

# JOURNAL

OF THE

## HOUSE OF ASSEMBLY

OF

PROCLAMATION

### NEWFOUNDLAND.

ANNO TERTIO REGINA ALEXANDRINA VICTORIA.

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FIFTH SESSION OF THE SECOND GENERAL ASSEMBLY,

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ST. JOHN'S, NEWFOUNDLAND:

WILLIAM R. SHEA, PRINTER.

1840.

# JOURNAL

OF THE

## HOUSE OF ASSEMBLY

NEWFOUNDLAND.

PRINTED AND SOLD BY ALEXANDER WILSON, VICTORIA.

WITH PERMISSION OF THE HONOURABLE MEMBER FOR NEWFOUNDLAND.



MR. JOHN NEWFOUNDLAND

PRINTED BY W. B. BRYAN

1870





## PROCLAMATION.

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(L. S.)  
H. PRESCOTT.

*By His Excellency Henry Prescott, Esquire,  
Companion of the Most Honorable Mi-  
litary order of the Bath, Governor  
and Commander in Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

**W**HEREAS the General Assembly of this Island stands prorogued until Wednesday the 1st day of January next: And Whereas I think it fit further to prorogue the said General Assembly until Friday the third day of January next.

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

Given under my hand and seal at the Government House, at St. John's, the Eleventh day of November, 1839, in the third year of Her Majesty's reign.

By His Excellency's Command,

**JAMES CROWDY,**  
Secretary.





# JOURNAL AND PROCEEDINGS

## OF THE HOUSE OF ASSEMBLY

### OF NEWFOUNDLAND.

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FRIDAY, January 3, 1840.

**T**HE House of Assembly having been prorogued by the several proclamations of his Excellency the Governor to this day, then to meet for the despatch of business, met pursuant thereto.

Meeting of the Assembly.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, acquainting him, for the information of the House, by command of his Excellency, that Mr. Archibald has resigned the appointment of Clerk to the House.

Letter from Colonial Secretary

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

*Resolved*,—That the Solicitor of the House do act as Clerk, until such officer be appointed by this House.

Acting Clerk appointed

The Solicitor of the House took his seat at the Clerk's Table accordingly.

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,*

It is his Excellency the Governor's pleasure that you attend him immediately in the Council Chamber.

Mr. Speaker and the House attended accordingly, and being returned

House attend

Mr. Speaker reported that the House had been in attendance on his Excellency, and that his Excellency had been pleased to make a speech to both Houses, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House as follows :

Report



His Excellency's speech

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

*Resolved*,—That Robert Roberts Wakeham Esq. be appointed Clerk of this House, and that Mr. Speaker do communicate the same to him.

Clerk appointed

Mr. Speaker having forthwith made the necessary notification, Mr. Wakeham appeared before the House and took his seat at the Clerk's Table.

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

*Resolved*,—That this House do now resolve itself into a committee of the whole House on privilege.

House in committee on privilege

And the House resolved itself into the said committee accordingly.

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 considered the matter to them referred, and had come to certain resolutions thereon, which he was directed 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 :—

Report

*Resolved*,—That it is the opinion of this committee, that the nomination of a Member of the Assembly to an office of emolument under the Crown, is a legal voidance of his seat; but that as the Law Officers of the Crown in England have expressed an opinion adverse to this view, and as it is the earnest desire of this Committee to avoid any proceeding that may be considered as dictated by a desire to oppose the just and reasonable wishes of her Majesty's Government, we consider it expedient to refrain from pressing the removal of Mr. Power, until a further representation is made by the House upon that subject.

*Resolved*,—That it is the opinion of this Committee that a bill be passed declaring that Members of the Assembly upon accepting an office of emolument under the Crown, thereby vacate their seats.



*Resolved*,—That it is the opinion of this committee that the offices of stipendiary magistrate and legislator in Newfoundland are perfectly incompatible, and that as the duties of the Legislator can only be discharged by abandoning those of the magistrate, it is the duty of the House of Assembly on all future occasions to withhold the salary of the magistrate in all cases where it may occur that the person holding such office shall enjoy a seat in the Legislature.

And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the House.

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

Resolution rescinded.

*Resolved*—That the resolution passed on the 29th May last by the House, declaring that James Power, Esq. member for Conception Bay, had vacated his seat by accepting an office of emolument under the Crown, be rescinded, and that Mr. Speaker do notify the same to him.

Mr. Speaker having notified accordingly, Mr. Power took his seat in the House.

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

*Resolved*,—That a committee of five be appointed to prepare an humble address to his Excellency the Governor in reply to his Excellency's speech at the opening of this session.

Committee to prepare address to his Excellency

*Ordered*,—That Mr. Nugent, Mr. Morris, Mr. Kent, Mr. Solicitor General, and Mr. Winsor do form the said committee.

Notice of address to his Excellency.

Mr. Nugent gave notice that he should on Tuesday next move an address of thanks to her Majesty's Government for the instructions communicated to his Excellency the Governor, by her Minister of state for the colonies, on the liability of certain public officers to removal.

Notice for committee on roads and bridges

Mr. Morris gave notice that he should on Tuesday next move for a committee of the whole House on roads and bridges.

Then the House adjourned until Tuesday next at one of the clock.

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## TUESDAY, January 7, 1840.

**M**OVED by Mr. Kent, seconded by Mr. Nugent—

*Resolved*,—That the Clerk be instructed to lay before the House all despatches and documents transmitted by the Executive to this House relating to the tenure of Crown Lands in this colony.

Notice for committee on contingencies.

Mr. Moore gave notice that he should to-morrow move for a committee of the whole House on the consideration of the contingencies for the last session.

Notice of address to his Excellency

Mr. Nugent gave notice that he should to-morrow move an address to his Excellency the Governor, praying that his Excellency would cause to be laid before this House the names of all persons holding lands in this colony under the Crown,



with the nature of their tenure, and also the amount whether of purchase or of rent paid or payable, and the quantity and situation of the land, and the dates of their respective titles.

Mr. Morris gave notice that to-morrow he should move for a committee to prepare a bill to regulate the disposal of the Waste Lands of this colony.

Notice of bill to regulate the disposal of waste lands,

A petition of John Purcell, James Sheehan, and others, inhabitants of Portugal Cove, was presented by Mr. Nugent, and the same was received and read,

Petition of John Purcell and others

Praying for a grant of a further sum to finish the new line of Road, at least to Westward Point.

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

A petition of Benjamin Squires, of Manuels, South Shore, was presented by Mr. Morris, and the same was received and read, praying the House to grant him such remuneration as to them shall seem meet, for conveying or ferrying over the pond or gut at Manuels, travellers on their way too and from St. John's, the head of the Bay, and Portugal and Broad Coves.

Petition of B. Squires

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

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on roads and bridges

The Solicitor General gave notice that on an early day he should move for leave to bring in a bill making it imperative upon all persons bringing slide loads of wood into the town of St. John's with horses, or using sleighs, in and about the said town, to have a certain number of bells with such slides and sleighs.

Notice of bill for the regulation of slides and sleighs in the town of St. John's.

Then the house adjourned until to-morrow at one of the clock.

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### WEDNESDAY, January 8, 1840.

**M**R. Nugent from the committee appointed to prepare an address to his Excellency the Governor in reply to his Excellency's speech at the opening of this session, 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.

Report of committee appointed to prepare address to his Excellency.

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

*Ordered*—That the said address be referred to a committee of the whole House.

*Resolved*—That this House do now resolve itself into the said committee.

House in committee thereon.

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 address, and had agreed to the same without amendment.

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

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

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

**Address.**

*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please Your Excellency,

We, Her Majesty's faithful Commons of Newfoundland, in General Assembly convened, beg leave to thank your Excellency for your Excellency's Speech at the opening of the present Session of the Legislature.

Concurring as we do in your Excellency's view of the propriety of holding the general annual Session of the Legislature in the Winter Season, we shall cheerfully enter upon the public business, both regular and incidental, although we, too, with your Excellency, regret the painful circumstances that have made our present convention imperative.

That it is not to the remissness of the House of Assembly, or their unwillingness amply to provide for the wants of the Poor, that the present distress is attributable, is proved by the circumstance that in the last Session we passed a Bill granting to Her Majesty a sum in our opinion fully adequate to the exigency of the time, which Bill, however, unhappily was not permitted to arrive at the maturity of Law; and we regret exceedingly that your Excellency should have deemed it necessary to intimate in your Excellency's Speech, that to that Bill your Excellency's Instructions forbade your giving your Excellency's assent, should it have received the sanction of the two Houses of the Legislature, although we are not aware in what respect the measure in question, or any provision therein embodied, is either opposed to or beside these Instructions.

The Instructions to which your Excellency alludes, we apprehend, are embodied in certain Despatches from Her Majesty's Secretaries of State for the Colonies, sent down by Message bearing date the Twelfth of August, One thousand eight hundred and thirty nine, and which Instructions, with reference to this Bill, in the opinion of this House, go no farther than to express an opinion that the Legislature should not themselves nominate, or authorize others to appoint, to Stipendiary Offices; and in the Bill adverted to, the House of Assembly carefully abstained from violating that principle, leaving to your Excellency the sole appointment to the Office of District Surgeon, the only Stipendiary Office contemplated therein.

Feeling deeply for the miseries of the Poor, we shall, notwithstanding this difficulty, apply our utmost zeal and intelligence to this important subject, in order that the contemplated relief may be made as early as possible available, and shall be most anxious to render any measure that may be introduced for that purpose alike consistent with the just and reasonable wishes of Her Majesty's Government, and promotive of the interests of the Poor.

Your Excellency is pleased in your Excellency's speech to observe upon the subject of the last contingency bill, and to suggest that as the subject is discussed at some length in an address from the House to her Majesty in the last session, a bill



embracing such items as were originally undisputed, might, in consideration of the painful position of various claimants, be at once advantageously prepared. We beg leave to observe that the address to which your Excellency alludes, was complaining of the impediments daily thrown in the way of the operation of the Assembly in Newfoundland; and the subject of the rejection of the Contingency bill is there introduced merely incidentally with that of the rejection of the Academy Bill, the Grammar School Bill, the Poor Bill, and others, but by no means with a view to leave to the decision of her Majesty's Government matters whereof the Assembly are themselves the only constitutional judges.

We shall therefore consider the subject of the contingent expenses of the last session in the same manner as we shall those of the general expenses of the Civil Government of the country, with a view to the public interests, as well as to the maintenance of the independence of the popular branch of the Legislature.

We thank your Excellency for the intention your Excellency expresses of laying before us a survey of the building occupied by the Legislature, and shall not fail to take the subject of the condition of that building under our consideration.

We also return your Excellency our thanks for your Excellency's intention to lay before us the third report of the Geological Surveyor.

We feel grateful to her Majesty's Government for conceding to the Legislature the alienation of the crown territory, and shall lose no time in preparing a bill upon that subject, in order that the assent of her Majesty thereto may be had with as little delay as possible.

Your Excellency judges correctly that a road bill will occupy our deliberations, inasmuch as such a measure is essentially necessary for providing for the completion of roads already in operation, as well as for the making others of great importance; but particularly is such a bill called for by the necessity of affording employment to the poor, thereby enabling us to avoid voting a large sum for the support of the able bodied and industrious labourer.

In fine we shall give our fullest consideration to all those topics to which your Excellency has deemed it expedient on former occasions to call our attention, and in which we have not yet been permitted to carry your Excellency's views into effect, and beg leave to return our thanks for the readiness your Excellency is pleased to express to assist our efforts for the general good.

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

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



Committee.

*Ordered*,—That Mr. Nugent and Mr. Doyle be a committee to wait upon his Excellency the Governor to ascertain his Excellency's pleasure when he will be attended by the House with the said address.

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

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**THURSDAY, January 9, 1840.**

Notice of bill to repeal  
seamen's relief act.

**M**R. Winsor gave notice that on Thursday the 23d inst. he should move for leave to bring in a bill to repeal in part an act passed in the reign of his late Majesty Wm. IV. entitled "An act for the relief of sick and disabled seamen, fishermen, and other persons."

Notice for committee on  
grant for relief of the  
poor

Mr. Moore gave notice that on an early day he should move for a committee of the whole House on the consideration of a grant for the relief of the poor of this country.

Report of committee  
appointed to present ad-  
dress to his Excellency

Mr. Nugent from the committee appointed to wait upon his Excellency the Governor to know when it would be his Excellency's pleasure to receive the House to present their address in answer to his Excellency's speech at the opening of the session, reported that they had waited on his Excellency accordingly, but that his Excellency having been from home, the Secretary undertook to say that his Excellency's pleasure would be communicated to the Speaker without delay.

Mr. Morris moved, pursuant to notice, seconded by Mr. Nugent,

That the House do now resolve itself into a committee of the whole House on the consideration of roads and bridges.

Which being put, the House divided thereon as follows:

For the motion—

Against the motion—

Mr. Doyle  
— Kent  
— Winsor  
— Morris  
— Power  
— Brown  
— Butler  
— Nugent.

Mr. Moore.

So it passed in the affirmative.

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.

The Chairman reported from the Committee that they had considered the matter to them referred, and had come to certain resolutions thereon, which they had

House in committee on  
roads and bridges

Report



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 alienation of the Crown Territory of Newfoundland to the Legislature by her Majesty's Government, merits the gratitude of the colony.

*Resolved*,—That it is of the highest importance to the general interests of the colony that the roads at present in process of making be completed, and that greater facilities of Inland communication should be promoted as well for the public convenience as to enhance the value of the public lands.

*Resolved*,—That as the advantages derivable from the making of Roads and construction of Bridges will extend more to posterity than to the present generation, the principal part of the burthen of expense should rest on those who succeed us, and therefore it is the opinion of this committee that a sum of money be raised on loan payable by moderate instalments in a lapse of time for that purpose.

*Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty one thousand pounds be raised on loan accordingly, for the making and repairing of Roads and Bridges in this colony.

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

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, acquainting him for the information of the House, that his Excellency would receive the address of the House in reply to his Excellency's Speech at the opening of the session, on Saturday next, at half past twelve o'clock.

Then the house adjourned until to-morrow at one of the clock.

Resolutions read and agreed to

Letter from hon. Mr. Secretary Crowdy

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**FRIDAY, January 10, 1840.**

**A** Petition of Denis Ryan. Senr., Richard Lake, and others, inhabitants of Presque, Placentia Bay, was presented by Mr. Nugent, and the same was received and read, setting forth,—That a salary was allowed for a Teacher from the Colonial Funds, and a School established at Presque, at which upwards of fifty children received instruction. The said salary was paid for twelve months, but then withdrawn, and the school discontinued. That petitioners being fully aware of the advantage of education, are most anxious to afford their children the benefit of it, and therefore pray that the House would cause the said salary to be restored, and the School resumed.

Petition of D. Ryan & others

*Ordered*,—That the said petition do lie upon the Table.

To lie on the Table



Then the House adjourned until to-morrow at a quarter before twelve of the clock.

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**SATURDAY, January 11, 1840.**

His Excellency's reply  
to the address of the  
House of the 8th inst.

**M**R. Speaker and the House waited upon his Excellency the Governor at the time appointed by his Excellency to present the address of the House in reply to his Excellency's speech at the opening of the Session—

And being returned, Mr. Speaker reported that his Excellency had been pleased to reply as follows :

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

The expression of your intention to take into full consideration the various subjects which it has been my duty to bring before you, cannot be otherwise than gratifying to me, and I shall be most happy to render you every assistance in my power in the prosecution of your Legislative labors.

Government House, }  
11th January, 1840. }

Petition of J. Doyle &  
others

A Petition of James Doyle, J. W. Martin, and other inhabitants of Conception Bay and St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum from the Revenues of the Colony for the erection of a Pier or Quay at Portugal Cove.

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

Referred to committee  
on roads and bridges

*Ordered,*—That the said Petition be referred to the committee on roads and bridges.

Petition of P. Flemming  
and others

Mr. Morris also presented a Petition of Patrick Flemming, Peter Doyle, and others, inhabitants of Torbay, and the same was received and read, praying for a grant of an adequate sum for the repairing of the road from St. John's to Torbay.

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

Referred to committee  
on roads and bridges

*Ordered,*—That the said Petition be referred to the committee on roads and bridges.

Address to his Excel-  
lency presented & read

Mr. Nugent pursuant to notice on the 7th instant, presented 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 :



*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

Address.

May it please Your Excellency,

The House of Assembly request your Excellency will be pleased to order the following returns to be laid before the House—

The names of all persons holding lands in this colony under the Crown.

The quantity and situation of such lands.

The date and nature of their tenure, and the amount whether of purchase or of rent paid or payable thereon.

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

*Resolved*,—That the said address be adopted and engrossed.

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

Committee.

Mr. Morris gave notice that on Monday next he would move for a committee of the whole House on the consideration of that part of his Excellency's speech relative to the alienation of the Crown Territory in Newfoundland.

Mr. Nugent gave notice that on an early day he would move for leave to bring in a bill to regulate Juries in this colony,—also a bill to regulate the office of Sheriff in this colony.

Notice of bill to regulate Juries

The Solicitor General gave notice that on an early day he would move for leave to bring in a bill to provide for the expense of supplying the town of St. John's with water.

Notice of bill for supplying St. John's with water.

Mr. Nugent gave notice that on the 21st inst. he would move for leave to bring in a bill to incorporate the town of St. John's.

Notice of bill to incorporate the town of St. John's

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

*Resolved*,—That Peter Winsor, Esq., be appointed Chairman of Finance and Audit, to take the chair in all committees of Supply, Ways and Means, Contingencies, and on the investigation of public accounts.

Then the House adjourned until Monday next at one of the clock.

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**MONDAY, January 13, 1840 .**

**A** Petition of Michael Delaney, Nicholas Roach and others, inhabitants of Middle Cove, was presented by Mr. Nugent, and the same was received and read, praying for a grant of a sum to make a branch road of about a mile from Middle Cove to meet the Torbay road.

Petition of M. Delane and others.



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

Referred to committee  
on roads and bridges

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

Message from his Ex-  
cellency.

*A Message from His Excellency the Governor.*

The Hon. Mr. Secretary Crowdy being admitted within the bar, informed the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He also laid before the House by command of his Excellency the following documents, viz.

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

Copy of correspondence relative to the repairs of the Block House on Signal Hill.

Return of certificates of Wolves killed between the 14th September, 1839, and 3d January, 1840,—and

Accounts and claims for the support of paupers.

And then the messenger withdrew.

The said message was then read by Mr. Speaker, as follows :

**H. PRESCOTT.**

The Governor transmits to the House of Assembly an affecting representation made by the Rev. Mr. Ward, of the state of John Collins, and acquaints the House that the extreme urgency of the case has induced his Excellency to direct the admission of Collins into the Hospital.

Government House, }  
13th Jan. 1840. }

The letter accompanying the said message and the said documents were then read by the Clerk.

(For the said copy of despatch and return see Appendix.)

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

*Resolved*,—That the said message and the papers on the subject of the poor, sent down by his Excellency this day, be referred to a select committee to report upon.

*Ordered*,—That Mr. Nugent, Mr. Power, Mr. Winsler, Mr. Morris, and Mr. Moore, do form the said committee.

Petition of John Kelly  
and others

A petition of John Kelly, Michael Roach and others, inhabitants of Middle Cove, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum to make a road from their settlement to the Outer Cove road.

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

Referred to committee  
on roads and bridges

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

Petition of P. Tobin and  
others.

A petition of Patrick Tobin, Thomas Hallahan and others, inhabitants of Flat Rock, was also presented by Mr. Morris, and the same was received and read, praying for a grant of a sum sufficient to repair the road from Flat Rock to Torbay, which is in a very bad state.



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

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

Referred to committee on roads and bridges

A petition of John Coughlan, Joseph Parsons, Sen. and others, inhabitants of Bryan's Cove, Conception Bay, was presented by Mr. M'Carthy, and the same was received and read, praying for a grant of a further sum to continue the road on the south side of Harbor Grace to Bryan's Cove.

Petition of J. Coughlan and others

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

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

Referred to committee on roads and bridges

Mr. Morris gave notice that on Monday next he should move for a committee of the whole House on privilege, to take into consideration the claim of the printer for fine imposed on him for publishing their proceedings.

Notice for committee on privilege.

Pursuant to order the House resolved itself into a committee of the whole House on the consideration of that part of his Excellency's speech relative to Crown Lands in Newfoundland.

House in committee

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 considered the matters to them referred, and had come to a resolution thereon, which he was directed to report to 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:

Report

*Resolved*,—That one hundred copies of the resolutions submitted to the committee, together with the queries of his Excellency the Governor to the Surveyor General, and the replies thereto, be printed for the use of the members.

And the said resolution having been read throughout, was, upon the question put thereon, agreed to by the House.

Mr. Winsor gave notice that to-morrow, he should move for the appointment of a committee to audit the public accounts.

Notice for committee of audit,

Then the house adjourned until to-morrow at one of the clock.

**TUESDAY, January 14, 1840.**

A Petition of Michael Coady, of Bay Bulls, was presented by Mr. Winsor, (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. Coady.



That petitioner has been constable in Bay Bulls for 43 years, during which time he received no remuneration for his services until the year 1828, when he was allowed £10 stg. per annum; and in 1835, from the duties he had to perform, and their faithful discharge, his salary was increased to £25 stg. per annum. That this sum was the next year reduced to £12, although his labours and services were not diminished, and praying that it may be raised to the former sum of £25.

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

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

Mr. Winsor moved, pursuant to notice, seconded by Mr. Dwyer,

*Resolved*,—That a committee be appointed to audit the public accounts, with liberty to send for persons and papers.

*Ordered*,—That Mr. Winsor, Mr. Dwyer, Mr. Butler, Mr. M'Carthy, and Mr. Moore, do form such committee.

Mr. Nugent gave notice that on Thursday next he should move for a committee of the whole House on the consideration of the making and repairing of roads and bridges in this colony.

Mr. Winsor gave notice that he should on Friday next, move for a committee to prepare an address to his Excellency the Governor, praying that his Excellency will cause the 14th section of the Act made in the 6th year of the reign of his late Majesty William the 4th, entitled, "An act for the relief of sick and disabled seamen, fishermen and other persons," to be fully carried into effect,—and also that his Excellency will please to order the Treasurer to furnish the House with such documents as the committee of audit may from time to time require.

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

## WEDNESDAY, January 15, 1840.

**M**R. Nugent from the committee appointed on the 11th inst., to present an address of the House to his Excellency the Governor, praying for certain returns relative to Crown Lands, reported that the committee had waited on his Excellency with the said address, and that his Excellency was pleased to reply as follows:—

**GENTLEMEN**,—I will direct returns to be made as early in conformity with this address, as may be found practicable.

Government House, }  
13th January, 1840. }

A petition of Thomas Williams, of St. John's, was presented by Mr. Brown, (who stated in his place that he had the sanction of his Excellency the Governor to present the same) and the said petition was received and read,—Praying for a grant of a fair and remunerating sum to Petitioner for his services as Assayer of Weights

Committee of audit

Committee of supply

Referred to committee of supply.

Committee of audit

Committee of audit

Notice for committee on roads and bridges

Notice for Committee to prepare address to his Excellency.

Report of committee appointed to present address to his Excellency

His Excellency's reply

Petition of Thomas Williams



and Measures during nearly three years, and to affix some yearly stipend to an office of so much importance to the community at large.

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

*Ordered*,—That the said Petition be referred to the committee of Supply.

Referred to committee of supply

A petition of Thomas Coyal, Thomas Ebsery and others, inhabitants of the South Side of the Harbor of St. John's, was presented by Mr. Morris, and the same was received and read,—Praying for a grant of a sufficient sum to make a road on the said South-Side, the present pathway being in a very dangerous, and in winter almost impassable state.

Petition of Thomas Coyal and others

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

*Ordered*,—That the said Petition be referred to the committee on roads and bridges.

Referred to committee on roads and bridges

A petition of Daniel S. Ward, Charles Rankin and others, inhabitants of St. John's, was presented by Mr. Kent, and the same was received and read,—Praying for a grant of an adequate sum to complete the Road which leads from the Wignore Gully road to the old Topsail road.

Petition of D. S. Ward and others

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

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

Referred to committee on roads and bridges

A petition of Daniel Griffin, Denis Conway, and others, inhabitants of Outer Cove, was also presented by Mr. Kent, and the same was received and read,—Praying for a grant of a sufficient sum for the completion of the road leading to their settlement.

Petition of D. Griffin and others

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

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on roads and bridges

Mr. Kent as Chairman of the Commissioners appointed by the Act to provide for the expenses of the Delegation, passed the last session, laid before the House a 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 of Delegation Commissioners

## REPORT

OF THE EXPENDITURE OF MONIES VOTED IN AN ACT OF LAST SESSION FOR THE DEFRAYAL OF THE EXPENSES OF THE LATE DELEGATION TO LONDON.

Remitted William Williams Witham Esq., 8 Grey's Inn Square, London, one set of Exchange, £208 9s. 4d. at 21½ Exchange.	£219 10 6
Remitted Henry Prendergast, Reporter, one set of Exchange, £29 0s. 10d. at 21½ Exchange.	30 11 8
Paid Right Rev. Dr. Fleming the following sums advanced by him in London:—	
For Reporting, £15 0 0, Printing £44 6 6, Council's fees, £215 10 3.	274 16 9
Paid John Valentine Nugent Esq.,	157 10 0



	Amount brought forward . . . .	682	8	11	
"	Dr. Carson for lithographing,		2	9	4
"	Patrick Morris Esq., printing,		28	9	10
			<hr/>		
			£713	8	1
			<hr/>		

JOHN KENT, Chairman of Commissioners.

St. John's Newfoundland January 14th, 1840.

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

Mr. Nugent from the committee appointed on the 13th inst. to report on certain papers laid before the House by order of his Excellency the Governor, on the subject of the Poor, reported that the committee had prepared a bill to make provision for the sick and destitute poor of this Colony, which he presented to the House, and the same was read a first time.

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

Mr. Nugent gave notice that to-morrow he should move the suspension of the Rules of this House in reference to the reading, committing, and passing of the said bill.

Mr. Nugent also gave notice that to-morrow he would move for a committee of the whole House on the consideration of that part of his Excellency the Governor's speech which referred to the contingencies of the last session.

Pursuant to the order of the day the House resolved itself into a committee of the whole House on the consideration of the making and repairing of Roads and Bridges in this Colony.

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 considered the business to them referred, and had come to certain resolutions thereon, which he read in his place, and afterwards delivered the same in at the Clerk's table, where they were again read as follow :

*Resolved*,—That the sum of thirteen thousand five hundred pounds be appropriated to the completion of the roads already in progress, and to satisfy such other claims for Roads as the House shall approve of.

*Resolved*,—That the sum of seven thousand five hundred pounds be appropriated to the making the Main Roads and Bridges from St. John's to Placentia, and such other lines of Main Roads as shall be determined by the House.

And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the House.

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

**THURSDAY, January 16, 1840:**

Petition of Mary Morrissey and others

**A** Petition of Mary Morrissey, Margaret McNamara, and others, inhabitants of St. John's, was presented by Mr. Kent, and the same was received and



read, setting forth the very distressed state of the poor of this colony, and praying that provision may be made by the Legislature for their immediate relief.

*Ordered*,—That the said Petition do lie on the table.

To lie on the table

A Petition of William, Jonathan, Aaron, and George Vokey, of Spaniard's Bay, was presented by Mr. Nugent, and the same was received and read, setting forth:—That Petitioners had contracted with the Board of Road Commissioners to perform certain work at Spaniard's Bay, which they completed, and a Warrant was sent to the Treasurer to pay them the amount of the contract.—That on application to the Treasurer for payment they were informed the money had been attached by the Chairman of the Board, Mr. Donnelly, for a debt said to be due by one of the Petitioners, (William Vokey), and that therefore he could not pay it. That Petitioners considering the attachment under such circumstances to be most unjust and illegal, pray the House to investigate the matter.

Petition of William Vokey and brothers

*Ordered*,—That the said petition do lie on the Table.

To lie on the Table

Pursuant to the order of the day, a Bill to make provision for the Sick and destitute Poor of this colony was read a second time.

Poor Bill read 2d time

Mr. Nugent moved pursuant to notice, seconded by Mr. Kent.

*Resolved*,—That the Rules of the House be suspended in reference to the committing, reading, and passing the said bill.

Suspension of Rules in reference thereto

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

Resolved that this House do now resolve itself into a committee of the whole House on the consideration of the said bill.

House in committee on Poor 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.

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, 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.

Engrossed 3d reading

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

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## FRIDAY, January 17, 1840.

**A** GREEABLY to the order of the day, an engrossed Bill to provide for the relief of the poor of the Colony, was read a third time.

Poor Bill read 3d time



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

Passed—  
Title

*Resolved*,—That the said bill do pass, and that the title be “An Act to make provision for the Sick and destitute Poor of the Island of Newfoundland.”

Sent to Council

*Ordered*,—That Mr. Nugent and the Solicitor General do carry the said Bill up to her Majesty's Council, and desire their concurrence.

Petition of James Tracy and others

A Petition of James Tracy, Patrick Mc'Carthy, and others, was presented by Mr. Nugent, and the same was received and read,—Praying that the Acts commonly called the Statute Labor Acts may be repealed, for the reasons set forth in the said Petition, so that Petitioners may re-possess themselves of the property taken from them under the said Acts, or that the remuneration awarded them for such property may forthwith be paid them by a grant of the Legislature.

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

Referred to committee on roads and bridges

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

Petition of L. Collins

A Petition of Luke Collins, Assayer of Weights and Measures for the district of Placentia, was presented by Mr. Doyle, (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,—Praying the House to grant him the sum of £18 16s, expended by him in performance of the duties of his said office of Assayer of Weights and Measures, and an equitable remuneration for his personal services therein.

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

Referred to committee of supply

*Ordered*,—That the said Petition be referred to the committee of Supply.

Message from his Excellency the Governor

*A Message from His Excellency the Governor.*

The hon. Mr. Secretary Crowdy being admitted within the bar, acquainted the House that he had four Messages from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He also presented to the House by command of his Excellency, the following Documents :—

Copy of a letter from the Collector of Customs, relative to a preventive boat for the port of St. John's, as provided for by Act 3, Vic., cap. 4.

Memorial of the Board of Commissioners of Education for the Electoral district of St. John's.

Returns of Boards of Education for Ferryland, Placentia, and Bonavista.

Report of Commissioners of Light Houses.

Report of the Commissioners of Roads from Ferryland to Acquafort.—(*For the foregoing see Appendix.*)

Presentments of various Grand Juries in the Northern and Southern districts.

Report of Mr. Kough relative to the present very defective state of the Court House buildings.

Copy of a letter from the Clerk of the Peace at Harbor Grace, relative to certain outstanding claims.



Copy of a letter from the Stipendiary Magistrate at Brigus, representing the insufficiency of the sum granted by the Legislature for building a Jury room in the Court House there.

Claim of Mr. John Skelton for services as quarantine Medical officer at Bonavista in the year 1836.

Petition of Henry Earle, for remuneration for services as poll clerk at the Election for Trinity Bay.

Account of the Clerk of Southern Circuit Court.

Constables account of the Northern district in Civil and Criminal prosecutions.

And then the messenger withdrew.

The said messages were then read by Mr. Speaker, and are as follow :

**H. PRESCOTT.**

The Governor transmits to the House of Assembly a letter addressed to him by Assistant Judge Brenton, and a despatch from her Majesty's Principal Secretary of State, in which his Excellency is directed to recommend Mr. Brenton's case in the strongest manner to the favourable notice of the House. In so recommending it, the Governor is actuated not more by a principle of duty than by a sense of the Judge's merits and valuable services, and a consequent anxious desire that he should succeed in his present application.

Government House }  
January, 1840. }

**H. PRESCOTT.**

The Governor, in reference to the Colonial Act 5th Wm. 4th, 2d Session, cap. 11, which will expire in May next, transmits and recommends to the most favourable consideration of the House of Assembly a memorial from Mr. Archibald, and a letter from the Chief Justice, corroborating part of the statements made in the said memorial.

Government House, }  
17th January, 1840. }

**H. PRESCOTT.**

The Governor transmits to the House of Assembly a copy of rules lately submitted to him by the Board of Education for the district of St. John's.

They appear to his Excellency to be well worthy the consideration of the Legislature, whenever a renewed act for the promotion of Education may be in progress or contemplation.

Government House, }  
17th January, 1840. }

**H. PRESCOTT.**

The Governor transmits to the House of Assembly accounts of expenses incurred in the Registration of voters under the Act 4, W. 4, (2d sess.) cap. 15.

While the act remains in force his Excellency is persuaded the House will feel the justice of such demands, and the imperative necessity of discharging them. In



exemplification of the inconvenience and injury consequent upon no provision having been made for this purpose, his Excellency recommends to the particular attention of the House, the documents connected with the case of the High Constable at St. John's.

Government House, }  
17th January, 1840. }

—o—

The petitions and documents accompanying the said messages were read by the Clerk, and are as follow :

*Application from Assistant Judge Brenton for a retiring pension.*

Leamington, 11th Feb. 1839.

Sir,—In reference to my memorial for retirement from my office as an Assistant Judge of the Supreme Court of the Island of Newfoundland, and which by desire of the Secretary of State for the Colonies, your Excellency submitted to the consideration of the House of Assembly in the session of the year before last, I have to request that as my increasing years and infirmities since that period, have rendered me most anxious to be relieved from my public duties, your Excellency would be pleased to call the attention of the Assembly to a re-consideration of the prayer of that memorial.

Entering as I shall then do, should God mercifully spare my life to the 30th of next month, into my seventy-seventh year, I am sure the Assembly will not deem me unreasonable in wishing to retire from the arduous duties of a Judge—which although I may have hitherto been able to discharge as I trust not discreditably to myself or without advantage to the public, I may in a moment be incapacitated from performing—or in confidently expecting from their justice and liberality such a retired allowance as shall be competent to my support, and to which a constant and faithful service of more than eleven years shall appear to entitle me.

I have, &c.

(Signed) E. B. BRENTON.

His Excellency the Governor.

Downing Street, 22d July, 1839.

Sir,—I transmit herewith for your information the copies of a correspondence which has passed with Mr. Brenton relative to his retirement from the Bench of Newfoundland.

You will observe that notwithstanding the circumstances which would make me anxious to comply with Mr. Brenton's application, I have felt it impossible to hold out to him the prospect of obtaining a pension from any other source than the Revenues of Newfoundland. Under these circumstances, Mr. Brenton has requested that his case may be recommended to the favourable consideration of the Colonial Legislature, and that in the meantime he may be allowed to remain in this country on leave of absence. To the latter request, I have not felt myself at liberty



to accede without a previous communication with you, and I have therefore to desire that you will inform me whether in your opinion Mr. Brenton can be allowed this extended leave of absence without injury to public interests.

You will at their next meeting bring Mr. Brenton's case under the consideration of the Legislature, and recommend it in the strongest manner to their favourable notice. I have, &c.

(Signed) **NORMANBY.**

Capt. Prescott, R. N.  
C. B.

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*Memorial from Mr. Archibald, Clerk of the Supreme and Central Courts.*

*To His Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

The memorial of Edward Mortimer Archibald, most humbly sheweth—

That by an act of the Legislature of the colony, passed in the fifth year of the reign of his late Majesty, the office of Clerk of the Central Circuit Court was combined with that of Chief Clerk and Registrar of the Supreme Court, then held by your memorialist, and the duties of the two offices were thrown upon him. That the salary previously paid and allowed to your memorialist was £400, with £100 out of the fees—in all £500; and that paid to the person holding the office of Clerk of the Central Circuit Court was £250—making in the whole the sum of £750; but that upon the combination of the two offices, the sum so paid for salary was reduced from £650 to £300, with an allowance of £200 out of the fees.

Your Memorialist further sheweth, that he hath accounted for all the fees so received by him in virtue of his office, up to the 1st day of April last, and hath paid over the excess into the hands of the Treasurer of the colony.

And your memorialist further sheweth, that on entering upon the duties of the united offices, he found it absolutely necessary to employ the services of an assistant, if not for the whole, at least for the greater part of the year; and that to ensure a competent and confidential one, he must necessarily be engaged for the whole of the year, and that your memorialist has consequently paid for the services of such an assistant for the 4 years ending on the first day of April last, the actual sum of £200 sterling.

That to any one acquainted with the practice of the Courts—the throng of suitors and others at your memorialists, office during term times, and for some considerable time before and after them, and the greatly increased duties at those seasons thrown upon the Clerk, compared with those under the former system of practice—it cannot but be obvious that it is impossible for one individual to despatch the business which falls to be performed by the person holding the office in question; and in support of this statement, your memorialist begs leave to refer



to a letter from the honorable the Chief Justice to your Excellency upon this subject.

Your memorialist further sheweth, that it was the intention of the Legislature to secure to him for discharging the whole of the duties of the two offices in question (for which £750 had been previously paid) the clear sum of £500, independent of all contingent expenses; and he humbly submits that it would be unjust to burthen him with the expense of an assistant clerk necessarily employed by him to carry the purposes of the act of the Legislature into operation.

Your memorialist therefore humbly prays that the said sum of £200 so necessarily outlaid, may be reimbursed to him.

Your memorialist also respectfully begs leave to take this opportunity of adverting to the office of Clerk of the General Assembly which he has lately resigned, and to which he was appointed by his late Majesty upon the institution of a local Legislature in this colony. That in resigning the said office, your memorialist was actuated by a desire to promote harmony between the Executive and the Assembly by preventing all further cause of difference upon the question, so long agitated, as to the right of appointment to that situation, and at the same time to remove the only obstacle which existed to the exercise by the Assembly of the patronage conceded to them by her Majesty. Your memorialist has also been, in some measure, prompted to take this step in order that he may devote the more attention to the duties of his office of Clerk of the Courts, which since the passing of the act above mentioned, and the introduction of the English practice, have very greatly increased.

Your memorialist humbly craves leave to refer to his services during the time he filled the said office of Clerk of the General Assembly, and to which his best abilities were devoted, more especially during the earlier sessions of the Legislature, when he was necessarily called on and did perform many important and arduous services out of the line of his official duty, which are within the knowledge of several of the Members of the present House, and to which therefore your memorialist does not deem it necessary more particularly to allude, but which have on various occasions been acknowledged in flattering terms.

Your memorialist also submits that the reduction made in the salary previously allowed for the performance of the duties of the offices of Clerk of the Supreme and Central Circuit Courts, at the time they were combined, was occasioned in a great measure by the circumstance of your memorialist holding at the same time the office of Clerk of the General Assembly, which he has now resigned.

Your Memorialist therefore humbly prays that your Excellency will be pleased to recommend the several matters set forth in this memorial to the Honorable the House of Assembly,

And he will ever pray, &c.

EDWARD M. ARCHIBALD.

St. John's, January 14, 1840.

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*Letter from the Chief Justice representing the necessity of Mr. Archibald's having an Assistant in his office*

2d January, 1840.

Sir,—Mr. Archibald having mentioned to me his application to your Excellency respecting the allowance of a salary to a Clerk who may assist him in his office,



I consider it due to him to state that, in my opinion, the assistance of a Clerk is indispensable, for the full performance of his duties, and that unless he had engaged one he could not have discharged them so efficiently as he has done; whilst the payment of the Clerk's stipend would (unless Mr. Archibald should be reimbursed) be a heavy deduction from the salary which was voted on the consolidation of the offices of Clerk of the Supreme Court and of the Central Circuit Court, and which the Legislature doubtless intended to be clear of all deductions.

Even when the Courts are not sitting, the quantity of writing and the extent of the Clerk's duties seem to me more than one person can well perform, and unless Mr. Archibald had an assistant to attend to his office, it must always be closed when he is engaged with the Judges in Chambers or in Court.

I have, &c.

(Signed) J. G. H. BOURNE

His Excellency the Governor.

## COPY

Of certain RULES submitted by the Board of Education at St. John's.

1st.—At the annual meeting of the Board to be holden on the 1st Wednesday in July in every year, there shall be chosen by ballot from the said Board, a Chairman, Treasurer and Secretary.

2d.—That for the purposes of the said Act there shall be four meetings of the said Board holden at St. John's in each and every year, at the times hereinafter mentioned,—that is to say, on the first Wednesday in July, the first Wednesday in October, the first Wednesday in January, and the first Wednesday in April.

3d.—That the Chairman, or on his refusal, or in his absence, any three Members of the Board by a requisition under their hands, shall have power to call a special meeting of the said Board, whenever he or they shall deem it expedient so to do, giving at least four days notice of the same, and mentioning the object of the said meeting in the notice.

4th.—That no business of the said Board shall be transacted except at the said general or special meetings; and no measure shall be adopted by the said Board, except five members at least concur therein.

5th.—That it shall be the object of the Board to extend the Funds at its disposal to the support of as many Schools as they can be efficiently applied to.

6th.—That when application shall be made for the establishment, or for the support of any School, it shall be certified, under the hands of at least three Members of the Board, that the School so proposed to be established or supported, would be or is a fit and proper object for the application of the funds at the control of the Board, without which certificate no such application shall be entertained.

7th.—That all Ministers of religion shall have power to visit the Schools under the control of this Board, and from time to time to withdraw the pupils of their res-



pective communions for the purpose of imparting to them religious instruction, for which every facility shall be afforded by the teacher ; but no Minister shall be permitted to impart any such instruction in the School.

8th.—That no Books shall be used in any School established by this Board, except the “Irish National School Books” or such others as may be approved of by the Board, and which every Teacher is hereby required to use, and no others, upon penalty of dismissal from his office.

9th.—That no money shall be paid by the Treasurer, except under an order of the Board in the form prescribed in schedule A, which order shall be signed by the Chairman, and countersigned by the Secretary.

10th.—That every Teacher connected with the Board shall keep a Register of scholars, according to the form described in schedule B, and shall make a return to the Secretary once in every six months, according to the form prescribed in schedule C, and shall be paid half-yearly.

11th.—That the Teacher of every School to be established by this Board shall require and receive for his own use and benefit, from every scholar, payment according to the following scale:—

Reading—half year.....	2s. 6d.
Reading, Writing and Arithmetic.....	5s. 0d.

and shall keep a correct account of the amount received, and transmit the said account at the end of each half year to the Secretary ; provided always, that the children of persons who are unable to make such payments may be admitted gratis, by an order signed by two Members of the Board.

12th.—That no Minister of religion, or Teacher, or any other person whatever, shall be permitted to impart in any School or Schools, established by this Board, the doctrines or peculiar tenets of any particular or exclusive Church or religious society whatever.

13th.—That all School Houses, erected by this Board, or otherwise coming into their possession, shall be legally invested in the hands of Trustees nominated by the Board, for the exclusive purpose of educating children according to the Bye-laws, Rules, and Regulations,—and that all Schools established by this Board shall adhere to its Bye-laws, Rules, and Regulations.

SCHEDULE A.

To \_\_\_\_\_ Treasurer of the Board of Education for the District of \_\_\_\_\_

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Please pay to \_\_\_\_\_ order the sum of \_\_\_\_\_ being for \_\_\_\_\_ and charge the same to the account of the said Board.

By order of the said Board,

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Secretary.



**SCHEDULE B.**

*Attendance in School,*

Register No.	Progress No.	Day of the Month													remarks				
		Day of the Week.																	

**SCHEDULE C.**

*School,*

Register Number	Name.	Age.	Date of admission	Parent or Guardian	State on admission	State at the time of making Return.	No. of individuals admitted at		

**ACCOUNTS**

Of expenses incurred in the Registration of Voters.

*Police Office, St. John's, 18th October, 1839.*

SIR,—We have the honor to enclose an account delivered into this Office by Mr. Henry Winton, Stationer, against this District, for sundry articles of Stationery supplied by him for the purpose of making a list of persons entitled to vote at



Elections, and a Register thereof, agreeable to the Colonial Act of the 4th, Wm. 4th, 2d Session, Cap. 15:

We have, &c.

(Signed,)

P. W. CARTER, J. P.  
CHAS. SIMMS, J. P.

The Hon. James Crowdy.

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*Police Office, St. John's, October 3rd, 1839.*

SIR,—I beg to acquaint you for the information of his Excellency the Governor, that Mr. Finlay, who has, as his Excellency is already aware, performed the duties of Registrar of Voters, &c. for this district for several years past, has placed in the hands of the Magistrates a Writ for the sum of thirty pounds, which it appears has been sued out against Mr. Finlay for value of Books and Stationery supplied to him for the necessary purposes of his office.

The Police Magistrates have already ventured to express to his Excellency their regret that the Registrar of Voters should have been so long unpaid, not only for the labour and trouble incident to the Office, but even for the necessary disbursements connected therewith, with a hope that the Legislature would have provided funds to meet such expenditure.

Under the circumstances however of a writ being taken against Mr. Finlay, I would respectfully submit that it becomes a matter of almost imperative necessity that he should be protected from the unpleasant consequences of an Action at Law for a debt incurred in the mere fulfilment of the duties of a public office, and as this probably could only be done by payment of the demand and costs, I request you will be pleased again to bring the claim of Mr. Finlay under the consideration of his Excellency the Governor.

I have, &c.

(Signed)

CHAS. SIMMS, J. P.

The Hon. James Crowdy.

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*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

The Memorial of James Finlay humbly sheweth,—That Memorialist was appointed Registrar of Voters for this district in the early part of the year 1835, and shortly afterwards to the Office of High Constable.

That the duties of Registrar of Voters were performed to the entire satisfaction of the Magistrates, from whom Memorialist received his appointment, and Memorialist was paid by a vote of the Legislature the sum of £20 for that year's services.

That Memorialist has ever since continued to perform the duties of his said office, agreeably with the Act providing for the same, and which makes it imperative on the Magistrates to cause lists of voters to be taken and registered annually, for which services in carrying the provisions of an Act of the Legislature into effect, the House of Assembly have refused to make any compensation.

That prior to the Session of the Legislature just closed, Memorialist was induced to hope that the full amount of salary as Registrar of Voters, together with the ar-



rears would have been voted, and with this belief Memorialist ventured to draw an order on the Treasurer of the colony for the payment of twenty pounds out of the sum which may be voted to Memorialist for his services; but no vote to that effect having been made, Memorialist was obliged to allow the Treasurer to retain his last quarter's salary as High Constable to meet the said order.

That Memorialist has no other means of supporting a large family than those derived from his salary as a public servant under your Excellency's Government, and the deprivation of those means are at this season of the year most seriously felt, and Memorialist is assured that the parties to whom he is indebted will no longer be satisfied with mere promises of payment.

Memorialist therefore humbly prays your Excellency will be graciously pleased to take his case into consideration, and make an order for the payment of such a sum of money as to your Excellency shall seem just.

