

Nfld.
J
125
K3
—
2
I
1837
cop 1

JOURNAL
OF THE
HOUSE OF ASSEMBLY
OF
NEWFOUNDLAND.

ANNO SEPTIMO REGIS GULIELMI IV.

FIRST SESSION OF THE SECOND GENERAL ASSEMBLY.



St. John's, Newfoundland.

WILLIAM R. SHEA, PRINTER.





PROCLAMATION.

(L.S.)
H. PRESCOTT.

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

WHEREAS We have thought fit to dissolve the present General Assembly of the Freeholders and Householdors within our Island of Newfoundland, which stands prorogued to *Tuesday* the First day of November now next ensuing :—Now KNOW YE, that We do, for that end, publish this, our Royal Proclamation, and do hereby DISSOLVE the said General Assembly accordingly ; And the Members of our Council, and of the said General Assembly, are discharged from their meeting and attendance on the said First day of *November* next ensuing. In testimony whereof, we have caused these our Letters to be made Patent under the Great Seal of our said Island.

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

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

(L.S.)
H. PRESCOTT.

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

WHEREAS We are desirous and resolved, as soon as may be, to summon and call together the General Assembly of our Island of Newfoundland: We do, therefore, by and with the advice and consent of our Council of our said Island, hereby summon and call together a General Assembly in and for our said Island, to meet at St. John's in our said Island, on the eighth day of December now next ensuing; And We do further declare that We have this day given orders for the issuing of Writs in due form for the Election, summoning and calling together the said General Assembly, which Writs are to bear teste the 13th day of September instant, and to be returnable on the said 8th day of December next ensuing: And We do, by these presents, further declare and make known, that the Election of the Members of the said General Assembly shall be made according to the forms and provisions prescribed in and by our several Proclamations heretofore issued in such behalf, bearing date respectively the 26th day of July, and the 20th day of September, 1832, in the third year of our Reign; and also in pursuance of the provisions and regulations contained in a certain Act of the Governor, Council, and Assembly of our said Island, passed in the fourth year of our Reign, intituled "An Act for registering the names of persons entitled to vote at Elections;" and also in pursuance of the provisions of another Act of the Governor, Council, and Assembly of our said Island, passed in the fifth year of our Reign, (being chap. 2d) to amend the said last mentioned act.

Given under the Great Seal of our said Island.

Witness our trusty and well-beloved
HENRY PRESCOTT, Esquire, Com-
panion of the Most Honorable Mi-
litary Order of the Bath, our Go-
vernor and Commander-in-Chief
in and over our said Island and its
Dependencies, at St. John's, in our
said Island, the Twelfth day of Sep-
tember, in the seventh year of our
Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

*By His Excellency HENRY PRESCOTT, Esquire,
Companion of the Most Honorable Milita-
ry Order of the Bath, Governor, and Com-
mander-in-Chief in and over the Island of
Newfoundland and its Dependencies, &c.*

(L.S.)

H. PRESCOTT.

WHEREAS by His Majesty's Proclamation bearing date the 12th day of September instant, the General Assembly of this Island is called to meet on Thursday the 8th day of December now next ensuing; And whereas I think it fit and expedient, by virtue of the power and authority in me vested, to prorogue the said General Assembly until Monday, the 16th day of January now next ensuing: I do, therefore, by these presents, prorogue the said General Assembly until Monday the said 16th day of January next, *then to meet for the despatch of business*: and all persons concerned in the premises are required and commanded to take due notice hereof and govern themselves accordingly.

Given under my Hand and Seal,
at the Government-House at
St. John's, in the aforesaid Is-
land, the 19th day of September,
1836, in the Seventh year of
His Majesty's Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

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

(L.S.)

H. PRESCOTT.

WHEREAS the General Assembly of this Island stands prorogued until Monday the Sixteenth day of January next ensuing, then to meet for the despatch of business: And Whereas I think fit further to prorogue the said General Assembly until Thursday the Sixteenth day of February next ensuing.

I do, therefore, by this my Proclamation, further prorogue the said General Assembly until Thursday the Sixteenth day of February next ensuing, then to meet for the despatch of business: And all persons concerned are required and commanded to take due notice hereof and govern themselves accordingly.

Given under my Hand and Seal,
at the Government-House at
St. John's, in the aforesaid Is-
land, the 5th day of December,
1836, in the Seventh year of
our Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

*By His Excellency HENRY PRESCOTT, Esquire,
Companion of the Most Honorable Milita-
ry Order of the Bath, Governor, and Com-
mander-in-Chief in and over the Island of
Newfoundland and its Dependencies, &c.*

(L.S.)

H. PRESCOTT.

WHEREAS in pursuance of his Majesty's Proclamation issued under the Great Seal of this Island of Newfoundland, and bearing date the Twelfth day of September last past, certain Instruments purporting to be Writs, bearing Teste the Thirteenth day of the said month of September, were by me issued for the Election, Summoning and calling together the General Assembly of this Island, and which Instruments were made returnable on the Eighth day of December last past:

And Whereas it hath been made known to me that the said instruments having been issued without the Great Seal of this Island, are invalid: and that the Elections made in pursuance of the same are therefore void and of no effect:— I do, therefore, by this my Proclamation, make it known unto all persons who may have been elected under or in pursuance of the said Instruments, that they are therefore discharged from meeting in General Assembly on Thursday the Sixteenth day of February next, as appointed and required in and by my Proclamation bearing date the Fifth day of December last.

And I do further, by these presents, make it known unto all Householders and Electors of the several Electoral Districts of this Island, that Writs will, with all convenient speed, be issued for the due Election of Members to serve in the said General Assembly.

Given under my Hand and Seal,
at the Government-House at
St. John's, in the aforesaid Is-
land, the 16th day of January,
1837, in the Seventh year of
His Majesty's Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

(L.S.)
H. PRESCOTT.

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

WHEREAS We are desirous and resolved, as soon as may be, to summon and call together the General Assembly of our Island of Newfoundland: We do, therefore, by and with the advice and consent of our Council of our said Island, hereby summon and call together a General Assembly in and for our said Island, to meet at St. John's in our said Island, on the Thirtieth day of June now next ensuing; And We do further declare, that We have this day given orders for the issuing of Writs in due form for the Election, summoning and calling together the said General Assembly, which Writs are to bear teste the 10th day of April instant, and to be returnable on the said 30th day of June next ensuing: And We do, by these presents, further declare and make known, that the Election of the Members of the said General Assembly shall be made according to the forms and provisions prescribed in and by our several Proclamations heretofore issued in such behalf, bearing date respectively the 26th day of July, and the 20th day of September, 1832, in the third year of our Reign; and also in pursuance of the provisions and regulations contained in a certain Act of the Governor, Council, and Assembly of our said Island, passed in the fourth year of our Reign, intituled "An Act for registering the names of persons entitled to vote at Elections;" and also in pursuance of the provisions of another Act of the Governor, Council, and Assembly of our said Island, passed in the fifth year of our Reign, (being chap. 2d) to amend the said last mentioned act.

Given under the Great Seal of our said Island.

Witness our trusty and well-beloved
HENRY PRESCOTT, Esquire, Com-
panion of the Most Honorable Mi-
litary Order of the Bath, our Go-
vernour and Commander-in-Chief
in and over our said Island and its
Dependencies, at St. John's, in our
said Island, the Eighth day of
April, in the seventh year of our
Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROCLAMATION.

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

(L.S.)

H. PRESCOTT.

WHEREAS by His Majesty's Proclamation bearing date the 8th day of April instant, the General Assembly of this Island is called to meet on Friday the Thirtieth day of June now next ensuing; And whereas I think it fit and expedient, by virtue of the power and authority in me vested, to prorogue the said General Assembly until Monday, the Third day of July now next ensuing: I do, therefore, by these presents, prorogue the said General Assembly until Monday the said Third day of July next, *then to meet for the despatch of business*: and all persons concerned in the premises are required and commanded to take due notice hereof and govern themselves accordingly.

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

By His Excellency's Command,

JAMES CROWDY,

Secretary.



PROLOGUE

THE HISTORY OF THE UNITED STATES

By the Honorable Henry Parker, Esquire,
 Secretary of the State, and
 Member of the Council of the
 President of the United States.

Published by the Author, at the
 Office of the Secretary of State,
 in the City of New York, 1800.

THE PROLOGUE to the History of the United States, is a short and plain account of the progress of the American Revolution, from the first declaration of Independence, to the signing of the Declaration of Sentiments, in 1776. It is intended to give a general view of the events which led to the formation of the Constitution, and to show the progress of the American mind, from the first settlement of the colonies, to the present time.

It is a short and plain account of the progress of the American Revolution, from the first declaration of Independence, to the signing of the Declaration of Sentiments, in 1776. It is intended to give a general view of the events which led to the formation of the Constitution, and to show the progress of the American mind, from the first settlement of the colonies, to the present time.

THE HISTORY OF THE UNITED STATES

CHAPTER I

AF1d
J
125
K3
2
1837
cop. 2

JOURNAL AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY
OF
NEWFOUNDLAND.

BEGUN and holden at St. John's on Monday the Third day of July, in the year of Our Lord One thousand Eight hundred and Thirty-seven, and in the Eighth year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

Meeting of the Assembly.

His Excellency Henry Prescott, Esquire, Governor, having by his Proclamations bearing date the 16th of January, the 8th day of April, and the 10th day of April last, dissolved the late House of Assembly, and having summoned and called another House of Assembly of this Island, and appointed the same to meet at St. John's on the Third day of July aforesaid, the following are the names of the persons returned by the Returning Officers of the several Electoral Districts to represent the said districts in General Assembly, viz.

Members returned.

District of St. John's,—

William Carson, M. D., John Kent, and Patrick Morris, Esquires.

District of Conception Bay,—

Peter Brown, James Power, John M'Carthy, and Anthony William Godfrey, Esquires.

District of Ferryland,—

Peter Winser, Esquire.

District of Placentia and St. Mary's,—

John Valentine Nugent, and Patrick Doyle, Esquires.

District of Burin,—

Henry Butler, Esquire.

District of Fortune Bay,—

William Bickford Row, Esquire.

District of Trinity Bay,—

Thomas Fitzgibbon Moore, Esquire.

District of Bonavista Bay,—

Hugh Alexander Emerson, Esquire, Solicitor General.

District of Fogo,—

Edward James Dwyer, Esquire.

MEMORIAL UNIVERSITY
OF NEWFOUNDLAND
LIBRARY

By virtue of a commission under the Great Seal of the Island directed to the Hon. James Simms, and the Hon. John Dunscomb, which is as follows :

(L.S.)
H. PRESCOTT. *WILLIAM the FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING.

KNOW YE, that we have constituted and appointed, and by these presents do constitute and appoint the Hon. James Simms and the Hon. John Dunscomb, Members of our Council of our Island of Newfoundland, to be Commissioners, they or either of them, jointly or severally, to tender and administer the usual State Oaths, according to Law, to all and to every person or persons who is, are, or shall be, elected a Member of our General Assembly of our said Island, appointed by Proclamation of our Governor of our said Island, to be holden at St. John's, on the third day of July next ensuing, giving to them and either of them full power and authority to perform the matters herein before mentioned, ratifying and confirming all, and whatsoever, the said Commissioners, or either of them, shall do and perform in this behalf.

Given under the Great Seal of our said Island.

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

By His Excellency's Command,

JAMES CROWDY.

The said Commissioners came between the hours of ten and eleven o'clock in the forenoon of the said third day of July into the Assembly Room, and the following Members who appeared, took and subscribed the oaths prescribed by Law, in presence of the said Commissioners—

William Carson	}	Esquires.
John Kent		
Patrick Morris		
Peter Winser		
John Valentine Nugent		
Patrick Doyle		
Henry Butler		
Peter Brown		
James Power		
John M'Carthy		
Anthony William Godfrey		
Thomas Fitzgibbon Moore		
Hugh A. Emerson, Sol. General		

Commission appointing Commissioners to administer the usual State Oaths to Members elected.

Members who took and subscribed the Oaths.

NEWSPAPER PRINTED BY
 JAMES CROWDY
 AT THE HOUSE OF ASSEMBLY
 ST. JOHN'S, N.F.

After which the following Message was delivered from his Excellency the Governor by Joseph Templeman, Esquire, Usher of the Black Rod :—

Message of the Governor commanding the attendance of the House.

Gentlemen of the House of Assembly,

His Excellency the Governor commands your attendance forthwith in the Council Room.

Accordingly, the Members present, with the Clerk and Serjeant-at-Arms, went up to attend his Excellency in the Council Room, where the President of the Council said—

Members attend his Excellency in the Council Chamber.

*Honorable Gentlemen of the Council, and
Gentlemen of the House of Assembly—*

I am commanded by his Excellency the Governor to inform you that his Excellency does not think fit to declare the causes for which he has summoned this General Assembly until there be a Speaker of the House of Assembly.

It is therefore his Excellency's pleasure that you, Gentlemen of the House of Assembly, do repair to the place where you are to sit and there proceed to the choice of some proper person as your Speaker, and that you present such person whom you shall so choose here for his Excellency's approbation.

Members directed to choose a Speaker.

The Members then returned to the Assembly Room, and having taken their seats—

Mr. Morris, addressing himself to the Clerk, and seconded by Mr. Doyle, proposed to the House William Carson, Esquire, M. D., and Member for the district of St. John's, to be their Speaker.

And the choice of the House having unanimously fallen upon the said William Carson, Esq. he stood up in his place, and expressing the sense he had of the honour proposed to be conferred upon him by the House, submitted himself to their choice, and he was taken out of his place by Mr. Morris and Mr. Doyle, and conducted to, and placed in the Chair accordingly, whereupon Mr. Speaker elect addressed the Members as follows:—

William Carson, Esq., M. D., chosen Speaker.

Gentlemen—

I return you my warmest and most cordial thanks for the honour you have now done me, the highest honour which it is in the power of the Representatives of the People, in a British colony, to confer.

Mr. Speaker addresses the House.

I wish the choice had fallen upon a Member more able to enforce the power, and to support the dignity of this House; I shall, however, bring to the performance of the service the warmest admiration of the principles of the British constitution. The Rules, Orders, and Laws of the Imperial House of Commons I am desirous should, as far as circumstances will permit, be made applicable to our House of Assembly, as the best and safest guides.

In all things right I shall claim your support—in many things, I shall require your indulgence.

After which a Message was delivered from His Excellency the Governor, by the Usher of the Black Rod, commanding the attendance of Mr. Speaker and the House forthwith in the Council Room.

Message from His Excellency the Governor.

House attend his Excellency.

Accordingly, Mr. Speaker elect, with the House, attended his Excellency in the Council Chamber, where Mr. Speaker elect was presented to his Excellency by Mr. Morris, Member for the district of St. John's.

Whereupon, the President of the Council addressing Mr. Speaker elect, said—

WILLIAM CARSON, Esquire,

Choice of Speaker approved of.

I am commanded by his Excellency the Governor to inform you that his Excellency approves the choice which the House of Assembly have made of you, to be their Speaker.

The House being returned to the Assembly Room, and the Speaker having taken the Chair—

Speaker reports.

Mr. Speaker reported that the House had been in the Council Room, where his Excellency the Governor had been pleased to approve of the choice the House had made of him to be their Speaker, and that he Mr. Speaker had spoken to the following effect :—

May it please Your Excellency.

Your Excellency having been pleased to approve of the choice the House of Assembly have made of me to be their Speaker, it now becomes my duty as such, in the name of the Representatives of his Majesty's loyal subjects the people of Newfoundland, humbly to demand that they may have freedom of speech in their debates, that they and their servants may be free from arrests, and that whenever his Majesty's service and the interests of the colony may require it, I, as their Speaker, may have free access to your Excellency's person. For myself, I hope the same disposition which has induced your Excellency to approve of the choice which the House have made of me, to be their Speaker, will lead your Excellency to put the same favourable construction upon my conduct in discharging the duties of this important office.—And may God grant to our most Gracious Sovereign, King William the Fourth, a long, prosperous, and happy reign.

Mr. Speaker also reported that the President of the Council, by command of his Excellency, said—

Mr. Speaker,

I am directed by his Excellency to assure you, that he will extend to you and the House of Assembly the amplest and fullest privileges which have been granted to your predecessors.

After which Mr. Speaker reported that his Excellency had been pleased to make a Speech, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which was read to the House by the Clerk, and is as follows :—

Mr. President, and Gentlemen of the Council :

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

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

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

Of these, one for the relief of sick and disabled seamen, have proved effective only in the districts of St. John's and Ferryland.

Speech of his Excellency the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These, I am convinced, will receive your support; and as the progressive improvement, the welfare and prosperity of the Island, mainly

His Excellency's speech.

depend upon the continuance of the present financial system, I doubt not that its principle will be firmly upheld.

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

As the first quarter is already ended, I hope that you will, without delay, enable me to pay up the salaries due, and also to discharge the debt contracted for the sick and destitute, and for matters essential to the administration of justice.

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

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

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

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

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

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

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

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

Mr. President, and Hon. Gentlemen of the Council :

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

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

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

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

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

His Excellency's speech.

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

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

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

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

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

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

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

On motion of Mr. Morris, seconded by Mr. Doyle,

Resolved,—That a committee be appointed to prepare an address to his Excellency in answer to his Speech at the opening of the Session.

Address of thanks moved

Ordered,—That Mr. Nugent, Mr. Morris, Mr. Brown, Mr. Power, Mr. Kent, and Mr. Godfrey, do form such committee.

Committee to prepare address.

Mr. Morris prayed for leave to bring in a bill to repeal certain Acts relating to Roads and Highways in this Colony,—and thereupon,

Notice of bill to repeal certain acts relating to roads and highways.

On motion of Mr. Morris, seconded by Mr. Solicitor-General,

Resolved,—That the 28th Rule of this House, in reference to the introduction of Bills, be suspended, so far as relates to the Bill in question.

Motion to suspend rule in reference to the introduction of bills, so far as relates to the aforesaid bill.

Mr. Morris then, pursuant to leave granted, presented the said bill, to repeal certain Acts relating to roads and highways in this Colony, and the same was read a first time.

Bill to repeal certain acts relating to roads & highways, presented & read a first time.

Mr. Morris gave notice that, on Monday next, he should move for a committee to consider the present state of the Bank and Shore Fisheries, and the expediency of investigating into the concurrent right of partici-

Notice of motion for committee on the Bank and Shore Fisheries.

W. Morris

pation of British subjects with the French people, to take fish on that part of the coast of Newfoundland called the French Shore.

Notice of motion for a committee to enquire into the state and progress of agriculture.

Mr. Morris further gave notice that, on Monday week next, he should move for a committee to enquire into the state and progress of agriculture since the year 1792, and the benefits likely to result by fostering and extending more general encouragement to that important and rising branch of our industry.

Notice of motion for a committee of the whole House to enquire into the present state of the administration of justice.

Mr. Morris also gave notice that, on Wednesday the 26th inst., he should move for a committee of the whole House to enquire into the present state of the administration of justice in this Island.

Notice of motion for address for copy of Royal Instructions to his Excellency the Governor.

Mr. Nugent gave notice that he should, to-morrow, move that his Excellency be addressed with a request that he will order a copy of his Majesty's instructions on the occasion of his accession to the Local Government, together with all subsequent instructions on the subject of the General Government of the country, as well as particularly all the correspondence on questions connected with the privileges of the House of Assembly.

Mr. Brown moved, seconded by Mr. M'Carthy, that it be

Motion that the House proceed to the appointment of its own officers.

Resolved,—That the House do now proceed to the appointment of its own officers, viz.—the Clerk—Serjeant-at-Arms—Solicitor—Doorkeeper—Messenger—Printer of the Journals—Printer of the House—and any other officer that may be necessary for the convenience of the House.

House divide.

Which, being put, and the House dividing thereon, there appeared for the motion, eleven; against it one.

For the motion—

Against the motion—

Mr. Nugent

Mr. Solicitor General.

Mr. Butler

Mr. Moore

Mr. Doyle

Mr. Power

Mr. Winser

Mr. Brown

Mr. M'Carthy

Mr. Godfrey

Mr. Kent

Mr. Morris.

So it passed in the affirmative.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, July 4, 1837.

Notice of bill to fix and establish the holdings and sittings of the Courts.

THE Solicitor General gave notice that, on the sixth instant, he should move for leave to bring in a bill to fix and establish the holdings and sittings of the Supreme and Circuit Courts of this Island.

A Message from His Excellency the Governor.

The Honorable Mr. Secretary Crowdy being admitted within the Bar, presented to the House a Message from His Excellency the Governor, signed by His Excellency; and then he withdrew.

Message from Governor.

The said Message was then read by the Clerk, (all the Members being uncovered) and is as follows:

MESSAGE.

“H. PRESCOTT.”

The Governor observing in the Journals of yesterday's proceedings of the House of Assembly that the House has resolved to proceed this day to the election of its officers, His Excellency deems it advisable to transmit a copy of instructions from his Majesty's Principal Secretary of State, addressed to him on this subject, by which the House will perceive that his Excellency is directed to uphold his Majesty's nomination of the Clerk and Serjeant-at-Arms.

Transmitting instructions upon the subject of the House appointing its own officers.

As respects these officers, therefore, no discretion is left to the Governor; and he cannot in any way recognise in those capacities Gentlemen appointed by any other than the Royal Authority.

*Government House,
4th July, 1837.*

—o—

Downing-Street, 18th August, 1836.

(Copy.)

SIR,—I have the honour to acknowledge the receipt of your despatch of the 8th ult., No. 46, requesting instructions as to the course which you should adopt in the event of the new House of Assembly of Newfoundland asserting a right to appoint their own officers. In reply, I have to observe, that the only precedent which can be followed in such a contingency is that which is afforded by the practice of Parliament in parallel cases; and as the Serjeant-at-Arms, the Usher of the Black Rod, and Clerk of Parliament, are all officers appointed by the Crown, it will be your duty to insist upon the right of making similar appointments in Newfoundland.

Instructions referred to in the Governor's message.

I have the honour to be, Sir, &c.

GLENELG.

To Captain PRESCOTT, R. N.
C. B., &c. &c.

Ordered,—That the said Message and Documents do lie upon the table to be perused by the Members of the House.

Order thereon.

The House then proceeded to the choice of Officers, and

On motion of Mr. Kent, seconded by Mr. Doyle,

House proceed to the election of its officers.

Resolved, nemine contradicente,—That Robert Roberts Wakeham, Esquire, be appointed Clerk of this House, and that Mr. Speaker do notify the same to him, and direct him to attend in his place to-morrow.

Election of officers.

On motion of Mr. Kent, seconded by Mr. Morris,

Resolved, nemine contradicente,—That Thomas Beck, Esquire, be appointed Serjeant-at-Arms of this House, and that Mr. Speaker do notify him thereof, and direct him to attend and take his place to-morrow.

On motion of Mr. Nugent, seconded by Mr. Winser,

Resolved,—That Mr. John Delany be appointed Door-keeper of this House, and that Mr. Speaker do notify him thereof, and direct him to take his place to-morrow.

Mr. Nugent moved, seconded by Mr. Morris,

That Mr. Philip Brown be appointed Messenger of this House—whereupon

Mr. Brown moved, seconded by Mr. Power,

That said motion be amended by striking thereout the name of "Philip Brown," and in lieu thereof inserting the name of "David Walsh."

Which, being put, and the House dividing thereon, there appeared for the amendment, eight; against it, three.

For the amendment—

Mr. Kent
Mr. M'Carthy
Mr. Brown
Mr. Power
— Mr. Butler
Mr. Godfrey
Mr. Winser
Mr. Moore.

Against the amendment—

Mr. Nugent
Mr. Morris
Mr. Doyle.

So it passed in the affirmative, and

Resolved,—That David Walsh be appointed Messenger of this House, and that Mr. Speaker notify the same to him, and direct him to take his place in the House to-morrow.

During the discussion on the foregoing question a misunderstanding having taken place between Mr. Morris, Member for St. John's, and Mr. Brown, Member for Conception Bay, and angry language having been used towards each other by these Gentlemen, Mr. Speaker required that they should pledge themselves, before leaving the House, not to adopt further measures out of the House on account of what had occurred therein, ; afterwards mutual acknowledgments being made by the said Members towards each other, the misunderstanding between them was arranged.

On motion of Mr. Kent, seconded by Mr. Power,

Resolved,—That Mr. Philip Brown be appointed Assistant Door-keeper of this House, and that Mr. Speaker do notify him thereof, and direct him to take his place to-morrow.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the Proprietor of the Patriot newspaper be the Printer of this House, and that Mr. Speaker do notify him thereof.

Appointment of Printer of the House.

On motion of Mr. Brown seconded by Mr. Moore,

Resolved,—That the Proprietor of the Newfoundlander newspaper be the Printer of the Journals of the House.

Appointment of Printer of the Journals.

On motion of Mr. Kent, seconded by Mr. Brown,

Resolved,—That Charles Simms, Esquire, be appointed Solicitor of this House, and that Mr. Speaker do notify him thereof accordingly.

Appointment of Solicitor of the House.

On motion of Mr. Kent seconded by Mr. Winsor,

Resolved,—That Mr. Speaker be authorized to procure a Reporter for this House, subject to its approval.

Motion that a Reporter be appointed for the House.

On motion of Mr. Nugent, seconded by Mr. Solicitor-General,

Resolved,—That the printer of the Journals of this House be required to insert the reports, as far as practicable, in the Newfoundlander, of the proceedings of the earlier part of the week ; and the printer of the House be required to give those of the subsequent days in the Patriot Newspaper.

Motion that the Printer of the Journals and the Printer of the House insert in their Papers the proceedings of the House

Mr. Brown gave notice that, on Thursday next, he should move an address to his Excellency for an attested detailed return of all the fees received by the Clerks of the Supreme Court, Northern, Central and Southern Circuit Courts, from the 20th June, 1836, to the 20th June, 1837. Also, returns of all fees of the Registration of Deeds for said time in said Districts. Also, a return of the fees of the Probate Court of the Island. Also, a return of the fees received by the Coroners of the Island.

Notice of motion for address for return of the fees of the Clerks of the Courts, Coroners, &c.

Mr. Nugent gave notice that he should, to-morrow, move an address to his Excellency the Governor praying that he will cause the following papers to be laid before the House viz.—The Criminal Calendars of the Northern District for the last ten years—the same for the ten years preceding. The same for the Southern District for the last ten years—the same for the ten years preceding. The returns to be verified on affidavit.

Notice of motion for an address for the criminal calendars of the Courts.

Mr. Nugent also gave notice that, on Thursday next, he should move that his Excellency be addressed with a request that he will order the following documents to be laid on the table of the House, viz. :

A return of all the Writs issued from the Colonial Office for the several Elections of the years 1833, 1834, and 1836, for Members to serve in the House of Assembly, together with the name of the officer accountable for their proper issue, verified by the affidavit of the proper officer.

Notice of motion for an address for returns of the writs of the Elections—of depositions taken against John Wills Martin, Esq.,—the proceedings on the subject of the arrest of the Rev. Mr. Nisbet—and on the occasion of the charge of misdemeanour against the Rev. Mr. Troy and others.

The several depositions taken before Magistrates at St. John's, on the subject of the charge against John Wills Martin, late of St. Mary's, Esq., Justice of the Peace, of poisoning a public spring well in the town of St. Mary's, together with a return of what has been done thereon—such returns to be verified by the affidavit of the party returning.

The several depositions taken or proposed to be taken at St. Mary's against the same gentleman by a married woman on the charge of, as

almoner of the Statute Charities in St. Mary's Bay, attempting to induce to the commission of adultery, as the sole condition of the extension of the Statute Alms to a very poor and large family.

A return of what has been done on the subject of the arrest and transmission to St. John's of the Rev. Mr. Nisbet, a Protestant Clergyman, charged with an unnatural crime, and of what has been done on the occasion of the charge of misdemeanour against the Rev. Mr. Troy, the Rev. Mr. Ward, and the Rev. Mr. Duffy, Catholic Priests—the return to be verified by the affidavit of the parties making the return.

On motion of Mr. Solicitor General, seconded by Mr. Nugent,

Ordered,—That Mr. Solicitor General have leave of absence from this House for a few days on account of the illness of some members of his family.

Then the House adjourned until to-morrow, at eleven of the clock.

Wednesday, July 5, 1837.

ON motion of Mr. Kent, seconded by Mr. Doyle,

Resolved,—That the Clerk, Robert Roberts Wakeham, do take the Oath of Office before Mr. Morris and Mr. Doyle, Members of this House and Justices of the Peace, in the Speaker's Room.

Mr. Winsor gave notice that he would, on Monday the 17th, bring in a bill to repeal an Act entitled "An Act for the relief of sick and disabled seamen, fishermen and other persons," and to make provision for the expenditure of the money received under the said Act.

Mr. Morris and Mr. Doyle reported that they had, as Justices of the Peace, sworn in Robert Roberts Wakeham, Esquire, as Clerk of the House of Assembly.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That all the late officers of this House be ordered to hand over the several insignia of office to their successors, and that the late Clerk be ordered to place in the hands of his successor all papers, records, and other documents, that may be remaining in his custody, by virtue of his office, and that the Hon. the Speaker make the necessary notifications.

Mr. Nugent reported from the committee appointed to prepare an address in answer to the speech of his Excellency the Governor, that the committee had drawn up the draft of an address accordingly: and he delivered in the same at the Clerk's table, and the said address was read a first time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said address be now read a second time.

Leave of absence granted.

Motion that the Clerk elect take the Oath of office.

Notice of bill to repeal an act "for the relief of sick and disabled seamen, fishermen and other persons."

Report that the Clerk of the House elect was sworn in.

Motion that the late officers of the House be ordered to hand over to their successors, the different insignia of office.

Report of committee to draft address in reply to the Governor's speech.

On motion of Mr. Kent, seconded by Mr. Power,

Ordered,—That the said address be referred to a committee of the whole House to-morrow.

Referred to committee of whole House.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That a committee be appointed to reply to his Excellency the Governor's dispatch on the subject of the right of the Crown to nominate the officers of this House.

Committee to reply to the Governor's dispatch on the subject of the right of the Crown to nominate the officers of the House.

Ordered,—That Mr. Kent, Mr. Nugent, Mr. Morris, Mr. Brown and Mr. Winsor, form the committee.

The Clerk having represented to the Speaker that he had appointed Richard Holden, Esq., his assistant Clerk,—the Speaker submitted said appointment to the House, which the House approved of.

Appointment of the Assistant Clerk approved of by the House.

On motion of Mr. Kent, seconded by Mr. Brown,

Resolved,—That the House form itself into a committee of the whole House to consider their privileges.

House in committee to consider their privileges.

Mr. Speaker left the chair.

Mr. Emerson took the chair of the Committee.

Mr. Speaker resumed the chair.

The chairman reported that the committee had adopted certain Rules for the government of this House, which Rules being read, the House adopted.

Report.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That this House dispense with the services of Mr. John Stephenson, late doorkeeper—Mr. William Kelly, late messenger—and Mr. John B. Cox, late under-doorkeeper,—and that the Clerk be ordered to make the necessary notifications.

Resolution that the House dispense with the services of late Doorkeepers and Messenger.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, July 6, 1837.

MR. NUGENT moved, pursuant to notice, seconded by Mr. Power,

Resolved,—That an address be presented to His Excellency the Governor respectfully requesting that his Excellency will cause to be laid before this House the following documents:—

Resolution for an address for return of writs issued for the several Elections—

A return of all the writs issued from the Colonial Office for the several Elections of the years 1833, 1834, and 1836, for Members to serve in the House of Assembly, together with the name of the officer accountable for their proper issue—verified by affidavit of the proper officer.

Depositions on the subject of the charge against John Wills Martin, Esq.—on the subject of the arrest and transmission of the Rev. Mr. Nisbet, a protestant clergyman—on the subject of the charge of misdemeanour against the Rev. Mr. Troy, the Rev. Mr. Ward, and the Rev. Mr. Duffy, Catholic Priests—Criminal calendar of the northern & southern districts—a copy of His Majesty's instructions on the Governor's accession to the Local Government of this country—together with all subsequent Instructions and Correspondence connected with the privileges of the House of Assembly.

The several depositions taken before magistrates at St. John's on the subject of the charge against John Wills Martin, late of St. Mary's, Esq., Justice of the Peace, for poisoning a spring well in St. Mary's, together with a return of what has been done thereon—such return to be verified by the affidavit of the party returning.

The several depositions taken or proposed to be taken at St. Mary's, against the same gentleman by a married woman on a charge of, as Almoner of the Statute Charities in St. Mary's Bay, attempting to induce to the commission of adultery, as the sole condition of the extension of the statute alms, to a very poor and large family.

A return of what has been done on the subject of the arrest and transmission to St. John's of the Rev. Mr. Nisbet, a Protestant Clergyman, charged with an unnatural crime; and of what has been done on the occasion of the charges of misdemeanour against the Rev. Mr. Troy, the Rev. Mr. Ward, and the Rev. Mr. Duffy, Catholic Priests—the return to be verified by the affidavit of the parties making the returns.

The Criminal calendar of the northern district for the last ten years.

The same for the ten years preceding.

The same for the southern district for the last ten years.

The same for the ten years preceding, and specifying the number of convictions in each—the returns to be verified by affidavit.

A copy of his Majesty's instructions on the occasion of his Excellency's accession to the local Government of this colony, together with all subsequent instructions on the subject of the general government of the country, as well as particularly all the correspondence on questions connected with the privileges of the House of Assembly.

Ordered,—That Mr. Nugent and Mr. Power be a deputation to present the said address to his Excellency.

On motion of Mr. Brown, seconded by Mr. Winsler,

Resolved,—That an address be presented to his Excellency the Governor respectfully requesting that his Excellency will cause to be laid before the House the following returns:

A detailed account attested of all fees, poundage, milage, perquisites and emoluments, received or receivable by the Sheriff of Newfoundland, or his deputies, in the Central, Northern and Southern districts, for the year ending the Twelfth day of June last, distinguishing each district and court, and specifying the number of writs of summons, attachments, *capias*, and the amount of fees of the same respectively, and the number and amount of executions, and the fees, poundage and milage in final process.

Likewise all Jury fees received or receivable by the Sheriff or his deputies, and all fees received or receivable on the Crown side of the Courts.

Likewise, a detailed account of all sums of money paid or allowed by the Sheriff, during the same period, to his deputies, bailiffs, and officers, the services for which the same were paid or allowed, and the names of all such deputies, bailiffs and officers.

Deputation to present address.

Resolution for an address for returns of all fees, poundage, emoluments, &c., received by the Sheriff or his deputies, in the northern or southern districts—a detailed account of all sums of money paid or allowed by the Sheriff to his deputies, bailiffs and officers, and the names of all such deputies, bailiffs and officers—a full and particular account of all fees, payments, commission, and emoluments received or receivable by the Supreme and Circuit Courts, and the Clerks of the Northern and Southern Circuit Courts, whether as Clerk of the Court, Registrar of Deeds, Clerk or deputy Clerk of Probates or in any other character or manner—an account of all sums paid by the several Coroners of the Island, and the number of inquests held by each Coroner.

Likewise, similar statements for the two preceding years ending the 20th day of June, 1836.

Resolution for address, &c.

A full and particular attested account of all fees, payments, commission, and emoluments, whatsoever, received or receivable by the Clerk of the Supreme and Circuit Courts, and the Clerks of the Northern and Southern Circuit Courts respectively, for the twelve months preceding the twentieth day of June last, whether as Clerk of the Court, Registrar of Deeds, Clerk or Deputy Clerk of Probates, or in any other character or manner, specifying the different services, heads and denominations, for or under which the said fees respectively were received or receivable.

Also, similar accounts and returns for the two preceding years, from the 20th June, 1834, to 20th June, 1835, and from 20th June, 1835, to 20th June, 1836.

Also, an account of all sums paid to the several Coroners of the Island, for the same periods, distinguishing the amount paid to each Coroner, and the number of inquests held by each Coroner.

Ordered,—That Mr. Brown and Mr. Winser be a deputation to present the said address to his Excellency.

Deputation to present it.

On motion of Mr. Nugent, seconded by Mr. Power,

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the address to his Excellency the Governor, in reply to his Excellency's speech at the opening of the session.

House in committee on address in reply to Governor's speech.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Brown reported from the committee that they had gone through the Address, which they had directed him to report to the House; and he delivered the address in at the clerk's table.

Report.

Ordered,—That the said address be engrossed and read a third time this day.

Engrossed address read 3d time.

Agreeably to order, the engrossed address was read a third time, and is as follows :

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

Address read.

May it please Your Excellency.

We, His Majesty's faithful subjects the commons of Newfoundland, in Colonial Parliament assembled, humbly thank your Excellency for the Speech with which you have been pleased to open the present session :

Address, &c.

We regret that his Majesty has not been pleased to allow the act passed in the last session for the protection of our fisheries, to be left to its operation.

We regret to learn that the act for regulating the printing and publishing of books, newspapers, and papers of a like nature, has been specially confirmed by his Majesty—as from the unconstitutional manner in which that act was carried through the House of Assembly, as well as from the difficulties and impediments it throws in the way of the progress of Literature in Newfoundland, it appears to us proper to bring it under the consideration of the Legislature during the present session, either with a view to its repeal, or its amendment.

The other acts which have been left to their operation by his Majesty, we shall take a proper opportunity of examining, in order to ascertain their applicability to the public advantage.

That the act for the relief of sick and disabled seamen and fishermen has only proved effective in the districts of St. John's and Ferryland, appears to us conclusive evidence that it is not suited to the wants of the people in that respect, nor can we imagine that the mere existence of a *prejudice* against that law, could influence the persons entitled to elect directors, in districts where almost the entire population was fishermen and seamen,—the districts of Fogo, of Fortune Bay, Bonavista, of Placentia and St. Mary's, of Trinity, and even of the populous district of Conception Bay, to refuse to exercise that privilege if the prejudice were not well founded, and the act inoperative of relief to the sick or the disabled.

We shall, therefore, take that act also under our consideration in the course of the present session.

We have no data at present before us, whence to ascertain whether in making over the Hospital at River-head to the Directors of this district, the parties making such transfer have been justified. The Directors deriving under the provisions of the act last alluded to, can only even under that act permit the Hospital to be used by fishermen and seamen, and such a transfer of a public Hospital to uses limited to a particular portion of our population, to the great injury of the agriculturists and mechanics, who form a most important section of our population, we cannot consider remedied by a stipulation providing for the accommodation of lunatics and pauper patients, but we shall take your Excellency's benevolent suggestions into our consideration, with a view to render that interesting establishment useful to the public.

We sympathise in the feelings of regret testified by your Excellency upon the impediments that have been so improperly interposed to the operation of the act for the encouragement of education, and therefore shall during the present session try to remedy the defects of that measure, and render it more available to its professed objects.

We thank your Excellency for your kind promise to lay before us various letters and documents relating to this point, and for the expression of your Excellency's desire for the enactment of a measure that may tend to assuage religious jealousies and apprehensions, and promote the inestimable blessings of universal instruction—removing those sectarian prejudices which have so unhappily frustrated the benevolent intentions of the Legislature.

We are fully impressed with the sense of the want of a Seminary for the higher branches of learning, combined with useful and elegant accomplishments: and shall therefore take your Excellency's recommendation on that subject into our most serious consideration.

We also thank your Excellency for the expression of your intention to lay the returns of the Census before the House.

We also thank your Excellency for your promise to lay before this House copies of correspondence between the Parent and Local Government fully explanatory of the circumstances which rendered so unusual a proceeding as a double Election necessary on the late occasion; and we refrain from expressing the feelings of this House upon a subject of such thrilling interest, until we have perused and fully considered the documents adverted to.

We shall not fail to adopt your Excellency's suggestion regarding the Revenue Acts: we are aware they expire with this Session if not renewed, and therefore shall make them the subject of early deliberation.

We are happy to find that they have yielded ample means for the ordinary routine of Government, and at the same time permitted large appropriations for the formation of roads, the construction of bridges, the advancement of education, the encouragement of useful charitable institutions, and many other important objects; and as we are deeply solicitous for the progressive improvement of the country, and the welfare and prosperity of its inhabitants, shall uphold the principle of the present financial system.

We thank your Excellency for your intention to lay before us an account of the expenditure of the last year, as well as the estimates for the current one, and shall without delay enable your Excellency to pay up the salaries due at present.

We shall most cheerfully enable your Excellency to pay any debt that may exist for the relief the sick and destitute, when the accounts are laid before us in a proper and detailed form.

The debt your Excellency adverts to as having arisen "from matters essential to the administration of Justice," we shall also enable your Excellency to discharge as soon as the proper information is laid before us,—for while we are desirous to remunerate public servants for their proper discharge of legitimate duties—and anxious for assuaging the miseries of the poor, sick, and the destitute, and to promote the administration of Justice—we feel that we are the proper guardians of the public purse, and, as such, it behoves us to administer the funds entrusted to us generously, but not prodigally.

We highly approve of your Excellency's recommendation on the subject of the alteration in the period of the termination of the financial year, and further take this opportunity of expressing to your Excellency our sense of the importance to the public interest of making arrangement that the Session of the Legislature may in future take place at a season when communication with our constituents is open.

We shall take into consideration the question of the expediency of the appointment of a stipendiary Magistrate at the Burgeo Islands, upon receiving from your Excellency the necessary information—

Address, &c.

And should also consider the subject of the establishment of a Colonial Vessel for general purposes, if we did not regard it as entailing an expense upon the Colony, with which all the advantages expected to be derived from such a measure, would not be commensurate.

We also thank your Excellency for your intention to lay before the House for its inspection the documents connected with your Excellency's authorising the employment of a small schooner "in the hope of recovering and bringing to punishment the authors of a gross act of smuggling in the neighbourhood of La Poille."

We shall, on an early occasion, apply ourselves to the consideration of the best mode of improving the state of the Gaol and Court House of St. John's, in compliance with your Excellency's recommendation—

And feel thankful for the expression of your Excellency's desire to act in accordance with the wishes of the House of Assembly by practising a strict economy.

We shall be most happy to peruse the reports your Excellency is commanded to lay before the Legislature "on Gaols and Houses of Correction," and also the Imperial Act for effecting greater uniformity of practice in the Government of the several prisons in England and Wales; and we thank your Excellency for the documents you have been kind enough to say you would add to these, to assist us in the progress of this important examination.

It will be a source of satisfaction to the House to have before them a copy of the *Blue Book*, as yearly transmitted for the information of His Majesty's Home Government; and the Circular Dispatch issued upon that subject; and we shall readily lend our zealous co-operation to the enactment of any Laws which may prove available to rendering the statistical returns more perfect.

We shall feel considerable interest in the reports of the Road Commissioners, and we trust that before the present Session closes we shall use every means of rendering more effective and more useful the act under which these Commissioners derive, and we shall make our grants of money proportioned to the local capabilities for the prosecution of works so beneficial to the public.

We shall take under our most serious consideration the reports of the Commissioners for the regulation of statute labour, and shall consider whether it may not be expedient to amend or repeal the acts 4 Wm. 4, ch. 6, and 5 Wm. 4, second Sess. ch. 3. oppressive as they have been found to the poor and middle classes of society, while they almost exonerate the wealthy from the burthen of making and repairing the Roads, Bridges and Streets of the Capital of the Island, and could not be brought into full operation in any other part of the Island.

And, in conclusion, we beg to assure your Excellency of our gratitude for the expression of your desire to concur in the efforts of the Legislature, for the happiness of the community, for the correction of abuses, and for the improvement of our agricultural and commercial resources; and that it is our anxious wish to prove our just appreciation of the many and great advantages already possessed by this extensive and flourishing Colony, by applying zealously to their improvement.

On motion of Mr. Nugent, seconded by Mr. Brown,

Ordered,—That the said address do pass, and that it be presented to his Excellency by Mr. Speaker and the whole House.

Address passed.

Ordered,—That Mr. Nugent and Mr. Brown be a deputation to wait on his Excellency to know his Excellency's pleasure when he will be attended by the House with the said address.

Deputation to know his Excellency's pleasure when he will receive the same.

Mr. Morris gave notice that, on Tuesday next, he would bring in a bill to enable the Manager and Directors of the Bank of British North America to sue and be sued.

Notice of Bill to enable the Manager and Directors of the Bank of British North America to sue and be sued.

Mr. Nugent, as Chairman of the Committee to draft an address in answer to his Excellency's Dispatch of Monday last, brought up the address, which was read at the Clerk's table, and is as follows:—

Draft of address in answer to Governor's dispatch of Monday last, read.

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

May it please Your Excellency.

Your Excellency having been pleased to send down a message to this House to the effect, that having observed "in the Journal of yesterday's proceedings of the House of Assembly that the House has resolved to proceed this day to the election of its officers," your Excellency "deems it advisable to transmit a copy of Instructions from his Majesty's Principal Secretary of State addressed to your Excellency on this subject," "by which," your Excellency is pleased to say, "the House will perceive that" your Excellency "is directed to uphold his Majesty's nomination of the Clerk and Serjeant-at-Arms;" and that "as respects these officers, therefore, no discretion is left to the Governor; and he cannot in any way recognise in those capacities Gentlemen appointed by any other than the Royal Authority." We have carefully considered the same and duly weighed the reply dated August 18th, of the Right Hon. the Secretary of State for the Colonies to your Excellency's despatch of the 8th July, 1836, upon that subject, where the Right Hon. Lord Glenelg observes "that the only precedent which can be followed in such a contingency is that which is afforded by the practice of Parliament in parallel cases; and as the Serjeant-at-Arms, the Usher of the Black Rod, and Clerks of Parliament are all officers appointed by the Crown, it will be your Excellency's duty "to insist upon making similar appointments in Newfoundland."

In coming to the conclusion of persisting in the exercise of the right of the House of Assembly to appoint its own officers, after the reception of your Excellency's message, we beg to assure your

Address, &c.

Excellency that we have felt impressed with the most profound respect for your Excellency, attachment to his Majesty's Government, and firm determination to maintain inviolably the King's just prerogative: but while we entertain these feelings of respect and attachment, and that spirit of determination, we feel that, as an independant branch of the Legislature, we should be wanting in our duty to the House of Assembly and to our Constituencies if, having asserted a right—a clear and indisputable right—and having on Monday last voted, and with only one dissentient voice, and the Gentleman so dissenting being his Majesty's Solicitor General, that we should then proceed to the exercise of that right, we should the very next day turn upon our own Resolution—a Resolution adopted upon the most mature consideration and recorded upon our Journals, that the House of Assembly were awed and intimidated, and compelled to recede from a position to which they had been impelled by a conscientious desire to discharge their duty.

We are not a little surprised that the Right Hon. the Secretary of State for the Colonies of the present day should recommend to your Excellency to "insist" that "the only precedent which can be followed in the appointment of the officers of the House of Assembly is that which is afforded by *practice of Parliament* in parallel cases."

On the 21st October, 1834, the Right Hon. Thomas Spring Rice, then Secretary of State for the Colonies, addressed to your Excellency a despatch on the subject of the pretensions of the Council to a Legislative character, where he says, "the title of Legislative Council assumed by the Council of Newfoundland, is a designation to which they have no legitimate claim. They are simply the Board of Council, and except by his Majesty's sanction the Governor cannot recognise them under any other appellation," thus proving that it was the opinion of that Right Hon. Secretary that there was no Parliamentary analogy between the Legislative institutions of this and the Parent Countries.

We find the Right Hon. Lord Goderich, on the 27th July, 1832, in a Despatch accompanying the Royal Instructions, and which, together with these instructions, was printed by order of the House of Commons, on the 7th August in the same year, saying that the Council does not assume in the Colony a position or an influence analogous to that of the House of Peers," thereby exhibiting his sense of the absence of any Parliamentary analogy, while in the same despatch he clearly lays it down, that in instituting a Legislature in Newfoundland the intention was never entertained of laying the foundation of Estates analogous to those which constitute the Imperial Parliament, but simply tribunals having correlative jurisdiction and correspondent forms with the British Transatlantic Colonies. "It may seem, however, superfluous," says his Lordship, "to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of Constitution which generally prevails throughout the British Transatlan-

tic Colonies; the difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of Colonial Government, which has been attended with so many advantages in British North America, would produce similar benefits at Newfoundland, if transferred to that settlement; and he points particularly to Nova Scotia and New Brunswick as Colonies whose system "in all the Colonies to which it has been extended has invariably secured the attachment of the people."

But not only have almost all the other Secretaries for the Colonies, from the very birth of this Country's Constitution, thus plainly taught us to look for our Forms and the character of that Constitution to the Sister Colonies and not to the British Parliament, but even have we had the strongest, and almost a violent, reproof upon the subject from the Right Hon. Lord Glenelg, His Majesty's present Secretary of State.

On the occasion of the opening of the last Session of the Legislature, your Excellency was pleased in your Speech to intimate His Majesty's refusal to confirm the Quadrennial Act, for no other reason than merely because the Legislature, in its enactment, had assumed to themselves the bare designation of a "Parliament," and in his Lordship's Despatch, dated 12th April, 1835, he informs your Excellency that he is "not disposed to deviate without sufficient reason from Forms which are sanctioned by an invariable usage, reaching back to nearly two centuries, in the older British Colonies."

Here his Lordship regards the bare assumption of THE NAME of "Parliament" as evincing a "wish to claim for the Council and Assembly of Newfoundland Powers analogous to those of the House of Peers and Commons of the United Kingdom, and yet would it appear by the Despatch which forms the subject of your Excellency's Message, that his Lordship would now fain induce the Commons of Newfoundland to adopt the observances of the Commons of the United Kingdom on the subject of the appointment of the most important Officers of the House of Assembly.

In this variance of authorities, and particularly where the weight of even these dissonant authorities tends to direct the attention of the House to the Sister Colonies of British North America, we consider that it is the precedents afforded by the proceedings of the Representatives of the House of Assembly in those other Colonies, which ought to be adopted as the fixed, the steady and unalterable guides of the House of Assembly of Newfoundland; and in this spirit it was that in coming to a conclusion upon the subject, we examined, and duly weighed and considered the usages of other similar Legislative Bodies, and comparing these even with the practice of the British House of Commons, we found that while the former proved to us that the right of the appointment of all the officers of the House of Assembly was inherent in that Body, the best Parliamentary authority proves to us that the exercise of that right is not repugnant to the practice of the House of Commons.

Address, &c.

In the Appendix to the Journals of the first session of the Parliament of Upper Canada, (1831) page 208, is the Report of the committee appointed (and to which appointment the Hon. Henry John Boulton, then Attorney General of that Province, and Member of the House of Assembly, was an assenting party) for the purpose of examining whether the Representative Branch of that Legislature "has the right to appoint its own officers, with power to send for persons and papers, and to report thereon; and in this report the committee declare that they are of opinion that the House has an original and inherent right to appoint and controul its own officers, whenever it may be thought expedient to exercise it, which no usage or practice heretofore admitted has or can take away—a contrary doctrine is highly dangerous to the privileges of this House;" and they go on to say—"your committee are well aware that the officers of the British House of Commons are appointed by the Crown; but the principal officers of that House hold their offices for life. In this Province, however, the case is different,—all the officers of this House hold their offices under a precarious tenure, viz. during pleasure."

In the Province of Nova Scotia this right is exercised by the House of Assembly, nor is it any longer disputed in Prince Edward Island; and in New Brunswick it would also seem that it is the practice of the House of Assembly to appoint its officers, and under such circumstances of precedent crowding on precedent to induce this House to consider itself entitled to similar rights, have we been influenced in their assertion and exercise.

In looking upon the Journals of the House of Assembly of Newfoundland, we find that from the very first day on which the first House of Assembly took their seats in this country, the right of the Crown to the privilege of the appointment has been at all times controverted.

Judging, then, by the opinions so solemnly expressed by Viscount Goderich, by Mr. Rice, and by Lord Glenelg,—in fact, judging from a late despatch from his Lordship to a neighbouring colony, where his Lordship very properly advises the Executive if the House of Assembly should persevere in their appointment, not to disturb them or come unnecessarily into collision with that Body,—judging from all these opinions concurrently, we have come to the mature conclusion that, in our acts and proceedings we had to regard the acts and proceedings of other Colonial Assemblies, and not the British Parliament. In examining into the practice of other Colonial Assemblies we find the right asserted and exercised of appointing the officers,—consulting our Journals we find only one precedent, and that is, that it is the right of the House to appoint them, and we find that precedent reiterated session after session. With this host of authorities before us, we on Monday, after a solemn deliberation of several hours, resolved to assume its exercise, and having so resolved after a deliberation and examination continued through the lapse of a period of nearly five years, we have felt ourselves compelled to persevere, and we trust that your Excellency's wisdom will induce you to feel that

we had no alternative but a discreditable one—to abandon the just, the well defined, and clearly established privileges of the House of Assembly,—and therefore we beg most respectfully to assure your Excellency that, impressed with a deep sense of the importance to the public interests of the existence of harmonious relations between the several branches of the Legislature, we have not, in the most distant way, been actuated by a wish to create an unpleasant feeling between the Executive and the popular Branch of the Legislature, but, as the Representatives of the People, we felt it our duty to proceed upon this subject in a manner consonant with the wishes of our Constituencies.

Address, &c.

Moved by Mr. Nugent, seconded by Mr. Kent, and carried, that the address be recommitted.

Re-committed.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman of the committee reported that they had made some progress in the business to them referred, and in the 15th line, page 2, between the words "voice" and "that," the following words be inserted—"and the Gentleman so dissenting being His Majesty's Solicitor General;" and that in the 5th page, line 13th, between the words "appointed" and "for," the words be inserted—"and to which appointment the Hon. Henry John Boulton, then Attorney General of that Province, and Member of the House Assembly, was an assenting party:"—and which amendments were read at the Clerk's table, and adopted.

Report.

On motion of Mr. Nugent, seconded by Mr. Power,

Resolved,—That the address as amended, be engrossed, and that a deputation be appointed to wait upon his Excellency to know when he will receive the same.

Motion that the address be engrossed.

Ordered,—That Mr. Nugent and Mr. Power do form such Deputation.

Deputation to present address.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, July 7, 1837.

MR. WINSER gave notice that, on Friday the 28th inst., he would move for a committee to consider the propriety of bringing in a Bill for the purpose of appointing inspectors to examine all salted and pickled Butter brought into this Island as to its quality and quantity in each firkin or tub, and to mark the same before it shall be exposed for sale, and if found necessary, to frame a bill for that purpose.

Notice of motion for committee to consider the propriety of bringing in a bill for appointing inspectors of salted and pickled butter, &c.

Mr. Nugent, as Chairman of the deputation to wait on his Excellency upon the subject of the reception of the address in reply

Report of the deputation appointed to wait upon

his Excellency to ascertain the time his Excellency would receive the House with their address in reply to his Excellency's speech.

to his Excellency's Speech, reported that they had waited on his Excellency, when Mr. Nugent addressed his Excellency thus—

May it please Your Excellency.

We have had the honor of being deputed by the House of Assembly to ascertain from your Excellency at what time it would be your Excellency's convenience to receive the House with their address in reply to your Excellency's speech.

To which his Excellency made the following reply :

His Excellency's reply.

Gentlemen,—I shall be happy to receive the House of Assembly with its address on Monday next, at Two o'clock, in the afternoon ; but I have already by Message acquainted the House that I cannot in any way recognise as its Clerk or Serjeant-at-Arms other Gentlemen than those appointed by the Royal Authority.

Believing that a communication of my instructions on this head would prevent the exercise on the part of the House of a power denied to it by the Crown, I supplied the House with a copy of those instructions previously to its proceeding to such election.

The House, however, has decided in opposition to my expectation ; and it is therefore my duty to acquaint you, for the information of the House, that I cannot receive it with the address attended with a Clerk and Serjeant-at-Arms of its own nomination.

Government-House,
July, 1837.

Reply read.

And the said reply was handed in at the Clerk's table, and read.

Mr. Brown moved, seconded by Mr. Nugent,

Committee to reply to his Excellency's speech.

Resolved,—That a committee be appointed to reply to his Excellency's answer to the deputation appointed by this House to ascertain at what time it would be his Excellency's convenience to receive the whole House with their address in reply to his Excellency's speech at the opening of the Legislature.

Ordered,—That Mr. Brown and Mr. Nugent do form the committee.

Address brought up and read.

Mr. Nugent, as Chairman of the Committee, brought up the 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 Com-
mander-in-Chief in and over the Island of
Newfoundland and its Dependencies, &c.*

May it please your Excellency—

We his Majesty's faithful subjects the Commons of Newfoundland in Parliament assembled, having received and considered your Excellency's reply to the deputation appointed to wait on your Excellency to ascertain when it would be your Excellency's convenience to receive the whole House with their address in reply to the speech with which your Excellency has been pleased to open the present Session of the Legisla-

Address, &c.

ture, in which your Excellency is pleased to communicate your refusal to receive the whole House with the address "attended by a Clerk and Serjeant-at-Arms of its own appointment," beg most respectfully to say that the waiting on the Representative of our Gracious Sovereign as the whole House on the occasion of replying to the opening speech, is a custom coeval with the existence at least of Colonial Legislatures, and is attended as a means of testifying the great respect and attachment of that body for the person and government of his gracious Majesty.

To constitute the whole House your Excellency is well aware that it is essentially necessary that the Hon. the Speaker be present, and that the Clerk and Serjeant-at-Arms be in attendance, and that the absence of any of these officers will render nugatory the Resolution adopted by the House of Assembly of waiting upon your Excellency in a manner consonant with immemorial usage, and consistent with their dignity.

Under these circumstances we are most reluctantly compelled to come to the conclusion that, as the House of Assembly have exercised their legitimate right of appointing their own officers—and the maintenance of which right we most respectfully beg to represent we consider essential to the preservation of the independence and dignity of the House—we have no other alternative but to abstain from presenting the address by the whole House, unless accompanied by the officers recognised by this popular branch of the Legislature.

On motion of Mr. Nugent, seconded by Mr. Brown,

Ordered,—That the address just read, be received.

Address received.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That the address now received be engrossed, and that a deputation be appointed to present the same.

Motion that the address be engrossed, &c.

Ordered,—That Mr. Nugent and Mr. Brown do form such Deputation.

Deputation to present address.

On motion of Mr. Kent, seconded by Mr. Winsor,

Resolved,—That the address to his Excellency on the subject of the right of the House to elect its own officers, be printed, and that one hundred copies be supplied for the use of the Members.

Resolution that address be printed.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, July 8, 1837.

MR. SPEAKER laid before the House a Letter from the Colonial Secretary, which was handed in at the Clerk's table, and the same was read by the Clerk, and is as follows:—

Letter from the Colonial Secretary transmitting enclosed address, &c.

SIR,—The enclosed Address having been this morning transmitted to me in a letter signed by Mr. WAKEHAM, I am directed by the Governor to forward it to you, and to acquaint you that the course hitherto pursued on the occasion of an address being voted by the House of

Letter from Colonial Secretary, &c.

Assembly has been for the **SPEAKER** to send it to me for his Excellency's information, with an enquiry when he will receive the deputation appointed to present it, and his Excellency is desirous that this mode should not be departed from—more especially as the House has displaced the Gentleman whom alone he can recognise as its Clerk.

I have the honour to be, Sir,

Your very obedient Servant,

JAMES CROWDY.

The **Hon.** the **SPEAKER** of the
House of Assembly.

Report of the deputation appointed to wait on his Excellency with an address in reply to his Excellency's answer to the deputation that waited on his Excellency to ascertain the time his Excellency would receive the House with their address in reply to his Excellency's speech.

Mr. Brown, as Chairman of the Deputation appointed to wait on his Excellency with an address in reply to his Excellency's answer to the deputation that waited on his Excellency yesterday, to know when he would be pleased to receive the whole House to present their address in answer to his Excellency's speech at the opening of the Legislature, reported that his Excellency was pleased to deliver the following reply, which was read and handed in at the Clerk's table:—

GENTLEMEN—

His Excellency's reply.

In answer to this address I have only to say that I must adhere to the determination already made known to the House of Assembly.

Further Report.

The Chairman further acquainted the House that his Excellency refused to receive the address unless the words "Colonial Assembly convened" would be substituted for "Colonial Parliament," and being aware the House did not assume the style and title of Parliament, and in order to facilitate the communication between the House and his Excellency on this important subject, they took the liberty to make correspondent alteration in the address, for which they claim the indulgence of the House.

On motion of Mr. Kent, seconded by Mr. Morris,

The Resolution that the address in reply to his Excellency's speech "be presented by Mr. Speaker & the whole House"—rescinded.

Resolved,—That the Resolution that the address of this House in reply to his Excellency's speech at the opening of the session "be presented to his Excellency by Mr. Speaker and the whole House," be rescinded.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolution that a committee of ten be appointed to present address.

Resolved,—That a committee of ten (of which Mr. Speaker do form one) be appointed to present to his Excellency the address of the House in reply to his Excellency's speech at the opening of the session.

Committee appointed.

Ordered,—That Mr. Brown, Mr. Power, Mr. Kent, Mr. Morris, Mr. Doyle, Mr. Winser, Mr. Nugent, Mr. M'Carthy, Mr. Godfrey and Mr. Moore do form the said committee.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That Mr. Speaker do communicate through the usual channel to know when it may be his Excellency's pleasure to receive the said committee.

Resolution that Mr. Speaker do communicate thro' the usual channel to know when it may please his Excellency to receive the said committee.

Mr. Winsor gave notice that he would, on Tuesday the 11th instant, move for a committee to frame a bill for the purpose of repealing an act made in the sixth year of his present Majesty's reign, entitled "An act for the relief of sick and disabled seamen, fishermen, and other persons," and to make provision for the expenditure of money received under that act and not yet expended.

Notice for committee to frame a bill for repealing an act for the relief of sick & disabled seamen, fishermen, and other persons, &c.

Mr. Brown gave notice that he would, on Thursday the 13th instant, bring in a bill for regulating the office of Sheriff within the Colony, and make provision for the annual appointment of Sheriffs for each district.

Notice of bill for regulating the office of Sheriff.

On motion of Mr. Kent, seconded by Mr. Morris,

Resolved,—That Mr. John B. Cox be appointed assistant-doorkeeper of this House, and that the Clerk do notify him thereof, and direct him to take his place on Monday next.

Appointment of assistant doorkeeper.

Ordered,—That all the Newspapers published in the Island be taken during the session for the use of the Members, and that the Clerk do notify to the several Editors the same, and that the papers are to be left in the Speaker's Room.

All the newspapers published in the Island taken during the session.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, July 10, 1837.

MR. SPEAKER laid before the House a Letter from the Colonial Secretary, which he handed in at the Clerk's table, and the same was read by the Clerk, and is as follows:—

Letter from the Colonial Secretary appointing the time his Excellency would receive the deputation, &c.

*Secretary's Office,
8th July, 1837.*

SIR,—I have the honour to acquaint you, in reply to your letter of this date, that the Governor will have much pleasure in receiving the deputation appointed by the House of Assembly to present its address in reply to his Excellency's speech at the opening of the session, on Monday next, at Two o'clock.

I have the honour to be, Sir,
Your very obedient Servant,

JAMES CROWDY.

The Hon. WILLIAM CARSON,
Speaker of the House of Assembly.

notice of motion for an address for certain returns and copies of correspondence and documents.

Mr. Nugent gave notice that he should, to-morrow, move an address to his Excellency the Governor, praying that he will cause the following papers to be laid before the House, viz.:—

Copies of all the correspondence which took place between his Majesty's Attorney General and the Executive,—between the same officer and the Chief Judge,—between the same officer and the Supreme Court, or any Judge thereof,—between the same officer and Mr. Martin, of St. Mary's,—between the same officer and the Justices at St. John's, and those at Ferryland and at St. Mary's, and any other public Functionary, on the subject of the charge of misdemeanour brought against the Rev. James Duffy and the nine poor Fishermen at St. Mary's.—All correspondence between the Executive and every public Functionary upon the same subject,—all correspondence with, and instructions to, the master of the Colonial Brig *MARIA*, and the Constables who went to St. Mary's, upon the same subject, together with a report of their return, and all that occurred thereon.—A copy of his Excellency's several despatches to the Home Government upon the same subject, and the replies.—A copy of the Hon. the Chief Judge's charge to the Grand Jury of the Supreme Court, upon the same subject.—All the correspondence between the Magistrates, or any of them, of St. John's and Ferryland,—of St. John's and St. Mary's, or of Ferryland and St. Mary's, on the same subject,—such returns of correspondence, &c., to be verified by affidavit.

A return of every communication between the Magistrates of St. John's, or any of them, and the Executive, or any officer thereof, on the subject of riots, or reports of riots, or of any violences whatsoever, or of any threats or apprehensions of riot or violences or disorder, during, or immediately preceding the Election of 1836,—the same with the Magistrates of Conception Bay,—such returns to be verified by affidavit.

A correct return of all applications to the late Commandant on the subject of calling out the Military upon the same occasion, or by the Commandant to the Executive, and all correspondence with the Hon. the Chief Judge on the same subject, the same with the Attorney General—such returns to be verified by affidavit.

A correct return of all orders communicated to the Troops, and of the quantity of ammunition served out, and all orders communicated to Artillery Officers on the subject of bringing the Artillery to bear upon the Hustings the second day of the Election, Nov. 15—such returns to be verified by affidavit.

Copies of his Excellency's Despatches to the Secretary of State for the Colonies, delineatory of the character of the Gentlemen returned in the several districts, at the General Election alluded to above, and the replies to the same.—The original record of the conviction of William Harding, Roger Thomy, and William Saunders, and the Verdict of a "tumultuous assembly," against John Meaney, Edward Haden, and Andrew Quirk, in order that the House may ascertain from inspection that the verdict as originally returned by the Jury, was not so recorded, together with a sworn return from the Clerk of the Supreme Court of the reason he, acting in his capacity of Clerk of the Court, first should in open Court presume to enter on the back of the indictment a verdict different from that returned; and secondly, when a verdict had been recorded in open Court and signed by the Chief Judge, upon what authority did he found his right of altering that record, and substituting a different verdict.

A return of all the Rules of the Supreme Court on the subject of Prison Discipline.

A return of all the Rules and Regulations formed by the Law Society, under the act 4 W. 4, sess. 2, cap. 23,—such returns to be verified by affidavit.

A return of the minutes taken by the Hon. the Judges of the Supreme Court on the occasion of the trial of the cause *Rex vs. Robert Pack* and others,—the minutes on the trials of *Rex vs. Wm. Ryan*, of *Rex vs. Lawrence White*,—the minutes on the trial *Rex vs. James Mackay*,—the minutes on the trial of *Rex vs. Patrick Morris* and others, together with copies of all the correspondence between the Judges, the Magistrates, the Attorney General, and the Executive, on the occasion of the latter trial, and of all correspondence between the Executive and the Hon. the Chief Judge, the Executive and the Attorney General, the Executive and the Magistrates or any of them,—between the Hon. the Chief Judge and the Attorney General, and between the Chief Judge and the Attorney General, and between the Chief Judge and the Magistrates, or any of them, and between the Attorney General and the Magistrates, or any of them, on the subject of the prosecutions instituted in the Fall Term of the Supreme Court in 1836,—verified by affidavit.

Copies of the several special Jury Panels, with a statement of the religion of the persons so drawn in all cases, whether Civil or Criminal, during the several Terms since the January Term of 1834, inclusive, in the Supreme and Circuit Courts at St. John's, distinguishing the persons struck out, the causes of action, whether Criminal or Civil, the names of the plaintiffs and defendants, and of prosecutors and traversers, and the verdicts in each case respectively.

A copy or copies of any opinion or opinions given by his Majesty's Attorney or Solicitor General on the subject of secret inquisitions by the Grand Jury, or on the subject of the legality of the issue of writs of subpoena without stating the cause of action therein,—such returns to be verified by affidavit.

A return of all the names (distinguishing Catholics and Protestants) of the Grand Jury Panel, since the 1st day of January, 1826, inclusive, stating in such case the cause and the date of such rejection, together with the name, addition, and place of abode of every person added to the Petty Jury Panel since the accession to the Sheriffry of B. G. Garrett, Esq., stating the date,—such returns to be verified by affidavit.

A copy of the despatch or despatches from the Home Government, ordering the release of the state prisoners Wm. Harding, Roger Thomy and Wm. Saunders, and on the subject of the remission of the fines to persons convicted under Indictments preferred by the Grand Jury of the last fall term of the Supreme Court for Election offences.

Copies of the several Petty Jury Panels sworn in the Supreme Court in Crown cases, during the last Fall Term, distinguishing the religions of the several persons, and the causes of action, and the names of the prosecutors and traversers,—such returns to be verified by affidavit.

A copy of the minutes of the Hon. the Judges of the Supreme Court taken in the last term of the Supreme Court on the trial of the cause *Rex vs. Thomas Murray and William Feagan*.

On motion of Mr. Morris, seconded by Mr. Nugent,

Resolved,—That in consequence of the recent release from Prison of Messrs. Wm. Harding, Roger Thomey, and Wm. Saunders, who had been imprisoned under sentence of the Hon. the Supreme Court for exercising their right of Franchise on the occasion of the Election at Conception Bay, in November, 1836, Mr. Morris have leave to postpone his motion on the subject of the Bank and Shore Fisheries, to Wednesday the 12th instant.

On motion of Mr. Nugent, seconded by Mr. Power,

Resolved,—That the liberation of Mr. Wm. Harding, Mr. Wm. Saunders, and Mr. Roger Thomey, by order of the British Government, merits the gratitude of this House, and that a committee be appointed to prepare an humble address to his Majesty expressive of our thanks for his Majesty's prompt accedence to the prayers of the people in that regard.

Ordered,—That Mr. Morris, Mr. Kent, and Mr. Brown, be a committee to prepare the said address.

Mr. Brown gave notice that he should, on Thursday next, move for a committee to enquire into the conduct of John Stark, Esq., one of the Magistrates at Harbor Grace, in reference to the Elections at Harbor Grace in November last, the said John Stark, Esq., being a member of the committee, and a zealous partizan of one of the Candidates at the said Election, and having also acted as a Magistrate in reference to proceedings at the said Election in an improper and partial manner, and that the committee have power to summon persons and require papers.

The House then adjourned until three of the clock this day.

—o—

Mr. SPEAKER took the Chair at three o'clock.

Mr. Kent, as Chairman of the Deputation appointed to wait on his Excellency with the address of the House in reply to his Excellency's speech, reported that the deputation had waited on his Excellency accordingly, and had presented the address of the

Resolution that Mr Morris have leave to postpone his motion on the subject of the Bank and Shore Fisheries.

Resolution for a committee to prepare an address to His Majesty for his prompt accedence to the prayers of the people for the liberation of certain prisoners.

Committee appointed.

Notice for a committee to enquire into the conduct of John Stark, Esq. in reference to the elections at Harbor Grace.

Report of committee to present address of thanks to his Excellency.

House, to which his Excellency was pleased to make the following reply :—

Mr. Speaker, and Gentlemen—

I receive with much satisfaction this address of the House of Assembly, and its assurance that the House will proceed to the consideration of those matters to which I have called its attention.

*Government House,
10th July, 1837.*

Then the House adjourned until Wednesday next, at 11 of the clock.

Wednesday, July 12, 1837.

MR. NUGENT, as Chairman of the deputation appointed to wait upon his Excellency with the Address of the House in reply to his Excellency's Message on the appointment of the Officers of the House of Assembly, reported that his Excellency was pleased to reply as follows :—

GENTLEMEN—

I have to state, in reply to this address, that I will transmit it without delay to His Majesty's Principal Secretary of State for the Colonies.

It is not in my power to deviate from the instructions which I have received on the matter to which it refers.

Mr. Nugent, as Chairman of the deputation to wait on his Excellency with the address of the House on the subject of certain returns moved for by him, also reported, that they had waited on his Excellency accordingly, and his Excellency was pleased to read the following reply :—

GENTLEMEN,—

I can have no objection to supply the House of Assembly with a copy of his Majesty's instructions to me on my accession to this Government.

I have received none since on the subject of the General Government of the Colony.

The only instructions connected with the privileges of the House received by me, I communicated to the House on the 4th instant.

Without considering how far it might be proper or practicable to lay before the House the returns it desires, if their being made under oath did not form a part of the request, I have to acquaint the House that I am not authorised to call on public officers so to make their returns, and consequently I cannot comply with the terms of this address.

His Excellency's reply.

Report of committee to present address in reply to Governor's message relative of the officers of the House.

His Excellency's reply.

Report of committee to present address praying for returns, &c.

His Excellency's reply.

Ordered,—That the said replies do lie upon the table for the inspection of Members.

On motion of Mr. Winser, seconded by Mr. Morris,

Resolved,—That a committee be appointed to draft a bill for the repeal or amendment of an act entitled “An act for the relief of sick and disabled seamen, fishermen, and other persons.”

Ordered,—That Mr. Winser, Mr. Morris, Mr. Nugent, Mr. Brown, Mr. Kent, and Mr. Moore, do form such committee.

Mr. Kent gave notice that he should, on an early day, ask leave to bring in a bill to repeal the Lawyers’ Incorporation Act, and further to make more useful and independant the Bar of this Colony.

Mr. Brown, as chairman of the deputation appointed to wait on his Excellency to require statements on oath of the fees received or receivable in the Northern, Southern, and Central Courts, as also the fees belonging and appertaining to the office of Sheriff, reported that his Excellency was pleased to make the following reply, which was read and handed in at the Clerk’s table :—

Resolution of committee to draft a bill for the repeal or amendment of an act for the relief of sick and disabled seamen, fishermen and other persons.

Committee.

Notice of bill to repeal the Lawyers’ Incorporation act.

Report of committee to present address praying for returns &c.

His Excellency’s reply.

GENTLEMEN—

In answer to this address I must beg to refer the House of Assembly to the reply which I have just given to one of a similar description.

Government-House,
11th July, 1837.

Reply read.

Ordered,—That the Clerk do read the reply to which his Excellency’s answer refers, and which was read accordingly.

Mr. Morris moved the order of the day for a committee to consider the present state of the Bank and Shore Fisheries.

Motion for committee to consider the state of the Bank and Shore fisheries.

A Message from His Excellency the Governor

Was delivered by the Honorable Mr. Secretary Crowdy, who being admitted within the Bar, presented to the House the following documents and books, viz. :—

Message from the Governor.

MR. SPEAKER,—

I am commanded by the Governor to lay before this House the following documents :—

Estimate of civil charge, Treasurer’s accounts, orders in Council, papers connected with education act.

Estimate of the sum necessary to defray the Civil charge of the colony of Newfoundland for the year ending 31st March, 1838, and of the amount required for the same service for the quarter ending 30th June last,—and also a statement of the sums voted for the service of the colony during the past year.

Treasurer’s accounts for the last year.

Charges against the Government for which no provision has been made.

Orders in Council for disallowing acts for protection of the fisheries.

Do. for confirming the bill regulating the printing of newspapers.

Do. for leaving certain acts to their operation.

Papers connected with the Education act.

Correspondence with the Home Government respecting the unsealed writs.

Papers relating to the despatching of a vessel to La Poile in search of a smuggler.

Reports of "the Lords Committee," and other documents relative to Prison Discipline.

Census.

Blue Book.

And then the Messenger withdrew.

Ordered,—That the said documents and books do lie on the table for the inspection of Members.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That a committee of three be appointed to select the most important of the papers now sent down by his Excellency for the purpose of being printed.

Ordered,—That Mr. Kent, Mr. Brown, and Mr. Nugent, do form such committee.

Mr. Nugent moved, seconded by Mr. Brown,

Resolved,—That Mr. Morris has leave to withdraw his motion on the Bank and Shore Fisheries, in order that the House may take into consideration his Excellency the Governor's Despatch to Lord Glenelg on the subject of the writs issued for the previous Elections.

On motion of Mr. Brown, seconded by Mr. Nugent,

Resolved,—That this House do resolve itself into a committee of the whole House on the state of the Colony on Friday next, to take into consideration his Excellency's message on the subject of the unsealed writs for the election in November last, with liberty to send for persons and papers; and also the Reply of Lord Glenelg, his Majesty's Principal Secretary of State for the Colonies, to his Excellency, and that said documents be printed.

Ordered,—That 50 copies of his Excellency's despatch to Lord Glenelg, upon the subject of the unsealed writs, and Lord Glenelg's reply to said despatch be immediately printed for the use of Members.

Mr. Nugent gave notice that he should, on Monday next, present a petition from a prisoner in the gaol of St. John's, who is about to be subjected to a public and ignominious punishment under a local Act which has been declared invalid, praying the protection of the House.

Mr. Nugent also gave notice that he should, to-morrow, move that his Excellency be addressed to order the following returns, viz.—

Returns from the proper officers of the several charitable institutions in St. John's to which monies have been granted by the Legislature, as well as from the several boards of committee of charity through the Island, of the names of all the persons to whom relief has been extended during the past year, specifying dates, the names, additions and residences of the parties, the amount of money, and description of other relief afforded

Correspondence, &c. respecting unsealed writs. Papers connected with the despatching a vessel to La Poile.—Reports and documents relative to prison discipline.—Census, Blue Book, laid before the House by command of the Governor.

To lie on the table.

Motion for committee to select the most important of the papers to be printed.

Committee.

Motion for leave to withdraw motion on the Bank and Shore Fisheries.

Motion for a committee of the whole House on state of the colony.

The Governor's despatch to Lord Glenelg to be printed.

Notice of presenting a petition from a prisoner in gaol.

Notice of address for certain returns.

in each individual case, to be verified by the affidavit of the parties returning.

Mr. Nugent further gave notice that he should, on Monday the 24th instant, ask leave to introduce a bill to make provision for the making roads and the construction of Bridges.

On motion of Mr. Nugent, seconded by Mr. M'Carthy,

Resolved,—That a committee be appointed to draw up an address to his Excellency explanatory of the reasons why this House beg to reiterate their request that the returns prayed for be made according to the terms of the several addresses already presented.

Ordered,—That Mr. Nugent, Mr. M'Carthy, and Mr. Kent form such committee.

Mr. Winsor gave notice that, on Thursday the 25th inst., he should move an address to his Excellency to lay before this House a statement of the application of all monies granted by the former House of Assembly for the making and repairing of roads and bridges, with the particulars of its application in each district.

Also, of all sums of money granted for the use of the Poor, from the year 1834, inclusive, to the year 1836, inclusive, with the application thereof in each district, and to each particular person in such district.

Also, of the application of all seed potatoes in each district, and to each particular person in such district,—also, the application of all sums of money granted for the purpose of preventing the spreading of contagious diseases, with the particulars thereof, in each district.

Then the House adjourned until Friday next, at 11 of the clock.

Friday, July 14, 1837.

EDWARD JAMES DWYER, Esq, returned duly elected Member for the District of Fogo, took his seat, having previously taken and subscribed the Oaths prescribed by Law, in the presence of the Hon. James Simms and the Hon. John Dunscomb the Commissioners appointed by his Excellency the Governor.

Pursuant to the order of the day the House resolved itself into a committee of the whole House on the state of the Colony, &c.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman of the committee reported that they had made some progress in the business to them referred, and had agreed to a resolution which they directed him to report to the House, and he read the said resolution in his place, and afterwards delivered it in at the Clerk's table where it was again read as follows :—

Notice of roads and bridges bill.

Committee to draw up an address, &c.

Notice of address for returns, &c.

Edward James Dwyer, Esq., takes his seat, &c.

House in committee on state of the colony.

Report.

Resolved,—That an address be presented to his Excellency the Governor praying that his Excellency would take the opinion of the highest Law authority in this Island, on the question whether, as seals were not attached to the writs under which the late House of Assembly were elected, the acts of the Legislature are valid; and the said resolution having been read a first and second time was, upon the question put thereon, agreed to by the House.

Report read and adopted.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That in pursuance of the said resolution, the following address to his Excellency the Governor be adopted and presented to his Excellency :

Address to his Excellency on the subject of the unsealed writs.

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

May it please your Excellency—

We his Majesty's faithful subjects the Commons of Newfoundland in General Assembly convened, beg to tender your Excellency our thanks for the documents laid upon the table of this House by order of your Excellency.

We have read with the greatest interest your Excellency's despatch to his Majesty's Secretary of State for the Colonies, No. 69, and dated 11th Nov. 1836, and his Lordship's reply thereto, No. 115, dated 15th December, and have applied to both these documents the most deliberate consideration.

In your Excellency's despatch you inform his Lordship not only that the Writs issued in September, 1836, were unsealed, but that the writs under which the original Assembly of this Colony was elected, were issued without the Great Seal, and that twice also during the Government of "your Excellency's predecessor, Sir Thomas Cochrane," writs were issued likewise unsealed; in fact that every writ that has ever before been issued for the election of Representatives in this House had all those characteristics of invalidity which accompanied those issued last September.

In your Excellency's letter to his Lordship, you also say, that "some question may arise as to the legality of all our existing legislative enactments."

In his Lordship's reply he says, that "the objection to the validity of the writs in question does not appear susceptible of any valid answer in point of Law;" and in a subsequent despatch of his Lordship, No. 123, dated 20th February, 1837, his Lordship, says, "to have ascribed to representatives chosen on informal writs the constitutional authority of one branch of the Legislature, would in my judgment have been to concur deliberately in the assumption of an unlawful authority."

It appears to us a subject of the last importance to this Colony, whether the individuals who had heretofore sat in the Commons House of Assembly having been returned under unsealed writs, and thus "assuming an unlawful authority," all the Legislative enactments that had emanated from a body improperly assuming "the Constitutional Authority of one Branch of the Legislature," shall not be deemed to be null and void.

Under these circumstances we beg your Excellency will be pleased to order that with all convenient despatch the opinion of some of the highest Law authorities in this Island on the subject of the legality of the existing enactments be laid on the table of this House, and also that your Excellency will please take an early opportunity of procuring for this House the opinions of his Majesty's Law advisers in Great Britain upon the same question.

Committee appointed.

Ordered,—That Mr. Nugent and Mr. Morris be a committee to present the said address to his Excellency.

Bill to enable the Bank of British North America to sue and be sued, presented and read first time.

Mr. Morris, pursuant to notice and leave granted, presented a bill to enable the Bank of British North America to sue and be sued, and the same was received and read a first time.

On motion of Mr. Morris, seconded by Mr. Doyle,

To be printed.
2d reading.

Ordered,—That the said bill be printed for the use of the Members, and read a second time on Friday the 28th instant.

Bill to regulate the office of Sheriff, &c. presented & read 1st time.

Mr. Brown, pursuant to notice and leave granted, presented a bill to regulate the office and fees of sheriff, and to make provision for the appointment of a sheriff in each Judicial district, and the same was received and read a first time.

2d reading.

Ordered,—That the said bill be read a second time, on Friday the 21st instant.

On motion of Mr. Brown, seconded by Mr. Morris,

To be printed.

Ordered,—That the said bill be printed for the use of Members.

On motion of Mr. Nugent, seconded by Mr. Kent,

Part of his Excellency's speech on the subject of prison discipline, read.

Ordered,—That the part of his Excellency's speech on the subject of Prison Discipline be read, and the same was read by the Clerk.

Notice of bill for effecting greater uniformity of practice in the Government of the prisons in this Island.

Mr. Nugent gave notice that, on Monday the 28th instant, he should ask leave to introduce a bill for effecting greater uniformity of practice in the government of the several prisons in this Island, and for appointing inspectors of prisons in Newfoundland, and other purposes.

Notice of motion for committee of supply.

Mr. Brown gave notice that he should, to-morrow, move that the House go into committee of supply.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, July 15, 1837.

ON motion of Mr. Brown, seconded by Mr. Power,

Ordered,—That the part of his Excellency's speech where his Excellency recommended a provision to be made for the Quarter ending the 5th July, be read by the Clerk, which was read accordingly.

Part of his Excellency's speech recommending a provision for the quarter ending 5th July, read.

Pursuant to the order of the day the House resolved itself into a committee of supply.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Kent reported from the committee that they had agreed to certain resolutions which were handed in at the Clerk's table and read, and are as follow:—

Report

That it is the opinion of this committee that a sum not exceeding £1401 1 5 should be granted to His Majesty for defraying the salaries of the following officers for the Quarter ending the 5th July.

To defray the salary of the Clerk of the Council for the quarter ending the 5th July, £50

To defray the salaries of the two Clerks in the Government office for said quarter, £100.

Office-keeper and Messenger of Government Office for said quarter, £26 5.

To defray the salary of the Colonial Treasurer for said quarter, £100.

To defray the salary of the Clerk of the Northern Circuit Court, for said period, £50.

To defray the salary of the Clerk of the Southern Circuit Court for said period, £50.

To defray the salary of the Crier and Tipstaff for said period £15.

To defray the salary of one Police Magistrate for the town of St. John's for said period, £62 10.

To defray the salary of the second Police Magistrate for said quarter, £62 10.

To defray the salary of the Chief Constable for the town of St. John's for said quarter, £20.

Report, &c.

To defray the salaries of six Police Constables for the town of St. John's for said quarter, £45.

To defray the expense of the Stipendiary Magistrates for the Outports, £302 10.

To defray the salaries of the Clerks of Peace, Gaolers, and Constables in the Outports for quarter ending 5th July, £242 10.

To defray the expense of collecting the Colonial Revenue for said quarter, £200.

To defray the arrangement with His Majesty's Attorney General in lieu of fees of office for said quarter, £62 10.

To defray the salary of the Gaoler of St. John's for said quarter, 12l. 10.

£1401 5 0.

On motion of Mr. Nugent, seconded by Mr. Power,

Resolved,—That the said report be adopted

Report adopted.

On motion of Mr. Brown, seconded by Mr. Morris,

Resolved,—That a committee of five be appointed to frame a bill of supply to His Majesty on the report now adopted.

Resolution for committee to frame bill of supply.

Ordered,—That Mr. Brown, Mr. Morris, Mr. Butler, Mr. Winsor, and Mr. M'Carthy do form such committee.

Committee.

Mr. Brown, as Chairman of the Committee, gave notice that, on Monday next, he should bring in a bill for granting Supplies to His Majesty, and that the Rules of this House in reference to the passing of bills, be suspended so far as relates to this bill.

Notice of motion to introduce supply bill.

Mr. Nugent, as Chairman of the Committee, reported that they had prepared the address in answer to his Excellency's reply to former addresses presented to his Excellency for certain returns, which he read and handed in at the Clerk's table, and is as follows :

Report of committee to present address in answer to his Excellency's reply to former addresses presented to his Excellency for certain returns.

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

Address, read.

May it please your Excellency—

The House of Assembly have taken into consideration your reply to two addresses of this House praying that your Excellency would be pleased to order certain writs, returns, and other documents, to be laid before this branch of the Legislature, attested by the affidavit of the parties making such returns, and by the proper officers.

Your Excellency's reply acquaints the House, that your Excellency is not authorised to call on public officers to make their returns on oath.

In addressing to your Excellency this prayer the House of Assembly beg to assure your Excellency, that they have been actuated only by an anxious desire to promote the public service, by the acceleration of the public business. Questions of the greatest magnitude have been brought under the consideration of the House, and investigations the most momentous are likely to result during the present session; and it is the opinion of this House that without your Excellency's co-operation in requiring the servants of the Crown of whatever degree, to make their returns under the solemn attestation, the ways of truth cannot be explored, nor public delinquents confounded.

Address, &c.

But while the vast importance of the great questions at issue—questions of the validity of all our existing local laws—questions of the maladministration of Justice—questions of the gross partiality of Magistrates—of the prostitution by commissioners, of the sums voted by the House of Assembly for charity, to purposes of debauchery—of the exorbitance of Law charges—of right of certain public officers for whose salaries there are at this moment estimates before this House, to have remuneration voted by this House, for duties which may be proved to have been never discharged, or discharged improperly; while the entertainment of such questions would seem to justify a departure from precedent—would even seem to warrant the establishment of a precedent,—we beg to represent to your Excellency that not only in the Journals of other Colonial Assemblies, but even in those of the Assembly of Newfoundland do we find ample precedent to justify this House in making the request, and your Excellency in complying.

Not to go further back than the very last session of the House of Assembly, the House on the 14th April addressed your Excellency for a copy or copies of the Notice or Notices (on the subject of the Registration) posted, together with a *sworn Statement* of the date on which they were posted; (see Journals 6th Sess. page 128.) On the 16th April your Excellency's reply was laid before the House, wherein you were pleased to say "I will direct copies to be prepared *according to the terms of the address*," (see page 132.) And on the 22d of the same month, your Excellency was pleased to lay upon the table the documents referred to with *sworn statements* of the dates when the same were posted (see page 142.)

In thus acceding to the prayer of this House, your Excellency has not acted inconsistently with former precedents in other Colonies, and it will suffice here to show that in New Brunswick the House of Assembly have long exercised the right of requiring the public accounts sent in to be vouched by affidavit: and we beg particularly to direct your Excellency's attention to the 134th page of the Journals of the House of Assembly of New Brunswick, session of 19th March, 1833, where by resolution of the House it is laid down that the accounts of Commissioners of Roads "should be attested before a Justice of the Peace," and in the next page your Excellency will find even the form of the oath which they vote to be requisite, and from that time these resolutions are enforced, nor has any objection been stated by the Executive.

Under such circumstances we beg most respectfully to submit, that as in other Assemblies the right has been demanded and acceded to, to have returns attested in the most solemn manner, and as your Excellency has been pleased already to order that the humblest of the Crown officers—the Petty Constables—should attest their returns by affidavit, this

Assembly are of opinion that such returns ought to be laid before them so attested; but if your Excellency continue to judge that you have not a power to enforce the production of such, at least do we pray your Excellency to order that the clearest and most indisputable testimony of the correctness of the documents required, connected with the public expenditure, be laid before this House.

Mr. Nugent moved, seconded by Mr. Butler,

Address adopted and deputation appointed to present it.

Resolved,—That the said address be adopted and engrossed, and that a deputation be appointed to present the same to his Excellency.

Ordered,—That Mr. Nugent and Mr. Butler do form such deputation.

Notice of motion for additional returns.

Mr. Nugent gave notice, that on Monday next, he should move the following be added to the list of Returns, of which he before gave notice, viz.—

An account of all the names of the several serjeants, corporals, and privates, or any of them, of the Royal Veteran Companies, ordered to mix with the citizens about the Hustings, and in the streets of St. John's, in coloured clothes, during and previous to the Election of St. John's in the fall of last year, together with the name or names of the officer or officers under whose orders they acted, and a detailed statement of the Instructions given upon the occasion,—the whole to be attested by affidavit.

Petition of Jas. Pearl, Esq. presented & read.

Mr. Kent presented a petition from James Pearl, Esq., K. H. Commander in His Majesty's Royal Navy, (which he stated in his place his Excellency the Governor had consented to his presenting,) and the same was received and read, and is as follows :—

TO THE HONORABLE THE MEMBERS OF THE HOUSE OF ASSEMBLY
OF NEWFOUNDLAND, IN COLONIAL PARLIAMENT ASSEMBLED.

THE MEMORIAL

Of James Pearl, Esq., K. H., Commander in His Majesty's Royal Navy, a Resident in the District of Saint John's,

Sheweth—

That on the 15th of September, 1830, a public meeting (of which long notice was given) was held in this town—at which meeting deputies attended on the part of the Inhabitants of other Towns in the Island, to present an address to his Majesty on his accession to the Throne, and to petition him for a Colonial Legislative Government.

The High Sheriff of the Island presided as Chairman at the meeting, when the unanimous voice of the Inhabitants declared their sentiments in favour of a Legislature, and a petition to that effect received univer-

sal sanction ; signatures of the inhabitants were added to the same, and a committee chosen to forward its object, of which Memorialist was subsequently appointed a Member.

That Memorialist being the largest Landed proprietor in the Island, was specially charged to be the bearer of the address to His Majesty, and which was presented by a deputation consisting of himself and other Members.

That Memorialist was *most specially and individually charged with the important duty of conveying the petition* of the inhabitants of the Island to His Majesty, for a Colonial Legislature, and which petition your Memorialist was to place in the hands of Lord Holland for presentation ; and Memorialist was instructed to forward the prayer by every means in his power.

That Lord Holland subsequently became a Cabinet Minister, and his position having thereby been altered from what it was when the petition was adopted, His Lordship recommended and desired your Memorialist (and your Memorialist felt himself bound, as a man of honor, to obey) to afford the Colonial Secretary of State every information regarding the Meeting which adopted the petition, and all other points relating to the Island.

That Memorialist was in daily attendance upon the Colonial Secretary of State, and upon Lord Holland, (the true friend of the inhabitants) for a period of four months, answering questions, and affording information, on very many interesting points connected with the colony.

That Memorialist transmitted, from time to time, statements of his proceedings to the Chairman and Committee of the inhabitants of the Island, in St. John's, which statements were published by them in the *Gazette* and other papers, for general information.

That Memorialist, after he had performed, to the utmost of his ability, the duties imposed upon him by the inhabitants of the Island, returned to the Colony from England, and delivered a full and just account of his proceedings to the Committee, all which was specially acknowledged, and your Memorialist received from the Committee the annexed documents.

Your Memorialist conceives that he has rendered essential service to the Colony in performing the arduous duties imposed upon him, and having exerted himself, and been put to a great expense, prays that your Honorable House will remunerate him in such manner as you may consider reasonable and just.

And your Memorialist, as in duty bound, will ever pray.

JAMES PEARL, K. H.

On motion of Mr. Kent, seconded by Mr. M'Carthy,
Ordered,—That the said petition be refered to the committee of supply.

Then the House adjourned until Monday next, at 12 of the clock.

Monday, July 17, 1837.

Report of deputation appointed to wait on his Excellency with the address praying for certain Law opinions respecting the legality of the Legislative enactments in Newfoundland.

MR. NUGENT, from the Deputation appointed to wait on His Excellency with the address of the House, praying for certain Law opinions on the question of the legality of the Legislative enactments in Newfoundland, reported, that they had waited on His Excellency, who was pleased to reply as follows:—

H. PRESCOTT.

GENTLEMEN—

His Excellency's reply to deputation.

When I wrote the despatch alluded to in this address, I believed that all Election writs had been issued here unsealed.

I have now reason to think that the information upon which I made that statement was at least doubtful, if not positively incorrect.

I could therefore only lay a hypothetical case before the Judges, which I cannot, with propriety, do.

The point, after all, is probably immaterial; but I will acquaint His Majesty's Principal Secretary of State with the wish of the House on this subject, and request that the opinion of His Majesty's Law advisers may be taken upon it.

*Government House,
17th July, 1837.*

Notice of Motion for re-committal of address to his Excellency.

Mr. Nugent gave notice that he should, to-morrow, move that the address to his Excellency on the subject of his Excellency's refusal to order sworn returns to laid before this House, be recommitted to a committee of the whole House.

Supply bill presented & read first time.

Mr. Brown reported from the committee appointed to draft a bill for granting certain supplies to His Majesty for the quarter ending the 5th inst., and he presented to the House the draft of a Bill for that purpose, and the same was read a first time.

On motion of Mr. Brown, seconded by Mr. Kent,

Rules of House in reference to passing of bills, suspended.

Resolved,—That the Rules of the House, in reference to the passing of Bills, be suspended, so far as relates to this Bill, and that the same be now read a second time.

Supply bill read 2d time.

And the said bill was read a second time accordingly.

On motion of Mr. Brown, seconded by Mr. Kent,

Ordered,—That the said bill be now committed to a committee of the whole House.

House in committee on supply.

And the House accordingly resolved itself into the said committee on the consideration of the said Bill.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the Bill without any amendment, which they had directed him to report to the House; and he delivered the Bill in at the clerk's table.

Report.

Ordered,—That the said bill be engrossed, and read a third time to-morrow.

Mr. Nugent moved, seconded by Mr. Kent,

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor, on the subject of his Excellency's answer to the address presented this morning.

Committee appointed to prepare Address to his Excellency.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Brown, Mr. Morris, and Mr. M'Carthy, do form such committee.

On motion of Mr. Morris, seconded by Mr. Kent,

Resolved,—That a select committee be appointed to consider the present state of the Bank and Shore Fisheries, and to report thereon to the House, and that the following resolutions be the instructions to the committee.

Committee to consider the present state of the Bank and Shore fisheries.

Resolved,—That Newfoundland is the most ancient Colony belonging to His Majesty in America, the first fruits of the naval enterprise of England.

Resolution for guidance of committee on subject of Bank and Shore fisheries.

Resolved,—That the right of the Bank and Shore fisheries is the natural, just, inalienable right of the People of Newfoundland.

Resolved,—That the Newfoundland Fisheries have at all times been considered of great national importance, and one of the best nurseries for seamen to man the British Navy when occasion requires.

Resolved,—That the privileges granted to the French subjects under the sanction of the treaty of Utrecht in 1713, of Paris 1763, of Versailles 1783, and confirmed by the last Treaty of 1814, have been highly injurious to the British Fisheries.

Resolved,—That the privileges granted to the citizens of the United States by the Commercial convention of 1818, are also most injurious to the British Fisheries.

Resolved,—That the Sovereignty over Newfoundland did and must always remain in his Majesty, and that the act of the 10th and 11th of Wm. and Mary asserted the exclusive right of British subjects to the Newfoundland fisheries, totally excluding "all aliens and strangers."

Resolved,—That French subjects, by the possession of the Island of St. Pierre and Miquelon, on the western shore, with the great extent of coast from Cape Ray to Cape John, which includes the best fishing stations, enjoy advantages to carry on the fishery greatly superior to British subjects.

Resolutions, &c.

Resolved,—That from the year 1792, to that of 1814, with the short interruption of the peace of Amiens, British Subjects occupied that part of the coast called the French Shore, and had erected stores, stages, and flakes, at a great expense, which they had to deliver up to the French subjects, without any remuneration or recompense whatsoever.

Resolved,—That since the year 1814, British fishermen had to proceed to Labrador to carry on their fishery, driven from their own coast, leaving it in the possession of Foreigners, and proceeding from 2 to 300 miles to prosecute an inferior fishery.

Resolved,—That the privilege granted to French subjects by the Treaty of Utrecht, and subsequent treaties, was not intended to shut out the right of British Subjects to a participation in these fisheries.

Resolved,—That by the usurpation of the French, improperly sanctioned by the Ministers of the Crown, it has been made an exclusive fishery in violation of the just rights, and to the great injury of the people of Newfoundland.

Resolved,—That in addition to the possession of the best fishing stations, the French and Americans grant large bounties, and give other encouragement to the Newfoundland fisheries.

Resolved,—That since the treaties of 1814 and 1818, the French and American Fisheries have rapidly increased on the Banks and shores of Newfoundland, and that the British fisheries have declined in the same ratio.

Resolved,—That the French and Americans employ upwards of six hundred sail of vessels, from 70 to 300 tons, on the great Banks, manned by from 12 to 14000 fishermen and seamen.

Resolved,—That the British fisheries on the Banks do not exceed 30 vessels, of from 80 to 120 tons, manned with about 300 men.

Resolved,—That an humble address be presented to His Majesty stating the great injustice inflicted on his Newfoundland subjects, and praying his Gracious protection.

Resolved,—That a petition be presented to the House of Lords, and a like petition to the House of Commons, explanatory of the unprotected state of the British Newfoundland fisheries, praying compensation for the past, and protection for the future.

Resolved,—That, to enable British subjects to compete with their foreign rivals, it is necessary to grant encouragement in the way of bounties to Bank and Shore fisheries.

Resolved,—That the Local Revenues of Newfoundland are inadequate for such an object, yet, as far as the limited means at the disposal of the House will admit, it will be cheerfully afforded to such an important object.

Resolved,—That per ton be given in form of bounty to all vessels that may proceed to the Banks and carry on the fishery without interruption during the usual fishing season, having on board at least one-third of the crew green men, or fishermen who were not before at the Bank fishery.

Resolved,—That a bounty of _____ per ton be given to every vessel that proceeds to the Bank Fishery, after completing her voyage at the seal fishery.

Resolutions, &c.

Resolved,—That the sum of Four hundred and Fifty pounds be given as bounty to the first three vessels of not less than 150 tons, that may be fitted out for the whale and seal fishery, to be continued throughout the season.

Resolved,—That _____ be given as a bounty for the encouragement of persons fitting out boats for the supply of bait to the shore fishery.

Ordered,—That Mr. Morris, Mr. Nugent, Mr. Kent, Mr. Brown, Mr. Doyle, Mr. Power, Mr. Winser, and Mr. Butler, do form the said committee.

Committee.

Pursuant to the order of the day, Mr. Brown moved, seconded by Mr. Kent,

Resolved,—That a committee be appointed to enquire into the conduct of John Stark, Esq., one of the Magistrates at Harbor Grace, in reference to the Elections there in November last; the said John Stark being a member of the Committee, and a zealous partisan of one of the candidates at said Election, and having also acted as a Magistrate in reference to proceedings at, and prior to, said Election, in an improper and partial manner; and that the committee have power to send for persons and require papers.

Resolution for committee to enquire into the conduct of John Stark, Esq.

Ordered,—That Mr. Brown, Mr. Kent, Mr. Morris, Mr. Nugent, Mr. Power, Mr. Winser, and Mr. Butler, do form such committee.

Committee.

On motion of Mr. Brown, seconded by Mr. Kent,

Ordered,—That the late Clerk, Edward Mortimer Archibald, Esq., be admitted to a seat in the place appropriated for the use of the Solicitor, and that the Clerk do notify to him the same.

Then the House adjourned until to-morrow, at eleven of the clock.

Tuesday, July 18, 1837.

A Petition of John Boggin, of St. John's, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of John Boggin presented and read.

That Petitioner was deprived of a piece of ground in August, 1835, by the Board of Road Commissioners. That the said Road Commissioners had promised to take his loss into consideration and make him an adequate remuneration. That they have not done so;—petitioner, therefore, prays the consideration of the House, and to grant him such redress as the House in its wisdom shall deem meet.

Ordered,—That the said Petition be referred to the committee on Roads and Bridges.

Referred to committee on roads and bridges.

Order of day for 3d reading of supply bill, read.

The order of the day for the third reading of the Bill for granting certain supplies to His Majesty, being read—

Mr. Nugent moved, seconded by Mr. Power,

That the said Bill be read a third time on Thursday next,—whereupon,

Amendment moved.

Mr. Brown moved, in amendment, and seconded by Mr. Winser,

That the said Bill be now read a third time ; which being put, the House divided thereon as follows :

House divide thereon.

For the amendment—

Against the amendment—

Mr. Brown

Mr. Nugent

— Doyle

— Power

— Butler

— M'Carthy

— Kent

— Dwyer.

— Morris

— Winser

— Moore

— Godfrey.

Carried.

So it passed in the affirmative, and

Ordered,—That the said bill be now read a third time.

And the said bill was read a third time accordingly.

On motion of Mr. Brown, seconded by Mr. Morris,

Passed.
Title.

Resolved,—That the said bill do pass, and that the title be “ An act for granting his Majesty certain monies for the service of the quarter ending fifth July, One thousand Eight hundred and Thirty-seven.”

Sent to Council.

Ordered,—That Mr. Brown and Mr. Morris do carry the bill up to His Majesty's Council and desire their concurrence.

A Message from His Excellency the Governor

Message from Governor with sundry documents, and returns.

Was delivered by the Honorable Mr. Secretary Crowdy, who being admitted within the Bar, presented to the House, by command of His Excellency, the following documents, viz. :—

Reports of the Commissioners of Roads for the Central District.

Do. for Conception Bay.

Do. for the Road from Carbonear to Hearts Content.

Do. for Trinity Bay.

Do. for Ferryland.

Of the Commissioners under the act 5 W. 4th, cap. 5, for making and repairing the roads, &c.

Communications on the subject of Gaols, &c. from the Stipendiary Magistrates at Twillingate, Trinity, Brigus, and Fogo, and from the Magistrates at Fogo, for Law Books and Stationery.

Do. at St. John's for Law Books.

Do. at Hants Harbor, do.

From the Stipendiary Magistrates at Burin for furniture, and from Trinity and Ferryland, for fuel.

Presentments from Grand Juries at Bonavista, Harbor Grace, 2 No., Greenspond, Ferryland, 2 No., Harbor Britain, and Placentia.

Report of the Hospital Directors of St. John's.

The following Petitions, viz.—

Of W. Goff, of St. John's, setting forth—That petitioner was employed by His Excellency to take the census in this district. That he has discharged the duty required of him, but as he considers the sum allowed him as remuneration for his services inadequate to the labour performed, he begs that his case may be taken into consideration, and such sum awarded to him as may be deemed equitable.

Of Jas. Doyle, of Carbonear, setting forth—That about 11 years ago, petitioner, by an arrangement with Thos. Danson Esq., Magistrate of Harbor Grace, took charge of a pauper child for its maintenance, for which he was to be allowed yearly remuneration,—that since the year 1832, petitioner has not received the compensation previously allowed to him,—that he has, notwithstanding, continued to support and educate the child.—Petitioner prays His Excellency will adopt such means as he may deem fitting, with a view to the liquidation of the sum now due him.

Of John Efford, setting forth—That on the occasion of the Fire at Port de Grave, on the 5th July last, petitioner's store, stage, and other property, were, by direction of the Magistrates, cut down, in order to prevent the fire from extending into the town. That petitioner has not the means of rebuilding his premises, and prays his Excellency to take his case into consideration, and award him such compensation for his loss in the public cause, as to His Excellency may seem meet.

Of Dr. Skelton, setting forth—That petitioner is a Practitioner of Medicine residing in Bonavista. That in the Summer of 1836, petitioner vaccinated upwards of 700 persons, and praying that the sum of Thirty Pounds may be allowed him for his services.

Of Benjamin Sweetland, setting forth—That having been appointed to fill the office of Stipendiary Magistrate of Trinity, his former residence at Ferryland has become useless to him, and being obliged to pay heavy rent for the house now occupied by him, he prays that the portion of the salary not appropriated may be given him as compensation for the loss consequent on his removal.

Of James Blaikie, Esq., of St. John's, setting forth—That in 1835 and '36, the sum of £100 was voted him by the House of Assembly as compensation for loss of office occasioned by Colonial Legislative enactment, amalgamating the offices of Clerk of the Supreme and Central Court, the latter of which was held by him, and praying that a similar sum may again be awarded him.

Of Edward Kielly, of St. John's, setting forth—That Petitioner is District Surgeon of this place; that in consequence of the increased amount of duty imposed on him he considers the sum at present allowed him for his services as insufficient, and prays for an increase of salary.

Message, &c,

Copy of despatch from Secretary of State relative to acts affecting coins, and the circulating medium.

Do. relative to compensation to Collector of the Customs for collecting the Local Revenue.

Letter from the Collector of the Customs relative to the continued employment of Tide Waiters.

Letter from ditto, relative to the necessity of employing sub-collectors of the revenue at Greenspond and Placentia.

Two Letters from Captain Bennett, of the *Rainbow*, on the subject of the protection of the Fisheries, and smuggling on the French Shore.

[For the foregoing Documents, see Appendix.]

Ordered,—That the said papers do lie on the table, to be perused by the Members of the House.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the second reading of the Bill to enable the Bank of British North America to sue and be sued, be postponed from the 28th instant, to Friday, the 4th August next.

2d reading of bill to enable the Bank of B. N. America to sue and be sued, postponed.

Report of committee to prepare address to His Excellency.

Mr. Nugent, as Chairman of the Committee appointed yesterday to prepare an address to His Excellency the Governor on the subject of His Excellency's last reply to an address of this House, reported, that the Committee had prepared the draft of an address accordingly ; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

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

May it please your Excellency—

The House of Assembly have received your Excellency's reply to their address of Friday the 4th instant, with feelings difficult to define ; for as your Excellency in your despatch of 11th November last, acquainted His Majesty's Government that all the writs theretofore issued in this Island, for the Election of Members to serve in the House of Assembly, had been issued unsealed, we judged that your Excellency must have been correctly informed, if not from personal inspection of the writs themselves, at least from a high intermediate authority, before your Excellency could have advised His Majesty on a subject of such vast importance.

Upon the perusal of that despatch, the House of Assembly lent implicit credence to the correctness of the assertion of your Excellency that *all the writs* had been issued unsealed ; and as your Excellency very

properly anticipated, they judged that a question naturally arose "as to the legality of all our existing Legislative enactments," or rather that it could not be questionable, but that enactments, emanating from "an unlawful authority," must of necessity be null and void. It was because they judged thus, and yet were anxious to be guided by the reasonings of Lawyers in the entertainment of a question of law—it was on this account only, that this House addressed your Excellency on a question upon which they had no doubt, but upon which the public ought to have the most ample information.

In your Excellency's reply to that address you state the startling fact, that your Excellency has been led by misinformation, into the deliberate positive statement of that which had no foundation—thereby inducing His Majesty's Government in England, and the House of Assembly of Newfoundland, to error.

The House of Assembly consider it not a little extraordinary in the first place, that your Excellency should have remained from November until the receipt of their last address under, the delusion produced by the deception which had been so improperly practised upon your Excellency by your Excellency's advisers; and in the next place do they judge it surprising, that after the discovery of the misrepresentation even still and to this hour, your Excellency should be only able to acquaint this House that it remains still "doubtful," when the bare inspection of the writs would, in the opinion of this House, for ever set at rest all questions of their illegality.

For these reasons we implore your Excellency to have laid before this House, all the information your Excellency possesses upon the subject.

We implore of your Excellency to lay before this House the data upon which your Excellency appears now inclined to alter your Excellency's opinion of the legality of the former writs.

We implore your Excellency to have *all* the writs, as well those of last autumn, as those previously issued, laid before this House in order that the House of Assembly themselves, may judge by inspection of that which so immediately concerns their highest privileges.

Your Excellency is pleased to say that "*the point after all is probably immaterial.*"

We are sorry we cannot concur with your Excellency in such a sentiment; the question we have enquired upon is "the legality of all our existing Legislative enactments," and surely that cannot be "immaterial," upon which hang so many and such important interests—the Revenues hitherto collected, the Piscatory, the Commercial, the Agricultural and the Educational interests of Newfoundland. We consider it of the highest importance to place this subject in the clearest point of view for many reasons, and not the least among them is this, that your Excellency has been pleased to have laid before this House estimates of expenses incurred in the conducting that Election, which can only be enter-

Address, &c.

tained when the House have undoubtedly correct information upon all the questions connected therewith.

Your Excellency is also pleased to say that you will request that the opinion of His Majesty's Law advisers may be taken on the subject, for which we thank your Excellency, but beg most respectfully to submit to your Excellency that we cannot see how any impropriety could exist in laying a case before the Judges in Newfoundland, which would not be improper to have laid before His Majesty's Law advisers in Great Britain.

In conclusion we beg to hope that your Excellency will graciously please to lend your co-operation in facilitating the exertions of this House to elucidate the embarrassments surrounding the present great question.

Your Excellency stated that the first writs were unsealed—and your Excellency tells us you were misinformed—enable us to exhibit the delusion to the country.

Your Excellency next stated that the writs of last autumn were unsealed, enable us to prove to the country that your Excellency was not in that statement also deceived, and the present Assembly not illegally constituted—the Representative body there elected not having been legally dissolved—and your Excellency now states that you are now informed that you were then misadvised—enable us to convince the public that it is not now your Excellency has been led astray, and your first assertion still correct. These are questions of paramount importance. The character, the stability, the dignity, of His Majesty's Government in Newfoundland require their full and ample elucidation—the interests of the country demand it.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said address be adopted and engrossed, and that a deputation be appointed to present the same to his Excellency.

Ordered,—That Mr. Nugent and Mr. Kent do form such deputation.

Then the House adjourned until to-morrow, at eleven of the clock.

Wednesday, July 19, 1837.

Petition of P. Brazil & others, presented and read.

A Petition of Patrick Brazil and 99 others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, setting forth—

That the Road leading from Apple-tree Well to Branscomb's Pond is one of the principal highways whereby the inhabitants of St. John's

haul fuel and timber for various purposes from the woods during winter. That the said road is at present in a ruinous state, and almost impassable in wet seasons for foot passengers.—Petitioners therefore humbly pray the House to take the premises into consideration, and grant a sum of money sufficient for defraying the expense of repairing said line of road.

Petition, &c.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

Referred to committee on roads and bridges.

A petition of Matthew Morris and 95 others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of M. Morris and others, presented & read.

That an extensive tract of valuable and unoccupied land laying westward of the main river at Fresh Water, and in the direction of Wigmore's Gully to the Capital, is of great inconvenience to the residents and other occupiers of land in that vicinity. That in order to remove the inconvenience, and to enhance the value of the land in that direction, it would be essentially necessary to have a bridge thrown across the Main River, and the road repaired.—Petitioners therefore humbly pray that the House will grant a sum of money sufficient to repair the said line of Road.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

Referred to committee on roads and bridges.

Mr. Winsor gave notice that, on Friday next, he should move for a select committee to enquire into the state of Police throughout the Colony.

Notice for select committee to enquire into state of Police.

Mr. Nugent moved, pursuant to notice, that the address to his Excellency on the subject of his refusal to order sworn returns, be re-committed to a committee of the whole House.

Motion for re-committal of address to his Excellency.

And the House resolved itself into the said committee on the re-consideration of the said address accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the Committee that they had gone through the said address and had made some amendments therein, which they directed him to report to the House; and he delivered the said address with the amendments in at the Clerk's table where they were read and are as follow:—

Report.

In the third page, expunge the words between the word "Commissioners" in the 11th line, and the word "of" in the 13th line—and between the word "House," in the 20th line, and the word "to," in the 21st line; and in the fourth page, first line, between the words "duties" and "never," insert the words "which may be proved to have been."—And the said amendments having been read throughout a first and second time were, upon the question put thereon, agreed to by the House.

Address adopted.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said address as amended be adopted and engrossed.

Petition of P. Roach, and others, presented & read.

A Petition of Patrick Roach and 55 others, inhabitants of Logy Bay and Outer Cove, was presented by Mr. Kent, and the same was received and read, setting forth—

That the road leading from Forest Pond Bridge, to Logy Bay and Outer Cove, is at present impassable with a Horse and Cart, by which means they are prevented from bringing their produce to market, and praying the House to take their case into their serious consideration.

Referred to committee on roads and bridges.

On motion of Mr. Kent, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

Order of day postponed.

On motion of Mr. Winsor, seconded by Mr. Nugent,

Ordered,—That the order of the day for bringing in a bill for the purpose of repealing or amending an Act for the relief of sick and disabled seamen, fishermen, and others, be postponed to Monday the 31st instant.

Then the House adjourned until Friday next, at 11 of the clock.

Friday, July 21, 1837.

Leave of absence granted to Mr. M'Carthy.

ON motion of Mr. Power, seconded by Mr. Godfrey,

Ordered,—That Mr. M'Carthy have leave of absence for a few days.

Petition of James Doyle presented and read.

A petition of James Doyle, of Carbonear, was presented by Mr. Power, (who stated in his place he had the consent of his Excellency the Governor for presenting) and the same was received and read, setting forth—

That Memorialist, several years ago, at the request and under the sanction of the Worshipful the Magistrates of Harbor Grace, received into his family an orphan child.

That his Excellency the Governor had paid through the said Magistrates Six pounds Eighteen shillings and Eight pence, sterling, per annum, for the support of the said orphan, up to the 28th December, 1832; since that period Memorialist has received no compensation whatever, although the child is at school at the expense of Memorialist. He therefore prays the House to allow him the arrears since the discontinuance of said payment.

Referred to committee of Supply.

On motion of Mr. Power, seconded by Mr. Dwyer,

Ordered,—That the said petition be referred to the committee of supply.

On motion of Mr. Solicitor General, seconded by Mr. Nugent,

Ordered,—That the order of the day for bringing in a bill to establish the holding and sitting of the Supreme and Circuit Courts of this Island, be postponed until Monday next.

Order of day postponed.

Mr. Nugent, as Chairman of the deputation appointed to wait on his Excellency the Governor with the address of the House on the subject of his Excellency's reply to the address praying the opinion of the Law Authorities of Newfoundland, and His Majesty's Law Advisers in Great Britain, on the question of the illegality of the existing local enactments, arising from the fact of the writs having been stated by his Excellency to have been on all former occasions unsealed, reported that the deputation had presented the address to his Excellency accordingly, and that his Excellency was pleased to say that he would communicate his reply by Message to the House.

Report of Chairman of committee appointed to wait on his Excellency.

Mr. Kent, pursuant to notice and leave granted, presented a bill for authorising his Excellency the Governor to admit persons to practise the profession of the Law in the several Courts of this Island, and the same was received and read a first time.

Bill to authorise his Excellency to admit persons to practise the profession of the Law in the several Courts of this Island, presented by Mr. Kent.

On motion of Mr. Kent, seconded by Mr. Morris,

Ordered,—That the said bill be read a second time to-morrow.

A Message from His Excellency the Governor.

The Hon. Mr. Secretary Crowdy acquainted the House that he had two messages from His Excellency the Governor, signed by His Excellency, and he presented the same to the House; and the said messages were read by Mr. Speaker, and are as follow:—

Message from Governor.

MESSAGE.

“H. PRESCOTT.”

In consequence of the address of the House of Assembly, presented this day, the Governor transmits a letter address to him by the Colonial Secretary, explanatory of the circumstances attending the issue of all writs issued for the Election of Members in this Island, up to last autumn, inclusive.

Government House,
21st July, 1837.

The Letter from the Colonial Secretary, referred to in the said message, was then read by the Clerk as follows:

Secretary's Office,
20th July, 1837.

SIR,—In obedience to your Excellency's command, I have the honor to state the circumstances connected with the issue of the various writs for the election of Members of the House of Assembly.

Letter from Colonial Secretary to his Excellency on the subject of writs of Elections, read.

In September, 1832, the first were issued, and when filled up, the Great Seal was attached to them; subsequently it became a matter of doubt whether this was necessary, and the Governor having satisfied himself that it was not, the seals were detached from the writs.

Letter from Colonial Secretary, &c.

On the first agitation of the question in November last, my impression was, that they were removed previously to the issue of the writs, and this impression was confirmed by the gentleman in my office who actually removed them; but information having since reached me that several of the Returning officers recollect that the seals were affixed to the writs when they received them, I have been much shaken in this opinion.

The next occasion on which writs were issued was in 1833, on the accession of Messrs. Thomas and Garland to the Council, when the writs were issued, as a matter of course, without the Great Seal; and this was again the case on the issue of those in September last.

I have the honour to be, Sir,

Your Excellency's

Most obedient Servant,

JAMES CROWDY.

His Excellency Captain Prescott, C. B.

—o—

MESSAGE.

Message from Governor.

“H. PRESCOTT.”

The Governor transmits to the House of Assembly a letter addressed by the Sheriff to the Colonial Secretary, and acquaints the House that he has no fund at his disposal from which to defray the charge of passages for the prisoners alluded to, who are consequently kept here at additional expense to the Colony.

Government-House,

21st July, 1837.

The Letter accompanying the said Message was then read by the Clerk.

Mr. Crowdy presents sundry documents to the House by direction of his Excellency.

The Hon. Mr. Secretary Crowdy also presented to the House by direction of his Excellency the Governor, the following documents, viz.

Presentment of the Grand Jury at Harbor Grace.—See *Appendix*.

An account of the Directors of the Hospital, for pauper patients, for the Quarter ending the 30th June last.

District pauper quarterly accounts, for the months of April, May, and June last.

And then the messenger withdrew.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said Messages and Documents do lie on the table to be perused by the Members of the House; and that the accounts of Directors of the Hospital, and district pauper accounts, be referred to the Committee of supply.

Documents and Messages ordered to lie on the table; and account of Directors of the Hospital referred to committee of Supply.

Sheriff's bill read 2nd time

Pursuant to order, a Bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial district, was read a second time.

On motion of Mr. Brown, seconded by Mr. Kent,

Ordered,—That the said bill be committed to a committee of the whole House.

Committed.

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the said bill.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the order of the day for a committee to enquire into the state and progress of Agriculture, be postponed until to-morrow.

On motion of Mr. Winser, seconded by Mr. Godfrey,

Resolved,—That a select committee be appointed to enquire into and report upon the present state of the Police of the Colony.

Ordered,—That Mr. Winser, Mr. Godfrey, Mr. Morris, Mr. Brown, and Mr. Kent do form such committee.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the address presented to his Excellency this day, together with the document sent down in consequence of that address, be printed.

Then the House adjourned until to-morrow, at twelve of the clock.

Order of day postponed.

Resolution for select committee to enquire into state of Police.

Address, &c., to be printed.

Saturday, July 22, 1837.

MR. POWER gave notice that he should, on a future day, move that an address be presented to his Excellency the Governor praying that his Excellency will cause to be laid before this House the following documents, viz.:—

Notice of motion for address to his Excellency for documents.

An account of all money collected and received by the Magistrates of Harbor Grace, or any of them, as fees, fines, or otherwise, from the masters or owners of ships or vessels, taking ballast from a beach commonly called "Admiral's Beach," or place in that Harbor, from the first day of January, 1833, to the first day of July, instant, inclusive, distinguishing the names, amount collected from the different persons in each year, and how the same has been appropriated.

Also, copy of an address signed by a number of householders of Carbonar, addressed to the Magistrates of that place, and delivered to the Stipendiary Magistrates praying that they would hold Courts of General and Quarter Sessions in that town in accordance with his Excellency the Governor's Proclamation, and the answer of the Magistrates thereto.

Pursuant to order, a bill authorising his Excellency the Governor to admit persons to practise the profession of the Law in the several Courts in this Colony, was read a second time.

Bill to authorise his Excellency to admit persons to practise the profession of the law, &c., read 2d time.

On motion of Mr. Kent, seconded by Mr. Morris,

Ordered,—That the said bill be committed to a committee of the whole House.

Committed.

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the said bill.

On motion of Mr. Morris, seconded by Mr. Nugent,

Resolved,—That a select committee be appointed to enquire into state of the Agriculture of this Island.

Ordered,—That Mr. Morris, Mr. Nugent, Mr. Kent, Mr. Brown, Mr. Power, Mr. Winser, Mr. Doyle, Mr. Butler, do form such committee.

Mr. Brown gave notice that, on Monday next, he should ask leave to bring in a bill to authorise summary proceedings in the Circuit Courts in certain cases. Also, that on Tuesday next, he should move for leave to bring in a bill to amend an act passed in the second session of the Legislature, entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island."

Mr. Solicitor-General gave notice that, on Wednesday next, he should move for leave to bring in a bill relating to Merchant Seamen, Fishermen and Shoremen, of this Colony.

Mr. Speaker laid before the House a Communication from the Hon. Mr. Secretary Crowdy, which was read by the Clerk, and as follows :

Secretary's Office,
22d July, 1837.

SIR,—I have the honor to acquaint you that the Governor will receive the deputation appointed to present him an address from the House of Assembly (a copy of which is enclosed in your letter of yesterday's date) on Monday next, at eleven o'clock in the forenoon.

His Excellency directs me to take this opportunity of informing you that it has been customary to supply him with copies of any papers printed by direction of the House, and requesting three such copies may be sent to me.

I have the honor to be, Sir,

Your very obedient Servant,

JAMES CROWDY.

The Honorable
The Speaker
Of the House of Assembly.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That although the Journals of the House of Assembly prohibit no order that his Excellency the Governor should be furnished with copies of the papers printed by order of the House, our Clerk be directed to supply three copies of all papers ordered to be printed henceforth.

On motion of Mr. Brown, seconded by Mr. Moore,

Resolved,—That 50 copies of the Report of the Commissioners Roads and Bridges between Holyrood and Carbonear, be printed.

Resolution for committee to enquire into state of agriculture.

Committee.

Notice of bill to authorise summary proceedings in Circuit Courts. Also, of bill to regulate the packing and inspection of pickled fish.

Notice of bill relating to merchant seamen, fishermen and shoremen.

Communication from Colonial Secretary laid before the House by Mr. Speaker.

Resolution that his Excellency be furnished with copies of all papers ordered by the House to be printed.

Report of commissioners of roads to be printed.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, July 24, 1837.

MR. EMERSON, pursuant to notice and leave granted, presented a bill to regulate the Term and Session of the Supreme and Circuit Courts of this Island, and the same was received and read a first time.

Bill to regulate the Term and Session of Supreme and Circuit Courts in this Island read first time.

Ordered,—That the said bill be read a second time, on Saturday next.

2d reading.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said bill be printed for the use of Members.

Printed.

Mr. Brown, pursuant to notice and leave granted, presented a bill to authorise summary proceedings in the Circuit Courts of this Colony.

Bill to authorise summary proceedings in Circuit Courts presented.

Ordered,—That the said bill be read a second time on Thursday next.

2d reading.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said bill be printed for the use of Members.

Printed.

Mr. Nugent, as Chairman of the deputation appointed to wait upon his Excellency with an address reiterating the request of the House to have certain returns made under the oath of the parties returning, and of the proper officers, reported that they had waited upon his Excellency with the address, to which his Excellency was pleased to reply as follows:—

Report of Chairman of deputation appointed to wait on his Excellency with an address.

H. PRESCOTT.

GENTLEMEN—

I am sorry to differ in opinion from the House of Assembly, but I cannot consent to call for returns under oath except in cases where I am authorised by express enactment so to do.

His Excellency's reply.

It appears that, through inadvertence, I once improperly called for a sworn return respecting an isolated matter of little importance, but had the officer to whom the order was addressed, objected thereto, I should not have attempted to enforce it.

Government-House,

24th July, 1837.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for authorising his Excellency the Governor to admit persons to practise the profession of the Law in the several Courts in this Colony.

House in committee on consideration of bill to authorise his Excellency to admit persons to practise the profession of the law.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro' the said bill and had made an amendment therein, which they had directed him to report to the House ; and he delivered the bill with the amendment in at the Clerk's table.

And the said amendment having been read throughout a first and second time, was, upon the question put thereon, agreed to by the House.

Ordered,—That the said bill as amended be engrossed.

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

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the Bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial district.

Mr. Speaker left the chair.

Mr. Winser took the chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Ordered,—That the said committee have leave to sit again.

Resolved,—That this House will again resolve itself into the said committee to-morrow.

Mr. Nugent gave notice that he should, to-morrow, move the following Resolutions, viz.—

Resolved,—That it is of the utmost importance that this House shall have fullest and most correct information upon the various questions at present before this Branch of the Legislature—the administration of Justice—the Fisheries and Agriculture of the Country, as well as the application of Charity, and the construction of Roads and Bridges, &c.

Resolved,—That the better to procure such information, the several public Officers, the Magistrates and others—the payment of whose salaries, fees, and other incidental accounts depends upon the votes of this House—be required, when called upon for returns connected with the foregoing subjects, to make the same so be laid on the table of the House, attested by affidavit, made before a Justice of the Peace.

Resolved,—That any public officer or other person for or on account of whom there may be laid before this House Estimates for salaries, fees, or other perquisites, or any account of Expenditure, or proposed Expenditure, from whom returns shall be demanded, and who shall refuse or neglect to have the same made on oath, shall not have such salary or other accounts moved upon during the present Session: and if such returns so demanded, have immediate reference to the subject of such account, salary, or other duties, for the discharge of which such sum shall be claimed, it shall not be in order for any honorable Member to move upon the same at any time hereafter.

Bill to be engrossed and to be read 3d time to-morrow.

House in committee on bill to regulate the office and fees of Sheriff.

Report.

Leave to sit again.

Mr. Nugent gives notice of motion respecting certain resolutions.

On motion of Mr. Nugent, seconded by Mr. Solicitor General,

Resolved,—That the Treasurer have permission to amend his account transmitted to the House by his Excellency the Governor, by the addition of "one shilling" which had been omitted in the original draft thereof.

Resolution to afford permission to Treasurer to amend his account.

Mr. Power moved, pursuant to notice, seconded by Mr. Godfrey,

Resolved—That a deputation be appointed to wait on his Excellency the Governor with an address praying that his Excellency will cause to be laid before this House the following documents, viz. :—

Resolution for deputation to wait on his Excellency with an address praying for certain documents.

An account of all monies collected and received by the Magistrates of Harbor Grace, or any of them, as fees, fines, or otherwise, from the masters or owners of ships or vessels, taking ballast from a beach commonly called "Admiral's Beach," or place in that Harbor, from the first day of January, 1833, to the first day of July, instant, inclusive, distinguishing the names, amount collected from the different persons in each year, and how the same has been appropriated.

Also, copy of an address signed by a number of householders of Carbonear, addressed to the Magistrates of that place, and delivered to the Stipendiary Magistrates, praying that they would hold Courts of General and Quarter Sessions in that town, in accordance with his Excellency the Governor's Proclamation, and the answer of the Magistrates thereto.

Ordered,—That Mr. Power and Mr. Godfrey do form such deputation.

Deputation.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, July 25, 1837.

A Petition of John King, of Broad Cove, in Conception Bay, planter, was presented by Mr. Power, (which he stated was with his Excellency the Governor's assent, that the House may proceed thereon as they shall think fit) setting forth—

Petition of John King presented and read.

That petitioner, in the year 1830, at the request of several individuals, contracted with John and William White, to erect a substantial bridge across the River of Salmon Cove, on the north shore of Conception Bay. That said bridge has been built and valued by competent persons at Fifty Pounds currency, which sum has been paid by petitioner. That petitioner travelled with a subscription list from Harbor Grace to Bay de Verds, and could only obtain about Fifteen Pounds towards defraying the expense of said bridge.

That petitioner was confined to his bed during the continuance of the late House of Assembly, and was thereby prevented from submitting his claim, which petitioner therefore now humbly lays before this House for an adequate indemnification.

On motion of Mr. Power, seconded by Mr. Godfrey,

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

Referred to committee on roads and bridges.

Petition of P. Sullivan
presented and read.

A petition of Peter Sullivan, of Harbor Grace, whose name is thereto subscribed, was presented by Mr. Brown, and the same was received and read, setting forth—

That petitioner has resided in Newfoundland since 1800, and during that time had cultivated and improved two spots of Land situate on the south side of Harbor Grace, which, by a saving of his earnings, he had purchased; that being frequently annoyed, and sustaining considerable loss by the cattle of the neighbouring people, he was obliged to fence in that part of the land which lies to the north of his plantation to prevent any further damages—having left a sufficient space on the eastern and western extremities of his boundaries for the ingress and egress of persons to the road in the rear,—that some persons had now taken umbrage at his endeavours to secure his property, and had broken down his fence twice since the month of May last. And petitioner prays “that the piece of Land on the north side of his plantation may be granted him as an equivalent for that portion which he parted with in rear, for a part of the public Road.”

On motion of Mr. Brown, seconded by Mr. Power,

Ordered,—That the said petition do lie on the table.

Ordered to lie on the
table,

Petition of J. B. Cox
presented and read.

A Petition of John B. Cox, of St. John's, was presented by Mr. Kent, and the same was received and read, setting forth—

That in June, 1835, petitioner had been appointed by Capt. Buchan, then High Sheriff of this Island, to be superintendent of convicts sentenced to hard labour. That the usual sum had been voted by the late House of Assembly for defraying the expense of superintending such convicts. That petitioner continued to discharge his duty as superintendent up to the 16th July, 1836, when he received a notification from the present Sheriff, Benjamin G. Garrett, Esq., acquainting him that as there were no convicts to be employed at hard labour, that his services and salary were to be discontinued from that day henceforth. That petitioner had, in order to meet the due discharge of his duty as superintendent, made arrangements by which he necessarily lost the benefit of other employments, on which he had before then depended for the support of himself and a large family; and that on being so suddenly deprived of his salary, without any fault or neglect imputed to him, he was left without any adequate means of providing for his family, and has suffered great loss and injury—and praying that under these circumstances the House will take his case into its consideration, and extend to him such relief as to the House may seem meet.

Ordered,—That the said petition do lie on the table.

Ordered to lie on the ta-
ble.

Bill to authorise his Ex-
cellency to admit per-
sons to practise the pro-
fession of the Law in the
several Courts of this Is-
land, read 3d time.

Agreeably to the order of the day, an engrossed bill to authorise his Excellency the Governor to admit persons to practise the profession of the law in the several Courts of this Colony, was read a third time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said Bill do pass, and that the title be, “An act for authorising his Excellency the Governor to admit persons to practise the profession of the law in the several Courts of this Colony.”

Passed.
Title.

Sent to Council.

Ordered,—That Mr. Kent and Mr. Nugent do carry the Bill up to his Majesty's Council and desire their concurrence.

A petition of John Hunt, of Harbor Grace, was presented by Mr. Nugent, which was received and read, setting forth—

Petition of John Hunt presented and read

That petitioner's son (late John Hunt) was shipped to Messrs. Thos. Ridley & Co. of Harbor Grace, Merchants, from the ninth of May until the last of November, in the year 1835, for the sum of Eighteen pounds currency. That Thomas Ridley & Co. sent petitioner's son as a hand on board one of their vessels called the "Duncan Margaret," from Harbor Grace to Plymouth. That on the vessel's arrival at Plymouth, she was ordered to Hamburg, and from thence back to Harbor Grace. That the "Duncan Margaret," on board of which vessel petitioner's late son, John Hunt, was still a hand, sailed from Harbor Grace for the Labrador to take a cargo of fish for Plymouth, at which place she arrived; but on her return back for Harbor Grace both vessel and crew were lost. That petitioner took out letters of administration in the spring of 1836, and demanded of Messrs. Thos. Ridley & Co. his late son's account and balance of wages, both of which they refused. That petitioner employed Counsel, and a writ was issued against T. Ridley & Co., and the trial came on the last term of the Northern Circuit Court before the Hon. Judge Lilly, and a Petty Jury, the facts set forth in the declaration being proved, the Jury found a verdict for petitioner "Eighteen pounds currency." That the Hon. Judge refused to record the verdict, saying that as no proof was given of petitioner's late son reaching England, it may be supposed he might have been lost the day after leaving the Labrador, and directed the Jury to retire and deduct the amount of Four Pounds Ten Shillings, allowing wages only to the 15th October, the last day it was proved he was seen at the Labrador; the Jury accordingly returned and brought in a second verdict of Thirteen pounds ten shillings. That petitioner's Counsel, on the last day of the term, moved for judgment to be entered upon, which the Hon. Judge refused, saying he would lay the case before the other two Judges for their opinion, it being a most unprecedented one. That petitioner has received no satisfaction in the premises whatever, and from the repeated disappointments and evasions, both from Judge and Counsel, and the fact of their having dined with Mr. Ridley the day previous to trial, and lunching with him on almost every other day of the term, he can place no confidence in either party. He therefore prays the House to take his case into its consideration, and place him in the way of receiving the hard and laborious earnings of his lost child, or grant him that redress which the House in its wisdom may deem proper.

Ordered,—That the said petition do lie on the table.

Ordered to lie on the table.

Mr. Solicitor General gave notice that he should, on the 29th inst., ask leave to bring in a bill to establish a Classical Academy in this Island.

Notice of bill to establish an Academy.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the Bill to regulate the office and fees of Sheriff, and to make provision for the annual appointment of a Sheriff in each Judicial district.

House in committee on bill to regulate the office and fees of Sheriff.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro' the said bill and had made several amendments therein, which they had directed him to report to the House ; and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Bill to be engrossed and

Ordered,—That the said bill as amended be engrossed.

to be read 3d time to-morrow.

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

Petition of P. Sincular presented and read.

A petition of Peter Sincular, a prisoner confined in gaol, was presented by Mr. Kent, and the same was received and read, setting forth—

That he had been confined in one of the dark dungeons of the Gaol of St. John's since the 17th June last. That he was greatly annoyed by rats,—that he had applied to the Sheriff to be removed to another cell, and was refused. Petitioner solicited the clemency of the House.

Ordered to lie on the table,

Ordered,—That the said petition do lie on the table.

On motion of Mr. Morris, seconded by Mr. Kent,

Printed.

Ordered,—That the said petition be printed.

On motion of Mr. Brown, seconded by Mr. Kent,

Leave given to Mr. Brown to withdraw motion, &c.

Ordered,—That Mr. Brown have leave to withdraw his motion to bring in a bill to amend an act passed in the second session of the Legislature, entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island."

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, July 26, 1837.

Notice of motion for address to Governor praying for copy of certain correspondence.

MR. GODFREY gave notice that, to-morrow, he should move an address to his Excellency the Governor, praying that his Excellency would be pleased to direct that there be laid before the House copy of the correspondence which has taken place between Joshua Green and Robert J. Pinsent and the Executive, on the non-attendance of the said Joshua Green, at the Quarter Sessions at Port de Grave, when notified by said Robert J. Pinsent to attend as Magistrate.

A Petition of John Mallard and others, inhabitants of Quidi Vidi, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of J. Mallard and others, presented & read.

That a certain sum of money had been granted by the former House of Assembly for the purpose of blasting dangerous rocks in the Harbor of Quidi Vidi, which sum had been now expended, and the most material part of the work remained unfinished—petitioners therefore pray that the House will take the subject into their consideration and grant them a further sum in order to complete the work.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to committee of Supply.

On motion of Mr. Kent, seconded by Mr. Nugent,

Ordered,—That the report of the Central Board of Road Commissioners for the year ending June, 1837, be printed.

Report of Central Board of Road Commissioners to be printed.

Agreeably to the order of the day, an engrossed Bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial district, was read a third time—and thereupon

Sheriff's bill read 3rd time.

Mr. Brown moved, seconded by Mr. Winsor,

That the following section be added to the said bill, and shall form the 12th section.—

Motion on subject of 12th section.

“And be it further enacted, that the fees to be taken and allowed by the several Sheriffs and their officers, for services done and performed in and about the execution of the duties of the said office, shall be according to the table of fees in the Schedule to this Act annexed; and if any Sheriff, or his Deputy, or Bailiff, shall demand and take any greater or other fees, in respect of any services mentioned in the said table of fees, than are ascertained and allowed thereby, he or they so offending shall for each offence be liable to a penalty of One hundred pounds.

Mr. Kent, seconded by Mr. Nugent, moved in amendment—

That the bill do now pass,—which being put, and the House dividing thereon, there appeared, for the amendment, four; against it, seven.

Amendment thereon.

For the amendment—

Against the amendment—

Mr. Dwyer
— Kent
— Doyle
— Nugent.

Mr. Brown
— Godfrey
— Morris
— Power
— Emerson
— Moore
— Winsor.

So it passed in the negative.

Negatived.

The question on the original motion was then put, and passed in the affirmative.

Original motion put and carried.

Ordered,—Accordingly.

On motion of Mr. Brown, seconded by Mr. Winsor,

Ordered,—That the House do now resolve itself into a committee of the whole House, upon the consideration of the schedule of fees to be annexed to the said bill.—And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Winsor, reported from the committee that they had gone through the said schedule of fees, and had agreed to the same, which they had directed him to report to the House, and he delivered it in at the Clerk's table.

And the said schedule having been read throughout a first and second time, was, upon the question put thereon, agreed to by the House.

Moved by Mr. Brown, seconded by Mr. Solicitor General,

Resolved,—That the Bill as amended do pass, and that the title be, "An act to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District."

Ordered,—That Mr. Brown and Mr. Solicitor General do carry the Bill up to his Majesty's Council and desire their concurrence.

Mr. Nugent, pursuant to notice, and leave granted, presented a bill for effecting greater uniformity of practice in the government of the several prisons in Newfoundland, and for appointing inspectors of prisons throughout the Colony; and the same was received and read a first time.

Ordered,—That the said bill be read a second time, on Monday next.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said bill be printed for the use of Members.

On motion of Mr. Solicitor General, seconded by Mr. Nugent,

Ordered,—That the order of the day for bringing in a bill relating to merchant seamen, fishermen, and shoremen, be postponed until the next sitting of the House.

Mr. Moore gave notice that he should, on an early day, move for a committee to prepare a Bill to regulate the culling of Fish and guaging of Oil, and to guard against imposition in the same.

On motion of Mr. Moore, seconded by Mr. Kent,

Ordered,—That the order of the day for a committee of the whole House to enquire into the present state of the Administration of Justice in this Island, be postponed until Wednesday, the 2nd of August next.

House in committee on consideration of schedule of fees to be annexed to Sheriffs bill.

Report.

Schedule read 1st & 2d time and agreed to.

Bill passed.

Title.

Sent to Council.

Bill relating to government of prisons, &c., read 1st time.

To be read 2d time on Monday.

Printed.

Order of day postponed.

Notice of motion for a committee to frame bill to regulate culling of fish and guaging of oil, &c.

Order of day postponed.

Then the House adjourned until Friday next, at twelve of the clock.

Friday, July 28, 1837.

MR. POWER, as chairman of the deputation appointed to wait on his Excellency the Governor with the address of the House praying that his Excellency would cause to be laid before the House certain returns, reported that they had waited upon his Excellency, and presented the said address, and that his Excellency was pleased to make the following reply:—

H. PRESCOTT.

GENTLEMEN—

I will cause enquiry to be immediately made of the Magistrates of Harbor Grace respecting the former part of this address.

With regard to the subject of a requisition said to have been made by certain inhabitants of Carbonear to the Stipendiary Magistrate of that place, and his answer thereto, I have to observe, that I will not call upon Public Functionaries for documents that are not official, and which they are not bound to keep as matters of record.

*Government House,
27th July, 1837.*

The Solicitor General, pursuant to notice and leave granted, presented a bill for the regulation of merchant seamen, engaged in vessels of this Colony; and the same was received and read a first time.

Ordered,—That the said bill be read a second time, on Saturday, the 5th August next.

Moved by Mr. Moore, seconded by Mr. Nugent,

Resolved,—That a committee of five be appointed to enquire into the condition and treatment of the prisoners at present confined in the Gaol at St. John's, with power to send for persons and papers.

