legislature of Newfoundland during the last Session, eight of which have been left to their operation by the enclosed order passed by Her Majesty in Council on the 5th instant. The rest are still under the consideration of Her Majesty's Government, with the exception of No. 107.

Confirmation of certain Colonial Acts.

This Act, for the Incorporation of the Benevolent Irish Society, is said to have been passed "for the purpose of providing for the wants of the Poor, and for other purposes." The main objects of this Act, however, are to give to this Body a Corporate character, with perpetual succession, to enable them to hold property; and to regulate the election of their Officers.

Benevolent Irish Society Incorporation Act.

To any thing that appears to the contrary this may be a judicious measure; but I have no means of judging how far it may be necessary to confer the usual powers of a Corporation on persons associated together for such a purpose. Neither does the Act explain what are the precise objects of the Institution, or in what manner those objects, whatever they may be, are to be carried into effect. All that appears is that the relief of the Poor is one of the objects in view.

In the absence, therefore, of any observations from you upon this Law, Her Majesty's Government are unable to advise Her Majesty as to the disposal of it.

You will call upon the Assembly to pass such an Act during their next Session as shall precisely define the purposes for which the Society is to be Incorporated, and to limit the proceedings of the Society within strict bounds.

If this be not done, there is no security against their usurpation of powers, the exercise of which, by a permanent Corporation, might be highly inconvenient, and the more so, because, existing as it will, not by a Royal Charter, but by a Legislative enactment, the Tribunals of the Colony will have no jurisdiction to declare the Corporate Rights forfeited, whatever may be the neglects or the abuses attendant on the exercise of them.

Her Majesty's final decision on this Act will be suspended until the Legislature shall have had an opportunity of amending it.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT.

AT THE COURT AT BUCKINGHAM PALACE,

this 5th day of March, 1840.

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

Order in Council.

Lord Chancellor,

Earl of Albermarle,

Lord President,

Viscount Palmerston,

Lord Privy Seal,

Viscount Melbourne,

Marquis of Normanby,

Viscount Morpeth,

Lord Steward,

Sir J. Hobhouse, Bart.

Lord Chamberlain,

WHEREAS the Governor of Her Majesty's Province of Newfoundland, with the Council and Assembly of the said Province, did, in the months of September and October, 1839, pass eight Acts, which have been transmitted, entitled as follows:

APPENDIX.

—Viz.—

- No. 99.—An Act to encourage the killing of Wolves in this Colony.
- No. 102.—An Act to make provision for the greater protection of the Revenue at the Port of St. John's.
- No. 104.—An Act to regulate the granting of Licenses for the Sale, by Retail, of Wines, Ale, and Spirituous Liquors in Newfoundland.
- No. 105.—An Act to revest in the Treasury the Sum of Fifteen Hundred Pounds granted to Her Majesty under an Act passed in the first year of the Reign of Her Present Majesty, and remaining unappropriated, and to reappropriate the same for the purpose of facilitating a communication by Steam between the Port of Saint John's and the Port of Halifax in the Province of Nova Scotia.
- No. 106.—An Act to repeal part of an Act passed in the Second Session of the First General Assembly of this Island, entitled "An Act to regulate the Building of Houses in Water Street, in the Town of St. John's."
- No. 108.—An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the late Delegation.
- No. 109.—An Act to Provide for the expenses of the re-construction of Waterford Bridge.
- No. 110.—An Act for Granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, One thousand Eight hundred and Forty, and for regulating the appropriation of the same.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report.—Whereof the Governor, Lieutenant Governor, or Commander-in-Chief, for the time being, of Her Majesty's Province of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

No. 3.

No. 32.

DOWNING-STREET,
13th April, 1840.

SIR,

Searching
Journals by the
Assembly.

I have to acknowledge the receipt of your Despatch, No. 10, of the 12th February, transmitting an address to Her Majesty from the House of Assembly of Newfoundland, complaining of the refusal of the Council to permit their Journals to be examined by a Committee of the Assembly appointed for the purpose.

This Address will be duly laid before Her Majesty.

I have perused the Address from the Members of the Council to yourself, a copy of which is enclosed in your Despatch, in which they explain the regulation which they have determined to adopt in regard to the inspection of the Minutes of their proceedings by the other Branch of the Legislature. The practice which the Council propose to follow, in this respect, I believe to be new, and is not very definite. If the Council allude to Motions on which discussion is then proceeding, the rule may be reasonable and convenient; but if it were extended to matters already entered on their Journals, on the ground that some further proceedings were or might be intended, such an interpretation would lead practically to a concealment of their most important Votes.

I have, &c.

(Signed)

F. RUSSELL.

Governor PRESCOTT.

APPENDIX.

No. 4.

No. 35.

DOWNING STREET,
29th April, 1840.

SIR,

Having referred to Viscount Palmerston your Despatch, No. 62, of the 19th November last, I enclose, for your information, a copy of the letter which has been received in reply from His Lordship's Under Secretary, and which will explain to you the state of the negociation with the Government of France for the erection of a Light House on the Island of St. Pierre.

Erection of
Light Houses
on the Southern
Coast.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT.

FOREIGN OFFICE,
21st April, 1840.

SIR,

With reference to your letter of the 14th January last, enclosing a copy of a Despatch from the Governor of Newfoundland, requesting to be informed what steps the French Government had taken with respect to the erection of a Light House on St. Pierre, on the Coast of Newfoundland, I am directed by Viscount Palmerston to transmit to you, for the information of Lord John Russell, a copy of a Despatch from Earl Granville, enclosing a copy of a note which His Excellency has received from Monsieur Thiers upon this subject.

I have, &c.

(Signed)

J. BACKHOUSE.

JAS. STEPHEN, Esq.

PARIS, 13th April, 1840.

MY LORD,

I have the honor to forward to your Lordship the copy of a note which I have received from His Excellency M. Thiers, relative to the erection of a Light House on the Coast of Newfoundland, in answer to one I addressed to His Excellency's Predecessor in obedience to the Instructions contained in Your Lordship's Despatch No. 24.

I have, &c.

(Signed)

GRANVILLE.

The Viscount PALMERSTON,
&c. &c.

PARIS, le 10 Avril, 1840.

Monsieur L'AMBASSADEUR,

V. E. arjant rapellé le 28 Janvier dernier, à mon predecesseur l'objet d'une proposition faite en 1838 par le Gouvt. de S. M. Britque. pour l'erection d'un phare sur l'île de St. Pierre, à la Côte de Terreneuve, M. le Duc de Dalmatie s'était empressé d'en écrire au Ministre de la Marine et des Colones.

Il resulte, Monsieur l'Ambassadeur, de la reponse que je viens de recevoir de M. Le Bar. Roussin, que sou Departement à jugé necessaire de soumettre a un examen préalable sur les lieux, la question de l'etablissement d'un phare destineé a eclairer la Côte sud est de

APPENDIX.

Terre Neuve, et que des instructions a cet effet out été adressées au Commandant de la Colonie de St. Pierre et Miquelon, des que le resultat de cette enquete me sera Connu j'aurai l'honneur d'en donner communication-a Votre Excellence.

Ayez les assurances,

(Signed)

A. THIERS.

S. E. Le Comte GRANVILLE.

No. 5.

No. 38.

DOWNING-STREET,

May, 1840.

SIR,

I have received your Despatch, No. 19, of the 26th March, together with a copy of the Poor Bill required by my Despatch of the 5th December.

Having now had an opportunity of perusing the Bill, I have to state that it certainly appears to be open to the main objection insisted on by the Council. Where names are inserted in a Bill, I must consider that the Council are quite right not to agree to it unless they approve of the Names: and I think it is a wise but not an invariable rule to leave the nomination of Commissioners in such cases to the Governor.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT.

No. 6.

No. 48.

DOWNING-STREET,

4th June, 1840.

SIR,

I have received your Despatch, No. 30, of the 6th May, forwarding an Address to the Queen from the Council of Newfoundland, congratulating Her Majesty on Her Union in Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha.

I have had the honour to lay that Address before the Queen, and have received Her Majesty's Commands to instruct you to communicate to the Council the gratification with which she has received the expression of loyalty and affectionate interest which are contained in that Address. The Queen attaches high value to those assurances.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT.

No. 7.

DOWNING-STREET,

22nd August, 1840.

SIR,

Various Acts passed by the Governor, Council and Assembly of Newfoundland, in February and April last, and transmitted in your Despatch, No. 46, 25th June, having

Appointment of Commissioners in Bills passed by the Assembly.

Acknowledgement of Address to Her Majesty on Her Marriage.

Confirmation of certain Colonial Acts.

APPENDIX.

been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts be left to their operation.

I have the honor to transmit to you herewith, an order of Her Majesty in Council, dated the 10th instant, approving that Report.

I have, &c.

J. RUSSELL.

Governor PRESCOTT.

AT THE COURT AT BUCKINGHAM PALACE,

The 10th August, 1840.

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

Order in
Council.

Lord Chancellor,

Lord John Russell,

Lord President,

Viscount Palmerston,

Lord Privy Seal,

Viscount Melbourne,

Marquis of Normanby;

Viscount Duncannon,

Lord Steward,

Lord Holland,

Lord Chamberlain,

Sir J. Hobhouse, Bart.

Earl of Albermarle,

Mr. Chancellor of the Exchequer;

Earl of Minto,

Mr. Macauley.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the months of February and April, 1840, pass Six Acts, which have been transmitted, entitled as follows:

Viz.

No. 111.—An Act to defray certain charges that have arisen for the support of aged and infant Paupers, up to the 1st of February 1840.

No. 115.—An Act to encourage the Whale Fishery in this Colony.

No. 116.—An Act to continue an Act passed in the 5th Session of the General Assembly of this Island, entitled 'An Act to continue the Office of Clerk of the Central Circuit Court with the Office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said Offices.'

No. 117.—An Act to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes.

No. 119.—An Act for Granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, One thousand Eight hundred and Forty one.

No. 120.—An Act for Granting to Her Majesty certain Supplies for the Civil Government of this Colony and for other purposes.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report.—Whereof the Governor, Lieutenant Governor, or Commander-in-Chief, for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

No. 8.

CIRCULAR.

DOWNING-STREET,

24th August, 1840.

SIR,

The new line of Steam Packets between this Country and Halifax having come into operation, I have to call your attention to the great necessity of improving the main routes

Post Office
Communication.

APPENDIX.

of communication within your Government; and to desire you to use all the influence in your power to induce the Colony of Newfoundland to continue its efforts in that respect, and meet, by a corresponding feeling, the exertions made by this country for the purpose of keeping up a regular and rapid communication with the Colonies.

I have, &c.

(Signed)

J. RUSSELL.

Governor Prescott.

No. 9.

No. 63.

DOWNING-STREET,

16th September, 1840.

SIR,

Steam
Communication.

I have had under my consideration an Act (No. 114) passed by the Legislature of Newfoundland during their last Session, for repealing the Act of October last (No. 105,) which made provision for a Steam communication between Newfoundland and Halifax, and making further provision for the same object. As, however, Her Majesty's Government have recently entered into a Contract for two years with Mr. Tobin, for the conveyance of the Mails between these Colonies by Sailing Vessels, and as the Act voting the Sum of Three Thousand Pounds towards this object appears to be contingent on the conveyance of the Mails by Steam,—it is unnecessary to take any further steps with regard to this Act.

I have, &c.

(Signed)

J. RUSSELL.

Governor Prescott.

GOVERNMENT-HOUSE,

31st October, 1840.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's letter of the 16th September, No. 63, in answer to which I beg leave to state, that although in the preamble of the Act to which it refers mention is made of the Establishment by Her Majesty's Government of a Steam Communication between England and Halifax, yet it was never believed or intended that the Mails must necessarily be conveyed from Halifax to St. John's in any Steamer plying, under the encouragement of the Act in question, between those Ports. Should the "Newfoundland Steam Navigation Company," now in embryo, reach maturity, it will probably be found, on the expiration of Mr. Tobin's Contract, advantageous to all parties that the conveyance of the Mails should be undertaken by that association,—and the Memorial from the Company, which I forwarded on the 18th September, is in accordance with this view of the subject—a view generally entertained in this community.

I infer from your Lordship's letter that the Act 3 Vict. (2 Sess.) Cap. 4, will be annulled—but unless, in the opinion of the legal authorities, it will have the effect of binding Government to pursue any particular manner of proceeding in the conveyance of Mails, I would strenuously recommend its being left to its operation.

I avail myself of this occasion to bring under your Lordship's observation the dissatisfaction existing here from the Steam Communication between England and Newfoundland, *via* Halifax, not having been completed; and I trust that an early opportunity will be embraced of superseding the existing mode of conveyance of the Mails by Sailing Vessels, and substituting Steamers in their place.

I have, &c.

(Signed)

H. PRESCOTT.

Lord JOHN RUSSELL.

APPENDIX.

No. 10.

No. 70.

DOWNING-STREET,
20th November, 1840.

SIR,

I enclose herewith the Copy of a Letter from the Secretary of the Board of Ordnance, proposing the immediate abandonment of Fort William; and I have to request that you will confer with the respective Officers of the Ordnance in Newfoundland with reference to the transfer to the Colony of such of the Buildings as may be required for Colonial purposes.

Appropriation of the Buildings in Fort William for Colonial purposes.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT,
&c. &c. &c.

OFFICE OF ORDNANCE,
11th November, 1840.

SIR,

I have the honor, by the Master-General and Board's commands, to transmit, with reference to your letter of the 7th June, 1836, the enclosed copy of a letter, dated 14th September last, from the Commanding Royal Engineer at Newfoundland to the Inspector General of Fortifications, on the subject of the abandonment of Fort William, in consequence of the new system of Barracks and defences having so far advanced as to admit of ample accommodation for the Garrison; and I am commanded to signify the Master General and Board's request, that you will, in laying the same before Lord John Russell, have the goodness to move His Lordship to be pleased to instruct the Governor of Newfoundland to confer with the respective Officers of the Ordnance for the purpose of carrying into effect the transfer of Fort William to the Colony, together with such of the old buildings as he may consider desirable to maintain for Public purposes; and that the remainder be taken down and disposed of by the Ordnance.

I have, &c.

(Signed)

R. BYHAM.

JAMES STEPHEN, Esq.

No. 11.

REPORT

OF THE PROGRESS OF THE GEOLOGICAL SURVEY, DURING 1840.

During the Summer of 1840 the Survey has been continued through St. Mary's Bay, great part of the Bay of Placentia, and the chief of those parts of the District of Avalon which were left unexamined last Year. It has also been carried through Bonavista Bay and the Bay of Exploits, and the adjoining Districts. Much valuable time having been lost in procuring conveyance from place to place, and a continued succession of Westerly winds prevailing during the latter part of September and the beginning of October, it was found impracticable to visit Hall's Bay, or to get at all to the Westward of Exploits Burnt Island. As, moreover, the last Vessel which was known to be going to St. John's or its neighbourhood, sailed from Fogo on October the 13th, all further progress was of course abandoned at that time.

Report of Geological Survey.

The only Rocks seen in any part of the Districts mentioned above, are Slates and Slaty Rocks, hard Sandstones or Gritstones, Granite, Sienite and Porphyry.

APPENDIX.

Of the Slates, none have been observed so well adapted for economical purposes as those on the Western Shores of Conception-Bay, or what might probably be procured by quarrying in the Town of St. John's and its immediate vicinity.

The Sandstones or Gritstones are worthless, except for the commonest building purposes.

Sienite of tolerable quality, making a good but expensive building stone, might be procured on the flanks of the Butter-pot Hill, at the back of Renew's, and probably in other parts of the chain of hills which runs thence to the Butter-pots of Holyrood, in Conception Bay. It may also be got more easily and of better quality in parts of Merasheen, the Ragged Islands, Barren Islands, &c., in Placentia Bay. The same Rock may also be procured in abundance about the Louil Hills, Bloody Bay, Bonavista Bay, as also about Hare Bay, in the Island of Fogo.

The whole of the Northern Shores of Bonavista Bay, and the adjacent Islands, from Locker's Bay, on the South, round to Muddy Hole, near Rocky Bay, on the North, are composed of Granite. It varies in colour from flesh-colour to a light grey, and generally has large crystals of white Feldspar thickly interspersed about it. It would form an exceedingly handsome building stone, and from the small proportion of Mica it contains, and the sound condition of its Feldspar, it would be remarkably durable. Blocks or columns of any required dimensions might be quarried in many places; and on the Shore about Chalky Cliff, near Locker's Bay, abundance of loose blocks are now lying about and might easily be shipped off in moderate weather. At Greenspond there is a handsome grey variety which grows whiter by exposure to the atmosphere; it is, however, very hard, and would therefore be difficult to quarry.

The whole of the Coast, from the Bay of Islands round to the Bay of Exploits, has now been examined with the exception of Fortune Bay. This Coast-Survey, taken in conjunction with the observations made by Mr. Cormack, in his route from Random Island to St. George's Bay, gives the following results:—

1stly. To the eastward of a line drawn from Cape Ray to the Northern Head of the Bay of Exploits, there is no chance of Coal being found.

2ndly. Within the same Boundary there are no beds of good Limestone, unless it be at the bottom of Fortune Bay, and there their occurrence is improbable.

3rdly. Within the same Boundary there is no good Building Stone, with the exception of Granite and its cognate Rocks, all of which, though handsome and durable, are difficult and expensive to work.

4thly. No Mineral vein has been seen in any part of the Island with the exception of the small string of Copper Ore in Shoal Bay.

The Coal-bearing district which was found last year at the Northern end of the Grand Pond, does not extend any where to the neighbourhood of the Bays of Exploits or Bonavista, as was at one time hoped; and from what could be learnt of the Rocks about Hall's Bay, it does not appear to approach the coast in that direction. The only point, then, from which it may possibly be easily accessible, is the head of White Bay. On the Western side of White Bay, also, namely in the neighbourhood of Canada Bay, Limestone, is found similar to that seen last year in the Humber River. The only part, therefore, of the Island of Newfoundland which seems at all Geologically interesting or important, is the Western portion, bounded by the Gulf of St. Lawrence on one side, and a line drawn from White Bay to Cape Ray on the other. As, however, in the existing circumstances of the Colony, any discoveries on that side could hardly be of more than speculative or prospective value, it does not seem justifiable to recommend the continuance of the Survey; it being hardly fair to call upon a small community for any outlay in addition to that already incurred, in order to solve points merely of scientific interest.

Specimens of all the different kinds of rocks and minerals met with in the course of the Survey have been carefully collected, arranged and labelled,—each specimen having on it the name of the rock and the locality from which it was taken. Of those kinds which may be used for economical purposes, the specimens are large, in order to give an adequate idea of their nature. A complete suite of these specimens, including all the largest and finest specimens of Coal, Limestone, Gypsum, Slate and Granite, has been selected to accompany the Report. These are at present packed in boxes; it may, however, be allowed me to suggest the great advantage which would be derived from a room being appropriated to their recep-

APPENDIX.

tion,—a few plain glass cases being provided for their arrangement,—a copy of all Maps, Sections or Reports, relating to the structure of the Island, being deposited with them,—and the whole being thus laid open for public inspection and future reference. They could at any time be easily arranged according to the relative geographical situation of the places whence they were procured, classing those of each Bay, or other well defined district, together, and proceeding regularly from North to South or from East to West.

The duplicates of this collection will be conveyed to England for the purposes of comparison, and a suite from them deposited in the Museum of the Geological Society.

Materials have been collected for a rough map of the interior of the Country, exhibiting the approximate situation, size and form of the principal Lakes, and the general direction of the chief Rivers and ranges of Hills. Part of these materials are the result of actual Survey, so far as a series of bearings by the prismatic compass are worthy of that name, and part are derived from the accounts of Micmac Indians, Furriers, and others acquainted with different parts of the interior,—different accounts being checked and corrected, wherever it was possible, one by another. Altogether, the materials collected during the two past summers, when added to what was already known, will be sufficient for a general sketch of the Physical Geography and Geology of Newfoundland.

To the compilation of this sketch, and the completion of the map, the present winter will be devoted, and the earliest opportunity will be taken of giving it in as the General Report of the Geological Survey of this Island.

Respectfully submitted by

J. B. JUKES.

St. John's, November 4, 1840.

No. 12.

ESTIMATE

OF THE CHARGE OF DEFRAYING THE PUBLIC EXPENDITURE OF
NEWFOUNDLAND FOR THE YEAR ENDING 30TH JUNE, 1842.

Nine Thousand Four Hundred and Fourteen Pounds, Sterling.

Proposed distribution of the above Sum of £9414, for the Service of the Year 1841—2:

Salary of the Clerk of the Council	....	....	....	....	200	0	0
Two Clerks in Secretary's Office	....	....	....	....	400	0	0
Office-Keeper	do.	....	....	....	60	0	0
Messenger	do.	....	....	....	60	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 (do.)	....	....	....	....	600	0	0
Clerk of Peace (do.)	....	....	....	....	120	0	0
Chief Constable (do.)	....	....	....	....	80	0	0
Six Police Constables (do.)	....	....	....	....	270	0	0
Stipendiary Magistrates	....	....	....	....	1410	0	0
Clerks of Peace, Gaolers, &c.	....	....	....	....	1199	0	0
Gaol Surgeon (St. John's)	....	....	....	....	40	0	0
Gaol Barber (do.)	....	....	....	....	15	0	0
Gaol Surgeon (Harbor Grace)	....	....	....	....	20	0	0
To defray the Attorney General's Fees	....	....	....	....	250	0	0
Solicitor General's do.	....	....	....	....	200	0	0
Pension of John Buckingham, Esq.	....	....	....	....	60	0	0
Carried forward	.....	.....	.....	.....	5894	0	0

APPENDIX.

ESTIMATE (Continued.)

Brought forward..... 5894 0 0

MISCELLANEOUS.

Printing, Advertising and Stationery	450	0	0
Civil and Criminal Prosecutions	500	0	0
Gaol Expenses	800	0	0
Coroners' Accounts	150	0	0
Fuel and Light	200	0	0
Postages and other Incidentals	120	0	0
Expenses of the Circuits	600	0	0
Repairs of Court Houses and Gaols	200	0	0
Unforeseen Contingencies	500	0	0
	3520	0	0
Total.....	£9414	0	0

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates, Clerks of the Peace, Gaolers, and Constables at the undermentioned Out Ports.

Out Ports.	Magis- trates.	Clerks of Peace.	Constables.		Gaolers.	Total.
			No.	Salary.		
	£	£		£	£	
Harbor Grace	150	50	3	85	50	335 0 0
Carbonear	120		3	75		195 0 0
Brigus and Port de Grave	120	20	2	50		190 0 0
Bay de Verds			1	12		12 0 0
Harbour Main			1	12		12 0 0
Cat's Cove			1	12		12 0 0
Western Bay			1	12		12 0 0
South Shore			1	12		12 0 0
Ferryland	100	20	1	12	25	157 0 0
Bay Bulls	100		1	25		125 0 0
Toad's Cove			1	12		12 0 0
Cape Broyle			1	12		12 0 0
Caplin Bay			1	12		12 0 0
Aquafort			1	12		24 0 0
Do. (arrear)				12		
Fermeuse			1	12		12 0 0
Placentia	100	20	1	25	25	170 0 0
Barren Islands			1	12		12 0 0
Merasheen			1	12		12 0 0
Little Placentia			1	12		12 0 0
Burin	100	20	1	25	25	170 0 0
St. Lawrence			1	12		12 0 0
Lamalin			1	12		12 0 0
Trepassey			1	12		12 0 0
St. Mary's	100		1	25		125 0 0
Harbour Britain	100	20	1	12		122 0 0
Grand Bank	100		1	12		112 0 0
Trinity	120	20	1	25	25	190 0 0
Catalina			1	24		24 0 0
Bonavista	100	20	2	25		145 0 0
Greenspond			1	12		12 0 0
Twillingate and Fogo	100	20	3	49		169 0 0
Exploits Bay			1	12		12 0 0
Brigus (South)			1	12		12 0 0
Witless Bay			1	12		12 0 0
Petty Harbour			1	20		20 0 0
Perlican			1	12		12 0 0
Heart's Content			1	12		12 0 0
Hants Harbour			1	12		12 0 0
New Harbour			1	12		12 0 0
Renewse			1	12		12 0 0
Portugal Cove			1	20		20 0 0
Torbay			1	18		18 0 0
Total.....	£1410	210		839	150	£2609 0 0

APPENDIX.

ESTIMATE (Continued.)

RECAPITULATION.

13 Stipendiary Magistrates	....	....	....	....	....	£1410	0	0
9 Clerks of the Peace	....	....	....	....	....	210	0	0
51 Constables	....	....	....	....	....	839	0	0
6 Gaolers	....	....	....	....	....	150	0	0
						£2609	0	0

No. 13.

STATEMENT

Of Services for which an inadequate provision was made in the Appropriation Act for the Year ending 30th June, 1841.

Heads of Service.	Amount voted.	Expended in the $\frac{1}{2}$ year ending 31st Dec.	Required.
Gaol Expenses	£450 0 0	£394 6 9	£400 0 0
Pauper Lunatics	200 0 0	153 8 2	100 0 0
Coroners	150 0 0	113 11 2	50 0 0
Repairs of Gaols	100 0 0	101 19 2	100 0 0
Circuits	500 0 0	620 7 1	150 0 0

No. 14.

NEWFOUNDLAND.

RETURN of the number of Certificates presented to the Colonial Secretary of Wolves killed between the 3rd day of January 1840 and the 2d day of January 1841, as required by the Colonial Act 3rd Victoria, Cap. 1, Sec. 3.

No.	Certifying Magistrates.		Parties claiming reward.	
	Name.	Residence.	Name.	Residence.
1	Josiah Blackburn	St. Mary's	Denis Quigley	Harry Cove
2				
3	Do.	Do.	Do.	Do.
4	Do.	Do.	Michael Fennelly.	St. Shott's
5	Benjamin Sweetland	Trinity	William Sevier	Trinity
6	Thomas E. Gaden	Harbor Britain	Thomas McDonald	Gaultois
7	James Crowdy	St. John's	Samuel Dobson	Hant's Harbour
8	John Peyton	Twillingate	Josh. Rowsell	New Bay

JAMES CROWDY,
Colonial Secretary.

Secretary's Office,
21st January, 1841.

APPENDIX.

No. 15.

EDUCATION RETURNS.

St. John's.

The Commissioners of the Board of Education for the Electoral District of St. John's have much pleasure in presenting to His Excellency the Governor a Report of their proceedings for the past year, ending the First day of July, 1840.

They feel much pleasure in being able to state that the several Schools under their Superintendence have been uniformly and satisfactorily progressing; the Teachers have, with very trifling exceptions, acquitted themselves much to the approbation of the Board, and the satisfaction of the Parents.

The number of Children in the aggregate, according to the last Returns from the Teachers, amounts to Four Hundred and Seven.

By the most economical application of the limited Funds placed at the disposal of the Board, they have been enabled to continue the benefits of Education in the following places—viz. Belle Isle and Lance Cove, Broad Cove, Portugal Cove, Torbay, Outer and Middle Cove, Logy Bay, Quidi Vidi and White Hills, Brookfield, Petty Harbor, Windsor Lake and Flat Rock, besides furnishing pecuniary aid to the School at Pouch Cove and Mr. Wood's School at River-Head.

By the additional Grant of Ninety-one Pounds Seven Shillings and Six Pence, Sterling, kindly conceded by the Legislature in the last Sessions for the purpose of meeting many unavoidable expenses, the Commissioners feel all but confident that they shall be able to carry on their operations until the expiration of the present Education Act, which will be in July 1841.

On reviewing the extent of District to which their attention has been directed, and the benefits which they trust have accrued to a very populous rising generation, they cannot but indulge the hope that some further means and regulations will be provided by the Legislature for the continuance and improvement of a system which, though yet in its infancy, has, by the favor of Divine Providence, already done much to scatter the clouds of ignorance and vice, to diffuse the blessings of sound practical information, to cultivate the spirit of true loyalty, and universal good will; and, by encouraging the spirit of enterprize and industry, to establish the permanent prosperity of the Colony.

Number of Children in the Schools under the Board of Education for the Saint John's District, as per last Returns made by the Teachers.

			Boys.	Girls.
Quidi Vidi and White Hill School,	by Mrs. Sevier	....	22	21
Flat Rock	School, John Kehoe	....	9	10
Lance Cove	ditto Thomas Sarrell	....	11	7
Belle Isle	ditto Dennis Morrissy	....	20	10
Portugal Cove	ditto John Barron	....	20	10
Brookfield	ditto James Purcell	....	20	15
Broad Cove	ditto John Hughes	....	18	12
Logy Bay	ditto John Hands, (now Mrs. Blake)	....	14	5
Outer & Middle Cove	ditto John Hands	....	20	16
Windsor Lake	ditto Henry Hewett	....	22	20
Torbay	ditto David Fahey	....	37	25
Petty Harbor	ditto Wm. Phealan	....	13	10
Ditto	ditto Mrs. Malone, no return made, stated to be	..	10	10
			236	171

Making a total 407 Children, besides the assistance given to the School at Pouch Cove, per Mr. Wills, as per account, and assistance to Mr. Wood's School at the River Head, as per annexed list.

APPENDIX.

No. 16.

Conception Bay.

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

The Board of Education of the District of Conception Bay have the honor to
REPORT,

That they have caused to be built and completed nine School Houses, at the aggregate cost of One Thousand and Sixty-three Pounds Nineteen Shillings and Sixpence Currency, situate in the following places, viz.—Lower Island Cove, Western Bay, Crocker's Cove, Musquito, River Head Harbor Grace, Bay Roberts, Brigus, Harbour Main, and Holy Rood.

They further beg leave to report, that they have established Twenty Schools in the District, in which One Thousand and Forty-four Pupils, Male and Female, receive instruction, (as will be seen by the list herewith enclosed,) at the annual sum to Teachers of Four Hundred and Fifteen Pounds Currency.

In addition to the above-mentioned, they strongly recommend the establishment of Schools in the following places, viz:—

Middle Bight,	96	Children.
Bacon Cove,	42	„
Bull Cove,	37	„
Salmon Cove,	102	„
Upper Island Cove,	44	„
Carbonear,	} 500	„
N. S. Sides		
Perry's Cove,	73	„
Black Head,	} 124	„
Gusses Cove and		
Adam's Cove,		
Job's Cove,	50	„
Low Point,	35	„

In reference to Carbonear the Board beg leave to state, that in expectation of a suitable Grant from the Legislature for the Education of Five Hundred Children, they were induced to pass that Town unnoticed, to provide for the pressing calls of the other parts of the District; but when they found their application unavailing they expended the balance at their disposal in putting up the frame, and enclosing a School House at the North Side of Carbonear, but want of funds prevents its completion; from the number of Children above mentioned, the Board would recommend the erection of another School House at the South Side of that Town.

The Board see a great necessity for the erection of School Houses in all places where Schools are established, as well as in places where Schools are recommended to be established, as great public inconvenience arises in the various Outports from the limited size of the *Teachers' Houses*, in which the Children are instructed.

In conclusion, the Board most respectfully beg leave to assure Your Excellency, that they have been actuated by the most anxious desire to fulfil the intentions of the Legislature in forwarding to the rising generation (committed to their care) the great benefits of Education; and they most earnestly hope, that through the recommendation of your Excellency, the Legislature will further their views, in granting a sum adequate to meet the pressing calls for instruction throughout this District.

I have the honor to be,

Your Excellency's

Most obedient, humble Servant,

J. WALSH,

Chairman of the Board of Education
of Conception Bay.

Harbour Grace, 15th October, 1840.

APPENDIX.

RETURN FROM BOARD OF EDUCATION FOR CONCEPTION BAY.

Date.	Stations.	Teachers.	Pupils.		Total.
			Male.	Female.	
1840. October 7th.	Emanuel's	John Churchwill	14	14	28
	Holy Rood	Denis O'Neill	40	16	56
	Chapels Cove	Patrick Sliney	29	23	52
	Harbour Main	Jeremiah Kennedy	41	29	70
	Cat's Cove	Vincent Costigan	26	12	38
	Colliers	Timothy Gorman	12	13	25
	Brigus	James Power	32	31	63
	Cupids	Henry Trapnell	34	25	59
	Northern Gut, Port de Grave ..	Patrick Finacane	23	20	43
	Bay Roberts	George Williams	14	10	24
	River Head of Harbour Grace	Daniel Scott	53	58	111
	Brines Cove	Thomas Malone	21	13	34
	Musquito	John Keele	22	18	40
	Crockers Cove	Michael Kelly	69	55	124
	Broad Cove	Joseph Baggs	26	26	52
	Western Bay	Pierce Haurahan	44	38	82
	Northern Bay	James Tobin	35	19	54
Ochre-pit Cove	Charles Webster	29	17	46	
Lower Island Cove	William Broderick	7	6	13	
Bay de Verds	John Lynch	20	10	30	
			591	453	1044

J. WALSH,

*Chairman of the Board of Education of
Conception Bay.*

No. 17.

Trinity.

The Commissioners of Education in the Trinity District humbly beg to submit to His Excellency the Governor, for the information of Her Majesty's Government, the following report of their proceedings during the past year, and the present state of the Schools under their supervision.

In accordance with the Original Act to Encourage Education, the Commissioners have established Schools in Five of the most eligible Settlements in the District, viz. At Catalina, at New Harbor, at Hant's Harbor, at Old Perlican, and on the North Side of Trinity Harbor. That (with one exception) they have succeeded in providing competent Masters, who have been engaged to instruct all the Children who may be sent to them, daily, throughout the year, except during six weeks in the most busy season, and for which they receive from the Board a Salary of Twenty-five pounds a year.

The Commissioners are happy to report that in general the Schools have been well and regularly attended, and that the present number receiving gratuitous tuition amounts to 155 Males and 148 Females, many of whom have made considerable progress during the past year.

In pursuance of the amended Act, passed in the Present Reign, the Commissioners have expended the sum of Three Hundred and Seventy-five Pounds Sterling, in erecting School Houses at each of the five Settlements before mentioned; but, although the Inhabitants have provided the Land, and contributed a considerable quantity of Lumber, the funds have been insufficient to make them impervious to the weather; and the Commissioners deem it their duty to represent to Her Majesty's Government the necessity of some immediate measure being taken to save this property of the Crown from irreparable damage.

APPENDIX.

The Commissioners desire, in the name of the Inhabitants of the Trinity District, to express their gratitude to Her Majesty's Government, for the means thus provided to Educate the Poor; and at the same time they beg to assure His Excellency that they are willing to exert themselves to carry out to its fullest extent the benevolent design.

WILLIAM BULLOCK,
Chairman.

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.

The Petition of the Commissioners of the Board of Education for the District of Trinity,
Humbly sheweth—

That in accordance with the amended Act for the encouragement of Education, the Board has caused to be erected within this District Five School Houses—the sums at their disposal for this purpose being Seventy-five Pounds for each: That when engaged to build to this extent they were fully aware that these sums were altogether inadequate to complete the said Buildings; but they expected the Inhabitants at these stations might have been induced to complete the same without further aid from the Legislature; but that, unfortunately, owing to the failure of the Fishery, they are altogether unable to do so; and that, without assistance from the Legislature, the Buildings already in progress will speedily decay.

Your Petitioners pray that your Excellency will take these circumstances into consideration, and grant such sum as in your wisdom will see fit, for completing these buildings, and which sum your Excellency's Petitioners humbly submit will be about Two Hundred Pounds. And as in duty bound your Petitioners will ever pray.

WILLIAM BULLOCK,
Chairman.

No. 18.

Bonavista.

WESLEYAN MISSION HOUSE, *Bonavista*,
July 3, 1840.

Sir,

I beg to lay before you, for the information of His Excellency the Governor, the following particulars relative to the proceedings of the Board of Education for the Electoral District of Bonavista.

It appears from the Journals of the Board that a meeting was held on the 19th of June, 1840, Samson Mifflin in the Chair, when a Petition from the Inhabitants of Open Hall, praying for the reinstatement of Joseph Glenhim, as School Master, who had been discharged for improper conduct, in November, 1840, was presented to the Board.

The Petition was read and its prayer granted. A Letter was also read from the Inhabitants of Salvage, praying that the half year's Salary which would have been due to the Master had he continued his services, be allowed to them to be expended in repairing the School Room. The Letter was read and the subject referred to the Annual Meeting.

On Wednesday, the 1st of July, 1840, the Annual Meeting was held, Samson Mifflin, Esq., in the Chair; the other Members present were the Rev. George Ellidge, John Skelton, Esq. and Messrs. Thomas Gaylor, Joseph Shears, Archibald Arnott and Edward Mullally, when three Communications to the Board from the Secretary's Office were read to the Meeting, the dates of which were the 15th, the 17th and the 18th of June, 1840.

The Report of the Schools for the preceding year was read and adopted. The yearly Accounts were examined and passed. The Rev. George Ellidge was chosen Chairman, and Mr. Thomas Gaylor Secretary and Treasurer, for the ensuing year.

It was Resolved, in answer to the prayer of the Letter from Salvage, That £12 10 0 be appropriated towards the repair of the School Room in that place, provided the Inhabitants

APPENDIX.

will meet it with an equal sum, and that Messrs. William Dicks, James Oldford and William Brown do form a Committee to carry the same into effect, and to report their proceedings to this Board.

It was also Resolved, That the Secretary advertise for a School Master for Salvage, and, lastly, that Five Pounds, Currency, be appropriated for the purchase of School requisites.

The thanks of the Meeting having been presented to Samson Mifflin, Esq., for his able conduct in the Chair and general support of the Board, the Meeting closed.

I have the honour to be, Sir,

Your obedient, humble Servant,

GEORGE ELLIDGE,

Chairman.

To the Honorable
JAMES CROWDY.

NORTHERN DISTRICT, }
Bonavista. }

Statement of the Schools under the Board of Education from the 1st July, 1839, to the 1st July, 1840.

Settlements where Schools are situated.	Masters' Names.	Date of Appointment.	Salary.	Children.		Protestant	Romans.	Total.
				Male.	Female			
Broad Cove	Patrick Larkins	1st Nov., 1836,	£25	32	21		53	53
Tickle Cove	John Shiffington	7th May, 1838,	25	26	16	30	12	42
Salvage	John Sainsburgh	1st Nov., 1836,	25	23	14	37		37
Fair Island	Moses Cutler	1st Nov., 1836,	15	20	8	28		28
Open Hall	Joseph Glenham	1st Nov., 1838,	25	15	26	20	12	41
			£ 115	116	85	124	77	206

N. B.—The Master of the Salvage School left on the 1st day of November, 1839, since then no Master has been obtained.

The Master of the Open Hall School was discharged for misconduct the first of November, 1839, and reinstated the 20th June, 1840.

Certified,
Bonavista, July 1, 1840.

SAMSON MIFFLIN,
Acting Chairman.

DR. The Schools in the District of Bonavista in Account with the Board of Education. CR.

May, 1840. To Cash paid Patrick Larkins, for one year's Salary, from the 1st May, 1839, to the 1st May, 1840.....	£25 0 0
May, 1840. Cash paid John Shiffington, for one year's Salary, from the 1st May, 1839, to the 1st May, 1840.....	25 0 0
	50 0 0
May, 1840. Cash paid John Sainsburg, for half year's Salary from the 1st May, 1839, to the 1st November, 1839.....	12 10 0
May, 1840. Cash paid Moses Cutler, for one year's Salary, from the 1st May, 1839, to the 1st May, 1840.....	15 0 0
	27 10 0
May, Nov. Cash paid Joseph Glenham, for half year's Salary, from the 1st May, 1839, to the 1st November, 1839.....	12 10 0
Cash paid the Chairman for a Box.....	0 5 0
Cash paid Secretary for one year.....	5 0 0
	17 15 0
Balance in the hands of the Treasurer.....	106 15 8½
	£202 0 8½

Certified.
Bonavista, July 1st, 1840,
SAMSON MIFFLIN,
Acting Chairman.

1840. May 1. By Cash remaining in the hands of the Treasurer..	£81 13 0½
By Cash returned by John Feltham.....	5 0 0
	86 13 0½
By Cash to be Received from the Colonial Treasurer,.....	£100 Stg. 115 7 8
	115 7 8

Er. Ex.
Bonavista 1st July, 1840.
THOMAS GAYLER,
Treasurer.

APPENDIX.

No. 19.

—
Twillingate & Fogo.
—

PROCEEDINGS OF THE BOARD OF EDUCATION FOR THE DISTRICT OF
FOGO, FROM THE 25TH SEPTEMBER, 1838, TO THE DATE HEREOF.

In the Report of the proceedings of the Board of Education for this District dated 25th September, 1838, it is stated that the Board had, at that time, Three Teachers engaged, Mr. E. Downton, at the Exploit's Burnt Island, Mr. T. Phelan, at Tilting Harbour, and Mr. J. Haggitt, at Barred Islands, and also that there was then, in the hands of the Treasurer of the Board, the Sum of £202 6 7 Sterling.

In 1839, the Inhabitants of Morton's Harbour recommended a gentleman, by name Mr. Joseph Bartlett, as Teacher for that Settlement. The Board accordingly appointed him. But as the number of Scholars to be expected here in the Summer Season could be but small, the Board thought it prudent to allow, as yet, only a half year's Salary, viz. for the Winter months. Upon this principle therefore they have acted with regard to Morton's Harbour.

At the last Meeting of the Board, viz. on the first Wednesday of July 1840, a person, by name Mr. James Walter, was appointed Teacher at Fogo, whose services are to begin on the 1st October 1840.

In consequence of the above arrangements, the claims on the funds in the hands of the Treasurer have gradually increased. There is however, at this date, 23^d July 1840, a balance in his hands of £59 6 7 as will appear by the enclosed Accounts. This Sum, however, will not equal the amounts due at the end of the present half year.

The Board beg to assure His Excellency the Governor, that they have taken deep interest in the matters committed to their trust, and they therefore hope that His Excellency will approve of the above appointments.

Our Schools, at the Exploit's Burnt Island, and at Tilting Harbour, have already been of considerable benefit, and it cannot be doubted but that they will all gradually increase in usefulness. This desirable object would be much facilitated if a portion of Books and of Slates could be now appropriated to each School. If this favour can be obtained, I will take care to distribute them as His Excellency may appoint, should they be addressed to my care. It may be right to state here, that your letter of last Autumn on this subject, never came to hand till a very few weeks ago.

The exact number of Pupils, Male and Female, in each School, shall be sent to you as soon as possible.

I am, Sir,

Your obedient and humble Servant,

JOHN CHAPMAN,

*On behalf of the Board of Education
for the District of Fogo.*

Twillingate, 23^d July, 1840.

To the Honorable

Mr. Secretary CROWDY.

APPENDIX.

No. 20.

Burin.

The Board of Education for the District of Burin, lose no time in transmitting to His Excellency the Governor, for his information and for the information of the Legislature, the following Report, together with a Statement of Monies expended in the year ending Wednesday July 1st, as also of Sums yet unappropriated but intended for places where hitherto the Board have found it impossible to carry their wishes into effect. The Statement will likewise shew a deficiency in one instance of £18 8 9 Sterling, which the Board are bound to make good, and which deficiency has been caused by the wish of the Board to continue Two Schools which have been hitherto conducted very much to their satisfaction.

BURIN.

This School is continued, and the benefit conferred by it is quite apparent. The last return shews a small deficiency in the number of Pupils as compared with the same period last year, but this can be accounted for by the temporary withdrawal of some of the elder Children whose services have been required at home during the Summer months, but will not in future, until the active Fishing Season of the ensuing year.

BURIN BAY.

Much good has been derived from this School; the same Teacher is again engaged to the last of November, notwithstanding the inadequacy of the means at the Board's disposal; but the Board were unwilling to see so many Children left entirely without instruction.

GREAT BURIN.

The School is discontinued for want of means.

KERBY'S COVE.

The School has been discontinued here also, leaving, with Great Burin, from Fifty to Sixty Children destitute of instruction.

GREAT ST. LAWRENCE.

This place was without a Teacher, during the Winter, for want of means. A Teacher has since been agreed with from 1st June to the 31st October.

LAWN.

A Teacher has been engaged for Twelve months. The School opened on the 1st May. The quarterly return is quite to the satisfaction of the Board. The whole five year's accumulation of means is only sufficient for one year's Salary, with the assistance of the Inhabitants.

LAMALIN.

The Directors are in treaty with a person to teach for Twelve months, to commence early in the Fall.

ROCK HARBOUR.

This School is continued—partly supported by the Inhabitants.

BEAU BOIS.

A Master is engaged for this place for Twelve months—to commence Teaching early in November. The inadequacy of the sum allowed for this place will account for the delay in establishing a School sooner; and it can only be done at last, by the appropriation of several years' allowance as a Master's Salary for one year.

FLAT ISLANDS.

A School has been established here since December last, the Inhabitants partly contributing towards the Master's support.

FORTUNE AND GRAND BANK.

A School has been established at Grand Bank for some time. The Board are without any late information from Fortune, nor are they furnished with returns of the number of Pupils attending the School at Grand Bank.

In conclusion—the Board have to express their regret, that the Funds are now so reduced as to render them unable to establish any more Schools, or even to continue those already established, without further aid from the Legislature, which they confidently hope to obtain through the instrumentality of His Excellency's recommendation.

EDWARD MORRIS,

*Secretary to the Board of Education for
the District of Burin.*

Burin, July 1st, 1840.

DISTRICT OF BURIN.

Dr. *An Account of the Sums of Money appropriated and expended by the Members of the Board of Education, granted by "An Act for the Encouragement of Education in this Colony," 6 Wm. 4, Cap. 13, for the Establishment and Support of Elementary Schools throughout this District, from the 6th May 1836, to the 1st July 1840.* Cr.

1840. BURIN.		1840.	
July 1.—To amount as per last statement, including this Sum paid John Cameron, £5 15 7	£142 5 9	July 1.—By Five years appropriation	£165 0 0
Errors on three different Sums per last Account, difference between Currency and Sterling	0 3 9	Different Sums received of Parents	6 15 7
Sum paid the Teacher for 1 year, Little Burin School	34 13 4		
Ditto for 1 year's Rent, Little Burin School House	2 12 0		
Ditto the Teacher for 5 months, Burin Bay School	9 0 7		
Ditto for 5 months Rent, Burin Bay School Room	1 8 11	Balance	18 8 9
	£190 4 4		£190 4 4
ROCK HARBOUR.			
Sum paid the Teacher to 1st May, 1841	32 0 0	Five years appropriation	40 0 0
Balance	8 0 0		
	£40 0 0		£40 0 0
GREAT SAINT LAWRENCE.			
This Sum paid the Teacher	55 0 0	Five years appropriation	55 0 0
Balance	1 9 4	Amount received of Parents	1 9 4
	£56 9 4		£56 9 4
FORTUNE AND GRAND BANK.			
This Sum transmitted	51 0 0	Five years appropriation	85 0 0
Balance	34 0 0		
	£85 0 0		£85 0 0
FLAT ISLANDS.			
This Sum paid the Teacher to January 1841.	15 0 0	Five years appropriation	30 0 0
Balance	15 0 0		
	£30 0 0		£30 0 0
LAWN.			
This Sum paid the Teacher to 1st May, 1841.	£25 0 0	Five years appropriation	£25 0 0
BEAU BOIS AND LAMALINE.			
Amount of Proportion for 5 years	£100 0 0	Five years appropriation	£100 0 0

APPENDIX.

**RETURN OF SCHOOLS AND THE NUMBER OF SCHOLARS IN ATTENDANCE IN THIS DISTRICT ON WEDNESDAY THE
1ST JULY OF THE PRESENT YEAR 1840.**

Names of Places where Schools are appointed to be held.	Juvenile Readers.		Reading and Spelling.		Ditto and Writing.		Ditto and Arithmetic.		Ditto and Grammar.		Ditto and Geography.		Total of both Sexes.		Remarks.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	
Burin Proper	7	3	10	2	8	3	9	5	....	....	....	....	34	13	
Burin Bay	3	7	3	3	2	4	1	....	....	....	....	....	9	14	
Great Saint Lawrence	3	4	25	17	....	2	....	....	....	....	....	....	28	23	
Lawn	....	....	14	6	2	....	2	1	....	....	....	....	18	7	
Lamaline	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Fortune and Grand Bank	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Rock Harbour	2	4	6	6	4	5	2	....	....	....	....	....	14	15	
Beau Bois	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Flat Islands	2	4	6	5	2	2	....	....	....	....	....	....	10	11	

District of Burin, in the Island of Newfoundland,

MICHAEL BERNY,

Chairman.

APPENDIX.

No. 21.

Placentia and St. Mary's.

An Account of the number of Schools and Scholars, with the cost and expenditure attending the same, in the District of Placentia and Saint Mary's, for the year 1840.

Teacher's place of abode.	Number of Schools in each place.	No. of Pupils.		Teacher's Salary.	
		Male.	Female.	Male.	Female.
				£	£
Great Placentia	Two	34	30	30	20
Little do.	Two	48	33	30	20
Saint Mary's	Two	20	16	30	20
Trepassy	One	27	9	30	

W. G. BRADSHAW,
Chairman.

No. 22.

Presentment of Grand Jury, Twillingate.

The Grand Jury present the Court House at Twillingate as totally unfit for the purpose for which it is intended.—There is no Grand Jury Room or Petty Jury Room and no Out House for the purposes of the Gaol—the Petty Jury having, during the present sitting of the Court, been obliged to retire into a Field to deliberate upon their Verdict.—The Grand Jury trust that the Court will forward this Presentment to His Excellency the Governor, with an earnest request that His Excellency will be pleased to submit for the consideration of the Legislature the necessity of a grant of about One Hundred Pounds for the purposes of building two Rooms and an Out-house, in order that the Public may be accommodated in such essential comforts.

For self and fellow Jurors,

JOHN COLBOURNE,
Foreman.

COURT HOUSE,
Twillingate, Sept. 25, 1840.

No. 23.

Presentment of Grand Jury, St. Mary's.

NEWFOUNDLAND.

SOUTHERN DISTRICT, }
St. Mary's, to wit. }

The Jurors of Our Lady the Queen, for St. Mary's, aforesaid, having inspected the Court House and Gaol, present their incomplete state, requiring a Jury Room, Judges'

APPENDIX.

Chamber, Bench, Table, Seats, Jury Box, Witness Box, Sheriff's Box, and a Stove, and Cribs and Bedding for the Prisons. They present the Chimney of the Building in want of Repair. They present the necessity of having a high substantial fence erected around the Building, to afford a Yard for Prisoners to take the air, and security to the Prison. They present the necessity of widening the Paths leading by the sea shore, for the convenience of Fishermen and others getting bait, to the width of at least ten feet from the brink of the cliff or bank. They present the necessity of having a Road from "Butler's Point" to meet the Circular Road in front of the Court House, to be at least twenty feet wide, for general convenience and improvement.

For self and fellow Jurors,

JOSIAH BLACKBURN,

ST. MARY'S, 24th October, 1839.

Foreman.

No. 24.

Letter from the Chairman of St. John's Board of Road Commissioners, on the subject of Legal Proceedings taken against them—with enclosures.

STONE BUILDINGS,

December 5th, 1840.

SIR,

I have the honor to acquaint you, for the information of His Excellency the Governor, that during the last term of the Central Circuit Court a Writ was issued against me, as Chairman of the Board of Road Commissioners for the Central District, by George Henry Emerson, Esq., Barrister at Law, and Mr. Joseph Bacon, Schoolmaster, Executors to the Estate of the late Thomas Ryall, to recover compensation for damages alleged to be done to a Dwelling House in Gower-Street, situate near the Wesleyan Chapel, arising out of the alterations which have been made in that part of the Street by the Board of Road Commissioners.

Immediately on the receipt of the Writ I submitted the whole matter to Her Majesty's Attorney General, who gave it as his opinion that, as the Road Act under which the alterations in the Street were made, afforded no sort of protection to the Commissioners, and moreover, that as the Action was indefensible in Law, it would be better to submit the case to Arbitration.

Acting on the opinion of the Attorney General I signed a bond to allow the matter at issue to go to Arbitration, and appointed James Clift, Esq., as Arbiter on the part of the Commissioners, to meet Thomas Williams, Esq., on the part of the Executors.

The Arbitrators having met and considered the case, have awarded Fifty-two Pounds Ten Shillings sterling to be paid by the Commissioners to the Executors to the Estate of the late Thomas Ryall.

The Commissioners beg also to acquaint His Excellency that as no provision has been made by the Legislature for such an exigency as this, they have no funds from which to discharge the sum awarded. They, therefore, respectfully submit the Bond and award to His Excellency, with an earnest request that His Excellency will be pleased to have them laid before the Legislature with His Excellency's recommendation that the Commissioners may not only be relieved from the present liability, but that they may be indemnified against all future actions at Law for improvements effected on the public Streets and Roads.

I take leave also to submit, for his Excellency's further information, the copy of a Note which I received yesterday from the Senior Warden of the Episcopal Church, claiming compensation for damages done at the entrance to the Rectory.

I have the honor to be, Sir,

Your very obedient Servant,

The Honorable

JAMES CROWDY.

JAMES DOUGLAS,

Chairman.

APPENDIX.

CENTRAL CIRCUIT COURT,

October Term, 1840.

George Henry Emerson }
and } Plaintiffs.
Joseph Bacon..... }

vs.

James Douglas..... Defendant.

This Suit withdrawn from Court at the special request of the Defendant.

	G. H. E.	Warrant and Process	0 6 8
		Declaration and Copy	0 10 0
		Affidavit	0 1 0
		Brief Fee	2 2 0
		Writing and preparing Arbitration, Agreement and Copy	1 1 0
		Paid Sheriff	0 7 6
		“ Clerk	0 2 6
		Preparing and furnishing copy of Award	0 6 8
			£4 17 4

Sterling.

GEORGE H. EMERSON.

St. John's, 26th December, 1840.

THIS AGREEMENT entered into this _____ day of November, in the year of Our Lord One thousand Eight hundred and Forty, between George Henry Emerson, of St. John's, Esquire, and Joseph Bacon of the same place, School-master, Executors to the Estate of the late Thomas Ryall, deceased, of the one part—and James Douglas, of Saint John's aforesaid, Merchant, Chairman of the Road Commissioners of the District of Saint John's, of the other part.