And Memorialist as in duty bound will ever pray.

(Signed)

J. FINLAY.

St. John's, 19th Oct., 1839.

*Ordered*,—That the said letter from the Collector of Customs be referred to the committee of Ways and Means, and that the other documents do lie on the table to be perused by the Members of the House.

Referred to Committee on Ways & Means, &c

Mr. Winsor moved, pursuant to notice, seconded by Mr. Nugent,

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor, agreeably to his notice of motion on the 14th instant.

Committee to prepare address to his Excellency

*Ordered*,—That Mr. Winsor, Mr. Nugent, and the Solicitor General do form the said committee.

Mr. Winsor from the said committee, reported that they had prepared the said address, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report

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

May it please Your Excellency,

On the 12th of June in the last Session of the Assembly, the House of Assembly addressed your Excellency, respectfully requesting that your Excellency would be pleased to cause the 14th section of the Act made in the sixth year of the reign of his late Majesty William the Fourth, entitled "an Act for the relief of sick and disabled Seamen, Fishermen, and other Persons" to be fully complied with.

Notwithstanding, no accounts have been handed into the House of Assembly from the Directors of the Hospital for the district of Ferryland.



The House of Assembly again most respectfully request that the 14th section of the aforementioned act may be complied with.

Also that your Excellency will be pleased to order that the Treasurer do furnish the House of Assembly with such documents as the committee of audit may from time to time require.

Adopted.

*Resolved*,—That the said address be adopted and engrossed.

Committee.

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

House in committee

Pursuant to the order of the day the House resolved itself into a committee of the whole House on that part of his Excellency the Governor's speech which refers to the contingencies of last session.

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 come to a certain resolution thereon, which he was directed to report to 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:

*Resolved*,—That the chairman ask leave to bring in a bill to defray the contingent expenses of the Legislature for the fourth session of the second General Assembly of this Island.

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

Contingency bill read first time.

Mr. Winser accordingly presented the said bill, and the same was read a first time.

2d reading

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

House in committee on Crown Lands.

Pursuant to order, the House resolved itself into a committee of the whole House on the subject of Crown Lands in this 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 matters to them referred, and had come to a certain resolution thereon, which he was directed to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was read as follows:

*Resolved*,—That a committee be appointed to prepare a bill to regulate the disposal & sale of Lands in this colony, and that the following be their instructions:



*Resolved*,—That it is the opinion of this Committee, that all Crown Lands in the Province of Newfoundland should be sold by public auction at a minimum upset price.

*Resolved*,—That it is the opinion of this Committee that the inhabited and settled parts of the Island should be divided into townships or agricultural districts, each district to have a Board of Commissioners for the surveying & disposal of waste lands, the whole to be under one general board of Superintendence or Controul.

*Resolved*,—That it is the opinion of this committee that the lands situated bordering on the coast near the fishing Harbors and Towns, claim the first and immediate attention of the Government.

*Resolved*,—That it is the opinion of this committee that the lands so situated on the sea board and at a distance of            miles from the margin of the sea, should be divided into small and convenient lots for the benefit of the seamen engaged in the fishery, which will conduce to the support, and be the best auxiliary to the fishery.

*Resolved*,—That it is the opinion of this committee that an adequate portion of ground should be allocated in each agricultural township or district for the support and maintenance of public schools, and for all other public purposes necessary for the well-being, health and comfort of each respective community.

*Resolved*,—That it is the opinion of this committee that the proceeds of the sale of Land should be exclusively applied to the making of Roads and all other means of internal communication, as well as for the encouragement of agricultural settlers in the respective districts.

And the said Resolutions having been read throughout, were, upon the question put thereon, agreed to by the House.

*Ordered*,—That Mr. Morris, Mr. Nugent, Mr. Kent, Mr. Winsor, and the Solicitor General do form the said committee.

Committee.

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

*Resolved*,—That the correspondence between his Excellency the Governor and her Majesty's Secretary of State for the Colonies, on the subject of Crown Lands in this Island, be printed for the use of the Members.

Then the house adjourned until Monday next at one of the clock.

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## MONDAY, January 20, 1840.

**A** Petition of George Hipplesley, Assayer of Weights and Measures for the district of Harbor Grace, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor had given his consent to the same being presented,) and the said Petition was received and read,

Petition of G. Hipplesley

Praying for remuneration for his services in the said office of Assayer of Weights and Measures for the last three years.

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.



Petition of M. Dillon.

A Petition of Matthew Dillon, of St. John's, was presented by Mr. Nugent, and the same was received and read,

Praying for a grant of the sum of twelve pounds, for performing certain work on the Road westward of Waterford Bridge.

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

Referred to committee on roads and bridges

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

A petition of P. Morris and others.

A Petition of Patrick Morris, Patrick Mullowney, and other inhabitants of St. John's and its vicinity, was presented by Mr. Kent, and the same was received and read,

Praying that the sum of sixty pounds, granted by the Legislature for the erection of a wharf at Boden's Cove, and unappropriated—the said Cove being claimed as private property—may be applied to the building of a wharf and a wall at each side thereof, in the public Cove between the premises of Messrs. T. and J. Brocklebank, and Messrs. Robinson, Brooking, Garland & Co., and for such further sum as will enable the Road Commissioners to make a proper entrance from the streets to the wharf.

On motion of Mr. Kent, 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 C. Ayre & others.

A Petition of Christopher Ayre, Newman W. Hoyles, and others, Household-ers on the Military Road, St. John's, was presented by Mr. Morris, and the same was received and read,

Praying for a grant of a sum sufficient for the necessary repairs of the said Road.

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

Referred to committee on roads and bridges

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

Contingency bill read 2d time.

Pursuant to the order of the day a Bill to defray the contingent expenses of the Legislature for the last Session was read a second time.

Committed.

*Ordered*,—That the said Bill be committed to a committee of the whole House to-morrow.

Mr Winsor gave notice that he should to-morrow move that the rules of the House in reference to the reading and passing of bills be suspended, so far as relate to the said bill.

House in committee

Agreeably to the order of the day the House resolved itself into a committee of the whole House on the consideration of the claim of the Printer of the House for fine imposed on him for publishing their proceedings.

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 considered the business to them referred, and had examined Mr. Parsons, and came to certain resolutions



thereon, which examination and resolutions he read in his place and afterwards delivered the same in at the Clerk's table, where they were again read as follow :

**ROBERT JOHN PARSONS** called and examined.

What is your name ? **Robert John Parsons.**

Are you printer of the House of Assembly ? **I am.**

[A Report of the House of Assembly "on the present state of the Administration of Justice in Newfoundland," having been here handed the witness]—

Did you print that Report ? **I did.**

Under what authority did you print it ? **Under the authority of an order of the House.**

Did you publish that report in the Patriot newspaper ? **I did.**

Under what authority did you so publish it ? **Under the authority of an order of the House of Assembly.**

Were any proceedings instituted against you for that publication ? **Yes. Mr. Garrett, the High Sheriff, brought an action of damages against me for libel.**

Was that case brought to a trial ? **Yes; and a verdict returned for the plaintiff, damages £80 sterling—making something about £100 currency.**

Has that sum been paid by you ? **Not yet.**

Has Execution issued ? **No, but I am every day liable to it.**

Did you not state in your paper that an individual Member of this House was the cause of your being fined ? **I cannot recollect.**

Have you not published that an individual caused that prosecution ? **I certainly did consider that Mr. Garrett caused that prosecution.**

Did you not mention in the Patriot newspaper that it was Mr. Morris who was the occasion of your being fined ?

**I certainly considered that as Mr. Morris instituted the proceedings before the House—as he originated the report—as he conducted it through, and moved that it be printed—for these reasons I considered he was the cause.**

[Here the witness was ordered to withdraw. Being subsequently recalled.]

Did you make that publication in compliance with the request of any individual Member of this House, or in compliance with an order of the House ?

**Strictly and entirely in compliance with an order of the House.**

*Resolved*,—That it is the opinion of this committee that it is the inherent right of the Commons House of Assembly to order their proceedings to be printed and published, not only for the use of Members, but also for the information of the public.



*Resolved*,—That it is the opinion of this committee that the existence and usefulness of the Representative branch of the Legislature depend upon the due exercise of their undoubted privilege of promulgating, printing and publishing their proceedings.

*Resolved*,—That it is the opinion of this committee that the expenses incurred by Robert John Parsons in the suit instituted by B. G. Garrett, Esq., High Sheriff of this Island, against him for publishing a report of this House in compliance with an order of the House, should be provided for in the next money Bill that passes this branch of the Legislature.

And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the House.

Notice for Committee to prepare address to his Excellency.

Mr. Nugent gave notice that to-morrow, he should move an address to his Excellency the Governor, praying that his Excellency would be pleased to order that the opinions of her Majesty's Attorney and Solicitor General be taken on the legality of lodging an attachment in the hands of the Treasurer of this Island on monies voted to individuals by the Legislature for the public service, and that the same be laid before the House.

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

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## TUESDAY, January 21, 1840.

Message from his Excellency.

### *A Message from His Excellency the Governor.*

**T**HE hon. Mr. Secretary Crowdy being admitted within the bar, presented to the House by command of his Excellency the Governor the following documents, viz.

Twenty printed copies of a report on the Geology of Newfoundland, with map and plan of sections, for the use of the Members.—See Appendix.

Copy of a letter from the Magistrates at Harbor Grace, representing the inadequacy of the sum voted by the Legislature for making certain alterations in the Court House, with presentment of the Grand Jury thereon.

A petition from the District Surgeons praying for remuneration for their services since July last.

A Petition of certain farmers and others relative to the building a wharf for the landing of fish manure, &c.

And then the Messenger withdrew.

The said letter and petitions were read by the Clerk, and

*Ordered*,—That the said letter be referred to the committee of supply, and the said petition of certain farmers and others, to the committee of roads and bridges, and the other documents do lie on the table, to be perused by the members of the House.



A petition of A. W. Des Barres, John Furneux and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of such a sum as may appear necessary for opening and making a road from St. John's to Waterford Bridge on the south side of the river, and also for repairing the bridge at Murphy and Gleeson's crossing.

Petition of A. W. Des Barres and others.

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

A petition of Walter Grieve, Richard Perchard, jun., and others, inhabitants of St. John's, was also presented by Mr. Morris, and the same was received and read, praying for a grant of a sum sufficient for repairing the line of road leading from Freshwater road to the old Topsail road.

Petition of W. Grieve and others

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

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

Referred to committee on roads and bridges

A petition of Patrick Ryan, John Hand and others, inhabitants of Logy Bay, was also presented by Mr. Morris, and the same was received and read, praying for a grant of a sum sufficient to make a road from Logy Bay to meet the Outer Cove road.

Petition of P. Ryan & others.

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

Agreeably to the order of the day the House resolved itself into a committee of the whole House on the consideration of a bill to provide for the contingencies of the Legislature for the last session.

House in committee on Contingencies

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 gone through the said bill, and had agreed to the same without any amendment.

Report

Mr. Winser moved, pursuant to notice, seconded by Mr. Nugent,

*Resolved*,—That the rules of the House, so far as relate to the reading and passing the said bill be suspended.

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

Pursuant to order, the said engrossed bill was read a third time.

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

*Resolved*,—That the said bill do pass, and that the title be "An act to defray the expenses of the Legislature in the fourth session of the second General Assembly of Newfoundland."

Passed—  
Title



Council acquainted  
thereof.

*Ordered*,—That Mr. Winsor and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence thereto.

Draft of address to his  
Excellency.

Mr. Nugent, pursuant to notice yesterday, 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 :

*To his Excellency HENRY PRESCOTT,  
Esq., Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over the  
Island of Newfoundland and its Depen-  
dencies, &c. &c. &c.*

May it please Your Excellency,

The House of Assembly pray your Excellency will order that the opinions of her Majesty's Attorney and Solicitor General of this Island be laid before this House, on the question of the liability of monies voted to individuals by the Legislature for the public service, to be arrested in the hands of the Treasurer of the colony by writ of attachment.

Adopted

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

*Ordered*,—That Mr. Nugent, and Mr. Winsor, do form such committee.

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

*Resolved*,—That a committee of three be appointed to ascertain whether a convenient apartment for the use of the Members of the House can be had in the immediate vicinity of the Court House, and to report thereon to the House.

*Ordered*,—That Mr. Nugent, Mr. Moore, and Mr. Dwyer, do form such committee.

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

*Resolved*,—That the Map and plan of sections accompanying the report on the Geology of Newfoundland, sent down to the House by his Excellency the Governor, be ordered to be framed and glazed.

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

*Resolved*,—That the Despatches of his Excellency the Governor to the Secretary of State for the Colonies on the subject of tacks to Bills of Supply and the replies of her Majesty's Secretaries of State thereto, be printed for the use of Members.

Message from H. M.  
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 Bill entitled "an Act to make provision for the Sick and des-



titute Poor of the Island of Newfoundland," and have appointed Conferrees to meet the Managers from the Assembly in the Committee Room of the Council presently.

**JAMES SIMMS,**

*Senior Member Presiding.*

Council Chamber, }  
January 25, 1840. }

And the Messenger withdrew.

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

*Resolved*,—That the conference requested by the Council be agreed to.

Conference acceded to

*Ordered*,—That Mr. Kent and Mr. Brown do go up to her Majesty's Council and acquaint them that this House accede to the said conference.

Council acquainted thereof

*Ordered*,—That Mr. Kent, Mr. Brown, Mr. Power, and Mr. Dwyer, 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 as follows:—

Report

Her Majesty's Council have sought this conference to acquaint the House of Assembly, that in the amendments which they have made in the bill entitled "An act to make provision for the sick and destitute poor of the Island of Newfoundland," they have been governed solely by an anxious desire to amend its several provisions so as to ensure the assent of the Executive to the bill, and its consequent immediate operation.

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

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



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

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

Her Majesty's Council further avail themselves of this occasion to express their regret, that at this inclement season of the year, so much time should have been allowed to elapse without any provision having been made for the destitute and houseless poor.

Her Majesty's Council, however, heartily concur in the grant now made, and were prepared to concur in one of even larger amount.

JAMES SIMMS,

*Senior Member presiding.*

Council Chamber, }  
21st January, 1840. }

Message from H. M.  
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 make provision for the sick and destitute poor of the Island of Newfoundland,” with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,

*Senior Member presiding.*

Council Chamber, }  
21st January, 1840. }

And then the Messenger withdrew.

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

Conference requested

*Resolved*,—That a conference be requested of her Majesty's Council on the subject matter of the last conference, and that a committee be appointed to prepare instructions to the conferrees.

Committee.

*Ordered*,—That Mr. Nugent, Mr. Morris, Mr. Winsor, and the Solicitor General, do form the said committee.



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

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**WEDNESDAY, January 22, 1840.**

**M**R. Winser from the committee appointed to wait upon his Excellency the Governor with an address of the House adopted on the 17th inst., reported that they had waited on his Excellency, and presented the said address accordingly, when his Excellency was pleased to reply as follows:—

Report of committee appointed to prepare address to his Excellency

*Gentlemen,—*

I have on a former occasion alluded to the imperfect operation of the Act 6th, Wm. 4th, chap. 1st.

The demand already made upon the Ferryland Board of Directors shall be immediately repeated.

The Treasurer shall receive the usual directions in connexion with the concluding paragraph of this address.

Government House, }  
22d January, 1840. }

Mr. Nugent from the committee appointed yesterday to prepare instructions for a conference with her Majesty's Council reported that the committee had prepared the said instructions, which he read in his place.

Report of committee on Conference.

*Ordered,—*That to-morrow this House resolve itself into a committee of the whole House on the consideration of the said instructions.

A petition of Luke Brown of Ferryland, Assayer of Weights and Measures, was presented by Mr. Winser (who stated in his place that he had the sanction of his Excellency the Governor to present the same) and the said petition was received and read,—

Petition of Luke Brown

Praying that the House would grant him compensation for his services in the said office of Assayer of Weights and Measures.

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

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

Referred to committee of supply

Mr. Morris gave notice that to-morrow he should move for leave to bring in a Bill for the relief of the poor, and that the rules of the House so far as relate to the reading and passing of the said Bill be suspended.

Notice of Poor Bill:



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

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**THURSDAY, January 23, 1840:**

Poor bill read 1st time

**M**R. Morris pursuant to notice and leave granted, presented a Bill to provide for the relief of the sick and destitute poor of this colony, and the same was received and read a first time.

Mr. Morris moved, pursuant to notice, seconded by Mr. Nugent,

Suspension of Rules in reference thereto

*Resolved*,—That the rules of the House, so far as relate to the reading, committing and passing the said bill, be suspended.

2d reading

*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. Morris, seconded by Mr. Nugent,

House in committee on Poor Bill

*Resolved*,—That this House do now resolve itself into a committee of the whole House on the consideration of 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.

Report

The chairman reported from the committee that they had gone through the said bill, and had agreed to the same without any amendment.

Engrossed

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

House in committee on conference

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the instructions prepared for the conference with her Majesty's Council.

Mr. Speaker left the chair.

Mr. Brown 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 was directed to move for leave to sit again.

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

Poor bill read 3d time

Pursuant to order, an engrossed bill to provide for the relief of the sick and destitute poor of this Colony, was read a third time.



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

*Resolved*,—That the said bill do pass, and that the title be “An act to provide for the relief of the sick and destitute poor of the Island of Newfoundland.”

Passed—  
Title

*Ordered*,—That Mr. Morris and Mr. Winser do carry the said bill up to her Majesty's Council and desire their concurrence thereto.

Sent to Council

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

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## FRIDAY, January 24, 1840.

**P**URSUANT to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the instructions for a conference with her Majesty's Council.

House in committee  
on Conference

Mr. Speaker left the chair.

Mr. Butler took the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the business to them referred, and had come to a certain resolution thereon, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows—

Report

*Resolved*,—That it is the opinion of this committee that a conference be requested with her Majesty's Council on the subject matter of a “bill to provide for the relief of the sick and destitute poor of the Island of Newfoundland,” and that the following be the instructions to the conferrees :

The House of Assembly have desired this in order to inform her Majesty's Council of their reasons for dissenting from the objections made by that honorable Body in their last Conference to certain details in the late Bill, entitled “an Act to make provision for the Sick and Destitute Poor of the Island of Newfoundland.” Her Majesty's Council have stated in the first paragraph that, in making amendments in that Bill, “they have been governed solely by an anxious desire so to amend its several provisions as to ensure the assent of the Executive to the Bill and its consequent immediate operation.” The Assembly will not say that the opinions and intentions of the Council were otherwise, but when every page of the Journals of her Majesty's Council testifies that the House of Assembly can never regard the amendment of their money Bills by that Body in any other light than as violations of their privileges, and when every page of the Journals of the Assembly (and with all of which the Council are furnished) proves that a money Bill coming down from her Majesty's Council can never be further considered in the Representative branch of the Legislature, they cannot but feel that her Majesty's Council might have known that they were not adopting the best means to secure “the *immediate* operation” of that measure, but were reiterating a course that has always the most effectually tended to protract discussion.

In the 2d paragraph, her Majesty's Council declare their objection to have Commissioners appointed in the act for carrying its provisions into effect ; and



further, that they regard it to be "more constitutional in principle and convenient in practice that these officers should be appointed by the Executive;" and they adduce in support of their view, "the speech of his Excellency the Governor at the opening of the present session," and an extract from a despatch of the Secretary of State for the Colonies of the 4th June, which extract they also insert in their "Reasons for a conference."

The following is the observation in his Excellency's speech respecting the Poor Bill of last session, in addressing the Assembly :

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

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

As to the constitutional principle, surely it cannot be unconstitutional that the *three* branches of the Legislature shall have a concurrent voice in the nomination of unpaid Commissioners, nor can it be regarded for a moment as more "constitutional," that *one* of those branches should be permitted to exercise powers that ought to belong to the three ; and with reference to the "convenience in practice," the experience the country has had of the working of both systems, so far confirms the views of the Assembly of the great importance both in point of utility and "convenience" of continuing the practice that has prevailed so long, and has produced such happy results, that they see no reason for relinquishing so necessary a privilege.

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

"In reply therefore to your demand of instructions for your guidance in the event of the same course being hereafter repeated by the Assembly, I have to desire that should you see any probability of such an occurrence, you will make it



known to that House, that you will be compelled, at whatever inconvenience, to refuse your assent to any Bill of Supply in which provisions of such a nature unconnected with the object of the Bill are introduced by way of Tacks."

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

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

Besides, the principle here objected to, of omitting to authorise the Governor to issue his warrant prior to the payment of monies by the Treasurer, was embodied in the acts 4, W. 4, ch. 4, sess. 2—5, W. 4, ch. 6—5, W. 4, ch. 7—6, W. 4, ch. 12—6, W. 4, ch. 14—6, W. 4, ch. 15—1 Vic. 2—1 Vic. ch. 8—2 Vic. ch. 3—2 Vic. ch. 4; and though thus during the entire period of the existence of the Legislature in constant use, it was never before objected to by the Council, nor had it led to inconvenience, and therefore it needed not to have been brought into controversy at present; but however, so anxious are the Assembly to avoid unnecessary discussion, that on all future occasions, notwithstanding these precedents, the Assembly have not the least objection to the insertion of a provision in every money bill in accordance with their apparent views in this respect.

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

*Ordered*, . . . That Mr. Winser and Mr. Nugent do carry a message to her Majesty's Council requesting the said conference, in pursuance of the said resolution.



Message from H. M.  
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 conference requested by the House of Assembly on the subject matter of a bill to provide for the relief of the poor of the Island of Newfoundland," and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

WM. SALL,  
*President.*

Council Chamber, }  
24th January, 1840 }

And then the Messenger withdrew.

Managers named

*Ordered,*—That Mr. Nugent, Mr. Winsor, Mr. Doyle and Mr. Dwyer, do manage the said conference on the part of this House.

And they went to the conference, and being returned,

Report

Mr. Nugent reported that they had been at the conference, and had complied with the instructions of the House.

Mr. Nugent, from the committee appointed to ascertain if an apartment in the immediate vicinity of the Court House could be procured for the permanent use of the Members of the Assembly, reported that they had made enquiry accordingly ; and he read a tender made by Robert John Parsons, Esq., for a room with an office adjoining on the basement story of his dwelling for twenty pounds per annum.

Mr. Nugent gave notice that on Monday next, he should move that the Clerk be instructed to take an apartment in the immediate vicinity of the Court House for the use of the members of the Assembly.

Notice of Roads and &  
Bridges Bill

Mr. Morris gave notice that on Monday next he should move for leave to bring in a bill for the making and repairing of roads and bridges in this Colony.

Notice of Seal Fishery  
Bill

Mr. Dwyer gave notice that on an early day he would move for leave to bring in a bill to make regulations touching the persons engaged in the seal fishery.

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 have passed the bill sent up from the House of Assembly entitled "An act to provide for the relief of the sick and destitute poor of Island of Newfoundland," with an amendment, to which they request the concurrence of the Assembly.

W. SALL,  
*President.*

Council Chamber, }  
January 24, 1840. }

And then the Messenger withdrew.



The said amendment was read by the Clerk a first time as follows :

In the 4th section, 7th line,—Expunge all the words after the word “by,” and insert instead thereof as follows: “Commissioners not fewer in number than seven, (of whom three shall be a quorum) to be appointed by the Governor, or person administering the Government for the time being.”

Amendment

Moved by Mr. Nugent, seconded by Mr. Moore,

That the said amendment be read a second time this day six months.

Several Members having retired, and there being present Mr. Speaker, Mr. Nugent, Mr. Moore, Mr. Winser and Mr. Dwyer, Mr. Speaker at 4 o'clock adjourned the House for want of a quorum.

No quorum

MONDAY, January 27, 1840.

MR. Nugent from the committee appointed to wait upon his Excellency the Governor with an address of the House adopted on the 21st inst., reported that they had waited on his Excellency, and presented the said address accordingly, when his Excellency was pleased to reply as follows :—

Report of committee appointed to prepare address to his Excellency

Gentlemen,—

As any individual having property attached can without difficulty determine the legality or illegality of such proceedings by bringing the question in the ordinary course of justice before the Judges for their decision, the intervention of the Executive in the way requested seems altogether unnecessary; and as parties interested could not be bound to abide by the opinion of the Law Officers, no object could be obtained by reference to the Attorney and Solicitor General.

His Excellency's reply

I must consequently decline compliance with this address.

Government House, }  
27th January, 1840. }

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

Resolved,—That the amendment made by her Majesty's Council in a bill entitled “an Act to provide for the relief of the sick and destitute poor of the Island of Newfoundland” be read a second time this day six months.

Petition of D. S. Ward and others

A petition of D. S. Ward, Robert Rogers, and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read,

Praying for a grant of a sum sufficient to complete the Road which leads from the Wigmore Gully Road to the Old Topsail 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



Road bill read 1st time

Mr. Morris, pursuant to notice and leave granted, presented a bill for granting to her Majesty a supply of money for the making and repairing of Roads, Streets, and Bridges in this Colony, and to regulate the expenditure of the same, and the said bill was received and read a first time.

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

Notice of address to his Excellency.

Mr. Nugent gave notice, that to-morrow he would, preparatory to moving the House into committee of the whole on Supply, move an address to his Excellency the Governor, praying his Excellency to order the Estimate to be sent down to this House.

Then the house adjourned until to-morrow, at one of the clock.

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**TUESDAY, January 28, 1840.**

Road bill read 2d time.

**P**URSUNT to the order of the day, a Bill for granting to her Majesty a supply of money for the making and repairing of Roads, Streets, and Bridges in this colony was read a second time.

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

*Resolved*,—That the said bill be committed to a committee of the whole House on Thursday next.

Draft of address to his Excellency.

Mr. Nugent, pursuant to notice yesterday, presented 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:—

*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly request your Excellency will please order that the Estimate be sent down to the House, in order that the House be enabled to entertain the subject of a Supply to her Majesty, for the civil service of the Colony, for the year one thousand eight hundred and forty.

Adopted

*Resolved*,—That the said address be adopted and engrossed.

Committee.

*Ordered*,—That Mr. Nugent and Mr. Winsor be a committee to present the same to his Excellency.

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 defray the expenses of the Legislature in the fourth Session of the second general Assembly of Newfoundland," with some amendments, to which they request the concurrence of the Assembly.

W. SALL,  
*President.*

Council Chamber, }  
January 28, 1840. }

And then the Messenger withdrew.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor, praying that his Excellency would cause to be laid before this House a statement from the Treasurer of this colony, in reply to the following queries:—

Notice of address to his Excellency.

Has he received a warrant authorizing the payment to William Vokey of Spaniards Bay of a sum of money due to him as a contractor for the making of a Road under the provisions of the Act 2, Vic., Cap. 3?

Has William Vokey or any person of his order applied to the Treasurer for the amount?

If the replies to the foregoing be in the affirmative, has the said amount been paid, or if not paid, under what plea has the same been withheld or detained?

Mr. Nugent moved, pursuant to notice, seconded by Mr. Moore,

*Resolved*,—That the Clerk be instructed to take an apartment in the immediate vicinity of the Court House for the purpose of a Committee Room.

Then the house adjourned until to-morrow, at one of the clock.

**WEDNESDAY. January 29, 1840.**

MR. Nugent, pursuant to notice yesterday, presented 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 presented and read

*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly pray your Excellency that there be laid before the House a statement from the Treasurer of the colony, in reply to the following queries:—



Has he received a warrant authorizing the payment to William Vokey of Spaniard's Bay of a sum of money due to him as a contractor, for the making of a road under the provisions of the Act 2, Vic. cap. 3?

Has William Vokey or any other person by his order, applied to the Treasurer for the amount?

If the replies to the foregoing be in the affirmative, has the said amount been paid, or if not paid, under what plea has the same been withheld or detained?"

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

*Ordered*,—That Mr. Nugent and Mr. Winser do form the said committee.

Mr. Winser gave notice that on an early day he should move that a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency would cause to be laid before this House a copy of the bond entered into by the Treasurer of the colony, and also the names of the persons and the amount of the sums of the sureties for the fulfilment of the said bond in the year 1839, and at the present time.

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council to ascertain what has been done upon a message from his Excellency the Governor, touching an address to her Majesty, adopted by this House in the last session.

*Ordered*,—That Mr. Nugent and Mr. Winser do form such committee.

Mr. Nugent gave notice that to-morrow he would move for leave to bring in a Bill to raise on loan a sum of money to defray the expense of making and repairing Roads, Streets, and Bridges in this Colony, and also that he should move that the rules of the House in reference to the reading, committing, and passing of the said Bill be suspended.

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

*Resolved*,—That the Bill to provide for the poor of this colony, and the several conferences thereon, be printed for the use of the Members.

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

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## THURSDAY, January 30, 1840.

Petition of M. Morris and others

**A** Petition of Matthew Morris, Philip Duggan, and others, inhabitants of St. John's and its vicinity, was presented by Mr. Morris, and the same was received and read,

Praying for a grant of a sufficient sum for repairing the road leading from Moses Neill's dwelling at Fresh Water, to Wigmore's Gulley, and crossing the Main River, the same being in a very dilapidated state—also for building a bridge over the said River.

Notice for Committee to prepare address to his Excellency.

Committee appointed to search Councils Journals

Notice of loan bill



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

A Petition of John Flood, John Howley, and others, inhabitants of St. John's, was also presented by Mr. Morris, and the same was received and read,

Petition of J. Flood & others

Praying for a grant of an adequate sum to repair the road from Flood's corner, called the Old Cock Pit Road, to Brookfield Road, the same being much out of repair.

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

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on roads and bridges

A petition of Denis Mackin, Walter Whelan and others, inhabitants of the town of Brigus in the Northern district, was also presented by Mr. Morris, and the same was received and read, praying for a grant of money requisite for repairing certain roads and highways in the said town and the immediate vicinity thereof, the same being in a very dangerous condition owing to want of repair, narrowness, and being situate near the verge of steep cliffs.

Petition of D. Mackin and others

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

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

Referred to committee on roads and bridges

A petition of Luke Doyle, Lawr. Kielley and others, inhabitants of Petty Harbor, was presented by Mr. Kent, and the same was received and read, praying for a grant of a sum sufficient to make a road from the woods to the said Harbor.

Petition of L. Doyle and others

On motion of Mr. Kent, 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 Ingham Sutcliffe, Wm. K. Brown, and others, inhabitants of Port de Grave and Bearneed, was presented by Mr. Brown, and the same was received and read, praying for a grant of a sum adequate to make a road from the said places or harbors to the main road leading to Harbor Grace, Brigus and other places.

Petition of I. Sutcliffe and others

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

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Referred to committee on roads and bridges

Mr. Nugent from the committee appointed yesterday to search the Journals of her Majesty's Council to ascertain the proceedings that have been adopted touching a message from his Excellency the Governor to that honorable Body respecting an address to her Majesty adopted by this House at the close of last session, reported that they had accordingly waited in the usual form on the Clerk of her Majesty's Council, and communicated to him the object of their appointment; but that, on the Clerk's referring to the Council their request, he refused to permit the Journals to be examined on the express ground that, "as proceedings had not

Report of committee appointed to search Council's Journals



arisen on a bill or any other matter that had gone before them from the Assembly, they could not permit the search."

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

*Resolved*,—That a committee of three be appointed to prepare an humble address to her Majesty the Queen in complaint of the said refusal of her Majesty's Council, and praying her Majesty to suspend her Majesty's opinion of any proceedings that may have passed her Majesty's Council on the subject of the address of the Assembly of the 12th October, 1839, and of which they have unconstitutionally refused to permit the Assembly to acquire formal information.

*Ordered*,—That Mr. Nugent, Mr. Kent and Mr. Winsor do form the said committee.

Draft of address to her Majesty.

Mr. Nugent, from the said committee, reported that they had prepared the draft of the said address, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:

#### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

We your Majesty's faithful and loyal Commons of Newfoundland, in General Assembly convened, most humbly and dutifully beg leave to approach your Majesty, and to express our devotion and attachment to your Majesty's august person and Government.

We beg leave to lay at the foot your Majesty's throne our humble complaint, that having in the last session of the General Assembly of Newfoundland, unanimously passed an humble address to your Majesty complaining of the conduct of his Excellency Henry Prescott, Governor of Newfoundland, of the conduct of your Majesty's Council, and of certain other parties in impeding the proceedings, and neutralizing the usefulness of the Assembly, which address having passed the Assembly on the 12th October, 1839, was communicated to his Excellency the Governor shortly after, for transmission to your Majesty.

That the present session having been convened by his Excellency at an unusual period, (3d January, 1840) his Excellency immediately sent down to your Majesty's Council our said address by Message, a course hitherto unprecedented, and it thus became necessary that the Assembly should have formal information of the proceedings had thereon, in order to the more effectual vindication of the character of the Assembly from unjust aspersion.

May it please your Majesty,

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

We beg leave to lay these facts before your Majesty without further remark, most humbly praying your Majesty's gracious protection and sustentation of the character and independence of the popular branch of the Legislature, the Representatives of the People of Newfoundland.



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

*Resolved*,—That the said address be adopted, and the two engrossed copies be immediately prepared and signed in the original by the Speaker—the one to be transmitted through his Excellency the Governor, and the other direct to her Majesty's Government by the Speaker.

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

*Resolved*,—That the said address and all the proceedings upon this subject, be printed for the use of the Members

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to provide for the making and repairing of roads, streets and bridges in this colony.

House in committee on roads and bridges bill

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 made some progress in the business to them referred, and was directed to move for leave to sit again.

Report

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

Mr. Nugent, pursuant to notice and leave granted, presented a bill to authorize the Treasurer of this colony to raise on loan a certain sum of money for the making and repairing of streets, roads and bridges therein, and the same was read a first time.

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

*Resolved*,—That the rules of this House in reference to the reading, committing and passing of bills, be suspended, so far as relate to this Bill.

*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. Nugent, seconded by Mr. Morris,

*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 one of the clock.

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**FRIDAY, January 31, 1840.**

**M**R. Speaker laid before the House the copy of a letter he had written to the Principal Secretary of State for the Colonies, and forwarded with the address of



the House to her Majesty, adopted yesterday ; and he delivered the same in at the Clerk's table, where it was read as follows :

House of Assembly, 30th Jan. 1840.

My Lord,

I have the honor, in compliance with an order of the Assembly passed this day, to transmit to your Lordship the accompanying address to her Majesty upon the subject of the extraordinary means used by the Council to keep secret their proceedings until the last vessel of the season sails, which is every instant expected, as she only awaits a fair wind,

The necessity of promptitude must excuse my not being at present more explanatory, or from shewing your Lordship how strongly it is the opinion of the members of the Representative Branch of the Legislature as well as of the public outside doors, that until an extensive change is effected in the Executive Government here, it is vain to expect a cordial co-operation for the public good from the three branches of the Legislature. I have the honor to remain, my Lord,

Your Lordship's most obedient,

humble servant,

WM. CARSON,

Speaker.

The Right Hon. Lord John Russell,  
H. M. S. Colonies.

Mr. Speaker also laid before the House a letter from the hon. Mr. Secretary Crowdy, which he delivered in at the Clerk's table, where it was read as follows :

Secretary's Office, St. John's, 31st Jan. 1840.

Sir,—I am directed by the Governor to acknowledge the receipt of your letter accompanying an address of the House of Assembly to her Majesty, which will of course be forwarded.

But the Governor will think it right to inform the Council immediately by message of that part of the address which speaks of a peremptory refusal on its part to permit its Journals to be searched by a committee of the House of Assembly, that if there should have been any misunderstanding on that head the Council may have an opportunity of correcting or explaining it.

I have the honor to be, Sir,

Your most obedient, humble servant,

The hon. the Speaker of the  
House of Assembly.

JAS. CROWDY.

Report of committee appointed to prepare address to his Excellency

Mr. Nugent from the committee appointed to present to his Excellency the Governor an address of the House praying his Excellency to cause to be laid before the House the estimate for the ensuing year, reported that they had waited on his Excellency accordingly, and presented the said address, when his Excellency was pleased to reply as follows :

Gentlemen, . . . The estimate for the ensuing, as well as various statements relating to the current, financial year, are in preparation, and shall be sent down to the House as soon as possible.

Government House, 31st January, 1840.

Mr. Nugent also reported from the committee appointed to wait on his Excellency with an address of the House passed on the 29th inst. praying that answers from the Treasurer of this colony to certain queries be laid before this House, that they had waited on his Excellency and presented the said address accordingly, when his Excellency was pleased to reply as follows :



*Gentlemen,—*

I will call for the information requested in this address.

Government House, }  
31st Jan., 1840. }

His Excellency's reply

A Petition of R. Lee Whiting, of Harbor Grace; was presented 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,—

Petition of R. Lee Whiting

Praying that the sum of six pounds; the balance due him for hire of a room and erecting Hustings for the election in Conception Bay in 1836, on the amount agreed for with the Returning Officer, be granted him.

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

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a Bill to raise a loan for the making and repairing of Roads, Streets, and Bridges, in this Colony.

House in committee on roads and bridges bill

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 gone through the said Bill and had agreed to the same without any amendment

Report

*Ordered*,—That the said bill be engrossed and read a third time on Monday next.

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 to provide for the making and repairing of Streets, Roads, and Bridges, in this colony.

House in committee on further consideration of roads and bridges bill

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.

Report

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

Then the house adjourned until Monday next, at one of the clock.

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**MONDAY, February 3, 1840.**

*A Message from His Excellency the Governor.*

Message from his Excellency.

**T**HE Hon. Mr. Secretary Crowdy being admitted within the Bar, 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. He also laid before the House by command of his Excellency, the documents and papers following:—

Estimate of the charge of defraying the public expenditure of Newfoundland, in the year ending 30th June, 1841.

Statement of services for which no provision, or an adequate one, was made in the appropriation Bill for the year ending 30th June, 1840.

The Collector's consolidated account current of receipts and payments for the year ending 5th day of January, 1840.

The Treasurer's account with the colony for the half year ending 1st January, 1840.

Statement of amount in the Treasury, 31st January, 1840.

Accounts from the Treasurer, viz. :—Cape Spear Light House, for the years 1839-40—Fort Amherst, 1839-40—Harbor Grace Light—Salaries—Prosecutions—Printing and Stationery—Gaal Expenses—Fuel and Light—Coroners—the Poor—Circuit Courts—Incidentals—Vote of Credit—Special Vote—Education—Colonial Building—Road and Bridges interest—Road and Bridge Loans—Outstanding Votes—Light Houses—Wolves—Imperial and Colonial Revenue—Licence Fund—Fines and excess of Fees.

Expenses attending the Registration of voters for the District of Saint John's in 1839.

Copy of a letter from the Colonial Treasurer in reply to certain queries of the House of Assembly, relative to William Vokey, dated 31st January, 1840.—[For the foregoing see *Appendix*.]

And then the Messenger withdrew.

The said Message was then read by Mr. Speaker, as follows:—

**H. PRESCOTT,—**

The Governor transmits to the House of Assembly, Hospital charge, distinct from those for Lunatics, provided for by the last appropriation act.

These charges are for pauper patients admitted into the Hospital by direction of the Commissioners for the relief of the poor, under Act 2d Vic. cap. 10, and remaining therein at the time the functions of those Commissioners ceased.

For pauper patients admitted under previous authority, and for some extreme cases which compelled his Excellency to direct immediate admission, with which cases the House was at the time made acquainted.

Government House, }  
3d February, 1840. }

The accounts accompanying the said message and other documents were read by the Clerk.

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

*Ordered*,—That the said Message with the accounts accompanying it, and the said Estimate and Statement be referred to the committee of supply, the Collectors account current to the committee of ways and means, and the Treasurer's account to the committee of audit, and the other documents do lie on the table.



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

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

A petition of Luke Madden, Patrick Burton, and others, inhabitants of Petty Harbor, Maddox Cove, Black Head, and Freshwater, was presented by Mr. Kent, and the same was received and read,—

Petition of L. Madden and others

Praying the House to make provision for opening and making a road between Petty Harbor and Black Head.

On motion of Mr. Kent, 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

Agreeably to the order of the day, an engrossed Bill to raise a loan for the making and repairing of Roads, Streets, and Bridges in this colony, was read a third time.

Loan bill read 3d time

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

*Resolved*,—That the said Bill do pass, and that the title be “an Act to authorize the Treasurer of the Colony to raise on loan a sum not exceeding thirteen thousand five hundred pounds for the purpose of making and repairing Streets, Roads, and Bridges, therein.”

Passed—  
Title

*Ordered*,—That Mr. Nugent and Mr. Winser do carry the said 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 further consideration of a bill to provide for the making and repairing of Streets, Roads, and Bridges, in this colony.

House in committee on further consideration of roads and bridges bill

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.

Report

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

Then the house adjourned until to-morrow at one of the clock.

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**TUESDAY, February 4, 1840.**

**A** Petition of John Jacobs, George D. Garland, and others, inhabitants of Port de Grave and Bareneed, was presented by Mr. Brown, and the same was received and read,—

Petition of J. Jacobs & others



Praying for a grant of such a sum of money for the improvement of the Road from Port de Grave to Northern River as to the House may seem meet.

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

*Ordered*,—That the said petition be referred to the 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 further consideration of a Bill to provide for the making and repairing of Streets, Roads, and Bridges, in this Colony.

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.

Mr. Brown gave notice that to-morrow he should move that out of the sum of six thousand and ninety six pounds, to be appropriated by the St. John's Commissioners of Roads and Bridges, the sum of one thousand five hundred pounds be expended on the Main Road leading from Topsail to Holyrood.

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

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## WEDNESDAY, February 5, 1840.

**M**R. Winser moved, pursuant to notice, seconded by Mr. Nugent,

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House a copy of the bond entered into by the Treasurer with the Colony, together with the names of the persons, his sureties, and the amount of the respective recognizances for the fulfilment of the condition of the said bond; and continued in the year of 1839, and also in the present year.

*Ordered*,—That Mr. Winser, Mr. Nugent, and Mr. Morris, do form such committee.

Mr. Winser from the said committee, reported that they had prepared the draft of the said address, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Referred to committee on roads and bridges

House in committee on further consideration of roads and bridges bill

Report

Resolution for Committee to prepare address to his Excellency

Committee.

Report



*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

Address to his Excel-  
lency

May it please your Excellency,—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before the House a copy of the bond entered into by the Treasurer with the Colony, together with the name of the persons liable as his sureties, and the amount of the respective recognizances for the fulfilment of the conditions of this Bond, and continued in the year of 1839, and also in the present year.

*Resolved*,—That the said address be adopted and engrossed.

Adopted.

*Ordered*,—That Mr. Winser and Mr. Nugent be a committee to present the same to his Excellency.

The order of the day that out of the sum of six thousand and ninety-six pounds to be appropriated by the St. John's Commissioners of roads and bridges, the sum of one thousand five hundred pounds be expended on the main road leading from Topsail to Holyrood, being read,

Moved by Mr. Kent, seconded by Mr. Nugent,

*Resolved*,—That the said order of the day be discharged.

A petition of Walter Grieve, John Cusack and 230 others, ship-owners, ship-masters, fishermen and inhabitants of Newfoundland, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of W. Grieve  
and others

That the Governments of France and America grant large Bounties and other encouragements to their respective subjects, to induce them to prosecute the fisheries on the Banks and near the coast of Newfoundland.

That the best stations for carrying on the fisheries in, and the most convenient parts of the Island for making and curing fish, have been given up to them, to the almost total ruin of the British fisheries, and in consequence of this competition, the British fisheries are daily falling into decay. . . in the Bank fishery, not more than four or five vessels are employed by British subjects, while the Americans and French employ six or seven hundred.

The only fishery left to British subjects on the coast of Newfoundland, is the Seal fishery, which would also be superseded by Foreigners were it not secured to them by their more favourable position. That the seal fishery only gives employment for about two months, and many of the vessels employed in it are laid up for the remainder of the year.

That many of those vessels are well calculated to prosecute the whale fishery on the coast of Newfoundland,

That the whale fishery is now carried on by Americans and others to a considerable extent, and to great advantage on the coast.

That until there would be some experience gained in the fishery it would be necessary to give some encouragement in the form of a bounty.

Petitioners therefore pray that the House will adopt such means for the encou-



agement of the whale fishery on the coast of Newfoundland, as they may in their wisdom deem meet.

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

*Resolved*,—That the said petition be referred to a select committee of five to report to the House thereon.

*Ordered*,—That Mr. Morris, Mr. Moore, Mr. Nugent, Mr. Kent, and Mr. Butler do form the said committee.

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 further consideration of a bill to provide for the making and repairing of roads, streets and bridges in this colony.

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 made some progress in the business to them referred, and was directed to move for leave to sit again.

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

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

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## THURSDAY, February 6, 1840.

**O**N motion of Mr. Morris, seconded by Mr. Moore,

*Resolved*,—That Mr. Winser as chairman of the committee of the whole House on a bill to provide for the making and repairing of roads and bridges in this colony, have leave to amend his report of the proceedings of the said committee on Tuesday last, by adding the names of the members who voted on a division on the motion of Mr. Morris, that three hundred pounds be granted for the roads and streets of Brigus, . . the votes being as follow :

For the motion.

Against the motion.

Mr. Morris  
.. Nugent  
.. Kent  
.. Doyle  
.. Moore.

The Hon. the Speaker  
Mr. Brown  
.. Dwyer.

House in committee on  
further consideration of  
roads and bridges bill

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a Bill to provide for the making and repairing of Streets, Roads, and Bridges, in this Colony.



Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a bill to provide for the making and repairing of roads, streets and bridges in this colony.

House in committee on further consideration of roads and bridges bill

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 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 severally put thereon, agreed to by the House.

Resolved,—That the said bill as amended be engrossed and read a third time on Monday next.

Then the house adjourned until to-morrow at one of the clock.

FRIDAY, February 7, 1840.

MR. Kent gave notice that on Monday next he would move for leave to bring in a bill to continue an act passed in the 5th year of his late Majesty for combining the office of Clerk of the Central Circuit Court, with the office of Clerk of the Supreme Court, and to make provision for the officer discharging the duties of the said offices.

Notice of Bill to continue act 5th W. 4.

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

MONDAY, February 10, 1840.

MR. Winsor from the committee appointed to present to his Excellency the Governor an address of the House adopted on the 5th inst. praying that his Excellency would cause to be laid before the House a copy of the bond of the Treasurer entered into with the colony, &c., reported that they had waited on his Excellency, and presented the said address accordingly, when his Excellency was pleased to reply as follows:—

Report of committee appointed to present address to his Excellency

Gentlemen,—

This shall be supplied.



Bill to continue act 5th  
W. 4. read 1st time.