Ordered,—That Mr. Moore, Mr. Nugent, Mr. Morris, Mr. Solicitor General and Mr. Doyle, do form such committee.

Mr. Nugent presented to the House the draft of an address to his Excellency the Governor, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again 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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The House of Assembly respectfully request your Excellency will be pleased to order that all the writs issued for the General Election of 1832, for the Election of 1834, and for the General Election of 1836, be laid before this House.

Report of chairman of Deputation appointed to wait on his Excellency with address for certain returns.

His Excellency's reply to deputation.

Bill for the regulation of merchant seamen, &c., presented and read 1st time.

To be read 2d time on 5th August.

Resolution for committee to enquire into the condition and treatment of prisoners in the Gaol of St. John's.

Mr. Nugent presents draft of address to his Excellency.

Address.

Adopted.

Resolved,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Nugent and Mr. Doyle be a committee to present the said address to his Excellency.

Mr. Godfrey presents draft of address to his Excellency praying for certain returns.

Pursuant to notice, Mr. Godfrey presented to the House the draft of an address to his Excellency the Governor, praying that his Excellency would cause certain returns to be laid before the House, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read and is as follows :—

Address.

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

May it please your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to direct that there be laid before them copies of any correspondence sent to the Colonial Secretary, between Robert John Pinsent, Esquire, Stipendiary Magistrate at Brigus, and Joshua Green, Esquire, relative to the non-attendance of Mr. Green, at the Court of Sessions at Port de Grave, and copies of any letters sent by Mr. Pinsent to the Colonial Secretary, respecting or relating to the non-attendance of the Honorary Magistrates or any of them in the Court of Sessions at Port de Grave.

Likewise, copy of any communication received from Mr. Green relating to the same subject.

Adopted.

Resolved,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Godfrey and Mr. Winser be a committee to present the said address to his Excellency.

Mr. Winser presents draft of Address to his Excellency.

Mr. Winser, pursuant to notice, presented to the House the draft of an address to his Excellency the Governor, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

Address.

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

May it please Your Excellency,

The Commons House of Assembly respectfully request that your Excellency will be pleased to direct that there be laid before them for their inspection—

A statement of the application of all money granted by the former House of Assembly for the making and repairing of Roads and Bridges excepting St. John's and Conception Bay, with the particulars of its application in each district.

Also, of all sums of money granted for the use of the poor, from the year 1834 to the year 1836, inclusive, with the application thereof in each district, and to each particular person in such district.

Also, of the application of all seed potatoes in each district, and to each particular person in such district.

Also, the application of all sums of money granted for the purpose of preventing the spreading of contagious diseases, with the particulars thereof, in each district.

Your Excellency will be pleased to observe, that it is not the desire of this House to give unnecessary trouble ; but in all the above requisitions, where detailed statements have already been laid before the House, they need not be repeated.

Resolved,—That the said address be adopted and engrossed, and that a deputation be appointed to wait on his Excellency with the same.

Adopted, and to be engrossed.

Ordered,—That Mr. Winser and Mr. Godfrey do form such deputation.

Deputation.

Pursuant to order, a bill to authorise summary proceedings in the Circuit Courts of this Colony, was read a second time.

Bill to authorise summary proceedings in Circuit Courts read 2d time.

On motion of Mr. Brown, seconded by Mr. Morris,

Ordered,—That the said bill be committed to a committee of the whole House.

Committed for

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the said bill.

to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, July 29, 1837.

A Petition of Thomas Morton, of this Town, was presented by Mr. Kent, and the same was received and read, setting forth—

Petition of T. Morton presented and read.

That he had served in this Island for upwards of twenty-four years, as a Constable. That he was dismissed from his office last January, for no just cause ; and that he has not been able to ascertain the offence for which he was so dismissed,—and praying the House would be pleased to grant him some compensation for his long and faithful service under His Majesty's Government.

On motion of Mr. Kent, seconded by Mr. Godfrey,

Ordered,—That the said petition do lie on the table.

Ordered to lie on the table,

Pursuant to order, a bill to regulate the term and session of the Supreme and Circuit Courts of this colony, was read a second time.

Bill to regulate the term and session of Supreme and Circuit Courts, read 2d time.

Moved by Mr. Solicitor General, seconded by Mr. Brown,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed to a committee of the whole House to-morrow.

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the said bill.

Mr. Morris gave notice that, on Monday next, he should ask leave to bring in a bill to extend the Criminal Law of England to this Colony, under certain modifications.

Notice of bill to extend the criminal Law of England to this Colony.

Notice of motion respecting insolvent debtors bill.

Mr. Solicitor General gave notice that, on Monday next, he should ask leave to bring in a bill to amend the Law relating to insolvent debtors.

Mr. Brown gives notice of motion for address to his Excellency for certain returns.

Mr. Brown gave notice that, on Monday next, he should move that an address be presented to his Excellency the Governor, praying that his Excellency would be pleased to cause to be laid before this House the following returns :—

A full and particular account of all fees, perquisites, commission and emoluments whatsoever, received or receivable by the Clerk of the Supreme and Central Circuit Court, and the Clerks of the Northern and Southern Circuit Courts respectively, for the twelve months preceding the first day of July last, whether as Clerk of the Court, Registrar of Deeds, Clerk or Deputy Clerk of Probate, or in any other character or manner, specifying the different services, heads, and denominations, for or under which the said fees respectively were received or receivable.

Also, similar accounts and returns for the two preceding years, from the first of July, 1834, to the first of July, 1835 ; and from first of July, 1835, to first of July, 1836. Also, an account of all sums paid to the several Coroners of the Island for the same period, distinguishing the amount paid to each Coroner, and the number of inquests held by each Coroner.

A detailed account of all fees, poundage, mileage, perquisites, and emoluments, received or receivable by the Sheriff of Newfoundland, or his Deputies, in the Central, Northern and Southern Districts, for the year ending the twentieth day of June last, distinguishing each district and Court, and specifying the number of writs of summons, attachment and capias, and the amount of fees of the same respectively ; and the number and amount of Executions, and the fees, poundage, and mileage, in final process.

Likewise, all Jury fees received or receivable by the Sheriff or his deputies, and all fees received or receivable on the Crown side of the Courts.

Likewise, a detailed account of all monies paid to or allowed by the Sheriff during the same period to his deputies, bailiffs and officers, the services for which the same were paid or allowed, and the names of all such deputies, bailiffs and officers.

Likewise, similar detailed statements for the two preceding years ending the first day of July, 1836. Also, all fees, perquisites and emoluments of the Clerks of the Peace of St. John's, Harbor Grace, Brigus and Ferryland, from the first day of July, 1836, to the first day of July, instant.

House in committee on bill to authorise summary proceedings in Circuit Courts.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to authorise summary proceedings in the Circuit Courts of this Colony.

Mr. Speaker left the chair.

Mr. Power took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro' the said bill and had made several amendments therein, which they had directed him to report to the House ; and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Ordered,—That the said bill as amended be engrossed.

Bill to be engrossed and

Ordered,—That the said bill be read a third time on Tuesday next.

To be read 3d time.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, July 31, 1837.

MR. SOLICITOR-GENERAL, pursuant to notice and leave granted, presented a bill to amend the Law relating to insolvent debtors, and the same was received and read a first time.

Bill to amend Law relating to Insolvent Debtors read 1st time,

Ordered,—That the said bill be read a second time on Saturday next.

2d reading.

On motion of Mr. Kent, seconded by Mr. Godfrey,

Ordered,—That the said bill be printed for the use of Members.

To be printed.

Mr. Morris, pursuant to notice and leave granted, presented a bill to extend the Criminal Law of England to this Colony under certain modifications, and the same was received and read a first time.

Bill to extend Criminal Law of England to this Colony read 1st time.

Ordered,—That the said Bill be read a second time on Friday next.

To be read 2d time.

Mr. Nugent gave notice that he should, on Wednesday next, ask leave to bring in a bill to empower his Excellency the Governor to require of certain persons to make returns on oath.

Mr. Nugent gives notice of motion for Bill to empower His Excellency to require certain persons to make returns on oath.

Moved by Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the committee appointed to prepare a bill for repealing or amending an act for the relief of sick and disabled seamen, fishermen, and others, have power to send for persons and papers.

Committee appointed to prepare Bill for repealing Act for the relief of sick and disabled Seamen, &c.—to have power to send for persons & papers.

Mr. Brown, pursuant to notice, presented to the House an address to his Excellency the Governor, praying that his Excellency would be pleased to cause certain returns to be laid before the House; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:

Mr. Brown presents draft of address to his Excellency.

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

Address.

May it please your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to direct that there be laid before the House, for their information, a full and particular account of all fees, perquisites, commissions and emoluments whatsoever, received or receivable by the Clerk

Address, &c.

of the Supreme and Central Circuit Court, and the Clerks of the Northern and Southern Circuit Court respectively, for the twelve months preceding the first day of July last, whether as Clerk of the Court, Registrar of Deeds, Clerk or Deputy Clerk of Probates, or in any character or manner, specifying the different services, heads and denominations for or under which the said fees respectively were received or receivable.— Also, similar accounts and returns for the two preceding years, from the first July, 1834, to first July, 1835; and from the first July, 1835, to first July, 1836. Also, an account of all sums paid to the several Coroners of the Island for the same period, distinguishing the amount paid to each Coroner, and the number of inquests held by each Coroner. A detailed account of all fees, poundage, mileage, perquisites and emoluments received or receivable by the Sheriff of Newfoundland, or his deputies, in the Central, Northern and Southern districts, for the year ending the twentieth day of June last, distinguishing each District and Court, and specifying the number of writs of summons, attachment and *capias*, and the amount of fees of the same respectively, and the number and amount of executions, and the fees, poundage, and mileage, in final process.

Likewise, all Jury fees, received or receivable by the Sheriff or his deputies, and all fees received or receivable on the Crown side of the Court. Likewise, a detailed account of all sums of money paid to or allowed by the Sheriff or his deputies, bailiffs and officers, the services for which the same were paid or allowed, and the names of all such deputies, bailiffs and officers. Likewise, similar detailed statements for the two preceding years ending the first day of July, 1836.

Also, all fees, perquisites and emoluments, of the Clerks of the Peace of St. John's, Harbor Grace, Brigus and Ferryland, from the first day of July, 1836, to the first day of July instant.

Adopted.

Resolved,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Brown and Mr. Morris be a committee to present the said address to his Excellency.

Petition of John Renouf and others presented & read.

A Petition of John Renouf and 95 others, inhabitants of this Town, was presented by Mr. Morris, and the same was received and read, setting forth—

That the road from River Head towards Waterford Bridge, Block-maker's Hall, &c., being a general line of road, has great communication between the Town of St. John's, Petty Harbor, and Bay Bulls. That some parts are almost impassable, and the *Bridge particularly* is unsafe for any passenger to pass. They therefore pray that the House will take the matter into their consideration when granting supplies for the repairs of roads and bridges.

On motion of Mr. Morris, seconded by Mr. Brown,

Referred to Committee on Roads and Bridges.

Ordered,—That the said petition be referred to the committee on roads and bridges.

Bill for regulation of prisons read 2d time.

Pursuant to order, a Bill for effecting greater uniformity of practice in the government of the several prisons in Newfoundland, and for appointing inspectors of prisons throughout the Colony, was read a second time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed to a committee of the whole House

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the said bill.

To-morrow.

Agreeably to the order of the day the House resolved itself into a committee of the whole House, on the consideration of the bill to regulate the term and sessions of the Supreme and Circuit Courts of this Colony.

House in committee on bill to regulate term & sessions of Courts.

Mr. Speaker left the chair.

Mr. Morris took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said bill and had made some amendments to the same, which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill as amended be engrossed.

Bill engrossed.

A Petition of William Hart Gaden, John Dunscomb, and 71 others, inhabitants of this Town, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of W. H. Gaden presented and read.

That petitioners have seen the great expenditure of money on the improvements of the streets in various parts of St. John's to the total neglect of those in the neighbourhood of Maggotty Cove—that the main street of Maggotty Cove continues exceedingly in want of repair, and in many places in a state dangerous to passengers.—They therefore pray the House will adopt proper means to render the streets in that neighbourhood safe, useful, and convenient to the public.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

Referred to committee on roads and bridges.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to regulate the making and repairing of roads and highways in this Island, and the same was received and read a first time.

Bill to regulate making and repairing roads and highways, read 1st time.

Ordered,—That the said bill be read a second time on Monday next.

To be read 2d time on Monday.

Mr. Kent gave notice that he should, to-morrow, move that an address be presented to his Excellency the Governor, praying that his Excellency would be pleased to cause to be laid before this House the following returns.

Notice for Address to his Excellency.

A consolidated account of the goods imported in the year ending 5th January, 1837, shewing the aggregate quantities and values of the various articles, with the amount of duty collected thereon under acts of the Colonial Legislature.

Notice of motion for address, &c.

An account of vessels entered inwards and cleared outwards in the year ending 5th January, 1837:

An account of the staple articles, the produce of this Island, exported in the year ending 5th January, 1837.

An account of the number of pounds of Tea imported into this Island, in the year ending 5th January, 1837, with the amount of duty received on the same.

A statement shewing the amount of revenue collected under acts of the Imperial Parliament, in the year ended 5th January, 1837.

Of sums paid into the hands of the Colonial Treasurer on account of duties collected under acts of the Imperial Parliament in the year ended 5th January, 1837.

And further, the quarter ended 5th April, 1837, of sums paid into the hands of the Colonial Treasurer on account of Colonial duties for said period.

A return of the amount of the revenue for the quarter ending 5th July, 1837.

A detailed statement of the appropriation of the sum of £800 voted for defraying expense of collection of Colonial revenue.

A detailed statement of the expenditure of the following sums voted by the act 6, W. 4, cap. 16.

Civil and Judicial Printing.....	£300 0 0
Civil and Criminal Prosecutions.....	600 0 0
Expences of Gaols.....	700 0 0
Fuel and Light.....	200 0 0
Coroners	120 0 0
Ordinary expense of Court House and Gaols	100 0 0
Postages and other Incidentals.....	100 0 0
Relief of the Poor of the Island.....	600 0 0
Conveyance of Judges	400 0 0
Unforseen Contingencies	500 0 0

Then the House adjourned until Wednesday next, at twelve of the clock.

Wednesday, August 2, 1837.

Report of Chairman of Deputation appointed to wait on His Excellency the Governor with Address respecting election writs.

MR. NUGENT, as chairman of the deputation appointed to wait on his Excellency the Governor with the address of the House on the subject of the Election writs, 1832, 1834, and 1836, reported that they had waited on his Excellency with the address, and that his Excellency was pleased to read the following reply:—

H. PRESCOTT.

GENTLEMEN—

The writs mentioned in this address are in their proper place of deposit—the office of the Colonial Secretary—from whence I do not think it right to remove original documents. But should the House of Assembly apply for copies of the writs in question they shall be prepared, or should any Members of the House desire to inspect them personally, in the office, every facility shall be given for that purpose.

*Government House,
2d August, 1837.*

Mr. Nugent, pursuant to notice and leave granted, presented a bill to regulate the returns and details of the various offices and departments in this Colony, and the same was received and read a first time.

His Excellency's reply to Deputation.

Bill to regulate returns and details, &c., read 1st time.

Ordered,—That the said bill be read a second time on Friday next.

To be read 2d time on Friday.

On motion of Mr. Nugent, seconded by Mr. Brown,

Ordered,—That the said bill be printed for the use of the Members.

Printed.

Agreeably to the order of the day, an engrossed Bill to regulate the term and sessions of the Supreme and Circuit Courts of this Island, was read a third time.

Bill to regulate term & session of Courts, read 3d time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Resolved,—That the said Bill do pass, and that the title be, “An act to regulate the term and session of the Supreme and Circuit Courts of this Island.”

Passed.

Title.

Ordered,—That the Solicitor General and Mr. Brown do carry the Bill up to his Majesty's Council and desire their concurrence.

Sent to Council.

The order of the day for the third reading of the Bill to authorize summary proceedings in the Circuit Courts of this Colony, being read,

Order of the day read.

Mr. Brown moved, seconded by Mr. Godfrey,

That the said Bill be printed, and thereupon

Motion for printing bill.

Mr. Nugent moved, seconded by Mr. Doyle, in amendment—

That the bill be read a third time,—which being put, and the House dividing thereon, there appeared, for the amendment, five; against it, four.

Amendment thereto.

For the amendment—

Against the amendment—

Mr. Nugent
— Doyle
— Winsor
— Dwyer
— Power.

Mr. Brown
— Godfrey
— Butler
— Moore.

So it passed in the affirmative.

Amendment carried.

Ordered,—That the said Bill be read a third time.

Bill read 3d time.

Mr. Brown moved, seconded by Mr. Godfrey,

Motion for re-committal.

That the said Bill be re-committed on Saturday next.

Amendment thereto.

Mr. Nugent moved, seconded by Mr. Doyle, in amendment—

That the said Bill do now pass,—which being put, and the House dividing thereon, there appeared, for the amendment, four; against it, five.

For the Amendment—

Against the Amendment—

Mr. Nugent

Mr. Brown

— Doyle

— Godfrey

— Winser

— Power

— Dwyer.

— Moore

— Butler.

Amendment negatived

So it passed in the negative.

The question on the original motion was then put, when the House divided thereon, and the names were taken down as follows.—

For the Motion—

Against the Motion—

Mr. Brown

Mr. Nugent

— Godfrey

— Doyle

— Butler

— Winser

— Power

— Dwyer.

— Moore.

Motion Carried.

So it passed in the affirmative.

Bill to be recommitted on Saturday.

Ordered,—That the said Bill be re-committed on Saturday next.

Moved by Mr. Nugent, seconded by Mr. Winser,

Resolution for committee to inspect writs of election.

Resolved,—That a committee of five be appointed to inspect the Election Writs, issued in the year 1832, 1834, and 1836, and now deposited in the office of the Colonial Secretary, and to report to this House upon the same.

Committee.

Ordered,—That Mr. Nugent, Mr. Winser, Mr. Dwyer, Mr. Kent, and Mr. Brown, do form such committee.

On motion of Mr. Moore, seconded by Mr. Brown,

Resolution for committee to prepare bill to regulate culling of fish and guaging of oil.

Resolved,—That a committee of five be appointed to prepare a Bill to regulate the culling of Fish and guaging of Oil in this Colony, and to guard against imposition respecting the same.

Committee.

Ordered,—That Mr. Moore, Mr. Butler, Mr. Brown, Mr. Winser, and Mr. Morris, do form such committee.

House in committee on bill for effecting greater uniformity of practice in government of prisons, &c. &c.

Agreeably to the order of the day the House resolved itself into a committee of the whole House, on the consideration of the bill for effecting greater uniformity of practice in the government of the several prisons in Newfoundland, and for appointing inspectors of prisons throughout the Colony.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said bill and had made some amendments to the same, which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill as amended be engrossed:

Bill engrossed.

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

3d reading.

A Message from His Excellency the Governor.

The Hon. Mr. Secretary Crowdy acquainted the House that he had a message from His Excellency the Governor, signed by His Excellency, and he presented the same to the House; and the said message was read, and is as follows:—

Message from Governor.

MESSAGE.

“H. PRESCOTT.”

The Governor recommends to the favourable consideration of the House of Assembly the accompanying Petition of the Police Constables of St. John's.

It is accompanied by an explanatory letter from the Colonial Secretary.
Government House,
2d August, 1837.

The Petition and explanatory Letter accompanying the said message were read by the Clerk, setting forth—That in the last year, the sum of Two hundred and Seventy Pounds was voted by the Legislature for the salary of your Petitioners.

Petition and explanatory letter &c. read.

That in the estimate lately sent down to the Legislature for the salaries for the quarter ending the 30th June last, the sum of Forty-five pounds only was put down for petitioners, instead of Sixty-seven Pounds Ten Shillings, which would be at the rate of the vote of the last year; and therefore respectfully pray your Excellency to bring the matter under the consideration of the Legislature.

The Hon. Mr. Secretary Crowdy also presented the following documents, viz. :—

Documents presented by Mr. Crowdy.

Presentment of the Grand Jury of the Northern Circuit Court.—See *Appendix*.

An account of the Coroner for the district of Fogo.

Ordered,—That the said Message, and Petition accompanying it, and the said account of the Coroner for the district of Fogo, be referred to committee of supply; and the said presentment do lie on the table to be perused by the Members.

Message, Petition, and account of Coroner referred to committee of supply, and presentment of Grand Jury to lie on the table.

Mr. Winsor, as chairman of the deputation appointed to present to his Excellency the Governor the address of the House praying for certain returns, reported that they had waited on his Excellency with the address, and that his Excellency was pleased to make the following reply:—

Report of Chairman of Deputation appointed to present address to his Excellency,

“H. PRESCOTT.”

Governor's reply.

GENTLEMEN,—

The reports of the Road Commissioners have been laid regularly before the House of Assembly; they contain, and are accompanied by, de-

tail of expenditure for certain periods ; and whenever reports and accounts not yet rendered, or of monies not yet expended, are forwarded to the Colonial Secretary, they shall be transmitted to the House.

The Commissioners for the distribution of charity in kind and in specie, for the year 1834, were requested by my predecessor to undertake an office of considerable difficulty and trouble ; the appropriation Act of that year prescribed no form or regulation for accounts in this matter ; and as three sessions of the Legislature have since been held without allusion to that subject, I consider at this late period I cannot with propriety call for such particulars as are now requested.

The accounts of Commissioners for relief of the Poor, appointed for 1835 and 1836, under Acts of the General Assembly, are before the House.

The sum of £500 for preventing the spread of contagious diseases has been expended in gratuities to medical men for vaccinating generally, and in defraying the charges of various Boards of Health ; the items are, I presume, to be found in the Treasurer's accounts already in possession of the House.

Government House,
2d Aug. 1837.

Notice for Address his to
Excellency.

Mr. Dwyer gave notice that he should, to-morrow, move that an address be presented to his Excellency the Governor, praying that his Excellency would be pleased to appoint a person to take the Census and other Statistics of the district of Fogo and Twillingate, and cause it to be laid before this House.

Then the House adjourned until Friday next, at twelve of the clock.

Friday, August 4, 1837.

Petition of Elizabeth
Calver presented and
read.

A Petition of Elizabeth Calver, of this town, was presented by Mr. Morris, and the same was received and read, setting forth—

That petitioner having been deprived of two Gardens and part of a third, which she held under lease from Keen's Estate, a few years since, by the operation of the Imperial street act, for which she neither did or could obtain any remuneration. That petitioner was at an early period this season alarmed by the reports of the intention of the Commissioners appointed under the Statute Labour Act, to deprive her and her under tenants of a large space of ground, to form a road 60 feet in width in the centre of the premises she held, including part of a dwelling house which was subsequently laid open. Petitioner therefore respectfully entreats that the House will take her case into mature consideration, and suggest such means as will enable her to obtain redress.

Ordered,—That the said petition do lie on the table.

A petition of John Walsh, M. D., of Carbonear, in Conception Bay, was presented by Mr. Power, (which he stated in his place was with the consent of his Excellency the Governor) and the same was received and read, setting forth—

Petition of John Walsh, M. D., presented and read.

That petitioner during the contagious disease, the Small Pox, in 1835, in that District vaccinated 1500 persons, and was appointed by the Board of Health sole Medical Superintendant of the said town.—That the sum received being inadequate to the arduous duties he had to perform, petitioner humbly prays that the House will take his case into consideration and award him a just compensation for his services.

On motion of Mr. Power seconded by Mr. Brown,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to committee of Supply.

A Petition of James Bayly, and 115 others, members of the Protestant Episcopal Church of Harbor Grace, was presented by Mr. Brown, and the same was received and read, setting forth—

Petition of James Bayly and others, presented & read.

That the New Stone Church at Harbor Grace has recently been completely finished, at an expense of upwards of £1800; and the same having been made a free Church, it has become necessary that some law should be enacted for its government, and praying the House to pass a bill to that effect.

Ordered,—That the said petition do lie on the table.

To lie on the table.

Agreeably to the order of the day, an engrossed Bill for effecting greater uniformity of practice in the government of the several prisons in Newfoundland, and for appointing Inspectors throughout the Colony, was read a third time.

Bill for effecting greater uniformity of practice in government of prisons, &c. read 3d time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the said Bill do pass, and that the title be, "An act for effecting greater uniformity of practice in the government of the several prisons in Newfoundland and its dependencies, and for appointing inspectors of prisons throughout the Colony."

Passed.

Title.

Ordered,—That Mr. Nugent and Mr. Morris do carry the Bill up to his Majesty's Council and desire their concurrence.

Sent to Council.

On motion of Mr. Morris, seconded by Mr. Godfrey,

Ordered,—That the order of the day for the second reading of the bill to enable the Managers and Directors of the British North American Bank to sue and be sued, be postponed until Saturday the 19th instant.

Order of day postponed.

Pursuant to order a Bill to regulate the returns and details of the various offices and departments in this Colony, was read a second time.

Bill to regulate returns and details, &c., read 2d time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed to a committee of the whole House

Resolved,—That this House will, on Tuesday next, resolve itself into a committee of the whole House on the said bill.

on Tuesday.

Bill to extend Criminal Law of England to this Colony, read 2d time.

Pursuant to order, a bill to extend to this Colony the Criminal Law of England, under certain modifications, was read a second time.

On motion of Mr. Morris, seconded by Mr. Nugent,

Committed for

Ordered,—That the said Bill be committed to a committee of the whole House.

7th instant.

Resolved,—That this House will, on Monday the 7th instant, resolve itself into a committee of the whole House on the said Bill.

Address to his Excellency for certain returns, presented and read.

Mr. Kent, pursuant to notice, presented to the House an address to his Excellency the Governor, praying that his Excellency would cause to be laid before the House certain returns, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again 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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The Commons House of Assembly respectfully request that your Excellency will be pleased to direct that the following documents and papers be laid before them for their information.

A consolidated account of the goods imported in the year ending 5th January, 1837, shewing the aggregate quantities and values of the various articles, with the amount of duty collected thereon, under acts of the Colonial Legislature.

An account of vessels entered inwards and cleared outwards in the year ending 5th January, 1837.

An account of the staple articles, the produce of this Island, exported in the year ending 5th January, 1837.

An account of the number of pounds of Tea imported into this Island in the year ending 5th January, 1837, with the amount of duty received on the same.

Statement showing the amount of revenue collected under acts of the Imperial Parliament in the year ended 5th January, 1837.

Of sums paid into the hands of the Colonial Treasurer on account of duties collected under acts of the Imperial Parliament in the year ended 5th January, 1837, and for the quarter ending 5th April, 1837.

Of sums paid into the hands of the Colonial Treasurer on account of Colonial Duties, for said period.

A return of the amount of revenue for the quarter ending 5th July, 1837.

A detailed statement of the appropriation of the sum of £1800 voted for defraying expense of collection of Colonial revenue.

A detailed statement of the expenditure of the following sums, voted by act 6, W. 4, cap. 16.—

Civil and Judicial Printing.....	£300	0	0
Civil and Criminal Prosecutions.....	600	0	0

Expense of Gaols.....	700	0	0
Coroners :.....	120	0	0
Fuel and Light.....	200	0	0
Ordinary expense of Court House & Gaols	100	0	0
Relief of the Poor of this Island.....	600	0	0
Conveyance of Judges.....	460	0	0
Unforeseen Contingencies.....	500	0	0

Resolved,—That the said address be adopted and engrossed.

Address adopted.

Ordered,—That Mr. Kent and Mr. Godfrey be a committee to present the said address.

Committee to present it.

Mr. Dwyer moved, pursuant to notice, seconded by Mr. Morris,

Resolved,—That an address be presented to his Excellency the Governor, praying that his Excellency would be pleased to make arrangements to cause to be laid before this House, with all convenient speed, a correct census of the population of the district of Fogo, and other statistical information and returns, agreeably to the act 4th Wm. 4th.

Resolution for address to his Excellency,

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, August 5, 1837.

MR. SPEAKER laid before the House a Letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, a "Return of all monies received by the Magistrates of Harbor Grace, for ballast taken from the first day of January, 1833, to first July, 1837—with its appropriation"—in compliance with the address of the House of the 25th ult.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting "Return, &c.

The said return was read by the Clerk.—See *Appendix*.

Ordered,—That the said return do lie on the table.

To lie on the table.

Pursuant to the order of the day, a bill to amend the Law relating to insolvent debtors, was read a second time.

Bill to amend law relating to insolvent debtors, read 2d times

On motion of Mr. Solicitor General, seconded by Mr. Kent,

Ordered,—That the said Bill be committed to a committee of the whole House.

Committed for

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the said bill.

Monday.

The Solicitor General, pursuant to notice and leave granted, presented a bill to establish a Classical Academy in this Colony; and the same was received and read a first time.

Bill to establish a Classical Academy, read 1st time.

Ordered,—That the said bill be read a second time on Monday next.

2d reading.

On motion of Mr. Kent, seconded by Mr. Solicitor General,
Ordered,—That the said Bill be printed for the use of Members.

Printed.

Notice of motion for address to his Excellency for copies of certain despatches and letters, &c.

Mr. Morris gave notice that, on Monday next, he should move that an address be presented to his Excellency the Governor for copies of all despatches and letters from His Majesty's Secretary of State for the Colonies to his Excellency, in reply, or in any way relating to any petition or petitions from this Colony respecting the administration of Justice.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the following address be presented to his Excellency the Governor :

Address to his Excellency praying for certain returns, documents, &c.

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

May it please your Excellency—

The House of Assembly beg respectfully to request your Excellency will be pleased to lay before this House the following documents :—

A copy of his Majesty's instructions on the occasion of your Excellency's accession to the Local Government of this Colony, together with all subsequent instructions on the subject of the General Government.

A copy of despatch or despatches from the Home Government ordering the release of the State Prisoners, Wm. Harding, Roger Thomey, and Wm. Saunders, and on the subject of the remission of the fines to persons convicted under indictments preferred by the Grand Jury of the last December Term of the Supreme Court, for Election offences.

A copy of the criminal Calendar of the Northern district for the last ten years, specifying the names and offences, the persons tried, the persons' bill of indictment, against whom were ignored, the persons acquitted and the persons convicted, and the sentence.

A similar return for the ten years preceding.

A similar return from the Southern district for the last ten years,—a similar return for the ten years preceding,—and copy of all the rules and regulations formed by the Law Society under the Act 4 Wm. 4, sess. 2, cap. 23.

Committee to present it.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to present the said address.

The order of the day that the bill to authorise summary proceedings in the Circuit Courts of this Colony be re-committed, being read, and a motion being made that the said bill be now re-committed—

Amendment moved.

Mr. Nugent moved, in amendment, seconded by Mr. Kent,

That the said order of the day be discharged, and that the said Bill do now pass,—which being put, and the House dividing thereon, there appeared, for the amendment, seven ; against it, six.

For the Amendment—

Against the Amendment—

Mr. Nugent
— Doyle
— Winser
— Dwyer
— Power
— Kent
— Morris.

Mr. Brown
— Godfrey
— Moore
— Butler
— Solicitor General
— M'Carthy.

So it passed in the affirmative.

Amendment carried.

Mr. Nugent moved, seconded by Mr. Kent,

Resolved,—That the said bill do pass, and that the title be “An act to authorise summary proceedings in the Circuit Courts of this Colony.”

Passed.

Title.

Ordered,—That Mr. Nugent and Mr. Kent do carry the bill up to His Majesty's Council and desire their concurrence.

Sent to Council.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, August 7, 1837.

MR. MORRIS, as chairman of the deputation appointed on the 31st ult. to wait on his Excellency the Governor with an address, praying that his Excellency would cause to be laid before this House certain returns, reported that they had waited on his Excellency accordingly, and that his Excellency was pleased to make the following reply:—

Report of Chairman of Deputation appointed to wait on his Excellency with address praying for certain Returns.

“H. PRESCOTT.”

His Excellency's reply.

GENTLEMEN,—

I will direct the Sheriff to supply, as far as may be practicable, the returns mentioned in the two first paragraphs of this address, for the period during which he has filled that office.

I have no right to enquire into arrangements existing between him and such subordinates as he may employ in the execution of his duties, he alone being responsible for their due performance.

The accounts from the Clerks of the Peace shall be ordered—as also from the Clerks of the Supreme and Circuit Courts.

I will desire the Treasurer to supply copies of the Coroners' accounts, they being in his possession as vouchers.

Government House,
7th Aug. 1837.

Pursuant to order, the House resolved itself into a committee of the whole House on the consideration of the bill to extend the Criminal Law of England to this Colony, under certain modifications.

House in Committee on Bill to extend Criminal law of England to this Colony, &c.

Mr. Speaker left the chair.

Mr. Power took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee, that they had gone through the said bill and had made some amendments to the same, which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered,—That the said bill as amended be engrossed.

3d reading.

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

Notice of Bill to provide for Stipendiary Magistrates in the outports, &c.

Mr. Winsor gave notice that he should, on Wednesday next, ask leave to bring in a bill to provide for stipendiary Magistrates in the outports, and for the better and more effectual administration of Justice in the Court of Sessions.

Report of Chairman of Deputation appointed to wait on his Excellency with an address for certain correspondence.

Mr. Godfrey, as chairman of the deputation appointed on the 28th ult. to wait on his Excellency the Governor with an address, praying that his Excellency would cause to be laid before this House, copy of certain correspondence, reported that they had waited on his Excellency accordingly, and that his Excellency was pleased to reply as follows :

His Excellency's reply.

“H. PRESCOTT.”

GENTLEMEN—

It is true that some differences have occurred lately between the two Magistrates named in this address, and correspondence has in consequence been held with the Executive ; but I do not think that it would be expedient to make it public, and I must consequently decline compliance with the request of the House of Assembly for its production.

Government House,

7th Aug. 8, 1837,

Mr. Morris moved, pursuant to notice, seconded by Mr. Winsor,

Resolution for deputation to wait on his Excellency with address for copies of despatches and Letters &c.

Resolved,—That a deputation be appointed to wait upon his Excellency the Governor with an address, praying that his Excellency would be pleased to cause to be laid before this House copies of all despatches and letters from his Majesty's Secretary of State for the Colonies, to his Excellency the Governor, in reply or in any way relating to any petition or petitions from this Colony, respecting the administration of Justice.

Deputation appointed.

Ordered,—That Mr. Morris and Mr. Winsor do form such deputation.

Bill for regulation of Merchant Seamen &c. read 2d. time.

Agreeably to the order of the day, a bill for the regulation of Merchant Seamen engaged in vessels of this Colony, was read a second time.

On motion of Mr. Solicitor General, seconded by Mr. Power,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed on

Resolved,—That this House will, on Monday the 14th inst., resolve itself into committee of the whole House on the said bill.

Monday, 14th inst.

On motion of Mr. Solicitor General, seconded by Mr. Brown,

Ordered,—That the said Bill be printed for the use of Members.

Printed.

On motion of Mr. Nugent, seconded by Mr. Brown,

Ordered,—That the order of the day for the second reading of the bill to regulate the making and repairing of roads and highways in this Island, be postponed until Friday next.

Order of day postponed.

A petition of Matthew Stevenson, of Harbor Grace, in this Island was presented by Mr. Brown, (who stated in his place that it had the consent of his Excellency the Governor) and the said petition was received and read, setting forth—

Petition of Matthew Stevenson presented and read.

That petitioner received by a vote from the House of Assembly in 1836, the sum of £40, and praying that the House would grant the above pecuniary aid, it being the only means petitioner has of supporting his family.

On motion of Mr. Brown, seconded by Mr. Morris,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to Committee of Supply,

A petition of George Hipposly, assayer of Weights and Measures for the District of Harbor Grace, was also presented by Mr. Brown, and the same was received and read, setting forth—

Petition of George Hipposly presented and read.

That petitioner has continued to fulfil the duties of assayer of Weights and Measures. That the amount of fees received is by no means adequate for the time and trouble attending such duties. Petitioner therefore prays that the House will take his case into consideration, and award him such remuneration as the House shall think fit.

On motion of Mr. Brown, seconded by Mr. Morris,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to Committee of Supply.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, August 8, 1837.

MR. Dwyer, as Chairman of the Deputation appointed to wait on his Excellency the Governor with an address, praying that his Excellency would cause to be laid before this House correct copies of the Census of the population of the district of Fogo,

Report of Chairman of deputation appointed to wait on his Excellency with address, &c.

reported that they had waited on his Excellency with the said address, and that his Excellency was pleased to reply as follows:

“H. PRESCOTT.”

His Excellency's reply.

GENTLEMEN—

A gentleman of high character, and in every way competent to the discharge of the duty, was appointed for the District of Twillingate and Fogo, in May, 1836, to take the census and to make statistical returns according to the Act 6, W. 4, cap. 4.

I have been much surprised at the delay which has occurred, and which he has been called upon to explain.

Whenever I receive the returns in question they shall be laid before the House.

Government House,
8th Aug. 1837.

Report of Chairman of deputation appointed to wait on his Excellency with address praying for certain returns.

Mr. Kent, as chairman of the deputation appointed to wait on his Excellency the Governor with an address, praying that his Excellency would cause to be laid before this House certain returns, reported that they had waited on his Excellency with the said address, and that his Excellency was pleased to make the following reply :

“H. PRESCOTT.”

GENTLEMEN,—

His Excellency's reply.

I will call upon the Collector of the Customs for the returns connected with the Revenue, as requested by the House of Assembly.

The accounts of the Commissioners for the relief of the Poor, are already before the House.

I will direct the Colonial Treasurer to supply copies of the other items of expenditure mentioned in this address, from the vouchers in his possession, or to attend with the originals at the pleasure of the House.

Government House,
8th Aug., 1837.

Academy Bill read 2d. time.

Pursuant to order, a bill to establish a Classical Academy in this Colony was read a second time.

On motion of Mr. Solicitor General, seconded by Mr. Nugent,

To be committed on

Ordered,—That the said Bill be committed to a committee of the whole House.

Thursday.

Resolved,—That this House will, on Thursday next, resolve itself into a committee of the whole House on the said Bill.

House in Committee on bill to regulate returns & details of offices, &c.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the bill to regulate the returns and details of the various offices and departments in this Colony.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of committee.

Mr. Speaker resumed the chair.

Mr. Godfrey reported from the committee, that they had gone through the said bill and had made several amendments to the same, which they had directed him to report to the House ; and he delivered the bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill as amended be engrossed, and read a third time to-morrow.

Bill engrossed.

3d reading.

The order of the day for the third reading of the Bill to extend the Criminal Law of England to this Colony being read,

Order of the day read.

Mr. Morris moved, seconded by Mr. Nugent,

Resolved,—That the said bill be now re-committed to a Committee of the whole House.

House in Committee on Bill to extend Criminal law of England to this Colony, &c.

Mr. Speaker left the chair.

Mr. Power took the chair of the Committee.

Mr Speaker resumed the chair.

The Chairman reported from the Committee that they had re-considered the said Bill, and had made two amendments therein, which they had directed him to report to the House ; and he delivered the Bill with the amendments in at the Clerk's Table.

Report.

And the said amendments having been read a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

The said Bill, as amended, was then read a third time.

Bill read 3d time.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said Bill do pass, and that the title be " An Act to extend the Criminal Law of England to this Colony under certain modifications."

Passed.

Title.

Ordered,—That Mr. Morris and Mr. Nugent do carry the Bill up to the Honorable Legislative Council and desire their concurrence.

Sent to Council.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the bill to amend the law relating to Insolvent debtors.

House in committee on Bill to amend law relating to insolvent debtors.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

Mr. M'Carthy reported from the committee that they had gone through the said bill and had made several amendments therein, which they had directed him to report to the House: and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read a first and second time, were, upon the question put thereon, agreed to by the House:

Bill engrossed.

Ordered,—That the said bill, as amended, be engrossed, and read a third time to-morrow.

3d reading.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, August 9, 1837.

Petition of T. Murray and others, presented & read.

A Petition of Thomas Murray, John Culleton and others, Mechanics of this Town, was presented by Mr. Kent, and the same was received and read, setting forth

The great hardship to which they are frequently subjected by their journeymen and apprentices, for want of any Law by which to bind them to the agreements they enter into with their Employers, and praying the House to adopt measures with a view to the remedy of the evil complained of.

On motion of Mr. Kent, seconded by the Solicitor General,

To lie on the table.

Ordered,—That the said petition do lie upon the table.

Petition of T. Williams presented and read.

A petition of Thomas Williams, of this Town, was, with the consent of his Excellency the Governor, presented by Mr. Kent, and the same was received and read, setting forth—

That petitioner received the appointment of assayer of Weights and Measures,—that the fees of his office are scarcely sufficient to cover his expenses, and are inadequate to the onerous duty he has to perform in all the shops, stores, wharves, &c., to examine weights and measures. Petitioner therefore prays that the House will take his case into consideration, and order that a yearly salary may be awarded to him.

On motion of Mr. Kent, seconded by Mr. Doyle,

Referred to committee of Supply.

Ordered,—That the said petition be referred to the committee of Supply.

Petition of Thos. Ryan and others presented and read.

A petition of Thomas Ryan, William Lewis and others, Pilots, residing in this town, was presented by Mr. Morris, and the same was received and read, setting forth—

That the rules and regulations passed respecting the pilotage of vessels coming into this port, require amendments; and praying the House to take their case into consideration, and make such amendments in the act by which they are regulated, as to the House shall seem meet.

On motion of Mr. Morris, seconded by Mr. Kent,

To lie on the table.

Ordered,—That the said petition do lie on the table.

Mr. Morris gave notice that, on an early day, he should bring in a bill to amend the act 3d William 4, cap. 7, entitled "An act for the regulation of Pilots in this colony."

Notice of Bill to amend the act for the regulation of Pilots, &c.

Pursuant to the order of the day, an engrossed Bill to regulate the returns and details of the various Offices and Departments in this Colony, was read a third time.

Bill to regulate returns and details, &c., read 3d time.

Mr. Nugent moved, seconded by Mr. Doyle,

Resolved,—That the said Bill do pass, and that the title be, "An act to regulate the returns and details of the various Offices and Departments in this Colony."

Passed.

Title.

Ordered,—That Mr. Nugent and Mr. Doyle do carry the Bill up to his Majesty's Council and desire their concurrence.

Sent to Council.

Pursuant to the order of the day, an engrossed bill to amend the law relating to Insolvent Debtors, was read a third time.

Bill to amend law relating to insolvent debtors, read 3d time.

On motion of the Solicitor General, seconded by Mr. Kent,

Resolved,—That the said bill do pass, and that the title be "An act to amend the law relating to insolvent debtors."

Passed.

Title.

Ordered,—That the Solicitor General and Mr. Kent do carry the bill up to His Majesty's Council and desire their concurrence.

Sent to Council.

Mr. Winser, pursuant to notice and leave granted, presented a bill for the more effectual administration of justice in the Court of Sessions in the out ports, and the same was received and read a first time.

Bill to provide for the more effectual administration of Justice in Court of Sessions in out ports, read 1st time.

Ordered,—That the said Bill be read a second time on Monday next.

To be read 2d time on Monday.

On motion of Mr. Winser, seconded by Mr. Morris,

Ordered,—That the said Bill be printed for the use of the Members.

Printed.

Mr. Nugent, as chairman of the committee appointed to inspect the Election Writs, reported as follows :

Report of Chairman of committee appointed to inspect election writs.

Your Committee beg leave to report that, in compliance with a resolution of the House, they have visited the Secretary's Office to inspect the writs issued in the years 1832, 1834 and 1836, for the election of Members to serve in the House of Assembly of Newfoundland.

Upon applying at the Secretary's Office, the writs issued at all the Elections in this Island previous to those of this year, were laid before your Committee, and upon examining those issued for the General Election of 1836, they find that to them the Great Seal had never been attached; and they beg to report, in a similar way, of the two writs issued in 1833, for members to serve as the Representatives for the District of St. John's and Trinity.

With regard to the Writs issued for the Election of 1832, his Excellency advised His Majesty, by despatch dated the 11th Nov., 1836, that they were issued without the Great Seal, and which despatch his Excellency communicated to the House of Assembly subsequently to the opening of the present session of the Legislature, without any remark or explanation; and in reply to an address of this House immediately

Report of Chairman of
Deputation, &c.

after, said, "I have now reason to think that the information upon which I made that statement was at least doubtful, if not positively incorrect," and to explain which, subsequently, his Excellency was pleased to transmit to the House a Letter from the Secretary explaining that they were originally prepared with the Great Seal attached to them, but that subsequently it became a matter of doubt whether this was necessary, and the Governor having satisfied himself that it was not, the Seals were detached.

With regard to these Writs, your Committee have examined them with exceeding care and attention, and have been much surprised to find that, in place of having the seals detached in an ordinary way, the writs appear mutilated by having the superior angle of the margin on the left hand cut off; yet so small does the section removed from the writs for St. John's, Trinity, Fortune Bay, Burin, Bonavista, Ferryland and Fogo, appear to have been, that they consider it extremely unlikely that the great seal could ever have been attached to them, while the appearance of that for Placentia and St. Mary's, having the return of the Returning Officer attached where the Great Seal should have been, proves to your Committee that the Great Seal was not attached to that document on the occasion of its issue.

When, therefore, your committee consider the explanation given by the Colonial Secretary, that in November last his impression was, that they were removed *previously to their issue*, and that this impression was confirmed by the gentleman in his office who actually removed them, they entertain a full conviction that at least *on the issue* of the writs there were no seals attached, and this conviction is greatly enhanced by the circumstance that they regard it as exceedingly unaccountable that the Seals once appended to the writs, there would arise any doubt on the mind of *Sir Thomas Cochrane* of the propriety of permitting them to remain.

Your committee have also examined the primitive draft, by his Majesty's Attorney General, of the copy of the writs issued in 1832, and upon which there is no notification of the necessity of a seal made; and, therefore, taking the entire of the premises into their deepest consideration—the primitive draft copy deliberately prepared without the least advertence to the seal—his Excellency the Governor having been officially advised that they were issued without the Seal—the Secretary continuing of the same opinion—the gentleman who asserts he detached the seals being of the same opinion—in fact all the parties whose peculiar duty it was to have cognizance of the circumstance concurring in that opinion—the writs themselves appearing never to have had seals attached, one writ proving that the seal was not attached prior to the issue—they cannot but conclude that of these writs their only report can be that it is merely possible the seals had once been attached, but that it appears to them nearly to amount to an impossibility that they were detached subsequently to their issue.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said report be printed.

Printed.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a committee of five be appointed to examine whether the Great Seal had been attached to the writs issued for the election of Members to serve in the first House of Assembly previously to their issue in 1832, and into the cause of the mutilation of the same.

Resolution for committee to examine Election writs of 1832, &c.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Winser, Mr. Dwyer, and Mr. Power, do form such committee.

Committee.

A Message from His Excellency the Governor.

Message from His Excellency the Governor.

The Hon. Mr. Secretary Crowdy acquainted the House that he had a message from His Excellency the Governor, signed by His Excellency, and he presented the same to the House; and the said message was read, and is as follows:

MESSAGE.

“H. PRESCOTT.”

The Governor transmits to the House of Assembly two communications from the Sheriff to the Colonial Secretary—the one enclosing a letter from the Gaoler of St. John's, requiring the immediate attention of the House—the other transmitting a specification of work necessary to be done for more effectually securing the prison yard at Harbor Grace.

Government House,
9th Aug. 1837.

The documents accompanying the said Message were then read by the Clerk.—See *Appendix*.

Ordered,—That the said documents do lie on the table to be perused by the Members of this House.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, in compliance with the address of the House on the 4th instant,

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Accounts of sums paid to the Coroners of the Island, and the number of inquests held by each Coroner, for the years ending 1st July, 1835, 1836, and 1837.

Statement of emolument of the Clerk of the Peace of St. John's, for the year ending 1st July last.

The said documents and statements were read by the Clerk, and

Ordered,—That the said documents and statements do lie on the table to be perused by the Members.—See *Appendix*.

A Message from His Majesty's Council.

The Master-in-Chancery brought down from His Majesty's Council the following written message:

Message from His Majesty's Council.

Message, &c.

Mr. Speaker,

His Majesty's Council have passed the bill entitled "An act for granting to his Majesty certain monies for the service of the quarter ending the first of July, One thousand Eight hundred and Thirty-seven," without amendment.

H. J. BOULTON, P. C.

Council Chamber,
2d Aug. 1837.

And then the Messenger withdrew.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, August 10, 1837.

Report of Chairman of deputation appointed to wait on his Excellency with address, &c.

MR. NUGENT, as chairman of the deputation appointed on the 5th inst., to wait on his Excellency the Governor with an address of the House praying certain returns, reported that the deputation had presented the said address to his Excellency accordingly, and that his Excellency was pleased to read the following reply:—

His Excellency's reply.

"H. PRESCOTT."

GENTLEMEN,—

I have stated in answer to a former address, that I can have no hesitation in supplying a copy of my original instructions.—It is in course of preparation, and shall be sent down as soon as completed.

His Majesty was graciously pleased to remit the unexecuted part of the sentence passed upon Thomey, Harding, and Saunders, and they have been accordingly liberated.

I am authorized to take the case of Power and of Mackay into consideration—the result of my doing so will be made known to them in due season.

This is the substance of the communication of which a copy is now requested; but I have no direction to make the despatch public, and I consider it inexpedient so to do.

I will direct the Clerks of the Northern and Southern Circuit Courts to make returns, in accordance with the terms of this address, for the period during which those Courts have existed.

I have no control over the Law Society, and consequently cannot demand a copy of its Rules and Regulations.

Government House,
10th Aug., 1837.

Mr. Morris, as chairman of the deputation appointed on the 7th inst. to wait upon his Excellency the Governor with an address of the House, praying that his Excellency would cause to be laid before the House certain returns, reported that the deputation had presented the said address to his Excellency accordingly, who was pleased to reply as follows:—

Report of Chairman of Deputation appointed to wait on his Excellency with address praying for certain Returns.

“H. PRESCOTT.”

His Excellency's reply.

GENTLEMEN—

I have always communicated to petitioners such answers as I have been directed by superior authority to make on subjects connected with the administration of justice—but I do not consider it expedient to publish the despatches of the principal Secretary of State relative to this matter, and therefore cannot comply with the terms of the present address.

Government House,
10th Aug., 1837,

A petition of James Sharp, Benjamin Rowe, and others, the Police Constables of Conception Bay, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor, being acquainted with the subject matter of said petition, consents that the House may proceed thereon as they may think fit) and the said petition was received and read, setting forth—

Petition of Jas. Sharp and others, presented & read.

The laborious duties they have to perform in the execution of their duties as constables in the District of Conception Bay, and praying for additional Salary.

On motion of Mr. Brown, seconded by Mr. Morris,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to committee of Supply.

A petition of James Dawson, of Bay Roberts, Conception Bay, was presented by Mr. Godfrey, (who stated in his place that he had the consent of his Excellency the Governor to present the same) and the said petition was received and read, setting forth—

Petition of J. Dawson, and others presented and read.

That petitioner has acted as Constable in the District of Conception Bay since the year 1816, for which he has received no compensation, and praying for a yearly stipend.

On motion of Mr. Godfrey, seconded by Mr. Brown,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to Committee of Supply.

Mr. Nugent moved, seconded by Mr. Kent,

Resolved,—That the chairman of the agricultural committee be directed to order the attendance of James Byrne before that committee, on this day three weeks, to give evidence on the subject of the roads of this Country.

Resolution to order the attendance of J. Byrne before the agricultural committee.

Petition of P. Nowlan,
N. Hayes, and others,
presented and read.

A Petition of Pelagius Nowlan, Nicholas Hayes, and others, inhabitants of Great and Little Placentia, was presented by Mr. Nugent, and the same was received and read, setting forth—

That the sum of Two hundred pounds was voted by the late House of Assembly towards making a road between Great and Little Placentia, but that sum being inadequate to complete the same, prayed the House to grant a further sum for that purpose.

On motion of Mr. Nugent, seconded by Mr. Doyle,

Referred to Committee
of Supply.

Ordered,—That the said petition be referred to the committee of supply.

Order of the day read.

The order of the day for the House resolving itself into a committee of the whole House on the consideration of the bill to establish a Classical Academy in this colony, being read, and on motion being made that the said bill be now committed to a committee of the whole House,

Amendment moved.

Mr. Brown moved, in amendment, seconded by Mr. Winsor,

That the said bill be committed this day six months; which being put, and the House dividing thereon, there appeared for the amendment, three; against it, ten.

For the Amendment—

Mr. Brown
— Godfrey
— Winsor

Against the Amendment—

Mr. Nugent
— Doyle
— Moore
— Butler
— Dwyer
— Solicitor General
— Power
— M'Carthy
— Kent
— Morris.

Amendment negatived

So it passed in the negative.

Original motion put.

The question on the original motion was then put, when the House divided thereon, and the names were taken down as follows.—

For the Motion—

The Solicitor General
Mr. Nugent
— Doyle
— Power
— Moore
— Dwyer
— Butler
— Morris
— M'Carthy
— Kent.

Against the Motion—

Mr. Winsor
— Godfrey
— Brown.

Motion Carried.

So it passed in the affirmative, and

House in committee.

The House resolved itself into a committee of the whole House on the consideration of the said Bill.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Power reported from the committee, that they had gone through the said bill and had made several amendments to the same, which they had directed him to report to the House ; and he delivered the bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill as amended be engrossed, and read a third time to-morrow.

Bill engrossed.
3d reading.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, August 11, 1837.

MR. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy, transmitting by command of his Excellency the Governor, in compliance with the Address of this House of the 5th inst., the following returns :—

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

A consolidated account of the goods imported in the year ended the 5th January, 1837, shewing the aggregate quantities and values of the various articles, with the amounts of duty collected thereon.

Consolidated account Current of receipts and payments for the year ended the 5th January, 1837.

An account of Vessels entered inwards and cleared outwards in the year ending 5th January, 1837.

An account of the number of pounds of Tea imported in the year ended the 5th January, 1837.

Statement shewing the amount of Revenue collected under acts of the Imperial Parliament in the year ended 5th January, 1837.

Statement of sums paid into the hands of the Colonial Treasurer, on account of duties collected under Imperial and Colonial Acts, for the year ending the 5th January, 1837, and for the quarter ending the 5th April, 1837.

An account of the Staple Articles, the produce of this island, exported in the year ended 5th January, 1837.

A consolidated account of the goods imported in the quarter ended the 5th of July, 1837, shewing the aggregate quantities and values of the various articles, with the amounts of duty collected thereon.

A detailed statement of the appropriation of the sum of eight hundred pounds, voted for the defraying the expense of collecting Colonial Revenue.

Consolidated account current of receipts and payments for the quarter ended the 5th July, 1837.

[For these Documents, see Appendix.]

To lie on the table.

Ordered,—That the said documents do lie on the table to be perused by the Members.

On motion of the Solicitor-General.

Order of day postponed.

The order of the day, for the third reading of the Bill to establish an Academy or College in this colony, was postponed until Monday next.

Moved by Mr. Morris, seconded by Mr. Doyle,

Resolution that Mr. Nugent be directed to lay before the House copy of despatch in reply to petition of certain inhabitants.

Resolved,—That J. V. Nugent, Esq., one of the members of this House, be directed to lay before this House, a copy of the Despatch from the Secretary of State for the Colonies, transmitted to him by direction of his Excellency the Governor, in reply to the petition of certain Inhabitants.

Ordered,—Accordingly—and

Despatch presented and read.

Mr. Nugent delivered the said despatch in at the Clerk's Table, where it was read, and is as follows:—

(Copy.)
No 100

Downing-Street,
21st August, 1836.

SIR,—I have received, and have had the honor to lay at the foot of the Throne, the petition addressed to His Majesty by certain Inhabitants of Newfoundland, on the subject of the administration of Justice in that Colony. I have also to acknowledge your Despatch of the 2d ult., No 50, enclosing a copy of that petition and various communications to you connected with it.

After an attentive examination of the various allegations contained in this address, I find that the matters laid to the charge of the Chief Justice refer exclusively to acts said to have been done by him in his Judicial capacity; and although the petitions do not in form pray for a censure on Mr. Boulton, but for an enquiry into the administration of Justice, yet there is in fact no substantial distinction, inasmuch as the ground laid for enquiry, is not any alleged defect or error in the constitution of the Colonial Tribunals, but an alleged maladministration by the Chief Justice, of the powers vested in him by Law; but on behalf of His Majesty's Executive Government, I must at once disclaim any right to take cognizance of accusations of this nature. If the petitioners are desirous to impugn the conduct of the Chief Justice before the proper tribunal they must proceed by a petition to His Majesty in his Privy Council, which petition, if so preferred, would, by His Majesty in Council, be referred to the Judicial Committee of the Privy Council; it would be for that body in the exercise of the appellate jurisdiction and constitutional authority vested in them, to demand from Mr. Boulton, if they should think fit, an explanation of his conduct, and to advise His Majesty as to the course which it might be fit for His Majesty to pursue.

Under these circumstances, I have felt it to be my duty, without expressing any opinion on the merits of the question in debate, to advise His Ma-

Majesty to answer this address by stating that it should have been preferred not to the King's Executive Government, but to his Majesty in Council.

Despatch, &c.

I have, &c.

(Signed) GLENELG.

To Captain PRESCOTT, R. N.
C. B., &c. &c.

On motion of Mr. Morris, seconded by Mr. Doyle,

Ordered,—That the said despatch be printed for the use of Members.

Printed.

Then the House adjourned until to-morrow at twelve of the clock.

Saturday, August 12, 1837.

A Petition of Andrew Milroy, Manager in this Island, of the Bank of British North America, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of A. Milroy presented and read.

That the aforesaid Bank is a Company, which consists of several hundred Shareholders (who are principally merchants) resident in Great Britain and Ireland, in the British Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, and this Island, and who constitute a proprietary of undoubted wealth and credit.

That the individual partners of the said Company are jointly and severally liable for every act and obligation thereof, inasmuch as it does not possess the rights and privileges of a Corporation either by Charter or Act of Parliament.

That one of the most beneficial of the peculiar rights and privileges belonging to Bodies Corporate, (in so far as regards both the public and the proprietors) consists in the capacity which appertains to them, of asserting legal rights in the name of a certain Officer, as representative in Courts of Law of all the Partners, who, on the one hand, are all made subject through this medium, to the consequences of suits instituted against the Company, and who, on the other hand, are enabled by this instrumentality to sue in actions for recovery of debts due, or obligations undertaken to the Company. Whereas Bodies not corporate, to which class the said Bank belongs, are exposed to the great inconvenienc of being obliged to prosecute and defend suits in the names of every one of the existing Proprietors,—a course which must be attended with very great expense, which must operate as a hindrance to a cheap and rapid administration of Justice, and must be productive of serious inconvenience to the Bank and to the Public.

That your Petitioner—on behalf of the aforesaid Bank of British North America, is desirous to be provided with a Legislative remedy, to guard in case of need against such inconveniences, and to obtain the sanction of your Honourable House to an Act simply enabling the said Bank to sue and be sued, in the name of the Manager or one of the Local Directors

A Bill embodying the provisions requisite for this purpose has been printed and has been in possession of the House for some time past; which Bill your Petitioner has most respectfully to solicit that the Honourable House will after due enquiry, order to pass.

Ordered,—That the said petition do lie on the table.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said petition be printed for the use of the Members of the House.

On motion of Mr. Nugent, seconded by Mr. Dwyer,

Resolved,—That the following Address to His Excellency the Governor, be adopted:—

*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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The House of Assembly respectfully request your Excellency will please to order the following returns to be laid before the House, viz.—

A return of every communication between the Magistrates of St. John's or any of them, and the Executive, or any officer thereof, on the subject of Riot, or of any violence whatsoever, or of any threats or apprehensions of riot or violence or disorder, during or immediately preceding the General Election of 1836.

A return of all applications to the late Commandant on the subject of calling out the Military upon the same occasion, or by the Commandant to the Executive, and all correspondence with the Chief Justice and the Attorney General on the same subject.

A return of all orders communicated to the troops, and of the quantity of ammunition served out, and all orders communicated to Artillery Officers on the subject of bringing the Artillery to bear upon the hustings on the second day of the Election (Nov. 15).

A return of the names of the several Sergeants, Corporals, and Privates, or any of them, of the Royal Veteran Companies, ordered to mix with the Inhabitants of St. John's around the hustings, and in the streets, in coloured clothes, during and previous to the same Election, together with the name or names of the Officer or Officers under whose orders they acted; and a detailed statement of the instructions given upon the occasion.

A return of the original Bill of Indictment found in the case of the King against Robert Pack and others.

A copy or copies of any opinion or opinions given by His Majesty's Attorney General, on the subject of secret inquisitions by the Grand Jury, or on the subject of the legality of the issue of Writs of subpœna without having the names of the parties charged, and the cause of action embodied therein.

Printed.

Resolution for adopting
address to his Excellency.

Resolved,—That a committee be appointed to present the said address to his Excellency.

Ordered,—That Mr. Nugent and Mr. Doyle do form such committee.

Then the House adjourned until to-morrow, at twelve of the clock.

Committee to present it.

Monday, August 14, 1837.

PURSUANT to the order of the day, a bill for the more effectual administration of Justice in the Court of Sessions in the outports, was read a second time.

Bill to provide for the more effectual administration of Justice in Court of Sessions in outports, read 2d time.

On motion of Mr. Winsor, seconded by Mr. Nugent,

Oredred,—That the said bill be committed to a committee of the whole House.

To be committed to a committee of the whole House

Resolved,—That this House will, on Wednesday next, resolve itself into a committee of the whole House, on the consideration of the said Bill.

on Wednesday.

The order of the day for the third reading of an engrossed Bill to establish an Academy or College in this Colony, being read,

Order of the day for 3d reading of Academy Bill read.

The Solicitor General moved, seconded by Mr. Morris,

Motion for re-committal.

That the said Bill be re-committed to a committee of the whole House, —which being put, was agreed to.

Agreed to.

Resolved,—That the House do now resolve itself into a committee of the whole House upon the re-consideration of the said Bill.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Power reported from the committee, that they had gone through the said bill and had made two amendments to the same, which they had directed him to report to the House; and he delivered the bill with the amendments in at the Clerk's table.

Report.

The said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill as amended be engrossed, and read a third time to-morrow.

Bill engrossed. 3d reading.

Agreeably to the order of the day, a bill to regulate the making and repairing of roads and highways in this Island, and to repeal certain Acts of the General Assembly relating to highways, was read a second time.

Bill to regulate making and repairing roads and highways, read 2d time.

On motion of Mr. Nugent, seconded by Mr. Doyle,

To be committed on

Ordered,—That the said bill be committed to a Committee of the whole House.

Monday.

Resolved,—That this House will, on Monday next, resolve itself into a Committee of the whole House, on the consideration of the said Bill.

Petition of E. Purcel presented and read.

A petition of Edward Purcel, of this Town, planter, was presented to the House by Mr. Nugent, and the same was received and read, setting forth,—

That the Road Commissioners, under the Statute Labour Act, took down his fences, and appropriated full one half of his ground, on pretence of running thereon an unnecessary road, and praying the House for redress.

To lie on the table.

Ordered,—That the said petition do lie upon the table.

Moved by Mr. Kent, seconded by Mr. Nugent,

Resolution that the Colonial Treasurer be directed to lay before the House vouchers relating to items of expenditure.

Resolved,—That the Colonial Treasurer be ordered, on Wednesday next, to lay before this House for the inspection of the Members, the vouchers in his possession relating to the following items of expenditure, voted by Act 6, Wm, 4, Cap. 16, viz.

Civil and Judicial Printing.....	£300 0 0
Civil and Criminal prosecutions.....	600 0 0
Expenses of Gaols.....	700 0 0
Expenses of Coroners.....	120 0 0
Fuel and Light for Public Buildings.....	200 0 0
Ordinary repairs of Court Houses and Gaols	100 0 0
Postages.....	100 0 0
Conveying Judges.....	460 0 0
Casual and extraordinary Expenses.....	500 0 0

Then the House adjourned until to-morrow at twelve of the clock.

Wednesday, August 16, 1837.

Bill to establish a Classical Academy, read 2d time.

A GREEABLY to order, an engrossed Bill to establish an Academy or College in this Colony, was read a third time.

On motion of the Solicitor-General, seconded by Mr Kent,

Passed.

Resolved,—That the Bill do pass, and that the title be “an Act to establish an Academy or college in this Colony.

Title.

Sent to Council.

Ordered,—That the Solicitor General and Mr. Kent do carry the Bill up to His Majesty's Council and desire their concurrence.

Mr. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy, transmitting by command of his Excellency, returns from the Clerk of the Northern Circuit Court, and the Clerks of the peace of Harbor Grace, and Brigus, pursuant to the Address of the House on the 4th inst; also, reports of the Road Commissioners of Placentia, of the expenditure of sums voted in 1834 and 1836, and of £100 voted in 1835 towards opening a road from the head of Conception Bay to the head of Trinity Bay.

The said documents were read by the Clerk.—See *Appendix*.

Ordered,—That the said returns do lie upon the table, to be perused by the Members of the House.

A petition of Solomon Seymour, a prisoner in the Gaol at Harbor Grace, was presented by Mr. Brown, and the same was received and read, setting forth—

That petitioner was then a prisoner in Harbor Grace Gaol,—that he had been arrested, under a *capias*, during the fishing season, for an old debt, &c., and praying the House to take his case into consideration.

Ordered,—That the said petition do lie on the table.

On motion of Mr. Morris, seconded by Mr. Brown.

Ordered,—That the said petition be printed for the use of the Members of the House.

A petition of William Martin, sen., of Harbor Grace, was presented by Mr. Brown, (which he stated in his place was with the consent of his Excellency the Governor) and the same was received and read, setting forth—

That petitioner discharged the duties of Constable and High Constable in Conception Bay for upwards of fifty years,—that in consideration of his services the late of House of Assembly (upon his resignation) granted him a retiring stipend,—and praying the House to continue the same.

On motion of Mr. Brown, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the committee of supply.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the following Address to His Excellency the Governor be adopted :

*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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The House of Assembly respectfully request your Excellency will please to order the following papers to be laid before the House, viz.—
Correct copies of all the correspondence that took place between His Majesty's Attorney General and the Executive—between the same offi-

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Documents read.

To lie on the table.

Petition of S. Seymour presented and read.

To lie on the table.

Printed.

Petition of W. Martin presented and read.

Referred to committee of supply.

Resolution for adopting address to his Excellency.

Address, &c.

cer and the Chief Judge—between the same officer and the Supreme Court, or any Judge thereof—between the same officer and the Magistrates at St. John's, at Ferryland, at Trepassey, and at St. Mary's, or any of them, or any other public functionary, on the subject of the charge of misdemeanour preferred against the Rev. James Duffy, and nine poor fishermen of St. Mary's.

All correspondence between the Executive and every public functionary, upon the same subject.

All correspondence with, and instructions to, the Master of the Colonial Brig "Maria,"—the two constables who went to St. Mary's, upon the same subject, together with a report of their return, and all that occurred connected with the subject, at St. Mary's.

A copy or copies of his Excellency's several despatches to the Home Government, upon the same subject, and the replies thereto.

A copy of the honourable the Chief Judge's charge to the Grand Jury of the Supreme Court, on the same subject.

A copy of the correspondence between the Magistrates, or any of them, of St. John's, and those of Ferryland, of St. John's, and those of St. Mary's, on the same subject.

A copy or copies of all the correspondence between the Judges, the Magistrates, the Attorney General, and the Executive, during, or immediately preceding, the sitting of the Autumnal Term of the Supreme Court, in 1836, on the subject of the administration of Justice, or of any particular proceeding arising therefrom, or connected therewith.

And a copy of the "written opinion" of the Honourable the Chief Judge, on the illegality of the Election Writs issued in September, 1836.

Resolution for deputation to present address.

Resolved,—That a deputation be appointed to present the said address to his Excellency.

Deputation appointed.

Ordered,—That Mr. Nugent and Mr. Kent do form such deputation.

Notice of bill to prevent fraud in culling fish and guaging oil.

Mr. Moore gave notice that he should, on Saturday next, ask leave to bring in a bill to prevent fraud in the culling of fish and guaging of oil.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolution for committee to audit vouchers relating to expenditure for miscellaneous services.

Resolved,—That a committee be appointed to audit the vouchers relating to the expenditure of the different sums voted in 1836, for the miscellaneous service of the Government.

Committee.

Ordered,—That Mr. Kent, Mr. Nugent, Mr. Power, Mr. Winser, and the Solicitor General, do form such committee.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolution on the subject of certain returns called for by the House.

Resolved,—That the return laid before this House of the fees for the Clerk and Registrar of the Northern Circuit Court, and the Clerk of the Peace for Harbor Grace, for the three years ending the 30th June, 1837, is not the return called for by vote of this House, and is highly unsatisfactory, and that nothing short of a detailed statement, according to the terms of the address of this House presented to his Excellency the Governor on that subject, can give the House of Assembly the information they require.

Resolved,—That the said Resolution be most respectfully communicated to his Excellency, with a request that his Excellency will please order the returns adverted to, to be attended accordingly.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for the regulation of Merchant seamen engaged in the vessels of this colony.

House in Committee on Bill for regulation of Merchant Seamen, &c.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Report.

Ordered—That the said committee have leave to sit again.

Leave to sit again on

Resolved,—That this House will, on Friday next, resolve itself into the said committee.

Friday.

On motion of Mr. Nugent, seconded by Mr. Dwyer,

Resolved,—That the following Address to His Excellency the Governor be adopted :

Resolution for adopting address 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.

May it please Your Excellency,

The House of Assembly respectfully pray your Excellency will graciously please to order to be laid on the table of this House

The reply of His Majesty's Principal Secretary of State for the Colonies, to an address of the House of Assembly, on the subject of the salaries of the Civil officers of the Government, reserved by the act of the Imperial Parliament, 2d & 3d Wm. 4, ch. 78, &c., which address was presented to your Excellency's predecessor in the fourth Session of the Legislature of Newfoundland, should any reply thereto have reached the Executive.

Resolved,—That a deputation be appointed to present the same.

Resolution for deputation to present address.

Ordered,—That Mr. Nugent and Mr. Dwyer do form such deputation.

Deputation appointed.

Then the House adjourned until to-morrow at twelve of the clock.

Thursday, August 17, 1837.

MR. NUGENT, as chairman of the deputation appointed to wait on his Excellency the Governor with the address of the House, praying returns connected with the introduction of the

Report of Chairman of deputation appointed to present address to his Excellency.

Report, &c.

military into St. John's, during the last autumnal Election, and with the issue of certain subpoenas, reported that the committee had this morning presented the said address to his Excellency, and that his Excellency was pleased to make the following reply :

His Excellency's reply.

"H. PRESCOTT."

GENTLEMEN,—

In answer to the first four paragraphs of this address, I have to state, that I assume to myself the full responsibility of the acts to which they refer.

I sanctioned the employment of the troops on the occasion alluded to. I approved of their conduct, and had every reason to be satisfied with the judgment and temper displayed by their commanding officer.

The production of the original document, mentioned in the fifth paragraph, is out of the question ; but I will request the Judges to direct a copy of it to be supplied, for the purpose of its being laid before the House.

I know not of the existence of any opinions given by the Attorney General, on the subject mentioned in the concluding paragraph, and consequently I cannot comply with the request therein contained.

Government House,
17th Aug., 1837.

On motion of Mr. Nugent, seconded by Mr. Morris,

Address & reply printed.

Ordered,—That the said address and reply be printed.

On motion of Mr. Nugent, seconded by Mr. Kent,

Committee to inspect original Bill of indictment in the case of Rex vs. R. Pack, & others.

Resolved,—That a committee of five be appointed to inspect the original Bill of Indictment under which the cause of Rex. vs. Robert Pack and others was tried in the last autumnal term of the Supreme Court.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Power, Mr. Winser, and Mr. Dwyer, do form such committee.

House in Committee on Bill to regulate making and repairing roads and highways.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to regulate the making and repairing of roads and highways in this Island, and to repeal certain acts of the General Assembly relating to highways.

Mr. Speaker left the chair.

Mr. Butler took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

Mr. Butler reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, on the further consideration of the same.

Leave to sit again on

Ordered,—That the said committee have leave to sit again.

Monday.

Resolved,—That this House will, on Monday next, again resolve itself into the said committee.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting a copy of the King's Instructions to the Governor, on his accession to the Government of this Colony, in compliance with the address of the House, of the 8th inst.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting copy of King's instructions to his Excellency, &c.

Ordered,—That the said letter and instructions do lie upon the table, to be perused by the Members of the House.

Then the House adjourned until to-morrow, at one of the clock.

Friday, August 18, 1837.

A Message from His Excellency the Governor.

Message from His Excellency the Governor presented by Mr. Crowdy.

THE Honorable Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency; and the said message was read, and is as follows:

MESSAGE.

Message.

“H. PRESCOTT.”

The Governor transmits to the House of Assembly a copy of the minute of Council referred to in his despatch to the Secretary of State, of the 11th November last, on the subject of the unsealed writs, which was omitted to be laid before the House with the despatch in question.

Government House,
18th Aug., 1837.

And then the messenger withdrew.

The minute of Council mentioned in the said message, was read by the Clerk.—See *Appendix*.

Minute of Council read.

Ordered,—That the said message and minute of Council do lie on the table, to be perused by the Members of the House.

Message &c. ordered to lie on the table.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said message and minute of Council be printed, for the use of the Members of the House.

Printed.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of the bill for the regulation of Merchant seamen engaged in the vessels of this colony.

House in committee on Bill for the regulation of merchant seamen, &c.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Dwyer reported from the committee, that they had gone through the said bill and had made several amendments to the same, which they had directed him to report to the House; and he delivered the bill with the amendments in at the Clerk's table.

Report.

Amendments read and agreed to.

Bill engrossed.

3d reading.

The said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Ordered,—That the said bill as amended be engrossed, and read a third time on Tuesday next.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, August 19, 1837.

Report of committee appointed to audit vouchers, &c.

MR. KENT, from the committee appointed to audit the vouchers relating to the expenditure of the different sums voted in 1836, for the miscellaneous service of the Government, reported that the committee had come to certain Resolutions thereon, which he read in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow :

Resolved,—That the accounts submitted by the Treasurer, in explanation of the expenditure of the sums voted for the miscellaneous service of the Colony, are so voluminous, as to require a copy of the vouchers.

Resolved,—That copies of such vouchers be taken off in a Book in the following order, viz., opposite the amount of each warrant (as noted in the explanatory statement of the Treasurer,) a detailed statement of the voucher that justified the issuing of such warrant be made.

Resolved,—That the Treasurer be ordered to make out such copies, and for any reasonable expense incurred in the performance of the same, that he be reimbursed out of the funds of the Colony.

JOHN KENT,

Chairman of Audit.

Report agreed to.

Ordered,—That the said report be agreed to, and that the Treasurer be instructed accordingly.

Report of Chairman of deputation appointed to wait on his Excellency with two addresses.

Mr. Nugent, as chairman of the deputation appointed on the 16th inst., to wait on his Excellency the Governor with two addresses, reported that the deputation had waited on his Excellency accordingly, and had received the following replies :—

His Excellency's reply.

“H. PRESCOTT.”

GENTLEMEN,—

I have to acquaint you, in answer to this address, that no reply has been received from the Secretary of State for the Colonies, to the address of the House of Assembly, on the subject of the Reserved Salaries.

Government House,
19th Aug. 1837.

"H. PRESCOTT."

GENTLEMEN,—

In answer to the first, second, sixth and seventh paragraphs of this address, I have to observe, that the correspondence mentioned as having passed between certain functionaries and the Executive, is of so limited a character, as to be almost, and indeed, as regards the seventh, altogether imaginary; but had it been otherwise, I could not have consented to its being made public.

Supposing correspondence between subordinate public functionaries to exist, as assumed, I shall not deem it proper to call for its production.

No unusual order was given to the master of the "Maria,"—nor was any correspondence held with him or constables, as implied in the third paragraph.

I cannot consent to lay before the House my despatches to the Home Government, as requested in the fourth paragraph.

The charge of the Chief Justice to the Grand Jury of the Supreme Court is, I presume, a matter of notoriety, having been published in the papers in the Island; but I am not authorised to demand a copy of it.

I yesterday sent down by message the document requested in the concluding paragraph, which had been omitted through inadvertence.

Government House,
19th Aug., 1837.

Mr. Nugent gave notice that, on Monday next, he should move an address to his Excellency the Governor, praying a return of the application of the Rents and other profits of Ships' Rooms and Crown Lands generally detailed.

Notice of motion for address to his Excellency for certain returns.

Mr. Kent gave notice that, on Monday next, he should move that the House do resolve itself into a committee of the whole House, on Ways and Means.

Notice of motion for House in committee of the whole on ways and means.

Mr. Nugent gave notice that he should, on Monday next, move an address to his Excellency the Governor, praying his Excellency will inform the House of Assembly what returns his Excellency has made in compliance with the 60th article of the Royal Instructions.

Notice of motion for Address to his Excellency for certain information.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, August 21, 1837.

MR. KENT, pursuant to notice, presented to the House the draft of an address to his Excellency the Governor, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

Mr. Kent presents draft of address to his Excellency.

Address read.

*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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The House of Assembly respectfully request your Excellency will be pleased to direct that there be laid before the House—

An amount of all monies received in the years 1835 and 1836, for the rents and proceeds of the sales of Crown Lands, Ships' Rooms, Escheats, Fines and Forfeitures, and their appropriation in detail, together with the appropriation of the balance remaining on hands of sums received under these heads in 1834.

Address adopted.

Resolved,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to present the same to his Excellency.

House in Committee on
Bill to regulate making
and repairing roads and
highways.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the bill to regulate the making and repairing of roads and highways in this Island, and to repeal certain acts of the General Assembly relating to highways.

Mr. Speaker left the chair.

Mr. Butler took the chair of the Committee.

Mr. Speaker resumed the chair.

Report.

Mr. Butler reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, on the further consideration of the same.

Leave to sit again on

Ordered,—That the said committee have leave to sit again.

Thursday.

Resolved,—That this House will, on Thursday next, again resolve itself into the said committee.

House in committee on
ways and means.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of ways and means.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had come to several resolutions, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's table, where they were again read, and are as follow :—

Resolved,—That it is the opinion of this committee that the following table of duties be adopted, upon goods, wares and merchandize (except wines and spirits) imported into Newfoundland and its dependencies:—

Beef and Pork (salted) the cwt.	0	0	9
Flour, the barrel, not exceeding in wt. 196 lbs.	0	0	9
Oatmeal, the barrel, not exceedg. — 200 —	0	0	6
Bread or Biscuit, the cwt.	0	0	3
Butter, the cwt.	0	1	6
Apples, the barrel	0	0	6
Coals, the ton	0	0	6
Tea, per lb.	0	0	1
Lumber, 1 inch thick, the thousand feet	0	1	0
Timber and Balk of all kinds, including Scantling, the ton	0	0	6
Shingles, the thousand	0	0	4
Goods, wares or merchandizes, except wines & spirits, not otherwise enumerated, described or charged with duty in this Act, and not herein declared to be duty free, for every £100 of the true value thereof	2	10	0
Molasses	Free		
Salt	Free		
Implements and materials fit and necessary for the fisheries, viz., lines, twines, hooks, nets, and seines	Free		
Coin and Bullion	Free		
Horses, Mares and Geldings	Free		
Neat Cattle	Free		
Calves	Free		
Sheep	Free		
Hogs	Free		
Potatoes and other vegetables	Free		
Printed Books	Free.		

Resolved,—That it is the opinion of this committee that a duty of sixpence, sterling, per gallon, be levied on all spirits, the produce of Great Britain or her colonies, imported into this colony.

Resolved,—That it is the opinion of this committee that a duty of one shilling and sixpence, stg., per gallon, be levied on Champagne, Burgundy, Claret, Hock, and all other wines imported into this colony, whose value in this market, exclusive of the duty, shall exceed the sum of eight shillings, stg., per gallon.

Resolved,—That it is the opinion of this committee that a duty of one shilling, stg., per gallon, be levied on Port, Madeira, Sherry and all other wines imported into this colony, whose value, as aforesaid, shall exceed five shillings, stg., per gallon.

Resolved,—That it is the opinion of this committee that a duty of ninepence, stg., per gallon, be levied on Fayal Madeira, Marsella, Malaga Sherry, Figueira, Port, Teneriffe, and all other wines imported into this Island, whose value, as aforesaid, shall exceed the sum of two shillings and sixpence, stg., per gallon.

Resolved,—That it is the opinion of this committee that a duty of sixpence, stg., per gallon, be levied on Catalonia, Benecarlo, Common Fayal, Cargo Claret, and all other wines imported into this Island, whose value, as aforesaid, shall not exceed the sum of two shillings and sixpence, stg., per gallon.

Resolved,—That it is the opinion of this committee that the sum of nine hundred pounds, stg., be allowed to the Collector and such other

Report &c.

officers of Customs as may be necessary for the collection of the Colonial Revenue, and to defray all expenses of remuneration for such collection and charges incidental thereto.

Resolved,—That it is the opinion of this committee that any Revenue Bill that may pass this House should continue in operation for twelve months from the passing thereof, and no longer.

Resolutions agreed to.

And the said Resolutions having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Notice of Bill for granting to his Majesty certain duties on articles imported into this Colony.

Mr. Kent gave notice that he should, on an early day, ask leave to bring in a bill for granting to his Majesty certain duties on articles imported into this colony, agreeably to the Resolutions adopted by the House.

Bill to amend the act for the regulation of Pilots, &c. presented & read 1st time.

Mr. Morris, pursuant to notice and leave granted, presented a bill to amend an act passed in the third year of the Reign of King William the Fourth, entitled "An act for the regulation of Pilots and the Pilotage of vessels at the port of St. John's," and the same was received and read a first time.

To be read 2d time on Thursday.

Ordered,—That the said bill be read a second time on Thursday next.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry returns, &c.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, a return of all fees, &c., received by the Clerk of the Supreme and Central Circuit Courts, for the years ending 1st July, 1835, 1836, and 1837; and a copy of the Criminal Calendar for the Northern district for the twelve years ending the 10th August, with an accompanying letter from the Clerk; the former return in pursuance of an address of the House, of the 4th inst., and the latter of the 8th inst.

The said letter was read by the Clerk, and

To lie on the table.

Ordered,—That the said documents do lie on the table to be perused by the Members of the House.

On motion of Mr. Nugent, seconded by Mr. Morris,

Assistant Messenger appointed.

Resolved,—That Thomas O'Connor be appointed assistant messenger of the House of Assembly.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, August 22, 1837.

Notice of motion for House in committee of Supply.

MR. KENT gave notice that, to-morrow, he should move that the House resolve itself into a committee of the whole House on the consideration of a supply to be granted to his Majesty.

Mr. Power gave notice that, on Thursday next, he should ask leave to bring in a bill to amend the act of 4 Wm. 4, as far as relates to salt and coals.

Notice of bill to amend the act 4, W. 4.

Pursuant to the order of the day, an engrossed bill for the regulation of merchant seamen engaged in the vessels of this colony, was read a third time.

Bill for the regulation of merchant seamen, &c. read 3d time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said bill do pass, and that the title be “An act for the regulation of merchant seamen engaged in the vessels of this colony.”

Passed.
Title.

A Message from His Majesty's Council.

The Master-in-Chancery brought down from His Majesty's Council the following written message :

Message from His Majesty's Council.

MR. SPEAKER,

His Majesty's Council have passed the Bill sent up from the House of Assembly entitled “An act to extend the Criminal Law of England to this Colony under certain modifications,” with some amendments, to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council Chamber, 15th Aug., 1837.

And then the Messenger withdrew.

The amendments made by the Council in the said bill were read a first time, and are as follow :—

Amendments read first time.

“In the preamble expunge all the words after the word “Colony.”

“Expunge the second section of the bill, and insert the following instead thereof :—

“And be it further enacted that all pecuniary penalties imposed by any Law in England, which, according to the provisions of this act, shall be held to be in force in this colony, shall be adjudged to be distributed in the following manner, that is to say, one half to the informer, and the other half to his Majesty, his heirs and successors, to be paid into the Public Treasury, to and for the use of this Island.”

Ordered,—That the said amendments be read a second time on Friday next.

2d reading.

Mr. Morris gave notice that he should, on Thursday next, move for a committee of the whole House to enquire into the present state of the administration of Justice in this Island.

Notice of motion for committee to enquire into state of administration of Justice.

A Message from His Excellency the Governor.

The Hon. Mr. Secretary Crowdy being admitted within the Bar, presented to the House a message from his Excellency the Governor, transmitting a petition from Nicholas Croke (contractor for building new Court Houses, &c., in certain of the Out-harbors) claiming some remuneration for expenses attending alterations in the building at Brigus, in consequence of the site having been changed after the commencement of the work—with reports thereon from the Stipendiary Magistrates at Brigus.

Message from His Excellency the Governor.

The petition and documents were then read by the Clerk—and

Petition and documents read.

To lie on the table.

Ordered,—That the same do lie upon the table to be perused by the Members of the House.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, August 23, 1837.

Report of Chairman of deputation appointed to wait on his Excellency with an address.

MR. NUGENT, from the committee appointed on the 21st inst., to present to his Excellency the Governor the address of the House, praying that his Excellency would cause to be laid before the House certain returns, reported that the deputation had waited upon his Excellency accordingly, and that his Excellency was pleased to reply as follows :—

His Excellency's reply.

“H. PRESCOTT.”

GENTLEMEN,—

I will direct returns to be made in accordance with the terms of this address.

Government House,
23d Aug., 1837.

Petition of W. Bemister and others presented and read.

A petition from Wm. Bemister, Robert Pack, and 600 others, inhabitants of Carbonear and its Vicinity, was presented by Mr. Power, and the same was received and read, setting forth—

The difficulty of the Inhabitants residing on the North Shore of Conception Bay communicating with Carbonear, being the nearest Mercantile Town, in order to bring the produce of their industry to market—and praying the House for a sum of money for a line of Road from Carbonear to Bay de Verds.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Referred to committee on Roads and Bridges.

Ordered,—That the said petition be referred to the committee on Roads and Bridges.

House in Committee on Bill for the more effectual administration of justice in Courts of Sessions in the outports.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the bill for the more effectual administration of Justice in the Courts of Sessions in the outports.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again.

Ordered—That the said committee have leave to sit again.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, which he read and handed in at the Clerk's table, and is as follows:—

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy.

Secretary's Office, 23d August, 1837.

Letter.

SIR,—By the Governor's command, I have the honor to acquaint you, that having received official information of the death of his Majesty King William the Fourth, it is his Excellency's intention to proclaim the accession to the Throne of Her Most Gracious Majesty Queen Victoria, on the Mall, in front of the Government House, at 12 o'clock to-morrow.

The Governor and Council will then return to Government House to sign the proclamation, which the Members of the House of Assembly will also have the opportunity of doing if they think fit.

His Excellency will then take and administer to the Council the necessary Oaths, immediately after which the Commissioners appointed for that purpose will attend at the room in which the Assembly meet to administer them to the members of that body.

I have the honor to be, Sir,

Your obedient humble Servant,

JAMES CROWDY.

The Honorable
The Speaker
Of the House of Assembly.

Then the House adjourned until Friday next, at twelve of the clock.

Friday, August 25, 1837.

IN conformity with the letter of the Honorable Mr. Secretary Crowdy, laid before the House on the 23d inst., the commissioners appointed for the purpose attended yesterday and administered the necessary oaths to the following Members of the House, viz:—

Commissioners administer oaths in conformity with letter of Hon. Mr. Sec'y. Crowdy.

The Hon. the Speaker	}	Esquires.
John Kent		
Peter Brown		
Patrick Morris		
James Power		
John Valentine Nugent		
John M'Carthy		
Henry Butler		
Patrick Doyle		
Thomas Fitzgibbon Moore		
Edward James Dwyer		

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That as the members of the House of Assembly had taken the oaths to Her Majesty Queen Alexandrina Victoria, Patrick Morris and Patrick Doyle, Esquires, Members of this House, and Magistrates, are directed to withdraw, in order to administer the necessary oaths to the Clerk of the House.

Mr. Morris and Mr. Doyle withdrew accordingly, and on their return reported to the House that they had administered the oaths to the Clerk, agreeably to the directions of the House.

A petition of William Evans was presented to the House by Mr. Morris, and the same was received and read, setting forth—

The necessity of a person being appointed to act as gaoler and constable at Grand Bank; also, the necessity of a building for Sessions Room, or Magistrates' office,—and praying the House for certain Law Books for the use of the Court of Sessions, &c.

Ordered,—That the said petition do lie on the table.

Mr. Nugent, from the committee appointed to inspect the original bill of indictment under which the trial of the cause Rex vs. Robert Pack and others was held in the last autumnal term of the Supreme Court, read the report of the committee in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Your committee have inspected the original bill of indictment, in the case of Rex vs. Robert Pack and others, and have found the verdict as recorded run thus:

Verdict,—Robert Pack, and James Power, Not Guilty.—Roger Thomey, William Saunders, and William Harding, Guilty.—Edward Hayden, John Meaney, and Andrew Quirk, Guilty of an ^{tumultuous} unlawful assembly.
(Signed) H. J. BOULTON,
Chief Justice.

The word "unlawful," in the last line, being crossed over, and the word "tumultuous" interlined above.

Mr. Kent, pursuant to notice and leave granted, presented a bill for granting to Her Majesty certain duties on Wines, Spirits, and other articles imported into this Colony; and the same was received and read a first time.

Ordered,—That the said bill be read a second time on Tuesday next.

Mr. Brown gave notice that, to-morrow, he should move an address to his Excellency the Governor, praying his Excellency would cause to be laid before this House copies of contracts made and entered into between the commissioners appointed under the Colonial Act of Wm. 4th, ch. 15, for the making and repairing of Roads in Conception Bay, from Holyrood, inclusive, and the progress made in said contracts.—Also, similar contracts entered into under the aforesaid authority for the making and repairing of roads and bridges between Carbonear and Hearts Content.

Resolution that Patrick Morris & Patrick Doyle, Esqrs., do withdraw, in order to administer the necessary oaths to the Clerk of the House, consequent upon the accession of Her Majesty.

Petition of W. Evans, presented and read.

To lie on the table.

Report of committee appointed to inspect original bill of indictment, &c.

Bill for granting to her Majesty certain duties on wines, &c., read first time.

To be read 2d time on Tuesday.

Notice of motion for address to his Excellency for copies of certain contracts.

Mr. Morris moved, in pursuance of motion, seconded by Mr. Nugent,

Resolution for House to resolve itself into committee of the whole on state of administration of Justice.

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the consideration of the state of the administration of Justice in this Island, and that the following Resolutions be referred to the said committee :

Resolved,—That the most violent violations have been made of the King's Royal Charter of Justice, founded on acts of the Imperial Parliament, and which was intended by a Gracious King to secure the lives and liberties of his loyal and faithful subjects of Newfoundland.

Resolutions to be referred to said committee.

Resolved,—That on the 31st December, 1833, the Hon. Chief Justice Boulton was sworn into office, and that immediately afterwards, when reciting the charge to the Grand Jury, he announced that at some time previous not only to that day, but antecedent to the day the Juries had been summoned, he had ordered an alteration to be made in the manner of empannelling Juries before practiced in this Court.

Resolved,—That the first intimation the public had of the alteration in the Jury system was this announcement of the learned Judge, and not only had there not been a public and authentic promulgation of a rule of such importance—not only had the approval of his Majesty not been solicited subsequently to such promulgation, and previously to its operation—but such alteration was made by him before he was sworn into office, and at a time there was only one Judge (Judge Brenton) holding his Majesty's Commission, Judge Des Barres being at the time under suspension.

Resolved,—That since the arbitrary and illegal change in the Jury system, the selection and summoning of Jurors have been left to the discretion of the Sheriff, public confidence being thereby lost in the impartiality and purity of trial by Jury.

Resolved,—That in the same illegal and unconstitutional manner, the rules and practice of the Courts have been rudely and violently changed and abrogated, and new rules and practice introduced, totally inapplicable to the circumstances of Newfoundland.

Resolved,—That Chief Justice Boulton has, since his accession to the Bench, totally subverted the ancient laws and customs of Newfoundland, disregarded and set at nought the precedents and decisions of all former Courts and Judges, and his dictum has become the uncertain and varying law of the land.

Resolved,—That his decisions on cases connected with the fisheries in the various relations of Merchants, Boat-keepers, Fishermen & Servants, are opposed to the common Law, contrary to the Statute Law, to the long-established usages and customs, to the decisions of all former Judges and Courts, and most injurious to the interests of this great fishery.

Resolved,—That the Courts of Justice are virtually closed against the people by the excessive charges in the Supreme Court and Courts of Session, and more particularly by the monopoly of a few practitioners at the Bar, who, by a most unjust act of the Legislature, were *first made* Lawyers, and afterwards got exclusive privileges under the Lawyers' Incorporation Act, introduced into the Council by Chief Justice Boulton.

Resolved,—That the Chief Justice has exhibited on various occasions great partiality on the Bench—his adjudications have been biassed by strong party prejudice—his judgments have been unjust, arbitrary, and illegal, opposed to the mild and merciful principles of English Law—opposed to public liberty, to Magna Charta, which proclaims that free-men should not be amerced for small faults, or above measure for great transgressions.

House in committee on supply.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of a supply to be granted to Her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again.

Ordered—That the said committee have leave to sit again to-morrow.

Notice of motion for committee to prepare address of condolence & congratulation to Her Majesty.

Mr. Nugent gave notice that he should, to-morrow, move that a committee be appointed to prepare an address to Her Majesty of condolence for the death of His late Majesty, and congratulation on the occasion of Her Majesty's accession to the throne.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, August 26, 1837.

MR. NUGENT moved, pursuant to notice, seconded by Mr. Morris,

Resolution for committee to prepare address of condolence to Her Majesty.

Resolved—That a committee of five be appointed to prepare an address to Her Majesty Queen Alexandrina Victoria, of condolence for the death of His late Majesty, and congratulation on the accession of Her Majesty to the throne.

Committee.

Ordered,—That Mr. Nugent, Mr. Morris, Mr. Kent, Mr. Power, and Mr. Brown, do form such committee.

Mr. Brown moved, pursuant to notice, seconded by Mr. M'Carthy,

Resolution for address to his Excellency for copies of certain contracts.

Resolved,—That an humble address be presented to his Excellency the Governor, praying that his Excellency would cause to be laid before this House the following returns :

A return of copies of all contracts made and entered into between the commissioners appointed under the Colonial Act of the 6th Wm. 4th, ch. 15, for the making and repairing of Roads and Bridges in Conception Bay from Holyrood to Carbonear, inclusive, and the progress in such contracts.

Also, similar contracts entered into under the aforesaid authority, for the making and repairing of roads and bridges between Carbonear and Hearts Content.

Ordered,—That Mr. Brown and Mr. M'Carthy do form such deputation.

Deputation.

Mr. Brown, pursuant to notice and leave granted, presented a bill to amend an act passed in the 4th year of the reign of his late Majesty King William the Fourth, entitled "An act to regulate the standard of weights and measures in this Colony, and to provide for the surveying of lumber."

Bill to amend act to regulate the standard of weights and measures, &c., presented and read.

Ordered,—That the said bill be read a second time on Monday next.

2d reading.

Agreeably to the order of the day, a bill to amend an act passed in the third year of the reign of King William the Fourth, entitled "An act for the regulation of Pilots and the pilotage of vessels at the port of St. John's," was read a second time.

Bill to amend act for regulation of pilots, &c., read 2d time.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed on

Resolved,—That this House will, on Monday next, resolve itself into a committee of the whole House on the consideration of the said bill.

Monday.

Pursuant to order, the amendments made by her Majesty's Council in the bill to extend the criminal law of England to this Colony, under certain modifications, were read a second time.

Amendments to bill to extend criminal law of England to this colony, &c. read 2d time.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said amendments be committed to a committee of the whole House on Monday next.

To be committed on Monday.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a committee be appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had upon the several bills sent up from this House to the Legislative Council, during the present Session of the Legislature.

Resolution for committee to search Journals of Council.

Ordered,—That Mr. Nugent and Mr. Kent do form such committee.

Committee.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the bill to regulate the making and repairing of roads and highways in this Island, and to repeal certain acts of the General Assembly relating to highways.

House in committee on bill to regulate making and repairing roads and highways.

Mr. Speaker left the chair.

Mr. Butler took the chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made several amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk's Table.

Report.

Amendments read and agreed to.

And the said amendments having been read a first and second time were, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered,—That the said bill, as amended, be engrossed.

3d reading.

Ordered,—That the said bill be read a third time on Friday next.

On motion of Mr. Morris, seconded by Mr. Nugent,

Resolution that Mr. Speaker summon persons to give evidence on an enquiry into the administration of Justice.

Resolved,—That the Hon. the Speaker issue an order for the attendance of Edward M. Archibald, Aaron Hogsett, Benjamin Greer Garrett, George Lilly, and George H. Emerson, Esquires, on Tuesday next at 12 o'clock at noon, before a committee of the whole House, to give evidence on an enquiry into the administration of justice in Newfoundland.

House in Committee on Supply.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of a supply to be granted to Her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, on the further consideration of the same.

Leave to sit again.

Ordered,—That the said committee have leave to sit again on Monday next.

Notice of bill to amend act for the encouragement of education.

Mr. Brown gave notice that he should, on Wednesday next, ask leave to bring in a bill to amend an act passed in the last session, entitled "An act for the encouragement of education in this Colony."

Oaths administered to A. W. Godfrey, Esq.

The honorable the Attorney General, one of the commissioners appointed for the purpose, attended, and being admitted within the bar of the House, administered at the Clerk's table, the necessary oaths to Anthony William Godfrey, Esquire, a Member of this House.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, August 28, 1837.

Petition of G. Vandenhoff, P. Milley and others, presented and read.

A Petition of Geo. Vandenhoff, Peter Milley, and 100 others, inhabitants of Western Bay and its Vicinity, was presented by Mr. Power, and the same was received and read, setting forth—

The great disadvantage they labour under for want of the erection of a strong & substantial Bridge over the river commonly called the Northern Gut of Western Bay,—and praying the House for a sum of money for that purpose.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Ordered,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on Roads and Bridges.

A petition of Robert Pack, Thomas Chancey, and 75 others, Inhabitants of Carbonear, was presented by Mr. M'Carthy, and the same was received and read, setting forth—

Petition of R. Pack, T. Chancey and others presented and read.

That from the advanced age of the present Stipendiary Magistrate, he is incompetent to act with that energy which is so essential to the peace and good order and government of a Town of so much importance, and with so large a population, and praying the House for a retiring salary for the present Stipendiary Magistrate, and that the House will make a just representation to the Executive on the subject, so that an active and intelligent person may be appointed with a suitable salary.

On motion of Mr. M'Carthy, seconded by Mr. Power,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Agreeably to the order of the day, a bill to amend an act passed in the 4th year of the reign of his late Majesty King William the Fourth, entitled "An act to regulate the standard of weights and measures in this Colony, and to provide for the surveying of lumber," was read a second time.

Bill to amend act to regulate the standard of weights and measures. &c., read 2d time.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of the said bill.

To-morrow.

Mr. Nugent gave notice that he should, to-morrow, move that an humble address be presented to his Excellency the Governor, praying his Excellency will please order that there be laid before this House, a copy of the minutes of Council of the proceedings had on the 9th November, 1836, on the consideration of certain representations made to his Excellency, complaining of an undue return of Members for the district of Conception Bay, in consequence of riotous conduct at Harbor Grace, in obstruction of the free exercise of the franchise.

Notice of motion for Address to his Excellency.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of a supply to be granted to Her Majesty.

House in committee of Supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again, on the further consideration of the same.

Report.

Ordered,—That the said committee have leave to sit again.

Leave to sit again.

*Seeing
Members
Meeting
Order
of
House*

*The address
motion
address*

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, August 29, 1837.

MR. NUGENT moved, pursuant to notice, seconded by Mr. Power,

Resolution for address to his Excellency and deputation to present it

Resolved,—That an address be presented to his Excellency the Governor, praying that his Excellency would be pleased to direct that there be laid before this House a copy of the minutes of Council of the proceedings had on the 9th November, 1836, on the consideration of certain representations made to his Excellency, complaining of an undue return of Members for the district of Conception Bay, in consequence of riotous conduct at Harbor Grace, in obstruction of the free exercise of the Franchise, and that a deputation be appointed to present the same.

Deputation appointed.

Ordered,—That Mr. Nugent and Mr. Power do form such deputation.

Bill for granting to her Majesty certain duties on wines, spirits, &c., read 2d time.

Agreeably to the order of the day, a bill for granting to Her Majesty certain duties on Wines, Spirits and other articles imported into this Colony, was read a second time.

On motion of Mr. Kent, seconded by Mr. Nugent,

To be committed on a

Ordered,—That the said bill be committed to a committee of the whole House.

Thursday.

Resolved,—That this House will, on Thursday next, resolve itself into a committee of the whole House on the consideration of the said bill.

House in Committee on the present state of the administration of justice in this Island.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the present state of the administration of Justice in this Island.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again.

Ordered—That the said committee have leave to sit again.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor—

“Copy of the bill of Indictment found in the case of the King against Robert Pack and others,” in pursuance of the address of the House of the 14th inst.; and statements of the Receipts and appropriation of monies received in the years 1835 and 1836, for the rents and proceeds of the

sales of Crown Lands and Ship's Rooms, with the appropriation of the balance remaining in 1834, agreeably to the address of the House of the 21st inst.—Also, a report of the Road Commissioners of Trinity, and plans furnished by them, and by the Commissioners of the Central Board, and for Conception Bay.

The said documents and plans were handed in at the Clerk's table, and the former were read.—See *Appendix*.

Documents read.

Ordered,—That the said papers do lie upon the table for the information of the Members of the House.

To lie on the table.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to Her Majesty.

House in committee of supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the Committee.

Mr. Speaker resumed the chair.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report.

Ordered,—That the said committee have leave to sit again.

Leave to sit again.

The Hon. Mr. Secretary Crowdy, being admitted within the Bar of the House, laid before the House the following papers, viz. :—

Hon. Mr. Sec'y. Crowdy presents sundry papers.

Letter from the Attorney General to the Colonial Secretary, setting forth—

That the sum of £90 1 2 remains unpaid to several persons for sundry expenses incurred on account of Crown prosecutions during the term of the Supreme Court in Nov. 1836; and requesting that his Excellency may devise means with a view to the liquidation of the same.

A letter from R. J. Pinsent, Esq., to the Colonial Secretary, setting forth—

That the Grand Jury at Brigus, for the Quarter Sessions of the Peace, having represented the necessity of preventing entire horses, dogs, goats, &c., from being allowed to go at large,—he (Mr. P.) solicits, on the part of his Excellency an application to the Legislature for a sum of money for the erection of a pound for the confinement of those animals—the supposed expense being forty pounds.

A petition of Thomas Danson, and John Buckingham, Esqrs. setting forth—

That petitioners having been appointed to hold Courts of Revision of the registration of names of voters, &c., they beg to submit a statement of the services performed by them—to which they request the attention of his Excellency :—and petitioners further pray that the same may be laid before the hon. House of Assembly for their favourable consideration.

A petition of John Buckingham, Esq. of Carbonear, Stipendiary Magistrate, setting forth—

That during the past year at the request of the other magistrates, petitioner rented a room for six months for the purpose of a public office, for which he has paid the sum of five pounds, currency, for which sum petitioner prays that he may be reimbursed.

An account of the Clerk of the Peace of Ferryland.

Documents read.

The said documents were handed in at the Clerk's table and read.

To lie on the table.

Ordered,—That the said documents do lie upon the table to be perused by the Members of the House.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, August 30, 1837.

Petition of J. Wiseman presented and read.

A Petition of James Wiseman was presented by Mr. Moore, (who stated in his place that his Excellency the Governor consented to its presentation,) and the said petition was received and read, setting forth—

That petitioner was appointed by his Excellency the Governor, to take the Census of Trinity Bay, agreeably to the Act for that purpose. That Petitioner proceeded on and completed his duty after much trouble and expense. That the sum voted was inadequate for the duty performed,—and praying the House for such further sum as they may deem meet.

On motion of Mr. Moore, seconded by Mr. Brown,

Referred to committee of supply,

Ordered,—That the said petition be referred to the Committee of Supply.

Bill to amend act for the encouragement of education, read 1st time.

Mr. Brown, pursuant to notice and leave granted, presented a Bill to amend an Act passed in the sixth year of his late Majesty King William the 4th, intituled “an Act for the encouragement of Education in this Colony,” and the same was received and read a first time.

2d reading.

Ordered,—That the said bill be read a second time to-morrow.

On motion of Mr. Brown, seconded by Mr. Nugent,

Friday.

Ordered,—That the said bill be printed for the use of the members.

House in Committee on Bill for the more effectual administration of justice in Courts of Sessions in the outports.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the Bill “for the more effectual administration of Justice in the Courts of Sessions in the outports.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the Chair.

Report.

The chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Ordered,—That the said Committee have leave to sit again.

Leave to sit again on

Resolved,—That this House will, on Friday next, again resolve itself into the said committee.

Friday.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to amend an act passed in the 4th year of the reign of his late Majesty King William the Fourth, entitled "An act to regulate the standard of weights and measures in this Colony, and to provide for the surveying of lumber."

House in Committee on bill to amend Act, to regulate the standard of Weights & Measures &c.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made several amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk's Table.

Report.

And the said amendments having been read a first and second time were, upon the question put thereon, agreed to by the House.

Amendments read.

Ordered,—That the said bill, as amended, be engrossed.

Bill to be engrossed.

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

3d reading.

Mr. Power gave notice that he should, on an early day, ask leave to bring in a bill to amend an act for regulating the packing and inspection of pickled fish for exportation from this Island.

Notice of bill to amend Act to regulate packing and inspection of pickled fish, &c.

A Petition of Johanna Armstrong was presented by Mr. Brown, (who stated in his place that his Excellency the Governor consented to its presentation,) and the said petition was received and read, setting forth—

Petition of Johanna Armstrong presented & read.

That petitioner is the widow of the late Wm. Armstrong, late Marshal of the Supreme Court. That up to the time of the establishment of the Local Legislature, Petitioner's late husband was allowed a pension of £50 per annum by the Government, and which was continued by the late House of Assembly up to the time of his death, and which said sum was granted to petitioner last session,—and praying the House to continue the same.

On motion of Mr. Brown, seconded by Mr. Power,

Ordered,—That the said petition be referred to the Committee of Supply.

Referred to committee of supply,

A petition of Catherine Walsh, of Brigus, was presented by Mr. Godfrey, and the same was received and read, setting forth—

Petition of Catherine Walsh presented and read.

That petitioner, these last four years, has been at the expense of supporting Johanna Shears, who, in consequence of severe misfortune, became subject to aberration of mind, which rendered her incapable of taking care of herself. That petitioner being a widow, with small means, is unable any longer to keep her; and praying the House for assistance to send the said Johanna Shears to her native country.

To lie on the table.

Ordered,—That the petition do lie on the table.

Petition of T. Butler J. Bowers and others presented and read.

A petition of Thomas Butler, John Bowers, and others, constables for the Northern District (Brigus Division) was presented by Mr. Godfrey (who stated in his place that his Excellency the Governor had consented to the same being presented,) and the said petition was received and read, setting forth—

That the salaries at present received by petitioners are inadequate to the duties they have to perform, and praying for additional salaries.

Referred to committee of supply.

On motion of Mr. Godfrey, seconded by Mr. Power,

Ordered,—That the said petition be referred to the committee of supply.

Petition of J. Tilly, G. Ayre and others, presented and read.

A petition of John Tilly, George Ayre, and others, inhabitants of Hants Harbor, was presented by Mr. Moore, and the same was received and read, setting forth—

That petitioners being destitute of the means of educating their children and youth, compels them to throw themselves upon the protection of the House, and praying a sum of money for that purpose.

To lie on the table.

Ordered,—That the said petition do lie on the table.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, August 31, 1837.

Oaths administered to Solicitor General.

THE Attorney General, one of the Commissioners appointed for the purpose, attended and administered the necessary oaths to the Solicitor General, a Member of this House.

Report of Chairman of deputation appointed to present address to his Excellency for certain returns.

Mr. Brown, as Chairman of the deputation appointed on the 26th inst., to present to his Excellency the Governor an address of the House praying that his Excellency would cause to be laid before the House certain returns, reported that the deputation had waited on his Excellency and presented the said address, and that his Excellency was pleased to reply as follows:—

“H. PRESCOTT.”

GENTLEMEN—

His Excellency's reply.

I will direct the Colonial Treasurer to prepare copies of the contracts mentioned in this address, and I will call upon the commissioners for any information not contained in their report already before the House.

which they may be able to afford as to the progress made in such of those contracts as relate to the road between Holyrood and Carbonear.

Government House, }
31st August, 1837. }

Pursuant to the order of the day an engrossed Bill to amend an act passed in the 4th year of the reign of his late Majesty King William the 4th, &c., was read a third time, and

Bill to amend Act passed in the fourth year of the reign of His late Majesty, read third time.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Resolved,—That the said Bill do pass, and that the title be “An act to amend an Act passed in the 4th year of the reign of his late Majesty King William the 4th, entituled ‘An act to regulate the standard of weights and measures in this Colony, and to provide for the surveying of lumber.’”

Passed.
Title.

Ordered,—That Mr. Brown and Mr. M'Carthy do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to amend an act passed in the third year of the reign of his late Majesty William the 4th entituled “An act for the regulation of Pilots and the pilotage of vessels at the Port of St. John's.”

House in committee on Bill to amend act for regulation of pilots, &c.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the Chair.

The chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Report.

Ordered,—That the said committee have leave to sit again on Saturday next.

Leave to sit again.

Agreeably to the order of the day, a Bill to amend an Act passed in the sixth year of the reign of his late Majesty King William the 4th, entituled “An act for the encouragement of Education in this Colony,” was read a second time.

Bill to amend act for the encouragement of education, read 2d time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Ordered,—That the said bill be committed to a committee of the whole House.

To be committed

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of the said bill.

To-morrow.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the present state of the administration of Justice in this Island.

House in Committee on the present state of the administration of justice in this Island.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again on

Ordered—That the said committee have leave to sit again.

Saturday.

Resolved,—That this House will, on Saturday next, again resolve itself into the said committee.

Mr. Winsor moved, seconded by Mr. Doyle,

Motion that Mr. Morris's speech on the administration of Justice, be printed

That the reporter be directed to have printed, without delay, for the use of the Members, Mr. Morris's speech on moving for a committee on the present state of the administration of justice—whereupon

Mr. Brown objected, and contended that agreeably to the 28th rule of the House it should be a notice of motion, and called upon the Speaker to give his opinion upon the question, who read the rule referred to, and stated as his opinion that it should be a notice of motion.

Motion thereon.

Thereupon Mr. Winsor moved, seconded by Mr. Power,

That the motion not containing any new matter, did not come within the meaning of the said rule; which being put, passed in the affirmative.

Original motion carried.

The original motion was then put, and passed in the affirmative.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, September 1, 1837.

Report of Chairman of Deputation appointed to wait on his Excellency with an address for copy of minutes of Council, &c.

MR. NUGENT, as Chairman of the deputation that waited on his Excellency the Governor this day with an Address praying that his Excellency would cause to be laid before this House a copy of the minutes of Council taken on the 9th November last, on the consideration of certain representations on the subject of the invalidity of the election for Conception Bay, in consequence of riotous conduct of the Electors at Harbor Grace, reported the following as his Excellency's reply:—

His Excellency's reply.

“H. PRESCOTT.”

GENTLEMEN—

I do not think it expedient to comply with this Address.

*Government House, }
1st September, 1837. }*

See p. 127

Mr. Nugent, as chairman of the Committee of the whole House on the consideration of the present state of the administration of justice in this Island, laid before the House a special report, which he read in his place, and afterwards delivered it in at the Clerk's table, and is as follows:—

Report of Chairman of committee on administration of Justice.

On the part of the committee of the whole House on the consideration of the state of the administration of justice in Newfoundland, beside reporting generally at the rising of the committee yesterday "that the committee had made some progress in the matter to them referred, and had directed me to ask leave to sit again to-morrow," I am further directed to report specially upon certain matters that occurred in committee in the course of the examination of a Witness, as follows:—

On Tuesday the 29th, Edward Mortimer Archibald, Esq., Chief Clerk and Registrar of the Supreme Court, having been called in and examined on the subject of the alteration of the jury system, by the Honorable Henry John Boulton, and having admitted that the last precepts under Chief Judge Tucker, and the first under Chief Judge Boulton, which had been issued for the summoning juries in the Supreme Court, were filed in his Office, the committee ordered that he should attend on Thursday the 31st, with copies of those instruments, together with a copy of the record of the swearing into Office of the said honorable Henry John Boulton, and also all the rules of the Supreme Court since its institution; to which order he assented.

Subsequently to this the committee demanded certain other copies of records in order that they may be brought forward as evidence upon the important investigation in which they are engaged.

On Thursday, the 31st, (being yesterday) Mr. Archibald was again called up for examination, when being asked whether he had come prepared with copies of the Rules of Court, as he had been instructed on the former day, he replied that he had; and then upon being asked if he had come prepared with copies of the precepts, according to instructions, he replied "No;" and upon being asked "Why so?" he answered, "I have thought on consideration, that the proper course would be to apply through the Executive, and I did not conceive that I was at liberty to furnish them without the command of his Excellency."

It having appeared to the committee that this refusal on Thursday, to furnish the copies of those precepts which on Tuesday he had been ordered to bring, and to which order he had assented, although he did not refuse to comply with that provision in the order of the committee whereby he was required to lay before them copies of the Rules of Court, that this refusal on the part of an Officer of the Supreme Court, of which the honorable Henry John Boulton is Chief Judge, under such circumstances, must have resulted from the exercise of some improper interference to prevent the elucidation of the charges which have been prepared against that honorable functionary on the subject of his administration of his Office as Chief Judge, further interrogated the Witness as to whether he had had any communication since his examination on Tuesday "with any public functionary directly or indirectly on the subject of the propriety of withholding these copies," whereupon he replied, "I have had reference to Mr. Crowdy, as Secretary, with regard to the doubts I entertained on the subject."

Upon having been questioned as to whether "previously to such application to Mr. Crowdy" he had communicated with any public func-

Report, &c.

tionary on the subject, he answered, after much hesitation, "No, I had not—I mentioned the subject to one or two friends."

On being asked to give the names of these friends, he said, "I beg to decline answering that question."

Upon being further pressed as to whether any or either of these friends was in a public office or offices, he replied, "I also beg to decline answering that question."

Upon being asked whether he had any objection to let the committee have the correspondence between him and the Secretary upon the subject—or copies thereof—he answered, "Yes I have—I am not disposed to give it."

And finally, upon being asked "Have you had communication *directly or indirectly* with the Chief Justice upon the subject?" he replied, "I beg to decline to answer that also."

The committee, upon the consideration of the premises, hesitate not to say, that the refusal of Mr. Archibald to reply to the interrogatories of the committee is a violation of the privileges of the House of Assembly, and that the refusal to lay before the committee the documents demanded is a further violation of these privileges; but in consideration of Mr. Archibald's long connexion with the House of Assembly as its highest officer, the committee recommend him to the indulgent consideration of the House—particularly as his refusal to answer the questions of the committee, and particularly the last, appears to the committee not to admit of a doubt that the impression at first produced on the mind of the committee, that the honorable Mr. Boulton was a party to this obstruction thrown in the way of the exertions of the committee to place the character of his administration of the Laws in Newfoundland in a proper light before the public, and as the refusal to lay these documents before the committee can be readily remedied by an application to the Executive, the committee therefore recommend to the House to lay this their report before the Executive, in whom they feel the utmost confidence, that he will lend his zealous co-operation in justifying the conduct and motives of the highest judicial functionary in the Island in his administration of the Law, by facilitating the interesting enquiry of the committee on that subject, and to accompany the report with a respectful prayer that his Excellency will be pleased to order that the documents referred to as having been demanded from the Clerk of the Supreme Court be forthwith laid before this committee.

JOHN V. NUGENT,

Chairman.

Resolved,—That the said report be adopted by the House.

Report adopted.

Mr. Nugent then presented to the House the draft of an address in pursuance of the said Report, which he read in his place, and afterwards delivered it in at the Clerk's table, and is as follows :—

Mr. Nugent presents draft of address 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 New-
foundland and its Dependencies, &c. &c.*

Address read.

May it please Your Excellency,

The House of Assembly beg to lay before your Excellency a report of a committee of the whole House upon an enquiry into the state of the administration of Justice in Newfoundland, and respectfully pray your Excellency will be pleased to order that the object of the committee, in the presentation of their report, may be met by your Excellency's ordering that the documents referred to be laid before them without delay.

Resolved,—That the said address be adopted and engrossed.

Address adopted.

Ordered,—That Mr. Nugent and Mr. Morris do present the said address to his Excellency.

Committee to present it.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said report and address be printed for the use of the Members.

To be printed.

A petition of Edward Troy, William Irwin, and 41 others, inhabitants of the district of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of E. Troy, W. Erwin and others, presented and read.

That the road from the Church leading to upper Long Pond, is almost impassable for carts,—and praying the House to grant a sum of money for repairing the same.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on Roads and Bridges

A petition of Sarah Gill, Executrix to the estate of the late Mrs. Harris, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of S. Gill presented and read.

That petitioner has been deprived of a piece of land by the Road Commissioners ; and prays that the House will take her case into consideration and suggest such mode of redress as its wisdom may dictate.

Ordered,—That the said petition do lie on the table.

To lie on the table.

Petition of R. Brine and others presented and read.

A Petition of Robert Brine and 22 others, inhabitants of the King's Road and its vicinity, was presented by Mr. Morris, and the same was received and read, setting forth—

That the King's Road is in a bad state of repair, and praying the House to give its attention thereto.

On motion of Mr. Morris, seconded by Mr. Nugent,

Referred to committee on roads and bridges.

Ordered,—That the said petition be referred to the Committee on roads and bridges.

Petition of J. Sharp, presented and read:

A petition of James Sharp, of Harbor Grace, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor consented to its presentation,) and the said petition was received and read, setting forth:—

That petitioner was appointed and ordered by the Commissioners of Roads at Harbor Grace, to mark and stake off a new line of street, and praying for remuneration.

On motion of Mr. Brown, seconded by Mr. Power,

Referred to committee of supply

Ordered,—That the said petition be referred to the committee of supply.

Petition of E. Blamy and others presented & read.

A petition of E. Blamy and 21 others, was presented by Mr. Morris, and the same was received and read, setting forth—

That the road leading westward from Brookfield remains unfinished and praying the House for a further sum for its completion.

On motion of Mr. Winsor, seconded by Mr. Nugent,

Referred to committee on roads and bridges.

Ordered,—That the petition be referred to the committee on roads and bridges.

Bill to amend Act to regulate packing and inspection of pickled fish, read 1st time.

Mr. Power, pursuant to notice and leave granted, presented a bill to continue and amend an act passed in the fourth year of the Reign of His late Majesty William the fourth, entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island," and the same was received and read a first time.

2d reading.

Ordered,—That the said bill be read a second time to-morrow.

House in Committee on bill for more effectual administration of justice in Courts of sessions in outports.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of the bill for the more effectual administration of Justice in the Courts of Sessions in the out-ports.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the Chair.

Report.

The chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again.

Ordered,—That the said committee have leave to sit again.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from Her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council have passed the bill sent up from the Assembly entitled "An act to authorise summary proceedings in the Circuit Courts of this Colony," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber,
1st Sept., 1837.

H. J. BOULTON, P. C.

And then the Messenger withdrew.

The amendments made by the Council in the said bill were read a first and second time, and are as follow :

Amendments read,

Expunge all the sections of the bill, after the word "Whereas," and insert the following in their stead :

"It is expedient to dispense with a Jury for the trial of Issues of fact and the Assessment of damages upon interlocutory judgment, in the Circuit Court of this Island, in certain cases.

Be it therefore enacted by the Governor, Council, and Assembly of Newfoundland, that from and after the passing of this Act the several Circuit Courts of this Island shall respectively have full power and authority to hear and determine in a summary way, without a Jury, all actions of debt or covenant for the recovery of a sum certain, and all actions of debt or assumpsit for goods sold and delivered, work and labour, servants' wages, board and lodging, rent in arrear, for money had and received, lent and advanced, paid, laid out or expended, or for the balance of an account stated for money due upon a bill of Exchange, Note of hand, Award, or Foreign Judgment, or for any other such demand.

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

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

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

5th.—And be it further enacted that the Clerk of each of the said Courts shall docket all Judgments rendered in all such summary pro-

Amendments.

ceedings alphabetically according to the name of the plaintiff first mentioned in the original writ in the tabular form following, which shall be taken and held to be a record of the said Judgment without any formal entry upon a Roll."

Name of Plaintiff.	Name of Defendant.	Form of Action,	Cause of Action.	Amount claimed in the writ.	Amount recovered, and costs.	Total.	Execution when issued and returned.	No. endorsed on the original papers.
AB & EF	CD.	Assumpsit or debt as the case may be,	goods sold or delivered bond or note of hand.	£50.	40l. 0 0 1l. 9 0	41l. 9 0		35.

2d reading.

Ordered,—That the said amendments be read a second time to-morrow.

On motion of Mr. Nugent, seconded by Mr. Brown,

To be printed.

Ordered,—That the said bill as amended be printed for the use of the Members.

House in Committee on bill for more effectual administration of justice in Courts of sessions in outports.

On motion, the House resolved itself into a committee of the whole House on the consideration of the bill for the more effectual administration of Justice in the Courts of Sessions in the out-ports.

Mr. Speaker left the chair.

Mr. M·Carthy took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again

Ordered,—That the said committee have leave to sit again.

To-morrow.

Resolved,—That this House will, to-morrow, again resolve itself into the said committee.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, the following returns :

The Collector's audited account current of the receipts and payments for the year ending 5th January last.

Returns of fees, perquisites, and emoluments receivable by the Clerk of the Peace at Ferryland for the year ending the 1st July, 1837.

Returns of fees, perquisites and emoluments, received or receivable by the Clerk and Registrar of the Southern Circuit Court from Sept. 1836, (the date of his appointment) to 1st July last.

Return of Criminal Prosecutions in the Southern Circuit Court, from the year 1826 to 1836, inclusive.

Returns of fines, forfeitures, &c., received in the year 1835 to 1836, with their appropriation.

The said documents were read by the Clerk.—(See Appendix.)

Ordered,—That the said documents do lie on the table to be perused by the Members of the House. To lie on the table.

Then the House adjourned until to-morrow at twelve of the clock.

Saturday, September 2, 1837.

PURSUANT to order, a Bill to continue and amend an act passed in the fourth year of the Reign of his late Majesty King William the Fourth, intituled “An act to regulate the packing and inspection of pickled Fish for exportation from this Island,” was read a second time.

Bill to amend Act to regulate packing and inspection of pickled fish, read 2d time.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed on

Resolved—That this House will, on Monday next, resolve itself into a committee of the whole House on the said Bill.

Monday.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to amend an act passed in the 6th year of the reign of his late Majesty William the Fourth, intituled “An act for the encouragement of education in this Colony.”

House in committee on Bill to amend act for the encouragement of education.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made several amendments to the same, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's Table.

Report.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill, as amended, be engrossed.

Bill engrossed.

Ordered,—That the said bill be read a third time on Monday next.

3d reading.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of the present state of the administration of Justice in this Island.

House in committee on state of administration of Justice.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the Committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Leave to sit again on

Ordered,—That the said committee have leave to sit again.

Tuesday.

Resolved,—That this House will, on Tuesday next, again resolve itself into the said committee.

Notice of motion for resolution to place at the disposal of his Excellency a sum of money to enable the Judges to proceed on the Circuits.

The Solicitor General gave notice that, on Monday next, he should move a resolution of this House that a certain sum of money, then to be named, be placed at the disposal of his Excellency the Governor, to enable his Excellency to send the Judges of the Supreme Court upon their respective Circuits.

Notice of motion to place at the disposal of his Excellency a sum of money for the purpose of causing to be made a geological survey of this Island.

Mr. Morris gave notice, that he should move in the committee of supply, that a sum of money be placed at the disposal of his Excellency the Governor, for the purpose of causing to be made a geological survey of this Island.

House in committee on Bill to amend act for regulation of pilots, &c.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the Bill to amend an act passed in the third year of the reign of King William the Fourth, intituled "An act for the regulation of Pilots and the pilotage of Vessels at the Port of St. John's."

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

Mr. Godfrey reported from the committee that they had gone through the said Bill, and had made some amendments therein, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Bill engrossed,

Ordered,—That the said Bill be engrossed.

3d reading.

Ordered,—That the said Bill be read a third time on Tuesday next.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, September 4, 1837.

Petition of J. Coady, and others presented and read.

A Petition of John Coady, and 141 others, inhabitants of Ferrisburgh, was presented by Mr. Winsor, and the same was received and read, setting forth—

That petitioners beg to lay before the House the great oppression and grievances they labour under, by the unjust attempts to carry the Hospital act into effect by the directors of that District—some of them have been called upon to pay a second time, after the sums having been stop-

ped from them in St. John's, and by refusing were obliged, by order of the Court of Sessions, to pay in addition to the sum ordered by the act, enormous Court charges—petitioners therefore pray the House to take their case into consideration by repealing the obnoxious act in operation.

Ordered,—That the said petition do lie upon the table.

To lie on the table.

A petition of Wm. Hanrahan, of Carbonear, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor consented to its presentation,) and the said petition was received and read, setting forth:—

Petition of W. Hanrahan presented and read.

That petitioner was called on in the month of January, 1835, by the Magistrates of Carbonear, to attend a person attacked with small pox. Petitioner afterwards attended several persons attacked with the same disease, under promise of remuneration. That a Board of Health was constituted, and petitioner attended the said board from ten o'clock in the forenoon, until two o'clock in the afternoon, for the purpose of vaccinating, for which services petitioner received no remuneration. Petitioner therefore prays the House to take his case into consideration, and grant him some remuneration for his services.

On motion of Mr. Brown, seconded by Mr. Godfrey,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, copies of contracts made and entered into by the Commissioners of Roads and Bridges between Harbor Grace and Carbonear, and between Carbonear and Hearts Content, in compliance with the address of the House of the 28th ult.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Ordered,—That the said documents do lie on the table.—(See *Appendix*.)

To lie on the table.

Mr. Winser gave notice that he should, to-morrow, ask leave to bring in a bill to provide for the expenditure of money recovered under an act passed in the sixth year of the Reign of his late Majesty King William the 4th, entitled "An act to provide for the relief of sick and disabled seamen, fishermen and others."

Notice of bill to provide for appropriation of money recovered under act of his late Majesty.

Mr. Nugent presented a bill for the establishment of an hospital, and for the relief of sick and disabled seamen and others, which he reported had been drafted by the select committee appointed for that purpose, and the same was received and read a first time.

Bill for the establishment of an hospital, read 1st time.

Ordered,—That the said Bill be read a second time on Wednesday next.

2d reading.

On motion of Mr. Nugent, seconded by Mr. Brown,

Ordered,—That the said bill be printed for the use of the Members.

To be printed.

On motion of Mr. Moore, seconded by Mr. Godfrey,

Ordered,—That one hundred copies of the said bill be printed.

Report of committee appointed to search Council's Journals.

Mr. Nugent, from the committee appointed to search the Journals of the Council, reported that they had made the search, and should lay the report before the House to-morrow.

Order of the day read.

On the order of the day for the third reading of an engrossed bill to amend an act for the encouragement of education in this colony, being read—

Mr. Brown moved, seconded by Mr. Power,

Bill to be re-committed.

Ordered,—That the said Bill be re-committed to a committee of the whole House to-morrow.

Motion for address to his Excellency.

The Solicitor General moved, pursuant to notice, seconded by Mr. Power,

Resolved,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to advance the sum of four hundred pounds to defray the expense of the hire of Vessels for the conveyance of the Judges upon the Circuits, for the current year, for which sum this House will reimburse his Excellency.

Resolution for deputation to present it.

Resolved,—That a deputation be appointed to wait upon his Excellency with the said address.

Deputation.

Ordered,—That the Solicitor General and Mr. Brown do form such deputation.

House in Committee on bill to amend Act to regulate packing and inspection of pickled fish.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to amend an act passed in the 4th year of the reign of his late Majesty William the Fourth, intituled "An act to regulate the packing and inspection of pickled fish for exportation from this Island."

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the Chair.

Report.

The Chairman reported from the committee that they had gone through the said Bill, and had made several amendments to the same, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's Table.

Amendments read.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered,—That the said bill, as amended, be engrossed.

3d reading.

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

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, September 5, 1837.

Bill to amend act for regulation of pilots, &c. read 3d time.

PURSUANT to the order of the day, an engrossed Bill to amend an act for the regulation of Pilots and the Pilotage of vessels at the Port of St. John's, was read a third time.

On motion of Mr. Morris, seconded by Mr. Power,

Resolved—That the said bill do pass, and that the title be “ An act to amend an act passed in the third year of the reign of King William the Fourth, intituled “ An act for the regulation of Pilots and the pilotage of Vessels at the Port of St. John’s.”

Title.
Passed.

Ordered,—That Mr. Morris and Mr. Power do carry the bill up to Her Majesty’s Council and desire their concurrence.

Sent to Council.

Agreeably to order, an engrossed bill to continue and amend an act to regulate the packing and inspection of pickled fish, was read a third time.

Bill to amend Act to regulate packing and inspection of pickled fish, read 3d time.

On motion of Mr. Power, seconded by the Solicitor General,

Resolved,—That the said bill do pass, and that the title be “ An act to continue and amend an act passed in the fourth year of the Reign of His late Majesty William the fourth, intituled “ An act to regulate the packing and inspection of pickled fish for exportation from this Island.”

Passed.
Title.

Ordered,—That Mr. Power and the Solicitor General do carry the bill up to Her Majesty’s Council and desire their concurrence.

Sent to Council.

Mr. Nugent, as chairman of the deputation appointed to present an address to his Excellency the Governor, with a report of the committee of enquiry into the state of the administration of Justice in Newfoundland, on the subject of the refusal of the Clerk of the Supreme Court to lay before the committee copies of the last precepts under Chief Judge Tucker, and the first under Chief Judge Boulton, issued for the empanneling and summoning Juries for the Supreme Court, a copy of the minute of swearing into office of the Chief Judge, and other documents,—also, his refusal to furnish copies of the correspondence between him and the Colonial Secretary upon the subject of the propriety of such refusal, praying his Excellency to order those documents to be laid without delay before the House, reported that the deputation had waited on his Excellency accordingly, and had received the following reply :

Report of Chairman of deputation appointed to present address to his Excellency for certain documents.

H. PRESCOTT.

GENTLEMEN,

I have to state, in answer to this address, that neither Mr. Archibald nor any other public functionary is at liberty to produce documents or copies of documents committed to his charge without directions from the Executive Government.

His Excellency’s reply.

The general principle upon which this restriction is founded, is too obvious to require explanation.

I shall always be ready to take into my careful consideration such requests as may be made by the House of Assembly for the production of papers or copies of records, and to direct the transmission of those that may with propriety and expediency be granted.

Government-House,

5th Sept., 1837.

Bill to authorise appropriation of monies raised under act 6th W. 4, read 1st time.

Mr. Winsor, pursuant to notice and leave granted, presented a bill to authorise the appropriation of certain monies raised under the act of the 6th Wm. the 4th, intituled "An act to provide for the relief of sick and disabled saamen, fishermen and other persons," and the same was received and read a first time.

2d reading.

Ordered,—That the said bill be read a second time to-morrow.

On motion of Mr. Nugent, seconded by Mr. Winsor,

Resolution for address to his Excellency.

Resolved,—That an address be presented to his Excellency the Governor, praying that his Excellency would cause to be laid before this House copies of the first precepts under the Honorable Chief Judge Boulton, and the last under Chief Judge Tucker, issued for empanneling and summoning Juries for the Supreme Court,—a copy of the record of the swearing into office of Chief Judge Boulton,—a copy of the correspondence between the Clerk of the Supreme Court and the Colonial Secretary, on the subject of the propriety of the refusal to furnish the above documents to the committee,—copies from the records in the Supreme and Central Circuit Courts, of the cases argued in these Courts, on the subject of the wages of fishing servants in the years 1834 and 1835,—copies from the same records of the cases of libel argued and determined in the same Courts in the years 1834, '35, '36 and '37,—copies from the same of the following cases—Rex vs. Francis, Rex vs. Robert Pack and others, Rex vs. Patrick Morris and others, Rex vs. Lawrence White and others, Rex vs. Mackey, Rex vs. William Ryan (tried 5th Dec. 1836,) Carson vs. Kielley, and Kough vs. Garrett, for recovery of proceeds of the sale of the Patriot Press, &c.

Resolution for deputation to present it.

Resolved,—That a deputation be appointed to wait upon his Excellency with the same.

Deputation.

Ordered,—That Mr. Nugent and Mr. Winsor do form such deputation.

Petition of J. Molloy presented and read.

A petition of Johanna Molloy was presented by Mr. Morris, (who stated in his place that the consent of his Excellency the Governor had been obtained for presenting the same) and the said petition was received and read, setting forth—

That petitioner is the wife of Doctor Molloy, who has been a resident in this Island upwards of twenty-two years:—that in the year 1835 petitioner's husband was attacked with paralysis, and has continued unable to follow up his profession to this date,—that petitioner has a large family, and is in a destitute condition,—and praying the House for relief in her case.

On motion of Mr. Morris, seconded by Mr. Power,

Referred to committee of supply.

Ordered,—That the said petition be referred to the Committee of supply.

Petition of J. Phipard presented and read.

A petition of John Phipard, of St. John's, was presented by Mr. Morris, and the same was received and read, setting forth—

That Petitioner is the son of the late William Phipard, who for many years filled the situation of Constable and high Constable of the Central

District,—that in 1835, Petitioner's father was forced to resign his situation from ill health ; and from that period to the time of his death, petitioner has been at the sole expense of his keeping and burial,—and petitioner prays the House will take his case into consideration.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the Committee of supply.

Referred to committee of supply.

A petition of John Hewson, Messenger in the Colonial Secretary's Office, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of J. Hewson presented and read.

That petitioner holds the situation of Messenger in the Colonial Office, and that his salary being inadequate to his services, prays the House to grant him such further addition as it in its wisdom may deem meet.

On motion of Mr. Morris, seconded by the Solicitor General,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the re-consideration of the bill to amend "An act for the encouragement of education in this colony."

House in committee on bill for encouragement of education.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Report.

Ordered,—That the said committee have leave to sit again.

Leave to sit again

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council have passed the bill sent up from the Assembly entitled "An act to regulate the term and sessions of the Supreme and Circuit Courts of this Island," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber,
5th Sept., 1837.

H. J. BOULTON, P. C.

And then the Messenger withdrew.

The amendments made by the Council in the said bill were then read a first time, and are as follow :

Amendments read.

Amendments read.

1st Section, 5th line.—Expunge the words “Third Tuesday in,” and insert in their stead, *Twentieth day of*.

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

10th line.—Expunge all the remaining words in this section, commencing with the word “third,” and ending with the word “inclusive,” and insert in their stead, *tenth day of November, and continued until the thirtieth day of November following inclusive*.

2d Section, 7th line.—Expunge the words “second Tuesday,” and insert in their stead, *tenth day*.

9th line.—Expunge the words “second Tuesday,” and insert in their place, *tenth day*.

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

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

3d Section, .—Expunge this section, and insert in its place—

And be it further enacted, that the Circuit Courts for the Northern and Southern Districts of this Island, shall open and be held at the days, times and places set forth in the following table :

NORTHERN CIRCUIT COURT.		SOUTHERN CIRCUIT COURT.	
TO OPEN.	TO CLOSE.	TO OPEN.	TO CLOSE.
Twillingate.....	20th Sept.	Harbor Britain...	16th Sept.
Greenspond.....	28th Sept.	Burin.....	25th Sept.
Bonavista.....	6th Oct.	Placentia.....	10th Oct.
Trinity.....	15th Oct.	St. Mary's.....	16th Oct.
Hants Harbour....	19th Oct.	Ferryland.....	21st Oct.
Harbor Grace.....	25th Oct.	Ferryland.....	20th April.
Harbor Grace.....	10th April		
	26th Sept.		23rd Sept.
	5th Oct.		8th Oct.
	13th Oct.		14th Oct.
	17th Oct.		19th Oct.
	23rd Oct.		5th Nov.
	5th Dec.		5th May.
	10th May.		

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

Expunge the 4th Section of the bill.

Expunge the 5th Section of the bill, and insert in its place the following words :

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

Ordered—That the said amendments be read a second time to-morrow.

2d reading.

On motion, the House again resolved itself into a committee of the whole House on the further re-consideration of the Bill to amend an act for the encouragement of education in this Colony.

House in committee on Bill to amend act for the encouragement of education.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made some amendments to the same, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's Table.

Report.

And the said amendments having been read throughout, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill, as amended, be re-engrossed.

Bill re-engrossed.

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

3d reading.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from Her Majesty's Council requesting conference.

MR. SPEAKER,

Her Majesty's Council requests a conference with the House of Assembly on the subject matter of the Bill entitled "An act for the regulation of Merchant Seamen, engaged in vessels of this Colony," and have appointed Managers to meet the Managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON.

Council-Chamber, }
5th September, 1837. }

And then the Messenger withdrew.

On motion of the Solicitor General, seconded by Mr. Nugent,

Resolved,—That the conference requested by the Council be agreed to.

Conference agreed to.

Ordered,—That the Solicitor General and Mr. Nugent do go up to Her Majesty's Council and acquaint them that this House have agreed to the said conference.

Ordered,—That the Solicitor General, Mr. Nugent, Mr. Power, and Mr. Brown, do manage the said conference on the part of this House.— And they went to the conference, and being returned—

Managers named.

Conference held.

The Solicitor General reported, that the managers had been at the conference, and he delivered the report in at the Clerk's table, where it was read, and is as follows :—

Report.

"Her Majesty's Council have requested this conference with the House of Assembly for the purpose of proposing to them an amendment in the ninth section of the Bill entitled "An act for the regulation of Merchant Seamen engaged in the vessels of this Colony," respecting the penalty imposed upon persons harbouring deserters from ships registered or belonging to the Colony.

Report &c.

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

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

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

Council Chamber, }
5th September, 1837. }

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, September 6, 1837.

Petition of E. Troy, and others presented and read.

A Petition of Edward Troy, Abraham Lemessurier, and others, citizens of St. John's, was presented by Mr. Brown, (who stated in his place that he had the consent of his Excellency the Governor for the presenting of the same) and the said petition was received and read, setting forth—

That the Bridge at the upper end of Beck's Cove is in a dangerous state, and also the Road at the upper end of the fire break at M'Bride's cove—that petitioners cannot allow the present session to pass without representing the danger to which the lives of all parties are exposed from the above cause. Petitioners therefore pray the House will grant a sufficient sum for repairing the said Bridge and Road.

On motion of Mr. Brown, seconded by Mr. Doyle,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Bill to amend act for the encouragement of Education read 3d time.

Agreeably to the order of the day, an engrossed bill to amend an act for the encouragement of education in this Colony, was read at hird time.

On motion of Mr. Brown, seconded by Mr. Dwyer,

Resolved—That the said bill do pass, and that the title be "An act to amend an act passed in the 6th year of the reign of his late Majesty William the Fourth, intituled 'An act for the encouragement of Education in this Colony.'"

Passed.

Title.

Ordered,—That Mr. Brown and Mr. Dwyer do carry the bill up to Her Majesty's Council and desire their concurrence.

Sent to Council.

Pursuant to the order of the day, a Bill to authorise the appropriation of certain monies raised under the act of 6th Wm. the 4th, intituled "An act to provide for the relief of sick and disabled seamen, fishermen and other persons," was read a second time.

Bill to authorise appropriation of monies raised under act 6th W. 4, read 2d time.

On motion of Mr. Winser, seconded by Mr. Nugent,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed on

Resolved,—That this House will, on Friday next, resolve itself into a committee of the whole House on the said Bill.

Friday.

On motion, the House resolved itself into a committee of the whole on the further consideration of the present state of the administration of justice in this Island.

House in committee on state of administration of Justice.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again on the further consideration of the same.

Report.

Ordered,—That the said committee have leave to sit again.

Leave to sit again on

Resolved,—That this House will, on Friday next, again resolve itself into the said committee.

Friday.

The Solicitor-General gave notice, that he should, to-morrow, move for the second reading of the subject matter of the conference had with the Council yesterday.

Notice of motion for second reading of subject matter of conference with Council.

Agreeably to the order of the day, the amendments made by her Majesty's Council in the Bill intituled "An act to regulate the terms and sessions of the Supreme and Circuit Courts of this Island," were read a second time.

Amendments to Bill to regulate terms and sessions of Supreme and Circuit Courts read 2d time.

On motion of the Solicitor-General, seconded by Mr. Brown,

Ordered—That the said amendments be committed to a committee of whole House to-morrow.

To be committed to-morrow.

Pursuant to the order of the day, a Bill for the establishment of an hospital, and for the relief of sick and disabled seamen, fishermen, and others, was read a second time.

Bill for the establishment of an hospital, read 2d time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole to consider of the said Bill.

To-morrow.