WHEREAS differences and disputes have arisen between the said George Henry Emerson and Joseph Bacon, as Executors as aforesaid, and the said James Douglas, as Chairman of the Board of Commissioners, of and concerning the cutting down and excavating by the said Road Commissioners, the public highway in Gower Street, immediately in front of, and opposite to a Dwelling-House and Premises belonging to the Estate of the late Thomas Ryall, whereby the approach to, and communication with the said House and Premises became obstructed, and the soil and earth belonging to the said Premises fell down, and other appurtenances to the said Property in consequence thereof were injured and destroyed, and the House rendered untenable for a long space of time. Now this Agreement Witnesseth that for the purpose of settling the disputes and differences as aforesaid, and of affording compensation for the aforesaid injuries complained of, the said George Henry Emerson, and the said Joseph Bacon, as Executors as aforesaid, and the said James Douglas, as Chairman of the Road Commissioners as aforesaid, have mutually consented and agreed, and by these presents do mutually consent and agree, to refer all matters and differences in dispute, as aforesaid, to the final end and determination of James Clift, of St. John's, Merchant, and Thomas Williams, of the same place, Gentleman, with power to the said Arbitrators to choose a third person in case they should not agree; and the award of the said Arbitrators, or any two of them, to be final and binding upon the parties, so that the said award be made in writing and ready to be delivered to either of the parties desiring the same on or before the first day of December next.

And whatever sum of money (if any) the said Arbitrators or any two of them shall award, the said James Douglas, as Chairman of the said Road Commissioners, and on their behalf, by these presents, hereby agrees to pay off, and discharge, and satisfy, to the said George Henry Emerson and Joseph Bacon, as Executors as aforesaid.

JAMES DOUGLAS,
GEORGE H. EMERSON,
JOSEPH BACON.

Witness,

HENRY C. BUTTERIS,
JOHN S. STEVENS.

APPENDIX.

WE, the undersigned Arbitrators, mutually agreed upon by the parties mentioned in the Agreement hereunto annexed, having heard the parties, inspected the House and Premises described in the said Agreement and fully considered the matters submitted to us, are of opinion that the said George Henry Emerson and the said Joseph Bacon, as Executors to the Estate of Thomas Ryall, deceased, have sustained damage to the amount of Fifty-two Pounds Ten Shillings sterling, by reason of the matters and things set forth in the Agreement before mentioned; and we do, therefore, award and determine that the said James Douglas, as Chairman of the said Board of Road Commissioners, do pay to the said George Henry Emerson and the said Joseph Bacon, as Executors as aforesaid, the said sum of Fifty-two Pounds Ten Shillings sterling.

Given under our hands this Twenty-eighth day of November,
One thousand Eight hundred and Forty.

(Signed)

THOMAS WILLIAMS,
JAMES CLIFT.

SAINT JOHN'S,
3rd December, 1840.

SIR,

Understanding that a compensation has been awarded to certain parties who have suffered in their Property by the Public Roads being improved thereon, by order of the Road Commissioners, I beg to state that a similar case having occurred in front of the Rectory of the Established Church of St. John's, thereby destroying its entrance and otherwise injuring the Property, I should be glad to be informed if you are disposed to meet the amount of damage that may be considered equivalent for the extent of the injury so caused.

Your early reply will oblige

Your most obedient Servant,

(Signed)

N. MUDGE,
Senior C. W.

JAMES DOUGLAS, Esq.,

Chairman of the Board of Road Commissioners.

No. 25.

Letter from the Chairman of Saint John's Board of Road Commissioners, relative to Repairs of Job's and Hospital Bridges, and Portugal Cove Road—with enclosures.

STONE BUILDINGS,
15th January, 1840.

SIR,

I have the honor to acquaint you for the information of His Excellency the Governor that the damage done to "Job's Bridge" leading to the South Side, during the severe gale on Tuesday the 24th November last, has been thoroughly repaired by Mr. Roger

APPENDIX.

Flahavan, for which he is to receive the Sum of Twenty-five Pounds Sterling. This Bridge, which had been very much injured, is now in a secure state.

The same Contractor, Mr. Roger Flahavan, has also effected very considerable repairs on the Bridge near the Hospital, for which the Sum of Five Pounds Sterling is to be paid him.

The Commissioners of Roads, &c., beg further to acquaint His Excellency that the various repairs on the Road and Bridges leading to Portugal Cove, contracted for by Mr. Martin Walsh, are now completed, for which he is to receive the Sum of Thirty Pounds Currency.

The Commissioners in transmitting the papers in connection with these Contracts beg to request that His Excellency will be pleased to have them laid before the Legislature with His Excellency's recommendation that the Contractors may receive the respective Sums due them.

I have the honor to be,

Sir,

Your very obedient Servant,

(Signed,)

JAMES DOUGLAS,

Chairman.

The Honorable

JAMES CROWDY.

ARTICLES OF CONTRACT AND AGREEMENT made and concluded at Saint John's, Newfoundland, this Second day of December 1840, between Roger Flahavan, Farmer, of the one part, and the Board of Road Commissioners for the Central District, of the other part,

WITNESSETH,

That the said Roger Flahavan, Farmer, shall and will, at his own proper cost and charges, perform the Work to be done on the Bridge at River-head, leading to the South Side; agreeably to the following Specification, viz:—to rebuild and make good the whole of the Stone embankments on the East Side of the Bridge, which have been forced away by the Sea. To bank in the front Wall with rubble stone, and make good the surface with clean gravel.

For which Work he, the said Roger Flahavan, Farmer, is to be paid the Sum of Twenty-five Pounds Sterling.

It is further understood and agreed, that the said Roger Flahavan, Farmer, shall and will at his own proper cost and charges repair the "Hospital Bridge" as follows:—viz. To make good the breach made by the Water on the Eastern abutments, with good stone. To secure the Shores, and fill up the large hole on the Northern Side, and to make such other necessary repairs as shall be required by the Commissioners, and be pointed out by the Inspector.

For which Work he, the said Roger Flahavan, Farmer, is to be paid the Sum of Five Pounds, Sterling.

It is also agreed that the aforesaid Sums of Money, viz:—Twenty-five Pounds Sterling, and Five Pounds Sterling, shall be paid to the said Roger Flahavan, Farmer, when the same shall on the recommendation of His Excellency the Governor, be granted by the Legislature.

Dated at St. John's this second day of December, One thousand Eight hundred and Forty.

(Signed)

ROGER FLAHAVAN,

JAMES DOUGLAS,

Chairman of the Board of Road Commissioners.

Witness,

S. J. DANIEL.

APPENDIX.

SAINT JOHN'S,
January 14, 1841.

SIR, I hereby Certify that the Work on the "Portugal Cove Road," contracted for by Mr. Martin Walsh, is completed according to Contract.

EDWARD TOBIN,
Assistant Surveyor.

To JAMES DOUGLAS, Esq.
*Chairman of the Board of
Road Commissioners.*

Sworn before me this
day of January, 1841.

PATRICK MORRIS, J. P.

No. 26.

St. John's District Hospital in Account with the Directors, for the year ending May 11, 1840

Dr.

		Currency.
1839.		
June 3.—	To paid Bond, Carpenter's Work	£8 15 0
	Masters, Mason's Work	9 6 0
	Dr. Kielley, Medicines	20 0 0
	Ditto half year's Salary due January 26	25 0 0
	Rendle, Carpenter's Work	0 15 0
July 1.—	One Quarter's Supplies, viz:—	
	James Kendall, Beef	£21 9 6
	Samuel Loveys, Groceries	16 15 7
	Susanna Prowse, Milk	22 16 8
	Bulley, Job & Co., Bread	26 14 0
		87 18 9
15.—	E. M. Archibald, half year's interest on Mortgage	15 0 0
20.—	Westcott, 12 Tin Quarts	0 16 0
26.—	John Rhoan, Wages, 12 months	20 0 0
	Catherine M'Carthy, Nurse, ditto	20 0 0
	Samuel Prowse, Keeper, ditto	115 7 8
31.—	Snow, Carting Lumber	0 13 6
	Paid Office Rent	6 0 0
Aug. 10.—	Bond, Carpenter's Work	2 15 1
13.—	Rendle, ditto ditto	1 15 0
Sep. 26.—	S. Prowse, account Sundries purchased by him	4 5 6
	M. Stewart, Board	5 1 0
	St. John's Factory, Shirts	2 8 0
Oct. 1.—	One Quarter's Supplies, viz:—	
	Job, Brothers, Bread	29 14 2
	Thomas Duder, Beef	18 12 3
	Hunters & Co., Coals	33 18 8
	Susanna Prowse, Milk	24 1 8
	W. Buckley, Groceries	22 8 0
		128 14 9
11.—	Paid 6 days Labour	0 18 6
	Rendle, Glazing	0 8 6
Nov. 4.—	Newman & Co., Wine	1 16 4
Nov. 9.—	Gibson, 10 bls. Turnips	2 10 0
	Whelan, 2 bls. Fish	1 2 0
23.—	Blake, Funnelling	8 11 6
25.—	Cusack, Mattresses	2 14 0
	Langley, 6 dozen Wine	9 0 0
		Amount carried over.....£501 11 7

APPENDIX.

<i>Dr.</i>	<i>ST. JOHN'S DISTRICT HOSPITAL, IN ACCOUNT</i>	<i>Currency.</i>
1839.	To amount brought forward	£501 11 7
Dec. 2.—	Rendle, Carpenter's Work	3 7 6
4.—	Winton, Advertising	0 10 6
10.—	Furlong & Dutton, Making Road	5 0 0
12.—	Emmett, Digging Drain	1 17 0
21.—	W. Bond, Making Paling Fence	14 13 0
1840.		
Jan. 2.—	Barter, 11 Coffins	5 10 0
	Job, Brothers, amount Account, Sundries	31 9 0
	One Quarter's Supplies, Viz.	
	Job, Brothers, Bread Account	23 7 6
	Thomas Dudor, Beef	14 10 4
	Susanna Prowse, Milk	17 19 6
	W. Buckley, Groceries	14 17 10
		70 15 2
	Paid S. Prowse, amount Account for Fish and Sundries, purchased by him	15 1 0
	Coaker, 7 Cwt. Straw	1 1 0
21.—	Job, Brothers, Board and Plank	16 5 3
	Hunters & Co., Coals	8 6 8
	E. M. Archibald, half year's interest on Mortgage	15 0 0
30.—	W. Firth, 54 feet Scantling	1 13 9
Feb. 3.—	Paid O'Brien, Plank	0 19 6
15.—	Saunders, Digging Graves	3 15 0
25.—	Rendle, Making Gates	8 0 0
Mar. 7.—	Ditto, Repairing Cells	1 12 6
14.—	Bond, Making Fences	2 10 0
20.—	Dr. Kielley, 1 year's Salary	100 0 0
	Ditto, Medicines	25 0 0
	Parsons, Advertising	0 10 0
April 1.—	One Quarter's Supplies, Viz:—	
	Job, Brothers, Bread	29 4 4
	S. Prowse, Milk and Potatoes	22 12 2
	W. Buckley, Groceries	16 15 2
	T. Dudor, Beef	18 4 7
		86 16 3
	Dempsey, Iron Work	3 16 9
9.—	Bennett, Brushes	0 5 6
	E. & N. Stabb, 1 barrel Pork	4 10 0
	Wakeham, Labour	0 12 0
May 2.—	Bowers, Hand Cuffs	1 5 0
	Southern District, this amount received on that account, and now refunded	1 9 2
	Shaw, Carting Board	0 3 0
	Paid A. Shea, Secretary	36 14 0
	Do. Ellen Bryan, Nurse tender	2 0 0
	Do. George Beer, Trees	1 8 8
	Balance	79 18 4
		£1053 7 1
1840.		
May 12.—	To Cash in Treasurer's hands	£588 6 9
	This amount due from St. John's District	41 11 7
		£579 18 4

APPENDIX.

WITH THE DIRECTORS, FOR THE YEAR ENDING MAY, 1840. *Cr.*

1839.		Currency.
June 1.	By Balance	£222 0 0
July 1.	St. John's District	25 3 4
	Commissioners of Poor	18 8 11
Aug. 1.	St. John's District	30 4 6
	Commissioners of Poor	17 4 2
Sep. 1.	St. John's District	33 9 2
	Commissioners of Poor	17 4 2
Oct. 1.	St. John's District	24 9 6
	Commissioners of Poor	12 13 4
Nov. 1.	St. John's District	23 7 7
	Commissioners of Poor	9 10 1
Dec. 1.	St. John's District	24 18 9
	Commissioners of Poor	4 14 1
1840.		
Jan. 1.	St. John's District	24 8 7
	Commissioners of Poor	3 15 10
Feb. 1.	St. John's District	36 2 6
	Commissioners of Poor	3 15 10
Mar. 1.	St. John's District	32 12 6
	Commissioners of Poor	3 10 2
April 1.	St. John's District	34 17 6
	Commissioners of Poor	3 15 10
May 1.	St. John's District	33 15 0
	Commissioners of Poor	3 13 4
	This amount from 1499 men engaged in the Seal Fishery, paying 3d. in the £ on their Shares	204 12 5
	This amount from 177 men employed in the Coasting and Foreign Trade, paying 6d. per Month	24 2 7
	This amount from 978 men engaged in the Cod Fishery, paying 2s. 6d. per Season	138 8 11
	This amount from Casual Patients, since June 1st	42 8 6
		£1053 7 1

1840.		
May 12.	By Balance brought over	£79 18 4
	This amount due to E. M. Archibald of Supreme Court	500 0 0
		£579 18 4

E. E.
St. John's, May 12, 1840.

W. RICHARDS,
Vice President.

APPENDIX.

No. 27.

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

The Petition of NICHOLAS ASH, of Carbonear, Planter,

Humbly Sheweth—

That Petitioner was induced, from conscientious motives, to take an interest in the late Election. That he felt himself bound, on various accounts, to give his unbiassed vote in favor of Mr. James L. Prendergast, notwithstanding the repeated attempts at intimidation with which he had been repeatedly assailed.

That on the evening of the 8th December he was obliged to return to his House, in consequence of the violence of the mob that had sided with the opposite party, and that now threatened to visit with immediate punishment all those that had voted against them.

That having witnessed the relentless cruelty of the said mob, towards a number of individuals, but a few hours before, he felt himself compelled to use every lawful precaution for the preservation of his own life as well as that of his wife and little ones.

That between the hours of seven and eight o'clock in the evening aforesaid Petitioner's House was assailed in the most furious manner by a large number of persons, who commenced throwing large stones at the windows, battering in the doors, and in fact demolishing the House and Property, and placing the lives of its inmates in the greatest jeopardy. That at this crisis, hearing the groans and screams of his wife and children, succeeded by savage yells of the mob, who were now on the point of entering, Petitioner, after warning them of the consequences, caught up a gun and fired a load of small shot among the foremost of the assailants.

That the crowd becoming more dense and furious, after again warning them to desist, he repeated the act, which seemed only to increase their rage and determination, upon which Petitioner was obliged secretly to quit the House to save himself from immediate destruction.

That very shortly after this the House was set fire to, and the whole building, with its contents, was speedily reduced to ashes. That the value of the property thus destroyed must have been at the lowest estimate value at £500 sterling, the loss of which, in all probability, has made a poor man of Petitioner for the rest of his days.

That under these afflicting circumstances, and in accordance with the advice and wishes of many of his friends, Petitioner now craves the liberty of laying this brief statement of his case under your Excellency's notice; Petitioner being encouraged with the hope that your Excellency will take its peculiar merits into your Excellency's gracious consideration, and that your Excellency will be pleased to direct that some public measure be taken in order that Petitioner may be remunerated for his otherwise irreparable loss. And as in duty bound will ever pray.

(Signed)

NICHOLAS ASH.

Harbor Grace,

21st January, 1841.

The above Petitioner, Nicholas Ash, maketh Oath and saith, that aforesaid Petition is, as regards the facts therein stated, just and true in every particular.

NICHOLAS ASH.

Sworn before me this 29th January, 1841.

(Signed)

CHARLES SIMMS, J. P.

APPENDIX.

INVENTORY

of Sundry Goods destroyed by a number of Men, on the 8th day of December, in NICHOLAS ASH's House, that was set on fire and burnt with the following:

	£	s.	d.
House, valued	400	0	0
Schooners' and Boats' Sails	30	0	0
20 Bags Shot	10	0	0
Guns	18	0	0
Nets	10	0	0
Molasses	12	0	0
Flour	10	0	0
Pork £5, Butter £3	8	0	0
Sugar	3	0	0
Beds and Bedding	25	0	0
Spy Glass £2 10, 2 Schooner's Compasses £1,	3	10	0
Sundries belonging to the Schooner	5	0	0
4 Saws £3 8, Fish and Herring £6,	9	8	0
Household Furniture	20	0	0
Clothing for 9 in family	90	0	0
Empty Casks	1	10	0
Carpenters' Tools and sundry Labouring Tools	5	0	0
Letters of Administration	9	0	0
Agreements of Property £2 10, A Lease £1 10,	4	0	0
1 Sovereign £1 3, 2 Gold Rings £1 10,	2	13	0
2 Watches £6, Trunk 10s.	6	10	0
Register of Schooner			
	£682	11	0

NEWFOUNDLAND.

CENTRAL DISTRICT, }
St. John's, to wit. }

The Deposition of Nicholas Ash, late of Carbonear, Planter, who, upon his oath, saith that the foregoing statement contains a just and true Account and Inventory of Deponent's Goods and Chattels which were in his Dwelling House at Carbonear on the 8th day of December last, at the time the said Dwelling-House and Premises were destroyed by a riotous and infuriated mob, and that the prices and valuation affixed to the said Inventory are just and fair prices and valuations of the said Dwelling-House, Goods and Chattels respectively.

(Signed)

NICHOLAS ASH.

Sworn before me this 29th January, 1841.

(Signed)

CHARLES SIMMS, J. P.

No. 28.

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:

I, the undersigned Wm. Ash, of Carbonear, Planter, beg leave to approach and lay before your Excellency, an account of damages sustained during the late Election at this place, on the night of the 9th December last. Your Excellency has undoubtedly heard of the riotous proceedings of some persons during that night, and that the mob attacked several Houses, and destroyed property to a great extent. I beg to inform your Excellency that my House was

APPENDIX.

attacked, and with stones, varying in weight from ten to two pounds, all the windows, sashes, window-shutters and doors were entirely destroyed, my bedroom was unsafe from the quantity of stones coming in through the windows, and myself and family were obliged to fly for safety. I have since had a survey taken by two joiners, who declare, that at the lowest computation the sum of £16 18 2 would be no more than a remuneration for damages; which, with the sum of £2 paid for surveying, amounting to £18 18 2 currency, I now humbly lay before your Excellency, trusting that your Excellency may devise some plan which will bear me harmless from the injury sustained as before mentioned.

And your Petitioner, as in duty bound, will ever pray.

(Signed)

WILLIAM ASH.

Carbonear, January 22, 1841.

We, the undersigned, Rd. Wedger and Wm. Wilkinson, joiners, at the request of Wm. Ash, of Carbonear, have surveyed his house to estimate the damages sustained by him during the riots after the late Election in this place. The windows, sashes, shutters and doors being entirely destroyed we conceive that the sum of £16 18 2 could be no more than would put the above property in its proper state.

(Signed)

RD. WEDGER
WM. WILKINSON.

No. 29.

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

The humble Memorial of THOMAS FINN, of Carbonear,

Most Humbly Sheweth—

That Memorialist having, in common with many others, sustained considerable damages from the violence of the adverse party on the last and second last days of the Election of Conception Bay, being the 7th and 8th days of December last, merely because he exercised his franchise according to his mind, and voted for Mr. Prendergast; begs leave, in the most respectful manner, to lay his complaint and grievance at the feet of your Excellency, hoping that your Excellency will take his case into your Excellency's most gracious consideration by affording Memorialist some redress for the loss he has sustained.

Memorialist begs to state to your Excellency that according to the estimation of persons competent to value the aforementioned damages, the loss sustained by him amounts, at the lowest calculation, to the sum of £4 3s. currency.

Memorialist, as in duty bound, will ever pray.

APPENDIX.

No. 30.

Copies of Reports made by Captain Alexander Milne, of Her Majesty's Ship Crocodile, relative to the Fisheries of Newfoundland—

1840.

SOUTH COAST.

THE first communication with the Shore, after leaving the Harbour of St. John's on the 16th June, was on the South Coast, at Cape Lance, near Cape St. Mary's. The place of landing was at a small Bay called Little Pine; here I found one settler and his family, occupying a pasture farm. There are no Fishing Establishments in this Bay, from its exposed situation; the nearest is Branch, about eight miles to the N. E. of Cape Lance. The Bay of Little Pine is yearly frequented by Caplin towards the end of June, and resorted to by our Fishermen for the purpose of procuring them for bait. In answer to my enquiries, I was informed that French Vessels never visit this part of the Coast, nor had he ever heard of their encroachments in the Neighbourhood.

REMARKS—When visiting different Ports of the South Coast, I have been informed that the fishings for Cod, in the vicinity of Cape St. Mary's, are considered very good; the Fish being abundant, and of a larger size than those caught further to the West. Individuals belonging to Fortune, Lamelin, and other Establishments, who can afford to purchase or build Schooners, from Twenty to Thirty Tons, send them to Cape St. Mary's to fish, and return with their Cargo to cure them.

AT ST. PIERRE I arrived on the 21st June, and found the Outer Roads, and likewise the inner Harbour, filled with French Vessels: there could not have been less than Eighty or Ninety, averaging from One Hundred and Twenty to Three Hundred Tons; they were chiefly Brigs, lately arrived from the Banks with their Cargoes, which they were then discharging, and making preparations for again departing to the Banks for the fishings of July, August and September—many of them, if not all, were delayed in Harbour in consequence of the want of Bait (Caplin)—The supply afforded by the Bays of St. Pierre and Miquelon having been nearly exhausted, and inadequate to the great demand which the number of French Vessels (this year amounting to about Three Hundred) require.—In former years, when this scarcity of Bait occurred, it was common for the French Vessels to proceed to the Bays on our Coasts, and there haul for Caplin, in violation of the limits as defined by treaty; this practice they have almost entirely given up, in consequence of the risk of capture, and the fear of punishment; and also from their being enabled to procure a sufficient supply of the required Bait, brought over from Fortune, Grand Bank, and other Settlements on our Coasts, by our Fishermen.

The small Schooners belonging to the above Ports, and those belonging to other Settlements, supply the great demand which the French require.—The Trade is conducted in an illegal manner—

1st.—By Registered Vessels not having a Custom-House clearance, in violation of the Act 3rd & 4th Wm. 4, Chapter 59.

2nd.—By Boats not Registered, who have therefore no right under the same Act to carry on a Foreign Trade.

At St. Pierre, on the June, Six Schooners left that Port, all of whom I detained, and they all admitted their having brought Caplin over, but pleaded ignorance of its being illegal; I, however, released them; warning them of the illegal Trade they were carrying on, the punishment to which they were liable, and my determination to seize all Vessels which I should in future find under similar circumstances. Since that time I have been informed that Twenty Schooners went to St. Pierre's, loaded with Caplin, on 1st day in July, and that this Trade is daily carried on to a great extent.

It is obvious the British Trade in Fish must suffer by permitting this traffic to continue—

APPENDIX.

1st.—By the quantity of Fish which the French Vessels are enabled to take, from the great supply of Caplin they can procure so easily; by which means they are enabled to supply Foreign Markets to a greater extent than formerly.—The success with which they prosecute their Fishing is entirely owing to the supply of Bait;—therefore giving encouragement to an increase of their Fishing Vessels, which is actually the case.

2nd.—Our Boats being employed taking Caplin for the supply of the French Bankers, they do not prosecute the Cod Fishery as formerly; the quantity of Fish actually taken by British Fishermen will consequently be on the decline, and therefore our Foreign Exports.

3rd.—The consequence of a Trade in Caplin to St. Pierre's has been the means of increasing a Smuggling Trade along the Coast; for in return for the supply of Caplin the Fishermen are paid with money, which is laid out in St. Pierre's for Tea, Brandy, and other prohibited Articles, which are brought over, and smuggled into the various settlements along the Coast, paying no duty; by which means the Revenue is defrauded; the British Merchant is not employed for those necessaries of life; and consequently reaps no advantage; perhaps is not even paid for any advances of necessaries, which he may have given for the previous Winter.

June 23.

LITTLE ST. LAURENCE.—The Settlement at this Port is extremely limited; consisting only of one permanent resident, Mr. Thorne and his family, who conducts a Fishing Establishment; there are several others, on a limited scale, by Persons who come there for the season, disposing of their Fish to Mr. Thorne. The principal Settlement is at Great St. Laurence, about two miles to the Westward; the number of Inhabitants averages at present about two hundred, including Children, and is slowly on the increase; there are about sixty small Fishing Boats employed on this Settlement for the Cod Fishing—the produce being disposed of either to Mr. Thorne, at Little St. Laurence; or at the Establishment of a Jersey House at Great Laun. The Inhabitants complain of the Fishermen of Fortune Bay coming to the Harbour of St. Laurence with large Schooners (which they cannot afford to procure for themselves), each having two or three Punts with them, for the purpose of the in-shore Fishery, while the Schooners are employed in the offing: by which means the Fish are prevented from coming in shore, or are driven off the Coast, before they, in their small boats, are able to catch them; and when the Fish are scarce, or will not bite, these Fortune Bay Fishermen haul Caplin on their Shores and Bays, with which they load their Schooners and proceed to St. Pierre, dispose of their cargo, and again return to prosecute the Fishery at a more favourable period. The Inhabitants allege that in consequence of the Fortune Bay people coming to the St. Laurence's, their Fishery is on the decline. At Little St. Laurence Salmon are taken in Nets laid out from the rocks, and moored with an anchor, in which the fish mesh themselves,—a common manner of fishing all along the Coast. In answer to inquiries relative to encroachments by the French, I obtained information that the French now and then do encroach for a day or so, for the purpose of taking Caplin early in the season; but they do not fish in the neighbourhood for Cod.

June 26.

GREAT LAUN is situated about eleven miles to the Westward of St. Laurence; it is a Settlement consisting of about One Hundred and Twenty to One Hundred and Fifty Inhabitants, all employed in the Cod Fisheries. The settlement is slowly on the increase; this, I believe, is owing to Settlers coming from Fortune and Grand Bank, where the Harbors are not so good, nor the Fisheries so productive. At this Port the principal permanent resident is a Mr. Convor, carrying on a Fishing Establishment for Cod and Salmon. The House of Nicolle & Co., of Jersey, have also a Fishing establishment at this Port, under the charge of Mr. Cloke. There are a number of small Schooners belonging to the Inhabitants, which proceed to the Laun Islands (about Seven to Nine Miles distant) to fish, whilst the small Punts are similarly engaged at the entrance of the Harbour. The Fisheries are on the increase within the last three years; as many Fish having been taken this season (ending June) as during the whole of last year. The Caplin had set in early, and abundant. The Salmon fishing is carried on by Bar Nets, across the entrance of two small Rivers; but this year a Schooner from St. John's is prosecuting this Fishery with great success, having brought several large Nets, which are laid straight out from the points in the Harbour with anchors, in which the Fish mesh themselves as they run along shore; and the number daily taken is from Twenty to Forty, which are salted for Exportation; this Fishery has entirely destroyed the fishing at the entrance of the River, fished by Mr. Connor.

Relative to encroachments by the French, the following replies were received in answer to queries on the subject: that the French occasionally encroached for Caplin and Cod; two

APPENDIX.

Schooners having been hauling for the former in Little Laun Bay early in June. I may here remark that the above observations relative to the French, were only elicited by questioning Individuals. No complaint was ever made of such or any encroachments; and I am inclined to think that there is either a dread of giving information, or an understanding between the residents themselves and the French; as it was hinted to me by a person not connected with the locality, that to give information of the French encroachments was to risk one's life. I have since heard that Mr. Connor has a niece married to a French fisherman; and another resident about eighty years of age, and blind, has also a daughter married to a Frenchman engaged in fishing; that these Individuals fish off Laun Islands, come into Laun, clean their fish, and then carry them to St. Pierre's. Mr. Connor has several French people engaged in his service, for curing fish. It was also mentioned that sometimes Twelve to Twenty French Vessels will be fishing off Laun; and yet no complaint of encroachment was ever made. I may also here state, that the period of the year when the French encroachments are more generally felt is early in June, when the Caplin first strike upon the Coast; if the Bays are then hauled for them before spawning, they are very likely to leave the Bay entirely. All the inhabitants are Catholic, except about Fourteen to Twenty.

LAMELIN.—There are Two Settlements at the Lamelin Islands, close together, and there- July 6.
fore may be considered as one. The number of Inhabitants, including Children, amounts to about Four Hundred, and is on the increase by Settlers from Fortune Bay. About Seventy Fishing Boats are owned by the Inhabitants, entirely engaged in the Cod Fishery. Their Fishing Ground extends from Point May to Lamelin, and from there to the Laun Islands; but their largest Schooners proceed to Cape St. Mary's, returning to Lamelin to cure their Fish. The fishings of this year have been very productive, as on other parts of the Coast; and as an instance of the quantity of fish, I may mention that at one haul of a cod-seine, 140 quintals of cod were taken at this place. As Lamelin is the nearest Settlement to St. Pierre's, and the Coast from it to Point May is only Ten Miles distant from that Island, it is natural that this part of the Coast should be more subject to encroachment by the French fishermen than any others. Mr. Pitman, an old fisherman, and the principal resident, stated that the encroachments were not so numerous as formerly, in consequence of Caplin being carried to St. Pierre in sufficient quantities for the French Bankers; that they did encroach for Bait at times, between Point May and Lamelin, and also to fish for Cod of Point May; that the Coast being so very close to the Island, the French Schooners run over from St. Pierre's early in the morning, and are back again with the boat full of fish in five or six hours. This speedy dispatch of business renders it difficult to detect them, and more especially as the English and French Boats are similarly rigged: there being no feature to distinguish them from each other. No Ship could attempt to chase a Schooner, or Fishing Boat, near the line of Limit; as, from the danger of the navigation, caused by the Lamelin Ledges running off the Coast for several miles—the constant fogs in which this part of the Coast is so suddenly enveloped—and the strength and uncertainty of the current: from the great number of Boats in sight at one time, whose nationality you cannot know without boarding; the excuses offered for beating up for St. Pierre's; and not finding them in the act of fishing, renders it difficult to detain them legally. It may be asked why the French Boats encroach on our shore at all, when the fishings of St. Pierre's and Miquelon are so productive, and so close to the doors of their own curing-houses. The answer given is that the fish are better. It may be so; but, from my own observations, I could observe no difference in size or otherwise; nor did I observe, in passing through the channel to Fortune, any Boats fishing near Point May, but vast numbers off the Harbours of St. Pierre and Miquelon. I am therefore of opinion, that the encroachments are chiefly to obtain an early as also a continued supply of Bait; and that it is when first the Caplin set in on the Coast that protection is chiefly required—from the end of May to the end of June; by that means to prevent the Caplin being driven from the Bays they resort to for the purpose of spawning; and I have been told that after the first fortnight, when the caplin have set in, all the hauling of the French would do little harm. To have left an Officer, and Boat's Crew at Lamelin, I did not consider would have been of any material benefit at this late season of the year; but should any Ship visit the Coast in May, I would recommend a Fishing Schooner to be hired, of sufficient size to keep the sea in case of bad weather, and to render sufficient comfort for the Crew; as it may most likely happen that instead of being able to return to their head-quarters at Lamelin, they may be absent for days, either to the East or West, according to the gales; and an open boat would be unsafe, and unfit for such a voyage; and to render efficient service for the protection of the Coast, and safety of the Vessel, a Pilot would be required, acquainted with the various localities where encroachments are made, and where security may be speedily

APPENDIX.

obtained on the sudden setting-in of the fogs or bad weather. Her cruising ground would extend from Fortune to Point May, and from thence to Little St. Lawrence; in all which extent of Coast, consisting of Forty-five Miles, there are Bays in which Caplin resort; and if any Vessel differing from those on the Coast were employed on this service, be assured she would be readily distinguished by the Frenchmen; and while absent on her avocations at Fortune, Caplin would be hauled by them at Lamelin. But what do the Lamelin people themselves say on the subject?—"We are in great want of some person having the authority of a Magistrate, not only to settle disputes among ourselves, but having authority to remove the French from our fishing grounds. When we go to them and tell them You must leave this—you are on our grounds: they reply, Who are you? you may be Americans; and therefore we have as much right to fish here as yourselves: produce your authority, and we will leave. It is this authority we want. We will man our boats for the purpose, only let us have an authorized person."—At this place all the inhabitants are Protestants. They are very anxious to obtain a Clergyman, provided he will undertake to instruct a School; but if not, they would prefer a Schoolmaster for their Children, who also would read prayers. Their wishes are certainly worthy of consideration; as I found, at Great Lawn and St. Lawrence, Roman Catholic Schools established, and the visitations of Roman Catholic Clergy frequent; and many of the Protestant Inhabitants along the Coast have become Catholics, owing entirely to the want of a Protestant Clergyman.

July 8.

GRAND BANK.—The number of Inhabitants at Grand Bank is about 300, and rather on the increase. There are 4 Registered Schooners belonging to the Port, as also a number of smaller class occupied in the fishings;—not in Fortune Bay, on account of the scarcity of fish; but proceed to Point May, off Lawn, and the St. Lawrence's. The Registered Vessels are engaged in the coasting trade, collecting fish, or carrying it to Harbour Britain or St. John's.

The fishings have not improved for the last three years. I should presume this to be the case, from their boats being more engaged with the Caplin Trade to St. Pierre's, than the fishings; and I observed very little fish drying at the Establishments. There are salmon fishings at this small Port, as at all others where even a small rivulet communicates with the sea; and the same means adopted for taking them as at other places. Mr. Evans, the Magistrate, mentioned that the French made occasional encroachments about Point May, for the purpose of obtaining Bait, but did not trouble them much. I communicated with him on the Trade carried on between Grand Bank, the adjoining settlements, and the French Island of St. Pierre's—alluding to the non-clearance of the vessels; he then mentioned the impossibility of doing so, with such a cargo as Caplin, when the nearest Custom-House was at Harbor-Britain, or Burin, distant 23 and 40 miles; and as the Caplin would be unserviceable in 24 to 48 hours, their attempting to proceed to the above places to clear, would render them useless, and the trade impossible. I have formerly alluded to the difficulty of distinguishing between the English and French schooners; and would remark that none of the vessels or boats belonging to any of the ports along the coast, have either their names, or Ports they belong to, painted on their sterns—which Custom-House regulation ought to be enforced, as it would most materially assist in distinguishing French vessels and those engaged in illegal trade.—The settlements to the N. E. of Grand Bank are Little Barasway and Grand Beach, containing together about 60 or 70 souls.

FORTUNE—A settlement consisting of 240 persons: it remains nearly in the same state as to number; neither increasing, nor decreasing. There are about 25 vessels employed in the fishing, and under the same circumstances as at Grand Bank. The fish, as at Grand Bank, are disposed of principally at Harbour Britain. No complaints of encroachment by the French were made: it was, however, stated, in answer to queries on the subject, that they sometimes encroached, during the fishing season, at Point May and Cape Cruz, opposite to St. Pierre's.

July 12.

FROM CONNAIGRE BAY, where the ship anchored, a boat was dispatched to the Burgeo Islands. From the report given by Lieut. Woodman, it appears that there are two settlements, called Upper and Lower Burgeo, distant from each other about three miles; the combined number of Inhabitants being about 650. The settlement, by the statement of Mr. Cox, the principal resident, is increasing, from settlers coming from Fortune Bay; the fisheries of this place being more productive. There are about ten registered vessels belonging to the settlement, prosecuting a coasting trade, and carrying their fish to markets; and the small schooners are engaged in the fishing among the Islands. The Cod fishing has been very successful,

APPENDIX.

having already averaged One Hundred quintals per man; and has increased during the last three years. There are also Salmon fisheries in the vicinity, fished by the Inhabitants, and also by the Indians, there being a settlement of about One Hundred of them a few miles to the West, at Little Barasway, who trade with the inhabitants of the Coast and Burgeo Islands, exchanging Salmon, Geese, and Furs, for Clothing, Spirits and Powder. Herrings are also abundant; more so than has been known for many years past, and arrived earlier on the Coast; they are now used for bait, the Caplin having gone into deep water.

At both Upper and Lower Burgeo, the inhabitants expressed the great want of a Magistrate in so extensive a settlement; not only to administer justice among themselves, but for the purpose of preventing the extensive encroachments of the French, which commence at the fall of the year, in the various harbours from that of Jersey to White Bear Bay. In all the intervening ports they are, throughout the whole winter, engaged in cutting and carrying away quantities of Timber of the largest size, and do great damage to the young trees: that during all April, and the beginning of May, they encroach at the Barasways, to the West of the Burgeo Islands, and yearly continue, as formerly, to dig shell fish for bait; and this year, in consequence of the continued encroachments, the shell fish have almost entirely disappeared, scarcely any having been procured by the inhabitants; about fifty French schooners having been digging bait at the Barasways this Spring. They do not encroach for the purpose of Cod fishing, being too far from St. Pierre's.

The inhabitants of these Islands are all Protestants, and are most anxious to obtain a Schoolmaster for their Children, and a person who, at the same time, would read prayers on Sundays. The wishes of so large a community, settled in one locality, certainly demand attention.

West of Connaigre Bay there is a small settlement at Hatter's Point, containing about Twenty inhabitants.

N. E. COAST AND COAST OF LABRADOR.

The Crocodile sailed from St. John's on the 24th July and arrived off Cape St. John on the 27th. On the morning of the 29th communicated with Nipper's Harbor, which is situated towards the entrance of Green Bay, and 20 miles to the S. W. of Cape St. John: it is a small settlement, but the only one of any consequence, near the limit defined by treaty, to the Southward of which the French vessels are not permitted to prosecute the fishery. It contains about 130 to 140 Inhabitants who resort there during the Summer season for the Cod fishery, and in spring for Seals; but during the Winter months, either proceed to St. John's, or Ports they belong to, or retire into the Woods in the various Bays which abound in the neighbourhood, where they seek shelter from the inclemency of the weather. The Cod fishery on this part of the Coast, this year, has not been so productive as usual. Caplin also have been exceedingly scarce. Salmon are taken at Nipper's Harbor, and the Bays adjacent, in the same manner as already described on the South Coast. It was stated that the French sometimes fished round the South side of the Cape, but they never disturbed the inhabitants in the least. I should presume, from what evidence was collected, that when N. W. winds prevail, the French fishermen from the harbour of La Scie, being unable to remain on the weather side of the Cape, proceed round to smooth water under the lee, and there fish, as also in Shoe Bay; but there is no continued encroachment. From Nipper's Harbor we bore up for Cape St. John, passing several Bays and Inlets, none of which afford anchorage or security for large vessels, and are only resorted to by fishing schooners which come there for the season, from Conception Bay, Fogo, Toulouquet, and other parts of Newfoundland. Rounding Cape St. John, and hauling up for Pacquet Harbor, we passed the Harbor of La Scie, five miles from the above Cape, and the first Harbor on what is commonly called the *French Shore*; in it we observed 10 or 12 vessels principally brigs, presumed to be all French. On the same evening we anchored at Pacquet Harbor. At this Port I found 5 French vessels at anchor, and there were 4 French Establishments on shore, on each of which was flying the French National Flag. Conceiving it illegal that on the shores of a Colony of Great Britain any Foreign National Flag whatever should be hoisted, and following the same line of conduct as my late predecessor in this Ship, I sent on shore Lieutenant Woodman to inform the head people of the

APPENDIX.

Establishments that their Ensigns must be removed; and if hoisted at all, it must be on board the respective vessels now in Port. The Flags were accordingly immediately removed; but on the following morning, a letter was presented to me, signed by the Captains of the respective French vessels in Port, complaining and protesting against the order I had considered it my duty to issue on the previous evening, and their unanimous determination to re-hoist their Ensigns, and not to haul them down unless again ordered by me. This decision on their part they accordingly complied with the moment the letter was delivered on board; I considered it therefore my duty to enforce the order of the previous evening, and they were hauled down on my again sending Lieutenant Woodman on shore. But to prevent all disputes which might hereafter occur, and to show no insult was intended to the French Flag, I answered their letter which had been addressed to me, (copies of which are herewith attached for your information.) I have at the same time to acquaint you that during my stay in the above Port, not one of the French vessels ever hoisted their Colours.

The French resort to this Coast in Spring, bringing out with them in their Vessels (which are chiefly Brigs of 100 to 200 tons) a cargo of Salt for curing their fish, as also their implements for fishing. Having moored their vessels in security, they commence the repairs of their salting houses, drying stages, and likewise the huts for the abode of their crews. The former are covered with Canvass. The Ship's Bell is landed, and shipped in its former cranks near the Superintendent's House. The large boats, which were hauled up in places of security at the close of the last year's fishing, are launched, repaired, and fitted. In all their arrangements, and mode of prosecuting the Fishery, there was displayed system and neatness, which we observed no where else. Each vessel has from 6 to 10 of these boats, according to the number of their crew. They are of large dimensions, being about 25 to 30 feet long, with great beam, and all rigged alike, with two lug sails. Their crew consists of two men and a boy: they start early in the morning to their fishing grounds, which are generally at the entrance of the Harbor, and continue to prosecute their avocations, with hooks and line, until they procure a cargo, when they return to their Establishments: the crew are then relieved, and the fresh hands immediately commence throwing the fish into the salting house, where the process of splitting, boneing, cleaning, and salting, is prosecuted with amazing quickness. The fish are not laid out to dry until about three weeks before their departure for France—so certain are they on this Northern Coast that no fogs, which are so prevalent and dense on the South shore of the Island, will continue to interrupt the principal process of the Fishery.

The West Shore, which is also called the French Shore from their right of fishing extending along the whole of that Coast, is not liable to fog nearly so much as the South East and South, where they are not only exceedingly dense, but may continue for weeks together, with scarcely a day's clear weather. It is on this account that the French fishing ground is considered so much more valuable than the English. Besides the hook and line, large cod-seines are also used, with which they take immense quantities of Cod. There is only one English resident at Pacquet, who sells his fish to the French, and during the winter takes charge of their abandoned Establishments until their return in spring. There was a peculiarity noticed in the French Boats at Pacquet Harbor which I never observed elsewhere; namely, both oars being pulled on the larboard side, and no oar at all on the starboard; but the third person used an oar fitted into a crutch placed broad on the starboard quarter, with which he pulled the stern round against the power of the two larboard oars, and thus steers her course.

Having completed the water of her Majesty's Ship under my command, I again put to sea on the afternoon of the 1st August, and proceeded direct to the Coast of Labrador. On the 4th August communicated with the fishermen engaged in fishing off the Black Islands, in lat. 54°; they were part of the crews of 23 vessels then at anchor in Grady's Harbor, at the Black Islands; they were principally from Conception Bay, the Island of Fogo, (Newfoundland); and Nova Scotia; and several Americans, from the state of Maine, were at the same anchorage, also engaged in fishing on the same ground with the inhabitants of Newfoundland and Labrador, as granted to them by Treaty. From information which was afterwards obtained at Dumplin Island, and Round Island, near Sandwich Bay, and at Indian Island, further to the Southward, the number of American Schooners resorting to this part of the Coast this year is upwards of 100—many of them having been previously fishing in the vicinity of Red Bay, Lancealoup, and other ports on the South Coast of Labrador; and had come to the North on account of the scarcity of fish on that part of the Coast. Here also they had been unsuccessful; indeed on the whole Coast of Labrador the Cod fishing this year has been as yet very unprofitable; and the Caplin, whose yearly strike is looked forward to with much satisfaction, have only

APPENDIX.

been three or four days on the Coast. Herrings had set in for a few days, but again left the Shore. The fishermen were in consequence deprived of their principal bait, and were, instead, making use of *Lance*, a species of small Smelt about three inches long. The fishermen were, however, still in expectation that the autumn fishing might prove productive, and many of the schooners had consequently gone further North, towards Cape Harrison, in lat. 55° N., to try their success, and would again return in September to Black Islands and vicinity.

DUMPLIN ISLAND was the Northmost Settlement at which I communicated: it is at the entrance of Sandwich Bay, and situated between Huntingdon, and Henrietta Islands. On this latter Island there were formerly many summer settlers, and numerous stages, &c., for prosecuting the Cod Fishery. These have been entirely abandoned, and the only establishment remaining is the one on Dumplin Island belonging to Messrs. Hunt. Their principal and almost only fishery is Salmon, taken in the Eagle and other rivers in Sandwich Bay. The Salmon are cured at the rivers, which are 20 miles from Sandwich Bay, packed in tin cases, sent down to Dumplin Island, and from thence shipped to England direct. The people who fish the rivers, cure and pack the fish in tin cases, are brought out from England in the Spring and again return when the Salmon season is over, which is the beginning or end of August.—There are a few Indians in the vicinity, who have come from the Moravian settlements to the Northward; they assist in the fisheries during Summer, and are engaged in procuring Furs during the Autumn and Winter, and in the Spring employed in the Seal Fishery, and all in the service of the Establishment of Messrs. Hunt, between the Black Islands and Huntingdon, at Sandwich Bay. There is also an establishment on Round Island for the Cod Fishery; it belongs to Mr. Wills, a resident in England, and under the superintendence of Mr. Goodridge.

At Indian Island, further to the Southward, there are also one or two establishments entirely for the Cod Fishery: the principal one belongs to Mr. Warren, a resident in England, superintended by his Son, who resides there in Summer. It is connected with St. John's, Newfoundland; from which place the people come every year in Spring, and return in September or October. Between the above Ports and Belle Isle, there are numerous Harbours and Bays, resorted to by Schooners from Newfoundland, Nova Scotia, and America. Having securely moored their vessels, they hoist out their boats, each vessel having three or four, and commence fishing; the Americans salting their fish in bulk, whilst the Newfoundland people carry them to some harbor on the Coast, on the shore of which they have stages for drying their cargoes. Should the fish prove abundant, they remain there until they have completed their cargo; but if scarce, they immediately proceed to sea, and grope their way to some other harbor, where the fish are more abundant. It is surprising how they manage to find their way among the numerous Islands and dangers which fringe this barren coast; and that during the dense fogs, in which this part of the Coast is sometimes enveloped, they are not more often wrecked, especially when they have neither Chart, Quadrant, or Book of Directions, to guide them on their way.

I am not aware that there is any settlement, properly so called, on this part of Labrador. The word I conceive to mean a number of Houses, with inhabitants permanently residing in one locality; but there are, I believe, numerous establishments, the same as at Dumplin, Round, Black, and Indian Islands, along the Coast, from Belle Isle Northward. These establishments consisting of one principal house, it is in general a store for the sale of the various necessaries of life, and implements of fishing, &c., and for the purpose of purchasing fish, from any casual fishermen who come there. The superintendents of these establishments generally come to their houses every Spring, bringing with them a number of fishermen to prosecute the fishery, all of whom reside in temporary huts during the season, and when it is concluded return to England, St. John's, or their native place, until the season commences in the following Spring.

There is a circumstance which has come to my knowledge, connected with the Island of Belle Isle, which I consider it my duty to lay before you. It appears from information obtained on the coast, that the fishings on the shores of this Island are exceedingly productive, and were resorted to every year by our fishermen, as also Americans, to pursue their lawful occupation. Of late years they have been entirely prevented from going near the Island, by the interference of the French, who will not permit any of our fishermen to fish there; and that consequently they have been obliged to give up a fishing ground which to them was not only convenient but productive. The question is, whether Belle Isle Island belongs to Newfoundland, and therefore the French Shore where they have the right of fishing, or whether it is

APPENDIX.

an Island of the Labrador Coast, to which it is more nearly situated than to Newfoundland.— If it belongs to Labrador, the French have no right whatever there; and if it belongs to Newfoundland, the right of the English to fish, comes under the 9th Section of your Instructions.

Having laid before you the foregoing statement relative to the Fisheries on the South Coast of Newfoundland and Eastern part of Labrador, so far as information could be obtained at the Ports visited by her Majesty's ship under my command; and having received your instructions per H. M. S. *Snake*, when at Indian Island, to proceed immediately to Quebec,— it will be out of my power to afford you any information relative to the West Shore of Newfoundland or the South Coast of Labrador, neither of which has been visited. But before bringing this statement to a close, I consider it my duty to lay explicitly before you what I in my opinion consider is principally required from H. M. Ships in the protection to be afforded to the British interests on that line of Coast called the Newfoundland Fisheries. The first point of consideration is the period of the year a Vessel of War is required for that purpose. I should most decidedly say that any Vessel intended for the protection of the above Coast, should be at the Burgeo Islands about the middle of April; for it is at this period of the year, at those Islands and at the Barrasways, in the vicinity, (Harbours that are dry at low water,) the first encroachments are made by the French for the purpose of digging bait, to the prejudice of our own settlers and fishermen. By the 2nd section of your Instructions, I am directed “to proceed to the Burgeo Islands, and there make enquiry relative to the encroachments complained of in an Address which you were pleased to send for my information and guidance, from the House of Assembly of Newfoundland to His Excellency Captain Prescott, Governor of that Colony.” I have to acquaint you that from the statements of the residents of the Burgeo Islands, these encroachments continue to be repeated without intermission during the months of April and May. The next part of the Coast which will require the attention of H. M. Ships, will be the vicinity of Fortune Bay, Grand Bank, Lamelin, Lawn, St. Lawrence's and the Bays of Placentia and St. Mary's. This must be divided into two divisions: in the first, Fortune Bay, Grand Bank, Lamelin, and the St. Lawrence's, because they are close to the French Islands of St. Pierre and Miquelon; and the duty required is to prevent the French from sweeping our Bays of the Caplin, which set in on the Coast early in June—to prevent the French from fishing on our shores for Cod—and to check the illicit traffic carried on by our fishermen with St. Pierre's. Lamelin would become the head-quarters. To perform this service, the Ship could not be employed herself; as the navigation of the Coast, from numerous shoals, and the prevalence of fogs, would render it unsafe for her to remain at sea, and there is no anchorage nearer than Great Lawn, 12 miles distant. The duty would be better performed by vessels hired for the purpose, capable of affording accommodation for the Officer and Men, and fit to keep the sea in case of bad weather, when unable to attain a secure anchorage.— Whilst the small vessel engaged for the season is protecting this part of the Coast, the ship might visit the second division of this shore, namely Placentia and St. Mary's Bays; via St. John's, to the East Coast of Newfoundland, for the purpose of visiting Cape St. John. Here, of late years, there have been no complaints of encroachment beyond the defined limits; but the presence of a Man-of-War in this vicinity would be of service, if only to show the French her watchfulness over the British interests. The remaining, and most extensive part of the Coast, is the Labrador. I have been informed, by Proprietors of Vessels engaged in the Cod Fishery, that numerous French Vessels, engaged in the Cod Fishery, constantly fish in the Bays on that Coast, about Bradore Harbour and L'Ance-à-Loup, &c., to the annoyance and in many cases prevention of our fishermen from pursuing their avocations. This has been stated to me by more than one person; indeed almost all those who frequent this part of the Coast have given the same statement; and that these encroachments are during the end of April, May and June—and I see no reason to doubt their information. Looking, therefore, at this vast line of Coast, extending from the River St. John to Bell Isle, and from thence Southward—in the whole range of which are innumerable Bays and Harbours, yearly frequented by swarms of American Schooners who come there for the Fishery, and whenever opportunity offers encroach on our shores—I consider that the superintendance of one Man-of-War alone would not be more than sufficient to prevent the encroachments of the French, and check the lawless conduct of the Americans, within the above limits.

As only one Vessel is employed on the Newfoundland Fisheries, it must be obvious, on consideration, that so vast a range of Coast as there is included within its limits—extending around the Island of Newfoundland, along the South shore of Labrador, from 64° West Longitude, to the Straits of Belle Isle, and from thence indefinitely to the Northward—cannot possibly be efficiently controlled, or even visited, by H. M. Ship employed on that service; not even if a portion of her Officers and Crew are left on those parts of the Newfoundland Coast

APPENDIX.

(viz: Burgeo and the Lamelin Islands,) for the purpose of manning boats to assist in her assigned duties. During this year I did not consider it requisite to comply with this part of your Instructions, on account of the late period of the year I arrived on the Coast; yet I cannot refrain from mentioning the distressing situation in which the Captain of Her Majesty's Ship may be placed at being deprived of the efficient services of so many of his Officers and Crew, sent from the Ship for so long a period.

I trust any allusion which I have here made may not be considered by you as an attempt on my part either to throw difficulties or objections in the way of any service on which you may be pleased to order H. M. Ships; but that you will solely attribute it to an anxious wish on my part to point out the situation in which H. M. Ships may be placed, not only on an almost unknown and a dangerous shore, but when in company with Men-of-War, fully manned, belonging to France and the United States, employed on the same coast, and similar service; and therefore the propriety of urging upon the Colonial Government the necessity of their either employing small vessels for that purpose, or having local authorities at those places where the encroachments are made and complained of.

Your Instructions, by which I have been guided, direct my attention to the protection of the British interests in general, and especially the Fishing Grounds on our shore, from all interference by Foreign Vessels. You have also directed my attention to the 22nd article of the above Instructions, to the prevention of all illicit Trade: I am therefore called upon to allude, especially, to the Trade now regularly but illegally carried on with our shore and the Island of St. Pierre's.—This Trade in Caplin and contraband articles, as already pointed out in the former part of this Report, is, I understand, on the increase; and unless the Home or Colonial Government take some means to punish those engaged in it, or adopt expedient means to stop it, and protect its own coast, it will continue; and I consider it quite a vain attempt for the Captains of H. M. Ships employed on the fisheries, even to check, much less to suppress, the contraband trade. He may afford assistance to whatever system the respective Government may adopt for the protection of the coast; as his short sojourn in the vicinity, and his duties requiring his presence at other stations, can only render his interference a matter of secondary importance.

I have also been made acquainted that smuggling, to a very considerable extent, is carried on along the South Shore of Labrador (which has not been visited in H. M. Ship under my command,) by American vessels resorting to that Coast for the fishery. This illegal trade consists of provisions brought from the United States, in a greater quantity than sufficient for their own consumption during the season, and therewith secretly carrying on an illicit trade in every Port and River on the above shore; nor do I see any means by which so extensive an evil to the interests of the British Merchant and to the Colony, can be possibly suppressed, unless by the interference of the Home Government.