Mr. Kent, pursuant to notice and leave had, presented a bill to continue an act for combining the office of Clerk of the Central Circuit Court with the office of Clerk of the Supreme Court of this Island, and to make provision for the officer discharging the duties of the said offices, and the same was read a first time.

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

Petition of T. Hogan  
& others

A petition of Timothy Hogan, John Harding and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of such a sum as will enable the road commissioners to complete during the next summer the road leading from Fort Townshend to New Town.

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

Referred to committee  
on roads and bridges

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

Petition of S. Parsons  
and others

A petition of Stephen Parsons, William Kennedy and others, inhabitants of Bears Cove, (Harbor Grace,) was also presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum for making about half a mile of road between Bears Cove Brook and Herald's Lane.

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

Referred to committee  
on roads and bridges

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

Petition of J. Hudson  
and others

A petition of John Hudson, Henry Moors and others, inhabitants of Broad Cove, Mulleys Cove, Black Head and Adams Cove, was presented by Mr. Brown, and the same was received and read, praying for a grant of money to be placed at the disposal of the commissioners for the purpose of building Bridges over both the brooks in Broad Cove and the Black Head River.

On motion of Mr. Brown, 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.

Petition of T. Chancey  
and others.

A Petition of Thomas Chancey, John Walsh and others, inhabitants of Carbonear, was presented by Mr. M'Carthy, and the same was received and read, praying for a grant of an adequate sum to make three miles of road in a westerly direction from Carbonear into the country towards Island Pond.

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

Referred to committee  
on roads and bridges

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Petition of R. Goff &  
others.

A petition of Richard N. Goff, Henry J. Furneaux and others, Merchants, householders, and others, of St. John's, was presented by Mr. Morris, (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,—

That the services rendered by the Pilots out of the port of St. John's, to the trade of the Island, in boarding and piloting foreign and coasting vessels, have been of the greatest importance.

That in the prosecution of their arduous avocations, the pilots experience great hardship and peril, and that on the safety of their lives the protection of the lives and property of others materially depend.



That were the pilots provided with a decked craft of about 50 tons burthen, to enable them with the assistance of their small boats to board vessels in the offing in the fall of the year when the greatest dangers are to be encountered, much general benefit would be conferred.

And petitioners therefore pray that the House will be pleased to grant a sum of money for the purpose of purchasing a vessel of the above description for the use of the pilots, the necessity of which can only be equalled by the great advantages to be derived therefrom.

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

A petition of John Trickett, Henry Gill, and others, inhabitants of Salmon Cove, on the North Shore of Conception Bay, was presented by Mr. McCarthy, and the same was received and read,—

Petition of J. Trickett and others

Praying for a grant of a sum sufficient to build a bridge over Salmon Cove River, the present bridge being in a state of decay, and quite unsafe for passengers.

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

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

Referred to committee on roads and bridges

*A Message from His Excellency the Governor.*

Message from his Excellency.

The Hon. Mr. Secretary Crowdy, being admitted within the Bar, presented to the House a message from his Excellency the Governor, signed by his Excellency.

He also laid before the House by command of his Excellency, the following documents,—viz. :—

Copy of Treasurer's Bond, with names of his sureties, and amount for which they are respectively bound.—[See *Appendix*.]

A petition of Robert Bayly, Clerk of the Peace for the district of Trinity, to his Excellency the Governor, setting forth, that the sum of £20 7 0 is due to Petitioner from the Government of this Colony, for fees of the said office, between the first of October, 1838, and the 30th June, 1839; and praying his Excellency to recommend his said claim to the notice of the House, and that the same may be granted him.

Petition of John Canning, clerk in the Colonial Department of her Majesty's Customs,—Praying for an increase of salary.

And then the Messenger withdrew.

The said Message was then read by Mr. Speaker, as follows :—

**H. PRESCOTT,—**

The Governor informs the House of Assembly that in conformity with his intention, communicated to the Speaker by the Colonial Secretary on the 31st ultimo, he immediately brought under the observation of the Council that part of the address to her Majesty adopted by the House the previous day, which states the



Council to have peremptorily refused to permit its Journals to be searched by a committee of the House.

His Excellency has now the satisfaction of transmitting the copy of an address which he has received from the Council, and which appears to him well calculated to prevent any future misunderstanding on this subject.

Government House, }  
10th Feb., 1840. }

The address accompanying the said Message was then read by the Clerk, as follows:—

*To His Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

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

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

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

(Signed)

WM. SALL.  
President.

Council Chamber, }  
7th February, 1840. }

*Ordered*,—That the said documents do lie upon the table.

Crown Land bill read  
1st time.

Mr. Morris, from the committee appointed to prepare a bill to regulate the disposal of Crown Lands in this colony, reported that they had prepared the draft of a bill for that purpose accordingly, which he presented to the House, and the same was received and read a first time.

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

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

*Resolved*,—That the said bill be printed for the use of the members.



Pursuant to the order of the day, an engrossed bill for the making and repairing of roads, streets, and bridges in this colony, was read a third time. Road bill read 3d time

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

*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, streets and bridges in this colony, and to regulate the expenditure of the same.” Passed—  
Title

*Ordered*,—That Mr. Morris and Mr. Nugent do carry the said Bill up to her Majesty’s Council, and desire their concurrence. Sent to Council

Mr. Nugent gave notice that to-morrow he would move for the appointment of a committee to prepare an address to his Excellency the Governor, on the subject of his Excellency’s message of this day, accompanying an address of her Majesty’s Council, in explanation of the refusal of the Council to permit their Journals to be searched by the House of Assembly. Notice of address to his  
Excellency.

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

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## TUESDAY, February 11, 1840.

**M**R. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, transmitting by direction of his Excellency the Governor, a Petition of Messrs. Findlater & Co. with the account referred to in the said petition. Letter from hon. Mr.  
Secretary Crowdy

The said petition was read by the Clerk,—

Praying that the sum of £7 12s. 4d. due petitioners for medicine, supplied and furnished paupers and others in the Hospital as set forth in the said account, may be granted them.

*Ordered*,—That the said letter and petition do lie upon the table. To lie on the Table

Pursuant to the order of the day, a bill to regulate the disposal of crown lands in this colony was read a second time. Crown Land bill read  
2d time.

On motion of Mr. Morris, 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, on Tuesday next, resolve itself into a committee of the whole House on the consideration of the said bill.

Mr. Nugent moved, pursuant to notice, seconded by Mr. Winsor,

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor, on the subject of his Excellency’s message accompanying an address of her Majesty’s Council, in explanation of the refusal of the Council to permit their Journals to be searched by the House of Assembly. Resolution for Commit-  
tee to prepare address  
to his Excellency



Committee.

*Ordered*,—That Mr. Nugent, Mr. Winsor, and Mr. Moore, do form such committee.

Report

Mr. Nugent from the said committee reported that they had prepared the draft of the said address, 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, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly beg leave to thank your Excellency for your Excellency's message of the 10th inst., communicating an address of the honourable the Council in explanation of their refusal to permit a search in their Journals by a committee of this House, for the proceedings had by that honourable body on an address of this House of the 12th October, 1839, to her Majesty, transmitted to them in the present Session by message from your Excellency.

With reference to this address, the House of Assembly consider it of importance to make a few observations to your Excellency, particularly as from the tenor of your Excellency's message your Excellency would appear not to disapprove of the conduct pursued by her Majesty's Council on this occasion.

In all *their* proceedings the House of Assembly have always courted publicity. Their addresses are adopted in presence of the public, and not content with this they have two public newspapers employed, in one of which the minutes of the proceedings are inserted from their Journals; and in the second the Debates, Reports, Addresses, &c., are published by order of the House; and the address of last October, alluded to above, was also printed by order of the House, in pamphlet form, for the convenience of circulation.

That your Excellency deemed it necessary to have the address formally laid before the Council under such circumstances the Assembly do not complain; but we regret that at a season when the navigation was daily expected to close, and communication with England to be interrupted, no intimation of that proceeding should have been made to the Assembly, and that it should be left to them to collect from vague rumor information which to them was essential, and which they should have expected from the most authentic source.

By such means had we been left to learn that the Council had actually been engaged for *several weeks* in deliberation "*with closed doors*" upon this subject, when, on the 29th January, it was bruited abroad that an address to her Majesty had been adopted by that body defamatory of this House, upon which the committee beforementioned was appointed to search their Journals in the usual Parliamentary way, in order that the Assembly might, if possible, have an opportunity of reply before the last vessels, which then were ready for sea, and only waited a change of wind to set sail, should depart for Britain.

The application of this committee to search the Journals of the Council was not made, as would appear insinuated in the explanatory address of her Majesty's Council to your Excellency, that such search should take place during the actual discussion or even Session of the Council. The application was to search *after the rising* of the Chamber, and after that rising was it intimated that leave would not be granted.—But, further, the application was repeated on Thursday the 30th, and on that day when the Council was not at all sitting was the refusal iterated.—



The House of Assembly must therefore continue to think, as they then did, that the object of the Council in thus refusing a right that is inherent in every British Subject, but particularly in the collective commons of the country—the right of examining public records—could only have been dictated by a desire to shroud their proceedings on that subject with an undue and improper secrecy, until all opportunity of communicating with her Majesty's Government should be shut out for the season.

If further proof of this were wanted, may it please your Excellency, is it not furnished abundantly in the subsequent conduct of the Council? If secrecy for a particular time were not the object, why defer until the 7th February communicating to your Excellency that decision on the subject of the right of search which they themselves state in their address, they had made on Friday the 31st January, for on that day was their "next meeting" after the 29th? Why, when they decided on the subject three days before the vessels sailed, wait to communicate that intelligence until several days after their departure?

The House of Assembly beg leave under these circumstances most respectfully to enter their solemn protest against the whole proceeding as unparliamentary and undignified, and if the Council mean to signify by the observation at the close of their address, that it is their intention to limit the right of the Assembly to search the journals of the Legislative Council for proceedings on any subject before that body, whether the same shall or not have originated in the Assembly, or to hold that such right shall not be acceded at all reasonable times, or when they are not actually sitting, or at every stage of such proceedings, the House of Assembly must also beg leave to say that such a dictum is inconsistent with Parliamentary and constitutional law, and its expression a further infraction of the rights and privileges of the Assembly.

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

Adopted:

*Ordered*,—That Mr. Nugent and Mr. Winsor do form such committee.

Mr. Kent gave notice that to-morrow he would move that a select committee be appointed to meet a select committee of her Majesty's Council to take into consideration the best means of promoting communication by steam between Great Britain and this country.

Notice for committee on steam navigation bill

Mr. Morris gave notice that to-morrow he would move for leave to bring in a bill to amend an act passed in the 3d session of the General Assembly of Newfoundland, entitled "An act for the more speedy abatement of nuisances," and to make provision to prevent swine from running at large.

Notice of bill to amend nuisance act

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

**WEDNESDAY, February 12, 1840.**

**M**R. Morris gave notice that to-morrow he would move for leave to bring in a bill to provide for the better conducting of the fisheries of this colony, and to regulate the payment of current supplies and servants' wages.

Notice of fishery bill,



Bill to repeal 10th sec.  
Nuisance act read first  
time.

Mr. Morris, pursuant to notice and leave granted, presented a bill to repeal the tenth section of an act passed in the 3d session of the General Assembly of Newfoundland "entitled an act for the morespeedy abatement of nuisances," and to make provision to prevent swine from running at large, and the same was read a first time.

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

Bill to continue act 5th  
W. 4. read 2d time.

Pursuant to the order of the day, a bill to continue an act for combining the office of Clerk of the Central Circuit Court, with the office of Clerk of the Supreme Court of this Island, and to make provision for the officer discharging the duties of the said offices, was read a second time.

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

*Resolved*,—That this House will to-morrow, resolve itself into a committee of the whole House on the consideration of the said bill.

Mr. Kent moved, pursuant to notice, seconded by Mr. Morris,

*Resolved*,—That a select committee be appointed to meet a select committee of her Majesty's Council to consider the best means of promoting communication by steam between Great Britain and this country.

Select committee on  
steam navigation

*Ordered*,—That Mr. Kent, Mr. Morris, and Mr. Nugent do form the said committee.

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

*Resolved*,—That a message be sent to her Majesty's Council acquainting them of the appointment by this House of a select committee of three to meet a select committee of their hon. Body in order the better to consider the most effectual means of promoting steam navigation between Great Britain and this country.

*Ordered*,—That Mr. Kent and Mr. Morris do carry the said message to her Majesty's Council.

Then the house adjourned until to-morrow at one of the clock.

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## THURSDAY, February 13, 1840.

Petition of F. M'Carthy  
and others.

A Petition of Felix M'Carthy, Robert Ayles and others, inhabitants of Carbonear, was presented by Mr. M'Carthy, and the same was received and read, praying the House to pass the bill for the making and repairing of roads, and to provide therein for certain improvements and repairing the roads and streets in the town of Carbonear.

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

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



A petition of Daniel Scott, Jno. Coady and others, inhabitants of the river-head of Harbor Grace, was also presented by Mr. M'Carthy, and the same was received and read, praying for a grant of such a sum as will make a mile of road from Cooper's Corner, and another mile from the national school to extend towards the farms in the direction that the paths called "Coopers" and "Fishermans" respectively now lead.

Petition of D. Scott and others.

On motion of Mr. M'Carthy, seconded by Mr. Moore;

*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 to-morrow, he would move that a committee be appointed to prepare an address to his Excellency the Governor respectfully requesting his Excellency would cause to be laid before this House an account of all the duties received at the Custom House under Imperial acts for the last three years ending the 5th January, 1840, distinguishing the duties received in each year under each particular act, and the separate articles under such act.

Notice for Committee to prepare address to his Excellency

Mr. Morris, pursuant to notice and leave granted, presented a bill to provide for the better regulation of the fisheries in this colony, and the same was read a first time.

Fishery bill read 1st time

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

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

*Resolved*,—That 200 copies of the said bill be printed for the use of the members.

Pursuant to the order of the day, a bill to repeal the tenth section of an act passed in the 3d session of the General Assembly of Newfoundland, "entitled an act for the more speedy abatement of nuisances," and to make provision to prevent swine from running at large, was read a second time.

Bill to repeal 10th sec. nuisance act read second time.

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

*Ordered*,—That the said bill 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 the said bill.

Mr. Morris gave notice that to-morrow he should move that the rules of the House so far as relate to the reading and passing of the said bill, be suspended.



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

## FRIDAY, February 14, 1840.

Fishery bill read 2d time

**P**URSUANT to the order of the day, a bill to provide for the better regulation of the fisheries in this colony, was read a second time.

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

*Ordered*—That the said bill 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.

Mr. Winsor moved, pursuant to notice, seconded by Mr. M'Carthy,

Committee to prepare address to his Excellency.

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor, respectfully requesting that his Excellency would cause to be laid before this House a statement of the revenue collected under acts of the Imperial Parliament for the last three years ending the 5th January 1840, stating the articles paying duty under each act in each separate year.

*Ordered*,—That Mr. Winsor, Mr. M'Carthy and Mr. Nugent do form such committee.

Address.

Mr. Winsor, from the said committee, reported that they had prepared the said address, 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, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly request that your Excellency will be pleased to cause to be laid before this House a statement of the Revenue collected under acts of the Imperial Parliament for this colony during the last three years ending the 5th January, 1840, stating the articles paying duty, under each act in each year separately.

Adopted.

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

Committee.

*Ordered*,—That Mr. Winsor and Nugent Mr. do form such committee.

House in committee on Bill to repeal 10th sec. Nuisance act

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to repeal the 10th section of an act for the more speedy abatement of nuisances, and to make provision to prevent swine from running at large.



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 said bill, and had agreed to the same without any amendment. Report

Mr. Morris moved, pursuant to notice, seconded by Mr. Nugent,

*Resolved*,—That the rules of the House in reference to the reading and passing of the said bill, be suspended Suspension of Rules in reference thereto

*Ordered*,—That the said bill be engrossed and read a third time presently. Engrossed  
3d reading

Pursuant to order, the said engrossed bill was read a third time.

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

*Resolved*,—That the said Bill do pass, and that the title be “an Act to repeal the tenth section of an Act passed in the third Session of the General Assembly of Newfoundland, entitled “an Act for the more speedy abatement of nuisances, and to make provision to prevent swine from running at large.” Passed—  
Title

*Ordered*,—That Mr. Morris and Mr. Kent do carry the said Bill up to her Majesty’s Council, and desire their concurrence. Sent to Council

Mr. Nugent gave notice that on Monday next he should move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House, a return of all fines and penalties levied for and during the year ending the 30th June, 1839, and a similar return up to the 12th instant, particularizing the Court or Justice by whom imposed, the statute under which levied, the name of the person fined, and also the offence. Notice of address 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 acquaint the House of Assembly, that with reference to their Message of the 12th inst., transmitting a resolution of that House on the subject of steam communication between this Country and Great Britain, they have appointed a committee to meet the committee of the Assembly in the Council’s committee room to-morrow (Saturday,) at twelve o’clock.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber, }  
14th Feb., 1840. }

And then the Messenger withdrew.

Mr. Winsor, pursuant to notice and leave granted, presented a bill to repeal in part an Act passed in the 6th year of the reign of his late Majesty William the Fourth, to provide for the relief of sick and disabled Seamen, Fishermen, and other persons, and to authorize the appropriation of monies collected under the said Act ; and the same was read a first time. Bill to amend seamen’s relief act read 1st time



2d reading

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

House in committee on bill to continue 5th W. fourth

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a Bill to continue an Act for combining the offices of Clerk of the Supreme and Circuit Courts of this Colony.

Mr. Speaker left the chair.

Mr. McCarthy 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, 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.

Engrossed 3d reading

*Ordered*,—That the said bill as amended be engrossed, and read a third time on Monday next.

Then the house adjourned until Monday next at one of the clock.

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**MONDAY, February 17, 1840.**

**T**HE House met and adjourned until to-morrow, at one of the clock.

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**TUESDAY, February 18, 1840.**

Report of committee appointed to present address to his Excellency

**M**R. Nugent from the committee appointed on the 11th instant to present to his Excellency the Governor an address of the House upon the subject of the refusal of her Majesty's Council to permit their Journals to be searched by the House, reported that they had waited on his Excellency, and presented the said address, when his Excellency was pleased to reply as follows,—

His Excellency's reply

*Gentlemen*,—

I shall take an early opportunity of bringing this address under the observation of her Majesty's Principal Secretary of State for the Colonies.

Government House, }  
15th Feb., 1840. }



Mr. Winsor reported from the committee appointed on the 14th instant, to present to his Excellency the Governor an address of this House, praying that his Excellency would cause to be laid before the House certain Custom-House returns, that they had attended to that duty accordingly, and his Excellency was pleased to say "the returns here mentioned shall be sent."

Report of committee appointed to present address to his Excellency

A petition of Samuel Short, John Hussen and others, inhabitants of Hant's Harbor, and its vicinity, was presented by Mr. Moore, and the same was received and read,—

Petition of S. Short & others

Praying for a grant of a sum sufficient to complete the Road between Hants Harbor and Seal Cove, (about two miles) and for carrying the road through Hants Harbor; also for building a bridge over "Sports River," in the said Harbor, and a bridge across "Pelley's Mead."

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

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 on the 14th instant, 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:

To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.

May it please your Excellency,—

The House of Assembly respectfully request your Excellency will please direct that a return be laid before the House of all Fines, Penalties, and Forfeitures, levied for and during the year ending 30th June, 1839, and a similar return for and during the time between that day and the 12th instant, particularizing the name of the person, the nature of the offence, the Court or Justice before whom the fine, penalty, or forfeiture shall have been awarded, and the statute under which award was made.

Draft of address to his Excellency presented & read

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

Resolved,—That the said address be adopted and engrossed.

Adopted

Ordered,—That Mr. Nugent and Mr. Winsor be a committee to present the same to his Excellency.

Committee

Pursuant to the order of the day, a Bill to repeal in part an Act to provide for the relief of Sick and disabled Seamen, Fishermen, and other persons, and to authorize the appropriation of monies collected under the said act, was read a second time.

Bill to repeal seamen's relief act read 2d time

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

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.



Mr. Kent gave notice that to-morrow he would move that a select committee be appointed to enquire into the causes which induced the Stipendiary Magistrates of this town to search the House of Mr. John Delaney, an officer of this House, on Monday the 17th instant.

Then the house adjourned until to-morrow at one of the clock.

WEDNESDAY, February 19, 1840.

MR. Kent moved, pursuant to notice, seconded by Mr. Nugent,

*Resolved*,—That a select committee of three be appointed to investigate into the causes that induced the Stipendiary Magistrates of this town to search the dwelling house of Mr. John Delaney, an officer of this House, with power to send for persons, papers, and records.

*Ordered*,—That Mr. Kent, Mr. Nugent, and Mr. McCarthy, do form the said committee.

A petition of Thomas Houlton, of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth,—

That Petitioner entered into a contract with the Board of Road Commissioners for the Central District, to make certain repairs on the road leading to "Signal Hill," for the sum of £50.

That the specification of the work was extremely deceptive, and it was only during the practical operation thereof that your petitioner discovered that he had taken the contract at too low a rate.

That in sinking the ravine, in order to carry off the water which overflowed from one of the ponds, and which inundated the road, petitioner met with a large and solid bed of rock which he did not anticipate; the blasting and removal of which cost him upwards of forty pounds, beside other expenses incurred in repairing the stone bridge at "Maggotty Cove."

That petitioner having tendered for the work, the Commissioners have not the power to remunerate him for this *extra expense and labour*, and petitioner therefore humbly prays the House will be pleased to take his case into consideration, and to grant him the above sum to indemnify him from loss sustained for the Public benefit, in the performance of work which was unforeseen both by him and the Commissioners when the contract was entered into.

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

*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 continue an act to combine the office of Clerk of the Central Circuit Court with the office of Clerk of the Supreme Court of this Island, was read a third time.

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

Report of committee appointed to enquire into the expediency of...

Letter of T. Houlton...

Select committee of enquiry

Petition of T. Houlton

Bill to amend the law relating to the...

Bill to amend the law relating to the...

Referred to committee on roads and bridges

Bill to repeal 10th sec. of act 5th W. 4th



*Resolved*,—That the said bill do pass, and that the title be “An act to continue an act passed in the fifth session of the General Assembly of this Island, entitled “An act to combine the office of Clerk of the Central Circuit Court with the office of Clerk of the Supreme Court, and to make provision for the officer discharging the duties of the said offices.”

Passed Title

*Ordered*,—That Mr. Kent and Mr. Morris do carry the said 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 a Bill to repeal in part an Act to provide for the relief of sick and disabled seamen, fishermen and other persons, and to authorise the appropriation of monies collected under the said act.

House in committee on bill to repeal seamen’s relief act.

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 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.

Mr. Nugent gave notice that to-morrow, he should move for leave to bring in a bill to defray certain charges that have arisen for the support of aged and infant paupers, up to the 15th January, 1840.

Notice of bill to defray certain charges.

Mr. Morris gave notice that to-morrow he would move an address to his Excellency the Governor, praying that his Excellency will please issue his warrant for a certain sum then to be named, to be appropriated to the relief of the poor.

Notice of address to his Excellency.

Mr. Kent gave notice that on Friday next he would move that the House do resolve itself into a committee of the whole House on the consideration of a supply to be granted to her Majesty.

Notice for committee of supply.

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

**THURSDAY, February 20, 1840:**

**M**R. Winsor gave notice that on Monday next, he would move that a committee be appointed to prepare an address to his Excellency the Governor praying that his Excellency will cause to be laid before this House a statement of the expenditure of the sum of five thousand pounds granted to the colony by the Parent Government.

Notice for Committee to prepare address to his Excellency



Address

Mr. Morris, pursuant to notice yesterday, presented 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:

*To His Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly request your Excellency will please, by warrant under your Excellency's hand and seal, to draw from the Treasury the sum of six hundred pounds, to be appropriated to the relief of the poor of this colony,—one half to the immediate relief of the poor of St. John's, and the other half to the relief of the poor of the out districts.

Adopted

*Resolved*,—That the said address be adopted and engrossed.

Committee

*Ordered*,—That Mr. Morris and Mr. Kent be a committee to present the same to his Excellency.

Bill to defray certain charges, read 1st time.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to defray certain charges that have arisen for the support of aged and infant paupers up to the 15th January, 1840; and the same was read a first time.

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

Mr. Nugent gave notice that to-morrow, he would move that the rules of the House be suspended so far as relate to the committing, reading and passing the said bill.

Petition of J. Prendergast and others.

A petition of John Prendergast, John Harding and others, inhabitants of the White Hills and its vicinity, was presented by Mr. Morris, and the same was received and read, praying the House to grant a sum sufficient to make a branch road from Quidi Vidi Bridge to Mr. Thomas Martin's, on the White Hills.

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

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 public Lands.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to provide for the disposal of the public lands in this colony, and for other purposes mentioned therein.

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 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.



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

FRIDAY, February 21, 1840.

**P**URSUANT to the order of the day, a bill to defray certain charges that have arisen for the support of aged and infant paupers, &c. was read a second time.

Bill to defray certain charges read 2d time.

Mr. Nugent moved, pursuant to notice, seconded by Mr. Morris,

*Resolved*,—That the rules of the House in reference to the reading, committing and passing of bills be suspended, so far as relate to this bill.

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

*Resolved*,... That this House do now resolve into a committee of the whole House on the consideration of the said bill.

House in committee therein.

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.

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, 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 this day.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a bill to provide for the disposal of the public lands in this colony, and for other purposes mentioned therein.

House in committee on public lands bill

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 made some progress in the business to them referred, and had directed him to move for leave to sit a gain.

Report.

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



Passed

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

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**MONDAY, February 24, 1840.**

Letter from Colonial Secretary, transmitting 2 petitions.

**M**R. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, transmitting by direction of his Excellency the Governor, a petition of Matthew Stevenson, of Harbor Grace, late Clerk of the Peace for the district of Conception Bay, praying that the grant which was made him former years for past services may be continued.

Also a petition of Wm. Martin, sen. of Harbor Grace, late High Constable for the district of Conception Bay, praying for a similar grant as the former petition.

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

Referred to committee of supply.

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

Reports of Committees to present addresses to his Excellency

Mr. Nugent, from the committee appointed to present to his Excellency the Governor the address of the House adopted on the 18th inst., praying for certain returns on the subject of fines, forfeitures and penalties to be laid before the House, reported that they had presented the said address, and his Excellency was pleased to reply that the said returns should be called for.

Mr. Morris, from the committee appointed on the 20th inst. to present to his Excellency the Governor an address of the House requesting that his Excellency would draw from the Treasury of the colony a certain sum for the relief of the poor, &c. reported that they had attended to that duty, when his Excellency was pleased to reply as follows :

His Excellency's reply

Gentlemen,

I shall be happy to comply with this address, and to act upon it, in the best manner that circumstances will permit.

Government House,  
22d February, 1840.

Petition of R. J. Parsons and others,

A petition of R. J. Parsons, John Coaker and others, owners, proprietors or occupiers of lands and farms lying on the Torhay road, leading from St. John's to Torbay, or in and near its neighbourhood, was presented by Mr. Morris, and the same was received and read, praying the House to grant such sum or sums of money as may be necessary to repair the said road, and especially to build a bridge over a large brook or stream of water running immediately across the stream.

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

Agreeably to the order of the day, an engrossed bill to defray certain charges for the support of aged and infant paupers was read a third time.

Bill to defray certain charges read 3d time

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

*Resolved*, That the said bill do pass, and that the title be, "an Act to defray certain charges that have arisen for the support of aged and infant paupers, up to the first of February, 1840."

Passed Title

*Ordered*,—That Mr. Nugent and Mr. Brown do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

Mr. Winsor moved, pursuant to notice, seconded by Mr. McCarthy,

*Resolved*.—That a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency would cause to be laid before this House a statement of the expenditure of the sum of five thousand pounds granted by the Parent Government for this colony in the year 1835.

Resolution for committee to prepare address to his Excellency

*Ordered*,—That Mr. Winsor, Mr. McCarthy, and Mr. Nugent do form the said committee.

Committee

Mr. Winsor from the said committee reported that they had prepared the draft of the said address, 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 presented & read

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before this House a statement of the expenditure of the sum of five thousand pounds, granted by the Parent Government for this Colony, in the year 1835.

*Resolved*,—That the said address be adopted and engrossed.

Adopted. Engrossed

*Ordered*,—That Mr. Winsor and Mr. McCarthy be a committee to present the said address to his Excellency.

Committee to present it

Mr. Kent from the select committee appointed on the 12th instant, to meet a select committee of her Majesty's Council, the better to consider the most effectual means of promoting Steam Navigation between this Colony and Great Britain, reported that they 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:

Report of select committee on steam navigation

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

*Resolved*,—That it is the opinion of this committee that the establishment of



steam communication between St. John's and Halifax to meet the line of communication between England and Halifax, would greatly promote that object.

*Resolved*,—That it is the opinion of this committee that as it appears by a Treasury minute dated on the eleventh day of March 1839, her Majesty's Government have engaged to take into their consideration the communication between Saint John's and Halifax as soon as the arrangements for establishing a line of steam vessels between England and Halifax should be matured; and as the said arrangements have now been completed, it is the duty of the Legislature to testify their desire to co-operate with the Government by granting an increase to the sum already voted, to encourage the establishment of such communication.

*Resolved*,—That it is the opinion of this committee that a bill be prepared and reported to the Assembly, repealing the act under which the sum of £1,500 has been granted to her Majesty, for the purpose of facilitating a communication by steam between St. John's and Halifax, and which bill shall grant £3000 in lieu thereof, for the said service, the sum of £3000 to be paid in three annual instalments of one thousand pounds each, after such communication shall have been established, to such person or persons as her Majesty's Principal Secretary of State for the Colonies shall direct.

And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the House.

Mr. Kent in pursuance of one of the said resolutions presented the bill therein referred to, and the same was read a first time.

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

Pursuant to the order of the day the House resolved itself into a committee of the whole House on the further consideration of a Bill to provide for the disposal of the Public lands in this colony, and for other purposes mentioned therein.

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 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.

Then the house adjourned until to-morrow at one of the clock.

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**TUESDAY, February 25, 1840.**

**A** Petition of Michael Devereaux, Edward Haley, and others, inhabitants of the district of Ferryland, was presented by Mr. Winsor, and the same was received and read,—

Praying for the repeal of the Hospital Act, for the reason therein set forth.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Resolutions read and agreed to

Steam Navigation bill read 1st time

2d reading

House in committee on public lands bill

Report

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Committee on the petition of the petitioners for the establishment of a line of steam communication between St. John's and Halifax.

Petition of M. Devereaux and others



*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 acquaint the House of Assembly that they have passed the bill sent up for the concurrence of the Council, entitled "an Act to defray certain charges that have arisen for the support of aged and infant paupers, up to the first of February, 1840," without amendment.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber, }  
25th Feb., 1840. }

And then the Messenger withdrew.

Pursuant to the order of the day, a Bill to repeal an Act for granting to her Majesty the sum of one thousand five hundred pounds for facilitating a communication by steam between St. John's and Halifax, and for granting the sum of three thousand pounds in lieu thereof for the said service, was read a second time.

Bill to repeal Steam Navigation Act read 2d time

Mr. Kent moved, seconded by Mr. Nugent,

That the said bill be committed to a committee of the whole House to-morrow ; which being put,

Re-committal

Mr. Morris moved in amendment, seconded by Mr. Moore,

That the word "to-morrow" be expunged, and "this day week" substituted— which being put,

Amendment moved

Mr. Morris moved, seconded by Mr. Kent,

That this House do now adjourn. On which the House divided, when there appeared for the motion four, against it three.

Adjournment

For the motion.

Against the motion.

Mr. Morris

Mr. Nugent

.. Moore

.. Kent

.. Winsor

.. Dwyer.

.. Godfrey.

So it passed in the affirmative.

Carried

Then the house adjourned until to-morrow at one of the clock.

WEDNESDAY, February 26, 1840.

**T**HE motion made yesterday that the Bill to repeal an act granting to her Majesty the sum of one thousand five hundred pounds for facilitating a communication by steam between St. John's and Halifax, and for granting the sum of three

Motion for committal of bill to repeal Steam Navigation provision bill withdrawn



thousand pounds in lieu thereof for the said service, be committed to a committee of the whole House this day, and the amendment proposed thereon being read,

Moved by Mr. Kent, seconded by Mr. Nugent,

*Ordered*,—That Mr. Kent have leave to withdraw the said motion, and that the said amendment stand as the original motion.

Petition of J. Funcheon  
and others

A petition of John Funcheon, Denis Nowlan, and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read,—

Praying for a grant of a sum of money for repairing that part of the Lazy Bank Road, situate Eastward of Monday's Pond, commencing at the Road leading to George's Pond, and ending at the dwelling house occupied by the widow Bates.

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

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  
public lands bill

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a Bill to provide for the disposal of public lands in this colony, and for other purposes mentioned therein.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

There being present Mr. Speaker, Mr. Nugent, Mr. Morris, Mr. Winsor, and Mr. Moore, Mr. Speaker at four o'clock p. m., adjourned the House for want of a quorum until to-morrow at one of the clock.

## THURSDAY, February 27, 1840.

Letter from hon Mr.  
Secretary Crowdy

**MR.** Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, acquainting the House by command of his Excellency the Governor that it is his Excellency's intention to proceed to the Council Chamber to-morrow at two o'clock, for the purpose of giving his assent to the Bill entitled "an Act to defray certain charges that have arisen for the support of aged and infant paupers up to the first of February, 1840."

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

*Resolved*,—That as the word "currency" has been clerically omitted between the words "seven pence" and "which" and also between the words "seven-pence" and "be appropriated" in the bill entitled "an Act to defray certain charges that have arisen for the support of aged and infant paupers up to the first of February 1840" which has passed both Houses, a message be sent to her Majesty's Council to request their sanction for making the necessary correction.



*Ordered*,—That Mr. Nugent and Mr. Kent do carry the said message to her Majesty's Council.

Pursuant to the order of the day the House resolved itself into a committee of the whole House on the further consideration of a Bill to provide for the disposal of the Public lands in this colony, and for other purposes mentioned therein.

House in committee on public lands bill

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 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.

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

## FRIDAY, February 28, 1840.

**M**R. Winsor, from the committee appointed on the 24th inst., to wait on his Excellency the Governor and present an address praying that his Excellency would cause to be laid before this House a statement of the Expenditure of the sum of £5000 granted by the parent Government for this colony, reported that they had attended to that duty, and his Excellency was pleased to reply that the required information should be sent.

Report of Committee to present address to his Excellency

Mr. Winsor gave notice that on Monday next he would move that the Clerk of this House be put in possession of the original Journals and all other documents relative to the proceedings of the House of Assembly during the last session.

Mr. Nugent gave notice that on Wednesday next he would move for leave to bring in a bill to provide a bounty for building vessels in this colony.

Notice of bill for granting bounties on ships.

### 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 their message of to-day, with reference to a clerical error in the bill entitled "An act to defray certain charges that have arisen for the support of aged and infant paupers up to the 1st February, 1840," and have appointed con-



ferrees to meet the managers from the Assembly in the committee room of the Council instantly.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
28th Feb. 1840.

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

Conference agreed to.

*Resolved*.—That the conference requested by her Majesty's Council be agreed to.

Council acquainted thereof.

*Ordered*.—That Mr. Kent and Mr. Nugent do go up to her Majesty's Council and acquaint them that this House accede to the said conference.

Managers named

*Ordered*.—That Mr. Nugent, Mr. Kent, Mr. Morris and Mr. Moore, 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 to the House that the managers had been at the conference, and that the conferrees on the part of the Council had delivered to them their written instructions, which he read in his place as follows :

Her Majesty's Council have sought this conference with the House of Assembly for the purpose of acquainting that House with reference to their message of to-day, that as it appears to the Council that the omission of the word "currency" between the words "pence" and "be," is an error which subjects the colony to the payment of money not legally due, the Council will sanction its insertion; but as the same cause does not exist for the insertion of the word "currency" between the words "pence" and which," and as its insertion would be opposed to the principle which has always prevailed of grants to her Majesty being in sterling, the Council cannot consent to the alteration in this instance.

JAMES SIMMS,  
Senior Member Presiding.

Council Chamber,  
28th February, 1840.

Mr. Nugent further reported that the said conferrees had acquainted the said managers verbally, that they were instructed to bring the bill to the conference in order that, as it had been passed by both branches of the Legislature, so the correction should be made by the Clerk of the Assembly in presence of the conference, and that therefore they would remain in the committee room until the managers should make their report, and return with their Clerk for the purpose aforesaid; and that if this course of proceeding were unprecedented, so was it without precedent to amend a bill after it passed both Houses, and for that reason should the correction be made with the utmost solemnity.

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

*Resolved*.—That the said managers return to the Conference, and that they be attended by the Clerk for the purpose of correcting the said bill.

The said managers, attended by the Clerk, went accordingly, and being returned, Mr. Nugent reported finally that they had been again at the said conference, where the Clerk had, in presence of the managers of the Assembly, and of the conferrees of her Majesty's Council, corrected the bill by the interlining the word "currency" between the words "pence" and "be."

*Ordered*.—That the said report be received.



*A Message from His Excellency the Governor,*

By Joseph Templeman, Esq., Usher of the Black Rod.

Mr. Speaker,

His Excellency the Governor desires the attendance of this Hon. House in the Council Chamber immediately.

The House went to the Council Chamber accordingly, and being returned,

Mr. Speaker reported that his Excellency had been pleased to give his assent to the bill entitled "An act to defray certain charges that have arisen for the support of aged and infant paupers up to the 1st February, 1840."

Mr. Morris, as chairman of the committee appointed on the 5th inst. to whom was referred the petition of certain merchants, ship owners, ship masters, mariners, fishermen and others, reported that they 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 :

The committee appointed to take into consideration the petition of the merchants, ship owners, ship masters, mariners, fishermen and others, of the district of St. John's, complaining of the depressed state of the British Fisheries, and praying that encouragement should be given for the prosecution of the whale fishery, report as follows :

That they have fully ascertained the correctness of all the statements made in the said petition.

That the Bank fishery, and a principal part of the French Fisheries on the coast of Newfoundland, are engrossed by the subjects of France and America; that until of late years the deep sea fishery on the great Banks of Newfoundland gave employment to a number of British ships and seamen—vessels for that fishery were fitted out from different ports in England, for the principal Harbors of Newfoundland, but that at the present time not more than three or four vessels proceed for that fishery.

That the French and American subjects fit out for the Bank fishery not less than six hundred sail of vessels, some of them, of a large size, and manned by eight or ten thousand seamen.

That the French and American Governments grant Bounties to the men and to the ships engaged in the fishery as well as for the fish caught, by which means they have monopolized the whole of this most important branch of our fishery to the almost total exclusion of the British.

That the injurious consequences of the competition are more immediately felt by ship owners and others engaged in the seal fishery, as after the conclusion of this fishery about the middle of May, many of their vessels are thrown out of employment, and have to lie up the remainder of the season—being shut out from the Bank fishery by the causes before mentioned. Your committee therefore approve and recommend to the favourable consideration of the House the prayer of the said petition, that encouragement should be given to the whale fishery.

Your committee have ascertained that the whale fishery had been in former times successfully prosecuted on the coast, and that the old American colonists were in the habit at the commencement of the fisheries to seduce clandestinely the Newfoundland fishermen to assist and instruct them in the prosecution of their fisheries.

Your committee have ascertained that since the separation of the old colonies from the Parent country, the Americans have attempted to continue their whale fishery in the Bays and on the coast of this Island.

Your committee have gained valuable information on the former and present state of the whale fishery on the coast, from one of your Committee, Henry Butler, Esq., member for Burin, who gave the following evidence before your committee :

"In the years 1796-97-98 & '99, the Americans carried on the whale fishery in

Message from his Excellency

Report of committee on Whale fishery



the Bay of Despair, Hermitage Bay, and Fortune Bay, to a very large extent. The first three years ('96, '97, and '98) not less than twelve vessels were fitted out from Cape Cod, Marble Head, and Salem, generally manned with 15 men each, and they all returned nearly loaded. From leaving that part of the country about 1799, I cannot say what progress they made in 1800-1-2-3 & 4, but I am aware that they carried the whale fishery on until about the year 1807, when some dispute arose between Great Britain and the United States. The Americans were then prevented from that fishery. Two or three years afterwards, a schooner was fitted out by the Americans from Cape Cod, and came to Burin. A man of war being on that station, the schooner was obliged to proceed to St. Mary's Bay, and there she remained until the month of August, and nearly had her load, when she was taken by one of our sloops of war, and ordered to St. John's; but the crew being too strong for the prize master, they carried her safe to Cape Cod—the two boats were taken to St. John's, but afterwards given up by order of the Admiralty Court.

“Thus ended the American whale fishery on the western shore of Newfoundland.

“Then a whale fishery commenced in Hermitage Bay, carried on by four persons jointly, 1 American, & 3 British subjects, under the firm of Peter Le Messurier & Co. I do not believe they carried the whale fishery on more than four years, when the partnership dissolved; subsequently the natives of Hermitage Bay having some idea of the fishery, and saving the oil, they began a whale fishery on a very small scale, and a person of the name of M'Donald has made a large property by it.

“The house of Newman & Co. being aware of these proceedings, bought the premises that had been Peter Le Messurier & Co's. and began the whale fishery on a very large scale. They employed the natives of Hermitage and Fortune Bays, who I have been informed, are as good as any men they could get from England, &c.

“I am well aware that Newman & Co. are making a good business of it.”

Your committee having given the important subject every consideration in their power, are of opinion that some encouragement should be given in the form of bounty to continue for two or three years, to induce ship owners to commence this fishery; when its advantages are developed they confidently hope that it will give profitable employment to a number of vessels that are generally laid up the summer months, and will open a new and valuable source of adventure for our able and hardy fishermen.

Your committee regret that the present state of the revenues prevents them from recommending so large a sum as they think necessary for the furtherance of this important object, they therefore limit the sum to six hundred pounds to be given to the first three vessels that will be fitted out for the whale fishery at the rate of forty shillings per ton, New Measure, no one vessel to obtain more than two hundred pounds; and they further recommend that a bill be brought in without delay, founded on this recommendation.

PATRICK MORRIS, Chairman.

And the said Report having been read throughout, was upon the question put thereon, agreed to by the House.

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

*Ordered*,—That 50 copies of the said report be printed for the use of Members.

Pursuant to the order of the day the House resolved itself into a committee of the whole House on the further consideration of a bill to provide for the disposal of the Public lands in this colony, and for other purposes mentioned therein.

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 come to a resolution thereon, which he was directed 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:—

*Resolved*,—That it is the opinion of this committee that the said Bill as amended be printed for the use of the Members.

And the said resolution having been read throughout, was, upon the question put thereon, agreed to by the House.

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

**MONDAY, March 2, 1840.**

**A** Petition of W. W. Bemister, Stephen O. Pack, Felix McCarthy, and 200 other Merchants, Planters, and Fishermen, inhabitants of Carbonear, was presented by Mr. McCarthy, and the same was received and read, setting forth,—

That petitioners being concerned in, and carrying on the Seal and Cod Fishery on the Banks and Shores of Newfoundland and Labrador, beg leave to make known to the House their views and wishes on the subject of the encouragement of the Seal Fishery. That it is their opinion that that Fishery connected with a Whale Fishery, may, during the summer months, be carried on as far North as Hudson's Bay and Davis Straits with a prospect of good success. That there are at present many fine Vessels belonging to persons in this country who cannot find profitable employment for them after the usual sealing voyage in the spring, and those vessels are every way suited to the prosecution of a summer sealing and whaling voyage, and would be the means of profitably employing many of the hardy and industrious Fishermen who are at present employed in a very unproductive shore cod fishery. They therefore humbly pray the House to take into mature and serious consideration the expediency and necessity of voting a certain sum of money as a bounty to each of a certain number of the first of a certain description of vessels as shall be fitted out by the Owners, and shall prosecute the sealing and whaling voyage as far North, if necessary, as Hudson's Bay and Davis Straits, during the months of May, June, and July.

*Ordered*,—That the said Petition do lie upon the table.

Mr. McCarthy gave notice that on Wednesday next he would move for leave to bring in a bill to establish a Grammar School in the town of Carbonear.

Mr Morris pursuant to the report of the committee on the 28th inst., presented a bill to encourage the whale fishery in this colony, and the same was read a 1st time

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

Mr. Winsor as chairman of a committee of the whole House on the consideration of the Bill to provide for the disposal of public lands in this Colony, and for other purposes mentioned therein, reported that they had gone through the said

Report.

Petition of Stephen O-Pack and others

Notice of bill to establish a Grammar School.

Whale fishery bill

Report of committee on public lands.



Bill and 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 severally 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.

Notice of motion to suspend introduction of bills

Mr. Winsor gave notice that on Friday next he should move that no bills be introduced into this House after the 17th inst. during the remainder of the session, except a Bill of Supply, Contingency Bill, and Revenue Bill.

Notice of motion for bill to prevent fraud in the sale of certain articles

Mr. Winsor gave notice that on Thursday next he would move for leave to bring in a bill to prevent fraud in the sale of certain articles imported into this colony.

Notice for committee to search Journals of H M Council

Mr. Nugent gave notice that to-morrow he should move that a committee be appointed to search the Journals of her Majesty's Council, in order to ascertain what proceedings have been had on a bill to provide for the making and repairing of roads, streets, and bridges, in this colony.

Then the house adjourned until to-morrow at one of the clock.

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## TUESDAY, March 3, 1840.

**M**R. Nugent moved pursuant to notice, seconded by Mr. Winsor,

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council in order to ascertain what proceedings have been had on a Bill to provide for the making and repairing of roads, streets, and bridges, in this colony.

Committee

*Ordered*,—That Mr. Nugent and Mr. Winsor do form the said 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*,—

Her Majesty's Council have passed the Bill sent up from the Assembly for the concurrence of this House, entitled "an Act to continue an Act passed in the fifth session of the General Assembly of the Island, entitled "an Act to combine the office of Clerk of the Central Circuit Court with the office of Clerk of the Supreme Court, and to make provision for the Officer discharging the duties of the said offices," without amendment.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, }  
3d March, 1840. }



And then the messenger withdrew.

Agreeably to the order of the day the House resolved itself into a committee of the whole House on the consideration of a Bill to repeal an Act for granting to her Majesty the sum of £1500 for facilitating communication by steam between St. John's and Halifax, and for granting the sum of £3,000 in lieu thereof, for the said service.

House in committee on bill to repeal steam navigation act

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 agreed to the same without amendment.

Report.

Ordered,—That the said bill be engrossed and read a third time tomorrow.