On motion, the amendments made by her Majesty's Council in the Bill intituled "An act to authorize summary proceedings in the Circuit Courts of this Colony," were read a second time.

Amendments to Bill to authorize summary proceedings in the Circuit Courts of this Colony read read 2d time.

On motion of Mr. Brown, seconded by the Solicitor General,

Ordered,—That the said amendments be committed to a committee of the whole House to-morrow.

Mr. Brown gave notice that he should, on an early day, ask leave to bring in a Bill to authorize the loan of a further sum of money for the completion of the Light-House on Harbor Grace Island, and to make further regulations respecting the same.

Mr. Nugent gave notice that he should, on an early day, ask leave to bring in a Bill to regulate the appointment of Sheriffs in Newfoundland—also, a Bill to regulate the fees of Sheriff in this Colony.

Then the House adjourned until to-morrow at twelve of the clock.

Thursday, September 7, 1837.

THE Solicitor-General, as chairman of the deputation appointed to wait upon his Excellency the Governor with an address, praying that his Excellency would advance a certain sum of money to defray the expenses of hiring of Vessels for the conveyance of the Judges on the Circuits, &c., reported that the deputation had accordingly waited upon his Excellency, and that his Excellency was pleased to deliver the following reply:—

H. PRESCOTT.

GENTLEMEN,

In consequence of this address I shall have much satisfaction in fixing terms of the Circuit Courts.

The House must be of course aware, that the holding of these Courts is attended with other expenses besides the hire of Vessels.

Government House, }
7th September, 1837. }

Pursuant to the order of the day, the report of the committee of conference with her Majesty's Council on the Bill for the regulation of merchant seamen engaged in the vessels of this Colony, was read a second time.

On motion of the Solicitor General, seconded by Mr. Power,

Ordered,—That the said report be committed to a committee of the whole House.

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of said report.

Mr. Brown, pursuant to notice and leave granted, brought in a bill to authorize the raising by loan of a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulations respecting the same, and the said Bill was read a first time.

To be committed to-morrow.

Notice of Bill to authorize the loan of a further sum of money for the completion of the Light-House on Harbor Grace Island.

Notice of Bill to regulate the appointment of Sheriffs, &c.—also, of Bill to regulate the fees of Sheriff in this Colony.

Report of deputation appointed to wait on his Excellency with an address.

His Excellency's reply.

Report of committee of conference with Council read 2d time.

To be committed

To-morrow.

Bill to authorize the raising by loan of a sum of money for the completion of the Light-House on Harbor Grace Island, read 1st time.

Ordered,—That the said bill be read a second time to-morrow.

2d reading.

On motion, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to Her Majesty.

House in Committee of supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the Chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report.

Ordered,—That the said committee have leave to sit again.

Leave to sit again.

The Solicitor General gave notice that he should, to-morrow, move an address to his Excellency the Governor, in reference to the subject matter of his Excellency's reply to the address presented to him on the subject of the appropriation of the sum of four hundred pounds for the expenses of the Circuit Courts for the current year.

Notice of motion for address to his Excellency.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of the bill for the more effectual administration of Justice in the outports.

House in Committee on bill for more effectual administration of justice in Courts of sessions in outports.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Dwyer reported from the committee that they had considered the business to them referred, and had directed him to report to the House the committee rose.

Report.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, September 8, 1837.

THE Solicitor General reported from the committee appointed to prepare an address to his Excellency the Governor, in pursuance of notice yesterday; and he presented to the House the draft of an address, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

Report of committee appointed to prepare address 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 New-
foundland and its Dependencies, &c. &c.*

Address,

May it please Your Excellency,

The House of Assembly having taken into their consideration your Excellency's reply to the address presented the by House to your Excellency.

- Address, &c. cy on the subject of a sum of money required for the expenses of the Circuit Courts, for the current year, take leave respectfully to acquaint your Excellency that the sum of four hundred pounds adverted to in that address, and which this House stands pledged to reimburse your Excellency, is meant and intended to cover the expenses for the hiring of vessels and other incidental expenses attendant upon the Courts on their usual Circuits for the current year.
- Address adopted. *Ordered*,—That the said address be adopted and engrossed.
- Committee to present it. *Ordered*,—That the Solicitor General and Mr. Brown be a committee to present the said address to his Excellency.
- House in committee on report of committee of conference on merchant seamen's bill. Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the report of the committee of conference on the bill for the regulation of Merchant seamen engaged in vessels in this colony.
- Mr. Speaker left the chair.
- Mr. Butler took the chair of the committee.
- Mr. Speaker resumed the chair.
- Report. Mr. Butler reported from the committee that they had made some progress in the business to them referred, and were of opinion that a further conference should be requested with Her Majesty's Council on the subject of the last conference.
- Leave to sit again. *Ordered*,—That the said report be adopted by the House.
- Resolution for conference with Her Majesty's Council. On motion of the Solicitor General, seconded by Mr. Brown,
- Instructions to managers *Resolved*,—That a conference be requested with Her Majesty's Council on the subject of the last conference, and that the following be the instructions to the managers of the said conference :
- The House of Assembly having had under their consideration the suggestions of Her Majesty's Council on the ninth section of a bill entitled "An act for the regulation of Merchant Seamen engaged in the vessels of this Colony," have resolved that they cannot agree to the suggestions made by Her Majesty's Council, as such an agreement would clearly be a direct departure from those principles which guide the House in levying charges upon the people, which must alone emanate from the House of Assembly. The House, however, upon reconsideration of the section alluded to, are of opinion that the penalty fixed by that section is too low.
- House of Assembly, 8th Sept., 1837.*
- Managers named. *Ordered*,—That the Solicitor General and Mr. Brown do go up to the Council and desire the said conference.
- Message from Her Majesty's Council. *A MESSAGE FROM HER MAJESTY'S COUNCIL.*
- The Master-in-Chancery brought down from Her Majesty's Council the following written message :—
- MR. SPEAKER,**
- Her Majesty's Council accede to the request of the House of Assembly for a conference on the subject matter of the bill entitled "An act for the regulation of Merchant seamen engaged in the vessels of this colony,"

and have appointed Conferrees to meet the Managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON.

Council-Chamber, }
8th September, 1837. }

And then the Messenger withdrew.

Ordered,—That the Solicitor General, Mr. Brown, Mr. Nugent, and Mr. Power, do manage the said conference on the part of this House.

Managers named.

And the names of the Managers being called over they went to the conference.—And being returned—

Conference held.

The Solicitor-General reported, that the Managers had been at the conference and had complied with the instructions of the House.

Report.

Pursuant to the order of the day, a bill to authorize the raising by loan of a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulations respecting the same, was read a second time.

Bill to authorize the raising by loan of a sum of money for the completion of the Light-House on Harbor Grace Island, read 2d time.

On motion of Mr. Brown, seconded by Mr. Power,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole to consider of the said Bill.

To-morrow.

Mr. Brown gave notice that he should, to-morrow, bring in a Bill for the establishing a Grammar School in Conception Bay.

Notice of Bill for the establishing a grammar school in Conception Bay

Mr. Nugent as chairman of the deputation appointed on the 5th inst to present an address to his Excellency the Governor, praying that his Excellency would please to be laid before this House copies of certain Precepts, Records, &c., reported that the deputation had accordingly waited upon his Excellency, and his Excellency was pleased to reply as follows:—

Report of deputation appointed to wait on his Excellency with an address.

H. PRESCOTT.

His Excellency's reply.

GENTLEMEN,

I do not think it necessary to give any direction respecting correspondence that may have taken place between the Colonial Secretary and the Clerk of the Supreme and Central Circuit Courts.

I will call upon the Judges for copies of such of the Documents mentioned in this address as may not interfere in matters still under litigation.

The official notice of the assumption of office by the present Chief Justice, and of his having taken the Oaths for the due execution thereof, was published, and will be found in the *Royal Gazette* of 26th of November, 1833.

Government House, }
8th September, 1837. }

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

MR. SPEAKER,

Message, &c.

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to establish an Academy or College in this Colony," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber,
8th Sept., 1837.

H. J. BOULTON, P. C.

And then the Messenger withdrew.

Amendments read 1st time.

The amendments made by the Council in the said bill were read a first time, and are as follow :

In the title, and throughout the Bill, wherever they occur, expunge the words "or College."

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

7th line.—Expunge the word "six," and insert in its stead the word *seven*.

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

" " Expunge the word "as," between the words "persons" and "directors," and after the word "Directors," expunge the words "or Trustees."

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

Expunge the 2d and 3d sections of the Bill.

4th Section, 5th line.—Expunge the word "situation."

6th " ————— words "and holding."

5th " 13th " ————— "to receive such appointment or."

14th " Expunge the words "and Trustee."

6th " 3rd " ————— "senior principal," and insert in their stead, *Head*.

4th " Expunge the word "two," and insert the word "*three*" in its stead, and between the words "hundred" and "pounds" expunge the words, "and fifty."

5th " Expunge the word "other," and insert in its place, the word *under*.

6th " Insert at the end of the line, the words *Exclusive of such emoluments and fees for tuition as the Directors shall appoint so to be taken by the said Masters*.

13th " Expunge the word "His" between "to" and "Majesty," and insert "Her," and also between the words "Majesty" and "heirs."

Expunge the 10th, 11th, 12th, and 14th sections of the Bill.

On motion of Mr. Nugent, seconded by the Solicitor General,

Resolution for printing Academy Bill.

Resolved,—That the Academy Bill sent up to the Honorable the Council from this House, be printed, and with it the Bill as amended by the Council:

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the bill for the establishment of an hospital, and for the relief of sick and disabled seamen, fishermen, and others.

House in committee on Bill for the establishment of an hospital.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the Chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report.

Ordered,—That the said committee have leave to sit again on Monday next.

Leave to sit again.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council a Bill intituled "An act to amend an act passed in the fourth year of the reign of his late Majesty King William the fourth, intituled 'An act to regulate the building of Houses in Water Street in the town of St. Johns,'" passed by her Majesty's Council, to which the concurrence of this House was requested.

Message from Her Majesty's Council transmitting Bill to regulate the building of Houses in Water-street.

And then the Messenger withdrew.

The said Bill from her Majesty's Council was then read a first time.

Bill read 1st time.

A petition of William Martin, John Ridout, and 75 others, inhabitants of Flat Rock, was presented to the House by Mr. Nugent, and the same was received and read, setting forth—

Petition of W. Martin and others presented & read.

The great necessity of a Road from Flat Rock to Torbay, the way petitioners have to go now being almost impassable, and praying that the House will take the same into consideration.

On motion of Mr. Nugent, seconded by Mr. Doyle,

Ordered,—That the said petition be referred to the Committee of Roads and Bridges.

Referred to committee on roads and bridges.

A petition of Patrick Hayes was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of P. Hayes presented and read.

That the Magistrates of Greenspond illegally seized certain property of petitioner, and other grievances, and praying the interference of the House.

Ordered,—That the said petition do lie upon the Table.

To lie on the table.

Then the House adjourned until to-morrow at twelve of the clock.

Saturday, September 9, 1837.

A petition of Thomas Mercer, George Crane, senr., and 83 others, inhabitants of Upper Island Cove and its vicinity, was presented by Mr. Brown, and the same was received and read setting forth—

Petition of G. Crane and others presented and read.

That petitioners suffer great inconvenience and deprivation—there being no road to enable them and the other inhabitants to bring the produce of their industry to market, and that in cases of severe illness the attendance of a Doctor or Clergyman cannot be obtained from the cause, and praying the House for such a sum of money as will make a road from thence to the Riverhead of Harbor Grace.

On motion of Mr. Brown, seconded by Mr. Nugent.

Ordered,—That the said petition be referred to the Committee on Roads and Bridges.

Mr. Nugent, pursuant to notice, and leave granted, presented a Bill to regulate the appointment and duties of the Sheriff of this Colony, —and the same was received and read a first time.

Ordered,—That the said bill be read a second time on Monday next.

Mr. Nugent, pursuant to notice, and leave granted, also presented a bill to repeal certain parts of an act passed in the 5th year of the reign of his late Majesty King George the 4th, intituled “An act for the better administration of justice in Newfoundland and for other purposes,” and to regulate the fees of the Sheriff of this colony; and the same was received and read a first time.

Ordered,—That the said bill be read a second time on Monday next.

Mr. Nugent gave notice that, on Monday next, he should move that the 36th rule be suspended, in order that he may move that the two bills on the subject of the office and of the fees of Sheriff, be on that day committed.

Mr. Moore gave notice that, on Monday next, he shou'd move that the petition of Patrick Hayes, presented to the House yesterday, be printed.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to authorize the raising the loan of a further sum of money for the completion of the Light House on Harbor Gaace Island, and to make further regulations respecting the same.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Power reported from the committee that they had gone through the said bill and had made an amendment therein; and he delivered the Bill with the amendment in at the Clerk's table.

And the said amendment having been read a first and second time, was, upon the question put thereon, agreed to by the House.

Ordered—That the said Bill as amended be engrossed.

Ordered,—That the said Bill be read a third time on Monday next.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of the present state of the administration of justice in this Colony.

Referred to committee on roads and bridges.

Bill to regulate the appointment of Sheriffs, &c., read 1st time.

2d reading.

Bill to repeal certain parts of act for the more effectual administration of justice in Newfoundland, &c., read 1st time.

2d reading.

Notice of motion to suspend 36th rule, &c.

Notice of motion to print petition of Patrick Hayes.

House in committee on Bill to authorize the loan of a further sum of money for the completion of the Light-House on Harbor Grace Island:

Report.

Amendments read and agreed to.

Bill engrossed.

3d reading.

House in committee on state of administration of Justice.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred and had desired him to move for leave to sit again.

Ordered,—That the said committee have leave to sit again.

Resolved,—That this House will, on Tuesday next, again resolve itself into the said committee.

Then the House adjourned until Monday next, at twelve of the clock.

Report.

Leave to sit again on

Tuesday.

Monday, September 11, 1837.

THE Solicitor General, as chairman of the deputation appointed on the 8th inst. to present to his Excellency the Governor an address in answer to his Excellency's reply to a former address, reported to the House that the deputation had accordingly waited upon his Excellency, and that his Excellency was pleased to reply as follows :—

H. PRESCOTT.

GENTLEMEN,

I shall not fail to comply with the wish of the House of Assembly, as expressed in this address.

Government House, }
11th September, 1837. }

A petition of Patrick Doyle and 118 others, inhabitants of the Southern shore of Conception Bay, was presented by Mr. Kent, and the same was received and read setting forth—

That the road from St. John's to Holyrood will become the main road, which will open a communication by land with St. John's, from all the Northern and Western Bays of the Island. That the said line of road is not only calculated to become a great convenience and benefit to the petitioners, but to the public also,....and praying the House to vote a sum sufficient to defray the expense of completing at least that part of the road remaining yet unfinished, between Kellygrews and St. John's—being about twelve miles.

On motion of Mr. Kent, seconded by Mr. Brown,

Ordered,—That the said petition be referred to the Committee on Roads and Bridges.

Pursuant to the order of the day, an engrossed bill to authorize the raising by loan of a further sum of money for the completion of the light-house on Harbor Grace Island, was read a third time.

Report of committee appointed to present address to his Excellency.

His Excellency's reply.

Petition of P. Doyle and others presented and read.

Referred to committee on roads and bridges.

Bill to authorize the raising by loan of a sum of money for the completion of the Light-House on Harbor Grace Island, read 3d time.

Passed. *Resolved*,—That the said bill do pass, and that the title be “An act to authorize the raising by loan of a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulation respecting the same.”

Title.

Sent to Council. *Ordered*,—That Mr. Brown and Mr. Power do carry the bill up to Her Majesty’s Council and desire their concurrence.

Bill to regulate making and repairing roads and highways read 3d time. On motion, an engrossed bill to regulate the making and repairing of roads and highways in this Island, was read a third time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Passed. *Resolved*—That the said bill do pass, and that the title be “An act to regulate the making and repairing of roads and highways in this Island, and to repeal certain acts of the General Assembly relating to highways.”

Title.

Sent to Council. *Ordered*,—That Mr. Nugent and Mr. Kent do carry the bill up to her Majesty’s Council and desire their concurrence.

Bill to repeal certain parts of an act passed in the 5th year of his Majesty Geo. 4, &c., read 2d time. Agreeably to the order of the day, a Bill to repeal certain parts of an act passed in the 5th year of the reign of his late Majesty King George the 4th and to regulate the fees of the Sheriff of this colony, was read a second time.

On motion of Mr. Nugent, seconded by Mr. Morris,

To be committed *Ordered*,—That the said Bill be committed to a committee of the whole House.

To-morrow. *Resolved*,—That this House will, to-morrow, resolve itself into a committee of the whole to consider of the said Bill.

Notice of motion to suspend rules of House. Mr. Brown gave notice that he should, to-morrow, move that the rules of the House, in reference to the bringing in, reading, and passing of Bills, the consideration of the amendments on Bills from her Majesty’s Council, and the moving of addresses to his Excellency, be rescinded. That he should also move that no further Bill be brought in this session, except a general Road Bill and Supply Bill to her Majesty for the public service—and, on Monday next, he should move a call of the House.

House in Committee on amendments to Bill to extend Criminal Law of England to this Colony. On motion, the House resolved itself into a committee of the whole House on the amendments made by her Majesty’s Council in the Bill to extend the Criminal Law of England to this Colony under certain modifications.

Mr. Speaker left the chair.

The Solicitor-General took the chair of the committee.

Mr. Speaker resumed the Chair.

Report. The Chairman reported that they had considered the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House; and he delivered the said resolutions in at the Clerk’s Table, where they were read as follows.

Resolved,—That the committee appointed to manage the conference with her Majesty’s Council, on the subject of the amendments made by the Council to the Bill to extend the Criminal Law of England to this Colony, under certain modifications, be instructed to state to the Mana

gers on the part of her Majesty's Council, that this House cannot agree to the amendments proposed by the Council to expunge the second section and part of the preamble of the Bill, as in such case the Colony would not under the remaining Enactments have the full benefit of all those progressive improvements and ameliorations of the Criminal Law of England, which appear to be so frequently occurring by acts of the Imperial Parliament.

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

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

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

That the House would also have no objection, should the council be willing, to recede from their amendment, to insert *twelve* months instead of *six* months as the period to intervene from the passing of any future criminal statutes of the Imperial Parliament, before they shall operate in this Colony. But in this case the House considers it advisable that the first section of the Bill should be made to include the criminal statutes of the Imperial Parliament down to the end of the last session, in order that several criminal statutes, which the House has reason to believe are of great importance, may be extended to this Colony without much delay.

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

And the said Resolutions having been read throughout, a first and second time were, upon the question put thereon, agreed to by the House.

On motion of Mr. Morris, seconded by the Solicitor-General,

Resolved,—That a conference be requested with her Majesty's Council on the subject matter of the said amendments and that the resolutions just adopted be the instructions to the managers who may be appointed to manage the said conference on the part of this House.

Ordered,—That the Solicitor General do go up to the Council and desire the said conference.

Report.

Resolutions read and agreed to.

Resolution for conference with Her Majesty's Council.

Conference to be requested.

Bill to regulate the appointment of Sheriff, &c., read 2d time.

Agreeably to the order of the day, a Bill to regulate the appointment and duties of the Sheriff of this Colony, was read a second time.

To be committed

On motion of Mr. Nugent, seconded by Mr. Kent,
Ordered,—That the said Bill be committed to a committee of the whole House.

To-morrow.

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of said Bill.

House in committee on bill for granting to Her Majesty certain duties on wines, &c.

On motion, the House resolved itself into a committee of the whole House on the consideration of the bill for granting to her Majesty certain duties on wines, spirits and other articles imported into this colony.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

Mr. Nugent reported from the committee that they had gone through the said bill and had made some amendments therein, which they had directed him to report to the House; and he delivered the bill with the amendments in at the Clerk's table.

Amendments read.

And the said amendment having been read a first and second time, was, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered—That the said Bill as amended be engrossed.

3d reading.

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

Order of the day read.

The order of the day for the House resolving itself into a committee of the whole House on the consideration of the amendments made by her Majesty's Council in the bill to regulate the terms and sessions of the Supreme and Circuit Courts of this Island, being read,

Motion thereon.

The Solicitor General moved, seconded by Mr. Nugent,

Resolved,—That the said order of the day be discharged, and the said amendments be committed to a committee of the whole House this day six months.

Order of the day read.

The order of the day for the House resolving itself into a committee of the whole House on the consideration of the amendments made by her Majesty's Council in the bill to authorise summary proceedings in the Circuit Courts of this Colony, being read,

Motion thereon.

Mr. Nugent moved, seconded by Mr. Morris,

Resolved,—That the said order of the day be discharged, and the said amendments be committed to a committee of the whole House this day six months.

House in committee on Bill for the establishment of an hospital.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of the bill for the establishment of an hospital, and for the relief of sick and disabled seamen, fishermen, and others.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report:

Ordered,—That the said committee have leave to sit again on to-morrow.

Leave to sit again

The Solicitor General gave notice that, to-morrow, he should move for leave to bring in a bill for inspecting bread and butter, imported into this colony.

Notice of bill for inspecting bread & butter.

A petition of Philip Breen, and 32 others, inhabitants of the town of Saint Mary's, was presented by Mr. Nugent, and the same was received and read setting forth—

Petition of P. Breen and others presented and read.

That the state of the fishery has been such for some years past as to make petitioners turn their attention more to the cultivation of the soil ; but from the peculiar situation of the place, having no road, and being nearly divided by a pond, their best endeavours are frustrated in a great measure. They therefore deem it of the utmost importance to the general good that a road should be made from Lance Cove round to south-west side of the Pond, to meet the line of road marked out some time since ;...and also, that a bridge be erected over the pond, &c.,—and praying the House to grant such a sum as they may deem necessary for these purposes.

On motion of Mr. Nugent, seconded by Mr. Dwyer,

Ordered,—That the said petition be referred to the Committee on Roads and Bridges.

Referred to committee on roads and bridges.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, September 12, 1837.

A Petition of C. Cozens, Walter Whealan, and 90 others, inhabitants of Brigus, was presented to the House by Mr. Godfrey, and the same was received and read, setting forth—

Petition of C. Cozens and others presented & read.

That the great public road leading round Conception Bay to Saint John's, lies one and a half miles from Brigus. That there is at present a narrow road leading from the said town of Brigus to the said great public road, but which is so impaired as to be very inadequate to the business and travelling daily required to be done thereon. That it is highly desirable that a good and convenient way of communication should be established between the said town of Brigus and the said public road, &c.,—and therefore pray the House to make provision by a grant of money for that purpose.

On motion of Mr. Godfrey, seconded by Mr. Brown,

Ordered,—That the said petition be referred to the Committee on Roads and Bridges.

Referred to committee on roads and bridges.

Petition of P. Ward and others presented and read.

A petition of Patrick Ward and 140 others, inhabitants of Holyrood, Chapel Cove, Harbor Main, Gasters, Colliers, Turks Gut, and Brigus, in Conception Bay, was presented by Mr. Godfrey, and the same was received and read, setting forth—

That in these coves and harbors there is a population of three thousand, whose industry in the cultivation of the soil is the principal support of their families. That the line of road opened last winter, from Holyrood to Brigus, is useless to them, being run too far from the head of each harbor, and affording no communication from harbor to harbor, or from any harbor to Brigus, &c.,—and praying the House to grant a sum of money to open a line of road of communication from Holyrood aforesaid to Brigus.

On motion of Mr. Godfrey, seconded by Mr. Brown,

Referred to committee on roads and bridges.

Ordered,—That the said petition be referred to the committee on roads and bridges.

Petition of E. Murphy presented and read.

A petition of Elizabeth Murphy was presented by Mr. Brown, and the same was received and read, setting forth—

That petitioner is a widow with a large family,—that in consequence of the new line of road opened between Harbor Grace and Carbonear petitioner was deprived of the greater part of her Garden,—and praying the House to grant her a sum of money to compensate for her loss.

On motion of Mr. Brown, seconded by Mr. Nugent,

Referred to committee of supply.

Ordered—That the said petition be referred to the committee of supply.

On motion of Mr. Brown, seconded by Mr. Power,

Resolution for suspending rules of House.

Resolved,—That the rules of the House, in reference to introducing, reading, and passing of Bills, the consideration of the amendments on Bills from her Majesty's Council, and the moving and passing of addresses to his Excellency the Governor, be suspended; and that no further Bill be brought in this session, except a general Road Bill and Supply Bill to her Majesty for the public service.

Bill for inspection of bread and butter presented and read 1st time.

The Solicitor General, in pursuance of notice, presented a bill to require the inspection of the butter and bread imported into this Colony, and the same was read a first time.

2d reading.

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

Message from Her Majesty's Council transmitting Merchant seamen's bill with amendments.

MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act for the regulation of Merchant Seamen engaged in the vessels of this Colony," with some amendments to which they request the concurrence of the Assembly.

Council Chamber, }
12th Sept., 1837. }

H. J. BOULTON, P. C.

And then the Messenger withdrew.

The amendments made by the Council in the said bill were then read a first time, and are as follow :

Amendments read.

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

1st Section, 8th line.—Insert after the word “vessel” the words, *belonging to any British subject and*. Expunge the words “and belonging to.”

13th “ Expunge the word “accepted” and insert *excepted* in its stead.

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

3rd “ Expunge this section of the Bill.

4th “ 15th “ Expunge the word “every” and insert *any* in its stead.

23rd “ Expunge the words “or of any deposited copy thereof, as aforesaid.”

5th “ last line but 4.—Expunge the words “exclusive of Gaol fees,” after the word “pound.”

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

9th “ 9th “ Expunge the words between “shall” in the 9th line of this section, and “and” in the eleventh line, and insert in their stead, *be guilty of a misdemeanour*.

15th “ 3rd “ Expunge the words “against the ship or the master or owner thereof, in the Court of Vice Admiralty or.”

6th “ Insert after the word “owner,” *of any such ship as aforesaid*.

16th “ 6th “ Insert after the word “to,” *any British subject*.

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

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

Last line.—Expunge do. do. do. do.

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

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

Expunge the 23rd section of the Bill:

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

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

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

26th “ 10th “ Expunge the word “three,” and insert the words, *two or more*.

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

43rd “ Insert after the word “offender,” the words, *or the complaining party*.

2d reading.

Ordered,—That the said amendments be read a second time to-morrow.

House in committee on supply.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred, and had desired him to move for leave to sit again.

Leave to sit again.

Ordered,—That the said committee have leave to sit again.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council accede to the conference requested by the House of Assembly, on the subject matter of the Bill entitled "An act to extend the Criminal Law of England to this Colony under certain modifications," and have appointed Conferrees to meet the Managers on the part of the Assembly in the committee room of the Council immediately.

H. J. BOULTON.

Council-Chamber, }
12th September, 1837. }

And then the Messenger withdrew.

Managers named.

Ordered,—That Mr. Morris, the Solicitor General, Mr. Winser, and Mr. Godfrey, do manage the said conference on the part of this House.

Conference held.

The names of the Managers were called over and they went to the conference.—And being returned—

Report.

Mr. Morris reported, that the Managers had been at the conference and had complied with the instructions of the House.

House in Committee of supply.

On motion, the House again resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

To sit again to-morrow.

Ordered,—That the said committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, September 13, 1837.

PURSUANT to the order of the day, the amendments made by her Majesty's Council in the bill sent up from this House for the regulation of merchant seamen engaged in the vessels of this Colony, were read a second time.

Amendments to Merchant seamen's Bill read 2d time.

On motion of the Solicitor-General, seconded by Mr. Nugent,

Resolved,—That a conference be requested with her Majesty's Council on the subject matter of the said amendments, and that the following resolution be the instruction to the managers who may be appointed to manage the said conference on behalf of this House.

Resolution for conference with Her Majesty's Council.

Resolved,—That the conferees be instructed to state—That the House of Assembly cannot agree to the amendments made by her Majesty's Council in the 25th section of the Bill entitled "An act for the regulation of merchant seamen engaged in the vessels of this Colony," inasmuch as her Majesty's Council have in that section appropriated the fines and forfeitures in the said section referred to, which it is alone the privilege of the House of Assembly to appropriate.—The House of Assembly, however, will have no objection to introduce into the said Bill, a provision such as is suggested by her Majesty's Council.

Instructions to managers

Ordered,—That the Solicitor General do go up to the Council and desire the said conference.

Conference to be requested.

Agreeably to the order of the day, a Bill to require the inspection of the butter and bread imported into this Colony, was read a second time.

Bill for inspection of bread and butter read 2d time.

On motion of Mr. Kent, seconded by Mr. Doyle,

Ordered—That the said Bill be printed for the use of the Members.

To be printed.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of a supply to be granted to her Majesty.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred, and had desired him to move for leave to sit again.

Report.

Leave to sit again.

Ordered,—That the said committee have leave to sit again.

MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from Her Majesty's Council.

MR. SPEAKER,

Message, &c.

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act to amend an act passed in the 4th year of the reign of his late Majesty King William the fourth, entitled 'An act to regulate the standard of Weights and Measures in this Colony and to provide for the surveying of Lumber,'" with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council Chamber, }
13th Sept., 1837. }

And then the Messenger withdrew.

Amendments read 1st time.

The amendments made by the Council in the said bill were then read a first time, and are as follow :

In the preamble, between the words "measuring" and "coals," insert the words, *salt and*.

1st Section, 6th line.—Between the words "of" and "coals," insert the words, *salt and*.

13th " Between the words "all" and "coals," insert the *salt and*.

3rd " 4th " Add the letter "s" to the word "District."

Last line.—Expunge the word "afore," and insert in its stead, *before in part*.

Ordered,—That the said amendments be now read a second time.

And the said amendments were accordingly read a second time.

Read 2d time.

On motion of Mr. Power, seconded by Mr. Brown,

Ordered,—That the said amendments be now committed to a committee of the whole House.

House in committee thereon.

And the House resolved itself into a committee of the whole House on the consideration of the said amendments.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said amendments, and had agreed to the same with an amendment thereon, which they had directed him to report to the House ; and he delivered the amendment in at the Clerk's table.

Amendment read.

And the said amendment having been read a first and second time, was, upon the question put thereon, agreed to by the House, and is as follows :—

In the amendments throughout—Expunge the words "salt and."

On motion of Mr. Power, seconded by Mr. Brown,

Sent to Council.

Ordered,—That Mr. Power and Mr. Brown do carry the said amendments up to her Majesty's Council and acquaint them that this House have agreed to the same, with an amendment thereon, to which their concurrence is requested.

Mr. Morris presented a bill to extend the criminal law of England to this colony under certain modifications, and the same was received and read a first time.

Bill to extend Criminal Law of England to this Colony read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Read 2d time.

On motion of Mr. Morris, seconded by the Solicitor General,

Ordered,—That the said Bill be now committed to a committee of the whole House.

And the House resolved itself into a committee of the whole House on the consideration of the said bill.

House in Committee thereon.

Mr. Speaker left the chair.

Mr. Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the said bill, and had agreed to the same without any amendment; and he delivered the bill in at the Clerk's table.

Report.

Ordered,—That the said bill be engrossed, and read a third time tomorrow.

Bill engrossed.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House; and the said message was read, and is as follows:

Message from his Excellency the Governor transmitting petition of J. Blackburn, and extract of a letter from T. Reed, Esquires.

MESSAGE.

H. PRESCOTT.

The Governor transmits to the House of Assembly a petition from Josiah Blackburn, Esq., and an Extract from a letter addressed to the Colonial Secretary, by Thomas Reed, Esq., and recommends them to the favourable consideration of the House.

Government House,
13th September, 1837.

The petition mentioned in the said message was read by the Clerk, setting forth—

That petitioner holds the appointment of Stipendiary Magistrate for St. Mary's. That the salary attached to the situation is inadequate to preserve that standing and respectability in the settlement where he resides,—and praying his Excellency to recommend to the House of Assembly that such an addition be made to the salary petitioner at present receives, as may appear meet, and that petitioner may be further assisted towards the erection of a suitable building for the Magistrate.

Petition read.

The extract of the letter referred to in the said message was read by the Clerk, and is as follows:

“I take this opportunity to thank his Excellency for the appointment of Magistrate, and assure his Excellency I shall endeavour to discharge the several duties connected therewith faithfully as a public servant, and

Extract of letter read.

Extract, &c.

to the best of my ability ; and I trust to the satisfaction of his Excellency and the inhabitants of this extensive district—and I cannot refrain from expressing a hope, that his Excellency will not be unmindful of the important duties I may have to perform, and the very insulated situation in which I am placed, that pecuniary consideration may not be overlooked by his Excellency when an opportunity may occur, which would in some measure make up for the many privations and higher rates of charge consequent on such a distant situation.”

Further documents presented to the House.

The Hon Mr. Secretary Crowdy also presented to the House, by direction of his Excellency the Governor, the following documents, viz :

Report of commissioners of roads, of Conception Bay, of progress since their general report.

An account of expenses of surveying the Gaol, &c., at Twillingate.

Account of the Clerk of the Peace at Ferryland.

Return of Fees, &c., of the Clerk of Southern Circuit Court from 4th January to 11th September, 1836.

Return of Fees, &c., of Clerk of Southern Circuit Court for two years ending 31st December, 1835.

The said documents were read by the Clerk.

Referred to committee of supply, &c.

Ordered.—That the said petition and extract of a letter be referred to the committee of supply ; and the said message and other documents do lie upon the table.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council accede to the conference requested by the House of Assembly, on the subject matter of the Bill entitled “ An act for the regulation of merchant seamen engaged in the vessels of this Colony,” and have appointed Managers to meet the Conferrees on the part of the Assembly in the committee room of the Council immediately.

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

H. J. BOULTON,

Council-Chamber, }
13th September, 1837. }

And then the Messenger withdrew.

Ordered,—That the Solicitor General, Mr. Nugent, Mr. Brown, and Mr. Power, do manage the said conference on the part of this House.

Managers named.

The names of the Managers were called over and they went to the conference.—And being returned—

Conference held.

The Solicitor General reported, that the Managers had been at the conference, and had complied with the instructions of the House.

Report.

On motion, the House again resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report

Ordered,—That the said committee have leave to sit again.

Leave to sit again.

Resolved,—That this House will, to-morrow, again resolve itself into the said committee.

To-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, September 14, 1837.

A GREEABLY to order, the bill to extend the criminal law of England to this colony, under certain modifications, was read a third time.

Bill to extend Criminal Law of England to this Colony, read 3d time.

On motion of Mr. Morris, seconded by the Solicitor General,

Resolved,—That the said bill do pass, and that the title be “An act to extend the Criminal law of England to this colony.”

Passed.
Title.

Ordered,—That Mr. Morris and the Solicitor General do carry the bill up to her Majesty’s Council and desire their concurrence.

Sent to Council.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to regulate the appointment and duties of Sheriff of this Colony.

House in committee on Bill to regulate the appointment and duties of Sheriff in this Colony.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made some amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk’s table.

Report.

Amendment read.

And the said amendments having been read a first and second time, were, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered,—That the said bill be engrossed, and read a third time to-morrow.

House in committee on administration of Justice Bill.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to repeal certain parts of an act passed in the 5th year of the reign of his late Majesty King George the fourth, entitled "An act for the better administration of Justice in Newfoundland and for other purposes," and to regulate the fees of the Sheriff of this colony.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had gone thro' the said bill, and had agreed to the same without any amendment.

Bill engrossed

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

House in Committee of supply.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Leave to sit again

Ordered,—That the said committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, September 15, 1837.

ON motion of Mr. Power, seconded by the Solicitor General,

Resolution for committee to prepare reasons to be offered at a conference with Her Majesty's Council.

Resolved,—That a committee be appointed to prepare reasons, to be offered at a conference with her Majesty's Council, for disagreeing to the amendments of "Salt and," made by the Council in a bill sent from this House to the Council, entitled "An act to amend an act passed in the 4th year of the reign of his late Majesty King William the fourth, entitled 'An act to regulate the standard of weights and measures in this colony, and to provide for the surveying of lumber.'"

Ordered,—That Mr. Power, the Solicitor-General, and Mr. Kent, do form such committee.

Committee appointed.

Mr. Power reported from the said committee, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read and is as follows.

Report.

Resolved,—That the committee appointed to manage the conference with her Majesty's Council, on the subject of the amendments made by the Council to the Bill entitled "An act to amend an act passed in the 4th year of the reign of his late Majesty King William the 4th, intituled 'An act to regulate the standard of Weights and Measures in this Colony and to provide for the surveying of Lumber,'" be instructed to state to the conferrees on the part of her Majesty's Council, that the House of Assembly cannot concur in the amendment made by the Council to the said bill, by which salt would be allowed to be sold by measure instead of by weight, as the House of Assembly considers that weight is the most certain and fair standard of computation for that article, because some kinds of salt are much lighter, and therefore of inferior quality to other kinds, and because the mode of computing the quantity of salt by measure admits of great fraud on purchasers, fair or unfair measures depending in a great degree upon the compactness or lightness with which salt may be thrown into the hogshead when measured.

Instructions to managers

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

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

Resolved,—That the said Report be adopted by the House.

Report adopted.

On motion of Mr. Power, seconded by the Solicitor-General,

Resolved,—That a conference be requested with her Majesty's Council on the subject of the said amendment.

Conference to be requested.

Ordered,—That Mr. Power do go up to her Majesty's Council and desire the said conference.

Agreeably to the order of the day, an engrossed Bill to regulate the appointment and duties of the Sheriff of this colony, was read a third time.

Bill to regulate the appointment of Sheriff, &c., read 3d time.

Resolved—That the said bill do pass, and that the title be "An act to regulate the appointment and duties of the Sheriff of this Colony."

Passed.

Title.

Ordered,—That Mr. Nugent and Mr. Kent do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Agreeably to order, an engrossed Bill to repeal certain parts of an act passed in the 5th year of the reign of his late Majesty King George the 4th, and to regulate the fees of the Sheriff of this Colony, was read a third time.

Bill to repeal certain parts of an act passed in the 5th year of his Majesty Geo. 4, &c., read 3d time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Passed.

Title.

Resolved,—That the Bill do pass, and that the title be, “An act to repeal certain parts of an act passed in the 5th year of the reign of his late Majesty King George the 4th, intituled ‘An act for the better administration of justice in Newfoundland and for other purposes,’ and to regulate the fees of the Sheriff of this Colony.”

Sent to Council.

Ordered—That Mr. Nugent and Mr. Kent do carry the Bill up to her Majesty’s Council and desire their concurrence.

House in Committee of supply.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred, and had desired him to move for leave to sit again.

Leave to sit again

Ordered,—That the said committee have leave to sit again.

MESSAGE FROM HER MAJESTY’S COUNCIL.

Message from Her Majesty’s Council agreeing to conference.

The Master-in-Chancery brought down from Her Majesty’s Council the following written message :—

MR. SPEAKER,

Her Majesty’s Council accede to the conference requested by the House of Assembly, on the subject matter of the Bill entitled “An act to regulate the standard of Weights and Measures in this Colony and to provide for the surveying of Lumber,” and have appointed Managers to meet the Conferrees on the part of the Assembly in the committee room of the Council immediately.

H. J. BOULTON.

Council-Chamber, }
13th September, 1837. }

And then the Messenger withdrew.

Managers named.

Ordered,—That Mr. Power, the Solicitor General, Mr. Nugent, and Mr. Kent, do manage the said conference on the part of this House.

Conference held.

And the names of the managers were called over and they went to the conference.—And being returned—

Report.

Mr. Power reported that the managers had been at the conference and had complied with the instructions of the House.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolution for committee to enquire into contingencies of House.

Resolved,—That a select committee be appointed to enquire into and report upon the contingencies of this House.

Committee appointed.

Ordered,—That Mr. Kent, Mr. Nugent, Mr. Power, Mr. Winser, and Mr. M’Carthy, do form such committee.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That a message be sent to her Majesty's Council requesting them to furnish this House with the amount of their contingencies for the present session.

Message to be sent to Council.

Ordered,—That Mr. Kent do communicate the said message to her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written messages :—

Message from Her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act to extend the Criminal law of England to this colony," without amendment.

H. J. BOULTON, P. C.

Council Chamber, }
15th Sept., 1837. }

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act for granting to her Majesty certain duties on wines, spirits and other articles imported into this colony," with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council-Chamber, }
15th September, 1837. }

And then the Messenger withdrew.

The amendments made by the Council in the said last bill were then read a first time, and are as follow :

Amendment read.

Insert the following proviso after the 14th section of the Bill :

Provided always that the remuneration to be paid as aforesaid to the Collector of the Customs or his Deputies, and of the said sum of nine hundred pounds, shall be at the rate of Twenty-five shillings for every one hundred pounds respectively levied and collected by him or them under the provisions of this act over and above the sum that may be required to pay the additional Clerks and Officers employed to collect the Colonial Revenue.

Expunge the words "no longer," at the end of the 15th section and insert in their stead the words "from thence to the end of the then next session of the Legislature of this Island."

H. J. BOULTON, P. C.

Passed the Council }
15th September, 1837. }

Mr. Kent presented a Bill for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony, and the same was received and read a first time.

Bill for granting to Her Majesty certain duties on wines, &c. read 1st time.

Ordered,—That the said bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

Ordered,—That the said Bill be now committed to a committee of the whole House.

And the House resolved itself into a committee of the whole House on the consideration of the said bill.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said bill, and had agreed to the same without any amendment.

Ordered,—That the said Bill be engrossed, and read a third time this day.

And the said engrossed Bill was read a third time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved—That the said bill do pass, and that the title be “An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony.”

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, an account from Mr. Tremblet, of Twillingate, for the support of a blind pauper, with a copy of an explanatory statement received from him, and the school report for the district of Bonavista made under the education act.

The said documents were read by the Clerk.

Ordered,—That the same do lie upon the table.

On motion, the House again resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Ordered,—That the said committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, September 16, 1837.

A petition of James M'Donnell, of Harbor Grace, was presented by Mr. Brown (who stated in his place that he had obtained the consent of his Excellency the Governor for presenting the same,) and the said petition was received and read, setting forth:

House in committee thereon.

Report.

Bill engrossed and

Read 3d time.

Passed.

Title.

Mr. Speaker lays before the House a letter from Hon. Mr. Sec'y. Crowdy, transmitting sundry documents.

Documents read.

To lie on the table.

House in Committee of supply.

Report.

Leave to sit again

Petition of J. M'Donald presented and read.

Petition, &c.

That the children of Peter Fanning (who stood charged with the wilful murder of his wife, and who had been transported) were placed with petitioner by the Magistrates of Harbor Grace,—one of the children still remains with petitioner, for whose maintenance and clothing he has received no payment since the 4th Nov. last, and annexed statement of his charge, which he prays the House will take into consideration, and grant a sum for the payment of the same.

On motion of Mr. Brown, seconded by Mr. M'Carthy,

Ordered,—That the said petition be referred to the Committee of supply.

Referred to committee of supply.

On motion of Mr. Brown, seconded by Mr. Power,

Resolved,—That the following address to his Excellency the Governor be adopted :

*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 New-
foundland and its Dependencies, &c. &c.*

Address to his Excellency.

May it please Your Excellency,

The House of Assembly respectfully beg to inform your Excellency that having a petition numerously and most respectably signed by the inhabitants of Carbonear, to the effect that the gentleman who at present holds the office of Stipendiary Magistrate there, from his advanced age and infirmities, is not competent to discharge the duties of his office with the ability and energy requisite for the public service, they have taken under their consideration the office of Stipendiary Magistrate at Carbonear ; and it appearing to them that Mr. Buckingham is, from his advanced age and other circumstances, not so competent to perform its duties as might be desirable in such office, they have voted a retiring pension of sixty pounds to that gentleman, in consideration of his services. And the House of Assembly respectfully request that your Excellency will be pleased to appoint a competent and proper person as the Stipendiary Magistrate at Carbonear.

Ordered.—That Mr. Kent and Mr. Brown be a committee to present the said address to his Excellency.

Committee to present it.

Mr. Nugent reported from the select committee appointed to enquire into and report upon the contingencies of the House during the present session, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Report of committee appointed to enquire into the contingencies of the House for the present session.

The select committee appointed to examine into and report upon the contingencies of the House during the present session, beg to report that they find the following sums to be due for the undermentioned services, viz.—

Mr. Shea, printing Journals of the present Session	160	0	0
Do. for balance of 1836	56	16	3
Robert John Parsons, for general printing	145	10	0
R. R. Wakelam, for stationery and office rent	50	0	0
To the Clerk of the House of Assembly for extra services	50	0	0
To Solicitor for extra services	50	0	0
N. W. Hoyles, for copying accounts	15	0	0

To Mr. Freeman, for work done	.....	.....	21	5	5
To Mr. Delany, do.	.....	..	20	0	0
To Mr. Perchard, for house-keeper	....	....	10	0	0

JOHN V. NUGENT,
Chairman.

Committee-Room, 16th Sept., 1837.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That the said report be referred to the committee of supply.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

And then the Messenger withdrew.

The said message was read by Mr. Speaker, and is as follows:

MESSAGE.

H. PRESCOTT.

The Governor transmits & recommends to the favourable consideration of the House of Assembly a representation made to him by the commissioners superintending the construction of the causeway and bridge at Riverhead, a work of great utility, and which has hitherto been conducted in a very satisfactory manner.

Government House,
16th September, 1837.

The Representation accompanying the said message was read by the Clerk, and is as follows:

*To His Excellency Henry Prescott, Esquire,
C. B. Governor, &c. &c.*

Having been appointed by your Excellency as commissioners to superintend the erection of a bridge across the river at the west end of this town, we deem it to be our duty to report to your Excellency the progress we have made in the work, and to point out some things necessary to its completion.

Your Excellency is already aware of the contract entered into with Mr. Flahavan for the erection of the necessary embankments and piers which are in a forward state, for which he is to be paid the sum of six hundred and forty-five pounds, currency.

A bridge has also to be erected across the opening of forty feet, for which no provision is yet made, and which may cost £120 currency.

It then appears to us that from the unprotected state of the edges of the embankments, that there will be danger of the loss of life if a railing is not raised on both sides, for the whole distance across which, together with the contingent expenses, and the addition of some stone work to protect the wood piers may require £180 more, so that your Excellency will at once perceive that but little further progress can be made in the work unless that government is pleased to grant its further assistance.

Referred to committee of supply.

Message from his Excellency the Governor

Representation read.

We beg, therefore, to submit to your Excellency that a further sum of three hundred pounds, currency, will be required to complete the work, and hope that your Excellency will be pleased to adopt such means as you may deem necessary to obtain the above sum.

Presentment, &c.

We have the honor to be,
Your Excellency's
obedient, humble servants,

ROBERT JOB
H. P. THOMAS
M. WILLOUGHBY
JOHN BUTLER BULLEY
WM. JORDEN.

St. John's, 15th Sept., 1837.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said message and representation be referred to the committee on roads and bridges.

Referred to committee on roads and bridges.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House, on the further consideration of a supply to be granted to her Majesty.

House in Committee of supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Nugent reported from the committee that they had made some progress in the business to them referred, and had desired him to move for leave to sit again.

Report

Ordered,—That the said committee have leave to sit again on Monday next.

Leave to sit again.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, September 18, 1837.

A Petition of Stephen J. Daniel, of Carbonear, was presented by Mr. Power, and the said petition was received and read, setting forth:

Petition of S. J. Daniel presented and read.

That petitioner, in the due and faithful performance of the duties of the office of assayer of weights and measures for the district of Carbonear and Western Bay, has incurred expense, and has been at much trouble and inconvenience, and that the fees which petitioner was entitled by Law to receive were by no means adequate to compensate him for his trouble and loss of time, and the onerous duties he had to perform,—petitioner therefore prays the House to grant him such compensation as they may deem meet.

On motion of Mr. Brown, seconded by Mr. Nugent,

Referred to committee
of supply.

Ordered,—That the said petition be referred to the Committee of supply.

Petition of R. Craft and
others, presented and
read.

A petition of Robert Craft, David Maguire and others, inhabitants of Ferryland and Aquafort, was presented by Mr. Winsler, and the same was received and read, setting forth—

That petitioners disapprove of an act passed by the Council, entitled, or commonly known by the Hospital act. That the working of the said act has been most injurious to some of the petitioners, which a single instance has not occurred of any benefit,—and praying the House to relieve them by repealing the said oppressive act.

To lie on the Table.

Ordered,—That the said petition do lie upon the table.

On motion of Mr. Winsler, seconded by Mr. Moore,

Petitions to be printed.

Ordered,—That the said petition, and a petition of John Coady and others, inhabitants of Fermews, of the same purport, presented to the House some time since, be printed.

Petition of W. Sweetland presented and read.

A petition of Wm. Sweetland, of Bonavista, was presented by Mr. Moore, and the same was received and read setting forth—

That petitioner was appointed by his Excellency the Governor Stipendiary Magistrate for Bonavista, last season.

That the sum of one hundred pounds had been voted for that appointment during the last session.

That a previous engagement, which could not immediately be relinquished, prevented petitioner from proceeding to his appointment until December last, in consequence of which the sum of seventy pounds seven shillings and eight-pence, stg. of the aforesaid vote has been withheld by the Executive from your petitioner.

That being obliged to resign his employment before his undertaking had been fully completed, the difficulties and expense attending his removal from Placentia Bay to Bonavista, the impossibility of his obtaining from St. John's the means of subsistence during the winter season, the high price of house and office rent, together with that of every article of life at Bonavista,—petitioner humbly prays that he may be allowed to receive the remainder of the vote so withheld from him.

To lie on the table.

Ordered,—That the said petition do lie upon the table.

House in committee on
bill for the relief of sick
and disabled seamen, &c.

On motion, the House resolved itself into a committee of the whole House on the consideration of the bill to authorise the appropriation of certain monies raised under the act 6th Wm. 4th, intituled "An act to provide for the relief of sick and disabled seamen, fishermen and other persons."

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said Bill, and had made some amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time were, upon the question put thereon, agreed to by the House.

Amendments read.

Ordered,—That the said bill, as amended, be engrossed, and read a third time to-morrow.

Bill engrossed.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That Capt. Bennett's report, transmitted to this House by his Excellency the Governor, be printed for the use of the Members of the House.

Captain Bennett's report to be printed.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from Her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council have passed the following Resolutions :—

Resolved,—That on Tuesday, the twelfth day of September, a Bill intitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony," was sent up to the Council by the Assembly, to which the concurrence of the Council was requested, and that on Friday, the 15th of September following, the said Bill was sent down to the Assembly with certain amendments to which their concurrence was requested, and that the Assembly presently, on the same day, detached the said amendments from the said Bill and sent it back to the Council with a message that they had passed a Bill entitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony," to which they requested the concurrence of the Council.

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

H. J. BOULTON, P. C.

Council-Chamber, }
18th September, 1837. }

And then the Messenger withdrew.

Mr. Moore presented to the House the draft of an address to his Excellency the Governor, which was read by the Clerk and is as follows :—

Address to his Excellency read.

Address,

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

May it please Your Excellency,

The House of Assembly having taken into consideration the petition of Wm. Sweetland, Esq., the Stipendiary Magistrate of the district of Bonavista Bay, complaining of the difficulties and impediments in the way of his assumption of his said office in a district distant from his usual residence, respectfully pray your Excellency will be pleased to order that the several Stipendiary Magistrates of Burin, Trinity, St. Mary's, Twillingate, and Bonavista, be paid that proportion of the vote of the last session of the Legislature which remains unpaid, although their several offices may not have been assumed at the commencement of the year.

Address adopted.

Ordered,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Moore and Mr. Winser be a committee to present the same to his Excellency.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

MR. SPEAKER,

Her Majesty's Council adhere to their amendments in and upon the Bill sent up from the House of Assembly entitled "An act to amend an act passed in the fourth year of the reign of his late Majesty King Wm. the fourth, entitled 'An act to regulate the standard of Weights and Measures in this Colony and to provide for the surveying of Lumber.'"

H. J. BOULTON, P. C.

Council Chamber, }
18th Sept., 1837. }

And then the Messenger withdrew.

Address to his Excellency read:

Mr. Winser presented to the House the draft of an address to his Excellency the Governor which was read by the Clerk 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 Is-
land of Newfoundland and its Dependen-
cies, &c. &c. &c.*

May it please Your Excellency.

The House of Assembly having had presented to them, and taken into their consideration a petition of John B. Cox, lately superintendant of Convicts at hard labour, and also a letter from the Sheriff to the said John B. Cox, by which it appears that the Sheriff had discharged him from his office of such superintendant, and that thereby he had suffered great prejudice and loss in being thrown suddenly out of employment.

which circumstances appearing to this House to involve some degree of hardship on the said John B. Cox, the House of Assembly respectfully request that your Excellency will be pleased to afford the said John B. Cox some suitable compensation out of the sum granted last year for superintending convicts at hard labour.

Ordered,—That the said address be adopted and engrossed.

Address adopted.

Ordered,—That Mr. Winser and Mr. Moore be a committee to present the same to his Excellency.

Committee to present it.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from Her Majesty's Council transmitting education bill and pilots bill with amendments.

MR. SPEAKER,

Her Majesty's Council have passed the Bills sent up from the House of Assembly entitled "An act to amend an act passed in the sixth year of the reign of his late Majesty King Wm. the fourth, entitled 'An act for the encouragement of education in this Colony.' "

"An act to amend an act passed in the third year of the reign of King Wm. the fourth, entitled 'An act for the regulation of pilots and the pilotage of vessels at the port of St. John's,' " with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON.

Council Chamber, }
18th Sept., 1837. }

And then the Messenger withdrew.

The amendments made by the Council in the said first mentioned bill were then read a first time, and are as follow :

Amendments to education bill read 1st time.

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

Expunge the first section of the Bill.

2nd section, 1st line.—Expunge "and be it further," and insert in its stead, *Be it therefore*.

" 7th " Expunge all the words after the word "act" in this line, and insert the word "also" in the 10th line.

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

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

3rd " Expunge this section of the Bill.

4th " Expunge all the words after the word "District" in the 15th line, and insert in their stead the words, "Provided that no child shall be required to use any book objected to by the parents or guardians of such child."

Expunge the 6th 8th and 9th sections of the Bill.

H. J. BOULTON, P. C.

Passed the Council }
18th September, 1837. }

Motion for 2d reading.

Mr. Brown moved, seconded by Mr. Morris,
That the amendments be now read a second time.

Amendment thereon moved.

Mr. Kent, seconded by Mr. Winsor, moved in amendment,
That the word "now" be struck out, and after the word "time" be inserted the word "to-morrow;" whereupon the House divided as follows:

FOR THE AMENDMENT,

AGAINST THE AMENDMENT,

The Solicitor General
Mr. Doyle
— Butler
— Morris
— Dwyer
— Power
— Winsor
— Kent
— Nugent.

Mr. Godfrey
— Moore
— M'Carthy
— Brown.

Amendment carried.

So it passed in the affirmative, and

Amendments to be read 2d time to-morrow.

Ordered,—That the said amendments be read a second time to-morrow.

On motion of Mr. Power, seconded by Mr. Morris,

Bill to be printed.

Ordered,—That the said bill, and as amended by the Honorable the Council, be printed for the use of the Members.

Amendment to pilots bill read 1st time.

The amendment made by the Council in the last mentioned bill in the said message was read a first time and is as follows:—

1st section, 9th line.—Insert after the word "act" "on all vessels admeasured under the provisions of the act 3rd and 4th Wm. 4th, cap 55."

H. J. BOULTON, P. C.

Passed the Council, }
September 18, 1837. }

Notice of motion for printing bills.

Mr. Nugent gave notice that, to-morrow, he should move that all the Bills that have, during the present session, been lost in her Majesty's Council, or being there amended, have been rejected by this House, be printed for the use of the Members.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, September 19, 1837.

Report of committee appointed to present an address to his Excellency:

MR. Brown from the committee appointed to present to his Excellency the Governor the address of the House passed on Saturday last, reported that the committee had presented to his Excellency the said address, to which his Excellency was pleased to make the following reply:

H. PRESCOTT.
Gentlemen,

I will, at a proper time, take this address into my careful consideration.
Government House,
19th September, 1837.

A petition of Alfred Parsons, of Freshwater, in Conception Bay, was presented by Mr. Power, and the said petition was received and read, setting forth :

That petitioner was appointed by the Board of Education for Conception Bay, to instruct the children of Freshwater, and continued their tuition for nearly twelve months, for which he received no remuneration. Petitioner therefore humbly prays the House will be graciously pleased to devise such a just and equitable procedure as will effect the fair remuneration of petitioner's time and services.

Ordered,—That the said petition do lie upon the table.

The order of the day for the second reading of the amendments made by her Majesty's Council in the bill sent up from this House entitled "An act for the encouragement of education in this colony," being read—

Mr. Brown moved, seconded by Mr. Kent,

Ordered,—That the said order of the day be postponed, until the said bill as amended be printed.

On motion of Mr. Nugent, seconded by the Solicitor General,

Resolved,—That the following message to her Majesty's Council be adopted, and sent up to the Council :

Mr. President—

In reply to the message of her Majesty's Council of yesterday, the House of Assembly beg to say, that having on Friday, the 15th September, received a bill entitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony," which had been previously sent up to her Majesty's Council for their concurrence, and to which her Majesty's Council had annexed amendments materially affecting the privileges of this House in the appropriation of the sum provided for defraying the expenses of the collection and also of the extension of the time to an indefinite period of the continuance of the act, they came to the conclusion that

That this violation of the privileges of the House of Assembly could only be met by the rejection altogether of the bill, or by the preparing a new one upon the same subject; and in order to prevent the injury and inconvenience that must otherwise have resulted to the public service, they resolved to adopt the moderate course of sending up a new Bill which they did accordingly, but which bill was in every respect an echo of the former one.

The session of the Legislature having advanced to a period of the year when it is most important that Members of the Assembly should be disengaged from their legislative labours, and the session closed, they were under the necessity of passing the second in one day, but in so doing, they have by no means acted inconsistently with former precedent, for they find by reference to the Journals (Sess. 5, p. 89) that on

His Excellency's reply.

Petition of A. Parsons presented and read.

To lie on the table.

Order of day read.

Motion to postpone it.

Message to be sent to Council.

Message, &c.

the 16th April, 1835, a second Revenue Bill was introduced, read a first and second time, committed, read a third time, and passed on the same day, which bill was subsequently passed into a law.

Under these circumstances the House of Assembly beg to acquaint the Council that in the first place the manner in which they pass a bill cannot be construed as infringing upon the privileges of her Majesty's Council. In the next place the Hon. the Council can have no data on which to found the conclusion, and therefore have no right to conclude that the bill sent up on Friday was the same bill that had been previously transmitted from this House.

They beg to observe, that while upon all occasions during the present session, the House of Assembly have forborne to interfere with the privileges of the Honorable the Council. Upon many occasions have the Hon. the Council infringed most materially upon the privileges of the House of Assembly by appropriating fines in several bills sent down with amendments, and also by encreasing the salary of the Teacher contemplated under the Academy Bill; but the House of Assembly, only solicitous to further the public business, and anxious for public improvement and the advancement of the public interests, forbore to remonstrate where they had a remedy in their hands by the rejection of the bills.

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

WILLIAM CARSON,
Speaker.

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

To be sent to Council.

Ordered,—That Mr. Nugent and the Solicitor General do carry the said Message up to her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

MR. SPEAKER,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to continue and amend an act passed in the 4th year of the reign of his late Majesty King Wm. the 4th, entitled "An to regulate the packing and inspection of pickled fish for exportation from this Island," with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council-Chamber, }
19th September, 1837. }

And then the Messenger withdrew.

The amendments made by the Council in the said bill were then read a first time, and are as follow :

Amendments read 1st time.

In the preamble, 6th line, insert after the word "continue," the words "and amend," and expunge all the words in the preamble after the word "same."

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

5th Section, last line but one.—Expunge the word "Judgment," and insert the word "prosecution," in its stead.

Ordered,—That the said amendments be read a second time to-morrow.

2d reading.

On motion, the amendment made by her Majesty's Council in the bill sent up from this House entitled "An act to amend an act passed in the third year of the reign of King Wm. the fourth, entitled 'An act for the regulation of pilots and the pilotage of vessels at the port of St. John's,'" was read a second time.

Amendment to pilots' bill read 2d time.

On motion of Mr. Morris, seconded by Mr. Doyle,

Ordered,—That the said amendment be now committed to a committee of the whole House.

Committed.

And the House resolved itself into a committee of the whole House on the consideration of the said amendment accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said amendment, and had agreed to the same.

Report.

Ordered,—That the said report be received and adopted.

Report adopted.

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

3d reading.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council request the House of Assembly will furnish them with any information they may have obtained, shewing the necessity of a further sum of money being granted to complete the building of the Harbor Grace Island Light House.

H. J. BOULTON.

Council Chamber, }
19th Sept., 1837. }

And then the Messenger withdrew.

Mr. Brown moved, seconded by Mr. Kent,

Information to be furnished to Council.

Ordered,—That this House do furnish her Majesty's Council with the information requested by the message, and that Mr. Brown and Mr. Kent do carry the same to the Council.

House in Committee of supply.

On motion, the House again resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Leave to sit again.

Ordered,—That the said committee have leave to sit again.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, September 20, 1837.

Bill to authorise appropriation of monies collected under act of his late Majesty, read 3d time.

PURSUANT to the order of the day, an engrossed bill to repeal an act passed in the 6th year of the reign of his late Majesty King William the fourth, and to authorise the appropriation of monies collected under the said act, was read a third time.

Mr. Winser moved, seconded by Mr. Nugent,

Passed.
Title.

Resolved,—That the said bill do pass, and that the title be “An act to repeal an act passed in the sixth year of the reign of his late Majesty King Wm. the fourth, entitled ‘An act to provide for the relief of sick and disabled seamen, fishermen, and others,’” and to authorise the appropriation of monies collected or received under or by virtue of the said act.

Sent to Council.

Ordered,—That Mr. Winser and Mr. Nugent do carry the bill up to her Majesty's Council and desire their concurrence.

Amendment to Pilots bill read 3d time.

Agreeably to the order of the day, the amendment made by her Majesty's Council in the bill sent up from this House entitled “An act to amend an act passed in the 3d year of the reign of his late Majesty King Wm. the 4th, entitled ‘An act for the regulation of Pilots and the pilotage of vessels at the Port of St. John's,’” was read a third time.

On motion of Mr. Morris, seconded by the Solicitor General,

Resolved,—That the said amendment do pass.

Passed.

Ordered,—That Mr. Morris and the Solicitor General do go up to her Majesty's Council and acquaint them that this House have concurred in the said amendment.

Council acquainted thereof.

Mr. Morris moved the second reading of the Bill to enable the Bank of British North America to sue and be sued in the name of the Manager or Local Directors; which being put, and the House dividing thereon, there appeared, for the motion, six; against it, five.

Motion for 2d reading of bill to enable Bank of B. N. A. to sue & be sued.

FOR THE MOTION,

AGAINST THE MOTION,

House divide thereon.

Mr. Doyle
— Power
— Butler
— Morris
— Winser
The Solicitor General.

Mr. Nugent,
— Moore
— M'Carthy
— Brown
— Kent.

So it passed in the affirmative, and

Motion carried.

Ordered,—That the said Bill be now read a second time.

And the said Bill was read a second time accordingly.

Bill read 2d time.

On motion of Mr. Morris, seconded by the Solicitor General,

Ordered,—That the said Bill be committed to a committee of the whole House.

To be committed on.

Resolved,—That this House will, on Friday next, resolve itself into a committee of the whole House on the consideration of the said Bill.

Friday.

Mr. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, copy of a letter from Richard Rankin, Esq., a Magistrate in Conception Bay.

Letter from Hon. Mr. Secretary Crowdy transmitting letter of R. Rankin, Esq.

The said letter was read by the Clerk, as follows:—

(Copy.)

JAS. CROWDY.

Lower Island Cove, September 14, 1837.

SIR,—I have taken the liberty to address you for the purpose of putting you in possession of the following information, which you will oblige me by communicating to his Excellency the Governor.

Letter.

The fishery on that part of the coast of Conception Bay from Bay de Verd to Carbonear has, in a great measure, failed this season. The catch even in this place (which I believe to be the best on the shore) does not exceed one half of the usual average, and generally speaking, in the other settlements not above one third. In many of the places, also, the late gales of Easterly wind have done considerable damage, and losses have been sustained.

Letter.

These circumstances, added to that of the great advance in the price of provisions this season, must necessarily tend to produce a scene of distress and suffering which those only who reside amongst the sufferers can have any idea of, and which for my own part I dread to contemplate.

I have deferred this communication in the hope that I should not be under the necessity of making it, more especially as there was a prospect of making up a part of the short catch, but this has not been realised, nor is it now likely to be.

I think it right, therefore, to suggest that some confidential person should be sent to ascertain the real state of the different settlements, both in this and Trinity Bays, before the season is too advanced.

I have been led to put myself forward on this occasion, not by the request of any of the inhabitants (for they are not aware that I am addressing you on the subject), but from an imperious sense of duty, and a desire that his Excellency may be put in possession of every information on the subject in time to apply a remedy.

I have, &c.

(Signed)

The Honorable
JAMES CROWDY, &c. &c. &c.

RD. RANKIN, J. P.

On motion of Mr. Brown, seconded by Mr. Morris,

Ordered,—That the said letter be referred to the committee of supply.

Then the House adjourned until to-morrow, at twelve of the clock.

Referred to committee of supply.

Thursday, September 21, 1837.

Report of committee appointed to present an address to his Excellency:

MR. Winsor from the committee appointed to present to his Excellency the Governor the address of the House passed on Monday last, reported that the committee had presented the said address to his Excellency, and that in reply thereto his Excellency was pleased to say he would comply with the same.

Order of the day for 3d reading of amendments to pickled fish bill read.

The order of the day for the third reading of the amendments made by her Majesty's Council in an upon the bill entitled "An act to continue and amend an act passed in the fourth year of the reign of his late Majesty King Wm. the fourth, intituled 'An act to regulate the packing and inspection of pickled fish for exportation from this Island,'" being read.

Mr. Power moved, seconded Mr. Brown,

Ordered,—That the said amendments be committed to a committee of the whole House.

To be committed

Resolved,—That this House will, to-morrow, resolve into a committee of the whole House to consider of the said amendments.

To-morrow

On motion of Mr. Brown, seconded by Mr. Kent,

Ordered,—That a committee of the whole House on the consideration of Roads and Bridges be the first on the order of the day to-morrow.

Committee on roads and bridges to stand first on the order of the day to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, September 22, 1837.

MR. Moore from the committee appointed to present to his Excellency the Governor the address of the House passed on Monday last, respectfully requesting that the Stipendiary Magistrates of Burin, Trinity, St. Mary's, Twillingate, and Bonavista, be paid that proportion of the vote of the last Session of the Legislature which remains unpaid, although their several offices may not have been assumed at the commencement of the year, reported that the committee had presented the said address, and that his Excellency was pleased to reply that he should comply with the request therein contained.

Report of committee appointed to present an address to his Excellency.

The order of the day that the Bill to enable the Bank of British North America to sue and be sued in the name of the Manager or Local Directors be committed to a committee of the whole House, being read—

Order of the day for House in committee on bill to enable Bank of B. N. A. to sue & be sued, read.

Mr. Morris moved, seconded Mr. Power,

Resolved,—That the said order of the day be discharged, and the said Bill be committed to a committee of the whole House this day six months.

Order of day discharged.

A petition of Pierce Grace, John O'Brien, and others, inhabitants of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of P. Grace & others, presented and read.

That petitioners have heard with considerable alarm that a *Bank* called "the British and North American Bank," is about to be introduced into this Colony.

That the Bill before the Honorable the House of Assembly has been drawn up by the Managers and Directors and has not these securities of property in this Country which are necessary to give public confidence in the absence of Local Proprietors, and while there is this absence of Local security, the Directors and Managers, who themselves prepared the Bill, carefully exclude therefrom every section of the English and Scotch Banking Acts which give security to the public, while they extract from the entire all the provisions advantageous to the firm.

That the Bill is therefore before the House in a suspicious form, and they pray the House will not pass any Bill of an exclusive character, at least until there is ample security given to the public, and such security to be come at without subjecting the parties aggrieved to the inconvenience of going to England to recover, and if such security shall be given, to allow no Note to be issued by the said Bank under Five pounds.

Ordered,—That the said petition do lie upon the table.

To lie on the table.

Message from her Majesty's Council requesting conference.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council request a conference with the House of Assembly on the subject of the message sent up to the Council in relation to certain resolutions of the Council communicated to the Assembly on Tuesday last,—and have appointed Conferrees to meet the Managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
22d September, 1837. }

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Morris,

Conference agreed to.

Resolved,—That the conference requested by her Majesty's Council be agreed to.

Council acquainted thereof.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have agreed to the conference requested by them.

Managers named.

Ordered,—That Mr. Nugent, the Solicitor General, Mr. Morris, and Mr. Power, do manage the said conference on the part of this House.

Conference held.

And accordingly they went to the conference.—And being returned—

Report.

Mr. Nugent reported, that the Managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table where it was again read as follows :—

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

It is, moreover, beneath the dignity of Public Bodies to reciprocate injuries, and therefore if the grounds of complaint which the Assembly have put forth against the course pursued by the Council on former occasions, as trenching upon the assumed privileges of the Assembly, were well founded, which the Council by no means admit, the Assembly would consult its own dignity by abstaining from following an example which they so strongly deprecate, instead of endeavouring to justify themselves for having adopted a course with regard to a measure sent down to them from the Council for which no precedent can be found in the annals of Legislation, by alleging that the Council have acted unjustifiably in other instances.

The Resolution of the Council transmitted to the Assembly on Monday last states, that on "the 12th day of September, a Bill entitled "An act for granting to her Majesty certain duties on wines, spirits and other articles imported into this colony," was sent up to the Council by the Assembly, to which the concurrence of the Council was requested, and that on Friday the 15th September following, the said bill was sent down to the Assembly with certain amendments to which their concurrence was requested, and that the Assembly presently on the same day detached the said amendments from the said bill and sent it back to the Council with a message that they had passed a bill entitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this colony," to which they requested the concurrence of the Council; to which the Assembly in their message of the following day reply, "that having on Friday the 15th of September received a bill entitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this colony," which had been previously sent up to her Majesty's Council for their concurrence, and to which bill her Majesty's Council had annexed amendments materially affecting the privileges of this House in the appropriation of the sum provided for defraying the expenses of the collection, and also in the extension of the time to an indefinite period, of the continuance of the act, they came to the conclusion that this violation of the privileges of the House of Assembly could only be met by the rejection altogether of the bill, or by the preparing a new one on the same subject; and in order to prevent the injury and inconvenience that must have otherwise resulted to the public service, they resolved to adopt the moderate course of sending up a new bill, which they did accordingly, but which bill was in every respect but an echo of the former one;" and also that "the Hon. the Council can have no data on which to found the conclusion, and therefore have no right to conclude that the bill sent up on Friday was the same bill that had been previously transmitted from this House."

In private life nothing can be more unpleasant than that individuals, possessing equal knowledge of the existence of any given fact, should be induced to put forth categorical statements diametrically opposed to each other in relation thereto, but that Public Bodies should so far forget what is due to the important interests they represent, as to state a fact to have happened which they know never occurred, is a public calamity. Unfortunately, however, this is the position in which the Council and Assembly are placed with regard to each other by having advanced antagonist statements in reference to the bill in question, and therefore the Council feel most anxious to relieve themselves from the imputation of being supposed capable of committing so flagrant a breach of public honor as the misrepresentation of a fact within their own knowledge necessarily involves.

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

Fortunately, the Council require the said of no oral testimony to prove the correctness of their operation. The bare inspection of the Bill now upon their table, as returned by the Assembly on Tuesday the 15th September, as stated in the resolution of the Council, exhibiting the handwriting of the Chairman opposite each clause as it passed through a committee of the whole Council, irrefragably proves the correctness of the statement of the Council in that respect; and unless the Council, in deference to the Assembly, should reject the evidence of their own senses, they can have no other "data on which to found the conclusion to which

Report, &c.

they came, and therefore they did and do now "conclude" and assert that the bill sent up on Friday was the same bill that had been previously transmitted from the Assembly ;" and consequently the Council are precluded from proceeding farther with it.

The Council furthermore desire to state, that had the bill lastly sent up been in fact a new bill and not the identical one which had been returned by the Council to the Assembly with amendments as the Council has asserted it to be, and of which the bill itself bears intrinsic evidence, yet that bill being but an echo of the former one, as alleged by the Assembly, such a course, however moderate the Assembly may think proper to designate it, would have been likewise without precedent, and consequently could not have been recognised by the Council.

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

On motion of Mr. Nugent, seconded by the Solicitor General,

Resolved,—That a select committee be appointed to prepare a report on the subject of the said conference.

Ordered,—That Mr. Nugent, Mr. Morris, Mr. Brown and Mr. Power do form such committee.

Mr. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, extract of a letter from Capt. Bennett, of Her Majesty's Ship Rainbow, addressed so his Excellency, dated 15th September, 1837.

The said extract was read by the Clerk.—See Appendix.

Ordered,—That the said extract do lie on the table.

Mr. Morris moved, seconded by Mr. Nugent,

Ordered,—That the said extract, the report of Hyde Villiers, Esq. to the Secretary of State on the French Fisheries, and the report of the French Minister of Finance to the King of France, on the fisheries of Newfoundland, be printed for the use of the members, and that the same be placed in the Appendix to the Journals of this House.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, September 23, 1837.

Report of committee of conference.

MR. Nugent, from the select committee to whom had been referred the instructions to the committee of managers received at the conference yesterday from her Majesty's Council, and to report thereon, reported as follows :

The committee have taken the instructions to the managers received at the conference of yesterday from her Majesty's Council into consideration, and recommend to the House that a conference be requested thereon, and that the following be the instructions to the conferrees on that occasion :

The House of Assembly having taken into consideration the subject of the conference prayed for by her Majesty's Council on Friday, the 22d instant, cannot find in the arguments there urged anything to prove that in sending up a Bill on Friday, the 15th inst., entitled "An act for granting to her Majesty certain duties on wines, spirits, and other articles imported into this colony," they had departed from the strictest rules of propriety.

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

For the better accomplishment of this object, regular notice had been given on Sept. the 11th, and on the next day it was *Resolved*—(see Journals of that date)—"That all the rules of the House in reference to the introduction, the reading, committing, and passing of bills, the consideration of amendments to Bills made by her Majesty's Council, and the moving of addresses to his Excellency the Governor, be rescinded."

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

With regard to the complaint of her Majesty's Council "that the Bill sent up on Friday the 15th, was *the same* Bill that had been previously transmitted from the Assembly," the House of Assembly cannot recede from their former assertion that the bill sent up on that occasion was to all intents and purposes a *New Bill*, even though the mechanical or clerical part of the body of the bill may have been identical with the former bill ; for it will be remembered that the former bill was dated as having passed the Assembly on the 12th inst., whereas the present bill exhibits the date of its passing as the 15th, and as leave was asked in the regular way for its introduction—as it was upon motion, read a first time, and, upon motion, read a second time—upon motion committed, and the entire bill and the several sections thereof taken into consideration and adopted *seriatim*—and again, as, upon motion, it was read a third time, and again, upon motion, passed—the House of Assembly must continue to consider it in the light of a new bill ; and having been impelled to the adoption of this course by the very same motives which led to the adoption of the Resolution before adverted to, the Council must perceive that the House of Assembly had not acted with undue pre-

Report, &c.

cipitation in a matter of so much import, or from any feeling inconsistent with the character of a Deliberative Body.

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

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

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

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

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

The primary means of its accomplishment is the passing of the Revenue Bill, and although two such bills have already gone to the Council, as one of them has been by their amendments rendered abortive, and they now declare they cannot proceed with the other, still are the House of Assembly determined to send up a third, in order that as they contemplate the expenditure of £17000 in the construction of bridges and making of roads, besides some two or three thousand pounds for charitable uses, in addition to the large sums necessary for supporting the Civil Government of the Colony,—the means of raising monies to meet these all-important objects may not be wanted.

On motion,

Resolved,—That the said report be received and adopted by the House.

Report received.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and request the said conference.

Conference requested.

A petition of John Power, of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of J. Brown presented and read.

That petitioner is a fisherman, and has regularly paid his hospital dues for the last two years.—Petitioner is now afflicted with a disease which, from his want of means, cannot be cured unless he procures admission to the St. John's hospital—petitioner has made several applications for admission which were unattended to, and praying the interference of the House.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the following address be adopted and presented to his Excellency the Governor.

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

Address to his Excellency read.

May it please Your Excellency.

The House of Assembly beg leave to lay before your Excellency the petition of John Power, of St. John's, fisherman, presented to this House, complaining of the refusal to admit him into the St. John's hospital, although he has paid his dues for the two last years.

It appears this poor man is afflicted with a grievous and distressing complaint, requiring for its cure that he shall be subjected to a difficult and dangerous surgical operation, and therefore is it necessary that the best means should be afforded him of promoting his cure. The House respectfully take leave to call your Excellency's attention to this grievance, and to bring this poor man's distressing case under your Excellency's benevolent consideration.

Ordered,—That Mr. Nugent and Mr. Morris be a committee to present the said address to his Excellency.

Committee to present it.

Moved by Mr. Brown, seconded Mr. Godfrey,

Resolved,—That it is the opinion of this House, that a sum not exceeding Sixteen thousand Five hundred pounds be placed at the disposal of the committee on Roads and Bridges, and that instructions be given to said committee agreeably thereto.

Resolutions respecting Roads & Bridges.

Moved by Mr. Nugent, seconded by Mr. Morris,

Resolved,—That for the better and more effectual direction of making of Roads and constructing of Bridges, Boards of Commissioners be appointed in the several settlements in this Island—such Commissioners to be named in the Road Bill.—That such Commissioners shall advertise

Resolutions, &c.

by public notice for tenders for the completion of the several Roads and Bridges and other works for the accomplishment they shall have been appointed; and they shall in all cases, where proper security is given, be required to accept the lowest tender.—And that a Central Board of Commissioners be appointed, who shall be also named in the Bill, to which Board the several executive Boards for the District of St. John's, as well as the several external Boards, shall report on the progress of all works conducted under their administration and shall make returns of all tenders and vouchers laid before them.—And also, to return sworn statements of the correctness of the expenditure; and that the said Central Board of Commissioners shall be required to make a report to the several branches of the Legislature within the first week of the next session of the Legislature; and that instructions be given to the committee on Roads and Bridges in conformity therewith.

House in committee on Roads and Bridges.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of Roads and Bridges.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House; and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read and is as follows:—

Resolved,—That the two following resolutions of the House of Assembly be adopted as an instruction to the committee on Roads, viz :

“*Resolved*,—That it is the opinion of this House that a sum not exceeding Sixteen thousand Five hundred pounds, be placed at the disposal of the committee on Roads and Bridges, and that instructions be given to said committee agreeably thereto.

“*Resolved*,—That for the better and more effectual direction of the making of Roads and construction of Bridges, Boards of Commissioners be appointed in the several settlements in this Island—such Commissioners to be named in the Road Bill.—That such Commissioners shall advertise by public notice for tenders for the completion of the several Roads and Bridges and other works, for the accomplishment they shall have been appointed; and they shall, in all cases where proper security is given, be required to accept the lowest tender.—And that a Central Board of Commissioners be appointed, *who shall be also named in the Bill*, to which Board the several Executive Boards for the District of St. John's, as well as the several external Boards, shall report on the progress of all works conducted under their administration and shall make returns of all tenders and vouchers laid before them, and also to return sworn statements of the correctness of the expenditure; and that the said Central Board of Commissioners shall be required to make a report to the several branches of the Legislature within the first week of the next session of the Legislature.”

Resolved,—That the several Roads, Bridges and other works to be constructed under the provisions of the contemplated Road Act, be expressly mentioned in the Bill, together with the sum to be expended up-

on each work particularly, and that for the superintendance of the works, and carrying the act generally into effect, Boards of Commissioners be appointed in each principal settlement, where, or in the neighbourhood of which, such works shall be projected and the names of the commissioners be therein introduced.

Report, &c.

Resolved,—That a sum not exceeding Five thousand Nine hundred and Twenty-five pounds, be expended in the making of Roads and other necessary works within the District of St. John's, agreeably to the above Resolution.

Resolved,—That a sum not exceeding Four thousand Seven hundred and Ninety-six pounds, be expended in Conception Bay, in like manner and for like purposes.

Resolved,—That a sum not exceeding Nine hundred and Twenty pounds, be similarly expended in the District of Bonavista.

Resolved,—That a sum not exceeding Nine hundred and Sixty pounds, be similarly expended in the district of Placentia and St. Mary's.

Resolved,—That a sum not exceeding Five hundred and Fifty pounds, be similarly expended in the district of Burin.

Resolved,—That a sum not exceeding Four hundred and Twenty pounds, be similarly expended on the Road from Carbonear to Hearts Content.

Resolved,—That a sum not exceeding One thousand Seven hundred pounds, be similarly expended in the district of Ferryland.

Resolved,—That a sum not exceeding Five hundred and Eighty pounds, be similarly expended in the district of Trinity Bay.

Resolved,—That a sum not exceeding Seven hundred pounds be similarly expended in the district of Fogo.

Resolved,—That a sum not exceeding Two hundred and Fifty pounds, be similarly expended on the Road from Spaniards Bay to New Harbor in Trinity Bay.

And the said report having been read throughout a first and second time was, upon the question put thereon, agreed to by the House.

Report read and agreed to.

On motion of Mr. Brown, seconded by Mr. Godfrey,

Resolved,—That a committee be appointed to draft a Bill in pursuance of the foregoing Resolutions.

Resolution for committee to draft bill.

Ordered,—That Mr. Brown, Mr. Godfrey, Mr. Nugent, Mr. Morris, and Mr. Kent, do form such committee.

Committee appointed.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, September 25, 1837.

PURSUANT to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the amendments made by her Majesty's Council to the Bill sent up from this House, intituled "An act to continue and amend an act passed in the fourth year of the reign of his late Majesty King William the fourth, intituled 'An act to regulate the packing and inspection of pickled fish for exportation from this Island.' "

House in Committee on amendments to pickled fish bill.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said amendments, and had agreed to the same.

Report adopted.

Ordered,—That the said report be received and adopted.

3d reading.

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

Bill for granting to Her Majesty certain duties on wines, &c. read 1st time.

Mr. Kent presented a Bill for granting to her Majesty certain duties on wines, spirits, and other articles imported into this Colony, and the same was received and read a first time.

Ordered,—That the said Bill be now read a second time.

Read 2d time.

And the said Bill was read a second time accordingly.

On motion of Mr. Kent, seconded by Mr. Brown,

Ordered,—That the said Bill be now committed to a committee of the whole House.

House in committee thereon.

And the House resolved itself into a committee of the whole House on the consideration of the said bill accordingly.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said Bill, and had made some amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout were, upon the question put thereon, agreed to by the House.

Bill engrossed.

Ordered,—That the said bill, as amended, be engrossed.

3d reading.

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

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, September 26, 1837.

Report of committee appointed to present an address to his Excellency:

MR. Nugent, as Chairman of the committee appointed to present an address of the House to his Excellency the Governor, on the subject of the petition of John Power, reported that the committee had waited on his Excellency with the address accordingly, when his Excellency was pleased to read the following reply:—

H. PRESCOTT.

Gentlemen,

I will cause immediate enquiry to be made respecting the subject of this address, although I cannot but think that the statement set forth in the petition upon which it is based will be found to originate in misapprehension—not, I trust, in wilful misrepresentation.

Government House,
26th September, 1837.

His Excellency's reply.

Agreeably to the order of the day, an engrossed bill for granting to her Majesty certain duties, was read a third time.

Bill for granting Her Majesty certain duties, read 3d time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said bill do pass, and that the title be “An act for granting to her Majesty certain duties on goods, wares and merchandizes imported into this colony and its dependencies.”

Passed.
Title.

Ordered,—That Mr. Kent and Mr. Nugent do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

Message from Her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject of the conference held on Friday the 22d instant, and have appointed managers to meet the conferees on the part of the Assembly in the Committee Room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
26th September, 1837. }

And then the Messenger withdrew.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Brown, and Mr. Power, do manage the said conference on the part of this House.

Managers named.

And accordingly they went to the conference.—And being returned—Mr. Nugent reported that the managers had been at the conference and had complied with the instructions of the House.

Conference held.
Report

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy, being admitted within the Bar, presented to the House the following petitions and Reports:

Message from his Excellency the Governor, transmitting sundry documents.

Copy of petition from Nicholas Croke (contractor for building new Court Houses, &c., in certain of the out-harbors) claiming some remuneration for expenses attending alterations in the building at Brigus in consequence of the site having been changed after the commencement of the work, with reports thereon from the Stipendiary Magistrate at Brigus.

A petition of certain inhabitants of Old Perlican, setting forth: That in consequence of the short catch of fish during the past summer, many of their poor neighbours are in a state of abject poverty.

That petitioners viewing the awful circumstances that must result to many during the coming winter, if something is not done to relieve them, have felt it to be their bounden duty to represent their true state, and praying that his Excellency will be please to give the subject that humane and prompt attention which his Excellency may think it deserves.

To lie on the table.

Ordered,—That the said petitions and reports do lie on the table.

Petition of M. Roach and E. Maher presented and read.

A petition of Maurice Roach and Edward Maher, prisoners in Her Majesty's Gaol at St. John's, was presented by Mr. Moore, and the said petition was received and read, setting forth :

That at the last sittings of the Central Circuit Court, petitioners were sentenced to seven years banishment from this Island, and to be confined in prison until such time as petitioners could find means to pay for their passages,—that petitioners are now upwards of six months in prison—having no means of their own to defray the necessary expenses of their passages—and praying that the House would be pleased to grant such a sum as it may deem meet for that purpose.

To lie on the table.

Ordered,—That the said petition do lie upon the table.

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to authorise the raising by Loan of a further sum of money for the completion of the Light-House on Harbor Grace Island, and to make further regulations respecting the same," without amendment.

H. J. BOULTON, P. C.

Council Chamber, }
26th September, 1837. }

And then the Messenger withdrew.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, September 27, 1837.

House in committee on bill for inspecting butter and bread.

ON motion, the House resolved itself into a committee of the whole House on the consideration of the bill to require the inspection of the butter and bread imported into this colony.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made some amendments therein, which they had directed him to report to the House ; and he delivered the Bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said bill, as amended, be engrossed.

Bill engrossed.

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

3d Reading.

On motion of Mr. Kent, seconded by Mr. Brown,

The House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee of supply.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House ; and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows :—

Report.

1. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty towards defraying the salary of the Clerk of the Executive Council, from the first day of July, one thousand eight hundred and thirty-seven, to the thirtieth day of June, one thousand eight hundred and thirty-eight.

2. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds, sterling, be granted to her Majesty towards defraying the salaries of two Clerks in the Secretary's office, for the same period.

3. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and five pounds, sterling, be granted to her Majesty towards defraying the salaries of an office-keeper and of a messenger in the Secretary's office, for the same period.

4. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty towards defraying the salary of the Clerk of the Northern Circuit Court, for the same period.

5. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty towards defraying the salary of the Clerk of the Southern District for the same period.

6. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds, sterling, be granted to her Majesty towards defraying the salary of the Crier and Tipstaff of the Supreme Court for the same period.

7. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, sterling, be granted to her Majesty towards defraying the salary of the Gaoler at St. John's, for the same period.

8. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds, sterling, be granted to her

Report.

Majesty towards defraying the salary of one Police Magistrate for the district of St. John's, for the same period.

9. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds, sterling, be granted to her Majesty towards defraying the salary of a second Police Magistrate for the District of St. John's for the same period.

10. *Resolved*.—That it is the opinion of this committee that a sum not exceeding eighty pounds, sterling, be granted to her Majesty towards defraying the salary of the High Constable of the district of St. John's, for the same period.

11. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and seventy pounds be granted to her Majesty towards defraying the salaries of six Police Constables in the District of St. John's, for the same period, at the rate of £45 each.

12. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds be granted to her Majesty towards defraying the salary, office-rent, and all contingencies connected with the office of the Colonial Treasurer.

13. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds be granted to her Majesty towards defraying the salary of one Police Magistrate at Harbor Grace, for the same period.

14. *Resolved*.—That it is the opinion of this committee that a sum not exceeding seventy-five pounds be granted to her Majesty towards defraying the salary of three Police Constables at Harbor Grace, being twenty-five pounds each, during the same period.

15. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds be granted to her Majesty to defray the salary of the Gaoler at Harbor Grace, during the same period.

16. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of one Stipendiary Magistrate at Carbonear for the same period.

17. *Resolved*,—That it is the opinion of this committee that a sum not exceeding seventy-five pounds be granted to her Majesty towards defraying the salaries of three Police Constables at Carbonear, being twenty-five pounds each, for the same period.

18. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of one Stipendiary Magistrate at Brigus, for the same period.

19. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards defraying the salary of a Constable at Brigus, and the salary of a Constable at Port de Grave, at twenty-five pounds for each, for the same period.

20. *Resolved*,—That it is the opinion of this committee, that a sum not exceeding three hundred and fifty-nine pounds be granted to her Majesty towards defraying the salaries of the following Gaolers and Constables in other out ports, for the same period—viz., a constable at Bay de Verds, twelve pounds; a constable at Harbor Maine, twelve pounds; a constable at Cats Cove, twelve pounds; a constable at Western Bay, twelve pounds; a constable on the South Shore, twelve pounds; a constable at Ferryland, twelve pounds; a constable at Bay of Bulls, twelve pounds; a constable at Toads Cove, twelve pounds; a constable at Cape Broyle, twelve pounds; a constable at Caplin Bay, twelve pounds; a constable at Aquafort, twelve pounds; a constable at Fermeuse, twelve pounds; a constable at Renewes, twelve pounds; a constable at Placentia, twenty-five pounds; a constable at Little Placentia, twelve pounds; a constable at Barren Island, twelve pounds; a constable at Merasheen, twelve pounds; a constable at Burin, twenty-five pounds; a constable at St. Lawrence, twelve pounds; a constable at Lamaline, twelve pounds; a constable at St. Mary's, twelve pounds; a constable at Trepassey, twelve pounds; a constable at Harbor Britain, twelve pounds; a constable at Grand Bank, twelve pounds; a gaoler at Ferryland, twenty pounds; a gaoler at Placentia, twenty-five pounds.

21. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds, be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Ferryland, for the same period.

22. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds, be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Placentia, for the same period.

23. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds, be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate of Burin, for the same period.

24. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at St. Mary's, for the same period.

25. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds, be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Harbor Britain, for the same period.

26. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds, be granted to her Majesty to defray the salary of the Stipendiary Magistrate at Trinity for the same period.

27. *Resolved*,—That it is the opinion of this committee that the following sums be granted to her Majesty to defray the salaries of a gaoler and constables in certain out ports, for the same period—viz., a gaoler at Trinity, twenty five pounds; two constables at Trinity, thirty-seven pounds; a constable at Catalina, twelve pounds.

28. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds, be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Bonavista, for the same period.

Report, &c.

29. *Resolved*,—That it is the opinion of this committee that the following sums be granted to her Majesty to defray the salaries of constables in certain out ports, for the same period—viz., a constable at Bonavista, twenty five pounds; a constable at Greens Pond, twelve pounds; three constables at Twillingate and Fogo, forty-nine pounds; a constable at Exploits Bay, twelve pounds; a constable at Brigus South, twelve pounds; a constable at Witless Bay, twelve pounds; a constable at Petty Harbor, twenty pounds; a constable at Old Perlican, twelve pounds; a constable at Hearts Content, twelve pounds; a constable at Hants Harbor, twelve pounds; a constable at New Harbor, twelve pounds.

30. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds be granted to her Majesty to defray the Attorney General's fees, and in lieu thereof, for the same period.

31. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty two pounds ten shillings be granted to her Majesty to defray the deficiency arising from an error in the Government estimate of the salaries of six Police Constables at St. John's, for the quarter ending June 30, 1837.

32. *Resolved*.—That it is the opinion of this committee that a sum not exceeding three hundred and fifty pounds be granted to her Majesty to defray the expense of Civil and Judicial Printing, Stationery, &c., exclusive of the Sheriff's office, for the year ending June 30, 1838.

33. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred pounds be granted to her Majesty towards defraying the expense of civil and criminal prosecutions for the same period.

34. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred pounds be granted to her Majesty towards defraying the expense of dietry, clothing, washing, &c., and for other incidental expenses of prisons throughout the Island, for the same period.

35. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the expenses of the ordinary repairs of Court Houses and Gaols, for the same period.

36. *Resolved*,—That is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty to defray the expenses of Coroners for the same period.

37. *Resolved*,—That it is the opinion of this committee, that a sum not exceeding two hundred pounds be granted to her Majesty to defray the expenses of fuel and light for public buildings, exclusive of the Sheriff's house and office, for the same period.

38. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty to defray the salary of the Medical Attendant of the gaol at St. John's, for the same period.

39. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds, be granted to her Majesty towards defraying the salary of the Barber of the gaol, for the same period.

40. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty to defray the salary of the Medical Attendant of the gaol at Harbor Grace, for the same period.

41. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty to defray the expense of Postage, for the same period.

42. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds be granted to her Majesty towards defraying the expense of the hiring of vessels and covering all the other expenses of the Judges, on the usual circuits, for the current year.

43. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards compensating James Blaikie, Esq., for the loss of income, produced by the act for the amalgamation of the office of Clerk of the Central Circuit Court with that of the Clerk of the Supreme Court, for the year ending June 30, 1838.

44. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, be granted to her Majesty towards defraying the expense of removing rocks and obstructions in Quidi Vidi Harbor, to be expended under the same superintendance as *last* year, for the current year.

45. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the expenses of unforeseen contingencies, for the year ending June 30, 1838.

46. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty as an additional remuneration to William Goff, for taking the census at St. John's.

47. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty as an additional remuneration to Michael Hayes for taking the census of Conception Bay.

48. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty towards compensating John Effort for the store and stage containing craft and other property, cut down by order of the Magistrates to save the town of Port de Grave from being burned on the night of the 5th February, 1837.

49. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty-six pounds nineteen shillings and sixpence be granted to her Majesty towards compensating James Doyle, of Carbonear, for maintaining an Orphan Child since March, 1832, to 30th June, 1837.

50. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards defraying the expense of erecting a Grand Jury Room in Harbor Grace.

51. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds, be granted to her Majesty towards remunerating John King for having erected a commodious and useful Bridge over Salmon Cove river.

Report.

52. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-five pounds be granted to her Majesty towards remunerating Dr. Walsh, of Carbonear, for service performed professionally under the Board of Health during the prevalence of small pox.

53. *Resolved*,—That is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty as a retiring allowance to John Buckingham, Esq., of Carbonear, in consideration of his past services as a Stipendiary Magistrate in Conception Bay, and that an address be presented to his Excellency praying the appointment of a Magistrate as his successor.

54. *Resolved*,—That it is the opinion of this committee that a sum not exceeding seventy seven pounds be granted to her Majesty to defray the expenses of a Special Messenger and witnesses in the following manner—viz., to Thomas Ridley, James Bayly, James Prendergast, James Sharp, John Jacob, James Hipplesley, Robert J. Pincen, William Stirling and Alfred Mayne, of Conception Bay, and John Fennel, each five pounds ; a Special Messenger, twenty pounds ; to Thomas Byrne, one pound ; to Thomas Byrne, Road Surveyor, six pounds.

55. *Resolved*,—That it is the opinion of this committee, that a sum not exceeding one thousand pounds be granted to her Majesty towards relieving the poor of the out ports of this Island for the year ending June 30, 1838. Provided that the same shall be disbursed by Boards of Commissioners, to be appointed by his Excellency the Governor, in the several electoral Districts, of which Boards the Representatives of the Districts shall be members *ex officio*, and the particulars of such disbursements shall be returned to his Excellency half yearly in detail, which returns shall be published in some public Newspaper in St. John's.

56. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one thousand pounds be granted to her Majesty towards relieving the poor of the District of St. John's, for the same period ; provided that the same be disbursed by a Board of Commissioners to be appointed by his Excellency the Governor, of which Board the Representatives of the District shall be members *ex officio*, and the particulars of such disbursements shall be returned to his Excellency half yearly in detail, which returns shall be published in some public newspaper in St. John's.

57. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty towards compensating Matthew Stevenson, late Clerk of the Peace at Harbor Grace, for the loss of his office, for the same period.

58. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards compensating George Hipplesley for services performed by him as assayer of weights and measures.

59. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards remunerating Thomas Williams, assayer of weights and measures for the district of St. John's, for his services and expenditure as such assayer.

60. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Grand Bank, for the year ending June 30, 1838.

61. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ten pounds be granted to her Majesty towards compensating Catherine Walsh, of Brigus, for paying the passage of a lunatic to Ireland.

62. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted to her Majesty towards supporting Johanna Armstrong, widow of Wm. Armstrong, late Marshal of the Supreme Court, for the year ending June 30, 1838.

63. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty to defray the addition to the salary of John Hewson, office-keeper in the Secretary's Office, for the same period.

64. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty towards defraying the Representatives of the late Wm. Phipard, in full for all claims on this Colony.

65. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds, be granted to her Majesty towards compensating Johanna Molloy, wife of Dr. Molloy, of Harbor Grace, for the support of her husband, being a lunatic.

66. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards remunerating the Chairman of the Central Board of Commissioners of Roads, under the act 6 W. 4, cap. 15, for his services.

67. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards compensating Wm. Martin for his past services as high constable of Conception Bay.

68. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty-two pounds ten shillings and seven pence be granted to her Majesty to defray the expenses of the General Election of 1837 as follows:—Expenses incurred for the election at St. John's, £56 9 7; Returning officer, £25; Poll Clerk, £10; expenses incurred at Fortune Bay, £1 14 8; Returning Officer, £25; Poll Clerk, £10; at Burin, £14 10 4; Returning officer, £25; Poll Clerk, £10; At Placentia and St. Mary's, £9 10 8; Returning Officer, £25; Poll Clerk, £10; at Ferryland, Returning Officer, £25; Poll Clerk, £10; at Conception Bay, £37 12 8; Returning Officer, £25; Poll Clerk, £10; at Trinity Bay, £1 4; Returning Officer, £25; Poll Clerk, £10; at Bonavista, £3 8 8; Returning Officer, £25; Poll Clerk, £10; at Fogo, £13; Returning Officer, £25; Poll Clerk, £10.

69. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Clerk of the Council for the year ending June 30, 1838.

Report.

70. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Master-in-Chancery attending the Council, for the same period.

71. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards defraying the salary of the Usher of the Black Rod, for the same period.

72. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty-five pounds be granted to her Majesty towards defraying the salary of the Door-keeper of her Majesty's Council, for the the same period.

73. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighty-eight pounds one shilling be granted to her Majesty towards discharging the arrears of expense of firing fog guns, from 1st July, 1836, to 31st December, 1838.

74. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds be granted to her Majesty towards defraying the salary of the Hon. the Speaker of the House of Assembly, during the present Session.

75. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Solicitor of the House of Assembly for the present Session of the Legislature.

76. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one thousand three hundred and twenty-two pounds be granted to her Majesty towards defraying the expenses of the House of Assembly, during the present Session.

77. *Resolved*,—That it is the opinion of this committee that a sum not exceeding nine hundred and fifty-one pounds five shillings be granted to her Majesty towards defraying the expenses under the following general heads for the quarter ending June 30, 1837, being one-fourth of the several sums voted for those purposes as hereinbefore mentioned, viz.—Civil and Judicial printing, eighty-seven pounds ten shillings; Prosecutions, one hundred and twenty-five pounds; Expenses of prisoners, seventy-five pounds; Repairs of Gaols and Court Houses, twenty-five pounds; Coroners, thirty pounds; Fuel and Light, fifty pounds; Medical attendant at Gaol of St. John's, ten pounds; do. at Harbor Grace, five pounds; Barber at Gaol of St. John's, three pounds fifteen shillings; Postages, fifteen pounds; Contingencies, twenty-five pounds; Poor of St. John's, two hundred and fifty pounds; Poor of outports, two hundred and fifty pounds; to be defrayed as hereinbefore mentioned.

78. *Resolved*.—That it is the opinion of this committee that a sum not exceeding three hundred and fifty pounds be granted to her Majesty towards defraying the expenses of a Geological survey of this Island.

79. *Resolved*.—That it is the opinion of this committee that a sum not exceeding ninety-two pounds seventeen shillings be granted to her Majesty towards defraying the fees of the Solicitor General up to this date.

80. *Resolved*.—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards remunerating James M'Donald, of Harbor Grace, for supporting a deserted child (Thomas Fanning.)

81. *Resolved*.—That it is the opinion of this committee that a sum not exceeding fifteen pounds seven shillings and sixpence be granted to her Majesty towards remunerating Robert Tremblet, of Twillingate, for supporting and transmitting to St. John's a blind pauper.

82. *Resolved*.—That it is the opinion of this committee that a sum not exceeding nine pounds seven shillings and sixpence be granted to her Majesty for the following charges, viz., Subscription to the Patriot newspaper, one pound five shillings; Royal Gazette, one pound one shilling; Ledger, one pound eleven shillings and sixpence; Newfoundlander, one pound one shilling; Times, one pound one shilling; Mercury, one pound one shilling; Star, one pound one shilling; Sentinel, one pound one shilling; and for repairing the Sword of the Serjeant-at-Arms, five shillings, to be defrayed by the Honorable the Speaker of the House of Assembly.

Supplementary vote to Stipendiary Magistrate of St. Mary's, not before added, forty pounds.

83. *Resolved*.—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards compensating Stephen J. Daniel, late of Carbonear, for services performed as an assayer of weights and measures.

84. *Resolved*.—That it is the opinion of this committee that a sum not exceeding one hundred and forty-five pounds sixteen shillings and sevenpence be granted to her Majesty towards defraying the charges of registering voters as follows: In the district of St. John's—Thomas O'Connor, two pounds five shillings; Robert Holden, eight pounds; James Finlay, ten pounds; John M'Lennan, two pounds six shillings and one penny; John Toor, one pound fourteen shillings and sevenpence; John Freeman, one pound fourteen shillings and sevenpence; William Heaney, one pound fourteen shillings and sevenpence; Thomas Morton, one pound fourteen shillings and sevenpence; Henry Winton, (stationery) nine pounds thirteen shillings and twopence;—In Conception Bay—Thomas Danson, seven pounds seven shillings, John Buckingham, two pounds two shillings; Wm. Stirling, eight pounds eight shillings; Richard Rankin, eight pounds eight shillings; James Sharp, five pounds five shillings; Benjamin Row, three pounds eleven shillings; Daniel Bearns, four pounds ten shillings; John Bowes, three pounds; Thomas Butler, four pounds ten shillings; Wm. Smith, two pounds ten shillings; Robert Connell, two pounds ten shillings; Wm. Mallowney, two pounds ten shillings;—In Trinity Bay—John Reagan, eight pounds; James Constable, (for 1835) thirteen shillings and fourpence;

Report. John Collins (1835) one pound six shillings and eightpence; Martin Ady (1835) two pounds; John Rendel (1835) two pounds; Wm. James Constable, one pound; Thomas Green, for boat hire, two pounds ten shillings; Charles Granger, two pounds ten shillings; Benjamin Sweetland, five pounds;—In Bonavista Bay—Sampson Mifflin, seven pounds ten shillings; J. L. Oakley, seven pounds ten shillings; James Allen, (1835) five pounds;—In Ferryland—Wm. Traynon, four pounds; Wm. Sweetland (1835) three pounds three shillings.

85. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards defraying extra expenditure of Mr. James Wiseman, in enumerating the census in Trinity Bay.

Resolutions concurred in *Resolved*,—That this House do concur with the committee in the said Resolutions.

Resolution for committee to prepare bill in conformity with the said Resolutions. On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That a committee be appointed to prepare and bring in a bill in conformity with the said Resolutions.

Committee. *Ordered*,—That Mr. Nugent, Mr. Kent, and Mr. Brown do form such committee.

Report Mr. Nugent reported from the said committee that they had prepared a Bill accordingly, which he presented to the House, and the same was read a first time.

Ordered,—That the said Bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

On motion of Mr. Nugent, seconded by Mr. Kent,

To be referred to committee of whole House

Ordered,—That the said bill be referred to a committee of the whole House.

To-morrow.

Resolved,—That this House will to-morrow, resolve itself into a committee of the whole House on the consideration of the said bill.

Roads and Bridges bill presented and read.

Mr. Nugent, from the committee appointed to prepare a bill in pursuance of the Resolutions of the committee of the whole House on roads & bridges, reported that the committee had prepared the draft of a bill accordingly, which he presented to the House, and the same was read a first time.

Ordered,—That the said bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

On motion of Mr. Nugent, seconded by Mr. Brown,

To be committed

Ordered,—That the said bill be committed to a committee of the whole House.

To-morrow.

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of the said bill.

Bill to repeal certain acts relating to roads & highways read first time.

Mr. Nugent presented to the House a bill to repeal two certain acts of the General Assembly entitled "An act to regulate the making and repairing of roads and highways in this Island," and "An act to amend an act passed in the second session of the Parliament of this colony, entitled 'An act to regulate the making and repairing of roads and highways in this Island,'" and the same was received and read a first time.

Ordered,—That the said Bill be now read a second time.

And the said Bill was read a second time accordingly.

Read 2d time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said Bill be committed to a committee of the whole House to-morrow.

To be committed

A petition of Richard Butt was presented by Mr. Morris, and the said petition was received and read, setting forth:—

Petition of R. Butt presented and read.

That petitioner had been a mariner in the British Navy and in consequence of a wound received in the service was discharged.—That petitioner had received a pension from the Government, but for the last two years and nine months it has been detained from him, without any cause assigned.—Petitioner therefore humbly prays the Honorable House to afford him the means of seeking redress.

On motion Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, September 28, 1837.

PURSUANT to the order of the day, an engrossed bill to require the inspection of butter and bread imported into this Colony, was read a third time.

Bill for inspecting butter and bread read 3d time.

On motion of Mr. Winser, seconded by Mr. Moore,

Resolved.—That the said Bill do pass, and that the title be, “An act to require the inspection of butter and bread imported into this Colony.

Passed.

Title.

Ordered,—That Mr. Winser and Mr. Moore do carry the Bill up to her Majesty’s Council and desire their concurrence.

Sent to Council.

On motion, the amendments made by her Majesty’s Council in the Bill sent up from this House entitled “An act to continue and amend an act passed in the 4th year of the reign of his late Majesty King William the fourth, entitled ‘An act to regulate the packing and inspection of pickled fish for exportation from this Island,’” were read a third time.

Amendments to pickled fish bill read 3d time.

On motion of Mr. Power, seconded by Mr. M’Carthy,

Resolved,—That the said amendments do pass.

Passed.

Ordered,—That Mr. Power and Mr. M’Carthy do go up to her Majesty’s Council and acquaint them that this House have concurred in the said amendments.

Council acquainted thereof.

House in Committee on bill to repeal two certain acts relating to roads & highways.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to repeal two certain acts of the General Assembly to regulate the making and repairing of roads and highways in this Island, and to amend an act passed in the second session of the Parliament of this Colony.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said Bill, and had agreed to the same without any amendment, and he delivered the Bill in at the Clerk's table.

Bill engrossed.

Ordered,—That the said Bill be engrossed and read a third time this day.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Messages from her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written messages :—

MR. SPEAKER,

Her Majesty's Council request a conference with the House of Assembly on the subject of the Bill sent up from the Assembly entitled "An act for granting to her Majesty certain duties on goods wares and merchandise imported into this Colony," and have appointed Conferrees to meet the Managers on the part of the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
28th September, 1837. }

MR. SPEAKER,

Her Majesty's Council have passed a Bill entitled "An act to repeal part of an act passed in the fifth year of the reign of his late Majesty King George the fourth, entitled 'An act for the better administration of justice in Newfoundland and for other purposes,' and to make further provision for the Registration of Deeds in this Colony," to which they request the concurrence of the House of Assembly.

H. J. BOULON, P. C.

Council Chamber, }
28th September, 1837. }

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Brown,

Conference agreed to.

Resolved,—That that the said conference be acceded to as requested by her Majesty's Council.

Council acquainted thereof.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Managers named.

Ordered,—That Mr. Nugent, Mr. Brown, Mr. Power, and Mr. Doyle, do manage the said Conference on the part of this House.

And the names of the Managers being called over they went to the conference.—And being returned—

Conference held.

Mr. Nugent reported that the Managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report.

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

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

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

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

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

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

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said report be referred to a select committee who shall report to the House thereon.

Referred to committee to report thereon.

Ordered,—That Mr. Nugent, Mr. Kent, and Mr. Brown do form such committee.

Committee appointed.

On motion of Mr. Brown, seconded by Mr. Nugent,

The Bill sent down by the Council entitled "An act to repeal part of an act passed in the fifth year of the reign of his late Majesty King George the fourth, entitled 'An act for the better administration of justice in Newfoundland and for other purposes,' and to make further provision for the Registration of Deeds in this Colony," was read a first time.

Bill to repeal part of act for the better administration of justice in Newfoundland &c., read 1st time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Bill to be printed.

Ordered,—That the said Bill be printed for the use of the Members of the House.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council acquaint the House of Assembly that the contingent account of the Clerk of the Council amounts to one hundred and eighty pounds nine shillings and five pence, sterling, and that of the Usher of the Black Rod to sixteen pounds four shillings and eight pence, sterling.—And they have Resolved that their officers be placed, in point of emolument, on a footing with the corresponding officers of the Assembly.

H. J. BOULTON, P. C.

Council Chamber,
28th September, 1837. }

And then the Messenger withdrew.

On motion of Mr. Kent, seconded by Mr. Nugent,

Referred to committee of supply.

Ordered,—That the said message be referred to the committee of supply.

Bill to repeal certain acts relating to roads & highways read 3d time.

Pursuant to the order of the day, an engrossed Bill to repeal certain acts of the General Assembly to regulate the making and repairing of roads and highways in this Island, and to amend an act passed in the second session of the Parliament of this Colony, was read a third time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Passed.

Title.

Resolved,—That the said Bill do pass, and that the title be, “An act to repeal two certain acts of the General Assembly, entitled ‘An act to regulate the making and repairing of roads and highways in this Island,’ and an act to amend an act passed in the second session of the Parliament of this Colony, entitled ‘An act to regulate the making and repairing of roads and highways in this Island.’ ”

Sent to Council.

Ordered,—That Mr. Nugent and Mr. Kent do carry the Bill up to her Majesty's Council and desire their concurrence.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, September 29, 1837.

Report of committee appointed to report upon conference.

MR. Nugent, as Chairman of the committee to whom had been referred the report of the conference with her Majesty's Council on yesterday, and to report to the House thereon, reported that the committee recommend to the House that a conference be requested with her Majesty's Council on the subject of the last conference, and that the following be the instructions to the managers on the part of this House upon that occasion :—

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

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

The House of Assembly beg to urge that they consider the use of the words above quoted rather an innovation on "former precedent" than a "deviation" therefrom; for they find that in the neighbouring Colonies of New Brunswick, Prince Edward's Island, and Nova Scotia, such a qualification is not used, but on the contrary, the period of the termination of the Act is defined by far more strictly than in the bill at present in question.

On the table of the House of Assembly lie at present the Laws of New Brunswick passed in the Session of 1833; and the last section of the Act 3 W. 4. c. 1, being the Revenue Act of that Colony, runs in the following words:—"And be it enacted that this Act shall continue and be in force from the first day of April next, until the first day of April which will be in the year of Our Lord One thousand Eight hundred and Thirty-four," which not only makes it operative only for one year, but also defines the precise day upon which it is to terminate.

The very last Laws of Prince Edward's Island which reached this Island are those of 1836, and the first acts of that session in that Colony provides in the last section, in like manner, "That this act shall continue in force until the seventh day of May, One thousand Eight hundred and Thirty-seven, being only for the period of one year."

The acts of 1834, for the Province of Nova Scotia, are also before the House, and the first act of that Session in that Colony in the very first section contains a provision that the act shall come in force on the first day of April, 1834, "and shall remain and continue in operation until the 31st day of March, which will be in the year of Our Lord One thousand Eight hundred and Thirty-five," being again for one whole year. But why further multiply precedents from other Colonies to prove the propriety of the course pursued by the House of Assembly on this occasion, when opening the pages of the Statutes of Newfoundland, we find the Act 5th W. 4. c. 1, being the existing Revenue Act, where the last Section runs thus: "And be it further enacted, that this act shall continue and be in force for Two years and no longer"—thus clearly proving that in defining the precise day of the termination of a Revenue Bill, the Representative Branch of the Legislature had not "*deviated from former precedent?*"

Instructions.

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

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

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

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

The House of Assembly beg then to reiterate that in determining the *precise* time of the termination of the Revenue Act, they have not departed from precedent, and they would consider the adding of the qualifying words before quoted as a surrender of their privileges into the hands

Instructions

of the Executive, because then by neglecting or deferring to convene the Legislature in Session, it would be in the power of the Executive to continue an act which taxed the people to a period indefinitely beyond that to which the Representatives of the people, the only branch of the Legislature which ought to have the power of taxation, would have desired.

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

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

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

Resolved,—That the said report be received and adopted by the House.

Report adopted.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and request the said conference.

Conference requested.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

Message from Her Majesty's Council.

Mr. Speaker,

Her Majesty's Council accede to the conference requested on the subject of the last conference, and have appointed managers to meet the conferrees on the part of the House of Assembly in the committee room of the Council immediately.

H. J. BOULTON, P.C.

† Council-Chamber, }
29th September, 1837. }

And then the messenger withdrew.

Managers named.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Brown, and Mr. Doyle, do manage the said conference on the part of this House.

Conference held.

And they went to the conference,—and being returned,

Report.

Mr. Nugent reported that the managers had been at the conference and had complied with the instructions of the House.

Message from his Excellency the Governor, transmitting petition of T. F. Moore, Esq.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

And then the Messenger withdrew.

The said message was read by Mr. Speaker, and is as follows :

MESSAGE.

H. PRESCOTT.

The Governor transmits and recommends to the favorable consideration of the House of Assembly a petition addressed to him by Thomas Fitzgibbon Moore, Esquire, Member for the District of Trinity Bay.

Government House,
29th Sept., 1837.

Petition read.

The petition mentioned in the said message was then read by the Clerk, setting forth :—

That the district of Trinity Bay is a thickly populated district,—that on the south side of Trinity Bay there are not less than from three to four thousand inhabitants,—that on the whole shore there is not one Stipendiary Magistrate, and praying his Excellency to lay the case before the honorable the House of Assembly, so that a provision may be made for a Stipendiary Magistrate in that district.

To lie on the table.

Ordered,—That the said message and petition do lie on the table.

House in committee on supply.

Agreeably to the order of the day the House resolved itself into a committee of the whole House on the consideration of the bill for granting the supplies to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported that they had made some progress in the business to them referred, and had directed him to ask for leave to sit again.

Leave to sit again.

Ordered,—That the said committee have leave to sit again to-morrow. Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, September 30, 1837.

Petition of R. Holden, and S. J. Daniel, presented and read.

A Petition of Richard Holden, and Stephen J. Daniel, Officers of the House of Assembly, was presented by Mr. Nugent, setting forth :—

That the Honorable House having been pleased to vote an additional sum of money towards compensating certain officers of the House for their extra services up to the present protracted period to which the session has been extended.—The petitioners having discharged and still continues to discharge to the best of their abilities the arduous duties severally intrusted to them, confidently hope the Honorable House will not be unmindful of their claims, and that the House will be pleased to grant them such additional compensation as their continued services entitle them to.

Petition.

On motion of Mr. Nugent, seconded by Mr. Winsor,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the last conference and have appointed conferees to meet the managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council Chamber, }
30th September, 1837. }

And then the Messenger withdrew.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That that the said conference be acceded to as requested by her Majesty's Council.

Conference agreed to.

Ordered,—That Mr. Kent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Kent, Mr. Nugent, Mr. Brown, and Mr. Power, do manage the said Conference on the part of this House.

Managers named.

And the names of the Managers being called over they went to the conference.—And being returned—

Conference held.

Mr. Kent reported that the managers had been at the conference and received the following report, which he read in his place, and afterwards delivered it in at the Clerk's table where it was again read as follows.

Report.

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

With regard to the precedents quoted by the Assembly from the proceedings of the neighbouring Colonies, the Council are of opinion that they are by no means conclusive as mere precedents, because the circumstances of those colonies and this Island are extremely different in those particulars which would seem to render the course suggested by the Council as the most desirable to be followed, while the precedents to

Report.

be quoted from our own proceedings are, with the solitary instance cited by the Assembly, not only against the view taken by them of this subject, but in that very instance it is to be presumed that the Legislature saw the inconvenience likely to result from it, and therefore at its next session continued that act from 20th April, 1837, the period named for its duration, to the end of the then next session of the Legislature: besides, its continuance was originally for two years.

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

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

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

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

Ordered,—That the said report do lie on the table.

Petition of T. Morton presented and read.

A petition of Thomas Morton was, with the consent of his Excellency the Governor, presented by Mr. Morris, and the same was received and read, setting forth—

That petitioner served as constable in this Island for upwards of twenty three years, and trust, that his conduct during that long service gained for him the esteem and confidence of those under whose orders he discharged his various duties. That petitioner was dismissed from his office last January for no sufficient cause, as your petitioner apprehends, and that he has not been able to ascertain the offence for which he was dismissed; he therefore humbly prays that the Honorable House will be pleased to grant him some compensation for his long and, he trusts, his faithful service to his Majesty's Government.

On motion of Mr. Morris, seconded by Mr. Nugent,

Referred to committee of supply.

Ordered,—That the said petition be referred to the committee of supply.

House in Committee on Roads and Bridges bill.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said Bill, and had made several amendments therein, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout a first and second time were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said Bill as amended be engrossed and read a third time on Tuesday next.

Bill engrossed.

Mr. Speaker laid before the House a letter from Mr. Secretary Crowdy, transmitting, by direction of the Governor, copy of a letter from the President of the Board of Directors of the Hospital, upon the subject of the petition of John Power, which was laid before his Excellency in the address of the House of the 23d instant. The said letter was read by the Clerk and is as follows:—

Letter from Hon. Mr. Secretary Crowdy transmitting copy of letter from President of Board of Directors of the Hospital.

St. John's, September 29, 1837.

SIR,—In reply to your letter of the 25th inst., forwarding the petition of John Power, which had been presented to his Excellency the Governor by a deputation of the House of Assembly, praying admission into the Hospital.

Letter read.

Having laid the same before the Board of Directors of the Hospital, I am desired to state, that the man, not having qualified himself in accordance with the provisions of the act, cannot be admitted.

I have, &c.

(Signed)

ROBERT JOB,

President of the Board of Directors.

Hon. James Crowdy.

Ordered,—That the said letter do lie on the table.

To lie on the table.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, October 2, 1837.

ON motion, the Bill sent down from her Majesty's Council entitled "An act to repeal part of an act passed in the Parliament of Great Britain in the fifth year of the reign of his late Majesty King George the fourth, entitled 'An act for the better administration of justice in Newfoundland and for other purposes,' and to make further provision for the Registration of Deeds in this Colony," was read a second time.

Bill to repeal part of act for the better administration of justice in Newfoundland &c., read 2d time.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said Bill be now committed to a committee of the whole House.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report. The Chairman reported from the committee that they had gone through the said Bill, and had made some amendments therein, which they had directed him to report to the House, and he delivered the Bill with the amendments in at the Clerk's table.

The said amendments were read by the Clerk and are as follow :—

Amendments read. Section 2d, line 11th.—Between the words “made” and “by,” insert the words “by the party from whom shall pass such beneficial interest or in case such person shall die or be absent from the Colony then.”

“ “ line 13th.—Between the words “Court” and “of,” insert the words, “or before any Justice of the peace.”

Section 3d, line 2nd.—Between the words “hereditaments” and “shall,” insert the words, “made or executed after the passing of the before in part recited act.”

Amendments agreed to. And the said amendments having been read throughout a first and second time were, upon the question put thereon, agreed to by the House.

Amendments to be engrossed and bill to be read 3d time to-morrow. *Ordered*,—That the said amendments be engrossed and the bill, as amended, be read a third time to-morrow.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolution for committee to search records of Colonial office, &c. *Resolved*,—That a committee of three be appointed to search the records of the Colonial office for evidence of the custom of the fisheries for the payment of the current supplies and the wages of fishing servants, and that an address be presented to his Excellency praying permission to make such enquiry.

Committee appointed. *Ordered*,—That Mr. Nugent, Mr. Morris, and Mr. Winsor, do form such committee.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the following address be adopted and presented to his Excellency the Governor.

Address to his Excellency read.

*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 respectfully pray your Excellency will please to order that a committee appointed by the House to search the records at the Colonial office, for documentary evidence of the custom of the fisheries for the payment of the current supplies, and the recovery of servants wages, be permitted to make such enquiry.

Committee to present it. *Ordered*,—That Mr. Nugent and Mr. Morris be a deputation to present the same.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, October 3, 1837.

MR. Morris reported from the committee appointed to enquire into the state of the Fisheries of this Colony, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Report of committee on state of the fisheries.

Your committee have made enquiries into the present state of the fisheries of Newfoundland, and have only now to refer to those notorious facts so well known to all persons in any way acquainted with the present state of the Colony. The subjects of France claim and exercise an exclusive right of fishing in all the harbors on that part of the coast called the "French Shore;" they also occupy the Islands of St. Pierre and Miquelon, on the opposite side of the Island; by these means British subjects are excluded from the best fishing stations in the Island. The French have the command of the northern fishery by the possession of the French Shore, the western fishery by the possession of St. Pierre and Miquelon, as well as the fishery on the Great Bank, not far distant from these Islands.

Your committee have ascertained that the cod fish have at all times resorted to those places now occupied by the French, and of late years have deserted, in a great degree, those parts of the coast occupied by the British. The French, this present season, have had a most abundant fishery at the French Shore, on the Great Bank, and from the Islands of St. Pierre and Miquelon. At the French Shore, where they carry on the principal shore fishery, they used all their salt, and caught more fish than they could cure or manage. All along the line of coast occupied by the British, there had been a great failure—the average not amounting to twenty quintals per man—when the French must have averaged at the French Shore from eighty to one hundred quintals per man.

Your committee have also ascertained that the fishery on the Grand Banks is almost exclusively in the possession of the French and Americans. The proportion of ships employed by foreigners in the deep sea fishery is about fifteen to one,—between thirty and forty small British ships have been employed this last season on the Banks,—the French alone having upwards of three hundred of double and treble the tonnage, and double and treble the number of fishermen. The British vessels employed on the Banks this season had to give up the fishery—a complete failure.—The French have had a successful fishery.

Your committee, in their endeavours to discover the cause of the success of the French, and the failure of the British fisheries on the Banks, have found that the French and Americans since the peace of Paris, and the Commercial Treaty with America, in 1818, have had almost the exclusive possession of the fisheries on the Great Bank of Newfoundland,—it has been almost deserted by the British for the last twenty years. During this period the French and Americans have gained great experience in that particular fishery. The French employ a much larger descrip-

Report.

tion of vessels, a greater number of men ; they also adopt quite a different mode of fishing. The British fishermen follow the old practice of fishing with the hook and line. The French, in addition to their hook and line which they use from their ships, lay out great numbers of hooks buoyed up for miles round their vessels. By this means they catch large quantities of fish ; it prevents other vessels fishing close by them, and gives the French a decided advantage over British fishermen ; at the same time, that it is a most destructive mode of fishing, and is calculated eventually to do great injury to the Bank fishery. The French are enabled to carry on this mode of fishing only by the employment of large vessels which will take boats of a large size on deck ; with these boats they take off the fish attached to the hooks they have laid out in various directions around their vessels, which are anchored on the Banks.

It is the opinion of your committee, that notwithstanding the great and superior advantages which foreigners possess in the Newfoundland fisheries, they would easily be surmounted by the skill and industry of British fishermen, were it not for the great encouragement given by the French and American Governments to their subjects carrying on the Newfoundland fisheries, in the form of bounties,—the French alone granting a sum of from 160 to 180,000 pounds, sterling, as bounties to their fishermen.

The unprotected state of the British fishermen forms a striking contrast. He is deprived of the best part of his own coast, which is given up to his rivals, and he receives no compensation, or no encouragement whatever from his own Government. Under these circumstances, it is utterly impossible for him to contend on anything like equal terms with his more favoured rivals.

Your committee request the attention of the House to the able report of the late Hyde Villiers, Esq., to his Majesty's Principal Secretary of State for the Colonies, on the French fisheries ; to Capt. Bennett's (of H.M.S. Rainbow) letters to his Excellency the Governor ; to the representation of the French Minister of Finance to the French King, on the great importance to that country of the fisheries of Newfoundland ; and also the evidence of Edmond Burke, an old and experienced planter of Newfoundland.

Your committee are of opinion that no sum could be afforded out of the Local Revenue in the form of bounties to the fisheries to counteract the injurious and ruinous effects of foreign competition. The French and American fisheries are altogether upheld by bounties equal in amount to five times the whole of the Local Revenue of Newfoundland.

Your committee, after giving the subject of the fisheries of Newfoundland all the attention their vast importance so justly claimed, have to recommend as the only way to obtain protection or relief, to lay their distressed and unprotected state before her Majesty's Government, and to pray that her subjects may be placed on an equal footing with the subjects of France and America, in the oldest and most valuable Colony belonging to her Majesty.

PATRICK MORRIS,

Chairman.

Mr. Morris also reported from the committee appointed to enquire into the present state of the Agriculture of this Colony, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Report of committee on
state of agriculture.

Your committee having investigated the present state of the agriculture in this Island, have ascertained that it has made rapid progress within the last ten or fifteen years. It is now a source of employment and subsistence to a considerable portion of the inhabitants in almost every part of the Island. It has been found a great auxiliary to the fishery, and has been the principal means with a large portion of the people of enabling them to subsist and remain in the country ; and it is questionable whether the British fisheries could at all be maintained against foreign competition, were it not for the additional resource afforded to the people by the cultivation of the soil.

Your committee have ascertained that it is only within the last twenty years the Local Government gave general permission to the inhabitants to cultivate the soil of Newfoundland, and even during that period it has been impeded by clogs and restrictions. Previously it was the policy of the Government to prohibit under severe penalties the cultivation of the land. This extraordinary policy fully accounts for the backward state of agricultural improvement in the Colony.

Your committee have every reason to believe that a rapid advancement will soon take place in the state of the agricultural improvements throughout the Island. In every quarter where roads have been made, and even in those places where they have only been commenced, settlers have begun clearing the land, and in very few years there is little doubt but a considerable part of the interior in the neighbourhood of these roads will be improved and brought into a state of cultivation.

Your committee have estimated from the census returns that the value of the agricultural produce of the Island for the last year was upwards of one hundred and seventy thousand pounds.

Your committee have enquired into the present mode of disposing of the waste lands of the Colony by the Local Government, and find that it is sold at a stipulated price ; the same system has been adopted in the disposal of lands in this Island, which has been introduced recently into the neighbouring colonies, at the same time that there is a wide difference in the present state of these countries.

It may be said that Newfoundland, as far as agriculture is concerned, is in its infancy. The land is generally considered inferior, and requires great labour to bring it into cultivation. The long-favoured colonies of Nova Scotia, New Brunswick, and the Canadas, were considered from their first settlement purely agricultural countries ; the lands are good, and thousands, and we may say millions, of British money have been expended in improving them. Whatever improvement has taken place in the lands in Newfoundland has arisen altogether from the labour and industry of the people ; one shilling has not been expended by the Government for the encouragement of agriculture, but, on the contrary, cultivation was down to a late period altogether prohibited, and since a reluctant consent has been given to the people to clear the sterile soil, a rent in the first place, and now a price has been put upon the land, in many instances ten times higher than the rent charged for better land in the neighbouring Colonies.

Report.

On the first settlement, in nearly all the British Colonies, the settlers, instead of being charged with rent for the lands, were supported for a considerable time at the expense of the Government, and were even supplied with agricultural implements to enable them to settle down upon the lands. The foundation of the present improvements in Newfoundland was laid by poor industrious people, who, in direct opposition to the wretched and unnatural policy of the Government, and in the face of the prohibition, ventured to clear small spots of ground in the neighbourhood of populous districts. It was their labour that made the lands valuable. It is the decided opinion of your committee that instead of this industrious class being charged a rent or a price for the land, they ought to obtain a bounty for improving it.

Your committee are of opinion that the present mode of disposing of the waste lands by the Government is most injurious to the interest of the Colony, as well as to the poor and industrious classes. Anxious to cultivate the soil, as they have already stated, the circumstances of Newfoundland are widely different from the neighbouring Colonies. Until within a short period it was the practice in these Colonies for the Government to grant to poor people from twenty to fifty acres free of all charge at least for a considerable time. It would greatly facilitate the general improvement of the colony if the same system was adopted in Newfoundland, and grants made of twenty to fifty acres to industrious persons free, as an encouragement to cultivation. This system would be found, as it was found in other Colonies, a source of gain instead of loss. The land improved by these persons would raise the value of all the land in the neighbourhood, and as the population increased the general lands of the Colony would be improved in value and could be disposed of by the Government to much greater advantage.

It is the decided opinion of your committee that the cultivation of the soil and the general encouragement of agriculture, demands the greatest attention and support from the Local Government. The permanent prosperity of Newfoundland can only be laid upon the solid basis of agriculture. It will be found the best auxiliary to the trade and fisheries. Whatever promotes the interest of the one, must, as a certain consequence, promote the interest of the other,—even the limited agriculture that has forced itself on in the country, almost in opposition to the Government, has, in a great degree, been the means of preserving the invaluable fishery from falling altogether into the hands of the commercial rivals of England.

Your committee strongly impressed with the necessity and sound policy of giving further encouragement to the cultivation of the waste lands of Newfoundland, recommend that an immediate representation be made to her Majesty's Government on the subject, stating particularly that it would be most conducive to the general interests of the Colony if small parcels of waste land were given to industrious persons desirous to clear them free of rent and all other charges.

PATRICK MORRIS,

Chairman.

On motion of Mr. Winser, seconded by Mr. Doyle,

Ordered,—That the said reports be printed for the use of the Members.

Reports to be printed.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act for granting to her Majesty certain duties on Goods, Wares and Merchandize imported into this Colony and its dependencies," without amendment.

H. J. BOULTON, P. C.

Council Chamber, }
3rd October, 1837. }

And then the Messenger withdrew.

Pursuant to order the amended Bill to repeal part of "An act passed in the Parliament of Great Britain in the fifth year of the reign of his late Majesty King George the fourth, entitled 'An act for the better administration of justice in Newfoundland and for other purposes' and to make further provision for the Registration of Deeds in this Colony," was read a third time.

Bill to repeal part of act for the better administration of justice in Newfoundland &c., read 3d time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the said Bill as amended do pass.

Passed.

Ordered,—That Mr. Nugent do carry the Bill up to her Majesty's Council and acquaint them that this House have passed the said Bill with some amendments to which their concurrence is requested.

Sent to Council.

On motion of Mr. Power, seconded by Mr. Nugent,

Resolved,—That the House of Assembly having taken into consideration the amendments made by her Majesty's Council in a Bill to amend an act passed in the 4th year of the reign of his late Majesty King William the 4th, intituled "An act to regulate the standard of Weights and Measures in this Colony and to provide for the surveying of Lumber," have concurred in all the said amendments with the exception of that on the subject of the admeasurement of Salt, and that a message be sent to the Council acquainting them of the same.

Message to be sent to Council on the subject of the amendments to weights and measures Bill.

refer to Council

Ordered,—That Mr. Power do carry the said Message to her Majesty's Council.

Agreeably to the order of the day an engrossed Bill for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony was read a third time.

Bill for the making and repairing of Roads and Bridges read 3d time.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said Bill do pass, and that the title be, "An act for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony and to provide regulations respecting the same.

Passed.

Title.

Sent to Council.

Ordered,—That Mr. Nugent do carry the Bill up to her Majesty's Council and desire their concurrence.

Amendments to education bill read 2d time.

On motion, the amendments made by her Majesty's Council in the Bill intituled "An act to amend an act passed in the sixth year of his late Majesty William the fourth, intituled 'An act for the encouragement of education in this Colony,' " were read a second time.

On motion of Mr. Brown, seconded by Mr. Moore,

Ordered,—That the said amendments be now committed to a committee of the whole House.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said amendments and had come to certain Resolutions which they had directed him to report to the House, and he delivered the said Resolutions in at the Clerk's table.

The said Resolutions were read by the Clerk and are as follow :—

Resolutions read.

Resolved,—That it is the opinion of this committee that the amendments of her Majesty's Council expunging the first section is a vitiation of the principle of the Bill, and that the expunging of all the words in the 4th section after the word "District" in the 15h line and the proviso there added, are a further vitiation of the principle of the Bill, and that the adoption of these amendments would be calculated to neutralize the intentions of the Legislature to impart to all classes of the community the blessing of education.

Resolved,—That it is the opinion of this committee that the principle of the Bill having been thus by her Majesty's Council destroyed, none of the other amendments should be further considered.

Resolutions agreed to.

And the said Resolutions having been read throughout were, upon the question put thereon, agreed to by the House.

On motion of Mr. Brown, seconded by Mr. Moore,

Conference to be requested with H. M. Council.

Resolved,—That a conference be requested with her Majesty's Council upon the subject of the said amendments.

Ordered,—That Mr. Brown do go up to her Majesty's Council and request the said conference.

On motion of Mr. Brown, seconded by Mr. Dwyer,

Resolution for committee to prepare reasons.

Resolved,—That a select committee be appointed to prepare reasons for dissenting from the said amendments.

Committee appointed.

Ordered,—That Mr. Brown, Mr. Nugent, Mr. Dwyer, Mr. Power, and Mr. Morris, do form such committee.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, October 4, 1837.

A Petition of Lorenzo Moore, of Carbonear, Acting Sub-Collector of her Majesty's Customs, was presented to the House by Mr. Power, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same) and the said petition was received and read, setting forth—

Petition of L. Moore, presented and read.

That in May, 1835, petitioner was appointed by his Excellency the Governor Preventive Officer, which office was superceded by the appointment of a Sub-Collector in May, 1836.—That petitioner on the recommendation of the Honorable the Collector of her Majesty's Customs, was appointed to act as said Sub-Collector, on a salary of £100 sterling, per annum, until the pleasure of the Honorable Board of Customs in London should be known.—That a person has arrived to fill the said office of Sub-Collector appointed by the said Board.—That petitioner if allowed to remain in office until the 10th of this month (October) would have collected the sum of £2200 sterling, Colonial Duty.—Petitioner submits the arduous duties he has had to perform, and prays the Honorable House will award him an adequate compensation for the collection of the Colonial Duties.

On motion of Mr. Morris, seconded by Mr. M'Carthy,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

Mr. Brown, from the committee appointed to prepare reasons to be offered at a conference with her Majesty's Council for disagreeing to the amendments proposed to be made in the bill intituled "An act to amend an act passed in the 6th year of his late Majesty William the fourth, intituled 'An act for the encouragement of education in this Colony,'" reported that the committee had prepared the draft of such reasons accordingly, and he read the report in his place, and afterwards delivered it in at the Clerk's table where it was again read as follows:—

Report of Committee appointed to prepare reasons to be offered at a conference with her Majesty's Council on Education Bill.

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

From the returns laid before the House of Assembly from the several Boards of Education appointed under an act passed in the 6th year of the reign of his late Majesty William the fourth, entitled "An act for the encouragement of education in this Colony," it appears that in some districts of the Island, owing to the impracticability of the Boards from the discussions of the Members thereof, the public have been deprived of the advantages intended by the Legislature to have been conferred on them by that act.—It therefore became advisable to empower his Excellency the Governor to dissolve the Boards in all such Districts and to

Report.

appoint other persons better calculated to bring into effect the intentions of the Legislature.—One great principle therefore of the Bill was to enable the Executive to accomplish that which the Legislature intended by the nomination of the proper persons to effect that object; and the House of Assembly feel that should they concur in the amendment which expunges the section conferring on his Excellency that power they would be abandoning one of the most useful provisions of the Bill.

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

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

Report adopted.

Resolved,—That the said report be adopted by the House.

Conference requested.

Pursuant to order, Mr. Brown went up to her Majesty’s Council to desire the said conference.

A MESSAGE FROM HER MAJESTY’S COUNCIL.

Message from her Majesty’s Council.

The Master-in-Chancery brought down from Her Majesty’s Council the following written message:—

MR. SPEAKER,

Her Majesty’s Council accede to the conference requested by the House of Assembly on the subject matter of the amendments made by the Council in and upon the Bill intituled “An act to amend an act passed in the 6th year of his late Majesty William the 4th intituled ‘An act for the encouragement of Education in this Colony,’ ” and have appointed managers to meet the conferrees of the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council Chamber, }
4th October, 1837. }

And then the Messenger withdrew.

Ordered,—That Mr. Brown, Mr. Nugent, Mr. M'Carthy, and Mr. Power, do manage the said conference on the part of this House.

Managers named.

And the names of the Managers being called over they went to the conference.—And being returned—

Conference held.

Mr. Brown reported that the managers had been at the conference, and had complied with the instructions of the House.

Report.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Majesty's Council.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject of their Message of yesterday, relative to the amendments on the bill entitled " An act to amend an act passed in the fourth year of the reign of his late Majesty King William the fourth, entitled ' An act to regulate the standard of weights and measures in this colony and to provide for the surveying of lumber, ' " and have appointed conferees to meet the managers on the part of the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P.C.

Council-Chamber, }
4th October, 1837. }

And then the messenger withdrew.

On motion of Mr. Power, seconded by Mr. Nugent,

Resolved,—That the said conference requested by the Council be agreed to.

Conference agreed to.

Ordered.—That Mr. Power do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Power, Mr. Nugent, Mr. Brown, and Mr. Winsor, do manage the said Conference on the part of this House.

Managers named.

And they went to the conference,—and being returned,

Conference held.

Mr. Power reported that the managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows :

Report

The Council have requested this conference with the Assembly to express their desire to adhere to the accustomed method of conducting business between these branches of the Legislature, which they are convinced will be found best calculated to ensure an harmonious procedure in their intercourse, and to express their regret that the Assembly should upon the occasion of the amendments made by the Council to the bill sent from the Assembly entitled " An act to amend an act passed in the fourth year of the reign of his late Majesty King William the fourth,

Report.

entitled ' An act to regulate the standard of weights and measures in this Colony and to provide for the surveying of lumber,' have adopted the extraordinary course of returning the said bill with a message acquainting the Council that they had concurred in all the amendments with the exception of that on the subject of the amendments of " Salt." The Council are persuaded that the Assembly will not find a precedent for such a mode of proceeding in the Journals of any Legislative Body professing a general adherence to Parliamentary usage.

Letter from Hon. Mr. Secretary Crowdy transmitting account, &c.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of the Governor, an account for expenses incurred in furniture, &c. for the Court Room at Carbonear.

The said account was read by the Clerk.

On motion of Mr. Power, seconded by Mr. M'Carthy,

Referred to committee of supply.

Ordered,—That the said account be referred to the committee of supply.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, October 5, 1837.

Report of committee appointed to present an address to his Excellency praying for documentary evidence, &c.

MR. Nugent, from the committee appointed to present to his Excellency the Governor the address of the House passed on the 2d inst., praying that the committee appointed for the purpose, may be permitted to search the records at the Colonial Office for documentary evidence of the Custom of the Fisheries, for the payment of Current Supplies, and the recovery of Servants' Wages, reported that the committee had presented to his Excellency the said address, to which his Excellency was pleased to make the following reply :

H. PRESCOTT.

His Excellency's reply.

GENTLEMEN,

There is in the Colonial Secretary's Office an opinion under date of the 10th May, 1788, of the then Attorney and Solicitor General upon the subject mentioned in this address, and a letter from Captain Peckenham, a Naval Surrogate, referring to that opinion.

Copies of these documents shall be supplied, and I shall be prepared to consider the propriety of granting any others specifically requested ; but I cannot consent so far to depart from established usage as to permit the general records of the Secretary's Office to be searched in the manner proposed.

Government House,
5th Oct., 1837.

A petition of Michael Hayes was presented to the House by Mr. Brown, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same) and the said petition was received and read, setting forth—

Petition of M. Hayes presented and read.

That petitioner was appointed by his Excellency the Governor to take the Census of Conception Bay. That petitioner performed the duty after much trouble and expense. That the sum voted for that purpose was inadequate to the duty performed and expenses incurred, and praying the Honorable House for further compensation.

On motion of Mr. Brown, seconded by Mr. M'Carthy,

Ordered,—That the said petition be referred to the committee of supply.

Referred to committee of supply.

A petition of Daniel P. Marett, of St. John's, was also presented by Mr. Brown, (who stated in his place that he had the permission from his Excellency the Governor for presenting the same) and the said petition was received and read, setting forth:—

Petition of D. P. Marett presented and read.

That petitioner has established a neat and commodious four-wheel coach, to run between St. John's and Portugal Cove, and the many advantages likely to accrue to the public from the facilities afforded thereby to the trade and general business of the Country. That this is the first equipage of the kind established in this Country, and from the insufficiency of the local encouragement to meet the necessarily large expense attendant upon its support, petitioner respectfully prays the fostering aid of the Legislature.