It may be required that some reason should be assigned for the want of accurate detail and the meagre information conveyed relative to the Fisheries on the shores on which I have been employed; it must, however, be remembered, that no accurate information can be obtained, or any estimate formed of the present state of the fisheries, until after the termination of the fishing season, when the returns from the respective Custom Houses and Establishments are made up.—Where I have stated the increase or decrease of fishing, or settlement, or any other local information, it has been derived from the principal residents of the place visited, given by them as matter of opinion, founded on their own local knowledge, and without any reference to Official documents.

In respect to the South Shore, where the encroachments of the French are generally made, I was unable to derive better information. There was invariably an unwillingness on the part of individuals to give any information whatever, (except at Lamelin and Burgeo Islands,) or to admit that the French ever encroached; even denying the fact, when I afterwards found that the French vessels were in the habit not only of fishing off those very harbours, but resorting to them for the purpose of curing their fish before returning to St. Pierre's.

This concealment on the part of the inhabitants has certainly confirmed an opinion I then formed, that an intercourse exists between them for their mutual benefit; and that individuals are deterred from giving information, for fear of the resentment of those who carry on a contraband Trade.

ALEXANDER MILNE,

Captain H. M. S. Crocodile.

To Vice Admiral

Sir THOMAS HARVEY, K. C. B.,

Commander-in-Chief, &c. &c. &c.

APPENDIX.

Les Capitaines du Commerce, faisaient la pêche de la marne, dans le port de Paquet, à Monsieur le Commandant de la fregate Anglaise, encrée dans le dit Port.

Monsieur,

Hier au moment de votre entrée dans ce port, nous nous sommes empressé d'arbrurer le pavillon Français sur les établissemens que nous avons droit d'occuper pour y'faire la pêche de la marne. C'est avec le plus grand étonnement que nous avons reçu aussitot l'ordre de votre part d'amener les couleurs de notre nation que nous ayont droit au que nous ne Payont pas, ce n'est pas à nous à le décider.

Nous avons arburé notre pavillon pour saluer celui d'une nation amie: en ne le mettant pas nous aurions cru lui mauquer essentiellement on nous a fait entendre que l' Ile de Terre Neuve n'étant pas propriété Française nous deirons arbrurer notre pavillon á bord de nos navires, mais nos navires sont, dans differens parts tres élorgués des habitations il faudra donc par cette raison no point repondre á salut que peut nous faire un navire d'une nation quelconque pendant notre sejour á la côte et cacher pour ainsi dire le pavillon Français. Si l'ile ne nous appartient pas, nous croyans bien, nous sommes même certain que les habitations que nous occupans sout occupans sont Françaises pendant la saison de la pêche et que personne n'a le droit pendant ce temps de nous empêcther d'y montrer le pavillon de France.

Au moment qu'on vous remettra notre lettre nous sommes donc décidé Monsieur le Commandant à arbrurer notre pavillon et nous ne l'amenerous que sur un nouvel ordre de votre part.

C'est avec peine, Monsieur le Commandant, que nous nous voyans forcè de vous donner cet embarras: mais nous crainions mauquer á l'honneur nationale, si nous ne faisons pas tous nos efforts pour soutenir les couleurs que 1830 nous à rendu et donc chaque Français est fier.

Nous avons l'honneur de vous solner, Monsieur le Commandant, avec consideration.

*Le Capitaine du Brick le Binicos, J. CHATTE ;
A. MATTE, Capitaine de Sometre ;
P. DESURY, Capitaine de l' Alcide ;
J. M. RAIMOND, Capitaine de Frainida.*

Paquet, 30 Juillet, 1840.

*Her Britannic Majesty's Ship "Crocodile," at
Pacquet Harlour, 30th July, 1840.*

Gentlemen,

I have to acknowledge the receipt of your letter of this morning's date, complaining and also protesting against my order of last evening, "that the French National Colours "which were hoisted on the Establishments on Shore should be removed" (at the same time acquainting you that you had the opportunity of displaying your National Colours on board your respective vessels now at anchor in this Port)—not one of which have hoisted their National Colours since my arrival, and therefore I can only presume that they are French. I regret that there should have been any misunderstanding on the subject; no disrespect being intended to the National Flag of France; but I cannot permit it or any other Foreign National Flag whatever, to be hoisted on the shores of Newfoundland, a Colony of Great Britain.

I am, &c.

ALEXANDER MILNE,
Captain H. M. S. Crocodile.

To

The Masters of the Respective French
Merchant Vessels now at this Port.

APPENDIX.

No. 31.

TREASURY ACCOUNTS.

ACTING TREASURER'S CASH ACCOUNT, QR. ENDING 31st MARCH, 1840.

Dr.

March 4.	Cash received from the late Treasurer	3745	11	9
May 4.	Colonial Revenue quarter ending 31st March	1622	18	3
	Imperial Revenue quarter ending 31st March	1474	9	9
	Light Dues ditto	119	19	6
		£6962 19 3		

Cr.

March 16.	The Poor—		Warrant	57
	South Shore Conception Bay	3	9	4
	Harbor Grace	30	8	0
	Carbonear	34	0	0
	North Shore	14	8	0
		82 5 4		
	The Poor—			58
	St. John's	300	0	0
	Brigus	23	9	4
	Port de Grave	11	12	0
	Bay Roberts	6	13	4
		341 14 8		
March 18.	Roads, Holyrood to Brigus	376	13	0 0
" 19.	The Poor—			59
	Trinity	19	5	0
	North Shore	8	0	0
	Heart's Content	6	10	0
	New Harbor	2	10	0
		36 5 0		
" 25.	Contingencies Legislative Session, 1839—			377
	Clerk and Sergeant-at-Arms	150	0	0
	J. M. Cooke, debenture	68	3	0 0
April 1.	Roads, (Contingencies) St. John's and Ferryland	378	55	7 0
	The Poor, Vote of the Legislature		220	0 7
" 2.	Salaries	60	370	10 0
	Ditto	61	337	10 0
	Ditto	62	127	10 0
	Ditto	63	352	10 0
	Ditto	64	105	5 0
	Ditto	66	67	10 0
	Ditto	67	30	0 0
	Ditto	68	42	15 0
	Ditto	69	48	15 0
	Ditto	70	122	15 0
	Balance to next Quarter		4519	11 8
		£6962 19 3		

May 4th.

APPENDIX.

TREASURER'S CASH ACCOUNT, QUARTER ENDING JUNE 30, 1840.

Dr.

	To balance from last quarter	£4519 11 8
May 16	Cash received from J. M. Spearman, Esq.	2600 0 0
	Licence Fund, Bonavista	13 10 0
June 9	Received from His Excellency the Governor, per Bank of British North America	1968 15 4
	Licence Fund, Brigus (Northern District)	26 5 0
	Fines, 9 Geo. 4 cap. 31, Northern District	1 13 6
25	Received from J. M. Spearman, Esq.	3466 13 4
May 28	Licence Fund, Southern District, Harbor Britain, Jersey Harbour, and Grand Bank, per Thomas E. Gaden, Esq.	18 0 0
Aug. 15	Cash received from J. M. Spearman, Esq.	2555 11 2
	Ditto ditto Light dues	328 5 9
		£15498 5 9

Cr.

April 3	Poor of St. John's	65	133 17 0
4	Ditto ditto	71	200 0 0
5	Ditto ditto	72	160 0 0
6	Ditto Bay Bulls	73	11 10 0
10	Ditto St. John's	74	18 4 7
14	Ditto Ferryland	76	8 15 0
16	Ditto Renews	75	7 0 0
18	Interest on Debenture No. 69		1 10 0
	Roads and Bridges, per Thomas Byrne	380	41 10 0
	Wolves, Bounty on Destruction	77	5 0 0
	Light House, Harbor Grace	12	23 15 0
22	Roads, Holyrood to Brigus	382	24 5 4
25	Roads, Aquafort to Brigus	383	27 19 0
May 1	Roads, Brigus to Holyrood, per S. J. Daniel	384	58 8 10
	Roads, Bonavista to Catalina	385	85 12 2
	Roads, James Douglas, and J. Noad, Esqrs.	78	250 0 0
4	Gaol Expenses	79	131 19 9
	Civil and Criminal Prosecutions	80	79 19 8
5	Light Houses	13	35 10 0
	Roads, Corufield to Ferryland	386	29 14 3
	Roads, Ferryland	387	10 3 5
6	Printing and Stationery	82	17 18 1
	Gaol Expenses	81	72 6 6
	Roads, Cape Broyle to Ferryland	388	10 9 1
	Roads, Old Perlican to Hants Harbor	379	29 18 0
	Education, St. John's	83	200 0 0
	Ditto, Nunnery School		100 0 0
	Roads, per Stephen Dillon and James Flemming	389	36 3 8
	Roads at Burin, Surveying &c.	390	23 17 0
	Roads, Ships Cove to Burin	381	28 17 8
7	Gaol Expenses	85	10 10 0
	St. John's Hospital	—	197 2 1
9	Wolves, per Patrick Burke	84	20 0 0
10	Geological Survey, Roads, &c.	86	238 10 0
11	Roads, 2d Instalment on the Bay Bulls Road	391	7 2 9
	Roads, per James Cuddihey	87	34 13 4
12	Road Surveying	89	10 0 5
	Education, Ferryland	88	125 0 0
	Ditto, Newfoundland and British North American Schools	—	300 0 0
	Registration of Votes	90	80 11 7
			£2887 14 2

Carried forward.....£2887 14 2

APPENDIX.

				Brought forward	£2887	14	2
May	15	Roads, Old Perlican, Renewals, and Fermeuse		392	31	2	8
		Wolves		93	5	0	0
		Contingencies of Legislature, 1839	-	91	371	7	1
		Ditto ditto 1839	-	92	532	18	74
		Ditto ditto 1839	-	94	515	18	1
		Roads, per Michael Allen	-	98	40	0	0
16		Contingencies of Legislature, 1839	-	95	203	12	2
		Ditto ditto 1839	-	96	89	6	2
		Ditto ditto 1839	-	97	433	1	0
		Ditto ditto 1840	-	99	406	11	11
		Ditto ditto 1840	-	100	650	13	8
		Ditto ditto 1840	-	101	184	3	0
		Ditto ditto 1840	-	102	594	0	0
		Printing, &c.	-	103	10	15	6
20		Roads, Cape Broyle to Ferryland	-	393	4	13	2
		Education, St. Mary's and Placentia	-	104	200	0	0
		Circuit Courts	-	105	31	0	0
		Roads, per Thomas Byrne	-		70	0	0
		Quidi Vidi Harbor	-	106	75	0	0
		Education, Burin	-		500	0	0
		Roads, per Wm. Lilly	-	107	12	10	0
		Education, St. John's	-		91	7	6
		Roads, Sundries	-	394	37	5	4
26		Poor, Twillingate	-	108	16	0	0
30		Sundries	-	395	49	13	4
June	1	Sundries	-	109	25	16	0
		Interest on Debentures 71 and 72	-		24	0	0
		Ditto on Debentures 12, 13, 14, 15	-		9	0	0
4		Education, Orphan Asylum School	-	110	100	0	0
9		Interest on Debentures 32, 33, 34, 35, 36, 37, 38, 39	-		24	0	0
		Ditto on Debenture 40	-		4	10	0
		Contingencies Legislature, 1840	-	111	15	0	0
		Roads and Bridges	-	396	88	8	0
11		Edmond Dwyer, Debenture 42	-		100	0	0
		Roads	-	397	41	12	0
		Interest on Debenture 74	-		27	0	0
		Ditto on Debentures 8, 9, 10, 11, 12	-		12	0	0
		Ditto ditto 18, 19, 20, 21, 22, 23	-		9	0	0
		Ditto ditto 29	-		0	15	0
12		Sundries	-	112	78	19	4
13		Sundries	-	113	38	0	0
		Police at the Election	-	114	146	0	8
18		Civil and Criminal Prosecutions	-	115	107	7	2
		Interest on Debentures 57, 58, 59, 60	-		5	5	0
20		Wolves	-	116	5	0	0
25		Interest on £500, Cape Spear Light House	-		15	0	0
		Roads and Bridges	-	398	59	11	3
July	1	Salaries	-	117	307	10	0
		Salaries	-	118	352	0	0
		Salaries	-	119	352	10	0
		Salaries	-	120	109	0	0
		Salaries	-	121	67	10	0
		Salaries	-	122	30	0	0
		Salaries	-	123	42	15	0
		Salaries	-	124	48	15	0
		Salaries	-	125	235	5	0
		Roads and Bridges	-	399	14	1	8
		Sundries	-	126	107	18	7
		Balance	-		4851	3	0
					£15,498	5	9

APPENDIX.

		Brought forward.....	£2060	4	7
Aug. 15	Light Houses, Six Months Interest on £300, Debenture No. 1		9	0	0
19	Roads and Bridges	404	38	14	0
26	Sundries	9	32	9	11
27	Expenses incurred in relieving the Passengers per Cherub	10	47	0	4
	Roads and Bridges, Six Months Interest on Debenture No. 75		15	0	0
	Printing and Stationery	137	0	18	2
31	Roads and Bridges	405	29	6	6
	Ditto ditto Six Months Interest on Debentures 64, 65, 66		30	0	0
	Light House, Harbor Grace—Keeper, Fuel, and Light	18	15	0	0
Sep. 2	St. John's Hospital, Pauper Lunatics	11	19	12	8
	Chairman Board of Education, Conception Bay	12	410	0	0
6	A. Milroy, Manager Bank of British North America	13	2000	0	0
	Roads and Bridges	406	20	10	2
7	Ditto ditto	407	72	9	0
	Sundries	14	175	0	0
	Savings Bank, Six Months Interest on £1510 8 8 on acct. of Light House and Colonial Building		45	6	3
	Roads and Bridges	408	23	11	6
	Ditto ditto Six Months Interest on Debenture 45		6	0	0
	Sundries	15	45	4	6
	Roads and Bridges, sundries	409	41	19	11
	Ditto ditto ditto	410	18	9	9
21	Ditto ditto ditto	411	23	2	3
	Ditto ditto ditto	412	19	12	11
23	Ditto ditto paid P. Kenan	413	13	6	8
	Circuit Court, Expense Southern and Northern	16	100	0	0
	Roads and Bridges, sundries	414	38	19	0
28	Sundries	138	7	9	4
30	Salaries	17	307	10	0
	Ditto	18	352	0	0
	Ditto	19	352	10	0
	Ditto	20	90	0	0
	Ditto	21	45	5	0
	Ditto	22	42	15	0
	Ditto	23	48	15	0
	Ditto	24	235	5	0
	Gaol Expenses, Quarter ending 30th September	27	133	15	7
	Fuel and Light, Quarter ending 30th September	28	117	0	9
	Printing and Stationery, Quarter ending 30th September	29	33	5	8
	Balance to next Quarter		6998	1	5
			£14,104	10	10

TREASURER'S CASH ACCOUNT, QUARTER ENDING 31ST DECEMBER, 1840.

Dr.

Oct. 1	To balance from last Quarter	£6998	1	5
21	Cash received from the Honorable J. M. Spearman, on account of Light Dues, Quarter ending 31st December	405	4	3
Dec. 8	Cash received from A. Hogsett, Esq., in part of Licences, Central District	468	0	0
	Licence Fund Trinity, per B. Sweetland, Esquire	39	14	6
			£7911	0 2

APPENDIX.

To amount brought forward.....£7911 0 2

	Fines and Penalties, District of Trinity	0 12 6
	Light Dues received from D. Bethune, Esquire, Sub-Collector, Carbonear	13 11 8
28	Fines and Forfeitures, in the Central District, received from A. Hogsett, Esquire	94 13 1
31	Colonial Revenue this Quarter, received from Hon. J. M. Spear- man, Collector	6386 4 8½
	Imperial Revenue this Quarter, received from Hon. J. M. Spear- man (not yet received)	1099 8 3
		£15,505 10 4½

Cr.

Oct. 2	Roads and Bridges, Six Months Interest paid J. M. Cooke, on Debentures 24, 25, 26, 27	3 0 0
	Ditto ditto, J. M. Cooke, Six Months Interest on De- bentures 61, 62, 63 and 72	6 0 0
	Ditto ditto, paid C. Ayre, Six Months Interest on De- bentures 43, 44, and 57	3 0 0
	Ditto ditto, paid Hon. J. Crowdy, Six Months Interest on Debenture 54	3 0 0
5	Sundries	25 1 0
	Warrant 25	25 1 0
	Roads and Bridges, last Instalment on Topsail Road 415	38 2 8
	Light Houses, Salary of the Keeper Harbor Grace 19	23 15 0
	Building a Bridge and repairing Road to Light House, Harbor Grace	20 15 0 0
9	Sundries	26 39 18 3
Oct. 12	Roads and Bridges	416 59 2 6
13	Ditto ditto	417 113 8 5
	Ditto ditto	418 110 6 3
	Ditto ditto	419 11 1 0
15	Sundries	139 23 14 4
	Roads and Bridges	420 19 7 1
	Ditto ditto	121 32 0 0
	Civil and Criminal Prosecutions	30 83 18 0
24	Special Vote, per J. B. Jukes	31 50 0 0
	Roads and Bridges, 1st Instalment on Road to Twil- lingate	422 121 13 4
26	Roads and Bridges, sundries	423 66 16 0
	Coroners and Wolves	32 6 19 0
	Roads and Bridges, J. Green, last Instalment on Road Old Perlican to Hants Harbor	424 29 18 0
		885 0 10
27	Special Votes and Gaol Repairs, per R. J. Pinsent 33	22 10 0
28	Roads and Bridges, interest on £50 paid Commis- sioners Pilots	1 10 0
	Commissioners, paid Wm. Sweetland	34 2 19 0
	Roads and Bridges, sundries	425 11 16 8
		38 15 8
31	Circuit Courts	35 171 10 0
	Light Houses	21 23 15 0
Nov. 2	Sundries	36 32 14 0
	Roads and Bridges	426 11 5 4
	Ditto ditto	427 31 2 8
5	Sundries	37 583 12 2
10	Roads and Bridges	430 38 8 5
	Ditto ditto	429 26 6 8
		918 14 3

Carried forward.....£1842 10 9

APPENDIX.

					Brought forward.....	£1842	10	9	
Nov. 10	Roads and Bridges	....	....	....	428	58	11	11
	Circuit Courts	....	....	....	38	212	8	10
	Light Houses	....	....	....	22	201	5	0
						<u>472</u>	5	9	
18	Roads and Bridges	....	....	....	431	43	8	10
	Ditto ditto	....	....	....	432	32	12	10
	Ditto ditto	....	....	....	433	78	0	0
	Ditto ditto	....	....	....	434	26	8	7
21	Fuel and Light	....	....	....	39	2	12	0
						<u>183</u>	2	3	
22	Roads and Bridges	....	....	....	435	23	3	4
	Circuit Courts and Postages	....	....	....	40	73	4	4
26	Light Houses, paid Rev. Wm. Bullock, part pay- ment of Debenture No. 1	....	....	....		200	0	0
	Roads and Bridges	....	....	....	437	25	18	6
	Ditto Ditto	....	....	....	436	77	9	3
27	Sundries	....	....	....	41	26	3	0
						<u>425</u>	18	5	
	Roads and Bridges, Six Months interest on £800 Debenture to M. C. Stewart	....	....	....		24	0	0
	Roads and Bridges	....	....	....	438	77	12	10
	Ditto ditto	....	....	....	439	89	1	6
Dec. 1	Ditto ditto	....	....	....	440	207	2	11
	Sundries	....	....	....	42	46	11	5
						<u>444</u>	8	8	
8	Roads and Bridges— Debenture No. 8 } cancelled			100	0	0
	Ditto No. 9 } cancelled			100	0	0
	Ditto 29 ditto, Mary Ann Davis			25	0	0
	Ditto ditto Six Months Interest on Debentures 8, 9 and 29			6	15	0
	Ditto ditto 10, 11			6	0	0
	Ditto ditto No. 16, 17, 18, 19, 20, 21, 22, 23			9	0	0
	Ditto ditto 23, 24, 25, 26	-	-	-			3	0	0
10	Roads and Bridges	-	-	-	441	21	1	0	
	Ditto Six Months Interest on £900, Debenture No. 74, paid Wm. Walsh	-	-	-		27	0	0	
	Sundries	-	-	-	43	113	19	10	
	Roads and Bridges	-	-	-	442	4	9	3	
14	Ditto ditto	-	-	-	443	33	19	4	
	Ditto ditto	-	-	-	444	63	2	8	
						<u>263</u>	12	1	
16	Paid Six Months Interest £950 on Debentures No. 33, 34, 35, 36, 37, 38, 39, 40, Judge Des Barres	-	-	-		28	10	0	
	Sundries	-	-	-	44	90	1	8	
17	Roads and Bridges	-	-	-	445	12	8	9	
18	Ditto ditto	-	-	-	446	9	14	8	
						<u>140</u>	15	1	
	Ditto ditto	-	-	-	447	89	10	5	
	Ditto ditto	-	-	-	448	10	2	3	
20	Ditto ditto	-	-	-	449	44	19	10	
	Ditto ditto	-	-	-	450	6	18	8	
	Civil and Criminal Prosecutions, Southern District	-	-	-	45	17	15	8	
						<u>169</u>	6	10	
29	Roads and Bridges	-	-	-	451	27	9	6	
	Contingencies Legislature, Printing Journals Council	-	-	-	140	88	12	9	
30	H. A. Emerson, Esq., Solicitor General, Expenses incurred at Harbor Grace	-	-	-	46	17	19	8	
	Roads and Bridges	-	-	-	452	28	2	5	
						<u>Carried forward.....</u>	£4353	19	2

APPENDIX.

						Brought forward.....	£4353	19	2
Dec. 31	Salaries	....	....	....	....	47	307	10	0
	Ditto	....	....	....	....	48	352	0	0
	Ditto	....	....	....	....	49	352	10	0
	Ditto	....	....	....	....	50	90	0	0
	Ditto	....	....	....	....	51	45	5	0
	Ditto	....	....	....	....	52	42	15	0
	Ditto	....	....	....	....	53	48	15	0
	Ditto	....	....	....	....	54	235	5	0
						1474 0 0			
Light House, Six Months Interest on Debenture									
No. 4						3	0	0	0
Roads and Bridges, 12 Months do. do. No. 53						9	0	0	0
Roads and Bridges, paid J. W. Martin amount									
Debenture No. 53						150	0	0	0
Paid H. W. Hoyles Six Months Interest on									
amount Debenture No. 30						6	0	0	0
Paid H. W. Hoyles, Six Months Interest, Co-									
lonial Building						6	0	0	0
Roads and Bridges						453	104	0	3
Ditto ditto, Six Months Interest on Debentures									
12, 13, 14, 15, paid J. Noad, Esq.						9	0	0	0
Roads and Bridges						454	67	11	11
Ditto ditto						455	24	7	6
Sundries						55	45	3	1
Roads and Bridges, interest on Debentures 57,									
58, 59, 60						5	5	0	0
Postages, Printing and Stationery						56	13	1	8
Roads and Bridges						446	32	2	4
						474 11 9			
Roads and Bridges, paid Patrick Martin last									
Instalment on his Contract, Road from Har-									
bor Grace to Brigus						447	5 17 10		
Light Houses, Six Months Interest on Deben-									
ture No. 1, Cape Spear Light House, paid									
E. M. Archibald, Esq.									17 13 9
Roads and Bridges, Six Months Interest on De-									
benture No. 45, paid Judge Des Barres									6 0 0
Paid amount Debenture 54, to Hon. J. Crowdy									100 0 0
Six Months Interest on Debentures 54, 43, 44, 72									6 0 0
Light Houses, Six Months Interest on Debenture									
No. 5, Harbor Grace Light House, paid Hon.									
James Crowdy									9 0 0
Ditto Six Months Interest on Debenture No. 1,									
Harbor Grace Light House, paid Rev. Wm.									
Bullock									7 16 0
Light Houses, Six Months Interest on Debenture									
No. 2, paid W. B. Row, Esq.									6 0 0
Paid Clerk Peace, Harbor Grace, Quarter ending									
31st December						57	42	5	6
Repairing Block House, Signal Hill									6 12 8
Gaul Expenses, Printing						58	253	16	11
Sundries						59	29	17	9
Sundries						60	125	19	8
Balance to next Quarter									8585 19 4½
						£15,505 10 4½			

PATRICK MORRIS,
Colonial Treasurer.

APPENDIX.

Port of St. John's.

J. M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods Imported in the Year ended the 5th day of January, 1841, shewing the aggregate Quantities and Values of the various Articles, with the Amounts of Duty collected thereon.

Articles Imported.	Quantity Imported.	Value.	Duty.
<i>Wine, videlicet:—</i>			
1st Class	44 Gallons	45 0 0	3 6 0
2d ditto	4295½ "	1099 10 10	214 15 2
3d ditto	5883 "	654 5 5	220 12 3
4th ditto	22695 "	2028 4 2	592 7 6
in Bottles	185 "	134 1 8	18 9 8
not in Bottles	9820 "	1646 13 5	491 0 0
<i>Spirits, videlicet:—</i>			
Brandy, Geneva, and Cordials	6116½ "	770 12 4	153 18 4
Rum and Whiskey	14355 "	1682 1 9	359 16 9
Ale, Porter and Cider	19664 "	1022 9 10	51 2 6
Apples	3479 Barrels	1715 8 0	167 1 0
Beef and Pork (Salted)	39650 3 3 Cwts.	70,865 3 7	1751 12 5½
Bread or Biscuit	128,795½ "	87,243 2 5	1609 19 1
Butter	18371 3 6 "	50,272 1 7	1302 18 7
Coals	12415½ Tons	12,944 10 0	310 7 8
Flour	77628 Barrels	123,575 0 10	3847 2 2
Fruit (Preserved)	30 0 19 Cwts.	49 2 9	7 10 11
Goods, Wares, and Merchandise, not otherwise enumerated or described ....	.....	331,161 14 3	9743 0 3½
Lumber	2,477,148 Feet	5249 2 2	245 18 6
Oatmeal	3105 Barrels	2110 4 3	77 13 0
Timber, (Ton) and Balk, of all kinds, including Scantling	902 Tons	1229 16 10	62 1 2
Tobacco, (manufactured & leaf)	71,788 Lbs.	1222 1 1	299 1 6
Cigars	40,150	63 13 4	20 1 6
Shingles	1,838,750	890 6 2	59 15 5
Sugar (refined)	669 2 8 Cwts.	1201 14 10	162 11 10
(unrefined or clayed)	2146 1 20 "	2150 10 0	214 12 10
Tea	104,041 Lbs.	10,725 12 5	727 7 8
Totals		£711,752 3 6	£22,714 3 9

CUSTOM-HOUSE,
The 19th day of January, 1841.

J. M. SPEARMAN,
Collector.

APPENDIX.

Port of St. John's.

J. M. SPEARMAN

Dr.

CONSOLIDATED ACCOUNT CURRENT of Receipts

1840. To Out Bay Balances, viz:—

Fogo	5th July, 1839	....	....	....	216	1	2
Greenspond	10th Oct. "	....	....	....	32	3	11
Trinity	" "	....	....	....	173	2	11
Harbor Grace	" "	....	....	....	114	11	5
Little Bay	" "	....	....	....	29	6	6

" Out Bay Receipts, viz:—

5th January, 1840	....	....	....	1441	4	4½
5th April, "	....	....	....	223	13	6
5th July, "	....	....	....	1933	1	6
10th October "	....	....	....	1736	0	0½
				5,333	19	5

" Outstanding Bonds, 5th January, 1840 130 6 7

" Proceeds of Goods detained for undervaluation:

Sugar	....	....	....	2	13	8½
Staves	....	....	....	2	13	7
Grindstone	....	....	....	0	7	6½
				5	14	10

1841. " Duties collected on Coast of Labrador 136 0 6

January 5 " " on Goods imported this date 17,244 3 10

N. B.—The Returns from Burin and Fogo, Quarter ended 10th October, 1840, not yet received.

£23,415 11 1

I do hereby declare that the foregoing Accounts are just and true, in every particular, to the best of my knowledge and belief.

CUSTOM-HOUSE, St. John's,
The 20th day of January, 1841.

J. M. SPEARMAN,
Collector.

APPENDIX.

for the Year ended the 5th day of January, 1841.

Cr.

1840. By Out Bay Balances, viz:—

Trinity	10th October, 1840	....	....	190	18	2
Carbonear	“ “	....	....	138	19	7
Harbor Grace	“ “	....	....	344	14	3
Little Bay	“ “	....	....	35	15	0
“ Drawbacks	....	....	....	113	6	1
“ Over Entries	....	....	....	8	10	2
“ Incidental Expenses	....	....	....	43	1	7
“ Cost of Revenue Boat and Apparel	....	....	....	19	12	6
“ Expenses incurred in securing the Schooner New Dolphin	....	....	....	7	14	4
“ Expenses collecting Duties, Coast of Labrador	....	....	....	50	0	0
“ Cost of 18 sets Hydrometers	....	....	....	94	19	2
“ Salaries, viz:—						
J. M. Spearman, St. John's	....	....	....	50	0	0
J. R. M. Cooke “	....	....	....	111	17	8
D. P. Marett “	....	....	....	38	2	4
E. L. Moore “	....	....	....	150	0	0
J. Canning “	....	....	....	115	8	3
J. M. Winter, Fogo	....	....	....	100	0	0
L. Moore, Greenspond	....	....	....	100	0	0
J. L. M'Kie, Bay Bulls	....	....	....	50	0	0
T. Read (5 Quarters) La Poile	....	....	....	125	0	0
Elias Rendell, Labrador	....	....	....	34	0	1
“ Boatmen	....	....	....	106	4	8
“ Tidewaiters, Day Pay	....	....	....	212	1	8
“ Allowances to Imperial Sub-Collectors	....	....	....	109	10	1½
“ Outstanding Bonds	....	....	....	1313	10	10
Paid Treasurer	....	....	....	19,751	4	7½
				£23,415	11	1

We do hereby certify that we have duly audited the foregoing Accounts, and that we have finally settled and closed the same.

St. John's, Newfoundland,

The 25th day of January, 1841.

WM. THOMAS,
 H. A. EMERSON, } *Auditors.*
 PETER WINSER, }

APPENDIX.

No. 32.

Report of the Commissioners of Light Houses.

The Commissioners of Light Houses beg to submit the following Report to your Excellency :—

The consolidation of the Boards by the Act of the Session of 1839 threw upon the Commissioners the additional burthen of the Harbor Grace Light House, and this unanticipated circumstance necessarily rendered the provision they had made for supplies of Oil, &c. insufficient for the now increased demand upon them.

Under these circumstances, they felt themselves compelled to discontinue, for the Winter, the use of two lamps in the Light House at Harbor Grace Island, and they are happy in being enabled to state that this arrangement was carried into operation and continued until Spring without any detriment, as far as they have been enabled to ascertain, to the general usefulness of the establishment.

In the month of May last the Commissioners received from England a Supply of Sperm Oil for the use of the Light Houses, but the cost of this so far exceeded that of any former stock, and was so materially greater than they had anticipated, that their agent properly declined to purchase the whole quantity ordered, and sent a part only to meet the immediate wants.

The Commissioners had long entertained the opinion that the best Pale Seal Oil might be brought into use in the Light Houses in this Colony; but they were deterred from time to time from acting on this opinion from the fact of a quantity of Sperm Oil having been sent with the apparatus in the first instance, as the only description that would be suitable—from a corroborative opinion expressed by the Engineer who constructed the Light at Cape Spear, as well as from the common testimony of the several Keepers, who always affirmed that the character of the Lamps was such as to forbid the use of any other than Sperm Oil, if the efficiency of the Lights were to be at all preserved.

But the expense under this head had now become intolerable, and the Commissioners, determining no longer to regard the opinions by which they had hitherto been influenced, resolved to test the correctness of their own impressions, that seal oil might be made to answer all their purposes. They accordingly tried the experiment by lighting two ordinary Lamps, the one with Seal, the other with Sperm Oil, and this proving satisfactory to their view, Tenders were immediately advertised for, for a supply of the Pale Seal Oil for the consumption of the Light House for one year, which was furnished at a reasonable rate. The Commissioners immediately ordered that this Oil should be used in the several Establishments, and they are happy to state that the result has been fully such as they would have desired. An important saving is hereby effected in the expenditure being—at a calculation of the cost of the last importation, not less than £400 sterling per annum.

In the report which the Commissioners had the honor to lay before your Excellency on the 6th January last, they took occasion to point out the great necessity for the Establishment of additional Light Houses in the Colony, particularly on the prominent headlands of Baccaloo and Cape Pine, and they have to regret that to the subject-matter of that Report was not accorded the attention which in their estimation its importance demanded.—They conceive, however, that they would be wanting in their duty to the public did they omit this opportunity of again bringing the subject forward—and though aware that their functions do not embrace the consideration of such questions, still do they feel with how much propriety they may make themselves the instruments by which to draw attention to them in the legitimate quarter.

With this view they would submit to your Excellency that the mischief arising from the want of a Light House on Cape Pine—before so acknowledged—has been rendered more apparent by the events of the past year, for seldom before were the losses of life and property in that vicinity so great within any equal time.

That a recurrence of such evils may be mainly guarded against by a Light, together with a Bell to sound in foggy weather (which the Commissioners would propose to have associated with it) few will for a moment be inclined to doubt; and shall it be said that such *desiderata* shall continue to go unsupplied.

APPENDIX.

But the Commissioners cannot lose sight of the peculiarly favorable position in which they now come forward to renew this proposal. The operation of the new Act has within the past year produced a great increase of Revenue to the Light Houses, and moreover a material saving has been effected in the expenditure, which must tend far to facilitate the suggested undertaking.

A reference to the last Report will show that the Commissioners contemplated that in the erection and support of a Light House at Cape Pine, the neighbouring Colonies should be called upon to take a concurrent part; they continue unchanged in regard to this intention, and they would therefore make the following recommendations in reference to it.

In the first place it seems to the Commissioners desirable that they should be authorized to open a negotiation on the subject with the Boards in the other Colonies, under such conditions as it may be thought proper to point out—they would then call upon those Boards to seek similar authority from their Governments with a view to the adjustment of a basis on which the measure should proceed.

Such an arrangement appears to the Commissioners the best that can be adopted for the promotion of this object, for if left to the Legislatures themselves much loss of time must necessarily take place. Under the suggested mode the correspondence may be opened by the Commissioners,—such modifications effected in the proposals made by the other Boards as may be thought desirable and found practicable, and the whole matter perhaps so far matured before the next meeting of the Legislature as to need only their approval and confirmation to carry it into immediate operation.

THOMAS BENNETT,

Chairman of Commissioners of Light Houses.

HARBOR GRACE ISLAND LIGHT HOUSE IN ACCOUNT WITH THE COMMISSIONERS.

Dr.

		Sterling.	Currency.
1840.			
Jan. 10.	To R. Oke, Qr. Salary, due 31st December	23 15 0	27 8 1
18.	Paid sundry Accounts outstanding claims	88 2 1	101 13 2
	John Earle, Boat Hire for Oil	1 10 0	
	Jillard, Board	0 6 6	
	J. Soper, Sundries	0 8 9	
	Harrison & Co., Nails, &c.	1 13 2	
	Lee Whiting, Putty	0 11 8	
	Doyle, Postages	0 4 6	
	Boat Hire, 2d time	0 7 6	
		<hr style="width: 100px; margin-left: 0;"/>	5 12 1
March 31.	R. Oke, Qr. Salary	23 15 0	27 8 1
June 15.	Thorne, Hooper & Co., Soap	0 10 7	
	Postages paid by Oke	0 1 6	
	Boat Hire, conveying Oil	3 10 0	
		<hr style="width: 100px; margin-left: 0;"/>	4 2 1
30.	R. Oke, Qr. Salary	23 15 0	27 8 1
	Creed, framing Map		0 9 0
	Cost and Charges of one cask Sperm Oil, 117 galls.		68 14 7
	Paid the Executors of Foley's Estate, 500 gallons Seal Oil	48 19 2	55 9 10
	O'Brien, Account for Calico, &c.		4 19 6
	Ridley & Co., Oil, &c.		5 17 0
	Lilly, Freight of Oil to Harbor Grace		1 0 0
			<hr style="width: 100px; margin-left: 0;"/>
	Carried forward	£330	1 6

APPENDIX.

1840		Sterling.	Currency.
	Brought forward.....	£330	1 6
July 16.	W. E. Taylor, Wick		1 16 0
	R. Woolfrey, Carpenters Work	1 17 6	
	Lee Whiting, Glazing	0 15 0	2 12 6
	John Crute, Cartage		0 7 6
Oct. 1.	M'Bride & Kerr, Wick, &c.		17 5 0
	W. Firth, Brooms, &c.		0 18 0
	M'Iver, Stationery		0 8 6
	Bennett & Co., Chamois Skin		0 7 2
	Do. Paint		1 5 0
15.	M'Murdo do.		1 5 0
	Robert Oke, Painting, and sundry Accounts paid by him		5 4 6
	W. & H. Thomas & Co., Dowlas		2 10 8
	Job Brothers, Calico, &c.		2 7 2
Sep. 30.	R. Oke, Salary one Qr.	23 15 0	27 8 1
	Do. Fuel 12 Months	15 0 0	17 6 2
	Do. to pay for making a Road and Bridge to Light House	15 0 0	17 6 2
Nov. 30.	Postages to this date paid by the Secretary		1 19 0
	Paid Freight of one cask Glass to Harbor Grace		0 2 6
	Proportion Printing Accounts		1 12 0
	Proportion Secretary's Salary		15 7 8
	Do. Office Rent		1 7 9
	R. Oke's order for amount sundries paid by him		4 4 10
			£453 2 8

Cr.

Dec. 31.	By General Account	£453 2 8
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CAPE SPEAR LIGHT HOUSE IN ACCOUNT WITH THE COMMISSIONERS.

Dr.

1840		Sterling.	Currency.
Jan. 10.	To paid E. Warre, labour hire in supplying extra fuel		2 0 0
Feb. 1.	E. Warre, Qr. Salary	23 15 0	27 8 1
May 1.	Do. do.	23 15 0	27 8 1
Aug. 1.	Do. do.	23 15 0	27 8 1
	Paid Cost and Charges of one Cask Sperm Oil, 109 glls.		64 0 6
	Paid the Executors of Foley's Estate 400 glls. Seal Oil	39 3 4	45 3 10
Nov. 15.	Paid McBride & Kerr, Wick and Sundries		13 6 8
1.	E. Warre, Qr. Salary	23 15 0	27 8 1
	L. Crane, Harness Casks		2 12 6
	Thomas Doyle, conveying Oil to Light House		10 13 0
	E. & N. Stabb, half box Soap		0 9 5
	T. McMurdo, Paints		1 1 7
	J. Westcott, repairing Lamps, 2 Accounts		1 17 6
	J. Murphy, conveying Lumber to Light House in 1839		3 0 0
	Stephenson & Son, Edinburgh, Repair of Lamps	3 17 8	4 9 6
			£258 6 10

APPENDIX.

1840.		Sterling.	Currency.
	Brought forward.....	£258	6 10
Nov. 20.	E. Warre, to repay him for injury done by Fire in July		3 0 0
	E. Warre, twelve months allowance for Fuel, paid in		
	August	15 0 0	17 6 2
	O'Brien, 1 M. Board		5 0 0
	H. Langley, one Clock		2 15 0
	Proportion of Printing Accounts		1 12 0
	Amount Secretary's Disbursements		5 11 10
	Proportion Secretary's Salary		15 7 8
	Proportion Surveyor's do.		6 1 2
	Proportion Office Rent, to September 30		1 7 9
			£316 8 5
<i>Cr.</i>			
Dec. 31.	By General Account		£316 8 5

FORT AMHERST LIGHT HOUSE IN ACCOUNT WITH THE COMMISSIONERS.

1840.		Sterling.	Currency.
	<i>Dr.</i>		
Feb. 5.	To Philip Roach, Qr. Salary	11 5 0	12 19 7
May 5.	Do. do. do.	— — —	12 19 7
Aug. 5.	Do. do. do.	— — —	12 19 7
Nov. 5.	Do. do. do.	— — —	12 19 7
	Paid Cost and Charges of one cask Sperm Oil, 90 glls.		52 17 5
	Paid the Executors Foley's Estate, 150 glls. Seal Oil	10 15 5	12 8 7
20.	W. Moore, Glazing		1 1 2
	Bennett & Co., Wick		0 14 4
	Parker & Gleeson, Coals		4 0 0
	W. Blake's Account, Funnelling and Tin Work		3 2 0
	Hunters & Co., 9½ glls. Oil		1 8 6
	Amount Sundry Repairs, viz—		
	Parker, Mason, 2 Accounts	2 1 0	
	Tobin, Carpenters' Work	7 19 7	
	M'Grath, Smith	2 3 0	
	Doherty, Boat Hire	1 10 0	
			13 13 7
	Paid Ryan, Sweeping Chimneys since Dec. 1839		0 17 6
	Proportion Printing Accounts		1 12 0
	Proportion Secretary's Salary		15 7 8
	Proportion Surveyor's do.		6 1 2
	Proportion Office Rent to February 30		1 7 9
			£166 10 0
<i>Cr.</i>			
Dec. 31.	By General Account		£166 10 0

APPENDIX.

GENERAL LIGHT HOUSE ACCOUNT.

Dr.

1840.		Currency.
Dec. 30.	To Harbor Grace Light House	453 2 8
	Cape Spear Light House	316 8 5
	Fort Amherst Light House	166 10 0
	Balance	48 15 4
		£984 16 5

Cr.

1840		Sterling.	Currency.
Jan. 1.	By balance		42 2 7
	Colonial Treasurer this amount	23 15 0	
18.	Do. do.	88 2 1	
	Do. do.	160 0 0	
Feb. 1.	Do. do.	11 5 0	
5.	Do. do.	23 15 0	
Mar. 31.	Do. do.	23 15 0	
May 1.	Do. do.	11 5 0	
5.	Do. do.	23 15 0	
June 30.	Do. do.	23 15 0	
July 15.	Do. do.	98 17 11	
Aug. 1.	Do. do.	11 5 0	
5.	Do. do.	23 15 0	
	Do. do.	15 0 0	
Sep. 30.	Do. do.	23 15 0	
	Do. do.	15 0 0	
	Do. do.	15 0 0	
Nov. 1.	Do. do.	11 5 0	
5.	Do. do.	23 15 0	
15.	Do. do.	190 0 0	
		817 0 0	942 13 10
			£984 16 5

E. E.

St. John's, December 31, 1840.

(Signed)

THOMAS BENNETT,
Chairman of Commissioners of Light Houses.

APPENDIX.

No. 33.

*Contingent Accounts of the several Boards of Road Commissioners,
laid before the House in pursuance of an Address of
Her Majesty's Council to His Excellency the
Governor, dated 19th January, 1841.*

CENTRAL DISTRICT—1838.

		Currency.	
1838.			
Jan. 22.	To Cash paid J. W. M'Coubrey, for Advertising	0 10 0	
	Ditto paid Edward Tobin, for 5 Show Boards	0 12 6	
May 2.	Ditto paid R. J. Parsons, for Advertising	4 5 10	
28.	Ditto paid S. J. Daniel, Secretary, part Salary	40 0 0	
31.	Ditto paid R. J. Parsons, Advertising for Tenders	1 5 0	
June 1.	Ditto paid Thomas Byrne, Surveyor, part Salary	70 0 0	
July 19.	Ditto paid Edward Tobin, Inspector, part Salary	17 6 2	
21.	Ditto paid Daniel Eagan, Inspector, part Salary	34 12 4	
Aug. 14.	Ditto paid John Buckley, for making a Section Level	0 5 0	
		168 16 10	
	Ditto paid sundry persons for assisting Thomas Byrne, Surveyor, in making Survey, &c.	3 13 0	
	Ditto paid Alexander M'Iver, for Stationery	9 9 2	
	Ditto paid S. J. Daniel, Secretary, part Salary	25 7 8	
15.	Ditto paid Henry Winton, Advertising for Tenders	10 11 6	
16.	Ditto paid John M'Coubrey, Advertising for Tenders	6 5 10	
18.	Ditto paid R. J. Parsons, Advertising for Tenders	5 15 10	
Sep. 18.	Ditto paid A. Shea, Advertising for Tenders	8 8 0	
29.	Ditto paid Mrs. Osbourne, for removing a fence in Boden's Cove Street	0 18 0	
Oct. 6.	Ditto paid Thomas Byrne, Surveyor, part Salary	60 0 0	
	Ditto paid William Haddon, Inspector, part Salary	25 0 0	
		155 9 0	
13.	Ditto paid Edward Tobin, Inspector, part Salary	17 6 2	
19.	Ditto paid Daniel Eagan, Inspector, part Salary	17 6 2	
	Ditto paid J. Kennedy, Assistant to the Surveyor	15 0 0	
Nov. 3.	Ditto paid Wm. Haddon, Inspector, part Salary	25 0 0	
20.	Ditto paid John M'Coubrey, Advertising for Tenders	1 3 4	
27.	Ditto paid R. J. Parsons, Advertising for Tenders	0 5 0	
	Ditto paid Ryan and Withers, Advertising for Ten- ders	11 19 2	
		87 19 10	
Dec. 19.	Ditto paid William Haddon, Inspector, part Salary	25 0 0	
31.	Ditto paid Thomas Byrne, Surveyor, part Salary	40 0 0	
	Ditto paid Daniel Eagan, Inspector, part Salary	17 6 2	
	Ditto paid Edward Tobin, Inspector, part Salary	17 6 2	
	Ditto paid S. J. Daniel, Secretary, part Salary	38 16 5	
	Ditto paid for extra work done on Fresh Water Bridge	0 10 0	
	Ditto paid A. M'Iver, for Stationery	3 10 10	
		142 9 7	
	Amount carried forward.....	£554 15 3	

APPENDIX.

Road Commissioners' Contingent Accounts Central District.	1838.	To amount brought forward	554 15 3
	Dec. 31.	Cash paid G. H. Emerson, amount of account furnished for Retaining Fee, and filing Pleas in the case of Pierce Power v. the Commissioners, and preparing Two Bonds	6 6 0
		Ditto paid William Haddon, for sundry Plans and Specifications	21 7 0
			27 13 0
			£582 8 3

E. E.

St. John's, Newfoundland,
December 31, 1841.

JAMES DOUGLAS,
Chairman.

CENTRAL DISTRICT—1839.

1839.			
Jan. 21.		To Cash paid for repairing the Surveyor's Theodolite	0 3 6
Feb. 21.		Ditto paid Stephen J. Daniel, Secretary,	14 5 11
		Ditto paid Henry Winton, Advertising for Tenders	0 11 8
27.		Ditto paid Richard Walsh, for keeping the Road from Topsail to Holyrood clear of Stumps, Trees, &c. &c.	1 0 0
Mar. 1.		Ditto paid George Ryell, for shovelling Snow off the Portugal Cove Road	0 7 0
			16 8 1
8.		Ditto per Mr. Eagan, paid labourers for draining and repairing the Road near Dr. Kielley's Cottage	1 12 6
19.		Ditto paid ditto	0 10 0
23.		Ditto paid James Foley, for clearing a Sewer on the Portugal Cove Road	0 5 0
		Ditto paid William Joy, for assisting in taking Surveys &c.	0 12 6
			3 0 0
April 13.		Ditto paid Thomas Byrne, Surveyor, part Salary	47 17 8
		Ditto paid Daniel Eagan, Inspector, part Salary	17 6 2
		Ditto paid Edward Tobin, Inspector, part Salary	17 6 2
		Ditto per Mr. Byrne, paid for getting Drains and Gratings cleared in sundry Streets	1 12 6
			84 2 6
18.		Ditto paid G. H. Emerson, difference between sterling and currency on account furnished	0 19 4
		Ditto paid Stephen J. Daniel, Secretary, part Salary	14 11 0
26.		Ditto paid John Rogers, for a Measuring Chain	1 4 4
27.		Ditto paid James Berrigan, for repairs on the King's Road	1 12 3
		Ditto paid Labourers employed on the King's Road	0 12 0
		Ditto paid a Mason employed on the Kings Road	0 12 0
			19 10 11
		Amount carried forward	£123 1 6

APPENDIX.

1839.	To amount brought forward	....	....	123 1 6
April 27.	To Cash per Mr. Eagan paid for clearing Grates in Prince's Street	....	....	0 2 6
May 9.	Ditto paid for a levelling Pole	....	....	0 7 6
	Ditto paid Office Rent, Coals, Candles, &c.	....	....	28 16 11
20.	Ditto paid Michael Allen for erecting a Fence on the Ordnance Ground near Fort William	....	....	7 5 0
	Ditto paid James Cuddihy for keeping the Sewers and Grates in the Streets, clear, during the Winter	....	....	5 0 0
				41 11 11
June 29.	Ditto paid Thomas Byrne, Surveyor, part Salary	....	....	47 17 8
	Ditto paid Daniel Eagan, Inspector, part Salary	....	....	17 6 2
	Ditto paid Edward Tobin, Inspector, part Salary	....	....	17 6 2
	Ditto paid Stephen J. Daniel, Secretary, part Salary	....	....	28 16 11
July 5.	Ditto paid for a "Cambist," for Office	....	....	0 2 10
11.	Ditto paid for sundry Repairs on the King's Road	....	....	3 13 0
				115 2 9
	Ditto paid for Repairing the River-head Bridge	....	....	0 8 6
	Ditto paid for Sticks for Waterford Bridge	....	....	4 0 0
13.	Ditto paid W. H. Gaden, for Repairs done on Boden's Cove Street	....	....	6 11 9
20.	Ditto paid William Haddon, Inspector, part Salary	....	....	60 0 0
24.	Ditto paid amount of the Contingent Expenses of the Board of Control	....	....	12 10 0
Aug. 17.	Ditto paid Stephen J. Daniel, Secretary, part Salary	....	....	14 8 5
Sep. 5.	Ditto paid for Repairing the Surveyor's Theodolite	....	....	0 11 6
16.	Ditto paid R. J. Parsons, advertising for Tenders	..	..	8 6 6
				106 16 8
Oct. 1.	Ditto paid Thomas Byrne, Surveyor, part Salary	....	....	47 17 8
	Ditto paid William Haddon, Inspector, part Salary	....	....	30 0 0
	Ditto paid Daniel Eagan, Inspector, part Salary	....	....	17 6 2
	Ditto paid Edward Tobin, Inspector, part Salary	....	....	17 6 2
	Ditto paid Stephen J. Daniel, Secretary, part Salary	....	....	14 8 5
Nov. 4.	Ditto paid John McCoubrey, advertising for Tenders	....	....	6 8 2
5.	Ditto paid A. Shea, advertising for Tenders	....	....	6 17 0
				140 3 7
12.	Ditto paid Stephen J. Daniel, Secretary, part Salary	....	....	14 8 5
25.	Ditto paid A. McIver, for Stationery	....	....	14 18 10
27.	Ditto paid Ryan & Withers, advertising for Tenders	....	....	7 0 0
30.	Ditto paid Labourers, for clearing Gratings in the Town	..	..	0 5 0
Dec. 2.	Ditto paid Henry Winton, advertising for Tenders	....	....	10 10 0
				47 2 3
	Ditto paid Michael Allen, Senr., for Arbitrations	....	....	4 4 0
4.	Ditto paid Labourers for making and clearing Drains on the River-head Road	...	...	0 12 0
7.	Ditto paid for repairs done at the head of Queen's Street, and for erecting a Fence at Mrs. Rielly's on the King's Road	....	....	2 10 7
	Ditto per Daniel Eagan, paid Labourers for repairs in Water-Street	....	....	1 10 0
10.	Ditto paid for Posting up Notices for Tenders at Pouch Cove	....	....	0 1 0
11.	Ditto paid M. Ryan, for building a small Bridge near Waterford Bridge	....	....	1 0 0
				9 17 7
	Amount carried forward	....	....	£583 16 3

Road Commissioners'
Contingent Accounts
Central District.

APPENDIX.

Road Commissioners' Contingent Accounts Central District.	1839.	To amount brought forward	583 16 3
	Dec. 14.	To Cash paid for erecting a Fence in the King's Road	2 2 10
	21.	Ditto paid for Ditto	0 8 6
	31.	Ditto paid Thomas Byrne, Surveyor, part Salary....	47 17 8
		Ditto paid William Haddon, Inspector, part Salary	30 0 0
		Ditto paid Daniel Eagan, Inspector, part Salary	17 6 2
		Ditto paid Edward Tobin, Inspector, part Salary	17 6 2
		Ditto paid Stephen J. Daniel, Secretary, part Salary	14 8 5
		Ditto paid Office Rent, Coals, Candles, &c. &c.	28 16 11
			158 6 8
			£742 2 11

E. E.

St. John's, Newfoundland,
December 31, 1839.

JAMES DOUGLAS,
Chairman.

CENTRAL DISTRICT—1840.

1840.			
Jan. 2.		To Cash paid for Nails to build the Platform at the Safety Wall in Duckworth Street	0 18 7
9.		Ditto paid Richard Walsh, for keeping the Road between Manuel's River and Holyrood clear	1 0 0
		Ditto paid expenses of a Man going to Pouch Cove	0 5 0
21.		Ditto paid for clearing the Grates in the Streets	0 4 0
		Ditto paid for repairing a Fence on the King's Road	0 8 0
25.		Ditto paid Richard Walsh, for keeping the Road to Holyrood clear	0 10 0
		Ditto paid for clearing the Grates in the Streets	0 4 6
		Ditto paid amount of Laurence Maccasey's Account for Board and Plank	1 5 0
12.		Ditto per Edward Tobin, paid labourers for clearing Grates, &c. in the Streets	0 8 6
8.		Ditto per Daniel Eagan, paid for clearing away Snow and widening the Roads, &c. &c.	1 10 0
		Ditto paid John Gorman, for removing Windfalls, &c., off the Bay of Bull's Road	1 5 0
12.		Ditto per Edward Tobin, paid labourer for clearing Grates, &c.	0 17 0
15.		Ditto paid Wm. Haddon's expenses going to Belle Isle	0 10 0
			6 0 0
Feb. 24.		Ditto paid Stephen J. Daniel, Secretary, part Salary	14 8 5
Mar. 21.		Ditto per Edward Tobin, paid Labourers, clearing Grates, &c.	0 5 0
31.		Ditto paid Daniel Eagan, Inspector, part Salary	17 6 2
		Ditto paid Edward Tobin, Inspector, part Salary	17 6 2
April 4.		Ditto paid Stephen J. Daniel, Secretary, part Salary	14 8 5
		Ditto paid Labourers, for clearing Gratings, &c.	1 10 0
			65 4 2
		Amount carried forward	£74 9 9

APPENDIX.