Engrossed. 3d reading

Mr. Nugent from the committee appointed this day to search the Journals of her Majesty's Council, touching the proceedings on the bill to provide for the making and repairing of roads, streets, and bridges, in this colony, reported that they had made search accordingly, and had taken the following extracts.

Report of committee appointed to search journals of H. M. Council

“ 11th February, 1840.

“ A deputation from the House of Assembly brought up a Bill entitled “ an Act for granting to her Majesty a supply of money for the making and repairing of roads, streets, and bridges, in this colony, and to regulate the expenditure of the same,” which was read a first time.

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

“ 14th February, 1840.

“ Bill read a second time, and ordered to be committed to-morrow.”

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

**WEDNESDAY, March 4, 1840.**

**P**URSUANT to the order of the day, an engrossed Bill to repeal an Act granting to her Majesty the sum of £1500 for facilitating a communication by steam between the port of St. John's and the port of Halifax, and to grant the sum of £3000 in lieu thereof for the said service, was read a third time,

Bill to repeal Steam Navigation Act read 3d time

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

**Resolved**,—That the said Bill do pass, and that the title be “ an Act to repeal an act entitled “ an Act to revert in the Treasury the sum of one thousand five hundred pounds, granted to her Majesty under an Act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to appropri-

Passed Title



ate the same for the purpose of facilitating a communication by steam between the port of St. John's and the port of Halifax, in the Province of Nova Scotia, and to make further provision for facilitating communication by steam between the said ports of St. John's and Halifax."

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

Mr. Morris gave notice that on Wednesday next he would move that a committee be appointed to prepare a petition to her Majesty and both Houses of Parliament, praying for a direct communication by steam between this Colony and the United Kingdom.

Then the house adjourned until Friday next, at one of the clock.

**FRIDAY, March 6, 1840.**

**M**R. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, transmitting by direction of his Excellency the Governor, a Report of the Board of Road Commissioners for the District of St. John's.

*Ordered*,—That the said report do lie upon the Table to be perused by the members of the House—(For which report, see Appendix.)

Mr. Winsor moved, pursuant to notice, seconded by Mr. Moore,

*Resolved*,—That after the 17th inst. no bill be introduced into this House during the remainder of the session, except the Supply, Contingency, and Revenue Bills.

Mr. Winsor, pursuant to notice and leave granted, presented a bill to prevent fraud in the sale of certain articles imported into this Colony; and the same was 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, presented a bill to encourage the building of Vessels in this Island; and the same was 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 would move for leave to bring in the following bills, viz.

A bill for the more easy and less expensive decision between masters and mistresses and their servants and apprentices in this colony.

A bill to regulate the empannelling of Juries in the Supreme and Central Circuit Courts of this Island.

A bill to regulate the returns and details of the various offices in this colony.

Sent to Council

Notice of motion for petition to her Majesty & both Houses of Parliament

Letter from hon Mr. Secretary Crowdy

To lie on the table.

Bill to prevent fraud in the sale of certain articles read 1st time

2d reading

Bill to encourage ship-building read 1st time

2d reading

Notice of motion for presentation of sundry bills



A bill to repeal an act passed in the fourth year of the reign of his late Majesty entitled "an act for registering the names of persons entitled to vote at elections" and to make more effectual provision for the same.

A bill to declare vacant the seats of members of the Assembly of this colony in certain cases, and to make provision for the election of members in their stead.

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

**MONDAY, March 9, 1840.**

**P**URSUANT to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to provide for the better regulation of the fisheries in this Island.

House in committee on fishery bill.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

The chair man 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.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts, and the same was read a first time.

Bill to regulate empannelling Juries

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

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

*Resolved*—That the said bill be printed for the use of Members.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to declare vacant the seats of members of the Assembly of this colony in certain cases, and to make provision for the Election of others in their stead, and the same was read a first time.

Bill to declare vacant the seats of members in certain cases.

*Ordered*—That the said bill be read a second time on Wednesday next.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to repeal an act passed in the fourth year of the reign of his late Majesty entitled "An act for registering the names of persons entitled to vote at Elections," and to make more effectual provision for the same—and the said bill was read a first time.

Bill to repeal registration of voters act.

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

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

*Resolved*,—That the said bill be printed for the use of members.



for the decision of  
differences between mas-  
ters and servants

Mr. Nugent, pursuant to notice and leave granted, presented a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices in this colony, and the same was read a first time.

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

Bill to regulate returns  
and details.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to regulate the returns and details of the various offices in this colony and the same was read a first time.

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

Bill to prevent fraud &c  
read 2d time

Agreeably to the order of the day a bill to prevent fraud in the sale of certain articles imported into this colony, was read a second time.

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

*Ordered*,—That the said bill 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.

to encourage ship-

Pursuant to the order of the day, a bill to encourage the building of vessels in this colony was read a second time.

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

*Ordered*,—That the said bill 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 the said bill.

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

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## TUESDAY, March 11, 1840

**M**R. Nugent from the committee appointed to enquire into the circumstances of the residence of an Officer of this House being searched, reported that they had come to the following Resolution:—

Address to his Excellen-  
cy.

*Resolved*,—That it is the opinion of this committee that the following address be adopted and presented to his Excellency the Governor:

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly request your Excellency will be pleased to order that the depositions taken before the Magistrates of St. John's on the occasion of the complaint of Herman Lott, Printer, be laid before the House.



The production of the depositions in question is rendered necessary, in order to enable a committee of this House to arrive at a correct conclusion as to the ground whereon suspicions have arisen that a secret and illegal association was entertained at the house of an officer of the Assembly, and on which suspicion a search was made during the sitting of the House by the Stipendiary Magistrates of St. John's, and others, in and upon the residence of the said officer of this House.

And the said Resolution having been read throughout, was, upon the question put thereon agreed to by the House.

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

Mr. M'Carthy, pursuant to notice and leave granted, presented a bill to establish a Grammar school in the town of Carbonear, and the same was read a first time.

Grammar School bill.

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

Pursuant to the order of the day, a bill to regulate the returns and details of the various offices in this colony, was read a second time.

Bill to regulate returns and details.

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

*Ordered*,—That the said bill 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 the said bill.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to encourage the building of vessels in this Island.

House in committee on Bill to encourage ship-building

Mr. Speaker left the chair.

Mr. Morris took the chair of the committee.

Mr. Speaker resumed the chair.

The chair man 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.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to repeal in part an act to provide for the relief of sick and disabled seamen, fishermen and other persons, and to authorise the appropriation of monies collected under the said act.

House in committee on bill to repeal seamen's relief act.

Mr. Speaker left the chair.

Mr. M'Carthy 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 amendment.

Report.

*Ordered*,—That the said bill be engrossed and read a third time on Friday next.



Notice of Revenue Bill

Mr. Nugent gave notice that to-morrow, he would move for the appointment of a committee to prepare a bill for the greater protection of the revenue in this colony,—also for a committee to prepare a bill for the administration of Justice, and the collection of the Revenue on the coast of Labrador.]

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

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### WEDNESDAY, March II, 1840

**M**R. Nugent moved, pursuant to notice, seconded by Mr. Winsor

*Resolved*,... That a committee be appointed to prepare a bill for the greater protection of the revenue in this colony,—also a bill for the administration of Justice, and the collection of the revenue on the coast of Labrador.

*Ordered*—That Messrs. Nugent, Winsor and M'Carthy do form said committee.

Bill to establish a Gram-School read 2d time

Pursuant to the order of the day a bill to establish a grammar school in the town of Carbonear, was read a second time.

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

*Ordered*,—That the said bill 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 the said bill.

Bill to declare vacant the seats of members in certain cases read 2d time.

Pursuant to the order of the day, a bill to declare vacant the seats of members of the Assembly of this colony in certain cases, and to make provision for the Election of others in their stead, was read a second time.

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

*Ordered*,—That the said bill 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 the said bill.

House in committee on Bill to regulate returns and details.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on a bill to regulate the returns and details of the various offices in 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 amendment.

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



Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to prevent fraud in the sale of certain articles imported into this colony.

House in committee on bill to prevent fraud &c

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 gone through the said bill, and had agreed to the same without amendment.

Report.

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

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a bill to encourage the building of vessels in this Island.

House in committee on further consideration of bill to encourage ship-building

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 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.

Report

And the said amendments having been read throughout, 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 Friday next.

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

THURSDAY, March 12, 1840.

PURSUANT to the order of the day, a bill to regulate the returns and details of the various offices of this Colony was read a third time.

Bill to regulate returns and details &c. read 2d time

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

Resolved,—That the said bill do pass, and that the title be "an Act to regulate the returns and details of the various offices in this Colony."

Passed Title

Ordered,—That Mr. Nugent and Mr. Winser do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

Pursuant to the order of the day, a bill to prevent fraud in the sale of certain articles imported into this colony was read a third time.

Bill to prevent fraud &c read 3d time



Passed  
Title

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

*Resolved*,—That the said bill do pass, and that the title be “an Act to prevent fraud in the sale of certain articles imported into this colony.”

Sent to Council

*Ordered*,—That Mr. Winser and Mr. Moore do carry the said bill up to her Majesty's Council and desire their concurrence.

Bill to encourage whale fishery read 2d time

Agreeably to the order of the day, a bill to encourage the whale fishery in this island was read a second time.

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

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

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

Jury bill read 2d time

Pursuant to the order of the day a bill to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts in this Island, and to determine the qualification of Jurors in the said Courts was read a second time.

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

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

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

House in committee on bill to establish Grammar School

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to establish a Grammar School in the town of Carbonear.

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 agreed to the same without any amendment.

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

House in committee on vacancy bill

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on a bill to declare vacant the seats of Members of the Assembly in this Colony in certain cases, and to make provision for the election of Members in their stead.

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 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.

And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the House.



*Ordered*,—That the said bill be engrossed and read a third time on Monday next.

Engrossed. 3d reading

Mr. Nugent gave notice that on Monday next he would move an address to his Excellency, praying that the returns of Fines, Forfeitures, and Penalties in the Central District, and made in compliance with a former address, be laid before this House.

Notice of addresses to his Excellency.

Mr. Winser gave notice that on Monday next he would move an address to his Excellency the Governor, praying that for the information of the House on the subject of Ways and Means, the returns of Imperial Duties for the last four years, requested in a former address of the Assembly, be laid before this House.

Mr. McCarthy gave notice that on Tuesday next he would move that the House resolve itself into a committee of the whole House on Ways and Means.

Notice of motion for committee on Ways and Means

Mr. Nugent gave notice that to-morrow he would move for leave to bring in a Bill for the establishment of an Academy in this colony.

Notice of Academy bill

Then the house adjourned until to-morrow at one of the clock.

**FRIDAY, March 13, 1840.**

**M**R. Speaker laid before the House a letter from the honourable Mr. Secretary Crowdy, transmitting by direction of his Excellency the Governor, in compliance with addresses from the House, a statement of the Revenue collected under Acts of the Imperial Parliament, during the three years ending 5th January last; Returns relative to Crown Lands, and statement of the expenditure of the sum of five thousand pounds voted by the Imperial Parliament in the year 1835, in aid of the funds of this colony.

Letter from hon Mr Secretary Crowdy

*Ordered*,—That the first mentioned statement be referred to the committee on Ways and Means, and the said other documents do lie upon the table to be perused by the Members of the House.

Mr. Nugent from the committee appointed on the 10th inst. to wait upon his Excellency with an address of the House, reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows :

Report of Committee to present address to his Excellency

**GENTLEMEN,**—

His Excellency's reply

After due consideration I came to the conclusion that my interference in the manner proposed on the present occasion would be improper, and I am therefore compelled to decline compliance with this address.

Government House, }  
13th March, 1840 }

Pursuant to the order of the day, an engrossed bill to establish a Grammar School in the town of Carbonear, was read a third time.

Bill to establish a Grammar School in Carbo near read 3d time

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



Passed  
Title

*Resolved*,—That the said bill do pass, and that the title be “an Act to establish a Grammar School in the town of Carbonear.”

Sent to Council

*Ordered*,—That Mr. McCarthy and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

Bill to repeal in part  
Seamen's relief act read  
3d time

Pursuant to the order of the day, a bill to repeal in part ‘an Act to provide for the relief of sick and disabled seamen, fishermen, and other persons’ &c., was read a third time.

Passed  
Title

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

*Resolved*,—That the said bill do pass, and that the title be “an Act to repeal in part an act passed in the sixth year of the reign of his late Majesty William the Fourth, intituled “an Act to provide for the relief of sick and disabled seamen, Fishermen, and other persons,” and to authorize the appropriation of monies collected under the said act.”

Sent to Council

*Ordered*,—That Mr. Winsor and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

The order of the day, that an engrossed bill to encourage the building of Vessels in this Island be read a third time, being read,

Mr. Nugent moved, seconded by Mr. Winsor,

Bill to encourage ship-  
building re-committed

*Resolved*,—That the said bill be now re-committed to a committee of the whole House on the re-consideration of the same.

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 made some amendments in the said bill, and he delivered the bill with the amendments in at the Clerk's table.

And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the House.

3d reading

*Ordered*,—That the said bill as amended be engrossed and read a third time this day.

Agreeably to order, the said engrossed bill was read a third time.

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

Passed  
Title

*Resolved*,—That the said bill do pass, and that the title be “An act to encourage the building of vessels in the Colony of Newfoundland.”

Sent to Council

*Ordered*,—That Mr. Nugent and Mr. Winsor do carry the said bill up to her Majesty's Council and desire their concurrence.

Notice of address to  
his Excellency.

Mr. Winsor gave notice that on Monday next, he would move an address to his Excellency the Governor praying his Excellency to cause to be laid before this



House a particular statement of all spirits imported into St. John's the last three years ending the 5th January, 1840, stating in each separate year the quantity, the persons by whom imported, of what country the produce, what part of it exported, and by what persons, what part of it the duty paid, and by what persons—stating the Imperial and Colonial duty separate,—also, a particular statement of the value of goods, wares and merchandize imported into St. John's, the last three years separately, stating by whom imported, and by whom the duties were paid, and the sum paid by each person.

The Solicitor General gave notice that on Monday next, he would move for leave to bring in a bill to establish a poor house and almshouse in the town of St. John's,—also, a bill for the better regulation of the Police department throughout the colony.

Notice of poor house bill

Mr. Nugent, from the committee appointed on the 11th inst. to prepare certain bills, reported that they had prepared the draft of a bill for the protection of the Revenues in Newfoundland, which he presented, and the same was read a first time.

Revenue bill

*Ordered*,—that the said bill be read a second time on Monday next.

Mr. Nugent, from the said committee, also reported, that they had drafted a bill to declare the jurisdiction of the Supreme Court of Newfoundland on the coast of Labrador and the Islands thereunto adjoining, and to appoint a sheriff of Labrador, and for other purposes, which he presented, and the same was read a first time.

Bill to declare the jurisdiction of the Supreme Court &c.

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

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

Mr. Kent moved, in amendment, seconded by Mr. Morris,

That the said bill be read a second time this day six months,—which being put, and the House dividing thereon, there appeared for the amendment five, against it four.

For the amendment.

Against the amendment.

Mr. Morris

Mr. Nugent.

— Kent

— Winsor

— Dwyer

— Moore

— Doyle

— M'Carthy.

— Butler.

So it passed in the affirmative, and ordered accordingly.

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 this House with the particulars of the sums of "two hundred and twenty pounds" proposed to defray "outstanding claims," and "two hundred and thirty pounds" for "the completion of work on hand," in a bill entitled "an act for granting to her Majesty a supply of money for the making and repairing of roads, streets and bridges in this colony, and to regulate the expenditure of the same."

Council Chamber, }  
13th March, 1840. }

JAMES SIMMS,  
Senior Member Presiding.

And then the messenger withdrew.



Academy bill

Mr. Nugent, pursuant to notice and leave granted, presented a bill to establish an academy in this colony, and the same was read a first time.

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

Sheriffs bill.

Mr. Nugent, pursuant to notice and leave granted, presented a bill to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District in this Colony, and for other purposes therein mentioned, and the same was read a first time.

*Ordered*—That the said bill be read a second time on Monday next.

Bill for the decision of differences between masters and servants read 2d time

Pursuant to the order of the day, a bill for the more easy and less expensive decision of differences between masters, mistresses, and their servants and apprentices in this colony, was read a second time.

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

*Ordered*,—That the said bill 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.

House in committee on Bill to regulate empannelling juries

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to regulate the manner of empannelling juries in the Supreme and Central Circuit Courts in this Island, and to determine the qualification of jurors in the said Courts.

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 agreed to the same without any amendment.

*Ordered*,—That the said bill be engrossed and read a third time on Tuesday next.

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

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**MONDAY, March 16, 1840**

**M**R. Nugent gave notice that to-morrow he would move for leave to bring in a bill for appointing an officer to collect the revenues on



the coast of Labrador, and for other purposes,—also, a bill to regulate the fees in the Police Offices of this colony

Mr. Winsor, pursuant to notice on the 13th instant, presented an address to his Excellency the Governor, praying that his Excellency would cause certain returns to be laid before this house, 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 presented & read.

*To his Excellency Henry Prescott, Esq. Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before this House the following returns, viz.

A statement of all spirits imported into Saint John's the last three years ending the 5th January, 1840, stating in each separate year the quantity, the persons by whom imported, of what country the produce, what part of it exported, and by what persons, what part of it the duty paid, and by what persons—stating the Imperial and Colonial duty separate,—also, a particular statement of the value of goods, wares and merchandize imported into St. John's, the last three years separately, stating by whom imported, and by whom the duties were paid, and the sum paid by each person.

*Resolved*,... That the said address be adopted and engrossed.

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

Agreeably to the order of the day, an engrossed bill to declare vacant the seats of Members of the Assembly of this Colony in certain cases, and to make provision for the election of Members in their stead, was read a third time.

Vacancy bill read third time.

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

*Resolved*,—That the said bill do pass, and that the title be "An act to declare vacant the seats of members of the Assembly of this colony in certain cases, and to make provision for the election of members in their stead."

Passed Title

*Ordered*,—That Mr. Nugent and Mr. Winsor do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

Pursuant to the order of the day, a bill to establish an academy in this colony, was read a second time.

Academy bill read 2d time.

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

*Ordered*,—That the said bill 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.

Pursuant to the order of the day, a bill for the protection of the revenue in Newfoundland, was read a second time.

Revenue bill read 2d time

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

*Ordered*,—That the said bill 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.



Sheriffs bill read 2d time

Pursuant to the order of the day, a bill to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District in this Colony, and for other purposes therein mentioned, was read a second time.

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

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

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

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

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### WEDNESDAY, March 18, 1840

Poor house bill

**T**HE Solicitor General, pursuant to notice and leave granted, presented a bill to provide for the establishment of an alms house and work-house in the town of St. John's, and the same was read a first time.

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

Bill to establish fees &c

Mr. Nugent, pursuant to notice and leave granted, presented a bill to establish the fees to be taken by the Clerks of the Peace, and to regulate the Police Department throughout the colony, and the same was read a first time.

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

Revenue bill

Mr. Nugent, pursuant to notice and leave granted, presented a bill to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland, on the coast of Labrador, and the Islands thereunto adjoining, and the same was read a first time.

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

Public lands bill—

The order of the day for the third reading of an engrossed bill to provide for the disposal of public lands of this colony, &c., being read—

Mr. Morris moved, seconded by Mr. Nugent,

Re-committed—

*Resolved*,—That the said bill be now re-committed to a committee of the whole House on the re-consideration of the same.

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 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.



And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the House.

*Ordered*,—That the said bill as amended be engrossed and read a third time presently.

Engrossed. 3d reading

Agreeably to order, the said engrossed bill was read a third time.

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

*Resolved*,—That the said bill do pass, and that the title be “An act to provide for the disposal of public lands in this colony, and for other purposes mentioned therein.”

Passed Title

*Ordered*,—That Mr. Morris and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

Agreeably to the order of the day, an engrossed bill to regulate the manner of empannelling juries in the Supreme and Central Circuit Courts in this Island was read a third time.

Bill to regulate empannelling juries read third time

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

*Resolved*,—That the said bill do pass, and that the title be “an Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts.”

Passed Title

*Ordered*,—That Mr. Nugent and Mr. McCarthy do carry the said 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 a bill to encourage the whale fishery in this Island.

House in committee on Bill to encourage whale fishery

Mr. Speaker left the chair.

Mr. McCarthy took the chair of the committee.

Mr. Speaker resumed the chair.

The chair man 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.

*A Message from His Excellency the Governor*

Message from his Excellency

The hon. Mr. Secretary Crowdy being admitted within the bar, acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, which he presented to the House.

And then the Messenger withdrew.

The said message was then read by Mr. Speaker as follows:—

H. PRESCOTT,—

The Governor transmits to the House of Assembly a statement of claims for the support of impotent paupers, idiots, and orphans.



These claims have been examined and ascertained, as the House will perceive, by gentlemen conversant with such matters, and it is believed that they will be found correct; but for the avoidance of evils consequent upon such errors as occurred in the act lately passed, which, by raising ungrounded expectations, operate very injuriously upon the humblest class of Society, his Excellency would recommend to the consideration of the House the expediency of voting the requisite sum, without any individual application thereof. Of the money already appropriated for enactment, there remained £154 8 10; consequently, to discharge existing demands, and to defray expenses incurred by their investigation, £271 10 0 will be required.

Government House, }  
17th March, 1840 }

To lie on the table.

*Ordered*,—That the said message and statement do lie upon the table to be perused by the Members of the House.

House in committee on  
Academy Bill

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to establish an academy in this 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 gone through the said bill, and had made some amendments therein, which he was directed 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, were, upon the question severally 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 Friday next.

Notice of addresses to  
his Excellency.

Mr. Morris gave notice that on to-morrow he would move an address to his Excellency the Governor, in reference to his Excellency's message to this House, transmitting an application from Assistant Judge Brenton, for a retiring pension.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor, respectfully requesting his Excellency to issue his warrant for discharging the claims for the support of paupers, &c., in accordance with his Excellency's message of this day.

Then the house adjourned until to-morrow at one of the clock.

### THURSDAY, March 19, 1840.

Address to his Excellency  
presented and read

**M**R. Morris, pursuant to notice yesterday, presented 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:—



*To his Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

Addresses to his Excel-  
lency presented & read

May it please your Excellency,—

The House of Assembly beg to acquaint your Excellency, that having taken your Excellency's Message of 17th January last, (transmitting to this House an application from assistant Judge Brenton for a retiring pension) into consideration, the House regret they cannot comply with your Excellency's wishes upon that subject, by voting any sum as a retiring salary to Mr. Brenton.

*Resolved*, . . That the said address be adopted and engrossed.

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

Mr. Nugent, pursuant to notice on the 12th instant, presented 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 :

*To [his Excellency] Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland, and its De-  
pendencies, &c. &c.*

May it please your Excellency—

The House of Assembly respectfully request your Excellency will please order that the returns of Fines, Forfeitures, and Penalties, made by the Judicial, Magisterial, and Customs Department in the Central District, and by the Supreme Court, as ordered by your Excellency in compliance with an address of this House, be laid before the House without delay, and that the Returns from the Outports be accelerated, as far as may be consistent with the public service.

The House, in making this respectful request, beg leave to observe that their desire of bringing the business of the Session to a close, renders it at this protracted period necessary.

*Resolved*,—That the said address be adopted and engrossed.

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

A petition of John Thompson, Richard Brooking, and others, inhabitants of Old Perlican, was presented by Mr. Moore, and the same was received and read,—

Petition of J. Thomp-  
son and others

Praying for a grant of a sum sufficient for building a bridge over Admiral's Brook, and making a main street through Old Perlican, and for other purposes.

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

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Referred to committee  
on roads and bridges



Petition of J. Thompson  
and others

A petition of John Thompson, John Burt, and others, inhabitants of Old Perlican, was presented by Mr. Moore, and the same was received and read,—

Praying for a grant of an adequate sum to complete the road between Old Perlican and Hant's Harbor, and for erecting certain bridges.

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

Referred to committee  
on roads and bridges

*Ordered*,—That the said petition be referred to the committee on roads and bridges.

Petition T. Tobin and  
others

A petition of Thomas Tobin of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth,—

That Petitioner for 35 years, as a Fisherman, paid dues on account of Greenwich Hospital, in Newfoundland, and also paid dues under the act of 6th, W. 4, Cap. 1, for the support of sick and disabled fishermen, and others. That in the year 1837, petitioner was afflicted with a chronic affection and stiffness of his hip joint, which disabled him from earning a livelihood.—That petitioner, having received his certificate from the Collectors of Hospital dues, as required by the act, he was admitted into the St. John's Hospital, and there continued under Surgical treatment for about two years, but being deemed incurable, he was discharged from the said Hospital, without any provision or means of support for himself and family. Petitioner therefore prays the interference of the House, so that himself and family may be provided for.

To lie on the table.

*Ordered*,—That the said petition do lie upon the table.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor upon the subject of the said petition of Thomas Tobin.

Bill to repeal registra-  
tion of voters act read  
3d time

Pursuant to the order of the day, a bill to repeal an act for registering the names of persons entitled to vote at elections, and to make more effectual provision for the same, was read a second time.

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

*Ordered*—That the said bill 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 the said bill.

House in committee on  
bill for decision of diffe-  
rences &c.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices, in this colony.

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 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.



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

*Resolved*,—That the said bill be printed for the use of the members.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial district in this colony, and for other purposes mentioned therein.

House in committee on Sheriff's 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 said bill, and had made some amendments therein, which he was directed 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 severally put thereon, agreed to by the House.

*Ordered*,—That the said bill as amended be engrossed and read a third time on Tuesday next.

Mr. Morris gave notice that to-morrow he would bring under the consideration of the House the appointment of one of its members to the office of Colonial Treasurer of this colony.

Then the house adjourned until to-morrow at one of the clock.

**FRIDAY, March 20, 1840.**

**M**R. Winser, from the committee appointed on the 16th inst. to present to his Excellency the Governor an address of the House praying his Excellency to cause to be laid before this House certain Custom House returns, reported that they had presented the said address, when his Excellency was pleased to reply as follows :

Report of Committee to present address to his Excellency

Gentlemen,

The returns now requested shall be called for as far as respects articles imported and duties paid ; but as the laying open to the public the individual transaction of trade might by possibility be injurious to the credit and interest of those concerned therein, I must decline compliance with that part of the present address which requires the names of importers of goods and payers of duties.

His Excellency's reply

Government House, }  
19th March, 1840 }



Academy bill read 3d time.

Pursuant to the order of the day, an engrossed bill to establish an academy in this colony, was read a third time.

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

Passed Title

*Resolved*,—That the said bill do pass, and that the title be “An act to establish an Academy in this colony.”

Sent to Council

*Ordered*,—That Mr. Nugent and Mr. Winser do carry the said bill up to her Majesty's Council and desire their concurrence.

Petition of W. E. Taylor.

A petition of Wm. Edward Taylor, of St. John's, was presented by Mr. Kent, (who stated in his place that he had his Excellency's consent to present the same) and the said petition was received and read, setting forth:

That in the month of September, 1838, there were imported into St. John's by the brig Ann Johnston, Corbin, master, from Liverpool, a quantity of wines of various qualities which were duly entered at the Custom House for ware house by Mr. John Howley, the importer thereof, on the 5th day of Sept., 1838.

That among the said wines were two casks, No. 1 & 2, containing two hundred and sixty two gallons, which were then supposed to be sherry, and were entered as such.

That in the month of May last, petitioner purchased the two last mentioned casks of wine from the said John Howley, as and for sherry wine, and paid for the same accordingly; and on or about the 18th day of December last, petitioner paid Colonial duty for the same as sherry wine at one shilling per gallon.

That upon taking the same out of Bond it proved to be not sherry wine, but small wine, under the value of 2s 6d per gallon, and in fact of the like quality as other wine, part of the same importation which was entered for duty at the value of 1s 10d per gallon, and therefore subject only to the duty of 6d per gallon.

That petitioner has therefore overpaid for duty as follows, viz.—On two hundred and sixty two gallons of wine, at sixpence per gallon, six pounds eleven shillings, sterling.

Petitioner therefore humbly prays that the House will be pleased to grant him the said sum of six pounds eleven shillings to indemnify him for the loss so sustained as aforesaid.

CUSTOM-HOUSE, St. John's, 18th March, 1840.

I certify that the facts set forth in the annexed petition are correct, so far as this Department is concerned.

J. M. SPEARMAN.

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

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

Bill to establish fees &c read 2d time

Pursuant to the order of the day, a bill to establish the fees to be taken by the Clerk of the Peace, and to regulate the Police Department throughout the colony, was read a second time.

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

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

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



Pursuant to the order of the day, a bill to provide for the collection of the revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador, was read a second time.

Revenue bill

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

*Ordered*,—That the said bill 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 consideration of the said bill.

*A Message from His Excellency the Governor*

Message from his Excellency

The hon. Mr Secretary Crowdy being admitted within the Bar, 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 as follows :

The Governor thinks it right to transmit an additional account received from the Gentlemen appointed to investigate pauper claims and distresses, but he has at the same time to inform the House that he has directed these gentlemen to consider their labours on this head as closed.

Government House, }  
20th March, 1840 }

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

*Ordered*,—That the said message and account do lie on the table to be perused by 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 they have passed the bill sent up for the concurrence of this house, entitled " An act to repeal an act entitled " An act to re-vest in the Treasury the sum of one thousand five hundred pounds granted to her Majesty under an act passed in the first year of the reign of her present Majesty and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam between the port of St. John's and the port of Halifax in the Province of Nova Scotia," and to make further provision for facilitating a communication by steam between said ports of St. John's and Halifax, without amendment.

Council Chamber, }  
20th March, 1840. }

JAMES SIMMS,

Senior Member Presiding.

And then the messenger withdrew.



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

That a message be sent to her Majesty's Council, furnishing them with the information requested in their message to this House of the 13th inst.

Mr. Nugent moved in amendment, seconded by Mr. Moore,

That all the words in the said motion after the word "that" be expunged, and the following substituted, viz.—"a committee be appointed to search the journals of her Majesty's Council for the proceedings had upon a bill to raise upon loan the sum of £13,500 for the making and repairing of streets, roads and bridges in this colony;" which being put, and the house dividing thereon, there appeared for the amendment four, against it four.

For the amendment.

Mr. Nugent.  
— M'Carthy.  
— Winsor  
— Moore

Against the amendment.

Mr. Morris  
— Kent  
— Dwyer  
— Solicitor General.

And the house being equally divided, Mr. Speaker gave his casting vote against the amendment, and so it passed in the negative.

The original motion was then put, and the house divided thereon as follows :

For the motion—

Mr. Morris  
.. Solicitor General  
.. Kent  
.. Dwyer

Against the motion—

Mr. Nugent  
.. M'Carthy  
.. Winsor  
.. Moore

And the house being equally divided, Mr Speaker gave his casting vote in favour of the motion. So it passed in the affirmative, and ordered accordingly.

*Ordered*,—That Mr. Kent and Mr. Morris do communicate the said message to her Majesty's Council.

Address to his Excellency presented & read

Mr. Nugent, pursuant to notice on the 18th instant, presented 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 :

*To his Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly having taken into consideration your Excellency's message of last Wednesday respecting the claims of certain persons for supporting orphans, idiots, infirm and casual poor, request your Excellency



will please to order the payment of two hundred and seventy one pounds ten shillings out of that portion of the sum of £5000 granted in 1835, by the Imperial Parliament, for the service of this colony, and now remaining unappropriated, which, with the sum of one hundred and fifty four pounds eight shillings and tenpence, already placed at the disposal of your Excellency, will make up the sum required.

In thus praying your Excellency to defray these charges, the House of Assembly beg leave to express their unqualified disapproval of the continuance of the system of voting sums of the Revenues generally for the support of the poor in particular localities; and they particularly object to the system of voting sums for the casual poor, as from a review of the persons returned with your Excellency's message, they are of opinion that the amount of good produced by relieving a few deserving objects is more than counterbalanced by the encouragement afforded to the idle and extravagant.

*Resolved*, . . That the said address be adopted and engrossed.

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

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

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**MONDAY, March 23, 1840.**

**M**R. Nugent, from the committee appointed on the 19th inst. to present an address of the House to his Excellency the Governor praying that certain returns be laid before this House, requested in a former address, reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows :

Report of C. to present ad. his Excellency

Gentlemen,

Such of the Returns requested in this address of the House of Assembly of the 18th February as have been received, shall be immediately transmitted to the House.

His Excellency's reply

Government House, }  
23d March, 1840. }

Mr. Morris, from the committee appointed on the 19th inst. to present an address of this House to his Excellency the Governor, in reference to his Excellency's message to the House, transmitting an application from assistant Judge Brenton, for a retiring pension, reported that they had attended to that duty.

Report of committee appointed to present address to his Excellency

Mr. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, transmitting, as required by an address of the House of the 18th February, returns of Fines, and Forfeitures imposed in the several Courts following,—Viz :

Letter from hon Mr Secretary Crowdy

The Supreme and Central Circuit Courts, the Northern Circuit Court, the Sessions—St. John's, Harbor Grace, Brigus and Ferryland.



To lie on the table.

*Ordered*,—That the said returns do lie upon the table, to be perused by the Members of the House—(For which returns, see *Appendix*.)

Notice of address to his Excellency

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor, calling his Excellency's attention to the returns of Forfeitures of swine, from the Court of Sessions in the Central District, and praying his Excellency to take the opinion of her Majesty's Attorney and Solicitor-General for this Island, as to the legality of deducting costs from the process of the sale of swine, forfeited under the provisions of the act 3, Wm. 4th, Cap. 8.

Petition of P. Leary and others

A petition of Patrick Leary, John Mansfield, and others, inhabitants of Cat's Cove, and its vicinity, was presented by Mr. Godfrey, and the same was received and read,—

Praying for a grant of a sufficient sum to make a Road through the said Harbor.

On motion of Mr. Godfrey, 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,

Mr. Winsor gave notice that to-morrow he would move that the hon. Member for Bonavista, the Solicitor General, do account for the Fines received by him in the spring term of the Northern Circuit Court, 1839.

House in committee on Bill to repeal registration of voters act

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill to repeal an act for registering the names of persons entitled to vote at elections, and to make more effectual provision for the same.

Mr. Speaker left the chair.

The Solicitor-General 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 amendment.

*Ordered*,—That the said bill be engrossed and read a third time on Thursday next.

Then the house adjourned until to-morrow at one of the clock.

**TUESDAY, March 24, 1840.**

Sheriff's bill read third time

**A** GREEABLY to the order of the day, an engrossed bill to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District, was read a third time.

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



*Resolved*,—That the said bill do pass, and that the title be “an Act to regulate the office of Sheriff, and to make provision for the appointment of Sheriffs in each judicial district in this colony, and for other purposes therein mentioned.”

Passed  
Title

*Ordered*,—That Mr. Nugent and Mr. Winser do carry the said bill up to her Majesty’s Council and desire their concurrence,

Sent to Council

Mr. Winser gave notice that to-morrow he would move an address to his Excellency the Governor, praying that his Excellency would cause to be laid before the House a statement of the appropriation of all sums of money received as duties in her Majesty’s Customs, for the two years ending the 5th January, 1840.

Notice of addresses to  
his Excellency.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House returns of Fines, Forfeitures, and Penalties, decreed, levied, or paid in the Customs department, and by order of the Governor in Council, in the two years ending the 5th March, 1840.

Mr. Morris gave notice that to-morrow he would move an address to his Excellency the Governor, respectfully requesting his Excellency to cause to be laid before the House copies of all correspondence that have taken place between the Collector of her Majesty’s Customs and the Lords of the Treasury, or the Commissioners of Customs, on the loss likely to occur to the Revenue by the importation of spirits into this Island, the produce and manufacture of countries within the limits of the East India Company’s Charter.

Mr. Nugent, pursuant to notice on the 19th instant, presented 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 Exc  
lency presented & re..

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly have taken into their serious consideration a petition of Thomas Tobin, of St. John’s, Fisherman, complaining, that having for thirty-five years, as a Fisherman, paid dues on account of Greenwich Hospital in Newfoundland, and having also paid dues under the Act 6th, W. 4, chap. 1, for the support of sick and disabled Fishermen, and others, was, in the year 1837, stricken with sickness, whence he became afflicted with a chronic affection and stiffness of the hip joint, which has totally incapacitated him from earning a livelihood.—That in the beginning, having received his certificate from the Collector of Hospital dues, as required by the act, he was received in the St. John’s Hospital, and there continued under surgical treatment for nearly two years, but being deemed incurable he was discharged from the said Hospital and sent abroad without any provision for, or means of support for himself, his wife, or infant child.

The Assembly perceiving from the accounts attached to the said petition that the statement of his having duly paid his Hospital dues as required by the said act, & also observing by the certificate of the Surgeon of the said Fisherman’s Hospital annexed to the said petition, that the statement of his having been admitted into, and discharged from the said Hospital, is true in every particular—and further, perceiving by the said certificate that he continues to labour under a chronic af-



fection, and stiffness in the hip joint, and is thus "disabled" from earning a livelihood, and looking to the provisions of the said act, regard his discharge from the said Hospital, without a sufficient provision as an extern patient, as an illegal and arbitrary act of the Board of Directors of the said Hospital; and as the complainant is a pauper, and has sought the protection of the Legislature in his inability to obtain legal redress, pray your Excellency to instruct her Majesty's Attorney-General to take the necessary steps to obtain for him those rights from which he has been thus improperly detruded.

*Resolved*, . . That the said address be adopted and engrossed.

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

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

*Resolved*,—That this House do now resolve itself into a committee of the whole House on privilege.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. McCarthy 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 come 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 follows:—

*Resolved*,—That it is the opinion of this committee, that in the House of Assembly at the present moment, there are three Members holding offices of emolument under the Crown, being one fifth of the entire Representative Body, and a majority in a quorum of the House; and that two of those Members continue unconstitutionally to hold their seats, notwithstanding their nomination to such offices subsequently to their election and return as Members.

*Resolved*,—That this House regard the extension of the influence of the Crown in the Representative Branch of the Legislature, by the appointment of a third Member of that Body to an emolumentary office, while the Crown peremptorily refuse to allow the vacancy produced thereby to be filled, as subversive of the Constitutional rights and privileges of the popular Branch of the Legislature, and pregnant with danger to the public interests.

*Resolved*,—That having on the 3d January consented to refrain from pressing the removal of Mr. Power, whose seat had previously been by this house declared to have been vacated by his acceptance of an office of emolument under the Crown, through respect for the opinion, and deference to the wishes of her Majesty's Government, "until a further representation is made by the house upon that subject," we regret that the Executive Government should, before the decision of that question, embarrass the house by placing another member in the same position.

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

House in committee on privilege

Report.



That the said report be received—

Mr. Dwyer moved, in amendment, seconded by Mr. Doyle

That the said report be not received—which being put, and the house dividing thereon, there appeared for the amendment, four, against it, five.

For the amendment.	Against the amendment.
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Mr. Doyle  
— Kent  
— Dwyer  
— Solicitor General.

Mr. Nugent.  
— M'Carthy.  
— Winser  
— Moore  
— Godfrey.

So it passed in the negative.

The original motion was then put, whereupon, Mr. Kent moved in amendment, seconded by Mr. Dwyer,

That the Executive, by the bestowal of offices of emolument on members of this House, may endanger its independence, and thereby destroy public confidence in the Commons House of Assembly.

That having yielded from a sense of expediency to the resumption on the part of James Power, Esq., of his seat, after declaring it vacant, the only remedy in the power of the House to guard against the undue influence of the Crown, and not to deprive any portion of the constituency of its rights of representation, is to pass a bill declaring that on a member accepting an office of emolument under the Crown, his seat be vacated.

That a mere declaratory resolution of expulsion without carrying the said resolution into effect, is a delusion deterring members from taking their seats, and not forcing the Executive to issue new writs to complete the representation of the country.

Which being put, and the house dividing thereon, there appeared for the amendment, four, against it, five.

For the amendment.	Against the amendment
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Mr. Doyle  
.. Solicitor General  
.. Kent  
.. Dwyer

Mr. Nugent  
.. M'Carthy  
.. Winser  
.. Moore  
.. Godfrey.

So it passed in the negative.

The said original motion was then, upon the question again put thereon, agreed to by the House.

Mr. Nugent moved, seconded by Mr. Winser,

That the said report be adopted by the House.

And the same being put, the House divided thereon as follows :



For the motion—

Mr. Nugent

.. McCarthy

.. Winsor

.. Moore

.. Godfrey.

Against the motion—

Mr. Doyle

.. Solicitor General

.. Kent

.. Dwyer

So it passed in the affirmative, and resolved accordingly.

Then the House adjourned until Thursday next, at one of the clock.

**THURSDAY, March 26, 1840.**Report of Committee  
to present address to  
his Excellency

**M**R. Nugent, from the committee appointed to present to his Excellency the Governor an address of the House, praying that his Excellency would order the payment of certain claims for the support of paupers, &c., out of the sum voted by the Imperial Parliament in 1835, in aid of this colony, reported that they had waited on his Excellency and presented the said address accordingly, when his Excellency was pleased to reply as follows :

His Excellency's reply

Gentlemen,

As the money voted by the Imperial Parliament in 1835, in aid of this colony, has never been in any way under my control or direction, my compliance with the request contained in this address is obviously impossible.

Government House, }  
25th March, 1840 }

Petition of S. Blaikie.

A petition of Sarah, widow of the late James Blaikie, Esq. was presented by the Solicitor General, (who stated in his place that his Excellency the Governor had consented to his presenting the same) and the said petition was received and read, setting forth—

That the entire dependence of petitioner for the support of her family, being on the bounty of the House, she believes has been known to every individual member of it.

That the causes which moved the House to grant petitioner in the Session before last, the sum of one hundred pounds, she assures the House fully existed last year when her allowance was reduced one-half. Without entering on detail, she has only to assure the House that her wants at the present moment are even greater than they have ever been since the death of her lamented husband, and praying the House to grant her such sum as it may deem her deserving of.



On motion of the Solicitor General, seconded by Mr. Moore,

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

Referred to committee  
of Supply

Mr. Winsor, pursuant to notice on the 24th instant, presented 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:

Addresses to his Excel-  
lency presented & read

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly respectfully request that your Excellency will cause to be laid before the house a statement of the appropriation of all sums of money received as duties in her Majesty's Customs for the two years ending the fifth of January, 1840.

*Resolved*,. . That the said address be adopted and engrossed.

*Ordered*,—That Mr. Winsor and Mr. Moore be a committee to present the said address to his Excellency.

Mr. Nugent, pursuant to notice on the 24th inst. presented 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:

*To His Excellency Henry Prescott,  
Esq., Companion of the Most Hono-  
rable Military Order of the Bath,  
Governor and Commander-in-Chief  
in and over the Island of Newfound-  
land and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly request your Excellency will order a return to be made of all fines, forfeitures, and penalties ordered by the Governor in Council, specifying the date, the name of the party, the nature of the offence, and the amount paid,—and all fines, forfeitures and penalties incurred for violation of the Customs and navigation laws—specifying the date and nature of the offence, a description of the property seized, the name of the offender, if known, the amount paid to the Crown on account of such seizure, and the amount of costs and charges, with the names of the parties to whom such costs and charges have been paid.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Winsor and Mr. Nugent be a committee to present the same to his Excellency.

Mr. Winsor, in pursuance of notice by Mr. Morris on the 24th inst. presented an address of the House 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:



*To His Excellency Henry Prescott, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly request that your Excellency will cause to be laid before the House, copies of all correspondence that have taken place between the Collector of her Majesty's Customs and the Lords of the Treasury, or the Commissioners of Customs on the loss likely to occur to the revenue by the importation of spirits into this island, the produce and manufacture of countries within the limits of the East India Company's charter.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Winsor and Mr. Nugent be a committee to present the same to his Excellency.

*A Message from His Excellency the Governor*

Message from his Excellency

The hon. Mr. Secretary Crowdy being admitted within the Bar, acquainted the house that he had three messages from his Excellency the Governor, signed by his Excellency, and he presented the same to the house.

He also presented to the House copy of a despatch dated 10th January, 1840, from the Secretary of State for the Colonies, relative to the remuneration voted for the Collector of the Customs, and the salaries of the Clerk and Serjeant-at-Arms, appointed by the Crown.

And then the messenger withdrew.

The said messages were read by Mr. Speaker and are as follow :

**H. PRESCOTT.**

The Governor has much satisfaction in transmitting to the House of Assembly a copy of a circular despatch on the subject of the "Blue Book."

Government House,  
26th March, 1840.

—o—

**H. PRESCOTT.**

The Governor, in transmitting the accompanying copy of a despatch respecting the Colonial Acts of the year 1838, requests to be acquainted, for the information of her Majesty's Principal Secretary of State, what intentions are entertained by the House of Assembly on the subject of the 1st Vic. cap. 4, to which the House will perceive that reference is also made.

Government House, }  
26th March, 1840. }



H. PRESCOTT,—

The Governor thinks it right to give the House of Assembly timely notice that the opening of the next Session of the Central Circuit Court is fixed for the first of May, and that no alteration can be made in that arrangement—consequently that the necessary preparations in the Court House must commence on the 27th of April.

His Excellency at the same time trusts that the business of the Session, which he had hoped would be completed by the end of February, may be terminated much earlier than the period above mentioned

Government House, }  
26th March, 1840 }

The several documents accompanying the said messages and the said copy of despatch were then read by the Clerk.—(For which see *Appendix*.)

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 they have passed the bill sent up for the concurrence of this House, entitled "an Act to repeal in part an Act passed in the sixth year of the reign of his late Majesty William the 4th, entitled an act to provide for the relief of sick and disabled seamen, fishermen, and other persons, and to authorize the appropriation of monies collected under the said act,"—with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,

Senior Member Presiding.

Council Chamber, }  
26th March, 1840. }

The said amendments were read a first time, and are as follow :—

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

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

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

Expunge all the sections of the Bill, and insert in place thereof the words "be it therefore enacted by the Governor Council and Assembly of Newfoundland, that in all cases wherein Directors have not been heretofore elected, or wherein they shall not be hereafter elected, pursuant to the provisions of the said act, it shall and may be lawful for the Governor, or person administering the Government of this Island, within three months after the day appointed for such election by the said recited act, to nominate and appoint Directors for such districts, and also to fill up any vacancy that may arise in any Board of Directors from the death, resignation, or



absence from the Colony of any member or members thereof, and the Directors so nominated and appointed shall have the like power and authority as those elected under and by virtue of the said before recited act."

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

*Resolved*,—That the said amendments be read a second time this day six months.

House in committee on  
Bill to repeal registra-  
tion of voters act

Agreeably to the order of the day an engrossed bill to repeal an act for registering the names of persons entitled to vote at elections, and to make more effectual provision for the same, was read a third time.