On motion of Mr. Brown, seconded by Mr. Kent,

Ordered,—That the said petition be referred to the committee of supply.

Referred to Committee of Supply.

Mr. Nugent presented to the House the draft of an address to his Excellency the Governor, which was read by the Clerk, and is as follows :

Address to his Excellency read.

*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 thank your Excellency for the readiness with which your Excellency is pleased to propose ordering copies of the opinion of the Attorney and Solicitor General of England under date of the 10th May, 1788, upon the subject mentioned in the last address of the House, and a letter from Captain Peckenham, a Naval Surrogate, referring to that opinion, but the House of Assembly, although aware of the existence of these documents, did not originally mean to have them adduced as evidence upon the subject of the ancient customs of the country.

In seeking evidence on a subject of such great importance as the customs and usages of the fishing trade of this country, for time immemori-

Report

al, on the nature of the preference given to the current supplier after the payment of the servants' wages for the liquidation of the cost of his supplies from the proceeds of the voyage and the property of the planter, and the right of the servants to follow the fish and oil into the hands of the receiver of the voyage, by no means thought of regarding as worthy of attention the opinion of an English Lawyer, however high, who was never resident in Newfoundland, and knew nothing of her customs except possibly through the medium of English merchants connected with the trade of this country who were interested in having shifted from them a liability which to them might have proved inconvenient.

The House would therefore beg that with that opinion your Excellency will please to have a copy of the case or statement upon which it was founded also laid before them, in order that they may be able to estimate how far the Attorney and Solicitor General of that time, were by an acquaintance with the customs, competent to give an opinion upon these subjects.

In praying your Excellency that the committee of this House appointed to search the records of the Government Office, may be permitted to make that enquiry, the House of Assembly were desirous to be able to lay before the committee the order or proclamation of Governor Rodney, dated 19th August, 1749, the Judgment in the case of John Pike, vol. 1, p. 49—the order of the Governor on the subject of servants' wages, page 62—Governor Drake's refusal to suffer the merchants to reduce the servants' wages on the occasion of a bad fishery—the Governor's order in Pike's case of seizing fish and not first paying servants' wages, page 202—record in Governor Boufoy's time, shewing that it was always the custom in Newfoundland that the receivers of the fish and oil were always liable to pay servants wages, page 113—the order of the 29th September, 1787, about servants' wages, vol. 4, ch. 64—and a record shewing that servants might keep fish and oil till security was given for their wages, page 97—and another order on the same subject, page 140—and an order of Governor Montague in the case of Keen, who seized fish for an old debt, but was compelled first to apply it to the payment of the current supplier, vol. 6, page 161—and an order stating that the current supplier should be paid rateably, *agreeably to custom*, after the servants' wages, page 75—and another similar order, page 148—and an order in vol. 9, page 165, where Brooks, the receiver of the voyage, is compelled to pay Driscoll servants' wages out of the proceeds thereof.

They regard these documents as the best evidence that the custom of giving a preference to the current supplier in twenty shillings in the pound for his charges after the payment of the servants—the custom of giving the servants a preferable claim for wages from the proceeds of the voyage, even in the hands of a third party, have been long anterior to the passing of the earliest British Statutes on these subjects, and that therefore all these statutes should be regarded as annulative means of recovery to the servant and supplier.

The House therefore pray your Excellency will please order that copies of all these documents be laid before the House, as they regard them the best evidence that can be required.

Address adopted.

Resolved,—That the said address be adopted and engrossed.

Committee appointed to present it.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to present the said address to his Excellency

A petition of John Crute was presented to the House by Mr. Moore, (who stated in his place that he had the permission of his Excellency the Governor to present the same) and the said petition was received and read, setting forth—

Petition of J. Crute presented and read.

That petitioner has for the last six years been running a stage coach between St. John's and Portugal Cove, during which time he suffered considerable loss by the death of horses &c., owing in a great measure to the badness of the road at the commencement of his enterprise; and praying the House to vote him such a sum as it shall deem sufficient to reimburse him for his losses and to enable him to further promote the comfort and convenience of the public.

On motion of Mr. Moore, seconded by Mr. Brown,

Ordered,—That the said petition be referred to the committee of supply.

Referred to Committee of Supply.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of the Governor, an account against the Government for church pew assessment for the year ending Easter last.

Letter from Hon. Mr. Secretary Crowdy transmitting account, &c.

The said account was read by the Clerk.

On motion,

Ordered,—That the said account do lie on the table.

To lie on the table.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, October 6, 1837.

MOVED by Mr. Power, seconded by Mr. Morris,

Motion for Printing Census.

Resolved,—That 50 copies of the Census return be printed for the use of the Members.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting by command of his Excellency, copies of the opinion of the Attorney and Solicitor General, May, 1788, and a letter from Captain Peckenham, as promised by his Excellency in his reply to the address of the House presented to him yesterday.

Letter from the Hon. Mr. Secretary Crowdy, transmitting sundry documents.

The said documents were read by the clerk.—(*See appendix.*)

Documents read.

Ordered,—That the said documents be referred to the committee on the present state of the administration of justice.

Referred to Committee on state of administration of Justice.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said documents be printed for the use of the Members

To be printed.

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

MR. SPEAKER,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the amendments made by the Assembly in and upon the bill entitled "An act to repeal part of an act passed in the Parliament of Great Britain in the fifth year of the reign of his late Majesty King George the fourth, entitled an act for the better administration of justice in Newfoundland and for other purposes and to make further provision for the registration of Deeds in this Colony," and have appointed conferrees to meet the managers on the part of the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council Chamber,
6th October, 1837.]

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Brown,

Conference agreed to.

Resolved,—That the said conference requested by the Council be agreed to.

Council acquainted thereof.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Managers named.

Ordered,—That Mr. Nugent, Mr. Brown, Mr. Kent, and Mr. Winsor, do manage the said Conference on the part of this House.

Conference held.

And they went to the conference,—and being returned,

Report.

Mr. Nugent reported that the managers had been at the conference, and he read the report in his place and afterwards delivered it in at the Clerk's table where it was again read as follows :—

Reasons for disagreeing with the Assembly in the amendment to the Bill entitled "An act to repeal part of an act passed in the Parliament of Great Britain in the 5th year of the reign of his late Majesty King George the 4th, entitled 'An act for the better administration of justice in Newfoundland and for other purposes and to make further provision for the registration of Deeds, in this Colony,'" wherein the Assembly, sec. 2, line 11th, between the words "made" and "by," insert the words "by the party from whom shall pass such beneficial interest, or in case such person shall die or be absent from the colony then."

A principal object of the Bill now under consideration is to afford greater facilities for registering instruments required to be registered by the above or part recited act, commonly called the Judicature Act, than are given by that act which provides that some or one of the parties executing any such deed, conveyance or other assurance as therein mentioned, shall appear before the Registrar of Deeds and acknowledge the execution thereof, if such parties, or any of them, are resident in Newfoundland, which is extremely inconvenient and difficult for those persons to do who happen to reside at a distance from the offices of the Registrars, of whom there are but three for the whole Colony, whereas if the instruments could be registered after having been verified by affidavit this in-

convenience would be almost entirely removed, there being numbers of persons in different parts of the Colony who are authorized to take affidavits, before whom the witness to such instrument could conveniently appear. If the party executing were the only person upon whose authority the instrument should be permitted to be registered, it would only be necessary to authorize him to acknowledge the deed without oath before the persons named in the bill to take the affidavits of the witnesses; but it may frequently happen that the party will decline, or, for some reason not avowed, evade acknowledging the instrument after he has attained his end by executing it, and therefore it is reasonable that the instrument should be registered upon proof of its execution, and no danger can arise from such a course being pursued, since the intention of registry is merely to give notice to the public that such a deed has been executed. It does not render it effectual if there be any objection to its validity, and when produced in a Court of Justice it must be proved just as if it had never been registered.

Report.

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

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That this House do recede from the amendment made by the House in the 2d section, 11th line, of the bill referred to in the said report, and that a message be sent to her Majesty's Council acquainting them of the same.

House recede from amendment.

Ordered,—That Mr. Nugent do communicate the said message to the Council.

Council acquainted thereof.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from her Majesty's Council.

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same," with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council Chamber }
6th October, 1837. }

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the Message of her Majesty's Council acquainting the House of Assembly that "her Majesty's Council have passed the Bill sent up from the House of Assembly entitled 'An act for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony, and to provide regulations respecting the same,' with some amendments," is a violation of the privileges of the House of Assembly, and the House cannot recognize a right in her Majesty's Council to make any amendment in a Bill granting monies to her Majesty.

Resolution for disagreeing to amendments.

Message to be sent to Council.

Resolved,—That a message be sent to her Majesty's Council communicating the Resolution now adopted.

Ordered,—That Mr. Nugent do communicate the said message to her Majesty's Council

Bill for the making and repairing of Roads and Bridges read 1st time.

Mr. Nugent presented a Bill for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony, and the same was received and read a first time.

Ordered,—That the said Bill be now read a second time.

Read 2d time.

And the said Bill was read a second time accordingly.

On motion of Mr. Nugent, seconded by Mr. Brown,

To be committed

Ordered,—That the said Bill be committed to a committee of the whole House.

To-morrow.

Resolved,—That this House will, to-morrow, resolve itself into a committee of the whole House on the consideration of the said Bill.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, October 7, 1837.

House in Committee on Roads and Bridges bill.

PURSUANT to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone through the said bill and had made several amendments therein which they had directed him to report to the House ; and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Bill engrossed. 3d reading.

Ordered,—That the said Bill as amended be engrossed and read a third time on Monday next.

Notice of Petitions to Her Majesty.

Mr. Morris gave notice that he should, on Monday next, move a petition to the Queen and both Houses of the Imperial Parliament, on the present state of the fisheries of this Colony, and praying protection and relief ; also, a petition praying that the land of the Colony may be granted on encouraging terms to settlers.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, October 9, 1837.

MR. Nugent, from the committee appointed to present to his Excellency the Governor the address of the House passed on the 5th inst., praying that copies of certain documents in the Colonial office may be laid before the House, reported that the committee had presented to his Excellency the said address, to which his Excellency was pleased to make the following reply :

Report of Committee appointed to present address to his Excellency.

H. PRESCOTT.

GENTLEMEN,

Copies of all such documents mentioned in this address as may be found in the Colonial Secretary's office, shall be prepared and transmitted to the House of Assembly.

His Excellency's reply.

Government House,
9th Oct., 1837.

Agreeably to the order of the day, an engrossed bill for granting to her Majesty certain monies for the making and repairing of roads and bridges in this Colony, was read a third time.

Bill for the making and repairing of Roads and Bridges read 3d time.

On motion of Mr. Nugent, seconded by Mr. M'Carthy,

Resolved,—That the said bill do pass, and that the title be " An act for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of such monies."

Passed.
Title.

Ordered,—That Mr. Nugent and Mr. M'Carthy do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Mr. Brown, in presenting a bill to further continue an act passed in the 3d year of the Reign of his late Majesty William the Fourth, 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, moved, seconded by Mr. Nugent,

Bill to continue Quarantine Act presented.

Resolved,—That the standing order of the House that no further bill shall be brought in this session, except certain bills as therein excepted, and the Rules of this House in reference to the bringing in and passing of bills be suspended, so far as relates to this bill.

Rules of House suspended.

And the said bill was received and read a first time.

Bill read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Read 2d time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Ordered,—That the said bill be now committed to a committee of the whole House.

Committed.

House in committee
thereon.

And the House resolved itself into a committee of the whole House on the consideration of the said bill accordingly.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

Mr. M'Carthy reported from the committee that they had gone thro' the said bill and had agreed to the same without any amendment, and he delivered the bill in at the Clerk's table.

Bill engrossed.
3d reading.

Ordered,—That the said bill be engrossed and read a third time this day.

Merchant seamen's bill
presented and read.

Mr. Brown presented a bill for regulating the service of merchant seamen engaged in the vessels of this colony, and the same was received and read a first time.

Ordered,—That the said bill be now read a second time.

Read 2d time.

And the said bill was read a second time accordingly.

On motion of Mr. Brown, seconded by Mr. Nugent,

Committed.

Ordered,—That the said bill be now committed to a committee of the whole House.

House in Committee
thereon.

And the House resolved itself into a committee of the whole House on the said bill accordingly.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone through the said bill and had agreed to the same without any amendment; and he delivered the bill in at the Clerk's table.

Engrossed.
3d reading.

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

Message from Her Ma-
jesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of their instructions to their conferrees on the bill entitled "An act to amend an act passed in the sixth year of the reign of his late Majesty William the fourth, entitled 'An act for the encouragement of Education in this Colony,'" and have appointed conferrees to meet the managers on the part of the Assembly in the committee room of the Council to-morrow at half-past one o'clock.

H. J. BOULTON, P.C.

Council-Chamber, }
9th October, 1837. }

And then the messenger withdrew.

On motion of Mr. Brown, seconded by Mr. Nugent,

Resolved,—That the conference requested by the Council be agreed to.

Conference agreed to.

Ordered,—That Mr. Brown do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Brown, Mr. Nugent, Mr. Power, and Mr. M'Carthy, do manage the said conference on the part of this House.

Managers named.

Pursuant to order, an engrossed bill to further continue an act passed in the 3d year of the Reign of his late Majesty William the Fourth, 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, was read a third time.

Bill to continue Quarantine Act, read 3d time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Resolved,—That the bill do pass, and that the title be "An act to further continue and amend an act passed in the General Assembly of this Colony, in the third year of his late Majesty King William the fourth, entitled 'An act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases, and the spreading thereof in this Island.'"

Passed. Title.

Ordered,—That Mr. Brown and Mr. Nugent do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, October 10, 1837.

A Petition of William Kelly was presented by Mr. Power, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same) and the said petition was received and read as follows:—

Petition of W. Kelly presented and read.

TO THE HONORABLE THE COMMONS HOUSE OF ASSEMBLY,
IN COLONIAL PARLIAMENT ASSEMBLED.

The Petition of William Kelly,

Most humbly Sheweth—

That petitioner was employed by the House of Assembly since its first establishment up to the commencement of the present session, and at the opening of which petitioner was present at the performance of his duties, having been appointed at the opening of the first session of the Colonial Parliament of Newfoundland, which appointment was made by the then Honorable House. That petitioner, by virtue of such appointment, conceived it to be his duty to be in attendance, and in consequence suffered considerable loss of time in waiting, conceiving it to be incompatible with his official duties as messenger to your Honorable House to be absent. Petitioner feels satisfied that he would have been permitted to hold the situation to which he was appointed, had it not been the desire of your honorable House to assert the right of appointing their Officers, and petitioner in consequence fell a victim to principle.

Petition.

That in consequence of the unexpected disappointment, and being dismissed at so late a period of the season, and having so confidently waited, thereby sacrificing the most profitable part of the year, petitioner hopes that your honorable House will be pleased to take his disappointments into consideration, and allow your petitioner an adequate remuneration to indemnify him for loss of time, and petitioner, as in duty bound, will ever pray.

WILLIAM KELLY.

On motion of Mr. Power, seconded by Mr. Nugent,

Referred to Committee of Supply.

Ordered,—That the said petition be referred to the committee of supply.

Merchant seamen's bill
Read 3d time.

Agreeably to the order of the day, a bill for regulating the service of merchantseamen engaged in the vessels of this colony, was read a third time.

On motion of Mr. Brown, seconded by Mr. Nugent,

Passed.
Title.

Resolved,—That the said bill do pass, and that the title be "An act for regulating the service of merchant seamen engaged in the vessels of this Colony."

Sent to Council.

Ordered,—That Mr. Brown and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

House in committee on
administration of Justice

On motion, the House resolved itself into a committee of the whole House on the further consideration of the present state of the Administration of Justice in this Colony.

Mr. Speaker left the chair.

Mr. Nugent, took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and that several witnesses were examined before the committee, and several important documents laid before them, which he laid before the House, and read the following report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:

The committee regret exceedingly that in consequence of their investigations having been obstructed in an early stage by the improper interference, as it would appear, of the Hon. Henry John Boulton, to prevent disclosures in evidence which must be criminatory of himself in his office of Chief Judge of the Supreme Court, their report cannot be as full, as explanatory, or even as satisfactory, as originally they had reason to anticipate.

Having divided the subject of enquiry referred to them into three branches, viz. the Administration of Justice in the Supreme Court—the Administration of Justice in the Circuit Courts, and the Administration of Justice in the Courts of Session, they began to enquire, in the first place, into the present state of the Administration of Justice in the Supreme Court; and for the purpose of obtaining the best information they summoned before them and examined several respectable witnesses, from whose testimony much interesting and important information was obtained, but the interruptions before adverted to compelled them to re-

frain from calling for the evidence of officials generally, and therefore have they been obliged to abandon their primitive arrangements and to report rather abruptly.

Your committee report, therefore, that having given great consideration to the important matters referred to them, and having examined several intelligent and respectable witnesses well acquainted with the subject on which they were questioned, they have discovered that at present the greatest dissatisfaction and discontent are produced by the manner in which justice is administered in this Colony.

The Judicature act passed in the fifth year of the reign of his late Majesty King George IV., upon which is founded the Royal Charter establishing the Supreme Court as at present constituted, as well as the Circuit Courts, empowers the Judges of that Court to make Rules and Orders which are to have the force of law, for the protection of their own practice, the empannelling juries, and on other subjects, but they are forbidden to be brought into operation until after they shall have been publicly promulgated for three calendar months.

This promulgation is essentially necessary to make the Rules and Orders legally operative ; but once brought into operation no individual, or body of individuals, has or can have any power, right, or authority to abrogate, amend, or alter them, or any of them, or to order, direct, or permit that any of the arrangements forming the subject matter of such Rules and Orders should be set aside or discontinued until after such Rule or Order so altering, amending, or abrogating, setting aside or discontinuing the former Rules, shall have been promulgated for three calendar months.

The Supreme Court, to whom have been delegated in this manner, powers, to all intents and purposes legislative, consists of three Judges—a Chief Judge and two Assistants, who during the terms of that Court preside conjointly on the Bench ; and the Island is divided into three Judicial Districts, also, in order that each Judge taking one District, they may hold the terms of the Circuit Courts in the intervals between the Sessions of the Supreme Court.

The first Judges of the Supreme Court, under the Royal Charter, were Judges Tucker, Mulloy, and Des Barres ; Judge Tucker had been for some years previously holding the office of Chief Judge of the former Supreme Court, and therefore on the opening of the Court under the Charter, his experience formed an excellent guide for the Judges in framing their Rules and Orders to suit the particular exigencies of a country whose manners and customs and trade and commerce were marked by peculiarities unknown in other lands.

These three Judges holding their offices, not by commission but by Charter, were sworn into office on the 2d January, 1826, after the Charter was publicly read in open Court ; but although there were several cases for trial the Court was on that same day adjourned to the April following, in order that a promulgation of three months having intervened of the Rules and Orders then declared, they may come legally into operation.

By these Rules was established a system of empannelling Juries, which appeared for some time to give great satisfaction ; but at the January Term, in 1830, of the Court, another system was adopted in a suite of Rules subscribed by Judges Tucker, Des Barres, and Brenton. Under the former Rules, the Sheriff was obliged to keep lists of Grand and Petit Jurors, alphabetically arranged, and the Juries were taken from these lists in regular succession ; the first Jury commencing with the letter A,

Report.

and the next with the name following that of the last person on the last Jury, *et sic de cæteris*. With regard to the Petit Juries, eighteen persons were summoned to attend each day in manner before mentioned, so that if the Term only held for one week the panels of that week comprehended no fewer than one hundred and eight Petit Jurors, whose names were taken in regular succession from the lists.

The system, however, substituted for this was still a greater improvement, for by the 58th, 59th, and 60th Rules of the Supreme Court, the ballot system was established; all the names on the several lists of Grand, Special and Petit Jurors being put into a box and the necessary numbers drawn, that is to say, twenty-three to constitute a Grand Jury—eighteen a Special Jury, and eighteen a Petit Jury; and if a card drawn exhibited a surname which had before been drawn on that Jury, it was set aside and another drawn to supply its place; the eighteen Special and eighteen Petit Jurors thus drawn were again thrown into a box, and the first twelve drawn were the Jury to try that cause.

This latter system appears, by the evidence before the Committee, to have been in operation on the arrival in this country of Mr. Boulton, about to assume the office of Chief Judge, and established as it was by Rule of Court regularly promulgated and duly approved by his late Majesty, that Rule was the only instruction to the Sheriff—his duty was there amply laid down, and there was not, consequently, since the establishment of the Court, a single precedent for the issue of a precept to that Officer to summon the several Juries prior to the Session of the Court in 1834.

The committee, by the evidence of Edward Mortimer Archibald, Esq., a Member of the Bar of Nova Scotia, and of the Law Society in this country, and Clerk of the Supreme Court, as well as by copy of his charge to the Grand Jury on the 30th December, 1833, published in the Royal Gazette of January 4th, 1834, find that the Honorable Henry John Boulton had caused an alteration to be made in the manner of empannelling Juries which had been till then in use, and by the evidence of the same gentleman, as well as by that of George Lilly, Esq., and George Henry Emerson, Esq., both members of the Law Society of Newfoundland, and the latter, also, member of the Bar of Nova Scotia, the Committee have found that this alteration was effected prior to that gentleman having taken his oath of office as Chief Judge.

Upon examining Aaron Hogsett, Esq., now Clerk of the Peace at St. John's, and who then held the office of Sub-Sheriff, and in that capacity empannelled and summoned the Juries, the Committee learned, that in empannelling and summoning the Grand and Petit Juries for that term he had, by direction of the Honorable Henry John Boulton, deviated from the former practice and conformed to the new Rules, which were not promulgated until the last day of the Term, instead of those then in force, and Mr. Emerson, as a Barrister, has stated in his evidence, that such a departure from Rules duly promulgated and approved is "unquestionably illegal," and it is the opinion of the Committee that the circumstance of Mr. Boulton's not having been, at the time of the issue of his precept, sworn into office as Chief Judge, greatly enhances that illegality. The precept bears date December 12th, 1833, that is eighteen days previous to the opening of his Commission, and his taking the necessary oath of office as Judge.

The deviations from the former practice of empannelling juries, on this occasion, were several and important, while the circumstance that on the calendar there were no fewer than eight cases of capital felony, under

which charges no fewer than twelve individuals were then in prison, ought to have rendered it the more imperative to follow the course laid down by former precedent, established by Rule of Court, promulgated by a tribunal deriving its power from a Royal Charter. Yet were eleven of these individuals indicted by the Grand Jury, so illegally constituted, and tried by Petit Juries empannelled contrary to the Rules of Court, and six persons were condemned to death, and four of them actually suffered execution of that sentence; four more, as well as eight others for various other offences, underwent the several sentences passed upon them, and property to a considerable extent was alienated upon the finding of such illegally constituted Juries.

But not only in the abrogation of the Jury System were the alterations then effected calculated to injure the public interests. By an alteration in *the mere form* of the Writ of Attachment which had been in use up to the time of the arrival of Mr. Boulton, the laws which had heretofore protected the fisheries had been essentially and radically altered.

Up to the period of the arrival of the Honorable Judge Boulton, and until the term of the Supreme Court before referred to as opening on the 30th December, 1833, in the Writ of Attachment was embodied an exemption which exempted all property essential to the conducting of the Fisheries from liability during the fishing season to attachment, but the Committee have it in evidence from several witnesses examined before them, that this exemption was struck out in the New Forms, and they have the evidence of Mr. Archibald to say, that the striking out this exemption was the result of an intimation of its necessity by the Honorable Mr. Boulton.

The fisheries of Newfoundland, the Committee urge, constitute all that is valuable to the best interests of the country, and any thing that has a tendency to impede their progress or to remove those securities which for time immemorial were thrown round those who carry them on, goes to sap the very foundation of the Colony, to destroy the hopes and prospects of the people.

These fisheries are scarcely ever conducted by the rich mercantile houses, or by individuals in affluent or even comfortable circumstances, nor are they conducted under the eye of the merchant most interested in their success—they are carried on from the small harbours along the shores of Newfoundland and the Labrador, and on the great Banks, by persons generally without money or property, and bringing only character as their recommendation, and these persons are usually furnished with necessaries, consisting of Boats, Nets, Lines, Provisions, Clothing, and other articles for enabling them to prosecute the voyage on credit by the several mercantile establishments.

The merchant, heretofore, seldom hesitated to give supplies to an honest planter, however unfortunate he might have been in former years, for the customs of the country, and the decisions of all former Judges, gave him a preferable claim on the proceeds of the voyage of the current year, for his supplies, after the payment of the servants' wages, and servants seldom hesitated to hire themselves to the poorest planter, because the customs of the country and the decisions of Governors, Surrogates, Magistrates, and Judges, for time immemorial, gave them a security of recovering their wages from the person into whose hands the Fish and Oil of that voyage passed; and "ALL BOATS, TACKLE, AND APPAREL, AND ALL OTHER CONVENIENCIES AND THINGS USED IN, OR NECESSARY FOR, THE BUSINESS OF THE FISHERY" were at all times held to be ex-

Report.

empted from distraint or attachment until this alteration, suggested by the Hon. Henry John Boulton, was effected.

But this alteration in the form of the Writ of Attachment was not the only change made calculated to injure, nay, to destroy the fisheries. The evidence before the Committee proves that the current supplier is denied that preferable claim which he had always before enjoyed, and now it is not unusual to find old creditors coming down upon a planter, when they find him, through the assistance of supplies given by other merchants, with fish in his stage or provisions in his store, and taking advantage of the removal from the Writ of Attachment of the exemption from attachment of things connected with the Fishery, completely interrupt the progress of the voyage, to the ruin of the planter and of the servant, and the great injury of the merchant.

Another source of great injury to the fishing interests is, the alteration in the decisions of the Courts on the subject of the right of the servants to follow the fish and oil into the hands of the receiver of the voyage for the recovery of their wages. The Committee have the best and most authentic documentary evidence before them to prove, beyond the possibility of doubt, that this custom had existence long prior to the passing of the Act 15th George III., in the year 1775, and that it was so well established as to be denominated *the custom of the country* so far back as the year 1749.

The Committee in seeking evidence upon the subject of the ancient customs of the Fishing Trade of Newfoundland, had recourse to the decisions of Governors, made when these Functionaries appear to have been invested with a judicial authority, prior to the establishment of regular Courts of Justice, and to the Records of the several Courts since instituted, which they have found abundantly explanatory of the principles upon which each particular case was decided. The proclamation of Governor Rodney, dated 11th August, 1749, vol. 1, page 19, of the Records of the Government Office at St. John's, is sufficiently explanatory of the illegality of subjecting Boats and Crafts necessary for the Fishery to be taken during the progress of the season. And his decision in Pike's case (see minutes of evidence taken before this committee) the Proclamations and decisions of Governor Drake in 1750, vol. 1, page 302, Governor Bonfoy in 1783, vol 1, page 113, Governor Edwards in 1757, vol. 2, page 324, Governor Paliser in 1767, vol. 4, page 64, 97, and 140, and Governor Montague, vol. 6, page 161, 75, and 148, and vol. 9, page 165, clearly prove that long before the passing of the Act 15, George 3, it was considered to have been always the custom that the receiver of the voyage shall be liable to pay the servants Wages; and the custom of the preferable claim of the current supplier is proved by similar testimony. While the select cases extracted from the Records of the decisions of the Supreme Court, by Chief Judges Forbes and Tucker, and published at St. John's in 1829, prove that in adjudicating upon questions connected with the Fisheries, these Judges followed the precedents established by their predecessors, declaratory as they were of the ancient customs of the country.

When however the Committee sought for documentary evidence from the Records of the Court, of the principle of the decisions of the Hon. Henry John Boulton on these subjects, and had all the cases which had been tried in the Supreme and Circuit Courts, on the subject of servants' wages, extracted from the Records and placed, by order of his Excellency the Governor before the Committee, they were unable from these Records to discover upon what grounds the decisions were come to, and

although the judicial decisions of the Judges are declared to be the principal and most authoritative evidence that can be given, of the existence of such a custom as shall form a part of the common Law," and although it is stated by high legal authorities that "these decisions upon the records are frequently had recourse to, when any critical question arises, in the determination of which former precedents may give light or assistance," and although "it is an established rule to abide by former precedents where the same points come again in litigation; *as well to keep the scale of Justice even and steady, and not liable to waver with EVERY NEW JUDGE'S OPINION;*" as also because the Law in that case being solemnly declared and determined, *what before was uncertain* and perhaps indifferent is now become a permanent rule *which is not in the breast of any subsequent Judge to alter or vary from,* ACCORDING TO HIS PRIVATE SENTIMENTS; he being sworn to determine, not according to his own private judgment, BUT ACCORDING TO THE KNOWN LAWS AND CUSTOMS OF THE LAND." (Blackstone's Introduction, page 68.) Notwithstanding this, it will be in vain for future Judges to have reference to the decisions of Judge Boulton, as entered upon the records of the Courts, to guide them in the consideration of these subjects.

Fortunately, however, there has been one case—the case of Colbert vs. Howley—reported and published in the Newfoundland Patriot of Dec. 1st, 1835, which was tried before the Hon. Judge Boulton and a Special Jury of Merchants in the Central Circuit Court, on Friday, November the 20th, and the correctness of which report has never been impugned, and which the present Member for the district of St. Mary's, in his examination before the committee, states to have been carefully and correctly reported by him, in which report is contained the only documentary evidence of the grounds of the decisions of that Hon. Judge, upon the subject of Servants' Wages, and in that case the committee are of opinion that the Hon. Mr. Boulton has decided that the servant has no claim by custom on the receiver of the voyage for his wages, but must be content with his lien on the fish.

That the committee have found that there resulted from this decision considerable hardship to the industrious classes, and in the autumn and winter of 1835, during the prevalence of Small Pox, produced the greatest affliction and misery amongst that most numerous portion of the population of St. John's, the fishing servants and their families, and the discontent and dissatisfaction were widely spread.

The committee, in the new rules promulgated by Judge Boulton at the term of January, 1834, of the Supreme Court, observe, that this stranger Judge on the instant of his arrival, abrogates the entire practice of the Courts, that practice with which alone the gentlemen then practising at the Bar were acquainted, and substituted a system of which every individual of them was ignorant, thus embarrassing a Bar not regularly educated to the profession of the Law, or qualified to practise in the Courts, but at that time were permitted to plead by courtesy.

In abrogating the established Jury system, a system carefully detailed and explained by a number of well-established rules, the Hon. Judge has substituted no system for the one removed; but although Mr. Archibald, as Clerk of the Court and a Barrister, Mr. Emerson, another Barrister, and other witnesses admit that the 20th rule of the old rules for the empannelling and summoning of Grand Juries is in full force since the July term of 1831, it is the opinion of the committee that every

Report.

Grand Jury, since the arrival of Judge Boulton, has been illegally constituted.

The committee, therefore, see in the Civil Administration of Justice by Mr. Boulton, that the fixed and steady practice of the Courts, the decisions of former Judges, the common Law of the country, as well as the Statutes in support thereof, and the system of empannelling Trials, have been all superseded, and the beautiful order throughout the entire observable before his assumption of the office of Judge in Newfoundland, in one moment reduced to an unintelligible chaos.

Copies of several petitions which had been adopted and transmitted to the Imperial Legislature, complaining of the conduct of the Chief Judge in the administration of his Office, have been laid before the committee, authenticated by evidence, by which it appears that it is impossible that Judge Boulton could ever hope, in Newfoundland, to regain public confidence so necessary in the administration of the laws. Several reports of trials, also, on criminal proceedings had before the Supreme Court last November, December, and January, which prove incontestibly that the Hon. Judge Boulton has made and continues to make, his office of Chief Judge ancillary to party vengeance, have been laid before the committee, and their correctness vouched by the evidence of the gentleman who reported them.

The case of the King against the Rev. James Duffy and the Fishermen of Saint Mary's, is one through which, in concurrence with many others of a similar character, the committee perceive, that under the present administration in Newfoundland the clergy of the Catholic Church do not meet that protection to which, as British subjects, they are entitled. On pretence of a charge of Riot that Rev. Gentleman was arrested at Fermeuse, in the Southern District, under a Bench Warrant issued by the Hon Mr. Boulton, and brought by two Constables through the country before the Magistrates at Ferryland, where he was compelled to give Bail to appear, not in the Southern District where the offence was committed, but at Saint John's, before the Supreme Court, to take his trial. He was obliged, in the depth of Winter, to travel to St. John's accordingly, and upon the 14th December, (the day of the opening of the Winter Term of 1835) the Hon. Judge, in charging the Grand Jury, took occasion to animadvert on the offence imputed in terms calculated greatly to prejudice the minds of the Jury against that clergyman, taking occasion to describe the offence as a charge of "riotously and tumultuously making a forcible entry upon the fishing flakes and premises of certain merchants carrying on business in St. Mary's Bay; and pulling down and burning the flake, and taking possession of the land on which it stood;" whereas in the indictment there was no charge of "forcible entry" made—no charge of "burning," nor of "taking possession of the land."

This tide of hostility, and the circumstance that the Bar was exclusively protestant, awakened fears and anxieties in the minds of the community, but particularly in the minds of the Catholic congregation, who form more than a moiety of the entire population of the Island, for the fate of a respectable clergyman; and the people of Carbonear generally, and the Catholics of Harbor Grace, memorialled the Court and his Excellency the Governor praying that, as on the trial of a Catholic clergyman he could not repose that confidence in the Bar, as at present constituted, which was necessary for his defence, the Rev. James Duffy might be permitted to select from among his own congregation, or the Catholics of Newfoundland, generally, a person in whom he could repose confidence to conduct his defence.

The Hon. Judge Boulton, however, not only refused to accede to the prayer of these petitions, but actually refused to receive them, even tho' both were most respectably and numerously signed, and though one of them was presented by two Hon. Members of Her Majesty's Council and a highly respectable merchant of St. John's, holding the commission of the Peace.

The Rev. James Duffy, each succeeding term of the Court, repaired to St. John's amid all the difficulties attendant at all seasons upon travelling through Newfoundland, to seek a public investigation, and at length, in May, 1837, after he had travelled upwards of 1300 miles to seek the vindication of his character, the Crown having every Term put off the case on one pretence or other, at length were compelled to abandon the prosecution, while the injuries inflicted upon the clergyman in his anxieties and solicitude, and in his wearisome and toilsome and dangerous journeys remained unredressed.

In considering the case of Mackey, which came on for trial in the last autumnal term of the Supreme Court, the committee are decidedly of opinion that the original verdict of "Not Guilty," ought to have been taken from the Jury, and that the declaration of the Judge in that case and Lawrence White's, "that the question of assault was not one for the Jury," was not founded on just principles of Law, and that the fine on Mackey having been equal to his entire year's income, was unjust and exorbitant.

In considering the case of the King against Robert Pack and others, the committee have the Report published in the Patriot Newspaper before them, verified by the affidavit of Mr. Nugent, the Member for St. Mary's, who reported that as well as all the former cases, and they cannot refrain from saying, that the conduct of the Judge in admitting Jacob's testimony of the observation ascribed to Harding in the poll-room at three o'clock in the afternoon, at Harbor Grace, although he had previously *ruled* that he would not admit evidence of anything that occurred after ten o'clock in the morning, they cannot but say that such conduct betrayed the grossest prejudice.

The evidence against Thomey and Saunders they also consider exceedingly defective, but the conduct of the Judge on the occasion of the Jury's returning a verdict of "TUMULTUOUS ASSEMBLY" against Hayden, Meany and Quirk—his open vitiation of the verdict, by directing the endorsement of "unlawful" for "tumultuous"—and his exertions to make the Jury believe that a "tumultuous assembly" and "an *unlawful* assembly" were synonymous, and his ultimate sentence of twelve months' imprisonment against Harding, Thomey and Saunders—all of these, when it was considered that the imputed offence arose on the occasion of an election, where the defendants were of the victorious, and the complainants of the defeated party, proved to the committee that the charge of partizanship made against the Hon. Judge first by 5,000 of the inhabitants of the district of St. John's—next by 8864 of the people of Newfoundland, and afterwards by the people of the district of St. John's, again of Harbor Grace, Brigus, and Carbonear, and by several individuals who had been the victims of the maladministration of his office, was not ill-founded.

But not only on the occasion of the Trial was this spirit of partizanship manifested, but the conduct exhibited by the Hon. Judge towards the defendants Harding, Thomey, and Saunders, when committed to prison, was marked by a severity unexampled in this country, while the repeated insults and annoyances thrown in the way of the Catholic cler-

Report.

gymen who attended the gaols at the time, were of such a character as to compel these Gentlemen to abstain from visiting the Prison.

Under the statute 4, W. 4, cap. 5, an Act brought into the Legislative Council by the Hon. Judge himself, in his character of Legislator, on the 8th April, 1834, the Judge has the power of regulating by Rule of Court the Dietary Treatment, Discipline, &c., of Prisoners, and under pretence of fulfilling functions in that new and, in the opinion of the committee, unconstitutional character, he introduced a rigidity of discipline for these prisoners which he never before contemplated to be visited upon the most depraved felons, and this is to the committee abundant evidence of the Judge's being actuated by personal or political motives in the discharge of his duty, but also testifies the great danger to the best interests of the public, that are likely to arise from the concentration in one individual of Legislative, Administrative, and Executive powers.

Your committee cannot here refrain from observing also, that the House of Assembly passed a bill in the early part of the Session, founded on the Imperial Statute, for effecting greater uniformity of discipline in the prisons of England, laid before the House by order of the Secretary of State, having for its object to take out of the hands of the Judges, this power of regulating the prison discipline conferred upon them by the Local Act before mentioned, which owed its introduction to the hon. Judge Boulton, and transferring it into the hands of the Magistrates, subject to the correction and amendment of his Excellency the Governor, and to the final approval of the Secretary of State for the Colonies, but owing to the influence of the Chief Judge as President of the Legislative Council, that bill was thrown out and the dominion of the dungeon retained in the hands of the Supreme Court.

The committee have likewise examined into the case of Rex. v. Patrick Morris and others, and they have before them the affidavit of the defendants, who swear that the Grand Jury which presented and indicted them is composed of two of the tory and defeated candidates and members of their committee, while that two Catholic Clergymen being included in the indictment, the Attorney-General struck off the Special Jury Panel every Catholic and every Protestant professing liberal principles.

When this affidavit, complaining so justly of the want of confidence of the parties in the Jury empannelled to try them, prayed the Court to grant a change of Venue to the Northern Circuit Court, but the Chief Judge refused to grant the prayer, on the plea that "the whole Island is one Venue," the committee, in looking to the trial of these defendants, saw with pain the perversion of Justice there exhibited. The charge laid in the indictment, a copy of which is before the committee, was one of a "Profanation of the Lord's Day," and Mr. Kent, one of the defendants and Member for the district of St. John's, having shown his readiness to prove, both by argument and evidence, that there was no "profanation of the Lord's Day" in meeting on the Sunday to address the electors, the Judge at length yielded, and stated that "there was no such charge made," and of course it would be unnecessary to meet it; and in accordance with this decision there was no evidence adduced, on the part of the Crown, to prove that the imputed offence took place "during the time of Divine Service," as stated in the indictment, and yet this Judge permitted the Jury to find Mr. Power "Guilty" of the whole *Indictment*, and actually fined him £25 for saying "Bah!" in the street, without the exhibition of the least demonstration of violence, to one of the opposite party.

The conduct of the Hon. Judge, too, as connected with the cases of Carson *versus* Kielly, and Charles and Jane Antell *versus* Carson and Rochford, appears to the Committee another instance of his political leanings in the administration of his office, (see minutes of evidence) and all of these, and various other similar cases of great apparent oppression and injustice, but which they are obliged to refrain from investigating in consequence of the endeavour, on the part of the Judges of the Supreme Court and other persons in office, to throw impediments in the way of the Committee, prove still more incontestably that the Honorable Judge Boulton has exhibited himself on the Bench a political partizan, while the investigation of the several cases of libel brought against the *Patriot* Newspaper, and his conduct towards Mr. Parsons the printer of that Journal, prove a spirit of vindictiveness highly derogatory to the character of the Judge.

Report

The Committee, therefore, weighing well and deeply the premises—taking all the important evidence before them, both oral and documentary, into their most anxious consideration—regarding the importance to the public interests of a pure Administration of Justice, have been compelled to conclude that the wide-spread discontent and dissatisfaction at the conduct of the Hon. Henry John Boulton, in the administration of his office as Chief Judge, are well and substantially founded, and that his continuance in office would be inconsistent with the public good—the maintenance of public tranquillity.

They, therefore, beg leave to suggest to the House of Assembly, the propriety of preparing an address to her Most Gracious Majesty, praying her Majesty will be pleased to purify the Fountains of Justice for her Majesty's most loyal subjects the people of Newfoundland, and of appointing a Deputation of Members of the House to repair forthwith to London, to lay the same at the foot of her Most Gracious Majesty's Throne, and to whom it shall be delegated, by every means in their power, to awaken her Majesty's Ministers to sympathy for the sufferings, and attention to the wants, of the people of this long-neglected Colony.

JOHN V. NUGENT,

Chairman of Committee.

The said Report having been read throughout was, upon the question put thereon, agreed to by the House.

Agreed to.

On motion of Mr. Morris, seconded by Mr. M'Carthy,

Ordered,—That said Report together with all evidence and proceedings of the committee be printed for the use of the members of the House.

To be printed.

(See Appendix, for the evidence and proceedings of the committee.)

On motion of Mr. Nugent, seconded by Mr. M'Carthy,

Resolution respecting evidence on report of administration of justice.

Resolved,—That (in reference to the notice of motion given by Mr. Nugent) as it would be inconsistent with the principles of justice to require any person to give evidence which may prove inculpatory of themselves; the House take no further notice of the refusal of Assistant Judges Des Barres and Brenton to give evidence before the committee of the whole House on the present state of the administration of justice in Newfoundland.—But coming to that resolution the House by no means waive their undoubted right to order the attendance before them of every Public Functionary in the Island subordinate to his Excellency the Governor, except only in cases where the parties may hold the office of Members of her Majesty's Council; when the House admit the propriety of first praying the permission of that body.

Time arrived for holding conference.

The time having arrived for the conference with her Majesty's Council, requested yesterday, the names of the Managers on the part of this House were called over, and they went to the conference.—And being returned—

Conference held.

Mr. Brown reported that the Managers had been at the conference, and he read the report in his place and afterwards delivered it in at the Clerk's table, where it was again read and is as follows:—

Report.

The Council have requested this conference upon the subject of the last conference upon the amendments made by the Council on the Bill sent up by the Assembly, entitled "An act to amend an act passed in the sixth year of his late Majesty William the fourth, entitled 'An act for the encouragement of Education in this Colony,'" to acquaint the Assembly that they do insist on their amendments to the said bill for the following reasons.

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

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

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

The places where the schools are to be kept, the stipends for the several Masters, with various regulations for their conduct, have been adopted by this Board and approved of by his Excellency; and as the Governor has clearly no authority of an affirmative character to require any particular Rule to be made, his power being, at most, negative—the Council cannot presume that an Act of the Legislature will be rendered nugatory because powers, not thereby conferred, are not acquiesced in by the Boards acting strictly within their authority.

The Council are therefore of opinion that the assumption of the Assembly that the Act has been rendered inoperative by the “dissentions of the Members” of any of the Boards, is entirely groundless. The Council are also of opinion that to dissolve any of the Boards of Education because the majority will not submit to the minority, would be arbitrary, unjust and very offensive to those Gentlemen who have undertaken gratuitously to perform an onerous and important duty, because they think proper to adhere to what we have a right to assume to be their honest and conscientious opinion upon a subject most interesting to the inhabitants of their respective Districts, whose feelings, sentiments, and wishes they may fairly be presumed to be better acquainted with than strangers residing at a distance,—and the Council feel that they cannot suffer so very unmerited a reproach, upon those Gentlemen, to pass unnoticed, as the recommendation of the Assembly, “that persons better calculated to carry into effect the intentions of the Legislature be appointed,” plainly implies.

The amendment made by the Council in the fourth section of the Bill they conceive to be important and cannot recede from. The words expunged are these, “and no book shall be selected that may be objected to by members of any religious denomination;” and as we live in a christian country it may be fairly presumed that all persons are members of some “religious denomination,” and consequently the words expunged, if allowed to stand as part of the Bill, would enable any body to object to any book the Board might, under the provisions of the former part of the clause, have sanctioned the use of,—which authority would therefore be subjected to the capricious control of every person, man, woman and child in the Island;—for it is not conferred to the neighbourhood or District—which instead of being philanthropic, would be very unwise. Neither does the provision, which the Council have substituted for the words expunged, bear the construction which the Assembly have put upon them—the proviso is in these words, “provided that no child shall be required to use any book objected to by the parents or guardians of such child,” which most certainly would not empower “a child to introduce at school any book, however objectionable, whether to the religious principles or the morality of the other children or their parents, provided only the parent of that child approved of it.” The provision merely authorizes parents and guardians to reject, but gives permission to no one to introduce, any book, and therefore the conclusion of the Assembly that the amendment is “calculated to perpetuate religious ani-

Report.

mosities and engender strifes and dissensions where only feelings of fraternity ought to be fostered"—is not warranted by the premises.

The Council are rather at a loss to comprehend what the Assembly mean by the expression "several Boards continuing impracticable," as set forth in the latter part of their reasons for not agreeing to the amendment to the 4th clause of the Bill. If it be meant that they are not inclined to surrender their own opinions upon the best mode of performing a very delicate and sacred trust reposed in them for the benefit of the public, to the judgment of others who have no right to dictate to them, the Council would admit the premises, but reject the conclusion that they consequently deserved to be unceremoniously turned out.

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

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

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

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

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

The Council are at a loss to perceive upon what principle the religious opinions of the Protestants are to be set entirely on one side, while those

of the Roman Catholics are to be brought forward as the sole ground of decision in the matter.

Report

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

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

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

H. J. BOULTON, P. C.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message:—

Message from Her Majesty's Council.

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of their Resolution of the 6th instant, and have appointed conferrees to meet the managers on the part of the Assembly in the committee-room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber,
10th October, 1837.

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That the said conference requested by the Council be agreed to.

Conference agreed to.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Nugent, Mr. Brown, Mr. Power, and Mr. Morris do manage the said conference on the part of this House.

Managers named.

And they went to the conference,....and being returned—

Conference held.

Mr. Nugent reported that the managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

Report.

Her Majesty's Council has requested this conference upon the Resolution of the Assembly, transmitted to them on Monday last, declaring the message of the Council to the Assembly acquainting them "that her Majesty's Council had passed the bill sent up from the Assembly entitled an Act for granting to her Majesty certain monies for the making and repairing of Roads and Bridges in this colony, and to provide regulations respecting the same, with some amendments," to be a violation of the privileges of the House of Assembly, and that House cannot recognise a right in her Majesty's Council to make any amendments in a bill grant-

Report.

ing monies to her Majesty "for the purpose of acquainting the Assembly that while the Council has no disposition to interfere with any privilege claimed by the Assembly so long as that House shall confine its pretences within reasonable and convenient bounds, yet as the King's Letters Patent from whence the powers of Legislation are so recently derived to both Houses, confers no especial privilege upon either, the Council cannot permit a mere assumption of privilege as peculiar to the Assembly to be carried to such lengths as would, if acquiesced in, concentrate all power and authority in matters connected with supply in the Assembly, depriving the Council of that wholesome and salutary check upon the proceeding of the Assembly which they possess upon those of the Council.

Although there must obviously be a wide and manifest distinction between the privileges incident to, or assumed by the House of Commons as one Branch of the British Parliament, exercises, from a period of high antiquity, supreme authority over a vast empire, and those which are applicable to a subordinate Colonial Assembly recently called into existence by Royal Authority, yet the Council will cheerfully acquiesce in the exercise by the Assembly of such a modification of the privileges assumed by the House of Commons as shall reasonably be found to comport with the useful developement of their Legislative powers.

Upon this principle the Council have no hesitation in admitting that all bills for the granting or appropriating the public money, or for laying any additional burthen upon the people, should naturally originate in the representative Branch of the Legislature, but that no amendment can be made by the Council even in such parts as do not effect the quantum of the supply to be granted or appropriated, would be extending the claim beyond those limits which the Council conceive may safely be conceded without inconvenience to the public service.

During the short period that the Legislature of Newfoundland has existed, many precedents are to be found of amendments being made by the Council in money bills very much to the advancement and protection of the public interests,—among others which the Council might cite, they desire to call the attention of the Assembly to the amendments made by the Council to the bill granting an additional sum of money towards the erection of a Light House on Harbor Grace Island, which amendment had for its object a very similar end to that hoped for in the amendments now offered to the road bill under consideration, viz. the protecting the Colony against a wasteful expenditure of the public money. The Council would likewise advert to the very extensive amendments made by them to the Bill for the relief of sick and disabled seamen, fishermen, and other persons, which being manifestly useful were substantially acquiesced in by the Assembly. If positive assertion on the part of the Assembly were sufficient to constitute a right to exclude the Council from all interference with whatever they might think proper to draw within the verge of their assumed privileges, the Council might, at no distant day, be thrust out of all participation in the deliberative duties assigned them by the same authority which enables the Assembly to make so large a claim upon their forbearance.

Should these pretensions of the Assembly be acquiesced in, that House would soon be in a condition to usurp all Executive as well as Legislative authority in matters of finance, which one clause of the Bill now under deliberation, to a very considerable extent has for its object, by appointing all the Members of the Assembly, by their own mere motion, to be *ex officio* members of the several Boards of Commissioners named in the

bill for the expenditure of about three-fourths of the current year's Colonial Revenue, which, according to their notion of privilege, no one is to presume to interfere with : a pretention quite inconsistent either with the public good, or the independent discharge of the trust reposed in the Council, and one which the Council will never yield to.

The Council entertain serious doubts of the propriety of devoting so very large a proportion of the year's Revenue to one object, and unless all reasonable means shall be taken to guard against a lavish and improvident application of it, they would prefer its remaining in the Treasury, and they do consequently insist upon the amendments made by them in the bill in question.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That the said report be referred to the select committee to report thereon to the House.

Report

Referred to Committee to report upon.

Ordered,—That Mr. Nugent, Mr. Brown, Mr. Power, and Mr. Morris do form such committee.

Committed.

Mr. Morris, in presenting a bill to amend an act passed in the 3rd year of the Reign of his late Majesty King William the fourth, entitled "An act for the more speedy abatement of nuisances," moved, seconded by Mr. Nugent,

Bill to amend act for abatement of nuisance presented.

Resolved,—That the standing order of the House that no further bill should be brought in this session, and the rules of the House in reference to the bringing in and passing of bills, be suspended, so far as relates to this Bill.

Rules of House suspended.

And the said bill was received and read a first time.

Bill read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

2nd reading.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said bill be committed to a committee of the whole House.

Committed.

Mr. Power gave notice that he should, on Saturday next, move an adjournment of the House to that day month.

Notice of motion to adjourn House.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, October 11, 1837.

A Petition of Thomas Blackler, was presented by Mr. Morris, and the said petition was received and read, setting forth—

Petition of T. Blackler presented and read.

That petitioner has, for a great length of time, been running a stage car between St. John's and Portugal Cove, during a greater part of which time the road was in a very bad state of repair, and his cars were broken and injured. That petitioner has been put to considerable expense, and praying the House to grant him some remuneration, &c.

Referred to Committee of Supply.

On motion of Mr. Morris, seconded by Mr. Nugent,

Ordered,—That the said petition be referred to the committee of Supply.

House in Committee on Bill to amend act for abatement of nuisances.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to amend an act passed in the 3d year of the Reign of his late Majesty King Wm. the fourth, entitled "An act for the more speedy abatement of nuisances."

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro' the said bill and had made some amendments therein, which they had directed him to report to the House: and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were upon the question put thereon, agreed to by the House.

Engrossed. 3d Reading.

Ordered,—That the said Bill as amended be engrossed and read a third time this day.

Report of Committee of Conference.

Mr. Nugent, from the committee appointed to take into consideration the subject matter of the conference with her Majesty's Council on yesterday, reported that they had considered the matter referred to them, and had instructed him to recommend to the House that a conference be requested with her Majesty's Council thereon, and that they had prepared instructions to be given to the managers of the House, which he read in his place and afterwards delivered them in at the Clerk's table, where they were again read as follow :

Instructions to managers.

The House of Assembly desire, through the present conference, to convey their opinions to her Majesty's Council, on the subject matter of the conference of yesterday.

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

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

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

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

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

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

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

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

At the close of this paragraph the Council present an hypothesis by no means deducible from the premises—the House of Assembly have

Instructions.

never in any single instance testified a desire to encroach upon or abstract from the legitimate and recognized privileges of the Council, nor have ever evoked a just reproof for an overweening and unconstitutional assumption of distinctions and privileges not their due—their constitution as established by their King they have forborne to touch, the names of their officers and the number of their quorum they have never attempted to alter, and therefore the Council needs not be so extremely apprehensive that “*at no distant day they might be thrust out of all participation in the deliberative duties assigned them.*”

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

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

But why, the House would beg leave respectfully to enquire, is it any more dangerous to the public interests or infringing upon the spirit of the constitution, that members of the House of Assembly should, in their respective Districts, be watching over the expenditure of the public monies?—why is it in them only the exercise of “*Executive and Legislative authority*” is considered objectionable, when in her Majesty’s Council an Honorable individual may sit and vote as a Legislator in the enactment of laws brought in perhaps by himself, preside on the Bench in their administration, and pass into the dungeon to regulate their execution?

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

But at the close of the instructions the Council would seem to labour under some strange misconceptions.—They express a determination founded on the preceding arguments to “*insist on their amendments.*” —The House of Assembly are unable to understand this.—A new Road Bill has been since Monday before the Council, the amended one having been thrown aside, and the House of Assembly have had no information

whatever that the present Bill has as yet been thrown out by amendments.—They, however, sincerely hope that her Majesty's Council will take the circumstances of the Colony into their most serious consideration, and not continue to impede a measure to which the attention of the Country is turned, in the sanguine hope that improvements so extensive as there contemplated will be speedily brought into operation and made ancillary to the neutralizing the melancholy effects of an unfortunate fishery—to the assuaging the miseries of the poor.

Instructions.

Resolved,—That the said report be adopted by the House.

Report adopted.

On motion of Mr. Nugent, seconded by Mr. Brown,

Resolved,—That the conference so recommended be requested with Her Majesty's Council,

Conference to be requested.

Ordered,—That Mr. Nugent do go up to the Council and desire the said conference.

Conference requested.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council the following written message :—

Message from her Majesty's Council agreeing to conference.

MR. SPEAKER,

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject of the last conference, and have appointed Conferrees to meet the Managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
11th October, 1837. }

And then the Messenger withdrew.

Ordered,—That Mr. Nugent, Mr. Brown, Mr. Morris, and Mr. Power, do manage the said conference on the part of this House.

Managers named.

And they went to the conference,—and being returned—

Conference held.

Mr. Nugent reported that the Managers had been at the conference and had complied with the instructions of the House.

Report.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Message from her Majesty's Council transmitting Bill to continue Quarantine Act.

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the Assembly entitled "An act to further continue an act passed in the General Assembly of this Colony in the 3rd year of the reign of his late Majesty King William the fourth, entitled 'An act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases and the spreading thereof in this Island,' " with an amendment to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council Chamber. }
11th October, 1837. }

And then the Messenger withdrew.

Amendment read.

The amendment made by the Council in the said bill was then read a first time and is as follows:

“Expunge the last line of the bill, and insert in its stead the words “one year, and from thence to the end of the then next ensuing session of the Legislature.”

On motion of Mr. Brown, seconded by Mr. Nugent,

Message to be sent to Council on the subject of the amendment to quarantine bill.

Resolved,—That it is the opinion of this House that the amendment made by her Majesty’s Council in the bill entitled “An act to further continue an act passed in the General Assembly of this Colony, in the 3d year of the reign of his late Majesty King Wm. the fourth, entitled “An act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases,” is a violation of the privileges of the House—as the bill in question is a money bill, and more particularly as the effect of the amendment would be to extend the continuance of the act to a period indefinitely beyond that defined by this House, and that a message be sent to her Majesty’s Council acquainting that Body of the purport of this Resolution.

Bill to further continue quarantine act presented and read.

Mr. Brown presented to the House a bill to further continue 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, and the same was received and read a first time.

Ordered,—That the said bill be now read a second time.

2nd reading.

And the said bill was read a second time accordingly.

On motion of Mr. Brown, seconded by Mr. Nugent,

Committed.

Ordered,—That the said bill be committed to a committee of the whole House.

House in Committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone thro’ the said bill, and had agreed to the same without any amendment.

Engrossed.
3d Reading.

Ordered,—That the said Bill be engrossed and read a third time this day.

Bill to amend act for abatement of nuisances, read 3 time.

Pursuant to order, an engrossed bill to amend an act for the more speedy abatement of nuisances, was read a third time.

On motion of Mr. Nugent, seconded by Mr. Power,

Passed.
Title.

Resolved,—That the said bill do pass, and that the title be “An act to amend an act passed in the fourth year of the Reign of his late Majesty King Wm. the fourth, entitled ‘An act for the more speedy abatement of nuisances.’ ”

Sent to Council.

Ordered,—That Mr. Morris and Mr. Power do carry the Bill up to her Majesty’s Council and desire their concurrence.

Agreeably to order, an engrossed bill to further continue 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, was read a third time.

Bill to further continue quarantine act read 3d time.

On motion of Mr. Brown, seconded by Mr. M'Carthy,

Resolved,—That the said bill do pass, and that the title be "An act to further continue an act passed in the General Assembly of this Island in the third year of the reign of his late Majesty King Wm. the fourth, entitled "An act to provide for the performance of quarantine, and more effectually to provide against the introduction of infectious or contagious diseases, and the spreading thereof in this Island."

Passed.
Title.

Ordered,—That Mr. Brown and Mr. M'Carthy do carry the bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

On motion, the House resolved itself into a committee of the whole House on the further consideration of the bill for granting to her Majesty a sum of money for defraying the expense of the Civil Government in this Colony, and for other purposes.

House in Committee on bill for granting to her Majesty a sum of money for defraying the expense of the civil government of the colony.

Mr. Speaker left the chair.

Mr. Nugent, took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report

Ordered,—That the said committee have leave to sit again to-morrow.

Leave to sit again.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, October 12, 1837.

A Petition of William Sweetland was presented by Mr. Moore, and the said petition was received and read, as follows:

Petition of Wm. Sweetland presented and read.

TO THE HONORABLE THE HOUSE OF ASSEMBLY IN
COLONIAL PARLIAMENT ASSEMBLED.

The Petition of William Sweetland, of Bonavista,

Humbly Sheweth—

That your petitioner last year had the honor of being appointed by his Excellency the Governor to preside over the district of Bonavista as a Police Magistrate, and your Honorable House voted for that service a stipend of One hundred pounds, sterling.

That your petitioner's district embraces a considerable circuit, extending from Cape Bonavista to Cape Freels, contains five thousand Inhabitants, of which number Bonavista alone furnishes two thousand, ad-

Petition.

ded to which the unavoidable attention to and overlooking the settlement of Bird Island Cove (four and a half miles from Bonavista) and also of Catalina, both together containing about One thousand Inhabitants, who resort to Bonavista when occasion of complaint arises, thereby considerably increasing your petitioner's charge.

That the paid Magistrates in the other districts of the Island are better paid than your Petitioner, inasmuch as most of them have larger stipends, or enjoy, in addition to their stipends, other appointments, such as Collectors of the Customs, Crown Surveyors, &c. &c., which amounts in general to double your petitioner's allowance, whose duty greatly exceeds most of them.

That Bonavista is not furnished with a Court or Lock-up House, consequently your petitioner is obliged to hire a Police Office in which to transact the necessary duty of the district, for which, and the necessary fuel, no allowance hath hitherto been assigned him; therefore your petitioner humbly prays that your Honorable House will take those circumstances, together with that of his not being engaged in any business, into your consideration, and grant him an increase of stipend, together with such other allowances for Police Office expenses, as your Honorable House in your wisdom may deem fit, and as in duty bound will ever pray.

WM. SWEETLAND.

St. John's,
12th October, 1837. }

On motion of Mr. Moore, seconded by Mr. Brown,

Ordered,—That the said petition be referred to the committee of Supply.

Referred to Committee
of Supply.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Messages from his Ex-
cellency the Governor.

The Honorable Mr. Secretary Crowdy acquainted the House that he was the bearer of two messages from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

And then the Messenger withdrew.

The said messages were read by Mr. Speaker and are as follow—

MESSAGE.

H. PRESCOTT.

The Governor transmits to the House of Assembly the copy of a Despatch which he has received from the Secretary of State for the Colonies on the subject of the appointment of the officers of the House.

Government House, }
12th October, 1837. }

MESSAGE.

H. PRESCOTT.

The Governor transmits to the House of Assembly a copy of a despatch which he has received from the Secretary of State for the Colonies, by which the House will see the necessity of making provision for printing copies of the Blue Book, for the use of the Legislature.

Government House, }
12th Oct. 1837. }

The Despatches accompanying the said Messages were then read by the Clerk and are as follow :—

(Copy.)

JAS. CROWDY.

No. 146.

Downing Street, 12th August, 1837.

SIR,—I have received your Despatches, Nos. 30, 31, 32, and 34, dated on the 10th and 13th July, enclosing copies of the communications which have taken place between yourself and the House of Assembly at Newfoundland, on the subject of the right of that body to appoint the various Officers in attendance on them.

I approve without reserve or qualification the whole of your proceedings on this occasion.

The subject under discussion would, in reality, be too insignificant to justify the prolongation of the debate if it did not involve first a claim of strict right and justice advanced by the officers who have been dispossessed of their places, and secondly a principle which, if admitted in Newfoundland, could not but be applied in all the adjacent provinces. In no other view can the power of making these appointments be to H. M. Government or to you an object of the slightest interest.

Anxious to avoid even the appearance of discussing this question in controversial spirit, I pass over in silence some of the arguments which in their address of the 10th July, the Assembly have urged upon H. M. Government. I admit at once that if, as is alleged, the established course of precedent in the British North American Provinces support the demand of the Assembly of Newfoundland, that demand should not be any further opposed. I am willing, therefore, to place the decision on the issue to which it has been referred by the Assembly.

You will communicate the state of this case to the Governors of Lower and Upper Canada, of Nova-Scotia, New Brunswick, and Prince Edward's Island, desiring each of them to inform you whether, in the Province under his government, the Serjeant-at-Arms and Clerk of the Assembly hold, and have been accustomed to hold, their Offices on the nomination of the House, or by an appointment from the head of the Local Government. By the result of those enquiries your conduct will be determined.

The gentlemen in possession of these places in Newfoundland under the Royal authority must not, however, be precluded by any decision which you may adopt, from asserting their right to discharge the duties and to receive the emoluments of the Offices conferred upon them. You will not, therefore, revoke their appointment. If the law really recognizes their title there cannot be wanting legal methods by which it may be vindicated, and nothing must be done by the Executive Government which would have the effect of obstructing the resort by those officers to the remedies which the law affords them for protecting the vested interests to which they may lay claim.

You will use the whole of your legitimate influence to induce the House of Assembly to concur with you in reserving the pecuniary demands of the Serjeant-at-Arms and Clerk of the House until the practice of the British North American Provinces shall have been ascertained. I cannot permit myself to doubt that the House will cheerfully agree to abide by the result of an enquiry into the facts to which they have themselves referred as the foundation of their title. You will therefore not

Despatches read.

withhold your assent to any Bill of Supply on the ground of its involving a decision of this claim, if, as I anticipate, the House shall assent to the proposal which I now instruct you to address to them.

I have, &c.,

(Signed)

GLENELG.

Governor Prescott.

(Copy.)

JAS. CROWDY.

No. 144.

Downing Street, 8th August, 1837.

SIR,—I have been honoured with your despatch No. 24, of the 17th May last, stating that the nine copies of the Blue Book which I transmitted to you in my Circular Despatch of the 2nd November, would not be sufficient to enable you to comply with the instructions therein contained relative to the disposal of those copies, and you request that more may be sent to you.

In reply, I have to observe, that a sufficient number only of those books was in the first instance printed, to enable the Governor of each Colony to supply the Secretary of State with originals and duplicates, and to retain the triplicate copy in the Colony for his own use. Subsequently, however, it was decided to lay a copy before the Colonial Assembly of each Legislative Colony, and with that view my Circular Despatch desired that the triplicate copy might be so disposed of.

Under these circumstances I regret that it is not in my power, without incurring a heavy additional expense, to comply with your request.

I have the honor, &c.,

(Signed)

GLENELG.

Captain Prescott, C. B., R. N.

To lie on the table.

Ordered,—That the said Messages and Despatches do lie upon the table to be perused by the Members of the House.

Petition of the inhabitants of Renews presented by the Hon. Mr. Crowdy.

The Hon. Mr. Secretary Crowdy also presented to the House, by direction of his Excellency the Governor, a Petition of the inhabitants of Renews.

Petition Read.

The said Petition was then read by the Clerk.

To lie on the table.

Ordered,—That the said Petition do lie upon the table.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolution to acquire information on the subject of the appointment of officers.

Resolved,—That the Speaker of the House of Assembly be requested and empowered to adopt the necessary steps to acquire information from the several Colonial Assemblies referred to in the address of the House of the 10th July last, on the subject of the appointment of officers.

On motion of Mr. Nugent, seconded by Mr. Morris,

Despatch, &c., to be printed.

Ordered,—That the Despatch of Lord Glenelg laid before the House on this day on the appointment of Officers, together with the address of this House to his Excellency, and his Excellency's replies on the same subject, be printed, in order that the Honorable the Speaker may be enabled to transmit them to the several Legislatures referred to in the address of the 10th July last.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That it is the opinion of this House that the appointment of Members of the House of Assembly as *ex officio* Members of Boards of Directors or Commissioners of Roads, &c., is perfectly consistent with precedent ; but in order that there should be no pretext afforded another Branch of the Legislature for further obstructing the passing of a bill granting nearly seventeen thousand pounds to her Majesty for the making and repairing of roads and bridges, at a season when the poverty of the people imperatively demands their employment, and the failure of the fishery prompts more pressingly the necessity of promoting agriculture, the House will for the present consent to waive their right of making such appointments in the bill of supply now in committee.

Resolution respecting the appointment of the Members of the House as Directors or Commissioners of Roads, &c.

On motion, the House resolved itself into a committee of the whole House on the further consideration of the bill to grant a supply to her Majesty.

House in Committee of Supply.

Mr. Kent moved, seconded by Mr. Morris,

That Mr. Godfrey do take the chair of the Committee,—and thereupon,

Motion for Chairman.

Mr. Brown moved, in amendment, seconded by Mr. Power,

Amendment moved.

That Mr. Nugent be the chairman of the committee,—which being put, the House divided thereon as follows :

FOR THE AMENDMENT.

AGAINST THE AMENDMENT.

House divide.

Mr. Brown
— M'Carthy
— Godfrey
— Moore
— Power

Mr. Kent
— Morris
— Butler
— Doyle
— Nugent.

And the House being equally divided, Mr. Speaker gave his casting vote in favour of the motion, and so it passed in the affirmative, and

Carried.

Ordered,—Accordingly.

Mr. Speaker left the chair.

Mr. Nugent, took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report

Ordered,—That the said committee have leave to sit again to-morrow.

Leave to sit again.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, October 13, 1837.

A Petition of Philip Brown, J. B. Cox, and David Walsh, officers of the House of Assembly, was presented by Mr. Morris, and the said petition was received and read, setting forth—

Petition of P. Brown, J. B. Cox & D. Walsh, presented and read.

Petition.

That at the time petitioners' salaries were voted, it was not expected that the Session would be protracted to this late period of the season, and praying the House will vote them such further sum in addition as it shall deem meet.

On motion of Mr. Morris, seconded by Mr. Moore,

Referred to Committee of Supply.

Ordered,—That the said petition be referred to the committee of Supply.

Letter from Hon. Mr. Secretary Crowdy transmitting petition from inhabitants of Low Point, and a letter from Mr. Hutchings, confirmatory of the statement made in the petition.

Mr. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy, transmitting, by command of the Governor, a petition to his Excellency of the inhabitants of Low Point, and copy of a Letter which accompanied it from Mr. Hutchings, a magistrate in Conception Bay.

Petition read.

The said petition was read by the Clerk, setting forth—

That the unprecedented failure of the fisheries this season has involved the petitioners in great distress, and deprived them of all expectation of winter supplies, and praying for relief.

Letter read.

The said Letter was also read, confirmatory of the statement made in the said petition.

On motion of Mr. Nugent, seconded by Mr. Morris,

Referred to Committee of Supply.

Ordered,—That the said petition be referred to the Committee of Supply.

On motion of Mr. Morris, seconded by Mr. Power,

Resolution for committee to prepare address to his Excellency.

Resolved,—That a select committee be appointed to prepare an address to his Excellency the Governor praying that his Excellency will be pleased in the event of the sum voted for the relief of the poor in the outports being insufficient for that purpose, to apply a further sum of five hundred pounds from the monies which may be in the Treasurer's hands, for the relief of persons in such of the out-harbor settlements as may require additional aid, which appropriation the House of Assembly will indemnify to his Excellency.

Committee.

Ordered,—That Mr. Morris, Mr. Nugent and Mr. Power do form such committee.

House in Committee of Supply.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the bill for granting the supplies to her Majesty.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The Chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Leave to sit again.

Ordered,—That the said committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, October 14, 1837.

ON motion, the House resolved itself into a committee of the whole House on the consideration of the state of the colony.

House in Committee on
State of the Colony.

Mr. Speaker left the chair.

Mr. Morris took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Morris reported from the committee that they had considered of the matters to them referred, and had come to certain resolutions which they had directed him to report to the House; and he delivered the said resolutions in at the Clerk's table, where they were read as follow:—

Report.

Resolved,—That in order the more effectually to call the attention of Her Majesty's Government to the present state of this important colony, with a view particularly to procure a pure administration of Justice, due encouragement for conducting the fisheries, greater facilities for the procuring grants of Land, promoting the developement of the internal resources of the country, and whatever may conduce to the general improvement of Newfoundland, it is expedient that three members of this House, possessing its confidence, should be appointed to proceed forthwith to London to afford all the information to Her Majesty's Government that may be necessary on the subjects above enumerated, and to transact such other business as may by this House be given them in charge.

Resolved,—That the deputation above mentioned be instructed to represent to Her Majesty's Government the exorbitance of the expenditure of this country for conducting the Civil Government thereof as proportioned to the wants of the Colony and its revenues, with a view to procuring a reduction in the reserved salaries, and that they be instructed to pledge this House to pass a bill to make perpetual the same, as arranged by them.

Resolved,—That the deputation be empowered to treat with Her Majesty's Government on the absence of all controul in this country over the expenditure of the Customs in the Collection of the Imperial Revenue, in order to procure a reasonable limitation of the same, and they be authorised to pledge this House to pass a bill conformably with the arrangements entered into.

Resolved,—That the aforesaid deputation be instructed to awaken the attention of her Majesty's Government to the exclusive character of the appointments to the offices of trust and emolument in this Island, with a view to the procuring for the people of Newfoundland an impartial administration of the Government.

Report, &c.

Resolved,—That the aforesaid deputation be instructed to endeavour to procure that (having by a Colonial act hereafter to be passed been regulated in manner beforementioned) the salaries reserved to the Crown, the Ships' Rooms and Crown Lands, be placed at the disposal of the Legislature.

Resolved,—That it be a further instruction to the deputation to pray Her Majesty's Government that in the filling up all future vacancies to offices of emolument in this Island, in the gift of the Crown, the salaries of which shall be under two hundred and fifty pounds per annum, in all cases a preference should be given to natives and persons resident in the colony.

Resolved,—That it be a further instruction to the deputation to seek to procure that no person appointed to an office, the salary of which shall be under two hundred and fifty pounds per annum, be permitted to hold a second emolumentary employment.

Resolved,—That it be a further instruction to the committee to procure the withdrawal from this Colony of the office of Comptroller of H. M. Customs—an office abrogated in the Sister Colonies.

Resolved,—That it be a further instruction to the deputation to procure the erection of a Light House or Light Houses on the Southern coast of this Island, for the protection of her Majesty's shipping trading to the North American Colonies and the United States of America.

Resolved,—That it be a further instruction to the committee, as all mines and minerals therein are the property of the Crown, to seek to procure that a general Geological Survey be made of the Island of Newfoundland, with a view to the developement of its internal resources.

Resolved,—That it be a further instruction to the committee to seek to procure assistance towards making main roads and bridges, to facilitate the communication between St. John's and the remote settlements of the country.

Resolved,—That it be a further instruction to the deputation to seek to procure a restoration of the rights of the people of Newfoundland, to a participation in the Fisheries on the French Shore of the Island, or a suitable compensation for the injury to this Colony produced by their abrogation.

Resolved,—That Patrick Morris, Esq., Member for the district of St. John's, William Carson, Esq., Speaker of this House, and John Valentine Nugent, Esq. Member for St. Mary's, possessing as they do the confidence of this House, be appointed a deputation for the purposes above-mentioned, and that the present Resolutions be their instructions, and that they proceed to London before the close of the present Season.

Resolutions agreed to.

And the said resolutions having been read throughout, were, upon the question put thereon, agreed to by the House.

On motion of Mr. Morris, seconded by Mr. Nugent,

Resolution for committee to prepare petitions to her Majesty.

Resolved,—That a committee of five be appointed to prepare petitions to her Majesty and the British Legislature, founded on the reports of the several Committees on the administration of Justice, the Fisheries, and Agriculture of Newfoundland.

Ordered,—That Mr. Morris, Mr. Nugent, Mr. Power, Mr. Kent and Mr. Godfrey do form such committee.

Committee appointed.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the Resolution and proceedings of the Grand Jury of November, 1836, of the Supreme Court, together with the correspondence with the Colonial Secretary on the transmission of the petition of William Harding, Roger Thomey, and William Saunders, and the affidavit of William Carson, Esquire, with the evidence on the enquiry into the state of the administration of Justice, be printed.—(For which see *Appendix*.)

Resolution for printing sundry documents.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the bill for granting supplies to her Majesty.

House in Committee on bill for granting supplies to her Majesty.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone thro' the said bill and had made some amendments therein, which they had directed him to report to the House: and he delivered the bill with the amendments in at the Clerk's table.

Report

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said Bill as amended be engrossed and read a third time on Monday next.

Engrossed.
3d Reading.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, October 16, 1837.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

THE Master-in-Chancery brought down from Her Majesty's Council the following written message:—

Message from her Majesty's Council transmitting Bill for the better administration of justice, &c., and Bill to continue Quarantine Act.

MR. SPEAKER,

Her Majesty's Council acquaint the House of Assembly that they concur in the amendments made by the Assembly in the Bill entitled "An act to repeal part of an act passed in the Parliament of Great Britain in the fifth year of his Majesty King George the fourth, entitled 'An act for the better administration of Justice in Newfoundland and for other purposes' and to make further provision for the Registration of Deeds in this Colony."

Her Majesty's Council also acquaint the Assembly that they have passed the Bill sent up for the concurrence of this House, entitled "An act to further continue an act passed in the General Assembly of this Colony

Message, &c.

in the 3rd year of the reign of his late Majesty King William the fourth, entitled 'An act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases and the spreading thereof in this Island,''' without amendment.

H. J. BOULTON, P. C.

Council-Chamber, }
16th October, 1837. }

And then the Messenger withdrew.

Report of committee appointed to prepare address to her Majesty.

Mr. Nugent reported from the committee appointed to prepare an address to her Majesty, of condolence for the death of his late Majesty, and congratulation on the occasion of her Majesty's accession to the Throne, that the committee had prepared the draft of an address accordingly, and he read the same in his place and afterwards delivered it in at the Clerk's Table where it was again read as follows:—

Address.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of the House of Representatives of the Island of Newfoundland, in General Assembly convened.

MAY IT PLEASE YOUR MAJESTY,—

We, your Majesty's most faithful subjects the Commons of Newfoundland in General Assembly convened, most reverently and respectfully convey to your Most Gracious Majesty's Throne, and with sentiments of the deepest and most sincere attachment, beg leave to offer the humble tribute of our heartfelt sympathy for your Majesty's bereavement and the national affliction, on the occasion of the departure from this world of our late beloved Sovereign, your Majesty's Uncle, of glorious and happy memory.

Under the mild and beneficent administration of that great and good Monarch the Genius of Liberty and Reform spread her influence over the land, and wherever she smiled contentment and happiness were awakened, because Government became impartial and Justice accessible to all the people.—The fetters fell from the feet of the captive, and he lifted up his hands unmanacled in thanksgiving, pouring benedictions upon his Royal Benefactor, while the encouragement of commerce and industry bespoke a solicitude for national prosperity.—The mitigation of the severity of the Penal Code testified an inherent love of the truly royal attribute of mercy, and the tranquillization of Ireland was commemorative of a love of Justice calculated to endear his memory to the latest posterity.

But while your Majesty's loyal subjects of Newfoundland concur in this universal sentiment of grateful remembrance of favours poured upon other countries under the dominion of Britain, their gratitude is particularly called forth by his late Majesty's attention to the interest of this Colony, manifested in his graciously according the blessing of Self Legislation to a people whose distance from the Seat of Government rendered a Local Legislature necessary to promote their prosperity, and that feeling is particularly enhanced by the last act of his Majesty's life as connected with this Island—the opening of the Prison Gates upon Electors unjustly condemned to loss of liberty because they had dared to use their Franchise freely.

The principal Institutions of Newfoundland are young—her Courts of Justice and her Legislature—and they particularly need your Majesty's fostering care to guide them through the difficulties naturally surrounding Infant Establishments, and your Majesty's people in this distant but important Colony therefore hail the commencement of your most august Majesty's Reign as bearing auspicious promise of improvement.

Address.

Most Gracious Queen, permit your Majesty's faithful Commons of Newfoundland to bear to your Majesty their ardent felicitations on your Majesty's happy accession to the Throne of your Forefathers, and to express a humble but sincere prayer that your Majesty may be destined to bring to maturity all those great measures of improvement which owed their inception to your Majesty's Royal Predecessors, and to ratify all the fond hopes of your people by a long, a happy, and an illustrious Reign.

Resolved,—That the said address be adopted and engrossed.

Address adopted.

On motion of Mr. Kent, seconded by Mr. Power,

Resolved,—That the address just read be presented to her Majesty by the Honorable the Speaker, Patrick Morris and John V. Nugent, Esquires, and such other Members of the House of Assembly who may at the time of its presentation be in London.

Resolution for presenting it.

On motion of Mr. Morris, seconded by Mr. Moore,

Ordered,—That the said address be printed for the use of the Members of the House.

To be printed.

Pursuant to the order of the day, an engrossed bill for granting the supplies to her Majesty, was read a third time.

Bill for granting supplies to her Majesty read 3d time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said bill do pass, and that the title be "An act granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony, and for other purposes, for the year ending 30th June, 1838, and for the making of Roads, Highways, and Bridges."

Passed.

Title]

Ordered,—That Mr. Kent and Mr. Nugent do carry the bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, October 17, 1837.

MR. Nugent gave notice that he should, to-morrow, move that the attested copy of the Indictment in the case of the King versus James Duffy and others, and the attested copy of the Affidavit filed in Court previous to trial, by the Defendants, in the case of the King versus Patrick Morris and others, be added to the evidence taken on the enquiry into present state of the administration of Justice in Newfoundland, and ordered to be printed.

Notice of motion for printing sundry documents.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, October 18, 1837.

Letter of Mr. Garrett presented.

MR. Morris, Member for St. John's, laid before the House a letter, which he stated in his place he had just received from Mr. Garrett, and he read the same and afterwards delivered it in at the Clerk's Table where it was again read as follows:—

Letter.

SIR,—A Pamphlet having issued from the press a few days since to which is prefixed a dedication to Lord Holland, signed with your name, and purporting to be from you, in which Pamphlet my conduct, as High Sheriff of this Island, is animadverted upon—I request you will inform me if the publication of the said Pamphlet took place by your direction or with your sanction and consent.

I have the honor to be, Sir,

Your obedient Servant,

B. G. GARRETT.

To

18th October, 1837.

PATRICK MORRIS, Esq.

To lie on the table.

Ordered,—That the said letter do lie on the table.

On motion of Mr. Nugent, seconded by Mr. Morris,

Consideration of letter postponed.

Resolved,—That the consideration of the said letter be postponed to Saturday next.

Report of committee appointed to prepare petitions to the Queen and British Legislature.

Mr. Nugent reported from the committee appointed on Saturday last to prepare petitions to the Queen and the British Legislature, that the committee had prepared the draft of a petition to her Majesty on the subject of the administration of Justice in this Colony accordingly, which he delivered in at the Clerk's table, and the same was read a first time.

On motion of Mr. Nugent, seconded by Mr. Morris,

Ordered,—That the said petition be now read a second time.

Petition read 2d time.

And the said petition was read a second time accordingly.

On motion of Mr. Nugent, seconded by Mr. Morris,

Referred to Committee of whole House.

Ordered,—That the said petition be referred to a committee of the whole House.

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the said petition.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone thro' the said petition and had made an amendment therein, which they had directed him to report to the House: and he delivered the petition with the amendment in at the Clerk's table.

Report.

And the said amendment having been read throughout a first and second time, was, upon the question put thereon, agreed to by the House.

Amendment read and agreed to.

Ordered,—That the said petition as amended be engrossed and read a third time this day.

Engrossed.
3d Reading.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message:—

Message from her Majesty's Council, transmitting bills for regulation of merchant seamen &c., and for the more speedy abatement of nuisances.

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they have passed the Bill entitled "An act for regulating the service of merchant seamen engaged in the vessels of this Colony," with an amendment, to which they request the concurrence of the Assembly.

Her Majesty's Council have also passed the Bill sent up from the House of Assembly entitled "An act to amend an act passed in the 3d year of his late Majesty King William the fourth, entitled 'An act for the more speedy abatement of nuisances,'" with an amendment, to which also they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council-Chamber, }
18th October, 1837. }

And then the Messenger withdrew.

The amendment made by Her Majesty's Council in the said bill for regulating the service of merchant seamen engaged in the vessels of this colony, was read a first time as follows:

Amendment to merchant seamen's bill read.

At the end of the last section of the bill expunge all the words after the word "Colony."

Ordered,—That the said amendment be now read a second time.

And the said amendment was read a second time accordingly.

2d reading.

On motion of Mr. Kent, seconded by Mr. Nugent,

Ordered,—That the said amendment be now committed to a committee of the whole House.

Committed.

And the House resolved itself into the said committee accordingly.

House in Committee thereon.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the said amendment, and had agreed to the same.

Report.

Ordered,—That the said report be received and adopted.

Adopted.

Ordered,—That the said amendment be now read a third time.
And the said amendment was read a third time accordingly.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said amendment do pass.

Ordered,—That Mr. Kent and Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have concurred in the said amendment.

The amendment made by Her Majesty's Council in the said bill to amend an act passed in the third year of the Reign of his late Majesty King William the fourth, entitled "An act for the more speedy abatement of nuisances," was read a first time as follows :—

Expunge all the words of the first section of the bill after the word "that," in the second line, and insert in their stead the words "whenever any swine shall be seized and lodged in the public Pound, it shall and may be lawful for the owner thereof to redeem the same by paying as the value thereof the sum of ten shillings for the first, and twenty shillings for any subsequent offence against the said act, together with all costs incurred, on payment of which such swine shall be restored to its owner."

Mr. Morris reported from the committee appointed to prepare an address to his Excellency the Governor in pursuance of the Resolution of the House passed on the 13th inst., and he presented to the House the draft of an address for that purpose, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again 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, &c. &c. &c.*

May it please Your Excellency,

The House of Assembly having taken into their consideration the extensive failure which has occurred this year in the fisheries of the colony, and particularly having had in view the recent alarming and distressing accounts from the outports, and the consequent want and misery and distress likely to arise among the inhabitants in many parts of the Island, beg leave to request that your Excellency will be pleased in the event of the sum voted for the relief of the poor in the outports proving insufficient for that purpose, to apply any further sum not exceeding five hundred pounds from the monies which may be in the Treasurer's hands to the relief of such persons in the out harbor settlements as may require additional aid ; for which appropriation the House of Assembly will hold themselves obliged in the next session to indemnify your Excellency.

Ordered,—That the said address be adopted and engrossed.

Ordered,—That Mr. Morris and Mr. Nugent be a committee to present the same to his Excellency.

3d reading.

Passed.

Council acquainted thereof.

Amendment read.

Report of committee to prepare address to his Excellency.

Address

adopted.

Committee to present it.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council requesting conference

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony and other purposes for the year ending the thirtieth day of June, in the Year of Our Lord One thousand Eight hundred and Thirty-eight, for the making and repairing of roads, highways and bridges in this Colony."

H. J. BOULTON, P. C.

Council-Chamber, }
18th October, 1837. }

And then the Messenger withdrew.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—that the said conference requested by her Majesty's Council be agreed to.

Conference agreed to.

Ordered,—That Mr. Kent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Pursuant to order, an engrossed Petition to her Majesty on the subject of the administration of Justice in this Colony, was read a third time, and is as follows :

Engrossed petition to her Majesty read.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Memorial of Her Majesty's Commons of Newfoundland, in General Assembly convened.

MAY IT PLEASE YOUR MAJESTY,—

We, Your Majesty's faithful and loyal subjects the Commons of Newfoundland, in General Assembly convened, most humbly approach your most Gracious Majesty's Throne, and beg leave to pray your Majesty's benign attention to the wrongs inflicted on your Majesty's people in this Colony in the administration of Justice.

In the Reign of your Majesty's illustrious Relative, his late Majesty King George IV., of happy memory, your Majesty's subjects in this Island were bestowed an improved system of Judicature by Royal Charter, granted under the provisions of the act 5th Geo. IV. c. 69, establishing a Supreme Court, to be holden by a Chief Judge and two Assistant Judges, and three Circuit Courts also, of which one of the Judges of the Supreme Court presides.

To the three Judges of the Supreme Court was committed by this Charter the power of making Rules and Orders which were to have had all the force and validity of Law, provided that *previously to their being brought into operation*, they had been for three months publicly promulgated.

Petition.

On the 2d January, 1826, the Court was first opened for the purpose of publicly proclaiming the Charter, and promulgating the Rules and Orders for the future regulation of the proceedings of the Supreme and Circuit Courts, and after the transaction of that business the Court was adjourned, to the 12th April following, in order that the intervention of three months from the promulgation thereof may render the Rules and Orders then declared legal in their operation.

It devolved upon the Hon. Chief Judge Tucker, the first Chief Justice under the Charter, with Assistant Judges Molloy and Des Barres, to prepare the Rules and Orders on that occasion, and make them suit the circumstances of the Country & the condition of its inhabitants; and as Judge Tucker had been for several years previously resident in Newfoundland, holding the office of Chief Judge of the former Supreme Court, his superior intelligence rendered his knowledge and experience of the former practice of the Courts, of the capabilities of the persons practising at the Bar, and of the general exigencies of suitors in this colony, particularly useful in the developement of systems so important.

It was under such circumstances that the first Rules and Orders of the Supreme Court were framed, and therefore were they rather declaratory and confirmatory of the former practice than inducing any material alteration particular in the forms then in use.

Under these Rules was established a Jury system, explained in detail by no fewer than fifteen Rules, which for some time gave general satisfaction, proving as it did extremely convenient to the Jurors, and giving security to the litigants against a possibility of having particular Juries selected for particular or improper purposes; but as under the system so laid down it frequently occurred that several persons of the same family served upon one Jury in January, 1830, four Rules were added substituting the ballot for the system of rotation, and this improved arrangement continued in operation until the December Term of 1833.

In the autumn of 1833, the Hon. Henry John Boulton arrived in Newfoundland to assume the office of Chief Judge of the Supreme Court, upon having been deprived of his situation of Attorney General of Upper Canada, and although the circumstances of Upper Canada and of Newfoundland were widely different—the one an agricultural Province, the other a colony whose whole population were engaged in the prosecution of precarious fisheries—the one a people whose inhabitants bore the impress of maturity, her Courts long established, her colleges and schools encouraged by her Legislature, giving birth to a Bar entitled by education to exclusive advantages—the other a country where new tribunals were ingrafted upon ancient systems growing out of customs peculiar her own—a country where colleges were unknown, and education not encouraged, and whose Bar, arising fortuitously, was composed of individuals not claiming a right from profession, but only from an accidental acquaintance with the customs of the country, and the practice of the Courts, enabled to assist suitors, and only holding their tenure as a Bar by courtesy,—notwithstanding this the Hon. Henry John Boulton, upon the instant of his arrival in this country, at once subverted that practice of the Courts with which only the existing practitioners were acquainted, and of which he only was ignorant, and substituted a system of practice with which he alone was acquainted, a system perfectly unknown to the Bar.

But not only in the practice of the Courts did this Honorable Gentleman thus make radical innovations upon his arrival in Newfoundland.—He in an instant, and before the public had that security provided by the British Constitution, for the honest and impartial discharge of the duties of the Judge, his oath of office—before he was sworn in as Judge of the Supreme Court he induced the abrogation of those Rules of Court which had been established under the authority of the Charter, and which by regular and public promulgation had become as the Law of the Land—those Rules which secured to the public impartial Juries, and without any previous promulgation brought one Rule of Court into operation under which the Sheriff has it in his power at any time he pleases to supply such Juries as may answer his particular views.

Again by a simple alteration in the form of the Writ of Attachment this Honorable Judge subverted the ancient customs of the Country, producing a change calculated to strike at the very existence of the Fisheries.—It was the custom, in this Colony, from time immemorial, to hold the "*Boats, Tackle, and Apparel, and all other conveniences and things used in or necessary for the business of the Fishery*" sacred from distraint or attachment during the Fishing Season, and the forms of Writs and other instruments of Law were framed in conformity with the custom up to the period of the arrival of the hon. Judge Boulton, when by a mere stroke of the pen, erasing from these forms the exemption alluded to, it is at present in the power of an angry, or indiscreet creditor to prevent the prosecution of that upon which the vital interests of the Colony are dependent.

Charges so important, charges so extensive, charges so violent, so abrupt—charges so calculated to embarrass would seem to have prompted the necessity of propitiating the Law Practitioners, and he who, as a Judge, had so far innovated on the Jury System, the practice of the Courts, and the customs of the Country, as a Legislator, in the very first session of the Legislature in which he sat, introduced a Bill so hastily for their incorporation as to dispense with the usual form of "*reading a first time*," whereby he invested with the dignity of a Chartered Bar, a body not educated to the profession of the Law.

Ignorant of those usages connected with conducting the Fisheries, which constituted the Common Law of Newfoundland, in his adjudications on the subject of the right of the Fishing Servant to follow the proceeds of the voyage into the hands of the supplying merchant, the Hon. Judge Boulton again struck fatally at the Fisheries—the Law of the Land. The evidence of the oldest and most respectable Magistrates—the evidence of the oldest and most respectable Merchants—the evidence of the oldest and most respectable Planters and Fishermen he alike disregarded, and spurned the Records of the decisions of all the Law Tribunals of the Country—the judgments of all his predecessors, and flinging hundreds of Fishing Servants, poor men only dependent on their industry for the subsistence of their families, flinging them upon the world without the means of sustenance or wherewith to avert the rigors of winter.

And finally has this Honorable Individual, by abrogating the ancient customs of the Country, which gave a preferable claim in Twenty Shillings in the Pound, after the payment of the Servants, to the Merchant supplying for the current year on the proceeds of the voyage, consummated the catalogue of outrages against the Laws and customs of the Country, the rights and privileges of the people, and introduced chaotic confusion where all before was fixed and immutable.

Petition.

May it please your Majesty.—The Laws, the customs, the usages of the Country—the practice of the Courts—the splendid Jury System—all thus at once torn down, and the Bar rendered a monopoly to prevent the introduction of persons of independence to protect the poor. The Merchants, because they were exonerated from the claims of the Fishing Servants for their wages, were quiescent; but one Public Journal remonstrated and exclaimed against these violent aggressions on the rights of the people, but the Printer was summoned before the Judge for an alleged “Contempt of Court,” and Judge Boulton alone the accuser, he alone the Jury, and he alone the Judge, condemned the printer of the *Patriot* Newspaper to pass three months in the Dungeons of the Prison of St. John’s and to pay a fine of £50.

Five thousand people of the District of St. John’s appealed to the justice of their King and to the British Legislature, praying an enquiry into these enormities, but in vain—never was their petition even answered.—Eight thousand people of the Island implored inquiry from the Imperial Parliament, but to no purpose, while the constitution of the Representative Branch of the Local Legislature was such as that, through the influence of the supporters of the Honorable Judge, the question of enquiry was negatived.

These reiterated efforts, on the part of the people, to procure redress, turned the tide of his hostility upon all who professed liberal opinions or who supported popular rights, while the constitution of the Special Juries under the Rules of Judge Boulton was such as to render it easy to set aside from every such Jury all who, in religion or politics, would be opposed to the favored party.—A series of actions for libel was levelled against the *Patriot* Newspaper, and all tried by Special Juries, from which every person concurring in political opinion with the Editor of that Journal was struck out, and under the improper direction of the Judge a series of awards of heavy damages were made, which eventually for some time suppressed it.—While in the trial of Criminal cases upon all occasions where political questions became involved, his partiality and injustice are observable to all, and in his hostility to the Catholic Clergy he has been induced to overstep all the bounds of moderation.

His misrepresentation to the Grand Jury of the nature of the charge alleged against the Rev. James Duffy.—His issue of a Bench Warrant against the same Rev. Gentleman to bring him to trial before himself for an offence that could with greater convenience even to the Prosecutors be tried in the Southern Circuit.—His refusal even to receive the petitions of the people of Carbonear, and of the Catholics of Harbor Grace for permission to that Rev. Gentleman to choose one of his own congregation to defend him, where the public had no confidence in his case in the Bar.—His issuing of a Bench Warrant to drag the Rev. Patrick Ward out of his sick bed to be tried for *an offence* on an occasion where *all* the evidence was complimentary.—The insults to these Rev. Gentlemen while discharging, or attempting to discharge their duties in the prison—nay even the very last Rules of Court framed under the Act 4. Wm. 4. cap. 5. forbidding as they do the attendance of Clergymen on the prisoners save only on two days of the week prescribed therein.—All of these circumstances and many others testify the strong leaning of the Honorable Judge to oppress the Priests. While his conduct on the occasion of the acquittal of Mackey, charged with a trivial election offence, when requiring of the Jury to reconsider their verdict and find him guilty—his conduct on the occasion of the virtual acquittal of Hayden, Meany, and Saunders, in the Conception Bay Election case, when he thought to deceive the Jury by trying to persuade them that “*an unlawful assembly*”

was synonymous with "*a tumultuous assembly.*" In fact in a variety of other cases proves that he makes his office ancillary to partizan purposes.

Petition.

And in conclusion—in few cases has he manifested his partizan and personal feelings more strongly, or in a way calculated to effect more injury, than in the case of Carson versus Kielly, as detailed in the affidavits of two highly respectable Medical Practitioners, Dr. Samuel Carson and Dr. John Rochford, transmitted to your Majesty's Government through his Excellency the Governor.

Your Majesty's faithful Commons of Newfoundland have examined into these matters and taken them into their deepest consideration—they have taken evidence the most respectable, both oral and documentary, and it is upon the information thus received they conclude that it is essential to the peace, the comfort, the prosperity, the happiness of your Majesty's subjects in Newfoundland—that it is essential to the maintenance of public order and tranquillity that your Majesty should graciously please to purify the Bench of Justice in Newfoundland by the removal of a Judge in whom it is impossible to expect that public confidence could be reposed.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the said petition do pass, and that transcripts thereof, *mutatis mutandis*, be engrossed and addressed to the House of Lords and House of Commons.

Passed.

On motion of Mr. Kent, seconded by Mr. Doyle,

Resolved,—That the petition to the Queen on the subject of the administration of justice in this Colony be committed to the deputation of this House for transmission to her Majesty.

Committed to deputation of the House for transmission to her Majesty.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, October 19, 1837.

MR. Nugent moved, pursuant to notice, seconded by Mr. Morris,

Resolved,—That the attested copy of the indictment in the case of the King versus James Duffy and others, and the attested copy of the affidavit filed in Court previous to trial by the Defendants in the case of the King versus Patrick Morris and others, be added to the evidence taken on the enquiry into the present state of the administration of justice in Newfoundland, and ordered by the House to be printed.

Documents to be printed.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Honorable Mr. Secretary Crowdy, being admitted within the Bar, presented to the House three messages from his Excellency the Governor, signed by his Excellency.

Messages from his Excellency the Governor.

And then the Messenger withdrew.

Messages.

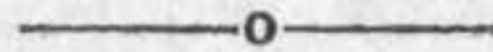
MESSAGE.

H. PRESCOTT.

The Governor having on the 12th inst. transmitted to the House of Assembly a copy of a Despatch from Lord Glenelg, on the subject of the appointment of the Officers of the House, and not having received any communication from the House of Assembly in relation thereto, finds himself compelled to state that he cannot assent to any Bill providing remuneration for the Clerk and Serjeant-at-Arms of its own nomination, unless an express reservation be made of the right, if any, of the persons whom the House has dispossessed of those employments.—Consequently his Excellency has to request of the House either the express reservation alone mentioned, or an explanation of the purposes to which the sum of Six hundred and Ninety-nine pounds, which he understands to have been voted in discharge of the Contingent Expenses of the Session, is to be applied.

His Excellency trusts that no obstacle may be put in the way of the conciliating mode adopted by Lord Glenelg, for determining the question at issue between her Majesty's Government and the House of Assembly; and in accordance with which the present request is made.

Government House, }
19th Oct. 1837. }



MESSAGE.

H. PRESCOTT.

The Governor, in the financial statement laid before the House of Assembly at the commencement of the present session, represented that there were outstanding claims upon the Government for £1100 under the following heads.

Printing, Stationery, &c.....	£247	4	5
Civil and Criminal Prosecutions.....	274	17	6
Coroners.....	26	16	0
Fuel and Light.....	7	9	9
Postages and Incidentals.....	1	1	7
Repairs of Gaols.....	53	17	11
Relief of the Poor.....	400	17	5
Firing Fog Guns.....	88	1	0

And other demands on the Government have at later periods been laid before the House, for which, with the exception of one item, that of Fog Guns, no provision seems to have been made.

His Excellency also forwarded an estimate of the sums requisite for the service of the current year, between which sums and those in the Bill passed by the House of Assembly there appear the following discrepancies.

<i>Estimate.</i>		<i>Sum voted.</i>	<i>Messages.</i>
Printing, &c.....	£350	£350	
Coroners.....	150	120	
Fuel and Light	300	200	
Repairs of Court Houses.....	180	100	
Postages and Incidentals	120	60	
Civil and Criminal Prosecutions.	900	500	
Gaol Expenses.....	700	352*	
Circuits	560	400	
Contingencies.....	500	100	
Fog Guns.....	250	Nothing.	

*Including Surgeon and Barber.

The estimate was based upon the experience of former years, and if considered erroneous or excessive his Excellency would have been and would still be happy to supply any information requested which he may possess upon the subject. Should the debt continue unpaid, and the sums voted under certain heads be allowed to remain manifestly inadequate to the expense of the current year, not only will the dignity of Government be injuriously compromised, but the public service must be suspended in some of its most important branches.

With respect to the amount of a vote of credit for unforeseen contingencies, the Governor has only to remark that it seems requisite to continue with due caution as to its amount, a consideration of the difficulties in the way of assembling the Legislature, arising from the climate and other circumstances, should any emergency call for a sudden and unexpected expenditure.

Government House, 19th, Oct. 1837.

—o—

MESSAGE.

H. PRESCOTT.

The Governor having, at the commencement of the Session, transmitted to the House of Assembly an extract of a Despatch from Lord Glenelg respecting the salary of the Judge of the Vice Admiralty Court, an understanding that no provision has been made for the payment thereof in the supply bill sent up to the Council, begs to draw the attention of the House to that subject.

Government House, }
19th October, 1837. }

The Hon. Mr. Secretary Crowdy also presented to the House

*Extract from a presentment by the Grand Jury at Greenspond,
16th October, 1837.*

The said Extract was read by the Clerk as follows :

“ That from the unprecedented failure of the fishery in this district during the past season, much distress must consequently prevail amongst a numerous class of persons in this neighbourhood, during the ensuing Winter, unless some assistance be granted them by his Excellency the

Governor, and that they beg to recommend in the strongest manner possible the utmost relief that can be afforded them as the means of preventing such a state of misery as must consequently ensue."

To lie on the table.

Ordered,—That the said messages and extract do lie on the table.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council, with reference to their Message of yesterday, requesting a conference, acquaint the House of Assembly that they have appointed conferrees to meet the managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
19th October, 1837. }

And then the Messenger withdrew.

Managers named.

Ordered,—That Mr. Nugent, Mr. Morris, Mr. Kent and Mr Power do manage the said conference on the part of this House.

Conference held.

And they went to the conference,—and being returned—

Report.

Mr. Nugent reported that the managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Her Majesty's Council has desired this conference with an earnest desire to preserve that good correspondence with the Assembly which the best interests of the Colony require, should subsist between all branches of the Legislature, and to offer such reasons as have moved the Council to require that the multifarious matter contained in the Bill sent up by the Assembly entitled " An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this colony and for other purposes, for the year ending the thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for the making and repairing of roads, highways, and bridges in this Colony," should be separated and made the subject of distinct Bills.

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

The Royal Instructions no doubt with a view to the avoiding the inconveniences which must naturally arise from a contrary practice, require that, as much as possible, each different matter be provided for by a different law, without intermixing in one and the same act such things as have no proper relation to each other, and especially that no clause be

inserted in any act which shall be foreign to what the title to such act imports.

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

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

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

The Council have already rejected a bill for appropriating nearly three-fourths of the Colonial Revenue raised during the year towards the making and repairing of roads and bridges, because no sufficient provision was made in that bill for guarding against a wasteful and lavish expenditure of so large a sum—a part of which cannot be too scrupu-

Report.

lously attended to—and now with a view to constrain the Council to acquiesce in the views of the Assembly, the same appropriation is tacked to the supplies necessary for carrying on the Government, a proceeding which the Council will steadily resist. If by a perseverance in this method of endeavouring to coerce the Council any inconvenience shall be experienced on account of the usual supplies not being granted for defraying the charges of administering the Government, the responsibility will not rest with the Council, as they are ready to concur with the Assembly in passing the usual bill for granting those supplies; and it will not shift that responsibility from the Assembly to the Council, their sending up a bill granting those supplies, with grants of money for other objects tacked to it avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual supply Bill, which they would otherwise reject or desire to see modified.

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

In the neighbouring Colonies of Nova Scotia and New Brunswick to which the Assembly have so frequently referred for precedents which they have urged upon the Council as proper to be followed by the Legislature in this Island, all the Resolutions passed in Committee of supply upon which their bills of appropriation are afterwards founded, are constantly sent up to the Council, for their concurrence, thereby affording the Council the fullest opportunity of either concurring in or rejecting each proposed grant. Had this course been adopted upon the present occasion by the Assembly there would not have been such strong objections to embracing all the Grants in one bill, although such a course is not usual in those Colonies. In the large Provinces of Upper and Lower Canada, a different mode is used, namely, the appropriating particular Grants of money for specific objects in separate bills, thus preserving the spirit of the Constitution which contemplates the free and unfettered exercise of the judgment in each Branch of the Legislature, upon every distinct subject brought under deliberation. In either House of Parliament it is usual to divide a complicated question to enable those who are in favour of one part of a proposition, but opposed to another, freely to give their vote upon either, and it would be considered as most unfair to frame a complicated question with a view to deprive Members of that method, of recording their sentiments.

For these reasons the Council do insist, that the matters embraced in this Bill, which are diverse in their nature, shall be separated, and they will not concur in establishing a precedent, that objects so dissimilar

may be put together in one Bill—and more especially, upon the present occasion, will they resist such an attempt, since the Grant of Money for making and repairing Roads and Bridges has already been rejected by the Council on account of the provisions contained in the Bill appropriating the same having been deemed insufficient, in the opinion of the Council, for guarding against an improvident expenditure thereof.

Report.

Until this constitutional question shall have been definitively determined it is unnecessary to discuss the sufficiency or inadequacy of any particular items of the appropriation proposed, or the propriety of making some of the grants, or of leaving out others equally proper to be made.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That a committee of five be appointed to consider the said Report, and to report thereon to the House.

Resolution for committee to report thereon.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Winser, Mr. Morris and Mr. Power do form such committee.

Committee.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, October 20, 1837.

MR. Nugent from the committee appointed to report to the House upon the subject of the last conference with her Majesty's Council, reported that it was the opinion of the committee that a conference should be requested with the Council and that the committee had prepared instructions to the managers on the part of this House, which he read in his place, and afterwards handed in at the Clerk's table, where they were again read as follow:—

Report of committee appointed to report upon conference with her Majesty's Council.

The House of Assembly have taken into consideration the reasons offered by her Majesty's Council to justify their enquiry "that the multifarious matter contained in the Bill sent up by the Assembly entitled 'An act for granting to her Majesty a sum of Money for defraying the expense of the Civil Government of this Colony, and for other purposes, for the year ending the 30th day of June, in the year of our Lord One thousand Eight hundred and Thirty-eight, and for the making and repairing of Roads, Highways and Bridges in this Colony,' should be separated and made the subject of distinct Bills," and although they regard this requisition, on the part of her Majesty's Council, as a further aggression on the privileges of the Assembly, still are they solicitous to contribute as much as in them lies towards producing that good correspondence with the Council "which the best interests of the Colony require should subsist between all branches of the Legislature," by laying before the Council the grounds on which they dissent from those reasons that formed the subject matter of the late conference.

Instructions to Managers.

The House of Assembly are surprised that the Council could have fallen into an error so egregious as to imagine that it is an "innovation" on

Instructions.

the part of this branch of the Legislature to blend in one Bill "the ordinary supplies necessary for defraying the charges of administering the Government with occasional Grants of Money for totally different and independent objects," as upon referring to every Bill of Supply that has passed the Legislature since its first establishment for defraying the charges of the Government, it will be seen that in no one of them is there to be found that avoidance of granting "money for totally different and independent objects," which the Council here would seem to insist on.

The allusion in the third clause to the provision in the Royal Instructions forbidding his Excellency the Governor to assent to any Bill which shall contain any clause foreign to what the title of such Act imports, is by no means applicable to the Bill at present before the Council. That bill imports by its title to be "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony, and for other purposes, for the year ending the 30th day of June, 1838, and for the making and repairing of Roads, Highways and Bridges in this Colony," and there is not one single provision in the entire Bill dissonant from these objects.—The object of the entire Bill is to grant money to her Majesty, and to appropriate the same; and being such there can be nothing heterogeneous from its unity when there are no votes contained therein but money votes regulating their appropriation.

With reference to the 4th, 5th and 6th clauses of the reasons before them, the House of Assembly beg leave to say, that if the propositions just laid down be correct it is unnecessary to advert to these save only where there is exhibited an inclination on the part of the Council to controvert the right of the Assembly "to originate all Money Bills and to deny to the Council the right of altering or amending them." This right of the House of Assembly was not disputed or infringed on during the two first sessions of the Legislature, although in both of these there had been Money Bills under consideration, which Bills invariably passed through committee in the Council without in anywise interfering with the privileges of the House, but in the 3rd session, on the 13th March, 1834, a message was sent down from the Council, signed "H. J. Boulton, Speaker," demanding a conference on the subject of the Bill sent up to this House entitled "An act for the further increase of the Revenue;" which conference was the first attempt on the part of the Council to infringe on the privileges of the House of Assembly.

To the instructions to the Conferrees of his late Majesty's Council on that occasion, this House beg leave, without further observation, to refer the Council for a reply to the insinuation that pervades these sections, as well as former conferences all through—the following is an extract:—

"The Legislative Council have desired this conference upon the Bill sent up from the House of Assembly, entitled "An act for the further increase of the Revenue," for the purpose of acquainting the House of Assembly, that while they fully concur with them in the general principles of the Bill, they are of opinion that parts of it require amendment, which it being inconsistent with parliamentary usage that the Legislative Council should make in a Bill of this description without the consent of the House of Assembly, they have desired this conference in order to explain the nature of the amendments they are desirous should be made."

The House of Assembly, however, cannot refrain from here adverting to the extraordinary circumstances connected with that conference. The instructions to the Conferrees are not inserted on the Journals of the Council, and in the Journals of March 17th, there appears a record that "the Chairman (of committee) reported the Bill (the Revenue Bill) with some amendments," and again, "Ordered, that the said report be received, and the Bill, as amended, be read a third time to-morrow." And on March 18th the Journals of the Council exhibited the following:—"Pursuant to the order of the day, the Revenue Bill, as amended, was read a third time and passed; whereupon the Speaker signed the same, and it was ordered to be sent to the Commons House of Assembly by the Master-in-Chancery for the concurrence of that House in the said amendments." But notwithstanding these reiterated entries in the Journals representing that the Council had amended the Revenue Bill, the message of her Majesty's Council, as correctly entered upon the Journals of the House of Assembly, of the next day, March 19th, runs thus—

"MR. SPEAKER,

The Legislative Council have passed the Bill entitled 'An act for the further increase of the Revenue,' without any amendment.

(Signed)

H. J. BOULTON,
Speaker."

Legislative Council. }
19th March, 1834." }

Surely this needs no commentary!—In the seventh clause there are assertions made and repeated by her Majesty's Council which the House of Assembly regret being compelled to repel—that is, that the Road Bill has been tacked to the Supply Bill "avowedly for the purpose of coercing the Council into the adoption of the measure so tacked to the usual Supply Bill, which they would otherwise reject or desire to see modified." This is not correct as applied to the House of Assembly, nor ought the Council to complain of the course adopted on this occasion, when they reflect that the House of Assembly sent them a Bill for granting money for Roads which, although well knowing that it was "inconsistent with Parliamentary usage that the Legislative Council should make amendments in a Bill of this description without the consent of the House of Assembly," the Council nevertheless thought fit to send down amended, in violation of all "Parliamentary usage," and of the privileges of the House of Assembly; and when the House of Assembly in their anxiety to pass a measure that was calculated to assuage the miseries of the population, consequent on an unprecedented failure of the fisheries, consented to send up a second Bill, embodying all the amendments of the Council to the former Bill, consistent with its operation during the present Season.

In adopting the present course the House of Assembly were not actuated by a desire improperly to press the Bill in question on her Majesty's Council; but the members of the Assembly are now engaged in the Legislature when their personal pursuits and the interests of their families imperatively call them away, and particularly as the season is rapidly approaching when a passage to their residences will be attended with much danger to members from the distant Out-ports.

Instructions.

In the early part of the Session the Council during five weeks only sat five days, while the Assembly were every day engaged in the business of the Country—and the repeated aggressions of the Council on the privileges of the Assembly, by amending Money Bills, was calculated to produce no effect other than bringing public business to a stand, or compelling members of the Assembly, by the production of new Bills as often as the Council please, to retard the Session to their own great personal injury.

The House of Assembly would also beg to correct another error that her Majesty's Council have fallen into in the seventh clause, and that is where they complain that the Road Bill appropriates nearly three-fourths of the Colonial Revenue. The Council must in a moment perceive their error here when they consider that the supplies about being granted this Session are not the supplies of one year—they are the supplies of five quarters, including two spring quarters; and when the Council take that into account they will find the Roads' Vote to fall considerably below one-half the Colonial Revenue.

The House of Assembly regret exceedingly that the poor have had no assistance from the Legislature towards neutralizing the effects of a bad seal fishery in the spring, and that the winter is now so rapidly approaching without a single vote having passed for their relief, that if the Council defer much longer to pass that Bill the Country must inevitably be given up to all the horrors incident upon a public famine, and the responsibility cannot rest upon the House of Assembly—it is in vain to assert it!

No fewer than three Revenue Bills have been sent up to her Majesty's Council, and Bill after Bill has been flung out. Two Road Bills have gone up, and have both shared the same fate. What, then, the Assembly beg to ask, are they required to do more? They now send up a third, but forming a part of the general Supply Bill.

Although by a reference to the proceedings of the Parliament of England the Assembly could adduce many precedents in refutation of the position made in the eighth clause, they hasten to the ninth, as referring to the neighbouring Colonies, merely remarking that nothing is more usual than to bring all public works within the general Supply Bill in the Imperial Parliament, as will be seen by reference to the Act 7th Geo. 4, cap. 79, where with a vast variety of heterogeneous votes a round sum is voted of £36,000 for public works in Ireland, beside Roads, &c. Without expressing an opinion on the subject of the manner in which the votes of supply are made in New-Brunswick and Nova-Scotia, they beg here to correct another error of her Majesty's Council, where the Council say that "such a course is not usual in those Colonies."

On referring to the Acts passed in New-Brunswick in 1833, for instance, we find the Act 3, Wm. 4, cap. 2, although apparently passed for paying the expenses of the Legislature, yet containing with those, items for the Attorney and Solicitor-General—for the destruction of Bears—the expenses of Light-Houses—the expenses of various Grammar Schools, and of Officers of the Militia; while in cap. 3, same Session, we find again schools, and the poor, and tide waiters, and Light-Houses—building Court-houses and Lock-up-houses—Militia Officers, Members of the Assembly, Province Agents, Couriers, exploration of Roads, improving of Roads, together with £1620 9s. 8d. for the contingencies of the House of Assembly during that Session, after the payment of all the officers. Surely these subjects are dissimilar, but the Bills are only for one object—that is for granting monies to the King.

Again, on referring to Nova Scotia Acts, 1834, we find in 4, Wm. 4, cap. 11, the officers of the House of Assembly and the Council, tide waiters, paupers, stage coaches, schools, fire-wardens, health-wardens, light-houses, post communications, and a great variety of others, together with upwards of £8000 for roads, ferries and bridges. In 1835, the act 5 Wm. 4, in like manner, is the general Supply Bill, and comprehends all the diversity of matter abovementioned, with the expenses of the Legislature and roads and bridges;—and again, in 1836, cap. 1, is nearly a transcript of the former, with the addition of Dispensaries, Academies and other matters. Surely then if the Council were aware of these facts they would not assert that “such a course is not usual in those Colonies.”

But not only in those colonies, but also in Prince Edward's Island the same course is adopted; for we find the act 3, Wm. 4, c. 38, comprehending all these subjects—it was a school bill, a college bill, a bill for the defrayal of the expenses of the Legislature, an Excise bill, a customs bill, a public buildings bill, a public wharfs bill, an agricultural society bill, a pauper bill, a mails bill, a public wells bill, a gaols erection bill, a census bill, a militia bill, as well as a road bill.

But on a late occasion the Assembly were referred for precedents to the Legislature of Newfoundland—and why now turn to the Legislature of other Colonies, when our own affords abundant proofs not only of the propriety of the course adopted by the Assembly on this occasion, but of the repeated concurrence in that course of the two other branches of the Legislature.

In the year 1834 was the first act passed granting monies to the Government to be appropriated, and there we find the roads and all other matters united, and even the bill of that year for the Contingencies of the Legislature, was permitted to pass, and very properly, with matters quite extraneous. In 1835, in like manner, the Council passed the road bill and a supply bill together, while even in the last Session of the Legislature the Supply bill even more heterogeneous in character, received the sanction of the Council.

In the bill of last Session we find, besides the items for the Civil Government, that this act comprehends the subject of the erection of gaols and lock-up houses, and opening the entrance to Quidi Vidi harbour; and although a weights and measures act exists, having passed her Majesty's Council—and although we have a registration of Voters act, which also passed the Council, yet are the Assayers of weights and measures, and the registrars of voters, compelled to seek shelter under the Supply Bill, nor have her Majesty's Council objected.

Surely then her Majesty's Council having twice had the road bill under their consideration, cannot now complain of being embarrassed in whatever manner it goes before them a third time. As for the House of Assembly, the only regret they have on the score of that bill is that the enormous salaries reserved out of the Imperial Revenues forbid their appropriating a shilling of those monies to the relief of the poor, or the improvement of the Country.

Under these circumstances, notwithstanding that the embracing the making of roads in the general Supply Bill is not inconsistent with Parliamentary precedents—notwithstanding that it is an every day occurrence in the colonies of Nova Scotia, Prince Edward's Island, and New-Brunswick—notwithstanding that it has never but once been deviated

from in Newfoundland, still, as the Members of the House of Assembly value the peace and tranquillity of the country, so likely to be interrupted if even extraordinary means are not resorted to to feed and to clothe an entire population, they feel that they should be wanting to themselves, and wanting to their country, if they permitted an overweening adherence to privilege—to well-defined and well established privilege—to stand in the way of the support of the poor and the improvement of the country ; and therefore they consent, upon this occasion, to send up the road bill once more in an independent and detached form.

Report adopted.

Resolved,—That the said report be adopted by the House.

On motion of Mr. Nugent, seconded by Mr. Kent,

Conference requested.

Resolved,—That a conference be requested with Her Majesty's Council on the subject of the last conference.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and request the said conference.

Notice of address to his Excellency.

Mr. Nugent gave notice that he should, to-morrow, move an address to his Excellency the Governor on the subject of the state of the Journals of Her Majesty's Council in the third Session of the Legislature.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, October 21, 1837.

Bill for granting a sum of money to H. M. for making and repairing roads & bridges, read 1st time.

MR. NUGENT presented a bill for granting a sum of money to her Majesty for the making and repairing of roads and bridges in this colony, and the same was received and read a first time.

Ordered,—That the said bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

On motion of Mr. Nugent, seconded by Mr. Kent,

Committed.

Ordered,—That the said bill be now committed to a committee of the whole House.

House in committee.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro' the said bill and had made some amendments therein which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Ordered,—That the said bill be engrossed and read a third time this day.

Engrossed.
3d reading.

Pursuant to order, Mr. Nugent went up to her Majesty's Council to desire a conference on the subject of the last conference.

Conference requested.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Message from her Majesty's Council.

Mr. Speaker,

Her Majesty's Council accede to the conference requested on the subject of the last conference, and have appointed managers to meet the conferrees of the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
21st October, 1837. }

And then the Messenger withdrew.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Winsor and Mr. Godfrey do manage the said conference on the part of this House.

Managers named.

And they went to the conference,—and being returned—

Conference held,

Mr. Nugent reported that they had been at the conference and had complied with the instructions of the House.

Report.

Mr. Nugent, pursuant to notice, presented to the House the draft of an address to his Excellency the Governor on the subject of the state of the Journals of Her Majesty's Council in the third Session of the Legislature, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read throughout.

Draft of address to his Excellency presented & read.

On motion of Mr. Morris, seconded by Mr. Kent,

Ordered,—That the said address be referred to the committee of the whole House.

Referred to committee of whole.

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the said address.

House in committee.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone thro' the said address and had made some amendments therein which they had directed him to report to the House, and he delivered the address with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout, were, upon the question put thereon agreed to by the House.

Amendments read and agreed to.

Ordered,—That the said address as amended be engrossed and read third time this day.

Engrossed.
3d reading.

Bill for granting a sum of money to H. M. for making and repairing roads & bridges, read 3d time.

Pursuant to order, an engrossed bill for granting a sum of money to her Majesty for the making and repairing of roads and bridges in this colony, was read a third time.

Passed.
Title.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said bill do pass, and that the title be “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.”

Sent to Council.

Ordered,—That Mr. Nugent and Mr. Kent do carry the bill up to her Majesty’s Council and desire their concurrence.

Supply bill presented & read 1st time.

Mr. Kent presented a bill for granting a Supply to her Majesty, and the same was received and read a first time.

Ordered,—That the said bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

On motion of Mr. Kent, seconded by Mr. Nugent,

Committed.

Ordered,—That the said bill be now committed to a committee of the whole House.

House in committee.

And the House resolved itself into a committee of the whole House accordingly.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone thro’ the said bill and had made some amendments therein which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk’s table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

Engrossed.
3d reading.

Ordered,—That the said bill as amended be engrossed and read a third time on Monday next.

Draft of address to his Excellency presented & read.

Mr. Kent presented to the House the draft of an address to his Excellency the Governor in reference to his Excellency’s message upon the subject of outstanding claims on the Government and the inadequacy of the provision which had been made for certain Branches of the public expenditure during the current year, which he read in his place and afterwards delivered it in at the Clerk’s table, where it was again 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 Is-
land of Newfoundland and its Depend-
encies, &c. &c. &c.*

Address.

May it please Your Excellency,

The House of Assembly, with reference to your Excellency's message on the subject of certain claims upon the Government and of the estimates for the present year, respectfully inform your Excellency that in their votes of monies for the service of the current year they were actuated by a sincere desire to support the dignity of Government and to give effect to all the necessary branches of the public service, and at the same time to keep the Civil and Judicial expenditure within those limits of economy which would enable the Assembly to devote as much as possible of the Colonial Revenues to the permanent improvement of the Colony.

That in the course of their examination of the public accounts, so far as they have been laid before the House of Assembly, they found that various charges had been paid or allowed exceeding greatly charges of a similar character in former years, and that some charges of a novel description had crept into the public accounts, which the House of Assembly did not deem it proper to recognize.—That while the dietry of the Prisoners in Gaol had been reduced to the Court Scale, on which perhaps human nature can in a climate like this exist, a corresponding reduction had not taken place in the Gaol expenses.—That under the head of Civil and Criminal Prosecutions a number of costs and charges had been introduced, with which, waiving any question as to the propriety of prosecuting at all in many of the cases, the public purse under any circumstances ought not to be burthened, for neither in the parent Country nor in the other Colonies in general does the Government defray the expenses of prosecuting for common assaults and other petty misdemeanours.—Such expenses are either paid by the parties prosecuting or form a subject for adjudication by the Courts before which they may be tried.

With reference to the charges for fuel and light for public buildings, and printing and stationery, it was discovered that a considerable portion of the former was consumed by the Sheriff in his Dwelling House, and a not very trifling part of the expense of the latter incurred in the Sheriff's office, and the House of Assembly conceiving such appropriations to be without precedent elsewhere and useless expenditure of public money, made commensurate reductions in the respective votes.

The House of Assembly further beg to intimate to your Excellency that the sums voted for Circuits and for Civil and Criminal Prosecutions are of the same amount as the sums voted for similar purposes in 1834, and that the sum voted for Printing, &c., exceeds the sum voted last year—and as regards the firing Fog Guns, as it seems to be a general opinion that such expense may be saved, now that two Light Houses are established near the port of St. John's, the House of Assembly respectfully request that your Excellency will be pleased to give directions to have the practice of firing Fog Guns discontinued.

On a reference to the outstanding claims on the Government to which your Excellency adverts, the amount charged for repairs of Gaols appearing to be principally composed of a charge for the interior fitting

Address.

up of the Sheriff's Dwelling House and for Stoves for the Sheriff, the House of Assembly cannot in any way recognize such charges for the Sheriff's house as payable out of the public Revenue, nor can they admit the charges of Stationery and Printing for the Sheriff's office included in the public Stationery and Printing account as chargeable upon that fund, and the House of Assembly must firmly dissent from any application of the public monies to either purpose.

Although the House of Assembly have, after a dispassionate consideration of the various estimates and public accounts submitted to them, arrived at the conclusion that considerable reductions might still be made with advantage to the public in several branches of the contingent expenses of the Government and Courts of Justice, yet influenced by an earnest desire to relieve your Excellency from any embarrassment respecting any fair claims now subsisting against the Government, and to make up any deficiency which may arise in any of the supplies of the present Session, the House of Assembly in order to enable your Excellency to meet these objects have resolved to place at the disposal of your Excellency a further sum of Two hundred pounds.

On motion of Mr. Kent, seconded by Mr. Nugent,

Adopted and engrossed.

Resolved,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Kent and Mr. Nugent be a committee to present the said address to his Excellency.

Draft of address to his Excellency presented & read.

Mr. Kent also presented to the House the draft of an address to his Excellency the Governor in reply to his Excellency's message referring to the communication made to the House on the subject of its Officers, &c., which he read in his place and afterwards delivered it in at the Clerk's table, where it was again 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 New-
foundland and its Dependencies, &c. &c.*

May it please Your Excellency,

The Commons House of Assembly, in reply to your Excellency's message of the 19th inst. respecting the Officers of this House, beg respectfully to inform your Excellency that in the Bill of Supply which is now before the House they have, as they conceive, fully provided for the "pecuniary demands of the Officers lately attendant on this House, and appointed by the Crown, by granting to those persons a sum equal to the usual annual salaries attached to the respective offices.

The House of Assembly having at the commencement of the first Session of the Legislature of this Colony, solemnly asserted their right to the appointment of all the Officers attendant upon them, and having on several subsequent occasions reiterated the assertion of their right to such appointment and ultimately carried the same into effect, it would be an inconsistent departure from the principle which they have adopted were they now to make any concession that might be construed to be a waiver or compromise of the right claimed by them, and they are induced to believe that your Excellency as well as her Majesty's Government will consider the unconditional grant without reservation, which they have

made of the usual sums of money to the officers appointed by the Crown and formerly attendant on the House, as an evidence of the desire of the House of Assembly to meet her Majesty's Government in a just as well as a satisfactory settlement of the question.

Address.

As regards the alternative which your Excellency proposes, that the House of Assembly should give an explanation of the purposes to which the sum of Six hundred and Ninety-nine pounds, which your Excellency understands to have been voted in discharge of the contingent expenses of the session is to be applied, the House of Assembly cannot entertain the belief that your Excellency intended thereby that the House of Assembly should compromise those undoubted privileges which it possesses, to vote such sum of money as it may deem necessary to defray its actual contingent expenses, without question from either of the other Branches of the Legislature.

The House of Assembly has, however, no hesitation in assuring your Excellency that such vote is solely for the purpose of defraying the necessary contingent expenses of the Assembly for the present Session.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said address be adopted and engrossed.

Adopted and engrossed.

Ordered,—That Mr. Kent and Mr. Nugent be a committee to present the said address to his Excellency.

Committee to present it.

Pursuant to order, the engrossed address to his Excellency the Governor was read by the Clerk as follows : —

Engrossed address to his Excellency read.

*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 Commons House of Assembly beg leave to call your Excellency's attention to the state of the Journals of her Majesty's Council, as calculated not only to lead the Members of that Honorable Board into improper and dangerous conflict with the Assembly, but to deceive her Majesty's Government on the subject of the best defined and most important privileges of the House of Assembly.

The House of Assembly have recourse to the present mode of producing the expunging of the improper entries referred to, because they consider that by addressing Her Majesty's Council on the subject they may be deemed to be actuated by a desire to infringe on the privileges of that Honorable Body, but as both Houses are obliged to lay before your Excellency daily correct copies of their Journals, this House would deem themselves not discharging their duty to their Sovereign were they to refrain from preventing her Majesty's Government being led into an incorrect opinion of what was clearly understood and admitted by both Houses to be the extent and limit of the privileges of the Council on the important subject of the amendment of money Bills.

During the present Session the pretensions put forth by her Majesty's Council to amend such Bills, thereby every day interrupting the public

Address.

business, appeared to this House in the light of a *wilful aggression* upon the privileges of the Representative Branch of the Legislature, and being so—an intention to interrupt that harmony which it is essential to the public interests should subsist between two co-ordinate branches of the Legislature. The House beg to explain to your Excellency upon what grounds they formed that opinion.

The House of Assembly saw registered upon their Journals of March 14th, 1834, a clear and distinct avowal on the part of the Council of the impropriety of amending Money Bills in her Majesty's Council as follows :—

“ The Legislative Council have desired this conference upon the Bill sent up from the House of Assembly entitled “ An act for the further increase of the Revenue,” for the purpose of acquainting the House of Assembly, that while they fully concur with them in the general principles of the Bill, they are of opinion that parts of it require amendment, which it being inconsistent with Parliamentary usage that the Legislative Council should make in a Bill of this description, without the consent of the House of Assembly, they have desired this conference in order to explain the nature of the amendments they are desirous should be made, which they have thought they could not do in a more convenient manner than by embodying them in the instructions which they have deemed it proper to give to their conferees on this occasion.”

With this evidence before them, therefore, the House of Assembly were compelled to conclude that her Majesty's Council in amending the Education Bill, the Academy Bill, the money clause in the Merchant Seamen Bill and others, the amendments in the Revenue Bill, and in the Road Bill, had committed an intentional aggression on the privileges of this Branch of the Legislature, to accomplish some object not known to the Assembly.—And a reference to the Journals of the Assembly of May 14th, 1834, would seem to give that object a character.

On the 14th May, 1834, the Council held a conference with the Assembly on the subject of their contingencies, and expressed themselves thus :—

“ The Legislative Council have desired this conference with the Commons House of Assembly upon the message sent up by them yesterday relating to the contingencies of the Legislative Council, with a sincere desire to preserve that good correspondence between the two Houses which is so essential to the public interests of the Colony, but which any attempt on the part of the Assembly to interfere with the privileges of the Legislative Council necessarily tends to disturb.”

The Assembly therefore naturally concluded, that if the Council feels as they ought to do, that an interference on the part of the Assembly with the privileges of the Council “ *tends to disturb that good correspondence between the two Houses which is so essential to the public interests of the Colony,*” they must be well aware that an interference on the part of the Council with the privileges of the Assembly, is calculated to produce injury just as deep, just as essential, and as extensive.

These considerations, and the frequent loss in consequence of such interference during the present session of important bills which originated in the Assembly—the repeated obstructions thrown most ungraciously in their way through the same interference—the many interruptions and lengthened discussions by which the valuable time of the Legislature—time so valuable to the country as well as to the Members themselves was wasted—together with the fact that now through a session of three months and three weeks continuance the Council have only originated three bills, and only matured two, while the Assembly originated and passed upwards of thirty, induced the House of Assembly to examine more deeply into the causes.

In examining the Journals of various Colonial Assemblies as well as those of the Assembly of Newfoundland, it occurred to this House that in seeking to convince the Council of the correctness of their arguments it would be more conclusive to quote from the Council themselves, but upon an examination of the Journals of that body it was found that not only were the Instructions to the conferees before alluded to, dated March 13, and inserted on the Journals of the Assembly of March 14, expressive of the opinion of the impropriety of the Council's amending money bills suppressed from their Journals, but the record of all the subsequent proceedings are so inserted in the Journals of her Majesty's Council as to induce to the forming an incorrect opinion—a belief in the reader that the Council disregarded the forbiddal of the Assembly on the 17th March, 1834, and *amended* the bill, and that the same bill in its *amended* form met the sanction of the House of Assembly, are opinion and belief not founded on facts.

It is the opinion of this House that it is impossible that the errors in the Journals of her Majesty's Council upon these occasions could have been made accidentally, they are the Journals of several successive days, and they pervade them all as well in commission as in omission.

On the 11th March, a Resolution was adopted that amendments should be made in the Revenue bill, and a conference was voted but was not asked of the Commons until March the 13th, by whom it was acceded to, and held on March the 14th, and the instructions to the conferees of the Council above quoted, declaratory as they are of the concurrence of the Council in the view taken by the House of Assembly of their privileges, are not to be found upon the Journals of Her Majesty's Council.

The next advertence to the subject of this Revenue Bill upon the Journals of the Council is under date of March 17, where the message from the Assembly conveying their refusal to permit the bills being amended is registered, and yet, as if the Council disregarded the message of the Assembly on the same day, and the day after, the same Journals have as follows:

The House was put into committee of the whole on the Revenue Bill, the Hon. the Colonial Secretary took the chair.

After some time the House resumed.

The Chairman reported the Bill *with some amendments*.

Ordered,—That the said Report be received, and the Bill *as amended* be read a third time on to-morrow.

Address.

TUESDAY, 18th MARCH, 1834.

Present.

The Hon. HENRY JOHN BOULTON, Speaker.
 JAMES SIMMS, Attorney General.
 JAMES CROWDY, Colonial Secretary.
 MR. HALY.
 MR. DUNSCOMB.
 MR. THOMAS.
 MR. GARLAND.
 MR. BLAND.

[The Chief Justice, Mr. Crowdy, Mr. Thomas, Mr. Garland, and Mr. Bland having been the only persons present on the day before.]

Pursuant to the order of the day, the Revenue Bill, *as amended*, was read a third time and passed.

Whereupon, the Speaker Signed the same, and it was ordered to be sent to the Commons House of Assembly by the Master-in-Chancery for the concurrence of that House in *the said amendments*.

And on May 18th, is the next entry on the subject, where is notified the assent of his Excellency the Governor.

May it please Your Excellency,

By the perusal of her Majesty's Council's Journals as above quoted, the Reader must conclude that the Revenue Bill had been amended by the Council, and that the House of Assembly although they remonstrated on the 17th, yet were subsequently induced to acquiesce, and that the bill assented to by the Governor was the Bill *so amended* by the Council. But notwithstanding that all is thus arranged on that subject on the Journals of the Council, yet on the very day after, that is on March 19th, the Master-in-Chancery obeys the order last referred to above by laying a written message on the table of the House of Assembly with this very bill in the following words, directly contradictory of those statements:—

“Mr. Speaker,

The Legislative Council have passed the bill entitled “An act for the further increase of the Revenue” without any amendment.

(Signed)

H. J. BOULTON,
Speaker.”

Legislative Council, }
 19th March, 1834.” }

The House of Assembly have seen then that it is the solemnly registered opinion of the Council that it is inconsistent with “Parliamentary usage” that they should amend a money bill “without the consent of the Assembly,” and consequently have been *well aware* when being

induced to amend the money bills of the present session, that they were about infringing on the privileges of that Branch of the Legislature.

Address.

The House of Assembly have seen that it is the solemnly registered opinion of her Majesty's Council that an interference with these privileges is calculated to injure "the public interests of the colony," and yet, day after day, are the energies of the Assembly wasted in repelling these improper aggressions, and the public interests of the country placed in jeopardy, and they consider that these were grounds sufficient to justify the conclusion adverted to above.

Under these circumstances do this House now earnestly pray your Excellency to take the premises into your earliest consideration, and to institute a proper investigation into the matter, in order that the Journals of the Council may not continue to bear the appearance of a precedent to support the present views of the Council, and that her Majesty's Government may not be again deceived through the intervention of documents that ought to bear the impress of truth, of honour, and of fair dealing.

Resolved,—That the said address do pass, and that a deputation be appointed to present the same to his Excellency.

Passed.

Ordered,—That Mr. Nugent, and Mr. Kent do form such Deputation.

Deputation to present it.

Mr. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, copies of such of the documents requested in the address of the House of the 5th instant, as were found in the Records of the Secretary's office.

Letter from Hon. Mr. Secretary Crowdy transmitting documents.

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the said documents be referred to the committee appointed to prepare petitions on the subject of the administration of Justice.—(For which documents see Appendix.)

Referred to committee to prepare petitions on administration of Justice.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, October 23, 1837.

MR. MORRIS from the committee appointed to present to his Excellency the Governor the address passed on Wednesday last, reported that the committee had presented the said address to his Excellency accordingly, and that his Excellency was pleased to reply he would comply therewith.

Report of committee appointed to present address to his Excellency.

Mr. Morris reported from the committee appointed to prepare petitions to the Queen and the British Legislature upon the subject of the Fisheries of Newfoundland, that the committee had prepared the draft of a petition to her Majesty accordingly; and he read the same in his place,

Report of committee appointed to prepare petitions to her Majesty.

Report.

and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, your Majesty's faithful subjects, the House of Assembly of Newfoundland, conceive it our duty most humbly to call your Majesty's attention to the unprotected state of the British fisheries in this, your Majesty's most ancient and loyal Colony.

We beg most humbly to remind your Majesty that the Fisheries of Newfoundland were considered, from the first discovery of the Island during the reign of Henry the 7th, and more particularly during and since the reign of your Majesty's illustrious predecessor, Queen Elizabeth, one of the best nurseries for seamen to man your Majesty's Navy when occasion may require—and that it was the policy of all your Majesty's predecessors to strengthen the Naval power of Great Britain by the encouragement and extension of the fisheries on the Banks and Shores of Newfoundland.—The Island of Newfoundland is the oldest colony belonging to your Majesty in America, the first fruit in this hemisphere of the naval enterprise of England. Viewing Newfoundland from the vantage ground which the Commerce of Great Britain has attained, it appears diminished to a mere speck on the horizon, but, may it please your Majesty, it should not be forgotten that the fisheries were the nurseries of that naval strength, which has given to England the command of the seas, and with it the Trade of the world.

The House of Assembly of Newfoundland deeply regret the necessity they are under of complaining of the ruinous policy sanctioned by the advisers of some of your Majesty's predecessors, in ceding the right of fishing on the Banks and along the principal part of the shores of Newfoundland to the subjects of Foreign powers. In virtue of the Treaty of Utrecht, the subjects of France exercised an exclusive right of fishing along the principal part of the shores of Newfoundland—by the commercial treaty of 1818, the subjects of the United States of America enjoy almost equal privileges. Under the sanction of these treaties, the French and Americans have monopolized nearly the whole of the fisheries on the Banks of Newfoundland, and from the principal harbors in the Island.

The House of Assembly have most humbly to state to your Majesty that the claim of an exclusive fishery from Cape Raye to St. John, and now submitted to by your Majesty's Government, is a violation of the treaty of Utrecht, on which all subsequent treaties have been founded, and is most injurious to the interests of your Majesty's subjects. Under this most unjust construction of the treaty entered into with the French King, the subjects of your Majesty have been deprived of their natural, just and inalienable rights, they have been driven from their own shores by Foreigners, who have usurped power over your Majesty's colony of Newfoundland, inconsistent with the rights of your Majesty's sovereignty over the whole Island, as it is destructive to the best interests of your Majesty's loyal and faithful subjects. The utmost the subjects of France can justly claim under an equitable construction of the Treaty, is a concurrent right with your Majesty's subjects to fish on these shores, notwithstanding, your Majesty's subjects have been forcibly driven by the subjects of France from all participation in the fisheries on the great extent of Coast in which is contained the best fishing stations.

The House of Assembly in bringing the important subject of the Treaties entered into with Foreign powers under the consideration of your Ma-

your Majesty, have no desire whatever to throw the least impediment in the way of your Majesty's Government, in your friendly intercourse with these powers, and they have to express their readiness at all times, and with the greatest cheerfulness, to submit to any sacrifice of their particular interests when the general interests of the Empire demand it; their sole object at present is to bring the subject matter under the benign consideration of your Majesty, with the assured hope, that, as Justice guides the Councils of your Majesty's August Throne, your Majesty's faithful subjects of Newfoundland will be only called on to bear a due portion of the sacrifices necessary to be made for the general benefit of all your Majesty's people.

We are fully aware that a great part of the injuries that are complained of from the Treaties entered into with Foreign powers, are not at present fully under the control of your Majesty; these Treaties were entered into by your Majesty's predecessors; their sound policy or their injustice, inasmuch as these powers are concerned, cannot be a subject for your Majesty's consideration; the only question for your Majesty to consider under the existing circumstances is the preservation inviolate of the faith of Treaties, no matter how injurious they may be to your Majesty's subjects of Newfoundland.

The House of Assembly must always support and uphold your Majesty in the sustentation of so just a principle, at the same time they humbly beg to state that when such great advantages are conferred on the subjects of foreign powers in the dominions of your Majesty, and to the great loss and damage of your Majesty's people, the subjects of these foreign powers enjoying such extraordinary privileges should at least be confined within the strictest limits of the treaties which give them such advantages in the Fisheries of Newfoundland, which place them on a footing with your Majesty's subjects, and which, may it please your Majesty, is all that they can justly claim.

The House of Assembly in bringing the present state of the fisheries of Newfoundland before your Majesty have briefly to state, that the subjects of France claim and exercise an exclusive right to fishing in all the Harbours within the limits of upwards of 250 mile of Coast, on that part of the Island claimed by the French in the Treaty of Utrecht.— They also occupy the Islands of St. Pierre and Miquelon on the opposite side of the Island; these advantages give the French the command of the Northern Fishery, by the possession of what is called the French Shore, the Western fishery and the fishery in the Gulph of St. Lawrence by the favourable position of the Islands of St. Pierre and Miquelon, from whence they prosecute the fisheries on the Grand Banks not far distant from these Islands. The deep sea fishery on the Banks of Newfoundland, is almost exclusively in the hands of the French and Americans; not more than between 30 and 40 small vessels have been employed by the British in the fishery on the Banks of Newfoundland, during the last season; the French have had nearly 300 of more than double the size, the Americans nearly as many. It may be safely stated that notwithstanding that your Majesty is at the expense of the Government of Newfoundland, that your Majesty upholds the Forts and Garrisons and protects it by your Majesty's Navy and Army, and solely at your Majesty's expense, your Majesty's subjects, notwithstanding, do not enjoy a third of the Fisheries carried on from your Majesty's Island of Newfoundland.

The House of Assembly have ascertained, that the Fisheries carried on by the subjects of France and America, from the shores and on the

Report.

Banks of Newfoundland, are mainly supported by large bounties given by the respective Governments; the avowed objects they have in giving such great encouragement to their fisheries is to form a nursery for seamen to man their respective Navies, to enable them, at some distant day, to dispute with your Majesty the dominion of the ocean. The policy of the French Government is clearly and deliberately avowed in a Report of the French Minister (M. Montbel) to the King of France in the year 1829; in this document it is clearly demonstrated that the bounty granted by the French Government of from three to four millions of francs, is given for the purpose of raising Seamen to man the Navy of France, and it proves that in no other way could an equal number of seamen be raised for that purpose.