1840.	To amount brought forward	....	74 9 9	Road Commissioners' Contingent Accounts Central District.
April 9.	To Cash paid Labourers, for clearing Gratings, &c.	0 6 0		
15.	Ditto paid Thomas Byrne, Surveyor, part Salary	47 17 8		
	Ditto paid Labourers, for clearing Gratings, &c., in the Streets	0 17 0		
30.	Ditto paid Stephen J. Daniel, Secretary, part Salary	9 13 10		
June 13.	Ditto paid G. H. Emerson, amount of Retainer, &c., in the case of Pierce Power, v. the Board of Road Commissioners	6 1 2	64 15 8	
	Ditto paid G. H. Emerson, amount of Costs and Special Jury in the case of Pierce Power, v. the Board of Road Commissioners	10 18 5		
	Ditto paid Stephen J. Daniel, Secretary, part Salary	14 0 0		
July 13.	Ditto paid B. G. Garrett, amount of Law expenses incurred in the case of Pierce Power, v. the Board of Road Commissioners	3 14 5		
Aug. 11.	Ditto per Edward Tobin, paid Labourers for clearing Grates, &c., in the Streets	0 3 1	28 15 11	
Sept. 4.	Ditto paid G. H. Emerson, retaining fee in the case of John Toor, v. the Board of Road Commissioners	1 5 0		
	Ditto paid Charles Simms, for copy of Contract-form, had in 1838	2 2 0		
Oct. 13.	Ditto paid Stephen J. Daniel, Secretary, part Salary	40 0 0		
26.	Ditto paid Labourers for removing the Stones of the Safety Wall off the Street	0 17 6		
	Ditto paid Labourers for clearing Grates, Sewers, &c. &c.	0 7 6	44 12 0	
Nov. 16.	Ditto paid Stephen J. Daniel, Secretary, part Salary	10 0 0		
28.	Ditto paid C. McManus for Smithwork	0 8 0		
	Ditto paid Labourers for clearing Grates, &c.	0 5 0		
Dec. 7.	Ditto paid Michael Dea, Mason, for building a Wall under the house of John Toor, and for repairing other damages done him when widening and improving Mrs. McCalman's lane	4 10 0	15 3 0	
10.	Ditto paid Mulloy & Rielly for erecting Fences on part of the Bay of Bulls Road	5 5 0		
	Ditto paid Joseph Noad, Esq., for D. Moran's grant of Land, as compensation	0 18 10		
15.	Ditto paid for repairing the Fence at the "Safety Wall"	0 15 2		
	Ditto paid Office Rent, Coals, Candles, &c. &c.	28 16 11	35 15 11	
21.	Ditto paid Archibald Currie, amount of Labour in clearing away the Stones, Rubbish, &c. of the "Safety Wall" which impeded the public passage	0 14 6		
	Ditto paid Stephen J. Daniel, Secretary, part Salary	10 0 0		
30.	Ditto paid Alexander McIver, for Stationery	6 10 6		
	Ditto paid Labourers for clearing Sewers, Grates, &c. in the Streets	0 7 6	17 12 6	
	Amount carried forward	....	£281 4 9	

APPENDIX.

Road Commissioners' Contingent Accounts Central District.	1840.	To amount brought forward	281	4	9
	Dec. 30.	To Cash paid for the Costs of Court, &c., in the case of John Toor, v. the Board of Road Commissioners	8	16	1
		Ditto paid G. H. Emerson's Account, for Warrant, Plea, &c., in the case of John Toor, v. the Board of Road Commissioners	4	0	3
		Ditto paid Michael McLean Little, for an Iron Grating for Water Street	1	5	0
		Ditto paid Joseph Noad, Esq., for John Aylward's Grant of Land on the Bay of Bulls Road—had June 27th, 1839—(given as compensation)	2	9	7
			16 10 11		
			£297 15 8		

E. E.

St. John's, Newfoundland,
December 31, 1840.

JAMES DOUGLAS,
Chairman.

Harbour Grace to
Island Cove, &c.

DETAILED STATEMENT of the Contingencies and other Expenditure disbursed by the Commissioners of Roads and Bridges from Harbour Grace to Island Cove and Bread-and-Cheese Cove—under Colonial Act 1 Vic. Cap. 2.

Dr.

To Cash paid carriage of Money from St. John's	0	7	1	
Ditto Printing	10	18	0	
Ditto Hire of Room to hold Meetings	2	2	0	
Ditto Postages	1	12	6	
Ditto Stationery	1	3	6	
Ditto Secretary	10	0	0	
	26			3 1
Ditto for repair of Windows broken blasting rocks	0	10	0	
Ditto Surveyor	11	10	8	
	12			0 8
	£38			3 9

Cr.

By Cash received from Colonial Treasurer	35	7	6	
By Balance	2	16	3	
	£38			3 9

Under Col. Act 2 Vic. Cap. 3.

Dr.

To paid Balance	2	16	3	
Printing	2	0	0	
Postages	0	17	6	
Stationery	0	19	0	
Hire of a Room to hold Meetings	1	11	6	
Secretary	5	0	0	
Arbitrators' Fees	2	10	0	
	12			18 0
Surveyor	5	15	4	
	£21			9 7

Cr.

By Cash received from Colonial Treasurer	20	0	0	
By Balance due Secretary	1	9	7	
	£21			9 7

E. & O. Excepted.

Harbour-Grace, Feb. 11, 1841.

THOS. RIDLEY, *Chairman.*

DETAILED STATEMENT of the Contingencies and other Expenditures disbursed by the Commissioners of Roads and Bridges in and about the Town of Harbor Grace,

Dr. under the Colonial Act 1 Vic. cap. 2. Cr.

1838.				Currency.	1838.				Currency.
October.	To amount received from the Colonial Treasurer	....		64 0 0	By Cash	....	....	0 12 0
December	Ditto ditto ditto	....		45 15 11	"	paid Printing Expenses	....	17 0 0
					"	" Postages	....	1 12 0
					"	" Stationery	....	1 14 6
					"	Use of the Commercial Room to hold Meetings, &c.	....	3 3 0
					"	Repairs to the Main Road near Riv r-Head	....	1 0 0
					"	Secretary (his Salary)	....	20 0 0
								<u>45 1 6</u>	
					"	Fees of Arbitration in 3 Cases	....	26 13 3
					"	Surveyor (his Remuneration)	....	28 0 0
								<u>54 13 3</u>	
								99 14 9	
						Balance in the hands of G. Thorne, Esq., Chairman,			
						December 1839...	....	10 1 2
								<u>£109 15 11</u>	
				<u>£109 15 11</u>					

E. E.

In the absence of the then Chairman and Commissioners,

WM. CHARLES ST. JOHN,

Secretary.

DETAILED STATEMENT of the Contingencies and other Expenditures disbursed by the Commissioners of Roads and Bridges in and about the Town of Harbor Grace,
Dr. *Cr.*
 under the Colonial Act 2 Vic. cap. 3.

APPENDIX.

1840.	Currency.
To Balance in the hands of the Chairman, brought forward from last Account	10 1 2
January Cash received for Fees of Arbitration, thro' Mr. Rogerson	100 10 0
Ditto ditto for Contingencies, ditto	71 0 0
	171 10 0
Ditto ditto for Compensation to sundries for loss of Land	117 13 0
	117 13 0
	£299 4 2

1840.	Currency.
By this amount of Fees paid sundry individuals, 36 Cases of Arbitration	100 10 0
Ditto ditto paid sundries for loss of Land	117 13 0
	218 3 0
Ditto ditto to Rogerson, Commission on £171 10 at 1 $\frac{1}{2}$ cent	1 14 3
Ditto ditto " " on £117 14 " " " "	1 3 6
for Collecting the same at St. John's	1 0 0
Ditto ditto paid removing rubbish from the Street	8 1 4
Ditto ditto Printing expenses	1 7 0
Ditto ditto Postages	1 8 0
Ditto ditto Stationery	4 10 0
Ditto ditto Coustable, serving 36 notices in Arbitration Cases at 2s. 6d.	3 3 0
Ditto ditto use of the Commercial Room to hold meetings &c.	20 0 0
Ditto ditto Secretary (his Salary)	42 7 1
	28 17 0
Ditto ditto Surveyor (his Remuneration)	3 0 0
Ditto ditto Compensation to Henry Andrews, loss of Land	31 17 0
	292 7 1
Balance in Chairman's hands, to meet sundry unavoidable repairs to the River Head Bridges, &c. &c. Feb. 1841	6 17 1
	£299 4 2

E. E.

JAMES BAYLY, Chairman.

DETAILED STATEMENT of the Contingencies and other Expenditures disbursed by the Commissioners of Roads and Bridges between River Head of Harbor Grace

and Spaniards' Bay, under the Colonial Act 1 Vic. cap. 2.

Dr.

Cr.

20

1839.	Sterling.	Currency.
January 5. To Cash received from the Colonial Treasurer, through Mr. Rogerson	40 0 0	46 3 1
		<u>46 3 1</u>

1839.	Currency.
By Cash paid for Stationery	1 12 6
" " Postages	1 12 0
" " Printing	5 6 8
" Mr. Rogerson's Commission on collecting £46 3 1	0 5 0
" Use of the Commercial Room for Meetings, &c.	3 3 0
" Secretary (his Salary)	20 0 0
	<u>31 19 2</u>
" Compensation to sundries for loss of Land under this Act	14 0 0
	<u>45 19 2</u>
Balance in the hands of the Board, September 1839	0 3 11
	<u>£46 3 1</u>

E. E.

WILLIAM DONNELLY,
JOHN MUNN,
Commissioners.

Road Commissioners' Contingent Accounts Harbour Grace to Spaniards' Bay.

APPENDIX.

DETAILED STATEMENT of the Contingencies and other Expenditures disbursed by the Commissioners of Roads and Bridges between River Head of Harbor Grace and Spaniards' Bay, under the Colonial Act 2 Vic. cap. 3.

Dr.

Cr.

1840.	Currency.	1840.	Currency.
To Balance in the hands of the Board, brought forward from last Account	0 3 11	By amount paid sundry individuals for loss of Land	54 0 0
Cash received from the Colonial Treasurer for Compensation to sundries for loss of Land	51 10 0	“ “ Postages	0 14 0
Ditto for Contingent Expenses	20 0 0	“ “ Stationery	0 4 0
	71 10 0	“ Use of the Commercial Room for meetings &c.	3 3 0
Ditto ditto ditto	35 0 0	“ James Bayley, (Contractor), subsequent alterations in the Line of Road specified per Contract	6 15 0
	£106 13 11	“ Fees of Arbitration, in 12 cases	9 0 0
		“ Mr. Rogerson, Commission on £71 10 at 1 ½ cent	0 14 3
		“ Ditto ditto on £35	0 7 0
		“ Secretary (his Salary)	17 10 0
			92 7 3
		Balance in the hands of the Board, February 1841	14 6 8
			£106 13 11

E. E.

WILLIAM DONNELLY,
JOHN MUNN,
Commissioners.

APPENDIX.

A DETAILED ACCOUNT of the Contingent Expenses incurred by the Board of Commissioners of Roads and Bridges from HARBOUR-GRACE to CARBONEAR—

Road Commissioners' Contingent Accounts

Harbour Grace to Carbonear.

Under the Act 1st Vict. Cap. 2.

		Currency.	Sterling.
1838.	Received from the Treasurer for Contingencies		20 0 0
EXPENDITURE.			
May 2.	Paid Expenses of Commissioners attending a Meeting of the Board at Harbour-Grace from Carbonear	0 5 10	
June 19.	Expenses of Carbonear Commissioners attending a Second Meeting at Harbour-Grace	0 10 9	
	Stationery	0 4 0	
	Surveyor	5 15 5	
	James Doyle, Freight of £10 from Treasurer	0 3 11	
	T. W. Spry, Advertising Contracts	1 1 0	
	J. T. Burton ditto	1 2 0	
July 5.	T. W. Spry ditto	0 10 6	
7.	W. S. Comer ditto	0 16 8	
	R. L. Whiting, for Stakes	0 7 6	
	John Lanan, attendance on Commissioners on the Road	0 5 0	
	Postage	0 2 6	
	James Brown, measuring Road	0 5 0	
Aug. 29.	Michael Howley, for Sundries	0 1 11	
	Secretary	5 15 0	
	Postage, 30th July (double letter)	0 1 0	
	Balance to next Account	5 13 6	
		20 0 0	

Harbour-Grace,
15th February, 1841.

JAMES BAYLY,
Chairman.

Under the Act 2nd Vict. Cap 3.

	Currency	Sterling.
Paid Surveyor		5 0 0
Secretary for writing 4 Contracts, Roads, and General Services		5 0 0
David Connors, for keeping side drains open from 12th Oct. to 12th April		2 10 0
Advertising Contracts	0 10 6	
Stationery and Postages 1838 & 1839	1 0 0	
		1 6 5
		£13 16 5

Harbour-Grace,
15th February 1841.

JAMES BAYLY,
Chairman.

APPENDIX.

Road Commissioners' ACCOUNT of Incidental Expenses incurred by the Board of Commissioners for Roads and
Contingent Accounts
Bridges from CARBONEAR to GRATES COVE.
Carbonear to
Grates' Cove.

1838.		Currency.
April 11.	To Brown, Carpenter, for Plans of Bridges	3 9 3
	Henry Hearder, Umpire, Court Arbitration	4 6 10
	J. T. Burton, Printing	6 6 8
	James L. Prendergast, Surveyor	28 16 11
July 9.	Robert Ayles, Arbitrator, 43 cases	8 13 7
12.	T. W. Spry, Printing	4 1 6
	Simon Levi, Arbitrator, 43 cases	8 13 7
	T. W. Spry, Printing	1 14 0
Oct. 31.	Ditto ditto	1 14 0
	J. T. Burton, ditto	1 10 10
	W. S. Comer, ditto	12 19 0
	Ditto ditto	3 8 0
Dec. 24.	Bemister & Co., Stationery	0 12 3
	Paek & Co., ditto	1 10 0
	Postages and Carriage, Cash	8 0 9
	T. W. Spry, Printing	1 0 0
	J. L. Prendergast, Surveyor	61 12 10
	T. Newell, Secretary, House Room, Fire and Candle	66 13 4
	Compensation for Land under Arbitration	177 15 8
		£402 19 4

Carbonear, 8th February, 1841.

T. NEWELL, *Secretary.*

1839.		Currency.
June 3.	To J. L. Prendergast, Surveyor	40 7 7
11.	James Doyle, Postages	0 14 5
14.	T. W. Spry, Printing	4 3 4
27.	J. T. Burton ditto	2 10 0
July 27.	W. S. Comer ditto	3 0 0
Aug. 10.	Thomas Cook, steps to his door	0 10 0
	John Tobin, ditto	0 10 0
Sept. 3.	John T. Burton, Printing	1 12 0
	T. W. Spry ditto	3 15 0
4.	W. S. Comer ditto	1 10 0
9.	G. Goff, steps to his door	0 10 0
10.	Mrs. Rourke, Nails for fence	0 8 6
Oct. 8.	T. W. Spry, Printing	2 2 6
	Thomas Cook, Nails for fence	0 5 0
9.	John T. Burton, Printing	0 13 4
15.	Simon Levi, Arbitrator	4 13 9
	Robert Ayles, ditto	4 13 9
	Walter Walsh, steps to his door	0 10 0
31.	W. S. Comer, Printing	1 10 0
Nov. 15.	Doyle, carriage £150 Cash	1 10 0
	Henry Hearder, Umpire	1 19 6
	James L. Prendergast, Surveyor, remuneration for extra labour, 1838	£22 0 0 Stg.
	Ditto for ditto ditto 1839	20 15 0
		49 6 6
1840.		
Jan. 4.	James Doyle, carriage Cash and Cartage	1 5 0
	Stationery	2 2 3
	Amount carried forward	£130 2 5

APPENDIX.

1840.	Amount brought forward	Currency.	Road Commissioners' Contingent Accounts
	....	130 2 5	Carbonear to Grates' Cove.
April 10.	James Bealey, repairing Bridge over Carbonear Gut	8 15 0	
Sept. 2.	Postages	1 3 6	
	James L. Prendergast, Surveyor	40 7 7	
 1841.			
Jan. 18.	Postages and Carriage, Cash	5 2 9	
	T. Newell, Secretary, House Room, Fire & Candles, two years	103 0 6	
	J. L. Prendergast, extra labour	5 0 0	
		£293 11 9	

Carbonear, 8th February, 1841.

T. NEWELL, *Secretary.*

The General Accounts sent to the Board of Control have already been sworn to; they contain these two amounts charged for Incidental Expenses, viz. £349 4 7 Sterling, and £293 11 9 Currency.

STATEMENT shewing the Expenditure of EIGHT HUNDRED AND FORTY POUNDS, granted for the Road from CARBONEAR to HEART'S CONTENT,
Under the Acts 1st Vict. Cap. 2—2nd Vict. Cap 3.

Carbonear to Heart's Content.

1838.			98 0 0
To paid Edward Butler, for repairing the Road from Salmon Cove Bridge to Taffety Pond Bridge	....	....	98 0 0
Benjamin Snook, for the Road from Mr. Pack's Farm to Little Beaver Pond Bridge	....	....	29 0 0
Benjamin Snook, for the Road from Little Beaver Pond Bridge to Great Beaver Pond Bridge	....	....	80 0 0
Isaac Bartlett, for repairing Great Beaver Pond Bridge	....	....	8 0 0
Richard Gurge, for repairing the Road from Heart's Content to Salmon Cove Pond Bridge	....	....	82 6 8
Benjamin Snook, for repairing the Road from Ash's Meadow to Bennett's Hill	....	....	5 0 0
Patrick Butler, for Building Drain from Power's to Bennett's Hill	....	....	43 0 9
This Sum drawn for Contingencies as per detailed Account			20 0 0
Robert Ayles, for Surveyor's Fees, 5 per cent. on £420	....	....	21 0 0
Robert Ayles, Secretary's Salary and Room hire	....	....	12 0 0
			398 7 5
 1839 & 1840.			
James Stokes, for repairing 1 Mile Road	....	....	35 0 0
William Everett, ditto 1½ Ditto	....	....	50 0 0
James Redmond, ditto 1 Ditto	....	....	35 0 0
James Redmond, ditto 1 Ditto	....	....	31 0 0
Edmund Cahil, ditto 1½ Ditto	....	....	38 5 0
Isaac Bartlett, ditto 1 Ditto	....	....	32 0 0
Edmund Cahil, ditto 1 Ditto	....	....	31 0 0
Isaac Bartlett, ditto 1½ Ditto	....	....	43 15 0
Michael Meaney, for repairing Road from Mr. Pack's Farm to Beaver Pond Bridge	....	....	67 10 0
			363 10 0
Amount carried forward			£761 17 5

APPENDIX.

Road Commissioners' 1839 & 1840.
Contingent Accounts

Carbonear to
Heart's Content.

	Amount brought forward	761 17 5
To Cash drawn for Contingencies as per detailed Account		30 0 0
Ditto ditto		11 0 0
Robert Ayles, Surveyor's Fees, 5 per cent. on £420	21 0 0	
Ditto Salary as Secretary and for Room Hire	27 0 0	
	48 0 0	
Ditto less advanced him by the Commissioners from Contingency Money drawn by them	11 7 4	
		36 12 8
		839 10 1
Unappropriated		0 9 11
		£840 0 0

DETAILED ACCOUNT of £61 Sterling, received from Sums granted 1 Vict. Cap. 2, and
2nd Vict. Cap. 3, for the Road leading from CARBONEAR to HEART'S CONTENT.

1838.							
Oct. 2.	This amount, £20 Sterling						23 1 7
1839.							
June 24.	Ditto £30 Ditto						34 12 3
1840.							
Aug. 12.	Ditto £11 Ditto						12 13 10
	Sterling £61						Currency £70 7 8

1838.							Currency.
Oct. 8.	Paid James Doyle, Packet-man						0 5 9
10.	Thomas Spry, Printer						6 18 4
13.	George Rice, Assistant, laying out Road						1 2 6
	George Snook						1 1 0
Nov. 24.	Thomas Spry, Printer						1 5 0
	Postage, 2s., ditto 2s. 6d.						0 4 6
	Messenger to Heart's Content						1 0 0
	Isaac Bartlett, Chainman						1 1 0
1839.							
	James Bennet, Smith, Grating for a Drain						1 13 9
	Postages						0 9 6
June	Repairing and clearing part of the Road						1 15 0
	For Stationery						0 12 3
	4 Feet Baulk, and Carpenter's Work						0 10 6
	William S. Comer, Printer						2 7 0
24.	James Doyle, carriage of £31 12 3 Cy., from St. John's, at 1½ per cent.						0 8 9
	Stationery 3s., Postage 1s.						0 4 0
	George Rice	}	For labour assisting Surveyor, determining the line of Road in the Country				3 10 0
	Isaac Bartlett						4 8 4
	William Loder						2 8 10
	Thomas Spry, Printer						4 8 4
	Henry Hearder and William Hanrahan, visiting 6 miles of Road						2 8 10
	Expenses of Commissioners inspecting Road beyond Great Beaver Pond Bridge						0 10 0
July 17.	Messenger to the Rev. H. Hamilton, Heart's Content						1 0 0
22.	Thomas Spry, Printer						5 8 4
Aug. 9.	Ditto ditto						0 8 4
Sep. 18.	Ditto ditto						0 12 6
	Amount carried forward						£39 5 2

APPENDIX.

1840.	Amount brought forward	39	5	2	Road Commissioners' Contingent Accounts
January.	Paid W. S. Comer, Printer	1	12	0	
August 12.	James Doyle, carriage of £12 13 10 cy.	0	9	8	Carbonear to Heart's Content.
	Postages, &c. &c.	0	17	4	
14.	Thomas Spry, Printer	0	12	6	
	Expenses on the Road Plan	0	3	6	
Sept. 4.	James Bayly, for repairs of Drains on the Road leading to Bennett's Hill	5	15	4	
	Thomas Shillebeer, for compensation	1	0	0	
15.	For making Two Drains on Road near Beaver Pond Bridge	5	0	0	
	Advance to Robert Ayles, for extra duty as Surveyor	1	15	0	
	Advanced to R. Ayles, Surveyor, out of his salary, at sundry times	13	2	3	
		Currency £69 12 9			
December.	Paid for half quire Paper 9d.				
Jan. 30, 1841.	Postage 1s.	0	2	9	
	Balance in Treasurer's hands	0	12	2	
		£70 7 8			

WM. BEMISTER,
Chairman.

Carbonear, 1st February, 1841.

DETAILED ACCOUNT of Contingent Expenses incurred by the Commissioners of Roads from SPANIARDS' BAY to NEW HARBOR and DILDO COVE, *Under the Acts 1st Vict. Cap. 2—2nd Vict. Cap. 3.*

Spaniards' Bay to New Harbour and Dildo Cove.

1839.	Paid for Printing	0	10	6
	Owen Chipman, 4 trips to New Harbor with Letters to the Commissioners there	3	0	0
	Postages of Letters	0	12	6
	Stationery	1	5	0
	Richard Hinn, Pilot to New Harbor accompanying Surveyor	2	2	0
	Hire of Office	3	0	0
	Secretary to Board	7	14	1
		Cy. £18 4 1		

WILLIAM DONNELLY,
Chairman of the Board,

Spaniards' Bay, 11th February, 1841.

AN ACCOUNT of the Contingent Expenses incurred by the Board of Road Commissioners from BAY BULLS to CAPE BROYLE, *Under the Acts 1st Vic. cap. 2, and 2d Vic. cap. 3.*

Bay Bulls to Cape Broyle.

To	paid Thomas Byrne, expenses of Survey	10	0	5
"	James Rogers, for Arbitrating on the part of Road Commissioners, in conformity with Sections 10 and 11 of the above Acts	6	3	10
"	Thomas Mokler, ditto ditto ditto	6	3	10
"	Andrew Armstrong ditto ditto ditto	2	1	6
"	For Stationery and Remueration to Clerk from 30th October, 1838, to 30th October, 1840,	10	0	0
		£34 9 7		

PATRICK CLEARY, *Chairman.*
JOHN L. M'KIE, *Commissioner.*

Bay Bulls, February 18, 1841.

APPENDIX.

Road Commissioners' Contingent Accounts

Cape Broyle to Ferryland.

BOARD OF COMMISSIONERS from CAPE BROYLE to FERRYLAND in account with MATTHEW MORRY.

Dr.

To drawing Notices, and sending Messengers to Ferryland and Cape Broyle to put them up, 5 times, viz:—

Noticing Cape Broyle Road	0 10 0
Ditto Rocky Pond Bridge	0 10 0
Ditto Drains and small Bridges, from Cape Broyle to Caplin Bay	0 10 0
Ditto making the Landing good at Rocky Pond Bridge	0 10 0
Ditto Gravelling the Road	0 10 0
Ditto making the Road from Caplin Bay to Ferryland	0 10 0
Drawing 30 Contracts, executing and giving copies of them, 5s.	7 10 0
Noticing Land Holders, and attending to see Arbitrators Sworn	1 0 0
Office Rent for holding the Board, opening Tenders, and giving notice to Commissioners	2 0 0
Stationery	2 0 0
Drawing Returns, Orders, Corresponding with the Board of Control, &c. &c. &c.	1 1 0
	Cy. £16 19 11

Cr.

By this sum allowed by the Board to cover all expenses £8 0 0

NAMES of CONTRACTORS and amount of Money paid on making the Road and Bridges from CAPE BROYLE to FERRYLAND.

1838.

No. 1. James Furlong, for making qr. mile Road	12 0 0
2. John Hynes, for making qr. mile Road	11 9 0
3. Patrick Ryan, for making qr. mile Road	11 15 0
4. Patrick Conley, making qr. mile Road	13 0 0
5. Terrance Tool for making qr. mile Road	13 10 0
6. John Saunders, for making qr. mile Road	13 16 8
Ditto altering part ditto	2 0 0
7. Michael Power, making qr. mile Road	13 10 0
8. Matthew Whelan, making qr. mile Road	13 0 0
9. Cornelius Kelly, for making qr. mile Road	11 15 6½
10. Edmond Keough, making qr. mile Road	13 0 0
11. Michael Kelly, making qr. mile Road	12 0 0
12. Edward Hartry, for making qr. mile Road	12 9 6
13. Richard Furlong, making qr. mile Road	12 0 0
14. Patrick Kelly, making qr. mile Road	13 17 8
Michael Power, for building Rocky Pond Bridge	18 0 0
	£197 3 4½

1839.

James Walsh, for building landings to Rocky Pond Bridge	8 16 0
William Power, for building Clancy's Gully Bridge	2 18 0
Edward Hartery, building Hartery's Bridge	2 15 0
Amount carried forward	£211 12 4½

APPENDIX.

1839.	Amount brought forward	-	-	-	211 12 4½	Road Commissioners' Contingent Accounts
Michael Madden, building Drain Bridges	-	-	-	-	3 7 8	Cape Broyle to Ferryland.
John Cashen, for building Drain Bridges	-	-	-	-	6 17 8	
Matthew Whelan, making ½ mile Road	-	-	-	-	4 5 0	
Edward Sheen, for making ½ mile Road	-	-	-	-	4 15 0	
Charles Hagerty, making ½ mile Road	-	-	-	-	4 10 0	
William Sheen, making ½ mile Road	-	-	-	-	4 10 0	
Lawrence Rossiter, making 33 perches Road	-	-	-	-	3 18 4½	
Kelly & Mollolly, making ½ mile and 5 perches Road	-	-	-	-	9 4 8	
Patrick Ryan, making ½ mile Road	-	-	-	-	4 7 0	
Alexander Rosseter, making 44 perches Road	-	-	-	-	5 8 10½	
John Dullahenty, making ½ mile Road	-	-	-	-	4 4 11	
Edward Keefe, making ½ mile Road	-	-	-	-	3 19 0	
Matthew Whelan, making 46 perches Road	-	-	-	-	4 9 8½	
David Houlehan, making 43 perches Road	-	-	-	-	4 16 9	
John Boulin, for making 44 perches Road	-	-	-	-	4 6 10	
David Power, for making 43 perches Road	-	-	-	-	5 7 6	
John Gregory, for making ½ mile Road	-	-	-	-	4 10 0	
Ann Ryan, for private property	-	-	-	-	7 0 0	
Benjamin Sweetland, private property	-	-	-	-	7 10 0	
Patrick Cain, for private property	-	-	-	-	2 5 0	
John Power, for private property	-	-	-	-	5 10 0	
Rev. T. Browne, private property	-	-	-	-	15 0 0	
Denis Bryan, private property	-	-	-	-	8 0 0	
Benjamin S. Morry, for Surveying, agreeable to the Act	-	-	-	-	5 16 8	
					£345 14 0	

1840, December.

Edward Hartery, for rising 20 perches Road 2 feet, 7s.	-	-	-	-	7 0 0
Patrick Clancy, for digging down Deep-cove Hill	-	-	-	-	4 17 0
Matthew Morry, for Contingencies	-	-	-	-	8 0 0
Edward Aylward, graveling 32 perches, 2s. 2d.	-	-	-	-	3 9 4
					£369 0 4

The following are Contracts entered into but not completed:—

Patrick Bryan,
John Hartery,
Michael Lahey,
Richard Daulton,
Edward Sheen,
Michael Sinnott,
Richard Gorman.

By Act 1st Vic. Cap. 2	-	-	-	-	202 0 0
“ 2d Vic. Cap. 3	-	-	-	-	220 0 0
					Stg. £422 0 0

February 27th, 1841.

GENTLEMEN,

In reply to your communication of this day's date, requesting a Statement of the Contingent Expenses attending the Commission on Roads and Bridges of 1st and 2nd Vic.

APPENDIX.

Road Commissioners' Contingent Accounts
Aquafort to Ferryland.

between Aquafort and Ferryland—I have to state that the sum of £8 13 4 stg. was granted by His Excellency the Governor as a remuneration to the Commissioners for Contingent Expenses.

Supposing the above Statement to be what you require for the information of the Executive

I am, Gentlemen,

Your obedient Servant,

HENRY WINSER,

Late Chairman of Roads and Bridges

between Aquafort and Ferryland.

To

Mr. LUKE BROWNE,

Mr. MICHAEL DEVEREAUX,

*Commissioner of Roads and Bridges
Aquafort to Ferryland.*

Renews to Fermeuse.

LIST OF MONIES paid the different Contractors on the Road from RENEWS to FERMEUSE, with Contingent Expenses incurred by the Board of Commissioners
Under the Acts 1st Vic. cap. 2, and 2d Vic. cap. 3.

D. Flaherty	2 3 4	
Patrick Walsh	10 7 9	
John Paul	8 17 3	
William Row	11 1 10	
James Walsh	5 0 6	
Joseph Higgins	12 4 5	
Walter Keating	11 16 7	
James Rogers, Surveyor and Inspector, for Surveying the Road from Renews to Aquafort £13, half of which sum was on account of the Renews Road	6 10 0	
	68 1 8	
Martin Dunphy	12 17 1	
Thomas M'Carthy	10 10 0	
Edward Conway	13 14 3	
Walter Keating	12 17 2	
Charles M'Carthy	10 18 7	
John Power	11 2 10	
Peter Meagher	10 4 11	
Richard Grant	10 1 5	
Maurice Dooley	11 11 5	
John Hart	12 0 0	
James Riley	11 2 11	
Patrick Walsh	11 2 10	
Patrick Meany	10 5 8	
George Jackman, Surveyor and Inspector	8 1 0	
	156 10 1	
This sum voted by the Commissioners to meet the expenses of drawing Contracts, &c. &c.		6 0 0
		£230 11 9

Renews, Newfoundland,
February 26, 1841.

JOHN W. SAUNDERS, *Chairman.*

APPENDIX.

No. 34.

Memorial of Statute Labour Commissioners.

THE MEMORIAL OF THE UNDERSIGNED COMMISSIONERS OF ROADS
FOR THE DISTRICT OF SAINT JOHN'S,

Appointed under the Act 4th, William 4th.

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.

Most Humbly Sheweth,

That Your Memorialists, actuated by the most disinterested feelings, and with a sincere desire to promote the welfare of the Community in which they live, without hesitation and without delay entered on their duties, and after making the most diligent enquiries and using every possible means to inform themselves what improvements were most required, they proceeded to make such as in the judgment of Your Memorialists were likely to conduce most to the public advantage, and prove of lasting utility.

That in carrying out these improvements Your Memorialists unavoidably incurred a very considerable expense, in fact no one step could be taken by Your Memorialists in the duties of their Commission without an outlay of Money—But as it appeared to Your Memorialists that the Act pointed out the means by which such outlay could be defrayed, they did not hesitate to advance from their own pockets the Money required to further the progress of the improvements they had undertaken to make.

That such outlay eventually amounted to the sum of £361 2 5, in addition to which there is due to various Persons for Tools, Materials, Labour, &c. furnished at the request of Your Memorialists, the Sum of £484 4 9, the particulars of which are set forth in the annexed Schedule marked No. 1, and for which amount Your Memorialists are held liable, in proof whereof Mr. John Canning, the Person employed by Your Memorialists to prepare the Assessment Book, has taken an Action at Law against Your Memorialists to recover the Sum of £120.

Your Memorialists having acted as they considered in strict compliance with the 24th Section of the Act under which Your Excellency was pleased to appoint them, applied to the Magistrates of the Court of Sessions to issue process for the recovery of the Assessments, but to the dismay of Your Memorialists such process was denied to them, and Your Memorialists were told that they must proceed in the recovery of the Sums they sought under a Section in an amended Act passed subsequently to that named above. This latter Section is one imposing such onerous duty on the Surveyors that Your Memorialists found it utterly impossible to act on it, and consequently they remain to this moment in advance to the amount and subject to the liabilities to the extent herein-before named.

Your Memorialists have further to state that from many Persons Land has been taken in order to widen and improve the Streets and Roads in and about the Town of Saint John's and its vicinity, and that to such Persons was awarded, in the manner the Law directs, various Sums of Money as an indemnification for the same, amounting in the whole to the Sum of £986 12s., as particularized in the Schedule marked No. 2. That these several Sums were recognized by the Grand Jury of the Court of Sessions under the provisions of the Act as just, inasmuch as they recommended to the Magistrates in Sessions that an Assessment should be made on the Lands and Tenements of the District for the purpose of discharging the Debt thus incurred. But the Magistrates, who assumed to themselves the right of ordering the collection and of receiving the amount of the Assessments authorized by the Court of Sessions, have experienced such difficulty in the progress of their duty, as to induce them to abandon the collection thereof altogether, and in consequence, as Your Memorialists have been informed, Monies whatever have been collected.

Your Memorialists have devoted a great deal of their valuable time in the service of the Public, for which they have not received the slightest pecuniary consideration or advantage. That the Public are in the actual enjoyment of the improvements Your Memorialists have

APPENDIX.

been instrumental in making, and that many other improvements laid out by Your Memorialists have been approved, inasmuch as they have been adopted by the Board of Road Commissioners for the District of St. John's, subsequently appointed, and Grants of Money have also been made by the Legislature for perfecting them. For the particulars of the improvements made and contemplated by Your Memorialists, they refer your Excellency to the Report which they furnished to Your Excellency dated 1st July, 1837.

Your Memorialists having been actuated in the discharge of their various and arduous duties to the Public by the most disinterested motives, and with a sincere desire to further the objects for which they were appointed, and as Your Memorialists seek only to have extended to them an act of common justice, respectfully solicit that Your Excellency will be pleased to give the subject matter herein set forth by Your Memorialists Your Excellency's kind consideration, and feeling as Your Memorialists do utterly at a loss what other means to pursue whereby they can entertain a hope to reimburse themselves for the Money they have expended, as well as for that for which they are held responsible, making together £845 7 2 and £986 12, to remunerate the Proprietors of Land, humbly pray that Your Excellency will be pleased to adopt such measures as to Your Excellency may seem fit, in order that Your Memorialists may receive the relief required.

And as in duty bound Your Memorialists will ever pray:

C. F. BENNETT,
W. RICHARDS,
JAMES CLIFT.

Saint John's, Newfoundland,
February 5, 1841.

No. 1.

STATEMENT OF THE ACCOUNT OF THE COMMISSIONERS OF ROADS.

To James Finlay, Salary as Surveyor previous to Mr. Henley	54	1	4
P. Mallowney, paid Labour, &c. for Roads	6	5	0
James Cullen, ditto	10	5	3
McBride & Kerr, ditto	23	19	7
Stewart & Cheetham ditto	22	17	5
P. Brown, ditto	5	1	7
Ryan & Withers, Printing	9	0	4
Bulley, Job & Co., Labour and Materials for Roads	5	8	4
Ann M'Larty, Smiths' Work	1	1	6
Bryan Robinson, Law Expenses	9	17	11
Michael McLean Little, Materials, Tools, &c.	2	6	11
Michael Scanlan, Labour, &c.	5	4	7
Henry Winton, Printing	8	8	2
Patrick Gleeson, Smiths' Work	1	12	10
John Bulley, Labour and Materials, Bridge near Theatre	8	19	0
Matthew Dillon, Carting	1	8	2
Thomas Murray, ditto	4	0	2
John Dwyer, ditto	2	6	6
John McCoubrey, Printing	0	5	0
Rennie, Stuart & Co., Labour & Materials, Waldegrave Street	4	2	10
John Shea, Printing	0	10	0
Thomas Ryan	15	15	0
	<hr/>		202 17 5
John Hanley, preparing Assessment Book	50	0	0
	<hr/>		£252 17 5
Amount carried forward	....	....	....

APPENDIX.

	Amount brought forward	£252 17 5
To John Canning, preparing Assessment Book, as per agreement	120 0 0	
Hannibal Murch, ditto ditto	35 0 0	
William Freeman, for Arbitration	77 0 0	
	484 17 5	
Amount advanced by the Commissioners	361 2 5	
	£845 19 10	
To the above advances £361 2 5 paid by the Commissioners		
Interest on ditto from		
1st Jan. 1837, to 1st Feb. 1841, 4 yrs. 1m.	98 14 5	
	£459 16 10	

No. 2.

STATEMENT OF AWARDS MADE TO INDIVIDUALS FOR GROUND TAKEN UNDER THE STATUTE LABOR ACT.

Edward Purcell	£75 15 0
Garrat Hartery	11 19 6
Jeremiah Holohan	85 8 4
William Barns	40 6 8
James Brine	51 17 6
Thomas Gleeson	28 16 0
Arthur Kavanagh	30 15 2
Christopher Ayre	31 5 0
Thomas Burke	31 5 0
Joseph Aylsbury	18 0 0
Elizabeth Calver	65 0 0
William Parker, with Interest at 5 $\frac{1}{2}$ cent. from 14th June, 1837	44 10 0
John Dwyer	29 18 1
John Sheehan	23 0 0
Richard Murphy	74 18 0
James McMannis	7 11 7
Henry Ward	8 15 2
Michael Smiddock	7 12 4
William Pilley	4 5 10
Richard McGrath	5 17 11
James Tracy	28 3 5
Nicholas Croke	31 5 11
William Lacey	11 3 2
Nicholas Thomas	12 11 3
William Cadwill	5 0 0
Charles F. Bennett	86 19 7
James F. Rennie	58 11 7
John Brine	6 0 0
Phebe Undry	40 0 0
Ann Cooksly	30 0 0
	£986 12 0

APPENDIX.

No. 35.

Petition of A. Hogsett, Esq., Clerk Peace, Central District.

To the Right Honorable Lord JOHN RUSSELL, Her Majesty's Principal Secretary of State for the Colonial Department, &c. &c. &c.

The Petition of AARON HOGSETT, Esquire, Clerk of the Peace and Coroner for the Central District of the Island of Newfoundland,

Humbly Sheweth,

That Your Petitioner entered His Majesty's Service, A. D. 1807, as Clerk in the Royal Navy; that in the Year 1810 he was appointed First Clerk of the Victualling Establishment at Minorca, and so continued until 1814, when, upon the Peace, that Island was evacuated; and in 1815, Your Petitioner joined Sir R. G. Keats, as Clerk in the Secretary's Office at Newfoundland, where from time to time he filled the various Offices of Searcher and Waiter of His Majesty's Customs, Deputy Naval Officer and Deputy Sheriff of Newfoundland, which last mentioned Office he continued to hold until 1835, when, on the resignation of Captain Buchan, he was appointed by His Excellency Governor Prescott to the Office of High Sheriff of Newfoundland, with a confident expectation that as his services had on several occasions been acknowledged by His Majesty's Government, his appointment would have been confirmed.

That Your Petitioner was, however, superseded in his Office by an appointment of Mr. B. G. Garrett, from the Colonial Office; the Secretary of State, as it afterwards appeared, not having adverted to the claims of Your Petitioner.

That immediately afterwards the Office of Clerk of the Southern Circuit Court was conferred on Your Petitioner under an impression, kindly expressed by Lord Glenelg, that it would be scarcely less advantageous than that of Sheriff, but the emoluments thereof proving an inadequate compensation for the loss of the Shrievalty, Your Petitioner was appointed by His Excellency Governor Prescott to the Offices of Coroner and Clerk of Peace, which appointments were cheerfully confirmed by Lord Glenelg, who in his Despatch to the Governor was pleased to express his gratification in having the opportunity of thus marking the sense which Her Majesty's Government entertained of Your Petitioner's Services, and of the very favourable testimony which had been borne to his general merits in the addresses which His Excellency had at several times transmitted in Your Petitioner's favor.

That in confirming this appointment to Your Petitioner, Lord Glenelg was impressed with a belief, as expressed in a letter from Sir G. Grey to the Honorable W. F. L. Ponsonby of the 31st October, 1836, that Your Petitioner would thereby be placed in a more favorable situation in point of emolument than if he had been appointed to the Shrievalty of the Island, and the Office of Clerk of the Peace was then made a Patent Office, to which Your Petitioner was duly admitted by Mandamus from Her Majesty and obtained his Commission under the Great Seal of the Island.

That although the appointment thus confirmed did not realize the expectation of His Lordship (the emoluments of Sheriff being in that Year £665, besides allowance for a House and for Coals, Candles and a Servant, equal to at least £120 more, and those of Coroner and Clerk of the Peace, together amounted only to £292, yet Your Petitioner felt grateful, and ceased from further complaint, not doubting but that on a favourable opportunity means would be taken to afford him more adequate compensation, but that in the late Sessions of the General Assembly of this Island an Act has passed entitled "An Act to Establish Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony," whereby if it receive the Royal assent the Fees of the said Office will be reduced to about £60 per annum, which, with the Fees of the Office of Coroner included, will reduce Your Petitioner's Income to less than £100 per annum, or £500 or upwards of that Sum below the Office of Sheriff for which this was supposed an adequate compensation.

That the Table of Fees existing at the time Your Petitioner accepted the Office of Clerk of the Peace, was the same as had existed from the Year 1809, and was framed by the Chief Justice and approved by His Excellency under the Imperial Act 49 Geo. 3, Cap. 27, Sec. 13, which Section is unrepealed; and Your Petitioner therefore in accepting the said Office and taking up his patent had no apprehension that the Fees could be abolished without an adequate

APPENDIX.

compensation for the vested rights of your Petitioner, by granting him a proportionable Salary or otherwise.

That your Petitioner having a large family, is, by the causes aforesaid, reduced to very great straits, and unless speedily relieved by your Lordship, will necessarily fall into an alarming state of distress.

Your Petitioner therefore humbly prays that your Lordship will be pleased to advise Her Majesty to withhold Her Royal Assent from the said Act, entitled "An Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Island," or until adequate provision, by a fixed Salary or otherwise, shall be made for Your Petitioner.

(Signed)

A. HOGSETT,
Coroner and Clerk Peace.

No. 47.

GOVERNMENT HOUSE,
7th July, 1840.

MY LORD,

At the request of Mr. Hogsett, the Clerk of the Peace at St. John's, I have the honor to transmit the annexed Petition addressed to your Lordship.

I have, &c.

(Signed)

H. PRESCOTT.

LORD JOHN RUSSELL.

No. 61.

DOWNING-STREET,
11th August, 1840.

SIR,

I have received your Despatch of the 7th July, No. 47, in which, at the request of Mr. Hogsett, the Clerk of the Peace at St. John's, you transmit a Petition which he has addressed to me.

As you have expressed no opinion on the propriety of acceding to Mr. Hogsett's request, I am unable to form any confident Judgment regarding it, especially as the propriety of the proposed alteration of Fees cannot be estimated without the advantage of exact local information. I would therefore request a report from you on the question, and until I shall be in possession of that report the decision of her Majesty on the Act will be suspended.

I have, &c.

(Signed)

J. RUSSELL.

Captain PRESCOTT, R. N.

No. 58.

GOVERNMENT HOUSE,
24th September, 1840.

MY LORD,

I have the honor to acknowledge the receipt of Your Lordship's Despatch of August 11, No. 61, respecting Mr. Hogsett's Petition transmitted by me in July.

I did not originally make any remark upon this Petition, because the Act to which it refers appeared to be the concurrent work of the two Deliberative Branches of the Legislature. No remonstrance had been presented to either of those bodies, or to me, respecting it, by Mr. Hogsett, or any other party. I had, in my public addresses, recommended a revision

APPENDIX.

of the System of Fees—and the duration of this Act is limited to three years.—Should any public officer present to me a proved case of hardship, resulting from the operation of this Act, I should not fail to bring it under the observation of your Lordship, and to use all my efforts for its correction. The present system will have been eight months in operation in January, when the General Assembly will be again in Session and time will have been afforded to judge of its effects.

I must, at the same time, observe, that for the financial year 1839–40, Salaries were voted for the Clerks of the Peace, in lieu of fees for Criminal Proceedings. I was unable to procure a similar provision for the current year, which I much regretted.

Upon the whole I should consider it advisable to hold Her Majesty's decision upon the Act suspended until its effect shall be manifest. I believe that there will be a considerable reduction in the emoluments of Mr. Hogsett and others, and should the House of Assembly refuse just compensation the Act may be annulled.

I have, &c.

(Signed)

H. PRESCOTT.

Lord JOHN RUSSELL.

DOWNING-STREET,

21st October, 1840.

SIR,

I have received your Despatch, No. 58, of the 24th of September, reporting on the representation which had been addressed to me by Mr. Hogsett, Clerk of the Peace for the District of St. John's, on the subject of the reduction in his emoluments, which he anticipated from the operation of a recent Act of the Colonial Legislature, regulating the Fees and Costs in the Police Offices and Courts of Session.

You will have the goodness to inform Mr. Hogsett that I see no grounds for interfering at present in his behalf. If he should be able, after the Act shall have been a sufficient time in force, to shew that its effect has been materially to diminish his official income, you would, of course, bring the subject under the consideration of the Colonial Legislature, and use your best endeavours to obtain for him, and other Officers similarly situated, adequate compensation.

In deference to your advice, the Royal Assent will be withheld from the Act for the present.

I have, &c

(Signed)

J. RUSSELL.

Governor PRESCOTT, &c. &c. &c.

APPENDIX.

No. 36.

*Copy of Despatch from the Secretary of State for the Colonies,
with enclosures.*

No. 45.

DOWNING-STREET,
2nd June, 1840.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 1, of the 2nd January last, transmitting copy of a Letter from Mr. Spearman, in reply to a communication which you had made to him from the Lords Commissioners of the Treasury, on the subject of Mr. Spearman's increased duties and responsibilities under the Colonial Act No. 101, providing for the safe keeping and due collection of the Colonial Revenue of Customs.

I have referred Mr. Spearman's Letter to the Lords Commissioners of the Treasury, who have at the same time had under their consideration the Act alluded to.

I now enclose for your information copy of their Lordships' reply, objecting to the Delegation to the Governor and Council of the unlimited and uncontrolled discretion of fixing the amount of security to be given by Officers of her Majesty's Customs.

For these reasons Her Majesty has been advised to disallow this Act, and I transmit an order passed by the Queen in Council disallowing it accordingly.

I have, &c.

(Signed)

J. RUSSELL.

Governor PRESCOTT.

TREASURY CHAMBERS,
21st April, 1840.

SIR,

With reference to your Letters of the 13th and 15th February last, and to the Act of the Legislature of Newfoundland, and the proceedings of the Local Government regarding the security to be given by the Officers of the Customs Department, in respect of the responsibility devolving on them for the collection of Colonial Duties, which have therein been brought under the consideration of this Board—I have it in command, from the Lords Commissioners of Her Majesty's Treasury, to request you will state to Lord John Russell that having assented to the employment of the Officers of the Customs Establishment at Newfoundland in the collection of the Colonial Duties, My Lords might not object to those Officers being required to give security to an amount commensurate with the pecuniary trust that must unavoidably be reposed in them in consequence of that employment; although My Lords may observe, that the Legislatures of other Colonies which have availed themselves of the services of the Officers of Customs for effecting collections to an amount greatly exceeding those at Newfoundland, have not considered any such security to be necessary.

But My Lords are not prepared to assent to the Delegation to the Governor and Council of the unlimited and uncontrolled discretion in fixing the amount of security the Officers shall be called upon to enter into, which is provided for by the Act in question; and My Lords are the more confirmed in the opinion that inconvenience would arise from that course, on observing the very large amount of security which the Governor and Council have already proposed to demand from the present Officers.

As regards, for instance, the security called for from the Collector of St. John's, viz. £4000, My Lords must remark, not only that it very greatly exceeds the security required from him in respect of his duties and responsibility under the Board of Customs, but also, that on adverting to the probable amount of the Collection to be made for the Colony, they find that if the receipts were transferred to the charge of the Treasurer by weekly payments, the

APPENDIX.

responsibility of the Collector, as well as the risk unavoidably attending the unnecessary detention of large balances of public money in the Department Chest, might be so very materially diminished, as to render a security from the Collector to the amount of £400 or £500 amply sufficient as regards the Collection under Colonial enactments, in lieu of the very heavy amount proposed by the Governor and Council.

My Lords are consequently unable to give their sanction for the confirmation of the Act of the Local Legislature of Newfoundland, entitled "An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs" which has been submitted to them, and their Lordships have to suggest to Lord John Russell that in notifying to the Governor the disallowance of that Act, His Lordship might point out to His Excellency, and the other branches of the Colonial Legislature, the expediency of adopting regulations for the weekly payment to the Colonial Treasurer of the collections made under Colonial Enactments.

I have, &c.

(Signed)

C. E. TREVELYAN.

JAMES STEPHEN, Esq.

Extract from Report of the Committee of Council for Trade, dated 12th May, 1840, recommending the disallowance of Newfoundland Act No. 101.

"Because it vests in the Governor and Council unlimited and uncontrolled power to fix the amount of security to be given by the Officers of Her Majesty's Customs for the due performance of their respective duties; which power is by law vested in the Lords Commissioners of Her Majesty's Treasury."

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd May, 1840.

Present,

The QUEEN'S Most Excellent Majesty,

Lord Chancellor,	Lord John Russell,
Lord President,	Viscount Palmerston,
Lord Privy Seal,	Viscount Melbourne,
Marquis of Normanby,	Lord Holland,
Lord Chamberlain,	Mr. Labouchere,
Earl of Albermarle,	Mr. Macauley.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of October, 1839, pass an Act which has been transmitted, entitled as follows, viz:

No. 101. An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs.

And Whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to her Majesty that the said Act should not receive her Majesty's Royal Confirmation. Her Majesty was thereupon pleased, by and with advice of Her Privy Council, to declare her disallowance of the said Act, and the same is hereby disallowed accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.

APPENDIX.

No. 37.

*Address to the Governor from certain Members of the Assembly, on
the subject of the Contingencies of the Legislature.*

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, the undersigned Members of the House of Assembly, now residing in St. John's, deeply regretting the inconvenience and suffering to which many of the Servants of the Legislature are at present exposed from the loss of the Contingency Bills of the last two Sessions, and anxious to do every thing within our power for their relief, beg leave to request that Your Excellency will be pleased to pay and discharge all such parts of these Bills as were not objected to by Her Majesty's Council, in which case we pledge ourselves to make provision for such disbursements in the next Session of the Legislature.

(Signed,)

WILLIAM CARSON, *Speaker.*
JOHN KENT.
PETER BROWNE.
PATRICK DOYLE.
E. J. DWYER.
THOMAS F. MOORE.
A. W. GODFREY.
HENRY BUTLER.

Saint John's, May 5, 1840.

*Detailed Account of the Contingent Expenses of the Legislature
in the two Sessions of the Years 1839 and 1840—*

*Paid by Warrants from His Excellency the Governor on the Colonial Treasurer, in compliance with
an Address signed by a majority of the Members of the House of Assembly, dated 5th May, 1840.*

[IN PURSUANCE OF AN ADDRESS FROM HER MAJESTY'S COUNCIL.]

COUNCIL.

	1839.	1840.
Clerk of the Council	£100 0 0	£100 0 0
Ditto Contingent	9 13 3	50 11 7
Ditto Superintending Printing Journals	25 0 0	0 0 0
Usher of the Black Rod	70 0 0	70 0 0
Ditto Contingencies	11 13 10	16 0 4
Master-in-Chancery	100 0 0	100 0 0
Door-keeper	35 0 0	35 0 0
Assistant Door-keeper	10 0 0	10 0 0
Cleaning Council-Room	10 0 0	10 0 0
Printing Journals	77 11 9	88 12 9

APPENDIX.

HOUSE OF ASSEMBLY.