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

Passed  
Title

*Resolved*,—That the said bill do pass, and that the title be "an Act to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "an Act for registering the names of persons entitled to vote at elections," and to make more effectual provision for the same."

Sent to Council

*Ordered*,—That Mr. Nugent and Mr. Moore do carry the said bill up to her Majesty's Council and desire their concurrence.

House in committee on  
Revenue bill

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a bill for the protection of the revenue in Newfoundland.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Report.

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 he was directed to report to the House; & he read the said resolutions in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follows:—

*Resolved*,—That it is the opinion of this committee that an extraordinary decrease in the Revenues of this colony has taken place during the last two years, which bespeaks great want of vigilance in the Customs Department.

*Resolved*,—That it is the opinion of this committee that the evil adverted to in the foregoing resolution could not be remedied by an accedence to the proposal made by the Collector, to place at his disposal a cutter of 25 tons burthen, for the protection of the Revenue.

*Resolved*,—That it is the opinion of this committee that from the vast extent of the coast of this Country, and the prevalence of fog, such an accedence would only be adding to the number, without increasing the efficacy of the corps of officers of Customs, and would be entailing an expense upon the Colony far beyond the value of the good that could thereby be accomplished.

*Resolved*,—That it is the opinion of this committee that an humble remonstrance be made to her Majesty's Government, complaining of the premises, and praying a rigid inquiry into the present alarming state of the revenue.

And the said Resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the House.



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

*Ordered*,—That the returns of fines, forfeitures and penalties from the Court of sessions of St. John's, be printed for the use of members.

Mr. Nugent gave notice that to-morrow he would move that the Clerk be ordered to procure a copy of the statutes at large, with indexes complete, up to the end of the last session of the Legislature.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor on the subject of discharging the claims for paupers, &c.

Notice of address to his Excellency

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

**FRIDAY, March 27, 1840.**

**P**URSUANT to the order of the day, a bill for the establishment of an alms-house and work-house in the town of St. John's, was read a second time.

Poor house bill read 2d time.

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

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

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

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 they have passed the bill sent up for the concurrence of this House, entitled "An act to declare vacant the seats of members of the House of Assembly of this colony in certain cases, and to make provision for the election of members in their stead," with some amendments, to which they request the concurrence of the Assembly,

JAMES SIMMS,

Senior Member Presiding.

Council Chamber, }  
27th March, 1840. }

The said amendments were read a first time, and are as follow :—

In the title of the bill, 2d line, between the words "the" and "Assembly," insert the words "House of."



In the preamble, 2d line, strike out the word "General," and substitute the words "House of."

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

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

In the 1st section, 4th line,—Expunge all the words after the word "that," and insert in lieu thereof, "on any member of the House of Assembly tendering in writing under his hand, certified by the Speaker, to the Governor or person administering the Government for the time being, the resignation of his seat in the said House, it shall and may be lawful for the Governor or person administering the Government for the time being, provided he should accept such resignation, to issue his writ, within 21 days from such acceptance, to a Returning officer residing in the district where a vacancy shall have been so occasioned, for the election and return of a member in the place of him so resigning—Provided that nothing herein contained, shall prevent a member, so vacating his seat, from being re-elected a member of the said House of Assembly."

Expunge the 2d and 3d sections.

*Ordered*,—That the said amendments be read a second time on Monday next.

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

*Resolved*,—That the said bill and amendments be printed for the use of the members.

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

*Resolved*,—That the Clerk of the House do procure the statutes at large, with indexes complete, up to the end of the last session of the Legislature, for the use of the House.

Mr. Nugent, pursuant to notice yesterday, presented 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:

*To His Excellency Henry Prescott,  
Esq., Companion of the Most Honorable  
Military Order of the Bath,  
Governor and Commander-in-Chief  
in and over the Island of Newfound-  
land and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly finding by your Excellency's reply to an address presented to your Excellency on yesterday, that the sum now remaining unappropriated of the sum of £5000 granted in 1835 by the Imperial Parliament, for the service of this colony, is not placed at your Excellency's disposal, and that therefore no portion thereof can be applied to the *immediate* discharge of pauper claims alluded to in the said address, request your Excellency will order the sum of three hundred and seventy-eight pounds four shillings and seven-pence to be applied to of all the claims now before the House the discharge in the manner in that address mentioned, and that your Excellency will issue your warrant to the Treasurer of the colony accordingly, and this House will make provision in the next bill of supply for the same.



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

That the said address be adopted and engrossed.

Mr. Winsor moved, in amendment, seconded by Mr. Moore,

That all the words in the said motion after the word "that" be struck out, and the following inserted in their stead, viz. :—

A committee of five be appointed to enquire into the validity of the statements of claims for paupers, &c., and to report thereon to the House.

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

For the amendment.

Against the amendment

Mr. Moore

Mr. Nugent

.. Winsor

.. Doyle

.. Dwyer

.. Kent

.. M'Carthy

The Solicitor General

And the House being equally divided, Mr. Speaker gave his casting vote against the amendment, and so it passed in the negative.

The original motion was then put, and the House divided thereon as follows :

For the motion.

Against the motion.

The Solicitor General

Mr. M'Carthy

Mr. Nugent

.. Moore

.. Kent

.. Winsor

.. Doyle

.. Dwyer

So it passed in the affirmative, and resolved accordingly.

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

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council for the proceedings had on the Bills which have gone up to that Honorable Body from this House.

Resolution for committee to search Journals of H. M. Council

*Ordered*,—That Mr. Nugent and Mr. M'Carthy do form the said committee.

Then the house adjourned until Monday next at one of the clock.

**MONDAY, March 30, 1840.**

**M**R. Nugent, from the committee appointed to present an address of the House to his Excellency the Governor, reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows,—

Report of committee appointed to present address to his Excellency



*Gentlemen,—*

His Excellency's reply

I cannot discover in the statement contained in this address, any breach of the Colonial Act to which it refers, or any impropriety which would justify any interference in the way proposed.

Government House, }  
28th March, 1840. }

Reports of committees appointed to present addresses to his Excellency, with his Excellency's replies thereto.

Mr. Nugent from the committee appointed on the 26th inst., to present an address of the House to his Excellency the Governor, praying that his Excellency would cause to be laid before this House certain returns, reported that they had attended to that duty, when his Excellency was pleased to reply as follows,—

*Gentlemen,—*

I will so far comply with this address as to call upon the Collector of the Customs for returns of all Fines, Forfeitures, and Penalties, ordered by the Governor in Council, or incurred by violation of the Customs, and Navigation Laws, with their appropriation, and a description of the property seized.

Government House, }  
30th March, 1840 }

Mr. Winser reported from the committee appointed on the 26th inst. to present an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House certain Custom House returns, that they had presented the said address accordingly, when his Excellency was pleased to say they should be supplied.

Mr. Winser, from the committee appointed on the 26th inst., to present an address to his Excellency the Governor, praying his Excellency to order to be laid before the House certain correspondence, reported that they had attended to that duty, when his Excellency was pleased to reply as follows,—

*Gentlemen,—*

I do not think it right to call for the production of the correspondence mentioned in the present address, but I will make known to the Secretary of State this application, that the pleasure of the Lords of the Treasury and Commissioners of Customs may be taken on the subject.

Government House,  
30th March, 1840.

The order of the day for the second reading of the amendments made by Her Majesty's Council in the Bill entitled "An act to declare vacant the seats of Members of the House of Assembly of this colony, in certain cases, and to make provision for the election of Members in their stead," being read—

Mr. Nugent moved, seconded by Mr. Winser,

*Resolved,*—That the said order of the day be discharged, and the said amendments be read a second time this day six months.

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. 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.

The Solicitor-General gave notice that to-morrow he would move an address to his Excellency the Governor, respectfully requesting that his Excellency will be pleased to cause to be laid before this House an account of all Fines received in the Northern Circuit Court, in the term of 1838, and the spring term of 1839, and how appropriated.

Notice of address to his Excellency.

Then the house adjourned until to-morrow at one of the clock.

**TUESDAY, March 31, 1840.**

**M**R. Nugent, from the committee appointed on the 27th inst., to present an address of the House to his Excellency the Governor, respectfully requesting his Excellency to issue his warrant to the Treasurer of the colony for a certain sum, to be applied to the discharge of claims for paupers &c., reported that they had presented the said address accordingly, when his Excellency was pleased to say he should have much pleasure in complying with the prayer of this address.

Reports of committees appointed to present addresses to his Excellency.

Mr. Nugent from the committee appointed on the 27th inst., to search the journals of her Majesty's Council for the proceedings had upon the several bills sent up to them during the present session, reported that they had attended to that duty, 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:—

Road loan Bill—brought up and read 1st time 11th February.  
 — Read 2d time 14th February.  
 — Committed, 3d March.  
 — Ditto, 17th March.  
 Chairman asks leave to sit again on that day six months.

Road Provision Bill—brought up and read 1st time 11th February.  
 — Read 2d time 14th February.  
 Committed 3d March.  
 — Committed 13th March, and referred to select committee to report upon the statistics of the money already granted by the Legislature for Roads—Report of select committee 17th March.  
 — Committed, 23d March.  
 Chairman reports that the committee had risen.

Nuisance amendment Bill—brought up and read 1st time 18th February.  
 To be read 2d time in three months—6th March.



13th MARCH.

Blue Book Bill—brought up, read 1st time, and on motion, ordered to be read 2d time on that day six months.

Fraud prevention Bill—brought up and read 1st time, 13th March; on motion, bill to be read 2d time on that day six months.

Carbonear Grammar School Bill—brought up and read 1st time, 13th March.

Read 2d time 17th March.

Committed, 20th March.

Chairman reports that committee had risen.

Building of Vessels encouragement Bill—brought up and read 1st time 13th March.

Read second time 17th March.

Committed 20th March.

Chairman reports that committee had risen.

Academy Bill—brought up and read 1st time 20th March.

Read 2d time 23d March, and ordered to be committed to-morrow.

Jury bill—brought up and read 1st time 20th March.

Read 2d time 23d March, and ordered to be committed to-morrow.

Land Bill—brought up and read 1st time the 20th March.

Read second time 23d March, and ordered to be committed to-morrow.

Committed 24th March.

Ditto 26th do.

Chairman reports progress, and asks leave to sit again.

Sheriff's Bill—brought up and read 1st time 24th March.

On motion, ordered—bill to be read a second time in six months, 27th March, 1840.

The Solicitor-General, pursuant to notice yesterday, presented 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:

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly respectfully request that your Excellency will please to cause to be laid before the House, a statement, of all Fines received from the Northern Circuit Court in the autumn term of 1838, and the spring term of 1839, and their appropriation.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That the Solicitor-General and Mr. Winser be a committee to present the same to his Excellency.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House, on the consideration of a Bill to provide for the establishment of an Alms House and Work House in the town of St. John's.

Address to his Excellency presented & read

House in committee on Bill to establish Alms House &c.



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.

Pursuant to the order of the day, the House resolved itself into a committee of the whole house on the consideration of a bill to provide for the collection of the revenue, and for the execution of the processes of the Supreme Court of this Island on the coast of Labrador.

House in committee on Revenue bill

Mr. Speaker left the chair.

Mr. Moore 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.

Report

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

That the said report be received.

Mr. Nugent moved, in amendment, seconded by Mr. Winsor,

That the following words be added thereto,—

“And that the committee have leave to sit again.”

Which being put, and the House dividing thereon, there appeared for the amendment, five, against it, four.

For the amendment.	Against the amendment
Mr. Moore	Mr. Butler
.. Winsor	.. Doyle
.. Dwyer	.. Kent
.. M'Carthy	The Solicitor General
— Nugent	

So it passed in the affirmative.

The original motion, as amended, was then put and carried.

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

**WEDNESDAY, April 1, 1840.**

**P**URSUANT to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a bill to provide for the

House in committee on further consideration of revenue bill



collection of the revenue, and for the execution of the processess of the Supreme Court of this island on the coast of Labrador.

Mr. Speaker left the chair.

Mr. Moore 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.

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

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 further consideration of a supply to be granted to her Majesty.

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 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.

Notice of Resolutions.

Mr. Nugent gave notice that on Monday next, he would, in moving the reconsideration of the 10th Resolution adopted in committee of supply, move the substitution of the following—

*Resolved*,—That it is the opinion of this committee, that in addition to the two Police Magistrates of the Central district, provision be made for the support of a Magistrate who shall be chairman and Custos Rotulorum.

*Resolved*,—That it is the opinion of this committee that a sum not exceeding £650 be granted to her Majesty towards defraying the salaries of the Police Magistrates of St. John's, being £250 for the salary of the Chairman and Custos Rotulorum, and £200 each for the salaries of the other two.

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

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THURSDAY, April 2, 1840.

Resolutions moved.

**O**N motion of Mr. Nugent, seconded by Mr. Winser,

*Resolved*,—That the petition of Thomas Tobin, together with the documents thereunto appended, and also the address of this house to his Excellency the Governor upon the same, and his Excellency's answer thereto, be printed for the use of the members.

*Resolved*,—That all the bills rejected in the present session, by her Majesty's Council, and all bills sent from the Board of Council down to this House with objectionable amendments, be printed.



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 on Supply

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.

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

**FRIDAY, April 3, 1840.**

**T**HE Solicitor General from the committee appointed on the 31st ult. to present an address of the house to his Excellency the Governor, praying that his Excellency would cause to be laid before this house an account of certain fines received in the Northern Circuit Court, reported that they had attended to that duty, and that his Excellency was pleased to say the said account should be supplied.

Report of committee appointed to present 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 a supply to be granted to her Majesty.

House in committee on Supply

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.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a bill to provide for the encouragement of the whale fishery in this colony.

House in committee on bill to encourage whale fishery

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 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, was, 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 Monday next, at one of the clock.

### MONDAY, April 6, 1840.

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. Winsor 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 he was directed to report to the house, and to move for leave to sit again; and he read the said resolutions in his place, and afterwards delivered them in at the Clerk's table, where they were again as follow :

*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 forty, to the thirtieth day of June, one thousand eight hundred and forty-one.

*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 during the same period.

*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 an office keeper in the Secretary's office, during the same period.

*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 a Messenger in the Secretary's office during the same period.



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 salary of the Colonial Treasurer during the same period.

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 during the same period.

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 Circuit Court during the same period.

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 during the same period.

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 of St. John's during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding six hundred and fifty pounds sterling be granted to her Majesty towards defraying the salary of three Police Magistrates for St. John's—that is to say—two hundred and fifty pounds sterling for a Custos Rotulorum, and two hundred pounds sterling for each of the others during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding eighty pounds be granted to her Majesty towards defraying the salary of the Chief Constable of St. John's during the same period.

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 of St. John's—that is to say—the sum of forty five pounds for each during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Harbor Grace during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Carbonear during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Brigus and Port de Grave during the same period.

Resolved That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Ferryland during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Bay of Bulls during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Placentia during the same period.



Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Burin during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at St. Mary's during the same period,

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Harbor Britain during the same period.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Grand Bank during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Trinity during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Bonavista during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Fogo and Twillingate during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds sterling be granted to her Majesty towards defraying the salaries of the Gaolers in the Outports during the same period—that is to say,

The Gaoler at Harbor Grace, fifty pounds.

The Gaoler at Ferryland, twenty-five pounds.

The Gaoler at Placentia, twenty-five pounds.

The Gaoler at Burin, twenty-five pounds.

The Gaoler at Trinity, twenty-five pounds.

And the tenth of the said resolutions, that it is the opinion of this committee that a sum not exceeding six hundred and fifty pounds be granted to her Majesty towards defraying the salary of three Police Magistrates for St. John's—that is to say, two hundred and fifty pounds sterling for a Custos Rotulorum and two hundred pounds sterling for each of the others, during the same period—being again read,

Mr. Kent moved, seconded by Mr. Doyle,

That all the words in the said resolution after the word “exceeding” be struck out, and the following words be inserted in their stead, viz.,—“six hundred pounds be granted to her Majesty towards defraying the salaries of two Police Magistrates for St. John's.”

Which being put, the House divided thereon as follows :—

For the motion—

The Solicitor General,

Mr. Kent

.. Doyle

.. Butler

Against the motion—

Mr. Winsor

.. Dwyer

.. Godfrey

.. Nugent

.. McCarthy

.. Moore.



So it passed in the negative.

The said tenth resolution was then put and carried.

The said other resolutions reported from the committee, were, upon the question severally put thereon, agreed to by the House.

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

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House, a Statistical Return of monies expended in the Road service, in the district of St. John's.

Notice of address to his Excellency.

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

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**TUESDAY, April 7, 1840.**

**M**R. Speaker laid before the House a letter from Joseph Templeman, Esq., Acting Secretary, transmitting by command of his Excellency the Governor, returns of Fines and Forfeitures received from the Northern Circuit Court in the autumn term of 1838, and the spring term of 1839, as required by the address of the House of the 3d instant.

Letter from J Templeman Esq. transmitting sundry returns

The said returns were read by the Clerk,—(For which see *Appendix*.)

*Ordered*,—That the said returns do lie upon the table to be perused by the Members of the House.

To lie on the table.

Mr. Kent presented the petitions following, (which he stated in his place his Excellency the Governor had consented to his presenting), and the same were received and read—viz. :

Sundry petitions, presented by Mr. Kent

A petition of the ladies composing the society of the Indigent Sick, of St. John's, setting forth,

That petitioners with deep regret view the distressed state of their funds, which necessitates them in applying to the House for a continuance of that support heretofore so liberally afforded them. In urging this their request, petitioners would state to the House the manifest benefit derived by the Indigent Sick of this town from their Society, whose ostensible object it is to relieve, from the circumstance that, during a period of twelve months, commencing from first March, 1839, to the same date this year, 1840, tickets to the number of 2,586 have been issued by petitioners to 1,063 persons, who have respectively received relief in kind, purchased by the funds of the Society, and such as petitioners deemed most appropriate to, and commensurate with, their necessities.

That petitioners' Society must long since have discontinued its useful operations,



but for the handsome donations so generously given by the public, the greater part of which is now expended—when, without the aid of the House, the Society must fail to exist.

That petitioners feel convinced, the more especially from the former generosity of the House, and the present distressed condition of the community, their application will not be unheeded, but will meet that zealous co-operation which they have hitherto received from the House, in voting a sum which the House may think meet and adequate, and thereby afford petitioners the hope of still continuing their usefulness to those distressed objects, who, from their advanced age and extreme debility, are precluded in earning for themselves the common necessaries of life.

A petition of the committee of the St. John's Factory, setting forth,—

That petitioners gratefully acknowledge the former grants in aid of the Institution.

That during the recently passed season of distress, the benefits to the poor and indigent from the employment afforded them in the Factory, have been abundantly manifest, and can hardly have escaped the attention of the House.

That petitioners feel themselves justified from past experience in entertaining the assurance, that increased means only are needed to enable them to extend and diffuse amongst the poor generally, the blessings of continued employment.

And they therefore confidently pray for a continuance of Legislative support in such measure as to the House shall seem expedient.

A petition of the Commissioners of the Board of Education for the Electoral District of St. John's, setting forth,—

That petitioners, with untiring exertion, have succeeded in establishing, and successfully carrying on, sixteen schools at the places following, viz. :—Broad Cove, Portugal Cove, Torbay, Outer Cove, Middle Cove, Logie Bay, Quidi Vidi and White Hills, Windsor Lake, Brookfield, Flat Rock, Petty Harbor 2, and Belle Isle 2—in which, with those aided by the funds at the disposal of petitioners, almost gratuitous instruction is afforded to more than four hundred children.

That petitioners in payment of the Masters' salaries, and in providing Houses and other suitable accommodations, have not only expended the whole of their funds for the past year, but incurred a debt with their Treasurer to the amount of about twenty pounds.

That further payments to the amount of £71 7 6 will be due to the Masters in the month of May, and that if petitioners be compelled, in discharging these claims, to draw upon the remaining £200, available to them under the Act, they must at once close several of the Schools, and deprive the Masters of the means of support, and the children of the advantages of instruction.

That petitioners therefore pray the House to grant them such monies as may be necessary in the judgment of the House, to meet the expenditure of the present year, and to extend the act (which will otherwise expire in 1841) to such future period as to the House may seem expedient.



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

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

Agreeably to the order of the day, an engrossed bill to encourage the whale fishery in this colony, was read a third time.

Whale fishery bill read 3d time

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

*Resolved*,—That the said bill do pass, and that the title be “An act to encourage the whale fishery in this colony.”

*Ordered*,—That Mr. Nugent and Mr. Winsor do carry the said bill up to her Majesty's Council and desire their concurrence.

Mr. Nugent, pursuant to notice yesterday, presented 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 presented & read

*To His Excellency Henry Prescott, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly respectfully request your Excellency will be please order a return to be laid before this house of the appropriation of monies for the making and repairing of streets, roads and bridges, in the district of St. John's, specifying the measurement of such roads, the gross amount paid on account of each road, together with the amount per perch, distinguishing roads opened, drained, repaired and made.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Nugent and Mr. Winsor be a committee to present the same 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 a bill to provide for the collection of the revenue, and for the execution of the processes of the Supreme Court of this Island on the coast of Labrador.

House in committee on Revenue Bill

Mr. Speaker left the chair.

Mr. Moore 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.

And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the house.

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



House in committee on bill for the decision of differences, &c

Pursuant to the order of the day, the House resolved itself into a committee of the whole house on the further consideration of a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices in 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 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.

And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the house.

*Ordered*,—That the said bill as amended be engrossed, and read a third time on Friday next.

Notice for committee to search Council's Journals

Mr. Nugent gave notice that to-morrow he would move that a committee be appointed to search the journals of her Majesty's Council to ascertain the proceedings had upon Jury bill sent up from this House; also, that a message be sent to her Majesty's Council requesting them to furnish this house with a statement of their contingencies.

Then the house adjourned until to-morrow at one of the clock.

### WEDNESDAY, April 8, 1840.

Notice of address to his Excellency

**MR.** Nugent gave notice that to-morrow he should move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this house a copy of the reply of her Majesty, should it have reached the Government office, to the address of the house of the 12th Oct. 1839; together with copies of all communications from the Secretary of State for the Colonies on the subject of the said address, and a statement of the date of its transmission to England.

Mr. Nugent moved, pursuant to notice, seconded by Mr. Winser,

*Resolved*,—That a message be sent to her Majesty's Council requesting them to acquaint this house with the amount of their contingencies for the present session.

*Resolved*,—That a committee be appointed to search the journals of her Majesty's Council for the proceedings had on Jury bill sent up to them from this house.

*Ordered*,—That Mr. Nugent and Mr. Winser do form such committee.

Revenue Bill read 3d time.

Agreeably to the order of the day, an engrossed bill to provide for the collection of the revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador, was read a third time.



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

*Resolved*,—That the said bill do pass, and that the title be “An act to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the Coast of Labrador, and the islands thereunto adjoining.”

Passed  
Title

*Ordered*,—That Mr. Nugent and Mr. Winser do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

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

The House resolved itself into a committee of the whole House on the consideration of a further supply to be granted to her Majesty.

House in committee on  
Supply

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 considered the business to them referred, and had come to certain resolutions thereon, which he was directed 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 follows:—

Report

*Resolved*, That it is the opinion of this committee that a sum not exceeding eight hundred and fourteen pounds sterling be granted to her Majesty towards defraying the salaries of Constables for the Outports from the first day of July, one thousand eight hundred and forty, to the thirtieth day of June one thousand eight hundred and forty one—that is to say:

Head Constable at Harbor Grace, thirty five pounds.

Two constables at Harbor Grace twenty five pounds each.

Three constables at Carbonear twenty five pounds each.

Two constables at Brigus and Port de Grave twenty five pounds each.

A constable at Bay de Verds twelve pounds.

A constable at Harbor Main twelve pounds.

A constable at Cats Cove twelve pounds.

A constable at Western Bay twelve pounds.

A constable at South Shore twelve pounds

A constable at Ferryland twelve pounds.

A constable at Bay of Bulls twenty five 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 Fermuse twelve pounds.

A constable at Placentia twenty five pounds.

A constable at Barren Island twelve pounds.

A constable at Merasheen twelve pounds.

A constable at Little Placentia 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 Trepassey twelve pounds.

A constable at St. Mary's twenty five pounds.

A constable at Harbor Britain twelve pounds.



A constable at Grand Bank twelve pounds.  
 A constable at Trinity twenty five pounds.  
 A constable at Catalina twenty four pounds.  
 A constable at Bonavista twenty five pounds.  
 A constable at Greenspond twelve pounds.  
 Three constables at Twillingate and Fogo forty 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 Perlican twelve pounds.  
 A constable at Heart's Content twelve pounds.  
 A constable at Hants Harbor twelve pounds.  
 A constable at New Harbor twelve pounds.  
 A constable at Renews twelve pounds.  
 A constable at Portugul Cove twenty pounds.  
 A constable at Torbay eighteen pounds.

Resolved, That it is the opinion of this committee that a sum not exceeding forty pounds sterling be granted to her Majesty towards defraying the salary of the Gaol Surgeon of St. John's during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding fifteen pounds sterling be granted to her Majesty towards defraying the salary of the Gaol Barber of St. John's during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty pounds sterling be granted to her Majesty towards defraying the salary of the Gaol Surgeon of Harbor Grace during the same period.

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 Attorney General's fees during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding two hundred pounds sterling be granted to her Majesty in lieu of all fees to the Solicitor General during the same period.

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 pension of John Buckingham, Esq., during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding three hundred and fifty pounds sterling be granted to her Majesty towards defraying the expenses of printing, advertising, and stationery, during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding four hundred and fifty pounds sterling be granted to her Majesty towards defraying the expenses of gaols during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds sterling be granted to her Majesty towards defraying the Coroners' accounts during the same period.

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 expenses of fuel and light during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding



one hundred pounds sterling be granted to her Majesty towards defraying postages and other incidentals during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding five hundred pounds sterling be granted to her Majesty towards defraying the expenses of the Circuit Courts during the same period.

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 expenses of firing fog guns during the same period.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards defraying the expenses of the repairs of Court Houses, Gaols, &c.

Resolved, That it is the opinion of this committee that a sum not exceeding three thousand one hundred and twenty three pounds two shillings and ten pence sterling be granted to her Majesty towards defraying the expenses of the contingencies of the Legislature during the last session.

Resolved, That it is the opinion of this committee that a sum not exceeding ninety three pounds thirteen shillings and ten pence sterling be granted to her Majesty towards defraying the expense of the interest of the said sum of three thousand one hundred and twenty three pounds two shillings and ten pence during the six months ending the twelfth April, one thousand eight hundred and forty, to be paid as aforesaid.

Resolved, That it is the opinion of this committee that a sum not exceeding sixteen pounds seventeen shillings sterling be granted to her Majesty towards defraying the expenses incurred by John Skelton, in following the direction of the Board of Health in Bonavista in one thousand eight hundred and thirty six.

Resolved, That it is the opinion of this committee that a sum not exceeding six pounds eight and four pence sterling be granted to her Majesty towards defraying the account of Messrs, H. Findlander & Co. for medicines for the poor of St. John's.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty six pounds sterling be granted to her Majesty towards compensating Matthew Stevenson for past services.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty six pounds sterling be granted to her Majesty towards compensating William Martin for past services.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty pounds sterling be granted to her Majesty towards repairing the Block House at Signal Hill

Resolved, That it is the opinion of this committee that a sum not exceeding six pounds eleven shillings sterling be granted to her Majesty towards paying William Edward Taylor for excess of duties on wine paid by him.

Resolved, That it is the opinion of this committee that a sum not exceeding fifty pounds sterling be granted to her Majesty towards the relief of Mrs. Blaikie, relict of the late James Blaikie, Esq. Police Magistrate of St. John's.

Resolved, That it is the opinion of this committee that a sum not exceeding



one hundred and fifty pounds sterling be granted to her Majesty towards paying coming expenses of civil and criminal prosecutions to the 30th June.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards meeting probable expense of repairing Court Houses and Gaols to the 30th June.

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 expenses of pauper lunatics for the year ending the 30th June, 1841.

Resolved, That it is the opinion of this committee that a sum not exceeding sixteen pounds six shillings stg. be granted to her Majesty towards defraying the expenses paid by Mr. Luke Collins as Assayer of Weights and Measures in Placentia Bay.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty towards supporting the St. John's Factory.

Resolved, That it is the opinion of this committee that a sum not exceeding fifty pounds sterling be granted to her Majesty towards supporting the Indigent Sick Society.

Resolved, That it is the opinion of this committee that a sum not exceeding ninety one pounds seven shillings and six pence sterling be granted to her Majesty towards aiding the Commissioners of the Board of Education of St. John's to pay off outstanding claims.

Resolved, That it is the opinion of this committee that a sum not exceeding fifty pounds sterling be granted to her Majesty in addition to the sum already granted for a Jury Room and other alterations in the Court House of Harbor Grace.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty pounds sterling be granted to her Majesty in addition to the sum already granted for the Jury Room in the Court House at Brigus.

Resolved, That it is the opinion of this committee that a sum not exceeding ten pounds sterling be granted to her Majesty to be paid to Mary Power for the support of an orphan child.

Resolved, That it is the opinion of this committee that a sum not exceeding nine hundred and seventy eight pounds four shillings and seven pence sterling be granted to her Majesty to meet the charge incurred by his Excellency by assenting to addresses from the House of Assembly to provide for the poor of this Colony.

Resolved, That it is the opinion of this committee that a sum not exceeding twenty pounds sterling be granted to her Majesty to pay the expenses of Patrick Burk, a Gunner, in retiring from the island, in consequence of being incapacitated to perform any duty by his endeavouring to destroy wolves, in accordance with the acts of the Local Legislature.

Resolved, That it is the opinion of this committee that a sum not exceeding one hundred pounds sterling be granted to her Majesty for the support of a Grammar School in Carbonear, for the year ending the 30th June, 1841, under the direction of the Board of Education there.

Resolved, That it is the opinion of this committee that a sum not exceeding ten pounds ten shilling sterling be granted to her Majesty towards paying Dr. Rotchford for his services in attending on prisoners in the Gaol at Harbor Grace.



And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the house. Resolutions read and agreed to

On motion of the Solicitor General, seconded by Mr. Winsor,

*Ordered*,—That a committee of five be appointed to prepare a Bill for granting to her Majesty certain supplies.

*Ordered*,—That the Solicitor General, Mr. Winsor, Mr. Moore, Mr. Doyle, and Mr. McCarthy do form the said committee.

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

*Resolved*,—That a committee of seven be appointed to inquire into, and report upon, the contingencies of this House for the present session.

*Ordered*,—That the Solicitor General, Mr. Nugent, Mr. Doyle, Mr. McCarthy, Mr. Winsor, Mr. Moore, and Mr. Butler, do form such committee.

Mr. Moore gave notice that to-morrow he would move an address to his Excellency the Governor, respectfully requesting his Excellency to order a return to be laid before the House, of the appropriation of the sums granted by the Legislature for the support of the Schools of the North American School Society in Nfld. Notice of address to his Excellency.

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

**THURSDAY, April 9, 1840.**

**M**R. Speaker laid before the House a letter from Joseph Templeman Esq., transmitting by command of his Excellency the Governor, the Hospital accounts for sick paupers during the months of February and March, amounting together to £24 13 6. Letter from J Templeman Esq.

*Ordered*,—That the said accounts do lie upon the table. To lie on the table.

Mr. Nugent, pursuant to notice of yesterday, presented 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 presented & read

*To His Excellency Henry Prescott, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly request your Excellency will cause to be laid before this house a copy of the reply of her Majesty, should it have



reached the Government office, to the address of the house of the 12th Oct. 1839; together with copies of all communications from the Secretary of State for the Colonies on the subject of the said address, and a statement of the date of its transmission to England.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Nugent and Mr. Winser be a committee to present the same to his Excellency.

Mr. Moore, pursuant to notice yesterday presented 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 :—

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly request your Excellency will order that a return be laid before this House of the appropriation of the sums granted by the Legislature for the support of the Schools of the Newfoundland North American School Society.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Moore and Mr. Nugent be a committee to present the same to his Excellency.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of Ways and Means.

House in committee on  
Ways and Means

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 come to a certain resolution thereon, which they had 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 :—

*Resolved*,—That it is the opinion of this committee that the following table of duties be adopted upon wines, spirits, goods, wares and merchandize, imported into Newfoundland and its dependencies, viz.

All Wines in bottles, the gallon	.....	£0 2 0
All other Wines	.....	0 1 0
For every gallon of Brandy, Geneva, and Cordials, not exceeding the strength of proof by Syke's hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon—the duty per gallon		0 1 0



For every gallon of Rum and Whiskey, not exceeding the strength of proof by Syke's hydrometer, and so in proportion for any greater strength, and for any greater or less quantity than a gallon—the duty per gallon	.....	.....	.....	0	0	6
For every barrel of Apples	.....	.....	.....	0	1	0
For every cwt. salted Beef and Pork	.....	.....	.....	0	1	0
For every cwt. Bread or Biscuit, the cwt.	.....	.....	.....	0	0	3
For every cwt. Butter, the cwt.	.....	.....	.....	0	1	6
For every barrel of Flour, not exceeding in weight 196 lbs., and exceeding such weight in proportion	.....	.....	.....	0	1	0
Oatmeal, the barrel	.....	.....	.....	0	0	6
Coals, the ton	.....	.....	.....	0	1	0
Lumber, the thousand feet	.....	.....	.....	0	2	6
Timber, the ton	.....	.....	.....	0	1	6
Shingles, the thousand	.....	.....	.....	0	1	0
Tea, the lb.	.....	.....	.....	0	0	2
Refined Sugar, the cwt.	.....	.....	.....	0	5	0
Unrefined or clay'd Sugar, the cwt.	.....	.....	.....	0	2	0
Manufactured Tobacco, the lb.	.....	.....	.....	0	0	4
Leaf Tobacco	.....	.....	.....	0	0	1
Bacon or Hams, the Cwt.	.....	.....	.....	0	2	0
Ale, Porter and Cider, for every £100 of the value thereof	.....	.....	.....	5	0	0
Preserved Fruit, the cwt.	.....	.....	.....	0	5	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 and Calves	.....	.....	.....	Free		
Sheep	.....	.....	.....	Free		
Hogs	.....	.....	.....	Free		
Potatoes and all other vegetables	.....	.....	.....	Free		
Printed Books	.....	.....	.....	Free		
Goods, Wares and Merchandize not otherwise enumerated, described, or charged with duty, and not herein declared to be duty free, for every £100 of the true value	.....	.....	.....	2	10	0

And the said Resolution having been read throughout, was, upon the question put thereon, agreed to by the House.

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

Resolved—That the said resolution, together with the table of duties now payable in this colony, be printed for the use of the members of the House.



Then the house adjourned until to-morrow at one of the clock.

FRIDAY, April 10, 1840.

Report of Committee to present address to his Excellency

MR. Nugent, from the committee appointed on the 7th inst. to present an address of the House to his Excellency the Governor, reported that they had attended to that duty, and that his Excellency was pleased to reply as follows—

Gentlemen,

His Excellency's reply

I will request the Commissioners of Roads for the St. John's district to afford the information applied for in this address.

Government House,  
10th April, 1840.

Bill for decision of differences read 3d time

Agreeably to the order of the day, an engrossed bill for the more easy and less expensive decision of differences between masters & mistresses and their servants, apprentices and labourers, in this colony, was read a third time.

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

Passed Title

Resolved,—That the said bill do pass, and that the title be "An act for the more easy and less expensive decision of differences between masters and mistresses and their servants, apprentices, and labourers, in this colony."

Sent to Council

Ordered,—That Mr. Nugent and Mr. Winsor do carry the said bill up to her Majesty's Council and desire their concurrence.

Petition of Glen and Harvey, and others.

A petition of Glen and Harvey, James Tobin & Co., Dunscomb & Kavanagh, and others, merchants and traders of St. John's, was presented by Mr. Kent, and the same was received and read, setting forth—

That petitioners being interested in the West India, and general trade of Newfoundland, view with apprehension the great injury which has been occasioned, and will continue to accrue, not only to themselves, but to the colony, from the article of Rum and other Spirits being permitted to be distilled in St. John's, and sold free of duty.

That impressed with the belief that the wise intentions of the Imperial Legislature, in allowing Molasses to be imported from foreign islands for the sole benefit of the Fishery duty free, have been frustrated by the distillation in the colony of Rum from that article; Petitioners submit to the House the great injustice which the importer and fair trader thereby sustains—the loss occasioned to the revenue, and the great injury which the inhabitants of the whole island are subjected to, in consequence of allowing an article which is imported into the colony duty free, to be converted into a dutiable one, but on which no duty can be exacted.

That petitioners conceive they have only to draw the attention of the House to these important facts, to establish the injury which the country is likely to sustain by permitting an extensive distillation of rum from molasses which must inevitably occasion a scarcity of that article.



That there is one fact which petitioners would fain bring under the notice of the house, that, from the fall of the year 1838 to 1839, one mercantile house alone in St. John's, paid the sum of five thousand pounds duty, whilst the same house does not expect to pay, for the year now ending, the sum of one thousand pounds to the revenue, mainly in consequence of the circumstances alluded to. And whilst extensive sales have been effected of rum distilled in St. John's, and on which no duty had been paid, the importers who have paid a heavy duty, and who should be protected, have their rum on hand. Thus has been established a monopoly which must eventually prove ruinous alike to the West India trade, and the Revenue of the Colony.

That petitioners beg leave further to represent to the house the great extent to which smuggling is carried on in the island, as another source of injustice to the fair trader, and loss to the Revenue, and humbly pray the House to adopt some measure which in its wisdom may seem most expedient to remedy the evils complained of.

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

Mr. Nugent gave notice that to-morrow, he would move that the rules of the House in reference to the reading, committing and passing of a bill granting to her Majesty certain supplies, be suspended,—also, he would move that the resolution of this house restricting the admission of bills to the 17th March last, be suspended, for the purpose of permitting the introduction of a bill to provide for the completing the Topsail and Bay Bulls roads, and for repairing the Portugal Cove road, and for other purposes.

Mr. Nugent gave notice that to-morrow he would move an address to his Excellency the Governor for a copy of the Blue Book.

Notice of address to his Excellency

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

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## SATURDAY, April 11, 1840.

**M**R. Winsor, from the committee appointed to prepare a bill for granting to her Majesty certain supplies, reported that they had prepared the said bill, which he presented, and the same was read a first time.

Report of committee of Supply

Mr. Nugent moved, pursuant to notice, seconded by Mr. Winsor,

*Resolved*,—That the rules of the house in reference to the reading, committing and passing of bills be suspended so far as relate to the said bill.

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

And the said bill was read a second time accordingly.

Moved by Mr. Moore, seconded by Mr. Winsor,

That the said bill be now committed to a committee of the whole house.



Mr. Kent moved, seconded by Mr. Doyle,

That this house do now adjourn.

Which being put, was carried.

Then the house adjourned until Monday next at one of the clock.

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### MONDAY, April 13, 1840.

A Message from His Excellency the Governor.

Message from his Excellency

**J**OSEPH Templeman, Esq., being admitted within the Bar, 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.

He also presented to the House by command of his Excellency, a printed Report of the proceedings of the Newfoundland and British North American Society for educating the poor.

And then the messenger withdrew.

The said message was read by Mr. Speaker as follows :

**H. PRESCOTT.**

The Governor transmits and recommends to the favourable consideration of the House of Assembly the annexed copy of a letter from Major Frazer, commanding the Royal Artillery at this station.

Government House,  
13th April, 1840.

The letter accompanying the said message was read by the Clerk as follows :

Artillery Office, Signal Hill,  
10th April, 1840.

Sir,—I have the honor to request that you will be pleased to submit for the favourable consideration of his Excellency the Governor the case of gunner and driver, Patrick Burke, of the Royal Artillery, who is about to be invalided in consequence of a severe fracture of the left arm, which he accidentally met with when employed in October last, at the suggestion of his Excellency, with other volunteers of the Company under Lieut. Geary, in pursuit of wolves, then infesting the immediate neighbourhood of St. John's.

I beg to state that this accident was not occasioned by intemperance or neglect of any kind. That his former service, (six years) will be lost to him, and that it is more than probable he will be discharged without any reward whatever. Gunner Burke has moreover a wife and family dependent upon him for support, and any aid that can be afforded will be bestowed upon a deserving soldier.

I have, &c.

(Signed) **G. B. FRAZER,**  
Major, Commanding Royal Artillery

**The Hon. James Crowdy,**  
Colonial Secretary.



On motion of the Solicitor General, seconded by Mr. Doyle,

Ordered,—That the said message and letter be referred to the committee on the supply bill, and the said report do lie on the table.

Mr. Nugent, from the committee appointed on the 9th inst. to present an address of the House to his Excellency the Governor, reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows—

Report of Committee to present address to his Excellency

Gentlemen,

I have not received any communication respecting the address of the House of Assembly to her Majesty, which was transmitted by me to the Secretary of State for the Colonies on the 9th December last.

His Excellency's reply

Government House, 13th April, 1840.

Mr. Nugent, pursuant to notice on the 10th inst. presented 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 presented & read

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly respectfully request your Excellency will please to order that a copy of the Blue Book be laid before the House.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Nugent and Mr. Winsor be a committee to present the same to his Excellency.

The order of the day that the House resolve itself into a committee of the whole House on the consideration of a bill granting to her Majesty certain supplies, being read,—

Mr. Winsor, moved, seconded by Mr. Nugent,

*Resolved*,—That this House do now resolve itself into the said committee.

Mr. Speaker named Mr. Winsor to take the chair of the said committee, whereupon

Mr. Moore moved, seconded by Mr. Winsor,

That Mr. Butler do take the chair of the said committee.

Which being put, the House divided thereon as follows :—

For the motion—

Mr. Nugent  
.. Moore  
.. Winsor  
.. McCarthy.

Against the motion—

The Solicitor General  
Mr. Butler  
.. Kent  
.. Doyle  
.. Dwyer.

So it passed in the negative.



Mr. Winsor then 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.

Mr. Nugent gave notice that to-morrow he should move for the appointment of a select committee to investigate, and report upon, the return of Fines, Forfeitures, and Penalties, by the Magistrates of St. John's, laid before the House by direction of his Excellency the Governor, in compliance with an address of this House—and that the said committee have power to send for persons, papers, and records.

Then the house adjourned until to-morrow at one of the clock.

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## TUESDAY, April 14, 1840.

Petition of C. Dalton  
and others

**A** Petition of Charles Dalton, James Walsh, and others, inhabitants of Carbonear, was presented by Mr. McCarthy, and the same was received and read, setting forth.—

That petitioners confidently approach the House with a statement of one of their greatest grievances, in the full reliance that it will be pleased to redress the same.

That while every town and settlement in Conception Bay have been provided with the means of free elementary instruction from the revenues of the country, the town of Carbonear, consisting of a population of four thousand inhabitants, (four fifths of which are unable to give their children education) is left totally destitute.

That petitioners in making the above statement, must, in justice to the Board of Education of Conception Bay, acquit that body of any charge of injustice or neglect towards Carbonear.;—the board considering that they had not the means of doing justice to so large a population without doing great injury to the smaller and more distant settlements of the district.

That under these circumstances, petitioners earnestly pray the House to grant such sum of money for establishing of elementary free schools as it may deem meet.

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

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

A petition of John Rotchford, M. D. was presented by the Solicitor General, (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—

Referred to committee  
of supply

Petition of Dr. Rotch-  
ford



That petitioner was, in the year 1825, (prior to the arrival of Sir Thomas Cochrane as Governor of Newfoundland), contracted with, and engaged by persons in authority, under those administering the Government of the colony, to perform certain public duties.

That petitioner performed these duties in a satisfactory manner, at a very considerable loss of time, some expense, and very great trouble, for which he has received no remuneration whatever.

That petitioner in 1825, applied for remuneration to the Magistrates in the Northern district in Session at Harbor Grace; but the consideration of his claim was then reserved for the arrival of the Governor, hourly expected.

That petitioner, sometime after the arrival of Sir Thomas Cochrane, as Governor, made an application, and received as answer—that this claim being a debt incurred prior to the commencement of his Government, he possessed no control over it.

That petitioner forwarded to his Excellency Captain Prescott an unattested statement of this debt against the colony by mistake, on which his Excellency declined to interfere.

But petitioner having obtained an attestation of his claim, begs to bring it fully under the consideration of the House, in the hope that justice may at length be done him by the colony.

On motion of the Solicitor General, seconded by Mr. McCarthy,

*Ordered*,—That the said petition be referred to the committee on the bill of Supply.

Referred to committee of supply

Mr. McCarthy gave notice that to-morrow he would move an address to his Excellency the Governor, respectfully requesting his Excellency to cause to be laid before this House, a copy of the last report from the Board of Education for Conception Bay.

Notice of address to his Excellency

Mr. Nugent moved, pursuant to notice, seconded by Mr. Kent,

That the resolution of the house restricting the admission of bills to the 17th ult. be suspended, so far as permitting the introduction of a bill to provide for completing the Topsail and Bay Bulls roads, and for repairing the Portugal Cove road, and for other purposes.

Which being put, the House divided thereon as follows:—

For the motion—

Mr. Nugent

.. Kent

.. Dwyer

The Solicitor General.

Against the motion—

Mr. Butler

.. Winsor

.. McCarthy.

So it passed in the affirmative.

Mr. Nugent, pursuant to notice, moved for leave to bring in a bill to amend an act passed in the second year of the reign of her present Majesty, entitled “an Act for granting to her Majesty a supply of money for making and repairing of roads, streets and bridges in this colony, and to regulate the expenditure of the same,” and to make provision for completing certain main roads in this colony, and for other purposes.



Which being put, and the House dividing thereon, there appeared for the motion four, against it three.

For the motion—

Against the motion—

The Solicitor General

Mr. Winsor

Mr. Nugent

.. McCarthy

.. Kent

.. Butler.

.. Dwyer.

So it passed in the affirmative.

The said bill was then presented and read a first time.

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

*A Message from His Excellency the Governor.*

Joseph Templeman, Esq., being admitted within the Bar, 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 as follows :

H. PRESCOTT.

The Governor transmits for the consideration of the House of Assembly the accompanying communication from the Board of Road Commissioners for the district of St. John's ;—also, the copy of a letter from the Board of Commissioners, constituted under the act 6, Wm. 4. cap. 15, with reference to the services of their Chairman.

Government House,  
14th April, 1840.

The communication and copy of letter accompanying the said message was then read by the Clerk—(for which see *Appendix*.)

*Ordered*,—That the same do lie upon the table.