The House of Assembly have most humbly to state to your Majesty that the Navy of France have at all times been supplied with seamen by the Nursery formed by the Newfoundland Fisheries, and it is only when they have these advantages that they have been enabled to man their Navy to make a show of resistance to the naval power of England. The American Government also give bounties to the fisheries prosecuted on the coast of Newfoundland.

The House of Assembly have therefore most humbly to call your Majesty's attention to the present state of the fisheries of Newfoundland; they consider the subject of importance not only as far as their political interests are concerned, but as it is intimately connected with the general interests of the Empire, inasmuch as that interest is supported and upheld by the power and supremacy of your Majesty's Navy; they have humbly to point out to your Majesty the great disparity between the situation of your Majesty's subjects, and the subjects of foreign powers carrying on the fisheries of Newfoundland, and to pray that your Majesty may take their case into consideration and place their fisheries on an equal footing with the subjects of these powers, by granting to them such encouragement in the way of bounties as will enable them to compete with their foreign rivals.

Resolved,—That the said petition be adopted and engrossed, and similar petitions *mutatis mutandis* be addressed to the two Houses of Parliament in England.

Mr. Morris also reported from the committee appointed to prepare petitions to the Queen and the British Legislature upon the subject of the agriculture of this Colony, that the committee had prepared the draft of a petition to her Majesty accordingly, and he read the same in his place and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, your Majesty's faithful subjects the House of Assembly of Newfoundland, approach your Majesty with sentiments of unshaken loyalty and affection to your Majesty's person and Government, and beg most humbly to call your Majesty's attention to the present system of disposing of the waste lands in this your Majesty's Colony.

It may truly be said, that Lands in Newfoundland remain in their primeval state; with the exception of some small lots that have been cleared in the neighbourhood of the settlements on the Sea Shore, the interior of this large and extensive Island not only remains uncultivated but unexplored.—It is the received opinion that the soil of Newfoundland

is not so good as the soil in the neighbouring Colonies of New Brunswick, Nova Scotia, and the Canadas; however it has been found in every instance where skill and industry have been used, amply to repay the husbandman's toil; and when it is taken into consideration the advantages that the Agriculturist must have, in finding a ready market at his door for all his produce amply afforded by the fisheries, there can be but little doubt, that under due encouragement the Agricultural Settler will find in Newfoundland equal advantages with any of the Neighbouring Colonies.

The Fisheries of Newfoundland are at present supplied with Agricultural produce from the North of Europe, the United States of America, and the Neighbouring Colonies—it may be said that no material part is supplied from Great Britain or Ireland; the whole or nearly the whole of the provisions necessary for the maintenance of the Inhabitants and now imported from Foreign Countries, might, under a more favourable system of agriculture, be produced in this Island, thereby giving employment and support to your Majesty's Subjects, improving and cultivating the Country, which would afford a comfortable Asylum to the thousands of able Fishermen and others, who now in want of such settlement are obliged to emigrate to the United States of America and the Neighbouring Colonies.

It is only within the last 21 years that general permission has been given to the Inhabitants to cultivate the soil of Newfoundland. It will scarcely be believed, at this happy era of your Majesty's accession to the Throne of your Ancestors, when the people in the most distant parts of your extensive empire look forward with unbounded confidence and hope, to the just, mild, and merciful Government of your Majesty, that for upwards of two centuries the cultivation of the soil in Newfoundland was considered a criminal offence, and prohibited under the severest restrictions, and prohibitions; this withering and desolating policy was the cause why your Majesty's Colony of Newfoundland did not improve in the same rapid progression with the other Colonies in its neighbourhood.

Though the former policy has been in a great measure relaxed, and general permission has been given for the cultivation of the soil, yet it is clogged with impediments and restrictions which greatly retard the progress of improvement.—At present it is a source of employment and the principal means of subsistence with a large portion of the Inhabitants, whom it has induced to remain in the Colony.

The Cultivation of the Soil has been found the only auxiliary to the Fishery. And it may be confidently stated that were it not for this resource British subjects must have deserted the Island altogether and left it in the undisturbed possession of their more favoured foreign rivals.

The British Fisheries on this Coast it would be utterly impossible to maintain against Foreigners, in possession of the best fishing stations in the Island and claiming an exclusive right to Fish on the principal part of the Shores, and in addition to these advantages upholding their Fisheries by large bounties, in some instances equal to what British Fishermen obtain for the Fish, were it not for the great auxiliary that British Subjects find for their maintenance and support by the cultivation of the soil.

The land in the Colony is considered inferior, particularly in the neighbourhood of the most populous districts. These places are situa-

Report.

ted on the sea shore and are comprised in a very small section of the Island, and although in many parts of the Island not yet settled, it is much superior, it may be admitted that the general character of the soil of Newfoundland is inferior to the soil of the neighbouring Colonies of Nova Scotia, New Brunswick, and Upper and Lower Canada, notwithstanding which the price and rent charged for the soil of Newfoundland have been twenty times higher than the price and rent charged for better land in these Colonies, the rent charged for the waste land in this Colony was from 2s. 6d to 20s, per acre, and this on terminable leases for 20 and 30 years. More favourable leases have been given at a subsequent period, and at present the land is sold in fee simple and at a stipulated price, according to the distance it may be situated from the populous Towns, at from 6s. to 15s. per acre.

The House of Assembly beg most humbly to state to your Majesty, that this high charge for the waste lands of the Colony greatly impedes its agricultural improvement, and places your Majesty's loyal subjects in this your ancient Colony, in a much more unfavourable position than the inhabitants of your modern Colonies of Nova Scotia, New Brunswick, and the Canadas.—In the early settlement of these Colonies they were considered chiefly in an Agricultural point of view and as places of settlement for Emigrants from Great Britain and Ireland. Millions of British money have been expended in their improvement, the first settlers not only got their land free, but in many instances were supported for years at the expense of the Government; they were supplied with stock and implements of husbandry until the improved state of the land afforded them ample means of support. To this paternal solicitude on the part of the Government may be traced the source from whence has flowed the rapid agricultural improvement in these more favoured Colonies. It was not only in the infancy of these Colonies the parent Government extended its fostering protection, the same considerate policy has been followed without deviation to the present time. As late as the 1st March, 1827, Thomas Bayly, Esq., Surveyor General of New Brunswick, was instructed by his Majesty's Government, in case of purchasers of land at any sale not exceeding 200 acres being unable to advance the purchase money by instalments as proposed, such purchasers might be permitted to occupy the same upon a quit rent equal to 5 per cent upon the amount of purchase money. In further instructions from the Secretary's Office under date 15th July, he is authorized, through the Governor, to state that the quit rent of 5 per cent on the value of waste land will not be demanded on any grant not exceeding 200 acres until after the expiration of 7 years, when it is to be expected, with common industry, the settler will be able to pay without inconvenience; and under date of Nov. 9th, 1829, the Surveyor General is directed to give "*poor settlers* grants of 50 acres on paying a fine of 20s., the fee to be paid by this class of settlers is intended merely to reimburse the expense of surveying."

In a despatch under date 2d February, 1832, from Lord Viscount Goderich, his Majesty's principal Secretary of State, with that wise and considerate policy which was so distinguishing a feature in his Lordship's administration of the Colonies, regulates the price of land in New Brunswick at 2s. 6d per acre, computing it on the scale of 5 per cent on the purchase money, at which rate the rent would be only three halfpence per acre per annum. The House of Assembly of Newfoundland have only simply to remind your Majesty of the charge made for waste land in this Colony, to exhibit to your Majesty the great disparity between charges in the disposal of waste land here and in the neighbouring Colonies.

As we have already stated to your Majesty, the cultivation of the Soil at an early period, was prohibited under the most severe penalties in Newfoundland, and it was not until the Government of Sir Richard Keats, in this Colony, that a commencement was made of granting lots of from 4 to 10 acres of land, charging a rent of from 2s 6d. to 20s. per acre per annum. Under the Governments of Sir Charles Hamilton and Sir Thomas Cochrane land was granted in large lots and on more moderate terms, and considerable improvement immediately followed. His Excellency the present Governor Captain Prescott, is restricted in the Sale of Crown Lands, and they are now offered by the Local Government at a price varying from 6s. to 15s. per acre.

Report.

The House of Assembly have most humbly to call your Majesty's attention to the striking differences of Rents and prices of what is said to be good land in the neighbouring Colonies, and what is stated to be barren, unproductive land in your Majesty's Colony of Newfoundland.

Representations have been made from the earliest period to the parent Government, that the extreme severity of the climate and the sterility of the soil of Newfoundland formed insurmountable obstacles to cultivation. If these representations are correct, the House of Assembly would humbly submit to your Majesty, that there can be no necessity for creating further obstacles beyond those raised by nature herself.

But, may it please your Majesty, these were false representations, made by persons who, from corrupt or interested motives of their own, attempted to arrest the order of Providence, and prevent the people of Newfoundland from receiving that support and sustenance from the soil which God and nature intended it to afford.

The House of Assembly, therefore, have most humbly to bring the subject under your Majesty's benign consideration, with the certain hope that your Majesty will be graciously pleased to give every encouragement, and remove every restriction to the cultivation of the soil of your Majesty's ancient and loyal Colony of Newfoundland.

Resolved,—That the said petition be adopted and engrossed, and similar petitions *mutatis mutandis* be addressed to the two Houses of Parliament in England.

Adopted and engrossed.

On motion of Mr. Kent, seconded by Mr. Godfrey,

Resolved,—That the said petitions to the Queen be referred to the deputation for presentation to her Majesty.

Referred to deputation for presentation to her Majesty.

The order of the day for the third reading of the bill for granting a supply to her Majesty being read—

Order of the day read.

Mr. Kent moved, seconded by Mr. Nugent,

Ordered,—That the said bill be re-committed to a committee of the whole House for the purpose of re-considering the said bill.

Motion for re-committal

And the House resolved itself into a committee of the whole House accordingly.

House in committee.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had re-considered the said bill and had made some amendments therein which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

Amendments read and agreed to.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

2d reading.
Engrossed.

Ordered,—That the said bill as amended be engrossed and read a third time this day.

Notice of resolutions relating to office of Sheriff &c.

Mr. Nugent gave notice that he should, to-morrow, move resolutions relating to the office of Sheriff, and also resolutions on the subject of the Letter of Mr. Garrett, addressed to a member of this House.

Supply bill read 3d time

Pursuant to order, an engrossed bill for granting a supply to her Majesty was read a third time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Passed.
Title.

Resolved,—That the said Bill do pass, and that the title be "An act for granting to her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes."

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, October 24, 1837.

ON motion of Mr. Nugent, seconded by Mr. Kent,

House in committee on state of the colony.

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the state of the Colony.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had considered the business to them referred, and had agreed to certain Resolutions thereon, which they had directed him to report to the House, and he read the said Resolutions in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow :—

Resolved,—That it is the opinion of this House, that the intentions of His late Majesty's Government on the subject of the annual appointment of Sheriff, are not carried out by the constant retention in that office of the same individual.

Resolved,—That it is the opinion of this House, that there ought to be a Sheriff appointed to each Judicial District in this Island, and that it is inconsistent with the public interests that the office of Sheriff should remain longer than one year in the hands of the same Individual.

Resolved,—That not only the opinion of the present House of Assembly, but the opinion of the late House also has been strongly expressed by the repeated entertainment and adoption of Bills, providing for the bringing that office in this Colony as nearly as possible on a parallel with the arrangement in England and the Sister Colonies.

Report.

Resolved,—That during the present Session the wishes of Her Majesty's Subjects have been expressed by the House of Assembly in the passing of no fewer than three Bills for the regulation of that office.

Resolved,—That the repeated rejection, by her Majesty's Council, of the Bills sent up by the House of Assembly for that purpose proves that from the Legislature of Newfoundland, as at present constituted, there are no hopes of redress.

Resolved,—That, therefore, it be a further instruction to the Deputation of this House, about to proceed to England, to endeavour to attract the attention of her Majesty's Government to the office of Sheriff of Newfoundland, and to acquaint her Majesty of the opinions and of the wishes of this House upon the same.

Resolved,—That it be a further instruction to the Deputation, to ascertain whether the Acts passed in the late General Assembly of Newfoundland are legally operative—the Members of the House of Assembly having been elected under Writs to which no seals are attached.

And the said Resolutions having been read throughout, were, upon the question put thereon, agreed to by the House.

Resolutions agreed to.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Bill entitled "An act for granting to her Majesty a supply of Money for the making and repairing of Roads in this Colony and to regulate the expenditure of the same," and have appointed conferrees to meet the managers from the Assembly in the committee Room of the Council immediately.

requesting conference on supply bill.

H. J. BOULTON, P. C.

Council-Chamber, }
24th October, 1837. }

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the conference requested by the Council be agreed to.

Conference agreed to.

Ordered,—That Mr. Nugent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Godfrey and Mr. Winsor do manage the said conference on the part of this House.

Managers named.

And they went to the conference.—And being returned,

Conference held.

Report.

Mr. Nugent reported that the managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Her Majesty's Council have requested this conference with the House of Assembly for the purpose of drawing the attention of the Assembly to some omissions which have occurred in the appropriation of the money under the Bill entitled "An act for granting to her Majesty a supply of money for the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same."

The Council observe, that notwithstanding the very large sum of money which by that Bill is proposed to be expended, no provisions are made for the repair and maintenance of the Road leading from St. John's to Torbay, in this District; nor is any money whatever appropriated for the purposes of Roads in the neighbourhood of Trepassey or in Fortune Bay.

With a population larger than any settlement in this District, except St. John's and Petty Harbor, the agricultural produce of Torbay is much more than double that of any other, except St. John's; and indeed throughout the whole Island there are but very few places exceeding it in agricultural importance.

As a fishing station it is valuable, and from the constant communication it holds with the Capital, the Road leading to it, which is in a very bad state of repair, is especially worthy of attention, but yet provision for its improvement is altogether omitted from this Bill.

The Council are the more at a loss to account in any satisfactory way for these omissions, when they notice the attention paid by the House of Assembly to the wants of other and much less important Roads.—They observe, for instance, that a sum of Two hundred and Forty pounds is granted for repairing the Road and Bridges from the Barrens to Upper Long Pond, by Allen, Junior's, farm.

There is, likewise, the sum of Two hundred pounds granted for a Road from Brine's Bridge to Long Pond, by Rennie's Mill, and however convenient a good line of Road there may be to the few individuals having property near it, as a public thoroughfare it is,—compared with the neglected road—altogether insignificant.

The Council feel constrained to place on record, their disapproval of the arrangement by which no part of the large sum appropriated by this Bill is applied to Trepassey or the district of Fortune Bay.

The Council are anxious to indulge the hope that these omissions have resulted from an oversight, and that the House of Assembly will adopt such measures as they may think fitting to remedy the evils to which the Council have now called their attention.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written Message.

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the Assembly entitled "An Act for granting to her Majesty a Supply of Money for

Message from her Majesty's Council.

the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same"—without amendment.

H. J. BOULTON, P. C.

Council Chamber, }
24h Oct., 1837. }

And then the Messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the following Message be sent to her Majesty's Council.

Message to be sent to Council.

Mr. President—

The House of Assembly in the omissions adverted to in the conference of this day, have not been inadvertent of the public wants.

There is a vote in the Bill under consideration for a Road from Grand Bank to Fortune Bay, and the House is without any information further on the subject of the wants of the District of Fortune Bay, from the circumstance of that District not having been represented in the House during the present Session, and that there has been no petition from any of the people of that District.

The House have inserted in the Bill in question a vote for a Bridge over Biscay Bay River near Trepassey, and with the exception of that work have granted no money for any improvement in the District of Placentia and St. Mary's except upon a petition from the Inhabitants.

The attention of the House has also been called to the Roads to Upper Long Pond by petition, and they considered them important, not only to the Inhabitants of those places but as an approach to the woods, of the greatest interest to the poor of St. John's

The Road to Torbay has been much improved of late years to the total neglect of the small settlements round the shore, and is quite practicable for carts, carriages, or sleighs, and those monies that would otherwise have been expended on that Road, the House thought it better to apply to the Roads of Logy Bay and Outer Cove, both interesting and useful Fishing Stations.

Ordered,—That Mr. Nugent do carry the said message to her Majesty's Council.

Mr. Nugent gave notice that he should, to-morrow, move that the House resolve itself into a committee of the whole House on the consideration of Writs served on three Members of the House of Assembly—Patrick Morris and John Kent, Esquires, Members for St. John's, and John Valentine Nugent, Esquire, Member for Placentia and St. Mary's—within the precincts and during the sittings of the House this day, at the suit of the Hon. Henry John Boulton.

Notice of motion for committee of whole on consideration of writs served on three members of the House.

Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, October 25, 1837.

A Petition of Joseph Woolacot was presented by Mr. Winsor, and the same was received and read, setting forth—

Petition of J. Woolacot presented and read.

Petition.

That Petitioner had brought an action against Edward Kielley, Esq. in the Central Circuit Court in November term 1836.—That from the multiplicity of business before the Court he had lost the hope of his case being decided that term, and was induced to leave the matter at issue to arbitration.—That Arbitrators were appointed, and a Bond executed by the parties.—That the arbitrators awarded your Petitioner the sum of £28 14s. 9d.—that an execution was issued for the said sum and placed in the hands of the Sheriff, but on enquiry Petitioner found the Sheriff had been prevented from carrying it into effect by an order of the Court, in consequence of an affidavit of Mr. Kielley that he was not indebted to Petitioner in the sum of five pounds.—Petitioner therefore prays the honourable House to make enquiry into the facts of the case, in order to further the ends of Justice,

On motion of Mr. Winser, seconded by Mr. Kent.

Referred to committee on administration justice.

Ordered,—That the said Petition be referred to the Committee on the administration of Justice in this Colony.

Complaint of Messrs. Morris, Kent, and Nugent, in consequence of Writs served on them, &c.

Mr. Morris, Member for St. John's, Mr. Kent, Member for St. John's, and Mr. Nugent, Member for St. Mary's, having appeared in their places and complained to the House that on yesterday during the sitting of the House they had been within the precincts of the House severally served with Writs of Summons to answer the Hon. Henry John Boulton in a plea of Trespass on the case in the Supreme Court for the publication in a paper ordered by the House to be printed of the report of a speech delivered in the House of Assembly by Mr. Morris.

Writs read.

The Writs were severally delivered in at the Clerk's table and read throughout.

On motion of Mr. Nugent, seconded by Mr. Winser,

House in committee on privileges.

Resolved,—That the House resolve itself into a committee of the whole House on privileges.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had considered the business to them referred, and had agreed to certain Resolutions thereon, which they had directed him to report to the House, and he read the said Resolutions in his place, and afterwards delivered them in at the Clerk's table where they were again read as follow :—

Resolved,—That the serving a writ upon a member of the House of Assembly within the precincts of the House during Session, is a high breach of the privileges of that Branch of the Legislature.

Resolved,—That the serving of Writs on Members of the House of Assembly within the precincts and during the time of the sitting of the House and for matter spoken therein at the suit and by the order of the Honorable Henry John Boulton, and bearing signature in the handwriting of that individual, is a breach of the privileges of the House of Assembly on the part of the Honorable the Chief Justice.

Resolved,—That as the first day of the next term being the day on which the said Writs are returnable, will be the 4th of December next,

the service of Writs on the 24th October, and only a few days before the probable close of the session, to answer in that Court, appears to this House occasioned by an intention on the part of that Hon. Individual to prevent the departure for London of the deputation of this House appointed to lay the petition of the House of Assembly at the foot of her Most Gracious Majesty's Throne praying his dismissal from office for his malpractices in the administration of Justice, and otherwise to intimidate the Members of the House in the discharge of their duty.

Report.

Resolved,—That it is the opinion of this committee, that the House be recommended to address a strong remonstrance to his Excellency the Governor, who has guaranteed to the Members of the House of Assembly the ancient privileges of liberty of speech and liberty of deliberating and voting upon all subjects coming before them, and praying his Excellency to protect the privileges of this branch of the Legislature from the repeated aggressions of the Honorable the President of the Council.

Resolved,—That it be a further recommendation of the committee, that the said address be presented by the whole House.

And the said Resolutions having been read throughout a first and second time, were, upon the question put thereon agreed to by the House.

Resolutions agreed to.

On motion of Mr. Nugent, seconded by Mr. Winser,

Resolved,—That a committee of five be appointed to prepare an address to his Excellency the Governor in accordance with the recommendation of the said committee on privilege.

Resolution for committee to prepare address.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Morris, Mr. Winser and Mr. Dwyer do form such committee.

Committee.

On motion of Mr. Morris, seconded by Mr. Nugent,

Resolved,—That the petitions to the Queen upon the subject of the administration of Justice, Fisheries, and Agriculture, in this Colony, be printed for the use of the Members of the House.

Petitions to be printed

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, October 26, 1837.

MR. KENT reported from the committee appointed to present the address of the House to his Excellency the Governor, in reference to his Excellency's message upon the subject of outstanding claims on the Government, that the committee had accordingly waited upon his Excellency, and presented the said address, and that his Excellency was pleased to reply thereto as follows:—

Report of committee appointed to present address to his Excellency

His Excellency's reply.

H. PRESCOTT.**GENTLEMEN,**

As I am in the highest degree unwilling to enter into any thing like a controversial discussion with the House of Assembly, I shall abstain from observation on various parts of this address, and content myself with stating that the estimates for the current year were prepared with care and attention; they were generally founded upon past experience, and in some particulars upon prospective increase of expense in consequence of recent Legislative enactments.

I have always been, and shall ever be, ready to afford the House all the information in my power respecting accounts; and it is my wish to practice as strict an economy as the public exigencies will permit.

With respect to the Fog Guns, as they are only fired by day, and not by night, they are not rendered less important a necessary by the establishment of Light Houses.—Great mischief may arise from their being discontinued, since Vessels, relying on the correct computation of their latitude, run boldly for the port in the thickest weather, assured that the warning gun will give them timely notice of the approach to the shore.—I would therefore venture to recommend a further consideration of this subject, so important to our commercial interests and to human life.

Government House, }
26th Oct. 1837. }

Report of committee appointed to present address to his Excellency.

Mr. Kent also reported from the committee appointed to present to his Excellency the address relative to his Excellency's message referring to the communication made by his Excellency to the House on the subject of its Officers, that the committee had presented the said address to his Excellency accordingly, to which his Excellency was pleased to make the following reply:—

His Excellency's reply.

H. PRESCOTT.**GENTLEMEN,**

I can but repeat, in answer to this address, that it will not be in my power to assent to any Bill of supply in which provision is made for the Clerk, and Serjeant-at-Arms, acting by appointment of the House of Assembly, unless with express reservation of the rights, if any, of the persons holding those situations under the Royal Authority.

Having understood that no mention was to be found, in the Supply Bill first sent up to the Council, of Clerk or Serjeant-at-Arms, I immediately informed the House by message that unless the above named express reservation were inserted, I must request to know how the sum voted for contingencies was to be applied.

I did this, because, had any portion of that sum been intended for those officers appointed by the House, I could not, so far as respected that portion, have sanctioned its application.

From this line of conduct I am not at liberty to swerve.—The House of Assembly having based its right of appointment upon the precedents established in the North American Provinces, the Secretary of State declared his willingness "to place the decision on the issue to which it has been referred by the Assembly."

As it appears that his Lordship's proposition, and the pecuniary arrangement connected with it, have not been adopted, I am, as I have before said, bound to withhold my assent from any bill making provision for the Clerk and Serjeant-at-Arms nominated by the House, except under the express reservation already stated.

Government House, }
26th October, 1837. }

On motion of Mr. Nugent, seconded by Mr. Morris,

Resolved,—That the rule of the House, in reference to notice of motion, be suspended.

Rule of House suspended

Resolved,—That there be a call of the House on Tuesday next, the 31st instant, and that a special messenger be forthwith sent to Harbor Grace and Carbonear to summon and require the attendance in the House on that day of Peter Brown, Esq., James Power, Esq., John M'Carthy, Esq., and Hugh Alexander Emerson, Esq., Members of the House of Assembly.

Call of House.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council—

The Master-in-Chancery brought down from her Majesty's Council the following written Message.

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Bill entitled "An act for granting to her Majesty a supply of Money for defraying the expense of the Civil Government of this colony, for the year ending the thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes," and have appointed conferrees to meet the managers from the Assembly in the committee Room of the Council immediately.

requesting conference on supply bill.

H. J. BOULTON, P. C.

Council-Chamber, }
26th October, 1837. }

And then the Messenger withdrew.

On motion of Mr. Kent, seconded by Mr. Winser,

Resolved,—That the conference requested by the Council be agreed to.

Conference agreed to.

Ordered,—That Mr. Kent do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Council acquainted thereof.

Ordered,—That Mr. Kent, Mr. Winser, Mr. Morris and Mr. Doyle, do manage the said conference on the part of this House.

Managers named.

And they went to the conference.—And being returned,

Conference held,

Mr. Kent reported that the managers had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report.

Report.

The Council has desired this conference upon the bill sent up from the Assembly entitled "An act for granting to her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes," to express their regret that at this late period of the Session the House of Assembly should, so soon after holding a conference upon the same subject, have recurred to the method of blending in one bill the supplies necessary for defraying the ordinary charges of administering the Government with occasional grants of money for totally different and independent objects, and of mingling the grants for discharging the incidental expenses of the Legislature with either.

Had the Assembly adopted the course pursued in the neighbouring colonies of Nova Scotia and New Brunswick, of sending up the resolutions passed by the Assembly in their committee of Supply for the concurrence of the Council, and to which method the Council referred at the late conference on Thursday last, altho' some objections would still have existed to embracing grants requiring certain peculiar provisions for regulating their expenditure, and might therefore be conveniently made the subject of separate bills, yet the Council would have been happy so far to have met the views of the Assembly, and to have acceded to a course not breaking in upon important principles, and would not have felt it imperative upon them to refuse the bill merely on that account, had the various grants contained in it been previously concurred in by the Council in the manner above referred to. But as the Assembly has not adopted that course, the Council are under the necessity of again acquainting that House that they cannot depart from the constitutional principles laid down by them at their late conference, and that they will not be induced, by any consideration of temporary expediency, to deviate from them.

The Council does, therefore, insist that this bill shall be limited to "Granting to her Majesty a supply of money for defraying the expense of the Civil Government of this colony for the year ending the thirtieth day of June, 1838," and that the grants "for other purposes" be excluded—that the grant for defraying the contingent and other expenses of the Legislature be confined to another bill, and that occasional grants be not inserted in the same bill with either.

These being the principles upon which alone the Council will proceed, they desire to continue their objections to such of the details of the bill as have an exclusive reference to the ordinary supplies, not wishing to extend their observations to matters contained in other parts of the bill until they shall come before them in such a shape as that they can be properly discussed.

The Council perceive that the appropriation for paying the constable at Ferryland and Bay Bulls is reduced from £25 to £12 in each, and that the salary of the Gaoler at Ferryland is reduced from £25 to £20; while in St. Mary's, being a place of less importance, the salary of the constable is raised in the same proportion, viz. from £12 to £25,—while one constable at Trinity has been struck off altogether, and the salary of another at Catalina has been doubled, it being raised from £12 to £24; and at Greenspond the constable's salary has been reduced from £15 to £12; while no appropriation at all is made for paying the salary of the constable at Torbay, one of the largest settlements of the central district.

Report.

The Council are of opinion that £12 is a sufficient salary for any of the constables at the smaller settlements and outports ; and if a salary were about to be granted for the first time, to a constable at Bay Bulls or Ferryland for instance, they would concur with the Assembly in deeming that sum sufficient ; but then they could not agree to double that amount being given to constables in places of no greater importance—and therefore they deem it unjust to raise one man's stipend at the expense of the salary paid to another person similarly situated.

The individuals receiving these stipends are, it is true, in an humble station of life—and the amount paid to each is inconsiderable ; but they ought not on that account to be treated with a less regard to justice, nor ought their claims to be viewed less favourably, than if they had it in their power to advance their own pretensions within the walls of the General Assembly of the Island.

The remuneration to the Medical Attendant of the Gaol at St. John's is for the first time separated from the general expenses of that branch of the public service, as well as the stipend to the Gaol Barber. The salary formerly paid to the Surgeon, out of the general fund appropriated for gaol expenses, it is true, is continued,—but it is coupled with a restriction which would deprive him of another situation, that of District Surgeon, with a larger stipend, while the remuneration to the Barber is raised from £12, an allowance quite adequate—and which has been apportioned for years past by the Government—to £15,—such a course of proceeding the Council can never consent to become parties to.

The Council cannot also but advert to the extraordinary exclusion of the Sheriff's Office from the benefits of the grants for stationery and fuel, especially as that officer performs services for the Government for which he receives no remuneration.

The Grant for the support of the poor should, in the opinion of the Council, form the subject of a separate bill, inasmuch as certain provisions ought to be contained in such a measure to guard and regulate the expenditure. The Council are of opinion that the Bill should ascertain the persons to whom the money is to be dispensed, by some more definite term than that of "the Poor," and it ought not to be left to the discretion of the Commissioners to dole out the public funds to such persons as they may think proper to bestow it upon, but that a portion of the sum granted should be defined and set apart for the relief of the aged, sick, infirm, and impotent poor.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a conference be requested with her Majesty's Council on the subject of the last conference, and that a committee of five be appointed to prepare instructions to the managers on the part of this House.

Conference requested.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Godfrey, Mr. Winser and Mr. Dwyer do form such committee.

Committee.

Mr. Nugent presented to the House the draft of an address to his Excellency the Governor upon the subject of his Excellency's reply to the address presented to him this day, relative to the officers of the House, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

Draft of address to his Excellency presented & read.

*To His Excellency Henry Prescott, Esquire,
C. B. Governor, &c. &c. &c.*

Address.

May it please Your Excellency,

The House of Assembly in their anxiety to meet the views of her Majesty's Government with regard to the salaries of the officers of this

Address.

House, have felt themselves bound on the best principles of Justice to go beyond the recommendation of Lord Glenelg.

The House of Assembly were under the impression that no matter in what way the question of the right of the House to appoint its own officers may be disposed of by the several Governors mentioned in the despatch of Lord Glenelg, they were in Justice bound to pay the officers appointed by the Crown who had actually entered upon their several offices on the opening of the present Session the full amount of their usual salaries, without subjecting them to an alternative that to this House would appear unjust, that is, a contingent deprivation of a salary to which they appear by the mere fact of an assumption of office from which in the support of a principle adopted by this House, and without any alleged fault of theirs, they had been detrued by the House of Assembly.

The House therefore beg leave in further explanation to lay before your Excellency a copy of the vote on that subject, as it runs in the supply bill at present before her Majesty's Council :

“ And a further sum of two hundred and fifteen pounds towards compensating the Clerk, Serjeant-at-Arms, Doorkeeper and Messenger appointed by the Crown to the House of Assembly, that is to say, Edward Mortimer Archibald, £100, Elias Rendell, £50, John Stephenson, £35, and William Kelly, £30.”

Adopted and engrossed.

Ordered,—That the said address be adopted and engrossed.

Committee to present it.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to present the said address to his Excellency.

Notice of motion for authorising the raising by loan of a sum of money to defray the expense of the deputation appointed to proceed to England.

Mr. Kent gave notice that, in the event of the Supply Bill now before her Majesty's Council not being concurred in by the Council, he should move that this House do authorise the raising by loan of a sum of money not exceeding six hundred pounds, to be raised on the credit of this House, and payable out of the Colonial Revenues, to defray the expense of the deputation of this House to England, to lay at the foot of her Majesty's Throne the grievances of this Colony.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, October 27, 1837.

Report of committee of conference.

MR. NUGENT, from the committee appointed to prepare instructions to the managers at the conference to be held with her Majesty's Council on the subject of the last conference, reported that the committee had prepared the instructions accordingly, which he read in his place and afterwards delivered them in at the Clerk's table, where they were again read and are as follow :—

In taking into consideration the subject matter of the conference of yesterday, the House of Assembly beg leave to protest against the assumption of any right on the part of her Majesty's Council to dictate to this Branch of the Legislature the form in which they shall send up Bills for the appropriation of monies granted to her Majesty. It is the exclusive right of the Representative Branch of the Legislature to originate such Bills, and it is the most important of the privileges of this House that in such origination they shall not be interfered with by any other branch of the Legislature.

In the last conference asked by this House and held with her Majesty's Council, the House of Assembly fully explained their right to embrace the various subjects forming the *materiel* of the Bill at present before the Council, even with the addition of the subject of the Roads. They proved that this right was exercised agreeably to the precedents of the Imperial as well as Colonial Legislatures, and even to those of their own, and refuted all the arguments, and corrected all the assertions embodied in the former conference of the Council, and therefore do they feel astonished at the renewal of the assertion of that Hon. Body that "the principles laid down by them in their late conference" are "constitutional."

The House of Assembly regret extremely that her Majesty's Council had not disclosed the numerous objections which appear to form the essence of the conference of yesterday, when preparing their reasons for the former conference on the Supply Bill, as *their* entertainment *then* would have evidently proved far more opportune than at present. *Then* the Council were soliciting the Assembly to separate the Road Bill from the Supply Bill, and the Council must have known that a compliance with that solicitation must have had the effect of bringing a new Supply Bill under consideration; and therefore should it have been much more proper to have exhibited the present objections at a time when, if they appeared feasible, correspondent changes may have been introduced.

This course, however, it has not pleased the Council to adopt. They merely induce the House of Assembly to send up a new Road Bill and a new Supply Bill, without exhibiting the shadow of an objection against the items embodied in the latter, which items are a mere transcript of those in the former Supply Bill; but no sooner do the Assembly prepare this new Bill than the Council meet it with a variety of ill-founded objections; and no sooner have the Assembly, for the reasons alleged in the last conference, consented to separate the Road Bill from Supply Bill, than now a demand comes from the Council calling upon them to subdivide the second Supply Bill into *various other Bills*. A demand so unreasonable and so unconstitutional—unconstitutional at all times, but particularly unreasonable now, when the session has been protracted to within a very few days of four months—that the House of Assembly can never consent to yield compliance.

Having thus explained their opinions on the subjects embraced in the four first clauses of the instructions to the conferrees of the Council now before them, the House turn to the objections of that Hon. Board, to the items contained in the Bill of Supply.

The Council object that the salaries of the Constables of Bay Bulls and Ferryland have been reduced, and they complain that while this reduction has taken place in those places, the salary of the Constable of St. Mary's is raised in the same proportion, viz. from £12 to £25; but the Council have not reflected that while this reduction is made there are

Instructions.

three stipendiary Constables added to that Shore in order to facilitate the administration of Justice, and that to effect this desirable object, the House felt itself compelled to make the sum voted for the salaries according to the scale of the last year, pay all the salaries of the current year.

With regard to the views which the Council appear desirous to take of the increase of the salary of the Constable of St. Mary's as opposed to this reduction, the Assembly beg to observe that there is no parallel between these cases, for as the salaries of the Constables in Ferryland and Bay Bulls are reduced, so are their duties proportionally lessened by the addition of other Constables to that Shore, and while *their* jurisdiction now extends over a tract of country of not more than three miles for one, and four miles for the other, that of the Constable of St. Mary's runs along a Shore of much more than one hundred miles in length, comprehending a considerable number of fishing settlements; but at the same time the House would beg leave to notice that even in the present reduction, they did not bring down these salaries to their primitive scale, for the sum voted for both in 1835, was only twenty pounds, while now it is twenty four.

If the House of Assembly have struck off one constable at Trinity, it is because they learned that the person holding that office was already well paid for his services by holding the sinecure of Gaoler, at a salary of £25, and the Gaol as a place of abode, besides other emoluments, particularly as there is already one stipendiary constable in the Harbor; and in adding the amount to the small salary of the constable of Catalina, they had regard to the importance, in a Harbor so much frequented by shipping from all parts of Island, and where there was but one stipendiary constable, of having that constable efficient; and by the abstraction of the salary of the constable of Torbay, they wished to mark their sense of the impropriety in making a choice between two honorary constables for one to whom to give the stipend, of passing by the person longest in office, the most respectable and the best conducted.

The Council are quite incorrect in the insinuation that a larger salary is given in the Bill to the District than to the Gaol Surgeon. The Council, on examining the Bill, will find that while the salary of the Gaol Surgeon is £40, that of the District Surgeons is only £30 each; and therefore it is quite incorrect of the Council to state that the appropriation of £40 to the office of Medical Attendant of the Gaol "is coupled with a restriction which would deprive him of another situation, that of District Surgeon, with a larger salary." The House of Assembly are of opinion that it is their duty to see that, while they are affording general relief to the sick poor, they shall have proper medical attention; and they think that that object can be much better attained by having the attention of the Medical man devoted to the Gaol, and having four practitioners to attend the poor of the District, than if all the medical appointments, both Civil and Military, the General Hospital, the Seaman's Hospital, the Military Hospital, the sick poor of the District, and the Gaol, continued to be heaped upon one individual, however a favourite, to the total exclusion of the oldest, the best educated, as well as the most extensive practitioners in the Island. And they shall take leave to pass over in utter silence the objection taken by the Honorable her Majesty's Council to the Supply Bill, for the House having raised the salary of the Gaol Barber of St. John's, to the sum of £15—per annum!

The next objection of the Council is to the "extraordinary exclusion of the Sheriff's Office from the benefits of the grants for Stationery and

Fuel".—The House exercised in that respect a wise discretion. The Sheriff's Fees of Office are returned in the Blue Book as the enormous sum of £655, sterling, after the payment of all Sub-sheriff's, Bailiffs, Runners, &c.,—that is a Return made by that individual himself, and certainly, if not far under the real amount, is by no means exaggerated,—and the House therefore considered that her Majesty's subjects were already excessively taxed by that Officer, and that he ought not to be entitled to add to that taxation by being permitted to draw upon the public Treasury for Fuel and Stationery for his house and offices; and as to those "*services*" which the Council hint in the same paragraph, that "that Officer performs for the Government, and for which he receives no remuneration," they appear, whatever their nature may be, to be more than abundantly remunerated by the enormous fees of that Officer generally.

The Council devote their last clause to the consideration of the Poor Vote.—In 1834, in 1835, and again in 1836, in fact every successive year during the existence of the Legislature, have the House of Assembly given grants of money for the relief of the poor, but it is only now the Council think that such a grant "should form the subject of a separate Bill,"—it is only now for the first time, the Council think that "provisions ought to be contained in such a measure to guard and regulate the expenditure." Now in the present Bill such regulations have been actually embodied by the present House of Assembly, but neither by Council or Assembly were they ever thought of before; and therefore will the House of Assembly insist upon continuing the Poor Vote according to unvarying precedent.

Again, on that subject, the Council express a most praiseworthy consideration for the aged, the sick, the infirm, and impotent poor, but the House would beg leave to observe that, during the approaching Winter, it is not these who will be the principal claimants for the Statute Charities, if the wishes of the Assembly in that respect are concurred in so fully by the Council, as to prompt them to pass the Bill.—The able-bodied Fishermen with whom the fishery has failed, and the Fishing Servant whose wife and family have been doomed to starvation, by the denial of his right to recover his wages according to the customs of his Country—these are likely to be the most urgent applicants for relief, and certainly are entitled to the best consideration.

Again do the Assembly beg leave to remind the Council that they never, on any former occasion, thought that the interests of the poor required to be guarded by a separate Bill,—the Council never before thought the expenditure of the Poor Vote needed any provisions of protection or regulation.—The Council never thought this in 1834, when the Poor Vote was nearly as large as at present;—they did not think this in 1835 or 1836, but not only that—they never thought of the necessity of these guards or restrictions until now a second Supply Bill is before them, sent up from this House at a time when the business of the House is protracted by her Majesty's Council to a time when the Members must discharge their public duties at the greatest possible loss and injury to their personal interests.

Under such circumstances it must be quite obvious to the Council that a proper regard for their privileges, and a firm determination to preserve them unimpaired, as well as the extreme prolongation of the Session, must prevent the possibility of the concurrence of this Branch of the Legislature in the propositions which form the subject matter of the late conference. The House of Assembly feel that in sending up

during the present Session three Revenue Bills as fast as they were thrown out by the Council,—in sending up four Road Bills as fast as they were thrown out by the Council,—and now sending up a second Supply Bill, after the rejection of the former, they have more than discharged their duty to their Country and to their Sovereign.

Report adopted.

Resolved,—That the said Report be adopted by the House.

On motion of Mr. Nugent, seconded by Mr. Kent,

Conference desired.

Ordered,—That Mr. Nugent do go up to Her Majesty's Council and desire a conference upon the subject of the last conference.

Letter from Hon. Mr. Secretary Crowdy.

Mr. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy, which he read, and afterwards delivered it in at the Clerk's Table, where it was again read as follows:—

Secretary's Office, }
27th Oct., 1837. }

SIR,—I am directed by the Governor to say that the address of which you enclosed me a copy on the 24th inst., is so derogatory to the character of the Council, in its imputation of a wilful perversion by that Body of its Journals, for corrupt purposes that his Excellency cannot consent to receive it in its present form.—But should the House of Assembly see fit to bring before him the subject matter of the Address as respects erroneous entries or omissions in the Journals of the Council, and the consequent apprehension entertained of any precedent being thereby established against the just privileges of the House of Assembly, his Excellency will be happy to take the same into his most serious consideration.

I have the honour to be, Sir,

Your most obedient,

Humble Servant,

JAMES CROWDY.

To the Hon. the Speaker }
of the House of Assembly. }

To lie on the Table.

Ordered,—That the said letter do lie upon the Table.

Draft of address to his Excellency presented & read.

Mr. Nugent presented to the House the draft of an Address to his Excellency the Governor, upon the subject of the address referred to in the said letter of the hon. Mr. Secretary Crowdy, and he read the same in his place and afterwards delivered it in at the Clerk's Table where it was again 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 Is-
land of Newfoundland and its Depend-
encies, &c. &c. &c.*

May it please Your Excellency,

The House of Assembly in calling your Excellency's attention to the Journals of Her Majesty's Council by their address of the 23d inst.,

which forms the subject of your Excellency's Message of this day, were only solicitous of procuring the correction of errors therein, calculated to lead to an incorrect opinion of the estimate by her Majesty's Council of the extent of the privileges of the Assembly, and the limitation of those of the Council, on the subject of the amendment of Money Bills.

Address.

The House of Assembly, in giving an opinion on that subject, merely intended to speak of the effect likely to be produced upon "the reader" of those Journals, and have by no means stated charges derogatory to the Council, but prayed your Excellency to investigate the matter, in order that the Journals of her Majesty's Council should be placed beyond suspicion.

In the Journals of March 13th, 1834, the instructions to Conferees of her Majesty's Council declaratory of the opinion of that hon. Board on the important subject of the impropriety of amending Money Bills in the Council are omitted, and the Journals of March 17th and 18th on the subject of the Revenue Bill, are inconsistent with, and contradictory of, the message of the Council dated March 19th, and placed upon the Journals of the Assembly of that day; and those inconsistencies and contradictions are calculated to produce frequent conflict between two Branches of the Legislature,—between whom, the public interests require that a good correspondence should subsist.

The Council referring to their Journals must perceive that they had amended a Money Bill, and that that Bill so amended, was permitted without any subsequent expression of disapprobation on the part of the Assembly to pass into a Law; while the Assembly by a reference to their own Journals, will see that not only did no such amendments take place, but that the opinion of the Council at that time was, that to make them would be "inconsistent with Parliamentary usage."

Under these circumstances the House beg leave to disclaim any intention of using expressions that may by possibility be taken as expressive of intentional offence, and to pray your Excellency to order that such corrections should be made in the Journals of the Council as shall be found necessary.

Resolved,—That the said address be adopted and engrossed.

Adopted and engrossed.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to present the said address to his Excellency.

Committee to present it.

Then the House adjourned until to-morrow, at twelve of the clock.

Saturday, October 28, 1837.

MOVED by Mr. Nugent, seconded by Mr. Winsler,

Resolved,—That a committee be appointed to search the Journals of her Majesty's Council in order to ascertain what proceedings have been had upon the bill sent up from this House entitled "An act for granting to her Majesty a supply of money for defraying the expense of the Civil Government of this colony for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-eight, and for other purposes."

Committee to search Council's Journals.

Committee.

Ordered,—That Mr. Nugent, Mr. Winser, and Mr. Godfrey do form such committee.

Report of Committee.

And the said committee having withdrawn for that purpose, after some time, Mr. Nugent, as chairman of the committee reported that the committee had searched the Journals of the Council accordingly; and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

“On motion of the Hon. Mr. Crowdy, it was

Ordered,—That the order of the day for the second reading of the bill entitled “An act for granting to her Majesty a supply of money for defraying the expense of the Civil Government of the Colony for the year ending the thirtieth day of June in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes,” be discharged, and that the said bill be read again on this day three months.”

To lie on the Table.

Ordered,—That the said report do lie upon the table.

On motion of Mr. Nugent, seconded by Mr. Morris,

Supply Bill &c. to be printed.

Resolved,—That the supply bill, just rejected by her Majesty's Council be printed, together with the reasons of the Council in objection thereto, the minute of Council throwing out that Bill, and the reasons of this House for disagreeing from the objections of the Council, and that a committee be appointed to make the necessary arrangements.

Committee.

Ordered,—That Mr. Nugent, Mr. Morris, Mr. Kent, Mr. Winser and Mr. Godfrey do form such committee.

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message:—

Mr. Speaker,

The subject of the last conference having been finally disposed of by the rejection on the part of the Council of the bill sent up from the Assembly entitled “An act for granting to her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes,” the Council desire to observe that it is not usual to hold conferences upon matters which are not pending in either House, nevertheless out of an earnest wish to avoid any appearance of discourtesy towards the Assembly, the Council accedes to the conference requested upon the present occasion, and have appointed two Members who will be ready to meet the conferrees from the Assembly in the committee room of the Council immediately.

The Council request, however, that this instance may not be drawn into a precedent.

H. J. BOULTON, P. C.

Council Chamber, }
27th Oct. 1837. }

And then the Messenger withdrew.

Orderd,—That Mr. Kent, Mr. Winser, Mr. Morris, and Mr. Doyle do manage the said conference on the part of this House.

And they went to the conference,—and being returned,

Mr. Kent reported that the managers had been at the conference, and had complied with the instructions of the House.

Mr. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy, and he delivered the same in at the Clerk's Table, where it was read and is as follows :—

Secretary's Office, }
28th Oct., 1837. }

SIR,—I am directed by the Governor to acquaint you that the address of which you yesterday enclosed a copy, makes reference to one of the 23d inst., which, for reasons formerly stated, it was not in his Excellency's power to receive, and by which, consequently, he can take no cognizance. He therefore desires me to repeat the suggestion contained in my letter of the 27th, as to the mode of proceeding, should the House of Assembly desire to address him on the subject of alleged errors in the Journals of the Council.

I have the honour to be, Sir,

Your most obedient,

Humble Servant,

JAMES CROWDY.

To the Hon. the Speaker }
of the House of Assembly. }

Then the House adjourned until Monday next, at twelve of the clock

Monday, October 30, 1837.

MR. NUGENT reported from the committee appointed to present to his Excellency the Governor the address of the House passed on Thursday last, that the committee had accordingly waited upon his Excellency, and presented the said address, and that his Excellency was pleased to reply thereto as follows :—

H. PRESCOTT.

GENTLEMEN,

If I am to understand that the House of Assembly accepts the proposition made by Lord Glenelg for the settlement of the question as to the right of the House to appoint its own officers, I can have no objection to the pecuniary arrangements mentioned in this address.

But as this is a matter too important to be left subject to doubt or misapprehension, I shall immediately request of the House by message a distinct declaration respecting it, and should that declaration be in the negative, I must adhere to the line of conduct already made known.

Government House, }
30th October, 1837. }

Managers named.

Conference held,

Report.

Letter from Hon. Mr. Secretary Crowdy.

Report of committee appointed to present address to his Excellency.

His Excellency's reply.

Message from his Excellency the Governor.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Honorable Mr. Secretary Crowdy, being admitted within the Bar, presented to the House a message from his Excellency the Governor, signed by his Excellency, and the said message was read by Mr. Speaker, and is as follows :

H. PRESCOTT.

The Governor feeling the necessity of preventing any misapprehension as to the intentions of the House of Assembly relative to the proposition made by Lord Glenelg for the settlement of the question respecting the right of the House to appoint its own Clerk and Serjeant-at-Arms, requests that the House will inform him whether it accepts or rejects that proposition.

Government House, }
30th Oct. 1837. }

To lie on the Table.

Ordered,—That the said message do lie upon the Table.

Resolution for committee to prepare address.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a committee of three be appointed to prepare an address to his Excellency upon the subject of the said message.

Committee.

Ordered,—That Mr. Nugent, Mr. Kent, and Mr. Winser, do form such committee.

House adjourn'd for want of a quorum.

On motion, the House was counted, and there being present, Mr. Speaker, Mr. Nugent, Mr. Godfrey, Mr. Winser, and Mr. Moore, at 3 o'clock, p. m. Mr. Speaker adjourned the House for want of a quorum.

Tuesday, October 31, 1837.

Draft of address to his Excellency presented & read.

MR. NUGENT reported from the committee appointed on yesterday to prepare an address to his Excellency the Governor, that the committee had prepared the draft of an address accordingly, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again 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.*

May it please Your Excellency,

The House of Assembly having taken your Excellency's reply to the address of the House presented on yesterday, explanatory of the vote contained in the supply bill for the officers appointed by his late Majesty to the House, as well as your Excellency's message consequent thereon, into their most earnest consideration, are fully of opinion that the form of that vote, as it satisfied every possible "pecuniary demand" of the gentlemen therein mentioned for the present session, is strictly consistent

with the views of her Majesty's principal Secretary of State for the Colonies, as expressed in his Lordship's despatch of Aug. 12, while at the same time it is by no means derogatory from the independence of the House of Assembly.

His Lordship, in the third paragraph of this Despatch, lays down the two principles which alone he says "would justify the prolongation of the debate" on a subject that but for them would be "too insignificant" for discussion, and the leading one of these he makes the "claim of strict right and justice advanced by the officers dispossessed of their places." The other principle is the abstract right of appointment, which his Lordship says, "if admitted in Newfoundland, could not but be applied in all the adjacent Provinces."

This "pecuniary claim" then, and the necessity of applying the principle of the right of appointment to the other British Colonies, where it is not exercised at present, if acceded to here, form in the despatch of Lord Glenelg the only grounds to justify the debating the present question; and as the settlement of the "pecuniary demand" is the only portion of the question that ought be embodied in the Supply Bill, the vote was so couched, in conformity with his Lordship's wishes, as to leave the other branch of the subject, with which this House never intended to encumber that Bill, perfectly untouched.

In the 7th paragraph his Lordship urges your Excellency to "use the whole of your legitimate influence to induce the House of Assembly to concur with your Excellency in reserving the pecuniary demands of the Serjeant-at-Arms and Clerk of the House until the practice of the British North American Colonies shall have been ascertained," but surely the House had more than acknowledged your Excellency's "legitimate influence," when in place of "*reserving*" the salaries of these individuals, they voted them their full salaries, to be immediately available, instead of leaving them subject to a contingency which, however the ultimate result, would of necessity leave them for many months without that remuneration to which the House of Assembly felt them at this moment entitled.

Having thus met all the views of Lord Glenelg—having carefully avoided suffering the Supply Bill to "involve a decision of this claim," the House of Assembly are at a loss to know in what they can now be regarded as allied so as to make the passing or rejecting of a Bill for defraying the expenses of the Civil Government of this Country, and other important purposes, contingent upon the opinions of the House on a subject entirely extrinsic of that measure.—Nor do this House imagine that it was ever the intention of the Secretary of State for the Colonies, *thus* to have exercised the "legitimate influence" of the Governor of Newfoundland over the Representative Branch of the Legislature.

The "pecuniary demand" of the Officers having been now disposed of without, in the slightest degree, "involving a decision of the right of appointment"—the House of Assembly having nominated three Delegates to lay the present state of the administration of Justice, of the Fisheries and Agriculture, as well as the General state of the Colony, before her Majesty's Government, will give immediate instructions to these Gentlemen to call the attention of the Government again to the question of the right of this House to appoint its Officers;—and therefore does it appear to them now unnecessary to make any specific declaration upon that subject.

Beside this declaration upon the part of the House would appear still more uncalled for now, from the circumstance that three days be-

fore the date of your Excellency's message, the last Supply Bill had been thrown out by her Majesty's Council—the Hon. the Colonial Secretary feeling himself justified in moving, on last Saturday, that it be read a second time that day three months.

- Adopted and engrossed. *Resolved*,—That the said address be adopted and engrossed.
- Committee to present it. *Ordered*,—That Mr. Nugent and Mr. Kent be a committee to present the said address to his Excellency.
- Order of the day read. The order of the day for a call of the House being read,
On motion of Mr. Nugent, seconded by Mr. Kent,
- Postponed. *Ordered*,—That the said order of the day be postponed until to-morrow.
- Then the House adjourned until to-morrow, at twelve of the clock.

Wednesday, November 1, 1837.

- House called over. **A** GREEABLY to the order of the day, the House was called over, when the following Members answered to their names.
- | | | |
|------------------|-------------|-----------|
| Members present, | Mr. Speaker | Mr. Moore |
| | — Kent | — Dwyer |
| | — Morris | — Butler |
| | — Nugent | — Godfrey |
| | — Winser | — Doyle. |
- Bill for granting supplies to her Majesty read 1st time. Mr. Kent presented a Bill for granting supplies to her Majesty, and the same was received and read a first time.
- Read 2d time. *Ordered*,—That the said Bill be now read a second time.
And the said Bill was read a second time accordingly
On motion of Mr. Kent, seconded by Mr. Nugent,
Ordered,—That the said Bill be now committed to a committee of the whole House.
- House in committee thereon. And the House resolved itself into the said committee accordingly.
Mr. Speaker left the chair.
Mr. Nugent took the chair of the committee.
Mr. Speaker resumed the chair.
- Report. The chairman reported from the committee that they had gone through the said Bill, and had made two amendments therein, which they had directed him to report to the House; and he delivered the Bill with the amendments in at the Clerk's table.
- Amendments read and agreed to. And the said amendments having been read throughout a first and second time, were, upon the question put thereon agreed to by the House.

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

Engrossed.
3d reading.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, November 2, 1837.

MR. NUGENT reported from the committee appointed to present to his Excellency the Governor the address of the House passed on Tuesday last, that the committee had waited upon his Excellency accordingly, and presented the said address, to which his Excellency was pleased to reply as follows:—

Report of committee appointed to present address to his Excellency.

H. PRESCOTT.

GENTLEMEN,

I had naturally hoped that a proposition so conciliating as that of Lord Glenelg, for the settlement of the question of a right claimed by the House of Assembly, would have been cheerfully accepted.

His Excellency's reply.

I regret that in this expectation I have been disappointed, and it is my duty to repeat, once more, that should any money Bill come before me containing provision for the Clerk and Serjeant-at-Arms nominated by the House, I shall not be able to assent to it, unless such provision be made in one of the following modes—either with an express reservation of the right, if any, of the persons dispossessed of those employments by the House—or with a suspension of payment until the right of appointment be established.

Should no mention be made of these Officers I must request, as I have already stated, a detail of the purposes to which any sum that may be voted for the contingent expenses of the House is to be applied.

Government House, }
2d November, 1837. }

Pursuant to the order of the day, an engrossed Bill for granting a supply to her Majesty, was read a third time.

Bill for granting supplies to her Majesty read 3d time.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That the said Bill do pass, and that the title be “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 thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes.”

Passed.

Title.

Ordered,—That Mr. Kent and Mr. Nugent do carry the Bill up to her Majesty's Council and desire their concurrence.

Sent to Council.

Mr. Morris stated in his place that on the rising of the House on last evening he had been served with a writ at the suit of Benjamin Greer Garrett, Esquire, High Sheriff of Newfoundland, in an action of trespass on the case brought by him in the Supreme Court, for words spoken by

Statement of Mr. Morris of having been served with a writ.

him in the House as a Member of the Legislature and published by order of the House, and the said writ and declaration were delivered in at the Clerks table where they were read.

On motion of Mr. Morris, seconded by Mr. Nugent,

Referred to committee on privileges.

Ordered,—That the said process be referred to the committee on privileges.

Ordered,—That this House do now resolve itself into a committee of the whole House on privileges.

House in committee on privileges.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had considered the business to them referred, and had agreed to certain Resolutions thereon, which they had directed him to report to the House; and he read the said Resolutions in his place and afterwards delivered them in at the Clerk's table, where they were again read as follow :—

Resolved,—That it is the opinion of this committee, the serving a writ by Mr. Garrett on a Member of the House of Assembly for any words spoken, or for any matter or thing done by order of this House, is a high breach of the privileges of the House of Assembly.

Resolved,—That it is the opinion of this committee, that the actions brought by the Hon. Chief Judge Boulton, and by the High Sheriff, against two Members appointed to proceed to London to lay the unanimous prayer of this Branch of the Legislature to her Majesty the Queen, for the removal of the Chief Judge, at the foot of her most gracious Majesty's Throne, such actions being brought at the moment when they were about to proceed upon the duty imposed upon them by this House, are intended for the double purpose of impeding the Deputation, and restraining the Members of the House generally from that freedom of debate and deliberation guaranteed to the House by the Crown.

Resolved,—That it is the opinion of this House, that should an unconstitutional decision of the Court award damages in either or in both cases, the House of Assembly shall never consent to pass any Bill of appropriation that will not contain a provision for the paying the same with all the costs and expenses incurred in the defence.

Resolutions agreed to.

And the said Resolutions having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

On motion of Mr. Kent, seconded by Mr. Godfrey,

Resolution to prepare engrossed instructions and certificates for Delegates.

Resolved,—That an engrossed copy of the Resolutions of instructions to the Deputation about to proceed to London by order of this House, be prepared for each Delegate, and that a certificate of appointment, under the hand of the Speaker and the seal of the House, be annexed.

Then the House adjourned until to-morrow, at twelve of the clock.

Friday, November 3, 1837.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

THE Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council considering that the extreme period to which the present Session has been protracted, renders it necessary that every possible effort should be made to bring the business of the Legislature to a close, and that to avoid as far as possible, the necessity of recurring to further conferences upon the subject of the appropriation Bill, they have adopted the following Resolutions :

Resolved,—That her Majesty's Council will concur with the Assembly in passing a Bill for granting to her Majesty a supply of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of Our Lord 1838, upon the principles stated by the Council, at their conference on Friday last.

Resolved,—That her Majesty's Council will concur with the Assembly in passing a bill appropriating money to defray the usual contingencies of the Legislature, to wit., the stipends to the Clerks, and writers employed under them, to the Master-in-Chancery and Solicitor, the Usher and Serjeant-at-Arms, to the Doorkeepers and Messengers of both Houses, all disbursements for Stationery and Printing of every description, and Tradesmen's Bills for work done by order of either House, to be paid to the persons entitled to receive the same by warrant from his Excellency the Governor, upon a certificate of the officer under whose direction the charge shall have been incurred.

Resolved,—That her Majesty's Council will concur with the Assembly in appropriating the sum of £1500 to the district of St. John's, and the further sum of £1500 for the other districts, as proposed in the last supply bill, to be applied by commissioners to be appointed by his Excellency, towards relieving the poor, or any further sum which the Assembly may deem requisite for that purpose—the expenditure to be general throughout each district, and not to be confined to the inhabitants of any particular town or place.

Resolved,—That, with an earnest desire to meet the wishes of the Assembly, her Majesty's Council will apply their best consideration to the reasons which may move the Assembly to propose any other grant so soon as they shall be part in possession of the facts and circumstances inducing the appropriation of such further sums.

Resolved,—That the Council concur in a bill granting to her Majesty a sum of money for paying forty-two pounds to each Member of

For roll p 21

Message—

the Assembly who shall have attended his duty for that number of days during the session, to be certified by the Speaker.

H. J. BOULTON, P. C.

Council Chamber, }
3rd Nov., 1837. }

On motion of Mr. Nugent, seconded by Mr. Kent,

Its consideration deferred till Monday.

Ordered,—That the consideration of the said message be deferred until Monday next.

Then the House adjourned until Monday next, at twelve of the clock

Monday, November 6, 1837.

Message to be sent to Council.

MR. KENT presented to the House a message to her Majesty's Council, in reply to the message from the Council to the House on Friday last; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

Mr. President—

The House of Assembly having taken into consideration the message of her Majesty's Council of last Friday, together with the Resolutions of the Council accompanying the same, take leave to say that they are at a loss to conceive how it would be more calculated to advance "the business of the Legislature to a close," to have five new Supply Bills originated in the Assembly, as therein required—brought to maturity there, and transmitted to that body for consideration—than to have the Council determine at once, upon the single bill that is at present before them a third time; and particularly as in the first, second, third and fifth Resolutions, they now express an approval of almost all the principal provisions therein embodied.

If the objections of her Majesty's Council implied in the fourth Resolution were correctly founded, they would have been more fitly made when the first Supply Bill had been before that hon. Board, or at all events when the second was under their consideration; but it was because all the votes therein adverted to, were founded on petitions introduced to this House with the approval or consent of his Excellency the Governor, and because the House were otherwise convinced of the propriety of granting them, they were, in the usual manner, and agreeably to unvarying precedent, embodied in the general bill of supply.

Now, however, when through an anxious desire to promote the public service, the House of Assembly have sent up a third bill for the consideration of her Majesty's Council, and are most solicitous to be immediately discharged from their labours; and particularly as their opinions have already in several conferences been laid before the Council on the objections of that body to the bill, they feel themselves compelled to insist upon adhering to the principles laid down in their last conference—to insist upon the present bill in its totality.

But should her Majesty's Council be prepared to incur the heavy responsibility of impeding the operations of the Executive by a refusal to defray the salaries of the public officers, voted by this House with the utmost liberality—embarrassing the Legislature by a refusal to defray their contingent expenses—and consigning the poor to misery and starvation by a refusal to grant at a time of unparalleled distress three thousand five hundred pounds for their relief—should her Majesty's Council, after the Assembly had thrice given them an opportunity of considering the measure, be prepared to take upon themselves so serious a responsibility, then shall the Assembly have no other alternative but forthwith to address a prayer to his Excellency, by an immediate prorogation, to close a session already unreasonably protracted.

Message—

On motion of Mr. Kent, seconded by Mr. Doyle,

Resolved,—That the said message be adopted, and sent to her Majesty's Council.

adopted.

Ordered,—That Mr. Kent and Mr. Doyle do carry the said message to her Majesty's Council.

Sent to Council.

Mr. Nugent presented to the House the draft of an address to his Excellency the Governor, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again read and is as follows :

Draft of address to his Excellency presented & read.

*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 Is-
land of Newfoundland and its Depend-
encies, &c. &c. &c.*

May it please Your Excellency,

We, her Majesty's faithful Commons of Newfoundland, in General Assembly convened, beg leave to approach your Excellency as the Representative of our most Gracious Sovereign, praying your Excellency to afford the protection of the Laws and Constitution of England to the privileges and powers of the Representatives of her Majesty's most loyal and devoted subjects the people of Newfoundland, which have been declared to be "the privileges and powers of the people,"—(see Justice BLACKSTONE in Wilkes's case)—and which have been grossly violated by the Hon. Henry John Boulton, Chief Judge of the Supreme Court, and President of her Majesty's Council, and by Benjamin Greer Garrett, Esq., High Sheriff of Newfoundland.

On the occasion of the opening of the present session of the Legislature, your Excellency was pleased, on the part of your Excellency's Sovereign, to guarantee to this Branch of the Legislature the ancient privileges of Parliament, "Liberty of speech and of deliberation" upon all matters and things that may come before them—"Freedom from arrest or trouble of their persons and estates," and "Liberty of access unto your Excellency."

It will appear evident to your Excellency that without the protection of the ancient and important privilege of "Freedom of Debate and Proceedings," it were better that no Legislature should have existence, for as the great object of the institution of the General Assembly is the

Address.

enactment of Laws for the redressing of wrongs, the repressing of injuries, for the prevention of injustice, as well as the promotion of the general interests of the community, that object would be utterly defeated were apprehensions of personal responsibility to impede or neutralize the discharge of the public duties of the Members.

In the fulfilment of the trust reposed in them, the House of Assembly did, on Friday the 25th day of August, in the present session of the Legislature, entertain the question, due notice having been given thereof, of an enquiry into the present state of the administration of Justice in Newfoundland, upon which occasion Patrick Morris, Esq., Member for the district of St. John's, introduced the question in a speech of considerable length, in the course of which he adverted to the manner in which Justice had been administered by the Hon. Henry John Boulton, and the manner in which Juries had been empanelled by the High Sheriff, and the House judging that as that speech contained many references to documentary evidence, it would tend to save the time of the committee of the whole House appointed for the purpose adverted to, if the speech itself were placed in the hands of the Members, it was on the 31st of the same month, ordered, by a vote of the House, to be printed.

The committee of the whole House entered upon the enquiry hereinbefore mentioned, and devoted much time and great attention to the elucidation of a question of so much importance, but in every step they took did they find the influence of the Hon. Henry John Boulton opposing obstructions and raising difficulties to prevent the acquisition of the evidence judged by the committee to be necessary.

At length after a patient investigation, and having examined several most respectable witnesses, and considered a great mass of documentary evidence, they were on the 10th October able to make a Report—but, in consequence of the impediments beforementioned, they were obliged to confine their Report almost exclusively to the state of the administration of Justice in the Supreme Court, and in that Report they came to the conclusion "*that the wide-spread discontent and dissatisfaction at the conduct of the Honorable Henry John Boulton, in the administration of his office as Chief Judge, are well and substantially founded, AND THAT HIS CONTINUANCE IN OFFICE WOULD BE INCONSISTENT WITH THE PUBLIC GOOD—THE MAINTENANCE OF PUBLIC TRANQUILITY.*"

On Saturday, October 14, in compliance with a recommendation of the committee of the whole, the House proceeded to appoint three Delegates to repair to London to lay at the foot of her Most Gracious Majesty's Throne the prayer of the People of Newfoundland, through their Representatives, for the immediate removal of a Judicial Functionary thus convicted of "Party Prejudice," and of "injustice and illegality in his decisions on the Bench."

No sooner were the Honorable the Speaker, Mr. Morris, and Mr. Nugent, elected by the House as persons enjoying its confidence and that of the public for the above purpose, than the Honorable Henry John Boulton, President of one Branch of the Legislature, outraged the privileges of the other by instituting a suit in the Supreme Court against three of its Member—two of whom had just then been so elected as Delegates—in order to impede the proceedings of this House, to obstruct the legitimate course of Justice, and delay that punishment due to his offences which must necessarily result from their mission.

May it please Your Excellency,—

The ostensible charge alleged in the declaration of that Honorable individual against the two Members of the Delegation of this House before-mentioned—Patrick Morris, Esq., John V. Nugent, Esq., as well as against John Kent, Esq.,—is the publishing words spoken by an Hon. Member of the Assembly (Mr. Morris) in discharging his duty as a Representative of the people, although the publication of those words was especially ordered by a vote of the House, and therefore it is that we humbly pray your Excellency to redeem, upon this important occasion, the high guarantee of the Crown for the security of the “powers and privileges” of this House, pledged through your Excellency at the opening of the present Session—for they are “the powers and privileges of the people.”

May it please Your Excellency,—

For many centuries in Britain there never was a thrust made at the liberties of the people but through contempts against, and violation of, the privileges of the Commons' House of Parliament.—The most reckless career of profligate outrage against those privileges marked the inglorious reign of the unfortunate Stuarts, and the object of those outrages, committed or permitted by those unhappy monarchs, was always sure to be the punishment of virtuous but intrepid members for daring, in their places in Parliament, to denounce the iniquities and the despotism of the time—or to throw the shield of power over the heads of high public offenders—or to usurp an unconstitutional control over the public revenues by dictating the manner of granting supplies; but these headlong attempts to break down public freedom had no other effect than to cause to one Sovereign an ignominious death upon the scaffold, and to another a perpetual exile from that Throne which he had disgraced, and the Country he had sought to enslave.

May it please Your Excellency,—

The ninth article in the declaratory part of the Bill of Rights lays it down “that the freedom of debates and proceedings in Parliament ought not to be impeached or questioned in any Court or place out of Parliament.”—The most eminent English Judges that ever adorned the Bench of Britain have laid it down that “the House of Commons is a Supreme Court, and they are Judges of their own Privileges and Contempts.”—Lord Coke, 11 Rich. 2. (4 inst., fol. 15., and fol. 50)—Lord Chief Justice North, in Soames' Case, 26 Charles 2.—Lord Chief Justice Rainsford in the Earl of Shaftesbury's Case, 1675,—Mr. Justice Wright in Murray's Case, 1751, as well as Justice Dennison and Justice Foster in the same Case,—Lord Chief Justice de Grey in the Lord Mayor of London's Case, 1771, as well as also in the same case, Justice Gould and Justice Blackstone.—In 1771, in Oliver's Case, the Lord Chief Baron Parker, Mr. Baron Smythe, Mr. Baron Adams, and Mr. Baron Perrot,—in 1779, in Flower's Case Lord Chief Justice Kenyon and Mr. Justice Grose reiterate that opinion; and to question in a Court where the influence of Judge Boulton is acknowledged to be paramount, and of his improper exercise therein of which influence this House have registered their opinion founded upon evidence,—in such a Court to question Members of this House for words spoken or a publication ordered by this House, is calculated to sap the very foundation of the liberties of the Country by deterring the Representatives of the people from the discharge of their duty in the investigation of the crimes of persons high in office or the removal of public abuses, and therefore we implore your Excellency to protect the Members of this House in the assertion of the

rights and privileges of the Representative Branch of the Legislature, and to prevent the auspicious dawn of the happy reign of our Glorious and Good young Queen from being darkened by a deed only befitting the days of the despotism and tyranny from which we had been freed by the accession of her Majesty's illustrious ancestors to the Throne.

Address agreed to.

And the said address having been read throughout a first and second time, was, upon the question put thereon, agreed to by the House.

Engrossed.

Resolved,—That the said address be engrossed and presented to his Excellency by Mr. Speaker and the whole House.

Committee to wait upon his Excellency to know when his Excellency will receive it.

Ordered,—That Mr. Nugent and Mr. Kent be a committee to wait upon his Excellency to know his Excellency's pleasure when he will be attended by the House with the said address.

On motion of Mr. Winsor, seconded by Mr. Morris,

To be printed.

Ordered,—That the said address be printed for the use of the Members.

Then the House adjourned until Wednesday next, at twelve of the clock.

Wednesday, November 8, 1837.

Report of committee appointed to wait on his Excellency to know when his Excellency would be attended with an address.

MR. NUGENT from the committee appointed to wait upon his Excellency the Governor to ascertain when his Excellency would be pleased to receive Mr. Speaker and the whole House with the address passed on Monday last, reported that they had waited on his Excellency accordingly, and presented his Excellency with the copy of the address, and his Excellency was pleased to say he should communicate by message his reply.

Petition of J. L. M'Kie and others presented and read.

A Petition of John L. M'Kie, Patrick Cleary, and others, inhabitants of Bay Bulls and Witless Bay, was presented by Mr. Winsor, and the same was received and read as follows:—

TO THE HONORABLE THE HOUSE OF ASSEMBLY OF
NEWFOUNDLAND.

The Memorial of the inhabitants of Bay Bulls and Witless Bay—

Humbly Sheweth—

That your Memorialists, inhabitants of Bay Bulls and Witless Bay, beg leave humbly to approach your Honorable House, and most explicitly to state how duly we appreciate the benefits derived to this Colony from your exertions in promoting its interests during the present Session of our Local Legislature.

Amongst the many acts introduced by you to improve the condition of the Colony, or promote the interests of its inhabitants, there is none we conceive of such paramount importance as that to which you have so very particularly directed your attention, namely, the formation and perfecting Roads throughout the Island.

It is singular enough that this first step towards civilization had not been taken at an earlier period, or that for you should be reserved the attainment of that laudable object, which we hope will cause future generations to bless your name.

While, however, we could not refrain from thus lauding your exertions, we are sorry to be obliged to remark, that in the appropriations of money for the Roads of this District no due consideration has been held, either with regard to distance, or the relative importance of the different settlements, both of which would seem to be standards by which you have been solely regulated in other Districts; and we must be permitted to add, that to the absence of correct information is attributable, and to no other cause, the strikingly disproportionate sum which have been allotted on this score to the Southern and Northern part of this District.

Thus, from Renews to Ferryland, a space embracing about nine miles, the sum of £675 has been appropriated, whereas that from Bay Bulls to Toads Cove, of nearly equal distance, £330 has been deemed sufficient. It is moreover particularly worthy of remark, and there is only one way of accounting for it, which we forbear to name, that a sum of £225 has been appropriated for a Road between Aquafort and Ferryland, a distance of only three miles, at the same time that only £100 is given to form a Road from Witless Bay to Bay Bulls, between which populous settlements, owing to their relative situation, there is a daily and constant intercourse kept up.

It may not be amiss to mention here that Bay Bulls alone contains a population equal, if not greater, than that of Ferryland and Aquafort taken collectively.

We trust your Honorable House will take these matters into your serious consideration, grant us that portion of money voted for Roads to which we think in justice we are entitled, and as in duty bound we shall ever pray.

Bay Bulls, Nov. 2, 1837.

Ordered,—That the said petition do lie upon the table.

A Petition of Joseph Templeman was presented by Mr. Nugent, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same) and the said petition was received and read as follows :—

TO THE HONORABLE THE COMMONS OF NEWFOUNDLAND IN GENERAL ASSEMBLY CONVENEED.

The humble petition of Joseph Templeman—

Sheweth—

That your petitioner has for the last six or seven years been in the habit of keeping a Register of the Meteorological Phenomena of the climate of this Island.

That having with much care and pains compiled from his observations a Table shewing the mean temperature of the climate and the mean height of the Barometer during the 3½ years, ending 30th June last, he was induced to transmit a copy of it to her Majesty's Colonial Secretary of State, from whom he has received the accompanying gratifying acknowledgment.

That in laying before your Honorable House a copy of the same table, he begs respectfully to submit that from the circumstance of petitioner being the first individual who has kept any authentic journal in this branch of science, and the present publication being the first that has appear-

Petition.

To lie on the Table.

Petition of J. Templeman presented and read.

Petition.

ed on the above interesting subject (for any continuous period) and from his table being calculated to afford much useful knowledge respecting the peculiar nature of this climate, the result of petitioners observation's is, he humbly conceives, well deserving the attention of your Honorable House.

That it being the policy of all civilized nations to foster scientific institutions and to encourage the publication of useful knowledge appertaining to them respectively, petitioner feels assured that your Hon. House needs no incentive to the promotion and encouragement of the same desirable objects in this Colony; and supported as he is by the favorable opinion expressed by her Majesty's Secretary of State (who, as the House will perceive, has been pleased also to express a desire for further communications of the same kind) your petitioner appeals with confidence to your Honorable House for the grant of a suitable reward out of the Colonial Funds.

That your petitioner would not apply to your Honorable House for any reward for the merit that may be due to him in this behalf did he not feel satisfied that his request was one which the House might with propriety entertain, and he has therefore the greater confidence that his petition will meet a favorable, and its prayer a just and impartial consideration. And petitioner, as in duty bound, will ever pray.

To lie on the Table.

Ordered,—That the said petition do lie upon the Table.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, November 9, 1837.

House meet & adjourn.

THE House met pursuant to adjournment, and there being no business before the House, at two o'clock the House adjourned until to-morrow, at twelve of the clock.

Friday, November 10, 1837.

House meet and adjourn.

THE House met, and there being no business before the House, at half-past two o'clock it adjourned until to-morrow, at one of the clock.

Saturday, November 11, 1837.

Letter of instruction to Solicitor presented and read.

MR. NUGENT presented to the House a letter of instruction to the Solicitor of the House, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read and is as follows:—

House of Assembly, Nov. 11, 1837.

Letter

SIR,—By a vote of the House of Assembly you are ordered to make the necessary arrangements forthwith towards the defence in the cases of Boulton vs. Morris, Kent and Nugent, and Garrett, vs. Morris.

You shall not suffer the latter case to have priority of the former—you shall enter a plea of privilege and whatever other pleas shall be deemed advantageous—and in the event of the plea of privilege being overruled, and a verdict *for any amount of damages* being returned by the Jury or Juries in either or both cases, you shall lodge an appeal to her Majesty in Council.

I have the honour to be, Sir,
Your most obedient,
Humble Servant.

To Charles Simms, Esq.,
Solicitor of the
House of Assembly.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the said Letter be adopted and signed by the Speaker, and transmitted to Charles Simms, Esq., Solicitor of the House of Assembly.

adopted.

On motion of Mr. Winsor, seconded by Mr. Kent,

Resolved,—That it be a further instruction to the delegation to pray her Majesty that in selecting Judges for this colony, none be chosen connected with the parties or politics of the colonies.

Further instructions to delegates.

Resolved,—That it be a further instruction to the delegation to pray her Majesty that no Judge of the Supreme Court of Newfoundland be permitted to sit in either House of the General of Assembly of this Island.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, November 13, 1837.

MR. Speaker laid before the House a letter from the Honorable Mr. Secretary Crowdy acquainting the House, by command of the Governor, that it is his Excellency's intention to prorogue the present session of the Colonial Legislature on Thursday next, at 2 o'clock; and also that his Excellency will, on the same day, at 12 o'clock, receive the House of Assembly with their address, of which a copy was presented to him on Wednesday last.

Letter from Hon. Mr. Secretary Crowdy.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message:—

Message from her Majesty's Council.

Mr. Speaker,

Her Majesty's Council request the House of Assembly will lay before them a copy of the instructions and reports to be furnished to the dele-

gates appointed to treat with her Majesty's Government on certain matters, and for the expense of whose mission a sum of five hundred pounds is provided in the supply bill now before the Council, and also what mode is proposed to be adopted for the appointment of such delegates.

H. J. BOULTON, P. C.

Council-Chamber, }
13th November, 1837. }

And then the Messenger withdrew.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message :

Mr. Speaker,

Her Majesty's Council request the House of Assembly will lay before them any information the Assembly may possess relative to the facts and circumstances which induced them to make grants in the Supply Bill to Johanna Molloy, Captain Pearl, R. N., and the Clerk of the Peace at Harbor Grace.

H. J. BOULTON, P. C.

Council-Chamber, }
13th Nov. 1837. }

And then the messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a committee of three be appointed to prepare a message to her Majesty's Council in reply to the messages sent down from the Council this day.

Ordered,—That Mr. Nugent, Mr. Kent, and Mr. Winsor, do form such committee.

Then the House adjourned until to-morrow, at twelve of the clock.

Tuesday, November 14, 1837.

Letter from Hon. Mr. Crowdy.

MR. Speaker laid before the House a Letter from the Honorable Mr. Secretary Crowdy informing the House by desire of his Excellency the Governor that should there be any unfinished matter of importance before the House to make an extension of the session desirable, his Excellency will postpone the prorogation until Saturday next ; and in this case, with a view to prevent any interruption of its labours, his Excellency will receive the House of Assembly with the address on Saturday, at 12 o'clock, instead of on Thursday, as at present arranged.

Message from her Majesty's Council.

Resolution for committee to prepare message to Council.

Committee.

Mr. NUGENT, from the committee appointed yesterday to prepare a message to her Majesty's Council, reported that the committee had prepared the said message accordingly, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows:

Message to be sent to Council.

Mr. President—

The House of Assembly in reply to the two messages transmitted to them on yesterday, on the subject of certain grants comprehended in the Bill of Supply at present before the Council, although they cannot at this late period of the session consent to make any alteration in that measure, yet from that anxious desire which they have always manifested to maintain a good correspondence with her Majesty's Council as a co-ordinate Branch of the Legislature, have determined to furnish upon these subjects all the information requested by that Body.

They therefore, in compliance with the request contained in the first message, consent to lay before the Council copies of the "Report of a committee of the whole House on the present state of the administration of Justice in Newfoundland," and the Reports of Select committees "on the present state of the Agriculture," and of "the Fisheries of this colony," together with a copy of the instructions to "the delegates appointed to treat with her Majesty's Government on certain subjects;" but in reply to that part of the message wherein the Council require "what mode is proposed to be adopted for the appointment of such delegates," the House of Assembly beg to acquaint the Council that the delegates have been already appointed by votes of this House, passed *nemine contradicente*, and shall, under every circumstance, proceed on their mission at the close of the session.

On the subject of the Grants, mentioned in the second message of yesterday, the House take leave to acquaint her Majesty's Council that the vote to Mrs. Molloy was granted on a petition presented to this House by permission of his Excellency the Governor; and as the House saw that her husband had been for many years a respectable medical practitioner in this Island, they judged his wife a very fit object of legislative support, when suddenly reduced from comfort and independence, to a state of destitution, by means of her husband's insanity.

The grant to Captain Pearl, R. N. is, in like manner, a vote founded on a petition from that gentleman, presented to this House under the sanction of his Excellency the Governor; and as that petition came before the House strongly supported by a letter from the Chairman of the Committee from which Captain Pearl derived the appointment, they considered the evidence of the Chairman conclusive of the validity of his "claim;" and as the then Chairman is now distinguished by a seat in her Majesty's Council, the House of Assembly feel not a little surprised that the Council should be at a loss for information on the subject.—(See the Letter subjoined.)

With regard to the Clerk of the Peace at Harbor Grace, the House of Assembly could not discover upon what principle, in this colony where there are four such officers, this person is particularly selected for a salary, while those of the capital of the Island, of Ferryland and Trinity, are suffered to go without any. In the Government estimate sent down to this House in 1834, there is not the least advertence to this officer. In 1835, we find that the sum of £18 is asked for as his salary in the

Message—

estimate, but, desiring to economise, the House voted £50 to that officer on the recommendation of the Police Committee to cover the expense of Civil and Criminal Prosecutions, but to no purpose—the £50 were drawn, and the expense of the prosecutions not lessened. And in 1836, the committee on Police recommended to have a salary paid that officer in lieu of all fees; but the returns of the Blue Book prove that this officer took both salary and fees; therefore it was that this House, regarding the duties of that office now as exactly the same as they were in 1835, when his Excellency Governor Prescott estimated his services at £18, made no objection to grant that sum for the current year.

The House having thus, in their solicitude to support a right understanding with her Majesty's Council, at a period when the public interests especially require it, complied with every request made by that Hon. Body, beg leave emphatically to protest against these repeated violations of the privileges of this Branch of the Legislature.

The House of Assembly are at a loss to conceive whence her Majesty's Council have derived a precedent for the course at present pursued on the supply bill. The Commons House of Assembly consists of the Representatives of the people, returned by the free voice of the people, and possessing their unbounded confidence; and as it is for them to raise revenues from the produce of the industry of the people, so is it their undoubted right and dearest privilege, to appropriate these revenues for the promotion of the public interests, in such manner as they, on the part of the people whom they represent, shall judge necessary; and therefore do they regard the requests of her Majesty's Council, as conveyed in the message of yesterday, highly derogatory from the privileges of this House.

The only precedent furnished by Hatsell of "reasons" being sought by the Lords "for passing a bill" in the Commons, is in vol. 4. page 3, so far back as 1575—nearly three centuries ago—but even then the Commons indignantly repelled the right assumed by the Lords to make "*the request*;" but in page 48, in terms of strong condemnation, he adverts to the existence of others—his observation is as follows:—"And though some of the more ancient precedents are of instances where one House of Parliament has demanded of the other their reasons for bringing in, or amending, or refusing to agree to, certain bills, these proceedings (as they were properly declared to be irregular as long as the year 1575, in the case of Lord Stourton's bill; and again, in 1661, upon the bill for the execution of persons attainted of high treason) ought not to be followed as examples; because, *instead of composing differences, they tend rather to raise disputes*, touching the privileges and independency of that House, of whom such reasons are demanded." In more modern times the privileges of the Representative Branch of the Legislature are better understood, and in proportion as freedom has progressed and tranquillity pervaded the realm, so have the mutual jealousies which in times of Civil convulsion, marked the character of the two Houses of Parliament, been gradually subsiding; until, according to Hatsell, vol. 3, page 132, "the commons have asserted and maintained this claim through such a long and various course of precedents, particularly from the time of the restoration to the beginning of this century, *that the Lords have now for many years desisted*, either from beginning any bill, or from making amendments to bills passed by the Commons, which either in the form of positive taxes, or pecuniary penalties, or in any other shape, might, by construction, be considered as imposing burthens upon the people."

Message.

The same learned writer on the precedents of Parliament observes, vol. 3, page 62,—“The House of Commons have, on their part, asserted, and, I believe, invariably preserved the exclusive exercise of the right,” as expressed in the Resolution of 3d July, 1678, “That bills of Supply, imposing burthens upon the people should be the grant of the Commons, and that the Lords should have no other voice than, as one branch of the Legislature by their assent to give the authority of a Law to the levying of those aids and taxes which the commons shall think wise and fitting to impose.” And again, in page 76, he remarks, “on the other hand the Lords ought not to intermeddle with, but to leave to the House of Commons that jurisdiction and those rights which they on their part are equally entitled to: I mean the *exclusive* right of judging in all matters relating to their privileges, and to the election of their own Members; and of granting, arranging and disposing of all aids and taxes to be levied on the people;”—and in pages 133 and 134, he traces these privileges back to the reign of Henry IV., when in 1407, the famous bill entitled “the Indempnity of the Lords and Commons,” was passed into a Law.

The House of Assembly, then, will never admit that they are less the Representatives of the people than are the House of Commons of England, nor less in the confidence of those whom they represent, nor less the guardians and dispensers of the public treasures, and never will they permit a body constituted as is her Majesty’s Council, to assume rights superior to those exercised by the British House of Lords.

In acceding, therefore, to the requests of yesterday, the House of Assembly merely would be understood, as testifying their anxious desire to facilitate the movements of the machinery of Government, to free the Executive from the embarrassments arising from the accumulation of debts to public officers, and to other engagements now of seven months standing—to relieve the necessities of the poor, but above all things, in order that a Session so tedious, so pregnant with difficulties, may close in a spirit of conciliation and kindness becoming the several branches of a deliberative Assembly, but by no means as laying down a precedent for the future in thus voluntarily sacrificing all precedent to the extreme exigency of the time.

Extract of a Letter to Captain Pearl, R. N., dated November 22, 1831:—

“I shall consider it a pleasing part of my duty, as Chairman of the committee, to bear my testimony to the zeal and assiduity which you exhibited in the discharge of the duties imposed on you by the committee, and to forward as far as in my power your claims on that committee.

Yours, truly,

WM. THOMAS,

Chairman of the committee of 1830.”

Captain JAMES PEARL, R. N.,
&c. &c. &c. &c.”

On motion of Mr. Nugent, seconded by Mr. Doyle,

Resolved,—That the said message be agreed, to and sent up to her Majesty’s Council.

Agreed to.

Ordered,—That Mr. Nugent and Mr. Doyle do carry the said message to her Majesty’s Council.

Sent to Council.

Then the House adjourned until to-morrow, at one of the clock.

Wednesday, November 15, 1837.

Petition of J. Callahan and others presented and read.

A Petition of James Callahan, William Samson, and others, inhabitants of King's Cove, Broad Cove, and Keels, was presented by Mr. Nugent, and the same was received and read setting forth:—

The bad state of the Roads between those places and the inconvenience and danger they are subject to in consequence, and praying the House to grant a reasonable sum of money for repairing the same.

To lie on the Table.

Ordered,—That the said petition do lie upon the Table.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

The Master-in-Chancery brought down from her Majesty's Council the following written message:

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the Thirtieth day of June in the year of our Lord One thousand Eight hundred and Thirty-eight, and for other purposes," with some amendments to which they request the concurrence of the Assembly.

H. J. BOULTON, P. C.

Council-Chamber, }
15th November, 1837. }

And then the Messenger withdrew.

Amendments read.

The amendments made by the Council in the said bill were then read a first time and are as follow:

In the Title of the Bill expunge the words "and for other purposes."
In the preamble, 7th line, between the words "Colony" and "the," insert the word and, and after the word "Justice" expunge the words "and the contingent expenses of the Legislature."

In the 1st Sec. 2d page 3d line.—Expunge the words "Nineteen thousand and One hundred and Sixty-eight pounds Two shillings," and insert in their stead Fifteen thousand and Ninety-six pounds Two shillings and Two pence.

" " 11th line.—Expunge the words "and for other purposes."

" 4th 13th line.—Expunge the words "Three hundred and Seventy-two pounds," and insert in their stead, Four hundred and eleven pounds.

" " 21st line.—Expunge the word "Twelve," and insert Twenty-five in its stead.

" " 22d line.—Do. do. do. do.

- 1st Sec. 5th page 2d line.—After the word “Renews,” expunge the word “twelve,” and insert the word twenty, in its stead. Amendments.
- “ “ 13th “ Insert the word five, between the words “twenty” and “pounds.”
- “ “ 14th “ Insert, and a further sum of twenty-five pounds to the Gaoler of Burin.
- “ 6th 3d “ Expunge the words “seventy-four,” and insert the words eighty-six, in their stead.
- “ “ 5th “ Expunge the word “one,” and insert two, in its stead.
- “ “ 6th “ Expunge the words “twenty-five,” and insert thirty-seven, in their stead.
- “ “ 10th “ Expunge the words “one hundred and ninety,” and insert two hundred and eleven, in their stead.
- “ “ 12th “ Expunge the letter “a,” and insert the word two, in its stead.
- “ “ 13th “ Expunge the word “twelve,” and insert the word fifteen, in its stead.
- “ “ 21st “ After the word “pounds,” insert the words, a Constable at Torbay, eighteen pounds.
- “ 7th 4th “ After the word “stationery,” expunge the words, “exclusive of the Sheriff’s office.”
- “ “ 19th “ After “the Sheriff’s house,” “expunge the words, “and office.”
- “ “ Expunge the 22d, 23d and 24th lines.
- “ 8th 22d “ Expunge all the words beginning with the word “and,” in this line, and ending with “1837,” in the next page.
- “ 9th 2d “ Expunge all the words, beginning with “and,” in this line, and ending with “small pox” in the 10th line.
- “ “ 15th “ Expunge all the words between the words beginning with “and,” in this line, and ending with “pounds,” at the bottom of the page.
- “ 10th 14th “ After the word “pounds,” expunge the remainder of the line, and also the 15th and 16th lines.
- “ “ 19th “ Expunge the two last words of the 19th line, and the whole of the 20th and 21st lines.
- “ 12th 6th “ Expunge the 6th, 7th, 8th, 21st, 22d, 23rd and 24th lines.
- “ 15th Expunge the 15th page, and the first 20 lines of the 16th page.

Amendments.

In the 1st Sec. 17th page.—Expunge 16th, 17th and 18th lines, and from the word “General,” in the 22d line, expunge the remainder of the page.

“ 18th page 1st line.—Expunge the first 11 lines.

“ 20th “ Expunge the 5th, 6th, 7th and 8th lines.

“ “ “ 12th line.—From the words “Conception Bay,” in the 12th line, expunge the remainder of the page.

Ordered,—That the said amendments be now read a second time.

Amendments read 2nd time and negatived.

The first amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The second amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The third amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The fourth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The fifth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The sixth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The seventh amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The eighth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The ninth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The tenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The eleventh amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twelfth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The thirteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The fourteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The fifteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The sixteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The seventeenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The eighteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The nineteenth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twentieth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it was passed in the negative, *nemine contradicente*.

The twenty-first amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-second amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-third amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-fourth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-fifth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-sixth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-seventh amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-eighth amendment being read a second time, and the

Amendments negatived.

question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The twenty-ninth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The thirtieth amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

The thirty-first amendment being read a second time, and the question being put that the House do agree with the Council in the said amendment, it passed in the negative, *nemine contradicente*.

On motion of Mr. Kent, seconded by Mr. Nugent,

Conference desired.

Resolved,—That a conference be desired with her Majesty's Council on the subject matter of the said amendments.

On motion of Mr. Nugent, seconded by Mr. Kent,

Committee to draw up reasons.

Ordered,—That a committee be appointed to draw up reasons to be offered to her Majesty's Council at the said conference.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Doyle, and Mr. Butler, do form such committee, and withdraw into the Speaker's Chamber and make their report with all convenient speed.

Report.

Mr. Nugent reported from the said committee that they had drawn up reasons to be offered at the said conference, which they had directed him to report to the House, which he read in his place and afterwards delivered in at the Clerk's table, where they were again read, and are as follow :—

The House of Assembly have desired the present conference in order to express their exceeding regret that her Majesty's Council should have persevered in pursuing, with respect to the Supply Bill, the extraordinary and unconstitutional course which marks all their proceedings up to the present moment.

The reiterated dictation of her Majesty's Council to this House as to what Bills of Supply should be originated, and the manner as well as the matter of their constitution—but particularly the unprecedented circumstance of the Council sitting in committee of supply and taking evidence, and in secret too, upon the grants voted by the House of Assembly, as well as their unparliamentary refusal to permit a committee of the Assembly to peruse the Report of Committee, in order to the correction of the misrepresentations therein embodied, until they had first given it publication through the public press,—and finally the sending down the Bill with amendments, notwithstanding the repeated declarations of this House on the subject of their privileges,—all these concur to compel the House of Assembly to adopt that course which the British House of Commons pursued in the year 1700, on the occasion of the Lords' sending down with amendments the Bill entitled "An act for granting an aid to his Majesty, by sale of the forfeited and other Estates and Interests in Ireland, and by a Land tax in England, for the several purposes therein mentioned"—but none of which amendments went to affect the quantum or the manner or the matter of the said supply or aid ; and in

pursuing this course the House of Assembly beg leave to adopt not only the spirit but the very letter of the instructions of the House of Commons as follow, viz.

“The Commons” House of Assembly “cannot agree to the amendments made” by her Majesty’s Council to this Bill for that all aids and supplies granted to her Majesty in Parliament are the sole and entire gift of the Commons ; and as all bills for the granting of such aids and supplies begin with the Commons, so it is the undoubted and sole right of the Commons to direct, limit and appoint in such bills the ends and purposes, considerations, limitations and qualifications of such grants, which ought not to be changed or altered by “the Council.”

“This is well known to be such a fundamental right of the Commons that to give reasons for it has been esteemed by our ancestors to be a weakening of that right.

“The Commons” House of Assembly “therefore leave the Bill and the amendments with the “Council,” together with the ill consequences that may attend the not passing the bill.”—(Hatsell, vol, 3, p. 454, appendix No. 12.)

Resolved,—That the said report be agreed to by the House.

Report agreed to.

On motion of Mr. Nugent, seconded by Mr. Kent,

Ordered,—That Mr. Nugent and Mr. Kent do go up to her Majesty’s Council and desire the said conference.

A MESSAGE FROM HER MAJESTY’S COUNCIL.

The Master-in-Chancery brought down from her Majesty’s Council the following written message :

Message from her Majesty’s Council.

Mr. Speaker,

Her Majesty’s Council accede to the conference requested by the House of Assembly on the subject matter of the amendments made by the Council in a Bill sent up from the Assembly entitled “An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of Our Lord, One thousand Eight hundred and Thirty-eight, and for other purposes,” and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council immediately.

H. J. BOULTON, P. C.

Council-Chamber, }
15th November, 1837. }

And then the Messenger withdrew.

Ordered,—That the committee who drew up the reasons for the said conference do manage the conference.

Managers named.

And the managers went to the conference—and being returned,

Conference held,

Mr. Nugent reported the conference, and that they had given the Council the reasons for disagreeing to the Council’s amendments, and left the Bill and amendments with the Council.

Report.

On motion of Mr. Kent, seconded by Mr. Doyle,

Documents to be signed
by the Speaker.

Resolved,—That in order to guard against accidents, original copies of the petitions of this House to her Majesty on the administration of Justice, the Agriculture and Fisheries of this colony, and of the address of condolence and congratulation to her Majesty, be signed by the Speaker, and transmitted to her Majesty's Government through his Excellency the Governor.

Then the House adjourned until to-morrow, at twelve of the clock.

Thursday, November 16, 1837.

Notice of motion respecting
certain proceedings
in the session of 1834.

MR. Nugent gave notice that, to-morrow, he should move that this House resolve itself into a committee of the whole on certain proceedings had in the third session of the General Assembly on Saturday the 3d May, 1834, on the subject of a message from his Excellency the Governor complaining of an expression used by William Carson, Esq., M. D., and then Representative of the district of St. John's, in a memorial addressed by him to his Excellency.

Message from her Ma-
jesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they have adopted the following Resolutions :

Resolved,—That the message delivered yesterday at the Bar of the Council by a deputation from the Assembly, besides the information requested by the Council by their message of Monday last, contained a variety of reasons why the Assembly had thought it proper to adopt a certain line of conduct upon the subject therein referred to, and at the same time animadverted in highly unbecoming terms upon the conduct of the Council towards them.

Resolved,—That if the Assembly had desired either to vindicate their own proceedings, or to express their disapprobation of the course pursued by the Council, such reasoning as they desired to offer could only be delivered at a conference, and that it is unparliamentary for one Branch of the Legislature to come to the Bar of the other to offer reasons upon any subject.

H. J. BOULTON, P. C.

Council Chamber, }
16th Nov., 1837. }

And then the messenger withdrew.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved,—That a committee be appointed to search the Journals of her Majesty's Council to ascertain what proceedings have been had upon the bill sent up from this House for granting certain supplies to her Majesty.

Committee to search
Council's Journals.

Committee.

Ordered,—That Mr. Nugent and Mr. Kent do form such committee.

Mr. Nugent reported from the said committee that they had searched the Journals of her Majesty's Council, and he read the report in his place, and afterwards delivered it in at the Clerk's where it was again read and is as follows :

Report of Committee.

“ NOVEMBER 16, 1837.”

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

Ordered,—That the instructions delivered to the Managers appointed by this House, to meet the Conferees on the part of the Assembly, at the last conference on the Bill sent up by the Assembly, entitled “ An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony for the year ending the thirtieth day of June in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes,” be referred to a committee of the whole House this day three months.”

Then the House adjourned until to-morrow, at one of the clock.

Friday, November 17, 1837.

MOVED by Mr. Nugent, seconded by Mr. Kent,

Resolved,—That the following message to her Majesty's Council be agreed to by this House :—

Message to be sent to Council.

Mr. President—

In reply to the message of this day, received from her Majesty's Council, the House of Assembly beg leave to acquaint that Body that they have adopted the following Resolutions, *nemine contradicente*.

Resolved,—That the message of this House, sent to her Majesty's Council on yesterday, and which forms the subject of the Resolutions sent down to this House this day, as it was strictly consistent with the precedents of the Legislature of Newfoundland, should not be regarded as infringing on the privileges of that Body.

Resolved,—That as the said Resolutions of her Majesty's Council are couched in obnoxious terms, in violation of the privileges of the Assembly, it would be inconsistent with the dignity of this Branch of the Legislature to consider them further.

Resolved,—That these Resolutions be communicated to her Majesty's Council by message.

Ordered,—That Mr. Nugent and Mr. Kent do communicate the said message to her Majesty's Council.

Committee to present it.

And being returned—

Mr. Nugent reported to the House that, having gone to the Bar of the Council to deliver the message of the Assembly, the President of the Council descended as usual from the chair to receive the same.—That

Report.

Report.

before, however, he, Mr. Nugent, had concluded the reading of the said message, the President withdrew from the Bar to the chair.—That the President, upon taking the chair, interrupted the reading of the message by addressing the Council, and exclaimed—“Honorable Gentlemen—a message has come to the Bar of this House in language improper to receive;—is it your opinion that it should not be received?”—That no Hon. Member replied, but that the President cried out again in a louder voice—“Is it your opinion that the Bar should be cleared?”—That no Hon. Member replied;—but the President again cried out, with a voice still louder,—“Bar! Bar!”—upon which he, Mr. Nugent, said—“I have now discharged my duty to the House of Assembly and to my Country”—and no person remaining at the Bar to receive the said message, he was constrained to fling the same within the Bar of the Council and he then withdrew, and that while he was withdrawing the President once more, in the loudest accents, cried out—“Kick it out, kick it out.”

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolutions.

Resolved,—That for her Majesty’s Council to appoint a committee to sit on Supply and take evidence on the Grants of Money voted by this House is a gross violation of the privileges of the Assembly.

Resolved,—That on Saturday, Nov. 11, after the report of the select committee of the Council on the Supply Bill had been received, a committee of this House appointed to search the Journals on that subject, were refused permission to peruse it, in further violation of the privileges of this House.

Resolved,—That on Monday, the 13th November, the aforesaid committee of this House were again refused permission to peruse the report of the said select committee of the Council in further violation of the privileges of this House.

Resolved,—That on the said Monday, November 13, the report of the said select committee, which had thus been twice refused to the Assembly, was placed in the hands of Mr. Withers, the Printer, and published in the Royal Gazette Newspaper, not only before the Assembly were allowed to see it, but before it was inserted on the Journals of the Council, in further violation of the privileges of this House.

Resolved,—That on the 14th May, 1834, the House of Assembly by message requested of her Majesty Council permission to see what items composed the “Contingencies” of that Body, but on the next day, by conference, the Council repudiated the right of the Assembly to make the enquiry, and indignantly refused the information.

Resolved,—That the Council have not either by message or conference, during the present Session, sought any information on the subject of the Assembly’s “Contingencies,” and therefore if it be true, as stated in the fourth paragraph of their report, that the Clerk of the Assembly refused to yield accedence to a surreptitious enquiry, he deserves the thanks of the Assembly for his independent discharge of his duty.

Resolved,—That the acknowledgement of the select committee contained in the 5th paragraph of their report, that they endeavoured to procure information *elsewhere* upon this point, is a betrayal of conduct highly unparliamentary, and is derogatory from the manly, straightforward, and honourable spirit which ought to animate a body of gentlemen.

Resolved,—That it is inconsistent with candor to embody in a report of a deliberative Assembly, information received clandestinely, and particularly when that information is of such a character, as that they “believe it to be tolerably correct.”

Resolved,—That the information contained in the said 5th and in the 6th paragraphs, and which the Council say they “believe to be tolerably correct,” is *not true*, and therefore a gross violation of the privileges of this House.

Resolved,—That the information contained in the 7th paragraph is *not true*, and therefore a further violation of the privileges of the Assembly by her Majesty’s Council.

Resolved,—That the 10th paragraph condemns the principle pursued by the Assembly in the Supply Bill, of voting individual salaries to individual officers—a principle not created by the Assembly, but laid down by the Executive in the Government Estimates sent down, and undeviatingly pursued by this House, and in this paragraph the Council dictate to the Assembly the manner in which public salaries should be voted—viz., in gross, and therefore is a further violation of the privileges of this House.

Resolved,—That the 11th paragraph of the said report imputing to Members of the Assembly personal feeling in the appropriation of the Public Revenues, is highly unparliamentary, and in further violation of the privileges of this House.

Resolved,—That the 12th paragraph of the said report, imputing an absence of honor in the appropriation of the public money, is highly unparliamentary, and a further violation of the privileges of this House.

Resolved,—That the statements contained in the 13th paragraph with respect to the Constable of Ferryland, are based on *misinformation*—the salary of that Officer for the year 1835, was only £10, but in the last Session of the Legislature it was improperly raised over others, and yet although this House have by the increase of Stipendiary Constables on that shore lessened the labour of that Officer, they have not brought down his salary to its former standard—a standard created not by the dictum even of the Assembly but by the Government Estimate of the value of his services, as sent to this House in 1835 and in 1836.

Resolved,—That it is not true, as stated in the same paragraph, that the reduction of the salary of that Constable was attributable to personal feeling on the part of the Member for that District, for if personal feeling were permitted to sway this House in that respect (and here they regret being compelled by the conduct of the Council, to advert to circumstances occurring out of doors) the Stipendiary Magistrate of that District, who was notoriously opposed to the return of that Hon. Gentleman, would not have had his salary as a Stipendiary Magistrate increased by the addition of £40.

Resolved,—That the statement made regarding the Constable of Torbay, in the 15th paragraph, is highly derogatory from the character of a Legislative Body, and evincing strong presumptive evidence of strong political leaning and party bias in her Majesty’s Council, while it is not the case as therein imputed, that in the withdrawal of the stipend from that office, they were actuated by political motive, if it be not a political motive to desire to have all offices, the salaries for filling which are paid by the people, filled by proper characters.

Resolved,—That when in open Court and by Witnesses examined upon oath, the conspiracy against the character of the people of St. Mary's was developed, it was represented that the Constable of St. Mary's refused *at night*, and when in a few minutes the people had been unwittingly, by the falsehood that had been practised, startled into an attitude of defence, to go among an armed population, with strangers whom he knew not and who falsely represented themselves as shipwrecked seamen, but that when day came, it appeared that though seated in the parlor of the Magistrate, he was not required to do any duty, and therefore it is the opinion of this House, that there was no act of *disobedience* on the part of the Constable of St. Mary's.

Resolved,—That the disobedience adverted to in the 15th paragraph, must have been known to have been thus founded on Falsehood, else would the Honourable the Chief Justice, who recommended the removal of one Constable at St. John's, of 21 years faithful service, to be dismissed from office for some imputed offence which has never been brought before the public, of another for the crime of old age, and a third for the offence of having lost an arm in the service of his country, would have recommended his withdrawal from office, if there were any charge thus subsisting for three years.

Resolved,—That it is not true, as alleged in the 16th paragraph, that "none of these Constables are sent beyond their own immediate vicinity," and, if in Holy Rood, at Peters River, at Maul Bay, at Colinet, at Salmonier, at North Harbor, at Branch or at Cape St. Mary's a misdemeanor, a Felony, or a Treason were committed, there is only the one Constable, viz. the Constable of St. Mary's, in that Bay to support the power of the law, and therefore, if, "in fact," as the report testifies and as the case really is, "*there is little for him to do*," it only speaks in triumph the superior character of the people.

Resolved,—Therefore, that the evidence mentioned in that paragraph must have been the emanation of some secret slanderer—and the fact that the evidence taken on the Supply Bill is not placed on the Journals of the Council, and has been refused to be given to the aforesaid committee of the Assembly, appears calculated to induce a belief, that the Council themselves do not concur in believing it correct.

Resolved,—That the statement contained in the 18th paragraph is quite incorrect, the second, or rather the first, because the oldest constable in Torbay has not been deprived, and even so recently as a few weeks before the opening of the Legislature, on the occasion of a suspected case of Infanticide at Pouch Cove, when the Coroner was going to hold an inquest on the Body of the child, he passed by the Stipendiary Constable in order to avail himself of the efficient services of the senior and honorary officer.

Resolved,—That the allegations contained in the 19th paragraph, are also quite incorrect and unfounded.—There had been two Stipendiary Constables at Trinity, and one of them held the office of Gaoler at the same time, and further even, did he not, one Stipendiary Constable is as fully sufficient for that settlement as for Twillingate, for Fogo, for Greenspond, for Placentia or for Burin.

Resolved,—That the vote adverted to in the 20th paragraph, could not, as implied in the 21st, have been dictated by personal feeling; for if the House of Assembly, in place of voting two sums of £12 10 each for two constables at Bonavista, merely granted one sum of twenty-five

pounds, it is evident the Governor may bestow the salary on whichever of the two he may prefer, and thus give the Circuit Judge who always holds Court there, one efficient and useful officer, whose salary will be sufficient.

Resolved,—That the 21st paragraph appears to be based on that party feeling and political leaning which this House regret to see so strongly pervading the entire report, and proves that the most benevolent—the most useful acts, when seen through the vicious medium of preconceived prejudice can be tortured into crime. The Assembly saw that under the hands of one medical man on whom devolved *all* the medical patronage of the Executive, (and it would now appear from this report of her Majesty's *Executive Council*, that the reason is, because he "*is known to be decidedly opposed to the political conduct of the present Members of the Assembly*,") the sick poor must be neglected, and therefore they voted that one person should fill the office of attendant of the Gaol, and four others should be appointed to attend the poor of the district, but her Majesty's Council in this paragraph only regard the disappointment of Dr. Kielly, forgetful of the interests of the poor.

Resolved,—That the reasoning in the 22d paragraph appears to this House quite erroneous. When the House of Assembly voted the salaries to public functionaries for the quarter ending June 30th, 1837, it was not as the *first* but as the *final* quarter of a period they made their grant, and therefore founded it upon the past estimate—the present bill is, however, one for commencing a year, and it is not the Assembly who are to blame that the session has not been held at a proper time.

Resolved,—That the 23d paragraph is exceedingly and undeservedly uncourteous, unparliamentary, and at the same time, perfectly unfounded, and in gross violation of the privileges of the Assembly. And in order to prove that it is quite untrue, that the members of the Assembly have been actuated by personal or political motives, it is only necessary to observe, that during the present session, the Assembly have raised the salaries of a number of public officers, including five stipendiary magistrates, of what is usually denominated the Tory party, solely with a view to facilitate the administration of Justice.

Resolved,—That on the subject of the 24th paragraph the House of Assembly are at a loss to know by what species of reasoning the Council can persuade themselves that the responsibility of the loss of the supply bill must rest on the Assembly for persevering in framing that bill in accordance with the unvarying precedents of Nova Scotia, New Brunswick and Prince Edward's Island, as well as conformably to the precedents of Newfoundland, but that no responsibility will rest with the Council for pertinaciously insisting on throwing out the Supply Bill, merely because the Assembly refuse to frame it in compliance with their dictation, and in complete violation of every precedent.

Resolved,—That if the Council be sincere in the 25th paragraph, they promise to pass such a number of bills as would leave only a very small sum behind, and therefore would it, in the opinion of this House, appear highly improper to reject a bill which is an aggregate of the bills adverted to in the report, and throw the entire of the country into confusion merely because a branch of the Legislature who have no right to interfere are pertinaciously attached to their opinions, however erroneous.

Resolved,—That in the appendix to the report in question, the absence of candour and justice is still more palpable. In No. 1 are profess-

Resolutions.

ed, according to the 2d paragraph, to be given the "ORDINARY CHARGES FOR THE SUPPORT OF THE CIVIL GOVERNMENT," and yet upon referring to that schedule there are only found fourteen Constables, one Gaoler, and one Gaol Barber! While the £10,000 of the Imperial Revenues are omitted, upwards of £3000 of which are consumed by four hon. functionaries of her Majesty's Council—£3500 for the poor are forgotten—£3076 to Magistrates and Clerks of Courts are not thought of—£1379 to Constables and Gaolers are sent out of sight, besides the immense sums for Circuits, for Prosecutions, for Postages, for Contingencies, for Gaols, for Prisoners, for Lock-up-houses, for Fuel and Light, for Treasurer, for Assayers of weights and measures, for Registration of Voters, for Elections—all these, amounting to several thousands, are kept out of view, besides the £2000 thrown in at the close as a make-weight; and yet her Majesty's Council, in appendix No. 1, represent the Civil Government of the country as conducted by a Gaol Barber, a Gaoler and 14 Constables, at the expense of £205 per annum.

Resolved,—That the entire of the report appears based upon misrepresentations and betrays extreme ignorance of parliamentary etiquette in imputing improper motives to a co-ordinate branch of the Legislature—that evidence taken in secret, and information sought clandestinely, are unbecoming a Legislative Assembly, and that the refusal to place that report in the hands of the members of the House of Assembly before it was inserted in the columns of a public Journal argued a want of judgment in a Legislative Body who ought not to shrink from hearing both sides. It argued a want of candour in Judges who ought to be above condemning without a hearing. It exhibited an overweening desire to draw down odium, however undeservedly, *even for an hour*, on the members of the Assembly, without affording them an opportunity of vindication—but it was calculated to bring lasting discredit upon a body who could adopt such means for the accomplishment even of the best ends.

Resolved,—That a committee of five appointed to prepare an humble address to her Majesty explanatory of the circumstances attendant upon the rejection by the Council of the bill entitled an Act, &c., praying her most Gracious protection for the people of Newfoundland.

On motion of Mr. Kent, seconded by Mr. Doyle,

Resolved,—That the House do now resolve itself into a committee of the whole House on the consideration of the subject of raising on loan the sum of Six hundred pounds to defray the expenses of the delegation of Members appointed by the House of Assembly to lay before her Majesty certain petitions and addresses and to awaken the attention of the government to the General State of this Colony.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the business to them referred, and had agreed to a certain report and resolutions thereon which they had directed him to communicate to the House, and he read the said report and resolutions in his place, and af-

Resolution for committee on subject of expenses of delegation.

House in committee thereon.

Report.

terwards delivered them in at the Clerk's table, where they were again read, and are as follow : Report.

Whereas every constitutional means have been used on the part of the House of Assembly to pass a bill for granting to her Majesty certain monies, and in which bill was contained a provision for defraying the expenses of a deputation of members of this House appointed to lay before her Majesty's Government the present state of the administration of Justice, of the Agriculture, and of the Fisheries of Newfoundland, as well as to call the attention of the Government to the general state of this colony. And whereas it appears to this House that the recent innovations of the privileges of this branch of the Legislature by the Chief Justice and the High Sheriff of this Island, have originated in a desire on the part of these functionaries to impede that deputation, and prevent the prayer of this House to her Majesty for the removal of the former from being conveyed by them to England, and laid at the foot of her Majesty's throne.

And where as it has pleased her Majesty's Council (of which the hon. the Chief Justice is President) three several times during the present session, on the most frivolous pretences, to reject that measure, thereby exhibiting a determination to pass no bill making provision for the aforesaid purposes.

Resolved,—That a sum not exceeding Six hundred pounds, stg. be forthwith raised on loan, at an interest of per centum, to be applied to the purpose aforesaid, for the payment of which this House pledges itself to embody in the supply bill of the next session of the Legislature, a provision for the liquidation of the full sum, with the said interest, out of the public Treasury of this Island.

Resolved,—That for the better accomplishment of that object there be forthwith issued twelve notes of fifty pounds each, bearing interest from the date of their issue at per centum per annum, payable to the holder thereof, to be signed by the Hon. the Speaker of this House, and countersigned by three commissioners hereafter to be appointed.

Resolved,—That the following persons be appointed commissioners for the purpose of bringing the foregoing Resolution into effect :

JOHN KENT, JAMES DOUGLAS, JOHN O'MARA, R. R. WAKEHAM, L. O'BRIEN.

Resolved,—That all notes so issued be written on parchment, and be all of the same date, and when completed and signed shall be handed over to the Chairman of the aforesaid Commissioners for the purpose of negotiating the same ; and the said Chairman shall mark thereon the date of such negotiation ; and for the proceeds the said Chairman shall be held liable until the same be transferred to the Delegates aforesaid, and until he shall receive a receipt for the same, signed by one or more on the part of the three delegates.

Resolved,—That the said notes be issued in form following, that is to say :

No.	Colony of Newfoundland.
£50 0 0	House of Assembly.

By a Resolution of this Hon. House, the bearer of this Note is entitled to receive the sum of fifty pounds, stg., with the interest at the rate of per centum per annum, from the date of its negotiation by the Commissioners appointed for that purpose.

(By order of the Hon. the House of Assembly,)

Speaker.

Dated at St. John's, Newfld.
this day of 1837.

} Commissioners.

Agreed to.

And the said report and resolutions having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

On motion of Mr. Kent, seconded by Mr. Nugent,

Resolved,—That Newman Wright Hoyles, Esq., Treasurer of this Colony, be summoned to the Bar of this House to-morrow, at eleven o'clock in the forenoon, to give evidence touching the state of the Public Revenues.

Then the House adjourned until to-morrow, at eleven of the clock.

Saturday, November 18, 1837.

MOVED by Mr. Nugent, seconded by Mr. Godfrey,

Resolutions respecting privileges,

Resolved,—That all matters touching the privileges of the House of Assembly are only triable before that House, and that it is a high breach of the privileges of this House to entertain or prosecute any suit, whether civilly or criminally, for or on account of any matter or thing done by order of the House, or for any words spoken by the House.

Resolved,—That in the event of any action, suit or proceeding being instituted, or prosecuted in any Court of this Island, for or on account of words spoken by any member of this House, in his place in the House, or in committee thereof, or for any matter or thing done in discharge of his duty as such member, or by order of this House, it is a high breach of the privileges of this House to summon any officer of the House to give evidence of the same; and in the event of any officer of this House or other person shall appear and give evidence touching the same such officer or other person shall be deemed to be guilty of a high contempt and breach of the privileges of the House of Assembly.

Resolved,—That the conduct of the President of her Majesty's Council towards an hon. Member of this House appointed to bear a message to the Bar of the Council, and in the presence of that House, was a high contempt and violation of the privileges of the House of Assembly.

Attendance of Newman W. Hoyles, Esq.

Newman Wright Hoyles, Esq. attended agreeably to summons, and being admitted within the Bar of the House, the following questions were put to and answers given by him:

QUESTIONS.

1. What monies unappropriated were in your hands on the Qr. ended 5th April, 1837?
2. What monies have been paid you by the Customs for the Qr. ended 5th July?
3. What will be the probable amount of monies to be paid you for monies arising from Colonial Acts of Parliament, from 5th July, 1837, to 5th July, 1838?
4. What amount of Imperial do. for same period?
5. What is the amount of the License Fund for the same period?
6. What monies are you now liable to pay under the provisions of existing statutes?
7. What amount of money is at present in your possession?

ANSWERS.

1. Five thousand Eight hundred and Forty pounds nineteen shillings and fourpence.—£5840 19 4.
2. Colonial Revenues, Six thousand Three hundred and Two pounds fifteen shillings—£6302 15—Light-Dues, One hundred and Fifty-three pounds five shillings and threepence—£153 5 3.
3. Twenty thousand Five hundred pounds—£20,500.
4. Two thousand pounds—£2000.
5. One thousand pounds—£1000.
6. Two thousand Six hundred and Twenty-eight pounds—£2628.
7. Twenty-four thousand One hundred and Ninety pounds—£24,190.

And then Mr. Hoyles withdrew.

Mr. Nugent, from the committee appointed to prepare an address to her Majesty in pursuance of the Resolution of this House adopted on yesterday, reported that the committee had prepared the draft of an address accordingly, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report of committee appointed to prepare an address to her Majesty.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address.

*The humble Address of the House of Assembly
of Newfoundland.*

Most Gracious Sovereign,

We, your Majesty's loyal subjects, the Commons of Newfoundland in general Assembly convened, most humbly and reverently approach your Majesty, to testify our unshaken fidelity to your Majesty's Throne, and affectionate and dutiful attachment to your Most Gracious Majesty's Royal Person.

May it please your Majesty,

During a Session now of four months and a half continuance, your Majesty's memorialists have applied with unwearied attention to the discharge of the serious duty which devolved upon them, as the Representatives in the Legislature of this Colony, of your Majesty's loyal people of Newfoundland, having introduced and passed no fewer than 32 Bills, with a view to the improvement of the general condition of the inhabitants.

Your Majesty's Principal Secretary of State for the Colonies, had transmitted to the Governor of Newfoundland several Reports of a committee of the House of Lords, on the subject of Prison discipline, together with the Imperial Act for the promotion of greater uniformity of discipline in the Prisons of England, with a command that they should be laid before the Legislature of this Colony, and the House of Assembly wisely judging, that it was the intention of the Right Hon. Secretary thereby to imply a desire that a local act should be founded on the principle therein contained, introduced and passed a Bill for producing greater uniformity of discipline in the Prisons of this Island, but, through the influence of the Chief Justice of this Island as President of the Council, this important measure was, by that Honorable Body rejected, and the anxious wishes of the people to take the regulation of the discipline, &c., of the Prisons out of the hands of the Judges of the Supreme Court, disappointed.

Your Majesty's Principal Secretary of State for the Colonies, also communicated to his Excellency the Governor in a despatch, a copy of which was by his Excellency laid before this House, that even he could find out errors in the returns of the Blue Book, and intimating a wish that a law may be passed to enable the Governor to demand sworn returns from public Officers; your memorialists, therefore, who also perceived several false returns in the Blue Book of this year, brought in a Bill in conformity with the Right Hon. Secretary's intimation, but, again, owing to the influence over the Council of the Chief Justice as President, this Bill so called for by your Majesty's Government, was rejected by that body.

Your Majesty's Memorialists, anxious to deprive the Bar of Newfoundland of that character of exclusion by which it at present is marked,

Address.

brought in another Bill, the same measure having also passed the last House of Assembly, for amending the Lawyers' Incorporation Act, but, again, this Bill was now a second time, owing to the influence of the Chief Justice over the Council, rejected by that Board, and the Bar must now continue a monopoly in the hands of a few unqualified persons.

Your Majesty's Memorialists were solicitous to place the office of Sheriff in this Country on a footing with that office in England and in all the other North American Colonies but Newfoundland, brought in a Bill for that purpose, in order that each district may have its Sheriff, but, owing to the influence of the Chief Justice as President of the Council, this Bill was also lost, and though it was renewed in a different form, the second Bill was again thrown out, and that office remains in the hands of a favourite of the Hon. Henry John Boulton.

In fine, of the 32 Bills which passed this Branch of the Legislature, among which were a Bill for the establishment of an Academy, a Bill for securing education to the poor, &c., &c., owing to the influence of this Hon. Individual in the Legislative Council, only TEN have passed into laws, and the Country remains subjected to a system universally complained of.

But it was not alone in the general rejection of the Bills which emanated from this House that the influence of the Honorable the Chief Justice over her Majesty's Council developed itself.—The entire Session has been marked by a course of the most unexampled violations of the privileges of the Representative Branch of the Legislature.—In conferences and messages the most insulting, imputations have been thrown upon the Assembly, and in a Report of a select committee of the Council upon the Supply Bill; the basest motives have been attributed to them both in their collective character and in their individuality.

May it please your Majesty,

Your Majesty's faithful Commons of Newfoundland, in the present Session of the Assembly, learning through reiterated statements laid before the House by order of his Excellency the Governor that the failure of the fishery was unexampled, and that the autumn and the winter threatened the people with all the horrors of starvation, were deeply solicitous to expend as much money as the resources of the Country could possibly admit, in the making and repairing of Roads, in order to afford the poor the opportunity of procuring relief and support in remuneration of their labor, and in reward of their industry rather than by alms, while at the same time that they thus supported the poor, they should be encouraging the industry of the people, facilitating the communication from settlement to settlement, promoting agriculture and permanently improving the Country.

In this spirit this House introduced and passed a Bill in which they granted to her Majesty the sum of £16,801 for that purpose, but it was through the same influence twice rejected by her Majesty's Council, on the most frivolous pretences; however, as the House of Assembly knew the distressed state of the Country, and the absolute necessity of passing the measure this Session, they adopted the course in conformity with the precedents of Nova Scotia, New Brunswick, and Prince Edwards Island, as well as those of Newfoundland, of making the grants for Roads form a part of the general Bill of Supply, but on its being intimated to them that if it were sent up again detached from that Bill, it would be carried in opposition to the Judge, they at once complied and sent it up

accordingly, being a **FOURTH TIME**, and it was only by these means it was carried in the Council.

Address.

The Bill for granting to your Majesty a Revenue, in like manner, was twice rejected, owing to the same influence over your Majesty's Council, on the most paltry pretences, and the Assembly were under the necessity of sending up that measure three several times, before it would be passed by that Body.

Upon the Supply Bill going up to the Council, it was rejected, first, on the ground that the Road Bill formed a part of it, and because two Constables' salaries were reduced, one Constable's omitted, another's increased, and the Gaol Barber's salary augmented by the addition of £3.—When this House detached the Road Bill therefrom, as before mentioned, and sent up a second Bill of Supply, the most insulting reasons were sent, in addition to the former complaint of the Constables and the Barber, for rejecting the second, and her Majesty's Council demanded that we should send them that Bill divided into five, for their consideration.

Your Majesty's Commons of Newfoundland, however, always solicitous to support the Government of their Sovereign, and, upon the present occasion, eager to testify their loyalty by the liberality of their votes for that purpose, sent the same Bill once more, deeply desirous as they were of passing a measure, in which were comprehended grants for defraying the general Government, for supporting the Poor, defraying the expenses of the Legislature, and for providing for the general exigencies of the Country.

Most Gracious Sovereign,

In the year 1834, in the first Bill of Supply passed in this Legislature, of the sum of £11,894 18s. 4d. granted for the general exigencies of the Country, only £10,376 18s. 4d. were voted for the civil government of the Island, the remainder being applied to Roads and miscellanies, while, in 1835, of the sum of £10,112 3s. 3d. granted, only £7960 1s. 3d. were voted for the Civil Government, being upwards of £2000 under the former year, the remainder being applied again to Roads and general purposes. Again, in 1836, of the sum of £13,940 15s. 3d. granted, the sum of £12,394 14s. 3d. was appropriated to the Civil Government, being an increase over the first year of £2017 15s. 11d., and over the year 1835, of £4434 13s., whereas in the Bill of Supply sent up in the present Session the desire of the Assembly to facilitate the administration of the Government is devolved in the grant of no less a sum than £14,189 9s. 2d., for that important purpose.

In the consideration of this Bill in her Majesty's Council the Assembly, by appointing a committee to search their Journals, discovered that it had been referred to a select committee to report upon, and that the said select committee had power "to send for persons and papers."

Thus did it appear that her Majesty's Council of Newfoundland were actually sitting in the novel character of a committee of supply, and were taking evidence of the propriety of grants made by your Majesty's Commons of this Colony.—On Saturday last the committee of this House, appointed to search the Journals of her Majesty's Council, reported to this House that, on the select committee had brought up their report, and that that report had been received by the House; but upon application to some Members of the Council, the officer of that Board refused to permit the committee to inspect it. And on Monday, the 13th

Address.

inst. they were again refused permission to read or to copy the said report, while even in the presence of the committee the same was handed by the Clerk to one of the proprietors of the Royal Gazette, for publication in that paper, and the first opportunity this House had of considering that report, was upon its appearance in the public Journals, notwithstanding that they had used every diligence to procure it in the usual, the proper, and the parliamentary course.

May it please your Majesty,

This report of the Honourable the Council, thus kept cautiously a secret from the Assembly, until its publication in the Royal Gazette, proving as it does a tissue of falsehood and misrepresentation, as it was alleged to be founded on evidence, the aforesaid committee of this House once more demanded, in the usual way, on yesterday, to search the Journals for the evidence, but no such entries were to be found therein; and on enquiry of Mr. Ayr, the Clerk of the Council, they discovered that no such document had come into his possession, and therefore this House perceive that her Majesty's Council have improperly suppressed that evidence which this House could triumphantly prove to be false, and have thus taken upon themselves the entire responsibility of a publication the most unparliamentary, as it is most opprobrious and insulting as well as untrue.

In trying to discover what could induce your Majesty's Council to enter upon this extraordinary course of outraging the feelings of the Representatives of the people of Newfoundland, and violating their privileges, the House of Assembly find it extremely difficult to ascribe it to any cause, save their having, in the discharge of their duty to their constituents and their Country, entered into an enquiry during the present Session into the state of the administration of Justice in Newfoundland, in the course of which, they examined a number of witnesses, principally the immediate friends and supporters of the Hon. the Chief Justice, and, upon their testimony, a committee of the whole House reported, that in order to secure the tranquillity of the Country, the Hon. Henry John Boulton should be removed.

The House of Assembly are aware, that every message of insult, and every conference of outrage, were moved in the Council or composed by that Hon. Individual—they are under the impression, that the report before mentioned was also prepared by him, and are they convinced that it was alone to his withering influence it is owing, that your Majesty has been deprived in Newfoundland of those liberal supplies, intended by your Majesty's faithful Commons for the support of your Majesty's Government.

May it please your Majesty,

A Body acknowledging an influence so improper, an influence so unjust, an influence so unconstitutional in its exercise, cannot be constituted advantageously for the interests of your Majesty's subjects.—On last Saturday, before the face of the public, the Council in a committee of the whole on the Supply Bill, passed every item up to the second last vote, reserving only a vote of £30 to Johanna Mulloy for supporting her husband, a Lunatic; a vote of £18 to the Clerk of the Peace at Harbor Grace; a vote of £50 to Capt. Pearl, R. N. and a vote for defraying the expenses of a Deputation of the House of Assembly to your Majesty's Government, in order to request information upon those heads of the Assembly. All the votes in the bill were put by the hon. Wm. Thomas,

the hon. your Majesty's Attorney-General, the hon. Lieutenant Colonel Walker the Commandant, or the hon. James Crowdy the Colonial Secretary, and the evening growing late the Committee rose on the second last vote. But on Monday and Tuesday following the Council were again in Committee on the Bill, and the entire bill was now begun once more, even at the title, and vote after vote which before had the unanimous vote of the Council, or had passed by a large majority, now passed in the negative, until the entire bill was disfigured and mutilated by the "amendments."

Address.

How had this remarkable change been effected? How were a body so high—individuals raised over the heads of their fellow citizens not for being descended from an illustrious ancestry—not for being distinguished for greater wealth, or for their higher standing in society—not that they were celebrated for more extensive literary attainments or superior intellectual acquirements—how were these hon. Gentlemen so soon made to undo on one day all they had done the day before, and to vote unanimously that their former votes were improper? The answer is—On Saturday Judge Boulton was detained at home, it is said through illness, and the Council exhibit a praiseworthy desire to pass the Bill, but on Monday and the days following Judge Boulton is present, and he moves, and therefore the good that had been accomplished had faded, and

"Like the baseless fabric of a vision
Leaves not a wreck behind."

Most august Queen, at the foot of your Most Gracious Majesty's throne, we humbly pray your Majesty to protect the persons of your Majesty's faithful subjects the Representatives of your Majesty's loyal people of Newfoundland from the indignities, the insults and outrages perpetrated against them by your Majesty's Council, as well as by the hon. Henry John Boulton—But particularly do we pray your Majesty to protect the ancient privileges of the Representative Branch of the Legislature, so often violated through the present session.

We humbly implore your Majesty to regenerate your Majesty's Council of Newfoundland in order to render it useful to the public in the Legislature, by the separation of the Executive and Legislative characters from the same individuals, and the infusion of the Representative principle into the Council, as well as by forbidding the Judges from taking a seat in either: or else by carrying into effect the principles so ably laid down by Lord Viscount Goderich when communicating to the late Governor Sir Thomas John Cochrane the Instructions of your Majesty's illustrious predecessor, of happy and glorious memory, on the institution of a Legislature in Newfoundland, by the amalgamation of the two lower Branches of the Legislature into one House, where three officers of the Crown may meet the Representatives of the people, and together consider of the exigencies of the country.

And the said address having been read throughout a first and second time, was, upon the question put thereon, agreed to by the House.

Address agreed to.

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolved, nemine contradicente—That the said address be engrossed, signed by the Speaker, and presented to her Majesty by the Delegates appointed by the House to lay before her Majesty's Government the state of this Colony.

Engrossed.

Report of committee appointed to enquire into the conduct of J. Stark, Esq.

Mr. Nugent, from the committee appointed to enquire into the conduct of John Stark, of Harbor Grace, Esquire, reported that the committee had examined evidence upon the subject, and considered the matter to them referred, and had come to a report thereon, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Your committee, in entering upon this important enquiry, were particularly struck, at the outset, with the circumstance that in the Island of Newfoundland there does not appear another individual upon whom have been lavished so many signal marks of distinction—such an accumulation of favours by the Executive, and to the exclusion of many gentlemen of that town, both Protestant & Catholic, highly competent to fill those offices—as John Stark, of Harbor Grace, Esq. He is not only gifted with *Four* highly lucrative offices, viz. Clerk of the Northern Circuit Court, Clerk or Commissioner of Probates, Coroner and Registrar of Deeds, but also holds the honorary distinctions of Justice of the Peace, Commissioner of education, Commissioner of Roads generally in Conception Bay, and Commissioner of a Road connecting that Bay with the Bay of Trinity; and your committee naturally concluded that if it behoved the Magistracy in general as dispensers of Justice to the whole people, to refrain from mixing themselves up with party questions, and particularly such subjects as, from the circumstances of excitement accompanying them, may be regarded as likely to lead to violations of the Peace, where they may be required to act in their judicial capacity, much more did it behove Mr. Stark who stood between his King and the people in so many interesting and important relations, to demean himself on occasions of popular excitement, with that coolness, forbearance and total absence of partiality so eminently necessary to prove him worthy of the extraordinary patronage by which he had been distinguished.

Besides, too, your committee considered that a gentleman who had to look only to the representative Branch of the Legislature for the entire remuneration for the duties of one of his offices, and for £200 stg, salary for another, and to the Commons of Newfoundland, who were there represented, for the Fees arising from all his emolumentary offices, was especially bound to abstain from commingling, as a party in Election contests, where passion and prejudice once excited, he may be led to the commission of some act, calculated to interfere with, or infringe upon, the privileges of Parliament on the one hand, or the prerogative of the Crown on the other.

In the entertainment of this enquiry, your committee examined a large number of respectable witnesses, amongst whom were no fewer than eight Magistrates of Conception Bay, including the two defeated, and one of the successful candidates, as well as the Returning Officer, the Clerk of the Peace, and the high constable of the Northern District, and the Solicitor of the House of Assembly; and as the charge of partizanship was preferred against Mr. Stark, by one of the then successful candidates, now an hon. member of the House of Assembly, the committee judged it prudent to give the accused the advantage of having the evidence come principally from gentlemen who were not only professing the same politics with him, but from some who were even associated with him in the same committee.

Mr. Mayne, Clerk of the Peace, Dr. Sterling, J. P., James Hipposly, and James L. Prendergast, concur in saying that Mr. Stark was an active member of Mr. Ridley's committee, both before and during the election; and Mr. Mayne and Mr. Hipposly admit that in the absence of the chairman of the committee he was the person upon whom devolved the presidency; and Mr. Mayne states in his evidence that on the morning of the first day of the election, Mr. Stark moved with him (Mr. Mayne) in the procession of Mr. Ridley's committee to the hustings, as a member of that Body.

Thus far, Mr. Stark would appear to your committee—even if the evidence went no further—to have acted with gross impropriety, and in a manner highly deserving the censure of this House, for that he, a functionary, holding so many responsible offices, and *a paid servant of the Crown and the People*, should think of associating himself with a party on the occasion of a contested election, even though there is no charge so far of his having used his magisterial office for the purpose of aiding in forwarding the designs of that party.

It is incontrovertibly proved, by a host of evidence, that while seated as a magistrate on the Bench in Quarter Sessions on the Saturday (Oct. 29) previous to the Election, he grossly insulted a brother Magistrate who was his senior in the commission of the peace, by refusing to permit him to peruse an affidavit, under pretence of which some sixty or seventy special constables were, at Mr. Stark's suggestion, sworn, and this, apparently, for no other reason than that this magistrate was one of the candidates who professed political principles opposed to those of Mr. Ridley, and in this instance your committee are of opinion that he has permitted himself to exhibit publicly upon the Bench that passion of party and political prejudice so derogatory to the dignity of the Magisterial character, which ought in every instance to be marked by good temper, by prudence and forbearance.

But the conduct of this gentleman appears in the most reprehensible light as connected with these special constables. It appears from the evidence that the high constable, barely because he was loosely informed by some person whose name he conceals, but who also appears to be a partizan, that as two opposing candidates had refused to coalesce, therefore there should be a contest, and because a contest, therefore a breach of the Peace. Barely because the high constable was thus loosely informed of the fears of another person, *he swears* that the public peace is in danger; and Mr. Stark, to whom he relates the story, thinks himself justified not only in administering such an oath, but upon an affidavit thus made, summons and swears in, as special constables, sixty or seventy respectable inhabitants of the town.

In considering this part of the evidence of the high constable corroborated by a number of other witnesses, your committee are placed in the disagreeable dilemma of being compelled to admit that Mr. Stark, on this occasion, either believed the oath of the high constable, and therefore considered the public peace in danger, but from highly improper motives refrained from calling upon the magistrates of Carbonear, or any of them, the magistrates of Harbor Grace, or any of them, or the magistrates of Brigus, or any of them, to assist in devising proper means for its preservation, abstained from awakening the zeal of the candidates who were all, with two exceptions, in the commission of the peace, and who were most interested in the public tranquillity neglected even to array the host of special constables he had himself sworn in, in its defence.

Report.

Nay, so far from using any, even the least, precaution to prevent a collision between the opposing parties, he himself proceeds to swell the ranks of one party, and appears at the hustings with banners, and shouts apparently to produce irritation, but as soon as a momentary collision takes place, he flies, *and is seen no more.*

Either must your committee conclude thus, or that believing the fears thus sworn to at second hand by the high constable, unfounded, he makes a parade of this array of special constables, for the purpose of assisting the cause of his party by imputing a character of violence to those he opposed.

The latter reflection induced your committee to apply interrogatories to the several witnesses, having for their object as well to elicit the character of the electors generally at, and subsequent to, that election, as to unravel the mystery thrown round the informant of his Excellency of those "representations" adverted to in his despatch to Lord Glenelg, of Nov. 1836, imputing a riotous character to the opponents of Mr. Prowse & Mr. Ridley, and this induced your committee to call in the assistance of the committee appointed to enquire into the unsealed writs in order the better to arrive at a correct conclusion.

In the course of the examination of the witnesses, your committee examined each of the Magistrates as to the "representations" in question; but among the eight Magistrates examined, not one of them knew anything, either personally or magisterially, of the existence of any communication to the Executive derogatory from the peaceful character of the people, while from the entire of the testimony of all the witnesses, your committee derives the most satisfactory evidence, that the only interruption of the peace and good order of the electors which occurred on the occasion complained of was momentary, and by no means such as could have tended to nullify the election.

Your committee also had laid before them the despatch of his Excellency the Governor to Lord Glenelg, before adverted to, and upon a careful consideration of the subject they must conclude that his Excellency, in convening the Council on the 9th Nov., for the purpose of laying the matter ("a complaint of an undue return of members for the district of Conception Bay, in consequence of riotous conduct at Harbor Grace") before them, was betrayed into a high breach of the privileges of the Assembly, who are the only arbiters and sole Judges of the election of their own members.

Many circumstances render it difficult for your committee to account for the remarkable, the extraordinary intimation contained in the first line of the second paragraph of that despatch, viz., that on the occasion of the meeting of Council on the 9th Nov. THE WRIT of election had been produced—your committee can have no conception of what could have rendered the production of the Election Writ necessary on the occasion of an investigation into a riot that occurred at the hustings, and therefore they are of opinion that its production must have arisen from the circumstance that the absence of the Seal was known before its issue, if not originally produced for an improper purpose.

Your committee have had before them the address of the Assembly to his Excellency the Governor, praying his Excellency to have laid before the House all the writs that had been issued for the several elections in 1832, 1834 and 1836, and his Excellency's reply, wherein he acquaints the House that these writs were "in their proper place of repository," and "could not be removed," and your committee on comparing these statements in his Excellency's reply to the House with those in his despatch, are at a loss how to reconcile his Excellency's refusal to accede to the very proper demand of the Assembly to have those writs laid before

that House, with his readiness to comply with the very improper and unconstitutional demand of the Council to have the Conception Bay writ produced before them, but in the one case and the other they are compelled to declare that the privileges of the Assembly have been invaded.

His Excellency's refusal to lay before this House a copy of the minute of Council of Nov. 9th, being the meeting in question, is still more inexplicable, as the proceedings there recorded would certainly tend to explain the whole matter; and as the committee are aware, from the evidence of Mr. Brown and Mr. Danson, both Magistrates, and the latter the sworn Stipendiary Magistrate of the Bay, that his Excellency had, on Wednesday the 2d November, being the day after the Election, a communication from the latter and Mr. Bayley, in their magisterial capacity, expressive of the peaceful character of the people, the production of the minute of that day's proceedings would probably have developed the causes why his Excellency, in his Despatch to Lord Glenelg, should only have referred to the "representations" calumnious of that portion of the Electors who opposed the Candidate whom Mr. Stark was supporting, and to reflect discredit upon whom Mr. Stark's manner of exercising his Magisterial functions, on the occasion last adverted to of that gentleman, was so much calculated.

In considering the minute of Council of the 10th November, the committee were struck by the singular air of passion exhibited in the "opinion" of the Chief Justice on the subject of the illegality of the Writ, although it was not an opinion given in the heat of debate or upon a first impulse.—There was abundant time for cool reflection, and it was maturely considered before it was committed to writing. But the conclusion come to by the Council, at that meeting of the 10th, was even more unaccountable, nor can your committee divine what policy could have actuated her Majesty's Council in determining, after the expression in such strong terms of the opinion of the Chief Justice of the Island of the illegality of the writs, after the concurrence of the Attorney General in the same opinion, that although they were convinced of that illegality and the consequent invalidity of the returns thereon, they should still undertake the fearful responsibility of thus seducing the Electors of St. John's, of Burin, of Ferryland, of Fortune Bay and of Fogo to congregate uselessly at the Hustings with all the excitement naturally resulting upon such occasions.

Your committee think such conduct on the part of the Executive extremely reprehensible—and when they reflect on the distressing consequences to the public, particularly at St. John's and Ferryland, both these places having been, at the time the Council came to their determination, known to be about being contested—when your committee regard the fearful array of Military, brought out to intimidate the Electors—when they recollect the streets of the capital of the Island bristling with bayonets—the public ways impeded by thick files of soldiery—the loaded muskets of two hundred Veterans and two pieces of cannon pointed upon the Hustings and threatening destruction to thousands of inoffensive Citizens if a single act of imprudence, nay if a premeditated act of aggression had succeeded in producing even a *momentary* ebullition.—When your committee reflect thus, and that by a well-timed superseding this invalid Writ, society would not have been harrassed by the excitement—public liberty would not have been outraged by the introduction of military terrors to sway the Electors—worthy Citizens would not have been led to betray themselves into the hands of their enemies and to subject themselves to excessive punishment for even trivial offences, nor would those who were appointed by our Sovereign to *protect* the interests of the people even for a moment risk the imputation of intending to *betray*.