		1839.	1840.
	Speaker	£200 0 0	£200 0 0
	Clerk	100 0 0	100 0 0
	Ditto preparing Journals	50 0 0	50 0 0
	Ditto use of Office	10 0 0	0 0 0
	Ditto Newspapers	7 18 4	7 18 4
	Ditto Contingencies	0 0 0	69 5 4
	Serjeant-at-Arms	70 0 0	70 0 0
	Ditto 2nd Session (of 1839)	0 0 0	25 0 0
	Assistant Clerk	80 0 0	80 0 0
	Ditto Office Rent and Fuel	13 10 0	13 10 0
	Ditto receiving Journals	1 10 0	0 0 0
* J. Kent.	Allowance to *11 Members 1839—		
P. Morris.	12 in 1840	462 0 0	504 0 0
P. Doyle.	McIver, Stationery	32 1 9	76 0 8
P. Winser.	Firth, Coals	0 15 4	0 0 0
A. W. Godfrey.	Ryan & Withers	18 1 0	0 0 0
E. Dwyer.	Daniel, engrossing	3 0 0	0 0 0
H. Butler.	Doorkeeper	35 0 0	35 0 0
P. Brown.	Messenger	30 0 0	30 0 0
H. Emerson.	Under Doorkeeper	25 0 0	25 0 0
J. V. Nugent.	Assistant ditto	25 0 0	0 0 0
T. F. Moore.	Ditto Messenger	25 0 0	0 0 0
J. McCarthy.	Special Messenger	5 0 0	0 0 0
	Freeman, fitting up	24 17 2	25 9 9
N. B.—The	R. R. Holden, engrossing and copying	40 18 4	35 0 0
Eleven first na-	Wakeham, Office Rent	13 10 0	0 0 0
med paid for	Reporter	50 0 0	50 0 0
<i>both</i> years.	Creed	0 0 0	2 12 0
The last only	Contingencies Serjeant-at-Arms	0 0 0	9 13 9
1840.	Hennessy	0 0 0	13 15 0
	Brown	0 0 0	6 11 10
	Cleaning House	10 0 0	15 0 0
	Parsons, Printing	178 18 0	139 2 0
	Newfoundlander, (balance)	53 9 0	0 0 0
	Ditto Journals and Binding	169 10 2	0 0 0
	Sundry small items—T. Kelly, £4 3 4,		
	Door-keeper Contingencies, 7s.		
	T. Meagher, 7s. 6d., Winton,	6 0 11	0 0 0
	Stationery, £1 3 1.		
	Librarian	15 0 0	15 0 0
	Ditto omitted (1838)	18 15 0	0 0 0

APPENDIX.

No. 38.

REPORT of the state and condition of the Streets, Roads and Bridges, on a Survey made during the year 1840.

By THOMAS BYRNE, SURVEYOR.

District of Bonavista.

The District of Bonavista being the most Northern part of the Island where Bonavista Bay. any progress has been made in opening and making of Roads, I left St. John's on the 18th June for that quarter—and proceeded to examine the Road between the harbour of Bonavista and Catalina, a distance of about 10 miles. Road from Bonavista to Catalina (10 miles.) When the Contract which have been entered into for the making of this Road shall be completed, there will be 6 miles of it brought into a fit state for the reception of gravel. This Road has been laid out with some care, although still susceptible of much improvement, particularly between Bonavista and Long Pond, a distance of about 1½ miles, where it might be made shorter, and parts of it brought over less elevated ground. There are 4 miles of it, next to Bonavista, and about 2 miles in detached pieces, partly drained. The Road in these parts is 16 feet wide, with drains on each side; but the drain on the higher side of it appeared to me to be rather shallow, and insufficient to keep the water from running over it. There is about a mile of soft marsh, in separate pieces, which will require a good layer of small boughs, laid thick, or firewood laid close in the middle of the road before the road-material is laid on; the remaining 4 miles are opened 20 feet wide.

The Commissioners for this Road, I have been given to understand, were of opinion that a better Road could be made, and with less expense, on the line which they have adopted, than by running it on a shorter and more level line, which would pass through wet and marshy ground; but, I think, it must now appear evident to them that the latter line would be the most advantageous—for the material which has been taken from the side drains in the wet part of the Road which has been made, has proved much better for its formation than what was taken from the side drains on the dry ground. It may not be amiss to remark that I have seen, in most parts of the Island where Roads are made, and which pass through wet ground of this description, having peat from 3 to 8 inches deep, gravel of excellent quality, to be had under the peat.

There are Contracts entered into for building Bridges over three Brooks, the Bridges. spans of which vary from 5 to 10 feet. "Brenton's Bridge," which is 35 feet long, requires some repair. There are several small Brooks over which Bridges will require to be built, varying in width from 2½ to 4 feet.

This Road will be of great benefit when finished; and may be likened in usefulness to the Road between St. John's and Portugal Cove—the intercourse between the two harbours being very great.—The Vessels belonging to Bonavista anchor in Catalina during the winter, and are "fitted out" from thence for the Seal Fishery in the Spring.

District of Trinity Bay.

Trinity Bay.

ROAD FROM CATALINA TO TRINITY—

(Distance about 18 miles.)

From Catalina there are 11 miles of this line opened to a width of 20 feet; but Road from Catalina to Trinity (18 miles.) from this point there is no trace whatever of a marked line to be found. The part

APPENDIX.

which is opened is comparatively level, except in the vicinity of a Rock called "Royal King William," where the Road is rather steep; but it may be brought, at this point, on a better level, which would a little increase the distance. In several other places it might be made shorter, still preserving as good a level. There are a few brooks to be met with, from 8 to 15 feet wide. Not far from Catalina there are two brooks, one of which is not less than 30 feet wide, and the other about 50 feet, the banks of which are low, and the water spreads occasionally to a distance of 5 perches or more—consequently not a desirable site for a Bridge. From the view which I had of this part of the country, I am of opinion that on a proper examination it would be found that the expense of building Bridges across these two large brooks could be avoided: by keeping the line more to the North-west it would meet the end of the Bonavista Road, without materially increasing the distance.

In the opening of this Road (and the same remark may be applied to most others) a want of experience is manifest, more particularly in clearing away the trees; for in almost every instance the stumps, instead of being rooted out, have been left standing from 4 to 12 and some 18 inches high, which renders it difficult and dangerous to travellers, and involving a further expense, inasmuch as the stumps must be removed before the road can be completed.

ROAD FROM TRINITY TO KING'S COVE.

There is a mile of this Road, commencing at the base of the Court-House Hill, made to the width of 12 feet between the side drains.—Wheel-Carriages can now be used on this part, but the road material is not the best—for if much worked in wet weather it will be easily cut up. The Court-House Hill is steep, and the road, when being laid out, could be brought on a much more level line. There are 2½ miles opened from 12 to 16 feet wide, but most of the stumps of the trees are left standing from 3 to 6 inches high.

Road from Trinity to King's Cove.

I perceive by the Road Act 2nd Vic. Cap. 3, that Commissioners have been appointed for the road between the Grates' Cove and Old Perlican; but through some omission, no sum of money appears to have been granted for it.

Grate's Cove to Old Perlican.

ROAD FROM OLD PERLICAN TO HANT'S HARBOUR.

This Road has been commenced at the rear of the houses of Old Perlican.—There is a mile of it partly made, with two side drains 12 feet apart, and the material which was taken from them has been used on 6 feet wide next the drain on the lower side, to form a foot-path. These drains, even if the rocks which are left in them were taken out, would be insufficient to keep the foot path dry. Were a good side drain made on the upper side of the road, and its contents spread on 6 feet next to it, first taking the peat off the hills, and making sufficient cross-drains, a better path would be formed, and there would be no need of a second side drain until it should be found necessary to make the road wider. The remainder of the road is opened 16 feet wide, but several parts of it are too steep for the purposes of a good road, particularly to the Eastward of Seal's Cove and Russell's Cove, where it is quite impracticable for horses to bring any sort of vehicle. The line of road should be improved in those places before more expense is incurred.

Road from Old perlican to Hant's Harbour.

There is a substantial Bridge built in Lance Cove, the flooring of which is upwards of 30 feet long by 12 feet wide—the work and materials are excellent.

Lance Cove Bridge.

On this line there are 7 Brooks from 10 to 16 feet wide—five, from 5 to 8 feet wide—one, 20 feet, and another 50 feet wide. A good bridle-path is made next to Hant's Harbour, extending about half a mile, and several good Gardens already present a pleasing variety in this part of the country; but the land in the immediate vicinity of Hant's Harbour is rocky and barren.

SEAL'S COVE BRIDGE.

The flooring of this Bridge is 55 feet long by 12 feet wide. It has 4 dry stone abutments 4 feet high by 3 feet thick; this is a strong Bridge, but is yet in an unfinished state. The width of the brook over which this Bridge is thrown is only 20 feet; one-half of its length would therefore be more than sufficient if it were built at right angles with the brook, but then there would be a turn in the road on each side of the Bridge.

Seal's Cove Bridge.

APPENDIX.

ROAD FROM HANT'S HARBOUR TO HEART'S CONTENT.

This Road commences at the back of Hant's Harbour—keeps on a considerable level convenient to some ponds, and nearly on the lowest elevation for about $3\frac{1}{2}$ miles; it thence crosses a ridge of good land near Silly Cove, a distance of $5\frac{1}{2}$ miles. Notwithstanding that this Road has been laid out with care, it may still be much improved. There is some gross timber to be found on this part. Here also is a Brook 60 feet wide in the centre of which is a small Island. There are a few other smaller Brooks about 4 feet wide each. From Silly Cove it crosses a long ridge to Turk's Cove, (distance $1\frac{1}{2}$ miles) it thence crosses another ridge and descends nearly as low as tide water at New Perlican, it then rises and sweeps round the head of the Harbour, a distance from Turk's Cove $1\frac{1}{2}$ miles.—From New Perlican it crosses another ridge and descends with steep inclinations to Heart's Content, (distance $2\frac{1}{2}$ miles.)

Road from Hant's Harbour to Heart's Content.

This line of Road might be made shorter and more level at New Perlican, and thence to Heart's Content, by sweeping the sides of the ridges to the Eastward of Heart's Content and New Perlican.

From Silly Cove to Heart's Content, (distance about $5\frac{1}{2}$ miles) the Road is opened 16 wide, but having only 6 feet in the centre partially cleared of stumps. In this distance there are 2 small side drains but very insufficiently formed, and consequently of but little service. The material taken from these drains has been spread on the middle of the Road. There is about $\frac{1}{2}$ mile of marshes in detached pieces which require cross drains to draw the water from the side drains, which are useless while the water remains in them. At this part there are 3 Brooks from 15 to 20 feet wide.

Silly Cove to Heart's Content (5½ miles)

BRIDGE AT NEW PERLICAN.

This Bridge is 192 feet long by 12 feet wide. It has 7 abutments of dry stone work 12 feet by 8.

Bridge at New Perlican

This Bridge still remains unfinished, and will be useless until the Road is filled in and raised at the Western end. It is built over a small shallow pond, from which a considerable brook runs. The materials and workmanship are good, but the plan is defective, as the beams over the span are not sufficiently long to reach to the solid part of the abutments.

The line of Road passes through private property at Hants Harbour, Silly Cove, Turk's Cove, New Perlican and Heart's Content, where it is yet to be opened.

ROAD FROM HEART'S CONTENT TO HEART'S DELIGHT—

(Distance about 10 miles.)

This Road is opened and passes over several ridges with steep inclinations, on parts of which are to be found tracts of good land; it also passes over marshes and barrens. This line, I think, may be much improved.

Road from Heart's Content to Heart's Delight (10 miles.)

I have learned that the Commissioners for this Road have entered into Contracts (as far as their limited means would permit,) to make such a bridle-path as the one between Heart's Content and Silly Cove, and are about improving the line which is opened. There were about 40 perches of the contemplated improvement opened and partly made in the month of July. On an examination near Heart's Content, where the work commenced, and where the Road rises over a high ridge, I found the line, in several places, descending, where it ought to be gradually ascending to that part of the ridge where the Road would be at its greatest elevation; and in other places it is ascending more abruptly than need be. Were this Road laid out in such a manner as to secure the best level, it would open a tract of excellent land; and such a direction for it may be pointed out with but little trouble. Although the line is not very steep opposite the Harbour of Heart's Delight, it could be brought on a better level, and nearer to the water's edge, which would be of much benefit to the inhabitants of that neighbourhood. The land at Heart's Delight is of a good quality.

There is a good strong Bridge built at Heart's Desire, the span of which is 11 feet by 10 feet wide; the abutments are of dry stone. On this line of Road there are 3 brooks from 10 to 15 feet wide, and 6 others from 3 to 4 feet wide, besides the

Bridge at Heart's Desire.

APPENDIX.

BROOK AT HEART'S DELIGHT.

Bridge at Heart's Delight

The width of water, where the Road meets this Brook, is 50 feet. There is a better site for a Bridge a few yards lower on the Brook, where the water is no more than 33 feet wide. Nothing, however, has yet been done towards the construction of a Bridge across this Brook.

District of Conception Bay.

Conception Bay.

Bridges.

BRIDGES AT HOLYROOD, CHAPPEL'S COVE, HARBOUR MAIN, SALMON COVE, COLLIER'S, TURK'S GUT, AND SOUTH SIDE OF BRIGUS.

Holyrood.

There are 2 Bridges built over the river at the Northern Arm of Holyrood; the span of each is 26 feet, width 12 feet. The abutments are constructed of solid rocks, and some short shores; the average height from the bed of the river is 17 feet. The railings are strong, and the king-posts are well strapped with iron. These are good Bridges, but would be much stronger if the braces to the king-posts were sufficiently long so as to rest over the abutments, and a cross-beam placed under the king-posts to strengthen the middle beams.—There is a small Island in the river; which partly forms an abutment for each of these Bridges.

BRIDGE AT HARBOUR MAIN.

Harbour Main.

The span of this Bridge is 21 feet; in other respects it is built in the same manner as the Bridges at the Northern Arm of Holyrood.

BRIDGE AT THE SOUTH SIDE OF BRIGUS.

South Side of Brigus.

The abutments of this Bridge are built of dry stone; its span is 15 feet and its width 12 feet. It is constructed in other respects in a similar manner with the above.

BRIDGE AT CHAPPEL'S COVE.

Chappel's Cove.

The span of this Bridge is 17 feet, and its width 15 feet; in other particulars it is built as the foregoing Bridge.

SALMON COVE BRIDGE.

Salmon Cove.

The abutments of this Bridge are built of masonry 4½ feet high. Its span is 58 feet. The workmanship of this Bridge is good, but the flooring of it would be considerably stronger if there had been two additional pair of braces under it, and king-posts placed in the principal braces with cross-beams properly strapped to them.—The ascent to the centre of the Bridge is rather steep. The following plans will further explain the improvement alluded to

(Here follow the Plans.)

BRIDGE AT COLLIER'S.

Collier's.

The span of this Bridge is 33½ feet. The abutments are built in wharf form, but in other respects it is constructed as the Bridge at Salmon Cove.

BRIDGE AT TURK'S GUT.

Turk's Gut.

There is a wharf in the centre of this Bridge, the spans on each side of which are 17 feet,—The width 12 feet. The entire length of the Bridge is about 55 feet. If the flooring were better fastened it would be a tolerable good Bridge, though the materials and workmanship are coarse.

ROAD BETWEEN THE SOUTHERN ARM OF HOLYROOD AND BRIGUS.

Road from Holyrood to Brigus.

This line passes through some private property at Holyrood, but part of it is not yet opened. It also passes over a considerable ridge between the Southern and Northern Arms of Holyrood, (distance 2 miles.) On the Northern side of the ridge there is a steep hill, where the line, by curving a little to the Eastward, would be eased considerably. In this part there is a mile, in separate pieces, in progress of

APPENDIX.

making. The line is opened 24 feet wide, but the stumps of the trees are left standing from 3 to 8 inches high, the removal of which will be nearly as expensive as if it had to be opened anew.

From the river of the Northern Arm of Holyrood to Salmon Cove, the line as laid down on the preliminary survey made by Mr. Green (distance 3½ miles) is opened in the same manner as the Road between the Northern and Southern Arms of Holyrood. It keeps upwards of 2 miles from Chappel's Cove and Harbour Main, preserving a good level and passing through several firm though wet marshes. These marshes not being extensive, it is not difficult to procure good road material. Although the line has been opened for the last 4 years, but few persons have availed themselves of it, there being scarcely the sign of a foot-path to be observed, except near Salmon Cove. Whether this arises from the marshes not being drained, and a bridge built over the river of the Northern Arm of Holyrood, on this line, or that Travellers are generally ferried to the Northern side of Holyrood, and prefer passing through the inhabited neighbourhood of Chappel's Cove and Harbour Main, it may be difficult to determine; but I should be inclined to attribute it more to the latter cause.

The Bridges which are built over the river at the Northern Arm of Holyrood, and which have been already described, are situate about ½ mile from this line.—The Commissioners are inclined to bring the Road over these Bridges by Chappel's Cove and Harbour Main, and there are now 264 perches of road, in detached pieces, in progress of being made in the neighbourhood of Harbour Main and Chappel's Cove. Notwithstanding that this line has to cross 3 considerable ridges and to descend nearly to tide-water at Chappel's Cove, and Harbour Main, there can be comparatively a good Road made, if it is properly laid out; besides, it would be more advantageous for Agriculturists than the former line. It will, however, pass through several lots of private property, and increase the distance about 2½ miles.

From Salmon Cove to Brigus the distance is 11 miles, and the Road passes over several ridges and has very steep inclinations from 2 to 10 perches long. There are other inclinations from 10 to 80 perches long but not so steep. The Road, for a distance of about a mile near Salmon Cove, and about 3 miles next to Brigus, is firmly made and prepared for gravel. The remainder of it, except 2 miles on both sides of Turk's Gut ponds, is partly drained and levelled, but not well prepared for gravel.—There are parts of the 2 miles alluded to, as yet almost impassable, and the side drains merely marked out.

There are two Bridges built near a place called Pool, the span of one is 7 feet and the other 10 feet—width 12 feet. The abutments are built of dry stone 3 feet high. There is also another Bridge built over a gully called Emberly's Gully, the current of which is slow. The flooring of this Bridge is 90 feet long by 12 feet wide. The abutments are built in wharf form 3½ feet high. This Bridge might have been made considerably shorter, had the road been raised through the gully from 2 to 3 feet high. The bridges which have been thrown across the smaller brooks and cross drains have been built in a temporary manner, and are getting out of repair. Some of them will shortly (if not attended to) become dangerous for horses or cattle to pass over.

In the opening of this Road the same inexperience is evident as on the line from Catalina to Trinity. The stumps or roots of the trees have not been taken out, and they are now, in many places, (after the levelling and draining of the road has been completed) projecting several inches above the surface. Many cavities are also formed and are becoming dangerous. This is the result of using trees and boughs for the purposes of filling and levelling and then throwing sods and clay over them. This practice should be avoided, particularly on dry ground, and if at all allowed, should only be on soft peaty marshes.—Cars are frequently used on this road, for a few miles next to Brigus, bringing firewood, staves, &c.

STREETS IN BRIGUS.

POND HEAD STREET.

This Street is 45 perches long and 20 feet wide, passing mostly through a Pond. It has retaining walls from 2 to 6 feet high, and two Stone Bridges 12½ feet span, with semi-circular arches sprung from the foundation, the retaining walls of which are from 2 to 6 feet high, coming to the level of the Street, which is nearly horizontal and a little above tide-water. A side railing would be very necessary, particularly over the water. The Road from the School-house at the Northern end of this Street, to Ballynamona (distance 55 perches), and thence to the Holyrood Road

North Arm of Holyrood to Salmon Cove.

Salmon Cove to Brigus.

Pool Bridge.

Bridge at Emberly's Gully.

Brigus.

Streets.

APPENDIX.

(distance 46 perches), being in the suburbs, might come under this head. They are good firm Roads: on the former there is a wooden Bridge built, $16\frac{1}{2}$ feet span, with dry stone abutments three feet high. This bridge is tolerably well built. On this part of the road, a side drain and a larger cross-drain or Bridge over Byrne's Brook would be necessary, to prevent the water from running over it. On the latter road there is a Stone Bridge, built much in the same manner as those at the Pond-head.

WOODEN DRAW-BRIDGE AT BRIGUS.

Drawbridge.

The entire of this Bridge is 260 feet long and 12 feet wide; the flooring is of plank; its height is about 8 feet—has 8 spans, with abutments built in wharf form, except those under the Draw-bridge (the span of which is 20 feet) which are of stone. These are 16 feet thick, and are getting out of repair. The coin-stones should be of larger dimensions than those in the work, and should also be secured with cramp-irons.

The land in the neighbourhood of Brigus being fertile, there are several persons settling along the roads towards Holyrood and Spaniards' Bay. A gentleman who is building on the latter road, about $2\frac{1}{2}$ miles from Brigus, informed me that the first crop which he had off one Acre and a half of land, left him Four pounds profit after paying all expenses attending it; and that he is now preparing 4 or 5 acres more for the ensuing Spring.

ROAD FROM BRIGUS TO SPANIARDS' BAY.

(Distance $8\frac{1}{2}$ miles.)

Road from Brigus to Spaniards' Bay.

This Road has a good entrance into Brigus, and the line has but few steep inclinations. The part next to Brigus is firmly made—a considerable share of gravel having been used in its formation. Parts of the ridges next to the Southern Gut being side-long, require to have the cross-section more level previous to its being prepared for gravel. There are two bridges built on this road; the span of one is 18 feet, and that of the other 12 feet; the abutments of each are built with stone about 3 feet high, and their width is 12 feet. There are also two smaller bridges crossing brooks, and a few cross-drains which want repair. The road between the Southern and Northern Guts (distance one mile) being partly along the back of the Beach, is nearly a horizontal level. It then crosses a considerable ridge, and undulated ground: from thence it passes over level land opposite the harbour of Bay Roberts, and descends a low ridge to Spaniards' Bay Bridge. On this part there are two Bridges built—one 8 feet and the other 10 feet span. There is plenty of gravel to be found on this line. The side and cross-drains are insufficient to keep the road dry, and parts of it are coarse and unprepared for gravel.—Wheel-vehicles are frequently used on this road to Brigus.

ROADS IN THE TOWN OF PORT DE GRAVE.

Town of Port-de-Grave.

Bridges.

There are 61 perches, in 7 detached pieces, from 40 to 345 feet long, made—the average width of which is 12 feet. This work was difficult to perform, having in one place to cut through a hill 100 feet long, partly rock, 6 feet high in the centre, off nearly to nothing at both ends. There are rocks on the upper side of the road from 15 to 20 feet long, lowered from one to 3 feet. The lower side is raised from 1 to 10 feet, with retaining dry walls. There is upwards of 200 feet of railing on this side of the road. A Stone Bridge is built, with semi-circular arch—the span $3\frac{1}{2}$ feet, the abutments $1\frac{1}{2}$ feet high. There is also another Bridge, the span of which is 8 feet, the flooring 32 feet long, the abutments 5 feet high; the entire of the work is strong.—Better side-drains and a few more cross-drains, are required, to prevent the water from running over the road. A Bridge of 3 or 4 feet span is also necessary to be built over a brook which runs across the road.

ROAD AT BAY ROBERTS.

Bay Roberts.

There is a mile of Road here, mostly 16 feet between the side-drains, running in a Westerly direction from the Meeting-house and Church. The entire line is gravelled and is as well-finished a Road as any in the Bay.

APPENDIX.

BRIDGES AT THE SOUTHERN AND NORTHERN GUTS OF PORT-DE-GRAVE.

The span of the Bridge at the Southern Gut is 60 feet, and that of the Bridge at the Northern Gut is 62½ feet. Both are built in the same manner as the Bridge at Collier's. The beams or braces of these Bridges are too weak for the spans, without the aid of king-posts in the middle of each. One of the braces in the Northern Bridge (10 by 9 inches) is cracked in the middle, which, if not early attended to, will soon bring the Bridge down.

Bridges at Northern and Southern Guts, Port-de-Grave.

SPANIARD'S BAY BRIDGE.

The wooden part of this Bridge is 320 feet long—about 8 feet high and 11 feet wide. The abutment are built in wharf form. There are 10 spans, having 3 beams on each, from 7 to 8 inches in diameter, to support the flooring. The embankment on the Northern end is 290 feet long, the average height of which is about 2½ feet.

Bridge at Spaniards' Bay.

ROAD FROM SPANIARD'S-BAY BRIDGE TO THE RIVER-HEAD OF HARBOUR-GRACE.

(Distance 5½ miles.)

From the Bridge to Northern Cove, (distance 2 miles) the road passes over undulated ground of low elevation, and runs along by three short beaches. It afterwards crosses a high ridge with long and steep ascents, and thence it descends to River-Head. At Spaniards' Bay there are 2 miles firmly made—the top of the knaps and some of the hills have been lowered from 1 to 3 feet and brought into vallies, and some gravel has been spread on the surface. The remainder of the road is partly drained and leveled; but parts of it on the North side of the ridge is too slanting, and the rocks and stumps which project over the surface should be removed, and the cross-section made more level previous to gravelling.

Road from Spaniards' Bay to the River-head Bridge at Harbour-Grace.

There are four Bridges on this road, the largest of which is 19 feet span; it is much sunk on one side. The span of the others is from 10 to 15 feet—width 12 to 14 feet.

Bridges.

ROAD FROM THE RIVER-HEAD OF HARBOUR-GRACE TO THE TOWN OF HARBOUR-GRACE.

This Road runs along the side of the Harbour, and the greatest part of it is a perfect level. It is firmly made, but parts of it are uneven with rocks. The side and cross-drains should be better, in order to prevent the water from flowing over it. The Fences near the Town have been removed back to give a road-way of 30 feet—for which the Commissioners (I have been told) had to remunerate the parties concerned. The span of the Southern Bridge at River-Head is 24 feet—width 14 feet. The dimensions of the Northern Bridge are much the same, and it is built after the same manner. The span of the Middle Bridge is 10 feet, and the abutments are 4 feet high; in other respects it is similar to the Northern and Southern Bridges. These Bridges are much in want of repair.

River-Head Harbor-Grace.

Bridges.

BRIDGES OVER MARTIN'S, FOX'S AND PRENDERGAST'S BROOKS.

These are Stone Bridges. The one over Prendergast's Brook is 7 feet span, with a semicircular arch—the width 50 feet—the height of the parapets 3½ feet, and 19 feet long, and covered with cut stone. The one over Martin's Brook is 7 feet span—width 30 feet—has a parapet on each side 13 feet long. The one over Fox's Brook has only one parapet, 14 feet long; but then there is an addition to it of 58 feet, covered with wood; in other particulars it is similarly constructed as the Bridge over Martin's Brook.

BRIDGE OVER BEAR'S COVE BROOK.

The abutments of this Bridge are 6½ feet high—the retaining walls upwards of 70 feet long—the span 17 feet—width 13 feet. This is a good strong Bridge, having stone abutments.

STONE BRIDGE OVER SAMSON'S BROOK.

The work of this Bridge is in progress. The span is to be 9 feet—the width to be 30 feet—the height of the parapets, from the bed of the brook, 12½ feet, each of which is to be 15 feet long, coped with cut stone, and cramped.

Bridge at Samson's Brook.

APPENDIX.

ROAD FROM MESSRS. THORNE, HOOPER & Cos. PREMISES TO BEAR'S COVE BRIDGE, INCLUDING HARBOUR-GRACE STREET.

Streets at Harbor Grace.

The distance between the premises of Messrs. Thorne, Hooper & Co. and the commencement of the Carbonear Road is 188 perches, 40 of which are, on an average, 30 feet wide—the remainder 50 feet wide—the fences, &c. having been thrown back for that purpose. The street runs parallel to the harbour, preserving nearly a horizontal level. It has no side drains, and the cross-section has mostly an inclination from the North side towards the Harbour, which, in a great measure, prevents the rain and other water from accumulating, but at the same time facilitates the washing off of the gravel. The road from the Carbonear road to Bear's Cove Bridge (distance 132 perches) runs also in a parallel line with the Harbor, and is nearly a perfect level. This road has a good foundation, and is in progress of making. There is a good drain on the water's side, leaving the road way 30 feet wide.

ROAD ON THE SOUTH SIDE OF HARBOUR GRACE.

South Side of Harbor-Grace.

This line runs along an old track not far from the water's edge, with several curves and slight undulations. There are two miles and a half in progress of making—16 feet wide between the side drains.—The cross-drains are small, some of which are built with stone and sods and covered with flags—these will soon founder. Flags are very indifferent covering for cross-drains, except they are covered with, at least, one foot of good road-material. There are many Settlers along this Road.

ROAD FROM THE RIVER-HEAD OF HARBOUR-GRACE TO ISLAND COVE AND BREAD-AND-CHEESE COVE.

Road from Harbor-Grace to Island Cove and Bread-and-Cheese Cove.

This Road crosses two high ridges, and is opened 24 feet wide, and partly drained—(distance to the angle of the Branch Roads 2½ miles). The Branch Road to Island Cove is a quarter of a mile long, and the Branch Road to Bread-and-Cheese Cove is a half a mile long, which is in progress of draining and leveling. Several solid rocks have been removed from upwards of 100 yards of the former Branch, and many small vallies have been filled from 1 to 3 feet high.—There are two Bridges on this Road, and one on each of the Branch Roads—the abutments of which are 3 feet high—width from 12 to 16 feet—the spans 8, 10, 12, and 17 feet respectively.

ROAD FROM HARBOUR-GRACE TO CARBONEAR—

(Distance 3½ miles.)

Harbor-Grace to Carbonear.

This line of Road crosses two considerable ridges which are craggy and undulated. Several hills have been cut from 1 to 4 feet deep, and embankments raised from 1 to 3 feet. The road-way is 20 feet wide, and made smooth. On the Southern side of the ridge, next to Harbor-Grace, the water occasionally flows over the road. The bed of the brook, in this place, should be lowered, and a free run given to the water from the road. The Bridge over Powell's Brook is in a decayed state; there is one of the beams broken down, and the others will soon fall.

There is a considerable intercourse on this road; and a public car for the conveyance of travellers, runs daily between both towns. I am of opinion that on a close examination there could be considerable improvements made on this line; and that it could be brought at a lower rate of inclination, without materially increasing the distance.

ROAD FROM THE NEW ROAD TO CARBONEAR TO MUSQUITO.

Musquito.

This Road runs through a comparatively level valley. There are about 200 perches of a main road, part of which is rather sidelong, and part levelled. There are drains on the entire, 20 feet apart. From the end of the main road there are two branch roads, leading to Musquito beach, half a mile of each is drained and levelled. About 80 perches of both branches yet remain to be opened, which will take in some private property. There is a Brook 15 feet wide on the Eastern branch, over which a Bridge ought to be built.

APPENDIX.

DRAIN FROM BUNKER'S HILL TO THE METHODIST CHAPEL.—

(CARBONEAR.)

This is an open drain, nearly a $\frac{1}{4}$ mile long, from 4 to 6 feet wide and $2\frac{1}{2}$ feet deep. It is of much benefit to a considerable part of the town, as it prevents the water, which runs from the hill in the rear, from inundating the streets and houses. There are parts of the banks or sides of the drain falling in. To make this a permanent benefit, it would be necessary to build a wall on each side, and to flag the bottom. Were this drain continued to the Westward, with an inclination towards the pond, it would collect and carry away the waters which occasionally accumulate and overflow the Western end of the town.

Carbonear.
—
Drain from Bunker's Hill

CULLIN'S BROOK.

There is a drain over this Brook, 244 feet long, 2 feet deep by 3 feet wide.— The walls are built of dry stone, the bottom is flagged, and the top covered with wood.

Cullin's Brook.

DRAIN AT SLADE, BIDDLE & Co's.

This drain is built in the same manner as the one over Cullin's Brook.

LEGG'S BROOK.

There is a drain over this Brook, built as that over Cullin's Brook.

Legg's Brook.

PACK'S BROOK.

Over this Brook there are two Bridges built, with an embankment of 53 feet long between them, which is breasted with dry stone-work. The abutments of the Bridges are also of dry stone, 6 feet high. The spans 21 and 22 feet—width 15 feet. There are good materials and workmanship in these Bridges.

Pack's Brook.

POWELL'S BROOK.

The span of the Bridge over this Brook is $20\frac{1}{2}$ feet—width 15 feet—the abutments are built of dry stone 5 $\frac{1}{2}$ feet high. It has a retaining wall 40 feet long. The materials and workmanship of this Bridge are good.

Powell's Brook.

BRIDGE OVER THE GUT AT THE BEACH OF CARBONEAR.

The span of this Bridge is 33 feet—width 15 feet. It has an embankment of 54 yards long built to it. This Bridge is now much in need of repair, and I am of opinion that the abutments ought to be raised. The path along the Beach, and leading over this Bridge, is much more convenient to the inhabitants on the South Side of Carbonear and on the London Pond road, which are populous neighbourhoods, and also to travellers to and from Harbour-Grace, than the road over Pack's Bridge. The latter is at least double the length of the former.

Bridge at Carbonear Beach.

ROAD FROM POWELL'S BROOK TO JOHN BUCKINGHAM'S—

(Distance $\frac{1}{4}$ mile.)

This Road is partly levelled and prepared for gravelling.

Road from Powell's Brook to Mr. Buckingham's.

MAIN STREET OF CARBONEAR.

This Street runs nearly parallel to the harbour, with few but long planes, the steepest inclination of which is easy of ascent. The road-way is good, but there are not sufficient side drains or gutters to prevent the water from running over the Street. It is from 16 to 30 feet wide, and about $\frac{1}{4}$ mile long. There is a covered drain leading from the Heart's Content road, which is 2 feet square, and 170 yards long, and built in the same manner as the drain at Cullin's Brook.

Carbonear Main Street.

ROAD TO IRISH TOWN.

This Road is from 17 to 20 feet wide. It is even and well made.

Irish-Town.

ROAD FROM HARBOUR ROCK HILL OF CARBONEAR TO BAY DE VERDS—

(Distance $37\frac{1}{2}$ miles.)

From Harbour-Rock-Hill to Crocker's Cove (distance 6 furlongs,) there is a good Road, 20 feet wide, with only a slight inclination, except in a few perches at Harbor-Rock-Hill, where it is steeper. This Rock has been cut through 27 feet

Carbonear to Bay de Verds

APPENDIX.

wide, 104 feet long, and from $2\frac{1}{2}$ to 12 feet high in the cross section at the highest part, off to nothing at both ends. There is an embankment built at Crocker's Cove Bridge, 220 feet long and from 1 to 6 feet high, breasted with stone work.

CROCKER'S COVE BRIDGE.

Crocker's Cove Bridge.

This Bridge is substantially built; the abutments of which are 7 feet high—the span 15 feet.

Road to Fresh Water.

The Road from Crocker's Cove to Fresh Water, (distance 7 furlongs) is partly on a sidelong rocky hill, with a few undulations; it is in progress of making. This is a very difficult place to level, having some large rocks to cut through. There is a good Bridge built on this part, the span of which is 25 feet, and the abutments 14 feet high. At Fresh-water the line of Road passes through some private property, which is not yet opened; it afterwards ascends a high uneven ridge, with six very steep ascents, from 2 to 10 perches long, on its Southern side. Its descent is steep on the Northern side, and runs nearly as low as tide-water,—thence it passes over uneven ground to Salmon Cove, (distance $2\frac{1}{4}$ miles); this is partly drained and levelled. The line here could be partially improved. There are two good temporary Bridges built over two small Brooks. Over Salmon Cove River there is an old Bridge standing which is almost useless. From Salmon Cove the Road again rises over a considerable ridge with several steep inclinations, passes over some marshes, and winds between several hills to Perry Cove, (distance $1\frac{3}{8}$ miles). This part could not be much improved. The Road from Perry's Cove turns nearly in a North-westerly direction, and rises on an oblique hill about $\frac{1}{2}$ mile long; it then turns Northerly, and thence nearly Easterly, and after ascending some 50 feet, it descends for a distance of $\frac{3}{8}$ mile with some steep inclinations, and then runs along a level tract to Spout Cove, (distance $2\frac{1}{4}$ miles). This line after ascending the first hill from Perry's Cove, and turning Northerly, might be kept nearer to Spout Cove Pond, still keeping Northerly and skirting the ridge, and then descending gradually by the Brook running from the Pond to Spout Cove. This would increase the distance, but the advantage to be gained thereby would be considerable, inasmuch as that it would be much easier to bring double the burthen on it than what can be brought on the present line. It will be very difficult to make a good Road on the existing line from Spout Cove to Fresh-water, for horses or loaded carts. From a view which I had of this part, from an eminence between Perry's Cove and Salmon Cove, I am led to conclude that there could be a good main road made from Spout Cove to Salmon Cove that would be shorter and more level than the present one, but it would not run so close to Perry's Cove. There is a good Bridge built at Spout Cove, the span of which is 19 feet—the abutments 8 feet high. From Spout Cove the Road ascends a very steep, uneven and sidelong hill, the cross section of which is smoothed and partly levelled. This hill might be made easier of ascent by making the Road nearer to one plane, and bringing it at a lower elevation. The Road from this place to Western Bay, (distance $5\frac{1}{2}$ miles) passes over low ridges. There are four Brooks on this part of the line, 6, 12, 16 and 27 feet wide, over which Bridges are required to be built. There are two temporary Bridges built over smaller Brooks. This part of the Road is susceptible of much improvement. From Western Bay to Northern Bay (distance $4\frac{3}{8}$ miles) the Road passes over a few ridges, but does not rise to a high elevation; here also improvements may be made. There are 13 small temporary Bridges built from 2 to 5 feet span, on this part.

BRIDGES AT NORTHERN BAY, OCHRE-PIT COVE, AND WESTERN BAY.

Bridges.

Northern Bay.

The abutments of the Bridge at Northern Bay are 6 feet high, built of dry stone about 8 feet thick; the span is 50 feet, but the bed of the River is only 34 feet wide.

Ochre-Pit Cove.

One of the abutments of the Bridge at Ochre-pit Cove is 7 feet high, and the other 9 feet—span 46 feet,—width of the River only 25 feet.

Western Bay.

The span of the Northern Bridge at Western Bay is 43 feet—the abutments 11 feet high.

The abutments of the Southern Bridge are 9 feet high—the span $36\frac{1}{2}$ feet,

APPENDIX.

although the width of the River is only 22 feet. These Bridges are generally 11 feet wide, and built on the same plan, thus:—

(Here follows the plan.)

The materials and workmanship of these Bridges are strong and good; and, indeed, there is little fault (if any) to be found with the principal Bridges on this Road, unless that the spans may be considered to be on a larger scale than is necessary. From Northern Bay to Island Cove (distance 6½ miles) the line could be improved in several places, particularly between Job's Cove and Island Cove, (distance 2½ miles) by keeping to the Southward at Redland, at a lower elevation,—thence crossing the road and keeping to the North, higher on the ridge, opposite the valley next to Redland, and then coming on the road again at its highest elevation between Redland and Island Cove. In this place, instead of having two considerable inclinations, the line could be made nearly horizontal without increasing the distance. There are 13 temporary Bridges, from 2 to 8 feet wide, built on this part of the Road, and there are also three Brooks over which Bridges ought to be built; one at Island Cove, 8 feet wide—one at Job's Cove, 20 feet wide—(there could be a better site for a Bridge found lower on this Brook than where the Road crosses it)—and one at Gull Island.

Northern Bay to Island Cove.

There are several parts of this Road, from Freshwater to Island Cove, levelled, and the marshes partially drained—but the drains are not sufficiently large to keep the road dry. The line passes through private property at Island Cove, but it is not yet opened there. From Island Cove to Bay-de-Verds the land over which the Road passes is comparatively level, having no deep vallies except the one at Caplin Cove, yet the line may be much improved. At Caplin Cove (distance from Island Cove 3¼ miles,) the road, instead of being continually ascending from the brook on both sides, is, some places, horizontal, and in others rather descending, which cause it to be steeper than it otherwise would be. It is so steep immediately to the West of the Brook, that it will be dangerous in certain seasons to travel over it, unless the Bridge over the Brook be made very high. I would recommend the line to be shifted some 20 or 30 yards higher on the brook, which would help to ease the hill. This brook is 15 feet wide, and difficult to cross in winter or during high floods. The road rises to a high elevation within about a mile and a half of Bay-de-Verds, but has no very steep inclinations except at Bay-de-Verds, where there is a cliff which is impassable for any description of vehicle. This is within some 40 or 50 yards of the houses and flakes; and the inhabitants, when bringing room-stuff, firewood, &c., have to throw it down the cliff, and reload their Slides at the bottom. The road from Island Cove is opened from 12 to 15 feet wide, but the most of the stumps or roots of the trees are left standing from 3 to 8 inches high. There are 6 brooks on this part, besides the one at Caplin Cove, from 6 to 17 feet wide, and several other smaller ones.

Caplin Cove.

ROAD FROM CARBONEAR TO HEART'S CONTENT.

(Distance 13 miles.)

Near Carbonear there are about 2½ miles of a tolerable road made, with the exception of one or two spots where, from the want of good drains, the water runs over it—the width being from 12 to 14 feet. The next mile is not so good but is tolerably well prepared for gravel. From this point to the Barrens (distance about 2½ miles) the ground is generally stony, and the side drains are insufficiently formed. The line of road then crosses about one mile and a half of barrens and marshes of high elevation. This part is traced by two shallow side-drains, which are insufficient to dry the marshes. From thence to Heart's Content the line passes over an uneven tract, and in several parts descends with steep inclinations. The side-drains on this part also are too shallow, particularly the one on the upper side. This line is capable of several improvements. There is a small portion of the road near Heart's Content fit for gravel. There is a Bridge at Heart's Content, the flooring of which is 40 feet: it has two spans, one 18 and the 15 feet. The abutments are built of dry stone.—The middle abutment having been built on a round smooth rock, is partly falling. The wooden part of the work is strong and good. There are 3 other Bridges on this Road, between Heart's Content and the

Carbonear to Heart's Content.

Bridge at Heart's Content

APPENDIX.

Barrens, from 25 to 50 feet long, and about 10 feet wide, which are built with strong materials, and the workmanship is good.

ROAD FROM SPANIARDS' BAY TO NEW-HARBOUR AND DILDO COVE.

Spaniards' Bay to New-Harbour and Dildo Cove.

The first 4 miles of this Road, next to Spaniard's Bay, passes nearly at the base of several ridges, and at low elevations. There are some steep but short inclinations to be met with, and it then ascends a long high ridge, parts of which are steep. The line could here be brought on a lower elevation by keeping to the Southward, which would make it more level without much increasing the distance. From this part the line crosses about 2 miles of barrens and marshes; it then descends to New-Harbour, where the line becomes uneven, with some steep inclinations from 1 to 8 perches long. The Commissioners have commenced to improve the line, about 4 miles from New-Harbour, towards Spaniards' Bay. Two and a half miles of the intended road are partly barrens and marshes, to which little has been done. This road is opened 12 feet wide, and, except from the 2½ miles last mentioned, the stumps of the trees have been removed, and from 6 to 9 feet wide partly grubbed and made even, with peat and clay for a foot-path. The drains in the marshes are, on an average, about 8 feet asunder, but are not sufficiently large. There are good temporary bridges built over the brooks on this line.

The distance from Spaniards' Bay to New-Harbour is 13¼ miles, and from New-Harbour to Dildo Cove 1 mile, which is opened and levelled, and partly drained, but the drains in the marshes are not large enough to keep the road dry. These roads have not yet been joined, the line not being opened through New-Harbour.

PRESCOTT BRIDGE, OVER NEW-HARBOUR RIVER.

Prescott Bridge.

This Bridge is 284 feet long by 12 feet wide. It has 8 wharves 19 feet long and from 2 to 12 feet high. This is a good strong Bridge, and is of great benefit to the inhabitants of New-Harbour.

Placentia and St. Mary's.

District of Placentia and St. Mary's.

ROAD FROM GREAT TO LITTLE PLACENTIA.

Road from Great Placentia to Little Placentia;

This Road commences at the Ferry of Great Placentia. The line was first run nearly straight over a high steep hill, but it has since been partially improved. A curve has been given to the road, and it has been brought nearly on the highest part of the old line; it thence ascends on the other side of the hill some 50 feet. Parts of the new line are rather steep for wheel-carriages. From this place the road passes over uneven ground to Markies (distance from the Ferry three miles). The wet parts are drained, and the cross-section is partly levelled and well prepared for gravel.—This part might be improved. At Markies the road goes along a beach about a quarter of a mile long, which connects the Promontory of Little Placentia with the Mainland; thence it runs in a straight and level line through the Promontory to the Chapel (distance 1½ miles) partly over marshes, where there are two good side-drains 12 feet apart, but parts of them are closing from the beating to and fro of cattle. The road in these parts is nearly impassable in wet weather. About one mile and a quarter of these marshes have little or no road material on them. There is a Branch Road about a quarter of a mile, drained and prepared for gravel. A Bridge, 18 feet long by 12 wide, is built on the marsh near the Chapel of Little Placentia, and is much in need of repair. There are two other Bridges built between the Markies and the Ferry—one 18 feet long and the other 28. A platform is erected, 118 feet long, on this part, to make the road passable over a rock. All these are tolerably good.—Were the Road at the Ferry improved, and brought over the hill at its lowest elevation, and made from thence to the Ferry, as nearly into one plane as possible, and the marshes gravelled and made good, wheel-carriages and other vehicles could be used from the Chapel at Little Placentia to the Ferry at Great Placentia—(distance 5 miles.)

APPENDIX.

ROAD FROM ST. MARY'S TO HOLYROOD POND—

(Distance 2½ miles.)

This Road is partially made to the width of about 16½ feet between the side-drains, and in several parts it is tolerably well made; but in other parts a manifest want of experience is visible, both in its laying out and formation. Were the Survey more strictly attended to, a better line might have been found, several elevations avoided, and much easier inclinations obtained. In several parts where it was found necessary to raise the lower side of the road, small trees and brush-wood have been used to form the embankments, over which are thrown sods and soft peat, which will never become solid unless better material be added. Were this Road well made, it would be of great service to the populous Harbour of Saint Mary's, and also to the people of Holyrood.

St. Mary's to Holyrood Pond.

ROAD FROM LANCE COVE, IN THE HARBOUR OF ST. MARY'S, TO MEET THE ROAD TO RIVER-HEAD.

This Road, which branches off at the Court-House to River-head and Lance Cove, is partially made, to meet the Road to River-head, (distance from the Court-house nearly a mile). The principal defect in this road is, that the drains have not been made sufficiently large to carry off the water—consequently it overflows the road in several parts, and the marshes are still in a wet state, and must continue so until the drains are enlarged and the road made. That portion of the line situate between Lance Cove and the Court-House has been marked, but remains yet unopened.

Town of St. Mary's.

THE CROSS-ROAD TO THE COURT-HOUSE.

This Road forms part of the Road from Lance Cove to meet the Road to River-head, and is drained, levelled, and well prepared for gravel.

THE CROSS-ROAD TO THE BEACH.

Nothing has been done on this Road.

THE CROSS-ROAD TO THE BRIDGE.

Nothing has been done on this Road.

BRIDGE ACROSS THE POND IN THE TOWN OF ST. MARY'S.

The object of building this Bridge is, to afford a ready communication with the Beach. The work has been commenced and some of the abutments have been raised partly above the water. This Bridge, when finished, will be about 280 feet in length; its distance from the foot of the Pond is about 200 yards, where it is essentially necessary that another Bridge should be built.

Bridge in St. Mary's.

THE TWO BRIDGES AT COOTE'S POND.

These Bridges are thrown across two Brooks which empty themselves into Coote's Pond—the spans of which are about 21 feet, the width 15 feet, and height of the abutments about 5 feet—which are partly built of suitable wood, and partly with rocks and sods. There are wings to these abutments about 11 feet long, one of which is breaking down. The sods and clay which have been used are unfit for the construction of the abutments, and the stones are also inferior. These Bridges are seldom frequented, and until the River-head Road is made they will be of little use to the Public. They are situate about 3½ miles from the Town of St. Mary, and about 2½ miles from the River-head.

Bridge at Coote's Pond.

ROAD FROM SALMONIER TO ST. MARY'S.

(Distance about 22 miles.)

This Road has been marked out, and passes by the River-head of St. Mary's, distance from the Harbour about 6 miles. Were the line shifted a few perches in certain places, it would be improved materially, as it would be in the most level direction, except in the vicinity of Salmonier. If the Road were kept along Salmonier to Black Duck Gulley, which lies to the South-west of Little Harbour, (distance about five miles,) it would be useful to upwards of 20 families who are settled along the Arm; but this change would increase the distance at least a mile, and make it

Salmonier to St. Mary's.

APPENDIX.

less level. There is about half a mile of this Road, next to St. Mary's, opened and partly made to the width of 16 feet, but not of the best material, there being a considerable quantity of peat used in the levelling and embankments.

ROAD AND BRIDGES AT TREPASSEY.

This Road is intended to connect Renewes with Trepassey, and has been opened to the width of 16 feet, as far as the Barrens, which are distant about 6 miles from Trepassey. About half a mile of that part next to Trepassey is in progress of making, and the materials which have been used are good. The side-drains are well made and suitable. This Road is tolerably well laid out, but it could be easily improved, and better levels obtained, without adding to the distance. Nearly opposite the head of Trepassey Harbour, a Bridge has been erected over a small brook on this Road. The length of the Bridge is 50 feet, the width 16 feet, and the height 9 feet. It is supported on shores, and well constructed, but it is raised so high above the ground on each side of the Brook, that no use can be made of it until the ground is raised or platforms made to descend from each end of the Bridge.

Between that part of the road already opened and Renewes is a distance of 22 miles, about 16 miles of which are barrens and marshes. Were the woody parts opened, and the finger-posts placed on the barren parts, it would be of great utility in guiding Travellers in safety.

ROAD FROM HOLYROOD TO GREAT PLACENTIA BY SALMONIER.

This Road joins the main Road at the head of Conception Bay, about a 4 mile West of the Southern Arm of Holyrood. About 5 miles is laid out, of which upwards of 4 miles is opened. On this part no material alteration can be made. Beyond the 5th mile a survey of the Country has been made the whole way to Salmonier, and the line partially marked out, but I would not recommend the Road to be made exactly on the marked line, except on about 2½ miles next to Salmonier, which cannot be changed to advantage.

For a distance of 8 miles near Salmonier, there are several thousand acres of superior Land and much fine Timber to be found. Along-side the River are also large tracts of Meadow Ground, and many Islands abounding with Timber and good Pasturage.

The greater part of the Country through which this line leads abounds with heavy fall Timber. The distance from Holyrood to Salmonier is about 22 miles.

A Survey has also been made between Salmonier and Great Placentia, and the line marked out. Before this Road is commenced it will be necessary to have another Survey taken, as beneficial changes can easily be effected.

The line crosses tide-water at Colinet River and Rocky River, at Colinet, which are both large Streams; the former is about 500 feet wide and the latter about 550 feet at the point alluded to, which is about 40 perches from the junction of the two Rivers, neither of which could be Bridged without great expense.

About 1½ mile further up the Rivers, Bridges could be built at much less expense, as the Rivers are much narrower—Colinet River being not more than 200 feet wide, and Rocky River about 300 feet. At the point alluded to the Rivers are about a mile asunder.

A large tract of Country between Salmonier and Placentia consists of barrens and marshes, and, with a few exceptions, particularly in the immediate vicinity of Salmonier, the Wood is of inferior quality. The distance is about 31½ miles. About 4 miles of this line has been opened, next to Placentia, which may be improved.

Trepassey.

Road from Renewes.

Holyrood to Placentia by
Salmonier.

APPENDIX.

District of Burin.

ROAD FROM THE COURT-HOUSE AT BURIN TO BURIN BAY.

This Road commences at the Court-House, and running in a Westerly direction along the Shore as far as Ship Cove, crosses a neck of land and terminates at Burin Bay, a distance of nearly 2 miles. This Road is pretty well laid out except in the immediate vicinity of Ship Cove, where a visible improvement can be made, and a more level line found, which would be less injurious to private property.— There is a mile, less 8 perches, in progress of making, and nearly finished, half of which distance was accomplished with great labour, owing to several parts passing over solid rock which had to be cut, on the higher side, from 1 to 3 feet in depth, and on the lower side embankments had to be raised from 1 to 9 feet in height.— The width of the Road is about 10 feet. The side drains are defective, not having been made sufficiently deep in consequence of the difficulty of cutting them through a solid rock. The Road passes along the face of a cliff near Ship Cove, where, to render it safe for Travellers, it should be railed on the lower side.

Burin.

Road from the Court-House to Burin Bay.

ROAD FROM KIRBY'S COVE TO SHIP COVE.

This Road commences at Kirby's Cove, and meets the Road from the Court-House to Burin Bay. Between these two points the Ground is rather unequal, and on one hill near Ship Cove the inclinations on both sides are steep, rendering the descent into this Cove rather abrupt. The path is opened from 6 to 8 feet wide and is nearly completed. It is about 132 perches in length, and runs, for the most part, along the side of the ridge.

Kirby's Cove to Ship Cove.

The land on this line of road is rocky and uneven, and the greater part of it which is fit for Agricultural purposes has been taken in and is situate near the water's edge.

There is one Bridge on this path of 7 feet span; the materials are good, but the workmanship is coarse.

ROAD FROM THE COURT-HOUSE AT BURIN TO BULL'S COVE.

This Road branches off from the Burin Bay Road, and passes by a Cove, at a little distance from which a deep cut has been made in the solid rock on the one side, and an embankment has been raised on the other—this spot is rather dangerous, and requires railing. From this the Road passes on to Dick's Pond, a little beyond which there is a very abrupt rise in the Road for about 12 perches. The Road is opened and made to the width of from 10 to 12 feet, and about 120 perches next to the Court House is very level. From this ascent the Road passes over scraggy woods and marshes until it reaches to within 30 perches of "Path-end," when it descends very abruptly.

Road to Bull's Cove.

The only improvements which may be made on this part of the Road are, to lower the hill and to raise an embankment at its base, giving the Road a small curve.

Path-end is an isthmus, across which there is a path from Burin Bay to a Cove in Burin Harbour, and is distant about one mile from the Court-House.

From Path-end this line passes along the side of a high rocky hill for a distance of about 40 perches; and on the whole of this distance, high embankments and railing will be required, on the lower side, to render the Road safe. The ground is very unequal from this point to Bull's Cove, a distance of about a $\frac{1}{2}$ mile; and to make the Road tolerably passable, the hills must be lowered and the vallies raised.