Mr. Speaker laid before the House a letter from Joseph Templeman Esq., transmitting by command of his Excellency the Governor a petition addressed to his Excellency by Mary Power of Harbor Grace.

The said petition was then read by the Clerk, setting forth—

That petitioner is a poor widow in the eighty second year of her age, having no person to look to for support, and is incapable of earning any, from the bodily infirmities petitioner is labouring under.

That petitioner is in a truly destitute situation, deprived of the common necessities of life for want of means to procure them ; and in consequence of the banishment of petitioner's son, (Patrick Power) and the death of his wife, petitioner is burdened with the care and support of their infant son, without the smallest remuneration from the Government as is usually granted in such cases, for the support of orphans.

Message from his Excellency

Refered to committee of supply  
Notice of orders to the Excellency

Letter from J Templeman Esq.



Petitioner therefore humbly solicits his Excellency to take her miserable situation into his kind and charitable consideration by granting her some relief for herself, and means in future to support the child.

On motion of Mr, M'Carthy, seconded by the Solicitor General,

*Ordered*,—That the said petition be referred to the committee on the bill 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 further consideration of a bill for granting to her Majesty certain supplies.

House in committee on Supply

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 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, were, upon the question severally put thereon, agreed to by the house.

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

Mr. Nugent moved, pursuant to notice, seconded by Mr. Winsor,

*Resolved*,—That a committee be appointed to investigate and report upon the return of Fines, Forfeitures, and Penalties, by the Magistrates of St. John's, laid before the House by direction of his Excellency the Governor, in compliance with an address of this House—and that the said committee have power to send for persons, records and papers.

Committee of investigation

*Ordered*,—That Mr. Nugent, Mr. Winsor, Mr. Kent, Mr. Doyle, and the Solicitor General, do form the said committee.

The Solicitor General gave notice that to-morrow he should move an address to his Excellency the Governor on the subject of his Excellency's message to this house on the 26th ult. transmitting a despatch from the Secretary of State for the Colonies relative to certain acts passed in 1838.

Then the house adjourned until to-morrow at one of the clock.

**WEDNESDAY, April 15, 1840.**

**M**R. M'Carthy, pursuant to notice yesterday, presented the draft of a n address to his Excellency the Governor, which he read in his place, and afterwards



Address to his Excellency presented & read

delivered it in at the Clerk's table, where it was again read as follows :

*To His Excellency Henry Prescott, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,

The House of Assembly request your Excellency will please order that a copy of the last Report of the Commissioners of Education for the district of Conception Bay, be laid before this House.

*Resolved*,—That the said address be adopted and engrossed

*Ordered*,—That Mr. M'Carthy and Mr. Moore be a committee to present the same to his Excellency.

Mr. Speaker laid before the house a letter from Joseph Templeman, Esq. transmitting, by command of his Excellency the Governor, the return from the Board of Commissioners of Roads in the district of St. John's, as requested in an address of this house.

The said return was read by the Clerk.—(For which see Appendix.)

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

*Resolved*,—That the said return be printed for the use of the Members.

*A Message from His Excellency the Governor.*

Joseph Templeman, Esq., being admitted within the Bar, 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 as follows :

H. PRESCOTT.

The Governor thinks it right to make the following observations respecting the supply bill now before the House of Assembly.

His Excellency understands that no provision is made to cover claims and expenses under the Registration Act. Upon this point, he cannot express himself more strongly than he did by his message of the 17th January last, to which he begs to recal the attention of the House.

The accounts due to the Hospital for pauper patients have not, it appears, been provided for. When the powers of the late Commissioners for the relief of the poor ceased, there were many patients in the hospital, under their authority ; the Directors of the hospital therefore, had no alternative between trusting to the just and benevolent feelings of the Legislature, and turning those suffering creatures out to perish on the road. They naturally embraced the former course, and according to every recognized principle of honor and justice, their claims should be discharged.

Letter from J Templeman Esq.

Message from his Excellency



For "Civil and Criminal Prosecutions" for the year 1839-40, £350 were allotted, and £330 for salaries to the Clerks of the peace. This latter sum was in lieu of fees in Criminal proceedings, and was considered in a pecuniary point of view as beneficial to the public. £150 more were required in addition to the first named sum, and have been voted for the current year in the present bill. In that bill, however, viz., for 1840-41, the salaries are omitted, and about £350 granted in lieu of the joint sums of £830, proposed in the estimate upon the foundation of past experience.

In the estimate for the current year, £800 were inserted for "Gaol expenses,"—£450 only were so appropriated in the act, £430 of which were expended in the first six months, and consequently, £400 more were applied for by message on the 3d February last. Nevertheless nothing seems on this head to be provided in the present bill,—and the ensuing year is again reduced from £800 to £450.

It is hardly necessary for the Governor to remark that those who are confined under the law, he cannot let loose upon the public, nor can they be permitted to starve within the walls of a prison.

By reference to the expense of former years incurred by the "Circuit Courts," it will be seen that the estimate now before the House was not taken high, it has, however, been reduced in the bill by one-sixth.

The Act 5, Geo. 4, cap. 67, directs that one Circuit Court at least, shall be held every year in each district. This rule will be observed, but the Courts, in consequence of the deficient vote, must be held at fewer places, and for a shorter period.

The estimate for "Postages and Incidentals," has also been reduced by one-sixth.

In the estimate, £600 were set down for the "Geological Survey," calculated on the scale of last year. This item has not been voted. The Governor cannot but regret the discontinuance of an operation conducive to the interests of science, and important to this colony. His concern is increased by the circumstance of the Gentleman employed thereupon not having received earlier intimation that his services would not be further required.

With respect to the £500 asked for "Unforeseen Contingencies," his Excellency believes such an arrangement to be desirable; but if the House consider it unsafe or unwise to place that sum at his discretion, he can, of course, have nothing further to say upon the omission of this item in the bill.

Regarding the two items of the nature of a "Tack," on the subject of the contingencies of a previous Legislative session, it is only necessary for the Governor to refer to communications formerly made to the House, to prove the impossibility of his assenting to the bill in its present form.

Government House,  
15th April, 1840.

*Ordered*,—That the said message do lie upon the table.

Pursuant to the order of the day, the house resolved itself into a committee of the whole house on the consideration of a bill to establish the fees and costs chargeable in the several Police offices and Courts of Sessions in this colony.

House in committee on bill to establish fees, &c

Mr. Speaker left the chair.  
Mr. Moore 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 said bill with the amendments in at the Clerk's table.

And the said amendments having been read throughout, were, upon the question severally put thereon, agreed to by the house.

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

The order of the day for the third reading of an engrossed bill granting to her Majesty certain supplies, being read,

Mr. Nugent moved, seconded by Mr. Moore,

That in the grant in the said bill, of six hundred pounds towards defraying the Salaries of two Police Magistrates for the District of St. John's, the word "two" be struck out, and "three" inserted in its stead.

Which being put, the House divided thereon as follows,

For the motion—

Mr. Nugent  
.. McCarthy  
.. Moore  
.. Winser

Against the motion—

Mr. Kent  
.. Butler  
.. Doyle  
The Solicitor General.

And the house being equally divided, Mr. Speaker gave his casting vote against the motion.

So it passed in the negative.

The said bill was then read a third time.

On motion of Mr. Winser, 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 and for other purposes, for the year ending the 30th June, 1840, and for regulating the appropriation of the same."

*Ordered*,—That Mr. Winser and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

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

That the bill to amend an act passed in the 2d year of the reign of her present Majesty, for the making and repairing of roads, streets and bridges in this colony, &c., and to make provision for completing certain main roads in this colony, and for other purposes, be now read a second time.

Passed  
Title

Sent to Council

House is committed  
bill to establish fees, &c.



Which being put, the House divided thereon as follows :—

For the motion—

Against the motion—

Mr. Nugent  
.. Kent  
.. Dwyer  
.. Moore.

Mr. Butler  
.. Winser  
.. McCarthy.

So it passed in the affirmative.

And the said bill was read a second time.

**Ordered,**—That the said bill 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 the said bill.

Then the house adjourned until to-morrow at one of the clock.

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**THURSDAY, April 16, 1840.**

**A** GREEABLY to the order of the day, an engrossed bill to establish the fees and costs chargeable in the several Police offices and Courts of Sessions in this colony, was read a third time.

Bill to establish Fees & Costs read 3d time

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

**Resolved,**—That the said bill do pass, and that the title be “an Act to establish the fees and costs chargeable in the several Police offices and Courts of Sessions in this colony.”

Passed Title

**Ordered,**—That Mr. Nugent and Mr. Winser do carry the said bill up to her Majesty’s Council and desire their concurrence.

Sent to Council

*A Message from His Excellency the Governor.*

Joseph Templeman, Esq., being admitted within the Bar, 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.

Message from his Excellency

And then the messenger withdrew.

The said message was read by Mr. Speaker as follows :

**H. PRESCOTT.**

The Governor transmits for the information of the House of Assembly, copies of



sundry despatches which he received yesterday from the Secretary of State for the Colonies; numbered respectively, 21, 22, 23, 24, and 28.

Government House, }  
16th April, 1840. }

The despatches accompanying the said message were then severally read by the Clerk—(for which see *Appendix*.)

To lie on the table.

*Ordered*,—That the said message and despatches do lie upon the table.

The order of the day, that the House resolve itself into a committee of the whole House, on the consideration of a bill to amend an act passed in the 2d year of the reign of her present Majesty, for the making and repairing of roads, streets, and bridges in this colony, being read,

Mr. Winsor moved, seconded by Mr. McCarthy,

That the said order of the day be discharged, and the said bill be committed this day six months.

Mr. Nugent moved in amendment, seconded by Mr. Kent,

That all the words in the said motion after the word "that" be struck out, and the following inserted in their stead, viz.—the said bill be now committed to a committee of the whole House.

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

For the amendment—

Mr. Nugent  
.. Kent  
.. Dwyer

Against the amendment—

Mr. Winsor  
.. McCarthy  
.. Butler  
.. Godfrey  
.. Moore  
The Solicitor General.

So it passed in the negative.

The original motion was then put, and the House divided thereon as follows:—

For the motion—

The Solicitor General  
Mr. Butler  
— Winsor  
— Moore  
— Godfrey  
— McCarthy.

Against the motion—

Mr. Nugent  
— Dwyer  
— Kent.

So it passed in the affirmative, and ordered accordingly.

Mr. Nugent gave notice, that to-morrow he should move for the appointment of a committee to prepare an address to his Excellency the Governor, in answer to his Excellency's message of yesterday, respecting the supply bill.

Notice of address to his  
Excellency



Then the house adjourned until Monday next at one of the clock.

**MONDAY, April 20, 1840.**

**M**R. Nugent, from the committee appointed on the 13th inst. to present to his Excellency the Governor an address of this House, praying his Excellency to cause to be laid before this House a copy of the "Blue Book," reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows:—

Reports of Committees appointed to present addresses to his Excellency with his Excellency's replies thereto

Gentlemen,

In answer to this address, I have to state, that as soon as the "Blue Book" for the current year shall be completed, a copy of it will be transmitted to the House of Assembly.

I take advantage of this opportunity to request the attention of the House to my message of the 26th ult. ; because on next Saturday evening the Court House must be given up to the Sheriff, to enable him on the following Monday to commence his preparation for the holding of the Courts.

Government House, }  
18th April, 1840. }

Mr. Moore reported from the committee appointed on the 15th inst. to present to his Excellency the Governor an address of the House, praying his Excellency to cause to be laid before this House a copy of the report from the Board of Education of Conception Bay, that they had attended to that duty, and his Excellency was pleased to reply as follows:—

Gentlemen,—

The yearly report required from the Commissioners of Education, under act 6th W. 4, cap. 13th, will not be due until the month of July.

Government House, }  
18th April, 1840 }

A petition of George Henry Emerson, of St. John's, was presented by Mr. Nugent, and the same was received and read, setting forth—

Petition of G. H Emerson

That petitioner, in pursuance of certain resolutions of the House of the 11th of November, A. D. 1837, was employed to defend two several actions which had been prosecuted against Patrick Morris, Esq., one of the Members of the House, by Henry John Boulton, the then Chief Justice, and Benjamin Greer Garrett, the High Sheriff, for the publishing of a certain pamphlet, alleged to have been done by order of the House.

That petitioner defended the said actions, and that the defence has terminated successfully,—Mr. Garrett having withdrawn his record from Court, and Henry John Boulton having virtually discontinued his suit by leaving this country, and not appointing any professional person to act for him.



That during the Session of 1838, petitioner, at the request of a member of the House, furnished his account against it—amounting to £48 15s. 6d. stg.—and which sum was voted to petitioner, but rejected by her Majesty's Council, in consequence of the said suits then being pending and undecided.

That petitioner begs to refer the House to the account furnished by him during the session of 1839, amounting to £162 5s. 6d. stg., which account includes the amount of £48 15s. 6d. before mentioned; and the remaining sum being for work and labor performed by him in the service of the house, at great expense and anxiety, in the suits of Edward Kielley against certain members of the house, and Thomas Beck, one of its officers, together with a general retaining fee of fifty guineas, for conducting the said suits to their final termination.

That petitioner therefore humbly submits to the House if his services entitle him to the above amount of £162 5s. 6d. stg., being the amount of his account; and humbly prays in the premises the consideration of the house.

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

*Ordered*,—That the said petition be referred to the committee on contingency bill.

Referred to committee on contingencies

Mr. Nugent, from the committee appointed on the 8th inst. to enquire into, and report upon, the contingencies of the Legislature during the present session, reported that they had prepared a bill to provide for the said contingencies, which he presented, and the same was read a first time.

Report of committee of enquiry

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

Mr. Nugent moved, pursuant to notice, seconded by the Solicitor General,

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor, in answer to his Excellency's message of the 15th inst., upon the subject of the supply bill.

Resolution for committee to prepare address to his Excellency

*Ordered*,—That Mr. Nugent, the Solicitor General, Mr. Kent, Mr. Winser' and Mr. Moore, do form the said committee.

#### 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 messages:

*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up from the House of Assembly for the concurrence of this house, entitled "an act to regulate the manner of empannelling of Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts," with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
20th April, 1840.



Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly for the concurrence of the house, entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this colony, and for other purposes, for the year ending the 30th June, 1841, and for regulating the appropriation of the same," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber,  
20th April, 1840.

JAMES SIMMS,  
Senior Member Presiding.

And then the messenger withdrew.

Pursuant to order, the house resolved itself into a committee of the whole house on the further consideration of ways and means.

House in committee on  
Ways and Means

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 considered the business to them referred, and had come to certain resolutions thereon, which he was directed to report to the House.

Report

Mr. Winsor moved, seconded by Mr. Nugent,

That the said report be received.

Mr. Kent moved in amendment, seconded by Mr. Dwyer,

That as there is no necessity for additional taxation, the said report be not received, and that the schedule of duties contained in the existing revenue act, be taken as the scale for the intended revenue bill.

Which being put, and the House dividing thereon, there appeared for the amendment two, against it, six.

For the amendment—

Against the amendment—

Mr. Dwyer  
— Kent.

Mr. Nugent  
— Butler  
— Winsor  
— Moore  
— Doyle  
The Solicitor General

So it passed in the negative.

The original motion was then put, and the House divided thereon as follows:—



For the motion—

Against the motion—

Mr. Nugent

Mr. Kent

.. Winsor

.. Dwyer

.. Butler

.. Moore.

.. Doyle

The Solicitor General.

So it passed in the affirmative, and

Ordered, accordingly.

Report

The chairman then read the said resolutions, 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 that the following table of Duties be adopted upon Wines, Spirits, Goods, Wares, and Merchandize, imported into Newfoundland and its dependencies.

All Wine in Bottles .....	the gallon	0	2	0
All other Wines .....	the gallon	0	1	0
For every gallon Brandy, Geneva, and Cordials, not exceeding the strength of Proof by Syke's hydrometer, and so in proportion for any greater strength, and for any greater or less quantity than a gallon, the duty per gallon .....		0	0	6
For every gallon of Rum and Whiskey, not exceeding the strength of Proof by Syke's hydrometer, and so in proportion for any greater strength, and for any greater or less quantity than a gallon, the duty per gallon .....		0	0	6
For every barrel of Apples .....		0	1	0
For every cwt. salted Beef and Pork .....		0	1	0
For every cwt. Bread or Biscuit, the cwt. ....		0	0	3
For every cwt. Butter, the cwt. ....		0	1	6
Coals, the ton .....		0	1	0
For every barrel Flour, not exceeding in weight 196 lbs. ....		0	1	0
Goods, Wares and Merchandize 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 and Calves .....	Free			
Sheep .....	Free			
Hogs .....	Free			
Potatoes and all other vegetables .....	Free			
Printed Books .....	Free			



Lumber, the 1000 feet, one inch through	0	2	6
Oatmeal, the barrel, not exceeding 200 lbs.	0	0	6
Timber, the ton	0	1	6
Shingles, the thousand	0	1	0
Tea, the lb.	0	0	2
Refined Sugar, the cwt.	0	5	0
Unrefined or clayed Sugar, the cwt.	0	2	0
Cigars, the thousand	0	10	0
Manufactured and Leaf Tobacco, per lb.	0	0	1
Ale, Porter and Cider, for every £100 of the value thereof	5	0	0
Preserved Fruit, the cwt.	0	5	0

Resolved,—That it is the opinion of this committee that a duty of 2s. per ton be imposed upon all foreign going vessels; that is to say, upon all vessels except those employed in the fishing and coasting trade.

Provided that such charge shall only be payable once in each year.

And the said resolutions having been read throughout, were upon the question put thereon, agreed to by the house.

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

Resolved,—That a committee be appointed to prepare a bill in conformity with the said resolutions.

Ordered,—That the Solicitor General, Mr. Nugent, and Mr. Winser do form the said committee.

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 acquaint the House of Assembly that the contingent account of the Clerk, as annexed, amounts to one hundred and fifty pounds eleven shillings and seven pence—and that of the Usher of the Black Rod, also annexed, to sixteen pounds and four pence; making together one hundred and sixty-six pounds, eleven shillings and eleven pence sterling,—and that they have resolved that the officers of the Council shall be paid for their services during the present session as follows :

Master in Chancery, one hundred pounds.

Clerk, one hundred pounds.

Usher of the Black Rod, seventy pounds.

Door Keeper, thirty five pounds.

Assistant Door Keeper and Messenger, ten pounds.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
20th April, 1840.



## Contingent Account of the Clerk of the Council for the present session, (1840.)

Ryan & Withers, printing	£21	0	4
Henry Winton, binding	0	10	5
A. M'Iver, Stationery	4	0	10
Superintending the printing of the Journals	25	0	0
Probable amount of printing and binding Journals for the present session	100	0	0
	<hr/>		
	Stg.	£150	11 7

CHRISTOPHER AYRE, Clerk.

20th April, 1840.

## Account of Contingencies of her Majesty's Council in the session of 1840, so far as relate to the office of the Usher of the Black Rod.

Wm. Freeman, account for fitting up Council Chamber	8	9	2
James Clift, for 10 hhds. coals	4	5	0
Paid Sheriff, Blake's account for coals supplied in the Session of 1838, (omitted)	5	15	5

Cy. £18 9 7  
Stg. 16 0 4

JOSEPH TEMPLEMAN,

Usher of the Black Rod.

St. John's, Newfld.

16th April, 1840.

And then the messenger withdrew.

Address to his Excellency presented &amp; read

The Solicitor General, pursuant to notice on the 14th inst. presented to the House 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:

*To his Excellency Henry Prescott, Esq.  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly in answer to your Excellency's message to the House of the 26th March, transmitting a copy of a despatch from her Majesty's Secretary of State for the Colonies, relative to certain acts passed in 1838—and also calling the attention of the House, for the information of her Majesty's Government, to the Act 1, Vic. cap. 4th, beg respectfully to acquaint your Excellency that the House conceive that in order to amend this act, it would be necessary to revise the whole criminal code of England; and as such an undertaking would require much professional skill and research, they respectfully suggest whether the question of the applicability of the various criminal statutes of England to the colony, might not, with propriety, be submitted to the judges of the Supreme Court, and the Crown Officers of the Island, to report upon, in order to enable the house to again legislate upon so important a subject.



*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That the Solicitor-General and Mr. Moore be a committee to present the same to his Excellency.

Then the house adjourned until to-morrow at one of the clock.

**TUESDAY, April 21, 1840.**

**O**n motion of Mr. Nugent, seconded by Mr. Kent,

*Resolved*,—That the amendments made by her Majesty's Council in and upon the bill sent up to them from this House, granting to her Majesty certain supplies, be read a first time this day six months.

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

*Resolved*,—That this house do now resolve itself into a committee of the whole House on the consideration of the present state of the Colony.

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.

The chairman reported from the committee that they had considered the business to them referred, and had come to certain resolutions thereon, which he was directed 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 that a supply be granted to her Majesty.

*Resolved*,—That it is the opinion of this committee that a bill be prepared to provide for the contingent expenses of the last session of the Legislature.

*Resolved*,—That the committee, in thus recommending to the Assembly to recede from their intention of pressing the annexation of the sum for the contingent expenses of the Legislature to the Bill of appropriation of general Supplies for the civil service of the colony, are influenced by their deep desire to promote a harmonious working of the several branches of the constitution of Newfoundland.

And the said resolutions having been read throughout, were, upon the question severally put thereon, agreed to by the house.

Mr. Nugent, pursuant to the said resolutions, presented a bill for granting to her Majesty certain supplies—also, a bill to defray the contingent expenses of the Legislature during the last session; and the same were severally read a first time.

Contingency bill read a first time

Supplies of the year 1840

Supply bill read a first time

To be considered

House in committee on state of Colony

Report

House in committee on Supply

Amendment read and agreed to



The Solicitor General, from the committee appointed to prepare a bill for granting to her Majesty certain duties, reported that they had prepared a bill for that purpose accordingly, which he presented, and the same was read a first time.

Contingency bill read  
2d time

Pursuant to the order of the day, a bill to provide for the contingent expenses of the Legislature during the present session, was read a second time.

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

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

Suspension of rules &c.

*Resolved*,—That the rules and resolutions of the house, in reference to the proposing, reading, committing, and passing of bills and addresses, be suspended.

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

Sundry bills read 2d  
time

*Ordered*,—That the bill for granting to her Majesty certain supplies, the bill to defray the contingent expenses of the Legislature, during the last and present session, and the bill for granting to her Majesty certain duties, be now read a second time.

And the said bills were severally read a second time accordingly.

To be committed

*Ordered*,—That the said bills 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 the said several bills.

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

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### WEDNESDAY, April 22, 1840.

House in committee on  
Supply

**P**URSUANT to the order of the day, the house resolved itself into a committee of the whole house on the consideration of a bill for granting to her Majesty certain supplies.

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 through the said bill and had made some amendments therein, which he was directed to report to the house; and he delivered the said 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 severally put thereon, agreed to by the House.



*Ordered*,—That the said bill as amended be engrossed and read a third time presently.

Agreeably to order, the said engrossed bill was read a third time.

On motion of Mr. Winsor, 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, and for other purposes, for the year ending the 30th June, 1841.”

Passed Title

Mr. Moore moved for leave to bring in a bill to provide for the expenses of the Board of Commissioners of roads for the district of St. John’s, and for other purposes.

And on the question that leave be granted being put, the House divided as follows:—

For the motion—

- Mr. Dwyer
- .. Nugent
- .. Moore

Against the motion—

- The Solicitor General
- Mr. Winsor
- .. Butler

And the House being equally divided, Mr. Speaker gave his casting vote against the motion.

So it passed in the negative.

Pursuant to the order of the day, the house resolved itself into a committee of the whole house on the consideration of a bill for granting to her Majesty certain duties.

House in committee on Bill for granting certain duties

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 bill and had made some amendments therein, which he was directed to report to the house; and he delivered the said bill with the amendments in at the Clerk’s table.

Report

And the said amendments having been read throughout, were, upon the question severally 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.

Agreeably to the order of the day, the house resolved itself into a committee of the whole House on the consideration of a bill to provide for the contingent expenses of the Legislature during the past and present sessions.

House in committee on Contingency bill

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 bill and had agreed to the same without any amendment.

Report



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

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

*Resolved*,—That Mr. Moore and Mr. Dwyer be added to the committee of investigation on the return of Fines and Forfeitures of the Police office of St. John's.

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

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### THURSDAY, April 23, 1840.

Address to his Excellency presented & read

**M**R. Nugent presented 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:—

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly have taken into their most serious consideration your Excellency's message of last Friday, communicating to them several despatches of the right hon. her Majesty's Principal Secretary of State for the colonies, particularly those of the 17th and 19th February, and of the 9th March; and while they regret the conclusions derived by his Lordship from their former representations, together with the counter representations of other parties with which they remain perfectly unacquainted, in the deep anxiety to meet the views of her Majesty's Government, and to promote a harmonious working of the several branches of the constitution of the colony, they have determined to accede to the desire of the right hon. Secretary, by "forbearing" to persevere in their determination to annex to the bill of supply the charge for defraying the contingent expenses of the Legislature for the past session, and to recede from their intention of not passing a second bill of supply during the present; their former bill having been sent up to her Majesty's Council on the same day, prior to the communication of the aforesaid despatches.

The Assembly, in the same spirit, refrain from entering here upon their reasons for the adoption of the determination adverted to, but merely observe that they consider them founded on justice and constitutional principle.

They have now sent up to her Majesty's Council, a bill granting to her Majesty most liberal supplies, and with it a bill making provision for the same, by granting duties on vessels, goods, wares and merchandize, amply sufficient to meet the exigencies of the country; and at the same time they have adopted others to provide for the contingent expenses of the Legislature for the past and present sessions, all of which measures are of vital importance to the public interests.

Your Excellency has been pleased in your message of the 26th ult., and again



in your Excellency's reply to an address of this house presented on last Saturday, to intimate that the term of the present session should, in consequence of the early session of the Courts of Justice, be limited to Saturday next ; but as these bills will need deliberation, and (if they pass) will require to be engrossed, and as in addition to them, the bill for alienating the public lands, and also the bill for regulating the fees of the inferior Courts with others, are still before her Majesty's Council, they respectfully represent it is impossible that all these measures could be matured in three days ; and they therefore request your Excellency will please defer the prorogation for a few days, to enable these two branches of the legislature to entertain, in a suitable manner, measures of so much consequence.

In 1837, the Court opened in the Council Chamber, while the Legislature was yet sitting,—and in 1838, the Circuit Court was opened in the same place during session; and in both cases a week's adjournment of the Courts enabled these several sessions to close deliberately,—and therefore the Assembly beg to say, that as precedent is favourable, and a due regard to the public service requires it, notwithstanding that their incessant labours for nearly four months would otherwise make the members anxious for a speedy remission, they are therefore desirous that they be not required to use haste in the transaction of matters of such moment.

*Resolved*,—That the said address be adopted and engrossed.

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

*A Message from His Excellency the Governor.*

Message from his Excellency

The hon. Mr. Secretary Crowdy being admitted within the Bar, acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, which he presented to the house.

And then the messenger withdrew.

The said message was then read by Mr. Speaker as follows :

H. PRESCOTT.

The Governor submits to the House of Assembly the expediency of his appointing a commission of three professional Gentlemen to arrange and digest, during the recess, a bill for the introduction of such parts of the criminal Laws of England as may be considered applicable to this colony.

Should this suggestion be concurred in by the house, with an understanding that a due remuneration for the labour performed, will be made a subject of consideration in a future session, his Excellency will lose no time in nominating such a commission.

The address proposed to be made to the Governor to-morrow, may, should the house think fit, be merged in or combined with an answer to the present message.

Government House, }  
23d April, 1840. }

*Ordered*,—That the said message do lie on the table.



Bills read read 3d time.

Agreeably to the order of the day, the following engrossed bills were severally read a third time, viz.

A bill granting to her Majesty certain duties.

A bill to defray the expenses of the Legislature in the fourth session of the second General Assembly of Newfoundland.

A bill to provide for the contingent expenses of the Legislature for the present session.

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

*Resolved*,—That the said several bills do pass, and that the titles be as follow :

“ An act for granting to her Majesty certain duties on goods, wares and merchandize imported into Newfoundland and its dependencies, and for other purposes.”

“ An act to defray the expenses of the Legislature in the fourth session of the second General Assembly of Newfoundland.”

“ An act to provide for the contingent expenses of the Legislature for the present session.”

Passed  
Title

Sent to Council

*Ordered*,—That Mr. Nugent and the Solicitor General do carry the said bills up to her Majesty's Council and desire their concurrence.

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 to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador and the Islands thereunto adjoining,”—and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
23d April, 1840.

And then the Messenger withdrew.

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

*Resolved*,—That the conference requested by her Majesty's Council be accorded to.

*Ordered*,—That Mr. Winsor and Mr. Moore do go up to her Majesty's Council and acquaint them that this House have agreed to the said conference.

Committee of conference

*Ordered*,—That Mr. Nugent, Mr. Winsor, Mr. Moore, and the Solicitor-General do manage the said conference on the part of this House.

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 have requested this conference with the House of Assembly in order to communicate to them the reasons which have actuated the Council in offering to the consideration of the House of Assembly the amendments which the Council have made in the bill sent up to them entitled "An act to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador and the Islands thereunto adjoining."

Report.

The Council concur in the opinion with the House of Assembly that provision ought to be made for the collection of the Revenue on the coast of Labrador, but as the Governor already possesses authority to appoint an officer to collect the revenues payable under any Colonial Laws, the Council conceive that it would be quite superfluous to legislate on that subject, further than by including in the revenue bill the grant of an adequate sum to remunerate an officer for his services in the performance of such duty.

That as regards the collection of the revenues payable under the provisions of any acts of the Imperial Parliament, the whole arrangement of that branch of the Revenue is already vested in the commissioners of her Majesty's Customs, and the Legislature of Newfoundland are precluded from any interference with the subject. But the Council are informed by the Collector of her Majesty's Customs that he is authorised by them to allow to any officer who may be appointed to collect such duties any reasonable sum not exceeding twenty-five per centum upon the amount of the revenues he may collect, as compensation for his services.

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

With a view to provide for the due service of the process of the Supreme Court on the coast of Labrador, the Council consider that such object will be best attained by making the Labrador within the Baliwick of the Sheriff of Newfoundland, who will then execute the process of the Court, on that coast, in the same manner, and by the same means usually employed by him in other remote parts of the colony.

On this subject the Council have only further to observe that, by official returns before them, it appears that only two writs have been issued out of the Supreme Court for service at the Labrador during the last six years, and the Council believe that process was as seldom required in that direction during the twenty preceding years.

Council Chamber,  
23d April, 1840.

JAMES SIMMS,  
Senior Member Presiding.

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 they have passed the bills sent up from the Assembly for the concurrence of this house, entitled—



" An act to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador and the Islands thereunto adjoining,"—and

" An act to encourage the whale fishery in this colony"—

With some amendments, to which they request the concurrence of the Assembly.

**JAMES SIMMS,**  
Senior Member presiding.

Council Chamber,  
23d April, 1840.

And then the Messenger withdrew.

Mr. Moore moved for leave to bring in a bill to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's.

Bill to defray certain  
outstanding claims. &c.

On the question that leave be granted, the house divided as follows,—

For the question—

Against the question—

Mr. Moore

Mr. Winsor

.. Nugent

.. Butler

.. Dwyer.

.. Kent.

And the House being equally divided, Mr. Speaker gave his casting vote for the question.

So it passed in the affirmative.

And the said bill was presented accordingly, and read a first time.

Mr. Moore moved, seconded by Mr. Nugent,

That the said bill be now read a second time.

Which being put, the House divided thereon as follows,—

For the motion—

Against the motion—

Mr. Nugent

Mr. Kent

— Moore

— Butler

— Dwyer

— Winsor.

And the House being equally divided, Mr. Speaker gave his casting vote for the motion.

So it passed in the affirmative.

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.

Mr. Moore moved, seconded by Mr. Nugent,

That Mr. Butler do take the chair of the committee.

And thereupon, Mr. Kent moved in amendment, seconded by Mr. Winsor,



That Mr. Dwyer do take the chair of the committee.

Which being put, the House divided thereon as follows:—

For the amendment—

Mr. Kent  
 .. Winsor  
 .. Butler  
 The Solicitor General.

Against the amendment—

Mr. Moore  
 .. Nugent  
 .. Dwyer.

So it passed in the affirmative, and ordered accordingly.

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 gone through the said bill and had made some amendments therein, which he was directed to report to the house; and he delivered the said bill with the amendments in at the Clerk's table.

Report

And the said amendments having been read throughout, were, upon the question severally 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 tomorrow.

Engrossed. 3d reading

The Solicitor General presented an address to his Excellency the Governor, in answer to his Excellency's message of this day, 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 presented & read

*To his Excellency Henry Prescott, Esq.,  
 Companion of the Most Honorable  
 Military Order of the Bath, Governor  
 and Commander-in-Chief in and over  
 the Island of Newfoundland and its  
 Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly, in answer to your Excellency's message of this day, beg respectfully to acquaint your Excellency that they concur in the views entertained by your Excellency, on the subject of the appointment of a Commission to digest and arrange, during the recess, a bill for the introduction of such parts of the Criminal Laws of England as may be considered applicable to this colony; and will, during the next session, make a reasonable provision for remunerating such gentlemen as may be engaged in that duty.

*Resolved*,—That the said address be adopted and engrossed.

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

The Solicitor General moved for leave to bring in a bill for granting to her Majesty certain supplies.



On the question that leave be granted, the house divided thereon as follows :—

For the motion—

The Solicitor General  
Mr. Kent  
.. Dwyer.

Against the motion—

Mr. Nugent  
.. Moore  
.. Winsor.

And the House being equally divided, Mr. Speaker gave his casting vote for the motion.

So it passed in the affirmative.

And the said bill was presented accordingly, and read a first time.

The Solicitor General moved, seconded by Mr. Kent,

That the said bill be now read a second time.

Mr. Nugent moved in amendment, seconded by Mr. Moore,

That the said bill be read a second time this day six months.

Which being put, the House divided thereon as follows :—

For the amendment—

Mr. Nugent  
— Moore  
— Winsor.

Against the amendment—

The Solicitor General  
Mr. Kent  
— Dwyer.

And the House being equally divided, Mr. Speaker gave his casting vote against the amendment.

So it passed in the negative.

On the original motion being again put,

Mr. Nugent moved in amendment, seconded by Mr. Moore,

That the said bill be read a second time this day five months.

Which being put, the house divided thereon as follows ;—

For the amendment—

Mr. Nugent  
.. Moore  
.. Winsor.

Against the amendment—

The Solicitor General  
Mr. Kent  
.. Dwyer.

And the house being equally divided, Mr. Speaker gave his casting vote against the amendment.

So it passed in the negative.

On the original motion being again put,

Mr. Nugent moved in amendment, seconded by Mr. Moore,

That the said bill be read a second time this day four months.

Which being put, the house divided thereon as follows :—



For the amendment—

Mr. Nugent  
— Moore  
— Winsler.

Against the amendment—

The Solicitor General  
Mr. Kent  
— Dwyer.

And the House being equally divided, Mr. Speaker gave his casting vote against the amendment.

So it passed in the negative.

The original motion being again put,

Mr. Nugent moved in amendment, seconded by Mr. Moore,

That this House do now adjourn.

Which being put, the house divided thereon as follows;—

For the amendment—

Mr. Nugent  
.. Moore  
.. Winsler.

Against the amendment—

The Solicitor General  
Mr. Kent  
.. Dwyer.

And the house being equally divided, Mr. Speaker gave his casting vote against the amendment.

So it passed in the negative.

The original motion was again put and carried.

The said bill was then read a second time.

The Solicitor General moved, seconded by Mr. Kent,

That the said bill be now committed to a committee of the whole house.

Mr. Nugent and Mr. Moore having retired, and there being present, Mr. Speaker, The Solicitor General, Mr. Winsler, Mr. Kent, and Mr. Dwyer, Mr. Speaker adjourned the House at four o'clock, for want of a quorum, until to-morrow at one of the clock.

## FRIDAY, April 24, 1840.

**M**R. Nugent, from the committee appointed yesterday to present to his Excellency the Governor an address of the House, reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows:—

Report of Committee appointed to present address to his Excellency

Gentlemen,

I am happy to learn from this address that the House of Assembly has receded from an intention, which, had it been persisted in, must have caused great injury to the public.



With respect to the bill which you state to have given "most liberal supplies," I am forced to observe upon the utter insufficiency of the vote of "Civil and Criminal prosecutions" and for "Gaol expenses," as pointed out in my message of the 15th inst.

The just claims of the Hospital Directors also remain unsatisfied

Regarding the "Registration Act," I still trust that the House will, on reflection, admit, that while an act exists its provisions ought to be observed; that claims for services under such an act are perfectly valid, and that the House, by denying them, and withholding the necessary means of executing the purposes of that act, not only exposes the public to the risk of considerable inconvenience, but also assumes to itself, indirectly and virtually, the powers of the united branches of the Legislature for the abrogation of a law.

I will delay the prorogation until Wednesday next, in compliance with the wish of the House, although this arrangement is attended with inconvenience; and I trust that a session much shorter than the present will next year be found sufficient for the completion of such matters as may now be dropped.

Government House, }  
24th April, 1840. }

Bill to defray expenses  
of Sheriff's office read  
1st time

The Solicitor General moved for leave to bring in a bill to defray certain expenses of the office of Sheriff of this colony; which being granted, he presented the said bill, and the same was 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.

The order of the day for the third reading of an engrossed bill to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, being read,

Mr. Moore moved, seconded by Mr. Nugent,

Re-committal of bill to  
defray outstanding  
claims

*Ordered,*—That the said bill be now re-committed to a committee of the whole house.

And the house resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report  
of Committee

The chairman reported from the committee that they had re-considered the said bill and had made some amendments therein, which he was directed to report to the house; and he delivered the said 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 severally put thereon, agreed to by the House.



*Ordered*,—That the said bill as amended be engrossed and read a third time this day.

Engrossed. 3d reading

On motion of the Solicitor General, seconded by Mr. Kent,

*Ordered*,—That this house do now resolve itself into a committee of the whole house on the consideration of a bill for granting to her Majesty certain supplies.

House in committee on Supply

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.

The chairman reported from the committee that they had gone through the said bill, and had made some amendments therein, which he was directed to report to the house; and he delivered the said bill with the amendments in at the Clerk's table.

Report.

And the said amendments having been read throughout, were, upon the question severally 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.

Agreeably to order, an engrossed bill to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, was read a third time.

Bill to defray outstanding claims read 3d time

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

*Resolved*,—That the said bill do pass, and that the title be "an Act to defray expenses and certain outstanding claims on the board of Road Commissioners in St. John's, and for other purposes."

Passed Title

*Ordered*,—That Mr. Moore and Mr. Winsor do take the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

The amendments made by her Majesty's Council in and upon the bill to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts, were read a first time as follow :

Amendments to Jury Bill read 1st time

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

1st sec. 1st page, 9th line.—Expunge the letters and figures between "act" and "entitled," and insert in lieu thereof—"passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the fifth year of the reign of his late Majesty King George the fourth."

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

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



Insert as the 2d section—" And be it further enacted that the 20th, 21st, 24th, 25th, 28th, 33d, 34th, and 47th of the General Rules and Orders of the Supreme Court, made on the 2d day of January, in the year one thousand eight hundred and twenty-six—and also the 58th, 60th, and 61st Rules of the said Court, made the 12th day of January, in the year one thousand eight hundred and thirty,—and the 11th, 12th, 13th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th and 25th of the General Rules and Orders of the Circuit Courts, so far as they relate to the Central Circuit Court, made on the 31st day of January, one thousand eight hundred and twenty-six, shall be, and the same are hereby repealed."

2d page, 2d line—After "every," expunge the remainder of the section, and insert in lieu thereof, "man except as hereinafter excepted, between the ages of twenty one years, and sixty years, residing in the Central district of the Island aforesaid, within four miles of the town of St. John's, aforesaid, who shall have in his own name or in trust for him, within the said district, twelve pounds by the year above reprizes in land, or tenements in fee-simple tenure,—or who shall have within the said district twenty pounds by the year above reprizes in lands or tenements held by lease or leases for the absolute term of twenty-one years, or some longer term, or for any term of years, determinable on any life or lives,—or who shall within the said district be the sole occupant of any house lands or tenements of the annual rental or value of twenty-five pounds, shall be qualified, and shall be liable to serve on Petit Juries, for the trial of all issues joined in the said Supreme and Central Circuit Courts respectively, both Civil and Criminal.

14th line—After the word "and" insert "every officer of the army or navy on half pay, and."

15th .. Expunge the word "and."

16th .. Expunge "this colony," and insert "in the said district"

17th .. After the word "grand," insert "and special."

Expunge the 4th section of the bill.

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

17th .. Expunge "verified by affidavit."

Expunge the word "High" before "Sheriff," throughout the Bill.

4th 3d—Expunge "being or claiming to be," and insert instead "liable to serve as."

4th: Expunge "legally qualified," and insert "liable."

8th .. Expunge the last three words of this line, the whole of the next line, and the first five words of the 10th line.

11th—Expunge "Judges of the."

12th—Expunge "in open Court."



- Page 4, line 13th—Expunge “them,” and insert “the said Courts respectively.”  
 15th—Expunge the last four words of this line, and the three succeeding lines, and insert instead thereof “on the third Monday in June, in every year, or so soon thereafter as the same may be conveniently accomplished.”  
 19th—Expunge “respective,” and insert “said.”  
 20th—Expunge the letter “s,” after “district,” and then expunge the remainder of the page.

- Page 5, line 1st—Expunge all the words in this line, and insert “liable as aforesaid to serve as.”  
 2d—Expunge “lists of,” and also “such returns.”  
 3d—Expunge the first six words of this line.  
 5th—Expunge “the” at the end of the line, and insert “a.”  
 6th—After “sum,” insert “after the rate of.”  
 9th—After “sum,” insert “after the rate of.”  
 12th—Expunge “the sitting of the,” and insert “each.”  
 17th—After “district,” insert “after those who were last summoned for either of the said Courts.”  
 20th—Insert at the end of this line “during the said term.”

- Page 6, line 2d—After “to,” insert “attend,” and between “or” and “excused” insert “be.”  
 .. Expunge “on such first day.”  
 4th—Expunge all the words of this line, except the last two, and insert instead “said Courts respectively, if they shall think fit.”  
 8th—Expunge “each” and insert “such.”  
 10th—After “abode” insert “at least twenty-four hours previous to the time at which he shall be required to attend.”

Expunge the 7th section of the Bill.

- Page 7, line 7th—Expunge “and” between “Grand” and “Special,” and insert “and Petit” after the word “special.”  
 11th—After “colony,” insert “the Clerks in the Secretary’s Office,” and between “the,” and “officers,” insert “Judges and.”  
 13th—Between “the” and “Clerks” insert “officers and.”  
 17th—After “General,” insert “all,”—after “Clergymen,” insert “in Holy Orders—all persons who shall teach or preach in any congregation of Protestant Dissenters having a church or chapel, and following no other occupation or employment than that of schoolmaster. All Barristers.” And after “Attornies,” insert “Coroners, Constables, Sheriffs officers, persons actually performing in relation to any religious congregation in the said district, duties analagous to those performed by parish Clerks and sextons in England,—all licensed Pilots,..all household servants of the Governor,..all”

- Page 8, line 5th—Expunge “the first.”  
 6th—Expunge “forty-eight,” and insert in lieu thereof “a sufficient number of the,” ..and after “appear,” insert “first.”  
 9th.. Expunge “on the first day of,” and insert instead thereof “during” and expunge “and,” and insert in place thereof “in manner following, that is to say.”  
 10th.. Expunge “such persons,” and insert instead thereof “the first forty-eight on the list.” Expunge “for,” and insert “during.”



Page 8, line 11. . Before "ten days" insert "the first," and after "days" insert "of such term," . . Expunge the last five words of this line, and the first four words of the 12th line.

15. . Expunge "for," and insert instead thereof "during."

9, — 1—Expunge "the forty-eight," and insert instead thereof "a sufficient number of the."

3. . Expunge "in the last term."

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

Expunge the 10th section of the bill.

18. . Between "a" and "Jury" insert "Petty."

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

18—Expunge "Prothonotary or,"—Expunge "respecting," and insert "respectively."

Page 11, line 7—Expunge the first six words, and insert the word "when" instead.

8—Expunge "Prothonotary," and insert instead "Clerk of the Court"

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

Page 12, line 9—After "Twelve" insert "persons whose" . . after "names" insert "shall be," after "drawn" insert "and who shall be present."

14. . Expunge "shall" and insert "may with the consent of both parties"

19—After "lawful" insert "with the like consent."

At the end of the 13th section of the bill insert—Provided that in case either party shall neglect to attend at the time and place appointed by the Sheriff for striking such Jury, notice thereof as aforesaid having been given, the Clerk of the Court shall on behalf of the absent party, strike off the names of twelve of the persons drawn in the same manner as such party might have done if present; and if more than one Special Jury be required, the names of those first drawn shall be put into the Box before another Jury be drawn, . . and provided also, that the summons for each Juror shall in the manner heretofore used, be served personally, or left at his usual place of abode at least 24 hours before he shall be required to attend.

Page 13, line 14—Expunge the word "twenty" and insert "forty"—and at the end of this line insert "at the discretion of the said Courts respectively."

18—Expunge the words "handed over," and insert "paid."

16—Expunge "having been," and insert "may be" instead—and expunge "if necessary."

17—Between "chattels" and "shall," insert "and."

Page 14--Expunge "to" and insert "and shall."



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

And the said amendments were read a second time accordingly.

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

*Resolved*,—That this house do now resolve itself into a committee of the whole house on the consideration of the said amendments.

House in committee on amendments

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 gone through the said amendments, and had agreed to the same with an amendment therein, which he was directed to report to the house; and he delivered the said amendment in at the Clerk's table, where it was read as follows:—

Report

In the amendment on the 16th line, second page, after the word "district" add the words following—"and every person in the said district having, holding, occupying, or possessing a house or houses, lands or tenements, of whatsoever description, in fee-simple or perpetuity, of the annual value of twenty pounds, or occupying house or houses, lands or tenements, of the annual rent of fifty pounds, and who shall have been resident in the said district three months."

And the said amendment having been read throughout, was, upon the question put thereon, agreed to by the House.

Amendment read and agreed to

On motion—ordered that Mr. Nugent and Mr. Kent 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 therein, to which their concurrence is requested.