Report.

On the whole, your committee are of opinion, that the Delegates appointed to go from the House of Assembly to lay before her Majesty's Government the state of this Colony, should be particularly instructed to awaken the attention of her Majesty's Government in an especial manner to all the extraordinary circumstances connected with these two meetings of Council of the 9th and 10th November, 1836, as well as all proceedings and communications arising therefrom—to seek every means, as his Excellency on this occasion declared officially to his late Majesty's Government that all the Writs for the election of all the former members had also been issued unsealed; and as there is so much mystery now thrown round the circumstance of their issue, by those in office, that it appears nearly matter of certainty that they had been so issued—to try every means to bring it to pass that Newfoundland shall no longer be governed by laws passed by an illegally constituted Body, or by a Body, the legality of whose constitution is more than doubtful—and to implore her Majesty's Government to order that on all future occasions of elections in this Island, there be positive orders issued, that all the paid servants of the Crown, as well as her Majesty's Council, both individually and collectively, be forbidden, *on pain of privation*, to interfere directly or indirectly in the return of Members to serve in the Commons House of Assembly.

JOHN V. NUGENT,
Chairman of Committee.

Adopted.

Resolved,—That the said report be adopted.

On motion of Mr. Kent, seconded by Mr. Doyle,

Referred to Delegates.

Resolved,—That a copy of the said report be committed to the said Delegates to be laid before her Majesty's Government.

Address presented to his Excellency.

It being the time appointed by his Excellency the Governor to receive the House with the address passed on the 6th instant, the House waited on his Excellency and presented the same.

And being returned—

Mr. Speaker reported that his Excellency was pleased to make the following reply—

His Excellency's reply.

H. PRESCOTT.

Mr. Speaker and Gentlemen,

It will always be equally my duty and my inclination to uphold the just and well established privileges of the House of Assembly; but I cannot, upon careful consideration, think that any circumstance contained in this address is of a nature to justify my interference.

Government House, }
18th November, 1837. }

On motion of Mr. Nugent, seconded by Mr. Kent,

Resolution for transmitting address to his Excellency.

Resolved,—That the following address to Excellency the Governor be adopted, and signed, and transmitted to his Excellency by the Hon. the Speaker:—

*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 Is-
land of Newfoundland and its Dependen-
cies, &c. &c. &c.*

Address.

May it please Your Excellency,

The House of Assembly having considered your Excellency's reply to their address presented by the whole House to your Excellency on this day, wherein your Excellency is pleased to say you "cannot think that any circumstance contained in this address is of a nature to justify your Excellency's interference"—as they consider that it was the obstruction of the freedom of debates and proceedings in the Assembly which formed the subject of that address, they request your Excellency will transmit their address with your Excellency's reply, to her Majesty's Government.

On motion of Mr. Nugent, seconded by Mr. Kent,

The House resolved itself into a committee of the whole House on the consideration of certain proceedings in the third Session of the General Assembly of Newfoundland, relative to a message from the then Governor, Sir Thomas John Cochrane, on a petition to him from Dr. William Carson, then Member for the District of St. John's.

House in committee on consideration of certain proceedings in the third Session of the General Assesmy of Newfoundland.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had taken the evidence of John Kent, Esquire, a member of this House, upon the subject referred to them, and had come to certain resolutions, which evidence and resolutions he delivered in at the Clerks's table, where they were read and are as follow :—

Report.

John Kent, Esquire, examined before committee.

What is your name ?

John Kent.

Were you Member of the House of Assembly in the third Session of this Legislature ?

I was.

Was William Carson, Esq., M. D., also a Member of the House during that Session ?

He was.

Have you a distinct recollection of the understanding of the House on the occasion of voting, in committee of Supply, the sum of One thousand Seven hundred and Twenty-five pounds for the poor ?

I think there was no mistaking the understanding.

Would you state to the committee what was the understanding ?

I shall beg to give the facts of the case, and then, of course, the committee can make their own deductions.

Previously to our Sovereign granting us a Local Legislature, Dr. Carson had held the appointment of District Surgeon, at a salary of Two hundred pounds, sterling, per annum, which stipend was paid out of the sums granted for the general relief of the poor.—When the mother country, in the year 1834, ceased to contribute any monies for that purpose out of the Imperial Revenues, Governor Sir Thomas John Cochrane sent down an estimate of One thousand Seven hundred and Twenty-five pounds to meet the poor charges, and in which sum was considered to be

Report.

included the usual salary, for the District Surgeon, of £200, to meet the charge of medical attendance and medicines for the poor sick.

Prior to this, Sir Thomas Cochrane had ordered it to be communicated to Dr. Carson, that as the funds out of which the salary was made available had been withdrawn, the office should of necessity cease to exist; and therefore when now these funds were provided by the Local Legislature, with a liberality equal to that of the Imperial grant, and particularly when the House, by voting the sum in gross, sanctioned the usual detail of the Executive, he naturally concluded that, as there were no complaints against him for the manner in which he discharged the duties of his office, but that on the contrary as on an enquiry before a committee of the House, which was entered into previously on the expenditure of the monies granted for the poor, the entire evidence was highly eulogistic of Dr. Carson, he naturally concluded that it was the intention and desire of the House that he should be continued in office. With this impression, in a memorial addressed to Sir Thomas, the Dr. stated that such was the intention of the House; and as an Individual Member of the House I assure the House, who was a party to the vote in the aggregate, it was my full impression that he was to have been so continued.—I must beg here to mention that Dr. Carson was diametrically opposed to the politics of Sir Thomas Cochrane.

Sir Thomas, upon receiving this memorial, taking advantage of the fact that this understanding was not literally expressed in the vote, complained to the House that Dr. Carson, a Member of that House, had misrepresented to him its proceedings; and the House having then a majority according in the political opinions of Sir Thomas, that majority registered on the Journals of the House of Assembly an account of the proceeding highly defamatory of Dr. Carson's character as a Gentleman.—My opinion of the whole transaction was then, as it is now, that it was a conspiracy entered into to deprive Dr. Carson of the emoluments of his situation, the only one he held under Government, as a punishment for the honest determination he evinced to support the liberties of the Country.

Resolved,—That having taken the evidence of John Kent, Esq., a member of the House of Assembly, and having naturally considered the same, it is the opinion of this committee that the understanding of the House on voting in the third session of the Legislature the sum of £1725, for the relief of the poor, was that no alteration should be made in the arrangements in detail of the former year.

Resolved,—That such having been the general understanding of the House of Assembly on that occasion, it is the opinion of this committee that the statement contained in the petition of Dr. Carson and complained of by message, by Sir Thomas Cochrane, on the 3d May, 1834, is by no means inconsistent therewith.

Resolved,—That it is the opinion of this committee that as the unmerited removal of Dr. Carson from the office of district Surgeon, which he had filled for six years with much credit to himself and advantage to the poor of the district, was highly improper, so was the message of his Excellency adding insult to the previous injury and injustice.

Resolved,—That under these circumstances it is the opinion of this committee that all the proceedings on the said message of Sir Thomas Cochrane, and petition of Dr. Carson, inserted on the Journals of the House of Assembly of Saturday, the 3d, Wednesday, the 7th, Friday, the 9th, and Saturday, the 10th of May, 1834, are highly derogatory from the character of the House of Assembly, and that the same should be forthwith expunged.

Ordered,—That the said report be received.

Report received.

On motion of Mr. Nugent, seconded by Mr. Doyle,

Resolved, nemine contradicente,—That the record of all the proceedings had on the 3d, 7th, 9th, and 10th of May, 1834, on the subject of the petition of Dr. Carson, to Sir Thomas John Cochrane, be expunged from the Journals of the House of Assembly.

Record of proceedings of 1834, on the subject of Dr. Wm. Carson's petition to Sir T. J. Cochrane expunged from Journals.

Ordered,—Accordingly.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, acquainting the House that, agreeably to the request of the House of Assembly in their address to his Excellency the Governor of this day, his Excellency will not fail to transmit the address therein referred to, to her Majesty's Secretary of State for the Colonies.

Letter from Hon. Mr. Secretary Crowdy.

A message from his Excellency the Governor, by Joseph Templeman, Esq., Usher of the Black Rod :

Message from his Excellency the Governor.

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

His Excellency the Governor commands your attendance immediately in the Council Chamber.

Accordingly, Mr. Speaker with the members present attended his Excellency in the Council Chamber, when his Excellency was pleased to assent to the following bills :

Members attend his Excellency in Council Chamber.

An act to continue and amend an act passed in the fourth year of the Reign of his late Majesty King William the fourth, entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island."

An act for the regulation of merchant seamen engaged in the vessels of this Colony.

An act to further continue an act passed in the General Assembly of this colony in the third year of the reign of his late Majesty King Wm. the fourth, entitled "An act to provide for the performance of quarantine, and more effectually to provide against the introduction of infectious or contagious diseases, and the spreading thereof in this Island."

An act to extend the criminal law of England to this colony, under certain modifications.

An act to repeal part of an act passed in the Parliament of Great Britain in the fifth year of the reign of his late Majesty King George the 4th, entitled "an act for the better administration of Justice in Newfoundland and for other purposes, and to make farther provision for the registration of Deeds."

An act to amend an act passed in the third year of the reign of his late Majesty King William the fourth, entitled "an act for the regulation of Pilots and the Pilotage of vessels at the port of St. John's."

Mr. Speaker's address.

Mr. Speaker then addressed his Excellency to the following effect :

May it please your Excellency,

Her Majesty's Commons House of Assembly deeply lament that after a long and laborious session they have not been able to accomplish those objects which they expected at its commencement—objects of great importance as regards the happiness of the people—the better education of our youth—the conservation of the spirit of our Royal Charter.

Her Majesty's faithful Commons, one and all, will return to their respective districts, conscious of having done their duty, and with the happiness of enjoying the confidence and approbation of their constituents.

The Assembly have passed—

A bill for granting to his Majesty certain monies for the service of the quarter ending the first day of July, one thousand eight hundred and thirty-seven.

Mr. Speaker's address.

A bill for granting to her Majesty certain duties on goods, wares and merchandise, imported into this colony and its dependencies.

A bill to authorise the raising by loan a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulation respecting the same.

A bill for granting to her Majesty certain monies for the making and repairing of roads and bridges in this colony, and to regulate the expenditure of such monies.

These bills I now present in the name and in behalf of her Majesty's faithful and loyal subjects the Assembly—and humbly pray that your Excellency will be pleased to assent to them.

His Excellency was then pleased to give his assent to the said several bills.

Mr. Speaker further addresses his Excellency.

Mr. Speaker further addressed his Excellency as follows :

May it please your Excellency,

"I deplore, I deeply deplore, that I cannot present a Supply Bill so as to enable your Excellency to do that which I am sure would be most grateful—to appease the miseries of the poor, and to discharge the debts so justly due to the Civil officers throughout the colony.

"Whether this unusual chasm in the duty of the Speaker, arises from illegitimate desire of power and domination, or from a patriotic determination to preserve at every sacrifice the just privileges of the people, posterity *must* judge, and history *will* record."

His Excellency's speech.

His Excellency was then pleased to make the following Speech :

Mr. President and Hon. Gentlemen of the Council—

Mr. Speaker and Gentlemen of the House of Assembly—

I find myself at length compelled to close a session, the results of which are anything but satisfactory.

I have reason to regret that some matters of an important character, recommended at its commencement to your consideration, remain in their former state ; but of infinitely greater moment is the general distress which must be consequent upon the absence of an Appropriation Act.

Before you are again assembled we shall probably have the benefit of the opinion of Her Majesty's Government upon the subject in dispute between the different Branches of the Legislature, and as I am informed by the House of Assembly, that some of its Members are delegated for the purpose of making representation of the state of the Colony, I have to express my conviction that all the alleged grievances, which shall be substantiated by proof, will be redressed—and my hope that such as may not be so sustained will no longer be suffered to agitate the public mind.

It is in vain to look back upon the events of this session. I trust that our future proceedings may be of a happier description, and that the sanguine expectations, once so generally and reasonably entertained here of the advantages to be derived from a Local Legislature, may not be ultimately disappointed.

After which, the President of Her Majesty's Council said—

"Honorable Gentlemen of Her Majesty's Council—

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

"It is His Excellency the Governor's will and pleasure that this General Assembly be prorogued until Monday, the Fifth day of February next: and this General Assembly is accordingly prorogued until Monday, the Fifth day of February next, then and here to be holden."

ROBERT ROBERTS WAKEHAM,

Clerk.

.....
 END OF THE FIRST SESSION OF THE SECOND GENERAL ASSEMBLY.

APPENDIX

TO THE

JOURNAL OF THE FIRST SESSION

OF THE

HOUSE OF ASSEMBLY

OF

NEWFOUNDLAND.

— CHS:HD —
1837.

APPENDIX

NO. 1

HOUSE OF COMMONS

OF GREAT BRITAIN

IN PARLIAMENT ASSEMBLED

THE HOUSE OF COMMONS

1833

AL

APPENDIX.

Estimate

OF THE CHARGE OF DEFRAYING THE PUBLIC EXPENDITURE OF THE COLONY OF NEWFOUNDLAND, IN THE YEAR ENDING THE 31st DAY OF MARCH, 1838.

Twelve thousand Five hundred and Forty-three pounds, Sterling.

PROPOSED DISTRIBUTION OF THE ABOVE SUM OF £12,543, FOR THE SERVICE OF THE YEAR. 1837—8.

Salary of the Clerk of the Council.....	£200	
2 Clerks in the Secretary's Office.....	400	
Office Keeper of do.....	60	
Messenger do.....	45	
Colonial Treasurer.....	400	
Clerk of N. C. Court.....	200	
— S. C. Court.....	200	
Crier and Tipstaff.....	60	
Gaoler (St. John's).....	50	
Two Police Magistrates do.....	500	
Chief Constable.....	80	
Six Police Constables.....	270	
As annexed Detail. { Stipendiary Magistrates in the Out Ports.....	1210	
{ Clerk of the Peace, Gaolers and Constables do.....	970	
Superintendent of Convicts at hard labour.....	50	
To pay additional Officers of Colonial Revenue.....	800	
To defray the Attorney General's Fees.....	250	
	£5745 0 0	
Salary of the Judge of the Admiralty (2 years).....	1000 0 0	
MISCELLANEOUS.		
To defray expenses of Printing, Stationery, &c.....	550	
Civil and Criminal Prosecutions.....	900	
Gaols.....	700	
Coroners.....	150	
(a) Fuel and Light.....	300	
Ordinary Repairs of Court Houses &c.....	180	
Postages and other Incidentals.....	120	
Relief of the Poor.....	1000	
Expense of Circuits.....	560	
Unforeseen Contingencies.....	500	
Fog Guns.....	250	
	5210 0 0	
Allowance to the Chairman of the Sessions.....		
Compensation to James Blaikie.....		
Necessary repairs to the Court House.....		
Buildings at St John's (per Estimate).....	588 0 0	
	Total £12,543 0 0	

(a) A considerable additional expense will be incurred under this head from the erection of several New Court Houses.

By existing Acts a salary of £300 a year is provided for the Clerk of the Supreme and Central Courts, £2100 for the purposes of Education.

DETAIL

OF SALARIES AND ALLOWANCES TO STIPENDIARY MAGISTRATES, CLERK OF PEACE,
AND GAOLERS AND CONSTABLES IN THE UNDERMENTIONED OUT-PORTS
OF NEWFOUNDLAND FOR THE YEAR ENDING 31st MARCH, 1838.

OUT-PORTS.	Magistrates	Clerk Peace	Constables.		Gaolers.	Total.
			Number.	Allow- ance		
Harbor Grace	150/	50/.	3	85	50	335
Carbonear	120	—	3	75	—	195
Brigus and Port de Grave	120	—	2	50	—	170
Bay de Verds	—	—	1	12	—	12
Harbor Main	—	—	1	12	—	12
Cats Cove	—	—	1	12	—	12
Western Bay	—	—	1	12	—	12
South Shore	—	—	1	12	—	12
Ferryland	60	—	1	25	25	110
Bay Bulls	60	—	1	25	—	85
Toads Cove	—	—	1	12	—	12
Fermeuse	—	—	1	12	—	12
Placentia	60	—	1	25	25	110
Little Placentia	—	—	1	12	—	12
Barren Islands	—	—	1	12	—	12
Merasheen	—	—	1	12	—	12
Burin	100	—	1	25	25	150
Lamaline	—	—	1	12	—	12
Trepassey and St. Mary's	60	—	2	24	—	84
Harbor Britain	60	—	2	24	—	184
Grand Bank	100	—				
Trinity	120	—	2	37	—	182
Catalina.	—	—	1	12	25	12
Bonavista	100	—	2	25	—	125
Greenspond	—	—	1	15	—	15
Twillingate and Fogo	100	—	3	49	—	149
Exploits Bay	—	—	1	12	—	12
Brigus by South	—	—	1	12	—	12
Witless Bay	—	—	1	12	—	12
Petty Harbor	—	—	1	20	—	20
Torbay	—	—	1	18	—	18
Perlican	—	—	1	12	—	12
Hearts Content	—	—	1	12	—	12
Hants Harbor	—	—	1	12	—	12
New Harbor	—	—	1	12	—	12
Renews	—	—	1	20	—	20
						<u>£2180</u>

RECAPITULATION.

Thirteen Stipendiary Magistrates.....	£1210
One Clerk of Peace.....	50
Forty-six Constables.....	770
Five Gaolers.....	150
	<u>£2180</u>

STATEMENT

SHEWING THE AMOUNT VOTED AND EXPENDED UNDER THOSE ITEMS OF THE "MISCELLANEOUS EXPENDITURE" DURING THE YEAR 1836-7, ON WHICH THERE HAS BEEN A SAVING OR EXCESS (THE EXCESS IN EACH CASE BEING CHARGED TO THE VOTE FOR "UNFORESEEN CONTINGENCIES")—THE AMOUNT OF CLAIMS STILL OUTSTANDING—AND THE ESTIMATED CHARGE FOR THE SAME ITEMS FOR THE CURRENT YEAR.

Items of Expenditure.	Amount voted for 1836-7	Amount expended.	Excess paid from vote for "Unforeseen Contingencies.	Amount of outstanding Claims.	Unapplied Balance.	Estimated charge for 1836-7
Printing, Stationery &c.....	300 0 0	299 13 7		247 4 5	6 5	550
Civil & Criminal Prosecutions	600 0 0	602 4 0	2 4 0	274 17 6		900
Gaol Expenses.....	700 0 0	684 19 7			15 0 5	700
Coroners accounts.....	120 0 0	118 15 6		26 16 0	1 4 6	150
Fuel and Light.....	200 0 0	196 15 8		7 9 9	3 4 4	300
Postages and Incidentals.....	100 0 0	99 18 2½		1 1 7	1 9½	120
Repairs of Gaols & Court-houses	100 0 0	112 15 5	12 15 5	53 17 11		180
Circuits.....	460 0 0	565 7 11	105 7 11			560
Relief of the Poor.....	600 0 0	600 0 0		400 17 5		1000
Roads and Bridges.....	7539 7 0	5554 7 0				
Fog Guns.....	447 1 4	442 18 4		88 1 0	4 6 1	250
Stipendiary Magistrates and Constables in the Out-ports.	2180 0 0	1921 17 0			158 3 0	2180
Vote for the protection of the Fisheries to the Westward..	50 0 0	29 19 0			20 1 0	
Unforeseen Contingencies.....	500 0 0	498 13 9			1 6 3	500

N. B.—The saving under the head of "Salaries to Stipendiary Magistrates," arises from certain of those Gentlemen not taking up their residences at the places to which they were appointed, till some time after the commencement of the year.

STATEMENT

OF SALARIES, &c. DUE FOR THE QUARTER ENDING THE 30th JUNE, 1837, AND OF OTHER NECESSARY EXPENSES ACCRUING IN THE SAME PERIOD.

Clerk of the Council	£50 0	
Two Clerks in the Secretary's Office	100 0	
Office Keeper and Messenger do.	26 5	
Colonial Treasurer	100 0	
Clerk of Northern Circuit Court	50 0	
— Southern do.	50 0	
Crier and Tipstaff	15 0	
Gaoler (St. John's)	12 10	
Two Police Magistrates	125 0	
One Chief Constable	20 0	
Six Police Constables	45 0	
Stipendiary Magistrates (Outports)	302 10	
Clerk of Peace, Gaoler and Constables	242 10	
Additional officers of Colonial Revenue	200 0	
Attorney General in lieu of Fees	62 10	
	£1401 5 0	
Judge of the Admiralty		
Relief of the Poor		
Amount required by the Sheriff for expenses connected with his department (as per account herewith)		£214 1 0½

STATEMENT

OF CHARGES AGAINST THE PUBLIC FOR WHICH NO PROVISION HAS YET BEEN MADE.

No. 1.	CIVIL AND CRIMINAL PROSECUTIONS.			
	John Regan, rent of a room for Sessions at Old Perlican	1	4	6 8
	Clerk of Peace at Brigus	2	3	10 0
	Do. Port de Grave	3	3	10 0
	Hire of room at Do. (for sessions)	4	1	10 0
	Clerk of Peace, Harbor Grace, two accounts	5 6	7	0 0
	Do. Ferryland,	7		
	Do. St. John's, two accounts	8 9	80	6 10
	Hire of room for sessions at Twillingate	10	5	4 9
	Solicitor General	11	92	17 0
	Sheriff	12	39	7 0
	Do.	13	1	1 0
	Clerk of Peace, St. John's, Qr. ending 31st March,	14	16	0 2
	Do. do.	15	20	4 10
				£274 17 6
PRINTING, STATIONERY, &c				
No. 2.	Winton, four accounts	1 4	34	19 3
	Shea, four accounts	5 8	5	0 1
	Burton (<i>Star</i>)	9	18	2
	W. S. Comer, Harbor Grace, two accounts	10 11	2	3 10
	Ryan and Withers, (Balance)	12	98	6 8
	Sheriff, eight accounts	13	105	16 5
				£247 4 5
RELIEF OF THE POOR.				
No. 3.	St. John's, Prowse's account	1	239	17 6
	Do. Disbursements	2	153	8 9
	Trinity	3	7	11 2
				£400 17 5
CORONERS				
No. 4.	T. E. Gaden, Harbor Britain	1	10	9 0
	A. Hogsett, St. John's, Qr. ending 31st March	2	16	7 0
				£26 16 0
FUEL AND LIGHT.				
No. 5.	Lock-up-House, Port de Grave	1	2	0 0
	Sheriff, two accounts	2	5	9 0
				£7 9 0

ASSAYERS OF WEIGHTS AND MEASURES.

No. 6.	Bowes (Brigus and Port de Grave).....	1	21	5	6	
	John Collins (South side Trinity Bay)	2	28	14	0	
	Charles Grauger (North side do.).....	3	8	3	0	
						£58 2 6

REGISTERING VOTERS.

No. 7.	Old Perlican (<i>vide Regan's account No. 1 under head of Civil and Criminal Prosecutions</i>).....		6	18	8	
	St. John's.....	1	37	15	10	
	Trinity.....	2	5	8	10	
	Greenspond.....	3	12	0	0	
	Barnes (Brigus, Port de Grave, &c.).....	4	6	10	0	
	Bowes (Port de Grave).....	5	4	10	0	
	Butler (Brigus).....	6	6	0	0	
	Mullowney (Harbour Main).....	7	3	0	0	
	Connell (Brigus, &c.).....	8	3	0	0	
	Smith (do.).....	9	3	0	0	
						£83 3 4

EXPENSES OF ELECTIONS.

No. 8.	St. John's, 1st.....	1	160	11	9	
	Do. 2nd.....	2	56	9	7	
						217 1 4
	Fortune Bay, 1st.....	3	1	6	0	
	Do. 2nd.....	4	1	14	8	
						3 0 8
	Burin, 1st.....	5	10	16	6	
	Do. 2nd.....	6	14	10	4	
						25 6 10
	Placentia and St. Mary's, 1st.....	7	13	0	0	
	Do. 2nd.....	8	9	10	8	
						22 10 8
	Ferryland, 1st.....	9	12	0	6	
	Do. 2nd.....	10				no expense
						12 0 6
	Conception Bay, 1st.....	11	48	14	0	
	Do. 2nd.....	12	37	12	8	
						86 6 8
	Trinity, 1st.....	13	33	13	0	
	Do. 2d.....	14	1	4	0	
						34 17 0
	Bonavista, 1st.....	15	22	10	6	
	Do. 2nd.....	8 16	3	8	8	
						25 19 2
	Fogo, 1st.....					no account
	Do. 2nd.....	17	13	0	0	
						13 0 0
						£440 2 10

MISCELLANEOUS.

No. 9.	J. Skelton, Bonavista, Vaccinating	1	18	18	0
	Do. do. do.	2	1	1	0
	Gaol Repairs, Placentia	3	3	8	3
	J. Green, Surveying sites for Court Houses at Brigus and Carbonear	4	4	7	0
	Fog Guns (1st July to 31st Dec. 1836)	5	88	1	0
	Press &c., for Supreme Court	6	5	8	4
	Stipendiary Magistrate, Brigus, (office rent & fuel)	7	15	0	0
	Constable with Judge of N. C. Court	8	12	0	0
	Sheriff, repairs of Gaols and Court Houses, 6 accounts	9	53	17	11
	Do. Sheriff's House	10	43	8	8
	Do. Postages, 2 accounts	11	1	1	7
	E. Kielley, Surgical attendance,	12	9	9	0
					£256 0 9

ARREARS.

10.	Hire of Room for Sessions, Twillingate (1835)	5	4	0	
	Do. Perlican	4	6	8	
	Do. do.	4	6	8	
	Registering Voters do. (1835)	4	6	8	
	Do. Trinity Bay	2	9	0 0	
	Do. Ferryland	3	6	18 3	
	Do. do.	4	3	3 0	
	Do. Greenspond	5	12	0 0	
	Gaoler at Ferryland	6	2	2 8	
	Timothy Kelly, account for glazing at Court House	7	7	9 10	
	Coroner at Port de Grave	8	6	17 0	
	M'Coubrey (<i>Times</i> for Supreme Court, for the year ending 31st March, 1835)	9	18	2	
					£66 13 4

ABSTRACT OF THE FOREGOING.

1.	Civil and Criminal Prosecutions	274	17	6	
2.	Printing, Stationery, &c.	247	4	5	
3.	Relief of the Poor	400	17	5	
4.	Coroners	26	16	0	
5.	Fuel and Light	7	9	0	
6.	Assayers of Weights and Measures	58	2	6	
7.	Registering Voters	88	3	4	
8.	Expenses attending the Elections	440	2	10	
9.	Miscellaneous	256	0	9	
10.	Arrears	66	13	4	
Total outstanding claims to 31st March, 1837...				1866	7 1
Due Attorney General				90	1 2
				£1956	8 3

The Balance remaining in the Treasury from the year ended 31st March, 1836, as appearing in the Account published in the Journals of the House of Assembly

At which time there remained unpaid the sum of

Out of which sum the following items have been since paid—viz.

Roads and Bridges, £450 0 0
Constable at Lamaline, 10 0 0
Twilling-

gate and Fogo 35 0 0
Trinity... 25 0 0

1 Treasury Bill..... 100 0 0
Interest on Treasury Bill

Amount of monies received under the following heads during the respective periods named:—

Quarter ended 30th June, 1836.

Colonial Revenue
Imperial Revenue
License Fund
Fines

Quarter ended the 30th Sept.

Colonial Revenue
Imperial Revenue
License Fund.....
Fines

Quarter ended the 31st Decr.

Colonial Revenue
Imperial Revenue
License Fund... ..
Fines

Qtr. ended 31st March, 1837.

Colonial Revenue
Imperial Revenue
License Fund.....
Fines

8082 17 7³/₄

1058 2 9

620 0 0

7462 17 7³/₄7460 9 11³/₄5740 11 10¹/₂5740 11 10¹/₂6422 5 11¹/₄6426 15 11¹/₄

5437 9 1

2000 0 0

507 19 4

7945 8 5

2811 10 6

544 2 2

1 0 10

3356 13 6

23469 19 8³/₄£30930 9 8¹/₂

Amount paid during the Year ended 31st March, 1837, under the following heads:—

Salaries

Printing, Stationery

Civil and Criminal Prosecutions

Salaries of Officers in the Outports

Building Court Houses...

Convicts

Ordinary Repairs of Court Houses and Gaols...

Incidentals

Poor

Circuit Courts

Special Votes

Fog Guns

Repairs of Court Houses and Gaols

Gaol Expenses—Clothing and Dieting of Prisoners

Coroners' Bills

Fuel and Light

Legislative Contingencies

Roads and Bridges.....

Ascertaining Census.....

Education

Vote of Credit

Weights and Measures...

Voted.

Paid.

Unpaid.

Vote of Credit.

2935 0 0

2935 0 0

— — —

300 0 0

299 13 7

0 6 5

600 0 0

600 0 0

— — —

2 4 0

2180 0 0

2021 17 0

158 3 0

1650 0 0

1350 0 0

300 0 0

50 0 0

14 13 6

35 6 8

100 0 0

100 0 0

— — —

12 15 5

100 0 0

99 18 2¹/₂0 1 9¹/₂

105 7 11

600 0 0

600 0 0

— — —

460 0 0

440 0 0

— — —

1593 10 10

1573 9 10

20 1 0

447 4 5

442 18 4

4 6 1

405 0 0

301 0 0

104 0 0

700 0 0

684 19 6¹/₂15 0 5¹/₂

120 0 0

118 15 6

1 4 6

200 0 0

196 15 8

3 4 4

1390 0 9

1390 0 9

— — —

7539 7 0

5554 7 0

1985 0 0

500 0 0

418 4 8

81 15 4

2100 0 0

1387 10 0

712 10 0

500 0 0

498 13 9

1 6 3

— — —

65 12 2

— — —

£24470 3 0

3422 5 10

120 7 4

Balance remaining in the Treasury this day, and carried to Account.....

9817 0 2¹/₂£30930 9 8¹/₂

E. E.

St. John's, Newfoundland June 27th, 1837.

NEWMAN W. HOYLES, Treasurer.

DETAILED STATEMENTS

OF THE SEVERAL AMOUNTS INCLUDED IN THE FOREGOING GENERAL ACCOUNT.

AMOUNT VOTED FOR SALARIES—£2935 0 0.

1836.

June 30. To the undermentioned persons in the Proportions placed against their respective names, their salaries for the Quarter ended 30th June.

James Crowdy, Clerk of the Council, Warrant No.	27	50	0	0		
Joseph Templeman, Clerk in Secretary's office	—	50	0	0		
Christopher Ayre " " "	—	50	0	0		
Valentine Born, keeper of " "	—	15	0	0		
John Houson, Messenger " "	—	11	5	0	176	5 0
Edward Archibald, Clerk of S. C. C. Court	28	75	0	0		
John Stark, " N. C. "	—	50	0	0		
Aaron Hogsett " S. C. "	—	50	0	0		
James Lambard, Tipstaff and Crier	—	15	0	0	190	0 0
Newman W. Hoyles, Colonial Treasurer	29	100	0	0		
James Blaikie, Police Magistrate	—	62	10	0		
Peter W. Carter " "	—	62	10	0		
Richard Perchard, Gaoler	—	12	10	0	237	10 0
The Attorney General	32				62	10 0
John Freeman, Police Constable	33	11	5	0		
John Torr, " "	—	11	5	0		
John M'Lenan " "	—	11	5	0		
Thomas Morton " "	—	11	5	0		
George Palk " "	—	11	5	0		
William Heaney " "	—	11	5	0	67	10 0

Sept. 30. The undermentioned persons in the proportions placed against their respective names, their Salaries for the Quarter ended this day.

James Crowdy	69	50	0	0		
Joseph Templeman	—	50	0	0		
Christopher Ayre	—	50	0	0		
Valentine Born	—	15	0	0		
John Houson	—	11	5	0	176	5 0
Edward M. Archibald	70	75	0	0		
John Stark	—	50	0	0	125	0 0
Aaron Hogsett	—	50	0	0		
James Lambard	—	15	0	0	65	0 0
Newman W. Hoyles	71	100	0	0		
James Blaikie	—	62	10	0		
Peter W. Carter	—	62	10	0		
Richard Perchard	—	12	10	0	237	10 0
The Attorney General	74				62	10 0
Thomas Morton	75	11	5	0		
John Freeman	—	11	5	0		
John M'Lenan	—	11	5	0		
William Heany	—	11	5	0		
John Torr	—	11	5	0		
George Palk	—	11	5	0	67	10 0

Carried forward - - £1467 10 0

1837. Brought forward..... £1467 10 0
 Jan. 2. To the undermentioned persons in the proportions placed against their respective names, their salaries for the Qr. ended 31st December—

James Crowdy	.....	Warrant No. 153	50	0	0	
Joseph Templeman	.....	—	50	0	0	
Christopher Ayre	.....	—	50	0	0	
Valentine Born	.....	—	15	0	0	
John Houson	.....	—	11	5	0	176 5 0
Edward M. Archibald	.....	154	75	0	0	
John Stark	.....	—	50	0	0	
George Simms	.....	—	50	0	0	175 0 0
James Lambard	.....	154	..	..	..	15 0 0
Newman W. Hoyles	.....	155	100	0	0	
James Blaikie	.....	—	62	10	0	
Peter W. Carter	.....	—	62	10	0	
Richard Perchard	.....	—	12	10	0	237 10 0
John Freeman	.....	156	11	5	0	
George Palk	.....	—	11	5	0	
John M'Lenan	.....	—	11	5	0	
William Heany	.....	—	11	5	0	
John Torr	.....	—	11	5	0	
Thomas Morton	.....	—	11	5	0	67 10 0
James Simms	.....	157	..	..	..	62 10 0

April 1. The undermentioned persons in the proportions placed against their respective names, their salaries for the Qr. ended 31st March—

James Crowdy	.....	.....	185	50	0	0
Joseph Templeman	.....	.....	—	50	0	0
Christopher Ayre	.....	.....	—	50	0	0
Valentine Born	.....	.....	—	15	0	0
John Houson	—	11	5	0	176 5 0
Edward Archibald	.....	.....	185	75	0	0
John Stark	.....	.....	—	50	0	0
George Simms	.....	.....	—	50	0	0
James Lambard	—	15	0	0	190 0 0
Newman W. Hoyles	.....	.....	186	100	0	0
James Blaikie	.....	.....	—	62	10	0
Peter W. Carter	.....	.....	—	62	10	0
Richard Perchard	—	12	10	0	237 10 0
John Freeman	.....	.....	187	11	5	0
William Heany	.....	.....	—	11	5	0
John M'Lenan	.....	.....	—	11	5	0
James Boyd	.....	.....	—	11	5	0
John Torr	.....	.....	—	11	5	0
John Downey	—	11	5	0	67 10 0
The Attorney General	188	62 10 0
						<u>£2935 10 0</u>	

 AMOUNT VOTED FOR PRINTING, STATIONERY—£300.

1836.

Sept. 23.	To the Colonial Secretary for Stationery and Law Books purchased by him for the use of the Secretary's Office in this colony	Warrant No. 68	.. .. .	38 14 5
	The High Sheriff for disbursements made by him during the Qr. ended the 30th June, and in part payments of Warrants Nos. 1, 12, 26 36		.. .. .	80 17 8
Nov. 19.	The High Sheriff for disbursements made by him during the Qr. ended 30th Sept.	122	.. .. .	50 5 3
22.	John T. Burton for advertising in the Conception Bay <i>Star</i> , calling a meeting under the Hospital Act	123	.. .. .	1 6 0
Decr. 1.	Ryan and Withers, on account of their demands for printing and advertising	134	.. .. .	120 0 0
1837.	The High Sheriff for disbursements made by him during the Qr. ended 31st December	170	.. .. .	4 3 10
June 16.	Robert J. Parsons for supplying the Secretary's Office with the "Newfoundland Patriot" during the year ended 31st March	214	1 1 8	
	John M'Coubrey furnishing the "Times" during the same period	—	18 2	
	Alexander M'Iver, for Stationery	—	2 0 9	
	John Shea for advertising	—	5 10	4 6 5
				£299 13 7

 AMOUNT VOTED FOR PROSECUTIONS—£600.

1836.

June 7.	To the Attorney General expenses incurred in conducting certain Criminal Prosecutions in the Central Circuit Court	Warrant No. 18	.. .. .	9 17 6
11.	The Attorney General for conducting Criminal Prosecutions	21	.. .. .	6 8 6
16.	The Solicitor General for conducting Criminal Prosecutions in the Southern Circuit Court	23	.. .. .	9 15 6
25.	The undermentioned persons for their services in acting as special constables during the late term of the Central Circuit Court	24		
	Lionel T. Chancey	—	2 15 0	
	Richard Butt	—	2 15 0	5 10 0
July 11.	John Currie for his services as Crier of the sessions Court at Harbor Grace during the year ended 31st March	38	.. .. .	3 0 0
18.	The Clerk of the Peace in Conception Bay the amount of his account for the Quarter ended 30th June	42	.. .. .	3 10 0
Carried forward - - -				£38 1 6

1836.		Brought forward -	£38	1	6
August 2.	Samuel Cozens (acting Clerk of the Peace of Brigus) amount of his account	Warrant No. 53		3	10 0
30.	The Clerk of the Peace in St. John's, expenses incurred by him in conducting certain criminal prosecutions	..... 56		34	9 10
October 14.	The Clerk of the Peace, St. John's, amount of his account for the Quarter ended the 30th of September	..... 94		7	1 8
22.	The Clerk of the Peace in Harbor Grace for his services in attending at and making up records of the Sessions Court at Harbor Grace	99		3	10 0
	The High Sheriff for disbursements made by him during the Qr. ended 30th June, and in part payment of Warrants Nos. 1, 12, 26, 36,	.....		63	19 6
Nov. 19.	The High Sheriff for disbursements made by him during the Qr. ended 30th Sept.	122		13	19 6
	George Simms for conducting criminal Prosecutions in the Southern Circuit Court	..... 123		23	13 10
24.	Hugh A. Emerson, for conducting (as Solicitor General) a prosecution in N. Circuit Court	129		7	5 6
Decemb. 8.	The Attorney General towards defraying the expenses of Witnesses brought from Conception Bay for examination by the Grand Jury,	141		40	0 0
	Robert Bayly, Clerk of the Peace at Trinity, his account for the half year ended 30th Sep.,	142		9	0 0
26.	John Stark, for conducting Crown Prosecutions on the Northern Circuit	..... 151		12	9 4
31.	The Attorney General towards defraying the expenses of witnesses in criminal prosecutions,	152		30	0 0
1837.	The High Sheriff for disbursements made by him				
Jan. 14.	during the Qr. ended 31st December	170		285	16 0
Feb. 3.	The undermentioned persons, the amount of their respective accounts—				
	John Clarke	..... 179		2	16 0
	William Heany	..... —		1	19 0
	James Boyd	..... —			8 8
	James Blaikie	..... —		1	10 4
				6	14 0
13.	The High Sheriff for disbursements made by him during the Qr. ended the 31st March	202		20	13 6
26.	George Davis for making twelve constables' staves,	206		15	7
	George Trapnell for painting the same when made	—		1	4 3
				1	19 10
				£602	4 0

AMOUNT VOTED FOR SALARIES OF OFFICERS AT THE OUTPORTS—£2180.

1836.		
June 30.	To the following persons the amount of their respective salaries for the Qr. ended this day,	
	Thomas Danson, Magistrate, Harbor Grace, Warrant No. 30	37 10 0

1836.		Brought forward		37 10 0
June 30.				
John Buckingham,	Carbonear	....	30	30 0 0
Robert J. Pinsent,	Brigus	....	—	30 0 0
Alfred Maine, Clerk of Peace in	Conception Bay	....	31	12 10 0
John Currie, Gaoler at Harbor Grace		....	—	12 10 0
Luke Doyle, Constable at Petty Harbor		....	39	5 0 0
Michael Cullen,	Torbay	....	—	4 10 0
James Sharp, Chief Constable in	Conception Bay		40	8 15 0
Benjamin Rowe,	Harbor Grace		—	6 5 0
Jonathan Martin	"	"	—	6 5 0
James Barry	"	Carbonear	—	6 5 0
Edward Prym	"	"	—	6 5 0
Samuel Rumson	"	"	—	6 5 0
James Poppleston	"	Western Bay	—	3 5 0
July 25. William Evans, Magistrate,	Grand Bank		47	25 0 0
T. E. aden	"	Harbor Britain	—	15 9 0
F. L. Bradshaw	"	Placentia	—	15 0 0
Robert Carter	"	Ferryland	—	15 0 0
John M'Kie	"	Bay Bulls	—	15 0 0
27. Thomas Buttler, Constable at	Brigus		48	6 5 0
John Bowes,	"	Port de Grave	—	6 5 0
Robert Connell	"	Cats Cove	—	3 0 0
William Mallowney	"	Harbor Maine	—	3 0 0
William Smith	"	South Shore	—	3 0 0
August 15. John Norman	"	Barren Island	55	3 0 0
31 James Norris	"	Bay de Verds	57	3 0 0
Sept. 30. The undermentioned persons amount of their respective salaries for the Qr. ended 30th Sept.—				
Thomas Danson	....	....	72	37 10 0
John Buckingham	....	....	—	30 0 0
Robert J. Pinsent	....	....	—	30 0 0
William Evens	....	....	—	25 0 0
Thomas E. Gaden	.....	.....	—	15 0 0
Francis L. Bradshaw	....	....	—	15 0 0
Robert Carter		....	—	15 0 0
John L. M'Kie	....	.....	—	15 0 0
Benjamin Sweetland, Magistrate at	Trinity, salary from 18th			
June to this date	.....	.....	73	34 5 0
William Hooper, Magistrate at	Burin, salary from 24th May			
to this date	.....	.....	—	35 9 0
Alfred Maine, Qr. ended this day	.....	.....	74	12 10 0
John Collins, constable at	Old Perlican, salary for the half			
year end this day	.....	.....	77	6 0 0
John Peyton, Magistrate at	Twillingate	.....	78	25 0 9
Michael Coady, constable at	Bay Bulls, salary for half year			
ended this day	.....	.....	79	12 10 0
John Norman, Qr. ended this day	.....	.....	—	3 0 0
October 6. Josiah Blackburn, Magistrate at	St. Mary's, salary from 16th Aug. to this date		85	7 10 0
Michael Cullen, constable at	Torbay, salary for qr. ended			
30th of September	....	....	86	4 10 0
James Cruse, constable at	Lamaline, salary for the half year			
ended same day	....	....	—	6 0 0
Carried forward				£616 14 8

		Brought forward . . .		£616 14 8	
1836.					
Oct. 10.	To the following persons, amount of their respective salaries for the half year ended 30th September.				
	L. Furlong, Constable at Great Placentia	Warrant No. 90	12 10	o	
	Patrick Grant " Little "	.....	—	6 o o	
	John Clarke " Merasheen	.....	—	6 o o	24 10 o
	Charles Granger, Gaoler at Trinity	.....	91		12 10 o
17.	Luke Doyle, Constable at Petty Harbor, salary for Qr. ended 30th September	.....	93	5 o o	
	Thomas F. Moore, Constable at Northern Harbor, salary for half year, ended same day	.....	—	6 o o	11 o o
19.	To the following persons, amount of their respective salaries during the past quarter.				
	John Currie, Gaoler, Harbor Grace	.....	98	12 10	o
	James Sharp, High Constable at do.	.....	—	8 15	o
	Jonathin Martin, " "	.....	—	6 5	o
	John Connell, " "	.....	—	6 5	o
	Benjamin Rowe, " Carbonear	.....	—	6 5	o
	James Barry, " "	.....	—	6 5	o
	Samuel Rumson, " "	.....	—	6 5	o
	James Poppleston, " Western Bay	.....	—	3 o o	55 10 o
Nov. 1.	Richard Sullivan, Constable, Ferryland, his salary for half year ended 30th September,	.....	104		12 10 o
5.	James Norris, Constable at Bay de Verds, salary for the quarter ended same day,	.....	108		3 o o
	Charles Randall, Constable at Hearts Content, salary for half year ended same day,	.....	109		6 o o
8.	William Burke, do., St. Mary's, same period	.....	111	6 o o	
	George Sutton, do., Trepassey, do.	.....	—	6 o o	12 o o
15.	Edmund Power, do., Brigus by South, same time	.....	117		6 o o
23.	Michael Jackman, Renews, " "	.....	128		10 o o
Dec. 1.	To the undermentioned persons for their services as Constables at the places placed opposite their respective names during the half year ended 30th September.				
	James Rice, Twillingate	.....	133	12 10	o
	James Blackallar " "	.....	—	6 o o	
	John Ludlow, Fogo	.....	—	6 o o	
	John Dalton, Exploits Bay	.....	—	6 o o	30 10 o
3.	Peter Gorman, Gaoler at Ferryland, his salary for the half year ended 30th September	.....	137		12 10 o
	William Framer, Constable at Fermeuse, his salary for same period	.....	138		6 o o
12.	Stephen Getherell, Constable at Toads Cove, his salary for same period	.....	144		6 o o
20.	Edmund Glynn, Gaoler at Burin, his salary for same period	.....	147		12 10 o
					12 10 o
					£837 4 8
					Carried forward . . .

1836.		Brought forward		£837	4	8
Jan. 2. The undermentioned persons in the proportions expressed against their respective names, their salaries for the quarter ended 31st December.						
Thomas Danson, Magistrate at Harbor Grace, Warrant No. 158.				37	10	0
John Buckingham, " Carbonear	—			30	0	0
Robert J. Pinsent, " Brigus	—			30	0	0
Alfred Mayne, Clerk of Peace in Conception Bay	—			12	10	0
James Sharp, Chief Constable, " "	—			8	15	0
John Currie, Gaoler at Harbor Grace	—			12	10	0
3. Jonathan Martin, Constable do.	159			6	5	0
John Connell, do. do.	—			6	5	0
Benjamin Rowe, do. Carbonear	—			6	5	0
James Barry, do. do.	—			6	5	0
Samuel Rumson, do. do.	—			6	5	0
James Norris, do. Bay de Verds	—			3	0	0
James Poppleston, do. Western Bay	—			3	0	0
William Butler, half year, do. Brigus	—			12	10	0
John Bowes, do. do. Port de Grave	—			12	10	0
William Mallowney, do. do. Harbor Main	—			6	0	0
Robert Connell, do. do. Cats Cove	—			6	0	0
William Smith, do. do. South Shore	—			6	0	0
5. Robert Carter, Magistrate at Ferryland	160			15	0	0
John L. M'Kie, do. Bay Bulls	—			15	0	0
Peter Gorman, Gaoler at Ferryland	—			6	5	0
Richard Sullivan, Constable do.	—			6	5	0
Michael Coady, do. Bay Bulls	—			6	5	0
Stephen Getherell, do. Toads Cove	—			3	0	0
William Framer, do. Fermuse	—			3	0	0
Edward Power, do. Brigus South	—			3	0	0
Michael Jackman, do. Renews	—			5	0	0
$\frac{3}{4}$ year do. at Witless Bay	—			9	0	0
Francis Bradshaw, Magistrate at Placentia	161			15	0	0
Josiah Blackburn, do. St. Mary's	—			15	0	0
Luke Collins, $\frac{3}{4}$ year Gaoler at Placentia	—			18	15	0
Lawrence Furlong, Constable at do.	—			6	5	0
Patrick Grant, do. Little do.	—			3	0	0
John Moran, do. Barren Islands	—			3	0	0
John Clarke, do. Merasheen	—			3	0	0
George Sutton, do. Trepassey	—			3	0	0
William Burke, do. St. Mary's	—			3	0	0
William Evans, Magistrate at Grand Bank	162			25	0	0
Thomas E. Gaden, do. Harbor Britain	—			15	0	0
Constable at Fortune Bay $\frac{3}{4}$ year	—			9	0	0
Do. do. do.	—			9	0	0
Benjamin Sweetland, Magistrate, Trinity	163			30	0	0
Charles Granger, Gaoler, do.	—			6	5	0
Constable at Trinity $\frac{3}{4}$ year	—			18	15	0
Do. do. do.	—			9	0	0
Do. Catalina do.	—			9	0	0
John Collins, Constable at Perlican	—			3	0	0
Charles Randall, do. Hearts Content	—			3	0	0
Thomas F. Moore, do. New Harbor	—			3	0	0
Constable at Hants Harbor $\frac{3}{4}$ year	—			9	0	0
				<u>£1339 9 8</u>		
Carried forward				£1339	9	8

1837.

Brought forward . . . £1339 9 8

Jan. 5. To the Constables at Bonavista Bay, and of their salaries for the $\frac{3}{4}$ year ended 31st December, Warrant No. 164 30 0 0

To the undermentioned persons, amount of their respective salaries for the quarter ended 31st December.

John Peyton, Magistrate, Twillingate	.....	165	25	0	0	
James Rice, Constable do.	.....	—	6	5	0	
James Blackallar, do. do.	.....	—	3	0	0	
John Ludlow, do. do.	.....	—	3	0	0	
John Dalton, do. do.	.....	—	3	0	0	40 5 0
William Hooper, Magistrate at Burin,	.....	166	25	0	0	
Edmund Glynn, Gaoler do.	.....	—	6	5	0	
Constable at Burin, $\frac{3}{4}$ year	.....	—	18	15	0	
James Cruse, Constable at Lamaline,	.....	—	3	0	0	53 0 0
Michael Cullen, do. Torbay,	.....	167	4	10	0	
Luke Doyle, do. Petty Harbor	.....	—	5	0	0	9 10 0

April 1. To the undermentioned persons in the proportions expressed against their respective names, their salaries for the quarter ended 31st March.

		189				
Thomas Danson, Magistrate at Harbor Grace	.....	—	37	10	0	
John Buckingham, " Carbonear	.....	—	30	0	0	
Robert J. Pinsent, " Brigus	.....	—	30	0	0	
Alfred Mayne, Clerk of Peace in Conception Bay	.....	—	12	10	0	
James Sharp, Chief Constable, " "	.....	—	8	15	0	
John Currie, Gaoler at Harbor Grace	.....	—	12	10	0	131 5 0
Jonathan Martin, Constable do.	.....	190	6	5	0	
John Connell, do. do.	.....	—	6	5	0	
Benjamin Rowe, do. Carbonear	.....	—	6	5	0	
James Barry, do. do.	.....	—	6	5	0	
Samuel Rumson, do. do.	.....	—	6	5	0	
Thomas Butler, do. Brigus	.....	—	6	5	0	
John Bowes, do. Port de Grave	.....	—	6	5	0	
James Norris, do. Bay de Verds	.....	—	3	0	0	
James Poppleston, do. Western Bay	.....	—	3	0	0	
William Mallowney, do. do. Harbor Main	.....	—	3	0	0	
Robert Connell, do. do. Cats Cove	.....	—	3	0	0	
William Smith, do. do. South Shore	.....	—	3	0	0	58 15 0
Robert Carter, Magistrate at Ferryland	.....	191	15	0	0	
John L. M'Kie, do. Bay Bulls	.....	—	15	0	0	
Peter Gorman, Gaoler at Ferryland	.....	—	6	5	0	
Richard Sullivan, Constable at Bay Bulls	.....	—	6	5	0	
Michael Coady, do. Toads Cove	.....	—	6	5	0	
Stephen Getherell, do. Fermeuse	.....	—	3	0	0	
William Frammer, do. Brigus South	.....	—	3	0	0	
Edward Power	.....	—	3	0	0	
Constable at Witless Bay	.....	—	3	0	0	
Michael Jackman, do. Renews	.....	—	5	0	0	65 15 0

Carried forward . . . £1727 19 8

1837.		Brought forward . . .		£1727 19 8	
April 1.	.....	Warrant No. 192			
To Francis L. Bradshaw, Magistrate at Placentia	.....	—	15	0	0
Josiah Blackburn, do. St. Mary's	.....	—	15	0	0
Luke Collins, Gaoler at Placentia	.....	—	6	5	0
Lawrence Furlong, Constable at do.	.....	—	6	5	0
Patrick Grant, do. Little Placentia	.....	—	3	0	0
John Moran, do. Barren Islands	.....	—	3	0	0
John Clarke, do. Merasheen	.....	—	3	0	0
George Sutton, do. Trepassey	.....	—	3	0	0
William Burke, do. St. Mary's	.....	—	3	0	0
William Evans, Magistrate at Grand Bank	.....	193	25	0	0
Thomas E. Gaden, do. Harbor Britain	.....	—	15	0	0
John Froot, Constable at Fortune Bay	.....	—	3	0	0
George Forward, do. do.	.....	—	3	0	0
Benjamin Sweetland, Magistrate at Trinity	.....	194	30	0	0
Charles Granger, Gaoler, do.	.....	—	6	5	0
Constable at do.	.....	—	6	5	0
Do. do.	.....	—	3	0	0
Do. Catalina	.....	—	3	0	0
John Collins, Constable at Perlican	.....	—	3	0	0
Charles Randall, do. Hants Harbor	.....	—	3	0	0
Thomas F. Moore, do. New Harbor	.....	—	3	0	0
Do. Hants Harbor	.....	—	3	0	0
William Sweetland, Magistrate at Bonavista	.....	195	29	12	4
George Ryder, Constable do.	.....	—	3	2	6
Michael Finnell, do. do.	.....	—	3	2	6
Robert Smith, do. Catalina	.....	—	3	15	0
John Peyton, Magistrate at Twillingate,	.....	196	25	0	0
James Rice, Constable do.	.....	—	6	5	0
Jamas Blackallar, do. do.	.....	—	3	0	0
John Ludlow, do. Fogo	.....	—	3	0	0
John Dalton, do. Exploits Bay	.....	—	3	0	0
William Hooper, Magistrate at Burin	.....	197	25	0	0
Edward Glynn, Gaoler do.	.....	—	6	5	0
Constable do.	.....	—	6	5	0
James Cruse, do. Lamaline	.....	—	3	0	0
Michael Cullin, do. Torbay	.....	198	4	10	0
Luke Doyle, do. Petty Harbor	.....	—	5	0	0
				£2021 17 0	

AMOUNT VOTED FOR BUILDING COURT HOUSES AND GAOLS—£1650.

1836.	October 8.	To Nicholas Croke on account of his contract for building Court Houses and Gaols,	Warrant No. 89	300	0	0
1837.	January 9.	“ “ “ “ “ “ “	168	300	0	0
	February 2.	“ “ “ “ “ “ “	176	300	0	0
	May 10.	“ Thomas Wright amount of his contract for enlarging and repairing the Court House and Gaol at Ferryland	208	150	0	0
		Temporary Warrant		300	0	0
				£1350 0 0		

AMOUNT VOTED FOR CONVICTS—£50.

1836.				
June 30.	To John B. Cox, for his services as superintendant of convicts at hard labour during the Qr. ended 30th June.	Warrant No. 31	12	10 0
October 4.	John B. Cox, for his services superindending convicts from the 1st to the 16th of July, inclusive	81	2	3 6
			<u>14</u>	<u>13 6</u>

AMOUNT VOTED FOR REPAIRS OF GAOLS AND COURT HOUSES—£405

1836.				
Nov. 15.	To Roger F. Sweetman for erecting a fence round the Court House at Placentia, and painting the interior	Warrant No. 116	89	0 0
22.	John Currie for building a wall round the Gaol Yard at Harbor Grace, taking down, removing, and erecting the wooden fence and pointing and repairing the stone work of the Gaol	125	196	0 0
Decem. 19.	Robert Lee Whiting for superintending the building of a wall round the Gaol at Yard Harbor Grace	146	10	0 0
1837.				
Feb. 3.	Robert Lee Whiting for altering the Magistrate's Office at Harbor Grace	179	6	0 0
			<u>301</u>	<u>0 0</u>

AMOUNT VOTED FOR ORDINARY REPAIRS OF GAOLS AND COURT HOUSES—£100

1836.				
July 11.	To William Mitchell for certain additions made to the office of the Clerk of the Northern Circuit Court at Harbor Grace	Warrant No. 37	3	15 0
22.	Thomas M'Grath, smiths work on the Court House Buildings	44	33	3 10
11.	John Currie, for Building a porch at the door of the Gaoler's kitchen in Harbor Grace	38	5	18 6
Nov. 15.	The High Sheriff for sundry disbursements made by him during the Qr. ended 30th June, and in part payment of Warrants Nos. 1, 12, 36, 26		41	3 8
19.	The High Sheriff for disbursements made by him during the Qr. ended 30th Sept.	122	15	7 1
1837.				
Jan. 14.	The High Sheriff for disbursements made by him during the Qr. ended 31st December	170	13	7 4
			<u>112</u>	<u>15 5</u>

AMOUNT VOTED FOR INCIDENTALS—£100.

1836.				
June 30.	To William Bennett (gate keeper at Government House) his salary for the Qr. ended 30th June Warrant No. 31		6 10 0	
July 18.	The Proprietors of the Express Packet Boat, for postages during the quarter ended June 30, 43		1 0 10	
23.	Edward Roach for clearing snow from the roof, from the roads, &c. about Government-house and grounds during the same period 46		7 10 0	
Sept. 30.	Edward Roach, his allowance for the Qr. ended this day 76	7 10 0		
	William Bennett (gate keeper at Government-house) his allowance for the same period —	6 10 0	14 0 0	
Oct. 7.	William Bennett (Government-house privy cleanser) his allowance for the half year ended 30th of September 88		3 9 4	
	The High Sheriff for disbursements made by him during the Qr. ended 30th June, in part payment of Warrants Nos. 1, 12, 26, 36		3 11 11½	
Nov. 19.	The High Sheriff for disbursements made by him during the Qr. ended the 30th Sep. 122		2 10 4	
23.	William Williams for conveyiug from Bay of Bulls a parcel of Letters from St. Pierres for the Secretary's Office 126		1 6 0	
1837.				
Jan. 5.	William Bennett (gate keeper at Government-house) his allowance for the Qr. ended 31st Dec. 167		6 10 0	
11.	Edward Roach his allowance for keeping Government-house and grounds free from snow during the Qr. ended 31st Dec. 169	7 10 0		
	Valentine Born his allowance for cleansing public offices during the Qr. ended 31st December	5 0 0	12 10 0	
14.	The High Sheriff for disbursements made by him during the Qr. ended 31st December 170		9 14 1	
21.	Henry Winton for newspapers deposited in the Secretary's Office under the Press Bill 175		1 14 8	
	Carried forward		70 7 2½	

		Brought forward			70	7	2½	
1837.								
Jan. 21.	The Proprietors of the Express Packet Boat, for postages for the Secretary's Office during the half year ended 31st Dec. Warrant No. 175	4	6	1				
	James Doyle, for postages during the same period		13	0				
	The Newfoundland School Society for Testaments purchased for the Secretary's Office		3	11	5	3	0	
Feb. 3.	The proprietors of the St. Patrick Packet Boat for postages					4	4	
April 1.	To William Bennett (gate keeper at Government House) his salary for the Quarter ended 31st March	6	10	0				
	Edward Roach his allowance for keeping Government-house and grounds free from snow during the same period	7	10	0	14	0	0	
6.	William Bennett (Government-house privy cleanser) for his services in attending to the duties of his office during the last half year					3	9 4	
12.	The High Sheriff for disbursements made by him during the Qr. ended the 31st March					3	12 0	
15.	Michael Brine for postages on letters brought from Carbonear to the 31st March last					6	6	
26.	Robert J. Pinsent for postages in his office during the year ended 31st March					1	18 0	
May 16.	John Snelgrove for a pendant					7	0	
June 16.	Robert J. Parsons for furnishing the Newfoundland Patriot to the Secretary's Office for six months under the Press Bill					10	10	
							<u>99</u>	<u>18 2½</u>

AMOUNT VOTED FOR THE POOR—£600

1836.								
June 30.	To Edward Kielly his salary as District Surgeon for the qr. ended this day Warrant No. 32				20	0	0	
July 18.	The commissioners for relieving the poor on account of their expenditure during the past qr.	41			220	0	0	
Sep. 13.	The commissioners on account of their disbursements	63			20	0	0	
30.	Edward Kielly his salary as District Surgeon for the Qr. ended this day	74			20	0	0	
Oct. 6.	The commissioners for relieving the poor on account of their disbursements during the qr. ending 30th Sept.	87			190	0	0	
1837.								
Jan. 2.	Edw. Kielly his salary for the qr. ended 31st Dec.	157			20	0	0	
Feb. 2.	The commissioners for relieving the poor	178			90	0	0	
April 1	Edw. Kielly his salary for the qr. ended 31st March	188			20	0	0	
							<u>600</u>	<u>0 0</u>

AMOUNT VOTED FOR CIRCUIT COURTS—£460.

1836.				
June 7.	To Judge Brenton his allowance of table money during the last term of the Northern Circuit Court			
	Warrant No. 19		38	0 0
Nov. 7.	Esau Percy for the hire of the schooner St. John for the N. C. Court from the 20th Sep. to the 22d Oct. at the rate of £100 per month	110	110	0 0
17	Judge Brenton, his allowance of table money on the N. C. from the 20th Sep. to the 16th Nov.	118	58	0 0
18	John Torr for his services in attending as constable on the N. C. Court	119	25	12 6
	The High Sheriff for disbursements made by him during the Qr. ended 30th June, and in payment of Warrants Nos. 1, 12, 26, 36		1	10 4
14	Judge Des Barres for the table expenses of the Southern Circuit Court from the 20th Sept. to the 14 Nov.	115	55	0 0
19	Nathaniel Munden for the hire of the Brig Jane and Elizabeth for the Southern Circuit Court from the 20th Sept. to the 15th Nov. at the rate of £100 per month	120	209	0 0
	John M'Lenon for his services in attending as constable on the S. C. Court	121	25	12 6
	George Simms, for expenses incurred in proceeding on the Southern Circuit	123	5	0 0
1837.				
Jan. 14.	The High Sheriff for disbursements made by him during the Qr. ended 31st Dec.	170	37	12 7
			<hr/>	
			£565 7 11	

AMOUNT VOTED FOR SPECIAL VOTES—£1593 10s 10d.

1836.					
May 12.	To the following persons in the proportions placed opposite to their respective names, being the sums voted by the House of Assembly—				
	Aaron Hogsett for the late High Sheriff, Warrant No. 2			74	12 5
	Thomas Williams, assayer of weights and measures	6	50	0 0	
	Luke Brown	—	29	11 0	
	George Hipposly	—	15	0 0	
	Thomas Daniel	—	15	16 6	110 7 6
	B. G. Garrett, allowance for the hire of an office for the use of the Southern Circuit Court	7	21	0 0	
	Commander Hope expenses incurred in protecting the fisheries	—	12	18 5	33 18 5
	The following persons for their services in registering voters' names—				
	Henry Winton	8	6	15 10	
	James Finlay	—	17	14 3	
	Sundry Constables	—	13	9 6	
	John M'Lenon	—	4	8 6	
	George Skelton	—	15	0 0	
	Michael Coady	—	7	0 0	64 8 1
			<hr/>		
			Carried forward		283 6 5

1836.		Brought forward . . .		£283 6 5	
May 12.	To William Sterling	Warrant No. 9	10 10	o	
	A. Rankin	—	10 10	o	
	John Buckingham	—	2 2	o	
	Thomas Danson	—	8 8	o	
	James Sharp	—	8 11	o	
	Samuel Rumson	—	3 3	o	
	Benjamin Rowe	—	3 3	o	
	Jonathan Martin	—	7 6		
	Moses Gosse	—	1 2	6	
	Joseph Baggs	—	7 6		
	John Barnes	—	4 10	o	
	Benjamin Barnes	—	4 10	o	
	Thomas Butler	—	3 0	o	
	George Crawford	—	3 0	o	
	Robert Connell	—	3 0	o	
	William Mallowney	—	3 0	o	
	William Smith	—	2 10	o	
	William Branscombe	—	3 0	o	74 14 6
	William Armstrong	10	50 0	o	
	Matthew Stevenson	—	40 0	o	
	William Martin	—	26 0	o	
	James Blaikie	—	100 0	o	216 0 0
	Newman W. Hoyles	11	23 18	11	
	James Tobin	—	20 0	o	
	Thomas Gamble	—	8 11	o	
	Joseph Templeman	—	17 10	o	69 19 11
28.	The President of the Dorcas Society	17			50 0 0
June 9.	The President of the Indigent Sick Society	20			100 0 0
	The central Board of Commissioners of Roads and Bridges on account of the vote for the improvement of the Harbor of Quidi Vidi	22			50 0 0
	Aaron Hogsett (Clerk of the S. C. Court), rent of his office during the half year ended this day	34			6 0 0
	This sum paid to George Hipposly by Warrant No. 6 to be deducted, it having been paid out of the vote of credit, it having been granted to him pursuant to an address from the House of Assembly to his Excellency the Governor and not included in the Supply Bill. £15 0 0				850 0 10
	This sum paid to the Colonial Treasurer by Warrant No. 11 not being allowed by the Governor, though voted by the House of Assembly, in consequence of its not appearing in the manuscript copy of the Supply Bill. £0 10 0		15 10	o	834 10 10
July 5.	To the Treasurer of the Factory sum voted	35			200 0 0
29.	The committee for erecting the new Church at Harbor Grace, sum voted	50			200 0 0
	Carried forward				£1234 10 10

1836.		Brought forward . . .	£1234 10 10
July 29.	To the Central Board of Commissioners, on account of the vote for improving the Harbor of Quidi Vidi Warrant No. 51	51	50 0 0
Sept. 1.	The Central Board of Commissioners for same purpose	58	43 6 8
Oct. 29.	The Colonial Secretary for disbursements made by him on account of the vote for the protection of the Fisheries	102	20 9 6
Nov. 5.	Peter W. Carter in part payment of sum voted	107	50 0 0
10.	Thomas Petnam for supplies furnished to the party employed at Lamaline in protecting the Fisheries	114	9 9 6
1837.			
Jan. 17.	Peter W. Carter, part of sum voted	171	25 0 0
April 1.	Peter W. Carter, balance of sum voted	199	25 0 0
3.	George Simms to defray the rent of his office as Clerk of the Southern Circuit Court, for the three quarters ended 31st March	200	9 0 0
May 25.	The Central Board of Commissioners of Roads being the balance of the sum voted for improving the Harbor of Quidi Vidi	210	106 13 4
			£1573 9 10

AMOUNT VOTED FOR FOG GUNS—£447 4 5.

1836.			
May 7.	To the Board of Ordnance, expenses incurred in the firing of Fog Guns during the half year ended 30th June, 1835. Warrant No. 14	14	101 8 7
25.	The Board of Ordnance, agreeably with the Governor's Warrant No. 3, bearing date 27th January, '35,		72 15 10
June 28.	The Board of Ordnance, expenses attending the firing of Fog Guns, during the quarter ended 31st Dec. last	25	93 7 8
October 19.	The Board of Ordnance, being the value of gunpowder, expended in the firing of Fog Guns during the half year ended 30th June	97	173 12 9
December 7.	The Deputy Ordnance Storekeeper, to defray the expense incurred in removing Gunpowder from Signal Hill to Fort Amherst for firing Fog Guns	140	1 13 6
			£442 18 4

 AMOUNT VOTED FOR GAOL EXPENSES, (C.) CLOTHING AND DIETRY OF PRISONERS—£700

1836.				
May 27.	To Joseph Templeman (Acting Colonial Secretary) for the purpose of being remitted to the Treasurer of H. M. Navy, to defray certain expenses incurred in transporting prisoners from this Colony	Warrant No. 16	1	14 3
June 30.	Edward Kielly, his salary as Surgeon to the Gaol during the quarter ended this day	32	10	0 0
Sept. 30.	Edward Kielly, his salary for the quarter ended this day	74	10	0 0
	The High Sheriff for disbursements made by him during the quarter ended 30th June, and in part payment of Warrant No. 1, 12, 26, 36	—	137	4 7 ³ / ₄
November 9.	The High Sheriff for Disbursements made during the quarter ended 30th September,	122	132	0 0
1837.				
January 2.	Edward Kielly, amount of his salary for the quarter ended 31st December	157	10	0 0
	11. The High Sheriff for disbursements made by him during the quarter ended 31st December	170	230	10 2
April 1.	Edward Kielly, his salary for the quarter ended 31st March	188	10	0 0
	13. The High Sheriff for disbursements made by him during the quarter ended 31st March	202	143	10 6
				<u>£684 19 6³/₄</u>

 AMOUNT VOTED FOR CORONERS—£120.

1836.				
July 18.	To John Stark, Coroner at Harbor Grace amount of his account for the quarter ended 30th June,	Warrant No. 42	10	11 0
Sept. 20.	John Stark, amount of his account furnished by him	66	8	11 10
Oct. 14.	The Coroner at St. John's, amount of his accounts for the half year ended 30th September	94	19	15 0
Nov. 10.	Thomas M. Lyte for holding an inquest at Twillingate	112	2	18 0
Dec. 8.	Robert Bayley, for his services as Coroner at Trinity during the half year ended 30th September	142	2	18 0
	20. Robert Carter for holding an inquest at Ferryland	147	1	9 0
				<u>£46 2 10</u>
				Carried forward

1837.		Brought forward	£46	2	10
February 2.	To the undermentioned persons amount of their respective accounts as Coroners at the places mentioned for the quarter ended 31st December.				
Aaron Hogsett, St. John's,	.....	Warrant No. 177	45	3	0
John Stark, Harbor Grace,	.....	.....	—	6	0 4
John Winter, Greenspond,	.....	.....	—	5	19 0 57 2 4
April 15.	John Stark, amount of his account for the quarter ended 31st March,	.....	204		4 15 0
May 16.	Robert Tremlett, amount of his account as Coroner at Twillingate for the year ended 31st March,	.....	209		7 14 6
June 2.	Samson Mifflin, for inquest held by him at Bonavista during the past year	.....	212		3 0 10
					<u>£118 15 6</u>

AMOUNT VOTED FOR FUEL AND LIGHT—£200.

1836.					
July 18.	To Perchard and Boag for Coals for the use of the Secretary's office	.....	Warrant No. 43		12 17 10
October 3.	Thomas Slany for Lamp Glasses furnished by him for public Buildings	.....	80	6	3 0
	George Lewis for Coals for the Secretary's office	.....	—	5	2 9 11 5 9
7.	Robinson, Brooking & Co. for Lamp Glasses for the Lamps outside Government House	.....	88		1 9 2
	The High Sheriff for disbursements made by him during the quarter ended 30th June, and in part payment of Warrants Nos. 1, 12, 26, 36,	.....	—		100 15 0
November 19.	The High Sheriff for disbursements made by him during the Qr. ended 30th September,	.....	122		48 19 4
December 1.	James Stewart & Co. for oil for Government Buildings	.....	135		1 11 3
1837.					
January 14.	The High Sheriff for disbursements made by him during the quarter ended 31st December	.....	170		6 19 6
February 3.	Robinson, Brooking & Co. for oil for the Lamps at Government House	.....	179		6 16 6
March 8.	James Carter for wood for the Court House at Ferryland	.....	182	5	4 0
	John Dunscombe & Co. for wood for the use of the Secretary's office	.....	—	17	4 6 1 4
					<u>£196 15 8</u>

AMOUNT VOTED FOR LEGISLATIVE CONTINGENCIES—£1390 0 9

1836.							
May 12.	To Edward M. Archibald, Clerk of the House of Assembly	Warrant No. 4	100	0	0		
	Charles Simms, Solicitor	..... —	100	0	0		
	Elias Rendell, Serjeant-at-Arms	..... —	50	0	0		
	John Stephenson, Door-keeper	..... —	35	0	0		
	William Kelly, Messenger	..... —	30	0	0		
	Edward M. Archibald to defray the contingent expenses of his office	..... —	669	9	3	984	9 3
	The Clerk of the Legislative Council	..... 5	100	0	0		
	The Master-in-Chancery	..... —	100	0	0		
	The Usher of the Black Rod	..... —	50	0	0		
	The Doorkeeper	..... —	35	0	0		
	The Clerk to defray the contingent expenses of his office	..... —	112	19	7		
	The Usher of the Black Rod to defray the contingent expenses of his office	..... —	7	11	11	405	11 6
						<u>1390</u>	<u>0 9</u>

AMOUNT VOTED FOR ROADS AND BRIDGES—£7539 7 0.

1836.							
May 12	To the commissioners of roads under the statute labour act to defray expenses incurred by them during the year 1835 as voted by the Legislature	Warrant No. 3				119	7 0
25	The Central Board of Commissioners to defray the excess of expenditure incurred in building the King's Bridge	..... 15	100	0	0		
July 27	The commissioners of the road from Holy Rood to Carbonear on account of contracts entered into	49	300	0	0		
Aug. 15	The Central Board of commissioners to defray expenses connected with the following roads & bridges :						
	The bridge at Maggotty Cove	..... 54	100	0	0		
	The Petty Harbor road	..... —	200	0	0		
	The Topsail road	..... —	200	0	0		
	The Torbay road	..... —	100	0	0		
	The Portugal Cove road	..... —	100	0	0	700	0 0
Sept. 17.	The commissioners for making the road from Holy Rood to Carbonear	..... 64				300	0 0
Oct. 12.	The commissioners for making the road from Great to Little Placentia	..... 92				200	0 0
28.	The commissioners for making the road from Carbonear to Hearts Content	..... 101				111	0 0
29.	Do. do. do.	..... 103				300	0 0
						<u>2130</u>	<u>7 0</u>

		Brought forward	2130 7 0	
1836.				
Nov. 5.	To the central board of commissioners on account of the undermentioned roads and Bridges—			
	The Torbay road Warrant No. 106	50	0 0	
	The Topsail road	400	0 0	
	The Portugal Cove Road	100	0 0	
	The Bay of Bulls road	350	0 0	
	The King's Bridge	100	0 0	1000 0 0
22.	The commissioners for making the road from Holy Rood to Carbonear 124			950 0 0
Dec. 22	The Central Board of commissioners on account of the sum voted for the road to Holy Rood by Topsail 148			200 0 0
26	The commissioners for making the road from Holy Rood to Carbonear 150			317 0 0
1837.				
Jan. 18	The commissioners for making a road between Trinity, King's Cove, Bonavista and Catalina, being the sum voted for that service 172			430 0 0
	The commissioners of the road between Carbonear and Hearts Content, balance of sum voted 173			9 0 0
20.	The commissioners of the road between Holy Rood and Carbonear, balance of sum voted 174			173 0 0
Feb. 11	Robert Carter for his services in superintending and surveying of roads in the district of Ferryland 180			45 0 0
Mar. 21	The commissioners for building the bridge at the River-head, at St. John's 183			300 0 0
				5554 7 0

AMOUNT VOTED FOR CENSUS—£500.

1836.				
Sept. 12.	To Michael Hayes for his services in ascertaining the census and other statistical information in the district of Conception Bay Warrant No. 62			60 0 0
Octr. 5.	John Stephenson for taking the census in the district of Placentia and St. Mary's 83			50 0 0
6.	Frederick F. Page for taking the census in the district of Burin 84			25 0 0
18.	George Lake for his services in taking the census in Fortune Bay and to Cape Ray 96			90 0 0
27.	James Wiseman for taking the census in Trinity Bay 100			50 0 0
Nov. 2.	William Goff for taking the census in the district of St. John's 105			50 0 0
23.	Luke Brown for taking the census in the district of Ferryland 127			30 0 0
Dec. 1.	Ryan & Withers for printing sundry copies of the census returns 135			8 4 8
1837.				
May 9.	George Skelton for his services in taking the census in the district of Bonavista Bay 207			55 0 0
				418 4 8

AMOUNT VOTED FOR EDUCATION—£2100.

1836.			
May 17.	To the superintendant of the Newfoundland and British North America School Society, being the sum voted by the Legislature for that institution Warrant No. 13	300	0 0
Sept. 5.	The Rev. H. Fitzgerald, chairman of the Board of Bonavista, being part of the sum voted for schools in that district	59	50 0 0
9.	The Treasurer of the Board at St. John's, being the sum voted	61	200 0 0
20.	The Board of Education in Conception Bay, being part of the sum voted for that district	67	50 0 0
Nov. 10.	The Board of Education at Twillingate in part payment of the sum voted for the district of Fogo	113	62 10 0
Dec. 7.	The Board of Education at Ferryland, being the sum voted for that district	139	125 0 0
1837.			
Feb. 14.	Patrick Morris, trustee of the Orphan Asylum School being the sum voted for that Institution	181	100 0 0
Apr. 25.	The Rev. Dr. Fleming, being the sum voted for the Presentation Convent School	205	100 0 0
May 29.	The Board of Education at Burin	211	100 0 0
June 15.	The trustees of the St. Patrick's free school	213	100 0 0
17.	The Board of Education at Placentia & St. Mary's	215	200 0 0
		<u>1387</u>	<u>10 0</u>

AMOUNT VOTED FOR VOTE OF CREDIT—£500.

1836.			
May 5.	To George Hipplesly, being the sum granted by the Governor pursuant to an address from the House of Assembly Warrant No. 6	15	0 0
June 30.	Aaron Hogsett, being the balance due on his public accounts as sheriff during the qr. ended 31st Dec.	34	3 7 6
Sep. 9.	Dr. John Walsh, for his services in vaccinating sundry of the poor inhabitants of Carbonear	60	4 4 3
19.	The Coroner at Trinity for inquests held by him during the year ended 31st March	65	5 8 0
		<u>Carried forward</u>	<u>27 19 9</u>

		Brought forward	27	19	9
1836.					
Oct. 4.	To the commissioners for relieving the poor for necessaries supplied the Hospital, and for repairs of said Building Warrant No. 82		62	0	8
	12. The Attorney General to repay him for an advance beyond the sum of £100 voted for Books for the Court of Sessions 91		16	18	1
Nov. 25.	The Police Magistrates to defray the expenses incurred in the employment of special constables during the Election 131		18	0	0
Dec. 2.	Patrick Kough for repairs of Gaol and Court House, as represented by the Grand Jury to be necessary 136		89	8	7
	8. The undermentioned persons for their services in holding inquests at Trinity during the year ended 31st March, 1836				
	William Kelson 143	1	0	0	
	George Skelton —	1	0	0	
	William Kelson Jun. for acting Clerk of the Peace —	2	10	0	4 10 0
	22. George Carew, being the purchase money of a piece of Ground at Brigus on which to erect a Court-house 149		26	0	0
1837					
Feb. 3.	William Wilkinson for inspecting the Lock-up-house at Carbonear 179				17 0 4
Mar. 8.	William Critch, for inspecting the Court House at Brigus 182		2	12	0
	The High constable, his salary for the year ended 31st March, agreeably with Warrants Nos. 33, 75, 156, 187		80	0	0
Apr. 15.	The High Sheriff to meet the expense of Criminal Prosecutions in the Supreme and Circuit Courts 203		50	0	0
			<u>378</u>	<u>6</u>	<u>5</u>
	*Civil and Criminal Prosecutions £2 4 0				
	Repairs of Court Houses & Gaols 12 15 5				
	Circuits 105 7 11				
			<u>120</u>	<u>7</u>	<u>4</u>
			<u>498</u>	<u>13</u>	<u>9</u>

*The above sums in Pencil are left in the accounts to which they belong, to show how the excess arose.

N. W. HOYLES.

WEIGHTS AND MEASURES.

1836.

August 29. To the following sums paid by the Treasurer at sundry times for sets of Standard Weights and Measures furnished to the undermentioned Districts.

The District of Port de Grave.

One set of iron weights	19	0		
One iron beam	2	12	0	

Twillingate.

One set of small weights	3	0		
One set of large do.	17	9		

Bonavista.

One set of iron weights	1	0	4	
Do. do. do. do.	17	9		

Fortune Bay.

One set of iron weights	1	6	7	
-------------------------------	---	---	---	--

Trinity Bay.

One set of iron weights	1	6	5		
Two sets of copper measures	12	0	0	21	2 10

November 8. To John Cruett for the Carriage of a set of Weights and Measures to Portugal Cove for Harbor Grace.....

6 6

Carriage of a set of Measures to same place for Carbonear....

3 0

9 6

September 23. This sum paid for a set of small Weights sent to Placentia

2 6

October 11. To Patrick Donovan, for five sets of copper Measures sent to the following places—

Carbonear	1 set	.....	.....	.....	6	0	0		
Placentia	1 do.	.....	.....	.....	6	0	0		
Trinity	2 do.	.....	.....	.....	12	0	0		
Greenspond	1 do.	.....	.....	.....	6	0	0	30	0 0

1837.

May 10. This sum, part of Warrant 29, paid to the Colonial Treasurer, originally entered under the head of Special Votes, agreeably with the vote of the House of Assembly, but since deducted, not being allowed by the Governor from its not appearing in the manuscript copy of the Supply Bill.....

10 0

22. David Regan for a beam and set of weights for the use of the Assayer on the South side of Trinity Bay

4 1 6

June 5. Robert A. Bellows, for the purchase of a set of small Weights for the use of the Assayer at Greens Pond

1 12 11

16. Patrick Donovan for a set of standard measures furnished the Assayer at Catalina

6 0 0

This sum paid for a set of Iron and Brass Weights for same purpose

1 12 11 7 12 11

 £65 12 2

Dr.

LIGHT HOUSE, FORT AMHERST

Cr.

1836.			
August 12. To Philip Roach, keeper of Light House, his salary for the quarter ended 30th June, Warrant No. 22	11	5	0
November 5. Philip Roach, his salary for the quarter ended 30th September	24	11	5 0
1837.			
February 9. Philip Roach, his salary for the quarter ended 31st December	28	11	5 0
11. The Commissioners to purchase a Lanthorn and to defray certain contingent expenses	29	101	15 0
May 8. Philip Roach, his salary for the quarter ended 31st March	34	11	5 0
Balance Carried to account		348	5 10½
		<u>£495</u>	<u>0 10½</u>

1836.				
May 25. By balance brought from last year's account	126	1	2	
This sum having been charged to the Light House in the year 1834—5 as paid when it was not paid, it having been paid out of the sum voted by the Legislature for defraying the expenses of Fog Guns, during their last Session				72 15 10
September 6. Collector of H. M. Customs, Light dues collected during the quarter ended 30th June	80	8	11	
November 21. Collector of H. M. Customs, Light dues collected during the quarter ended 30th September	114	4	0½	
1837.				
January 21. Collector of H. M. Customs, light dues collected during the quarter ended 31st December	54	17	4	
April 12. Collector of H. M. Customs, light dues collected during the quarter ended 31st March	46	13	7	
	<u>£495</u>	<u>0</u>	<u>10½</u>	

E. E.

St. John's, Newfoundland,

June 27th, 1837.

Dr.

LIGHT HOUSE, CAPE SPEAR.

Cr.

1836.

August 2. To Emanuel Warre, keeper of Light House, his salary for the quarter ended 30th June, Warrant No. 22	12	10	0
November 9. Emanuel Warre, his salary for the quarter ended 30th September 25	18	15	0
26. The Cashier of the Savings Bank, interest on the sum of £310 8s. 8d. from the 17th of November 1835 to the 17th of November 1836, twelve months, at six per cent per annum	18	12	6
Dec. 2. The Commissioners of Light Houses for Spermaceti Oil imported from Halifax 26	77	16	6
24. The Commissioners to defray the under-mentioned expenses—			
Contingencies of the Light House 27	150	0	0
Croke & Parker's Contract —	121	9	3
1837.			
Jan. 2. Andrew Hannon, interest on the sum of £500 from the 30th of June to the 31st Dec. 1836, six months, at six per cent per annum	15	0	0
February 11. The Commissioners to purchase Sperm Oil and to defray certain contingent expenses 29	148	5	0
15. Emanuel Warre, his salary for the quarter ended 31st December 30	23	15	0
May 6. Emanuel Warre, his salary for the quarter ended 31st March 33	23	15	0
June 26. The Commissioners of the Light House for the purchase of Oil 35	100	0	0
	<hr/>	<hr/>	<hr/>
	£709	18	3

1836.

By balance brought from last year's account	15	8	4
1837.			
January 21. Collector of H. M. Customs, light dues collected during the quarter ended 31st December	27	8	8
April 12. Collector of H. M. Customs, light dues collected during the quarter ended 31st March	23	6	9½
May 2. Robert Bayley (Sub-Collector of H. M. Customs at Trinity) light dues collected by him between 20th August and 31st December 1836	5	17	2
8. James Bayley (Sub-Collector of H. M. Customs at Harbor Grace) light dues collected by him up to the 31st March.	4	12	2
31. L. Moore, (Acting Sub-Collector of H. M. Customs at Carbonear) Light dues collected by him between 30th June, 1836, and the 31st March, 1837	10	3	6
Balance carried to account	623	1	7½
	<hr/>	<hr/>	<hr/>
	£709	18	3

E. E.

St. John's, Newfoundland,
June 27th, 1837.

APPENDIX.

Dr.

LIGHT HOUSE, HARBOR GRACE.

Cr.

1836.

October 11. To the Commissioners to defray the keeper's salary and other expenses incurred in repairing the building,	Warrant No 23	100 0 0
---	---------------	---------

1837.

January 3. The Rev. William Bullock, interest on the sum of £300 loaned from him from 30th June to 31st Dec. 1836, six months, at six per cent	9 0 0
--	-------	-------

April 15. The Commissioners to defray certain contingent expenses	31	50 0 0
---	----	--------

29. The Commissioners to defray the expense of the apparatus had for the Light House 32	700 0 0
--	----------	---------

June 3. George Crane, interest on the sum of £700, loaned by him for the use of the Light House, from the 29th July, 1835, to 31st December, 1835, five months at six per cent	17 10 0
--	-------	---------

The interest on the above sum from 31st December, 1835, to the 31st December, 1836, twelve months at six per cent	42 0 0	59 10 0
---	-------	--------	---------

£918 10 0

1836.

By balance brought from last year's account	.....	372 7 8
Balance carried to account	.....	546 2 4

£918 10 0

E. E.

St. John's, Newfoundland,
June 27th, 1837.

APPENDIX.

Dr.

LICENSE FUND.

Cr.

1836.

Sep. 24.	Received of Robert Carter License money collected by him at Ferryland	4	10	0
Oct. 27.	The Clerk of the Peace at St. John's	475	10	4
31.	The Clerk of the Peace at Conception Bay	32	9	0

1837.

Jan. 9.	The Clerk of the Peace at St. John's	185	9	4
Apr. 15.	The Magistrates at Harbor Grace	95	1	0
17.	F. L. Bradshaw, License money collected by him at Placentia	1	15	1
May 10.	John L. M'Kie, License money collected by him at Bay of Bulls	12	12	0
	Joseph L. Cox, License money collected by him at Greenspond	16	13	0
	Francis L. Bradshaw being a further sum collected by him	2	14	11
	Robert J. Pinsent, License money collected by him at Brigus	25	13	0
June 13.	Samson Mifflin, License money collected by him at Bonavista	16	13	0
14.	Thos E. Gaden, License money collected by him in district of Fortune Bay	51	6	0
16.	Andw. Pierce, Jr. License money collected by him in district of Twlngte & Fogo	31	10	0
	Benj. Sweetland, License money collected by him in the district of Trinity	48	3	0
17.	Benj. Sweetland, License money collected at Trinity during the year ended 31st March, 1836, not having been forwarded during that year owing to the death of the then Clerk of the Peace	12	10	0
27.	The Clerk of the Peace at St. John's, Licence money collected during the year ended 31st March ..	44	1	10

£1056 11 6

Dr.	FINES.	Cr.
	1837.	
	May 6. By Robert J. Pinsent, fines collected by him at Brigus	7 6
	10. Francis L. Bradshaw, fines collected by him at Placentia	13 4
		<u>1 0 10</u>

COLONIAL REVENUE.

	1836.	
	May 31. Received from the Collector of H. M. Customs, being an advance on the qr. ended 30th June	2189 9 7 $\frac{1}{2}$
	July 20. Received from the Collector of H. M. Customs being the Balance due on the qr. ended 30th June	3551 2 3
	Sep. 6. Received from Collector of H. M. Customs being an advance on the Qr. ended 30th September	2659 17 7
	Oct. 17. Collector of H. M. Customs being the balance due on the Qr. ended 30th September	3762 8 4 $\frac{1}{4}$
	Nov. 25. Edmund Stuart, Acting Collector of H. M. Customs, being an advance on the Qr. ended Dec. 31	1950 0 0
	Dec. 13. The acting Collector of H. M. Customs, advance on same quarter	1733 6 8
	1837.	
	Jan. 27. The acting Collector of H. M. Customs being the balance due on the quarter ended the 31st of December	1754 2 5
	Apr. 1. The Acting Collector of H. M. Customs for the Quarter ended the 31st of March	2811 10 6
		<u>£20411 17 4$\frac{3}{4}$</u>

<i>Dr.</i>	IMPERIAL REVENUE.		<i>Cr.</i>
	1837.		
	| Jan. 21. By Collector of H. M.		
	| Customs	.... ..	2000 0 0
			<u>£2000 0 0</u>

ABSTRACT

FROM FOREGOING GENERAL STATEMENT.

Balance remaining in the Treasury from the year ended 31st March 1836, as appearing in the account published in the Journals of the House of Assembly	.... 8082 17 7 $\frac{3}{4}$								
Paid out of said Balance after the accounts were finished..	622 7 8	7460 9 11 $\frac{3}{4}$							
Amount of monies received during the year ended 31st March 1837 .....	.. .. .	23469 19 8 $\frac{3}{4}$	30930 9 8 $\frac{1}{2}$						
Amount paid during the year ended 31st March, 1837 ..	.. .. .	.....	21113 9 6	9817 0 2 $\frac{1}{2}$					
There remains unexpended of sums voted for the service of the undermentioned years as follows :									
Viz. Year ended Mar. 31 1835	115 12 3								
1836	438 2 9								
1837	3422 5 10	.....	.....	.....	3976 0 10				
Leaving at the disposal of the Legislature, supposing the above voted sums to be paid	.....	.....	.....	.....	<u>£5840 19 4</u>				

E. E.

St. John's, Newfoundland,
June 27th, 1837.

NEWMAN W. HOYLES,
Treasurer

ORDER IN COUNCIL

DISALLOWING ACT FOR THE PROTECTION OF THE FISHERIES.

*At the Court at St. James's, }
the 21st September, 1836. }*

Present.

THE KING'S MOST EXCELLENT MAJESTY.

THE LORD CHANCELLOR.

THE LORD CHAMBERLAIN.

EARL OF MINTO.

LORD JOHN RUSSELL.

VISCOUNT PALMERSTON.

VISCOUNT MELBOURNE.

LORD HOLLAND.

LORD DENMAN.

LORD GLENELG.

MR. CHANCELLOR OF THE EXCHEQUER

Whereas the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the Month of May, 1836, pass an act which has been transmitted, entitled as follows, viz.

No. 63. "An act to prevent the encroachments of aliens on the Fisheries of this Island, and for the further protection of the said Fisheries."

And Whereas the said act has been referred to the Committee of the Lords of his Majesty's most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said committee have reported as their opinion to his Majesty that the said act should not receive His Majesty's Royal confirmation, His Majesty was therefore pleased by and with the advice of his Privy Council to declare his disallowance of the said act, and the same is hereby disallowed accordingly.

Whereof the Governor, Lieutenant Governor, or Commander-in-Chief of his Majesty's Island of Newfoundland for the time being, and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

ORDER IN COUNCIL CONFIRMING ACT REGULATING THE
PRINTING &c. OF BOOKS, NEWSPAPERS, &c.

At the Court at Saint James's, }
19th August, 1836. }

Present

THE KING'S MOST EXCELLENT MAJESTY

LORD CHANCELLOR	VISCONT MELBOURNE
LORD PRESIDENT	VISCOUNT HOWICK
LORD PRIVY SEAL	LORD HOLLAND
LORD STEWARD	LORD GLENELG
EARL OF ALBERMARLE	SIR JOHN HOBHOUSE, BART.
EARL OF MINTO	MR. CHANCELLOR OF THE EXCHEQUER
LORD JOHN RUSSELL	MR. POULETT THOMSON
VISCOUNT PALMERSTON	

Whereas the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, have passed an act which has been transmitted entitled as follows, viz —

No. 71. An act for preventing the mischiefs arising from the printing and publishing Books, Newspapers, and Papers of a like nature by persons unknown, and to regulate the printing and publishing the same.

And whereas the said act has been referred to the Committee of the Lords of His Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations. And the said committee have reported as their opinion to his Majesty that the said act should be specially confirmed. His Majesty was, therefore, this day, pleased, by and with the advice of his Privy Council, to approve thereof and to declare his special confirmation of the said act, and it is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of His Majesty's Island of Newfoundland for the time being, and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

**ORDER IN COUNCIL LEAVING TO THEIR OPERATION CERTAIN
ACTS.**

*At the Court at Saint James's, }
19th August, 1836. }*

Present

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	VISCOUNT MELBOURNE
LORD CHANCELLOR	VISCOUNT HOWICK
LORD PRIVY SEAL	LORD HOLLAND
LORD STEWARD	LORD GLENELG
EARL OF ALBERMARLE	SIR JOHN HOBHOUSE, BART.
EARL OF MINTO	MR. CHANCELLOR OF THE EXCHEQUER
LORD JOHN RUSSELL	MR. POULETT THOMSON
VISCOUNT PALMERSTON	

Whereas the Governor of His Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, have passed fourteen acts which have been transmitted, entitled as follows, viz —

- No. 62. An act for granting to His Majesty the sum of Five hundred pounds, to defray any necessary expenses that may be incurred in preventing the extension and spread of Small Pox.
- No. 64. An act for ascertaining the Census of this Colony and other Statistical Information.
- No. 65. An act to amend an act passed in the 4th year of His Majesty's Reign, entitled "An act for declaring all Landed Property in Newfoundland Real Chattles."
- No. 66. An act to continue certain acts therein mentioned concerning the Revenue of this Colony.
- No. 67. An act to limit the duration of the present and all future Houses of Assembly in this Colony.
- No. 68. An act to continue an act passed in the third year of his Majesty's Reign entitled "An act for the regulation of Pilots and the pilotage of Vessels at the Port of Saint John's."
- No. 69. An act to continue an act passed in the third year of the Reign of his present Majesty, entitled "An act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases and the spreading thereof in this Island."
- No. 70. An act to make perpetual an act passed in the fourth year of his Majesty's Reign, entitled "An act for the relief of Insolvent Debtors taken in Execution."
- No. 72. An act to authorize the raising by loan of a further sum of money for the completion of the Light House on Harbor Grace Island.
- No. 73. An act for the encouragement of Education in this Colony.

- No. 74. An act to authorize the erection of a Colonial House in the Town of St. John's, and the raising by loan of a sum of money for that purpose.
- No. 75. An act for granting to His Majesty a sum of money for the making and repairing of Roads and Bridges in this Colony.
- No. 76. An act for granting to His Majesty a sum of money for defraying the expenses of the Civil Government of this Colony for and for other purposes the year of Our Lord 1836.
- No. 77. An act for granting to His Majesty a sum of money to defray the contingent expenses of the Legislature during the present Session.

And whereas the said acts have been referred to the Committee of the Lords of His Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations. And the said committee have reported as their opinion to his Majesty that the said acts should be left to their operation. His Majesty was, therefore, this day, pleased, by and with the advice of his Privy Council, to approve the said Report. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of His Majesty's Island of Newfoundland for the time being, and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

COPY OF CORRESPONDENCE

RESPECTING UNSEALED WRITS.

(No. 69.)

Government House, Newfld., }
11th November, 1836. }

MY LORD,—I have the honor to inform your Lordship that certain representations having been made to me complaining of an undue return of members for the district of Conception Bay in consequence of riotous conduct at Harbor Grace in obstruction of the full exercise of the Franchise, I assembled the Council on the 9th inst. for the purpose of laying the matter before them.

On the writ in connexion with these proceedings being produced, the Chief Justice observing it to be without the Great Seal, immediately declared his opinion that it was of no validity; and as this was a case of high importance, the Council was adjourned until the following day, that the members might have time for reflection, as to the best mode of proceeding respecting it.

In the minute of Council which I enclose, your Lordship will find the written opinion of the Chief Justice, in which the Attorney General verbally concurred. It became then a point of anxious consideration how to act, and, as every course must be attended with difficulties to adopt that which should appear to present the fewest and least important.

For the full elucidation of this matter, I must inform your Lordship, that the writs under which the original Assembly of this Colony was elected were issued without the Great Seal: that twice also during the government of my predecessor, Sir Thomas John Cochrane, on occasion of a vacancy in the House, writs were issued likewise unsealed—That the draft of the writs has always been prepared by the Attorney General—and that no mention was in any way made to me of the necessity or propriety of the great seal being affixed to them. I enclose copies of the writs, and of the Proclamation convening the General Assembly.

As several members have been already elected, and the election of the rest is in progress, or about to commence—as some expense, public and private, has been incurred—as the season of the year would preclude a new election being made in sufficient time for the general financial business of the colony—as no complaint has ever been made of the informality now first noticed—and as in the event of this informality being deemed vitally important, some question may arise as to the legality of all our existing Legislative enactments. I have thought it right, with the concurrence of the Council, to allow the Election to proceed to completion, intending to prorogue or adjourn the General Assembly until I receive your Lordship's Instructions respecting this unpleasant dilemma. The meeting stands at present fixed for the despatch of business on the 16th January; and I need not say how anxiously I shall look for your Lordship's commands, as material inconvenience will be felt from any considerable delay, the busy period of the seal fishery commencing in the month of March.

I have, &c.

(Signed)

H. PRESCOTT.

The Right Honorable
Lord Glenelg.

No. 114.

Downing Street, }
15th Dec. 1837. }

SIR,—I have had the honor to receive thro' the hands of Mr. Spearman, the duplicate of your despatch of the 11th Nov. last, No. 69, bringing under my notice an informality which has occurred in the issue of writs for the Election of members to serve in the General Assembly of Newfoundland, and requesting my instructions for your guidance in the difficulty to which, by this error, you are exposed.

In reply, I have to observe, that as the objection to the validity of the writs in question, has been taken and insisted upon by the Chief Justice, and as it does not appear susceptible of any valid answer in point of Law, there would seem to be only two methods by which the difficulty could be obviated, viz. either by an application to the Imperial Parliament for an act to render valid the writs which have been already issued, or by the issue of fresh writs to which the public Seal should be attached. As, however, the Imperial Parliament will not meet till the end of January next, and as it would be impossible to pass an act, and to communicate it to you before the commencement of the fishing season, when the session of the Colonial Legislature ought to terminate, it only remains for me to instruct you forthwith to issue fresh writs under the public Seal of the Colony for the Election of Members to serve in the Assembly.

I have, &c.

(Signed)

GLENELG.

Captain Prescott, R. N., C. B.

ABSTRACT CENSUS AND RETURN FOR THE SEVERAL ELECTORAL DISTRICTS OF NEWFOUNDLAND.

Names of Districts.	Number of Dwelling Houses.	FAMILY.					No. of Servants.		No. of Fishing Boats.			Heads of Families who are servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels of Potatoes yearly.	Bushels Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholics.	No. and Denomination of Churches and Ministers.							
		Males.			Females.			Males.	Females.	Under 15 Qtls.	From 15 to 30.																	Upwards of 30.	Miscellaneous.						
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.	Upwards of 60.																						Churches and Chapels.			Ministrs			
																											E.	R.	C.	D.	E.	R.	C.	D.	
St. John's	2781	3718	4984	166	3611	4123	201	1371	752	700	43	13	221	12411	4290	148425	5602	3808	528	1307	175	579	37	1041	1379	3813	1057	14056	7	5	3	3	5	2	
Conception Bay...	3521	4971	5289	202	4452	4842	261	2380	818	1157	46	109		6688	2873	746869	4184	940	638	1034	1632	1187	22	621	492	6819	6333	10063	9	7	9	2	5	2	
Trinity Bay.....	959	1546	1565	108	1372	1320	110	532	250	798	168	11	85	682	308 $\frac{3}{4}$	48317	4	167 $\frac{3}{4}$	51	692	205	74	2	158	127	4098	1639	1066	18	1	6	2		4	
Bonavista Bay.....	801	1182	1149	98	1059	1010	71	469	145	181	197	51	98	462 $\frac{1}{4}$	356	62287	56	184	57	377	693	60	6	128	136	3473	461	1249	7	2	1	2	1	1	
Fogo.....																										5183									
Ferryland.....	679	882	1223	77	758	878	53	1448	92	370	139	177	749	1545 $\frac{1}{2}$	1090 $\frac{3}{4}$	55983	101	487 $\frac{1}{4}$	112	402	103	172	6	133	105	213		4798	1	6			3		
Placentia and St. Mary's.....	742	1024	853	68	989	925	49	699	94	297	128	90	80	1958	1356 $\frac{1}{4}$	67585	363	866 $\frac{1}{2}$	108	1225	310	584	4	90	90	710	6	3985	1	4			3		
Burin.....	461	639	664	85	644	605	32	437	84	169	55	138	95	937	623	30357		338	54	628	22	168	1	8	12	671	1095	1374		3		1	2		
Fortune Bay.....	454	680	600	69	623	604	28	508	17	632	21	19	3	385 $\frac{3}{4}$	211 $\frac{1}{2}$	8304		184	3	167	15	148			2823	3140	308					1			
																										3129									
Grand Total--																																			

Port of St John's, JAMES M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods imported in the year ended the 5th day of January, 1837, 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.....	420 Gallons	263 4 7	31 10 1
2d ditto.....	6106 “	1658 12 3	305 6 0
3d ditto.....	11424 “	1236 7 8	428 8 0
4th ditto.....	15075 “	1901 7 11	376 17 6
Spirits.....	207628 “	20831 3 9	5190 14 0
Apples.....	3426 1-6th Barrels	1673 5 9	85 13 1
Beef and Pork (Salted).....	44272 1 26 Cwts.	71244 15 7	1653 1 8 ³ / ₄
Bread or Biscuit.....	92140 3 0 “	44543 18 1	1151 15 3
Butter.....	10986 3 18 “	31390 15 3	823 19 9
Cattle (neat).....	1994 Head	14587 3 0	498 10 0
Coals.....	11588 ¹ / ₄ Tons	8711 5 11	289 14 2
Flour.....	46314 Barrels	45482 16 8	1736 15 6
Goods, Wares, and Merchandise, not otherwise enumerated or described.....		320548 16 10	8014 13 10
Hogs.....	62	41 10 0	1 11 0
Horses, Mares, or Geldings.....	52	567 0 0	26 0 0
Lumber.....	^M 1989 & 69 Feet	4186 10 9	99 9 5
Oatmeal.....	1597 ¹ / ₂ Barrels	1316 4 8	39 19 6
Timber, (ton) and Balk, of all kinds, including Scantling.....	1460 13-20 Tons	1231 5 9	36 10 2
Sheep.....	2052 Head	1080 15 9	51 16 0
Shingles.....	2,103800	1103 3 11	35 3 3
	Totals	573,709 14 1	20,877 8 2 ³ / ₄

CUSTOM-HOUSE,
The 5th day of January, 1837. }

EDWARD F. STEWART,
Acting Collector.

DR. CONSOLIDATED ACCOUNT CURRENT of Receipts and Payments for the Year ended the 5th day of January 1837. CR.

January 5. To amount of outstanding Bonds 5th January 1836.....	2063	10	4
This sum due at Harbor Grace as per account current, 5th January, 1836.....	166	9	5 $\frac{3}{4}$
Ditto ditto at Trinity, as per account current 5th January, 1836.....	394	19	9
Duties on Goods imported, viz :—			
St. John's	16419	1	1
Harbor Grace	1160	17	6
Port de Grave.....	58	8	3
Carbonear.....	581	2	0
Trinity.....	906	4	5 $\frac{3}{4}$
Ferryland.....	48	8	5
Little Bay.....	1146	5	6
Placentia.....	137	18	0
Twillingate.....	90	8	7
Fogo.....	64	0	4
Burin.....	269	19	1
	<u>4463</u>	<u>12</u>	<u>1$\frac{3}{4}$</u>
	<u>£23507</u>	<u>12</u>	<u>9$\frac{1}{2}$</u>

January 5. By Drawbacks.....	66	5	3
Over Entries.....	6	14	0
Over Payments, vide consolidated account 5th April, 1836....	£11	6	9 $\frac{1}{2}$
Ditto ditto 10th Oct. "	77	19	8 $\frac{1}{2}$
Stationery.....	31	15	11
Canvas and Twine	17	7	
Postages	7	4	
J. Soper, for hire of Schooner Reform.....	80	0	0
J. Madock, and H. Trapnel, Constables....	8	0	0
J. Clift, Provisions, &c.....	15	12	1
James Bayly.....	9	15	5
J. R. M. Cooke, Salary	150	0	0
E. L. Moore, ditto	150	0	0
John Canning, ditto.....	100	0	0
Lorenzo Moore (to 19th May, 1836)	30	18	1
J. L. M'Kie (from 19th May to 10th October, 1836).....	19	1	11
James M. Winter (to 10th October 1836)....	90	16	1
Thomas Read (to 10th October, ")....	36	16	4
Tide Waiters.....	168	2	8
Outstanding Bonds.....	1721	3	3
Balance per Harbor Grace account	104	9	1
" " Trinity " 	320	17	6
" " Carbonear " 	124	3	4
Cash paid the Treasurer.....	20182	10	6 $\frac{1}{2}$
	<u>£23507</u>	<u>12</u>	<u>9$\frac{1}{2}$</u>

I do hereby declare that the foregoing accounts are just and true in every particular, to the best of my knowledge and belief.

EDMUND F. STEWART,
Acting Collector.

Custom House,
The 18th day of January, 1837. }

Port of St John's, JAMES M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods imported in the Qr. ended the 5th day of July, 1837, 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.....	147 ¹ / ₅ Gallons	98 5 0	11 0 9
2d ditto.....	1711 "	495 12 0	85 11 0
3d ditto.....	4866 "	540 7 7	182 9 6
4th ditto.....	2440 "	256 17 6	61 0 6
Spirits.....	77966 "	7847 2 0	1949 3 0
Apples.....	312 Barrels	160 15 0	7 16 0
Beef and Pork (Salted).....	16485 2 14 Cwts.	31524 10 0	618 4 0
Bread or Biscuit.....	40164 1 10 "	19844 17 4	502 1 1
Butter.....	6190 2 22 "	24171 19 5	464 6 0
Cattle (neat).....	143 Head	1684 0 0	35 15 0
Coals.....	2567 Tons	2238 12 6	64 3 6
Flour.....	19807 ¹ / ₂ Barrels	24002 15 5	742 15 8
Goods, Wares, and Merchandise, not otherwise enumerated or described.....		117860 6 9	2946 7 10
Hogs.....	4	2 15 0	2 0
Horses, Mares, or Geldings.....	1	12 0 0	10 0
Lumber.....	857278 Feet	1714 0 0	42 17 3
Oatmeal.....	591 Barrels	437 0 0	14 15 6
Timber, (ton) and Balk, of all kinds, including Scantling.....	75 Tons	70 0 0	1 17 6
Sheep.....	109 Head	77 0 0	2 14 6
Shingles.....	1,196,350	590 0 0	19 18 9
	Totals	233,628 15 6	7753 9 4

CUSTOM-HOUSE, }
The 5th day of July, 1837. }

EDMUND F. STEWART,
Acting Collector.

DR. CONSOLIDATED ACCOUNT CURRENT of Receipts and Payments for the Qr. ended the 5th day of July, 1837. CR.

To Balance of Trinity account, 10th October, 1837	320 17 6
Ditto Harbor Grace, 5th January, 1837	40 16 9
Ditto Carbonear do.	210 14 3
Outstanding Bonds last Qr.	761 12 3
Out Bay Receipts, viz. Harbor Grace, 5th April, 1837	
Trinity — January —	160 19 6
Port de Grave — April —	15 10
Carbonear — “ —	54 7 0
Placentia — January —	18 0 4
Do. — April —	85 15 0
Twillingate — January —	
Do. — April —	
Ferryland — “ —	
Little Bay — January —	150 1 5
Do. — April —	82 12 4
Burin — January —	11 1 7
Do. — April —	
Fogo 10th October 1836	178 2 7
Ditto 5th January 1837	231 17 9
Ditto 5th April —	<u>973 13 4</u>
Duties on Goods imported this date	6779 16 0
	<u>9087 10 1</u>

By Balance of Trinity account, 5th January, 1837	130 16 7
Little Bay 5th April —	82 6 6
Carbonear — — —	46 13 10
Postage	1 9
Canvass and Twine	7 3
G. W. Bradshaw, for expenses incurred in saving the cargo of the Sophia, of Demerara, in Jan. last	6 1 4
Dunscomb & Co. drawback	2 10 0
M'Iver, Stationery	10 4
M'Coubrey, ditto	1 11 9
Officers' salaries—viz.	
J. R. M. Cooke	37 10 0
E. L. Moore	37 10 0
John Canning	25 0 0
James M. Winter, Fogo	25 0 0
Thomas Read, La Poile	25 0 0
J. L. M'Kie,	12 10 0
Outstanding Bonds	2273 5 9
Tide Waiters	78 0 0
Cash paid the Treasurer	6302 15 0
	<u>9087 10 1</u>

I certify that the foregoing account is just and true in every particular, to the best of my knowledge and belief.

EDMUND F. STEWART,
Acting Collector.

Custom House,
The 15th day of July, 1837. }

Port of St John's, JAMES M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods imported in the year ended the 5th day of January, 1837, shewing the aggregate Quantities and Values of the various Articles, with the amounts of Duty collected thereon.

Articles Imported.	Quantity Imported.	Value.	Duty.
Wine—<i>videlicet</i> :—			
1st Class.....	420 Gallons	263 4 7	31 10 1
2d ditto.....	6106 "	1658 12 3	305 6 0
3d ditto.....	11424 "	1236 7 8	428 8 0
4th ditto.....	15075 "	1901 7 11	376 17 6
Spirits.....	207628 "	20831 3 9	5190 14 0
Apples.....	3426 1-6th Barrels	1673 5 9	85 13 1
Beef and Pork (Salted).....	44272 1 26 Cwts.	71244 15 7	1653 1 8 $\frac{3}{4}$
Bread or Biscuit.....	92140 3 0 "	44543 18 1	1151 15 3
Butter.....	10986 3 18 "	31390 15 3	823 19 9
Cattle (neat).....	1994 Head	14587 3 0	498 10 0
Coals.....	11588 $\frac{1}{4}$ Tons	8711 5 11	289 14 2
Flour.....	46314 Barrels	45482 16 8	1736 15 6
Goods, Wares, and Merchandise, not otherwise enumerated or described.....		320548 16 10	8014 13 10
Hogs.....	62	41 10 0	1 11 0
Horses, Mares, or Geldings.....	52	567 0 0	26 0 0
Lumber.....	^M 1989 & 69 Feet	4186 10 9	99 9 5
Oatmeal.....	1597 $\frac{1}{2}$ Barrels	1316 4 8	39 19 6
Timber, (ton) and Balk, of all kinds, including Scantling.....	1460 13-20 Tons	1231 5 9	36 10 2
Sheep.....	2052 Head	1080 15 9	51 16 0
Shingles.....	2,103,800	1103 3 11	35 3 3
	Totals	573,709 14 1	20,877 8 2 $\frac{3}{4}$

CUSTOM-HOUSE,
The 5th day of January, 1837.)

EDMUND F. STEWART,
Acting Collector.

DR. CONSOLIDATED ACCOUNT CURRENT of Receipts and Payments for the Year ended the 5th day of January, 1837. CR.

January 5. To amount of outstanding Bonds 5th January 1836.....	2063	10	4
This sum due at Harbor Grace as per account current, 5th January, 1836.....	166	9	5 ³ / ₄
Ditto ditto at Trinity, as per account current 5th January, 1836.....	394	19	9
Duties on Goods imported, viz:—			
St. John's.....	16419	1	1
Harbor Grace.....	1160	17	6
Port de Grave.....	58	8	3
Carbonear.....	581	2	0
Trinity.....	906	4	5 ³ / ₄
Ferryland.....	48	8	5
Little Bay.....	1146	5	6
Placentia.....	137	18	0
Twillingate.....	90	8	7
Fogo.....	64	0	4
Burin.....	269	19	1
	4463	12	1 ³ / ₄
	<u>£23507</u>	<u>12</u>	<u>9¹/₂</u>

January 5. By Drawbacks.....	66	5	3
Over Entries.....	6	14	0
Over Payments, vide consolidated account 5th April, 1836.....	£11	6	9 ¹ / ₂
Ditto ditto 10th Oct. ".....	77	18	9 ¹ / ₂
Stationery.....	31	15	11
Canvas and Twine.....	17	7	
Postages.....	7	4	
J. Soper, for hire of Schooner Reform.....	80	0	0
J. Maddock, and H. Trapnel, Constables....	8	0	0
J. Clift, Provisions, &c.....	15	12	1
James Bayly.....	9	15	4
J. R. M. Cooke, Salary.....	150	0	0
E. L. Moore, ditto.....	150	0	0
John Canning, ditto.....	100	0	0
Lorenzo Moore (to 19th May, 1836).....	30	18	1
J. L. M'Kie (from 19th May to 10th October, 1836).....	19	1	11
James M. Winter (to 10th October 1836)....	90	16	1
Thomas Read (to 10th October, ")....	36	16	4
Tide Waiters.....	163	2	8
Outstanding Bonds.....	1721	3	3
Balance per Harbor Grace account.....	104	9	1
" " Trinity.....	320	17	6
" " Carbonear.....	124	3	4
Cash paid the Treasurer.....	20182	10	6 ¹ / ₂
	<u>£23507</u>	<u>12</u>	<u>9¹/₂</u>

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,
The 18th day of January, 1837. }
EDMUND F. STEWART,
Acting Collector.

We do hereby certify that we have duly audited the foregoing Accounts, and that we have finally settled and closed the same.

St. John's, Newfoundland, }
The 18th day of August, 1837. }
JOHN DUNSCOMB }
PATRICK MORRIS } Auditors.
H. A. EMERSON }

N. B.—The Warrant from the Governor for the payment of £800 to the Officers appointed to collect the Colonial Revenue having been not yet produced.

AN ACCOUNT OF STAPLE ARTICLES THE PRODUCE OF THIS ISLAND EXPORTED IN THE
YEAR ENDED 5TH JANUARY, 1837.

From whence.	Oil and Blubber.		Dry Codfish.	Core Fish.	Salmon.	Mackerel.	Herring.	Seal Skins.	Ox & Cow Hides.	Furs.	Caplin, Sounds & Tongues.	Wood Hoops.	Berries.	Whale Bone.		
	Tuns.	Galls.												Qtls.	Qtls.	Casks.	Bls.	Bls.	No.	No.	No. of Skins.	Pack-ages.	Bun-dles.	Galls	Tons	Cwts	Qrs.
Saint John's.....	5975	11	559964	3007	1328	69	1375	323365	3191	1685	725	914	505	3	14	2
Out Ports.....	3235	12	291502		802	13	181	57676	962	1302	772	230	2136	133	15	3
Total.....	9210	23	851466	3007	2130	82	1556	381041	4153	2987	1497	1144	2641	137	9	5

EDMUND F. STEWART,
Acting Collector.

GEORGE BAYLY,
Controller.

Custom-House,
St. John's, 9th August, 1837. }

STATEMENT SHEWING THE AMOUNT OF REVENUE COLLECTED UNDER ACTS OF THE
IMPERIAL PARLIAMENT IN THE YEAR ENDED 5TH JANUARY, 1837.

IMPERIAL DUTIES.

Acts prior to the 18th Geo. 3, cap. 12.....	1864	14	2
“ subsequent 18th Geo. 3, cap. 12.....	10660	1	8
	<hr/>		
	£12524	15	10

EDMUND F. STEWART,
Acting Collector.

GEORGE BAYLY,
Controller.

Custom House,
St. John's, Newfoundland, }
9th August, 1837.

AN ACCOUNT OF VESSELS ENTERED INWARD AND CLEARED OUTWARD IN THE YEAR
ENDED 5th JANUARY, 1837.

INWARD.		OUTWARD.		
NUMBER.	TONS.	NUMBER.	TONS.	
598	72242	569	69138	Saint John's.
216	27126	229	28207	Out Bays.
Total .. 814	99368	798	97347	

EDMUND F. STEWART,

Acting Collector.

GEORGE BAYLY,

Controller.

CUSTOM-HOUSE,
St. John's, Newfld., 9th Aug. 1837. }

AN ACCOUNT OF THE NUMBER OF lbs. OF TEA IMPORTED IN THE YEAR ENDED THE
5th DAY OF JANUARY, 1837.

Quantity.	Value	Duty.
240,141 lbs.	£13691	£342 5 6.

EDMUND F. STEWART,

Acting Collector.

Custom House,
St. John's, 9th Aug. 1837. }

A DETAILED STATEMENT OF THE APPROPRIATION OF THE SUM OF EIGHT HUNDRED POUNDS, VOTED FOR DEFRAYING THE EXPENSE OF COLLECTING COLONIAL REVENUE.

Officers' Name.	Employment.	Station, &c.	Amount.
John R. M. Cooke.	Tide Surveyor....	Saint John's	£150 0 0
Edward L. Moore.	Ast. Ludg. Waiter	" "	150 0 0
John Canning....	Clerk.....	" "	100 0 0
James M. Winter..	Sub Collector....	Fogo	100 0 0
Thomas Read,....	"	La Poile, from 23d May, 1836, to 5th April, 1837	86 16 4
Lorenzo Moore....	Preventive Officer.	Carbonear, from 5th April to 19th May, 1836, £5 18 1	
J. L. M'Kie.....	"	Bay Bulls, from 19th May 1836 to 5th April 1837 £44 1 11	50 0 0
	Tide Waiters.	Saint John's	175 1 4
			£811 17 8

N. B. The excess of £11 17 8 was authorised by his Excellency the Governor for the employment of Tide Waiters, after the amount voted by the Legislature had been expended.

EDMUND F. STEWART,

Acting Collector.

Custom House,
St. John's, 9th Aug. 1837. }

STATEMENT OF SUMS PAID INTO THE HANDS OF THE COLONIAL TREASURER ON ACCOUNT OF DUTIES COLLECTED UNDER IMPERIAL AND COLONIAL ACTS FOR THE YEAR ENDING THE 5th JAN. 1837, AND FOR THE QR. ENDING THE 5th APRIL, 1837.

Qr. ended 31st March, 1836—

Imperial Revenue.....
Colonial Revenue..... 2582 3 7½

Qr. ended 30th June, 1836—

Imperial Revenue.....
Colonial Revenue..... 5740 11 10½

Qr. ended 30th Sept. 1836—

Imperial Revenue.....
Colonial Revenue..... 6422 5 11¼

Qr. ended 31st Decr. 1836—

Imperial Revenue..... 2000 0 0
Colonial Revenue..... 5437 9 1

Qr. ended 31st March, 1837—

Imperial Revenue.....
Colonial Revenue..... 2811 10 6

St. John's, Newfoundland,
Aug. 9th, 1837.

NEWMAN W. HOYLES, Treasurer.

Minute of Council on the subject of the unsealed Writs.

H. PRESCOTT.

The Governor transmits to the House of Assembly a copy of the Minute of Council referred to in his despatch to the Secretary of State of the 11th of Nov. last, on the subject of the unsealed Writs—which was omitted to be laid before the House with the despatch in question.
Government House, Aug. 18, 1837.

Government House, 10th Nov. 1836.

At a Council held this day—

PRESENT.

His Excellency the GOVERNOR.

The Hon. the CHIEF JUSTICE

The COMMANDANT.

The ATTORNEY GENERAL

The COLONIAL SECRETARY.

The Hon. the COLLECTOR of the CUSTOMS.

JOHN DUNSCOMB.

WILLIAM THOMAS.

JOHN B. BLAND.

The Chief Justice presented a written opinion on the subject referred to him by his Excellency the Governor, at the Council yesterday, which was read, and is as follows, viz.

St. John's, 10th Nov. 1836.

SIR,—In accordance with your Excellency's wishes as expressed in Council, that I should deliver a formal opinion upon the validity of the Instrument laid before the Council which had been issued by your Excellency as the Writ of Election for the District of Conception Bay, and which I then declared to be void for want of the Seal of the Island being affixed to it, I have further considered the subject.

My opinion was then expressed on the instant of the document being produced, it being in my judgment so clearly illegal that I had no hesitation at once to say so. Upon mature reflection since, and a reference to authorities, which are familiar to those acquainted with the subject, I am still of the same opinion.

The King's Writ running in the King's name without any Seal, is clearly void, and of no force or effect whatever—in short, it is no writ at all—it is a perfect *mortuam caput*. It is the seal which gives it vitality, and in that respect it bears the same relation to the parchment that the soul does to the body. I have, &c.

(Signed) H. J. BOULTON, Chief Justice.

To His Excellency the Governor.

The Attorney General also gave a verbal opinion on the same subject, to the effect that the writs issued without the Great Seal of the Island were invalid.

His Excellency then enquired of the Council their opinion as to whether it be not more expedient to allow the elections to proceed, with the understanding that the General Assembly is not to be called together until a communication be received from the Home Government, to whom the whole matter will be immediately referred, than to issue new writs for another Election.

The Council are of opinion that, considering all the existing difficulties, it is expedient to allow the election to proceed—they recommend, however, that the Assembly be not called together until a communication be received from the Parent Government, to whom they also recommend that the whole matter be immediately referred.—Adjourned.

CROWN RENT ACCOUNTS.

ACCOUNT OF RENTS AND OTHER PROCEEDS OF CROWN LANDS IN NEWFOUNDLAND.

CAPTAIN HENRY PRESCOTT, C. B., GOVERNOR OF NEWFOUNDLAND,
IN ACCOUNT

FOR RENTS RECEIVED FOR CROWN LANDS LEASED AND GRANTED, AND PROCEEDS OF
CROWN LANDS SOLD, AND RENTS REDEEMED, FROM 1st NOV. 1834, TO 31st MARCH, 1836.

<i>Dr.</i>	<i>Cr.</i>
1834.	1834.
Nov. 1. To this sum received from Sir Thomas Cochrane as the Balance of his account — — — 139 16 5 $\frac{1}{4}$	Nov. 1 By Cash paid for Pilotage of the Colo- nial Vessel..... 1 6 0
1835.	Dec. 9 By Cash paid for Coals for the Sur- veyor General's Office 4 15 4
Mar. 31 To Cash, being the amount received since the above dates, of Rents of Lands, formerly Ships' Rooms.... 942 15 2	24 By Cash paid for incidental repairs to Government Buildings & Fences 129 13 10 $\frac{1}{2}$
— To do. for Lands Leased and Granted..... 432 7 7	1835.
— To this sum, being the nett proceeds of Crown Lands sold and of Rents redeemed up to this date..... 422 0 8	Jan. 21 By Cash paid for printing and adver- tising for Surveyor Genrl's office 5 8 8
1797 3 5	Mar. 13 By Cash do. for Secretary's office ... 11 12 7
Deduct 5 $\frac{1}{2}$ Cent for the Receiver's Com- mission thereon. 89 7 2	31 By Cash paid the Surveyor General's salary for the year ending this day 300 0 0
1707 6 3	— By Cash paid Chainman's salary do do. 20 0 0
	May 13 By Cash paid for stationery for the Surveyor Generals office..... 2 12 0
	Sep. 19 By Cash paid amount of Fees due to the Attorney General in the year end- ing 31st March, 1834..... 90 11 8
	29 By Cash paid for Coals for the Sur- veyor General's Office..... 3 5 0
	Nov. 17 By Cash paid Pilotage Colonial Vessel 4 10 6
	20 By Cash paid difference between amount of Fees received by the Clerk of S. C. Court, and £50 for the year ending 31st March, 1834 42 10 0
	24 By Cash paid for drawing paper for the Surveyor Generals office... 1 6 6
	Dec. 2 By Cash paid expenses of registering certain Crown tenants..... 6 18 8
	16 By Cash paid for passage of James Smith (a seaman charged with murder at St. Thomas's) in the brig <i>Pillhead</i> for London..... 18 0 0
	1836.
	Jan. 26 By remitted to the Colonial Department to pay Mrs. Westcote's pension to 30th Sep. 30 0 0
	30 By Cash paid for work on the Govern- ment Grounds..... 47 10 4
	Mar. 23 By Cash paid for stationery for the Surveyor General's office..... 3 2 6
	31 By Cash paid for incidental works and repairs on Government Buildings Fences, &c. 164 9 1 $\frac{1}{2}$
	— By Cash paid the Surveyor General's salary for the year ending this day 300 0 0
	— By Cash paid Chainman do..... 20 0 0
	— By Cash paid for advertising for the Surveyor General's office..... 1 3 10
	— By Cash paid for a stove for do. and fixing the same 4 7 5
	By Balance to next account 633 18 8 $\frac{1}{4}$
£1847 2 8 $\frac{1}{4}$	£1847 2 8 $\frac{1}{4}$

(Signed) H. PRESCOTT, Governor

ACCOUNT OF RENTS AND OTHER PROCEEDS OF CROWN LANDS
IN NEWFOUNDLAND.

CAPTAIN HENRY PRESCOTT, C. B., GOVERNOR OF NEWFOUNDLAND,
IN ACCOUNT

FOR RENTS RECEIVED FOR CROWN LANDS LEASED AND GRANTED, AND PROCEEDS OF
CROWN LANDS SOLD, AND RENTS REDEEMED, FROM THE 1ST APRIL, 1836, TO
31ST MARCH, 1837.

DR.

CR.

1836.			
April 1.	To the balance of last Account.....	— — —	633 18 8 $\frac{1}{4}$
1837.			
March 31.	To Cash, being the Amount of Rents of Lands formerly Ships' Rooms (received in the year ending this day)..	410 16	8
"	To Do. of Lands Leased and Granted...	202 13	8
"	To this sum being the net proceeds of Crown Lands sold and of Rents redeemed in the same period.....	343 11	0
		<u>957 1</u>	4
	Deduct 5 p cent for the Receiver's commission thereon.....	47 17	0
			<u>909 4 4</u>
			<u>£1543 3 0$\frac{1}{4}$</u>

1836.			
May 30.	By Cash paid for Trees, Shrubs, &c. and expenses of planting the same on the Government Grounds	79 6	8
July 14.	By Cash paid for incidental works, and repairs on Government Buildings, &c., during the quarter ending 30th ult.....	129 13	3
Oct. 1.	By Cash paid for Coals for the Surveyor General's Office.....	3 18	7
29.	By Cash paid for incidental works and repairs on Government Buildings, &c., during the quarter ending 30th ult.....	54 8	5
1837.			
Jan. 10.	By Cash paid do. do. for the quarter ending 30th ult.....	120 0	9
March 8.	By Cash paid for the building an out-office in the stable yard of the Government House, and fixing a new Sash in Harness Room.....	34 11	3
"	By Cash paid for Smith's work in Governor's Guard House.....	4 19	6
27.	By Cash paid for Printing for the Surveyor General's Office.....	2 15	0
31.	By Cash paid Surveyor General's Salary for the year ending this day	300 0	0
"	By Cash paid Chainman, do. do.	20 0	0
"	By Cash paid for incidental works and repairs on Government Buildings, Fences, &c., during the quarter ending this day.....	47 14	4
"	By balance to next account.....	745 15	3 $\frac{1}{4}$
			<u>£1543 3 0$\frac{1}{4}$</u>

(Signed)

H. PRESCOTT,

Governor.

COMMUNICATIONS FROM T. HYDE VILLIERS, ESQ.,
ON THE SUBJECT OF THE NEWFOUNDLAND FISHERIES.

6, *Cleveland Court, St. James,* }
January 30th, 1831. }

SIR,—Enclosed I have the honour to transmit to you the argument drawn up by myself in support of the British claim to fish on the “French Shore.” I wish I were able at the same time to communicate that a favourable decision had been announced to me thereupon by His Majesty’s Government ; but although this is not the case, I am sure the Chamber will make every reasonable allowance for such delays as are merely attributable to the changes of administration ; and it is a great satisfaction to me to add, that I have far greater hopes now than I ever had before that the affairs of your Colony will assume, ere long, a totally different aspect.

Lord Goderich has allowed me, both as Agent for the Colony and as a relative in private life, repeated facilities for discussing with him all the affairs of Newfoundland. He has entered upon them with energy and interest ; I have supplied him with all the notes and papers of interest in my possession ; he is completely master of your case ; I have not hesitated to express to him my own unequivocal and deliberate opinion that a local legislature must be conceded, and that it long since ought to have been done. He has promised me that the whole case shall be submitted for the early consideration of his colleagues ; and I am equally mistaken in the character of the present Secretary of State and of the Administration, if they do not speedily put an end to a system of government as absurd and unaccountable in principle as it is vexatious and disappointing and prejudicial to the progress of the Colony in its operation. Nothing could be better timed, as it has turned out, than the arrival of the Petition for a Legislature, adopted at the general meeting and signed by so many heads of families.

With regard to the right of fishing, Lord Goderich, I see, is not yet altogether inclined to give a decision ; much as I lament that the least delay should arise on this very important point, yet it must be admitted that it is a question of some delicacy as regards the Court of France, and I fear that a report of the Governor, unfavourable to the claim, said to be recently received, is not an auspicious circumstance, as far, at least, as regards the question of time ; it is of course the duty of the Governor to state every thing that occurs to him for the information of the Government here, and I have not yet seen his report ; but it is difficult to conceive that any local observation alone can overthrow reasonings that are drawn from the history in detail, of the treaties and of the proceedings and regulations of this country, to which those treaties have given rise.

I have hopes of obtaining, this year, permission for the Colony to take foreign flour, &c., out of bond for its own consumption. I have referred my applications to that effect to the Board of Trade ; Lord Goderich has promised me that I shall have the earliest intimation of any decision taken by His Majesty’s Government on the various points I have brought under notice, and I will not fail immediately to forward any such communication to you for the information of the Chamber. I will now only beg of you to consider whether there is any thing that would conduce to the prosperity of the Fishery, or of the Colony, that can be done consistently with a liberal and an economical policy—any changes, for example, in the Customs’ Laws which, without injury to necessary revenue, would serve the fishery relatively to foreign nations, for I am quite sure this is an opportunity for bringing forward such topics that ought not to be lost.

I regret extremely that I was prevented from attending when the Address from Newfoundland was presented to the King. I had made every arrangement for going with Mr.

Robinson, and was only prevented by a sudden attack of illness that confined me for some time.

I have the honour, &c.,

(Signed)

T. HYDE VILLIERS.

P. S. I shall esteem it a favour if the Chamber will be so good as to consider this letter, and the enclosed, as exclusively addressed to them for their private information.

I have made this letter as full and explicit as possible, that they may know that their interests are attended to and in progress, but this is more than I could have done with propriety in the present stage of the proceedings, had I not felt entire reliance that the contents of my letter would not be permitted to transpire.

T. H. V.

The President of the Chamber of Commerce }
in Newfoundland. }

*Cleveland Court, St. James's-Street, }
October, 1830. }*

SIR,—In the month of February last I had the honour to present, at the Colonial Department, a Memorial from the Chamber of Commerce in Newfoundland, praying for a decision by His Majesty's Government upon the British right of fishing upon the French Shore of the Island, concurrently with the subjects of France, and I now beg leave to offer the following considerations in support of the British claim.

Newfoundland was originally endeavoured to be settled and improved in the Reign of Elizabeth, by means of a Charter granted from the Crown. After five Royal Charters had been granted in succession, an Act of Parliament was passed (10 and 11 Wm. III.) for the purpose of regulating and encouraging the fishery. The sovereignty over Newfoundland was always claimed by Great Britain, and this Act of Parliament asserted the rights of the Crown by enacting the total exclusion of all aliens or strangers from any participation in the fishery; nevertheless, for many years before the passing of this Act the French had been in possession of many parts of the Island, and notoriously carried on an open fishery, which they claimed to be entitled to.

As this claim had not been rejected or disallowed by the treaty of 1686, nor by the treaty of Ryswick in 1697, it was afterwards held by the Law Officers of the Crown that the statute was not meant to extend to such parts of the Island and its adjacent isles and places as had been left in the possession of the French, neither was it held to abridge or restrain the power of the Crown over such parts in concluding a Treaty of Peace. By the Treaty of Utrecht, 1713, the sovereignty of Great Britain over Newfoundland was formally recognized by France, who agreed to give up the town and fortress of Placentia, and all other possessions on the Island, and the limits of the fishery to be allowed to her on the coasts were now delivered. Her right of taking and drying fish was to extend up from Cape Bonavista on the east to the northern point, and down again on the western side as far as Point Riche.

In this treaty England neither restrains the exercise of her own rights upon "the French Shore," nor confers any extensive right upon France, and the subjects of the two powers always fished there concurrently; however, in the Parliamentary debates, (1783), a Peer (Lord Stormont) is reported to have said, that on one occasion in a memorial from M. Selherrette, France had set up a claim previously to the war terminated by the Treaty of 1763

to an exclusive fishery under the Treaty of Utrecht, and that he being ambassador at Paris at the same time, had received from his Court in England so clear, distinct, and at the same time so peremptory a statement of the English right to fish in common with the French on the western side of the Island that they were satisfied, or at least they relinquished their claim for a time. This claim does not appear to have been revived at the Treaty of Paris in 1763, neither does it appear, that this was a ground of exclusive claim on the negotiation of the Treaty of Versailles, in 1783 ; and at all events, as it would seem to have been once for all decided by the British Government, it is thought unnecessary at present to pursue the enquiry further.

By the Treaty of Paris the agreement of the Treaty of Utrecht, as above explained, was merely confirmed and received as regards the rights of fishing upon the coast, and under this Treaty the French again exercised their right.

There is no doubt but the French, in common with the English, suffered from the absence of all means of enforcing justice upon the shores of Newfoundland while exercising their rights under the abovenamed Treaties ; scarcely a remote idea can be formed of the state of that colony during the 18th century to encourage a fishery carried on from hence, and which was denominated a Ship Fishery, in preference to one carried on from the settlement which was termed a Sedentary fishery. This was the policy of the Act 10 & 11 Wm. III., and of the Charter by which it was preceded, the attempt, such as it was, now for the first time made in this Act as a provision for the administration of justice. It provided that every fisherman first entering a harbor of Newfoundland, from Great Britain, was to be "Admiral" in that place for the season. The "Admirals" were appointed to determine controversies concerning the rights of property in buildings and other things relating to the fishery, and they were to preserve peace and good government among the seamen and fishermen, as well in their respective harbors as on the shore ; these "Admirals" were low men, seldom able to read or write, owning no authority but the instructions of their masters at home, and subject to no controul save that which was sometimes mischievously exercised by the Naval Officer who commanded on the station during three months in the year. The consequence was that the "Admirals" were often found to be themselves the greatest delinquents, and during the winter months complete anarchy prevailed, and robberies and murders and disorders of every kind were committed, and more frequently than not with complete impunity. Attempts were made by the Crown to restrain these abuses ; the law officers of the Crown, on numerous occasions, reported on the necessity of causing the Act 10 & 11 Wm. III. to be immediately repealed—they represented it to be in no respect properly applicable to the permissive fishery, which the subjects of France were entitled to carry on in common with English subjects—that it was in other respects the most loose and imperfect that could have been devised, and that it appeared to them, upon the whole to be disgraceful to suffer it to remain upon the statute Book. The Board of Trade, as well, repeatedly reported against this act to the Crown, but such was the pertinacious resistance made to any alteration of the act by a party in this country designated "the Western Merchants," who believed it to be their interest that there should be no civil authority established—there should be no government inspection of their proceedings—no interference by Custom Houses, by Justices, or by Courts of Law—in short, that the "Ship Fishery" principle should be executed, not only to the necessary exclusion of any other, but also in whatever manner it pleased them to prescribe to their servants, and according to no other rule. Such was the successful opposition of this party that no material alteration was effected in the law during the greater part of the 18th century.

In the year 1763, after the Treaty of Paris had been concluded, the French Ambassador, for the protection of French subjects, proposed that certain regulations of the concurrent fishery should be adopted ; but the law officers of the Crown reported that his propositions would in several instances be contrary to the provisions of the above Act, as well in respect to the rights of British subjects as to the mode of determining controversies arising there. Nothing however was done to modify the act, and although the Government issued such in-

structions to the Governor for the protection of the French in the exercise of their rights as the law allowed, frequent disputes continued to arise.

It appears that in 1764 the French Government, in a special Special Memorial, contended that Point Riche, mentioned in the Treaty of Utrecht, on the Western side, was the same as Cape Ray, on the Southwest extremity. This claim being only supported by a single map of no authority, the work of a geographer by name Herman Moil, was completely disproved by a Report of the Board of Trade (in which an overwhelming account of evidence may be found upon the point) and was decisively rejected by the British Court.

There appears to have been one of the complaints of the French, in which there was more reason; exclusive possession had been taken by the British residents of certain fishing stations between Cape Bonavista and Cape John. Land and rivers had been claimed as private property, so that in many places, when the French arrived in the fishing season, they found themselves shut out from the concurrent fishery to which by Treaty they were entitled. The French Minister, M. de Veyennes, in the negociation of the Treaty of 1783, pretended that this had led to the total exclusion of the French from Cape Bonavista to Cape St. John, but there was probably much exaggeration in this, although there can be no doubt these British claims operated greatly to the prejudice of the French in their fishery.

When the British Minister, Mr. Fitzherbert had repaired to Paris to negociate the Treaty afterwards concluded at Versailles in 1783, he found the French Minister fully prepared to make the most of every inconvenience, real or alleged, which the French had formerly suffered in Newfoundland; the French Minister M. de Veyennes required a cession to France, of the full and entire sovereignty of this part of the Island which the French had hitherto been permitted to frequent and the exclusive enjoyment of the Fishery as well:—But the British Minister at once declared that the demand was totally unreasonable and consequently inadmissible.

The French Minister insisted chiefly on two topics, or as he termed them disputes already adverted to as having arisen during the peace of 1763.

1st. The claim to a more extended fishery, which was founded on the map of Herman Moil, and which the Board of Trade in their Report had proved to be so groundless.

2nd. By the settlements between the Capes of Bonavista and St. John.

The French Minister next proposed as an abatement of his former demand, that England should give up exclusively to the French during the fishing season, the whole of the coast from Cape St. John passing round the Northern point down to Cape Ray in the South Western extremity, (the point to which upon the authority of Herman Moil, they had already pretended a right of extending their fishery) and round to a place on the Southern shore called Cape May, in the map of Herman Moil (this place is not laid down in some maps, but it is situate in Latt. 48 and Long. 54;) he alleged that this would have the peculiar advantage of settling at once the two points in dispute, it would give the French compensation for the territory they had lost, and would do away with their differences respecting the true situation of Point Riche, this was refused and the first concession made, was that of offering to fix Cape Ray as the boundary of the Southward giving to the French about 190 miles of Coast, instead of about 60 or 70 miles on the other side which they gave up.

To this M. de Veyennes agreed (6th October, 1783) in an official note on the condition that the French should enjoy their fishery to the exclusion of the English.

Mr. Fitzherbert (October 28, 1783) insisted on the very ample additional share of coast that was offered, and that the French court should be content without insisting upon their demand for an exclusive fishery, and he reports the Minister not to be disposed not to insist strenuously upon the point. At length however it was found that this point of exclusive

right was the only remaining point of difference between the negotiations—after much argument Mr. Fitzherbert gives the following account of the arrangements which was made, viz., that he at last ventured to propose as a *mezzo-termine*, (taking care, however, to add that the proposition came from himself,) that the exclusive right should not be mentioned in the Treaty, but that we should promise *Ministerielment* to secure it to the French fishermen by means of proper instructions to that effect to the government of Newfoundland, and to this M. de Veyennes consented.

Lord Grantham, Secretary of State for Foreign Affairs, thus expresses himself in reference to the preliminary article, after he had received the above; great pains have been taken to avoid mentioning the fishery as exclusive right—the 3d article is cautiously avoided for that purpose; however, it is very desirable that it should be left out, and that the French should be contented with as strong assurances of not being molested as can be given in the King's name.

The following is the substance of the article of the Treaty which was finally negotiated, and of a Declaration which was appended to it, signed at Versailles in 1783:

His Majesty the Most Christian King, in order to prevent the quarrels which had before then arisen between the two nations of England and France, consents to remove the right of fishing which belongs to him in virtue of the aforesaid Act of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situate on the eastern coast of Newfoundland, in 50 deg. north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of his most Christian Majesty, beginning at the said Cape St. John, passing to the north and descending to the western Coast of the Island of Newfoundland, should extend to the place called Cape Ray, situate in 47 deg. 50 min. lat.—The French fishermen shall enjoy the fishery which is assigned to them by the present Article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

The following is an extract from the Declaration signed by the British Ambassador on the same day:

The King having entirely agreed with his most Christian Majesty upon the articles of the definitive Treaty, will seek every means which shall not only ensure the execution thereof, with his accustomed good faith and punctuality, but will besides give on his part, all possible efficacy to the principles which shall prevent even the least foundation for dispute for the future.

To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of Newfoundland, and he will for this purpose, cause the fixed settlements which shall be formed there to be removed.