There is about $\frac{3}{4}$ mile, next to the Court House, partly made and in progress of making.

On this Road there are two Brooks from 3 to 4 feet wide, and one about 10 feet wide, over which no Bridges have yet been built. The land along this line is uneven and rocky, and only a very small portion of it is fit for Agriculture.

APPENDIX.

ROAD FROM BULL'S COVE TO PORT-A-BRAS.

Road from Bull's Cove to Port-a-Bras.

This Road has been opened from 15 to 20 feet wide, and ascends gradually for a distance of 40 perches; thence it runs along a level valley, rather marshy, at the base of a ridge on which some spots of good land are to be found, and passing Bull's Cove Pond, descends towards the Western Cove of Port-a-Bras, which is nearly 1 mile from Bull's Cove. It then rises a steep hill, and passes along the side of a ridge to Beachy Cove, a distance from Bull's Cove of nearly 1½ mile. At Western Cove a considerable improvement could be made by sweeping the ridge instead of descending to the Cove. This alteration would give nearly a horizontal line along the side of the ridge to Beachy Cove. Between this and Bull's Cove there are two Brooks, from 5 to 8 feet wide, over which no Bridges have yet been made.

From Beachy Cove to the Eastern Cove of Port-a-bras there is a good path about 10 feet wide along the side of a ridge partly made and in progress. The distance between these two points is nearly ½ mile. In Port-a-Bras the Gardens are good, and in its neighbourhood there is a considerable portion of land which may be made available for the purposes of Agriculture. From what I have learned, I am opinion that, were this Road made and extended to Mortier, Duricle and Beau-boy, (distance from Port-a-Bras about 3, 5 & 8 miles respectively) it would be of very great benefit.

One of the principal defects in the Roads in and about Burin is, that the drains are not sufficiently large to keep the roads or paths dry.

BRIDGE AT BUTCHER'S (OR BEACHY) COVE.

Butcher's Cove Bridge.

The building of this Bridge is contracted for, but the work has not yet been commenced.

ROAD FROM OLIVE-POINT TO GREAT BURIN.

Road from Olive-point to Great Burin.

This Road is on an Island which partly forms the harbour of Burin. Olive-point is on the Western side of the Island and in Burin Harbour, and Great Burin is on the Southern end of the Island; the distance between them is about two miles. The line is opened 16 feet wide and is carefully laid out, but it might yet be improved. There is about half a mile of a good path from 9 to 10 feet wide made near Olive-point, but the line passing through private property, about 20 perches of it are not yet made. This part runs along a ridge and through a small marsh, the side drains in which are good, but there being no outlet from them for the water, they are rendered useless.

There are several spots of tolerable land along this line of Road, and at Great Burin there are many Gardens and a considerable portion of Meadow Ground.

ROAD FROM BURIN TO LAMELIN.

Burin to Lamelin.

This Road commences at Spoon Cove, which is situate on the Western side of Burin Bay, (or Burin Inlet). The first ¼ of a mile passes through land covered with small Timber partly burnt down, and over high barrens and marshes. The Road then passes into a deep valley called Lancelou, both sides of which are very steep; this valley is distant between 2 and 3 miles from Spoon Cove. The line of Road from this valley runs through about 80 perches of coarse woods, craggy rocks, barrens and marshes, to within 4 miles of Little St. Lawrence, where it begins to descend through inferior woods into a valley through which a considerable river runs into the harbour of Little St. Lawrence, which is about 13 miles distant from Spoon Cove. The Road crosses the river near to Little St. Lawrence, where it is about 40 feet wide. It then runs along the head of the harbour and crosses another stream which also runs into the harbour of Little St. Lawrence, and is, at this part, about 70 feet wide.

Little St. Lawrence to Great S^t. Lawrence.

From Little St. Lawrence the Road crosses a ridge, partly barrens and marshes and partly covered with small woods, and passes on a little to the Northward of Great St. Lawrence. The distance between Little and Great St. Lawrence is upwards of a mile.

From Great St. Lawrence the line of Road passes over extensive marshes and

APPENDIX.

barrens, and through some patches of small woods, to Laun, which is distant 8 miles from Great St. Lawrence.

At Laun the line crosses two Rivers, the one about 70 and the other about 100 feet in width, and thence passes over large barrens and marshes, through small woods, by Taylor's Bay, to Lamelin, which is distant from Laun about 16 miles and from Spoon Cove 38 miles.

Salmonier River, which is about a mile from Lamelin, is nearly 50 feet wide, and often impassable, which occasions great inconvenience to several families residing at Lamelin, who have to pass it before they can reach their Gardens and Meadows, which are situate along the shore to the Eastward of this river.

On the barrens and marshes guide posts, about 6 feet in height, are placed at intervals of between 250 and 500 yards, which are intended to point out the line of Road, but are, in several places, as much calculated to mislead the Traveller as to keep him right; particularly between St. Lawrence and Lamelin, as the mark line tends too much to the Northward, and without any apparent cause, turns nearly at right angles, which, to a stranger, is very deceptive, particularly in misty weather. Another unaccountable part of this line is, that ponds of a considerable extent are to be found in a direct line between the guide posts, and even in clear weather, when the posts may be seen, it would be difficult to decide on which side of the ponds is the proper line to pursue.

About two miles, which pass through woods, have been opened to the width of 15 feet; and in all those parts where the brushwood is low enough so as that the posts may be seen, no road whatever is opened.

This Road would be more useful if it were brought convenient to the shore, from Taylor's Bay to St. Lawrence, but it would not be so level. There are about 13 families belonging to Lamelin, who have Gardens, Meadows and Winter-houses, in the neighbourhood of Joe's Cove and Lord's Cove, (distance Eastward of Taylor's Bay about $2\frac{1}{2}$ miles, and from Lamelin about $6\frac{1}{2}$ miles.)

There is a considerable portion of tolerably good land, fit for Agricultural purposes, in this neighbourhood, which may be rendered valuable by the sea-weed, which is to be found in abundance in the adjacent Coves. I have learned that upwards of 60 head of Cattle had been fed last winter along the shore between Taylor's Bay and Laun.

BRIDGE NEAR LAMELIN.

This Bridge is built at Taylor's Bay, about 4 miles from Lamelin. It has two arches or spans, and is 60 feet long, 8 feet wide, and 10 feet high. The middle abutment is well built and ballasted, and the ends of the Bridge rest on the solid rock. It is a very substantial erection.

BRIDGE AT GREAT ST. LAWRENCE.

This Bridge has been built at the River-head of Great St. Lawrence—14 feet long by 7 feet wide, and 4 feet in height. This is a tolerably well-built Bridge; but the foot-path round the harbour, leading to it, is very bad.

ROAD FROM LITTLE TO GREAT ST. LAWRENCE.

Little and Great St. Lawrence are upwards of a mile apart, and a good foot-path has been made about one-third of the distance, from 6 to 8 feet wide, next to Great St. Lawrence. On this path a small Bridge is built, the materials of which are coarse, and the flooring or bed of the Bridge is weak, and the whole work ill-constructed. This path is much frequented, and when it shall be completed, cannot fail to prove greatly serviceable to the settlements in that quarter.

ROAD FROM GARNISH TO GRAND BANK AND FORTUNE.

From Grand Bank to Fortune, a distance of 4 miles, the road is opened to the width of 16 feet; but, like other of the Out-port Roads, the stumps of trees have been left standing. About 400 perches of drains are made and in progress in the wettest parts. This road runs, for a considerable way, parallel to and very near the sea-shore.

APPENDIX.

From Fortune to Grand Bank the land is partly marshy and stony, and much of it is well suited for Agriculture; besides, the part through which the road runs is very level.

On this part Six Bridges are built, varying from 24 to 40 feet in length, and about 12 feet wide, with the exception of one Bridge which is about 11 feet long. The whole of these Bridges are well-constructed, the materials are excellent, and the scantling large.

The cross-drains which have been completed are also well built and strongly covered.

District of Ferryland.

ROAD FROM RENEWSE TO FERMEUSE RIVER-HEAD—

(Distance $3\frac{1}{2}$ miles.)

At Renewse, and at the River-head of Fermeuse, this line of Road will pass through several small gardens, which are not yet opened.—It passes over some marshes, and, at its highest elevation, over land which is nearly the lowest in this part of the country. There are two Bridges erected on this Road, which are supported by shores placed close to each other. The span of one is 12 feet, and that of the other 6 feet. These are tolerably good. There are two other Bridges built; the span of each is about 7 feet, and the abutments are built partly with stone. The materials and workmanship of one of them are very inferior. There are also three Bridges, 4 feet span, each covered with light longers, and about 10 cross-drains, some of which are tolerably good, the rest very inferior. The side-drains are from 13 to 20 feet apart, some of which are rather shallow; and 13 feet of the centre of the road is partly levelled. Here, as in other Districts, there are hollows in the road, which proceed from boughs having been used in levelling, and also from there being only a small portion of clay and gravel spread on the marshes over the stumps of the trees, which have now, in several places, worked above the surface. There are a few rocks yet remaining to be removed from the road. There are two Bridges at the River-head of Fermeuse; the span of one is 10 feet, and that of the other 15 feet: the width of each is from 9 to 10 feet. The abutments of the former are $1\frac{1}{2}$ feet high, built mostly with sods; the grass is growing through them, but they appear to stand well. The abutments of the other Bridge are 3 feet high, built with rocks of inferior quality. The wood-work of both is tolerably good.

This Road will be of little use until the entire of it is opened and made, or, at least, levelled along the side of the harbour to the Town of Renewse.

ROAD FROM RIVER-HEAD OF FERMEUSE TO AQUAFORT—

(Distance nearly 3 miles.)

This Road rises from the River-head of Fermeuse with a steep inclination, and crosses a ridge on which the line could be partially improved, and some rocks avoided, by keeping a little to the Eastward. It then descends towards the Ferry at Aquafort with a long steep inclination, which could not be much eased without materially increasing the distance. On part of this Road there is a good side-drain, the material taken from which has been spread on the road from 10 to 12 feet wide, and on other parts there are two side-drains about 12 feet apart. There are many rocks on this ridge, some of which are very prominent in the road, and there are several large ones in the drains. There are some cross-drains made on this road, the workmanship and materials of which are rather inferior.

I have been informed, by the person who keeps the Ferry at Aquafort, and by others that at certain seasons it is quite impossible to make a passage across, owing

Ferryland.

Road from Renewse to Fermeuse.

Road from Fermeuse to Aquafort.

Ferry at Aquafort.

APPENDIX.

to the great run of ice in and out of the harbor, which is occasioned by what they term "*a Bore*." This *Bore* is a strong current which rushes in at times so suddenly and rapidly that, while crossing the Ferry, a boat would be in danger of being carried along with it, and crushed to pieces between the pans of ice.

BRANCH ROAD FROM FERMEUSE TO AQUAFORT.

(Length about 2½ miles.)

This Road passes over uneven ground in the neighbourhood of *Admirals' Cove*, which is not far from the entrance of the harbour of Fermeuse. On this part there are some steep inclinations. It then passes over a few small marshes, and a considerable tract of good dry land, and meets the main road about midway between the River-head and Aquafort. This line could be much improved, particularly at a place called "*Cat's Rock*." There are some good side-drains made on this Road, but only a small portion of gravel has been spread on the marshes. There are young alders and other shrubs growing on the road, which show the necessity of having the stumps and roots, the peat and top-soil, removed from the road, on high ground, before the side drains are made. The rocks and the stumps of trees ought to be taken from this road, as well as from other roads in the district, before more gravel is used upon them.

Branch Road from Fermeuse to Aquafort.

ROAD FROM AQUAFORT TO QUARRY-RIVER NEAR FERRYLAND.

(Distance 3 miles.)

From Aquafort the road rises, with a few steep inclinations, on the side of a ridge, for about three quarters of a mile. It then passes over undulating land for about 1½ miles, where it begins gradually to descend towards Quarry River. Several parts of this line are steep, but no very great improvement could be made on it without increasing the distance.

Road from Aquafort to Quarry River.

On the side of Aquafort the road has a good foundation. The higher side has been lowered from 1 to 3 feet, and the material taken from it has been used to raise the lower side. Had the stumps and roots of the trees been taken up, and the soft material, peat, &c., removed, the gravel which has been dug from the side-drains would have formed a good road. Tolerable drains have been cut on parts of this line, but several of the cross drains are inferior, and some of them want repair. The road would be much improved by having a few more cross-drains cut in it to prevent the over accumulation of water in the side-drains, which has the effect of undermining the road.

SPOUT COVE RIVER BRIDGE.

This Bridge was burned down in the early part of the summer, and a few of the beams which were saved from the fire have been laid across for travellers to walk over.

Bridges.
Spout Cove.

BRIDGE OVER QUARRY RIVER.

The length of the flooring of this Bridge is 37 feet. The width 10 feet, the span 10 feet. It is a tolerably good Bridge.

Quarry River.

A line of Road has been marked by Mr. Carter, and is opened about 16 feet wide from Quarry River to the River-head of Fermeuse, which is laid out over land much more level, and of lower elevation, than the line which crosses the Ferry at Aquafort, but is about one seventh longer. This line, however, is capable of being brought more level without increasing the distance, and is a much better line as a Main Road, but it would not be so useful to the inhabitants of Aquafort and those on the north side of Fermeuse, as the Road by the Ferry, nor so advantageous for Agricultural purposes in the neighbourhood of Aquafort. There is a Bridge on this line, over Spout Cove River, 112 feet long—having a platform at each end about 10 feet long. The width of the Bridge is 7 feet, and it has 5 abutments built with angular cutwaters. This Bridge is tolerably well built. Another Bridge has been built over the North-east arm of Aquafort, 54 feet long and 7 feet wide, shored 9 feet high. This is also a tolerable good Bridge.—On the North-west arm of Aquafort there are the remains of a Bridge the span of which was about 20 feet.

Road from Quarry River to Fermeuse.

APPENDIX.

ROAD FROM QUARRY RIVER TO FRESHWATER RIVER.

(Distance about $1\frac{1}{2}$ miles.)

Quarry River (through Ferryland) to Fresh-water River.

From Quarry River the Road, being comparatively level, passes by the Chapel of Ferryland, and partly by the side of the Harbour, to Freshwater. There is about a quarter of a mile next to Quarry River drained, and the small hill has been levelled, but the marshy parts have not been gravelled. To the next quarter of a mile, which is immediately to the Southward of the Chapel, nothing has been done. From the Chapel nearly to the residence of —— Carter, Esq., (distance about half a mile), the Road is made 18 feet wide. The higher side has been lowered from 1 to 4 feet, and the water side, in several places, raised. This is a good piece of a Road; and although there are not drains sufficient to keep it dry, it is by far the best in the District.

Between Mr. Carter's and Fresh-water River (distance about half a mile) there are about 40 perches, in detached pieces, made, and in progress of making, 18 feet wide—and about 40 perches near Fresh-water River 11 feet wide. Parts of the higher side of the road in this place have been lowered two feet.

ROAD FROM FRESH-WATER RIVER, BY CORNFIELD AND CAPLIN BAY, TO CAPE BROYLE.

(Distance about $5\frac{1}{2}$ miles.)

Road from Fresh-water to Caplin Bay and Cape Broyle.

This line of Road passes through private property at Cornfield, which is near Fresh-water, and also at Caplin Bay, which is about $1\frac{1}{2}$ mile from Fresh-water.—The road, at its greatest elevation, between these places is tolerably low; but it could be made lower, and more level without much increasing the distance.

About a mile and a quarter from Fresh-water River there is a ravine called "Deep Cove," which is about 160 feet wide on top, 40 feet deep, and 12 feet wide at the bottom, through which a small brook runs. This road will be useless unless it is entirely opened, and the ravine made passable. In this part it is partially drained, but the drains are very inferior.

From Caplin Bay the line passes over several marshes, intercepted with dry knaps, or small hills, for about a mile. It then ascends the side of a ridge, which it crosses, and descends towards the River-head of Cape Broyle, with some steep inclinations. The land on Cape Broyle side is good, and there are some tall trees growing there. There could be some improvements made on this line. The Road is from 10 to 12 feet wide, and side drains have been made on the marshes, some of which are good, and more rather small. Some of the marshes are still very wet. On most of the dry ground there is a side drain made, the material taken from which has been spread on about 10 feet wide of the Road. Near Cape Broyle the higher side of the road has been lowered in some parts two feet. There are about 30 cross-drains built, some of which are good, others are too small, and some are in want of repair. A few more cross drains are much required, to prevent the water from collecting in the side-drains, which is injuring the road. There are several stumps, and many large rocks, in this road; some of the rocks are several tons weight. In levelling this road, like many others, boughs have been used, which, in future, should not be allowed.

A Bridge has been built over Rocky Pond, the span of which is 18 feet—the abutments are 30 feet long and 11 feet wide. This is a strong Bridge, but the flooring is not sufficiently fastened. There are two other Bridges erected, which are tolerably good; the flooring of one is 18 feet long, and rests on shores: the span of the other is 4 feet, and the abutments are ballasted and covered with gravel. The Bridge over Cape Broyle large River, is 30 feet span. It is well shored from solid rocks, which partly form the abutments; and there are platforms at each end 22 feet in length. Its height, from the bottom, is 19 feet. The scantling of this Bridge is good and strong. At the River head of Cape Broyle there is a Bridge, the span of which is 11 feet. This is also a good Bridge. There is another Bridge built in the same neighbourhood, the materials and workmanship of which are inferior.

APPENDIX.

ROAD FROM CAPE BROYLE TO BAY OF BULLS.

This Road ascends from the River-head of Cape Broyle nearly half a mile, on the side of a low ridge, and has several undulations to Long-run Bridge, (distance from River-head about 2½ miles). The road is partly drained, and near River-head it is partly levelled. There are two side-drains in the marshes, leaving the road from 12 to 15 feet wide. Many cross-drains or small bridges are required to be built on this part. Road from Cape Broyle to Bay Bulls.

LONG-RUN BRIDGE.

The span of this Bridge is 27 feet, and the length of the flooring 94 feet. This is a good Bridge. About 60 feet from the Western end of this Bridge there is a high rock in the road which must be lowered considerably to make it passable for vehicles, or the Bridge must be raised, and the space between it and the rock filled up. I am inclined to think that it would be more economical, as it would certainly be a great improvement to the road, if the Bridge were removed between the small pond which is convenient to it, and Cape-Broyle-large-Pond. The span, in this place, would not require to be greater than that of the existing Bridge—the materials of which would be found not only sufficient to build the Bridge in the part alluded to, but to build another small one where the water from the large pond occasionally overflows. Long-run Bridge.

From Long-run Bridge there has been a line of a road opened, on which many stumps of trees have been left standing too high. It crosses a small ridge near Long-run Bridge, on which there are very steep inclinations; it then keeps at the base of a large ridge which runs from Cape Broyle to Brigus,—on parts of which some good land is to be found,—and passes along Pigeon-House Pond and Island Pond to Brigus Pond, where the Road leading to Brigus will branch off. It then passes between the two last mentioned ponds, and over several marshes and some barrens, and through some coarse woods, over three ridges on which there are very steep inclinations.—Keeping to the Eastward of Hell-Hill Pond, and thence over some marshes, it descends to La Manche Bridge—(distance from River-head of Cape Broyle about 7½ miles.) At La Manche there is a large quantity of gross wood. The Board of Commissioners have another line marked out, or rather this line improved upon. That part of the road which passes between Island Pond and Brigus Pond, and where the road to Brigus will branch off, and a few other parts of the old road, are included in the improved line.

Opposite parts of the old line, where there are very steep inclinations, the new line is nearly on a perfect level, besides being shorter. In other places, where the rate of inclination is as much as a rise of 1 foot in 4 feet in length, the improved line is not 1 foot in 15 feet, and is also shorter. A shorter and more level line, even than the improved one, might be attained by keeping between Island Pond and Pigeon-House Pond, but it would not be so convenient to Brigus. If the latter line were adopted, Brigus would require two branch-roads; one leading to the southward, upwards of 1½ mile, to meet the Main Road at Pigeon-House Pond, and the other to the Northward, about 2 miles, to meet it nearly at Hell-Hill Pond. The Branch Road to Brigus, from the improved line, is no more than 1¼ mile to the water's edge; and I have been given to understand that it fully meets the wishes of the Inhabitants of Brigus. I have also learned that the Commissioners for this road are about getting the improved line opened and drained.

There is a good Bridge over La Manche River; the length of the flooring is 74 feet, the ends of which are laid on the banks or rocks on both sides of the river, and are strongly shored. The height of the Bridge from the water is 19 feet, and the depth of water upwards of 7 feet. Bridge over La Manche.

From La Manche Bridge the Road is opened from 16 to 20 feet wide. It passes along some level land, and rises on a ridge on which are a few considerable inclinations, passing by Rising-Hill Pond. It then ascends another ridge of much inclination, and crosses Caplin Cove marsh; thence it descends towards Toad's Cove, where it passes over some rugged rocks and uneven land, and where it is difficult to make a good road. The part next to Toad's Cove could be improved. The distance from Toad's Cove to La Manche Bridge is about 3½ miles. Not having had an opportunity of thoroughly examining the Country to the Eastward of La Manche, I cannot Toad's Cove.

APPENDIX.

speaking with certainty of the nature of the ground in that neighbourhood; but from a view which I had from an elevated position near La Manche, I am led to conclude that the line of road between the South-east point of Hell-Hill Pond and Rising-Hill Pond, may be very much shortened by connecting those places so as to cross La Manche River near a place called the Deal Yard. The distance between these two places is about 3 miles, which, by adopting the line recommended, would be shortened a fourth. Between Toad's Cove and Long-run Bridge, there are three Brooks, from 15 to 20 feet wide, and three from 4 to 10 feet wide, over which there are no bridges.

Bridges at Toad's Cove.

There are two Bridges at Toad's Cove. The span of one is $18\frac{1}{2}$ feet, and the width is 16 feet. This would be a good Bridge if the flooring were properly fastened. The other Bridge has two spans, one 17 feet and the other 13 feet. Its width is 16 feet. This is a strong Bridge.

There are two steep inclinations between these two Bridges, which could be avoided by keeping higher on the side of the hill. Were this improvement adopted, the Road could be made nearly horizontal, and the distance would be shortened. It is very necessary that the Rocks in this neighbourhood, which are large and uneven, should be levelled. From Toad's Cove the line passes over uneven land, with some steep inclinations, to Mobile (distance about 3 miles). If the line were marked less straight, the road might be much more level without greatly adding to the distance. There is a side-drain on most of this part, and there are two side-drains in the marshes, leaving the road 20 feet wide between them. The material taken from them has been spread on the road. There are about 10 cross-drains, or small bridges, built with very inferior materials. Some of the abutments are built with stones, sods and boughs thrown together. There are about 25 small bridges or cross-drains yet to be built, and the rocks in the road and side-drains should be removed; those in the latter prevent the water from having a free run in them.

BRIDGE AT MOMABLES OR MOBILE.

Bridge at Mobile.

This Bridge has two spans extending on each side from an Island which is nearly in the centre of the river. The length of one is 35 feet, and that of the other 41 feet—the width of each 10 feet. The abutments are partly solid rock. The South end is about 3 feet high, having 3 stone steps to it. This Bridge is tolerably good. There is a large rock about 7 feet high opposite this end, and until this is removed and an embankment made to the end of the Bridge, it will be difficult for vehicles to pass.

Witless Bay to Bay Bulls.

After rising from Mobile the road is tolerably level to near Witless Bay, where it descends with rather steep inclinations, and is intended to pass through some private property which is not yet opened. The distance from Mobile to Witless Bay is about 2 miles. This part of the Road is drained much in the same manner as the part between Toad's Cove and Mobile. There are about 13 cross-drains to be built. The Bridge which is on this part is strongly built—its span is 20 feet.—The Bridge at Witless Bay has two spans, the one 19 feet and the other 21 feet.—The wharf abutment in the centre is 47 feet long and 10 feet wide. One end of the Bridge is well shored and the other rests on the bank, which is a solid rock. The height of this Bridge from the bottom is 11 feet, and 8 feet from the water. It is strongly built. From Witless Bay this Road crosses an uneven ridge on which there are several small knaps or hills. In descending toward Bay of Bulls it could be kept more level, but then it may have to pass through more private property.—The distance from Witless Bay to Bay of Bulls is about $2\frac{1}{4}$ miles. On this part there is a strong Bridge built with two spans, one 18 feet and the other 21 feet.—The wharf in the middle is 21 feet long and 6 feet high. This Bridge is built in the same manner as the one at Witless Bay. There are 4 other Bridges which are strongly built, the spans of which are from $8\frac{1}{2}$ to $14\frac{1}{2}$ feet. The drains on this part of the road are tolerably good, but the material which was taken from them has been spread on the road, which adds to the height of the knaps. The practice of leaving the stumps and roots of the trees in the roads, and of spreading the material taken from the side-drains on the dry knaps without first taking away the peat or soil, is to be complained of in this district. If the peat and soil were first taken

APPENDIX.

off the dry knaps, the Road would not only be made more level, but a convenient place would be afforded to obtain gravel; besides it would be the cheapest way of making a good road over these knaps.

BRANCH ROAD TO BRIGUS.

This line is marked out from the Main Road at Island Pond, and passes to the Southward of Brigus Pond, and then over rocky ground to the North of, and convenient to, the Chapel, in the immediate vicinity of Brigus, where it has very steep inclinations, and will be very difficult to make. In consequence of the very steep inclinations of this line near the Chapel, I am of opinion that it will be impossible to use Wheel Carriages to advantage upon it. If the line were kept to the Southward of the Chapel, it would be much improved as it would be brought on a better level. Either of these lines will be very difficult, and consequently very expensive to make. I have been informed that the Commissioners are about opening and draining this line.

Brigus Branch Road.

BRANCH ROADS TO BAULINE, CAPLIN COVE AND BURN COVE.

The Commissioners for these Roads, I am given to understand, are about getting them opened and drained.

Branch Roads to Bauline, Caplin Cove and Burn Cove.

BRIDGE AT BAY OF BULLS.

This Bridge is over the river which separates the Central from the Southern District, and is quite convenient to the harbour of Bay of Bulls. The flooring of it is 108 feet long by 10 feet wide, placed on shores, and the height of it is 26 feet from the bed of the river. This Bridge is strongly built, and is the handsomest on the Southern shore. The path round the harbour leading to this Bridge is very bad, and in some parts, at certain seasons, very dangerous.

Bridge at Bay Bulls.

District of St. John's.

DUCKWORTH-STREET.

The part of this Street which is situate between Fort William and where the Commercial Buildings recently stood, has been thoroughly repaired and brought into regular planes, being raised 3 feet opposite Solomon's lane, 4 feet opposite Hunter's Cove, and in several other places from one to two feet. The Hill opposite the Meeting House lane has been lowered from 3 to 4 feet, and about 12 feet has been added to the Stone Bridge opposite Hunter's Cove. That part between the residence of James Fergus, Esq., and Queen Street, has been raised in several places from 6 to 30 inches. On those parts which have been repaired, (distance altogether nearly half a mile and 30 perches,) there are 5 new cross-drains from 1½ to 2 feet square, the sides of which are built with stone and lime mortar, the bottoms are flagged or lined with plank, and the tops covered strongly with wood.— There are iron gratings placed in each gutter. At Williams's lane there is a Bridge built 2 feet square and about 90 feet long, and at Waldegrave street there is also another Bridge built 60 feet long, both of which are built in the same manner as the cross-drains.

St. John's.

Town of St. John's.

Duckworth Street.

There are two streams crossing the street between Queen Street and the lane opposite Messrs. Codner & Jennings' firebreak, over which Bridges, similar to the above, are required to be built. This Street, from the residence of James Fergus, Esq., to Apple-tree-Well, and from Queen-street to the Court-House, (distance about half a mile) is much in need of repair. At the Bridge opposite Beck's Cove, and also at Church Hill, the Street is very narrow and dangerous for Carts or Carriages to pass, and will soon become impassable if it is not repaired.

WATER STREET.

This line of Street, extending from the premises of Messrs. Brocklebank to Mr. Radford's at River-head, (distance nearly 1¼ mile) has been materially im-

Water-Street.

APPENDIX.

proved. There are 15 cross-drains, built generally $2\frac{1}{2}$ feet square, in the same manner as those in Duckworth Street, with iron gratings; and there are also several smaller ones made throughout the Street. The Bridges at Beck's Cove and Hunter's Cove are frequently choked up with gravel, &c. and the water in consequence overflows the Street, for which some remedy should be devised. The carriage-way has been raised in several places from 6 inches to 4 feet, and in others it has been lowered from 6 to 15 inches. The side gutters are partly lined with plank as a substitute for pavement; and from the great service which it has been of, it is evident that the Street would be much improved if the entire line were planked in like manner. I would strongly recommend the same improvement in the other Streets.

The rock opposite the premises of Messrs. John Dunscumb & Co. has been cut away 14 feet high, 20 feet wide, and 130 feet long—and the Street has been widened considerably.

There is much filth, &c., thrown on this Street, which ought to be prevented. It is, perhaps, owing, in a great measure, to the want of back yards to the houses on the North side.

Water Street recommended to be "Macadamized."

From the very great business which is transacted upon this Street, and it being the principal thoroughfare of the town, I am of opinion that gravel is not a material sufficiently durable to place on its surface; I would, therefore, recommend its being Macadamized, as that system would ultimately be found the most economical.—The Road to the River-head, and also the Road to the King's Bridge, I would likewise recommend to be made on the same system—the traffic upon them being very great, and likely to increase.

STONE BRIDGE IN DUCKWORTH STREET.

Bridge in Duckworth St.

This is a well-built Bridge, the span of which is 5 feet—the abutments, at the Southern side of the Street, are 9 feet high—the width 44 feet, and the retaining walls 59 feet long and $12\frac{1}{2}$ feet high—the parapets are $3\frac{1}{2}$ feet high, and coped with plank. Some evil-disposed persons have broken down one of the piers. I think it but just to remark, that the Contractor for building this Bridge (Mr. Michael Dea) has faithfully performed the work; and if men actuated by such principles could be more generally employed as Contractors, it would conduce greatly to the public good.

SAFETY WALL IN DUCKWORTH STREET.

Safety Wall.

This Wall fell in the autumn of 1837, and a temporary platform has since been erected for the purpose of widening the Street and making it passable at this part.

The necessity of rebuilding this Wall is so evident that I think it needless to make any further remark.

GOWER STREET.

Gower Street.

The whole of this Street is undulating; and the future improvement of it seems to have been wholly lost sight of when the houses were built—they are so very irregular. A decided improvement has been accomplished in that part situate between the Military Road and Cochrane Street, thence to the King's Road, and on towards Prescott Street.

The alterations which have been effected between Cochrane Street and the road leading to the King's Bridge, are very important. The hollow at the residence of the Attorney-General has been raised from 3 to 5 feet, and the hill between it and Cochrane Street has been lowered 3 feet, and brought into easy inclinations. The length of this part is 33 perches. The hill immediately to the Westward of Cochrane Street has been lowered 3 feet, and the hill to the Eastward of the King's Road has also been lowered 4 feet. The valley between those two hills has been raised 3 feet, and the ascent made comparatively easy. On the eastward of the King's Road, to a distance of 16 perches, the hollows have been raised from 6 to 20 inches, and the hills lowered from 1 to 2 feet. The distance improved, on the Eastern end of this Street, is about a quarter of a mile and 20 perches.

APPENDIX.

Another very considerable improvement has been made immediately to the East and West of the Methodist Chapel; the hills in this part, which were formerly very difficult of ascent, have been reduced, and the rise is now very gentle. The hill to the Westward has been lowered 5 feet, and the hill to the Eastward 4 feet. The valley between them has been raised from 3 to 4 feet, and the valley opposite the Court House Lane 2 feet. The distance improved on this end is about 47 perches.

There are two cross-drains on this part, built in the same manner as those in Duckworth Street. There are upwards of 50 perches of this Street to which nothing has been done, and which is much in need of repair. Until the hill to the Eastward of Calver's lane is lowered, and a Bridge erected in the valley immediately to the West of it, it will be quite impossible to use carts or other vehicles on the entire of this Street.

Notwithstanding that the improvements effected on this Street have been very considerable, that part which communicates between the Wesleyan Chapel and the Episcopal Church is in a very insecure state. A retaining wall, or some such support, is necessary to be built along the low ground to the Southward of the road, to prevent the road-material from falling away. There is a great accumulation of water, also, at this point, which runs from the North and West, and rushes through the land of Mr. Pitts, along the hollow leading to Bell's Shute. This torrent is the cause of much inconvenience to the several house-holders in the neighbourhood, and occasions great destruction of property; it likewise does very considerable injury to Duckworth Street, and the adjacent lanes. To obviate this public nuisance in future, it will be necessary to build covered drains from the parts where the water enters the land of Mr. Pitts, to the harbour.

COCHRANE STREET.

This Street has been partially repaired. The side drains or gutters are not paved sufficiently wide to carry off the water without injuring the carriage-way.— Hence the gravel accumulates in them and turns the water on the road, whereby it is cut up and materially injured. Cochrane Street.

KING'S ROAD.

There is a main drain built along the centre of this Street, partly through a solid rock, 42 perches long, 3 feet wide, and 4½ feet deep.—The sides are built with stone and lime mortar, the bottom is partly lined with plank, and the top covered with good wood. There are several small drains built to convey the water from the gutters into the main one, each having an iron grating. The road has been reduced nearly to four planes, being raised in some parts and lowered in others from 6 to 24 inches—(distance about 72 perches). To render the improvement permanent, it will be necessary either to pave or plank the gutters to prevent the water from cutting up the Street. King's Road.

QUEEN STREET

A Drain, 2½ feet wide by 3 feet deep, and about 35 perches in length, has been built with stone and lime mortar, from the top of this street to the harbour.— The material which was taken from it, has been used in preparing the Street for gravel. This Street is far from being in proper repair. Queen Street.

MILITARY ROAD.

This Road, from the Bake-House to Armstrong's Road, and thence to the Orphan Asylum School, (distance about half a mile,) has been considerably repaired. The water which accumulates on the Ordnance and Cathedral Grounds, runs along this road, to very great injury of that part of it to the Westward of the King's Road. Road from Fort Townshend to Fort William.

SIGNAL-HILL ROAD.

There have been 48 perches of this Road, from the Bridge at Magotty Cove towards the Ordnance Boundary, brought into thorough repair, and made nearly into three planes. Parts of it have been raised from 1 to 3 feet, and others lowered 2 feet. A cross-drain has been built on this part, similar to those in Duckworth- Road to Signal Hill.

APPENDIX.

Street, and an open drain has been made on part of the table-land on the first elevation of the Hill. The course of the water which flowed from a pond, and which used to inundate the road, has been changed in another direction. There are about 25 perches, between the Bridge and Fort William, which have been much improved. The Hill on this part has been lowered, and the valley between it and the Bridge raised from 1 to 2 feet. Next to the hill, on the Ordnance ground, there are 60 perches to which nothing has been done.

STONE BRIDGE AT MAGGOTTY COVE.

Bridge in Maggoty Cove.

The span of this Bridge is 6 feet—the abutments are 5 feet high—the retaining walls are about 90 feet in length, and 12 feet high. The parapets have been much injured by some mischievous persons.

STREET FROM THE EPISCOPAL CHURCH TO THE ORPHAN ASYLUM.

Road from the Church to the Orphan Asylum.

About 40 perches of this Street have undergone considerable repairs—having been raised near the Church 4 feet, and a little above the Factory gate 2 feet, and lowered 1 foot between the Factory and Gower Street. A drain has been built, 2 feet square, of good masonry, from the Factory gate to Gower Street, 11 perches long. Many repairs are still necessary to be made on this line, from Gower Street to the Military Road.

McLARTY'S LANE.

(Length $7\frac{1}{2}$ perches.)

McLarty's Lane.

This Street is made into one plane; well repaired and gravelled; but is much in want of paved gutters to prevent the water from injuring it.

STREET NEXT THE CUSTOM-HOUSE.--(GAMBIER STREET.)

(Length $9\frac{1}{2}$ perches.)

Gambier Street.

This Street has been raised from 1 to 3 feet, and made nearly into one plane. It has a paved gutter on each side, which contributes much to its preservation and cleanliness.

STREET FROM THE CUSTOM-HOUSE TO BODEN'S COVE.

Custom House to Boden's Cove.

There are 76 perches of this Street repaired, which have already been adverted to under the head of Water Street. About 40 perches to the Eastward of the premises of Messrs. T. & J. Brocklebank, have been opened and partly widened. It is very necessary that this part should be repaired.

STREET OPPOSITE MR. T. HOGAN'S.

(Holloway Street.)

Holloway Street.

There has been a decided improvement made in this Street. It has been raised about $3\frac{1}{2}$ feet in the centre, and reduced off to nothing at both ends, which nearly makes it into two planes. There are covered drains, with suitable iron gratings, at both ends of the Street, which lead from the gutters into a drain that was formerly built in the centre of the Street. The gutters are paved, and will be the greatest means of rendering the improvements lasting. This Street affords one of the easiest communications between Water Street and Duckworth Street, in the Eastern end of the Town.

CUSTOM HOUSE HILL.

(King's Place.)

King's Place.

This Street is about 95 feet wide; the greater part of it is nearly made into one plane, and is in tolerable repair; but from the want of paved gutters being made, the water is already cutting it up,—affording a proof that, however extensive the improvements in the Streets may be, they will be of short duration unless the water is either carried off in suitable covered drains or in well paved or planked gutters.

The Houses in this Street, as well as in all other Streets and Lanes in the Town, have been built regardless of the future improvement of it. There are no regulations to prevent persons, when building, from placing the sills of their Houses as they may think fit. It is, therefore, frequently found that when the

APPENDIX.

Streets have been improved, the Houses on the higher grounds are apparently thrown up into the air, whilst those in the hollows have been buried under the Street. With a view to the future improvement of the Streets, I would respectfully submit the propriety of a special enactment being passed to remedy the evil alluded to.

ROAD FROM FORT WILLIAM TO KING'S BRIDGE.

This Road has been materially improved, having been raised, in the valley near the King's Bridge, 6 feet, and lowered in other places from 6 inches to 2½ feet. There is a covered drain made near the Ordnance Bake-House, about 64 feet long. Notwithstanding that the ascent of this Road has been made considerably easy, it is still in an unfinished state. Embankments will be required to secure the Road and render it safe, with suitable railings on each side, as far as the Road has been raised, or Retaining Walls should be built with a parapet, on each side from the Bridge, to a distance of 400 feet. The Road is full of Springs opposite the House of B. G. Garrett, Esq., by which it is kept continually in a soft and wet state. To remedy this evil it will be necessary to lower the side paths, and to sink the side drains considerably below the level of the Road.

Road from Fort William to the King's Bridge.

THE KING'S BRIDGE.

The span of this Bridge is 32 feet—the width 20 feet—the length of the retaining walls, from the arch, 26 feet,—height 13 feet. These walls are now overhanging and giving way, and if something be not done to secure them, they will shortly fall. The parapets have been much injured by the wanton acts of some mischievous and ill-disposed persons.

The King's Bridge.

ROAD FROM ST. JOHN'S TO QUIDI VIDI, ALONG THE SOUTH SIDE OF THE POND.

There is a quarter of a mile and 50 perches of this Road repaired, commencing at the Stone Bridge on the Signal Hill Road. Several parts of it have been lowered from 1 to 3 feet, and others raised from 1 to 2½ feet. It has been made into easy inclinations. There are five new cross-drains built 2½ feet square, and one, 1½ feet square, which have been built in the same manner as those in Duckworth Street. There is upwards of a mile of this Road much in want of repair. The Inhabitants of Quidi Vidi, and several Farmers who draw manure from that place, would be much benefited by having this Road repaired.

Road to Quidi Vidi.

ROAD FROM THE WHITE HILLS TO MEET THE OUTER-COVE ROAD.

(Distance about ½ mile and 20 perches.)

This is a new Road, and is made on the most level line from the Eastern part of the White Hills to St. John's. The vallies have been raised from 1 to 2 feet, and the hills lowered about 1 foot. The side-drains are 20 feet apart, and 12 feet of the centre of the Road has been slightly gravelled. There are two good cross-drains, or small bridges, built on this Road—one 2½ feet square and the other 2 feet deep and 4 feet wide. The ruts on this road require to be filled up; and to make it generally useful for the Farmers in the neighbourhood, the old Road ought to be made good.

Road from the White Hills to meet the Outer Cove Road.

ROAD FROM THE KING'S BRIDGE TO PORTUGAL COVE.

This Road is in tolerable repair. "Goff's Bridge" has been rebuilt, the span of which is 18 feet—the width 20 feet—the abutments are 3 feet thick, built with stone and lime mortar, and have a strong covering. Six cross drains have been re-built, generally from 2 to 2½ feet square, the sides of which are of stone and lime mortar, the bottoms are flagged, and the tops strongly covered with wood. New rails and covering have been placed on the Queen's Bridge, and also at the Bridge at Beaver Pond, near the second mile stone. The Bridge at Ricketts—the Bridge between the fourth mile stone and Windsor Lake—the Bridge at Windsor Lake, and the Bridge about a mile and three quarters from Portugal Cove, have been partially repaired. The Road from Coughlan's to Goff's Bridge (distance about 30 perches) has been widened and repaired. Many of the holes and ruts on this line have been filled in,

Road to Portugal Cove.

APPENDIX.

Portugal Cove.

ROAD FROM GOFF'S BRIDGE, PORTUGAL COVE, TO WESTWARD POINT.

Goff's Bridge to Westward Point.

There is half a mile of this Road made from Goff's Bridge. It was quite impossible heretofore to work any wheel vehicles on this part, but horses now frequently bring from 15 cwt. to a ton weight against the greatest ascents. It has been made 14 feet wide, partly through solid rocks, which have been cut from 1 to 9 feet deep. Embankments have been made from 2 to 10 feet high. There are a few good cross-drains built on this road, and a few inferior ones. This Road is of much benefit to the Inhabitants of the Cove, and to the public generally; but it would be much more useful if the remainder of it, to Westward Point, were made. The distance is only about a quarter of a mile.

ROAD FROM LANCE COVE IN BELL ISLE TO BELL ISLE BEACH.

(Distance about $3\frac{1}{2}$ miles.)

Bell Isle.

This Road has been opened 13 feet wide; but to make it useful it will be necessary to drain the wet parts, to erect 4 Bridges from 5 to 10 feet span, and to raise an embankment at the rock or cliff at Belle Isle Beach. The road will be of very little use to the Inhabitants of the Beach until this cliff shall be made passable for vehicles. The sort of path which rises against the cliff is no more than from $1\frac{1}{2}$ to 3 feet wide, and is very dangerous to get up or down. A cemetery is situate at a short distance from the top of this cliff; and I have been credibly informed, that the people were, at one time, obliged to use ropes and pullies to convey a corpse to the place of burial.—The necessity of making this part of the road is, indeed, very great.

ROAD FROM CODY'S WELL, ON THE PORTUGAL COVE ROAD, TO BROAD COVE.

Cody's Well to Broad Cove

This is a new Road which opens several tracts of excellent land. It commences near the seventh mile stone, on the Portugal Cove Road, and passes by "Round Pond," (which lies immediately north of one of the arms of Windsor Lake,) convenient to "Oliver's Pond," then by Mitchell's Pond, and between Hughes's Pond and Witch-hazel ridge; thence by the head of Goat's Cove valley, and descends to Broad Cove on a steep sidelong ridge, on which are some good gardens and excellent land for agricultural purposes. This is the steepest part of the entire line, which, if made, would be the most serviceable to the inhabitants of Broad Cove, as it would enable most of them to manure their gardens and meadow grounds by horse labour, instead of carrying it on their backs against a steep ridge, as I have seen them obliged to do. This line is opened 12 feet wide, and the wettest parts of it have been drained. The drains, however, being only 2 feet wide and $1\frac{1}{2}$ ft. deep, are not sufficiently large. Good Bridges, about 12 feet wide, have been built over four Brooks, which are from 4 to 12 feet wide. There is nearly a mile made from 7 to 10 feet wide, having a good side-drain 3 feet wide and 2 feet deep.

ROAD TO TORBAY AND CAPE ST. FRANCIS.

Torbay and Cape St. Francis.

The Torbay Road is one of the oldest and most frequented Roads in the Island, and yet, the most neglected, with regard to improvement. In the year 1834 there were 8 Bridges built on this road, from 5 to 12 feet wide, which are still tolerably good.—About 200 perches of the wettest and worst parts were partially repaired in 1835.—There is about a mile near the Chapel of Torbay, and about a quarter of a mile at a place called the "Pulpits," and near Wheeler's house, partly made and in progress of being made. At "Mount Bell-Vue," which is situate near the Chapel, the new line of Road has been kept more to the Eastward, by which it is much improved. The valley next the Chapel has been raised about 3 feet, and other parts between the valley and Mount Bell-Vue have been lowered from 1 to $2\frac{1}{2}$ feet. At Mount Bell-Vue the Road has been lowered from 1 to $3\frac{1}{2}$ feet, and the vallies have been raised from 1 to $2\frac{1}{4}$ feet. There are two good Bridges built on this part, the span of one is 12 feet, and that of the other 7 feet. The abutments are built of stone and lime mortar 2 feet thick and 4 feet high. The beds of the Rivers, under the Bridges, are flagged. There is a Brook at Dooling's, about 2 miles from St. John's, which requires a Bridge of about 15 feet span. Some of the cross-drains are getting out of repair. There are parts of this line which could be improved.

APPENDIX.

ROAD TO FLAT ROCK AND POUCH COVE.

This line of Road is laid out through Torbay. It leaves the old track a little to the North of the Chapel, passes through some private property, and crosses Torbay River, about a quarter of a mile from the Beach. It then ascends along the base of a ridge of rocks to nearly the highest part of the line on the North Side of Torbay.—It then passes over tolerably level land to Flat Rock, taking up part of the old Road. At Flat Rock, the line which has been marked and opened passes through private property, and towards the old Bridge over Flat Rock River, it is partially opened. About a quarter of a mile from the River, the Road is opened to Pouch Cove, and for a distance of about 2 miles, it is a straight level line. There are about 150 perches, in detached pieces; of the wettest marshes on the North Side of Torbay, drained and prepared for gravel, and there are also a few small Bridges on these parts which are tolerably good. If a Bridge were erected about 20 feet span, over Torbay River, and the Road levelled from the Chapel to meet the Road on the North Side, it would be of great benefit to the public, and particularly to the inhabitants of Torbay and Flat Rock. About midway between Flat Rock and Torbay the line could be improved. At Flat Rock it is difficult to bring the road convenient to any of the Rooms of the Inhabitants, except by the line of road which has been made by Mr. Michael Wade. This would be the most level line to Flat Rock; but it would much increase the distance for those persons resident on the North Side of Flat Rock, in Pouch Cove, &c. Mr. Wade has made a tolerably good road here at his own expense.

On the Road between Flat Rock and Pouch Cove there are 12 temporary Bridges built over brooks from 4 to 28 feet span; and about 30 perches of a very wet marsh has been drained. There are about 9 miles of this road opened from 9 to 13 feet wide, parts of which were opened in 1835, and the trees cut level with the surface. The roots and stumps of the trees are now grown above the peat in the wet parts; and in the dry parts, particularly where the land is good, and birch timber abounds, the suckers which grow from the roots of the trees are now very high, and occasion much annoyance to travellers. The distance from St. John's to Torbay is about 7 miles—from Torbay to Flat Rock about 3½ miles—and from Flat Rock to Pouch Cove about 6½ miles.

ROAD FROM THE KING'S BRIDGE TO OUTER COVE.

The land over which this Road passes is tolerably level. Near Outer Cove, however, the old road is very steep, and carts cannot be worked upon it. A line has been opened near Outer Cove which keeps a good deal to the Westward of the old road. It is 9 feet wide, and partially drained, but no bridges have been erected thereon. The inclinations on both sides of the Outer Cove River, and on other parts of this line, are very considerable. A new line has been opened 13 feet wide, which is shorter and much more level (distance 1½ miles), and passes through a small share of private property. On this line there are 4 small Bridges built, from 2½ to 5 feet wide, and 2½ feet deep, of masonry. There is also a Bridge over Outer Cove River, the span of which is 18 feet—the height 4 feet—the abutments are built of stone and lime mortar, and are strongly covered. About 3½ miles next to St. John's have been made, and repaired. On this part there are 8 small bridges or cross-drains, mostly 2½ feet square, the sides of which are built of masonry—and 4 larger bridges; the span of one is 20 feet, and that of the others from 6 to 8 feet, also of masonry. The vallies have been raised from 1 to 4 feet, and the hills lowered from 1 to 3 feet. At Brine's Hill the line of road has been changed partly through the gravel pits and the adjacent bank, which has been cut 8 feet deep, and about 100 feet long, partly through a solid rock. This alteration has improved the road very much. Were the mile and a half next to Outer Cove made, the Inhabitants would be enabled to bring their Salt, Fish, Agricultural Products, &c. &c. by land.

ROAD FROM LOGY BAY TO MEET THE OUTER COVE ROAD.

This Road branches off from the Outer Cove Road, near the North-East angle of the lands of Virginia Cottage, and passes over comparatively level land to within nearly half a mile of Logy Bay, where it branches into two roads, which lead to different parts of the Bay. This line of road has been much improved.

APPENDIX.

About 150 perches next to where the roads branch off, are tolerably well prepared for gravel. The road is from 10 to 12 feet wide. The hills have been lowered from 6 to 18 inches, and the vallies raised from 6 to 30 inches. On this part there are 6 cross-drains 2 feet square, and one, 2½ feet deep by 4 feet wide, which are tolerably good. Next to Virginia Cottage there is a side-drain on the higher side of the road, the material taken from which has been spread 12 feet wide on the centre. There are 8 cross-drains built. This part of the road is badly made, and the drains are very inferior and in want of repair. Although this road has been badly made, the Inhabitants of Logy Bay have been enabled to bring their Fish, Salt, &c. by land, since the Outer Cove Road has been improved. It is very desirable to put this part of the road, and also one of the branch roads, into proper repair.

ROAD FROM RADFORD'S TO PALK'S AT RIVER-HEAD.

River-head Road.

This Road is made 20 feet wide from Radford's to the Mill-Lane; and the Branch Roads to Bay of Bulls and Topsail, are made from 15 to 20 feet wide, as far as Mr. Palk's house.

There are 6 new cross-drains 2½ feet square, built with stone and lime mortar, and a few of the old drains have been repaired. A Stone Bridge has been built on the Bay of Bulls line, over the stream near Mrs. Whelan's, the span of which is 4 feet; and another Bridge, 5 feet span, has been built over the same stream, on the Topsail line, the abutments of which are constructed of stone and lime mortar, and the covering is of good strong wood. The hills on the road have been lowered from 1 to 7 feet, and the vallies raised from 1 to 6 feet. The Bay of Bulls Road, at Mrs. Whelan's, has been much improved; from being impassable, it is now reduced to a very easy inclination; and the cross-road at Palk's garden, the turn of which, on the Topsail line, was so dangerous, is now very seldom used.

ROAD FROM MR. PALK'S RESIDENCE, AT RIVER-HEAD, TO BAY OF BULLS.

Road to Bay of Bulls.

This Road has been made on the old track, and passes over uneven land to a distance of about a quarter of a mile to the South-West of Waterford Bridge, where it avoids several very steep inclinations, and gets on the old track at *Blockmaker's Hall*, which it continues a short way; it thence keeps to the Southward and Eastward of the old track, and passes through two small lots of private property, and over land comparatively even, nearly to the "*Golds*," (distance from St. John's about 9 miles,) where it descends with rather steep inclinations; it then ascends from the *Golds'* large river to "*Goose Marsh*," which it crosses, and which is about a mile long. This marsh is interspersed with small groves. The road thence keeps to the Eastward of Goose Pond, Large Pond, Middle Pond, and Long Pond, and then descends gradually, for some distance, on the side of a ridge, to Bay of Bulls River, about a quarter of a mile from the Harbour. In this place, I believe, it has not been determined whether it would be better to have the line of road pass over the old bridge, which is near the head of the Harbour, and on by the flakes; or to cross the river at the place the road is opened to, where a better level could be obtained, but where it might have to pass through a larger portion of private property. If the road were to end at Bay of Bulls, the former line would be preferable; but if it is to be considered as a main road to the Southward of the Island, the case may be different. However, it would be very desirable to have the line determined on before the property through which the road will have to pass, shall be more improved.

Golds' River.

Bay Bulls.

This line of road passes through woods of the best description in the country, and opens out tracks of excellent land. There are several straight lines on it, from a quarter of a mile to 2½ miles long; and about 3 miles next to St. John's has been made and repaired. The hills have been reduced into easy ascents, being lowered from 1 to 7 feet, and the vallies raised from 1 to 5 feet. The road material on this part is generally good. There is about half a mile near Blockmaker's Hall newly made, on which there are several small ruts. There are 24 bridges, or drains, 2½ feet high and from 2½ to 4 feet wide, built with stone and lime mortar; the bottoms are flagged, and the tops covered strongly with wood. From the end of that part of the road which is made, the line is opened to Bay of Bulls from 24 to 26 feet

APPENDIX.

wide, except about 3 miles near Middle Pond and Long Pond, which is opened only 12 feet wide. The marshes and wettest parts are well drained, the side-drains being generally 3 feet wide and 2 feet deep. Near *Delahunty's Bridge*, which is about a mile from Blockmaker's Hall, there are about 20 perches of the road levelled and prepared for gravel. From Blockmaker's Hall to Goose Marsh there are 20 cross-drains from 2 to 4 feet wide. With a few exceptions these drains are good. There are also 6 temporary Bridges, 2 feet wide, and 3 other Bridges the spans of which are from 7 to 15 feet, and another one 17 feet span. A Bridge has been erected over Fox River, the flooring of which is about 130 feet long. The Bridge over the Gold's Large River is 38 feet span, the abutments of which are 8 feet high. The width of this river is nearly 60 feet. These are strong Bridges.— Between the Northern end of Goose Marsh and Long Pond there are 10 good Bridges from 4 to 12 feet span, and 22 cross-drains partly built. If that part of the road between Long Pond and Bay of Bulls (distance $1\frac{1}{2}$ miles) were levelled and prepared for gravel, it would be of great service to the inhabitants of Bay of Bulls. Although the road by Sweeney's Marsh has only been drained, carts are now frequently used upon it. Were the road made a few miles farther on, there would be a large quantity of wood brought on carts to St. John's.