Sent to Council

The amendments made by her Majesty's Council, in and upon the bill to encourage the whale fishery in this colony, were read a first time, and are as follow:—

Amendments to whale fishery bill read 1st time

Insert at the end of the 1st section of the bill—

"To each of the three vessels of not less burthen than 100 tons each, register tonnage, which shall, between the 1st day of May, and the 10th day of November, which will be in the year of our Lord one thousand eight hundred and forty-one, have landed in this colony the largest quantity of whale oil or blubber, being the produce of whales killed and taken by the crews of such vessels respectively, a bounty of two hundred pounds."

Expunge the remaining sections of the bill, and insert in their place as follows—

"And be it further enacted—That no vessel shall be entitled to such bounty unless she be owned by some person or persons resident in, or having an established trade in this colony, and be regularly cleared out at the Custom-house for the whale fishery; nor unless such vessel shall have landed ten tuns of whale oil, or 15 tuns of whale fat or blubber.

And be it further enacted—That for the purposes of this Act, thirty hundred weight of whale fat or blubber shall be equivalent to one tun of whale oil.



"And be it further enacted—That the bounties hereby provided shall be paid by the Treasurer of the colony, under the warrant of the Governor, or person administering the Government for the time being, to the person or persons who shall, on or before the first day of January 1842, have produced satisfactory proofs to the Governor in Council that the vessels fitted out by him or them are entitled to the three several bounties herein provided or granted.—Provided nevertheless, that no person or co-partnership shall be entitled to more than one of the said bounties.

*Ordered*,—That the said amendments be now read a second time,

And the said amendments were read a second time accordingly.

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

And the said amendments were read a third time accordingly.

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

*Resolved*,—That the said amendments do pass.

*Ordered*,—That Mr. Nugent and Mr. Kent do go up to her Majesty's Council and acquaint them that this House have passed the said amendments without any amendment.

Amendments to bill for  
collection of revenue on  
the coast of Labrador  
read 1st time

The amendments made by her Majesty's Council in and upon the bill to provide for the collection of the Revenue, and for the execution of the processes of the Supreme Court of Newfoundland on the coast of Labrador, and the Islands thereunto adjoining, were read a first time, and are as follow:—

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

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

First section, 3d line—Expunge all the words of the bill after "convened" in this line, and insert instead thereof "and it is hereby enacted, that from and after the passing of this act, all and every part of the coast of Labrador, and the islands upon the said coast, which now are, or are deemed to be within the Government of Newfoundland, and forming part and parcels of its dependencies, shall be deemed to be, and be within the Baliwick of the Sheriff of Newfoundland; and that the said Sheriff of Newfoundland, now in office, and his successors in his said office for the time being, shall at all times respectively have, hold, use, exercise, and enjoy, all and singular the same powers, authority, and privileges, as Sheriff in and over the said portions of the coast of Labrador and Islands aforesaid, as the said Sheriff of Newfoundland in his said office now hath and holdeth in and over the Island of Newfoundland by virtue of his commission, or any other authority whatsoever; for and notwithstanding anything in the Royal Charter of his late Majesty King George the fourth, bearing date at West-



minster on the nineteenth day of September, in the sixth year of his said Majesty's reign, making provision for the better administration of justice in Newfoundland, contained to the contrary in any wise, and for and notwithstanding any other law, ordinance, rule, or usage, whatsoever to the contrary.

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

*Ordered*,—That the said amendments be read a second time this day six months.

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

**SATURDAY, April 25, 1840.**

**A** GREEABLY to the order of the day, an engrossed bill granting to her Majesty certain supplies, was read a third time.

Supply bill 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 for granting to her Majesty certain supplies for the Civil Government of this colony, and for other purposes.

Passed Title

*Ordered*,—That the Solicitor General and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council

Mr. Nugent reported from the committee appointed on the 14th inst. to investigate and report upon the return of Fines, Forfeitures, and Penalties, by the Police Magistrates of St. John's, laid before this house by direction of his Excellency the Governor; which report he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:

Report of committee on Fines, &c.

Your committee having taken into their consideration “a return of all Fines, Forfeitures, and penalties imposed by Peter Weston Carter, and Charles Simms, Esquires, Police Magistrates, and the amount levied or received, for the year ending 30th June, 1839, and a similar return from that period to the 12th ultimo, (February) 1840,” communicated to the house of Assembly, by message from his Excellency the Governor, in compliance with an address of the House, and having summoned and examined several witnesses, beg leave to report as follows:—

The return in question bears the signature of Peter Weston Carter, Esq. justice of the peace, and represents only fifteen cases of fines, levied throughout the year ending the 30th June, 1839, and twenty eight from that date to the 11th February in the present year, and your committee in the course of their investigation thereon examined fifteen witnesses from whom the following facts appear proven:

- 1st. That the return is not—as it professes to be—“a return of all fines, forfeitures and penalties,” imposed within the period specified.
- 2d. That several cases of persons fined within the time specified are altogether suppressed from the return.



3d. That several penalties recovered for offences against the Bastardy Act are likewise suppressed.

4th. That several cases of forfeitures of Swine under the Nuisance Act are likewise suppressed.

5th. That Fines actually levied or levied in part are totally suppressed, and false returns of "no property" made for the same.

6th. That other fines actually levied are falsely returned as "not all levied."

7th. That in the appropriations returned sums are represented as deducted from the Crown's Share under pretence of costs, while the costs were in addition to the fines actually levied on the parties, and paid, and receipts taken for the same.

8th. That the Crown's Share of the forfeitures under the Nuisance Act (the half proceeds of sales) returned, has, in some cases, been altogether abstracted from the revenues, and in others improperly diminished.

9th. That in the case of Miles Martin for assaulting John Hanley, one half of the fine is represented to have been paid to the party aggrieved, whereas that Hanley states he never received a penny thereof; and the conviction signed by Mr. Carter and Mr. Simms, put in by the chairman, condemned the Traverser to £1 17 10 costs to Hanley, and which sum likewise remains unpaid.

10th. That justice would seem not to be administered for the punishment of offenders or deterring from crime so much as for the securing of emolument.

In proof of the correctness of the 1st and 2d charges, Michael Morrissey and Nicholas Power, master Mariners, and Jeremiah Halloran, Fisherman, deposed that they had been severally fined and had paid the amount.—Morrissey for an assault was tried about the 18th April, 1839—he does not remember the amount of fine, but he paid in all 15s. 4d.; John V. Nugent, Esq. the Chairman of the Committee, he states, was present with him, and also Mr. John Brine, Merchant, who both became his sureties. Power was fined about the last week of August for having brought in for sale the eggs of Wild Sea Fowl contrary to the Act,—the fine he states, was at first £50, but it was reduced, and he eventually succeeded in escaping by the payment of £5 4s. 8d. And Halloran was fined, and paid £2 10s, being a partner in the same offence; yet, the name of neither of these appears upon the return, and the near approach of the termination of the session, prevents your committee from examining more fully into the extent of such omissions.

The third and fourth charges are proved by the evidence of James Finlay, High Constable, of St. John's.—This witness deposes that four persons were convicted under the Bastardy Act—three in the penalty of £20, and one a smaller sum,—these cases are also suppressed from the return. He likewise deposes, that "several" swine had been, during the period returned for, seized and sold, which have not appeared in the return, and he particularises Mr. Warren's and Mr. Douglas's pigs. He mentions that Mr. Warren's pig had been sold by John Freeman, and no return ever made of the money,—the pig of Mr. Douglas, he states, was sold by himself (Finlay,) but, notwithstanding such sale, the seizure having been effected by the Turnkey, the pig got into the possession of the Gaoler, who never made a return.

The fifth charge is proved by the evidence of Edward Barry, Publican, and Richard Perchard, Jun., Commission Merchant and Auctioneer, and also by Jas.



Clooney,—Barry is represented in the return as fined £7 for a breach of the License act, and it is further represented that the order of the Magistrates for the levy, is returned as “no property.” Yet your committee find by Barry’s evidence, so far was this from being the fact, that this appears to be a case of great hardship, . . . Barry appears to be a very poor man, and he states in his evidence that his goods were actually seized, by order of the magistrates, and sold in the street—that he could not learn the amount for which they went off—that subsequently he was obliged to make up £3 5s. in addition, & that Mr. Hogsett then gave him time to pay the remainder, but that to that moment he knew not how much he owed them. Mr. Perchard, subsequently, examined, at first could not recollect the particular case, because he was in the habit of selling by order of the magistrates, but on examining his books, he communicated to the committee that he sold the goods of Barry, seized by order of the magistrates, and that they brought £0 17s. 6d.

James Clooney, publican, also states that he was fined for a similar offence, although no evidence was offered that he had sold liquors. The fine was £2, and the return states also “no property,” whereas he actually paid one pound in presence of the two police magistrates, to the Clerk of the Peace; and he handed in a memorandum, in Mr. Hogsett’s handwriting, signed with his initials, to that effect. A copy of the memorandum is set out in the minutes of the Committee.

The sixth charge is proved by the evidence of Mrs. Flood, wife of Patrick Flood, Blacksmith—Flood was fined £2, and the return represents one pound paid to Informer, and in place of one pound to the Crown, there are only 7 shillings stated, with the remark “not all levied,”—Mrs. Flood deposes positively, that she attended the Court House for her husband—that she knew Mr. Carter and Mr. Hogsett who were there, but she knew no one else; paid to Mr. Hogsett £1 3s. and to Downey the Constable one pound, but that ten shillings remain unpaid, the charge being £2 13s. Here then it clearly appears that the full amount of the fine had actually been paid, though only a portion of the costs. In the case of Shelly, where the return is similar, his absence at the seal fishery deprived your committee of his evidence.

The 7th charge is proved by the exhibition of the receipt in Mr. Hogsett’s hand writing, and signed with his name to Charles Loughlan put in by the Chairman—Loughlan was fined £7, and in the appropriation stated in the Return £3 10s. are represented to have been paid to the informer, only £2 15s. to the Crown, and 15s. for costs, whereas the receipt specifies that £7 11s. 8d. were paid “for fine and costs for selling spirituous liquors without license.” This fine, &c. was levied under the *Colonial License Act*. There is another receipt put in also, in Mr. Hogsett’s hand writing, for another fine and costs against Loughlan.

The eighth charge is proved by inspection of the return and a reference to the Nuisance Act. By the tenth section of that Act it is proved that all swine going at large shall be declared forfeited, and that one half the proceeds shall go to the informer, and the other to the Crown, for appropriation by the Legislature, but a perusal of the return will show that in some cases all the Crown share is abstracted, and in others the greater part is deducted, on pretence of satisfying costs, whereas the act specifies distinctly that one half shall go into the Revenues.

The ninth charge appears proved by the copy of the conviction furnished by the magistrates, on the demand of John V. Nugent, Esq., in April, 1839, a transcript of which appears on the minutes of your committee, as well as by the evidence of John Hanley, who distinctly proves that the sum of one pound five shillings represented as paid to him, and also that the sum of £1 17s. 10d. ordered in the conviction to be paid him, had not been paid.



The tenth charge rests on the evidence of Timothy Hogan corroborated by Henry Supple.—This Hogan is a labouring man, who is represented in the return as having assaulted Matthew Hill and having been fined £2.—There is a remark annexed “Pauper, no levy.”—It strikes one as singular in looking over the Return that in every other case but where the party was “a Pauper,” the persons fined for assault, either paid the full amount of the fine or suffered imprisonment—and we find that in the case of Miles Martin, who is not a Pauper, where he is adjudged guilty of an offence, which, in the judgment of the Magistrates, merited only a fine of £1, he was obliged to forfeit his liberty for a full fortnight in default of payment. In the cases of Wm. Morrissey and Michael Brine, the same punishment was awarded for default of payment of £1 Fine, and John Walsh, for a Fine exactly the same as Hogan’s, suffered six weeks imprisonment. Yet, Hogan’s offence was not of a common description—he assaults his Landlord, and then, even upon the trial, and in the presence of the Magistrates, he charges him further with perjury, and still he was set at large.

Your committee under these circumstances are of opinion that the premises merit the deepest consideration of the House of Assembly—they are of opinion that the system of the Administration of Justice in the Police Office of St. John’s calls for extensive reform, and that the conduct of the magistrates, and all [connected with the return is so censurable as to merit the marked displeasure of the Executive, and so your committee beg leave to report.

JOHN V. NUGENT,  
Chairman of the Committee.

Committee Room,  
25th April, 1840.

And the said Report having been read, was, upon the question put thereon, agreed to by the House.

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

*Resolved*,—That a copy of the said Report, with the evidence taken in the said investigation, be transmitted to his Excellency the Governor with the following address—

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly beg leave to lay before your Excellency the report of a Committee of the House, and the evidence taken in an investigation of Fines, Forfeitures and Penalties returned by order of your Excellency, by the Police Magistrates of St. John’s, for your Excellency’s consideration.

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

*Resolved*,—That the said Report be printed for the use of the members.



Mr. Winsor reported from the Committee of Audit ; which Report he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

The Committee of Audit, in making their report to your honorable House, beg to say that they are enabled to do so only to the first January last ; for although a general statement has been laid before them, of monies paid by the Treasurer in all the month of January, yet as the particulars of this statement have not been forthcoming, it would not be prudent to take it into their consideration.

The Treasurer's General statement, closed the 1st January, shews that the sum paid into the Treasury the last six months, under the heads of Imperial and Colonial Revenues, License Money, Light Dues, Fines, and excess of fees, was

And that the sum paid during the same period under the several heads, was

The outstanding votes for the year ending the 30th June, was stated to be

And the outstanding votes of former years

Making altogether

The cash stated to be in the Treasury on the first January was

And the account appears to be fairly balanced.

**COLONIAL REVENUE.**

Under this head the sum received the last six months ending the 1st of January, was

**IMPERIAL REVENUE.**

Under this head the sum received for the same period was

**LICENSE MONEY.**

Under this head the sum received for the same period was

**FINES.**

Under this head the sum received for the same period was,

And the sum received under the same head for the preceding 12 months, ending the last June, 1839, was

Making altogether for the 18 months only the small sum of

Notwithstanding by the accounts sent into your honorable House as requested by an address to his Excellency, the sums levied during the same period are as follow :

District of Ferryland

Supreme and Central Circuit Courts, St. John's,

Court of Sessions at Brigus

Court of Sessions at Harbor Grace

Northern Circuit Court,

Court of Sessions, St. John's,

amount £231 10 10<sup>1</sup>/<sub>4</sub>

£39 6s 8d from the Northern Circuit Courtis stated to have been actually paid to the Secretary.

**EXCESS OF FEES.**

Under this head the sum stated to have been received during the same period is

**CAPE SPEAR LIGHT HOUSE.**

Under this head the sum stated to have been paid since the 1st July is

And the sum received

And that the balance due to the colony under this head is

**FORT AMHERST LIGHT HOUSE.**

Under this head the sum stated to have been paid since the 1st July is

And the receipts

And that this light house is in credit with the colony



**HARBOR GRACE LIGHT HOUSE.**

Under this head the sum stated to have been paid since the 1st July, 1839, to the 1st January, 1840, is

98 15 0

And the receipts

61 10 8

And that the balance due to the colony is

3041 1 8

**PROSECUTIONS.**

Under this head the sum stated to have been paid for the six months ending the 1st January, 1840, is

259 11 5

**GAOL EXPENSES.**

Under this head the sum stated to have been paid is

181 17 11

**FUEL AND LIGHT.**

Under this head the sum stated to have been paid is

136 13 1

**CORONERS.**

Under this head the expenditure for the six months as above stated, is

35 11 8

**POOR.**

Under this head the sum stated to have been paid for the above mentioned period is,

100 2 9

**PRINTING AND STATIONERY.**

Under this head the sum expended during the same period is

124 3 6

**CIRCUIT COURTS.**

Under this head the committee are extremely sorry to be obliged to state that the law has been again violated, as the sum stated to have been paid is

671 2 10

**INCIDENTALS.**

Under this head the sum expended to the first of January is

28 16 4

**VOTE OF CREDIT**

Under this head the sum stated to have been paid to the abovementioned date is

24 7 0

**EDUCATION.**

Under this head the sum stated to have been paid for the same period is

809 15 4

**COLONIAL BUILDING.**

Under this head the sum stated to have been paid, is

24 0 0

**ROAD AND BRIDGES LOAN.**

The sum stated to be paid off on the 1st January is,

2075 0 0

And the interest paid

327 0 0

**OUTSTANDING VOTES.**

The sum as before stated under this head on the 1st January is

9792 5 9

But the committee have one remark to make, that in the statement sent down in July last, in the outstanding votes for the year 1836-7, it stated—

Education

658 18 8

Roads

000 0 0

In the statement last sent in January—

Education

471 8 8

Roads

472 10 10

Now it is quite possible that a part of the sum of £658 18 8 has been paid off, but as nothing was to be found unpaid in the former statement under the head of Roads, the committee are at a loss to know from whence the sum of £472 10s 10d has come.

**ROADS AND BRIDGES.**

Under this head for the district of St John's, the committee have no remark to make, as a full report has been received by the House from the chairman of the Central Board of Commissioners, and they can only state the expenditure, and remains of monies granted to each District in the road acts of the 1st & 2d Victoria.

0 5 11  
8 11 08  
1 11 188

Under this head the sum stated to have been paid since the 1st July is  
And the receipts  
And that this light house is in credit with the colony



**CONCEPTION BAY DISTRICT.**

Sum expended	8673	6	8
“ Unexpended	592	13	4

**FERRYLAND DISTRICT.**

Sum expended	1843	7	7
“ Unexpended	994	12	5

**DISTRICT OF TRINITY.**

Sum expended	1603	19	8
“ Unexpended	846	0	4

**DISTRICT OF BONAVISTA.**

Sum expended	542	3	3
“ Unexpended	677	16	9

**DISTRICT OF FOGO.**

Sum expended	0	0	0
“ Unexpended	900	0	0

**DISTRICT OF ST. MARY'S AND PLACENTIA.**

Sum expended	894	10	8
“ Unexpended	725	9	4

**DISTRICT OF BURIN.**

Sum expended	530	15	8
“ Unexpended	369	4	4

What Contracts that are entered into, yet unfinished, the committee are not in possession of sufficient data to make any report.

**HOSPITALS.**

Under this head your Committee beg to state that they have received no account whatever, although an address was presented to his Excellency by a committee from your honourable house, respectfully requesting his Excellency that he would cause the 14th section of the act, made in the 6th year of his late Majesty William the Fourth, entitled “an act for the relief of sick and disabled Seamen, Fishermen, and other persons,” to be complied with. All of which your committee refer to the consideration of your honorable house.

**PETER WINSER,**

Chairman of the Committee.

Committee Room,  
25th April, 1840.

And the said Report having been read, was, upon the question put thereon, agreed to by the House.

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

*Ordered,*—That the said Report be printed for the use of the members.

**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 messages:

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they do not accede to the amendments of the Assembly on the Council's amendments on the bill entitled “an Act to regulate the manner of appointing Justices in the Supreme and



Central Circuit Courts of this Island, and to determine the qualification of Jurors in the said Courts.

JAMES SIMMS,

Senior Member presiding.

Council Chamber,  
25th April, 1840.

Mr. Speaker,—

Her Majesty's Council acquaint the House of Assembly that they have passed the bills sent up for the concurrence of this House, entitled

“An Act to defray the expenses of the Legislature in the fourth session of the second General Assembly of Newfoundland.”

And “an Act to provide for the contingent expenses of the Legislature for the present Session,” with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
Senior Member Presiding.

Council Chamber,  
25th April, 1840.

Mr. Speaker,—

Her Majesty's Council have passed the bill sent up from the House of Assembly, for the concurrence of this House, entitled “an act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, 1841” without amendment.

Her Majesty's Council have also passed the bill sent up from the Assembly, entitled “an Act for granting to her Majesty certain supplies for the Civil Government of this colony, and other purposes,” without amendment.”

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
25th April, 1840.

And then the Messenger withdrew.

Address to his Excellency presented & read

Mr. Nugent presented 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:—

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly have considered that part of your Excellency's answer to the address presented on last Monday, which relate to the omission to grant a sum in the bill of supply for defraying the expenses of the registration of voters.



The Assembly, by omitting such grant, by no means exhibit a desire to arrogate to this our branch the powers of the entire Legislature in abrogating a law; but as they consider it improper to use their powers as trustees of the public treasure as an instrument to amend an inoperative and vicious enactment, they will continue to refuse to permit the application of the public money to that purpose.

The House of Assembly have now for three years been seeking to amend that act in the only way recognized by the constitution; that is, by passing a bill for the purpose, and in every case has their bill been rejected. In the last and present Sessions they passed a bill proposing to lessen the expenditure by making the registration quadrennial, but even those measures have been rejected without even the form of an amendment.

It is for these reasons, and these only, that the Assembly persevere in their opinion, that it is not by voting the revenues of the country a defective law should be amended.

*Resolved*,—That the said address be adopted and engrossed.

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

The Solicitor General presented 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 presented & read

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly have again taken into their serious consideration the application of Mr. Justice Brenton, transmitted by your Excellency to this House, for a retiring pension out of the revenues of the colony, and they regret that they cannot recede from the views they entertained on the subject in their address to your Excellency on the 19th day of March last.

Report of Committee appointed to present address to his Excellency

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That the Solicitor General and Mr. Nugent be a committee to present the same to his Excellency.

Then the house adjourned until Monday next at eleven of the clock.

His Excellency's reply

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**MONDAY, April 27, 1840.**

**M**R. Speaker laid before the house a letter from the Solicitor of the House, which he read as follows:—

Letter from Solicitor



Sir,—As it is generally understood that granting a sum in the bills for defraying the contingent expenses of the Legislature to remunerate me for discharging the laborious duties of Solicitor of the House of Assembly, to which office I was appointed by the unanimous vote of the House, is the main pretext of her Majesty's Council for adopting the extraordinary and extreme course of rejecting these bills; and as I have, in my place in the House, recommended the separation of the contingencies from the bill of general appropriation, in order by adopting the recommendation of the Secretary of State, to seek to restore harmony between the several branches of the Legislature, and to which recommendation the house has been pleased to accede, I consider that the duty devolves upon me to remove the only remaining obstacle that would appear to impede the accomplishment of that most desirable object.

I, therefore, with a view to disembarass her Majesty's Government on the one hand, and the House of Assembly on the other, upon this subject, and in order to carry out in my own person that system of conciliation which I recommended with reference to the emoluments of all connected with the Legislature, beg leave hereby most respectfully to tender my resignation of the office of Solicitor of the House of Assembly.

In praying the Assembly to accept this tender I must be permitted to convey to you, Sir,—to each of the Members individually—and to the house, my grateful and sincere thanks for the kindness with which my unfitness to discharge the duties devolving on that office, in a manner suitable to the dignity of the station, and the importance of its functions, has been overlooked, and to assure you that the memory of your partiality shall be ever cherished by,

Sir,

Your grateful and obliged servant,

JOHN V. NUGENT.

The hon. the Speaker  
of the Assembly.

On motion of the Solicitor General, seconded by Mr. Winsor,

*Resolved*,—That the consideration of the said proposed resignation be postponed until to-morrow.

The Solicitor General, from the committee appointed to present an address of the house to his Excellency the Governor, respectfully requesting his Excellency to appoint a Commissioner to arrange and digest a bill to extend such of the criminal laws of England to this colony as may be considered applicable, &c., reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows:

Gentlemen,—

I shall have much pleasure in carrying into effect the object contemplated in this address.

Government House,  
27th April, 1840.

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

*Resolved*,—That a conference be requested with her Majesty's Council on the subject matter of the amendments made by them in and upon the bills entitled "an Act to defray the expenses of the Legislature in the fourth session of the second General Assembly of Newfoundland," and "an Act to provide for the con-

Address to his Excellency  
read & presented

Report of Committee  
appointed to present ad-  
dress to his Excellency

His Excellency reply

Conference requested

Letter from Solicitor



tingent expenses of the Legislature for the present session," and that the instructions to the managers on the part of this house be as follow:—

The House of Assembly have sought this conference in order to convey to her Majesty's Council their strong dissent from the repeated encroachments of that honourable body on the well known and established privileges of the House of Assembly.

The right of each branch of the Legislature to audit and determine the contingent expenses necessary for the proper transaction of the affairs of that branch cannot be denied, questioned, or disputed, by any other branch of the Legislature. This principle has already been insisted on by her Majesty's Council, and acquiesced in by the Assembly, and the Assembly will not, now or hereafter, consent to have their right to determine the number of officers requisite for their service, or the rate of remuneration proper to compensate for their services, questioned by any other branch of the Legislature.

They also regard the privilege of being the sole judges of the quantum, matter and manner of grants of the public money to be so well established, as that it is perfectly needless to give reasons for it, and for these reasons do they consider the amendments of her Majesty's Council on the bills for defraying the contingent expenses of the legislature for the past and present sessions as an infringement on their privileges, calculated to produce great public injury and personal vexation and embarrassment to those who in the service of their country have devoted their time, attention and labour to the discharge of duties imposed upon them by the constitution.

Under these circumstances they beg leave to adopt the course pursued by the British House of Commons in the year 1700, on the occasion of amendments made by the House of Peers on a money bill, but which amendments, unlike those of her Majesty's Council, on the present occasion, did not go to effect the quantum, matter or manner of the supply, and to use the words of the Commons in their conference, as they entertain the feeling and spirit which dictated them—

"The Commons" House of Assembly "cannot agree to the amendments made by" her Majesty's Council "to these bills, for that all aids and supplies granted to her Majesty in Parliament are the sole and entire gift of the Commons; and as all bills for the granting of such aids and supplies begin with the Commons, so it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills the ends and purposes, considerations, limitations and qualifications of such grants, which ought not to be changed or altered by" Her Majesty's Council.

"This is well known to be such a fundamental right of the Commons, that to give reasons for it was esteemed by our ancestors to be a weakening of that right."

"The Commons" House of Assembly "therefore leave the bills and the amendments with the" Council "together with the ill consequences that may attend the not passing the bills."—Hatsell, vol. 3, p. 454. Appendix No. 12.

House of Assembly,  
27th April, 1840.

Ordered,—That Mr. Nugent and Mr. Winser 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:

*Mr. Speaker,*

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject of the contingency bills of the last and present sessions, and

Message from her Majesty's Council



have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
27th April, 1840.

And then the Messenger withdrew.

Ordered,—That Mr. Nugent, the Solicitor General, Mr. Winsor and Mr. Kent, do manage the said conference on the part of this House.

And 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.

Address to his Excellency

Mr. Nugent presented 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 :

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

May it please your Excellency,

The House of Assembly beg leave to request your Excellency will please to issue your warrant or warrants to defray the contingent expenses of the session of 1839, amounting, according to the bill twice passed by them in the present session, to the sum of £3123 2s 10d—and also the contingent expenses of the present session, amounting, according to the bill passed by them, to the sum of £2763 1s 1d—and the Assembly will, in their next bill of supply, make provision to indemnify your Excellency for the same.

The Assembly in thus claiming the protection of your Excellency from the violation of their privileges by her Majesty's Council, and from the great injury inflicted on the members and officers of the Representative branch of the Legislature, by the amendment of their bills for defraying the contingent expenses of two successive and laborious sessions, would fain represent to your Excellency that, as their right to determine the amount necessary to defray these expenses, as well as to regulate the duties, and ascertain the remuneration requisite for their discharge by their several officers, cannot be questioned, they entertain the fullest confidence that your Excellency, as the Representative of her Majesty, will not lend the sanction of your Excellency's silence to a course of proceeding that cannot be dictated by a desire to promote the public service.

There is not contained in the bills above mentioned, a single vote that is not sanctioned by the precedents of the neighbouring colonies; while the votes principally objected to by her Majesty's Council by no means bear the character of extravagance.

In the colony of New Brunswick we find, in the general appropriation acts every year, the salaries of the Speaker, Clerk, Clerk Assistant, Serjeant at Arms,



Door-keepers & Messengers, the remuneration of members, the expense of Books, of Printing, Stationery, Binding, & the salary of the chairman of committees, provided for in the distinct and separate votes; and in the same acts a further vote for "*the contingent expenses of the Legislature,*" viz. in 1836, £1274 5s 2d, and in 1837, £2039 11s.,—and in Prince Edward's Island, while the Speaker and Members are provided for openly in the bill, there is in every appropriation act up to the present year a vote indefinite for the contingencies, in the following words—[see 2 Vic. cap. 10, et ante]—"*And a further sum sufficient to defray the contingent expenses of the Legislative Council and Assembly for the past and present sessions;*" whereas in Newfoundland, the Assembly set out every item of expenditure in their bills in detail.

The principal votes objected to by the Council are as follow :

The travelling charges and postages of certain members.

2d—The remuneration of the chairman of supply.

3d—The remuneration of the Solicitor.

4th—The remuneration to certain officers for extra service, and

5th—The remuneration to Door-keepers and Messengers.

With reference to the principle of allowing members who come from distant places, abandoning their families and their business for discharging duties imposed upon them by the public, a sum to defray their expenses in coming to and returning from the Assembly, in addition to the sum allowed for defraying their expenses while actually in session—that principle is not peculiar to Newfoundland—it is the invariable practice in Prince Edward's Island, Novascotia and New Brunswick; and if the remuneration to members of the Assembly of Newfoundland were voted as it is every year in the latter province, each member should receive, up to the present day, the sum of £86 5s. this session for his attendance, exclusive of such travelling charges.

The proposed objection of her Majesty's Council to remunerate chairmen of committees and the Solicitor is, that it is not proper to pay members for the discharge of any duty for the House, any sum beyond that paid for their attendance as members; but in the several colonies above alluded to, we find the practice invariable.—In the acts of Novascotia the right of chairmen of committees to remuneration is recognized; and in New Brunswick we find the Chairman of Audit in 1836-37, and in '38, which are the latest years of which we have the acts before us, is granted the sum of £150 for his services; while in the former province, as may be seen by the letter of the Speaker of their Assembly to Sir Rupert D. George, communicated to your Excellency by the Lieut. Governor of Novascotia, your Excellency will perceive that members have held, in that house, even the office of Clerk of the House, as well as in her Majesty's Council of Newfoundland, a member of Council holds the corresponding office.

With respect to the propriety of voting sums for extra services, this principle is founded on justice, and supported by undeviating practice. In Novascotia the salary of the Assistant Clerk is £100, and each succeeding year a further sum of £100 is granted him for extra services; because as the duties of this officer are not alone onerous during session, but occupy his time and labour during recess also, it is only reasonable he should be paid something more for his services while the house is sitting.

On the subject of remunerating door-keepers & messengers, we would beg leave to refer your Excellency also to the marked difference between the rate of remunera-



tion afforded these officers here and in New Brunswick. Here we have voted one door-keeper forty pounds, and two under door-keepers £25 each, making in all only £90, whereas if paid as in New Brunswick, at the rate of 12s. 6d. per diem, during the session, it would amount to £73 2s. 6d. for each to the present day, and the messengers in place of having one for £35 and a second for £25, being for both only £60, would receive at 10s. per diem the sum of £58 10s.

The House of Assembly once more beg leave most respectfully to protest against the amendment of their contingent bills by her Majesty's Council. The Assembly have voted ample revenues for the exigencies of the Country, and in their earnest desire to support the machinery of Government, they have been most liberal in their supplies, and yet, in proportion as *they* are solicitous to maintain the Executive, in proportion as *they* are eager to conciliate even in the midst of wrongs, are the Council unreasonable and capricious in their infringements on our liberties and privileges.

In 1838, the Secretary of State for the Colonies pointed out to the Council the only remedy that could be taken if the members of the Assembly made an improper use of the powers placed in their hands by the people, by wasting on themselves the public money, and his Lordship expressly at that time stated that that charge of the Council was unfounded, for that the rejected bill did not warrant the imputation—the remedy pointed out by his Lordship was the only one known to the constitution—an appeal to public opinion.

In the despatch alluded to, his Lordship on the part of her Majesty approves of the principle of indemnifying members for serving in the Assembly—"it is sanctioned," says his Lordship, "by many precedents and by many considerations of great weight." His Lordship, however, goes on to say, that on a subject of such delicacy, "*there can hardly be a doubt that the members of the House of Assembly will, on consideration, see the propriety of leaving to the Council a control of the most unfettered kind.*"

How have the Assembly demeaned themselves upon this occasion? Did they repel the dictation of the Right hon. Secretary, or did they prove their readiness to abide by the decision of their Queen therein expressed? In that very session they accepted fully the terms offered, in that spirit of conciliation which has ever marked their course. They sought a conference with the Council and prayed them to point out the items in their bill, to which they objected—[See Council's Journals, page 25]—The Council however, refrained from doing so, and passed the bill that subsequently to this address went up, providing for those expenses, and in that bill all these principles now so objectionable were embodied, The travelling charges of members for extra services, &c.

The Assembly were ever ready to permit the Council to exercise a just and reasonable control over such sums as were voted to members for their services as such members. On the occasion referred to they invited the Council to exercise that controul, and the Council subsequently passed the same votes for the remuneration of Members without observation, which appear to them now so objectionable. It is this arbitrary and capricious controul the Assembly protest against as unbecoming a deliberative body. They protest against all, even the slightest, interference in their votes for remunerating their officers and servants, and rely upon the justice of their Sovereign that they who have yielded up so much in compliance with the wishes of their Queen for the restoration of harmony and good feeling between the several branches of the Legislature, and in their repugnance to occasioning embarrassment to the Executive, be not subjected to meet no return, but injury and outrage, and violation of their privileges.



*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That Mr. Nugent 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 acquaint the House of Assembly that they have passed the bills sent up from the House of Assembly, entitled "an Act to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes" and "an Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this colony," with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
27th April, 1840.

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

*Ordered*,—That the said amendments be read a first time this day six months.

Mr. Moore asked leave to bring in a bill to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes.

On the question that leave be granted, the house divided as follows :

For the question—	Against the question—
Mr. Moore	Mr. Winser.
.. Nugent	
.. Kent	
.. Doyle	
The Solicitor General.	

So it passed in the affirmative,

And the said bill was presented accordingly, and read a first time.

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

That the said bill be now read a second time.

Which being put, the house divided thereon as follows:—

For the motion—	Against the motion—
Mr. Moore	Mr. Winser.
.. Nugent	
.. Doyle	
.. Kent	
.. Butler	
The Solicitor General.	

So it passed in the affirmative.

And the said bill was read a second time accordingly.



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

**Resolved**,—That this House do now resolve itself into a committee of the whole House on the consideration of the said bill.

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.

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.

Agreeably to order, the said engrossed bill was read a third time.

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

**Resolved**,—That the said bill do pass, and that the title be, "an Act to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes."

**Ordered**,—That Mr. Nugent and Mr. Moore do carry the said bill up to her Majesty's Council, and desire their concurrence.

Several Members having retired, and there being present, Mr. Speaker, Mr. Doyle, Mr. Kent, and Mr. Butler, Mr. Speaker adjourned the House at two o'clock for want of a quorum, until to-morrow at eleven of the clock.

**TUESDAY, April 28, 1840.**

**M**R. Speaker laid before the house a letter from the hon. Mr. Secretary Crowdy, acquainting the house by command of his Excellency the Governor, that it is his Excellency's intention to close the present Session of the Legislature on Wednesday next, the 29th inst., at four o'clock.

Mr. Nugent moved for leave to bring in a bill to establish the fees and costs chargeable in the several Police Offices and Courts of Sessions in this Colony; which being granted, he presented the said bill, and the same was 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.

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

**Resolved**,—That this House do now resolve itself into a committee of the whole House on the consideration of the said bill.

House in committee on bill to defray outstanding claims on the Board of Road Commissioners

Message from her Majesty's Council

Report

Passed Title

Sent to Council

Letter from hon. Mr. Secretary Crowdy

Bill to establish fees & costs read 1st time

Read 2d time



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.

The chairman reported from the said committee that they had gone through the said bill, and had agreed to the same without any amendment.

Report

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

Agreeably to order, the said engrossed bill was read a third time.

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

*Resolved*,—That the said bill do pass, and that the title be, "an Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony."

Passed Title

*Ordered*,—That Mr. Nugent and Mr. Moore do carry the said bill up to her Majesty's Council, and desire their concurrence.

Sent to Council

The Solicitor General presented 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 presented & read

*To his Excellency Henry Prescott, Esq., Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.*

May it please your Excellency,—

In the event of her Majesty's Government during the recess of the Legislature, being under any temporary inconvenience from not being in funds in the Treasury of the Colony to meet the various grants of the Legislature, the House of Assembly most respectfully beg to suggest to your Excellency that upon the occurrence of such a contingency, your Excellency will be pleased to raise by loan, from the Bank in St. John's, such sum as may be necessary to meet the exigencies of the country, upon the usual terms of interest required by that establishment; and the House pledge themselves to provide in a future Bill of Supply to her Majesty for all such sums borrowed, and the interest thereon.

*Resolved*,—That the said address be adopted and engrossed.

*Ordered*,—That the Solicitor General and Mr. Nugent be a committee to present the said address 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 have passed the bill sent up from the House of Assembly, entitled "an Act to defray certain expenses and outstanding claims on the Board of Road Commissioners, and for other purposes," without amendment.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
27th April, 1840.

And then the Messenger withdrew.

Message from her Majesty's Council

The Master-in-Chancery brought down from her Majesty's Council the following written message—

*Mr. Speaker—*

Conference requested

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 certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies, and for other purposes"—and have appointed Conferrees to meet the Managers from the Assembly in the Committee Room of the Council presently.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
28th April, 1840.

And then the Messenger withdrew.

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

Conference acceded to

*Resolved,*—That the conference requested by her Majesty's Council be acceded to.

*Ordered,*—That Mr. Nugent and Mr. Moore do go up to her Majesty's Council and acquaint them that this House have acceded to the said conference.

Managers named

*Ordered,*—That Mr. Nugent, Mr. Moore, Mr. Winsor, and the Solicitor General do manage the said conference on the part of this House.

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 thereupon 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 sought this conference for the purpose of acquainting the House of Assembly that they do not concur in that clause of the bill, entitled "an Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies, and for other purposes," which enacts the repeal, on the 30th June next, of an Act passed in the 3d year of her Majesty's reign for the like purpose, and for the then immediate operation of the above recited act.

1st. Because by the 15th article of the Royal Instructions, it is directed that no law for granting unto her Majesty any sum or sums of money, by duties of impost, shall be made to continue for less than one whole year.

2d. Because by repealing the said act, before two thirds of a year have expired, the Legislature will, in the opinion of the Council, be doing that indirectly which her Majesty has expressly prohibited; and would therefore be acting in violation of the spirit of the said Royal Instructions.



3d.—Because a shorter period than that which will elapse between this present date and the 18th November next, the period at which the act now in force expires, is insufficient to provide the additional instruments required by certain enactments of the said bill, and to instruct the officers of her Majesty's Customs in their use and application.

Her Majesty's Council also acquaint the House of Assembly that they cannot concur in inserting in a Revenue bill a clause levying an impost on ships and vessels entering the Ports and Harbors of this island; not because her Majesty's Council dissent from the propriety of levying such an impost, but because in their opinion the subject matter should be contained in a separate and specific bill, and that it is desirable that consistently with the practice generally adopted in relation to such imposts, its duration should be for a longer period than one year.

**JAMES SIMMS,**  
Senior member presiding.  
Council Chamber, 28th April, 1840.

And then the Messenger withdrew.

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

*Resolved*,—That a conference be requested with her Majesty's Council on the subject matter of the last conference.

Conference requested.

*Ordered*,—That Mr. Nugent and the Solicitor General do go up to her Majesty's Council and request the said conference.

Managers named.

*Resolved*,—That the instructions to the Managers on the part of this House, in the said conference, be as follow :

The House of Assembly have sought this conference on the subject matter of the last conference, with a view to express their readiness, rather than subject the country to the inconvenience that must result to the public service should no Revenue be granted in the present session, to prepare two bills in accordance with the terms of the objection of the Council to including a tonnage duty on ships and vessels in the general Revenue Bill, and their dissent from the construction put by the Council on the 15th article of the Royal Instructions.

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 of the last conference, and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

**JAMES SIMMS,**  
Senior Member presiding.  
Council Chamber, 28th April, 1840.

And then the messenger withdrew.

*Ordered*,—That Mr. Nugent, the Solicitor General, Mr. Winser and Mr. Moore 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 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 acquaint the House of Assembly that they have passed the bill entitled "An act for granting to her Majesty certain duties on goods, wares and merchandize imported into this Colony and its dependencies, and for other purposes," with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,

Senior member presiding.

Council Chamber, 28th April, 1840.

And then the Messenger withdrew.

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

Ordered,—That the said amendments be read a first time this day six months.

Civil Government (provision) Bill, read first time

The Solicitor General moved for leave to bring in a bill to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain duties; which being granted, he presented the said bill, and the same was read a first time.

2d reading.

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

And the said bill was read a second time accordingly.

Message from her Majesty's Council

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

Committed.

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of 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.

Report.

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.

Pursuant to order, the said engrossed bill was read a third time.



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

Resolved,—That the said bill do pass, and that the title be, “An act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain duties.”

Passed  
Title

Ordered,—That the Solicitor General and Mr. Nugent do carry the said bill up to her Majesty’s Council, and desire their concurrence.

Sent to 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 acquaint the House of Assembly that they have passed the bill sent up for the concurrence of this House, entitled “An act to make further provision towards defraying the expenses of the Civil Government of this colony by raising certain duties,” without amendment.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, 28th April, 1840.

And then the messenger withdrew.

The Solicitor General moved for leave to bring in a bill for granting to her Majesty certain duties; which being granted, he presented the said bill, and the same was read a first time.

Bill for granting certain duties read first time

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

And the said bill was read a second time accordingly.

2d reading.

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

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the said bill.

Committed.

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.

The chairman reported from the committee that they had gone through the said bill, and had made an amendment therein, which he was directed to report to the house; and he delivered the said bill with the amendment in at the Clerks table.

Report.

And the said amendment having been read throughout, was, upon the question put thereon, agreed to by the House.

Ordered,—That the said bill as amended be engrossed and read a third time presently.

Agreeably to order, an engrossed bill for granting to her Majesty certain duties, was read a third time.



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

Passed  
Title

Passed  
Title

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 merchandize imported into this Colony and its dependencies.”

Sent to Council

Sent to Council

Ordered,—That the Solicitor General and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

Committee of Correspondence

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

Resolved,—That a committee of Correspondence be appointed to call the attention of her Majesty's Government to the bills passed by this house, and rejected by her Majesty's Council, during the present session ; and to make representation on despatches from her Majesty's Principal Secretary of State for the Colonies to his Excellency the Governor ; and such other subjects connected with the general interests of Newfoundland as they shall deem necessary during the recess, and to report thereon to the house at the opening of the next session.

Resolved,—That Mr. Nugent, Mr. Carson, and Mr. Godfrey, do form the said committee.

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

Resolved,—That Mr. Speaker do transmit the said Resolutions to the hon. Mr. Secretary Crowdy, to be laid before his Excellency the Governor.

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 Contingency bills of the last and present sessions, and have appointed conferees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,

Senior member presiding.

Council Chamber,  
28th April, 1840.

And then the Messenger withdrew.

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

Conference acceded to.

Resolved,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted.

Ordered,—That Mr. Nugent and Mr. Winsor do go up to her Majesty's Council and acquaint them that this house have agreed to the said conference.



*Ordered*,—That Mr. Nugent, Mr. Winser, Mr. Butler, and the Solicitor General 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 thereof 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 sought this conference with the House of Assembly for the purpose of acquainting the House that they cannot recede from their amendments made on the Contingency Bills for the last and present Sessions, for the reasons already stated to the House in Conference, on the Contingency Bill of last Session.

To the principles by which the Council were then guided, they feel themselves compelled to adhere; and whilst regretting any difference with the House of Assembly, it is to them a source of great satisfaction that their constitutional power of amending Bills of the description in question, is fully recognized by her Majesty's Government.

The Council do not concur with the House of Assembly in their assumption that the declaration of the Council, made on the 14th of May, 1834, "that they cannot permit the privilege of auditing their own contingent expenses to be called in question or argued upon," involves the wide principle attached to it by that House. The point then raised, referred simply to the fact and truth of certain incidental charges incurred by their Clerk and Usher of the Black Rod in the discharge of their several duties, and had no relation to the appointment of an increased number of Officers, or the augmentation of their salaries, or the creation by the House of Stipendiary Offices for its Members

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
28th April, 1840.

And Mr. Nugent further reported, that in the said conference, the conferrees presented, with the aforesaid reasons, the said two contingency bills; but that as the managers were not aware of a precedent on which to rest the propriety of such a proceeding, and in the absence of instructions upon the subject, declined to accept them.

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 they have passed the bill sent up from the House of Assembly, entitled "an Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony," without amendment.

Her Majesty's Council also acquaint the House of Assembly that they return the Contingency Bills of the last and present Sessions, which were left with the conferrees of this House, in conference yesterday.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
28th April, 1840.



And then the Messenger withdrew.

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 on the subject matter of the bill entitled "an Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies," and have appointed conferrees to meet the managers from the Assembly, in the committee room of the Council presently.

**JAMES SIMMS,**  
Senior Member presiding.

Council Chamber,  
28th April, 1840.

And then the Messenger withdrew.

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

Conference acceded to

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted.

*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.

Managers named

*Ordered*,—That the Solicitor General, Mr. Nugent, Mr. Winser, and Mr. Moore do manage the said conference on the part of this House.

Conference held

And they went to the conference, and being returned,

Report

The Solicitor General reported that the Managers had been at the conference ; and he read the report thereof 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 sought this conference with the House of Assembly to request the concurrence of that House in the following amendments being made by the Council in a bill entitled "an Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies."

**JAMES SIMMS,**  
Senior Member presiding.

Council Chamber,  
28th April, 1840.

Expunge in the 12th page, 14th line, the words "person," "persons," and insert in place thereof, "officer," "officers."

In the 15th line, same page—Expunge the words "informed of," and insert in the stead, "detained and taken."

Insert the following words as the last section of the bill except one.

"And be it further enacted—That all penalties and forfeitures recovered under this act, shall be divided, paid and applied as follows : that is to say—after deducting the charges of prosecution and sale from the produce thereof, one third of the net produce shall be paid into the hands of the Treasurer of the Colony, to be ap-



plied as the Legislature shall direct ; one third part to the person who shall inform for the same, and the other third to the officer who shall seize and sue for the same."

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

*Resolved*,—That a message be sent to her Majesty's Council acquainting them that this House, in compliance with the request of the Council, permit them to make the amendments set forth in the Reasons given to the Assembly for a conference on the bill, entitled "an Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies."

*Ordered*,—That Mr. Nugent and the Solicitor General do communicate the said message 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 for the concurrence of this House, entitled "an Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies," with the amendments concurred in by the House of Assembly.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
28th April, 1840.

And then the Messenger withdrew.