His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

The explanation of the terms of this Treaty and Declaration does not appear to have been given in the debates in Parliament upon the Peace, although the indecisive character of the expressions was complained of. The words of Mr. Pitt were remarkable: he observed, "they had ceded an *extent* of fishery on the coast of Newfoundland—they had established an exclusive right to the most valuable banks. On the 16th May, 1783, an additional instruction was transmitted to the Governor of Newfoundland, reciting the above article of the Treaty and the Declaration, directing him to conform himself to them, and if necessary to ask for further instructions. Nothing is said in these instructions of withdrawing the British from the fishery, and in the Proclamation of the Governor, 1784, the same thing is

observable, for while he orders the fixed settlements to be removed, he merely enjoins those who reside or are employed on the coast, to conform themselves to the provisions of the Treaty. The English, accordingly, continued to fish on the French Shore.

In 1785, disputes again arose ; an English vessel fired into a French vessel, and drove her from the fishery, and compensation was ordered. On the 15th July 1785, a French Man-of-War's boat was reported to have seized the nets of an English fisherman, after ordering him to depart, alleging that the English had no right to be there.

November 5, 1785, I. Elford, Lieutenant Governor of Newfoundland, reports on a memorial of two French Captains, complaining that some of the British engaged in the fishery on the French Shore had injured the French stages, and writes thus—"I should have been glad could I have given you more authentic information of the matter, but being invested with no kind of authority whatever, even in the absence of the Governor, which is for nine months in the year, I have not an opportunity of knowing many things that are transacted, as the magistrates who, I am sorry to say, are (a very few excepted) such men as are a disgrace to human nature, find it their interest to keep their actions a secret from me."

A Naval Officer who visited the French station (1785) was informed by the French Commander he had orders to remove the English whenever he found them on the French Shore.

November 28, 1785, Governor Campbell reports that he received a letter from the Captain of the French Frigate *La Minphe*, in 1784, who stated that "in most of the harbours the utensils and scaffolds left by the French have been destroyed or considerably damaged during the winter by the English, and that in very few instances had been able to detect the offenders. Compensation and the removal of the British fishermen from the shore where the French right had been made exclusive, were demanded. The reply of the Governor to the latter part of the demand was in general terms to the effect, that every means should be employed to conform strictly to every article of the Treaty.

It does not appear from such parts of the correspondence as are preserved, that either the French Ambassador or the Secretary of Embassy, both of whom represented these and other causes of complaint, insisted on their exclusive right to the fishery. But it is certainly most surprising that in the appointment of a new Governor at about this time, (15th June, 1785) instructions were issued to him to prevent, as far as possible any of our subjects from fishing within the limits where the French are allowed to carry on the fishery.

But notwithstanding proclamations in obedience to these instructions were duly issued, there seems to have been little improvements in the conduct of the British settlers, and on the 10th August, 1786, the Governor reports a case of Nathan Tory, of Poole, and a remonstrance of the French Commander, which appear to have brought the British Government to a sense of the necessity for adopting more decisive measures.

Notwithstanding the terms of the Treaty and of the various proclamations, Nathan Tory appears to have persisted in retaining his fixed settlement, stages, &c. on a part of the French Shore, and he was forcibly ejected by a French officer commanding 50 men. Count Batazon, the French Commandant, in his correspondence on this case with the Governor, forwards numerous depositions against the English, alleging that the moment the French police ceases on the coast there is no safety for the fishing materials of the French ; their stages were plundered, the salt was stolen ; on arriving at the coast they often saw the British sailing away with the remainder of their scaffolds ; that these offences had enjoyed a long impunity, and that the local authorities showed no disposition to prevent them, or to punish the offenders.

The Governor, that is, the Naval Officer commanding on the station during the summer months, informed the French Officer that he was about to return home, but would not fail to attend to these complaints on his return in the following year.

But the British Secretary of State, in 1787 (June 5th) in reference to this case, announces the determination of England that her subjects shall no longer be permitted to fish concurrently with the French. The 10 and 11 Wm. III. makes it lawful for British subjects to fish in every part of Newfoundland, and therefore the Governor is instructed that although he is to use his utmost endeavours to induce the British fishermen to abstain from the fishery, yet that it would be very improper for him to use any force against such of the British as might chose to persist. At the same time it is stated that the Ambassador of France will be informed of the difficulties which attended the present state of the fishery, and of the intention to remove them by an application to Parliament during the next session. This intention was carried into effect the following year, 1788, and an Act, 28th George III., c. 35, was passed, "to enable his Majesty to make such regulations as may be necessary to prevent the inconvenience which might arise from the competition of His Majesty's subjects with those of the Most Christian King, in carrying on the Fishery on the coast of Newfoundland." It recited the Treaties of Utrecht, Paris, and Versailles, together with the Declaration appended to the latter, and provided that fishermen must withdraw themselves and materials from the French, if ordered so to do, under penalty of Two hundred pounds.

Such, then, was the state of the law during the remainder of the peace, and also during the short Peace of Amiens, when the fisheries were restored to the footing on which they were before the war. Again, too, at the Peace of Paris, 1814 and 15, the fisheries were restored to the footing on which they were in 1792. They are therefore now, in 1830, regulated by the Treaty and Declaration of Versailles in 1783, and the Crown has also now the power to restrain the British fishermen, as provided in 1788 with the difference only that the provision is now supported by the mitigated penalty of £50.

After the stipulation of the definitive Treaty of Paris, 1814, the Governor Sir R. G. Keats, proposed certain enquiries as to the mode of carrying it into effect, and on the 24th of August of that year the Secretary of State informs him in reply, that with respect to any fixed buildings and Goods which British subjects may now possess on those parts of the coast where the rights of fishing or curing fish is restored to the subjects of France, the same are not to be considered at present as affected by the Treaty, although the utmost precaution is directed to be observed, that the French may not be interrupted.

Sir Charles Hamilton, who was for some time Governor after Sir R. Keats, has stated, 8th April, 1824, that he had always cautioned the British not to interrupt the French, supposing the restrictions of the Declaration to be confined to the prevention of British subjects erecting flakes or stages, and that France had not an exclusive right to the Cod Fishery.

He mentions a case that occurred in 1822, of a Mr. Bird, who although his fishing was afterwards permitted, had yet been interrupted in a salmon fishery in Bound Bay, by a French Officer, on the ground of exclusive right. He also mentions that many of the British subjects settled on the French coast during the war, had remained there since the peace.

Upon this statement of facts it is first of all to be observed, that the Crown does not appear, either at the peace of 1783 or at any other time, to have renounced by intention, any more than in terms, the British right of fishing on the French Shore.

France complained with reason that the fixed settlements of the British had trenched upon her concurrent right. It would have been a remedy for this if Great Britain either had conceded an exclusive right upon another part of the coast, or had reformed her own polity with a view to restrain the encroachments of her subjects. It is plain, however, that neither of these courses could well have been adopted; any promise of reform in the conduct of the British fishermen, after the correspondence that had passed between the two Courts during the peace of 1763, would probably not have proved satisfactory to France, and the British Minister dared not, and expressly refused, to concede the exclusive right: a *mezzo*

termine was therefore proposed and agreed to, viz. that although England should reserve her right of fishery, yet that France should have the strongest possible guarantee against the recurrence of her former causes of complaint, which should be binding in all time to come, and that for so long as the private promise of the existing administration in England could be binding, they should, by instructions to the Governor, be allowed the exclusive enjoyment of their fishery; thus, leaving completely open the future resumption of the right at any time when it might be found practicable, otherwise to secure France upon the points on which she had the guarantee of England. That time, it is contended, is now arrived—the authority of civil Government has, in the mean while, been established on the spot; England could now give effect to whatever regulations she may describe in order to prevent the interruptions of the French, she finds no difficulty in so regulating her fishery in another part which she exercises concurrently with the Americans, and therefore it is contended, that looking merely to the intentions of the contracting powers in 1783, England can now prevent her subjects to resume their participation in the fishery with a perfect regard to good faith.

This must have been the view taken by the servants of the Crown on whom first devolved the execution of the Treaty and Declaration. Lord Shelbourne, and those who negotiated the Treaty, went out of office and were succeeded by Mr. Fox and Lord North, under whose administration the Treaty was signed. Had the private engagements of the former *ministerelement* to secure the exclusive right been binding upon the latter, they would have applied at once, in the year 1783, to Parliament for such power as was granted afterwards to the Crown by the act 28th George III, c. 25; not to have done so would hardly have been consistent with good faith and the punctual observance of Treaties, for by the 10 and 11 Wm. III., it was expressly lawful for all British subjects to fish in any part of Newfoundland, and a power so given by the Legislature could not be modified or taken away by any Treaty of the Crown alone.

But at first the Secretary of State, Lord North, in transmitting his instructions founded upon the Treaty, made no attempt whatever to withdraw the British from the fishery. Cases of interruption were decided merely on their particular merits, not as involving a breach of Treaty, and in cases of injury compensations were awarded.

But afterwards, when these cases were found to multiply, the British subjects were exhorted to abstain from the fishery, and it was not till five years after the conclusion of the Treaty, when all regulations and threats and exhortations on the part of the civil authority had proved of no effect in preventing most gross violations of both Treaty and Declaration, according to the obvious intent and meaning—it was not, in short, until every other expedient had been tried which the state of the Colony would allow for properly regulating the fishery, that the only means were taken for excluding the British by which that exclusion could have been considered either certain or lawful. It is also to be remarked, that the Act itself the 28 George III., c. 25, only authorizes the Government to issue, and enforce its orders of Removal, in the event of it being necessary, with a view to giving effect to the Treaties, and in all the instructions that were given to withdraw the British fishermen it is never once stated that an exclusive fishery had been connected, and the measure is only enjoined as being necessary for executing the provisions of the Treaty.

Again, if the terms of the Treaty and Declaration are examined critically, they would appear in every point of view to justify these conclusions; it surely might in itself be held to be a conclusive fact that throughout the Treaty there is no positive grant of the exclusive right, especially when the amount of the claim is considered.

Their claim would extend over the whole of the western coast and a great part of the eastern, in short, over the major part of the fishery, while all the expenses of forts and garrisons, defence and government, were left to Great Britain. This would not only have been an arrangement different in principle to any other, and contrary to the uniform policy of Great Britain, but it would have been a concession more important far than all those put together

which form topics of direct concession in all the Treaties of Utrecht, Paris, and Versailles. A claim, then, of this extent and character, which is indeed repugnant to the sovereign right of Great Britain, can hardly be constructively founded upon any Treaty, and still less upon one which, like the Treaty of 1783, acknowledges and confirms the entire sovereignty of Great Britain.

Moreover, if a grant of such magnitude does not form a topic of the Treaty, it never can be admitted that it is to be consecutively inferred from the accompanying Declaration, which is necessarily an instrument of inferior force and effect; indeed, the terms of the Declarations throw considerable light upon the understanding in which the Treaty was received by France. All the evils provided against by the Declaration are the evils of a concurrent fishery, and could not be expected to arise in a fishery that was to be exclusive.

The inference is, that whatever the instructions might be that were to be given to the Governor of Newfoundland at the time, under the private engagement which the Court of France had received, it was well known that no right to an exclusive fishery was conceded, and therefore it became necessary to guard against the evils of a concurrent fishery which might again arise whenever it should become no longer exclusive.

The object of the Declarations is to secure to France that all possible efficacy should be given to such principles as may prevent dispute, and that the fishermen of the two nations may not give cause for daily quarrels. Then it proceeds to detail a series of measures to be adopted with a view to these precautions and arrangements. If an exclusive fishery had been ceded to France, the fishery being exclusive, the British fishermen had no right to be upon it at all, and the British Government would simply have restrained them from going there.

In what "manner," then, could the British interrupt the French "by their competition?" How were "disputes or quarrels to arise?" Whence the necessity for the most positive measures "to prevent the interruption of competition?" Every phrase appears to contemplate British participation in the fishery.

But this Declaration specifies the measures that are to be taken in order to prevent disputes, and omits to specify what, from its paramount importance as a precautionary measure, must have been mentioned, had it been intended, namely, that the British are not to fish at all within the French limits. It provides, with a view to preventing the evils they had formerly suffered in this concurrent fishery, that the fixed settlements should be removed. Again, it may be asked, what question could there be that the British would maintain their fixed settlements for fishing if they were not to be allowed to fish? Neither is there any thing in this provision incompatible with the concurrent fishery of the British; on the contrary, it is nothing more than was formerly done to protect British subjects against one another. At a period when the Ship Fishery was encouraged to the exclusion of the Sedentary Fishery, no planter was allowed to possess any fishing stage, or even to reside within six miles of the coast; and even by the Act of William and Mary, so long the law of Newfoundland, no inhabitant was to possess any stage or station until every ship that had come from England was provided.

When, therefore, we had allowed France to exercise a concurrent fishery, but at the same time, by not allowing her to winter upon the coasts, obliged her to carry on what is called a Ship Fishery, it was only just and consistent with our own practices to make provision that the inhabitants should not, as before, so use their advantages to her prejudice and exclusion as indirectly to defeat her right of fishing at all. But although the fixed settlements are thus properly prohibited on the French Shore, it will be observed that nothing is said against such temporary establishments as might with propriety be erected in carrying on a convenient fishery.

From a note of the French Minister, M. de Veyennes, at the time of the negotiation of the Treaty, it does not appear probable that any stress would be now laid by France upon

the following words of the Treaty, which are used in reference to the new fishery, viz., "that the French shall enjoy it as they had the right to enjoy that assigned to them by the Treaty of Utrecht." It is supposed that this would now be understood to refer merely to the mode of carrying on the fishery, and not to that ancient claim of an exclusive fishery which the Government of this country formerly rejected with so little hesitation, and which has been before referred to in this paper. But if it be referred to at all as bearing on the present question of exclusive right, it might, in a British point of view, be almost held to be decisive against it, for under the Treaty of Utrecht the fishery always was in fact concurrent, and we never allowed it to be anything else in point of right. Besides, if France knew that a new grant of an exclusive right had been made to her she would not have needed the far-fetched support of an old-rejected, not to say unintelligible claim; and England, too, would not have felt it necessary to use expressions so guarded in respect of the old claim when she had ceded the whole of it, and more into the bargain, by her new concession. When the Treaty and Declaration are taken together, it might perhaps at first sight appear that an *exchange* of coast had been made, and that in order to prevent the quarrels that had before then arisen between the two nations of England and France, it must have been intended to make the fishery exclusive.

But these *quarrels between the two nations* mentioned in the *Treaty* do not refer to the *disputes* of the fishermen, which are provided for afterwards as a distinct thing by the terms of the *Declaration*. These although often topics of correspondence, had not been subjects of dispute between the two nations, and there had been times when France had received from her fishermen pecuniary compensations for injuries to the entire satisfaction of her Court. But even if these were not the case—if the quarrels to be prevented were those which were necessarily inherent in a concurrent fishery, the arrangement made would have tended materially to prevent them, as the effect of it would have been to confine the French more to the western coast than before, the English being in the habit of fishing less upon the west than upon the east side of the Island.

But on referring to the map it would be seen that no such exchange was really made; the French Minister affirmed that the British settlements had in fact excluded the French from Cape Bonavista to Cape St. John, and for this he required to be indemnified on the other extremity of the French limits; accordingly, he received in compensation an extent of coast on the other side reaching from Point Riche to Cape Raye, and the whole of the intermediate coast from Cape St. John to Point Riche remained to them as before. There was therefore no exchange, merely a compensation for an alleged loss. It has already been seen that *the quarrels between the two nations* related to two points.

1. The British settlements between Cape Bonavista and Cape St. John—for this loss on the eastern side they were justly compensated on the west; but why were they to receive 190 miles of coast instead of 60 miles, which they alleged they had lost? because so said the French Minister.

2. This will settle the point raised upon the authority of Herman Moil, and there will be no more dispute concerning the situation of Cape Raye if you allow us at once to extend our fishery there, and thus both points of dispute will be adjusted at once.

It only then remains to be explained how it came to pass that the British Government consented to an extension of fishery founded upon a claim which they had before held to be utterly groundless. The demands of France were exorbitant, for the same reason that the concessions of England were large. France had been the successful party in the war—England concluded the Treaty of Versailles under circumstances of great national extremity. In obtaining terms, her Court had great difficulties to contend with. Great concessions were necessary, and still it was uncertain how these concessions would be received at home. With regard to Newfoundland, in particular, greater concessions were made than had ever been yielded to French encroachments. The fishery had at that time always been a favourite object of national protection. In the time of Charles I. the French had never been permitted to fish there with

out payment of tribute to England. The Act of Wm. and Mary, imperfect as it was, was yet passed with a view to encourage the fishery, and to assert the rights of the Crown by enacting the total exclusion of all foreigners. The Treaty of Utrecht was severely condemned because it admitted France to a limited participation in the fishery, although the perpetual sovereignty of England was therein acknowledged. In 1763, twenty years previous to the Treaty now in question, Lord Chatham, then Mr. Pitt, negotiated in the first instance the Treaty of Paris, which upon his resigning office was afterwards concluded by Lord Bute; and Lord Chatham, who had contended on the part of England for the whole exclusive fishery of Newfoundland, and affirmed it to be of itself an object worthy to be contested by the extremity of War, censured severely his successor in office for having returned to France some of the privileges she had before enjoyed upon the coast, and for having ceded, in addition, St. Pierre and Miquelon, although under a positive engagement from France that they should not be fortified. This agreement had been enacted because great importance was attached to these Islands in time of war.

But by the Treaty of 1783, in addition to the concession of the Treaty of Utrecht, not only were these Islands restored to France—not only was there no stipulation made concerning their fortifications, but as has been already seen a great extension of fishery was also ceded upon the Western coast. The event fully proved that the administration had, at least, not overrated the impopularity of their concessions—the extent of fishery ceded was warmly taken up in the debates; no part of the Treaty was more uniformly censured than that which related to Newfoundland—indeed, the preliminary articles were censured by a vote of the House of Commons, and the administration was turned out, although the country was of course bound by the terms of the Treaty.

From this statement it must be seen that France, in the negociations, again brought forward the map of Herman Moil, merely to give a colour of right to a demand which she had the power to enforce, and the administration in England did not as before reject the claim, but on the contrary, suffered mention to be made in the Treaty of the disputes of the two nations, because knowing how unpopular these concessions upon the fishery would be at home, it was desired that they should as far as possible wear an appearance of mutual convenience and local expediency.

If, from the relative situation of the two powers, it were to be inferred that France could not have been satisfied with anything short of an exclusive fishery, it must be admitted on the other hand, that in 1814 and 1815, when their relative position was reversed, England at least would have claimed the restitution of her ancient rights.

It is obvious from the proceedings of the French in Newfoundland that every effort has been made to acquire *de facto* exclusive possession of the coast, and although it is to be lamented that the conduct of our fishermen on the instructions which it became necessary to issue in former times should in any degree have conduced to an object which the history of the fishery would show that France *per fus aut repas* has always had in view, yet at any rate it is submitted that in taking upon herself, as she has repeatedly done, to expel by force our fishermen, she has under possible supposition exceeded her lawful powers.

The utmost to which she can ever pretend is a right of fishing; she has no jurisdiction—she has, in a law of nations, no right to do herself what may be termed summary justice, against the subjects of any other power on the coast of Newfoundland. The principle involved in this position has been repeatedly asserted and acted upon by France herself as well as by England and America;—America has asserted it as against France upon the very coast now in dispute, where she claims a right to fish, upon the ground that England has the right, and that her own are by Treaty concurrent with those of England. The French force on the station attempted to expel the American fishermen, but America sent a force sufficient to protect her fishermen, and under such protection they have continued for some years to fish upon the western coast. England, in whom the sovereignty resides, can alone have jurisdiction upon the coast of Newfoundland; and when the attention of the Govern-

ment is called, as it shortly will be, to a fresh aggression of the French force upon the British fishermen during the current year, it is trusted that the British Government will not hesitate to secure the British the same advantages which America has secured to her subjects, and to which the former, both by the law of nations and the terms of existing treaties, are equally entitled.

The maxims of international law which maritime nations have observed towards one another offer, indeed, in themselves, no slight presumption against the exclusive right which is alleged to attach to France in a fishery whereof the sovereignty is in England. If the Americans, or indeed for example, the Dutch, or any other power come and fish upon the coast, France, it has been seen, could not send them away; force might be opposed to force, and force would be in the wrong. England, it is true, would have the discretion, but she might not have any motive to exert her power, as has hitherto been the case in the present instance with regard to America; thus the exclusive right of France might become far less valuable than the concurrent right which England would defend, and in the attempt to confer an exclusive advantage on France, England might admit all the world to fish to the exclusion of herself.

I have the honour to be, Sir,

Your most obedient, humble servant,

(Signed)

T. HYDE VILLIERS.

REPORT

OF THE MINISTER OF FRANCE TO THE KING OF FRANCE.

COD FISHERY.

Report to the King of France by M. DE MONTBEL, on proposing to His Majesty the Ordinance of 7th December, 1829.

SIRE,—The Tariff of Bounties to the Cod Fishery has always been regulated by Royal Edict. The last was of the 24th February, 1825, and will cease on the 1st March, 1830. It therefore becomes urgent to legislate again on this important matter, for the vessels ought to depart in the early part of March, and in order to prepare and outfit them, the merchants should know what degree of encouragement will be afforded them.

The principle of bounties appears to be, beyond a doubt, acknowledged as useful, as will appear by the successive votes of the Chambers, but the amount of them is become the subject of several serious discussions. These debates have not, however, produced any decisive results; the question has remained undecided for want of proper information as to facts, and indeed even now essential documents are still wanting, which must be obtained and minutely analyzed. The truth will not be known until a complete report rectified by men well versed in this business can be submitted to your Majesty. To the Ministry belongs the task of completing these documents, and preparing this important Report, and I hope we shall soon possess that which will enable us to form the basis of a just law.

But, Sire, I should not be justified in proposing at present the reduction of bounties in a branch of Trade which I am not certain could exist without them. No doubt, the annual

increase of expenditure under this head might lead one to suppose the bounties were too liberal ; but it does not follow as a fact—for the increase in any branch of industry does not prove the exorbitancy of its profits. Sufficient returns and emulation will augment trade till new markets can no longer be found for its products. The facts required to be known are these—on one side, expense of constructing and equipping ships, provisions, insurance and wages ; also, fishing implements ; on the other, the net product of the fishery and bounties ; and by comparing the results with those of foreign vessels, and the Americans particularly, we should perceive whether our merchants are in a better or worse position than their rivals. Thus should *we be enabled to legislate* without, on the one hand, wasting the public money, or on the other, incurring the risk of endangering *the welfare or existence, not only of the merchants whose adventures* are of infinite service to the state, but *more particularly the nursery for seamen which that trade forms for the navy*, and the still more numerous class of ship-builders and mechanics to whom it gives employment.

Besides, the expense of bounties is not without compensation, and indeed it may be said, none other is more beneficial to the state. This fishery employs and gives support to 12,000 seamen, who, even supposing they could be employed in peaceable times in your Majesty's navy, would cost the country six to eight millions for six to eight months in the year. In 1828, the total expense of bounties reached three millions ; thus this trade gives to the state for three millions that naval advantage which the admiralty could not dispense with, although the cost would be six to eight millions, without reckoning many other expenses ; thus, the only question that has been so long discussed is this, whether the same advantages may not be obtained at a reduced expense. Prudence would forbid my recommending, at present, an experiment which might compromise this valuable trade, and as well, in some degree, the security of the state. It really, however, appears by the following estimates that our adventurers in this branch of industry are not overpaid. The cost of a vessel of 150 tons is, in the first year, from forty-nine to fifty thousand francs ; the total or gross returns in the most favourable season is about fifty-six thousand francs, when the cargo is sold in France. In a middling or average season, it is reduced to about thirty-eight thousand francs ; showing in the first case, a benefit of six to seven thousand francs, and in the second, a deficiency of eleven thousand francs. It is true, that in the second year the ship owner having no longer to provide boats and fishing utensils, finds himself in a more favourable position, but if the product was but a middling one, he would scarcely recover the advances of the first year, and the chance being of course of an average fishery, he can only reckon on a real profit the third year.

Thus almost all our merchants, to export their fish to the colonies, which with the bounty of forty francs per 100 killogrammes, gives them an increase of benefit equivalent to 28 or 30 francs per quintal, from which must be deducted the expenses of transport. These calculations, I repeat, show that the profits of the trade are not too considerable, and consequently, the bounties, not excessive ; but, perhaps, this opinion will be still further confirmed by observing, that notwithstanding these bounties, fixed in 1819, the Americans maintain a convenient trade ; they certainly have less superiority now than at that period, but they still furnish to our colonies more than one third of their import, and if our bounties had been less liberal they could still less have contended for ten successive years with French Fish, over which it has only the advantage in cure, (or taste) which might also be removed by regular or successive supplies ; the disadvantage is, its not keeping so long under the tropical climates, but regular supplies might easily be sent through the Colony of St. Pierre and Miquelon, where fish will keep perfectly well. These considerations, Sire, have been generally appreciated, and last year on the discussion of the Budget, they removed from the committee all opposition to the vote of money for bounties. But I am also bound to inform your Majesty of another objection made on the ground of fraud. It is said “ the bounties are sufficiently great to induce a purchase of American-caught fish, at sea, for the purpose of resale ; the St. Pierre and Miquelon fishermen who can make two voyages to the Antilles in the year, are more particularly likely to carry on this fraudulent traffic.”

This is the objection, Sire, and it appears not without foundation ; but I do not think it can sustain a serious examination, for the following reasons :

No doubt, exorbitant bounties as well as excessive duties, encourage fraud ; but there is here a sensible difference—by fraud in the duties, the whole of it is gained and added to the price of the goods ; but to obtain bounties fraudulently, it is necessary first to bring the goods, that is to say, deduct the cost from the benefit resulting from the bounty, and if the cost added to the other expenses, forms a total greater than the selling price and bounty, the fraud is evidently no longer practicable. The expenses in vessels from our ports are, as already stated, forty-nine to fifty thousand francs ; they cannot be reduced, for the Declarations previous to their departure, leave the adventurer no means of shipping less men or provisions than his declaration has stated.

Thus, whether he purposes purchasing or catching his fish, his first expenses are always the same ; the only saving made in the purchase would be the expense of victualling and pay of fifty men during the time they should be employed in the fishery ; and, certainly, without having occasion to estimate the highest price, it may be easily conceived that this saving would not compensate for the cost of foreign cured fish. One month's, two months' pay and provisions for fifty men would not be equivalent to the cost of 6,000 to 8,000 qtls. of fish purchased at the lowest price : and it appears, besides, that the Americans could not sell their fish very cheap at sea, as they have to make an economical voyage to obtain forty, fifty, or even sixty francs per quintal.

In a word, I think it not improbable to show that fraud would be prejudicial to our merchants, who cannot evade the expense of outfit, pay and provisions.

But in the absence of this demonstration of which the particulars are not complete, we may say with certainty that there is, for French adventurers whose ships go to Newfoundland, greater advantages in catching fish than in buying it of foreigners, since the principal expenses once incurred, those additional of fishing are less than the cost of purchasing foreign fish, so that if the fraud does exist, it is but seldom practised.

As to the adventurers who sailed their vessels to St. Pierre and Miquelon, to take fish from the warehouses, their position in this respect appears more favourable, because they can make two voyages to the Antilles with the same outfit, therefore suspicion rests more particularly on them. Is it better founded ? It is difficult to suppose it, when the Naval Administration declares the Customs' superintendence perfectly organized there. But a decisive continuation appears, viz., that the number of Fishermen at St. Pierre and Newfoundland being nearly a relative proportion to the quantity of fish caught, which proves that the fraud, if any, is not greater at one place than the other, and if it be observed that the gross total of bounties for the fishery at St. Pierre and Miquelon does not exceed four hundred thousand francs, we must conclude that if fraud does exist at all, it causes but a very slight loss to the state. The result of the foregoing is—

1st.—That in the actual state of things fraud cannot, apparently, be of any benefit to our adventurers, and certainly less than catching their own fish, and that if it does exist, it is of very slight prejudice to the treasury.

2nd.—That the benefits of the trade are not overrated or too great, but at all events not equal to those advantages, both political and pecuniary, which our navy derives from this Trade.

3rd.—Thus, the question would be, not whether the state pays bounties beyond the benefits derived, but whether those advantages may not be more economically obtained.

4th.—That to resolve this doubtful and complicated question, much time and documentary evidence is required ; that at present a real economy would not be made without being liable to endanger the property of a great many merchants—the existence of a large portion of our maritime population, and the interests of a branch of the public ser-

vice, to the prosperity of which the whole national welfare is so closely allied ; whilst to these delicate and important considerations we can only oppose the secondary advantage of a doubtful and dangerous economy of a sixth, fifth, or at most, a quarter of the sum of three or four millions ; prudence would direct us to defer legislating until a well-grounded knowledge of facts may enable us to do so securely.

Still, I think of being able to introduce some new clauses in the Bill. The first is, the total suppression of bounties on Cod-oil, to which our merchants appear generally resigned ; the second, which has been earnestly solicited, consists in doubling the bounty granted to the seamen employed in the small fishery, is founded on the fact of these seamen not deserving less than the others, both on the score of labour and instructions.

The last arrangement will increase the expense thirty to forty thousand francs, and the suppression of the oilbounties will be a reduction of one hundred and sixty thousand francs.

The other regulations have been proposed by the Naval Administration.

N. B. It would appear by the foregoing statement that the bounty of fish exported to the French Colonies, amounts to twenty francs per quintal, equal to about eight shillings per quintal English, besides a bounty on the fishermen employed, making a total amount of bounties to the extent of from three to four millions of francs, or from one hundred and forty to one hundred and sixty thousand pounds sterling per annum.

CAPTAIN BENNETT'S REPORT.

*His Majesty's Ship RAINBOW,
Newfoundland, 3rd Oct., 1836.*

SIR,

I do myself the honor of addressing your Excellency for the purpose of stating, that the fishing season having now terminated, I am about to quit this station in order to rejoin the Commander-in-Chief at Halifax, for whom I shall be glad to receive any Despatches which your Excellency may have to send.

When I last left St. John's I had hoped to have been able to have made some addition to the letter which I did myself the honor of addressing to your Excellency, dated the 31st August, but the constant severe gales from the eastward, and the very heavy sea upon the coast, has prevented me having any communication with the fisheries to the Northward.

I was extremely anxious to have revisited Tolinguet, but it would have been highly imprudent to have run the ship into the bight of the Bay in such a series of tremendous weather, attended as it was with incessant fog.

I was fortunate enough to be in the harbor of Croque during some of the worst part of it, where I found the French King's ship *Giraffe*, and saw several English fishermen from different parts of the coast, none of whom had any complaint to offer.

The French, to the northward, have been very successful in their fishery, so much so that many have been obliged to desist from fishing, having used all their salt, and they are now even anxiously looking for vessels from France with a further supply.

I have, Sir,

(Signed)

THOMAS BENNETT,

Captain and Senior Officer.

His Excellency Captain H. PRESCOTT, }
C. B., Governor, &c. &c. }

*His Majesty's Ship RAINBOW, }
Newfoundland, 31st August, 1836. }*

SIR,—As the cruize of the *Rainbow*, upon the South coast (so far as the Ship herself is concerned) has terminated, I do myself the honour of addressing your Excellency for the purpose of offering a few remarks which I hope may not be unacceptable.

I shall commence by stating, that I have reason to believe there never has been a year in which the Bait has been so well preserved, or the French so completely kept over upon their own coast; for no instance has come to my knowledge of a single French boat having succeeded in taking bait on the south coast of Newfoundland, except in one, where, as a reward for having saved the lives of five of the *Rainbow's* Officers, I had given permission to a person belonging to St. Pierre, named Leon Coste, to take as much Caplin as would serve him for two trips to the Great Bank, but in my absence, *Frenchman-like*, he filled his vessel and sold them to great advantage at St. Pierre; but in his second attempt to do so he was captured by one of the *Rainbow's* boats. Latterly, some of the boats from St. Pierre have endeavoured to encroach beyond the limits, one was taken after a hard chase, and she is now in possession of my Officer at Lamelin, and used as a Tender.

I have had a variety of correspondence and some interviews with the Governor of St. Pierre's, and I really believe that he means well; but from the very great number of Bankers which now yearly come out from Europe to the Fishery, (I believe, this year they exceed three hundred,) it is impossible for them to be supplied with Bait from the French Islands, and of course, during the Caplin season, very large prices are held out to our fishermen to bring them over, and although I believe they have not succeeded in carrying much this year, yet they very candidly say that next year they intend to enter into that trade, and if they escape with one cargo out of three their profit will be handsome; and as the run across is so short it is next to impossible to prevent them, except by the employment of a coast guard. I am sorry to say that many respectable persons about Fortune Bay, who were extremely active in getting up the Petition which I believe to have caused the passing of the late local Act, were themselves deeply engaged in the Caplin trade to St. Pierre's, and therefore some part of that Act is as unexpected by, as unpalatable to them.

I have now to call the attention of your Excellency to the smuggling trade with St. Pierre's, which is carried on by the inhabitants of nearly the whole of the south coast, (where they are out of reach of the Officers of the Customs,) and I am satisfied that it is of very great magnitude. When I arrived at St. Pierre's in April, there were eleven boats from different parts of Newfoundland there, which had brought over Wood, Game, and other things, and in exchange they returned with Tea, Sugar, Brandy, different articles of Clothing, &c., &c., indeed they did not attempt to disguise the fact.

As I before remarked, the distance across is so very short that it is next to impossible to capture them, an hour's run taking them among the Lamelin shelves.

Another mode in which the Colonial Revenue suffers is, by vessels coming from Halifax, Quebec, and other places, and going into different unfrequented small harbours, exchange their cargoes of Spirits, Flour, Bread, Clothing, &c., for Fish; I have heard that this has been done on the West coast by American vessels who have got rid of entire cargoes, and when I was at St. George's harbour, a person from Halifax was residing there retailing the cargoes which he had brought there, and which, of course, had paid no Colonial Duties.

At Ingarchoix there are resident some five or six hundred French, from whom the Colony derives no benefit. If they are permitted to act so far contrary to the Treaties as to reside there entirely, they ought, certainly, to be amenable to the taxes laid upon the British inhabitants of Newfoundland; this is the place most frequented by the French, and I regret that bad weather prevented me from going in there, because I believe that they not only cut and export wood for constructing vessels, as well as for fuel, but that they actually build vessels of considerable size there.

It was my intention to have gone into all the Western harbours, but I was so completely employed on the South coast during the Caplin season that I had not time left to perform the necessary duty to the Westward; in fact, Newfoundland and Labrador would fully occupy the attention and services of three Ship's of War.

During the month that I was in the Gulf of St. Lawrence, we had so much fog and bad weather that our services there have been of little avail. I saw only one American schooner, from whom I learnt that he had in four weeks only fallen in with five of his countrymen. This vessel, belonging to the state of Maine, had been fishing to the northward of Belle Isle, in one of our settled harbors, which he called Froxey Bay, but which does not appear in my chart. As I considered his going there might be "to the prejudice of some of the exclusive rights of the Hudson's Bay Company," inasmuch as he might (in addition to his fishing) be doing a little in the fur and skin trade, I endorsed his register, but I believe, upon reflection, that I was wrong.

I omitted to mention that the French from St. Pierre's are in the habit, in the early part of the spring, of sending their boats over to the Burgeo Islands, for the purpose of digging shell-bait; this being done before the arrival of the ships of War upon the coast, and indeed before it would be prudent for ships to approach it, it can only be prevented by the inhabitants themselves; but they say they want some person to be officially authorized to do so, no one feeling disposed to take upon himself the onus of a proceeding which would be unpopular, inasmuch as that many of the people there are brought over to favour the French by liberal presents of Brandy.

I have made a representation upon this head to the Governor of St. Pierre's, which he has promised to attend to.

I have no further remark to offer to your Excellency at present, which I may perhaps have occasion to do upon my return from Cape St. John's, to which place I shall proceed immediately the *Rainbow's* provisions and water are replenished.

I am satisfied that I shall leave this station without having been able to fulfil to the letter, the instructions of the Commander-in-Chief, which could readily have been done had I been as well acquainted with the Station as I am at present ; indeed, to do justice to the service, it would be beneficial if the same officer could be employed upon it for a succession of years, as by the mode at present adopted, no sooner does an officer become acquainted with what is necessary to be known than he leaves the Station, and is succeeded by another who has the same knowledge to acquire before he can clearly see his way.

I have, Sir,

(Signed)

THOMAS BENNETT,

Captain.

His Excellency Captain H. PRESCOTT, }
C. B., Governor, &c. &c. }

Extract of a Letter from Captain BENNETT, of Her Majesty's Ship Rainbow, to His Excellency the Governor, dated 15th Sept., 1837.

I have already (last year) pointed out to your Excellency the manner in which the revenue is defrauded by articles of every description being smuggled into the outports, not only from the French Islands of St. Pierre and Miquelon, but also from Halifax, Quebec, and even from America. This is in a great measure the consequence of there being no Collectors of the Revenue, or even persons authorised to demand or to receive the Colonial or Custom House dues.

Vessels are constantly coming over from the above named places, exchanging Brandy, rum, sugar, tobacco, tea, molasses, clothing, furniture, &c., for fish ; of course they confine their voyages to places where they are not likely to be disturbed by Ships of War or Agents from the Custom House, and your Excellency can have no idea to what an extent this traffic is carried on to the prejudice of the English merchant, and the serious loss to the Colonial Revenue.

With respect to the smuggling from St. Pierre's, I regret to say that this year it has been quadrupled ; the ruinous system of supplying caplin to the French fishermen at St. Pierre's is productive of serious diminution to the Newfoundland Revenue, and undoubted loss to the British Merchant, and operates in every possible manner to favour the French fishery, and to depress that of the English ; in point of fact, nothing could be conceived more likely to aid the French fishermen in their competition with our own people.

Last year the French Bankers, in consequence of our vigilance in preventing them from hauling Caplin upon our coasts, were constrained to lay for weeks at St. Pierre's before they could procure their necessary quantity of Bait ; this year they had nothing to do but to purchase bait from the English boats, in exchange for tea, tobacco, brandy, &c. &c., and when completed with water, to proceed to the Bank in prosecution of their voyage—in short, nothing could be devised more likely to forward their views. I cannot understand the policy of permitting this traffic, as it appears to me a sort of *commercial suicide*, putting into the hands of our opponents the means of successfully competing with our fishery, already by far too much depressed.

REPORT

OF CENTRAL BOARD OF COMMISSIONERS OF ROADS AND HIGHWAYS

UNDER ACT 5TH WM. 4TH CAP. 13.

St. John's, 1st July, 1837.

The Commissioners appointed by His Excellency the Governor to carry into effect the Act to regulate the making and repairing the Highways for the Central District of this Island, have the honor to lay before his Excellency a report of their proceedings for the past year.

A Road has been laid out from the Hon. Judge Brenton's residence, through forest lane, to Quidi Vidi, 50 feet wide, within which distance no building is to be erected—but the Commissioners have not deemed it necessary to fence in more than 40 feet for the ordinary purposes of the Road.

From the new stone Bridge at Magotty Cove, to the junction of the Quidi Vidi Road with Forest Lane, a road has also been laid out to the width of 50 feet—but only 40 feet of this width has been fenced.

A Road 40 feet wide has been partly laid out and fenced on the North side of Quidi Vidi Pond, leading from the Portugal Cove Road.

The Road from Mr. Branscombe's house, in Duckworth-street, to the Newfoundland Charity School, has been marked out to the extent of 60 feet and partly widened, and the Commissioners have ordered a survey of the line from thence to the head of Prescott Road, of the same width.

From the Episcopalian Church to the Charity School the Road is laid out and marked 40 feet wide.

Prescott Road.—A new line of 60 feet wide has been opened and fenced from the fire break in Duckworth-street, near Hunters & Co.'s, to the Military Road on the Barren's.—Much convenience and advantage will arise to the public from the opening of this Road, by the great facilities it will afford to the agricultural interests, and to the increasing population on the Barren's and its neighbourhood, besides the all important security of an excellent fire break in the centre of the town.

Material improvements have been made in various parts of the town and its vicinity. The Commissioners have more particularly to call your Excellency's attention to those near Mount Cochrane—the Road at River Head—in Water-street near Mr. Boggins'—at the foot of Hutchings' Lane—at Beck's Cove—at M'Bride & Kerr's—and at Hunters & Co.'s. Also at the foot of Cochrane-Street—and in the King's Road, where two large drains have been made.—There are many others not named by the Commissioners, but which cannot fail to come under the observation of your Excellency and the public. In carrying into effect these extensive improvements the Commissioners have expended, according to the Reports of the Surveyors, 1084 days of Manual Labor, including Horses and Carts.

In consequence of the very small amount received for commuted labor, the Commissioners have not the means to pay their Surveyor the salary voted to him by the Legislature, nor to meet the necessary expenses to which they have been subjected.—There are now debts unliquidated amounting to £324 15s. 10d., which together with the Surveyor's salary of £75

sterling, make in the whole £411 6s. 7d. currency, as per statement annexed, which the Commissioners respectfully request his Excellency will be pleased to bring under the favorable consideration of the House of Assembly.

In the opening and widening these Roads, a considerable portion of land has been taken from various individuals, and the Commissioners in order to afford the parties who may feel themselves aggrieved every facility in their power to obtain compensation, have appointed Mr. William Freeman their Arbitrator.—As yet, only 9 claims have been made, and these are now in progress for adjustment.

Whatever sums shall be awarded to the parties interested in these and all future claims, will have to be raised by assessment on the district, in conformity with the provisions of the statute labour act, but as this mode of raising such funds would be attended with great expense, and much delay, the commissioners respectfully suggest to his Excellency the propriety of considering whether a less expensive and more prompt course for remuneration may not be recommended to and authorised by the Legislature. In many instances the property will be so much improved and enhanced in value by the opening of the roads, as in the opinion of the commissioners will not entitle the claimants to any remuneration beyond that of the cost of the erection of a new fence.

The commissioners have had great difficulties to contend with in the working of the two acts, but more especially to those parts which have reference to the employment of statute labour, and which in the estimation of the commissioners, is not applicable to this country, because during the greater part of that season of the year when the frost and snow be off the ground, the great bulk of the population is engaged in the fishery, and even when it is possible to secure the attendance of any portion, statute labour is so very reluctantly given, that one fourth of the value of that labour in money, would confer a much greater benefit to the public and facility to the commissioners and surveyor in the execution of their duty.

The commissioners cannot close this report without calling the attention of your Excellency to the house occupied by Mr. Boggin, River-head, and another in Duckworth street, a little to the eastward of Cochrane street, projecting nearly two-thirds over the width of the main road, to the very dangerous state of the road in Duckworth street, at the head of Maddock's lane, and to that in the same street in a line with Beck's Cove. These nuisances the commissioners have it not in their power to remove, without the further aid of the Legislature.

At the foot of Prescott road there is a stream of most excellent water, which at a very small expense may be preserved by the erection of one or more tanks, and thus afford comfort and convenience to the inhabitants, as also protection to property in case of fire.

The commissioners beg also to submit for the consideration of his Excellency, the great advantage in point of economy which would accrue to the public if the commissioners were authorised when making improvements to compensate parties from whom valuable front ground may be taken by an equal quantity of ground in the rear, which is of comparatively little value, and to remunerate the proprietors of the latter in the same manner as has been practised under the authority of the Imperial street act.

C. F. BENNETT.

ROBERT JOB.

JAMES CLIFT.

W. M. RICHARDS.

AN ACCOUNT of Statute Labour liable to be performed, and of that which has been expended between the First day of June, 1836, and the First day of June, 1837.

Wards, Roads, &c.	No. Carts	No. Horses.	No. of persons	Days liable, including carts & horses	Labour expended.	Labour computed.	No. days labour due 1836.
Lower Eastern ward	31	39	405	1604	60	60	1484
Middle Eastern ———	20	27	543	1956	112	232	1612
Middle Western ———	13	19	524	1940	211	146	1583
Upper Western ———	11	13	253	986	67	76	743
Towards River-head, Morley's Marsh, &c.....	71	79	} about 425 persons liable.	1040	120	.....	920
Lazy Bank, Monday Pond, &c.	44	55		224	.....	.....	224
Portugal Cove road.....	44	52		140	.....	.....	140
New Town and Three Pond Road.....	23	25		.....	.....	.....	.....
Torbay and Logy Bay road....	20	31		80	.....	.....	80
White Hills and North-side of Quidi Vidi Pond inclusive ..	10	15	40	.....	.....	40	
	287	355	2150	8010	570	414	6826

JOHN HANLEY, *Road Surveyor.*

St. John's, 4th July, 1837.

REPORT

OF THE COMMISSIONERS OF ROADS AND BRIDGES FROM HOLYROOD TO CARBONEAR IN CONCEPTION BAY.

*Harbor-Grace, Newfoundland, }
29th March, 1837. }*

SIR,—The valuable Island of Newfoundland still occupies the same spot on the Globe's surface that it did when first discovered, and we lament to say almost unchanged, in so far as the improvement of its internal communication by Roads has any reference to the comfort and ease of its inhabitants; true it is, that the clothing and food, worn and consumed by the people, have much improved in quality, and been lessened in price of late years; the dawn of education too has already begun to diffuse its refulgent influence upon the rising generation; the houses occupied by all classes have assumed a more comfortable appearance, and the elements of prosperity and happiness are within our grasp; but all these improvements are checked and miserably blighted by the want of good roads.

It has been acknowledged by the most eminent philosophers and scientific men of the present day, that a system of good roads does more to advance a country's civilization than any other merely human effort.

That the internal communications throughout this really important Island, should so long have been neglected, is a source of sincere regret to all the true friends of the colony.

We shall be borne out in stating that the small sum of twenty-one hundred pounds, expended, and to be expended under our supervision, has conferred an eminent and lasting benefit upon Conception Bay, which will ever reflect distinguished honor upon the last House of Assembly; and if the hon. the next House of Assembly shall follow up the completion of the roads already opened, we venture to predict that these roads, will advance that portion of the country intersected by them, at least half a century.

It often happens that in the months of November and December the communication by water between the Ports in Conception Bay and St. John's, is completely obstructed for a great length of time by heavy gales of wind, operating greatly to the detriment of commerce. In the Spring of the year, too, it sometimes happens that the immense fields of drift ice from the northern regions so completely blocks and fills up Conception Bay that the communication with the capital by water is impeded till so late a period as the twentieth of June, conducing sadly to injure the best interests of the fishery, and thereby retarding its instant prosecution by the whole time employed in going to and returning from St. John's after the ice moves off the coast;—a good road would ameliorate, and perhaps altogether obviate these evils.

That the population of St. John's and Conception Bay united, is more than half that of the whole Island, is a fact that no one will deny. To connect, then, a number of people within the sphere of a civilized community, would seem to be the first duty of all; hence we recommend, that his Excellency will not only use his best endeavours to obtain the grant of an ample sum of money to complete the road already opened, but will also be pleased to direct a survey of a new line of Road from Carbonear to Bay de Verds or Grates Cove, in order that it may also be opened and completed as soon as possible: the incalculable advantages to be derived by a good road from St. John's to Bay de Verds or Grates Cove would confer not only an illustrious blessing upon all the inhabitants, but produce beneficial effects even beyond our present enlarged comprehension.

We have the honour herewith to transmit for his Excellency's information, a complete copy of our accounts of receipts and disbursements, with seventy vouchers for our payments, and which accounts likewise exhibit the receipts and payments, under each head of the grants in the Road Act, 6 Wm. 4, cap. 15. We also beg to state that we have forwarded to the Colonial Treasurer complete copies of twenty-one contracts and twenty one bonds conformably to the 4th section of that statute.

We have the honor also to transmit the report of Mr. Green, the superintending surveyor, together with a complete plan of the road upon two sheets.

It will be seen by the report of Mr. Green that the whole line of road from Carbonear to Holyrood has been opened a distance of $35\frac{1}{4}$ miles, and 329 yards, and of the width of 24 feet. Our reason for opening the road twenty-four feet was, that the road when finished might be twenty feet wide, allowing two feet upon each side for drains, and but for the increased expense we should have opened the road to the extent of thirty feet, for it is a great mistake to open a narrow road through a wooded country,—by opening a wide road the action of the sun and air soon dries it up, whereas a narrow lane thro' a wood can receive but little benefit from any such influence.

Between Holyrood and Southern Gut (Port de Grave) the road passes through much heavy timber, consisting of birch and witch-hazel; and as hard timber invariably indicates a su-

perior soil, so in this instance the land between these points is reported and found to be of a very superior quality, not surpassed in any other part of this bay ;—and such will be the advantages offered by a good road that we doubt not but that the best land will soon be applied for by settlers for the purpose of cultivation, which, as an auxiliary to the fishery, deserves the fostering care of the Legislature.

Between Southern Gut and Harbor Grace the road does not pass through a great deal of good land, but the daily intercourse between these points is so great as already to prove the absolute necessity for a road.

Between Harbor Grace and Carbonear, for which the liberal sum of four hundred pounds was granted, the road has been drained and banked, and some part of it completed ; we have had no official communication with the contractors because we think the public will benefit by the banking having had time to harden ; the moment, however, the spring opens, we shall urge them to complete their contract, and for which we have taken most respectable security. The contract for this road was at last taken at £104 stg., per mile, from Harbor Grace towards Carbonear, but as the greater, nay, all this part of the line, was necessarily new, we cannot expect that the road will be so complete as it ought to be. By the new line, " Saddle Hill " is almost avoided, so that we have reason to expect that a horse will be enabled to draw a fair load the whole distance, and which is not quite four miles,—this road has already been trotted in twenty-eight minutes, on horse-back. It would be almost superfluous, nay, little short of burning daylight in us to notice the great advantages to be derived from a good road between these two populous and prospering towns, were it not our bounden duty to state that the same will connect about nine thousand inhabitants within the bonds of civilization ; we therefore hope that the small sum estimated to complete that road will readily be granted. The bridge erected over the Gut at Carbonear, under the road act, though a vast benefit to the people, yet, as the cart road cannot pass that way, the same being a round pebbly beach, we recommend a grant for the renewal of the bridge over Pack's River, and which has been but partially repaired.

For the Bridges at the Southern and Northern Guts, Port de Grave, and Spaniards Bay united, the sum of £100 was granted in the year 1835 and £200 in 1836. The two Bridges at the two Guts have cost £100 each, leaving but £100 for Spaniards Bay, after considerable delay and much difficulty we succeeded in getting a contract entered into for that bridge, at £147 6s. 8d. sterling ; but as that bridge is necessarily 320 feet long upon eleven sunken wharves, we fear that we shall be obliged to recommend the contractor, William Whelan, for some additional compensation : as this contract exceeds, by £47 6s. 8d., the sum voted, we request His Excellency will be pleased to recommend the Honorable House of Assembly to vote a sum to meet this necessary expenditure.

It here becomes us to state what has been done with the money expended under our direction, and in addition to what we have already stated respecting the road having been opened 24 feet wide from Carbonear to Holyrood, and our remarks upon the road between Carbonear and Harbor Grace, we beg to state, that the road from Harbor Grace to its river-head has been partially levelled and all the large stones removed so that a Cart can pass nearly the whole of the way,—a new line of road from the town of nearly three quarters of a mile, so as to avoid the hill called Ships-head, has been formed ; and another new cut near the first bridge has also been formed, so that during all the past winter the new road has been used for hauling wood, a thing which was never done before, thereby affording a great accommodation to the inhabitants,—the road from river-head of Harbor Grace to Spaniards Bay, has been drained and levelled as far as the money would go,—one mile of road from Southern Gut towards Brigus has likewise been drained and levelled. The following Bridges have been completely finished :—One at the Gut Carbonear—one at Sampsons Brook—three at River-head Harbor Grace—one at Northern Gut and one at Southern Gut, Port de Grave ; also one at Brigus, which is a very handsome and durable erection, with a draw-bridge in the centre, in order that boats and schooners may pass into and out of the Pond. The bridge at Spaniards Bay is to be completed by the 31st May, and we purpose

applying all the available money in our hands, beyond our present engagements, to the building of small bridges, as soon as the spring opens; but as that sum will be small, not exceeding £84, we shall expend the same where most wanted, viz:—

Bridge at Ryan's Pond River, Spaniards Bay.....	£25
Do. Northern Cove Brook, Spaniards Bay.....	20
Do. Bread and Cheese Cove River.....	15
Contingencies.....	24
	<u>£84</u>

In the discharge of the duties devolving upon us we have been obliged to carry the new line of road through several gardens, and as sundry persons will, in all probability, apply to the Honorable the House of Assembly for compensation, we beg to state, that we shall be happy to report thereon when required.

We have most carefully examined the Report of Mr. Green, and his estimate of the expense for completing the roads and bridges; but having the most rigid economy in view, we beg leave most respectfully to submit and recommend, that a grant of £4655 should be made to meet the following items of expense, viz:

Road from Harbor Grace to Carbonear.....	£100
Road from Harbor Grace to River-head, 3 miles.....	180
Road from Harbor Grace River-head to Holyrood, 27 miles at £140 sterling per mile.....	3780
Bridge Southern Arm Holyrood.....	100
Bridge Brook at Holyrood.....	15
Bridge North Arm Holyrood.....	40
Bridge Harbor Main River.....	10
Bridge Lees Pond River.....	10
Bridge River-head Salmon Cove.....	100
Bridge Colliers River.....	20
Bridge Emberleys Gully.....	30
Bridge Three Island Pond River.....	20
Bridge Cupids Pond River.....	15
Bridge Mint Cove Pond River.....	10
Bridge to complete Spaniard's Bay Bridge—this sum includes £47 6s. 8d., already contracted for, beyond the sum voted.....	100
Bridges over Pack's River and over Powels Brook, Carbonear.....	125
	<u>Total £4655</u>

We have the honor to be, with much respect,

Sir,

Your most humble servants,

THOMAS RIDLEY
JOHN STARK
THOMAS CHANCEY
J. ELSON
JAMES BAYLY

*Commissioners Roads and Bridges
Holyrood to Carbonear.*

The Honorable JAMES CROWDY,
Colonial Secretary.

 COMMISSIONERS OF ROADS—CONCEPTION BAY.

 REPORT OF PROGRESS SINCE THEIR GENERAL REPORT.

Harbor-Grace, 5th September, 1837.

SIR,—We have the honor to acknowledge the receipt of your letter of the 1st instant, requesting us to transmit to you, by desire of his Excellency the Governor, for the information of the House of Assembly, a statement of the progress made in the contracts entered into since our last report; in reply we beg to acquaint you that, since that time, a strong, substantial and useful bridge has been built and completed at Spaniard's Bay over Ryan's Pond River, at an expense of Twenty-two pounds Nineteen shillings and Four pence sterling. The bridge over the large gut at Spaniards Bay has long been used by foot passengers and, with the exception of ballast for the sunken wharves and painting, has been completed, we have, therefore, reason to expect daily the Surveyor's report that the same is finished; we have made some further advances in money to the contractor. This bridge will be of great public utility, for heretofore persons who were unable to pay the hire of a boat over Spaniards Bay were obliged to wade sometime up to their middle in water and in many instances risked their lives in crossing; the bridge is so situated as not to be affected by the shifting beach, and we hope to have money enough left to fill up the approaches to it.

The contractors having failed to paint the bridges at Southern and Northern Guts, Port de Grave, we shall immediately expend the money withheld from them to that purpose.

The half mile of road contracted for by Mr. Stevenson, towards the River head of Harbor Grace, has been completed except one drain for which we have still withheld a portion of the money; we have also withheld a small sum of the money from James Morrissey until some rocks are blasted on the road towards the River-head of Harbor Grace; our estimate for finishing this road will barely cover the necessary expense of its completion.

With reference to the road from Harbor Grace to Carbonear, we some time ago called upon Mr. Green, the superintending surveyor, to inspect the same, and he has reported to us that it wants gravelling, nearly half the distance of Anderson & Currie's contract of two miles and 52 chains; we therefore required and urged the contractors immediately to complete the same; and we have now reason to believe that that road will be finished within the next three weeks. We had hoped to carry the new line through the field of Mrs. Lilly, at Carbonear, but failing to accomplish the opening of that short cut, we have directed James Bealey, the Contractor to complete his mile upon the old line, and which will soon be finished. In our printed report on this road we notice a typical error, wherein we are made to say that "we recommend the *removal* of the bridge over Pack's River," our intention and estimate was for its *renewal*, for that bridge is upon the only line of road a cart or carriage can pass with any load, and it needs immediate repair. As this road has been found not to measure as much as was calculated upon, when the chain was carried thro' the woods, we hope to have about twenty five pounds sterling left, to be applied in cutting down the extreme top of Saddle hill about seven feet deep by about twenty feet square, and which will then remove the only obstruction to the further practical usefulness of a road already acknowledged to be a great public accommodation.

We have the honor to be, Sir,

Your most humble servants,

THOMAS RIDLEY
JOHN STARK
THOMAS CHANCEY
J. ELSON
JAMES BAYLY

*Commissioners Roads and Bridges
Holyrood to Carbonear.*

The Honorable JAMES CROWDY,
Colonial Secretary.

The Report of JOSHUA GREEN, superintending surveyor,

TO

THE COMMISSIONERS OF ROADS AND BRIDGES FROM HOLYROOD TO CARBONEAR.

The road has been opened 24 feet wide from the south arm of Holyrood to Carbonear, a distance of $35\frac{1}{4}$ miles, 329 yards, and no obstacle now presents itself to make the same practicable, for the conveyance of carts, carriages, &c. From Holyrood, the road passing thro' the south-side of that harbor, and from thence to Salmon Cove through small fir wood across a shallow marshy soil nearly level, from thence to Colliers, through timber over soil exceedingly fine, but in some places rather stony; from thence to Southern Gut, five miles of the road passes through immense groves of birch and witch-hazel, and the soil extremely good, and free from stone, and superior to any to be found on the coast of this bay; from Southern Gut to Carbonear, some good spots of land are found, but generally only of an ordinary description, the best wood growing between those places on the line is on the Spaniard's Bay Ridge, the rest being more or less destroyed by fire. The road from Holyrood to Carbonear crosses the country within $1\frac{1}{2}$ miles of Harbor Main, comes out at Salmon Cove, Cats Cove and Colliers, passes within 2 miles of Brigus and Cupids, comes out at the head of Port de Grave and Bay Roberts, is carried through Spaniards Bay and Harbor Grace, and from thence to Carbonear, so that the line of road conveniences the inhabitants of almost every harbor and cove in the upper part of the Bay, and connects the different harbors by a much shorter route than the accustomed one, as well as throws open to the inhabitants of the Bay the means of cultivating a superior soil, and of obtaining wood much nearer their homes than heretofore.

The following are the names of rivers and streams over which bridges are required on the line of road:

South Arm of Holyrood.....	60 feet wide
Brook at Holyrood.....	14
North Arm of Holyrood.....	60
Harbor Main Brook.....	26
Lees Pond River.....	18
River head of Salmon Cove.....	70
Colliers River.....	40
Emberley's Gully.....	70
Three Island Pond River.....	54
Cupids Pond River.....	33
Spaniards Bay Beach Pond.....	320
Ryan's Pond River.....	56
Mint Cove River.....	15
Northern Cove Brook.....	25
Bread and Cheese Cove River.....	26
Powell's Brook.....	29
And Pack's River at Carbonear.....	132

Substantial bridges have been erected over Port de Grave, Northern and Southern Guts, over the three rivers at the head of Harbor Grace, as also over Sampson's Cove Brook, all on the line of Road ; and one bridge over the Gut at Brigus, and one over the Gut at Carbonear, not on the line of Road.

ESTIMATE

Of the EXPENSE to COMPLETE the ROAD, and BUILD BRIDGES, &c.,

FROM

Holyrood to Carbonear.

The road from Harbor Grace to Carbonear, $3\frac{1}{2}$ miles	£150
The road from River head of Harbor Grace to the town, $2\frac{1}{2}$ miles.....	150
The road from Holyrood to river-head of Harbor Grace 27 miles at £160 per mile	4320
Bridge over south arm of Holyrood on similar principles to that over the northern and southern Guts.....	100
Bridge over brook at Holyrood	15
Do. north arm of Holyrood.....	40
Do. Harbor Main River	10
Do. Lees Pond River	10
Do. River head of Salmon Cove on the same principle as for south arm of Holyrood	100
Bridge over Colliers River	20
Do. Emberley's Gully	30
Do. Three Island Pond River	20
Do. Cupids Pond River	15
Do. Spaniards Bay Beach Pond (to complete).....	100
Bridge over Ryan's Pond river	25
Do. Mint Cove Pond river	10
Do. Northern Cove brook	20
Do. Bread and Cheese Cove river	15
Do. Powell's brook	25
Do. Pack's river at Carbonear	125
Compensation to parties thro' whose ground the road is carried ..	100
	£5400

1st January, 1837.

JOSHUA GREEN,
Superintending Surveyor.

REPORT

OF THE COMMISSIONERS FOR THE OPENING AND MAKING A ROAD FROM CARBONEAR TO HEARTS CONTENT.

The Commissioners having appointed a superintending Surveyor, directed him to procure labourers and employ them in making out a new line of road through the woods sufficiently distinct to enable any persons who may be inclined to take contracts for opening the roads to go through the country and see the nature of the work, as well as the size and rapidity of the rivers over which it would be necessary to carry bridges for the purpose of opening the communication. This duty was performed to the satisfaction of the commissioners at an expense of Twenty-three pounds Fifteen shillings currency.

The whole distance from the Town of Carbonear to Hearts Content, on this line of road, is thirteen miles, of which nine and one half miles are through woods and forest lands, and the remaining three and one half miles through the open country, marsh lands, and barrens.

The contracts for opening the road through the woods and forest lands nine and one half miles, and the trees, stumps of trees, and brushwood removed to the width of twenty clear feet, have been performed to the satisfaction of the commissioners, and the following bridges, 10 feet wide, have been substantially built and finished in a workmanlike manner, viz :

Bridge over Hearts Content Brook.....	30 feet long.
Ditto Muddy Brook.....	56 “
Ditto Taffelly Pond Brook.....	18 “
Ditto Rocky Pond do.....	35 “
Ditto Monument do. do.....	120 “
Ditto Spicer's Brook.....	30 “
Ditto Great Beaver Pond do.....	119 “

The Commissioners had contracted last fall with a person named James Bealey for the making and finishing of three quarters of a mile of complete road 18 feet wide, commencing at the town of Carbonear, but the frost having set in the contractor had to discontinue his work, and has now commenced the completion of it, for the payment of which the Commissioners still hold in their hands £62 14s. 4d. sterling.

The Commissioners, in laying before his Excellency the Governor the result of their labours, cannot refrain from remarking, that the opening of this new line of road has already been of very great advantage to the people of Carbonear, as well as those of Hearts Content; that up to the middle of the month of January, the lakes and ponds not being frozen over sufficiently firm to enable the people to pass them for the purpose of getting firewood and other timber, the only way they had of obtaining those was by means of the new line of road, the bridges on which enabling them to cross the rivers and to get access to the forests, and that large timber for the purpose of building Vessels has been procured both at Hearts Content and Carbonear, the past winter, by the same means.

The Commissioners would also take the liberty of pointing out to his Excellency the very great benefit that would accrue to the people of Carbonear and Hearts Content by the ap-

plication of a further grant for the draining and finishing the road for a few miles from each of the beforenamed places, so as to enable the inhabitants of those places to get access to the timber, &c., during the summer season by means of carts, &c.

Carbonear, 20th June, 1837.

THOMAS CHANCEY
T. NEWELL

*Commissioners for the Road from
Carbonear to Hearts Content.*

To the Honorable JAMES CROWDY, Esquire,
Colonial Secretary, &c.

REPORT

OF THE COMMISSIONERS ROADS AND BRIDGES FOR THE DISTRICT OF
FERRYLAND.

Ferryland, 10th June, 1837.

SIR,—The Commissioners of Roads and Bridges for this District, appointed by Act 6 Wm. 4, cap. 15, have the honor to report to you, for the information of his Excellency the Governor, that unforeseen circumstances retarded the appointment of a superintending Surveyor until October last, when Lt. R. Carter, R. N., the person appointed, was instructed to proceed forthwith to Bay Bulls and survey from thence to Cape Broyle bridge; keeping in view the line stated by Mr. Sweetland to have been surveyed by him the preceding year.

That by the time the survey was completed from Bay Bulls to Lamanche bridge, the weather set in so severely as to stop all further progress with the work until spring.

The Commissioners voted the superintending Surveyor the sum of Forty-five pounds, which is all the money yet expended out of the sum voted for 1836.

The Surveyor is still, and hath been some time, out upon the line of road. Notices for tenders to open that part surveyed have been issued, and the Commissioners confidently expect to have the road open between Bay Bulls and Renews before the end of the present year.

There are several rivers that cannot be avoided and which will require expensive bridges across them, that the Commissioners are of opinion the present grant will not be sufficient to open the road and build the bridges, also; they therefore purpose to open the whole line of road to Renews first and apply the remainder of the money (if any) to erect such bridges as shall appear most to be wanted.

We have the honor to be,

Sir,

Your obedient humble servants,

ROBERT CARTER
THOMAS CONGDON
MATTHEW MERNY
THOMAS WRIGHT

Commissioners.

To the Hon. JAMES CROWDY,
Colonial Secretary.

COMMITTEE OF ENQUIRY

INTO

THE ADMINISTRATION OF JUSTICE

IN

NEWFOUNDLAND.

FIRST DAY—AUGUST 29th, 1837.

JOHN VALENTINE NUGENT, Esquire, in the chair.

Proposed by Mr. MORRIS, seconded by Mr. KENT,—

Resolved,—That in the course of this Enquiry every Member be permitted to interrogate the several witnesses, provided that the Member so interrogating shall present each interrogatory to the Chairman, in writing, and then the Chairman shall, if he think fit, put the same to the witness; but if the Chairman disapprove of the interrogatory, and the Member desiring it be not content to withdraw it, then the witness shall be ordered to retire, and the Committee shall determine on the propriety of its reception or rejection.

AARON HOGSETT Examined.

No. 1. Question.—What is your name?

Answer.—Aaron Hogsett.

2. What office do you now hold?

I hold the offices of Clerk of Peace and Coroner.

3. What office did you hold on the first of December, 1833?

I was Deputy-Sheriff.

4. When was the Term of the Supreme Court held which occurred next before that date?

I am not quite certain. I think there was another Term of that Court in the spring of that year.

5. Are you aware that any Rules of Court had been promulgated at that Term rescinding the Rules making the arrangement of Juries alphabetical?

None.

6. Were you in office at that Term?

I was in that office from October, 1825.

7. What Rules of Court, in point of fact, were in force on the first day of December, 1833?

I think the New Rules of Court. [On being shown the New Rules the witness said,]—
On reflection, I think the Old Rules were in force till the opening of the Term following
this date.

8. Did you cause Juries to be summoned subsequently to that date for the ensuing Term
of the Supreme Court, which opened on the 31st December, 1833?

Eight days previous to the opening of the Court.

9. Did you summon these Juries under the Rules of Court that were in force on the first
December, 1833?

I think for that Court I summoned 48 Jurors under the New Rules, eight days before the
opening of the Court, according to the New Rule.

10. Is this Return of the Petit Jury Panel, which has been laid on the Table of the
House of Assembly by order of the House, a correct Return?—Return handed to witness—
[See Documents which follow this Enquiry, No. 4.]

I believe it to be perfectly correct.

11. Was that Panel summoned on the alphabetical principle?

No.

12. Do you think this Return of the Grand Jury Panel which has been, by order of the
House of Assembly laid on the Table of the House, correct?—Return handed to witness.—
[See Documents which follow this enquiry, No. 2.]

I think it is.

13. Was that Jury summoned on the alphabetical principle?

No.

14. By what authority did you depart from the usage of the Court and from the system
laid down by the 25th and 26th Rules of the Supreme Court, for the empannelling and
summoning of Petit Juries?

By the authority of the Judges' order in the Supreme Court, this is, by the New Rules.

15. By what authority did you depart from the usage of the Court and the system estab-
lished by the 20th Rule of the Supreme Court, for the empannelling and summoning of
Grand Juries?

By the same authority.

16. Please to point out the New Rule under which Rule you summoned the Grand
Juries?

Having looked over the New Rules, the witness said—I think that the Grand Juries were
summoned by Precept from the Judge, and not under any particular Rule.

17. By whom was that Precept signed?

By the Chief Judge, Mr. Boulton.

18. How many days before the opening of the Court have you summoned the Grand
Jury?

Eight days before the opening of the Court, as in the case of the Petit Jury.

19. Were there new general Panels of Grand and Petit Juries made out on the occasion
of this change?

There were.

20. Were the New Panels alphabetical?

I kept them, for my own convenience, in alphabetical order.

21. Do you hold in your possession the general Panels of that time?

I am not sure that I have, but I think I may have them.

22. Do you hold in your possession the Precepts issued for the convention of the Juries
for the Term of the 31st December, 1833, and the Term preceding?

I am afraid not; I think every paper belonging to Captain Buchan was packed up in a
box; they may be at his farm.

23. Did you not consider these papers matters of record in the Court, and not belonging
to the High Sheriff?

The Precepts were kept, and copies of all of them are in the Supreme Court.

24. Where are the originals?

The originals are in the Supreme Court.

B. G. GARRETT Examined.

25. What is your name ?

Benjamin Greer Garrett.

26. Are you the Sheriff of Newfoundland ?

Yes.

27. When did you come into office as Sheriff ?

On the 4th of January, '36, I think is the date of my commission.

28. What office did you hold previously to your appointment as Sheriff ?

Clerk and Registrar of the Southern Circuit Court.

29. Have you got the general petit Jury Panel and the general Grand Jury Panel of 1832 and 1833, and the precepts issued for the convention of Grand, Special and Petit Juries at these periods, in your possession ?

I have not. I may be allowed to explain—the Panels were delivered to me by my predecessor in office, and whether they are for 1832 and 1833, I don't know.

E. M. ARCHIBALD Examined.

30. What is your name ?

Edward Mortimer Archibald.

31. Are you Chief Clerk of the Supreme Court ?

I am.

32. Were you holding that office in the Term of the Supreme Court that occurred before the term which opened on the 31st Dec., 1833 ?

Yes, I was, during the whole of that term.

33. What Rules of Court governed the conduct of the Supreme and Circuit Courts, amongst other things, with regard to the empaneling and summoning Grand, Special, and Petit Juries at that period ?

The Rules in operation at that previous term were the Rules established under Judge Tucker and his associates.

34. Were any Rules of Court there promulgated contemplating a change in the existing system of practice ?

None—there might have been one or two particular Rules of which I am not aware at this moment, but not contemplating a general change of practice.

35. Were you holding the office of Clerk of the Court at the term of Dec. 31st, 1833 ?

I was appointed acting assistant Judge at that term, and officiated in that capacity.

36. Have you got a Record in your office of the swearing into office of Mr. Boulton as Chief Judge ?

There is an entry in the Record Book of the swearing in of Chief Justice Boulton, it is a minute of his taking the oath of office on the opening of the Court.

37. Have you on the files of Court the original precepts issued for the convention of Juries at the two terms of the Supreme Court alluded to ?

I have on the record the precept issued for the summoning of Juries at the term in question.

38. When were the Rules of Court which altered the Rules in force in the previous term first brought into operation ?

They came into operation three months after their promulgation, I may say in fact they came into operation in the succeeding July term of the Court.

39. When were the New Rules which effected the alteration first promulgated ?

At the close of the term which occurred in January, 1831.

40. Do you recollect the date of their promulgation ?

It was on the last day of that term, and the new Rules came into operation three months from that day.

41. In what manner was the promulgation effected ?

They were publicly read in open Court, and subsequently published by the King's Printer, and copies were also transmitted through the Governor for the approval of his Majesty.

42. Is that paper (handing witness a return laid by his Excellency Sir Thomas Cochrane on the table of the House of Assembly) a correct copy of the transmission of the Rules ?

I think it is. but not being acquainted with the fact I can't say.

And then the committee rose, and reported progress.

SECOND DAY—AUGUST 31st, 1837.

JOHN VALENTINE NUGENT, Esquire, in the Chair.

E. M. ARCHIBALD, Esq. Re-examined.

43. In the course of your examination on the last day of sitting, you stated that the New Rules promulgated at the first term of the Supreme Court for the year 1834, did not come into operation by reason of the necessity of a previous promulgation, until the July term of the same year ; are you aware that any alteration was effected in the practice of the Court at the January term of that year ?

The practice of that term generally was conducted under the Rules previously in existence ?

44. Did you hear the Hon. Henry John Boulton charge the Grand Jury, at the January term of the Supreme Court ?

Yes.

45. Do you believe that report of his charge published in the *Royal Gazette* of Jan. 7, 1834, a correct one ? (handing the *Gazette* to witness.)

I have not read this copy over, but from the circumstance of its being here reported, I should think that it is correct ; but I heard the charge at the time.

46. Is that a correct copy of your commission as acting assistant Judge for that term, as laid on the table of the House of Assembly by order of the House—[copy of commission laid before the House by Sir Thomas Cochrane, presented to witness—See Documents which follow this enquiry, No. 8.]

I have seen this before, and it is a correct copy.

47. That commission is dated December 28th, 1833, was that the day on which you received it ?

It was received by me on Saturday, the 28th December.

48. In looking over the report of the Judge's charge, do you perceive the following observation, "*I have been constrained to cause alteration to be made in the manner of empanelling Juries heretofore practised in this Court.*" Did the Judge actually make that observation in his charge ?

I have no precise recollection of the words, but my impression is that he did make an observation to that effect.

49. And have you reason to think that observation was correct

Oh, yes ; certainly he did. It is so far correct that himself, or the other Judges pursued, a different course.

50. Did you discharge any of the functions of Judge between the time of the date of your commission, and your being sworn into office ?

I may say I did not perform any particular duty, as Judge, until the opening of the Court.

51. You are aware that under the 31 Ch. 2, c. 2, any Judge is enabled and required, in case of imprisonment for any *criminal* or supposed criminal matter, to issue a Writ of Habeas Corpus, in vacatiou—would you consider that, previously to your being sworn into office, say on the 30th December, 1833, you could legally have issued such writ ?

I am not prepared to answer that.

52. When and where were you first called to the Bar.

In the month of January, 1831, in Nova Scotia.

53. You have said that certain Rules of the Supreme Court have been made under the administration of Chief Judge Tucker, directing the Sheriff to empanel Juries in a particular manner, upon what authority do the Supreme Court exercise that right ?

By virtue of the Charter.

54. By what authority has the Charter been granted which gives that right ?

By virtue of the Act of Parliament 5 Geo. 4, c. 67.

55. Then it is your opinion that Chief Judge Tucker and his assistant Judges, had been empowered by Charter to frame their Rules for the empanelling of Juries, and that that power has been strengthened by the authority of the Statute 5 George 4th, c. 67 ?

It originates from the statute.

56. Can you tell what was the system adopted for the empanelling and summoning Juries under the rules of the second January, 1826, established by Judges Tucker, Des Barres and Molloy ?

They are of great length ; I have brought a copy of the Rules, and shall refer to the No. from 20 to 35 inclusive, No. 47, and from No. 58 to 61, inclusive.

57. Is that system laid down in detail by Rules of Court explanatory thereof ?

Yes.

58. How many of the New Rules by which that system has been altered, are employed in *explaining* the substituted system ?

With reference to the mode of summoning and returning Juries, there are but two new Rules.

59. Do they explain the substituted system ?

No ; they do not enter into particulars of the mode.

60. How many are there devoted to the explanation of the manner of empaneling and summoning Petit Juries ?

Only one.

61. Does that one explain the manner ?

No ; it does not enter into particulars. When I say it is not *particular*, I mean to say it goes to explain as far as it was intended, but it does not go into particulars as to the system.

62. Does it give any explanation further than that 48 Jurors are to be summoned eight days previous to the opening of the Court ?

No.

63. How many of the former Rules were devoted to the explanation of the mode to be adopted in the empanelling and summoning Grand Juries ?

Three.

64. Were these three Rules rescinded by the new rules promulgated in January, 1834 ?

There was one rescinded then.

65. Have any been rescinded since that time ?

Only one, that is Rule 58th.

66. Are you aware that the Petit Jury, in January, 1834, petitioned against the hardship and injury produced to them by this change ?

I am not aware ; I have seen a report of such a proceeding at the Midsummer Term, but I was not present.

67. Have you brought with you copies of the Rules of the Supreme Court, as directed on the occasion of your former examination ?

I have copies of the rules of the Supreme Court.

68. Have you come prepared to hand in a copy of the precepts issued for summoning the Juries for the term of the Supreme Court of January, 1834, and the term of the same Court immediately preceding ?

No.

69. Why so ?

I have thought, on consideration, that the proper course would be to apply through the Executive, and that I did not conceive I was at liberty to furnish them without the command of his Excellency.

70. Have you since your examination on Tuesday last, had any communication with any public functionary, directly or indirectly, on the subject of the propriety of withholding these copies ?

I have had reference to Mr. Crowdy as Secretary, with regard to the doubts I entertained on the subject.

71. Previously to such application to Mr. Crowdy, had you communicated with any other public functionary on the subject ?

No, I had not ; I mentioned the subject to one or two friends.

72. Would you please to state who these friends were ?

I beg to decline answering that question.

73. Were they, or either of them, in a public office or public offices ?

I also beg to decline answering that question.

74. Then it is because you have been so instructed by Mr. Crowdy, on the part of the Executive, that you decline giving the copies of these documents ?

I cannot say it is *because* I have been so instructed, for his note to me is not an official one. I merely applied to him to satisfy my doubts on the subject.

75. Was your communication with Mr. Crowdy by letter ?

It was not an official letter, it was by note.

76. Have you any objection to let the committee have that correspondence, or copies thereof ?

Yes, I have ; I am not disposed to give it.

77. have you had communication, directly or indirectly, with the Chief Justice on the subject ?

I beg to decline to answer that also.

78. What is that Instrument ?—(See document No. 9.)

It is the copy of a Writ of Attachment under the old Rules of Court.

79. Does that form continue in use at present ?

No.

80. Is there any material difference between that form and the one at present in use ?

A very great difference.

81. What is the principal feature of difference between the New and the Old ?

In the Old there is an exception in Italics, which frees all things used in or necessary to the fishery from attachment, and in the New there is no such exception.

82. Are fishing boats and fishing craft generally, which were under the former system free, under the new system made liable to attachment ?

Of course ; not because the exception is not contained in the writ, but because all the goods and effects of parties are rendered liable by the statute, and there is no clause in the new forms to restrain the operation of the statute.

83. Who introduced the new form ?

They were introduced at the same time as the new Rules, in Jan. 1834.

84. Are you not aware that these new forms were drawn up by the Chief Justice ?

I rather think they were drawn up by myself.

85. By what authority did you omit, in the new forms, the exception in Italics ?

I know of no authority by which they could be put into the writ.

86. Did you consider yourself, as Clerk of the Court, justified in so materially altering the form of a writ of attachment which had been in use in the Courts for very many years under former *Judges*, and up to the time of the appointment of Mr. Boulton to the office of Chief Judge ?

Perhaps you are under some mistake ; the draft was prepared by me during that term of the Court while I was acting as one of the Judges.

87. Did you, as the Junior Judge, without any instruction upon the subject from the Chief Judge, think yourself justified in making such an alteration without the authority of a rule of Court ?

It was merely in preparing a draft of the new rules for promulgation that I drew up the form conformable to the new rules.

88. Had you no instruction as to the manner of preparing that form, no intimation from the Chief Judge that such an alteration was necessary?

Certainly; there was some intimation from the Chief Judge, and on consultation between the Judges it was found that such an alteration was necessary.

89. I suppose your observation with reference to that form will reach to the others?

Yes.

And then the Committee rose and reported progress, and also reported specially, as follows:—

ADDRESS TO HIS EXCELLENCY THE GOVERNOR ON PRESENTING
REPORT OF THIS DAY.

*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 Newfound-
land, and its Dependencies, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

The House of Assembly beg to lay before your Excellency, a report of a Committee of the whole House, now sitting upon an enquiry into the state of the Administration of Justice in Newfoundland, and respectfully pray your Excellency will be pleased to order that the object of the Committee in the presentation of their Report, may be met by your Excellency's ordering that the documents referred to, be laid before them without delay.

REPORT OF COMMITTEE.

On the part of the Committee of the whole House on the consideration of the State of the Administration of Justice in Newfoundland, beside reporting generally at the rising of the Committee on yesterday, "That the Committee have made some progress in the matter to them referred, and directed me to ask leave to sit again to-morrow;" I am further directed to report specially upon certain matters that occurred in committee in the course of the examination of a witness as follows:—

On Tuesday, the 29th instant, Edward Mortimer Archibald, Esquire, Chief Clerk and Registrar of the Supreme Court, having been called in and examined on the subject of the alteration of the Jury System by the Honorable Henry John Boulton, and having admitted that the last Precepts under Chief Judge Tucker, and the first under Chief Judge Boulton, which had been issued for the summoning Juries in the Supreme Court, were filled in his office, the committee ordered that he should attend on Thursday, the 31st, with copies of these Instruments, together with a copy of the record of the swearing into office of the said Honorable Henry John Boulton, and also, all the Rules of the Supreme Court since its institution, to which he assented. Subsequently to this, the committee demanded certain other copies of Records, in order that they may be brought forward as evidence upon the important investigation in which they are engaged.

On Thursday, the 31st, (being yesterday) Mr. Archibald was again called up for examination, when upon being asked whether he had come prepared with copies of the Rules of Court, as he had been instructed on the former day, he replied "that he had;" and then, upon being asked if he had come prepared with copies of the Precepts, according to instructions, he replied "No;" and upon being asked why so, he answered—"I have thought, on consideration, that the proper course would be to apply through the Executive, and I did not conceive that I was at liberty to furnish them without the command of his Excellency."

It having appeared to the committee, that this refusal on Thursday to furnish the copies of those Precepts which on Tuesday he had been ordered to bring, and to which order he had assented, although he did not refuse to comply with that provision in the order of the

committee whereby he was required to lay before them copies of the Rules of Court. That this refusal, on the part of an Officer of the Supreme Court, of which the Honorable Henry John Boulton is Chief Judge, under such circumstances, must have resulted from the exercise of some improper interference to prevent the elucidations of the charges which have been preferred against that Honourable Functionary, on the subject of his administration of his office as Chief Judge ;—further interrogated the witness as to whether he had any communication since his examination, on Tuesday, “with any Public Functionary, directly, or indirectly, on the subject of the propriety of withholding the copies?” when he replied—“I have had reference to Mr. Crowdy as Secretary, with regard to the doubts I entertained on the subject.”

Upon having been questioned as to whether, previously to such application to Mr. Crowdy, “he had communicated with any public functionary on the subject?” he answered, after much hesitation,—“No, I had not ; I mentioned the subject to one or two friends.”

On being asked to give the names of these friends, he said, “I beg to decline answering that question.”

Upon being further pressed as to whether any or either of these friends were in a public office, or public offices, he replied,—“I also beg to decline answering that question.”

Upon being asked whether he had any objection to let the committee have the correspondence between him and the Secretary upon the subject, or copies thereof, he answered, “I am not disposed to give it.”

And finally, upon being asked “have you had communication, *directly* or *indirectly*, with the Chief Justice upon the subject, he replied—“I beg to decline to answer that also.”

The committee upon the consideration of the premises, hesitated not to say, that in the refusal of Mr. Archibald to reply to the interrogatories of the committee, is a violation of the privileges of the House of Assembly, and that in the refusal to lay before the committee the documents required, is a further violation of these privileges, but in consideration of Mr. Archibald’s long connexion with the House of Assembly as its highest Officer, the committee recommend him to the indulgent consideration of the House, particularly as his refusal to answer the questions of the committee, and particularly the last, appears to committee not to admit of a doubt that the impression at first produced on the mind of the committee, that the Honorable Mr. Boulton was a party to this obstruction thrown in the way of the exertions of the committee, to place the character of his Administration of the Laws in Newfoundland in proper light before the public, and as the refusal to lay these documents, before the committee can be readily remedied by an application to the Executive.

The committee therefore recommend to the House, to lay this their Report before the Executive, in whom they feel the utmost confidence, that he will lend his zealous co-operation in justifying the conduct and motives of the highest Judicial Functionary in the Island, in his administration of the Law, by facilitating the interesting enquiry of the committee on that subject, and to accompany the Report with a respectful prayer, that his Excellency will be pleased to order that the documents referred to, as having been demanded from the Clerk of the Supreme Court, be forthwith laid before the committee.

House of Assembly, }
1st September, 1837. }

(Signed)

J. V. NUGENT,

Chairman.

HIS EXCELLENCY'S REPLY.
H. PRESCOTT.
Gentlemen—

I have to state, in answer to this Address, that neither Mr. Archibald nor any other Public Functionary is at liberty to produce documents or copies of documents committed to his charge, without directions from the Executive authority.

The general principle upon which this restriction is founded, is too obvious to require explanation.

I shall always be ready to take into my careful consideration such request as may be made by the House of Assembly for the production of Papers, or copies of Records, and to direct the transmission of those that may with propriety and expediency be granted.

Government-House, }
5th September, 1837. }

COPY OF CHAIRMAN'S SUMMONS TO JUDGES DES BARRES AND BRENTON.

House of Assembly, }
September 4th, 1837. }

SIR,—You are hereby required to attend at the Honourable House of Assembly Tomorrow, at twelve o'clock in the forenoon, to give evidence before a Committee of the whole House, touching an Enquiry into the State of the Administration of Justice in Newfoundland.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

J. V. NUGENT,

Chairman.

To
Honourable **AUGUSTUS W. DES BARRES,**
Honourable **EDWARD B. BRENTON.**

REPLY.

Judges Chambers, }
September 5th, 1837. }

SIR,—We have received your letter of yesterday's date, in which we are required to attend at the Committee-room of the Honourable House of Assembly, this day, at twelve o'clock in the forenoon, to give evidence before a Committee of the whole House, on an Enquiry into the State of the Administration of Justice in Newfoundland.

As we are not aware of a single instance in which the attendance of a Judge has been thus required before any House of Assembly in the Colonies, we must decline affording a precedent for a procedure so unusual, by a compliance with this requisition.

But as we are unwilling to withhold, from the Legislature, any information which it may be in our power to afford that might be useful to the public, we shall be most happy to answer any queries which the House may think proper to put to us in writing, after we shall have had time deliberately to consider them.

We have the honour to be,

Sir,

Your obedient servants,

(Signed)

A. W. DES BARRES,
Assistant Judge Supreme Court.

E. B. BRENTON,
Assistant Judge

JOHN V. NUGENT, Esq.,
Chairman of Committee.

GEORGE LILLY, Esq., Examined.

90. What is your name ?

George Lilly.

91. Are you a Barrister of Newfoundland ?

Yes.

92. How long have you been practising at the Bar in Newfoundland ?

Upwards of twenty-eight years, I think.

93. Do you remember the institution of the Supreme Court, in 1826 ?

Yes.

94. Who were the Judges of the Supreme Court at that time ?

Judges Tucker, Molloy, and Des Barres.

95. How long had Judge Tucker been a Judge in the country before the newly constituted Court ?

I cannot recollect positively ; I find since 5th May, 1823.

96. Would you consider him a man likely to become acquainted with the wants and condition of the people in that time ?

Why, yes ; he appeared to be a man of good information.

97. Was he all that time confined to St. John's, or did he administer justice in the Outports ?

Yes ; I have seen him myself at Harbor Grace, and I know he was at Twillingate, Greenspond, and other places.

98. Was he considered generally well acquainted with the manners and customs of the people ?

I thought he was, as far as my observation went ; I don't know the general opinion.

99. Upon the appointment of Judge Tucker to the office of Chief Judge here to succeed Mr. Forbes, did he make any material alteration in the previous practice of the Courts ?

Yes ; During the time of Mr. Forbes, Process came immediately before the Court on the face of an account, but subsequently it was judged better to have something like a declaration

100. Who preceded Judge Forbes as Chief Judge?

Colclough and Tremlett before him.

101. Were the decisions of Judge Forbes generally in consonance with the decisions of the previous Judges, particularly where these decisions were founded upon the customs and usages of the country?

Generally speaking, his decisions were agreeably to the customs of the country.

102. Were the decisions of Judge Tucker also, in similar cases, founded on the precedents laid down by those who preceded him?

I can't recollect the particular views entertained in his select cases, but he introduced what he thought a more wholesome system of jurisprudence; Mr. Forbes had an idea that an appeal lay from the Surrogate's Court to the Supreme Court, but Tucker thought there was no appeal.

103. Upon the subject of current supply were the decisions of Forbes consonant with the decisions of former Judges?

I think they were.

104. Were those of Tucker, also, on the same subject?

I know that they differed in something, but I don't recollect the particulars; it was in the case of Hunters & Co. against Graham—Tucker considered Graham a Planter, and others regarded him as a Merchant, as well as Hunters' house.

105. But upon the general principle of current supply, were not his decisions uniform with former precedents?

He considered it necessary to alter them upon insolvencies.

106. On the subject of the claim for servants' wages as well as current supply was there not a material deviation made by Judge Boulton, from the decisions of all former Judges?

Not with respect to current supply, I don't think, but in the case of servants wages he did—Judge Boulton held that when servants parted with their fish they lost their lien.

107. Did any change take place in the practice of the Courts on the arrival of Mr. Boulton in this country?

Yes, there were rules made by Judge Boulton and Judge Des Barres, I believe, and Judge Brenton.

108. Was there any change in that practice brought into operation at the term of the Supreme Court held on the 31st Dec. 1833?

I don't recollect, I don't think they were; I am certain there were not until they were promulgated.

109. Were you present when the Hon. Henry John Boulton was sworn into office as Chief Judge of the Supreme Court?

I think I was.

110. Did you hear him charge the Grand Jury on that occasion?

I did.

111. Did you hear him make use in that charge of the following expression—“*I have been constrained to cause an alteration to be made in the manner of empaneling Juries heretofore practised in this Court?*”

I think I did, I don't know whether the exact words were used.

112. Do you think, from your recollection of the circumstance, that he used an expression conveying that sentiment?

Yes, something to that effect.

113. Do you know that such an alteration had been effected?

Yes.

114. That alteration comprehended, I believe, all the Juries, as well Grand and Special, as Petit Juries?

More particularly, I believe, the Petit Juries.

115. If the Chief Judge caused an alteration to be made in the practice of the Courts, or the manner of empaneling Juries, such change must have been effected prior to his having been sworn into office?

Oh, yes! I suppose so.

116. Are you aware that Mr. Boulton made any material alteration in the forms and practice, with regard to current supply and servants' wages ?

Oh, yes ! certainly.

THIRD DAY—SEPTEMBER 2d, 1837.

JOHN VALENTINE NUGENT, Esquire, in the Chair.

GEORGE HENRY EMERSON, Esq. Examined.

117. What is your name ?

George Henry Emerson.

118. Are you a barrister of this country, and when were you first called to the Bar ?

I am a barrister of this country, and was first called to the Bar in January, '31.

119. How long have you been practising in the Courts of Newfoundland ?

I have been practising, or shall have been, seven years next January.

120. Who were the Judges of the Supreme Court when you came first to this country ?

Chief Justice Tucker presided, and Judge Des Barres and Judge Brenton Assistants.

121. How long was the Supreme Court, as established by under Charter, in existence at that time ?

The Supreme Court was called into existence in 1827, but the act was passed in 1824.

122. The Charter which gives the power of making rules and orders to the Judges of the Supreme Court, is granted by Letters Patent from the King, by the authority of an Imperial enactment ?

Yes.

123. The statute 5 Geo. 4, c. 67, limits the power of the Crown in granting the Charter to authorise the making of rules and orders to particular subjects specified in the act ?

Yes.

124. Then it is your opinion that rules and orders of the Supreme Court, made in conformity with the provisions of the Charter upon the subjects detailed in the act, have all the force and validity of an act of Parliament.

Unquestionably yes.

125. Under what authority was the practice in use, when you came to the country, established in the Courts ?

Under the authority of the Rules and Orders of the Court, as promulgated before.

126. What are the limitations in the Charter, by which the operation of the Rules and Orders is restrained ?

One of the particular limitations is, that no rule or order can be brought into execution until it has been previously promulgated for three months.

127. Then, without a previous promulgation for three months after the formation and adoption by the Court, they have no validity ?

I should say, unquestionably not.

128. Among the subjects detailed in the act before mentioned, is the manner of *empowering Juries*, one on which the Court is empowered by law to make rules and orders.

It is.

129. Does the subject of the "Forms and manner of proceeding in the Courts" form another item in the detail of matters on which, by law, they are empowered, under the same limitation of a three months' promulgation, to make rules and orders having the force of express statutes ?

Yes.

130. Does the admission of persons to practice as Barrister, Solicitor, Attorney, &c. form another item in that detail ?

It does.

131. The practice under these several heads had been defined and determined previously to your coming to this country, by rules of Court duly promulgated three months before they were brought into operation ?

I cannot say that ; but I suppose so, for they were in operation before I came here.

132. Was there a regular Jury system laid down by a suite of explanatory rules ?

Yes.

133. Under that Jury system then in existence was the Panel summoned for the first day of term obliged to attend during the entire term ?

No.

134. Then there was a certain number of Petit Jurors summoned for each day of the term, and the Jurors summoned for one day were not required to attend a second day except the business happened to be heavy and the entire panel have been gone through, and then the juries may have been summoned again in the same term a second day ?

That is the fact.

135. Did that system prove satisfactory, or was it complained of ?

I never heard it complained of.

136. When you came to the country it had been in use nearly five years, was it regarded as a great convenience to the Jurors in a country where men's labour is so valuable, that they should only be required to give one day's attendance during a term of the Court ?

I might regard it so, but it is mere matter of opinion.

137. Did any inconvenience result to persons on trial for capital, or other criminal charges, from the Panel for the day of trial being limited to eighteen, by reason of such prisoners' right of challenge reaching beyond that number ?

I never heard of any during the time I was practising in the Court ?

138. Are you aware that persons had been tried for capital charges with Juries so constituted, without inconvenience having arisen, and without a murmur of complaint from the Bar, from the Public, from the Juries, or even from the prisoners ?

I have.

139. If, upon your arrival, having found these Rules of Court in operation, and rendered legal by Statute and by Charter, you found Judge Tucker arbitrarily setting aside his own Rules of Court which had been three months promulgated before they were permitted to be brought into operation, and for any purpose giving directions, or issuing a precept for the summoning the juries of that term in direct violation of these Rules, would you have regarded Judge Tucker as having acted legally ?

Certainly not.

140. The Jury system, in fact, established by the Rules of Court alluded to was the only system that, in your opinion, could have been adopted in Newfoundland at that time legally ?

Oh, yes.

141. Do you recollect whether these forms (Nos. 4, 5 and 6) were in use when you first practised here ?

The form of Attachment (No. 4) was in use at that time.

142. Were you present in Court when the first term of the Supreme Court for the year 1834, opened under Judges Boulton, Brenton and Archibald ?

I was.

143. Did you hear Judge Boulton charge the Grand Jury on that occasion ?

Yes, I did.

144. Did you hear him on that occasion make use of the following expression—“ *I have been constrained to cause an alteration to be made in the manner of empaneling Juries heretofore practised in this Island,*” as you see it published in the *Royal Gazette* of January 7th, 1834, or an expression conveying the same sentiment ?

I think it nearly the purport of what I heard him express upon that occasion.

145. Were you present when he was sworn into office as Chief Judge ?

He was sworn into office on that day.

146. If he were sworn into office only on the day on which he used that expression, he must have caused that alteration to be made some time before he was sworn into office?

Unquestionably.

147. How many of the Old Rules were devoted to the manner of empaneling and summoning Grand Juries?

Three.

148. Are you aware that the entire system in operation under Judge Tucker as regards the number to be summoned, or the manner in which they were to be empaneled and summoned on Petit Juries, has been altered by the Honorable Mr. Boulton?

Yes.

149. You have heard the New Rules promulgated at the first Term under Judge Boulton?

Yes.

150. Were there any Rules of Court promulgated at the previous term, that is, at the last term under Judge Tucker, rescinding the former rules on the subject of the Petit Juries?

None.

151. Then the first time the Petit Jury system of Tucker was rescinded by rule of Court, was on July, 1834, by rule promulgated on the last day of the January term of the same year?

Yes.

152. And that system was altered by Judge Boulton before any such rule was promulgated, and at a time when he was not under the obligation of an oath of office?

I should presume so.

153. Are you aware of the system of empaneling and summoning Grand Juries, laid down in the 20th Rule, of January 2d, 1826?

Yes; four days before the opening of the Court, the Sheriff was required to summon the Grand Jurors in alphabetical order.

154. That rule has been amended by rule the 58th, promulgated on the 12th January, 1830, which Rule substituted the ballot system for the alphabetical, for the summoning of Grand Juries?

Yes.

155. Was the Grand Jury system altered by the Honourable Mr. Boulton at the term of January, 1834?

I do not know what the precise alteration made at that time was.

156. Were any of the old Rules regarding Grand Juries rescinded by the New Rules of Mr. Boulton?

Yes.

157. Which of them?

I find that by the Rules promulgated in July, 1834, the 58th Rule was rescinded.

158. When did that rescision legally come into operation?

In three months from that promulgation.

159. Was there a Grand Jury system substituted in the new Rules, for the system abrogated?

No, there was none.

160. Do you find rule the 20th, of the old rules, rescinded by any of the new Rules?

It is not rescinded.

161. As Rule the 58th was merely an amendment of Rule the 20th, is it not your opinion that the rescision of the former was in Law a restoration of the system laid down in the 20th Rule?

Yes, unquestionably.

162. Are the Grand Juries now, or have they at any time under Judge Boulton, been summoned under the 20th Rule of the Old Rules ?

No.

163. You consider that, as there is no Rule in existence rescinding the 20th Rule, and as a Rule by which that Rule has been amended has been rescinded, the Jury System of the said 20th Rule is the only valid one at present ?

I think that, upon the rescinding of that Rule it left only one Rule operative, and that is the 20th.

164. On the present system of Special Juries, as altered by Judge Boulton, don't you think it quite possible for any party in any suite, whether criminal or otherwise, to prevent a single Catholic from serving on any Special Jury ?

I think, in St. John's, it is quite possible.

165. Could such have been the case under Judge Tucker's system ?

I am clearly of opinion that it could not have been the case under Judge Tucker's system of summoning Special Juries.

166. Do you think that at present a Merchant is safe in supplying a Planter who is indebted for former supplies to other persons ?

It depends on the Planter's ability to pay.

167. But in case the planter had no means of payment but from the proceeds of the voyage ?

The Merchant, of course, could not be safe ; he had no security for his money.

168. The Supplying Merchant, then, under the existing system, is not permitted to have a preferable claim ?

Unquestionably not.

169. According to decisions since the year 1833, have Fishing Servants a sufficient security for their Wages from the produce of their voyage, after it goes into the hands of the Merchant ?

They have none.

170. Under the forms you have just seen, (Nos. 4, 5 and 6) were Boats and Fishing Craft generally subject to be taken by attachment, or were they specially exempted during the fishing season ?

They were exempted during the fishing season.

171. Has that exemption been removed by the New Forms, introduced by Mr. Boulton ?

There is no exemption under the New Forms.

172. The consequence then is that although Boats and Fishing Craft generally exempted under Judge Tucker from being attached during the fishing season, all the property of a Planter or Fisherman may be at present attached, to the total obstruction of the fishery ?

Certainly.

173. Don't you think it would be in the power, on to-morrow, of a Merchant who had supplied all the settlers in a small Out-port last year, and had not, in consequence of a bad voyage, been paid up, if he refused to supply them this year, and they were supplied by another, would it not be in the power of the Merchant of last year, should he think fit to exercise it, to stop the fishery for the entire season of that whole harbour, by attaching every Boat and Line, and all the Fishing Craft in the settlement.

Certainly.

FOURTH DAY—SEPTEMBER 5th, 1837.

JOHN VALENTINE NUGENT, Esquire, in the Chair.

AARON HOGSETT, Esq., Re-examined.

174. Will you be good enough to state whether the Grand Jury of the first Term under Judge Boulton, was empanelled and summoned exactly in the same manner as the Grand Jury of the last Term under Judge Tucker

Not at all ; it was summoned by a Precept.

175. Will you describe in what manner they were summoned ?

The Precept ran to summon Twenty-four good and lawful men, to serve on the Grand Inquest at that Term—those were nearly the terms of the Precept.

176. Was there a direction in the Precept as to qualification ?

The Panel had been made before, and these were taken from the Panel.

177. Will you state in what manner was the Grand Jury of the July Term which followed, empanelled and summoned ?

It was empanelled and summoned exactly in the same manner as described.

178. Was there a direction in any of these Precepts to take the Grand Jury from the Jury Panel as it then stood ?

There was no direction as to the manner ; tickets were put into the box, and the first twenty-four were drawn out as the Jury.

179. In what manner were the Grand Juries empanelled and summoned in the Supreme and Central Circuit Courts, for the several other Terms which you continued in office as Sub-Sheriff and as High Sheriff ?

I don't think there was any deviation whatever.

180. Look at the 58th Rule ; was it according to the system laid down in that Rule you summoned all these Juries ?

These were the Rules in general use in Judge Tucker's time ; but they were all altered, entirely abrogated.

181. Are you aware, that under the system of Special Juries substituted for the former system by Mr. Boulton, in case a political question should arise to be decided by the verdict of such a jury, the party professing what are called liberal politics would labour under a disadvantage ?

I am not aware that they could.

182. Don't you think that under the existing system it would be quite practicable to keep off a Special Jury every individual of what is generally understood the popular party ?

I don't think it could possibly happen.

183. Don't you think that it would be quite practicable to exclude from a Special Jury, at St. John's, every catholic citizen, under the present system ?

I don't think it could possibly happen.

184. Do you think that such a thing has really happened under the New System ?

I am sensible that it has not happened in my time, and I don't know since.

185. What is the system of empanelling Special Juries, under the New System ?

The New System is, to draw forty names from the Special Jury Box, in presence of the Prothonotary of the Court, and each party, both Plaintiff and Defendant, strike off alternatively one, until twelve each are stricken off, and then the remaining sixteen are summoned, and the in-tickets put into the Prothonotary Box, and the first twelve drawn are the Jury.

186. Are there more than twelve Catholics on the Grand Jury Panel ?

I don't know ; I think there were more—but on reflection, I think there are not twelve ;

I can tell you distinctly in a moment, from the Panel which I have.—[Retired for the Penal]—I find there were only nine in my time.

187. Do you think now, in case the Attorney-General were instructed to prosecute a Catholic Priest, and that he asked for a Special Jury—do you think he could strike off every person professing the Catholic religion from the Panel ?

I don't think he would do it, but I don't know what could prevent him.

188. But could he do it—could he strike off the nine Catholics ?

I don't think any reasonable man would do it—but he could if he liked.

189. You think it possible, then, that even a Special Jury might in this manner be packed to suit particular purpose ?

I should not call it packing, for the Rule runs, that each person shall have the power.

190. Could such a thing have been done under the system of Tucker ?

No ; Special Juries were drawn by the Sheriff, and there was no permission to strike off any ; the first twelve that came up were the Jury.

191. Have you come prepared, as directed on Tuesday by the Committee, with the Jury Panels ?

This is the Panel, as amended in 1833 and '34.

192. What Panels have you got ?

The Panel of 1833 and 1834.

193. Do you remember these Forms ?

I know these were the Forms in use up to the time the New Rules were published.

194. When that Form of Attachment was in use you could not, as Sheriff, Attach Boats or Fishing Craft generally, during the fishing season ?

No ; in the fishing season I could not, but these were in times when these letters were scored out.

195. But under the system introduced by Judge Boulton, you have been enabled to Attach such property during the fishing season ?

I have never done so ; I don't think any such attachment was made in my time in the fishing season.

196. You say that in cases of fraud the exemption was struck out, had you authority to do that yourself, or was it by Special order of the Court ?

It was done by the Prothonotary, by special order of the Court.

197. Under the New System, has not a change been effected in the mode of recovering Servants' Wages ?

The law of lien has been made the mode.

198. Was not that the mode under Judge Tucker ?

The mode under Judge Tucker was, by attachment and following the Fish into any hands.

199. Under the New System, if the Merchant received the Fish could the servant follow it with an attachment ?

I think not ; he could not go into a Merchant's Store unless the Merchant was the actual employer.

200. Were the claims for attachments for Servants' Wages more numerous than usual, about the time of the alteration ?

There were a great number of attachments—a great number of attachments, indeed—the greatest number of attachments I ever saw were in the fall of 1835.

201. Were not many Servants, in consequence of not being permitted, as before, to follow the Fish into the Merchants' hands, thrown out of their Wages ?

I don't know that there were many complaints of the kind—I have no personal cognizance of the fact.

202. Upon looking over the Grand Jury Panel for the first Term of the Supreme Court for the year 1834, commencing on Monday, December the 30th, I find twenty-four persons have been so empanelled, and that the 1st, 7th, 9th, 12th and 20th names have been expunged and substituted by other names, which are written over with red ink—would you please explain these circumstances ?

The parties were absent and therefore replaced by others.

203. That Grand Jury was not struck under the authority of the Old Rules of Court ;

No ; there are twenty-four on this Grand Jury, and there were only twenty-three under the Old.

204. How many Special Juries were summoned at that Term ?

Only two, I believe.

205. You have only two entered in your Book—could there have been any more ?

They would have been entered had there been any more.

206. Were those two Special Juries summoned under the Old Rules ?

They were.

207. What were they paid on that occasion—what were the fees of the Special Juries during that Term ?

I think the Special Juries had a guinea each during that Term.

208. What fees were paid the Special Juries at the subsequent July Term.

I don't perfectly recollect when the Rule that only entitled them to five shillings each, came into force.

209. Were there no Special Juries summoned or empanelled at the July Term of 1834, for it would appear by the original Panel Book which you have put in, that there were none ?

I don't remember, there are none entered here, certainly ; there were no Special Jurors summoned during that Term.

210. Why is it that the *additions* of the Jurors, whether Grand, Special, or Petit, are not set down in your Panel Book for January, 1834 ?

I don't think the additions were ordered to be set down until afterwards, in 1835.

211. Were the *additions* of the Petit Jury set out upon the Return made by you to the Precept issued in December, 1833, by Mr. Boulton ?

No, they were not ; they were not in use until, I think, early in 1835.

212. Which was your Return made from, your Panel Book or your Panel filled from your Return ?

The Panel is filled from the Return.

213. Have you not got a list of the names of all the persons qualified to serve as Grand Jurors.

That was the list at that period for Grand and Petit Juries ; the Panel was corrected in the month of March in each year.

214. Is there any Rule at present in existence requiring the Sheriff to empanel the Jurors in any particular way, or was there any such Rule in existence since the abrogation of Judge Tucker's Rules by Judge Boulton ?

I am not aware of the Present System.

215. Was there such a Rule, or such Rules in your time as Sheriff ?

There was a Rule for drawing forty-eight Petit Jurymen out of a Box.

216. Would you please to point out that Rule ?

The ninth Rule.

217. Does that Rule direct the Sheriff to draw forty-eight names out of a Box ?

It does not.

218. Is there any other direction given upon the subject, than merely to summon forty-eight persons eight days before the sitting of the Court ?

None whatever.

219. Did the Precept Given you by Judge Boulton, before the opening of the Term of December 30th, 1830, order you to summon forty-eight persons, eight days before the sitting of the Court ?

No.

220. What was its tenor, then ?

To summon twenty-four good and lawful men, the Grand Panel.

221. But I mean the Petit Jury ?

That was summoned under that Ninth Rule.

222. Did you put that Rule into operation before the opening of that Term ?

It must have been in manuscript in the Prothonotary's Office, although not published till the 30th December.

223. Then, a Sheriff may now put upon the Panel any person he pleases as a Grand Juror, or a Petit Juror ?

He has the power, and always had the power since I have been in office.

224. Was not the Sheriff obliged, under Judge Tucker's Rules, to draw the Grand and Petit Juries by ballot ?

Yes, by Rules of Court.

225. Then, the Sheriff under that system had not the power of selecting a Jury ?

No power, whatever, of selecting a Jury, nor has he now.

226. Will you point out any of the new rules to prevent him, or to restrain his selecting any persons he pleases on a Grand or Petit Jury ?

I don't see any rule ; he is to summon 48 Petit Jurors, and that is his only direction under the new rules.

227. Will you point out a rule amongst the new rules that prevents the Sheriff's summoning any person he pleases, and from any class of society, as Grand Jurors ?

I cannot point out a single rule.

228. You said in your former examination, that eight days before the opening of the Court on the 30th day of December, 1833, you summoned the Juries under precepts signed by Judge Boulton ?

Yes, I have.

229. Please to look at the Panels of the Juries then summoned as the same are entered in your own Panel Book, and ascertain the exact day on which they were summoned ?

On the 24th December.

230. That is, then, they were only summoned six days before the first day of term ?

They were summoned eight days.

231. What was the first day of the term ?

The 30th December.

232. It appears by this they were summoned only six days before ?

Well, I find on examination that it is so.

233. Can you explain how that came to pass ?

I cannot explain ; I suppose it was a matter of precept, or an order from the Judges, but I don't exactly know.

234. Were writs of attachment issued under the old forms, out of the Circuit Court, in the month of June, or previously ?

I do not remember ; I think as soon as the forms were printed.

235. When were the new writs of attachment first brought into use ?

I do not remember.

236. Do you remember a term of the Central Circuit Court, which opened by the usual proclamation on Monday, March 22d, 1830, where Judge Brenton, after the Grand Jury were called, addressed them, saying—That as the three months had not yet expired which should intervene to make the 58th, 59th, and 60th Rules legal he should then adjourn the Court, as the Juries had been summoned under the new Rules, and should adjourn to Saturday, March 27th, in order that the Juries may be summoned under the old Rules, which would not come in force till April 12th ?

I don't remember that.

237. Look at the *Gazette* of March 23, 1830, and perhaps the mention of the circumstance there may remind you ?

I should presume this to be the best evidence you could have of it—(alluding to the *Gazette*. See the extract following.)

Extract from Royal Gazette, 23rd March, 1830.

“ Agreeably to His Excellency's Proclamation of the 15th ultimo, (March, 1830) the Central Circuit Court was yesterday opened, and the Grand Jury having been seated, the Honorable Judge BRENTON who presided informed them, that as some doubt had arisen in his mind as to the mode of summoning Juries under the New Rules—and particularly as some criminal prosecutions were likely to be brought before them, he felt it his duty, under such doubt, to summon the Juries in alphabetical order, as heretofore pursued ; the Court was therefore adjourned until Saturday, the 27th instant, at 12 o'clock.”

FIFTH DAY—SEPTEMBER 9th, 1837.

JOHN VALENTINE NUGENT, Esquire, in the Chair.

EDWARD MORTIMER ARCHIBALD, Esq., Re-examined.

238. You gave the committee to understand in the course of your former examination, that under the writ of attachment in use under Judge Tucker, fishing boats, nets, lines, salt, and other necessaries for the fishery, were not liable to attachment during the fishing season ?

No, I can't say that I gave them to understand so; but there was an exception in the writ directing their exemption from attachment.

239. Under the form of the writ of attachment suggested by the Honorable Mr. Boulton, you have said the Sheriff has the power of seizing such property at all seasons of the year ?

That is rather constraining my former answer in a manner which I did not mean it; I have no objection to answer it in this way,—the present writ of attachment commands the Sheriff to attach all the property of the party.

240. Is there any Rule amongst the new rules of Mr. Boulton defining the *qualification* of Grand Jurors ?

None.

241. Is it understood that any of the old rules, on the subject of Grand Juries, continued in force ?

Yes, it is.

242. Which ?

The Twentieth.

243. Is it that rule, then, which defines the qualification and regulates the mode of empanelling and summoning Grand Juries in St. John's ?

That is the rule which defines the qualification of Grand Jurors, and under which and the precept, Grand Jurors are summoned.

244. What Laws regulate the manner of empanelling and summoning Petit Juries.

The Rules of Court under the Charter—the 24th and 25th old rules, and the 9th new Rule.

245. Then, in summoning Grand Jurors the Sheriff has no law to control him, and in summoning Petit Jurors he may summon whom he pleases, provided they be qualified to serve as Petit Jurors ?

I would rather give my answer,—That by the 9th New Rule the Sheriff is required to summon forty-eight Jurors eight days before the term, but in what manner it does not direct.

246. You are aware that at the term of the Supreme Court, at which the Honorable Judge Boulton, was sworn into office as Chief Judge, and prior to which he ordered an alteration to be made in the Jury System, there were eleven persons tried upon capital charges ?

There were a number of persons, but I am not precisely aware of the number.

247. Are you aware that six of them were convicted of the capital charge and sentenced to suffer death ?

Yes, six.

248. Are you aware that four of these were actually hanged ?

Yes, in consequence of those convictions four were hanged.

249. Are you aware that two more were convicted of manslaughter, viz., Fanning, for the killing of his wife, and Ann Morrissey, that of her bastard child ?

Yes.

250. Do you recollect what were the sentences on these ?

Fanning, transportation for life, and one Hennessey, also, the same sentence; and Ann Morrissey, six months imprisonment.

251. Was that return made by you, and laid before the House of Assembly, by order of his Excellency Sir Thomas Cochrane (see No. 11.)

Yes.

252. Is it a correct return ?

It is.

253. Is this also a correct return made by you at the same time as the other—(See No. 12.)

It is.

254. Do you see the name of John Henessey in the former one ?

Yes.

255. Do you see the name of Joseph Score there ?

Yes.

256. Under what charge were they tried, and what were the verdicts ?

Charged with murder, and convicted of manslaughter.

257. What was the sentence on Henessey ?

Transported for life.

258. What was the sentence on Score ?

To be imprisoned for six calendar months.

259. Do you see Catherine Power's name on the July record—(See No. 12.)

Yes.

260. For what was she tried, and what was the verdict ?

Grand Larceny, and convicted.

261. What was the sentence of Ann Morrissey, found guilty of secreting the birth of her bastard Child ?

Six months imprisonment, the last three in solitary confinement at Harbor Grace.

262. What was the sentence of Catherine Power ?

To be banished for the period of seven years.

263. Catherine Power was a servant of Judge Boulton ?

I think she was ; yes, she was.

264. Was she a very young woman ?

I think she was.

265. Was that her first offence ?

I do not recollect whether it was so stated on her trial.

266. Were there any circumstances of aggravation connected with the case ?

I do not recollect the particulars of the case.

267. Do you happen to remember, was the property stolen valuable ?

I merely remember that it was either wearing apparel or jewelry, but I don't know the value.

268. Do you know that Morrissey was suspected of having, more than once before, made away with her bastard children ?

I don't remember that any such circumstance appeared.

269. Do you happen to know the religion of these two persons.

No, of neither.

270. Do you know the religion of Henessey or of Score ?

Score, I have heard, is a Protestant ; but I don't know of what religion Henessey was.

271. Are you aware that there were any circumstances of aggravation in the case of Henessey ?

I do not remember the circumstances of the case.

272. Is it true that Score was employed as servant to the Sheriff, before the expiration of his term of six months' imprisonment ?

I do not know.

273. Do you remember a case tried last November term, where a person of the name of White—Lawrence White, of Torbay—was prosecuted for an assault and battery on one Thomas White, where the battery not having been proved the Jury returned a verdict of Guilty, with an explanation that Thomas White, the prosecutor, was the aggressor ?

I do remember the trial of that person.

274. Do you remember the sentence in that case ?

I do not.

275. Do you remember that the Jury brought in a verdict of Guilty with an explanation that Thomas White was the aggressor ?

I do not now recollect whether the Jury made any such remark.

276. Do you remember the trial of Roger Thomey, for an assault on one Goss, Spaniard's Bay ?

Yes.

277. That was an offence alleged to have been committed on the first day of the Election at Harbor Grace ?

I think it was.

278. Do you remember that when the Jury returned their verdict they accompanied it with a recommendation to mercy—that the Judge asked the grounds of their recommendation, when they explained that their recommendation arose from their doubting the credibility of the witnesses for the prosecution—that upon this Judge Boulton told them, as they had doubts, they should re-consider their verdict, and the Jury then, having been already in for the whole night, at length brought in an unqualified verdict of Guilty ?

I may say I have some recollection that the Jury recommended the prisoner to mercy, but what occurred between the Jury and the Judge upon the occasion I do not now remember.

279. Do you remember the trial of the case of Mackay, for an assault and battery on the late James Cruden ?

Yes.

280. Do you remember that the Jury, in that case, returned a verdict of Not Guilty ?

Yes, I think they did.

281. Was that verdict recorded ?

No.

282. Why so ?

Upon some conversation between the Judge and the Jury they retired to reconsider their verdict, and afterwards returned a special verdict.

283. Did not the Foreman explain, in the first instance, that there was no evidence of malicious intention ?

I do not remember—there were some explanations, but the particulars I don't bear in mind.

284. Did not one of the Jury explain this verdict, because that when he (the Juror) would be in the midst of his family he might spit upon one of them quite unintentionally, or words to that effect ?

I recollect some such words being made use of by one of the Jurors.

285. The offence charged was spitting at Mr. Cruden, the morning of the second day of the election ?

Yes, spitting in his face while acting as a special constable.

286. Did not the Judge direct the Jury to retire and re-consider their verdict saying, the question for them was not "*Is this an assault, or not,*" but that they were merely to ascertain whether the defendant spit in Mr. Cruden's face, and if they found that, they must bring in a verdict of Guilty ?

I do not remember that he made use of any such particular words, he used some expressions, but whether to that effect I cannot say.

287. Did not the Jury then, after having retired, bring in a verdict of "*Guilty of spitting,*" and did not Mr. Boulton gradually, by repeated interrogatories, draw from them a verdict of "*Guilty of spitting in Mr. James Cruden's face while acting as a special constable*" ?

I do not know how the verdict was brought in, but I know it was so recorded, as guilty of spitting in the face of James Cruden while acting as a special constable.

288. Was Mackay sentenced for that offence ?

Yes.

289. What was the punishment effected ?

I don't remember it.

290. What was the condition in life of Mackay ?

I think he was a Fisherman, or labouring man.

291. What would be considered as fair wages for a labouring man, by the year ?

I Can't say whether fisherman or labourer, but the wages for a hired servant are from 25 to 30 Pounds currency.

292. Were you present when the verdict of the Special Jury in the case of *Rex versus Robert Pack* and others was returned ?

I was.

293. Were you Clerk of the Court at that Term, and was it your duty as such to Record the Verdict ?

It was ; I ought to write the Verdict on the back of the Indictment, to Record it is the property of the Judge, by signing which is the act of recording.

294. Did you so write the Verdict as it was first returned by the Jury ?

No, not in the terms given.

295. What Verdict was returned in that case against John Meaney, Edward Hayden, and Andrew Quirk ?

The words of the Verdict were " Guilty of a Tumultuous Assembly."

296. Did you Record that Verdict immediately ?

No.

297. What Verdict did you Record ?

I endorsed on the Indictment, Guilty of an unlawful assembly.

298. Did not Mr. Boulton observe that a Tumultuous Assembly was an unlawful one, and then tell you, you might Record " an unlawful Assembly."

No.

299. Then on what authority did you endorse and the Judge Record a different Verdict from that returned ?

I will explain it : The Verdict was written in words, written in pencilling, and in entering it on the Record I wrote down the words " unlawful" instead of " tumultuous assembly," supposing that the Jury had in error written the word " tumultuous" for " unlawful," and had found the parties guilty of the latter charge ; and in handing the Record to the Judge I mentioned the alteration I had made, enquiring if I was not correct in having so made it, to which he assented, and then signed the Verdict.

300. This idea occurred without any instruction from the Judge—you, in the first instance, of yourself, made the alteration, and the Judge, when it was made and brought under his notice by you, and not till then, expressed his opinion of it ?

Yes.

301. Then, in reality, although the Jury returned a " tumultuous assembly," you recorded an " unlawful assembly" ?

Yes.

302. When was this error of the verdict detected ?

Upon the Record being read to the Jury.

303. Did not the Judge observe, that a meeting to be " tumultuous" must be, " unlawful," or words to that effect, upon that occasion ?

I do not remember that he made use of that expression.

304. Did he use any expression conveying that sentiment ?

I do not remember.

305. Upon your reading over the verdict Recorded, according to custom, to the Jury for their final approval, did not the Honorable William Thomas, as the foreman of the Jury, say " No, my Lord, the verdict of the Jury was, in the latter case, a Tumultuous Assembly ?"

Some one of the Jury did use such an expression.

306. Were not the Jury, after some discussion with the Judge, sent back to re-consider their verdict ?

They were.

307. Was not the verdict of the Jury, on the second occasion, as follows: "We find Robert Pack and James Power, Not Guilty; Roger Thomey, William Harding, and William Saunders, Guilty; Edward Hayden, John Meaney, and Andrew Quirk, Guilty of a Tumultuous Assembly—We find that the original intention was not unlawful?"

No, the words of the verdict were handed in in pencilling, and were as just mentioned, with the exception of the words "We find that the original," &c.

308. Did you endorse the verdict the second time exactly as it was delivered by the Jury ?

Yes, by altering the word "Unlawful" and inserting the word "Tumultuous."

309. Was that, being the real verdict of the Jury, recorded by the Judge ?

It was—being the ultimate verdict.

310. Then there must have been two records upon the same indictment ?

No, there is but one entry on it.

311. And but one record ?

Yes.

312. Then the erroneous verdict cannot have been recorded on the ultimate verdict— which of them had been recorded ?

The ultimate verdict was recorded, as there was but one record.

313. Upon your endorsing the ultimate verdict, did the Judge sign the record ?

He did not sign it a second time—the verdict, as corrected, was read over to the Jury and confirmed by them.

314. As a lawyer are you aware that causes originating and triable in the Court of King's Bench, London, are frequently sent down to be tried, on the motion of one of the parties, to some of the counties, in order to have an impartial trial ?

I do not know.

315. Does not Blackstone, (book iii., page 294,) lay it down that the Court "will sometimes remove the *venue* from the *proper jurisdiction*, upon a suggestion duly supported, that a fair and impartial trial cannot be had therein, without reference to any particular Court?"

Perhaps he does.

316. Does not, in your opinion, the 15th section of the Judicature Act 5 George 4, c. 67, authorize the Supreme Court to change the Venue to the Circuit Courts, and in the Circuit Courts to the Supreme Court, "that such action or suit may be more conveniently heard and determined either in the said Supreme Court or in some of the Circuit Courts?"

The 15th section gives the power to the Courts, in certain cases, to remove causes from one Court to another.

317. In the case of *Rex versus Patrick Morris* and others, there were nineteen defendants, eighteen of whom, including two Magistrates, four Representatives, and two Catholic Clergymen, made an affidavit that the case was a party one—that the Jury was a special one—that the Grand Jury was a partizan one—that the Attorney-General had stricken off from the Special Jury every person of the Catholic persuasion, and every Protestant professing liberal principles; was it not before you, as Commissioner, they swore that affidavit before the trial ?

The defendants in that case made an affidavit before me, but the particulars of it I don't remember, but it is filed in Court.

318. Were you present when the parties, upon that affidavit, forwarded a motion for a change of Venue in Court ?

Some such motion was made when I was present.

319. Do you remember that the motion was disallowed by Mr. Boulton, on the ground that in the Supreme Court there could be no change of Venue, as the Venue of that Court embraced the whole Island ?

He refused the motion, but I do not recollect precisely upon what ground.

220. Do you remember that it was some such ground ?

That point was mentioned by the Judge.

321. Do not you think, as a lawyer, that under the 15th section of the Judicature Act before recited, as well as from sound principles of law and equity, the change of Venue might be had from the Supreme to any of the Circuit Courts?

I have no opinion to offer upon the subject.

SAMUEL CARSON, Esq., M. D., Examined.

322. What is your name?

Samuel Carson.

323. Are you a Diplomed Practitioner of Medicine?

I am, and of Surgery.

324. Did you bring an Action of Damages for Libel and Slander against Doctor Kielley, in the Supreme Court, for a Letter written, and expressions used by him in reference to your and Doctor Rochford's treatment of an obstetric case—the case of Jane Antle?

I did.

325. Was there an action brought against you by Antle and his wife subsequently?

There was.

326. What do you think induced that action?

There was Mrs. Wix, Secretary to the Indigent Sick Society, and Mrs. Boulton, as President, and letters were written to several Medical Men upon the subject.

327. Was the Trial of your action had in the Supreme Court?

It was.

328. Is the action brought against you and Doctor Rochford at present pending?

It is.

329. From the manner in which the Court has treated your case, has your confidence in the administration of the Honourable Judge Boulton been shaken?

I have no confidence whatever in him.

330. Have you complained of his administration to the Government?

I have petitioned and verified my petition by affidavit.

331. Have you got a correct copy of that memorial and affidavit?

I have a correct copy of the memorial, and the affidavit is a transcript of the memorial.

[Copies handed in accordingly—see No. 21.]

332. Did you send the affidavit, together with the memorial, to the British Government?

I Did, through Captain Prescott, the Governor.

JOHN ROCHFORD, Esq., M. D., Examined.

333. What is your name?

John Rochford.

334. Are you a regularly Diplomed Physician?

Yes, and Member of the Royal College of Surgeons, London, twenty-one years, January last.

335. You remember to have been engaged in an obstetric case—the case of Jane Antle, with Dr. Samuel Carson?

I have, on the 5th January last.

336. Were you present when the case of Doctor Samuel Carson against Doctor Kielley, of libel and slander, for a letter written and language used by that gentleman in reference to Doctor Carson's and your treatment of the case of Jane Antle?

I was a witness in that case; I was not the whole time in Court, I was not allowed, but I was called in to give evidence.

337. Is there an action now pending in the Central Circuit Court, in which you and

Dr. Carson are made defendants, where damages are sought by Jane Antle and her husband, on the same subject?

There is.

338. What, do you conceive, has induced these parties to bring their present action?

I can't exactly say what may have induced them, but I recollect very strong expressions used by the Chief Judge on the former case, which, if not the sole, must have been a strong inducement.

339. Have you complained to Government of the state of the administration of Justice under Judge Boulton, with reference to your case?

I have written a memorial to Lord Glenelg, setting out some of the expressions of Judge Boulton, and complaining of their injustice, with an affidavit verifying the facts, and praying another Judge to try the cause, and stating my utter want of confidence in his impartiality.

340. Have you got a copy of your memorial and affidavit?

I have.

341. Are these they, and correct? [Handing in copies—see No. 20.]

Yes.

THOMAS BYRNE, Examined.

342. What is your name?

Thomas Byrne.

343. Did you, on Monday night, November 14th, 1836, being the first day of the autumnal election, did you make any application to the police Magistrates of St. John's.

Not on that evening, but on the morning following I went to Mr. Carter.

344. Of whom had you to complain, then?

Robert Haberlane.

345. Are you a labouring man?

I am.

346. Is he one?

He is.

347. Do you live near each other?

Just under the one roof, but in two separate houses.

348. What was the cause of your complaining to the Magistrates on that night?

Haberlane brought out his hatchet and broke three panels out of my door, and I went the same evening to Mr. Carter, and he took my depositions, and told me it was rather advanced in the night to send any man out, and bade me call in the morning to his own house.

349. Did you do so?

I did; and when I came there, after being there all the morning, he put his head out of the window and told me to be gone! that he could do nothing there, I must go to the Court-House.

350. Did you go there?

I did; and when he came there I went in to him, and told him why I called, and he told me to be gone! for that I was more in the fault than what he was; I turned about then and told him, that if he attacked my place again, as I could get no law, he should either kill me or I should kill him; and he then told me to be gone, for that there was no law to be got during the Elections—and he took me by the shoulder.

JAMES POWER, Esq., M. H. Assembly, Examined.

Are you a Magistrate of Conception Bay?

Yes.

352. Were you a Candidate for the Representation of that Bay, in November, 1836?

I was.

353. Were you summoned, by subpoena, immediately after the Election, to give evidence before the Grand Jury, of the Supreme Court at St. John's ?

I was served in St. John's with a subpoena to that effect.

354. Did the subpoena embody the name or names of any of the parties about to be charged ?

No.

355. Did you attend, and were you examined before that Grand Jury on that occasion ?

I did attend, and was examined.

356. Were you examined on the subject of a certain rush or tumult alleged to have occurred at the hastings, on the morning of the first day of the election, and a few minutes before the Election was opened ?

I think I was.

357. Were you examined as to the circumstances of the procession of the Electors, on that morning from Carbonear, of which procession you formed a part ?

I don't recollect exactly now, I was asked so many questions.

358. Were you afterwards indicted with Mr. Pack and other persons, on charges, arising from these circumstances, and tried ?

Yes, I was.

359. You and Mr. Pack were acquitted upon that occasion ?

Yes.

360. Messrs. William Harding, Roger Thomey, and William Saunders were found Guilty ?

Yes, I think they were.

361. Were you present when the verdict was returned ?

I was.

362. Were you attentive upon the occasion ?

Yes, I was very attentive just then.

363. What was the verdict, as returned in the first instance by the Jury, in the case of the other three persons charged, Edward Hayden, John Meaney, and Andrew Quirk ?

Guilty of a Tumultuous assembly.

364. Was that verdict taken down by the Clerk ?

I believe not.

365. Did the Clerk turn to the Judge for instruction, as to the manner in which he should endorse the verdict.

I recollect his turning round to the Judge before he endorsed it.

366. What observation did the Judge make ?

I cannot exactly say whether it was before or after the endorsing—but I recollect the Judge saying twice, in a hurried manner, Tumultuous and Unlawful are just the same.

367. Did the Jury make any observation upon hearing the verdict read ?

They did—I believe Mr. Thomas, the Foreman, dissented on the part of the Jury, from the verdict.

368. What did he say it should have been ?

Tumultuous.

369. Did not some one of the Jury then remark that they had doubts, as to the original intention ?

Yes.

370. Did the Judge then recommend them to re-consider their verdict ?

He did—I now recollect that Mr. Shea said, all the Jury were not of opinion that the original intention was unlawful.

371. When the Jury returned again what was their verdict ?

At the close of the verdict they had a Tumultuous Assembly again, and as well as I can now recollect, the words " We find the original intention was not unlawful," were added.

SIXTH DAY—OCTOBER 10th, 1837.

JOHN VALENTINE NUGENT, Esquire, in the Chair.

J. V. NUGENT, Esq., Examined by the Committee.

372. What is your name ?

John Valentine Nugent,

373. How long are you resident in Newfoundland ?

Since May, 1833.

374. Do you remember the opening of the Supreme Court on the 30th December, 1833 ?

I do.

375. What Judges did you observe on that occasion on the Bench ?

I observed the present Chief Judge—it was his first appearance on the Bench in this country, and therefore he was an object of some curiosity ; the opening of that term was rendered further interesting by the elevation to the Bench of the Clerk of the Court, a young gentleman whom I understood to have been only a year or two in the country, and he, an officer of the Court, was so raised, as it was understood at the time, for the purpose of trying one of the Chartered Judges for some paltry misdemeanour—the third Judge was Assistant Judge Brenton.

376. Were you present at the swearing into office of Judge Boulton ?

I was ; he was sworn into office, on the day of the opening of the term referred to in the last question—the term opened with the opening of the commissions of Judges Boulton and Archibald, and then Judge Boulton was sworn into office, and he then swore Judge Archibald in.

377. Do you think that it was then Judge Boulton was first sworn into office ?

I can have no doubt whatever upon that subject, he could only have been once sworn into office as Chief Judge, because the British Constitution, like that religion upon the principles of which it has been based, repudiates unnecessary oaths ; but I believe he was sworn into office as *President of the Council* previously, for I have seen in the *Royal Gazette*, the month before this, a notice of his having taken the oaths of office. Besides, if I did not myself know that the thing was impossible, I remember to have seen a paper laid before the House of Assembly, on the 30th January, 1835, by order of the present Governor, in compliance with the request of the House, professing to be a “ *a copy of the record of the swearing into office of Judges Boulton and Archibald, with the dates thereof,*” which appears to have been lost, but which I recollect to have given the 30th December 1833, as the date of their being sworn in, without any reference to an anterior swearing in ; the same person cannot be twice sworn into one office, except he shall have ceased to hold that office after being first sworn, and shall have been again appointed. If it were otherwise, Judge Archibald should also have been sworn in before.

378. Did it strike you, at that time, that the Bench was illegally constituted ?

Yes, it struck me forcibly at that time, and I have given it much consideration since, which has convinced me of the correctness of my first view.

379. In what did you consider that illegality to consist ?

I considered the commission of Mr. Archibald illegal for these reasons :—There were without him, three legally constituted Judges of the Supreme Court, present in St. John's, and the Governor had no legal power or authority to appoint a fourth—the only authority enjoyed by the Governor to appoint Judges is created by the Judicature Act, and the authority there given is a *limited* authority :—he has no legal right whatever, at any time he pleases, to put one Judge aside and appoint another, and then, when his purpose is answered bring back the first, and it is very proper he should not ;—he can only have a *locum tenens*, when a Judge is *actually* absent from the country, when he is dead, or sick, or has resigned, or is incapable of acting ;—the Governor has no power to appoint a Judge except

in some one of these contingent cases. Judge Des Barres did not come under any of these—he did not resign, die, or leave the Country, nor was he sick or incapable, and therefore I consider the putting him aside by the merely sending him a leave of absence, was not a sufficient cause for the Governor to appoint a successor, he should have actually left the Island before it could be justified. But the commission itself was informal, and therefore, in my opinion, invalid; for the Governor, again, had no power, under the Act, to limit the duration of the tenure of the office of Acting Judge, except until the Judge, in whose place he was about to act, should be able to resume his office, or in case of death or resignation, “until a successor shall have been appointed;” whereas Mr. Archibald’s commission was limited to the then term of the Court, or during pleasure.

380. You heard the Chief Judge charge the Grand Jury on that occasion?

Yes, I did; I paid a particular and marked attention, not only to the charge, but indeed to every thing else that occurred; the fact is, I had expectations at that time of being called to the Bar, and on that account was solicitous to observe what was going on, particularly with a view to learn the characters and capabilities of the Bar, with whom I expected to be associated, and the Bench under whom I expected to derive.

381. Did you hear the Judge, in his charge, advert to an alteration made in the manner of empanneling Juries?

I did; and I recollect well having shuddered at the announcement, for I was aware there was a large number of persons to be tried capitally. I had already noticed the irregular constitution of the Bench, and my suspicions were thereby awakened, and when the Judge stated that he had “caused an alteration to be made in the manner of empanneling Juries,” I, of course, saw that he was not sworn when that change was effected, and therefore, that although he had violated the Charter, he may excuse himself by saying he did not violate his oath of office.

382. Were you present at any of the capital trials you have adverted to?

Yes, I was present during the entire of the trial of Downing and Malone, for the brutal murder of Mr. Bray, of Harbor Grace.

383. Was there Counsel assigned them, and was there any exception taken by the Counsel to the constitution of the Bench, or of the Juries?

They had Counsel assigned them by the Court, but no such exceptions were taken. I recollect one circumstance that struck me as extraordinary, but it passed unnoticed otherwise; when the Jury were called over, they were called without their additions, and Counsel made no exception, although the prisoners were from a distant district, and all the Jurors perfect strangers to them, being resident within the Town of St. John’s, and of course they were empannelled without a single challenge.

384. Were you present when the Jury returned a verdict?

Yes, the verdict was *Guilty*.

385. Were they sentenced immediately?

Yes, Judge Boulton passed sentence of Death upon both of them—they were tried on Friday, the 3d January, 1834, and condemned to be hanged on Monday the 6th.

386. Were they hanged accordingly?

No, Downing was hanged, but Malone was respited, and afterwards discharged. They petitioned the King, not for pardon, but for a new trial—I drew up their petition and sent it in to the Executive, in my own hand-writing, although I had a moral conviction upon my mind that it would have the effect of blighting my hopes of reaching the Bar. But I saw two human beings about to be hurried illegally from this life, and I considered that the more guilty they were, the more did they need the protection of the established forms of law, and I thought it my duty, as I saw no one else likely to do it, to step between them and the parties who were about to consign them to death, whether through ignorance or otherwise, without an adequate authority.

387. Do you know in what manner the Petit Jury was empannelled on that occasion ?
 I find by referring to the copy of a precept, issued by Judges Boulton, Brenton and Des Barres, to the Sheriff, laid before the House of Assembly by order of the Governor, that the Rules and former usages on that subject having been laid aside, the Sheriff is directed to summon before the Court "*all Juries*" &c., but he is particularly ordered to summon as follows :—"*And of the venue of every town and place where the Felonies were committed whereof the said Prisoners were indicted, appealed, or arrested, Twenty and Four good and lawful men of the said Island of Newfoundland,*" whereby it will be seen that the Petit Jury of that term was not empannelled even in conformity with the precept, and further that there is nothing in that precept to point out to the Sheriff that he is to summon 48 men. There were felonies to be tried from all parts of the Island, but there were only 48 Jurors summoned, and all from the Town of St. John's.

388. Do you know how the Grand Jury was then empannelled ?

No, I cannot say that I do, but I am aware that at the July Term following that there was a Rule of Court promulgated, which had the effect of reviving the 20th of the old rules of Judge Tucker, and I can say, that notwithstanding that every Grand Jury empannelled since that time has been empannelled in violation of that Rule, and therefore illegally, for not one of them has been empannelled on the rotation principle, they have been all selected. The Gentleman who filled the office of Sub-Sheriff at that time, however, informed the House in evidence, that then and in July following, the Rules for regulating the manner of empannelling the Grand Juries had been set aside, and therefore if that evidence be true, those Grand Juries were also illegally constituted.

389. Were you present in Court when the case of *Colbert vs. Howley* was tried ?

Yes, I reported that case. It was tried November the 20th, 1835, in the Central Circuit, Court before Mr. Boulton.

390. Would you explain why you reported that case in particular ?

It would appear that the liability of the Merchant to pay the wages of fishing servants must have been firmly established upon Mr. Boulton's coming to this country, for I find that in the first term before mentioned, there was only one case for the recovery of Servants' Wages, the case of *Kielly vs. Sullivan* and others, but as in this case there was no decision had on the liability of the Merchant, the case having been lost on account of associating the Planter with the Supplying Merchants as co-defendants in the action. The following fishing season of 1834, passed away without any alarm having been excited on the subject of the wages. The House of Bennett, Morgan, & Co., however, brought a case into Court in the Autumnal Term of 1834, which drew out the opinions of the Chief Judge fully, as opposed to the liability of the merchant, and the consequence was that the greatest excitement prevailed towards October and November, 1835, for as the fishery had not been a good one, it was feared that the merchants may take the advantage of the dispositions of the Court, and refuse to pay the wages.—In consequence of this, I was, in the course of a few weeks, consulted by several hundred servants, very many of whom by following my advice to keep the fish and oil in their possession even by force, succeeded in recovering their wages without having recourse to law, but others were not so fortunate. The intense interest excited by the expected trial of this cause, then, and the desire to have the Judge's opinion on the subject, placed on the public records, were the reasons that influenced my reporting it.

391. Was the report taken by you, on that occasion a correct one ?

It was extremely correct ; but I only reported a portion of the Judge's charge, for the reason mentioned in the report.

392. Have you compared your report with that published in the *Patriot Newspaper* of December 1st, 1835, and is the latter correct ?

It was I who furnished that report to the *Patriot*, and with the exception of one or two unimportant typographical errors, it is perfectly correct.

393. Was there a Petition sent forward on the subject of the administration of Justice, prior to that decision?

Yes; in the spring of 1835, a Petition was adopted at a public meeting of the inhabitants of the district of St. John's, to the King, Lords, and Commons. It was signed by nearly 5000 persons, and complained of the constitution of the Juries, and of the abrupt alterations made in the practice of the Courts—of irregularities connected with the office of Sheriff—of the execution of several persons convicted by the illegal Juries, and of the despotic conduct of the Judge towards Mr. Parsons, the Printer of the *Patriot*. The Judge went home on the occasion to defend himself, but the sentence of Mr. Parsons was reversed and his fine returned.

394. Was that the only case that had been brought against the *Patriot*?

No; Dr. Carson had been attacked at the July Term of the Supreme Court, in 1834, and four days after Mr. Parsons' imprisonment another Action was brought against Mr. Douglas and Mr. Parsons, the one as Proprietor, and the other as Printer, by Mr. Garrett, and a verdict of £100 was given—both this case and Dr. Carson's were tried by Special Juries.

395. Did you report any of these cases?

No, I did not report either of these in full, but as I sat during the latter trial with Mr. Douglas and his Counsel, I reported one or two observations made by Judge Boulton, which, from their extraordinary character, and the effect they were calculated to produce on a Jury so constituted, struck me as important.

396. Have you any particular meaning by saying, a Jury so constituted?

Yes, I have; the Jury was composed of members of the Commercial Society, and that Body had only a few days before met in the Commercial Room, for the extraordinary purpose of considering the charges made in the *Patriot* Newspaper against the very Judge who was then trying that journal, and without a scintilla of evidence, or even the least enquiry, they deliberately voted the *Patriot* a libellous Paper, and the Judge, innocent; and it appeared to me then, as it does now, that both Judge and Jury were, if not legally, at least morally, rendered incompetent to try the case.