Bridge over Fox and Gold's Rivers.

The length of this road, from the Court-House of St. John's to Bay of Bulls, is about $18\frac{1}{2}$ miles.

ROAD FROM THE BARRENS TO "NEWTOWN".

Nearly three-quarters of a mile of this Road have been prepared for gravel.— There is about a quarter of a mile next to the Garrison, and about the same distance in the neighbourhood of Newtown, to which nothing has been done. A good Bridge has been built near Newtown, the span of which is 10 feet; the abutments are of stone and lime mortar. There are many Farmers resident on this road who would be materially benefited if the entire of it were put into good repair.

Road to Newtown.

ROAD FROM THE BARRENS TO UPPER LONG POND, BY ALLEN, JUN'RS, FARM—

(Distance $1\frac{1}{2}$ mile and 35 perches.)

This Road branches off from the Military Road along the North-Eastern side of the Cathedral Ground, and descends with rather a steep inclination towards Mr. Allen's Farm; thence it passes over land which is slightly undulated, to the Eastern end of Upper Long Pond. This is one of the best made roads in the Island, the soft soil and clay having been taken from it. The hills have been lowered and the vallies raised from 6 to 30 inches; it is also well drained. There are 5 good cross-drains and 2 good bridges built on it—the span of one is 10 feet, and that of the other, over Long Pond River, is 20 feet.

Road to Upper Long Pond, by Allen's.

ROAD FROM BRINE'S BRIDGE TO UPPER LONG POND.

(Distance 1 mile and 15 perches.)

This Road passes by Rennie's Mill, partly along the river, and meets the road by Allen's farm, near Upper Long Pond. The hills have been cut from 1 to 3 feet, and the vallies raised from 1 to $3\frac{1}{2}$ feet. The inclinations have therefore been rendered comparatively easy. The part next to Long Pond is slightly gravelled. There is a good Bridge built over the brook which runs through Mr. Rennie's land—the span of which is 12 feet, the height 3 feet. From the end of this road (which joins the Friendly Hall Road at Brine's Bridge), to the head of the King's Road, is about half a mile, to which nothing has been done, and on which there is a long, steep inclination. *Were this part properly repaired, it would be of considerable benefit to the Public.*

To Upper Long Pond, by Rennie's.

ROAD FROM BRINE'S BRIDGE TO WALSH'S FARM, TO MEET THE PORTUGAL COVE ROAD.

The greater part of this Road forms part of the old road to Portugal Cove.— There is a very steep hill opposite Brine's farm; and until it is considerably reduced, the Farmers living to the Northward of it will be unable to bring manure, &c., from the Town, by this road. About a quarter of a mile to the North of this hill has been made, and a good Bridge built over a small stream.

"Friendly Hall" Road.

APPENDIX.

ROAD FROM UPPER LONG POND TO THE THREE PONDS IN THAT DIRECTION.

Road to "Three Ponds."

This line of Road could be greatly improved by keeping to the North of the old road opposite Dwyer's land; but as there were not sufficient funds to effect this improvement, it was considered better to repair the old line. There is nearly half a mile in good repair. The hills have been lowered and the vallies raised from 1 to 3 feet. If this road were made further in towards the Three Ponds, the Farmers in this quarter would be much benefited, as they would be enabled to bring manure from the Town.

ROAD FROM THE KING'S BRIDGE TO THE WHITE HILLS, BY QUIDI VIDI POND.

Road from King's Bridge to the White Hills.

A mile and 15 perches of this Road has been repaired. The hills have been lowered from 1 to 3 feet, and the vallies raised from 1 to 2 feet. The Bridge over the Brook which runs through the Grove farm has been rebuilt,—the span of which is 17 feet. There are five cross-drains built with stone and lime mortar. This Road would be much more useful if it were continued from Mr. Coaker's House to Quidi Vidi Harbour.

ROAD FROM THE GROVE ROAD TO THE WHITE HILLS, CROSSING THE RIVER AT KEARNEY'S HOUSE.

The Grove Road to the White Hills.

There is about half a mile and 20 perches of this Road in progress, and nearly made. The hills have been lowered and the vallies raised from 6 to 18 inches.—The Honorable Patrick Morris, and the Agents of the Grove Farm, have liberally given the land required for the Road, without remuneration. To make this Road generally useful, a Bridge must be built near Kearney's house, the span of which would be about 20 feet; and it will be necessary to make at least another half mile of it.

ROAD FROM APPLE TREE WELL TO GEORGE'S POND.

Apple-Tree Well to George's Pond.

This Road passes along Lazy-Bank, and to the Southward of Monday's Pond, for the most part along the old track. There are 2½ miles repaired, and 9 good cross drains, and a good Bridge built, (the span of which is 10 feet) over Monday's Pond Brook. If another mile of this Road were made, the Farmers in the neighbourhood of the Black Marsh would be much benefited.

ROAD FROM BROOKFIELD, WESTWARD, BEING PART OF THE OLD PLACENTIA ROAD.

Old Placentia Road.

There are 2 miles and 23 perches of this Road repaired. Were it made another half mile, it would reach as far as there are settlers, but not so far as to where the land has been granted. There is fine timber and good land in this part of the country yet unreclaimed. Ten good cross drains have been built on this Road.—"Dunscob's Bridge" is much in want of repair.

ROAD FROM ST. JOHN'S TO WIGMORE'S GULLY.

Road to Wigmore's Gully.

This Road commences at the Episcopal Church, and passes by Long's Hill, and Fresh Water. About a mile and a half and 62 perches have been repaired.—At Long's Hill the Road has been considerably eased, having been cut through a solid rock 3½ feet deep. Other parts of the Road have been lowered from 1 to 2 feet, and the vallies filled from 1 to 3 feet. There are 6 good Bridges built, 2½ feet deep, and from 2 to 5 feet wide. This Road passes through Neil's farm, where the land is rather flat. The river in this place occasionally overflows its banks to the width of 20 perches. A Bridge will be required over this river, the span of which would be 20 feet, and another of 10 feet span. The Road will also require to be raised from 2 to 3 feet. There are several Farmers residing on the Northwest of this river, who, at certain seasons, find it utterly impossible to cross it.

ROAD FROM WIGMORE'S GULLY TO MEET THE OLD TOPSAIL ROAD.

From Wigmore's Gully to the old Topsail Road.

This Road branches off from the Wigmore's Gully Road, at Neil's farm, and proceeds along a valley, with a gradual inclination, to Ryan's farm. A quarter of a mile next to Neil's farm has been repaired, and about a quarter of a mile drained.—A Bridge is required to be built, on this road, about 12 feet span. This is one of the most level Winter-roads coming into St. John's. There are many old settlers

APPENDIX.

along this road, and several new grants of land have recently been taken. Were the Road properly made, the value of the land would be considerably enhanced.

ROAD FROM ST. JOHN'S TO TOPSAIL AND HOLYROOD.

At River-head this Road departs from the Petty Harbour and Bay of Bulls line, and continues the old line to Brookfield, where it branches off from the old Placentia Road, still continuing the old line to about $5\frac{1}{2}$ miles from the Court-House in St. John's. It then keeps to the Westward of the old line, preserving a much better level until it meets the old line again at the sixth mile post. It then, for the most part continues on the old line which was opened in 1834, for 2 miles, thence, keeping to the Westward, on the lowest elevation, by Brazil's and Neil's Ponds, it again meets this line at Topsail large Pond, by which several large steep hills are avoided. Here it follows the old line for about 40 perches, and then keeping to the Westward partly along Topsail Pond, it descends gradually for about 2 miles to Topsail, (distance from St. John's about 12 miles) thence keeping near the Beach (or Salt) Ponds, it passes over undulated land to Kellygrews, (distance from Topsail about 6 miles) and continues over hill and dale by the head of Lance-Cove-Pond, and by the hill called the Little-Butter-Pot, to the Southern arm of Holyrood, preserving the best level and the shortest line which this part of the country affords. From River-head to Brookfield (distance upwards of $2\frac{1}{4}$ miles) the Road has been partially repaired. On this part there are 2 new Bridges built, from 2 to 3 feet span, and a good Bridge near Brookfield 10 feet span. Several old Bridges have been repaired. Parts of the fifth mile, and on towards Kean's house, are getting very much cut up. In 1836, when part of the fourth and most of the fifth mile was repaired, those parts which are now very bad, and which pass through wet land, were only stripped of the peat or soft soil, and small drains made. There is a good Bridge, 10 feet span, built on this part, and several cross drains. Many parts of this Road have been well made, and last spring, when most of the Roads in the district were cut up, there were about one hundred horses and carts working on it. Those Roads in the district on which the peat and soft soil have been left, and which are apparently well made, cannot stand the work of other roads from which these substances have been removed. From Kean's to near Brazil's Pond (distance about $2\frac{1}{4}$ miles) the Road is thoroughly made. The hills have been reduced and the vallies raised from 1 to 4 feet. On this part there are 10 small Bridges well built, from $2\frac{1}{2}$ to 4 feet span, and several other minor ones. There is also a Bridge, the span of which is 15 feet, strongly built. There are nearly 3 miles which have been only opened from 24 to 26 feet wide, the wettest parts of which have been drained. On this part, which is the most level of the entire line, there are 11 good cross-drains built, and a few smaller ones. There is likewise a good strong Bridge erected, the span of which is 18 feet. From this part, extending mostly on the side of a ridge, there is upwards of a mile prepared for gravel. The hills have been reduced from 1 to 3 feet, and the vallies raised from 1 to 4 feet.—Several rocks have also been cut through, 4 feet deep and about 20 feet long.—Before this part of the Road had been levelled, it was quite impassable for horses; but there is now a free access to Topsail. On this distance there are 7 good cross-drains, and a few French drains, made,—and a strong Bridge erected, 18 feet span. A very considerable improvement has been effected on this part by the alteration of the line. In this instance the necessity of having proper preliminary surveys made, is fully exemplified; for had the money which has been expended in the opening and draining of the rejected line, and the building of Bridges thereon, been laid out on improving the new line, the Road would now be in a fit state for the reception of gravel. From Topsail to Kellygrews the Road has been opened 24 feet wide, and might be slightly improved. The drains on this part are inferior, and in some places the side drains are closed up. There are 3 good Bridges built, from 6 to 10 feet span—2 good cross drains, and 16 lesser ones—and 4 temporary Bridges from 10 to 18 feet span, on this part. Bridges are very much wanted to be built over Manuel's River, which is 100 feet wide—over the main brook of Long Pond, 50 feet wide,—and over Kellygrews River, which is 45 feet wide. The only possibility of crossing these at present is, on two sticks which have been thrown across and placed close to each other. From Kellygrews to Holyrood the Road

APPENDIX.

has been opened 12 feet wide. There are good side drains made 3 feet wide and 2 feet deep, on most of the wet parts, and there are about 30 cross-drains contracted for. A good substantial Bridge has been built over Seal's Cove River, the span of which is 28 feet; and 2 good temporary Bridges have been thrown over the Gullies Rivers; one 28 feet, and the other 12 feet span. Over Indian-Pond-River there is also a good temporary Bridge, 24 feet wide. There are 5 other temporary Bridges built over Brooks from 6 to 12 feet wide. A good Bridge has also been erected on shores over the Southern Gut of Holyrood, the flooring of which is 84 feet long. Between Indian-Pond-River and the Butter-Pots there are several large loose rocks on the surface of the Road, which ought to be removed. This Road will form part of the Main Road which is intended to open the Bays to the North and Westward.

SOUTH RIVER ROAD.

South River Road.

This Road is part of the old Road to Bay of Bulls, and about half a mile of it has been repaired. A good Bridge, 14 feet span, and 5 new cross drains, have been built upon it. It would be desirable to have about three-quarters of a mile more of this Road made, as there are several industrious settlers upon it.

PETTY HARBOUR ROAD.

Petty Harbour Road.

About a quarter of a mile to the South-west of Waterford Bridge this Road branches off from the Bay of Bulls Road, and passes through some good land. It then proceeds by the Western end of Petty-Harbour-Long-Pond, winding its course by several hills and ponds, and descending through barrens to Petty Harbour, where it will have to pass through private property. There are nearly 3 miles from 7 to 10 feet wide levelled and prepared for gravel. The hills have been lowered and the vallies raised from 1 to 4 feet, and several rocks have been cut 2 feet deep. There are 21 good cross drains made from 2 to 3 feet wide, and several other inferior ones. In 1836, the mile of Road near Long Pond being rough and rocky, and very difficult to travel, was levelled and made, but owing to some of the vallies having been partly levelled with sticks, boughs and peat, and not having a sufficient quantity of road material placed over them, it is now in need of repair.—There are 2 miles yet remaining to be repaired. Were this Road finished, it would be of great benefit not only to the Inhabitants of Petty Harbour, but also to the Farmers in the neighbourhoods of Waterford Bridge and Blockmaker's Hall, who look forward in expectation of being enabled to obtain fish offal for manure in Petty Harbour, when the Road shall be completed.

WATERFORD BRIDGE.

Waterford Bridge.

This is a good Stone Bridge, the span of the arch is 35 feet—the height of the abutments 4 feet,—the width of the road way 20 feet—the parapets are nearly 110 feet long on each side of the road, and 2 feet thick. The average height of the retaining walls and parapets is about 12 feet. The Bridge and Walls require to be pointed, and if the bed of the river on both sides of the Bridge were cleared, it would be of great benefit to it, and to the Road on the North-east side, as the water would then have a free run.

HOSPITAL BRIDGE.

Hospital Bridge
River-Head.

Although this Bridge has been repeatedly repaired, it is far from being substantial. Most of the materials of which it is constructed are in a decayed state, and it will be very expensive to keep it in proper repair. There being much intercourse over this Bridge, I would recommend a Stone one being built.

JOB'S BRIDGE LEADING TO THE SOUTH SIDE.

Harbour Bridge
(opposite Job's.)

This Bridge was completed in 1838, and has been found of great benefit to the public. The length of the embankment is about 44 perches, and the width about 16 feet. The Eastern side is not substantial enough to resist the surf of the sea in heavy weather. This fact was exemplified during the severe gale on the 24th November last, when several breaches were made in it;—the damage, however, has since been repaired. To render this structure permanent it would be advisable to form a new Wall on the exposed or Eastern side, which should be faced with much larger stones than those in the present work.

APPENDIX.

The span of this Bridge is nearly 38 feet. The opening however is too narrow for the body of water which has to pass through during the influx and reflux of the tide. This causes a strong current, which has formed a channel about 10 feet deep at high water—by which is created a sort of whirlpool near the abutments that may ultimately undermine them if necessary precaution be not taken to prevent it.

GENERAL OBSERVATIONS.

Of the new Roads in this District (St. John's), the greater part are 20 feet wide between the side-drains,—the centres of which are gravelled from 12 to 16 feet wide. Almost in all cases where the hills have been lowered, the banks on each side of the road have been left nearly perpendicular, and are now falling down and filling up the side-drains. Had the banks been sloped at an angle of 45 degrees, this fault would, in a great measure, be obviated. General Observations.

On an attentive perusal of this Report it will be observed that the principal defects in many of the Roads throughout the Island are, that the side-drains have not been made sufficiently large—that in opening the roads, the stumps of the trees have been left standing too high, and in making them the roots have not been taken up—that embankments have been formed with boughs, sticks and peat, thrown loosely together, and the hollows in the roads have been filled up with the same materials. Sticks or boughs should not be used except in soft, peaty marshes where it cannot be avoided, in order to admit horses and carts upon them when making the roads; but they should always be laid with care, and a sufficient weight of other material placed over them.

It will also be perceived from this Report, that in the first laying out of most of the Roads in the Island, a manifest want of experience, or much carelessness, is exhibited. It is quite evident that in many places the line of road could be made much shorter, and more level. I have found, since the roads have been opened, that there are individuals enclosing and improving the land adjacent to them; and many of these improvements are now made in those places where the road would pass, had it been laid out on the best line. If the objectionable parts of the roads be finished as they are at present laid out, it will be found, when the traffic and intercourse upon them increases, that it will be absolutely necessary to avoid them, and alter the lines. The Colony will then not only sustain a loss of the amount expended in making these parts, but parties will have to be remunerated for the improvements made on the adjacent lands through which the improved line will have to pass. Before further improvements, therefore, are made by individuals, or more expense is incurred in finishing these parts of the roads alluded to, I would respectfully submit the expediency of having the best lines marked out, and sufficient space reserved for the public road. Were this done, those parts of the existing lines where no alteration is necessary, might be first finished, and the improved parts subsequently made, as circumstances would admit.

I cannot close this Report without observing that, did I conceive it within the scope of my duty to notice other Roads and Bridges in the Island beyond those "*which have been made under the provisions of the several Acts of the Legislature,*" I might point out several which are in a very bad state, and which, if repaired, would be of great benefit to a large portion of the population. I would further remark that, from the state in which I have seen many of the Streets, Roads and Bridges, unless the improvements which have been commenced are continued and completed, the money which has been laid out upon them will, in a great measure, be so much uselessly expended.

The various Roads alluded to in this Report, although many of them are in an unfinished state, yet they are of great benefit to the different settlements through and near which they pass; and would be still more so, if a certain distance were

APPENDIX.

General Observations.

made, on each side of every Harbour, fit for the purposes of carts and other wheeled carriages. Another great advantage would accrue to the Public by opening Cross-Roads, particularly between the main lines and the Sea shore. These would not alone facilitate the hauling of Timber to the water's edge, but would conduce to the conveying of Sea-weed, Fish-Offal, and other Manure, for Agricultural purposes.

Respectfully submitted, by

THOMAS BYRNE.

No. 39.

Answer returned by the Chief Justice, in pursuance of an Address of Her Majesty's Council, dated 26th January, 1841, relative to the state of the Law as respects Fishing-Servants and their Employers.

The Judges having had the honor to receive, by the Governor's directions, a copy of the address of the Council, requesting His Excellency "to direct that there be laid before that House the opinion of the Judges of the Supreme Court on the present state of the Law as respects the rights of Fishing-servants and their employers;" and having been requested, (if they saw no insuperable objection,) to supply the information asked by the Council,—

The Chief Justice begs leave to observe :

That it was the doubtful and undefined state of the Law on this subject that induced him, in the last term of the Supreme Court, to venture to express a hope that some enactment might be passed with respect to it ; and that the same reason now prevents him from stating his views on that Law in so distinct and explicit a manner as he could wish.

The Chief Justice encloses herewith a copy of the decision of the Judges in the case of *Nowlan v. Macgrath* (given on December 15, 1840,) in which the Council will see an instance of the doubtful state of the Law in the circumstance of the Judges differing the one from the others, and will find the Chief Justice's remarks upon the previous cases relating to the Fisheries and Fishermen's Wages.

The 15th Geo. 3, c. 31, s. 16, provided "That all the Fish and Oil which shall be taken and made by the person or persons, who shall hire or employ Seamen or Fishermen, shall be subject and liable in the first place to the payment of the wages of every such Seaman or Fisherman."

The 5th Geo. 4, c. 51, (3rd June, 1824,) repealed so much of the above Act as related to agreements or contracts between Hirers or Employers and Seamen or Fishermen, and so much as related to the mode of settling disputes between them. It did not in express terms say that Fish and Oil shall be no longer liable in the first place to the payment of Wages ; but it would have appeared to have implied as much, when it repealed the preceding and succeeding sections and all those that related to the contract and payment of wages, to which the provision of the 16th section was subordinate, as affording a mode of securing what the other sections provided should be paid.

This latter Act was a temporary one, and has expired ; and here another doubt might be raised, viz. whether the former Act, therein in part repealed, is not therefore entirely revived.—The Chief Justice is however of opinion that that by no means necessarily follows ; Lord Ellenborough in the case of *Warren v. Windle*, (Hil. Term, 43. Geo. 3,) 3. East. 210, lays it down that "a Law, though temporary in some of its provisions, may have a permanent operation in other

APPENDIX.

respects ;” and his Lordship instances the Stat. 26 Geo. 3, c, 108, which he says “ professes to repeal the Stat. 19 Geo. 2, c. 35, absolutely, though its own provisions (which it substituted in place of it,) were to be only temporary.”

The 5th Geo. 4, c. 51, in its 10th section, itself provided that Fish and Oil should be subject in the first place to the payment of Fishermen’s Wages ; and the Judicature Act, (which has passed in the same session, and almost immediately after—5th Geo. 4, c. 67,) makes a reservation of their prior claim in the distribution of Insolvent’s effects. This reservation, in the 25th section of the Judicature Act, no doubt, referred to the recent provision of 5th Geo. 4, cap. 51, sec. 10.

No part of the 15th Geo. 3, c. 31, pointed out in what manner the provision of the 16th section was to be made available by the Fisherman, nor did any other Act do so, (except in the case of a claim against an Insolvent.)

The cases of *Silvey v. Bennett*, and *Colbert v. Howley*, (cited in the decision *Nowlan v. Macgrath*) are express authorities, (by the three Judges in the one case, and by Mr. Boulton in the other,) to show that the Fisherman has not a right to follow the Fish after it has passed into other hands.

The Chief Justice is of opinion that, whilst the Fish is still in the Fisherman’s *own possession*, he has a lien upon it for Wages actually *due* under an entire contract ; and if there is no such contract, then that he has not a general lien, but a lien on the specific Fish on which he has bestowed his labour.

The Chief Justice is authorized to state that Judge Lilly concurs in these views.

(Signed)

J. G. H. BOURNE,
Chief Justice.

St. John’s, February 4, 1841.

SUPREME COURT,—DECEMBER 15, 1840.

NOWLAN v. MACGRATH.

The decision in this case, which came before the Central Circuit Court in the last term, and was subsequently transferred into the Supreme Court, was pronounced on Tuesday last, by the delivery on the part of each of the Judges of their respective views and opinions on the subject.

The great importance of the question, embracing in its issue a decision that shall govern as the future Rule of Law on the question involved, made us anxious that the judgments should be laid before the public in their most authentic shape ; and with this view we made an application to the Court for copies of the documents, which was politely acceded to : we are thus enabled to give our readers the benefit of a perusal of these judgments, with the clear and comprehensive expositions of the grounds on which they are based.

Mr. Justice Lilly’s Judgment came first in order, but as it substantially bears out the views urged at greater length by the Chief Justice, its publication is not essential.

Mr. Justice Des Barres delivered his Judgment next, in favor of the view contended for by the Plaintiff’s Counsel.

The Chief Justice’s decision confirms Mr. Justice Lilly’s, and is therefore the governing one.

It is then practically established that a servant is not warranted in detaining Fish or Oil, the property of his master, as security for the payment of his wages—prior to the period pointed out in their agreement, as the time when the service shall cease and the wages be payable ; and that disobedience of a master’s instructions to assist in the landing and delivery of property so sought to be detained, operates as a forfeiture of the servant’s claim.—The plea of disobedience of a lawful command was that urged by the Defendant—and on this was issue joined, and the decision made to rest.—The Law was clearly against such a procedure on the part of the servant ; and as to custom, the Chief Justice refers to the absence of any evidence to prove it,

APPENDIX.

and seems to be well sustained in the opinion that no custom bearing out such a course, was "tried, decided, and recorded in the Courts," which would be necessary to give to it the force and authority of Law.

But the main question still remains untouched, though the Chief Judge pretty clearly intimates what his views and decision would be, were it fairly brought before him for adjudication.—The liability of the Merchant for the wages of the Servants employed by their Planters is not established by the Law of England; and the present opinion of the Court seems to be decidedly opposed to the existence of any custom sanctioning this liability, so uniform and uninterrupted, as would warrant the recognition of the principle, that it was, or would be regarded as forming part of the Law of the Land.

We entertain no doubt of the correctness of these views as laid down by Mr. Chief Justice Bourne in his Judgment on the case in question. That document has been drawn up with much care, for he seems properly to have regarded the decision in this question with reference to its important bearing, as the governing Rule of Law for the future—and hence the research, the authorities cited in support of the position it lays down as law, besides the many excellent common sense suggestions on the acknowledged defects of the system, for which the Legislature is recommended to supply the proper remedy.

And then comes the question—Is it fitting in a Country, whose main stay is her Fisheries, that the Law regulating those Fisheries, and the various liabilities of the Merchant, Planter and Fisherman, by whose co-operation they are prosecuted, should be in that undefined and indeterminate state, as that the various obligations of these several classes shall continue problematical as at present? If further argument were needed to negative this question, the case which called for the Judgments in question would be abundantly conclusive. The present Law is declared at the best to be doubtful; and we have seen, within the last few years, so many conflicting decisions on this subject arising out of the absence of any specific or definite Law which would govern them, that it becomes matter of astonishment that the application of the remedy—which is within the province of the Legislature—should have been to this time delayed.

But the evil increases and must be met,—the Judges declare the insufficiency of the existing Law, to afford that tangible security for the payment of the Fishermen's Wages, which once was held, and it is unfair and unjust that this industrious class of the population, whose services are essential to the carrying on of the trade; it is unjust, we say, to leave this body of men in such a position as that at the expiration of their service that which they looked to as the reward of their toil, may not be forthcoming. That which they earn they are entitled to,—and as the law in this does not afford the necessary protection, the obvious and essential change should promptly be effected.

But in affording the Fisherman every legitimate protection, it must be borne in mind that there are other interests as well to be secured, and which cannot be overlooked—their respective positions are all well understood; and as it is perfectly practicable to embrace the interests of all without the introduction of any provision that shall operate hardly or unfairly on any, we trust that the Session of the Legislature now approaching may not be permitted to pass away without an Enactment that shall afford the mutual and necessary security we refer to.—

MR. JUSTICE DESBARRES' DECISION.

This Action was tried at the late sitting of the Central Circuit Court, before a Special Jury, who returned the following Verdict—Verdict for the Plaintiff, subject to the Law of Lien.

The Case has since then been transferred into this Court, and it has received this explanation:—

That the Verdict is for the Plaintiff if the Court be of opinion that the Plaintiff's refusing to deliver Fish "taken by the Hirer of the Fisherman," (15 Geo. 3, Sec. 16.) to a certain Mr. Mudge, under certain circumstances detailed in the evidence, be not the disobedience of such a command as the law regards to be a breach of Contract, and consequently operating as a forfeiture of Wages.

The Contract is in the usual form—to serve as a Fisherman to the last of October, and to receive as Wages the Sum sued for. The whole matter has been very satisfactorily argued by the learned Counsel on both sides, and cases have been cited shewing the opinions which were entertained on various occasions, since the earliest periods of the Fishery, of the Laws and Customs which governed it. Some of these opinions and adjudications are of very high autho-

APPENDIX.

riety. The Court, however, as regards the Parties litigant at present, is spared much investigation on the alleged Laws and Customs which those authorities were adduced to prove, in consequence of the admission in argument of the Counsel to the Plaintiff, and of the Defendant, that by the 15 Geo. 3, Cap. 2, Sec. 15, as well as by the Custom of the Fishery, "The Fish and Oil that shall be taken by the Hirer of the Fisherman, and shall in the first place be liable for the Servants' Wages." The same prior claim to the produce or value of the Fish is also recognised in the 5 Geo. 4, Cap. 67. It is true the Counsel for the Plaintiff also insists that the Fisherman has a right to look to the voyage from its commencement, and the Defendant's Counsel insists that he has no right to do so till the expiration of his period of service. Such being admitted to be the Law of this Colony, the question for the consideration of the Court is, has the Plaintiff refused to obey a lawful command? The Defendant desired the Plaintiff to deliver to Mudge a quantity of Fish the produce of Defendant's Voyage;—he refused doing so under certain circumstances—he did not do it—he offered to do any thing else. Was it a lawful command?—The Master before his arrival in Port, when his Voyage was to terminate, entered into conversation with the Plaintiff as to the state of his pecuniary affairs. After the Vessel was in Port and ready to discharge her Freight, the Plaintiff refused to deliver the Fish unless he got security for his Wages; the Defendant sent him to Mudge, for whom the Fish was intended, to get information about his Wages and satisfactory security for Payment. Mudge said he would not be answerable for the Wages if he did not receive the Fish. This notice I consider will place Mudge in the position of a *bona fide* purchaser, and would enable him to place the whole of the Fish received by him under that notice by the act of delivery, and therefore constructive consent of the Plaintiff, to the credit of the Defendant in payment of his individual Debts.

I concur in the principle laid down, that a *bona fide* purchaser of Fish cannot be called upon to pay over again the Money he may have payed on account of it; and that a Servant by an act of constructive consent, such as delivering the Fish after notice that it will not be received subject to the payment of his Wages, loses his claim upon it when it so passes out of the Master's hands.

After the Plaintiff received that notice from Mudge, the Defendant ordered him to deliver the Fish. The Plaintiff asked if it was the Defendant's intention to baffle him out of payment,—he said it was. The Plaintiff refused to deliver the Fish, and this is the act of disobedience alleged that the Defendant insists upon as operating as a forfeiture of Plaintiff's whole Wages.

I am of opinion if the Plaintiff had under the notice from Mudge, delivered the Fish to him, he would, by such act of constructive consent, have forfeited his legal right of looking at the end of his services to the proceeds of the Voyage. As, therefore, the Law requires no man to do any act which would deprive him of his legal rights, I am of opinion that the command to deliver the Fish was unlawful, and the Plaintiff is entitled to the *postea*.

CHIEF JUSTICE BOURNE'S DECISION.

In this case the Jury found a verdict "Subject to the opinion of the Court on the Law of Lien."

And on this finding arose the preliminary consideration as to what Court was to pronounce that opinion.

No question was raised, nor any doubt suggested by either of the Learned Counsel for Plaintiff and Defendant, but that the Judge then presiding in the Central Circuit Court, (namely, myself) was the one to decide the point, and I am well aware that the practice here has always been for the Judges of the Circuit Courts to dispose of the whole merits of the Cases before them, and even when objections as to the improper admission or exclusion of evidence or exceptions as to the correctness of the Judges ruling upon the Law, have been taken, the very Judge whose accuracy has been so brought into discussion, has been the one to decide whether he was right or wrong.

The practice in England is quite different, and in my opinion has the advantage of reason and propriety on its side. There the correctness of the ruling of the Judge at *Nisi Prius* is inquired into by the full Court, and the opinion of the single Judge given *impromptu*, and in the course of the trial is confirmed or corrected by the four sitting in Banco, after argument, and after the investigation of adjudged Cases and Authorities. It is true that in England there are four fixed Terms in the year, and that here we have usually only one or two Terms of the

APPENDIX.

Supreme Court, and those not at certain periods; and this, I suppose, has been amongst the reasons for the practice which has prevailed, it having been considered unjust that a party who has had a Verdict in his favour, should be kept out of the fruits of it, by having his execution delayed so long,—it might be in some cases for three fourths of a year even at St. John's, and still longer of course at the more distant harbors. Such an evil might be in a considerable degree lessened or obviated, if after the Circuits there was always a short Term of the Supreme Court for the express and sole purpose of doing such business as the Courts in Westminster transact in Banco, and which should be in addition to the usual Sessions of the Supreme Court of original jurisdiction, as held at present, when the attendance of Juries and Witnesses and Suitors is required. At such a Term as I am now suggesting, the Judges and the Bar would be all who need to attend. I do not deny that I have acted on the prevailing practice during the short time I have been here; but I have felt its inconvenience and impropriety, and I believe no Circuit has passed by without my having expressed, though at less length than now, my regret at seeing such a course of business as that of a single Judge taking upon himself to decide upon the correctness of his own decisions. Even in the late Term on the 14th Nov. (only three days before the argument in the present case) I made the observation in the discussion upon the rule in *Kent v. Thomas*, that there ought to be a Court in Banco, and that observation I find entered on my notes, and I have no doubt but that the learned Counsel, who had then been arguing, viz. Mr. Row and Mr. Robinson, will remember my having said so. I took an opportunity of enquiring of my learned brothers whether they were satisfied and prepared at once to give it as their opinion that I ought to decide the point left to the Court, and that the practice of the Judges on the Circuits making a final decision has become too inveterate to be disturbed unless by a rule of Court or by an Act of the Legislature, and that this extends not only to cases where the Judge's Law is questioned, but also to cases where Special Verdicts have been found subject to the opinion of the Court; and I called their attention to S. S. 9, 10 & 14, and 15 of the Judicature Act, which provide that "the Circuit Courts shall have like authority with the Supreme Court, except in capital felonies and Revenue cases; that the rules and course of law in England shall be followed as far as the circumstances of the Colony will permit; that there shall be an appeal to the Supreme Court in issues exceeding £50; and that causes may be transferred from one Court to another." I also named the matter to the gentlemen of the Bar, and I had the benefit of hearing their suggestions on the point.

The invariable practice, it was agreed by both the Bench and the Bar, has been under the words of the Judicature Act, for the Judges in the Circuit Courts to exercise their powers as quite distinct from the Supreme Court, and not as parts of it, and for their decisions only to be questioned on appeal.

Inasmuch, however, as there was an Action pending and ready for trial in the Supreme Court, precisely similar to that of *Nowlan v. Macgrath* (brought by a fellow servant of Nowlan against the same Defendant Macgrath) and it would be to be regretted if the Judgment should happen to differ when the circumstances were the same, than which a little delay seemed a less evil, more particularly when the term had followed the Circuit at the short interval of 8 days. I stated my intention to defer my decision in *Nowlan v. Macgrath*, until the case of *Clarke v. Macgrath* should have been heard, the rather as there would be no other way of obtaining for the former case, (which was below the amount entitling it to an appeal,) the benefit of the consideration of the full Court, and of the opinion of my brother Judges, who so much longer than myself have been acquainted with the Island, its Fisheries and its Customs.

The learned Counsel, however, for both parties, voluntarily offered to give their consent that the cause should (under S. 15, Jud. Act) be transferred into the Supreme Court, to which I readily acceded; and by this arrangement they obtain not merely the decision of one Judge, guided by the other two, but the actual Judgment of the three.

NOWLAN v. MACGRATH—December 3, 1840.

2nd—Facts of the Case.

The Action in which *John Nowlan* was Plaintiff, and *Bartholomew Macgrath*, Defendant, was tried on Nov. 13, during the late sittings of the Central Circuit Court, before a Special Jury. The Declaration contained 2 counts—one was for work and labour, the other was on an account stated. The Damages were laid at £30. The plea was *non assumpsit*. The facts of the case, as proved by the witnesses, were as follow:—

The Defendant hired the Plaintiff to serve him according to the terms of an agreement or

APPENDIX.

shipping paper in these words:—"I have this day agreed with and shipped John Nowlan, from the date hereof until the last day of October next, in the capacity of a Fisherman, Seaman, or otherwise for the good of the Voyage, and to do every thing in his power for my interest; and after serving faithfully and honestly, without hindrance or neglect, I am to pay him as Wages the Sum of £20 currency, and the balance of his Wages in Cash.—Given under my hand at Twillingate, this 17th day of June, 1840.—[No Wages to be paid for the time served, as this agreement was made before we sailed for St. John's.]

his
BARTHOLOMEW † MACGRATH,
mark.

Witness—JOHN TOBIN.

Under this agreement Plaintiff served Defendant at Green Bay, on the French Shore and Labrador, and till the return of their Vessel to St. John's. The vessel returned on Saturday, October 17; and on Monday the 19th, i. e. 12 days before Plaintiff's service had expired, there was a dispute between him and the Defendant. Some Fish and Oil belonging to a man named Burn had been landed that morning, and on the Defendant desiring Plaintiff to help to land the rest of the Fish, the Plaintiff refused, and not only refused to assist himself, but prevented the Defendant and his apprentice John Butler, from landing the Fish. In this resistance he was aided by one Abraham Clark, who was hired under like circumstances, and who is also suing the Defendant. The Plaintiff and Clark objected to the Fish being landed until they had security for their Wages. The Defendant offered the Plaintiff half his Wages in goods, and the remainder when his time was up; but the Plaintiff, although he was willing to take the half in goods, (which he need not have done unless he was so disposed,) still insisted on having security for the other half, and continued to refuse to land the Fish or to let it be landed. The Plaintiff continued from time to time to go on board the Vessel, and was willing to do any work, except only as to landing the Fish before he got security. But the Defendant said unless he would land the Fish, he was no servant of his. There were several disputes similar to the first, of which the most serious seems to have been one that took place 4 or 5 days after the first, when the Defendant desired the Plaintiff to go about his business, saying he was no servant of his; and one that occurred a day or two before the last of October, when the Plaintiff and Clark, by force, kept down the hatches and prevented Defendant from getting the Fish out of the Vessel. Some conversations between Plaintiff and Defendant were proved:—"On the Saturday on which the Vessel returned to St. John's, Defendant told Plaintiff and Clark that he should have enough to pay them their Wages, and almost to clear himself to his Merchant, Mr. Mudge. On the day but one after that, viz., Monday, 19th, the day of the dispute, when Plaintiff asked for security, Defendant told him to go to Mr. Mudge; but Mr. Mudge declined paying Plaintiff, and said he was no Servant of his, adding however that he had no doubt Defendant would pay him. On this, Plaintiff asked Defendant what he was to do for his Wages?—Defendant replied, "do what you can, do not blame me." These words were repeated two or three times, and then Defendant went ashore to Mr. Mudge's Counting-house, and on his return ordered the men to take the Fish out, which Clark and Plaintiff refused to do, without security. At the last dispute, when Plaintiff and Clark were guarding the hatches, Clark states that Plaintiff asked Defendant if he meant to baffle him out of his Wages?—Defendant said, "I do! You are no Servants of mine if you will not take the Fish ashore."—Plaintiff swore with an oath that no one should take the Fish away. This was after Defendant had discharged Plaintiff, and ceased to diet him. There were about 200 or 300 quintals of Fish on board brought to St. John's besides Burn's, and a quantity of Oil. It was also shown that the Vessel had been short of hands, and that this had arisen from the circumstance that other men who had been hired by Defendant, had (before the voyage began) thrown up their shipping papers because Mr. Mudge would not sign them.

Such being the facts, I told the Jury—

1st,—That no evidence had been offered of any Custom.

2nd,—That a Judge could not take judicial notice of a mere local or particular custom.

3rd,—I asked them where the fault lay?

Was Defendant's a reasonable command?

4th,—I told them that a Servant was bound to obey all lawful commands, and a refusal would forfeit Wages. That he had no lien in law unless a custom to the contrary was proved, till his Contract was fulfilled, and his Wages due.

APPENDIX.

Having said so much on the law, I added—

That no man was bound to take truck payment.

That a Servant need not hire to a day certain.

Nor serve a Master who would not give him security; but that he ought to make his terms before the service commenced, and that after entering into an agreement he had no right to insist on new conditions.

The Jury, instead of taking the Law from the Judge, whose ruling could be questioned in the proper way, found a Special Verdict “for Plaintiff, of £20 currency, subject to the opinion of the Court on the Law of Lien.”

3rd.—THE QUESTION—

Such a finding must, of course, bear reference to the subject matter, and the only intelligible interpretation it admits of, is, that Plaintiff was to receive his £20 if he had such a Lien as justified him in not parting with the Fish, and therefore in refusing to obey his Master's order to land it; and *vice versa*.

4.—Arguments of Counsel.

The learned Counsel for the Plaintiff stated, when he was supporting his rule to enter up Judgment for Plaintiff, that the mind of the Special Jury revolted from the hardship of depriving the Plaintiff of his earnings! Whether the Jury's minds revolted from that legal hardship, or what were the reasons that induced them to find a verdict which was really for the Defendant, though nominally for the Plaintiff, I do not stop to inquire. Such, however, is the plain effect of their verdict; for, they find for the Plaintiff £20 nominally, but by adding “subject to the opinion of the Court on the Law of Lien” they virtually and *really* find for Defendant, and they must have meant to do so, because their attention had been most expressly called to the circumstance that the Judge could not judicially notice a particular custom, and that I was therein correct, I am confirmed by the very words of Blackstone, 1. 75, who says that such a “matter is for a Jury, and not a Judge,” and which words I shall quote at length by and bye, when I come to the point as to this being a general or particular custom. But when such language as that “of men's minds revolting from a hardship and from depriving Plaintiff of what he had earned” is used, I feel that it may not be superfluous to pause and inquire whether the hardship lies all on one side. A Judge, however, cannot decide by the preponderance of hardship: he has only a right to interpret the Law, which, if a hard one, can be altered by the Legislature, and not by the Judge, who ought not by any means to presume to invade the functions of those who make and can alter laws, nor to strain laws when made, should they appear to him ever so imperfect or hard.

As between Masters and Servants in general, it may be a matter of debate in principle, whether a Master who wrongfully dismisses a Servant before the definite time for which they are bound to each other, should be called upon to pay him for the time during which he has had the benefit of his services, or for the whole time; and whether a Servant wrongfully leaving his Master's service before the time which he has engaged to serve should receive Wages for the time during which he has served, or should forfeit all.—But the law has said equally against both; that in the former case the Master shall pay for the whole time, though he has been served only part of it, and in the latter that the Servant shall receive no Wages though he has earned some: if, then, these are hardships, they are not on one side only.

Next, let us pass to the Fishery, and consider the hardships on the Fishermen, the Planter, and the Merchant. Those of the Fisherman were very fully urged in the argument, and they are so obvious that no one of us could fail to regret if he saw the Fisherman's industry disappointed of its reward, and his long endurance of the perils of the sea deprived of its earnings. But does the Planter live at home at ease? No: he fares as the Fisherman fares; he partakes his perils, shares his industry, and he it is, who, trusted and responsible, has set that industry at work, and given the opportunity for those earnings! Is the Fisherman to be secured all his earnings and the Planter to have no protection? And what has enabled the Planter to employ the Fisherman? What, but the capital of the Merchant? And shall he who has put all in motion be the sole loser if the voyage fall short? Shall the Fisherman, who has had vessel, fishing apparatus, provisions, and every thing found and supplied to him, be the first to receive, and the Merchant be the first and only one to lose? Who would carry on such a trade? Would not the Merchant withdraw from it? The Fisherman be compelled to follow him? And the consequences be ruinous to the Trade, the Country, to the Fisherman himself?

APPENDIX.

5.—But I proceed to that which *is the province of the Judge*—and to give my reasons, for saying that a Judge could not pronounce that the lien contended for was, or was not, good in law, but that witnesses should have been called to prove the custom—as I stated in my summing up.

6. It was conceded by Plaintiff's Counsel, that *by the general Law of England* there would be *no such lien*; and by that Law a Master is justified in dismissing his Servant for wilful disobedience. That point was expressly decided in *Callo v. Brouncher*, 4 c., and p. 518—and in *Spain v. Arnott*, 2 Stark 256, it was stated that if a Servant, hired for a year, refused to obey orders, he may be dismissed, and cannot recover wages for the time served; and the same point was confirmed in *Turner v. Robinson*, 6 c. and p. 15; and in the very recent case of *Amor v. Fearon*, which was argued in the Queen's Bench in Hil. Term, 1829; and is reported in 1st Perry and Davison, p. 400. It was held that the claim of a Servant to be a Partner, however civilly urged, justifies immediate dismissal, although he offered to go on with the business as usual,—and that Lord Denman, (on the ground of whose misdirection Thesiger had moved), was right in telling the jury so, and they in finding the fact.

It was urged that there was a condonation, or that Defendant overlooked Plaintiff's disobedience, and that this was shown by his dieting him after the dispute, and by his employing him on one occasion to haul out a line. But though the dieting was continued for two or three days after the first dispute, it never was continued after the dispute that occurred in four or five days after. The termination of the service, and dismissal of Plaintiff by Defendant, was most distinct, and again and again repeated; nor could the once hauling a line be considered a readmission into service, and even if it were, there was a subsequent refusal to obey the order to land the fish;—and in like manner it was contended that the words “Do what you can—don't blame me,” was a permission to keep the Fish, which the defendant was so far from really meaning, that it was this very keeping of the Fish that caused him most repeatedly to tell Plaintiff he was “no servant of his; and if he would not land it, he might go about his business!”

The expression of the Defendant that he meant to baffle Plaintiff out of his wages, was much pressed; but the only evidence of those words was given by Clarke, the fellow-servant of Plaintiff, and who is suing Defendant; and even if they were used and not qualified, that was after the wages were forfeited by disobedience, and shortly before the service was to have expired. On a former occasion Defendant had actually offered Plaintiff half his wages, besides promising to pay the other half when his time was served—which showed no intention of baffling him out of them if he would obey orders.

And here I may observe that by refusing to take that half that was offered, the Plaintiff has in some degree brought the hardship of losing all his wages on himself, while (unless he had a legal lien or right to security) he had no right to impost new terms into his agreement with his employer, but he ought, if he wished for security, to have made that a condition when he made his bargain, and not to have embarrassed his employer by demanding from him what he could not give, and which his referring him to Mr. Mudge, and his going also to Mr. Mudge himself, tend to show he would have given if he could have done so.

It was also said that no injury was done to the Defendant by the fish not being unloaded. Had this been an action *by Macgrath* against Nowlan, the damage done by the unloading would perhaps have been shown in evidence. If a master gives his servant a lawful order to go on a message, or to bring him anything, and the servant wilfully and repeatedly refuses, the master may dismiss him, although the injury sustained may be nominal; but in this case the Defendant must assuredly have suffered inconvenience by the Plaintiff's refusal to land the Fish, and by his preventing others from landing it, and by his (the Defendant's) arrangements with his Merchant being controlled and delayed.

7.—*Lien by Custom of Newfoundland.*

But whilst it was conceded that such a lien as is here contended for would not be maintainable in England, it was asserted that it existed here by the custom or immemorial usage of Newfoundland.

Whether such a custom exists (as I have said) I neither affirm nor deny, for I am not called upon to do so, and it is too important and vital a question for me to decide, unless it were expressly brought before me. All that I decided, and all that I now say, is that no such usage has been established and ratified in such a manner that I was bound judicially to notice it. Had the learned Counsel for the Plaintiff called witnesses to prove it, the case might have

APPENDIX.

been widely different. That such should have been the course I have no doubt,—for this usage is not a general usage or custom of the British Realm, but local and peculiar to Newfoundland. The learned Counsel himself called it a “peculiar Custom of Newfoundland.” In *Crawford v. Cunningham*—Newfoundland—Select Cases, p. 43—Chief Justice Forbes, speaking of the Fisheries, talks of this “Local Law of Preference,” and in the next page he calls it a “Local Custom.” It was argued that it was a general and not a particular custom, because it extended over the whole Island: even that was not proved by any evidence,—but had it been so shown, it would not the less be a local or particular custom, which could be good only by special usage. To contend that it is a general law because it extends all over Newfoundland, would be like contending that the Law of Gavelkind is the general and not a local law because it extends all over Kent. But Blackstone, I, 75, says otherwise; and at p. 76 he says, “private customs must be particularly pleaded, and as well the existence of such custom be shown, as that the thing in dispute is within the custom alleged—the trial of both of which questions is by a jury of twelve men, and not by the Judges, except *the same particular custom* has been before tried, determined, and recorded in the same Court.” Before I remark on this last qualification of the celebrated commentator, I may observe that Chief Justice Reeves, in his evidence before the British House of Commons, p. 475, says, (not that he took judicial notice of the Fishing Customs, but) “that he had to inquire, and examine persons, of the usages brought in question, and that he made a collection of the customs, which, if continued, would become the law of the place;” and in the case of *Silvey v. Bennett*, the three Judges, and in *Colbert v. Howley*, Chief Justice Boulton, had witnesses brought to prove the customs, and were not called on Judicially to notice them; and such is the proper course, unless they have been “tried, determined, and recorded in the same Court.”

Has it, then, been tried, determined, and recorded in our Court, that a fisherman has by custom a right before his service is performed, to retain the fish till he be paid, or till security be given? Not only has this never been determined and recorded, but it was conceded that it had never been tried. The custom of following the fish has been tried and has been⁷ determined; and in the trial of that right, the question of lien has been accidentally mentioned; and in particular Mr. Forbes, in *Rourke v. Baine, Johnston*, has proclaimed that the exercise of it would lead to “ruinous consequences,”—while at the same time it is plain that his opinion was that the right of lien existed. But though such may have been his opinion, such was not his judgment,—it was not before him to decide; and still less had he to decide whether the lien subsisted before the wages were due and which might never become due through the servant’s breaking his contract. So with respect to the report of Judges Tucker, Desbarres, and Brenton, in August 1831, that document would seem to shew that those learned Judges thought that a lien may exist, while they recommended that it should be abolished; but under what circumstances it attaches, or whether it attaches on the wages being earned or before, they pronounce no opinion; and the opinion which they throw out, which is entitled to great respect and of great weight, coming from such a quarter, is not *ex cathedra*,—it is an opinion only and not a ruling,—not their decision in Court, or after argument: it would not even have bound themselves, and I have no doubt that not one of those Judges would have decided that a lien existed, unless it was proved before him by witnesses, although it is plain that they thought it capable of being proved. If the opinions of the Judges are not binding except when judicially pronounced, how much less are those of Mr. Secretary Graham, which were so much insisted on, and which were contradicted at the time by Mr. Newman and others, and which were mere evidence before a Committee, and not a judicial decision to fix the law! For an account of the case *Colbert v. Howley*, tried in the Central Circuit Court in 1835, I have, since there were no professed or professional reporters in the Island, turned to the record itself, which of course shews only the pleadings, and gives neither the arguments of Counsel, nor the charge of the Judge, and I have not been able to find any report of the arguments in any form; but of the learned Chief Judge’s summing up, I have found a brief abstract in the *Public Ledger* of the time, and a report of part of its very words, made by Mr. Nugent, and authenticated by him on his affirmation previous to its being embodied into the appendix to Chief Justice Boulton’s case before the Privy Council, where, at p. 74, I find the Chief Justice represented as saying: “He did not believe such a custom ever had existence to warrant such a usage. He would not here say, for he was not called on to say anything about it, whether the servant had a lien on the fish or not, or whether he could have a remedy in a Court of Equity.—If the case came into the other Court, he would be ready to consider it. But evidently the servant had a lien on the fish,—he would not deny that; but his action is *in Rem*” &c. This shews that Chief Justice Boulton took the distinction between an opinion and a decision, for he throws out an opinion and declines to decide; and in his case page 11, he shews that he did so advisedly;

APPENDIX.

and the cotemporary abstract in the *Public Ledger* shews that he was understood to have done so. The learned Counsel for the Plaintiff said that in *Colbert v. Howley*, evidence was given, because there was nothing in the records to shew judicially that there was a right to sue the Merchant at common law; for the same reason, I say, evidence ought to have been given in *Nowlan v. Macgrath*, inasmuch as there is nothing in the records, as was admitted and could not be denied, to shew judicially that a lien exists before the wages are earned; such a custom requires proof and should have been proved. It was argued that "should the custom have been proved; the jury have dispensed with that by their finding;" whereas the jury are so far from having done so, that they expressly do the contrary, and instead of saying that a lien existed, they leave that for the Court to find; nor could they have found it themselves when no evidence was offered to them respecting it; which would be to let a thing be proved without proof.

What the pleadings would have been, had the action been brought for wrongful dismissal, instead of wages earned, it is not necessary to consider: we must deal with the case as it stands before us: the Plaintiff alleges a service, the Defendant a refusal to serve; the Plaintiff wishes to shew readiness to serve, with the one exception of landing the fish, and that he had a right to refuse to land it; and so well aware was the Plaintiff's Counsel that he must shew either actual obedience, or a valid excuse, that he, in opening to the jury his case, made that excuse, and founded it on the customary lien, or rather right to detain the fish.

The learned Counsel stated that the Plaintiff went to consult him 10 days before the end of October, and before he was turned away, when, as he admits, it was too soon to sue for services, but, he says, not too soon to claim security, nor too soon to prevent his master from selling his fish. He owns, however, that it would not be the law elsewhere for a man to detain his master's property as security for his wages before those wages were due and payable; but he says such is the custom of Newfoundland. Such a custom should be proved. If such a custom was not proved, because it was not alleged,—if no witnesses were called, because no issue on the custom was joined in the pleadings,—that is not Defendant's fault; he denied the complete service,—it was for Plaintiff to show the custom in excuse; and if he had done so, and showed that there was really no disobedience in law, he might have had an absolute verdict for his wages.

8.—Recapitulation.

And when such a custom shall have been proved, or, in Blackstone's words, shall have been tried, determined, and recorded in our Courts, it will be law here; it will be law which we shall be bound to uphold. If such a law was as injurious as Chief Justice Forbes says it would be; if it destroyed confidence, made the trade decline, prevented the merchant from trusting any man that had a servant, as Mr. Newman complains, (*Com. Newfoundland Trade*, 1763, p. 394); if for wages of a small amount it caused property of a very great value to be stopped and damaged, as Mr. Compton says, (*ibid*, p. 423); if it was desirable that it should not be suffered to exist, as Justices Tucker, Des Barres, and Brenton report; yet should we, as Judges, be bound to maintain it. None but the Legislature could alter it. On the other hand, if it be not law, the Legislature can make it law: what that body pronounce, we are bound and willing to carry out—and very desirable does it seem to me that the rights of the Fisherman and of the Trade should be regulated and defined by some express enactment, to which we might refer, and which would guide our decisions, and settle and make known the respective rights of parties.

9.—Recommendation.

Though hoping that this question may meet with the consideration of the Council and Assembly in the Session about so soon to ensue, I will yet take this opportunity of repeating the advice to Fishermen which I embodied in my charge to the Jury at the trial.—

1st.—They may endeavour to engage on the terms of their wages being payable monthly, or at certain stated times: their wages will then become due at those times. And they may further guard themselves by expressly stipulating in their Shipping-papers or Agreements, that no subsequent interruption of the service shall effect wages occurring previous to the time of such interruption.

2nd.—If they can find no master who will employ them on the above terms (lest they might be tempted to quit the service or neglect their duty before the usual time for concluding the fishery, if they were not bound to a time certain) they should act as those prudent men did who would not sign their Shipping-papers because *Macgrath* could not give them the Merchant's, or any other security, that their wages would be paid.

3rd.—If they can obtain neither of these terms, they may yet, perhaps, find a Planter who

APPENDIX.

will agree that in lieu of money-wages, that a certain portion or share of the fish shall be theirs ; but this arrangement requires caution, lest they should make themselves liable as partners, and for this reason I forbore at the trial to suggest it.