397. Do you remember any of the observations that you then reported?

There were, I think, three in all—one was made by the Chief Judge, in proving to the Jury that the article in question was a libel—"It is a libel," said he, "to call a man *Big-whiskered Ben*," and this has frequently occurred to me when I was assured, that on Dr. Carson bringing an Action against the *Times* Newspaper, for libelling him by calling him a "Mad Doctor." &c., he had stated to the Jury that to call Dr. Carson by the name of "the Mad Doctor," was not a libel. This has frequently struck me as most extraordinary doctrine, even coming from Judge Boulton, for the application of the name, given in the former case, need not even excite a blush, while in the latter, it would have a tendency to destroy the person's professional character, to break up an extensive and lucrative practice, and ruin a highly respectable family. But as I was not present, of course I cannot, of myself, say that the latter observation is correctly ascribed to the Judge.

398. What were the other observations you reported?

After explaining, at great length, what in his opinion would constitute a libel, he used these words with reference to the article containing the alleged libel—"You are to judge of that paper with exactly the same feelings as you regarded it on the morning of its publication, your having taken an oath here does not alter the matter;" and finally, upon instructing the Jury in the manner in which they should assess their damages, he said, "In considering the amount of damages, you are bound to give such damages as you would think equitable were you individually parties in this cause—I do not mean to say, if you stood in the position of the defendants, but such damages as you would think fair if you stood, calm and dispassionate, in the situation of the plaintiff." I took down these

observations in the Judge's words at the moment, and showed them instantly to Mr. Douglas, that he may be able to concur in their correctness. The Jury retired for a short time and returned a verdict for the plaintiff of One Hundred Pounds damages.

399. Was that the last action brought against the PATRIOT ?

No, there was another brought by Mr. Kough against Mr. Parsons, as Proprietor and Printer of the PATRIOT, for an alleged libel, in an article published in that Paper, animadverting on his (Mr. Kough's) conduct as a representative in the House of Assembly. This article had reference to Mr. Kough's again offering himself as a Candidate for the Representation at the late General Election in November, 1836, and was merely an essay pointing out to the Electors the misconduct of that man when a Representative who now, once more, was soliciting their suffrages, and in it the Editor proposed to give the Electors reasons to induce them to select proper persons to represent them on that occasion ; to try this political cause also, there was a Special Jury chosen exclusively of persons opposed to the political opinions of Mr. Parsons, and who has all been supporters of the plaintiff at the election, and of course must have participated in his annoyance at being rejected.

400. Would you state what opinion these proceedings against the *Patriot* excited in your mind ?

I certainly ascribed them all to a desire to silence a journal, that with great spirit and independence animadverted boldly on what the journalist considered the maladministration of the Judge.

401. Did they produce that effect ?

Yes, for a time—It was impossible for a journal that had to struggle against the influence of the merchants and officials combined to withstand these repeated shocks from the Bench, and in last January the Press was taken and sold, and the proceeds handed over to Mr. Kough, to satisfy his execution. But a few Gentlemen combined and, with the aid of a Public Body, they in a few weeks purchased a Press, and I volunteered to assume the Proprietary with all its responsibility, in order to protect the Editor from the prosecutions levelled against the liberty of the Press ; but I have not now, nor have I ever had or desired, the least pecuniary advantage whatever, from the Establishment : since that period, however, there has been no other action brought.

402. Are you acquainted with any of the particulars of the case of *Rex versus the Rev. James Duffy, and the Fishermen of St. Mary's* ?

I am aware that the Judge in charging the Grand Jury, on the 14th December, 1835, on the opening of the Supreme Court, called their attention to the charge against the Rev. James Duffy, although, as he said, it was not on the calendar, and described the charge as for "*riotously and tumultuously making a forcible entry upon the fishing flakes and premises of certain Merchants carrying on business in St. Mary's Bay, and pulling down and burning the flakes, and taking possession of the land on which it stood,*" and I am also aware that the indictment in the case was quite different—there was no charge in point of fact of forcible entry, no charge of taking possession of land, and no charge of burning—I am also aware that the Clergyman charged, travelled many hundred miles coming repeatedly to St. John's, to press on his trial, and that the poor fishermen suffered extreme hardships, also on the same occasion. I was present when the cause was at length brought to trial this Spring, when the Crown was obliged to abandon the prosecution.

403. Do you know anything of the charge against the Rev. Edward Troy, and the Rev. Patrick Ward, tried last January in the Supreme Court ?

Yes, I reported that trial, but have not been able to have the report published in consequence of the temporary suppression of the *Patriot*.

404. Have you been employed as a Reporter to that journal ?

No, I have never reported but gratuitously, and solely from a desire to promote public Justice, and to assist in maintaining the independence of the Press.

405. Did you Report and publish, generally the political trials of last Winter Term of the Supreme Court ?

Yes, I reported all, with the exception of one or two, which I omitted, having been confined two or three days from indisposition arising from my fatigue reporting, but I did not publish all my Reports yet.

406. What opinion have you formed generally upon the occurrences before the Court of that time ?

My opinion was quite in accordance with that of the public generally, that the proceedings exhibited a marked desire, on the part of the Court, to crush what were denominated the popular Party. A parcel of petty election squabbles were collected as grounds for prosecution in the highest Court of the Island, and in three or four weeks more political prosecutions were ordered by the Crown than were for the last quarter of a century in Ireland. One man, Mackay, was charged with spitting in the face of a special constable at the foot of the hustings, on the last day of the election ; he was tried and acquitted, but the Judge explained to the Jury that the question of assault or no assault, was not for them—that they had only to try the fact, and if they found that, they must bring in a verdict of guilty. They retired again, and brought in a verdict of “Guilty of spitting ;” the Judge then asked them several questions, gradually drawing from them, as he prompted the words, “Guilty of spitting in the face of James Cruden while acting as a special constable.” This verdict they accompanied with a recommendation to mercy, and an explanation that they thought the spitting accidental, and the prosecution “most vindictive,” and yet, with a Jury of twelve men on their oaths, explaining that the spitting was accidental—the prosecution vindictive—and a recommendation to mercy, this man, a poor labouring fisherman, was fined £25, being for him a sum equal to a fine on the Chief Judge of £1200, for it was an entire year’s salary ; but the executive have since had some instructions on the subject of these fines which they refuse to make public, under which, this fine has been reduced to £10, this is, equal to a fine of £480 on the Judge. A man from Torbay, of the name of White, is prosecuted for an assault ; it appeared in evidence, that he only was running to save his wife from one of what were called the Tory party. The Judge again instructed the Jury that the question of the assault was a question of law, and they had nothing to do with it ; that if they found that White struck the prosecutor they must find him guilty, but that they might, in giving their verdict, explain who the aggressor was. They brought in a verdict accordingly, of Guilty against White, but with an explanation that the prosecutor was the aggressor ; and he was fined Five Shillings although so poor a man that he was obliged to beg the amount from door to door, having got liberty to leave the Court to procure it. A man of the name of Maguire, one of the popular party, having been beaten on the Torbay Road, come into St. John’s to lodge informations against the Wheelers, being of the opposite party, but the Magistrates refused to take his depositions, although he was bathed in blood, but at once arrested him, and flung him, without even having his wounds washed, I am informed, into prison ; he was tried and acquitted, and no further notice was taken of the affair. The Rev. E. Troy, the Rev. P. Ward, both Catholic Clergymen, and seventeen others, were charged with Sabbath-breaking ; the Rev. P. Ward was obliged, by a Bench Warrant, to leave his sick bed, and I had actually to bring him into Court and to hold him up in my arms while he was being arraigned. The Attorney-General struck every Catholic off the Special Jury, and every liberal Protestant, also ; the defendants swore an affidavit of want of confidence in both Grand and Special Jury, and on this they founded a motion for a change of Venue, but the Chief Judge ruled that as the whole Island was but one Venue there could be no change to another Court ; the trial went on, and the Judge, when the defendants, through Mr. Kent, one of the defendants and Member for the district of St. John’s, showed in argument that there was no breach of the Sabbath, ruled that there was no such charge made as a violation of the Sabbath, that it was “a mistake to think so.” All the evidence for the prosecution proved that the effect of the attendance of the Catholic Clergymen on the occasion complained of was the prevention of a breach of the peace. The result of this trial was the acquittal of all the defendants with the exception of Mr. Pa-

trick L. Power ; and the latter gentleman was found guilty generally, although the Judge stated in open Court that there was no such charge as a Profanation of the Lord's Day preferred, whereas the Indictment is one for that offence and that only ; Mr. Power was found Guilty and fined £25. Among the defendants were four Representatives of the People, two Catholic Clergymen, and twelve other respectable citizens. The trial of the Conception Bay Representatives and Electors I also reported and published, and as that formed the basis of several important Petitions to the King and the House of Commons, I verified my Report by affidavit, the original of which I sent in with several others, to accompany the Petitions which I transmitted to the Home Government through the Governor.

407. Are the other published Reports communicated by you to the Press, as correctly reported as that case ?

I could verify all of them if it were necessary.

408. What is your opinion of the degree of confidence entertained by the public generally, in the Administration of the Hon. Chief Judge Boulton ?

The public regard his Administration as extremely partial, and vindictive, and consider him in his decisions, a Partizan and a Bigot, and his decisions on the Servants' Wages question, is likely to be productive this Winter, in consequence of the failure of the fisheries, of fearful effects—In one case already that has come to my knowledge, a servant, or shoreman, took a Writ of attachment against the fish, for his Wages or Share, and when the Sheriff declared his intention of taking the fish to the House of the Merchant who was the Supplier, the unfortunate man, who, as a servant last year, was left by Mr. Boulton's decision without his wages, with his Wife and Children starving, apprehending an understanding between the Merchant and the Court, rescued the fish from the Sheriff, threatening him with a hatchet in his hand, but he has been since arrested, and is now out on bail for the offence. Some days ago another case came to my knowledge, where several servants had seized the Oil of the Voyage for their Wages, but the Sheriff laid an attachment upon it, at the suit of the Supplier.—The servants carried off the Oil to St. John's, but the Sheriff met them at the Wharf, and demanded the Oil, but while he was sending for a Constable, we advised the men to push off, and they kept the Constables at bay until night, when they disposed of it, and were paid—on this occasion the Sheriff told me that he would insist upon keeping the Oil, even though the servants had never parted with it.—The maker of the Voyage kept the key of the house where it was stored, both before and subsequent to the seizure by the Sheriff. There are every day crowds of servants applying to me for instructions, to enable them to recover their wages, and numbers of them have already been completely thrown out. As to the confidence of the public generally, it has been said, and very truly in my opinion, that one of the Judges of the Court has been charged with violence and forgery, and so convinced of his guilt was the Chief Judge, that it appears he stated he would never sit on the Bench with Judge Des Barres ; Des Barres, in turn, when about to be put upon his trial, pleaded want of confidence in Judge Boulton, and his objection was admitted by the home Government—he then objected to be tried by Judge Boulton, and his objection here too was admitted to be valid, and eventually the Governor was obliged to give a special commission to one of the Bar, for the purpose of presiding at his trial ; so that the three Judges of that Court, in whose impartiality the public are called on to confide, have proved that they have no reliance on each other individually, and the public, when they find such men upon the Bench, and with all the other evidence before them too of their incompetence to administer justice equally, cannot be blamed for refusing them their confidence.

409. You have heard Mr. Archibald's evidence on the subject of the verdict in the case of "the King against Robert Pack and others," wherein he stated that he endorsed the words "an unlawful assembly," not by the Judge's directions, but from himself, under a supposition that the Jury had returned the word "tumultuous" by mistake—do you think you could have fallen into error in reporting the proceedings at the time ?

Certainly not; I had attended through that entire protracted trial with the most intense interest—I saw its importance, and every incident of the day only tended to rivet my attention. Mr. Thomas *read* the verdict deliberately, and in reading it expressed the word “tumultuous” quite distinctly, and then handed to the Clerk the *written* verdict, so that it would be difficult to believe that the Clerk of the Court, upon receiving that verdict from some of the most respectable merchants in St. John’s, and the most experienced Jurors, and their Foreman a Member of Her Majesty’s Council too, could have thought that they did not know what they were about when they returned their verdict. I remember well that Mr. Archibald, upon receiving the verdict, turned back enquiringly to the Judge, but I could not hear in the Gallery if he spoke, and then the Judge having, after a moment’s hesitation, intimated that a tumultuous meeting was an unlawful one: he then endorsed the verdict on the back of the Indictment, and the Judge immediately signed the Record.

(Copy.)

Supreme Court, Chief Clerk’s Office,
Sep. 20th, 1837.

SIR,

I have the honor to transmit you, by direction of the Judges the several documents mentioned in the enclosed schedule, being copies of the papers required by the House of Assembly, with the exception of the copy of the Record in the case of *Carsou v. Kielly*, the facts of this case being still in litigation between the plaintiff and other parties, the Judges do not deem it proper that they should be made the subject of animadversion out of Court, until the case shall have been decided.

I have, &c.

(Signed) E. M. ARCHIBALD.

Chief Clerk and Registrar Supreme Court.

The Hon. James Crowdy, Colonial Secretary.

Copy of Précept issued by Judges Boulton, Brenton, and Des Barres, eighteen days before the swearing into office of the Chief Judge, being one of the Papers referred to in the preceding letter of Mr. Archibald.

Island of Newfoundland to, wit.

The Honorable Henry John Boulton, Chief Justice of Our Lord the King, of Newfoundland, the Honorable Augustus Wallet Des Barres, and the Honorable Edward Brabazon Brenton, Justices of the Supreme Court of our said Lord the King, of Newfoundland, and also Justices of Oyer and Terminer, and General Gaol delivery in and for the said Island.

To the Sheriff of the said Island of Newfoundland, Greeting:—

On behalf of our said Lord the King We command you that you cause to come before Us of the Court House, in the Town of St. John’s in your Bailiwick, on Monday the 30th

day of December instant, all Juries and Certificates, before whatsoever Justices arraigned, together with the Panels, Attachments, Re-attachments, Summons, and Re-summons, and all other Instruments whatsoever any ways concerning those Juries and Certificates; and also that you cause to come before Us, the said Henry John Boulton, Augustus Wallet Des Barres, and Edward Brabazon Brenton, Justices of our said Lord the King, assigned to deliver his Gaols of the said Island of Newfoundland, of the prisoners therein being at the day and place aforesaid: And all prisoners being in the said Gaols, together with their attachments, indictments, and all other muniments, anywise concerning those prisoners; and of the venue of every town and place where the felonies were committed whereof the said prisoners are indicted, appealed, or arrested twenty and four good and lawful men of the said Island of Newfoundland, by whom the truth of the matter may be better known and enquired into, and who have no affinity to those prisoners, to do those things which on behalf of our said Lord the King shall be then and there enjoined them. Publicly also cause to be proclaimed throughout your bailiwick, that they all will prosecute against those prisoners be then and there to prosecute against them as shall be just. Give notice also to all Justices of the Peace, Coroners, and also to all Chief Constables and Bailiffs, that they be then and there in their own persons with their Rolls, Records, Indictments, and other remembrances, to do those things to which your and their offices in this behalf appertain to be done; and that you yourself and your under-Sheriff, together with your bailiffs and other your ministers be then and there in your own persons to do those things which to your and their office appertain in this behalf to be done, and have you then and there the names of the Jurors, and Justices of the Peace, Coroners, and Chief Constables, and of all them, whom you shall so cause to come, whom and by whom you shall cause them to come, and that you then and there have this precept.

Given under our Hands and Seals at St. John's, in the Island of Newfoundland, this twelfth day of December, in the Fourth year of the Reign of Our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

(Signed)

H. J. BOULTON, Ch. J. (L. S.)

A. W. DES BARRES, (L. S.)

Assistant Judge.

E. B. BRENTON, (L. S.)

Assistant Judge

I have executed this precept as herein commanded.

30th December, 1835.

(Signed)

D. BUCHAN,

High Sheriff.

I certify the foregoing to be a true and correct copy of the original Precept remaining of record in my office; I further certify that I do not find any precept, or record of any precept, issued for the term of the Supreme Court next preceding the term above mentioned, or for any other previous term.

E. M. ARCHIBALD,

Chief Clerk and Registrar, Supreme Court.

August 30, 1837.

Extract from the Records of the Supreme Court—vol. 2, page 277—laid before the House of Assembly, by order of his Excellency the Governor, on Friday, January 23d, 1835 :

“**SUPREME COURT,**
“Monday, December 30th, 1833.

“The several commissions of the Honorable Henry John Boulton, as Chief Judge, and of Edward M. Archibald, as Acting-assistant Judge, were read by the Clerk, and are as follow—[here follow copies of Commissions.]

“His honor Mr. Justice Brenton, then administered the oath of office to the Honorable the Chief Justice in open Court ; and the oath of office was then administered by the Honorable the Chief Justice, to Acting-assistant Judge Archibald.”

RULES

OF

Supreme Court

ON

JURIES,

JANUARY 2, 1826.

—0000—

XX.

THE Sheriff will keep a list of persons qualified to serve as Grand Jurors, in which will be entered in alphabetical order, the names of all the principal merchants and gentlemen of the town ; and four days before the commencement of each term, a written summons shall be sent to twenty-three of the persons mentioned in this list (beginning with the letter A, and proceeding regularly through the whole alphabet) commanding them to attend the Court at the opening thereof. The persons so summoned will form the Grand Jury, for the whole term, and will be liable to attend the Court during the continuance thereof, at such times as the Judges shall direct.

XXI.

A Fine of from 50s. to £5 will be imposed upon every Grand Juror who shall neglect to attend the Court after having been regularly summoned to do so ; unless his absence shall be excused by a certificate of sickness, under the hand of a respectable medical practitioner, which must be delivered to the Clerk of the Court before the opening thereof : And if the non-attendance of the Juror shall appear to have been occasioned by any neglect of the summoning officer, the Court will inflict the same fine upon him which the Juror would have been liable to had the summons been regular.

XXII.

Special Jurors will be taken from the list of Grand Jurors in the following manner :— Beginning with the Gentleman whose name shall stand next on the list to the last Grand Juror, the Sheriff will summon eighteen persons to attend the Court on the day appointed for trial ; and whenever another Special Jury shall be ordered, the Sheriff will, in like manner, summon eighteen more of the Gentlemen on the Grand Jury list ; taking care to begin, in this instance, with the name of the person who shall stand next on the list to the last of the gentlemen on the former Special Jury : and repeating the same operation upon every other application for a Special Jury until he shall have gone through the whole list thereof. The names of the eighteen persons summoned to attend as Special Jurors, shall be put into a box ; and the first twelve that shall be drawn from thence shall form the Jury for the trial of the cause, unless a legal objection shall be made to any of them ; in which case the place of the party so objected to shall be supplied by another name to be drawn from the box. And if in consequence of challenge, or of the neglect to attend on the part of the Jurors summoned, twelve fit and proper persons cannot be found, the Court will, at the prayer of either party, direct the Sheriff to summon instantly a further number of persons from the list, sufficient to supply the deficiency.

XXIII.

Each of the twelve Special Jurors will be allowed one guinea, which will be paid to him at the time the verdict is delivered.

XXIV.

All persons possessing real property, to any amount, or occupying any house or tenement of the annual rent or value of twelve pounds, within three miles of the Court House, and the sons of all such persons, during their residence with their fathers, will be liable to serve as Petit Jurors, with the following exceptions :

All persons under 21 and above 60 years of age.

Magistrates.

Officers belonging to, and persons practising in, the Courts.

Clergymen, the Ministers of the Gospel in all Religious Congregations, and Schoolmasters.

Doctors of Medicine, and Practising Surgeons.

Persons whose names are enrolled on the lists of Grand and Special Jurors.

XXV.

The Sheriff will keep a list of all persons liable to serve as Petit Jurors, in which their names will be inserted in alphabetical order.

XXVI.

Four days before the commencement of each term the sheriff shall cause 18 of the persons whose names appear first on the Jury list (commencing with the letter A) to be summoned to attend the Supreme Court on the first day of its sitting ; and shall, in like manner, on each succeeding day, summon 18 more, according to the order in which they stand on the list, to attend the Court on the fourth day from the date of the summons.

XXVII.

When the Sheriff shall have gone through the whole list of Jurors he will, of course, repeat the same operation ; beginning from the top, and taking care that there shall always be eighteen persons summoned, in the mode already prescribed, to attend the Court every day during term.

XXVIII.

The summons shall be printed, or written, and delivered personally to the Juror, or to some member of his family, at his house, or usual place of residence.

XXIX.

The persons summoned shall be liable to attend the Court the whole day for which they are summoned.

XXX.

Before the trial of the first cause, the names of the 18 Jurors, written upon separate slips of paper, shall be put into a box by the Clerk of the Court, and the first twelve names drawn by him from thence shall, if there be no ground of challenge to any of them, form a Jury for the Trial of all causes which may be heard on that day; the Jury being, however, in EACH case, sworn to well and truly try the Issue joined between the Parties, and a true verdict to give, according to the Evidence.

XXXI.

If any of the Twelve persons whose names shall first be drawn from the box shall be set aside on account of challenge, their places shall be supplied by some of the remaining six, whose names shall afterwards, in like manner, be drawn from the box: and if by these means the number of twelve competent Jurors cannot be completed from the persons summoned, the Court will direct the Sheriff to make up the Jury from the persons then present in Court.

XXXII.

To render the attendance as easy as possible to the Jurors, the Court will, as soon as a Jury of twelve persons shall have been formed, permit the rest of the persons who were summoned to return to their homes; and if upon a subsequent trial, any members of the original Jury should be objected to on the ground of interest towards either of the contending parties, their places shall be supplied by a Tales de circumstantibus.

XXXIII.

On the other hand the Court will most rigidly enforce the attendance of Jurors by imposing a fine of Thirty Shillings in every instance where the absence of the Juror shall not be excused by illness, to be certified to the Court, before the hour when the party was bound to attend, under the hand of some respectable Medical Practitioner. The fine to be immediately levied by distress: and where sufficient Goods cannot be found to satisfy the distress, the party against whom it issued shall be imprisoned, under an Order of Court, for the space of 48 hours.

XXXIV.

If the non-attendance of the Juror shall have been occasioned by any culpable neglect on the part of the summoning Officer, the latter shall be subject to precisely the same fine and penalties as the former would have been liable to had he been duly summoned.

XXXV.

A charge of One Guinea for the Jury will be allowed in the bill of costs, in every case where the party shall not be excused, on the score of poverty, from paying fees to any Officer of the Court.

R. A. TUCKER.

J. W. MOLLOY.

A. W. DES BARRES.

RULES of COURT of January 30, 1830.

LVIII.

The manner in which the Grand, Special, and Petit Juries have hitherto been formed, under the alphabetical arrangement directed by the General Rules and Orders of the Supreme Court, having proved inconvenient and liable to objection, from often bringing together several members of the same family on the same Jury,—The Judges have thought proper to direct: That ten days before the commencement of the next Term, the Sheriff shall, in Chambers, and before one of the Judges, cause the names of all the persons standing upon the list of persons qualified to serve as Grand Jurors to be put into a box, from which he will draw the names of Twenty-three persons, rejecting in the course of such drawing any surname corresponding with one previously drawn; which twenty three persons, when so drawn, shall constitute the Grand Jury for the Term.

In forming the Grand Jury for each succeeding Term, the Sheriff will exclude from the box the names of those persons who composed the preceding Grand Jury—which names shall not be returned to the box until the original list shall have been completely drawn from thence.

LIX.

When Special Juries shall be applied for, the Sheriff shall put into a box the names of all the persons on the list of Grand Jurors, and draw from thence, in the presence of one of the Judges, the names of eighteen persons, (rejecting, in like manner as in the case of Grand Jurors, any surname corresponding with the one previously drawn on the same Jury;) and the names of the persons forming such Jury will not be returned to the box until the whole list of Jurors shall have been exhausted.

LX.

In forming the Petit Juries for each day of every Term, the Sheriff will, ten days before the commencement of the Term, in the presence of one of the Judges in Chambers, put the names of all the persons liable, under the General Rules and Orders of the Court, to serve as Petit Jurors, into a box, and draw from thence the names of eighteen persons, to compose the Jury for the first day of the Term, and a like number for each succeeding day thereof, (taking care to reject any surname previously drawn for that Jury,) until the whole list shall have been drawn from the box, when the names already drawn will be returned to it, and the same operation repeated for the forming of future Juries.

LXI.

All the Regulations prescribed by the General Rules and Orders of this Court, in relation to Juries of every description, which have not been expressly altered by the three foregoing Rules, will continue in full force.

R. A. TUCKER, Chief Judge.

A. W. DES BARRES, Assistant Judge.

E. B. BRENTON, Assistant Judge.

NEW RULES of January Term, 1834, on JURIES. [9]

I.

It is ordered that the 1st, 2nd, 3rd, 4th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 22nd, 26th, 27th, 29th, 30th, 31st, 32nd, 39th, 40th, and 59th Rules of the Supreme Court, made on the 2nd January, 1826, and 12th January, 1830, be rescinded.

IX.

And it is further ordered, that a panel of 48 Jurors shall be summoned by the Sheriff eight days previous to the sitting of the Court, for the trial of all issues joined therein.

X.

And it is further ordered, that in all time coming the manner of striking Special Juries, shall be as follows:—

The Sheriff shall put all the names of persons qualified to be Special Jurors into a box at the office of the Clerk of the Supreme Court, and in the presence of the parties or their attorneys, shall draw out forty names, and make a list of them as they are drawn; the plaintiff and defendant shall then alternately strike off a name, until each has stricken off 12, and the remaining sixteen shall then form the panel to be summoned by the Sheriff for the trial of the cause wherein such Special Jury shall have been ordered. Provided, that in case either party shall neglect to attend at the time and place appointed by the Sheriff for striking such Jury, due notice thereof having been giving, the Clerk of the Supreme Court shall, on behalf of the absent party, strike off the names of 12 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.

H. J. BOULTON, Chief Judge.

E. B. BRENTON, Assistant Justice.

E. M. ARCHIBALD, Assistant Judge.

Additional RULE of July, 1834.

—o—
XIII.

It is ordered, that the 5th, 6th, 7th, 8th, 9th, 19th, 23rd, 35th, 36th, 37th, 38th, 42nd, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, and 65th Rules of the Supreme Court, be rescinded.

H. J. BOULTON, Chief Justice,

E. B. BRENTON, Assistant Judge.

E. M. ARCHIBALD, Assistant Judge.

[2] *An Alphabetical List of GRAND and SPECIAL JURORS, for 1833.*

	<i>A.</i>		<i>K.</i>
Alsop, Robert Sen.		Kough, Patrick	
	<i>B.</i>	Kent, James	
Beck, Thomas		Kent, John	
Boyd, John			<i>L.</i>
Brown, Robert		Langley, Richard,	
Bland, John B.		LeMessurier, Peter	
Brine, John sen.		LeMessurier, Abraham	
Briue, Robert sen.		Langley, William	
Brine, Robert jun.			<i>M.</i>
Brine, John jun.		M'Gibbon, John	
Bulley, John B.		Morris, Patrick	
Bowring, Charles		M'Lea, Kenneth	
Bennett, Thomas		M'Bride, James	
Bennett, Charles Fox		M'Callum, Charles	
Boag, James		Morris, Simon	
	<i>C.</i>	Mudge, Nicholas	
Calver, William		Murch, Hannibal	
Clift, James		Marrett, D. P.	
Cruden, James		Makellar, Dugald	
	<i>D.</i>	M'William, John	
Doyle, Patrick		Morgan George	
Dunscomb, John			<i>N.</i>
	<i>E.</i>	Nichols, John	
Eales, John jun.			<i>O.</i>
	<i>F.</i>	O'Brien, Lawrence	
Frances, Edward			<i>P.</i>
Fergus, James		Perchard, Richard jun.	
	<i>G.</i>		<i>R.</i>
Gaden, Garland C.		Rendell, John jun.	
Gaden, William Hart		Richards, William	
Gill, Nicholas		Rendell, John M.	
Gill, Nicholas jun.			<i>S.</i>
Grieve, James J.		Sinclair, John	
Grieve, Walter		Shea, John	
	<i>H.</i>		<i>T.</i>
Hawson, Henry		Tobin, James	
Hogan, Timothy		Trimingham, Ralph	
Howley, John		Thomas, Henry P.	
Hutchings, Monier		Tremlett, John B.	
Howley, Richard		Thomas, William	
Hunt, Richard F.			<i>W.</i>
	<i>J.</i>	Winton, Henry	
Jennings, John		Warren, William Jun.	
Jordan, William		Williams, Thomas	
Job, Robert		Wilking, N. H.	
Job, Thomas		Warren, John.	

[3] *List of GRAND JURORS for Monday the 30th December, 1833, summoned on Tuesday, 24th.*

—0000—

William Warren, jun.

James Clift,

Henry Winton

Monier Hutchings

Nicholas Gill

John B. Bland

Charles Bowring

Thomas Beck

Peter LeMessurier

Henry P. Thomas

William Richards

John Howley,

John Nichols

D. P. Marett

John M. Rendell

Alexander M'Gregor

James Kent

John B. Tremlett

Thomas Job

James Cruden

Benjamin I. Williams

William Hart Gaden

Charles M'Callum

Simon Morris.

[4] *List of PETIT JURIES for December Term of the Supreme Court, 1833.*

—0000—

John Berrigan

Patrick Furlong

Thomas Ryall

Thomas Grace

Adam M'Larty

John Rendell

James English

Thomas Mallowney

Thomas Flahavan

Thomas Allen

Robert Murphy

Patrick Culleton

Garrett Dooley

John Gregory

John Eales

John Halligan

Richard Comerford

James Moore

John Kelly

Thomas M'Grath

Timothy Kelly

Patrick Summers

Thomas Potts

Maurice Cummons.

Thomas Kickham

John Lang

Thomas Edstrom

George Lewis

Clement Casey

Patrick Byrne

William Buckley

James Tubrid

Patrick Maher

Richard Trelegan

Robert Radford

Valentine Merchant

Stephen Ryan

John Westcott

Patrick Gleeson:

Andrew Stewart

Edward Rennell

John Bovey

Thomas Knight

William Clooney

James Fogarty

Patrick Flinn

Lawrence Macassey

James Lacey.

[5] **GRAND JURY PANEL, Supreme Court, for 9th July, 1834, summoned on 1st July, 1834.**

—0000—

Robert Alsop, jun.	James Tobin,
Benjamin Bowring	John Shea,
John Brine, jun.	John Dunscomb,
Charles M'Callum	John Howley,
Robert Brine, sen.	John B. Garland
Ralph Trimmingham,	John B. Tremlett
Abraham LeMessurier,	John Kent,
William Kydd	William Calver,
John Rendell, jun.	Charles Fox Bennett,
Thomas Job	Thomas Bennett,
Nicholas Gill, jun.	James Fergus,
Thomas Williams,	James Clift,

[6] **List of GRAND JURORS for 14th October, 1834.**

—0000—

Nicholas Gill, jun.	The Hon. John Bingley Garland, Esq.
John Rendell, jun.	John Dillon
John Eales, jun.	Charles Bowring
William Jordan,	John Shea
Thomas Williams	Richard Langley,
Joseph Gill	Henry Hawson,
James Tobin	John B. Tremlett,
John Brine,	John Bulley,
Robert Job, Esq.	Thomas Bennett, Esq.
William Calver	William J. Hervey
John Brine	John Kent,
John Boyd,	Robert Alsop, jun.

[7] *Panel of GRAND JURORS to serve in the Supreme Court, (19th Nov., to 6th Dec., 1834.)*

—0000—

The Hon. William Thomas
Abraham LeMessurier,
The Hon. John Dunscomb,
James M'Bride, Esq.
Patrick Morris, Esq.
William Warren
Nicholas Mudge
John Jennings, Esq.
Ralph Trimmingham,
Patrick Doyle, Esq.
Daniel P. Maret
John Howley,

Robert Briue, sen.
Garland C. Gaden
Thomas Job
William Warren, sen.
Simon Morris
Timothy Hogan
John Nichols
Henry Winton
William Kydd
Charles F. Bennett, Esq.
James Clift,
Charles M'Callum

[8] *ACTING ASSISTANT JUDGE ARCHIBALD'S COMMISSION.*

(COPY.)

(L. S.)
THOS. COCHRANE.

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

To our trusty and well-beloved EDWARD MORTIMER ARCHIBALD, Esquire, Greeting :

We, reposing especial trust and confidence in your loyalty, integrity and ability, have constituted and appointed, and do by these presents constitute and appoint you, the said Edward Mortimer Archibald, to be Acting Assistant Judge of our Supreme Court of our Island of Newfoundland, in the room of Augustus Wallet Des Barres, Esquire, who is at this time absent from his said office by permission, to have, hold exercise, and enjoy the said office of Acting Assistant Judge, with all the rights, profits, privileges and advantages unto the same belonging, for and during the term or session of our said Supreme Court, which we have appointed to be holden at St. John's, in our said Island, on Monday, the 30th day of December next ensuing, and to continue until Saturday, the 25th day of January following, or during our pleasure, and so long as you, the said Edward Mortimer Archibald, shall execute the aforesaid office in your own person, except in case of sickness or other incapacity, for which this shall be your Warrant.

In testimony whereof We have caused these our Letters to be made Patent under the Great Seal of our said Island.

Witness, our trusty and well-beloved Sir Thomas John Cochrane, Knight, our Governor and Commander-in-Chief in and over our said Island and its Dependencies, at St. John's in our said Island, the 28th day of December, 1833, in the Fourth year of our Reign.

By His Excellency's Command,

JAMES CROWDY.

EDWARD MORTIMER ARCHIBALD, Esq.,
to be Acting Assistant Judge of the Supreme Court of Newfoundland.

A True Copy.—JAMES CROWDY.

[9] *Original Form of Attachment.*

GEORGE THE FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.

—000—

To the Sheriff of Newfoundland, and his Deputy and Deputies, Greeting :

COMMAND

that justly and without delay of
keep with the promise
made by the said
with the said
according to the force, form and effect thereof, as more fully appears by the affidavit
of the said and if

shall refuse to keep the same, then command to appear
in our Supreme Court of Judicature, in St. John's, on the day of
to shew cause wherefore will not do it.

And you are commanded and required to attach and safely keep so much of the Goods, Debts, and Effects of the said

in your hands, or in the hands of any other person or persons, as may be sufficient to satisfy the said debt, together with the Cost of this suit ; *saving and excepting all Boats, Tackle, and Apparel, and all other conveniences and things used in or necessary for the business of the Fishery* ; and also to make return of what you shall do upon this Writ, at the time and place abovementioned.

Witness, the Honorable
St. John's, Newfoundland, the day of in the
Year of our Reign.

By the Court.

Clerk Supreme Court.

N. B.—A Bill of particulars of Plaintiff's demand, must always be annexed to this Writ, upon its first issuing; and a copy of the Writ must also be left with the Defendant.

[10] *Form of Subpœna issued by the Grand Jury of November, 1836, on Political Investigation.*

TO

By virtue of His Majesty's Writ of Subpœna to you directed, and herewith shewn unto you, you are to be and appear in your proper person in the Honorable the Supreme Court of Newfoundland, at St. John's, in the Island of Newfoundland, on

the day of by
of the Clock in the forenoon of the same day, to testify the truth, and give evidence before the Grand Jury, touching and concerning certain Misdemeanors and Inquisitions on behalf of our Sovereign Lord the King. And this you shall by no means omit, under the penalty of One Hundred Pounds

Witness, the Honorable
Judge of the Supreme Court,
Newfoundland, the day of 183 .

By the Court.

Clerk Supreme Court.

Attachment in Assumpsit.

SUBPŒNA TICKET—SUPREME COURT.

[11] EXTRAORDINARY PROCEEDINGS OF THE GRAND JURY OF THE AUTUMNAL TERM OF THE SUPREME COURT, 1836.

—o—

Exchange Buildings, 3rd August, 1837.

At a meeting held this day, in accordance with a requisition addressed to the Foreman of the Grand Jury of the Supreme Court for the Fall Term of 1836, signed by Eleven Members of that Jury—

Present :

Hon. John Sinclair, Chairman, and Foreman ; Messrs. G. Clapp, Bulley, John Wyatt, A. LeMessurier, Lawrence O'Brien, Richard Howley, Charles Bowring, Robert Brine, William Jordan, Robert Job, Ewen Stabb, W. Richards—

It was Resolved—

1st.—That the present meeting have seen with surprise and indignation, a statement made in the *Acadian Telegraph*, of the 7th July, said to have been copied from a Petition to the House of Commons, from this Country, to the purport that the Grand Jury, had protested against the representations made by the Chief Justice *BOULTON, in his opening Charge to the Court, referring to the tumultuous proceedings at the Elections.

2nd.—*Resolved*—That as no such protest was ever made by the Grand Jury, the present Meeting deem it a duty they owe themselves, at once flatly to contradict it ; and as the Chairman has not been able to obtain a copy of the petition to lay before this meeting—

Resolved—That this meeting do adjourn to Saturday next, at One o'clock, to receive the Petition, and then to offer such opinion thereon as may be called for.

JOHN SINCLAIR, *Chairman.*

[12]

Saturday 5th August, 1837.

ADJOURNED MEETING OF THE GRAND JURORS FROM THE MEETING OF THE 3RD INST.

Present.

Mr. Sinclair, Chairman ; Mr. Williams, Mr. Jorden, Mr. Bulley, Mr. LeMessurier, Mr. R. Job, Mr. Richards, Mr. Stabb, Mr. Bowring, Mr. G. Clapp, Mr. Scott, Mr. Rennie.

The minutes of the former meeting were read and approved.

The Foreman having stated to the meeting that he, with other members of the Grand Jury, had carefully examined the Copies of the Petitions at the Colonial Secretary's Office,† none of which was addressed to the House of Commons, or accompanied by statements on oath ; neither did those addressed to his Majesty contain any such statement that the Grand Jury had protested against Chief Justice Boulton's address to them.

Resolved—That it is therefore the opinion of this meeting that the statement made in the *Acadian Telegraph*, must either be the result of false communications sent to the Editor, or else a fabrication of his own.

Resolved—That copies of the above resolutions be published, together with a copy of the report made by the Grand Jury to the Supreme Court, at the close of the Session in January last, and that the same be sent to Mr. Thompson, the Editor of the *Telegraph*.

* The *Telegraph*, in giving a summary of the Harbor Grace Petition gave the word "BOULTON," through mistake, for "BRENTON," in the 11th paragraph.

† A reference to the following correspondence clearly proves that both these statements are directly opposed to the truth, although made by the Foreman, a Member of her Majesty's Council, and the following Affidavit, sworn by EIGHTEEN individuals, Clergymen, Representatives, and others, shows that this Jury were looked on as Partizans.

[13] PRESENTMENT OF THE GRAND JURY.

The present term of the Supreme Court being about to close, the Grand Jury cannot terminate its labors, or take leave of the Court without expressing the high satisfaction which the Jurors feel at the prompt and efficient manner their several presentments have been attended to by the Court.

The Grand Jury, in the course of its investigations, have been deeply impressed with the very inefficient state of the Police and Constabulary force of this town and district. The Jurors therefore present the same in the hope that the Court will be able to adopt measures, not only to augment their numbers, but to enforce the vigilance and discipline of such few by concentrating its operation more immediately under the guide and direction of the Police Magistrates, than, by the evidence adduced before them, connected with the late riots and tumults, the Jury have strong reasons to believe have heretofore been the case—and which has caused the Police authority to be more contemned and ridiculed, than feared or respected.

The Grand Jury in presenting the state of the Police and Constabulary of Saint John's, must at the same time refer to the Presentment of the District of Conception Bay, particularly Harbor Grace and Carbonear on that point, when it has been made clear to the Jurors, all law, rule, and order, have been set at open defiance, where, besides a Police or Constabulary establishment, little of any thing short of a military force can insure protection to life or property; and where the Jury are of opinion the constituted authorities are not in all respects the best suited or qualified for the offices which they are appointed to fulfil.

(Signed)

JOHN SINCLAIR,

Foreman.

Grand Jury Room, }
January 6, 1837. }

[14]

St. John's March 28th, 1837.

SIR,—At the request of Mr. William Harding, Roger Thomey, and William Saunders, who are suffering in our wretched Prison under a sentence of twelve months' imprisonment, I beg you will have the goodness to hand his Excellency the Governor their Petitions to his Majesty, praying a reversal of the Judgment of the Supreme Court, or at least the extension of the Royal Prerogative of mercy in their regard.

With these Petitions I have the honour to send also, for the perusal of his Majesty's Government, the *Patriot* Newspapers dated February 25th and March 4th, the former of which contains a Report of the trial, and the latter the correction of an error which crept into the former publication, and with which correction, I have verified by affidavit (which I also send) the published report.

With Thomey's Petition I am instructed to send in two other affidavits of Thomas Lynch and Michael Neill, of Harbor Grace, of his innocence of the assault on Goss; and also, I have the honour to send the affidavit of Mrs Shortall, on the subject of a refusal to prevent her getting in pure water to her husband.

On the subject of the water I am requested to solicit the intervention of his Excellency the Governor; the prisoners have learned that, since the publication of their complaint on that head, the Hon. the Chief Justice and the District Surgeon have been examining the

water of the Gaol Pump, but they beg to say that it is not by *once sipping* the water its properties can be discovered—nor can they permit the judgment of either the Hon. Judge or the District Surgeon to be conclusive upon its character any more than their own, until these gentlemen give their opinions either scientifically, or *upon equal terms*.

Either, then, let the Hon. Judge and the District Surgeon learn the properties of the water by a proper Chemical analysis, or if not, let them pass a week or two using no other beverage to slake their thirst, while their food shall be unchangingly coarse brown bread and broggo, and then, and only then, will the prisoners consider them proper judges of the quality of the water.

They therefore humbly beg his Excellency will be pleased to order that the District Surgeon shall analyze the water by proper chemical process, and report the component parts of the water and the medical properties of the compound, and they would also beg that all the other medical gentlemen in St. John's be requested severally to report in like manner, and convinced are they that the result will prove the correctness of their allegations on the subject.

It is not a little remarkable that a short time after the incarceration of these poor fellows, the District Surgeon told those who were in the cell in which Mr. Harding was confined, that the water was highly injurious and must be changed, and this fact, it appears, both Harding and his fellow-prisoners are ready to prove on oath, if required, and yet they understand, that on the occasion of visiting with the Hon. Judge and *sipping* the water again, he has altered his opinion.

At all events, there is one thing quite clear, that the water has *at all times* been strongly objected to by the prisoners, and the circumstance of the filthy contents of the sewer of the house of office of the High Sheriff having burst up through the Gaol Yard within a few feet, or a few yards of the Pump, within a week, does not much tend to diminish the prejudice conceived against it, and therefore it would appear that the substitution of the water of Bell's Shute, which is hardly one hundred and fifty yards off, as it would be substituting a water universally *known* to be wholesome for one that has, by so very many, been deemed deleterious, and as it would, after all, be nothing more than rendering *sure* the fulfilment of the Dietary Rule of the Supreme Court, is imperatively called for, not only to satisfy the ends of justice but of humanity.

Harding likewise requests his Excellency will have the goodness to transmit, with these Petitions, his Petition to his Excellency for mercy, by the earliest opportunity.

I have the honour to remain,

Your most obedient servant,

J. V. NUGENT.

JAMES CROWDY, Esq., Secretary.

SIR,—By the respective Committees of Carbonear, Harbor Grace and Brigus, I have been honoured with the commission of laying before his Excellency the Governor the Petitions of those Towns in Conception Bay, to his Majesty, on the subjects of the Elections, and the administration of Justice during the last term of the Supreme Court, and praying for a remission of the fines and other punishments awarded for Election offences, particularly on Harding, Thomey, and Saunders, now in the prison of St. John's, &c., with a request his Excellency will be pleased to transmit them, at his earliest convenience, to His Most Gracious Majesty.

The Carboner Petition is signed by 1086 inhabitants, that of Harbor Grace by nearly 400, and that of Brigus by 500, while that copy of it which goes to the Commons contains nearly 800 signatures, as the people of Harbour Main signed only one copy.

With these, I beg also to lay before his Excellency copies of those, which as they had not been transcribed until they reached St. John's I found it almost impossible to have completed in manuscript in time for the *Sarah*, which sails the day after to-morrow, I have taken leave to send the *Patriot* Newspaper of March the 11th, containing in the second page a copy of that from Harbour Grace to the House of Commons which, *mutatis mutandis*, is a literal copy of the one that accompanies this.

I have the honour to remain,

Your most obedient servant,

J. V. NUGENT,

JAMES CROWDY, Esq., Secretary.

Secretary's Office, 30th March, 1837.

SIR,—I beg to acknowledge the receipt of your letters of the 28th instant, together with the Petitions and other documents to which they have reference, and to acquaint you that having laid them before the Governor, I am directed to inform you that his Excellency will take an early opportunity of transmitting them to his Majesty's Government.

I have the honour to be, Sir,

Your most obedient servant,

JAMES CROWDY.

JOHN V. NUGENT, Esq., &c. &c.

March 31, 1837.

SIR,—The enclosed affidavit of Peter Brown, Esq., one of the Representatives of Conception Bay in the House of Assembly, has been just now handed me, and as it has reference to that part of the case of Harding, where lay the gist of the charge against him, I hasten to place it in the hands of his Excellency, in order that it may accompany the other documents connected with the petition.

It is only right to mention that this affidavit was filed in Court previously to the passing Judgment on Harding, the present therefore is a copy taken by the Commissioner before whom it was sworn.

I have the honour to remain, Sir,

Your most obedient, humble servant,

JOHN V. NUGENT.

JAMES CROWDY, Esq., Secretary.

Secretary's Office, 3rd April, 1837.

SIR,—I have received and laid before the Governor the copy of an affidavit made by Peter Brown, Esq., forwarded in your letter of the 31st ult.

I have the honour to be, Sir,

Your very obedient servant,

JAMES CROWDY.

JOHN V. NUGENT, Esq., &c., &c.

[15]

Copy of *AFFIDAVIT*

—0000—

IN THE SUPREME COURT.

The King,
versus*Patrick Morris, and others.* }

Patrick Morris, John Kent, Patrick Mallowney, Edward Troy, James Leasy, Patrick Power, Patrick Brazil, Thomas M'Grath, John Casey, Michael Allen, jr., James Hally, John O'Mara, Michael Allen, sen., Roger Flahavan, Patrick Kelly, William Carson, Patrick Ward, Patrick Doyle :

The above Defendants in this cause make Oath and say, that the charge alleged and upon which the present indictment has been founded, arises out of the circumstances of the late Election—the then successful candidates, John Kent, William Carson and Patrick Morris, and a portion of the Election Committee of the said Candidates, having had true bills returned against them, by a Grand Jury principally composed of two of the defeated candidates, and a portion of their committee, for attending a meeting held for the purpose of canvassing the Electors of River head. Deponents further say, that this cause being evidently one arising from party feeling, and the Special Jury Panel being composed principally of persons in the interest of the defeated candidates, deponents consider it would be conducive to the ends of Justice, to have the trial thereof take place in St. John's ; and when they reflect that all the defendants with one exception are Catholics, and that beside the present Representatives of this district and the Members of their committee above adverted to, two Catholic Priests are included in the indictments, they, deponents, regard the striking out by the Crown of every catholic name from the Special Jury that had been drawn, in this cause, and the leaving the Jury appointed for the trial exclusively Protestant, as justly calculated to remove that confidence in the impartiality of the Tribunals of Justice, which ought to sustain the accused.

*William Carson
*Patrick Morris
†Patrick Ward
‡Patrick Doyle
James Hally
Thomas M'Grath
James Leasy
Michael Allen, jun.
Michael Allen, sen.

*John Kent
Patrick Kelly
Patrick Mallowney
§Edward Troy
Patrick Power
Patrick Brazil
John Casey
John O'Mara
Roger Flahavan.

Sworn before me, this 4th day of January, 1837.

EDWARD M. ARCHIBALD,
Commissioner.

—000—

I certify the above to be a true copy of the original Affidavit remaining on the files of my Office.

St. John's, October 16, 1837.

E. M. ARCHIBALD,
Chief Clerk and Registrar Supreme Court.

* The successful Candidates at the Election (18th November, 1836) for the District of St. John's.

† Catholic Clergyman of Brigus.

‡ Member for Placentia and St. Mary's.

§ Catholic Clergyman of St. John's.

[16]

Copy of INDICTMENT.

—000—

The King against Patrick Morris and others for a Misdemeanor.

Newfoundland. }
St. John's, to wit. }

The Jurors of Our Lord the King, on their oath, present that Patrick Morris, of St. John's, in the Island of Newfoundland, Esquire, Patrick Doyle, of the same place, Esquire, John Kent, of same place, Merchant, William Carson of same place, Doctor in Medicine, Edward Troy, of same place, Roman Catholic Priest, Patrick Ward, of the same place, Roman Catholic Priest, Michael Allen the elder, in the same place, Yeoman, Michael Allen the younger, of the same place, Yeoman, Roger Flahavan, of the same place, Yeoman, James Leasy, of the same place, Dealer, James Hally, of the same place, Dealer, Patrick Brazil the elder, of the same place, Cooper, Thomas M'Grath, of the same place, Dealer, Patrick Lyons Power, of the same place, Dealer, John Casey, of the same place, Yeoman, Patrick Kelly, of the same place, Cooper, John Power, of the same place, Blacksmith, Patrick Mallowney, of the same place, Dealer, and John O'Mara, of the same place, Dealer, together with divers other persons, to the Jurors aforesaid as yet unknown, to the number of three hundred and more, being of ruly and turbulent tempers and dispositions, and unlawfully and wilfully intending to disturb and disquiet the liege subjects of our Lord the now King, and to disturb the peace of our said Lord the King, on the 23rd day of October, in seventh year of the Reign of Our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, the same day being the Lord's Day, commonly called Sunday, with force and arms at St. John's aforesaid, in the said district of the Island aforesaid, then and there unlawfully, wilfully, and of purpose aforesaid, did assemble and meet together in the public streets, common highways and fields, and then and there being so assembled and gathered together as aforesaid, did make great noises, tumult, and disturbance, for a long space of time, to wit, for the space of four hours and more, during time of Divine Service, to the great disquiet and disturbance of his Majesty's liege subjects then and thereabouts inhabiting, residing, abiding and living, in profanation of the Lord's Day aforesaid, in contempt of our said Lord the King and his laws, to the evil example of all others in like case offending, and against the peace of our said Lord the King, his Crown and Dignity.

—000—
 GRAND JURY ROOM, 20th December, 1836.

A TRUE BILL.

JOHN SINCLAIR,

Foreman.

VERDICT:

PATRICK LYONS POWER—Guilty.
 The other Defendants—Not Guilty.

(Signed)

H. J. BOULTON, Ch. J.

[17]

Copy of INDICTMENT.

—000—

The King against Robert Pack, Esq., James Power, Esq., Roger Thomey, Edward Hayden, William Harding, John Meany, Michael Marshall, William Saunders Patrick Knox, Andrew Quirk—for a Riot and Assault.

Newfoundland. }
St. John's, to wit. }

The Jurors of Our Lord the King, upon their oath present, that Robert Pack, of Carbonear, in the Northern district of the Island of Newfoundland, Esq., James Power, of the same place, Esq., Roger Thomey, of the same place, cooper, Edward Hayden, of the same place, planter, William Harding, of the same place, victualler, John Meany, of the same place, planter, Michael Marshall, of the same place, planter, William Saunders, of the same place, labourer, Patrick Knox, of the same place, fisherman, and Andrew Quirk, of the same place, mason, together with divers other evil disposed persons, to the number of three hundred and more, to the Jurors aforesaid as yet unknown, being armed with clubs and sticks, and being rioters, routers, and disturbers of the peace of our Lord the now King, and disregarding the laws and statutes of the realm of this Island, on the First day of November, in the seventh year of the Reign of Our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms at Harbor Grace, in the Northern district of the Island aforesaid, unlawfully, riotously, routously, and tumultuously, did assemble and meet together to disturb the peace of our said Lord the King, and then and there being so assembled and gathered together did then and there make a great noise, riot, tumult, and disturbance, and then and there unlawfully, riotously, routously, and tumultuously remained and continued together, making such noises, riot, tumult, and disturbance for a long space of time, to wit, for the space of three hours and more, then next following, to the great terror and disturbance not only of the liege subjects of our said Lord the King, then and there and thereabouts inhabiting, residing, and being, but of all the other liege subjects of our said Lord the King, there passing and repassing in and along the public streets and King's common highways, there and then and there in and upon James Coborn, James Hipplesley, George Hipplesley, Thomas Godden, Henry Stowe, George Tapp, Simon Levi, William Stowe, Henry Davis, and George Kitchen, in the peace of God and our said Lord the King, then and there being unlawfully, riotously, and routously, did make an assault, and then the said James Coborn, James Hipplesley, George Hipplesley, Thomas Godden, Henry Stowe, George Tapp, Simon Levi, William Stowe, Henry Davis, and George Kitchen, then and there unlawfully, riotously and routously, did beat, wound and ill treat, to the great danger of their lives; and other wrongs to the said James Coborn, James Hipplesley, George Hipplesley, Thomas Godden, Henry Stowe, George Tap, Simon Levi, William Stowe, Henry Davis, and George Kitchen, then and there unlawfully, riotously, and routously, did to the great damage of the said James Coborn, James Hipplesley, George Hipplesley, Thomas Godden, Henry Stowe, George Tapp, Simon Levi, William Stowe, Henry Davis, and George Kitchen, in contempt of our said Lord the King and his laws, to the evil example of all others in like case offending, and against the peace of our said Lord the King, his Crown and Dignity.

GRAND JURY ROOM, St. John's, 20th December, 1836.

A TRUE BILL.

JOHN SINCLAIR,
Foreman.

VERDICT:

Robert Pack and James Power—Not Guilty.

Roger Thomey, William Saunders, and William Harding—Guilty.

*tumultuous*Edward Hayden John Meany, and Andrew Quirk—Guilty of an *unlawful* assembly.

H. J. BOULTON, Ch. J.

A true Copy.—E. M. ARCHIBALD, Chief Clerk and Registrar Supreme Court.

August 28, 1837.

—000—

[18]

Copy of INDICTMENT.

Rex versus JAMES DUFFY and others, Misdemeanor.

Newfoundland. }
St. John's, to wit. }

The Jurors of our Lord the King, upon their oath, present that James Duffy, late of St. Mary's, in the Southern district of the Island of Newfoundland, a Roman Catholic Priest, Michael Christopher late of the same place, fisherman, otherwise called Michael Yetman, Patrick Tobin, of the same place, fisherman, John Bowen, of the same place, fisherman, Stephen Connors, of the same place, fisherman, Thomas Murry, of the same place, fisherman, Thomas Whelan, of the same place, fisherman, James Feagan the elder, of the same place, fisherman, John Bishop, of the same place, fisherman, and Geoffrey Quilty of the same place, fisherman, together with divers other persons to the number of sixty, to the Jurors aforesaid as yet unknown, being rioters, routers, and disturbers of the peace of our Lord the King. on the thirtieth day of January, in the fifth year of the Reign of Our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms at St. Mary's aforesaid, in the said district of the Island aforesaid, unlawfully, routously and riotously, did assemble and gather together to disturb the peace of our said Lord the King, and being so then and there assembled and gathered together, unlawfully, riotously and routously, did begin to pull down, demolish, and destroy, a certain building erection, and fish flake, then and there situate, in the possession of Robert Slade, John Elson, John Harrisson, Mark Seager, and William Major, Merchants and Co-partners, and did then and there at the time and place aforesaid, unlawfully, riotously, pull down, demolish, and destroy a large portion and part of the said building erection, and fish flake, to wit, one hundred feet by the length, and twenty-four feet by the breadth, and other wrongs to the said Robert Slade, John Elson, John Harrisson, Mark Seager, and William Major, then and there did to their great damage, in contempt of our said Lord the King and his laws, to the evil example of all others in like case offending, and against the peace of our said Lord the King, his Crown and Dignity.

I certify that the foregoing is a true copy of the original Indictment remaining of Record in my Office.

St. John's, October 16, 1837.

E. M. ARCHIBALD,
 Chief Clerk and Registrar Supreme Court.

GRAND JURY ROOM, St. John's, 28th December, 1836.

A TRUE BILL.

ROBERT JOB,
 Foreman.

VERDICT,—Not Guilty.

(Signed)

H. J. BOULTON, Ch. J.

[19] **Copy of *AFFIDAVIT.***

—o—
IN THE CENTRAL DISTRICT OF NEWFOUNDLAND.

St. John's, }
to wit. }

John Valentine Nugent, of St. John's, in the Island of Newfoundland aforesaid, Gentleman, came before me, one of his Majesty's Justices of the Peace, and being sworn upon the Holy Evangelists, maketh oath and saith,

That Deponent attended at the Court House of St. John's, on Friday, the 30th day of December, 1836, during the whole time of the trial of the cause "*Rex versus Pack and others,*" and carefully and correctly reported the same, and which report has since appeared published in the Newfoundland *Patriot* Newspaper, of February 25th, 1837, entitled "*STATE TRIALS, No. 5.*"

That he, Deponent, further saith, that the said published report is correct, with the exception of that part which relates to the second finding of the Jury, which should be as follows—

"We find Robert Pack, and James Power, **NOT GUILTY.**

"William Harding, Roger Thomey, and William Saunders, **GUILTY.**

"Edward Hayden, John Meaney, and Andrew Quirk, **GUILTY OF A TUMULTUOUS ASSEMBLY,** with the explanation that the Jury consider the "**TUMULTUOUS ASSEMBLY**" took place only on the Beach of Harbor Grace—They don't find that the original intention was unlawful."

And upon this finding having been detailed to the Honorable Court, Mr. M'Bride, a Gentleman of the Special Jury, further explained—and which explanation was acceded to by the Jury—"We are of opinion that there was no original intention to disturb the peace, when they were leaving Carbonear."

JOHN V. NUGENT.

Sworn before me, this
28th day of March, 1837,

PATRICK MORRIS, *J. P.*

—o—
Doctor *ROCHFORD'S* Affidavit.

—o—
IN THE ISLAND OF NEWFOUNDLAND.

St. John's, }
to wit. }

John Rochford, Doctor of Medicine and Member of the Royal College of Surgeons in London, formerly a student of the Universities of Dublin and Edinburgh, now upwards of twenty-one years a Practitioner of Physic, Surgery, and Midwifery, maketh Oath on the

Holy Evangelists of Almighty God, and saith—That he, deponent, on the night of the Fifth January last, was called to a consultation with Samuel Carson, a Graduate of Medicine of the University of Edinburgh, on the condition of a poor woman named Antell, who then had been *several hours in labour*.

That deponent immediately attended, and after the most painful and patient *investigation of her situation*, this deponent and the said Doctor Samuel Carson delivered her of her child—and this deponent saith, that the operation was performed with skill, caution, and judgment, and that the subsequent treatment of the said patient was skillful and judicious, and in strict accordance with the most approved principles of modern science and the rules of modern surgery.

Deponent further saith, that notwithstanding this case became the subject of the most malevolent insinuations of slander and calumny against this deponent and the said Doctor Samuel Carson, more especially among ladies closely associated with the family of the Hon. Henry J. Boulton, Chief Justice of Newfoundland.

This deponent further saith, that the said Dr. S. Carson traced the slander and calumny to the Medical Attendant of the family of the said Hon. Henry John Boulton, named Edward Kielly, who is and was likewise the Medical Attendant of the family of the Venerable Arch-deacon Wix, to whose lady the said Edward Kielly communicated in writing, a false and malicious report of this woman's case and disease.

And further, that Mrs. Wix addressed to two Medical friends of the said Edward Kielly, who had visited this patient at his instance and request, Notes, requiring answers to certain interrogatories there put in corroboration of the assertions of the said Edward Kielly, and as this deponent believed, with the intention to support proceedings at law against deponent and the said Dr. S. Carson.

Deponent further saith, that the said Dr. S. Carson brought an action for slander against the said Edward Kielly, in the Supreme Court, which came on for trial on the Twelfth day of May, before the Honorable Henry John Boulton, Chief Justice, and Assistant Judges Brenton and Lilly.

Deponent saith, that this cause occupied the greater part of two days—that he, deponent, being in Court on the morning of the second day of trial, heard the Hon. Henry J. Boulton read from his notes facts detailed by this deponent when examined as a Witness, on the preceding day, in a manner so materially and substantially different from that to which this deponent deposed, that he, deponent, although with much reluctance, had to interpose by a correction in that mode of putting his evidence—being for the purpose of obtaining thereon in a great measure, if not solely, the opinions of other medical witnesses; and saith, that on the evening of the same day, Plaintiff's case being in progress, the Judges and the Jury withdrew out of Court for a considerable time to take refreshments, and that on their return into Court the Plaintiff's Counsel announced his intention and wish to become Nonsuited, saying, the object of his client being enquiry, he now felt satisfied; which announcement caused the Hon. Henry John Boulton to give utterance to the following amongst many other angry, opprobrious, and calumnious expressions, viz: "I have," said he, "watched this case," meaning Mrs. Antell's disease, "from the commencement, and if she had died I would take care to have Bills of Indictment sent to the Grand Jury, and they should be found, too, and I would have the party tried for their lives, *perhaps hanged*—yes, hanged!" which excited the risibility of some persons in Court, and of one of the Bar in particular, who was addressed by the said Hon. Henry J. Boulton in terms of reprimand, and in a louder voice than before, he (Hon. H. J. Boulton) repeated, "Yes, hanged!"—That then the said Hon. H. J. Boulton, after much vituperation, proceeded to state, that an action lay against Doctor Samuel Carson, and Doctor Rochford, meaning deponent, at the suit of the said Mrs. Antell.

That the action so advised, was soon afterwards sued out and commenced, against Deponent and said Doctor Samuel Carson, in which, damages were laid at Five hundred pounds sterling, and the writ or process made returnable into the Central Circuit Court, where the said Hon. Henry J. Boulton alone presided.

Deponent further saith, that he and the other defendant pleaded, and filed affidavit, stating the necessity of procuring Medical evidence from *other districts*, on the matter at issue, and prayed that as the Central Circuit Court possessed no power of compelling the attendance of witnesses out of that District, the cause might be transferred to the Supreme Court, to afford Defendant an opportunity of summoning persons qualified to give evidence on the matter in dispute.

That this application was immediately refused, and the cause set down for trial on the next day but one, and the last but one, of the then term of the Central Circuit Court.

That Defendants were thus pressed forward unprepared, and without witnesses, or a power to compel the attendance of Medical Gentlemen, resident out of the Central district, whose testimony would be most essential, to the ends of Justice. The Public mind at the same time much excited and divided, owing to *exparte* statements published by Newspapers in the pay or interest of the moving party in the plot.

Deponent further saith, that although he is unwilling to entertain a belief that the said Hon. Henry J. Boulton, was cognizant of any part of this conspiracy against Defendants, yet this Deponent, from the facts set forth, unequivocally and candidly declares his want of confidence in the impartiality of the said Hon. Henry J. Boulton, to try this action, which he in open Court, as already stated, advised against this Deponent and the other Defendant therein, namely, the aforesaid Doctor Samuel Carson.

This Deponent further saith, that this is the first occasion on which he either signed, or forwarded any communication of complaint or censure to his Majesty's Government, against any Functionary, for the last fifteen years.

JOHN ROCHFORD.

Sworn before me, this
13th day of July, 1837,

P. W. CARTER, *J. P.*

[21] TO THE QUEEN'S MOST EXCELLENT MAJESTY IN PRIVY COUNCIL ASSEMBLED.

The humble Petition of the undersigned SAMUEL CARSON, of Saint John's, in Her Majesty's Island of Newfoundland, Doctor of Medicine, Surgeon, and Obstetrician :

Sheweth—

That your Majesty's Petitioner is a Medical Practitioner at St. John's duly qualified by Diploma and Degree of the University of Edinburgh, to practise Medicine, Surgery, and Midwifery, and has passed seven years in the practice of the several branches of the medical profession, and by his close attention and great success has arrived at the most extensive practice in the Capital of the Island.

Your Majesty's Petitioner further saith, that his exceeding success drew upon him the secret as well as the overt hostility of one individual in the practice of Surgery and Midwifery in the town of St. John's, and the occasion of the instrumental delivery of one Jane Antell, on the Fifth day of January now last past, was used as an opportunity of open attack upon the professional character of your Majesty's Petitioner.

That your Majesty's Petitioner acted merely as assistant in the operation upon the occasion adverted to, but being then only recently recovered from a severe attack of fever, and continuing in a very weak state, and quite unable to use that exertion then necessary, Petitioner recommended that another Medical Gentleman should be called in, and that John Rochford, M. D., was in consequence called in and employed, and that subsequently your petitioner merely acted as the assistant of the said Dr. John Rochford.

Your Majesty's Petitioner further saith, that the operation was absolutely necessary to preserve the life of the woman, and was performed strictly according to the most approved principles of science, and with consummate skill, and that the subsequent treatment was according to the usual practice, and that no injury of any sort had been inflicted by the use of instruments, nor by any means induced by neglect.

Your Majesty's Petitioner further saith, that he had heard and firmly believes, that Mrs. Eliza Boulton, wife of the Hon. Henry John Boulton, and Mrs. Fanny Wix, wife of the Venerable Archdeacon Wix, under the pretence that the former was President, and the latter Secretary, of the Indigent Sick Society, visited Mrs. Antell, and made examination into the condition of the patient, and that subsequently Mrs. Wix addressed notes to three medical men, to report thereon to them, and that one Edward Kielly, a reputed Surgeon and Obstetrician, reported that Mrs. Antell's condition arose from improper use of instruments, and that the said Edward Kielly used other slanderous expressions orally, derogatory to your Petitioner's professional character.

Your Majesty's petitioner further saith, upon learning these attempts to effect his ruin, he commenced collating the evidence necessary to sustain an action of Damages for the injury, and while so employed, and while your Petitioner's intention was publicly known, he heard and firmly believes, that the Hon. Henry John Boulton, in company with the said Edward Kielly, a reputed Surgeon, and Bryan Robinson, Esq., Barrister, visited the house of one John Mulcahey, eight members of whose family your petitioner had attended in fever during the winter, and three of whom were then under the same disease, and under Petitioner's treatment, and that the Hon. Henry John Boulton examined the said John Mulcahey on the subject of the degree of attention paid by your Petitioner to himself and family.

Your Majesty's Petitioner further saith, that he is only the son of William Carson, Doctor of Medicine, Surgeon and Obstetrician, Representative of the District of St. John's in the House of Assembly, and now Speaker of that Hon. Body; that Dr. William Carson, in the discharge of his duty as Representative in the House of Assembly, had moved for an investigation into the conduct of the Hon. Henry John Boulton, and had frequently both in and out of the House of Assembly, animadverted in strong terms on the administration of justice by him, the Hon. Henry John Boulton, and therefore Petitioner firmly believes that this conduct of Petitioner's father has been visited by the said Hon. Henry John Boulton on Petitioner upon this occasion, and that he firmly believes that the Hon. Henry John Boulton, and his, the Hon. Henry John Boulton's aforesaid wife, with several others, have conspired to effect injury to Petitioner's professional character.

Your Majesty's Petitioner further saith, that he brought an action of damages accordingly against Edward Kielly, a reputed Surgeon and Obstetrician, in the Supreme Court of Newfoundland, in which Court the said Hon. Henry John Boulton presided, but in which Court there existed the controlling power of two assistant Judges, which circumstance promised Petitioner a hope of security, but that owing to Mrs. Wix to whom the letter above alluded to had been addressed by the said reputed Surgeon, Edward Kielly, and who attended reluctantly as witness for petitioner, having lost, or mislaid, or set aside the envelope thereof, whereby the address thereof was not to be had, and having stated that she had entirely forgotten every thing connected with the address, that she had even forgotten whether the name was mentioned thereon, Petitioner was deprived of the advantage of the production of the Libel by the decision of the Hon. Henry John Boulton.

Your Majesty's petitioner further saith, that petitioner, thus circumstanced, called for a non-suit, but that notwithstanding this, and that the case was now completely withdrawn, and no case any longer before the Court, that nevertheless the Hon. Henry John Boulton, did, extra judicially, use strong, angry, rancorous, and slanderous expressions against petitioner and against petitioner's father, and in open Court did profess that he had watched the case of Mrs. Antell, from her delivery to the then present time, and that it was his (the Hon. Henry John Boulton's) intention, had Mrs. Antell died, to have Bills of Indictment sent to the Grand Jury, and that they should be found, and that he would have the parties tried and hanged, for the offence.

Your Majesty's petitioner further saith, that immediately after the close of that term of the Supreme Court a term of the Circuit Court took place, and forthwith an action was instituted against Petitioner and Doctor John Rochford, for damages in five hundred pounds at the suit of Charles Antell and Jane Antell, and from the general conduct all through this affair, of the hon. Henry John Boulton, and his (the hon. Henry John Boulton's) wife, as well as particularly from the declaration, in open Court, of the hon. Henry John Boulton, that it was his intention to have Bills of Indictment sent to the Grand Jury, and found against petitioner, convinced petitioner that this action is brought by Charles Antell and Jane Antell at the suggestion of the conspirators aforesaid; and that the further declaration in open Court of the hon. Henry John Boulton, that in the event of a verdict of "Guilty," resulting upon a criminal prosecution, petitioner should be hanged, appeared to petitioner a convincing proof of the gross vindictive feeling of the hon. Henry John Boulton, because in petitioner's opinion the hon. Henry John Boulton, being the Chief Judge of the Supreme Court, could not have been ignorant that if it were proved that even death had resulted from the injudicious use of instruments, or from the omission of applying due attention to the subsequent treatment of the case, that in either or in both cases the verdict would not have been for murder, and therefore your petitioner considers that the hon. Henry John Boulton exaggerated his opinion in order to encourage these poor people to pursue an action where he thus indirectly intimated his aid would not be wanted in bringing about a successful issue.

Your Majesty's petitioner further saith, that finding himself thus sued in a Court where this hon. individual was the only sitting Judge, and not only was petitioner's property to the amount of five hundred pounds at stake, but what was of infinite more value to petitioner, his professional character, petitioner considered it peculiarly incumbent upon him, anticipating as he did, a corrupt judgment from a hostile Judge, to strengthen his case as much as possible with the best medical evidence your Majesty's Island could afford, in order that what the adjudication may be, petitioner's character may be protected, and for this purpose, on Tuesday, the 15th June last past, being in the term of the said Central Circuit Court, Dr. John Rochford and petitioner filed in Court affidavits that William Stirling and John Walsh, Esqrs., Doctors in Medicine, William Dow and James Dobie, Esqrs., Surgeons, were witnesses necessary for the defence, and that as they resided in the Northern Circuit they were out of the jurisdiction of the Central Circuit, and upon this affidavit a motion was grounded to transfer the cause to the Supreme Court, where petitioner could have had the benefit of their testimony, but the motion was refused by the hon. Judge.

Your Majesty's petitioner further saith, that the trial having been definitely set down for Friday, the 16th June, petitioner and Dr. John Rochford, on the evening previous, made arrangements for having their witnesses summoned, but upon the subpœna of the Court having been served upon Mary Toole, who had been a principal evidence on the first trial, and was absolutely necessary for the present, having been the midwife who had attended Jane Antell aforesaid previous to petitioner being called in in the first instance—the Sheriff's Officer reported that Mrs. Toole was expecting every moment to be in labour, and could not attend in Court without danger.

Your Majesty's petitioner further saith, that upon learning this report, William Carson, Michael O'Dwyer, and Thomas M'Ken, Doctors in Medicine, visited Mary Toole, and

found her in the last stage of pregnancy, and they severally made affidavit that she could not attend Court without risk of death, and Doctor John Rochford made affidavit of the necessity of her evidence to the defence, yet did the hon. Judge use every exertion to force on the trial, notwithstanding ; the hon. Judge proposed the sending for Mrs. Toole's former evidence, and when petitioner and Doctor J. Rochford refused to accede to this arrangement, the hon. Judge proposed, that not only should the evidence be allowed, but that even Dr. John Rochford's own evidence should be sent, although he was defendant, and both which propositions the opposing Counsel did not decline ; that when your petitioner saw the excessive anxiety of the hon. Judge to have the cause tried at all events, your petitioner addressed the Court, and offered security to pay the amount of whatever damages may be eventually awarded in the case, and to forego the abating the action which would accrue in the event of the death of Jane Antell, should such event result before the trial should take place.

Your Majesty's petitioner further saith, that for the tribunals of Justice he entertains the highest respect : and in the laws as administered by the hon. Edward B. Brenton, and the hon. Augustus Wallet Des Barres, he has every confidence, but from the premises he hath not, nor cannot have that confidence in the impartiality of the administration of the hon. Judge Boulton, so considered as aforesaid a party in the present trial, in Court, where he, the said hon. Henry John Boulton, alone presides, and where petitioner has not the controlling power of Assistant Judges, as in the former case, and finally petitioner saith, that he considers it would not be consistent with the ends of Justice to have the cause tried in the Central Circuit Court, as long as the hon. Henry John Boulton shall be Judge.

That under these circumstances your Majesty's petitioner humbly prays, your Majesty will take the premises into your Majesty's gracious consideration, and to order that Justice be done your Majesty's petitioner, by ordering that either the hon. Edward B. Brenton, or or the hon. Augustus Wallet Des Barres, do preside at the next term of the Central Circuit Court of Newfoundland.

And your Majesty's petitioner, as in duty bound, will ever pray.

SAMUEL CARSON.

NOTE.—The Affidavit sent by Dr. Samuel Carson, to Her Majesty, through the Governor, accompanying this, is a transcript *mutatis mutandis* of the Memorial.

[22]

EXTRACTS

FROM PUBLIC RECORDS IN THE GOVERNMENT OFFICE AT ST. JOHN'S, LAID BEFORE
THE HOUSE OF ASSEMBLY BY ORDER OF HIS EXCELLENCY THE GOVERNOR.

—000—

(COPY.)

By His Excellency HUGH PALLISSER, &c. &c.

Whereas the Servants of sundry Planters in Conception Bay, have not been paid the wages due to them, for service the last year, nor their passages home provided for, they have been necessitated to stay in the country, in great distress during the winter.

Notice is hereby given to all such Planters, not to part with any of the produce of their present voyages, until the wages of the last and present year's servants are fully secured by engagements in writing, from able and sufficient persons.

And all merchants and others are to take notice, that whoever receives any part of the produce of the present year's voyage, from any planter, without giving sufficient security for the payment of the wages due as abovementioned, such receivers will not be permitted to Ship off any fish or oil from this country.

And all servants of Planters in Conception Bay, are hereby authorised, to stop and detain on the rooms, the produce of the voyages, till such security for their wages is given, &c.

Given, &c., at St. John's, 6th August, 1768.

(Signed)

HUGH PALLISSER.

By Order of His Excellency,

JOHN HORSAILL.

Vol. 4, page 96-7.

[23]

(COPY.)

By GEORGE BRIDGES RODNEY, Esq., GOVERNOR, &c.

Whereas the principal Merchants, Traders, and others interested in the Fishery, have represented to me, that their trade greatly suffers by the illegal practice of violence and force frequently committed by the merchants and traders residing in the Northern and Southern Ports who have, and still continue, by force and violence, contrary to law and justice, to seize and carry away from divers inhabitants and boat keepers (debtors) their fish, train oil, boats and craft, thereby rendering them incapable of prosecuting the fishery to the end of the season; all which effects they keep to themselves in particular, without having any regard to other creditors, which force and violence, if not timely prevented, may be the ruin, not only of many inhabitants and fishermen, but of the trade in general.

And whereas, it appears that it has and still continues to be the practice of this harbor of St. John's, that if any inhabitant, boat-keeper, or others concerned in the fishery, whether by bad voyages or other unforeseen accidents, have been rendered incapable of paying their just debts, the creditors have and do still content themselves with a just proportion of their respective debts (paying the servants' wages employed, so as there may be no manner of hindrance, to the prosecuting of the fishery to the end of the season) which creditors general choose one to receive the produce of the voyage, or make a proportional division to the respective creditors according to their debts.

For preventing all such violent, unlawful, and unjust proceedings, and the ruin of many useful subjects employed in the fishery, I have, and do hereby strictly order, that no person or persons whatever do presume to seize or carry away, by force and violence, any fish, train oil, boats, craft, or other effects whatever, from the rooms of their debtors, but according to the ancient custom content themselves with such proportion of their debts as shall be voluntarily and freely paid by the debtors, and where any doubt shall arise, or suspicion that the debtor hath not wherewith to discharge his just debts and servants' wages, that then the creditors do secure (to be by them paid) the wages due to the servants employed in the fisheries, that the voyage may be continued to the end of the season, and a just division of the debtor's effects be made to such creditor in proportion to their respective debts.

Whoever, therefore, shall presume to seize or detain by force and violence, or carry away any fish, train oil, boats, craft or any other effects, shall be prosecuted to the severity of the law in that case made and provided.

Given under my hand at St. John's, the 19th August, 1749.

(Signed)

G. B. RODNEY.

By command of the Governor,

SAMUEL FRASER.

Vol. 1, page 27.

—o—

[24]

(COPY.)

By HUGH BONFOY, Esq., GOVERNOR, &c.

Whereas Captain LeCras has represented to me, that you have refused to pay the servants' wages, employed the last year, notwithstanding you have received all the profits of the voyage from their masters, in which case, according to the ancient Rules and Customs of Newfoundland, you are the only and proper person to pay the same, you are therefore hereby required and directed on the receipt of this, immediately to pay the servants their wages, or forthwith make your personal appearance before me, at St. John's, in this you are not to fail, as you will answer the contrary at your peril.

Given under my hand, at St. John's, the 14th, September, 1754.

(Signed)

H. BONFOY.

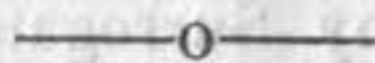
To Mr. THOMAS, WHITBURN, jun., at Ferryland.

By command of the Governor,

R. MAIDMAN.

Vol. 2, page 125.

[25] EXTRACT FROM THE INSTRUCTIONS OF THE HONORABLE JOHN BYRON, GOVERNOR OF NEWFOUNDLAND, TO HIS SURROGATE, CAPTAIN THE HON. W. CORNWALLIS, OF H. M. S. GAUDALOUPE, DATED 2ND JUNE, 1769.



“The Inhabitant Boatkeeper’s Servants’ Wages are always to be paid according to their Shipping Papers, in preference to debts and all other claims, and in case of any doubt of, the masters being able to draw good Bills for payment thereof, the produce of the voyage must make good the Servants Wages in preference to all debts or demands whatever, and according to ancient custom the Servants of Inhabitant Boatkeepers are justified in detaining on the Room the whole produce of the voyage till the balance of their Wages shall be secured to them.”

Vol. 4, p. 140.

—o—
(COPY.)

[26] BY HIS EXCELLENCY HUGH PALLISSER, &c., &c.

Whereas it hath been represented to me that the Coast Fishery this season on some parts of the coast has proved very scarce, and thereby great losses fall upon the adventurers, who have made application for relief, by praying my authority to make abatements from the servants’ wages for paying a proportion of their nominal masters’ (insolvent boatkeepers) debts to the Merchants, their employers and suppliers, whose practice is to claim, and take in payment for their supplies, the produce of the voyage, and thus defraud and leave the servants unpaid, to stay in the utmost distress in this country, who, together with the masters under such circumstances, naturally become idle and indifferent about the voyage.

I have maturely considered the said application, and seeing the servants have no power to control the contraction of those debts, nor to restrain the merchants in the supplies or the exorbitant prices thereof, nor entitled to an increase of wages for an abundant fishery, I do not think it equitable to subject them to abatements because of a scarce one, provided they do the best of their endeavours for the good of the voyage according to their agreements, and finding no precedent upon record for any such thing ever being done by any former Governor under the like circumstances, I cannot comply with the said request, because I deem it unreasonable and unjust.

However, from a deposition to give the utmost assistance and encouragement to all concerned in the Fishery, and to do justice to both the adventurer and the labourer, particularly at this unsuccessful season, I have made strict enquiry into the state of this season’s fishery, and find reason to believe that some bad voyages this year—as is always the case from the before-mentioned causes—are occasioned by idleness and neglects of the men, and seeing the impracticability of examining into the particular neglects of every Boat employed, in order to relieve as much as possible the sufferers, to discourage idleness, and promote industry in future, I hereby order and direct, as the fairest and most equitable expedient I can think of, as follows:—

That an exact and true account shall be collected of the whole quantity of Fish taken this year, by *Inhabitants and Boatkeepers* who carry on fishing voyages by taking any sup-

plies from others, in each principal harbour distinguishing the quantity taken by each different kinds of Boats, viz., of 5, 4, 3 or 2 men, then the whole quantity taken by each kind of Boats to be brought to an average and that average to be the standard or rule to judge how the people have done their duty in such Boats in each harbour or district as may be complained of, who according to this rule are to be liable to such abatements of Wages as shall appear equitable and just to me or my Surrogate, any particular circumstances also to be considered.

The accounts of the produce of each Boat are to be collected on the last day of September, by a person to be appointed by the Justice and principal Merchants of the place, the quantity to be set down for each Boat is to be taken on the joint report of the boatkeeper and the master of the voyage, to which, if required, they may be able to give oath.

Till the average is ascertained as above ordered, and brought into Court for judging of the neglects of servants complained of no such complaints can be determined.

Given, &c., at St. John's, 29th September, 1767.

(Signed)

HUGH PALLISSER.

By order of his Excellency,

JOHN HORSAILL.

By the principal harbours, is to be understood as follows :—

St. John's—for Petty Harbour, Torbay, and Quidi Vidi.

Harbour Grace and Carbonear—for all Conception Bay.

Trinity—for all Trinity Bay.

Vol. 4, page 64.

[27] COPY OF LETTER TO THE JUSTICES OF THE PEACE IN CONCEPTION BAY,
TO APPREHEND JOHN PIKE, AND OTHERS.

—o—

St. John's, September 18, 1749.

GENTLEMEN,

I am sorry you have given me occasion to tax you with a breach of your duty, in the execution of your office. I suppose it must be owing to your ignorance of the laws made and provided in that case; however, I hope for the future you will be more cautious, and take care to see executed, all such summons as shall be to you directed, for apprehending offenders against the peace of his Majesty's subjects.

It was your duty to have taken with you all the Constables, Headborough, and whatever other of his Majesty's subjects you had commanded, to have attended you in the the execution of your office as Justices of the Peace, and have apprehended the offenders, agreeable to the summons sent unto you, and have taken care they had made their appearance at the Court House, in St. John's, to have answered to the complaints exhibited against them.

You likewise neglected to acknowledge the receipt of the summons, which for the future you are not to do, as you will answer the contrary at your peril.

Your behaviour in this affair has obliged me to reprimand you in this manner; for remember, Gentlemen, I am sent here to administer Justice to Rich and Poor, without favor

or partiality. You likewise, by the oath you have taken as Justices of the Peace, are obliged to do the same, in the neglect of which you will not only forswear yourselves but be liable to be severely punished according to law, and you may depend upon it I am not to be trifled with, in the execution of my office. Thus much I hope will suffice, to remind you of your duty, and make you more diligent in the execution thereof for the future.

You will herewith receive a Warrant for apprehending those persons who have neglected to appear at St. John's, agreeable to my summons.

The Officer commanding his Majesty's Troops in Garrison at Carbonear, has my orders to be aiding and assisting to you, in putting the said Warrant in execution, in case you shall stand in need of and demand his assistance.

I am, &c.,

(Signed)

G. B. R.

To GEORGE GARLAND, and WILLIAM PYNN, Esqrs.

His Majesty's Justices of the Peace in Conception Bay.

Vol. 1, page 49.

[28]

(COPY.)

In pursuance of His Excellency Governor Duff's orders, to us directed, we have examined into the proceedings of Morris Greenan, charged with having clandestinely put off his Fish to John Quick, (servant to John Molloney) and it appears to us, by the Oaths of the servants of the said Morris Greenan, and by the declaration on Oath, of said Morris Greenan himself, that it was by his order, and the joint consent of both him and servants, that they put off the Fish to Quick, in behalf of the servants and sharemen, and for the benefit of John Molloney, who supplied said Greenan with necessaries for his voyage, before he made any application to Messrs. Pike & Green for any supplies. Notwithstanding which, looking on it as a collusive way of proceeding, that where there are two or more Merchants supplying an Inhabitant, Boatkeeper or others for the voyage, that the Boatkeeper or others should give up the effects to one of the said suppliers, whereby the others are defrauded of their just dues, to the great discouragement of trade, and a means of introducing the most unjust practices.

And we being further certified, by the Oaths of the persons above mentioned, that part of the said fish was lost, and more damaged in its removal to Quick's room.

We have ordered and directed, that the fish so removed, the Oil and other effects of the said Greenan, wherever they may be found, be attached, that the Sharemen be paid their proportion, and that the servants be paid their Wages, all to one-fourth which is to be deducted therefrom, as a mulct for their illegal proceedings in removing said fish, and in order to retaliate for the fish lost, or damaged, as above mentioned, which, together with the charges attending the settlement of the said matter being paid, the residue of the effects to be proportioned between Messrs. Pike and Green, John Molloney, and Thomas Danson, to whom the said Greenan is indebted the sum of (near) Ninety Pounds, for supplies of this year's voyage.

Further we do hereby direct, that in order to deter others from such unwarrantable proceedings for the future, said Greenan be sent out of the country this fall, and not suffered to carry on the fishery in this country, for the time to come.

Given at the Court House, Harbor Grace, 13th August, 1775.

(Signed)

CHARLES GARLAND,
RICHARD GREIG.

Recorded by order of the Governor,

(Signed)

WILLIAM COCKS.

Vol. 6. page 74—5.

[29]

(COPY.)

Court House, St. John's, 11th October, 1776.

Present :

HIS EXCELLENCY THE GOVERNOR,

EDWARD WHITE,	}	Esquires, Justices of the Peace.
NICHOLAS GILL, and		
JOHN STRIPLING,		

At a Special Court held for the trial of a cause depending between William Keen and Thomas Waitt, of Greenspond, relating to a seizure made on the Effects of the said Thomas Waitt, for a Book Debt :

The following Gentlemen being desired to be present and give their opinion in this case, and having heard the several allegations, and maturely considered the same, gave their opinion thereon, after the matter being stated to them, as follows : To wit—A is indebted to B £100, C supplies A with all necessaries for the fishing season—B seizes A's Fish and Oil, made this year, for his book debt. Quere—Whether B's book debt of some years' standing ought to be paid before C, who has credited A in the whole amount of his necessaries for the present season? Mem.—This determination to stand on record for future proceedings in the like case.

Answer.—It is our opinion, that the present suppliers of the voyage are first to be paid from that voyage, and if any Effects remain, the property of the boatkeepers, they are to go to the payment of all other debts contracted before the present voyage by them.

(Signed) Robert Bulley
James Goss
Samuel Webber
John Newman
Alexander M'Clare
William Geaves, jun.
John Rogers

Patrick Forehan
William Newman
Edward Henley
Richard Hutchings
John Bastard
Samuel Henley
William Gaden.

St. John's, 11th October, 1776.

N. B.—In consequence of the above determination or opinion, the Governor gave an order to Keen to return the Effects to Waitt which he had seized and taken, in prejudice of the Merchant supplier for the present season.

Vol. 6, page 161.

[30]

(COPY—JAMES CROWDY.)

MERLIN, at Harbor Grace, 4th October, 1788.

SIR,—All the Agents of Messrs. Newman and Roope, in their petition to your Excellency, for redress, on the seizure and sale of their employers' property, last fall, for the payment of Servants Wages, have artfully confined their accusation to the Magistrates, who acted subordinately in that business, yet, as I must consider myself and Captain Reynolds, solely responsible for the proceedings therein, at least as far as relates to the seizure, and particular application of the said property, I feel it a duty I owe myself and my colleague, as well as to comply with your Excellency's directions, to give my opinion on the merits of those Gentlemen's petition.

When Mr. Hill was called on to assign his reasons for refusing the payment of the wages due to planters' servants, whose whole voyage he had received, he only urged his employer's instructions. Notwithstanding it was universally allowed by the merchants of this country, that whoever takes a planter's voyage becomes responsible for the wages due to that planter's servants; yet as the demands then appeared considerable, and the example of Mr. Hill likely to be followed by many who only waited the result of the enquiry then depending, I was willing, before I proceeded to compulsive measures, to advise with your Excellency on the step to be taken. Under this circumstance, it was judged advisable to issue a partial attachment, to prevent the removal of the property on which the payment of the servants wages depended, till your Excellency's opinion could be known, and if any inconvenience to the merchant arose from this measure, I conceive the necessity of it a sufficient justification. In consequence of Mr. Hill's conduct upon this occasion, a number of men, not only claiming upon Newman and Roope, but upon other merchants, were left to shift for themselves, without any apparent means of support, and exposed to all the temptations of men under such circumstances. The agents have stated, that they have never entered into any specific agreement to pay the wages in question, but the avowed custom and usage of the country, the precedents on record of the modes adopted to enforce a compliance therewith, and the spirit of the act of Parliament, in my opinion, warrant the measure complained of. In the opinion of the Crown Lawyers, transmitted by your Excellency to me, only *one* instance is cited where the purchaser of fish and oil cannot be held responsible for the servant's wages; but Newman and Roope, in this case, by no means come under that description of purchasers. The planters claiming the payment of their servants' wages were wholly dependent on them, and the servants themselves had taken great care to prevent a conveyance of any part of their voyage to others, however just their claim, confidently looking up, agreeable to the custom of the country, to the man they had so secured for the conditions of their engagements.

My experience and knowledge in the particular situation my rank as an officer has placed me in on this station, are, indeed, but small, but my wishes to administer justice impartially to the best of my judgment, and to meet the approbation of my superior who has been pleased to delegate his authority to me, I will take upon me to say, fall nothing short of the most zealous of my predecessors.

I have, &c.,

(Signed) EDWARD PAKENHAM.

To JOHN ELLIOT, Esq.

SERVANTS' WAGES.

[31]

(COPY.)

IN THE CENTRAL CIRCUIT COURT.

COLBERT *versus* HOWLEY.

Newfoundland. }
ss. }

Peas before the Honorable Henry John Boulton, Chief Justice of the Supreme Court, at St. John's, of the November Term, in the Sixth year of the Reign of our Sovereign Lord William the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord One thousand Eight hundred and Thirty-five.

St. John's, }
to wit. }

Richard Howley was summoned to answer John Colbert in a plea of trespass on the case, upon promises, and whereupon the said John Colbert, by George H. Emerson, his Attor-

ney, complains, that whereas John Grant and William Hamilton, heretofore, to wit, on the fifteenth day of May, in the year of our Lord One thousand Eight hundred and thirty-five, to wit, at St. John's, in the Island of Newfoundland, made an agreement, with the said plaintiff that he, the said plaintiff, should serve the said John Grant and William Hamilton as their hired servant, in the capacity of a salter, splitter, fisherman, or anything else in his power for their interest, according to the custom of the fishery, to wit, from the day and year aforesaid, for and during and until the last day of October then next following, and in consideration thereof the said John Grant and William Hamilton promised to pay the said plaintiff for such services as aforesaid the sum of twenty pounds currency, two-thirds to be paid in cash, and one-third in goods at cash price; and the said plaintiff, in fact saith, that he confiding in the promise and undertaking of the said John Grant and William Hamilton so made by them as aforesaid, did enter the service of them, the said John Grant and William Hamilton, in the capacity aforesaid for a long space of time, to wit, from the day and year aforesaid, until the last day of October then next following, during which time he, the said plaintiff, as the hired servant aforesaid, and in the capacity aforesaid, caught and cured a large quantity of fish, to wit, one hundred quintals, of great value, to wit, of the value of fifty pounds—which said fish the said defendant afterwards, to wit, on the second day of October, in the year aforesaid, as the supplying merchant of the said John Grant and William Hamilton, took and received from the said John Grant and William Hamilton, being the hirers and employers of the said plaintiff as aforesaid, by means whereof and by force of the statute in such case made and provided, the said defendant, as receiver of the said fish, became liable to pay the said plaintiff the said sum of twenty pounds, in manner and form before mentioned, being the wages due and owing to the said plaintiff from the said John Grant and William Hamilton, as the hirers and employers of the said plaintiff in the capacity aforesaid, to wit, at St. John's, in the Island aforesaid; and the said plaintiff in fact saith, that although he hath always been ready and willing and did offer to accept and receive the amount of his said wages, in manner aforesaid, that is to say, two-thirds in cash, and one-third in goods at cash price, yet the said John Grant and William Hamilton, as the hirers and employers of the said plaintiff, hath not paid the said sum of money so due and owing as aforesaid, although often requested so to do, nor hath the said defendant, as receiver of the voyage, paid the said sum of money in manner aforesaid, or in any other way, although often requested so to do, to wit, at St. John's aforesaid; also, for this, to wit, that whereas the said defendant, to wit, on the same day and year aforesaid, to wit, at St. John's aforesaid, in consideration that the said plaintiff should enter into the service of of the said defendant, as his hired servant, in the capacity of a salter, splitter, fisherman or anything else in his power, for his interest, according to the custom of the fishery, until the last day of October then next following, he the said defendant, undertook and faithfully promised the said plaintiff, to pay him for such services as aforesaid, the said sum of twenty pounds currency, in manner and form aforesaid and the said plaintiff avers that he, confiding in the said promise and undertaking of him the said defendant, did, to wit, on the same day and year aforesaid, to wit, at St. John's in the Island aforesaid, enter into the service of the said defendant, as his hired servant, in the capacity aforesaid, and serve the said defendant for a long space of time, to wit, from the day and year aforesaid, until the last day of October next following, yet the said defendant hath hitherto wholly neglected and refused to pay the said plaintiff, the said sum of money in this count mentioned (although often requested so to do.) Also for this, to wit, that whereas the said defendant, to wit, on the fifth day day of November, in the year aforesaid, to wit, at St. John's aforesaid, in the Island aforesaid, was indebted to the said plaintiff, in the sum of twenty pounds currency, for work, labour, and services done, performed and bestowed by the said plaintiff, in and about the business of the said defendant, as his hired servant, and on his retainer and at his request, and in the sum of twenty pounds currency, for the price and value of goods then and there sold and delivered by the said plaintiff, to the said defendant and at his request. And whereas the defendants afterwards, to wit, on the same day and year aforesaid, in consideration of the premises respectively promised the said plaintiff then and there to pay the said several monies above mentioned, respectively to the plaintiff on request, yet he hath disregarded his pro-

mises, and hath not paid any of the said several monies or any part thereof, to the plaintiff's damage of thirty pounds, and thereupon he brings suit, &c.

And the said Richard Howley, by Wm. B. Row, his Attorney, comes and defends the wrong and injury, when &c., and says that he did not undertake or promise in manner or form as the said plaintiff hath above thereof complained against him, and of this he puts himself upon the country, &c.

And the said plaintiff doth the like.

Therefore, let a Jury thereupon come before the Justice aforesaid, at St. John's aforesaid, on &c., who neither, &c., to recognize, &c., because as well &c., the same day is given to the parties aforesaid, at the same place.

At which day, before the Justice aforesaid, at St. John's aforesaid, come the parties aforesaid, by their Attornies aforesaid, and the Jurors being summoned also come, who to speak the truth of the premises being chosen, tried and sworn, say upon their oaths, that the said Richard Howley did not undertake or promise in manner and form as the said John Colbert hath above thereof complained against him.

Therefore, it is considered, that the said John Colbert take nothing by his said writ, but that he and his pledges to prosecute, be in mercy &c., and that he the said John Colbert, go thereof without day. It is also considered, that the said Richard Howley recover against the said John Colbert, Six pounds One shilling and Sixpence, for his costs and charges, laid out by him in and about his defence in this behalf by the Court here now adjudged by his assent, according to the form of the statute in such case made and provided, and that the said Richard Howley have execution thereof, &c.

Judgment signed, November 30th, 1835.

E. M. ARCHIBALD,
C. C. C. C.

VERDICT—For the Defendant.

(Signed) H. J. BOULTON, Ch. J.

SERVANTS' WAGES.

(COPY.)

SUPREME COURT, NOVEMBER TERM, 1834.

SILVEY *versus* BENNETT.

Newfoundland. }
ss. }

Pleas before the Honorable Henry John Boulton, Chief Justice, and Edward Brabazon Brenton, and George Lilly, Assistant Judges of the Supreme Court, in November Term, in the fifth year of the Reign of our Sovereign Lord Wiliam the Fourth, King, Defender of the Faith, and in the year of Our Lord One thousand Eight hundred and Thirty-four.

St. John's, }
ss. }

Charles F. Bennett, Thomas Bennett, and George Morgan, trading under the style and firm of Bennett, Morgan & Co., were summoned to answer James Silvey, in a plea of trespass on the case, and thereupon the said James Silvey, by George Henry Emerson, his Attorney, complains, for that whereas one Thomas Chalker heretofore, to wit, on the first day of June, in the year of our Lord One thousand Eight hundred and thirty-four, to wit, at St. John's, in the Island of Newfoundland, made an agreement, with the said plaintiff, to serve the said Thomas Chalker, as his hired servant, in the capacity of a fisherman, to wit, from the day and year aforesaid, for and during and until the last day of October then next following, and in consideration thereof the said Thomas Chalker promised to pay the said

plaintiff for such services as aforesaid the sum of twenty-six pounds currency ; and the said plaintiff, in fact saith, that he confiding in the promise and undertaking of the said Thomas Chalker, so made by them as aforesaid, did enter the service of him, the said Thomas Chalker, in the capacity aforesaid for a long space of time, to wit, from the day and year aforesaid, until the last day of October then next following, during which time he, the said plaintiff, as the hired servant aforesaid, and in the capacity aforesaid, took and caught a large quantity of fish, to wit, one hundred quintals, of great value, to wit, of the value of fifty pounds—which said fish the said defendants afterwards, to wit, on the twentieth day of October, in the year aforesaid, as the supplying merchant of the said Thomas Chalker, took and received from the said Thomas Chalker, being the hirer and employer of the said plaintiff as aforesaid. By reason whereof and by force of the statute in such case made and provided, the said defendants, as receivers of the said fish, became liable to pay the said plaintiff the said sum of twenty-six pounds beforementioned, being the wages due and owing to the said plaintiff from the said Thomas Chalker, as the hirer and employer of the said plaintiff in the capacity aforesaid, to wit, at St. John's, in the Island aforesaid ; also, for this, to wit, that whereas the said defendants, to wit, on the same day and year aforesaid, to wit, at St. John's aforesaid, in consideration that the said plaintiff would enter into the service of of the said defendants as their hired servant, in the capacity of a fisherman, until the last day of October then next following, they, the said defendants, undertook and faithfully promised the said plaintiff, to pay him for such services as aforesaid, the said sum of twenty pounds-six currency, and the said plaintiff avers that he, confiding in the said promise and undertaking of them the said defendants, did, to wit, on the same day and year aforesaid, to wit, at St. John's in the Island aforesaid, enter into the service of the said defendants, as their hired servant, in the capacity aforesaid, and serve the said defendants for a long space of time, to wit, from the day and year aforesaid, until the last day of October next following, yet the said defendants have hitherto wholly neglected and refused to pay the said plaintiff, the said sum of money in this count mentioned (although often requested so to do.) Also for this, to wit, that whereas the said defendants, to wit, on the first day of November, in the year aforesaid, to wit, at St. John's aforesaid, in the Island aforesaid, were indebted to the said plaintiff, in the sum of twenty-six pounds currency, for such labour and services done, performed and bestowed by the said plaintiff, in and about the business of the said defendants, as their hired servant, and on their retainer and at their request. And whereas the said defendants afterwards, to wit, on the same day and year aforesaid, to wit, at St. John's aforesaid, in the Island aforesaid, in consideration of the premises, respectively promised the said plaintiff then and there to pay the said several monies above mentioned, respectively to the plaintiff on request, yet they have disregarded their promises, and have not paid the said several monies, or any part thereof, to the plaintiff's damage of twenty-five pounds, sterling, and thereupon he brings suit, &c.

And the said Charles F. Bennett, Thomas Bennett, and George Morgan, by William B. Row, their Attorney, come and defend the wrong and injury, when &c., and say that they did not undertake or promise in manner or form as the said James Silvey hath above thereof complained against them, and of this they put themselves upon the country, &c.

And the said James Silvey doth the like.

Therefore, let a Jury thereupon come before the Justice aforesaid, at St. John's aforesaid, on &c., who neither, &c., to recognize, &c., because as well &c., the same day is given to the parties aforesaid, at the same place.

On which day come here the said Charles F. Bennett, Thomas Bennett, and George Morgan, by their said Attorney, and the said James Silvey, although solemnly called, cometh not ; and it appearing to the Court here, that the said James Silvey hath neglected to bring the issue above joined, in the said Court, according to the form of the statute in such case made and provided.

Therefore, is considered by the said Court here, that the said James Silvey, take nothing by his said Writ, and that he and his pledges to prosecute, be in mercy &c., and that the said James Silvey go thereof without day ; and it is further considered, that the said Charles F. Bennett, Thomas Bennett, and George Morgan, receive against the said James Silvey, One pound Fourteen shillings and Four pence sterling, for their costs and charges, by them about their defence in this behalf sustained, and adjudged by the Court here, to the said Charles F. Bennett, Thomas Bennett, and George Morgan, at their request, according to the form of the statute in that case made and provided—and that the said Charles F. Bennett, Thomas Bennett, and George Morgan have their execution thereof, &c.

Judgment signed, December 15th, 1834.

(Signed)

E. M. ARCHIBALD,
Chief Clerk and Registrar.

Vol. 2, page 421.

LIBEL CASES.

CENTRAL CIRCUIT COURT, 1834.

AARON HOGSETT *versus* WILLIAM CARSON, AND R. J. PARSONS.

Newfoundland, }
ss. }

Pleas before the Honourable Henry John Boulton, Chief Justice, presiding in the Central Circuit Court, at St. John's, of June Term in the Fourth Year of the Reign of Our Sovereign Lord William the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, A. D. 1834.

Newfoundland, }
ss. }

William Carson and Robert John Parsons were summoned to answer Aaron Hogsett of trespass in the case, and thereupon the said Aaron Hogsett, by William B. Row complains, for that whereas the said Aaron Hogsett now is a good, true, honest, just, and faithful subject of this realm, and as such hath always behaved and conducted himself, and until the committing of the several grievances by the said William Carson and the said Robert John Parsons as hereinafter mentioned, was always reputed, esteemed and accepted, by and amongst all his neighbours and other good and lawful subjects of the realm to whom he was in anywise known, to be a person of good name, fame, and credit, to wit, at St. John's, in the Central District of the Island of Newfoundland ; and whereas also the

said Aaron Hogsett hath not ever been guilty, or until the time of the committing of the said several grievances by the said William Carson and the said Robert John Parsons, as hereinafter mentioned, been suspected to have been guilty of the offence and misconduct hereinafter mentioned to have been charged upon and imputed to the said Aaron Hogsett, or of any other such crime, by means of which said premises he, the said Aaron Hogsett, before the committing of the said several grievances by the said William Carson and the said Robert John Parsons, as hereinafter mentioned, had deservedly obtained the good opinion and credit of all his neighbours and other good and worthy subjects of this realm, to whom he was in anywise known, to wit, at St. John's aforesaid; and whereas before and at the time of committing the grievances by the said William Carson and the said Robert John Parsons, as hereinafter mentioned, the said Aaron Hogsett was a Deputy Sheriff of St. John's, and was also one of the Members of a certain charitable Society at St. John's aforesaid, called or known by the name of the "Benevolent Irish Society," and was also Vice President of the same; and whereas upon the eighteenth day of March, A. D. one thousand eight hundred and thirty-four, at St. John's aforesaid, the Festival of St. Patrick, whom the said Society had adopted as their patron Saint, was commemorated by a public dinner, given by such members of the said Society as were pleased to subscribe thereto, of whom he the said Aaron Hogsett was one, and the said Aaron Hogsett was desirous and intending to have attended at the said dinner so given as aforesaid, as Vice President of the said Society, yet the said William Carson, and Robert John Parsons, well knowing the premises but greatly envying the happy state and condition of the said Aaron Hogsett, and contriving wickedly and maliciously intending to injure him in his good name, fame, and credit, and to bring him into public scandal, infamy and disgrace, with and among all his neighbours, and other good and worthy subjects of this realm, and to cause it to be suspected and believed by those neighbours and subjects, that he, the said Aaron Hogsett was a treacherous and perfidious person, and wholly unworthy of trust and confidence, and to vex harrass and oppress him, at St. John's aforesaid, wickedly and maliciously did compose and publish, and cause and procure to be composed and published, of and concerning him, the said Aaron Hogsett, a false, scandalous, malicious and defamatory libel, in a certain Newspaper published at St. John's aforesaid, called the "*Newfoundland Patriot*," containing among other things, the false, scandalous, and malicious defamatory and libellous matter following, that is to say, "This is that Aaron Hogsett, Esq., Deputy Sheriff of St. John's, Vice President of the Benevolent Irish Society, &c. (meaning the said Aaron Hogsett) "We have read the letter of Mr. Hogsett" (meaning a letter written by the said Aaron Hogsett) "or as we termed him in our last, the squire. At that time we left his name" (meaning the name of the said Aaron Hogsett) "blank, because having in view the frailties of human nature, we pitied him—we say we pitied him—because we knew (and we felt inclined to avert it) that a merited degree of odium would naturally fall upon the man who has acted in the two faced manner that the Deputy Sheriff" (meaning the said Aaron Hogsett) "and Vice President" (again meaning the said Aaron Hogsett) "has done. This man," (again meaning the said Aaron Hogsett) "we say is the Sheriff's Deputy—he lives upon the pockets of the people, and extracts a pretty good moiety from their hard earnings; he" (again meaning the said Aaron Hogsett) "also holds the honourable office of Vice President of the Benevolent Irish Society, these are his (meaning the said Aaron Hogsett's) "more prominent public characters—his" (again meaning the said Aaron Hogsett's) "private one," (meaning the private character of said Aaron Hogsett) "in exact opposition, is vilifying the people—that same people who support him in his office of Deputy Sheriff, and a large portion of whom has raised him to the second office of an influential society;" thereby then and there meaning that the said Aaron Hogsett had acted deceitfully and hypocritically, and that he was unworthy of trust or confidence in his said office of Deputy Sheriff, and in his said office of Vice President of the Benevolent Irish Society, and that he was of a bad private character, and in the habit of vilifying his neighbours.

And the said Aaron Hogsett further saith, that the said William Carson and the said Robert John Parsons further contriving and intending to injure and damnify the said Aaron Hogsett as aforesaid, afterwards, to wit, on the eighteenth day of March, A. D., One thousand eight hundred and thirty-four, at St. John's aforesaid, falsely, wickedly, malici-

ciously, wrongfully and unjustly did publish, and cause and procure to be published of and concerning him, the said Aaron Hogsett, (as such Vice President of the Benevolent Irish Society aforesaid,) a certain other false, scandalous, malicious and defamatory libel, in a certain Newspaper published at St. John's aforesaid, called *The Newfoundland Patriot*, containing among other things, the false, scandalous, malicious, defamatory and libellous matter following, that is to say,—“ Sons of St. patrick !” (meaning the members of the Benevolent Irish Society) “ to-day is the festival of your Patron Saint (meaning that on that day the members of the Benevolent Irish Society would dine together to celebrate the festival of St. Patrick's Day) “ Behold in the Vice President's Chair the man” (meaning the said Aaron Hogsett) “ whom you were delighted to honour ! behold the apostate !” (again meaning the said Aaron Hogsett) “ See him,” (again meaning the said Aaron Hogsett) “ seated in the second step of honour” (meaning the office of Vice President) “ which your Society” (meaning the said Benevolent Irish Society) “ confers ! We say, see him” (meaning the said Aaron Hogsett) “ with a laughing devil in his smile, presiding over you !” (meaning over the said Society). “ Follow him” (meaning the said Aaron Hogsett) “ to the closet of his friend and counsellor of the *Ledger*, there to prepare a weapon with which he may stab you to the heart's core—we repeat, behold the man !” (meaning the said Aaron Hogsett) “ behold the man of perfidy !” (again meaning the said Aaron Hogsett)—thereby then and there meaning that he, the said Aaron Hogsett was a person of bad faith, and utterly unworthy of the trust and confidence of the said Benevolent Irish Society, and that he, the said Aaron Hogsett, was subtilely, secretly, and treacherously planning and contriving some grievous injury to the said Benevolent Irish Society and the members thereof, by the means of the committing of which said several grievances by the said William Carson and the said Robert John Parsons, as aforesaid, the said Aaron Hogsett hath been and is greatly injured in said his good name, fame, and credit, and brought into public scandal, infamy and disgrace, with and among all his neighbours, and other good and worthy subjects of this realm, insomuch that divers of those neighbours and subjects to whom the innocence and integrity of the said Aaron Hogsett in the premises were unknow have, on occasion of the committing of the said grievances by the said William Carson and the said Robert John Parsons as aforesaid, from thence hitherto suspected and believed, and still do suspect and believe the said Aaron Hogsett to have been and to be a person of bad faith, and of treacherous and perfidious conduct and wholly unworthy of trust or confidence, and have by reason of the committing of the said grievances by the said William Carson, and the said Robert John Parsons as aforesaid, from thence hitherto wholly refused, and still do refuse to have any transaction, acquaintance, or discourse with him, the said Aaron Hogsett, as they were before used and accustomed to have, and otherwise would have had, to the damage of the said Aaron Hogsett, of Three hundred pounds sterling, and thereupon he brings his suit, &c.

And the said William Carson, one of the above named defendants comes and defends the wrong and injury, when &c., and says that he is not guilty of the premises laid to his charge, in manner and form as the said plaintiff thereof laid to his charge, and complained against him, and of this he puts himself upon the Country, and the said Aaron Hogsett doth the same.

And the said Robert John Parsons, one of the above-named Defendants, by Bryan Robinson, his Attorney, comes and defends the wrong and injury, and says that he is not guilty of the premises laid to his charge, and complained against him, and of this he puts himself upon the country, and the said Aaron Hogsett, doth the same; therefore let a jury thereupon, come before the Chief Justice aforesaid, at St. John's aforesaid, on &c., who neither &c., to recognize &c., because as well &c., the same day is given to the parties aforesaid, at the same place.

Afterwards, that is to say, on the day, and at the place aforesaid, before the Hon. Henry John Boulton, Chief Justice, come as well the within named Aaron Hogsett, as the within named William Carson, and Robert John Parsons, by their said respective Attornies, and the jurors of the jury being summoned, also come, who to speak the truth of the matters

within contained, being chosen, tried, and sworn, say upon their oath, that the above named William Carson, and Robert John Parsons, are guilty of the premises above laid to their charge, in manner and form as the said Aaron Hogsett hath thereof complained against them, and they assess the damages of the said Aaron Hogsett, by reason of the premises over and above his cost and charges by him about his suit, in this behalf expended to ten pounds sterling; therefore it is considered, that the said Aaron Hogsett, recover against the said William Carson and Robert John Parsons, his damages aforesaid, to ten pounds sterling, by the Jury aforesaid, in form aforesaid, found and also

to the said Aaron Hogsett at his request, for his costs and charges by the Court here of increase adjudged which said damages in the whole, amount to
and the said William, and Robert John in mercy &c.

VERDICT:

For the Plaintiff—TEN POUNDS sterling, damages.

(Signed) H. J. BOULTON, Ch. J.

IN THE CENTRAL CIRCUIT COURT.

B. G. GARRETT *versus* JAMES DOUGLAS, and ROBERT J. PARSONS.

Newfoundland, }
ss. }

Pleas before the Honourable Henry John Boulton, Chief Justice, of the Island of Newfoundland, at St. John's, of the May Term in the Fifth Year of the Reign of Our Sovereign Lord William the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord One thousand eight hundred and thirty-five.

Saint John's, }
to wit. }

James Douglas and Robert John Parsons were summoned to answer Benjamin Greer Garrett of a plea of trespass on the case, and thereupon the said Benjamin Greer Garrett, by William B. Row, his Attorney, complains,—For that whereas the said Benjamin Greer Garrett now is a good, true, honest, just, and faithful subject of this realm, and as such hath always behaved and conducted himself, and until the committing of the several grievances by the said James Douglas and the said Robert John Parsons hereinafter mentioned, was always respected, esteemed and accepted, by and among all his neighbours and other good and worthy subjects of the realm to whom he was in anywise known, to be a person of good name, fame, and credit, to wit, at St. John's, in the Central District of the Island of Newfoundland; and whereas also the said Benjamin Greer Garrett hath not ever been guilty of, nor until the time of the committing of the said several grievances by the said James Douglas and the said Robert John Parsons, as hereinafter mentioned, been suspected to have been guilty of the offences and misconduct hereinafter mentioned to have been charged upon and imputed to the said Benjamin Greer Garrett, or of any other such offences or misconduct, or of any other such crime, by means of which said premises he, the said Benjamin Greer Garrett, before the committing of the said several grievances by the said James Douglas and the said Robert John Parsons, as hereinafter mentioned, had deservedly obtained the good opinion and credit of all his neighbours and other good and worthy subjects of this realm, to whom he was in anywise

known, to wit, at St. John's aforesaid, and whereas before and at the time of committing the grievances by the said James Douglas and the said Robert John Parsons, hereinafter mentioned, the said Benjamin Greer Garrett was Clerk of the Southern Circuit Court of Newfoundland, yet the said James Douglas and Robert John Parsons, well knowing the premises, but greatly envying the happy condition of the said Benjamin Greer Garrett, and contriving and maliciously intending to injure him in his good name, fame and credit, and to bring him into public scandal, infamy and disgrace, with and amongst all his neighbours and other good and worthy subjects of this realm, and to cause it to be suspected and believed by those neighbours and subjects that he, the said Benjamin Greer Garrett, was a deceitful and dishonest person, and to vex, harrass, and oppress him, heretofore, to wit, on the twelfth day of May, in the year of Our Lord one thousand eight hundred and thirty-five, at St. John's aforesaid, falsely, wickedly, and maliciously did compose and publish, and cause and procure to be composed and published of and concerning him, the said Benjamin Greer Garrett, a false, scandalous, malicious and defamatory libel, in a certain Newspaper published at Saint John's aforesaid, called the *Newfoundland Patriot*, in a certain part of which said libel there was and is contained among other things the false, scandalous, malicious, defamatory and libellous matter following, of and concerning the said plaintiff, that is to say,—“Sure the man with the top-story name,” [meaning the said Benjamin Greer Garrett] “Chief Soper,” [again meaning the said Benjamin Greer Garrett] “sure you know! He,” [again meaning the said Benjamin Greer Garrett] “was walking linked with one of the Member's wives; no doubt intending to follow the Colonel's example, to throw dust in the people's eyes, as I told you before;” thereby then and there meaning that the said Benjamin Greer Garrett had been guilty of deceitful and hypocritical conduct; and in another part of which said libel there was and is contained among other things, the false, scandalous, malicious, defamatory and libellous, matter following, of and concerning the said plaintiff, that is to say,—“Didn't he” [meaning the said Benjamin Greer Garrett] “try to get the berth of Sheriff, Pat? Yes, it was said he had the impudence to apply for the berth; but, by my soul, it was a job I think from the Sheriff he” [again meaning the said Benjamin Greer Garrett] “wanted! And what was that? Hangman, to be sure! A nice man, I don't think, to be Sheriff, after taking Captain P——n's plate” [meaning the plate of Captain Paterson, of Royal Navy] “in pawn, and trying to enforce certain interest, until Sir Thomas” [meaning Sir Thomas John Cochrane, late Governor of this Island] “sent for him,” [again meaning the said Benjamin Greer Garrett] “and told him” [again meaning the said Benjamin Greer Garrett] “that if he” [again meaning the said Benjamin Greer Garrett] “persisted in such a course, he,” [meaning the said Sir Thomas J. Cochrane] “would immediately suspend him;” [meaning the said Benjamin Greer Garrett] “I could tell, only I havn't time, a great many other queer, comical things, about a farm at River head, Quinn's ground, near the bridge, the knack of robbing widows, beggaring the fatherless, and getting landed property for nothing!”—thereby then and there meaning that the said B. G. Garrett had applied for the office of Sheriff of this Island—that he was unfit for that office, but that he would not scruple to become a hangman—that he was fraudulent, extortionate, and unjust in his dealings, that he endeavoured to extort unjust interest for money from Captain Patterson, and had persisted therein, until the said late Governor Sir Thomas J. Cochrane had threatened him, the said Benjamin Greer Garrett, to suspend him from his said office, of Clerk of the Southern Circuit Court, in consequence thereof, and that he had been guilty of gross injustice towards divers of his Majesty's subjects, whereby widows had been robbed and defrauded of their just rights, and orphans reduced to beggary, and that he, Benjamin Greer Garrett, had fraudently, and unjustly possessed himself of landed property, without paying for the same. And the said Benjamin Greer Garrett further saith, that the said James Douglas, and Robert John Parsons, further contriving, and intending to injure and damnify the said Benjamin Greer Garrett as aforesaid, afterwards, to wit, on the same day and year aforesaid, at St. John's aforesaid, falsely, wickedly, maliciously, wrongfully, and unjustly, did publish, and cause and procure to be published of and concerning him, the said Benjamin Greer Garrett, a certain other false, scandalous, malicious, and defamatory libel in a certain Newspaper published at St. John's aforesaid, called the *New-*

foundland Patriot, in a certain part of which said libel, there was and is contained amongst other things, the false, scandalous, malicious, defamatory, and libellous matter following, of and concerning the said Benjamin Grear Garrett, that is to say,—“Sure the man with the top-story name,” [meaning the said Benjamin Greer Garrett] “Chief Soper,” [again meaning the said Benjamin Greer Garrett] “sure you know! He,” [again meaning the said Benjamin Greer Garrett] “was walking linked with one of the Member’s wives; no doubt intending to follow the Colonel’s example, to throw dust in the people’s eyes, as I told you before;” thereby then and there meaning that the said Benjamin Greer Garrett had been guilty of deceitful and hypocritical conduct; and in another part of which said libel there was and is contained among other things, the false, scandalous, malicious, defamatory and libellous matter following, of and concerning the said plaintiff, that is to say,—“Didn’t he” [meaning the said Benjamin Greer Garrett] “try to get the berth of Sheriff, Pat? Yes, it was said he had the impudence to apply for the berth; but, by my soul, it was a job I think from the Sheriff he” [again meaning the said Benjamin Greer Garrett] “wanted! And what was that? Hangman, to be sure! A nice man, I don’t think, to be Sheriff, after taking Captain P——n’s plate” [meaning the plate of Captain Paterson, R. N.] “in pawn, and trying to enforce certain interest, until Sir Thomas” [meaning Sir Thomas John Cochrane, late Governor of this Island] “sent for him,” [again meaning the said Benjamin Greer Garrett] “and told him” [again meaning the said Benjamin Greer Garrett] “that if he” [again meaning the said Benjamin Greer Garrett] “persisted in such a course, he,” [meaning the said Sir Thomas J. Cochrane] “would immediately suspend him;” [meaning the said Benjamin Greer Garrett] “I could tell, only I havn’t time, a great many other queer, comical things, about a farm at River head, Quinn’s ground, near the bridge, the knack of robbing widows, beggaring the fatherless, and getting landed property for nothing!”—thereby then and there meaning that the said B. G. Garrett was unjust in his dealings, that he endeavoured to extort exorbitant interest for money from one Captain Patterson, and had persisted therein, until the said late Governor Sir Thomas J. Cochrane had threatened to suspend him from his said office, in consequence thereof, and that he had been guilty of great injustice towards divers persons, his Majesty’s subjects, and possessed himself of landed property by fraudulent and unjust means. By means of the committing of which said several grievances, by the said James Douglas, and the said Robert John Parsons as aforesaid, he the said Benjamin Grear Garrett, hath been and is greatly injured in his said good name fame and credit, and brought into public scandal, infamy and disgrace, with and amongst all his neighbours, and other good and worthy subjects of this realm, insomuch that divers of those neighbours, and subjects, to whom the innocence and integrity of the said Benjamin Grear Garrett, in the premises unknown, have on occasion of committing of the said grievances, by the said James Douglas, and Robert John Parsons, as aforesaid, from thence hitherto suspected, and believed, and still do suspect and believe, the said Benjamin Grear Garrett, to have been and to be a person unjust in his dealings, and wholly unworthy of trust or confidence, and have by reason of the committing of the said grievances, by the said James Douglas, and the said Robert John Parsons as aforesaid, from thence hitherto wholly refused, and still do refuse to have any transactions, acquaintance, and discourse with him, the said Benjamin Greer Garrett, as they were before then used and accustomed to have, and otherwise would have had, to the damage of the said Benjamin Greer Garrett, of three hundred pounds, and thereupon he brings suit, &c.

And the said James Douglas, and Robert John Parsons, by George Henry Emerson, their Attorney, come and defend the wrong and injury, when &c., and say that they are not guilty of the premises above laid to their charge, in manner or form as the said Benjamin Greer Garrett hath above thereof complained against them, and of this they put themselves upon the country.

And the said Benjamin Greer Garrett doth the like.

Therefore, let a Jury thereupon come before the Justice aforesaid, at St. John’s aforesaid, on &c., who neither, &c., to recognize, &c., because as well &c., the same day is given to the parties aforesaid, at the same place.

At which day, before the Justice aforesaid, at St. John's aforesaid, come the parties aforesaid, by their Attornies aforesaid, and the Jurors being summoned also come, who to speak the truth of the premises, being chosen, tried and sworn, say upon their oath that the said James Douglas and Robert John Parsons are guilty of the premises above laid to their charge, in manner and form as the said Benjamin Greer Garrett hath above complained against them ; and they assess the damage of the said Benjamin Greer Garrett, on occasion thereof over and above his costs and charges by him about his suit in this behalf expended to one hundred pounds sterling, and for those costs and charges to forty shillings.

Therefore it is considered that the said Benjamin Greer Garrett recover against the said James Douglas and Robert John Parsons their damages aforesaid by the said Jury above found ; and also fourteen pounds three shillings and ten pence for their costs and charges by the Court of our said Lord the King, now here adjudged of increase to the said Benjamin Greer Garrett, and with his assent, which said damages, costs, and charges in the whole amount, to one hundred and fourteen pounds three shillings and ten pence, and the said James Douglas and Robert John Parsons in mercy, &c.

Judgment signed June 3d, 1835.

E. M. ARCHIBALD,
C. C. C. C.

VERDICT :

GUILTY—Damages, ONE HUNDRED POUNDS sterling.

(Signed) H. J. BOULTON, Ch. J.

IN THE SUPREME COURT, DECEMBER TERM, 1836.

KOUGH *versus* PARSONS.

Newfoundland. }
ss. }

Pleas before the Honorable Henry John Boulton, Chief Justice, and others, the Assistant Justices of the Supreme Court, at St. John's, of the November and December Term, in the seventh year of the Reign of our Sovereign Lord Wiliam the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord One thousand Eight hundred and Thirty-six.

Saint John's, }
to wit. }

Robert John Parsons was summoned to answer Patrick Kough in a plea of trespass on the case, and thereupon the said Patrick Kough, by Wm. B. Row, his Attorney, complains,—For that whereas the said Plaintiff now is a good, true, honest, just, and faithful subject of this realm, and as such hath always behaved and conducted himself, and until the committing of the several grievances, by the said Defendant, as hereinafter mentioned, was always respected, esteemed and accepted, by and amongst all his neighbours and other good and worthy subjects of this realm to whom he was in anywise known, to be a person of good name, fame, and credit, to wit, at St. John's, in the Island of Newfoundland ; and whereas also the said plaintiff hath not ever been guilty, or until the time of the committing of the said several grievances by the said defendant as hereinafter mentioned, been suspected to have been guilty of the offences and misconduct hereinafter mentioned to have been charged

upon and imputed to the said plaintiff, or of any other such offences or misconduct, by means of which said premises the said plaintiff, before the committing of the the said several grievances by the said defendant as hereinafter mentioned, had deservedly obtained the good opinion and credit of al his neighbours and other good and worthy subjects of this realm to whom he was in anywise known, to wit, at St. John's aforesaid ; yet the said defendant, well knowing the premises, but greatly envying the happy condition of the said plaintiff, and contriving and wickedly and maliciously intending to injure the said plaintiff in his said good name, fame and credit, and to bring him into public scandal, infamy and disgrace, with and amongst all his neighbours and other good and worthy subjects of this realm, and to cause it to be suspected and believed by those neighbours and subjects that he, the said plaintiff had been and was guilty of the offences and misconduct hereinafter mentioned to have been charged upon and imputed to the said plaintiff, or of any such offences or misconduct, and to vex, harrass, oppress, impoverish, and wholly ruin the said plaintiff heretofore, to wit, on the twenty-second day of October, in the year of Our Lord one thousand eight hundred and thirty-six, at St. John's aforesaid, in a certain Newspaper called the *Newfoundland Patriot*, falsely, wickedly, and maliciously did compose and publish, and cause and procure to be published of and concerning the said plaintiff, a certain false, scandalous, malicious and defamatory libel, in one part of which said libel there was and is contained the false, scandalous, malicious, and defamatory and libellous matter following, of and concerning the said plaintiff, that is to say,—“He” [meaning the said plaintiff] “has gained notoriety by casting behind him” [again meaning the said plaintiff] “all the substantial principles of his” [meaning the said plaintiff's] “religion—and by allying himself to the enemies of the peace and happiness of the country ;” and in another part of which said libel there was and is contained the false, scandalous, malicious, defamatory and libellous matter following, of and concerning the said plaintiff, that is to say,—“With freedom and religion for ever on his” [meaning the said plaintiff's] “lips, his” [meaning the said plaintiff's] “actions, one and all, tended to prostrate the one and subvert the other ; Kough” [again meaning the said plaintiff] “from head to foot, from the preface to the end of his political history, is one huge living lie.”

And the said plaintiff further saith, that the said defendant further contriving and intending as aforesaid, heretofore to wit, on the day and year aforesaid, at St. John's, aforesaid, falsely, wickedly and maliciously, did publish a certain other false, scandalous, malicious, and defamatory, libel, of and concerning the said plaintiff, in one part of which said libel there was and is contained the false, scandalous, malicious, defamatory and libellous, matter following, of and concerning the said plaintiff, that is to say,—“He” [meaning the said plaintiff] “has gained notoriety by casting behind him” [meaning the said plaintiff] “all the substantial principles of his” [meaning the said plaintiff's] “Religion, and by allying himself” [again meaning the said plaintiff] “to the enemies of that religion, and the enemies to the peace and happiness of the Country,” and in another part of which said libel there was and is contained the false, scandalous, malicious, defamatory, and libellous matter following, of and concerning the said plaintiff, that is to say,—“with freedom and religion for ever on his” [meaning the said plaintiff's] “lips, his (meaning the said plaintiff's) “actions one and all tended to prostrate the one, and subvert the other, Kough (again meaning the said plaintiff) “from head to foot, from the preface to the end of his political history, is one huge living lie.”

By means of the committing of which said several grievances, by the said defendant as aforesaid, he the said plaintiff hath been and is greatly injured in his said good name fame and credit, and brought into public scandal, infamy and disgrace, with and amongst all his neighbours, and other good and worthy subjects of this realm, insomuch that divers of those neighbours, and subjects, to whom the innocence and integrity of the said plaintiff, in the premises unknown have, on account of the committing of the said grievances by the said defendant as aforesaid, from thence hitherto suspected and believed, and still do suspect and believe the said plaintiff to have been and to be a person guilty of the offences and misconduct herein-

before mentioned to have been charged upon and imputed to the said plaintiff, and have by reason of the committing of the said grievances by the said defendant aforesaid, from thence wholly refused, and still do refuse to have any transaction, acquaintance, or discourse with him, the said plaintiff, as they were before used and accustomed to have, and otherwise would have had, and the said plaintiff hath been, and is by means of the premises otherwise greatly injured, to wit, at St. John's aforesaid, to the damage of the said plaintiff of Five hundred pounds, and therefore he brings suit, &c.

And the said Robert John Parsons, by George Henry Emerson his Attorney, comes and defends the wrong and injury accordingly, and says that he is not guilty of the said supposed grievances above laid to his charge, or any or either of them, in manner and form as the said plaintiff hath above thereof complained against him, and of this he puts himself upon the country &c.

And the said plaintiff doth the like.

Therefore let a jury thereupon, come before the Chief Justice aforesaid, at St. John's aforesaid, on &c., who neither &c., to recognize &c., because as well &c., the same day is given to the parties aforesaid, at the same place; at which day before the Justices aforesaid, at St. John's aforesaid, come the parties aforesaid, by their said respective Attornies, aforesaid; and the jurors of the jury being summoned, also come, who to speak the truth of the premises, being chosen, tried, and sworn, say upon their oath, that the said Robert John Parsons, is guilty of the premises within laid to his charge, in manner and form as the said Patrick Kough hath within complained against him; and they assess the damages of the said Patrick Kough on occasion thereof over and above his cost and charges by him about his suit, in this behalf expended to One hundred pounds sterling, and for those costs and charges to Forty Shillings.

Therefore it is considered, that the said Patrick Kough do recover against the said Robert John Parsons, his damages, costs, and charges, by the Jurors aforesaid, in form aforesaid, assessed; and also, Thirteen pounds Twelve shillings and Sixpence for his costs and charges by the Court of our said Lord the King now here adjudged of increase to the said Patrick Kough; which said damages, costs and charges in the whole amount to one hundred and thirteen pounds twelve shillings and sixpence, and the said Robert John Parsons in mercy, &c.

Judgment signed, December 30, 1835.

E. M. ARCHIBALD,
Chief Clerk and Registrar.

VERDICT :

For the Plaintiff—Damages, One Hundred Pounds, sterling.

(Signed)

H. J. BOULTON, Ch. J.

IN THE SUPREME COURT, APRIL TERM, 1837.

CARSON *versus* M'COUBREY.

Newfoundland, }
ss.

Pleas before the Honourable Henry John Boulton, Chief Justice, and others, the Assistant Judges of the Supreme Court, at St. John's, of the April Term in the seventh Year of the Reign of Our Sovereign Lord William the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord One thousand eight hundred and thirty-seven.

Saint John's, }
to wit.

John M'Coubrey was summoned to answer William Carson in a plea of trespass on the

case, and thereupon the said William Carson, by George Henry Emerson, his attorney, complains, for that whereas the said Plaintiff now is a good, true, honest, just and faithful subject of this Island, and as such had always conducted and behaved himself, and until the committing of the several grievances, by the said defendant, as hereinafter mentioned, was always reputed, esteemed, and accepted by and amongst all his neighbours, and other good and worthy subjects of this Island, to whom he was in anywise known, to be a person of good name, fame and credit, to wit, at St. John's, in the Island of Newfoundland: And whereas also, the said plaintiff hath not ever or until the committing of the said several grievances by the said defendant as hereinafter mentioned, been suspected to be a Mad Doctor, or Crazy, or a Maniac, or guilty of any criminal offence, as hereinafter mentioned to have been charged upon and imputed to the said plaintiff, or of any offence or offences by means of which said premises the said plaintiff, before the committing of the the said several grievances by the said defendant as hereinafter mentioned, had deservedly obtained the good opinion and credit of all his neighbours and other good and worthy subjects of this Island, to whom he was in anywise known, to wit, at St. John's aforesaid; yet the said defendant, well knowing the premises, but greatly envying the happy state and condition of the said plaintiff, and contriving and wickedly and maliciously intending to injure the said plaintiff in his said good name, fame and credit, and to bring him into public scandal, infamy and disgrace, with and amongst all his neighbours and other good and worthy subjects of this Island, and to cause it to be suspected and believed by those neighbours and subjects that he, the said plaintiff had been and was guilty of some criminal offence as hereinafter mentioned to have been charged upon and imputed to the said plaintiff, and also that the said plaintiff was a Mad Doctor, Crazy, and a Maniac, and to vex, harrass, oppress, impoverish, and wholly ruin the said plaintiff heretofore, to wit, on the eleventh day of January, in the year of Our Lord one thousand eight hundred and thirty-seven at St. John's aforesaid, in a certain Newspaper called *The Times and General Commercial Gazette*, falsely, wickedly, and maliciously did compose and publish, and cause and procure to be published of and concerning the said plaintiff, a certain false, scandalous, malicious and defamatory libel, containing amongst other things, the false, scandalous, malicious, and defamatory and libellous matter following, of and concerning the said plaintiff, that is to say—

“ We had heard with pity and disgust of the rancorous exhibition of party spirit and malignity, which a certain Mad Doctor” [meaning the said plaintiff] “ made the other day before a select party of ladies. Had our attention not been called to it by a respected correspondent, however we should not have deemed this crazy vagary of this craziest of all crazy political mountebanks” [again meaning the said plaintiff] “ as at all worthy of our notice. The Ladies of the Factory Committee who were insulted by the poor maniac's” [again meaning the said plaintiff] “ uncourteous and unprincipled attack upon one of the most useful of our public institutions, which by their zealous efforts principally has been raised and supported, and which has done more for the comfort of our labouring poor, than any other institution in the Island, did smile, to be sure, at the foolish Doctor's” [again meaning the said plaintiff] “ ridiculous rhodomontade—but the vanity which had lead him” [again meaning the said plaintiff] “ to make a goose of himself” [again meaning the said plaintiff] “ on this occasion has egregiously misled him” [again meaning the said plaintiff] “ We understand if he” [again meaning the said plaintiff] “ has imagined that the smiles of his” [again meaning the said plaintiff's] “ fair auditory were smiles of approval; we understand that the gravest must have laughed on the occasion; and it was whispered round the admiring circle, only just low enough not to reach the Doctor's” [again meaning the said plaintiff's] “ own ears, that they were excessively amused at this impudent attack on an institution which is an honor to the Island, from the lips of one” [again meaning the said plaintiff] “ whose misfortune it was just at that moment to be a criminal out at bail” (meaning that he the said plaintiff was then a criminal and at large on Bail.)

“ A pretty use indeed the unfortunate man” (again meaning the said plaintiff) “ seems to have made of his” (again meaning the said plaintiff's) liberty—a strait waistcoat may reward him” (again meaning the said plaintiff) “ for his” (again meaning the said plaintiff's) “ pains if he” (again meaning the said plaintiff) “ shall follow up his” (again meaning

the said plaintiff's) "crusade against Savings Banks, Sick Societies, Dorcas Institutions, and Factories, for finding work for the industrious poor—Will he" (again meaning the said plaintiff) "and the simpletons who think and act with him" (again meaning the said plaintiff) "point out any Society which has done so much for Newfoundland, in half a century, as the Factory has done in two years? If he" (again meaning the said plaintiff) "shall succeed, which God forbid, in diminishing its means of support, will he" (again meaning the said plaintiff) "and his" (again meaning the said plaintiff's) "patriot fraternity find work and meat and drink and clothing for the poor, whom they are so especially befriending by these creditable labours of love? Poor man!" (again meaning the said plaintiff) "how they laughed at him" (again meaning the said plaintiff) "and well they might."

And the said plaintiff further saith, that the said defendant further contriving and intending as aforesaid, heretofore to wit, on the day and year aforesaid, at St. John's, aforesaid, falsely, wickedly and maliciously, did publish a certain other false, scandalous, malicious and defamatory, libel, of and concerning the said plaintiff, that is to say— "We had heard with pity and disgust of the rancorous exhibition of party spirit and malignity, which a certain Mad Doctor" [meaning the said plaintiff] "made the other day before a select party of ladies. Had our attention not been called to it by a respected correspondent, however we should not have deemed this crazy vagary of this craziest of all crazy political mountebanks" [again meaning the said plaintiff] "as at all worthy of our notice. The Ladies of the Factory Committee who were insulted by the poor maniac's" [again meaning the said plaintiff's] "uncourteous and unprincipled attack upon one of the most useful of our public institutions, which by their zealous efforts principally has been raised and supported, and which has done more for the comfort of our labouring poor, than any other institution in the Island, did smile, to be sure, at the foolish Doctor's" [again meaning the said plaintiff's] "ridiculous rhodomontade—but the vanity which had lead him" [again meaning the said plaintiff] "to make a goose of himself" [again meaning the said plaintiff] "on this occasion has egregiously misled him" [again meaning the said plaintiff] "We understand if he" [again meaning the said plaintiff] "has imagined that the smiles of his" [again meaning the said plaintiff's] "fair auditory were smiles of approval; we understand that the gravest must have laughed on the occasion; and it was whispered round the admiring circle, only just low enough not to reach the Doctor's" [again meaning the said plaintiff's] "own ears, that they were excessively amused at this impudent attack on an institution which is an honor to the Island, from the lips of one" [again meaning the said plaintiff] "whose misfortune it was just at that moment to be a criminal out at bail" (meaning that he the said plaintiff was then a criminal and at large on Bail.)

"A pretty use indeed the unfortunate man" (again meaning the said plaintiff) "seems to have made of his" (again meaning the said plaintiff's) "liberty—a strait waistcoat may reward him" (again meaning the said plaintiff) "for his" (again meaning the said plaintiff's) "pains if he" (again meaning the said plaintiff) "shall follow up his" (again meaning the said plaintiff's) "crusade against Savings Banks, Sick Societies, Dorcas Institutions, and Factories, for finding work for the industrious poor—Will he" (again meaning the said plaintiff) "and the simpletons who think and act with him" (again meaning the said plaintiff) "point out any Society which has done so much for Newfoundland in half a century as the Factory has done in two years? If he" [again meaning the said plaintiff] "shall succeed, which God forbid, in diminishing its means of support, will he" [again meaning the said plaintiff] "and his" [again meaning the said plaintiff's] "patriot fraternity find work and meat and drink and clothing for the poor, whom they are so especially befriending by these creditable labours of love. Poor man!" [again meaning the said plaintiff] "how the ladies laughed at him" [again meaning the said plaintiff] "and well they might."

By means of the committing of which said several grievances, by the said defendant as aforesaid, he the said plaintiff hath been and is greatly injured in his said good name fame and credit, and brought into public scandal, infamy and disgrace, with and amongst all his neighbours, and other good and worthy subjects of this Island, insomuch that divers of those neighbours, and other good and worthy subjects, to whom the innocence and in-

tegrity of the said plaintiff, in the premises, were unknown, have on account of the committing of the said grievances, by the said defendant as aforesaid, from thence hitherto suspected, and believed, and still do suspect, and believe the said plaintiff to have been and to be a Mad Doctor, crazy, a Maniac, and also guilty of a criminal offence, as hereinbefore mentioned to have been charged upon and imputed to the said plaintiff, and have by reason of the committing of the said grievances, by the said defendant as aforesaid, from thence hitherto wholly refused, and still do refuse to have any transactions, acquaintance, and discourse with the said plaintiff, as they were before used and accustomed to have, and otherwise would have had, and the said plaintiff hath been, and is by means of the premises otherwise greatly injured, to wit, at St. John's aforesaid, to the damage of the said plaintiff of Five hundred pounds, and thereupon he brings suit, &c.

And the said John Williams M'Coubrey, by Bryan Robinson, his Attorney, comes and defends the wrong and injury, when, &c., and says that he is not guilty of the premises laid to his charge, in manner and form as the said plaintiff hath above thereof complained against him, and of this he puts himself upon the country, &c.

And the said plaintiff doth the like.

Therefore the Sheriff is commanded that he cause to come here, on &c., by whom &c., and who neither &c., to recognize &c., because as well &c., the same day is given to the parties aforesaid at the same place.

At which day before the Justices aforesaid, at St. John's aforesaid, come the parties aforesaid, by their Attornies, aforesaid; and the jurors of the jury being also summoned, also come, who to speak the truth of the premises, being chosen, tried, and sworn, say upon their oath, that the said defendant is guilty of the premises within laid to his charge, in manner and form as the said plaintiff hath within complained against him; and they assess the damages of the said plaintiff, by reason thereof, over and above his costs and charges by him about his suit, in this behalf expended to Ten Pounds sterling, and for those costs and charges to Forty Shillings.

Therefore it is considered, that the said plaintiff do recover against the said defendant, his said damages, costs, and charges, by the Jurors aforesaid, in form aforesaid, assessed, and also sterling, for his said costs and charges by the Justice here adjudged of increase to the said plaintiff, and with his assent, which said damages, costs and charges in the whole amount to sterling, and the said defendant in mercy, &c.

VERDICT:

For the Plaintiff—Damages, Ten Pounds, sterling.

H. J. BOULTON, Ch. J.

DETAILED STATEMENT

OF THE SUM OF SIX HUNDRED AND NINETY POUNDS AND NINE PENCE, VOTED FOR
CONTINGENCIES THE FIRST SESSION OF THE SECOND GENERAL ASSEMBLY, VIZ.,

Robert R. Wakeham, Esq., Clerk (Salary)	£100 0 0
-----For Extra Services	50 0 0
-----Stationery and Office Rent	50 0 0
Charles Simms Esq. (Solicitor) for extra Services	50 0 0
Thomas Beek, Serjeant-at-Arms (Salary)	50 0 0
-----Extra Services	10 0 0
Assistant Clerk, Salary	50 0 0
To defray the expense of Outport Members for Postages	27 0 0
William Freeman, Carpenters' Work and Materials, as per Account	21 5 5
John Delaney do. do.	20 0 0
W. T. Parsons, for repairing Serjeant-at-Arms' Sword	5 0
Seven Officers of the House for extra Services	40 0 0
John O'Connor, Clerk to Committee on Enquiry into the Administration of Justice	10 0 0
Henry Winton, for binding two Journals	13 0
E. M. Archibald, Books for the Library	17 4
For Travelling and other expenses of Outport Members, resident there	160 0 0
Chairman of Finance and Supply Committee	50 0 0
	£699 0 9