4th.--In no case need they take truck payment or goods in lieu of money-wages ; but if they agree to do so, let them make it part of their written agreement that they shall select their goods themselves and have them at ready money prices.

10.—*Judgment for Defendant.*

In conclusion, and without saying whether the custom* to detain fish for accruing wages exists in Newfoundland or not, I am of opinion that as the “ verdict was subject to the opinion of the Court on the Law of Lien,” which lien we are not in a position in the present instance to affirm for want of evidence, and of any express adjudication in its favour, the *final judgment* cannot on such a special verdict be entered up for the Plaintiff, but that the *postea* must be to the Defendant.

J. G. H. BOURNE,
Chief Judge, Supreme Court.

December 15, 1840.

No. 40.

Presentment of Grand Jury of Harbor Grace, and Estimate.

The Grand Inquest for the Northern District do, upon their oaths, present—That the Court House at Harbour Grace requires the following repairs, viz :—

The Wall of the Court Yard to be raised and secured to prevent the escape of Prisoners.

The Roof of the Court House to be repaired.

The outside Iron-work of the Court House to be painted.

The interior of the Court House, Judges Chamber, &c., to be repaired.

Press required for the Office of the Chief Clerk and Registrar.

The whole amount of Expenses, agreeable to the annexed Estimate, is about £114.

For Self and others,

(Signed)

JOHN CHARLES NUTTALL.

28th January, 1841

ESTIMATE

Of the expense of necessary Repairs and Painting required to be performed to the Court House at Harbor Grace, to preserve the Building, for 1841.

Repairing the Slating on the Roof, damaged by Gales of Wind, and repairing the outside Stairs, rotten by exposure to the weather	....	....	....	....	£15	0	0
Repairing the Privies, to prevent them from leaking	....	....	....	....	4	0	0
Painting all the exterior Wood-work	....	....	....	....	5	0	0
Amount carried forward	....	....	....	....	£24	0	0

APPENDIX.

	Amount brought forward	.... £24 0 0
Painting the Great Hall or Court Room, all the Offices, Judge's Chambers and Petit Jury Room below (exclusive of the new work now under contract to be performed) White-washing the Ceiling and Side Walls, putting new Cloth upon the Bench, and a small Desk covered with Cloth for the Judge, filling up the Cracks with Putty, Mortar, &c.	....	.... £35 0 0
Additional Press absolutely required for the Office of the Chief Clerk and Registrar	....	.... 4 0 0
Covering in the Gaol Yard so that Prisoners may take airing in the rainy weather without exposure to the wet, and shingled according to plan, and raising the Wall as formerly recommended and estimated for	....	.... 74 0 0
Pointing the Wall of Gaol Yard	....	.... 7 0 0
		Stg. £114 0 0

(Signed,)

ROBERT LEE WHITING.

Harbor-Grace,
28th January 1841.

No. 41.

Memorial of Residents at Twillingate for Light House on Wadham Islands, and Report of Light House Commissioners.

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

The Petition of the undersigned Merchants, Planters and Inhabitants in general residing in Twillingate and places adjacent, within the District of Fogo—

Sheweth, that Your Petitioners taking into consideration the increasing Trade carried on between those parts of the Island in which they reside and Saint John's, and the dangers to which Vessels employed in navigating the Coast are exposed—are unanimously of opinion that if a Light House was erected in some eligible situation it would be of great benefit to such Vessels, and enable them to avoid many dangers to which they are now exposed.

That from the opinions of persons best informed on the subject matter acquainted with the Coast, the Wadham Islands afford the best situation for a Light to be placed on, and where it would render the most effectual service to Mariners.

That a Light House would not only be of great benefit to the Coasting Trade between the Northern District and Saint John's, but also to Vessels arriving from Foreign Voyages, particularly in the fall of the year, when laden with provisions, the loss of even one of which would be of serious importance in these remote parts of the Island, as at that late season of the year it could not be replaced; it also should not be forgotten that to the numerous Vessels sailing from St. John's and Conception Bay for the Fishing on the Coast of Labrador, a Light House would be of great service, and afford them the necessary directions to avoid dangers to which they are liable in common with others.

• And farther Your Petitioners humbly pray that Your Excellency will be pleased to take

APPENDIX.

this subject into your serious consideration, and that measures will be adopted for carrying so desirable an object into effect.

(Signed,)

JOHN SLADE,
&c. &c. &c.

ST. JOHN'S, *February 2, 1841,*

SIR,

The Commissioners of Light Houses have had under their consideration, the Petition from the Inhabitants of the District of Fogo, in reference to the Establishment of a Light on the Wadham Islands, and beg leave to observe that in the subject matter of that Petition they have to express their fullest concurrence.

The usefulness of such an Establishment has not been by any means exaggerated in the Petition in question. And in addition to the advantages there set out—the very great value of a Light in that vicinity to the Sealing Vessels of the Island generally, seems to the Commissioners to form strong additional grounds why this application should meet with the most favourable attention of the Legislature.

I have, &c.

(Signed,)

THOS. BENNETT,
*Chairman of Commissioners of
Light Houses.*

The Honorable JAMES CROWDY.

No. 42.

*Correspondence relative to expense of Lithographing Maps annexed
to Report of Geological Survey, and erection of Building in which
to deposit Specimens, &c.*

ST. PAUL'S TERRACE,
Wolverhampton, Dec. 29, 1840.

SIR,

In reply to your letter dated November 4th, I beg to state that immediately on my arrival in London I made inquiries respecting the cost of Lithographing the Maps and Sections accompanying the Report of the Geological Survey. The first person I applied to was not a Lithographer, but a Map Seller in the city; and on my shewing him the Map in an unfinished state and explaining what I wanted done, he declined naming any sum, but on my pressing him at last named £60 or £70 as the probable cost. Astonished at such an amount, I immediately went to Day & Haghe, in Gate Street, Lincoln's Inn Fields. They are the Lithographers to the Queen, and are reckoned among the first men in their line in London. I saw Mr. Day, and after shewing him the Map of Newfoundland in its present state, with many islands on the coast and lakes in the interior, and telling him what ranges of hills I wished marked, and the average number of names that would require to be written in various parts, he named £10 as the sum it would not exceed if left plain, or £15 if the water of the seas and lakes were marked with lines to distinguish it from the land. The second Map, of Avalon alone, would not cost so much, as the work would be much less, and the sections would be a compa-

APPENDIX.

ratively trifling expense. I am not now sure whether he meant that sum to include the paper and printing, which I recollect he said would cost about £2 the hundred. At all events making allowance for the cost of printing and the subsequent cost of colouring, the total cost of doing the whole could not exceed £40. I name that sum as the very outside of what I think it at all reasonable to expect; and should it seem too much, which I fear it will, I could leave out the Map of Avalon, sending one or two copies of it in manuscript only.

I am, Sir,

Your very obedient Servant,

J. B. JUKES.

The Honorable JAMES CROWDY.

Will you be so good as to state by what method I shall transmit the Report when it is finished.

St. JOHN'S, August 10, 1840.

SIR,

In obedience to the direction of His Excellency the Governor, I have surveyed and inspected the Office of the Surveyor General, with the view to devise the best means of affording additional accommodation to that Officer, but chiefly, to provide an apartment for the reception, and safe-keeping, of Specimens of various kinds, and other matters of public interest, there being no place at present provided, in which such articles may be deposited.—I have prepared a rough plan and elevation, with an abstract estimate of the expense, of a new erection, to be constructed of brick, and covered with slates, which I conceive to be adequate to the intended purpose.

I have also taken a plan of the Surveyor-General's Office as it now stands, shaded in black, to which I have projected some additional accommodation, shaded in yellow; this is intended to be of wood, covered with shingles and to be joined to the present building. It would not be sightly, nor would it afford a private Office for the Surveyor General, which is so much required; it has little to recommend it except the cheapness with which it may be executed; it would cost about Sixty Pounds.

Subjoined, is an abstract estimate, for the intended new erection, which, together with the plans, I beg to request, that you may have the kindness to submit to His Excellency the Governor.

I have the honour to remain,

Sir,

Your most obedient humble Servant,

PATRICK KOUGH.

The Honorable

The Colonial Secretary,

&c. &c. &c.

5½ Rods Brick Work	....	....	....	at £25	£133 6 8
7½ Squares Flooring Joists	....	....	....	....	3 15 0
7½ Ceiling Joists	....	....	....	....	3 0 0
5½ Squares Quartering	....	....	....	....	3 6 0
7½ Squares Double Flooring	....	....	....	....	11 5 0
14 Squares Roofing	....	....	....	....	12 10 0
14 Squares Rough-boarding	....	....	....	....	8 8 0
14 Squares Slating	....	....	....	....	42 0 0
300 Yards Lathing and Plastering, 3 Coats & Set	....	....	....	....	45 0 0
Board & Plank for Trimmings	....	....	....	....	10 0 0
Amount carried forward					272 10 8

APPENDIX.

	Amount brought forward	272 10 8
Joiner's Bill	20 0 0	
Glass & Paint	10 0 0	
Lead for Gutters, &c.	10 0 0	
Locks, Hinges and Fastenings	3 0 0	
	£315 10 8	
One tenth allowed for Contingencies	31 11 1	
	£347 1 9	

PATRICK KOUGH.

No. 43.

Answers returned by Mr. Justice Desbarres, (in pursuance of two Addresses of Her Majesty's Council,) relative to the state of the Law as respects Fishing-Servants and their Employers.

ST. JOHN'S, NEWFOUNDLAND,
9th February, 1841.

SIR,

Mr. Archibald has favored me with a perusal of a Letter which you have addressed to the Chief Judge and Assistant Judges, with a copy of an Address of Her Majesty's Council, requesting that His Excellency the Governor would direct "that there be laid before the House the opinions of Her Majesty's Judges of the Supreme Court on the present state of the Law as to the rights of Fishing-Servants and their Employers."

The only case recently brought before the Judges was that decided at the last Term of the Supreme Court, *Nowlan v. McGrath*, on appeal from the Central Circuit Court. The opinions of the Judges in that case were reported in the *Newfoundlander* Newspaper, of the 15th December last, and may be considered pretty accurate in tenor in that paper. I believe the case of *Nowlan v. McGrath*, will be found to embrace generally the information required by Her Majesty's Council—and I beg leave very respectfully to call His Excellency the Governor's attention to it.

I have the honor to be,
Sir,

Your very obedient Servant,
A. W. DESBARRES.

The Honorable JAMES CROWDY.

ST. JOHN'S, NEWFOUNDLAND,
27th February, 1841.

SIR,

I have the honor to acknowledge the receipt of your Letter of the 22nd instant, with a copy of an Address of Her Majesty's Council requesting that His Excellency the Governor would direct that there be laid before the Board my opinion on the present state of the Law as to the rights of Fishing Servants and their Employers.

APPENDIX.

I beg leave to enclose a copy of a Letter which I addressed to Mr. Archibald on the 4th instant, and I depended on receiving some communication from my Brother Judges of their sentiments on the subject previous to forwarding their reply to the Governor's commands, it having been the invariable practice for the Judges to meet in consultation, to settle their opinion on the like important matters, and to join in their report. This course having, in the present instance, been departed from by the transmission of the Chief Justice's and Mr. Justice Lilly's Report, I felt naturally desirous to assure his Excellency the Governor that my silence did not proceed from disrespect to His Excellency's commands, or inattention to the very important subject before the Legislature, and I accordingly immediately forwarded a reply so formed as to embrace, if possible, the information desired by Her Majesty's Council.

His Excellency has before him the Report made by the three Judges to the Secretary of State, Viscount Goderich, in 1831, which enters very largely into the views they entertained on the subject of the Laws and Customs then in operation as regarded the Trade and Fisheries, and particularly as between the Fishing Servants and their Employers. The Judges then also suggested and recommended certain improvements to the Judicature of the Colony, which they considered of vital importance.

The inadequacy of the compass of time allowed for holding the Sessions of the Supreme and Circuit Courts throughout the Colony, for the adjustment of the various disputes arising in the course of the Fishery, as well as at the close of the Season, and the delay consequent on the formal practice introduced into those Courts, together with the serious expense attending the prosecuting a suit to final judgment, has occasioned parties, in cases of ordinary dispute, such as those arising between fishing servants and their employers, to abandon those Tribunals, and to institute proceedings before the Magistrates in the Courts of Sessions; and I am not aware of more than three or four suits for the recovery of wages, due fishing servants from their employers, to have been brought to trial in the Supreme or Circuit Courts for the last eight or ten years.

Since 1831, the disputes that have arisen between the Fishing Servants and their Employers have generally been brought before and decided by the Magistrates in Sessions, where they exercise power and authority in a summary way to hear and determine all disputes, to any amount, which may arise in Newfoundland concerning the wages of Seamen and Fishermen, the supply of Bait, and the hiring of Boats for the Fishery, under the provisions of the Act 5 Geo. 4, cap. 67, s. 22.

Since the Report of 1831, Stipendiary Magistrates have been appointed at most of the principal Settlements throughout the Colony. I am not acquainted with the legal acquirements of those Gentlemen, nor of the principles which govern their adjudications; but as it appears different opinions are entertained by the Judges, it would be unsafe to conclude that there is but one way of viewing the present state of the Law, as respects the rights of Fishing Servants and their Employers, in the numerous Courts of Sessions, at places where various local customs in other respects prevail, and the individuals who preside in the Courts of Sessions have no opportunity of communicating their sentiments on the subject to each other.

As by the Act 5th Geo. 4, cap. 67, the Courts of Session throughout the Colony have jurisdiction to hear and determine all disputes, to any amount, which may arise in Newfoundland concerning the Wages of Seamen and Fishermen, and they exercise an almost exclusive jurisdiction in such cases; in consequence of the circumstances I have before stated, I cannot avoid respectfully submitting my humble opinion, for the consideration of Her Majesty's Council, that important information might be obtained from the Stipendiary Magistrates throughout the Colony, of the Laws and Usages of the Fishery and Trade in general, and particularly the present state of the Law as respects the rights of Fishing Servants and their Employers, which govern their Judgments in the Courts of Sessions.

As it is the proper province of the Supreme Court to interpret and expound the Law, so is it my duty, as an individual Judge, to conform to such exposition; and if such state of the Law, so declared by a majority of the Judges, ought not to remain the Law of the Land, it is in the power of the Legislature only to provide a remedial enactment; and, accordingly, by the Address of Her Majesty's Council to His Excellency the Governor, and your Letter addressed to the Judges of the Supreme Court, on the subject thereof, Her Majesty's Council desire "the opinion of the Judges of the Supreme Court," and not the opinion of an individual Judge, whose duty it is to carry out the decision of the Bench. That opinion having been furnished by the Chief Justice and Mr. Justice Lilly, I merely pointed to the case of *Nowlan*

APPENDIX.

v. Macgrath, considering it to embrace the information required by Her Majesty's Council, as shewing the doubtful state of the Law previous to that Judgment. The sentiments of the Judges on the state of the Law, on passing Judgment in the case of *Nowlan v. Macgrath*, were not entered on the record in the Clerk's Office, and I declined the responsibility of copying the Report published in the *Newfoundlander*, although I believed it to be correct in tenor, and I very respectfully drew His Excellency the Governor's attention to it, that if the matter it contained should be found to be important, the Judges might be required to furnish an official Report of their Judgments at the trial. And, whilst I apologize for laying myself open to the observations of Her Majesty's Council, I am yet to learn why a copy of so important a paper ought to be considered more acceptable for the purposes of investigation than the original itself.

The present state of the Statute Law as respects the rights of the Fishing Servants and their Employers, having been decided in the Supreme Court, and it being susceptible of alteration by Legislative enactment only, I feel very sensibly the propriety of abstaining from offering any opinion or argument on the subject. However dutifully submitting and conforming to the decision of the Judges as regards the Statute Law 15 Geo. 3, cap. 31, and 5 Geo. 4, cap. 51, I must here acknowledge there is a material disagreement in our opinions as to the right of Lien for Wages; and as no judicial decision has yet passed on that view of the subject, the matter remains open, and I have no good reason to withhold my humble opinion, opposed as it is to the doctrine laid down for the consideration of Her Majesty's Council Board.

A Lien is where a party has actual possession of an article which he has a right, either by Statute Law, or Custom, or Course of Trade, to hold 'till a certain sum be paid or some service be performed; the Law, or Custom of Trade, so far creating a property in him.

The proper remedy for a plaintiff under such circumstances would be an action of *Trover*, "But a conversion must be fully proved, and then in this action the Plaintiff shall recover damages equal to the value of the thing converted, but not the thing itself"—3d *Black. Com.* 153 (See St. 1078). Denial in such a case is no evidence of a conversion, unless the Plaintiff tender what is due, and the Jury is to judge if sufficient were tendered.

Such being the characteristic features of Lien at Law, and such being the highly advantageous position in which it places the party possessing that right in a Court of Law, the alleged Lien of the Fisherman for the amount of his Wages, must either be provided by Statute Law, or by the Custom or Course of Trade; and under the Statute Law it has been decided the Fisherman enjoys no such peculiar privilege.

If under an "entire contract" the Fisherman has a Lien on his Employer's Fish, for Wages due under it, it would be contrary to the principle of the Law of England that "no person can in any case retain where there is a special agreement to pay, for then the other party is personally liable.

The 15 Geo. 3, cap. 31, and the 5 Geo. 4, cap. 51, provided that "all the Fish and Oil which shall be taken and made by the Person or Persons who shall hire and employ Seamen or Fishermen, shall be subject and liable in the first place to the payment of the wages of every such Seaman or Fisherman." These Acts of Parliament were for many years in full operation throughout the Colony, during all which time the business of the Inhabitants, and the Trade, were conducted under the regulations prescribed by those Acts of Parliament. These facts, if they do not rebut, weigh heavily against the claim set up of prescriptive privileges.

The Act of Parliament 15 Geo. 3, cap. 31, and the 5 Geo. 4, cap. 51, which provided that Fish and Oil should be subject in the first place to the payment of Fishermen's Wages, must be considered virtual declarations by the Imperial Parliament that no such Law, or Custom of the force of Law, was, at the time of their several enactments, in force or operation in the Colony; otherwise the passing those Statutes and positive enactments were acts of supererogation, which I am not at present prepared to admit.

On searching into the late Chief Justice Reeve's History, of the Government of Newfoundland, I cannot find any mention of a Custom of Lien for Wages. In page 137, recapitulating the important regulations made by the 15 Geo. 3, he says,—“It gave to the Seamen a Lien on the Fish and Oil for their Wages;” and in page 165, when speaking of complaints preferred by the Western Merchants, “That, they treated Stat. 15, Geo. 3d, as destructive to the Fishery, because it compels the payment of Servants' Wages, and that they brought forward a Bill in 1785, in order to expose the Servants once more to the will of their Masters, as to the payment of their Wages.”

APPENDIX.

Entertaining, as I certainly do at present, impressions unfavourable to the right of Lien on the Fish and Oil as claimed by the Fisherman under the Custom and Course of Trade, I must confess that I have not had the satisfaction of hearing the reasons adduced by the Chief Justice and Mr. Justice Lilly in support of their opinions of its existence—I had no opportunity of doing so, as the first intimation I received from Mr. Archibald of the Governor's command to be furnished with the opinion of the Judges, as respects the present state of the Law affecting Fishing Servants and their Employers, was on the 4th February instant, the day of the date of the Chief Justice's and Mr. Justice Lilly's Reply. So far, therefore, my humble opinion on this important and highly interesting subject must remain in abeyance.

As respects the Statute 5 Geo. 4, cap 67, called the Judicature Act—the 25th sec. directs the distribution of the Estates and Effects of Persons declared Insolvent in Newfoundland or its Dependencies, and makes the following reservation—“Provided always, that nothing in this Act contained shall affect the prior claims of Seamen and other Servants actually employed in the catching and taking of Fish and Oil, upon all Fish and Oil caught by the Hirers and Employers of such Seamen, Fishermen or Servants, or the *produce* or value thereof.” (The word *produce* may probably have reference to the Sharemen.)

The 25th Sec. also contains a positive enactment in favor of “menial and domestic Servants,” “out of the Household Furniture, Goods and Effects, of every person so declared Insolvent.”

If “the 5 Geo. 4, cap. 51, in its 10th Section, itself provided that Fish and Oil should be subject in the first place to the payment of Fishermen's Wages, and the Judicature Act which was passed in the same Session, and almost immediately after, (5 Geo. 4, cap. 67,) makes a reservation of their prior claim in the distribution of Insolvent's effects—this reservation, in the 25th sec. of the Judicature Act, no doubt referred to the recent provision of the 5 Geo. 4, cap. 51, sec. 10”—then the 25th section of the 5 Geo. 4, cap. 67, would intend and mean the prior claims *by Law*. If, therefore, the 16 sec. of the 15 Geo. 3, cap. 31, be repealed, and the 5 Geo. 4, cap. 51, has expired, and there be no other positive enactment in force sustaining such prior claims of payment on the behalf of Seamen and Fishermen, I am of opinion that the 25 sec. of the 5 Geo. 4, cap 67, so far as it makes a reservation of the *prior* claims of Seamen and Fishermen out of the produce of the Fish and Oil, is no longer in operation in this Colony.

However, had it not been for the conclusive opinion of the Chief Justice and Mr. Justice Lilly, that “the reservation in the 25 sec. of the Judicature Act, no doubt, referred to the recent provision of the 5 Geo. 4, cap. 51, sec. 10,”—it might have remained open for argument whether it did or did not have reference to the 7 sec. of the 49 Geo. 3, cap. 27, which is an independent and positive enactment in favour of the Seamen and Fishermen to be paid first Twenty Shillings in the Pound as far as the Insolvent's Effects might go.

There are Four descriptions of Servants in the Fishery—

- 1—The man who pays for his Birth.
- 2—The Shareman.
- 3—The Servant hired on Wages as Fisherman.
- 4—The Servant in the Bait Skiff.

The other Servants employed about the Room are called Shoremen.

As the first has his whole catch, the second generally makes his Fish separately on his own account, and the third is not directly employed in catching the Fish, though an equally meritorious avocation may perhaps be comprehended in the term “Seaman,” my observations in this Report, have been chiefly confined to the case of Servants hired on Wages.

The peculiar duties devolving on each of the above description of Servants employed in the larger or smaller fishing craft, are not uniform at all the Outports of this extensive Colony; but the duties of their respective avocations are rendered sufficiently definite and certain by the custom prevailing at the Ports where such services are performed.

The dietary of the crews, whilst at Sea or in Harbour, though the same allowance be issued to the Servants throughout the same settlement or community, is not the same in its kind, or proportionate in quality, to that issued to individuals in similar stations, at other Ports or places of this Island; and in cases of dispute, proof is usually admitted of the local custom which prevails.

In concluding this Report for the consideration of the Legislature, I cannot but regret it is

APPENDIX.

altogether out of my power to give a direct and explicit opinion on the important and highly interesting subject to which my attention has been drawn; and I much fear, that it will be found to contain very little useful information, since the impressions on my mind are far from satisfactory to myself—being merely inferences drawn from a perusal of documents to which I have referred, and without consultation with my Brother Judges, or hearing argument upon the case, which I admit might place the matter in a very different light and lead to opposite conclusions.

I have the honour to be,

Sir,

Your very obedient Servant,

A. W. DESBARRES.

The Honorable JAMES CROWDY.

No. 44.

Copy of a Despatch from the Secretary of State for the Colonies relative to the Colonial Act for facilitating Steam Communication between Newfoundland and Halifax—with Enclosure.

No. 77.

DOWNING-STREET, 22nd December, 1840.

SIR,

I have the honor to acknowledge the receipt of your Despatch No. 62, of the 31st October, upon the subject of the Act (No. 114) for facilitating Steam [Communication between the port of St. John's, and the Port of Halifax, Nova Scotia.

The Lords Commissioners of the Treasury having sanctioned a Contract with Mr. Tobin for the conveyance of the Mails by Sailing Vessels between those Ports—I deem it expedient to refer this Act and the correspondence relating to it to their Lordships for their opinion before advising her Majesty to sanction it. I now transmit to you, for your information, the copy of a Letter received from the Secretary to the Treasury, and I have to acquaint you that Her Majesty will not be advised to adopt any decision on the Act until it shall be ascertained whether after being made acquainted with the views of Her Majesty's Government on the subject the Legislature of Newfoundland are still desirous to proceed with the contemplated expenditure for this service.

I have, &c,

(Signed)

J. RUSSELL.

Captain PRESCOTT.

TREASURY CHAMBERS, 15th December, 1840.

SIR,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Lord John Russell, with reference to the Despatch from the Governor of Newfoundland, on the subject of the establishment of a Steam Communication between St. John's and Halifax, transmitted with your Letter of the 3rd instant, that their Lordships can have no objection to the Legislature of Newfoundland voting money for the encouragement of Steam Navigation, in such sums and in such manner as they may think fit.

APPENDIX.

Their Lordships however wish that there should be no misunderstanding on the subject; and that it may not be argued hereafter that by giving the consent of the Crown any engagement express or implied has been entered into for a Grant of Public Money from this Country for the same purpose.

Their Lordships feel that they are bound to take into their consideration circumstances to which no reference has been made in the Correspondence of Captain Prescott, and accordingly have before them a Return of the Postage received on all the Correspondence between England and Newfoundland, during the years 1838 and 1839, from which it would appear, so far as it can be made out, that the Postage on Letters both ways in Her Majesty's Packets, and by Merchant Ships, was under £550 \textsterling annum.

Notwithstanding this small amount of Postage their Lordships have sanctioned an arrangement by which, at considerable expense, Sailing Packets should convey the Correspondence between Halifax and Newfoundland, in communication with the Halifax and England Steamers, and a Contract to that effect has been entered into for two years.

During that time their Lordships will be able to ascertain the amount of Correspondence which will be conveyed by the Packets—but they can scarcely entertain any expectation that the amount will be such as will justify them in the making a grant at all adequate to the expectations which appear to be entertained.

It is for the Secretary of State to decide how far under the circumstances the Act in question should receive the sanction of the Crown; but their Lordships would in any case wish to express a hope that no expectations should be raised which they see no likelihood of being fulfilled.

In conclusion they can only express their regret that the arrangements which they have made, and the expense which they have incurred for the purpose of giving Post-Office accommodation to Newfoundland, appear to have been received with so little satisfaction in that Colony.

I have, &c.

(Signed,)

R. GORDON.

To JAMES STEPHEN, Esq.

No. 45.

Copy of a Despatch from the Secretary of State for the Colonies, enclosing an Order of Her Majesty in Council, approving the "Light House Act," passed in October, 1839.

No. 71.

DOWNING-STREET,
10th December, 1840.

SIR,

An Act (No. 103) passed by the Governor, Council and Assembly of Newfoundland, on the 12th October, 1839, and transmitted in your Despatch, No. 67, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Act should be left to its operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 8th Inst. approving that report.

I have, &c.

(Signed,)

J. RUSSELL.

The Governor of Newfoundland.

APPENDIX.

AT THE COURT AT BUCKINGHAM PALACE,

8th December, 1840.

Present,

The QUEEN'S Most Excellent Majesty,

His Royal Highness Prince Albert,
Marquis of Normanby,
Lord Steward,

Viscount Palmerston,
Viscount Melbourne,
Viscount Duncannon.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of October 1839, pass an Act which has been transmitted, intituled as follows:—Viz:—

No. 103.—“An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same.”

And Whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty that the said Act should be left to its operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report: Whereof the Governor, Lieutenant Governor, or Commander-in-Chief, for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and to govern themselves accordingly.

W. L. BATHURST.

No. 46.

Return shewing the amount received in the years 1838, 1839 and 1840, for Fees on the Great Seal of this Island, attached to Grants of Land, and the Appropriation thereof.

RECEIPTS.

1838	....	....	....	....	....	£3	5	0
1839	....	....	....	....	....	5	15	0
1840	....	....	....	....	....	11	5	0
							£20	5	0 Stg.

EXPENDITURE.

			Currency.
1838.	Sundry Postages	....	£1 16 6
	Sundries for the Office, Parchment, &c.	....	0 13 0
	Assessment on Government Pew in Church at Trinity	....	0 15 0
	Governor's Orderly (to August)	....	3 16 8
	Gratuity to ditto (on leaving the Colony)	....	5 3 4
			12 4 6
1839.	Orderly 1 year (to August)	....	5 15 0
	Repairing Office Spy Glass	....	0 18 0
			6 13 0
1840.	Boat Hire	....	0 2 0
	Orderly 1 year (to August)	....	5 15 0
	Ditto to 31st December (4 months)	....	1 18 4
			7 15 4
			26 12 10
			Stg. £23 1 9

APPENDIX.

COPY OF AN ADDRESS OF HER MAJESTY'S COUNCIL, IN REPLY TO CERTAIN CHARGES ALLEGED AGAINST THAT BODY, ACTING IN ITS LEGISLATIVE CAPACITY, BY THE HOUSE OF ASSEMBLY, IN AN ADDRESS TO HER MAJESTY, DATED THE 23D DAY OF APRIL, 1841.

To His Excellency HENRY PRESCOTT, Esq., 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, Her Majesty's most dutiful and loyal subjects, Her Majesty's Council of Newfoundland, having had under our consideration the various charges which the late House of Assembly has alleged against us, in our legislative capacity, and the injurious imputations which that House has embodied in its Address to Her Majesty, copy of which your Excellency was pleased to lay before us, most respectfully submit to your Excellency a few brief observations, in refutation of those charges, and in defence of our character for honest dealing and integrity of purpose.

In the year 1837, both the Council and the Assembly appealed to the Sovereign, in consequence of the differences then unhappily subsisting; and Her Majesty having graciously taken those differences into Her consideration, it is with much pain that we perceive the House of Assembly again adverting to that subject. The principles on which the Council proceeded on that occasion are so fully developed in our Address to Her Majesty, and those principles are so emphatically sustained by Lord Glenelg, the then Secretary of State, in his despatch of 1st of February, 1838, No. 169, that we conceive it would be a work of supererogation in us to trouble your Excellency in this place with any further observations in reference thereto.

With reference to the measures which your Excellency, at different times, recommended to the attention of the Legislature, and which we are accused by the Assembly of having rejected, we would respectfully observe, that though the subjects of those measures were recommended to the consideration of the Legislature by your Excellency, yet the measures themselves, as framed by the Assembly, were, if not impracticable, absolutely mischievous, and therefore they could not receive our concurrence.

Of these four measures, the Bill prepared by the House of Assembly, "to regulate Prison Discipline," was, in our opinion, of an extremely injurious character. The Assembly proposed, by that Bill, to withdraw from the Judges of the Supreme Court the supervision of Her Majesty's gaols, and to transfer that superintendence to its own members; thereby directly interfering with the due administration of Justice. The Bill also which the Assembly prepared "to make more perfect Statistical Returns," was, in our opinion, both injudicious and inexpedient. It proceeded on the principle that every return, even the most trifling, should be verified by the party making it, on affidavit; and it was therefore highly immoral in its tendency.

With respect to the "Bill for making a road from Placentia to St. John's," we would observe, that the measure in question was proposed by your Excellency with a view to facilitate the transmission of the Mails over land, should the Packet be unable to make the latter port. We therefore devoted our earnest attention to the subject, and it was only after a long and laborious enquiry, in the course of which we were convinced of the inutility of the proposed line of road, for the attainment of the object in view, that we reluctantly refused our sanction to the undertaking;—and, with respect to the Assembly's Land Bill, we would observe, that it was not rejected by us. It was, in fact, in Committee and under consideration at the time your Excellency prorogued the Legislature. The Land Bill, introduced into the Council by Her Majesty's Attorney-General, was, as your Excellency is aware, prepared by that officer in compliance with directions from the Right Hon. the Secretary of State, and we believe in strict conformity with his instructions.

We trust we fully vindicated ourselves from the charge of hostility to Education in our Address to your Excellency dated 29th January, 1840. We would therefore, here, merely point out to your Excellency that the Academy Bill, sent up to the Council in the past session, was a simple transcript of those which we had formerly amended; and, without the introduction of our amendments, the House of Assembly could not expect that it would meet with our concurrence.

With reference to the proviso added to the Education Bill in 1838, which proviso the House of Assembly attributes to Her Majesty's Attorney-General, we would observe that that officer neither framed nor proposed that amendment, and that he actually, on the contrary, opposed

APPENDIX.

its introduction. Neither was it added to the Bill on the grounds stated by the House of Assembly. It was added, as will appear by the context, to invest in the several Boards of Education power to select the books to be used in the schools respectively under their management.

The amendments made by us on the Education Bill of the past session were intended merely to continue the law in its present state, in accordance, as the House of Assembly admits, with your Excellency's recommendation;—and with respect to the Bill to establish a Grammar School at Carbonear, we would observe that it was with much regret that we could not concur in it. The principle embodied in that Bill was the undue ascendancy of one class of Christians over another—a principle which the Council in all their measures especially eschew. It has at all times been our earnest desire to hold the balance even, and to mete out equal justice to all classes of Her Majesty's subjects; and this is sufficiently evidenced, we humbly conceive, by the two several propositions which we submitted to the House of Assembly, in the past session, in conference on the General Education Bill, which Bill was rejected, not by the Council, but by the House of Assembly, to the serious injury of the Colony.

With respect to the alleged interruption, by the decisions of the late Chief Justice, of what are termed the ancient customs of the country, in reference to the right of fishing servants to a lien on the fish for their wages—customs asserted to have been strengthened by statute and confirmed by a long course of judicial decisions—we would observe, that we are not aware that any decision of that learned Judge was unfounded in law, certainly none of them have been appealed from, or overruled; and we would further remark that the three Judges at present on the Bench, and the Attorney and Solicitor-General, are unanimously of opinion that no such lien now exists either by custom or by statute. We applied ourselves, however, with anxious solicitude to the consideration of the Bill sent up to us by the House of Assembly, and whilst we found the measure proposed was wholly inoperative, so far as its professed object was concerned, we perceived that the subject was beset with so many and such insuperable difficulties that we determined not to legislate upon it, but to leave parties, as has been the case for the last five years, to their common law remedies.

The improvement of the country and the employment of the poor are not subjects to be trifled with, nor treated with levity. In the Session of 1839 and '40, your Excellency is aware that the financial condition of the Colony was far from satisfactory—that according to a statement prepared by a Committee of Council, the debts of the Colony, on the 20th February, 1840, exceeded £26,000—to meet which there was only £4000 in the Treasury; and that according to another statement, also prepared by the Council, it appeared that on the termination of the financial year (30th June following) the outstanding claims against the Colony would exceed £20,000, with an exhausted Treasury. Yet, in the face of these facts, did the House of Assembly pass and send up for our concurrence, in that session, a Bill in which it was proposed to grant no less a sum than £13,500 for the making and repairing of Roads and Bridges. The Road Bill of the past session, granting a similar sum, though it passed the Council, the House of Assembly rejected—and this for no better reason than because we could not permit that House to name the Commissioners for carrying its provisions into effect—a proceeding at variance with the legitimate exercise the Royal prerogative, and which we had learned from experience had proved seriously injurious to the interests of the public; and because we amended it by the insertion of certain other provisions which we considered indispensably requisite to guard against the recurrence of those practices which had obtained to a very serious and disreputable extent under all former Bills of a like description.

With respect to the Special Jury panel, we would observe that the qualification is precisely the same at present as it has been during the last sixteen years. The Sheriff, it is true, in the first instance, is obliged to decide under the rule of Court who is and who is not qualified; but an appeal may at all times be had from his decision to the Court—and we are not aware of a single instance in which that officer has been found to have exercised this delicate and important function capriciously.

On the Jury Bill prepared by the House of Assembly in the session of 1839 and '40 the Council made various amendments with a view to approximate the practice of the Courts in this respect as nearly as the circumstances of the Colony would admit to the system established under the English statute, and to render the proposed change not merely a change but an improvement upon the present practice. In all these amendments the House of Assembly then concurred, making only a single amendment upon them; in which amendment however the Council could not concur, and the Bill was therefore lost. The Bill sent up to the Council in

APPENDIX.

the past session was a mere transcript of the original Bill, in which that House omitted all our amendments, though they had formerly adopted them. On this Bill the Council made precisely the same amendments as they had made on the former one ; but on this occasion, however, the House of Assembly rejected the whole of them.

The Council do not desire to make any observation on the remarks of the House of Assembly with reference to the appointment of some of its members to emolumentary offices ; to the punishment inflicted on the Printer and Reporter of that House for a libel ; nor to the Bill for taking the votes at elections by ballot ;—neither do we desire, here, to enter into any defence of the amendments made by us on the Election Bill of the past session. We would respectfully refer your Excellency to those amendments themselves, believing, as we do, that they carry on the face of them our entire justification.

Finally, the House of Assembly again imputes to the Council the rejection of the Contingency Bills of the sessions 1839 and '40, and charges us with having rejected the Supply Bill of the past session. The Contingency Bills above alluded to, we must reiterate, were amended, not rejected, by us. In the Bill for 1839, your Excellency is aware that the House of Assembly avowedly attempted to obtain money for one purpose under cover of another—a proceeding unparalleled, we believe, in Colonial legislation ; and that that House further endeavoured, in each of those Bills, to divert a large portion of the public revenue from its proper and legitimate objects to minister to the cupidity of certain of its own members and servants. In the past session, also, as your Excellency is aware, the House of Assembly made various attempts to coerce the Council into the adoption of these most unwarrantable appropriations, and failing in these endeavours, that House, as a last resource, and in despite of Lord Glenelg's despatches of the 1st January and 10th December, 1838, (Nos. 169 & 234) tacked the objectionable items of these Contingency Bills to the Bill of Supply, with the obvious intention of compelling, not the Council alone, but your Excellency likewise, to the adoption of them. Under these circumstances it became imperative on us, either to amend this Bill or to surrender our independence as a co-ordinate branch of the Legislature. We therefore, without hesitation, expunged those objectionable items, and returned the Bill, thus amended, to the Assembly, in the firm expectation and belief that that House would not, for a personal object, incur the serious responsibility of refusing to Her Majesty the usual annual supplies, and thereby derange and disorganize the whole interior economy of Her Majesty's Government. In this expectation, we lament to say, we have been disappointed ; and, therefore, with that House, and not with us, must rest all the consequences of this violent and, as we conceive, most unconstitutional proceeding.

(Signed)

W. SALL, *President.*

Council Chamber, 17th May, 1841.

The first part of the report is devoted to a general survey of the situation in the country. It is followed by a detailed account of the work done during the year. The report concludes with a summary of the results and a list of the names of the members of the committee.

The second part of the report contains a list of the names of the members of the committee, together with a short biography of each of them. This is followed by a list of the names of the members of the sub-committees, and a short biography of each of them.

The third part of the report contains a list of the names of the members of the sub-committees, together with a short biography of each of them. This is followed by a list of the names of the members of the sub-sub-committees, and a short biography of each of them.

The fourth part of the report contains a list of the names of the members of the sub-sub-committees, together with a short biography of each of them. This is followed by a list of the names of the members of the sub-sub-sub-committees, and a short biography of each of them.

The fifth part of the report contains a list of the names of the members of the sub-sub-sub-committees, together with a short biography of each of them. This is followed by a list of the names of the members of the sub-sub-sub-sub-committees, and a short biography of each of them.

INDEX.

ADDRESS to Her Majesty—of Congratulation on Birth of Princess Royal, 14; Answer, 88.
————— From the House of Assembly, relative to separation of Executive and Legislative Councils, answered, 88.

ADDRESSES,

- To the Governor, in answer to Speech on opening Session, 9.
- For opinions of Judges as to Fishery Law, &c., 15.
- Relative to Contingencies of preceding Sessions, 18.
- For opinion of Assistant Judge Desbarres, (Fishery Law,) 25.
- For return of Great Seal Fund, 31.
- Relative to Buildings at Fort William, 42.
- Concurring in Addresses of House of Assembly, (vote for relief of Poor,) 44, (expenses of Delegations to Her Majesty's Government,) 89.

AMENDMENTS to Bills,

- Members of Assembly Vacating Seats, 28.
- Benevolent Irish Society Incorporation, 37.
- Road Commissioners Indemnity, 38.
- Education, 43; Assembly's Amendments thereon, 56.
- Law of Attachment, 45.
- Empanelling Juries, 47.
- Cape Bonavista Light House, 57.
- Pilots Act Continuation, 61.
- Appropriation of Supplies, 62.
- Elections, 63.
- Pickled Fish, 70.
- Roads and Bridges, 70.

BILL to regulate the Disposal of Crown Lands, brought in by Attorney General, 25; 2nd reading, 27; Committed, 29; read 3rd time, passed, and sent down to the Assembly, 41.

BILLS brought up from the House of Assembly,—

- Contingency Bill, (1839 & 1840,) 17; 2nd reading, 18; Committed, 20, 21; Conference on, 21; thrown out, 22; a new Bill brought up, 25; 2nd reading, *ibid*; Committed, 26; read 3rd time and passed, 27.
- Academy Bill, 17; 2nd reading, 18; Committed, 20, 26; thrown out, 26.
- Sheriff's Final Process Bill, 19; 2nd reading, 20; Committed, 22; read 3rd time and passed, 24.
- Bounty on Ship Building Bill, 19; 2nd reading, 20; Committed, 22, 29; thrown out, 29.
- Jury Bill, 20; 2nd reading, 22; Committed, 24, 47; referred to Select Committee, 24; report, 40; Amendments, 47; read 3rd time and passed, 58; Protest of Mr. Morris, 59.
- Publication of Parliamentary Papers Bill, 20; 2nd reading, 22; Committed, 24; thrown out, *ibid*.
- Members of Assembly Vacating Seats Bill, 21; 2nd reading, 24; Committed, 26, 27, 28; Amendments, 28; read 3rd time and passed, 30.

INDEX.

BILLS brought up from the House of Assembly—(Continued.)

Deserted Families Act revival Bill, 22; 2nd reading, 24; Committed, 27; read 3rd time and passed, 28.

Quarantine Act revival Bill, 22; 2nd reading, 24; Committed, 27; read 3rd time and passed, 28.

Attachment Bill, 25; 2nd reading, 27; Committed, 30, 32, 36; re-committed, 44, 45; Amendments, 45; read 3rd time and passed, 53.

Benevolent Irish Society Incorporation Act Amendment Bill, 25; thrown out, 32; new one sent up, 34; 2nd reading, *ibid*; Committed, 36; Amendments, 37; read 3rd time and passed, 38.

Whale Fishery Act Amendment Bill, 29; 2nd reading, 30.

Road Commissioners Indemnity Bill, 29; 2nd reading, 30; Committed, 31, 34, 35, 36, 38; Amendments, 38; read 3rd time and passed, 41; Conference, 67; Bill brought back with further Amendments, 68; Committed, 70; Conference, 73.

Education Bill, 30; 2nd reading, 31; Committed, 33, 35, 36, 42; Amendments, 43; read 3rd time and passed, 45; Conference on, 54; Bill brought back with further Amendments, 56; Committee thereon, *ibid*; Conferences on Amendments, 61, 78, 83, 84, 85; Free Conference, 87.

Hospital Act (in part) repeal Bill, 31; 2nd reading, *ibid*; Committed, 33; thrown out, *ibid*.

Carbonear Fire Companies Bill, 31; 2nd reading, 33; Committed, 34; read 3rd time and passed, *ibid*.

Fraud Prevention Bill, 33; 2nd reading, 34; Committed, 35; thrown out, *ibid*.

Road Bill, 41; 2nd reading, 44; Committed, 52, 53, 54, 58, (certain items referred to Select Committee, 59,) 76; Amendments, 76; Conference on, 80; read 3rd time and passed, 82; Conference on Amendments, 85, 86.

Election Bill, 41; 2nd reading, 44; Committed, 57, 58, 60, (referred to Select Committee, 61,) 62; re-committed, 63; Amendments, 63; read 3rd time and passed, 67.

Ballot Bill, 41; thrown out, 44.

Cape Bonavista Light House Bill, 41; 2nd reading, 44; Committed, 51, 54, 57; read 3rd time and passed, 58.

Pilots' Act Continuation Bill, 50; 2nd reading, 51; Committed, 57, 61; Amendments, 61; read 3rd time and passed, 62.

Placentia Road Bill, 50; 2nd reading, 52; Committed, 78, 81; Conference on, 82; thrown out, 83.

Placentia Loan Bill, 50; 2nd reading, 52; thrown out, 83.

Carbonear Grammar School, 52; thrown out, 53.

Supply Bill, 56; 2nd reading, 57; Committed, 61, 62; Amendments, 62; read 3rd time and passed, 72.

Pickled Fish Bill, 61; 2nd reading, 62; Committed, 69, 70; Amendments, 70; read 3rd time and passed, 72.

Revenue Bill, 63; 2nd reading, 69; additional clause proposed by House of Assembly, 69; Committed, 71; read 3rd time and passed, 72.

Fishing Servants' Wages Bill, 69; 2nd reading, 70; Committed, [79, 81, 82; thrown out, 82.

Contingency Bill (present Session,) 88; 2nd reading, 89.

BYRNE, THOMAS, (Surveyor of Roads,) his Report ordered to be Printed, 22.

CHIEF JUSTICE, opinion as to Fishery Law of Lien, &c. 21. ordered to be Printed, 22.

CLERK, (Acting,) J. Templeman, appointed, 5; Sworn in, 7; to prepare an Index to Colonial Acts, 19; Contingencies of his Office, 74.

INDEX.

COLONIAL SECRETARY presents sundry Documents from the Governor, 11, 12, 13, 15, 17, 18, 19, 20, 21, 23, 26, 28, 32, 35, 88, 89.

CONFERENCES with the Assembly,

Contingencies of Sessions 1839 & 1840, 21.

Education Bill, 54; on amendments to do., 61, 78, 83, 84, 85.

Road Commissioners Indemnity Bill, 67, 73.

Road Bill, 80, 85.

Placentia Road Bill, 82.

————— *Free*, on Education Bill, 87.

CONTINGENCIES, Message from Assembly for Statement of, 56; Select Committee to ascertain, 56; Report, 72; Committee, 72; Statement transmitted to Assembly, 74.

CROWN LANDS, Bill to regulate disposal of, brought in by Attorney General, 25; 2nd reading, 27; Committed, 29; read 3rd time, passed, and sent down to the Assembly, 41.

DESBARRES, Assistant Judge, opinion as to Fishery Law of Lien, 21; resolved to be not satisfactory, and further opinion called for, 25; his opinion received and ordered to be printed, 31.

DESPATCHES from Secretary of State, copies of, transmitted by the Governor, 11, 19, 88; entered on Journals, 88.

FORT WILLIAM, Joint Committee appointed to inspect Buildings at, 11; their report, 23; Joint Address to the Governor, 42; reply, 53.

GOVERNOR, Proclamation of, proroguing the Legislature, 3.

————— summoning do. for despatch of business, *ibid.*

Speech on opening Session, 5; Address in answer, 9; his reply, 11.

Addresses to, for sundry Documents, 15, 18, 25, 31.

————— Relative to Buildings at Fort William, 42.

————— Concurring in Address from House of Assembly, (relief of Poor), 44; (Expenses of a Delegation to H. M. Government,) 89.

Transmits sundry Documents by the Colonial Secretary, 11, 12, 13, 15, 17, 18, 19, 20, 21, 23, 25, 26, 28, 32, 35, 88, 89.

Messages from, 17, 19.

Assents to certain Bills, 90.

Speech on closing Session, 91.

INSTRUCTIONS TO CONFERREES—See *Conferences*.

MESSAGES from the Governor,

With Petitions from Nicholas Ash, and others, of Carbonear, 17.

With Petition of Road Commissioners (Statute Labour), 19.

————— to the Assembly,

Relative to Buildings at Fort William, 11; answer, 14.

With copy of Joint Address respecting do., 42; answer, 51.

Having passed sundry Bills, 68,

For Conference on Bills, 74, 82, 85.

With statement of Contingencies, 74.

INDEX

MESSAGES *from* the Assembly,

- For appointment of joint Committee relative to the Fishery Law, 13; answer, 14.
- For Conference on Bills, 54, 67, 78, 85.
- Requesting Statement of Contingencies, 56.
- With additional clause to Revenue Bill, 69.
- Having passed Amendments to certain Bills, 70, 76, 80.
- For Free Conference on Education Bill, 85.

MILNE, Capt. A., (H. M. S. Crocodile), his report on the Fisheries ordered to be printed, 19.

MORRIS, Honorable Mr., Protest against Jury Bill as amended, 59.

NOTICE of bringing in Bills, Attorney General (Land Bill), 25; Honorable Mr. Thomas (Church Bill), 45.

PETITIONS—*from* Nicholas Ash, and others, 17.

- ↓ Road Commissioners, (Statute Labour), 19.
- Against Academy Bill, 25.
- Against Hospital Act, 25.
- From Board of Education, Trinity, 31.
- Respecting the Fisheries, (from Inhabitants of St. John's), 43.
- For Incorporating Vestry of St. John's Church, 45; referred to a Select Committee, 51.
- From James Douglas, 51.
 - David Rogers, 51.
 - Thomas Houlton, 51.
 - Inhabitants of Broad Cove, 53.
 - Quidi Vidi, 53.
 - Cockpit Road, 57.
 - Richard Perchard, (Gaoler), 57.
- Against Pilots Act, 59.
- From Pilots of St. John's, 61.

PROTEST against Jury Bill, (Mr. Morris), 59.

SELECT COMMITTEES,

- To prepare Address in answer to Governor's Speech, 7; report, 8.
- To meet Committee of House of Assembly to Inspect Buildings at Fort William, 11; report, 23.
- On Land Bill (Table of Fees), 29.
- On Jury Bill, 24; report, 40.
- On Contingencies, 56; report, 72.
- On Election Bill, 61.

USHER OF THE BLACK ROD, Mr. G. Robinson appointed *Acting*, 5; Contingencies of his Office, 74.

INDEX.

DOCUMENTS IN APPENDIX.

- No. 1—Correspondence on the subject of a Bill for regulating the disposal of Crown Lands in Newfoundland.
- 2—Despatch from Secretary of State for Colonies, enclosing Order in Council confirming certain Colonial Acts.
- 3—Despatch relative to searching Journals of Council by the House of Assembly.
- 4—Despatch, with enclosures, relative to erection of Light Houses on Southern Coast.
- 5—Despatch relative to the insertion of the names of Commissioners in Bills passed by the Assembly.
- 6—Despatch acknowledging Address of the Council to the Queen, on Her Majesty's Marriage.
- 7—Despatch, enclosing Order in Council leaving certain Colonial Acts to their operation.
- 8—Do. relative to Post Office Communication.
- 9—Do. relative to Steam Communication between Newfoundland and Halifax—with enclosures.
- 10—Do., with enclosure, relative to the appropriation of the Buildings in Fort William for Colonial purposes.
- 11—Report of the Geological Survey of the Island of Newfoundland during 1840.
- 12—Estimate of the charge of defraying the Public Expenditure of Newfoundland for the year ending 30th June, 1842.
- 13—Statement of Services for which an inadequate provision was made in the Appropriation Act for the year ending 30th June, 1841.
- 14—Return of Wolves killed during the year 1840.
- 15—Return of Board of Education, District of St. John's.
- 16—Do. do. do. Conception Bay.
- 17—Do. do. do. Trinity Bay.
- 18—Do. do. do. Bonavista Bay.
- 19—Do. do. do. Twillingate and Fogo.
- 20—Do. do. do. Burin.
- 21—Do. do. do. Placentia and St. Mary's.
- 22—Presentment of Grand Jury, Twillingate.
- 23—Do. do. St. Mary's.
- 24—Letter from the Chairman of St. John's Board of Road Commissioners, on the subject of Legal Proceedings taken against them—with enclosures.
- 25—Letter from do. do. relative to repairs of Job's and Hospital Bridges, and Portugal Cove Road—with enclosures.
- 26—St. John's Hospital Accounts, for the year ending 11th May 1840.
- 27—Petition from Nicholas Ash, Carbonear, to His Excellency the Governor, praying remuneration for destruction of House &c., during Election Riots.
- 28 & 29—Petitions from Wm. Ash and Thomas Finn, of Carbonear, to the Governor, praying remuneration for destruction of property during Election Riots.
- 30—Reports made by Capt. Alexander Milne, H. M. S. Crocodile, relative to the Fisheries of Newfoundland.
- 31—Treasury Accounts, and Customs' Consolidated Accounts—1840.
- 32—Report of Commissioners of Light Houses.
- 33—Contingent Accounts of the several Boards of Road Commissioners.
- 34—Memorial of Statute Labor Commissioners.
- 35—Petition of A. Hogsett, Esq., Clerk of the Peace, Central District—with correspondence relative thereto.
- 36—Despatch from Secretary of State for the Colonies, with enclosures, relative to Colonial Act providing for the safe keeping and due collection of Customs' Revenue.

INDEX.

- No. 37—Address to the Governor from certain Members of the Assembly, on the subject of the Contingencies of the Legislature.
- 38—Byrne's Report of the state and condition of the Streets, Roads, and Bridges in Newfoundland—1840.
- 39—Answer returned by the Chief Justice, in pursuance of an Address of Her Majesty's Council, relative to the state of the Law as respects Fishing Servants and their Employers.
- 40—Presentment of Grand Jury of Harbor Grace—and Estimate.
- 41—Memorial of Residents at Twillingate, for Light House on Wadham Islands, and Report of Light House Commissioners thereon.
- 42—Correspondence relative to expense of Lithographing Maps annexed to Report of Geological Survey, and erection of Building in which to deposit Specimens, &c.
- 43—Answers returned by Mr. Justice Des Barres relative to the state of the Law as respects Fishing Servants and their Employers.
- 44—Despatch from the Secretary of State for the Colonies, relative to the Colonial Act for facilitating Steam Communication between Newfoundland and Halifax—with enclosures.
- 45—Despatch from do. enclosing an Order in Council, approving the Light House Act, passed October, 1839.
- 46—Return of Great Seal Fund, 1838, '39, and '40—with appropriation of the same.
- Address of Her Majesty's Council, in reply to certain charges alleged against that Body, in its Legislative capacity, by the House of Assembly, in an Address to Her Majesty, dated 23d April, 1841.

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