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

WEDNESDAY, April 29, 1840.

*A Message from His Excellency the Governor.*

Message from his Excellency

**T**HE hon. Mr. Secretary Crowdy being admitted within the bar, acquainted the House that he was the bearer of a message from his Excellency the Governor, signed by his Excellency, which he presented to the House.

And then the Messenger withdrew.

The said message was read by Mr. Speaker as follows—

H. PRESCOTT—

The 19th article of the Queen's instructions, directing the Governor not to give his assent to any "bill whereby the trade or shipping of Great Britain shall be in



"any wise affected," the House of Assembly will see that his Excellency cannot assent to the Tonnage Duty Bill, unless a suspending clause be attached to it.

Government House,  
29th April, 1840.

Letter from hon. Mr.  
Secretary Crowdy

Mr. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, which he read as follows—

Secretary's Office, }  
29th April, 1840. }

Sir,—I have the honor to acquaint you that I received and laid before the Governor your letter of yesterday, enclosing a resolution of the House of Assembly, that a committee of the House be appointed to correspond with her Majesty's Government during the Recess; and I am directed by his Excellency to transmit to you for the information of the House, the following extract of a despatch from Lord John Russell to his Excellency, dated the 5th December last—

"My attention has further been attracted to the report you have made, that a committee of correspondence has been nominated by the Assembly to discuss public affairs with the Government during the recess. I have to instruct you not to recognize such committee of correspondence."

I have the honor to be, Sir,

Your very obedient servant,

JAMES CROWDY.

Reports of Committees  
appointed to present ad-  
dresses to his Excellency  
with his Excellency's  
replies

Mr. Nugent from the committee appointed to present an address to his Excellency the Governor, praying his Excellency to issue his Warrant to the Treasurer, to defray the contingent expenses of the Legislature during the past and present Sessions, &c., reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows:—

Gentlemen,—

I had entertained a hope that the expression of the opinion of her Majesty's Principal Secretary of State for the Colonies, that the Council had, in no degree, exceeded its constitutional powers in the differences which last Session unfortunately occurred between it and the House of Assembly, would have induced the House to re-consider the Contingency Bill of that Session, with a view to its modification; and that it would have adopted such a principle respecting the Contingency Bill of the present Session as might have obviated further misunderstanding.

I must, however, disclaim any right of interference between the deliberate branches of the Legislature, and I am convinced that the House will, on further consideration, admit the impossibility of my complying with the present address; by so doing I should illegally assume the power of deciding upon the dispute which unhappily exists, and should suspend the lawful control of the Council in its Legislative capacity.

Government House,  
29th April, 1840.

Mr. Nugent from the committee appointed to present to his Excellency the Governor an address of the house upon the subject of that part of his Excellency's



reply of the 21st inst., to an address of the house respecting the Registration Act, also reported that they had attended to that duty, and that his Excellency was pleased to reply as follows :

Gentlemen,

I can only say in reply to this address, that it appears to me entirely confirmatory of those observations which I felt it my duty to make to the house on the 24th inst., respecting the Registration Act.

If this act be faulty, and its repeal or amendment be necessary, such repeal or amendment can only be legitimately made by the concurrent powers of the three branches of the Legislature ; until this be done, it is clearly an existing law, and binding upon all whom it may concern.

Government House, 29th April, 1840.

The Solicitor General, from the committee appointed to present an address to his Excellency the Governor, upon the subject of the application of Mr. Justice Brenton for a retiring pension out of the revenues of the colony, transmitted by his Excellency to the house on the 16th inst., reported that they had presented the said address accordingly, when his Excellency was pleased to reply as follows :

Gentlemen,

I regret the determination of the house on this subject, and shall communicate this address without delay to her Majesty's Government.

Government House, 29th April, 1840.

The Solicitor General, from the committee appointed yesterday to present to his Excellency the Governor an address of the House, reported that they had attended to that duty, and that his Excellency was pleased to reply as follows :

Gentlemen,

I will very willingly, by & with the consent of the Council, borrow from the Bank, upon the public security, such sums as may be requisite for the due fulfilment of obligations under legislative enactment, making repayment of those sums, with the interest due thereon, as early as circumstances may permit, and laying before the Legislature when next in session an account of my proceedings in the matter.

Government House, 29th April, 1840.

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

*Resolved*,—That a conference be requested with her Majesty's Council on the subject matter of a message from his Excellency the Governor, communicated to the house this day, and that the instructions to the managers on the part of this house be as follow :

Conference requested.

The House of Assembly have requested this conference on the subject matter of a message from his Excellency the Governor of this day, to inform the Council that it would be necessary that a suspending clause were added to the bill entitled "An act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain duties," in compliance with a suggestion contained in the said message, and to express their readiness to concur in the annexation of such clause.

Ordered,—That Mr. Nugent and the Solicitor General do go up to her Majesty's Council and request such 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 acquaint the House of Assembly that they accede to the conference requested on the subject matter of a message from his Excellency the Governor, and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior member presiding.

Council Chamber,  
29th April, 1840.

And then the Messenger withdrew.

Managers named.

*Ordered*,—That Mr. Nugent, the Solicitor General, Mr. Kent, and Mr. Winser 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 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 last conference, and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber,  
29th April, 1840.

And then the messenger withdrew.

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

Conference acceded to

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted.

*Ordered*,—That Mr. Nugent and Mr. Winser 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. Kent Mr. Butler and Mr. Winser do manage the said conference on the part of this house.



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 sought this conference with the House of Assembly on the subject of the last conference, in order to acquaint that house that the Council concur with them in their desire to obviate the objection raised by his Excellency the Governor in respect to the Tonnage Duty Bill, which the Council suggest may be accomplished either by adding to the bill now in the possession of the House of Assembly, a suspending clause in the presence of the managers of the House of Assembly and Conferrees of the Council, under Instructions to be respectively given to them, or by passing a new bill containing a suspending clause.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, 29th April, 1840.

The Solicitor General moved for leave to bring in a bill to make further provision towards defraying the expenses of the Civil Government of this colony by raising certain duties; which being granted, he presented the said bill, and the same was read a first time.

Civil Government (pro-  
vision) Bill, 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.

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

*Resolved*,—That this House do now resolve itself into a committee of the whole House on the consideration of the said bill.

Committed.

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.

The chairman reported from the committee that they had gone through the said bill, and had agreed to the same without amendment.

Report

*Ordered*,—That the said bill be engrossed and read a third time presently.

Agreeably to order, the said engrossed bill was read a third time.

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

*Resolved*,—That the said bill do pass, and that the title be, "An act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain duties."

Passed  
Title

*Ordered*,—That the Solicitor General and Mr. Nugent do carry the said bill up to her Majesty's Council and desire their concurrence.

Sent to Council



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

Resolved,—That a message be sent to her Majesty's Council acquainting them that this house have passed a bill entitled "An act to make further provision towards defraying the expenses of the Civil Government of this Colony by raising certain duties," allowing the former bill to be set aside, in accordance with the suggestion of that honorable body.

Ordered,—That Mr. Nugent and the Solicitor General do communicate the said message 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 request a conference with House of Assembly on the subject matter of the Tonnage Duty Bill, and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior member presiding.

Council Chamber,  
29th April, 1840.

And then the Messenger withdrew.

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

Conference acceded to

Resolved,—That the conference requested by her Majesty's Council be agreed to.

Council acquainted.

Ordered,—That Mr. Nugent and Mr. Kent do go up to her Majesty's Council and acquaint them that this House have acceded to the said conference.

Managers named.

Ordered,—That Mr. Nugent, Mr. Kent, Mr. Butler and Mr. Moore 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 have requested this conference with the House of Assembly for the purpose of acquainting that house that it appears to the Council by the message which they have addressed to the Council this day in transmitting the new bill for raising tonnage duties on vessels, that the House of Assembly have misunderstood the instructions delivered by the conferrees of the Council at the last conference.

The Council so far from "allowing the former bill to be set aside," deem it *indispensably necessary* that the *first* tonnage duty Bill having passed both Houses be presented to the Governor for his approval, when, on the ground of



its not containing the suspending clause required by him, the Governor will no doubt refuse his assent to it.

**JAMES SIMMS,**  
Senior Member presiding.

Council Chamber,  
29th April, 1840.

**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 make further provision towards defraying the expenses of the Civil Government of this Colony, by raising certain duties," without amendment.

**JAMES SIMMS,**  
Senior Member presiding.

Council Chamber,  
29th April, 1840.

And then the Messenger withdrew.

Mr. Kent presented 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 presented & read

*To his Excellency Henry Prescott, Esq.,  
Companion of the Most Honorable  
Military Order of the Bath, Governor  
and Commander-in-Chief in and over  
the Island of Newfoundland and its  
Dependencies, &c. &c.*

May it please your Excellency,—

The House of Assembly request that your Excellency will please issue your warrant for the payment of the sum of forty pounds to James Cuddihy to enable him to pay off a debt contracted for the repair of Water Street, and the King's Road, such sum having been omitted in the bill passed by this House for the defrayal of claims on the Board of Road Commissioners for the district of St. John's, and this House will, in their next Bill of Supply, indemnify your Excellency for the same.

*Resolved*,—That the said address be adopted and engrossed.

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

Mr. Kent from the said committee, reported that they had waited on his Excellency the Governor, and presented the said address, when his Excellency was pleased to say he would comply with the prayer thereof.

His Excellency's reply.

A message from his Excellency the Governor, by Joseph Templeman, Esq., Usher of the Black Rod.

Message from his Excellency



Mr. Speaker,

His Excellency the Governor commands the attendance of this honorable House in the Council Chamber immediately.

House attend his Excellency

Mr. Speaker and the House attended his Excellency in the Council Chamber accordingly, when his Excellency was pleased to give his assent to the several Bills following—viz. :

An Act for granting to her Majesty certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies.

An Act to make further provision towards defraying the expenses of the Civil Government of this Colony, by raising certain duties.

An Act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, 1841.

An Act for granting to her Majesty certain supplies for the Civil Government of this Colony and other purposes.

An Act to defray certain expenses and outstanding claims on the Board of Road Commissioners in St. John's, and for other purposes.

An Act to encourage the Whale Fishery in this Colony.

An Act to repeal an Act, entitled "an Act to re-vest in the Treasury the sum of one thousand five hundred pounds, granted to her Majesty under an Act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by steam between the port of St. John's, and the port of Halifax, in the province of Nova Scotia, and to make further provision for facilitating a communication by steam between the said ports of St. John's and Halifax.

An Act to continue an act passed in the fifth Session of the General Assembly of this Island, entitled "an Act to combine the office of Clerk of the Central Circuit Court, and the office of Clerk of the Supreme Court, and to make provision for the officer discharging the duties of the said offices."

An Act to establish the fees and costs chargeable in the several Police Offices and Courts of Session in this Colony.

And his Excellency gave his dissent to the following bill—viz. :

An Act to make further provision towards defraying the expenses of the Civil Government of this Colony, by raising certain duties.

His Excellency was then pleased to make the following Speech to both Houses :—

His Excellency's speech

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

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

I am happy in being now enabled to close a Session which has been extended far beyond my expectation, and the results of which do not appear to be in correspondence with its duration.



I will endeavour to render the inconvenience proceeding from the absence of a Land Bill as light as possible to the public; and I will, without delay, request such instructions from her Majesty's Government as may remove all doubts and difficulties on this subject, and probably prevent the necessity of a suspending clause being attached to a future act.

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

In the name of her Majesty I return thanks for the supplies, which shall be carefully and economically administered.

It would have been a source of much gratification to me had the Appropriation Act been accompanied by bills for defraying the Contingent Expenses of the Legislature for the last and present Sessions.

A calm and dispassionate reference to the despatches which I have lately had the honor to lay before you, will, I trust, on your next meeting, induce your reconsideration of this important matter.

The additional duties imposed by the present Revenue Bill, appear to me judicious, and essentially requisite to the future improvement of the Colony in many interesting particulars.

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

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

A bountiful reward has this season crowned the hazardous toils of our hardy and adventurous Sealers. Let us hope that in our other great yearly operation about to commence, we may have equal cause for gratitude!

For the full enjoyment of our blessings, it should be our great study to restore general harmony and good-will, "to allow by-gone differences to pass into oblivion"—to practice "forbearance"—and "by mutual concessions, in matters where such mutual concessions are practicable, without the sacrifice of any constitutional principle," to aim at concord and peace.

After which the Senior Member presiding, said—

*Honorable Gentlemen and Gentlemen,*

It is His Excellency the Governor's will and pleasure that this General Assembly be prorogued until Saturday, the first day of August next: and this General Assembly is accordingly prorogued until Saturday, the first day of August next, then and here to be holden.

ROBERT R. WAKEHAM, Clerk

---

END OF THE FIFTH SESSION.

---



I will endeavor to render the inconvenience proceeding from the absence of a...

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

In the name of her Majesty I return thanks for the supplies, which shall be care-

It would have been a source of much gratification to me had the Appropriation...

A certain number of despatches referred to the despatches which I have lately had...

The additional duties imposed by the present Revenue Bill, appear to me judi-

Mr. President, and Honorable Gentlemen of the Council:

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

A political rivalry has been kindled towards the late Government of our hardy and...

Honorable Gentlemen and Gentlemen, it is my duty to inform you that...

ROBERT R. WALKHAM, Clerk

END OF THE FIFTH SESSION.











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## ESTIMATE

of the charges of the year for the public expenditure of Newfoundland, for the year ending the 31st day of June, 1941.

TEN THOUSAND ONE HUNDRED AND THIRTY FOUR POUNDS STD.

Proposed distribution of the above sum of £10,134, for the service of the year 1941-42.

Salary of the Clerk of the Council	200 0 0
Two Clerks in the Secretary's Office	400 0 0
Office Keeper, do.	70 0 0
Messengers, do.	60 0 0
Colonial Treasurer	400 0 0
Clerk of N. C. Court	200 0 0
S. C. Court	200 0 0
Chief and Typist	60 0 0
Garler, (St. John's)	20 0 0
Two Police Magistrates do.	400 0 0
Clerk of the Peace, do.	120 0 0
Chief Constable	80 0 0
Six Constables	180 0 0
Two Constables	60 0 0
Chief Surgeon in Harbour Grace	25 0 0
Under-Secretary for the Attorney General's Dept.	250 0 0
Solemnist General do.	200 0 0
Portrait of John Fanning James Esq.	60 0 0
Salary of Clerk of Supreme and District Courts	1,500 0 0

# APPENDIX.

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Printing, Advertising, and Stationery	200 0 0
Civil and Criminal Prosecutions	200 0 0
Grain Expenses	200 0 0
Cannery Accounts	150 0 0
Fuel and Lights	200 0 0
Postage and other incidental	120 0 0
Expenses of the Fisheries	400 0 0
Fitting Peg Guns	200 0 0
Repairs of Court Houses, Courts & Government Buildings	200 0 0
To assist the Geological Survey	400 0 0

3,700 0 0  
 Total, £10,134 0 0

N. B. — By an Act of the Legislature, the sum of £2,000 is appropriated for the purposes of Education.



APPENDIX.



## ESTIMATE

of the charge of defraying the public expenditure of Newfoundland, for the year ending the 30th day of June, 1841.

**TEN THOUSAND, ONE HUNDRED AND THIRTY FOUR POUNDS STG.**

Proposed distribution of the above sum of £10,134, for the service of the year 1840-41.

Salary of the Clerk of the Council	200	00	
Two Clerks in the Secretary's Office	400	00	
Office Keeper, do.	60	00	
Messenger, do.	60	00	
Colonial Treasurer	400	00	
Clerk of N. C. Court	200	00	
—S. C. Court	200	00	
Crier and Tipstaff	60	00	
Gaoler, (St. John's)	50	00	
Two Police Magistrates do.	600	00	
Clerk of the Peace, do.	120	00	
Chief Constable, do.	80	00	
Six Police Constables, do.	270	00	
Stipendiary Magistrates in the Outports	1410	00	}
Clerks of Peace, Gaolers, and Constables do.	1174	00	
Gaol Surgeon, (St. John's)	40	00	
Gaol Barber do.	15	00	
Gaol Surgeon at Harbor Grace	20	00	
To defray the Attorney General's Fees	250	00	
Solicitor General's do	200	00	
Pension of John Buckingham Esq.	60	00	
Salary of Clerk of Supreme and Central Courts	—	—	
			5,864 00

### MISCELLANEOUS.

Printing, Advertizing, and Stationery	450	00
Civil and Criminal Prosecutions	500	00
Gaol Expenses	800	00
Coroners Accounts	150	00
Fuel and Light	200	00
Postages and other Incidentals	120	00
Expenses of the Circuits	600	00
Firing Fog Guns	250	00
Repairs of Court Houses, Gaols, &c.	100	00
Unforeseen Contingencies	500	00
To continue the Geological Survey	600	00

4,270 00

**Total..10,134 00**

N. B.—By an existing act of the Legislature, the sum of £2,100 is appropriated for the purposes of Education.



DETAIL of Salaries and Allowances to Stipendiary Magistrates, Clerks of the Peace, Gaolers and Constables, at the undermentioned Out-Ports.

OUT-PORTS.	Magistrates.	Clerks of the Peace	Constables.		Gaolers.	Total.
			No.	Salary.		
Harbor Grace.....	£150	£50	3	£85	£50	£335
Carbonear.....	120	..	3	75	..	195
Brigus and Port de Grave	120	20	2	50	..	190
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.....	100	20	1	12	25	157
Bay Bulls.....	100	—	1	12	—	112
Toads Cove.....	—	—	1	12	—	12
Cape Broyle.....	—	—	1	12	—	12
Caplin Bay.....	..	..	1	12	—	12
Aquafort.....	..	..	1	12	—	12
Fermeuse.....	..	—	1	12	—	12
Placentia.....	100	20	1	25	25	170
Barren Islands.....	—	..	1	12	—	12
Merasheen.....	—	—	1	12	..	12
Little Placentia.....	—	—	1	12	—	12
Burin.....	100	20	1	25	25	170
St. Lawrence.....	—	..	1	12	—	12
Lamaline.....	—	..	1	12	—	12
Trepassey.....	—	—	1	12	—	12
St. Mary's.....	100	—	1	25	—	125
Harbor Britain.....	100	20	1	12	—	132
Grand Bank.....	100	—	1	12	—	112
Trinity.....	120	20	1	25	25	190
Catalina.....	—	—	1	24	—	24
Bonavista.....	100	20	2	25	—	145
Greenspond.....	—	—	1	12	—	12
Twillingate & Fogo.....	100	20	3	49	—	169
Exploits Bay.....	—	—	1	12	—	12
Brigus (south).....	—	—	1	12	—	12
Witless Bay.....	—	—	1	12	—	12
Petty Harbor.....	—	—	1	20	—	20
Perlican.....	—	—	1	12	—	12
Hearts Content.....	—	—	1	12	—	12
Hants Harbor.....	—	—	1	12	—	12
New Harbor.....	—	—	1	12	—	12
Renewse.....	..	..	1	12	—	12
Portugal Cove.....	..	..	1	20	—	20
Torbay.....	—	..	1	18	—	18
Total.....	£1410	£210		£814	£150	£2584

Recapitulation—

13 Stipendiary Magistrates	£1410
9 Clerks of the Peace	210
51 Constables	814
5 Gaolers	150

£2584



**STATEMENT of services for which no provision, or an inadequate one, was made in the Appropriation Bill for the year ending 30th June, 1840.**

Service.	Amt. provided.	Amt. already paid.	Amt. of claims presented.	Probable sum required.
Civil & Criminal Prosecutions	£350	£349 9 3	£40 0 2	£150 0 0
Gaol Expenses	450	433 15 1		400 0 0
Repairs of Court Houses &c.			25 5 9	100 0 0
Circuits*	500	671 2 10		

\* Surplus paid from "Unforeseen Contingencies."

**TREASURY ACCOUNTS.**

**DR.**

**STATEMENT shewing the amount of Monies in the Treasury on the 31st January, 1840.**  
 Balance in hand on the 1st January, 1840 £8573 11 1

**CR.**

Amount since paid under the following heads—

Salaries	1527 5 0	
Outstanding Votes	1090 18 0	
Prosecutions	89 17 10	
Gaol expenses	251 17 2	
Printing and Stationery	50 17 5	
Postages, &c.	17 14 9	
Coroners	72 6 2	
Light Houses	325 10 10	
Road and Bridge Loans	925 0 0	
Road and Bridge interest	76 10 0	
Balance in hand	4145 13 11	£8573 11 1

**NEWMAN W. HOYLES,**

Treasurer.



## LIGHT HOUSE—Cape Spear.

**DR.**

1839.	Balance from last year . . . . .	2399	7	3
July 5.	Savings Bank, interest on £310 8s 8d for 6 months to 30th June	9	6	3
Aug 5	Keeper's salary qr. ended 1st instant (62)	23	15	0
	Do. allowance of fuel for past year to 3d inst. (63)	15	0	0
9.	Pilots Fund, 6 months interest on £100 to 30th June	3	0	0
23.	Andrew Hannon, interest on 500l for 6 months to 30th June	15	0	0
		<u>2465</u>	<u>8</u>	<u>6</u>

**CR.**

1839.	Light Dues collected at Carbonear qr. ended 1st instant	12	12	5
Aug. 23.	Do. Ferryland, year ended 5th July	3	13	11
Sept. 30.	Do. Trinity, to same date	4	9	10
	Do. Brigus to do.	3	6	3
Oct 30.	Amount collected at St. John's qr ended 30th ult.	62	3	2
Nov 20	Do. Trinity for ditto	5	6	4
Dec 31	Ditto Ferryland to the 18th October	1	12	3
	Amount to Balance	2372	4	4
		<u>£2465</u>	<u>8</u>	<u>6</u>

## LIGHT-HOUSE—Fort Amherst.

**DR**

Aug 5, 1839	Keeper's salary, qr ended 5th instant (63)	11	5	0
	Amt to balance	361	14	1
		<u>372</u>	<u>19</u>	<u>1</u>

**CR**

July 1	Balance from old books	342	7	5
Oct 30	Light dues collected at St John's qr ended 30th ult.	30	11	8
		<u>372</u>	<u>19</u>	<u>1</u>

## LIGHT-HOUSE—Harbor Grace.

**DR**

1839	Blnce from old Books	3003	17	4
July 5	Savings Bank, interest on 1000l for 6 months to 30th June	30	0	0
9	Keepers salary qr. ended 30th June (221)	23	15	0
15	W. B. Row, interest on 200l for 6 mo. to June 30	6	0	0
19	James Crowdy 300l " W. Bullock 300l "	9	0	0
24	George Crane 700l "	21	0	0
		<u>3102</u>	<u>12</u>	<u>4</u>

**CR**

July 16	Light dues collected at Carbonear in the year ended 1st instant	48	18	8
Sep 30	Do. Brigus for qr ended same date	12	12	0
	Amount to balance	3041	1	8
		<u>3102</u>	<u>12</u>	<u>4</u>



## SALARIES.

1839.

Oct. 14		Undermentioned salaries for the qr. ended 30th ult.				
J. Crowdy,	Clerk of the Council			50	0	0
J. Templeman,	Clerk in Secretary's Office			50	0	0
C. Ayre,	" " "			50	0	0
J. Howson,	Messenger			15	0	0
V. Born,	Office Keeper			15	0	0
John Stark,	Clerk N. C. Court			50	0	0
George Simms,	" S. "			50	0	0
James Lambard,	Crier of Supreme Court			15	0	0
Richard Perchard,	Gaoler, St. John's (1)			12	10	0
N. W. Hoyles,	Treasurer			100	0	0
P. W. Carter,	Police Magistrate			75	0	0
Charles Simms	"			75	0	0
James Finlay,	Chief Constable			20	0	0
John Toor,	Petty Constable			11	5	0
John M'Lennan,	"			11	5	0
William Heaney,	"			11	5	0
Thomas Hughes,	"			11	5	0
Thomas Morton,	"			11	5	0
John Downey,	"			11	5	0
James Simms,	Attorney General			62	10	0
H. A. Emerson,	Solicitor " (2)			50	0	0
Thomas Danson,	Magistrate H. Grace			37	10	0
James Power,	" Carbonear			30	0	0
Robert J. Pinsent	" Brigus			30	0	0
John L. M'Kie,	" Bay Bulls			25	0	0
Robert Carter,	" Ferryland			25	0	0
F. L. Bradshaw,	" Placentia			25	0	0
Wm. Hooper,	" Burin			25	0	0
Josiah Blackburn,	" St. Mary's			25	0	0
Thomas E. Gaden,	" H. Britain (3)			25	0	0
B. Sweetland,	" Trinity			30	0	0
Wm. Evans,	" Grand Bank			25	0	0
Wm. Sweetland	" Bonavista			25	0	0
John Peyton,	" Fogo (3)			25	0	0
A. Hogsett,	Clerk of the Peace St. John's			30	0	0
A. Mayne,	" Harbor Grace			12	10	0
Wm. Stentaford,	" Brigus			5	0	0
Robt. Bayley,	" Trinity			5	0	0
Thomas Gaylor,	" Bonavista			5	0	0
H. G. Clow,	" Ferryland			5	0	0
Luke Collins,	" Placentia			5	0	0
Luke Doyle,	Constable Petty Harbour			5	0	0
Patrick Coghlan	" Portugal Cove			5	0	0
Michael Cullen,	" Torbay (4)			40	10	0
John Currie,	Gaoler Harbor Grace			12	10	0
John Sharp,	Chief Constable do.			8	15	0
John Martin,	Petty do. do.			6	5	0
John Connell,	do. do.			6	5	0
				<b>Carried forward...£1261 15 0</b>		



		Brought forward... £1261 15 0		
	Benjamin Row, Petty Constable Carbonear	6	5	0
	J. Barnes, do. do.	6	5	0
	S. 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
	Wm. Mallowney, do. Harbor Main	3	0	0
	Robert Connell do. Cats Cove	3	0	0
	Edward Janes do. Western Bay	3	0	0
	Wm. Smith, do. South Shore (5)	3	0	0
	Francis Geary, Gaoler Ferryland	6	5	0
	R. Sullivan, Constable do.	3	0	0
	M. Coady, do. Bay Bulls	3	0	0
	Stephen Gatherall, do. Toads Cove	3	0	0
	Henry Currier, do. Cape Broyle	3	0	0
	Michael Power, do. Caplin Bay	3	0	0
	Thomas Payne, do. Aquafort	3	0	0
	Wm Treanor, do. Furmeuse	3	0	0
	Edward Power, do. Brigus South (6)	3	0	0
	Michael Jackman, do. Renewse	3	0	0
	Wm, Dunn, do. Witless Bay (6)	3	0	0
	Luke Collins, Gaoler Placentia	6	5	0
	Edward Glynn, do. Burin	6	5	0
	Luke Furlong, constable Placentia	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
	Wm. Burke, do St. Mary's	6	5	0
	George Fulton, do. Trepassey	3	0	0
	Wm. Butler, do. Burin	6	5	0
	—— do. St. Lawrence	3	0	0
	Jas. Cruse, do. Lamaline	3	0	0
	George Forward, do. Grand Bank	3	0	0
	Jas. Frood, do. Harbor Britain (7)	3	0	0
	Charles Granger, gaoler Trinity	6	5	0
	Richard Anderson, constable do.	6	5	0
	John Murphy, do. Catalina	6	0	0
	J. Collins, do. Perlican	3	0	0
	Charles Randall do. Hearts Content	3	0	0
	Thomas George do. New Harbor	3	0	0
	Martin Ady, do. Hants Harbor	3	0	0
	William Fennell, do. Bonavista	6	5	0
	R. Smith, do. Greenspond	3	0	0
	James Rice, do. Twillingate	6	5	0
	James Blackler do. do.	3	0	0
	John Ludlow, do. Fogo	3	0	0
	John Dalton, do. Exploits	3	0	0
	Richard Anderson, do. Trinity, arrears for 1838, (8)	12	0	0
	Edward Kielley, gaol Surgeon St. John's	10	0	0
	William Sterling, do. Harbor Grace	5	0	0
	John Whelan, do. barber St. John's	3	15	0
	John Buckingham, retiring salary (9)	15	0	0
Oct 22	E. M. Archibald and R. W. Lilly, salary of Clerk of Supreme Court for the past quarter (15)	75	0	0
		<b>£1575 5 0</b>		



## PROSECUTIONS.

1839.					
Oct 29.	W. Barnes, balance due him for constables' staves (18)	10	12	6	
Nov 20	High Sheriff, for charges attendant on Courts of Sessions in St. John's, Placentia, Bonavista, Trinity, and Harbor Grace (27)	47	1	0	
23	George Simms, conducting prosecutions in the S. C. Court (30)	19	19	0	
Dec. 4	Thomas Butler, charges under this head	1	7	0	
	John Bowes, " " " " " "	2	10	0	
	N. Janes, " " " " " "		15	0	
	W. Hanell " " " " " "		7	6	
	J. Bussey, " " " " " "		7	6	
	R. J. Pinsent, " " " " " " (33)	1	10	0	
9.	Attorney General to defray the expense of Witnesses (34)	47	0	0	
31	Amount brought from Circuit Courts to this head	128	1	11	
		<hr/>			
		£259	11	5	

## PRINTING &amp; STATIONERY.

1839.					
Oct 29.	Henry Winton, for Ledger under the press act for one year (18)	1	6	0	
Nov 4.	Ditto for an account under this head	12	17	7	
	John T. Burton " (19)	1	7	3	
8 24	A. McIver " " " "	8	12	10	
	Henry Winton " " " "	13	8	0	
	W. S. Comer " (29)	1	0	2	
29	J. T. Burton, for Star newspaper (32)		9	2	
	Ryan & Withers on account	80	0	0	
	Ditto for Royal Gazette	1	16	4	
	A. Shea for Newfoundlander	1	16	4	
	T. Spry for Sentinel (36)		9	1	
31	Ditto for amount of account		9	1	
	A. McIver (37)		11	8	
		<hr/>			
		£124	3	6	

## GAOL EXPENSES.

1839.					
Nov 14	Undermentioned for Gaol expenses for the qr. ended 30th September.				
	R. Perchard	82	14	5	
	Perchard & Boag	10	19	9	
	David Rogers	11	5	0	
	James Rice	9	2	0	
	Elizabeth Sinnott	5	9	3	
	Perchard & Boag	4	15	9	
	C. Granger	3	6	7	
	J. Frood	1	1	7	
	Luke Collins 22	1	1	8	
	George Garrett		8	8	
21	John Currie 28	28	5	2	
23	Perchard & Boag 29	20	12	2	
Dec 17	J. Butler 36		5	3	
30	Amount brought from "Circuit Courts"	2	10	8	
		<hr/>			
		£181	17	11	



FUEL AND LIGHT.

1839.					
Nov 14	P. Brine, amount of account under this head		7	7	4
	James Rice, do. do.		5	3	2
	Wm. Firth, do. do. 23		62	18	5
23	Ditto do. do. ....		10	3	8
	P. Brown do. do. ....		1	6	0
	John Stevenson do. do. ....		33	14	4
	Wm. Firth do. do. 29		4	11	0
Dec. 9.	R. J. Pinsent do. do. 34		5	10	4
31	Amount brought from "Circuit Courts" to this head		5	18	10
			<u>£136</u>	<u>13</u>	<u>1</u>

CORONERS.

1839.					
Nov 29	Aaron Hogsett, St. John's		23	11	8
	John Winter, Greenspond		5	2	0
	William Sweetland, Bonavista 32		6	18	0
			<u>£35</u>	<u>11</u>	<u>8</u>

DR.

CIRCUIT COURTS.

1839.					
Aug 27	High Sheriff, on account of Circuit expenses 263		100	0	0
Nov. 6	John Stevenson, hire of a brig for the N. C. Court 21		177	6	8
15	John Munden, do. S. C. Court		199	5	4
	A. W. Des Barres, table money for do. 24		56	0	0
20	High Sheriff, for expenses on the Northern Circuit 27		50	0	0
23	Geo. Simms, expenses of coming to St. John's to attend the S. C. Court 30		27	10	0
20	John Hayes, special constable attending S. C. Court 27		22	10	0
25	Geo. Lilly, table money for the N. C. Court 31		87	0	0
Dec 13	John O'Neil, constable attending do. 35		19	17	6
26	High Sheriff, expenses of Circuits 37		88	4	9
			<u>£807</u>	<u>14</u>	<u>3</u>

CR.

Dec 31	Amount taken from this head and carried to account of Prosecutions, Fuel, Lig' and Gaol Expenses		136	11	5
	Balance		671	2	10
			<u>£807</u>	<u>14</u>	<u>3</u>



INCIDENTALS.

1839.	Oct. 28.	E. Roach, salary as Porter at Government House qr ended 30th ult.	(17)	14	0	0
Nov. 14.		Churchwardens of St. John's, assessment on Government Pews for the year ending in Easter,	(23)	4	3	2
	21.	Perchard & Boag, postages for the Secretary's Offices	(28)	3	11	6
	23.	Express Packet ditto	(29)	1	9	0
	29.	Bland & Tobin, oil for lamps at Government House	(32)	4	0	2
Dec. 4.		St. Patrick Packet, for postages	(33)	1	12	6
				<hr/>		
				£28	16	4

VOTE OF CREDIT.

1839.	Oct. 29.	Henry Winton, for stationery for the registration of voters, and for law charges	18	21	19	4
Dec. 17.		R. Grant, account under this head	36	2	7	8
				<hr/>		
				24	7	0

SPECIAL VOTES.

1839.	Oct. 14.	Matthew Stephenson, his yearly pension	26	0	0	
		Wm. Martin,	26	0	0	
		H. A. Emerson, account for fees in Circuit Courts to 30th June last	[9]	173	10	0
		Directors of the Hospital for pauper patients in May and June last,	39	16	8	
		Magistrates of St. John's for support of the poor in Oct. last	117	13	3	
		Commissioners of H. Grace Light, amt. of acct. for oil &c.	31	1	5	
		R. J. Pinsent, law books for the Court House in Brigus [10]	10	0	0	
		Widow of the late James Blaikie	50	0	0	
		Widow of the late Wm. Armstrong	25	0	0	
		J. Templeman for extra services as Clerk in Secretary's office	25	0	0	
		Christopher Ayre, do.	25	0	0	
		T. Danson attendance at the bar of the House as a witness	5	0	0	
		St. John's Factory	100	0	0	
		Indigent Sick Society	50	0	0	
		Chairman of the Board of Control	100	0	0	
		J. M'Donald, support of a pauper child [11]	8	11	2	
		Undermentioned, on account of the election of 1836—				
		P. Kielty, hire of poll room,	25	0	0	
		John Long, erecting hustings	25	0	0	
		John Shea, Returning Officer	12	10	0	
		R. J. Pinsent, do.	19	10	0	
		S. Cozens, Poll Clerk	13	0	0	
		B. Sweetland, Returning Officer	26	8	4	
		S. Miffen, ditto	12	10	0	
		John Peyton, do. [12]	30	5	0	
				<hr/>		
Carried forward.....				976	15	10



	Brought forward.....	976	15	10
	Edward Miffen, poll clerk,	10	0	0
	R. Tremlett do. [12]	10	0	0
	W. B. Barnes, constables' staves	10	12	6
	Robert Carter, Returning officer	12	10	0
	Wm. Hooper. do.	12	10	0
	Francis Bradshaw, do.	12	10	0
	Thomas E. Gaden, ditto	12	10	0
	Robert Carter, poll clerk [13]	10	0	0
	19 Patrick Doyle and Anthony Godfrey amount of (Delegation expenses [14])	713	8	2
	22 Thomas Bennett, continuing of Board of Control [15]	30	0	0
	26 Simon Morris, vote for Waterford Bridge [16]	250	0	0
Nov. 18	J. B. Jukes, on account of vote for Geological Survey [26]	20	0	0
21	J. Clift, hire of Yacht for do. [28]	60	10	0
		<u>2141</u>	<u>6</u>	<u>6</u>

THE POOR.

1839	July 24.	Drs. Carson, Rochfort, Stabb, and O'Dwyer, each £6 13 4 salaries and allowance of medicine for 2 mo. to 30th June [237]	26	13	4
	Dec. 4	Directors of the Hospital for pauper lunatics for July, August, September, October, and November [33]	76	13	1
	29	J. M'Donald, expense of bringing a lunatic pauper from Harbor Grace to the Hospital (38)	2	16	4
			<u>106</u>	<u>2</u>	<u>9</u>

EDUCATION.

1839.	July 17	Orphan Asylum School, amount voted for the current year	228	100	0	0
	Oct. 19	Trinity Board do	14	125	0	0
	22	Placentia and St. Mary's do	15	200	0	0
	Nov 4.	Conception Bay do. balance of vote for the present year	20	370	0	0
	14	James Crowdy, balance due for school books under 2 Vic. cap. 5, 324		14	15	4
				<u>809</u>	<u>15</u>	<u>4</u>



COLONIAL BUILDING.

1839.			
July 5.	Savings Bank, interest on £200 for 6 months to 30th June,		6 0 0
	John R. M. Cooke £100		3 0 0
	Hugh W. Hoyles £100		3 0 0
Dec 31	Savings Bank, to this date £200		6 0 0
	John R. M. Cooke £100		3 0 0
	Hugh W. Hoyles £100		3 0 0
			<hr/>
			£24 0 0

ROAD AND BRIDGE INTEREST.

1839			
July 3.	B. G. Garrett, . . . . . interest on £600 for 6 months		18 0 0
	John Carrigan	25	15 0 0
	Wm. Stirling	200	6 0 0
6.	C. Ayre, to the 19th June	50	1 10 0
	A. W. Des Barres, to 14th June	800	24 0 0
19	E. Dwyer, to the 19th June,	500	15 0 0
	James Crowdy, to the 3d July	100	3 0 0
Aug 23	Wm. Kelly, to the 19th inst.	1000	30 0 0
	J. R. M. Cooke, to the 6th inst.	150	4 10 0
Sep 12	A. W. Des Barres, to the 4th July	200	6 0 0
20	Mary Ann Birch, to the 3d July	25	15 0 0
Oct 1.	J. Burt, to same period	50	1 10 0
5	Admtr. of W. Dickson, to 1st July	100	3 0 0
12	J. W. Martin, to 3d July,	450	13 10 0
31	Commissioners of Pilots	50	1 10 0
	C. Ayre, to 1st inst.	50	1 10 0
Dec 4	James Crowdy,	400	12 0 0
	J. Brumsden,	25	15 0 0
	M. A. Davis,	25	15 0 0
	J. R. M. Cooke	150	4 10 0
	H. W. Hoyles,	200	6 0 0
	Catherine Stewart	800	24 0 0
	C. Ayre,	300	9 0 0
	J. B. Bland	2000	60 0 0
19	C. Ayre,	50 to date	1 10 0
	Wm. Walsh	900 to 10th inst.	27 0 0
	J. Furneaux	400 6th	12 0 0
	J. Noad,	300 4th	9 0 0
	Isabella Des Barres	150	4 10 0
	A. W. Des Barres,	800	24 0 0
	B. G. Garrett	50 13th	1 10 0
			<hr/>
			327 0 0







		Brought forward.....	£2151	8	4
		John Stevenson, Deputy Sheriff, office rent	3	0	0
		Thomas Butler, Gaoler at Brigus	2	5	3
		Hospital Directors, expenses of J. M'Cabe 9	6	10	8
		Andrew Drysdale, Circuit expenses	7	16	0
		John Currie do.	3	15	0
		Jonathan Martin do.	3	15	0
		Roads; John Walsh, 1st instalment on road from Spaniards Bay to New Harbor 230	10	19	7
19		Vote of Credit, on account of charges connected with prosecutions	5	11	9
		Incidentals; E. Roach, salary for the qr. ended 30th June	14	0	0
		Express Packet, postages to do.	4	6	10
		J. Doyle, postages for the year to do.	2	3	4
20		Roads; Wm. Haddon, inspector of roads in St. John's, salary for half year to 30th June 2	52	0	0
July 20		Frederick Kenny, last instalment on contract in Port de Grave	13	5	9
22		Coroners; A Hogsett, account to 30th June	29	13	6
		Roads; T. Hartrey, last instalment, M'Larty's Lane, 234	11	5	4
24		Gaol repairs, Wm. Freeman	6	18	0
		P. Kough	5	0	7
		Thomas M'Grath	7	5	1
		W. B. Moore	1	8	10
		R. Lee Whiting	2	2	0
		Samuel Bennett	3	2	0
		Luke Collins		15	8
		James Clift	6	11	4
		C. Bennett	2	6	3
		C. Corkoran	1	14	8
		Job Brothers 5	2	9	7
		P. Cannon	4	11	2
		J. Wollacot	14	16	5
		W. Parker	13	18	1
		Pat. Kough	21	14	6
		Vote of Credit; James Rice, on account of Gaol expenses	6	12	0
		Roads; J. Bartlett, 1st instalment, Carbonear to Heart's Content	25	0	0
		P. Canary, do. Old Placentia Road 6	23	2	2
		Special Votes; J. B. Jukes, vote for a Geological Survey 8	50	0	0
26		Roads; Stamp and Rielley, 1st instalment on Topsail and Holy- rood roads	76	5	4
		George Cook do. Outer Cove road 9	14	7	1
		T. Houlton, 2d do. Signal Hill road 240	14	17	2
29		M. Grace, 1st do. Barrens to Newtown	20	4	0
		W. Pitts, opening a bridle road between Lance Cove and Belle Isle beach	5	12	8
		J. Green, surveyor between Brigus and Holyrood 1	9	14	9
July 30		R. Doyle, 1st instalment on the Topsail road 242	20	14	5
		Thomas Pyne, ditto Water Street	7	10	2
		Fling and Bryan, ditto Gower Street 3	29	15	1
Aug. 2		Coroners; R. Tremlett, Twillingate	1	12	6
		Vote of Credit; J. Stark, Coroner at Harbor Grace	5	16	0
		R. Tremlett, ditto Twillingate	9	17	6
		W. Gill, on account of Gaol expenses	6	16	0
		Printing; A. Shea, for Newfoundlander to various Government offices	5	9	3
		Carried forward.....	£2749	17	0



		Brought forward.....	£2749	17	0
		Fuel and Light; Dunscomb and Co., for coal to the Secretary's Office	9	2	9
		Vote of Credit do. do. 244	3	8	7
		Roads; M. Murphy, 1st instalment on road from Monday's to George's Pond	23	2	3
		Vote of Credit; Thomas Butler, on account of prosecutions for the past year 5	1	10	0
Aug 3		Roads; Simon Morris, on account of vote for Waterford Bridge	138	13	4
		John Kelly, 2d instalment, Spaniards Bay to Brigus 6	23	2	3
	5	Incidentals; E. Roach, his account under this head for the past quarter	6	18	8
		J. Snelgrove, account for making flags, &c. for the last 3 years	6	15	3
		Roads; R. Leary, 2d instalment, Logy Bay Road 7	14	1	3
	6	R. Flahavan, contract in Water Street 8	20	1	0
	7	J. Ryan, 2d instalment, contract in Carbonear	18	0	0
		John M'Lenan, amount of do. in Duckworth Street	13	0	0
		John Funcheon, last instalment, Queen Street	27	8	11
		Commissioners of St. John's, half of last instalment on Cuddihey's contract on the King's Road	47	13	2
		Ditto do. streets of St. John's 9	41	8	5
	9	A. Norris, 2d instalment, Duckworth Street 250	13	2	10
	10	M. Grace, 1st instalment, Wigmore's Gully road to the Old Top-sail road	7	12	1
		John Dwyer, 2d do. Duckworth Street	39	0	0
		John Dobbin, amount do. Harbor Grace to Island Cove 251	5	7	6
		John Walsh, last instalment, Carbonear streets 2	39	6	0
	13	M. Power, 1st instalment, Torbay road	52	0	0
		Flinn & Dunn, 2d do. Petty Harbor to Bay Bulls, 3	40	8	10
	15	John Furlong, 1st do. Blockmaker's Hall road	12	5	7
		Walsh and Hennessey last instalment on road from Brine's bridge to Walsh's farm	28	17	9
		Thomas Cook, 2d do. Freshwater to Wigmore's Gully 4	16	9	4
		Hartrey and Savage, 1st instalment, road from Upper Long Pond to Rennie's Mill	17	6	8
		Jas. Bealy, 3d do. Carbonear to Bay de Verds 5	40	0	0
	17	S. J. Daniel, Clerk to Commissioners of St. John's	12	10	0
		P. Kenna, 1st instalment, Carbonear to Grates Cove	20	4	5
		Special Votes; James Clift for hire of a vessel for Geological Survey to 13th inst 6	55	0	0
	19	Roads; M. Meaney, 1st instalment Carbonear to Heart's Content	22	10	0
		John Slokam, 3d do. Carbonear Streets	20	0	0
		Thomas Pyne, 2d do. Hogan's Lane 7	7	10	2
		Mulloy and Rielley, contract for fences on the Bay Bulls Road	27	14	8
		M. Clooney, do. do. 8	16	18	0
	20	J. Green, surveyor, Spaniards Bay to Brigus	2	3	4
		Ditto ditto, Harbor Grace to Spaniards Bay	17	16	6
		"Contingencies of Commissioners at Bay Roberts 9	9	5	2
		E. Whiteway, 1st instalment, Spaniards Bay to New Harbor	9	16	5
		Thomas Morrissey, do. do.	9	19	1
		James Cuddihy, do. £9 18s. 7d. S. Cannon, £9 16s. 5d.	19	15	0
		S. Cannon, 2d do. Spaniards Bay to Brigus 260	25	17	1
		Carried forward.....	£3732	19	3



1839.

	Brought forward.....	£3732	19	3
Aug 20	John Cuddihy, amount contract, Port de Grave	11	14	0
	Samuel Cannon, do. do. 261	13	0	0
24	M. Darcey, 2d instalment, Bay Bulls Road 2	37	5	4
27	B. Marshelsen, amount contract, Port de Grave	8	9	0
	Mulloy and Rielley, 2d instalment, Bay Bulls Road 3	34	1	3
Sept. 2	W. Quigley, 1st instalment, Topsail and Holyrood road	27	8	6
	S. Kavanagh, 2 thirds ditto Outer Cove road	24	16	0
	W. Andrews, 3d do. Port de Grave 4	20	4	5
4	Robert Ayles, conting. of Commissioners of Carbonear streets	25	0	0
	John Aylward, amount contract for fences on the Petty Harbor road	21	13	4
	L. Byon, 2d instalment, Brigus to Holyrood	25	5	7
	Patrick Buck do. do. 5	30	0	11
5	W. Lilly, and D. P. Marrett, each £6 5s. 0d. salary of Clerk of Board of Control to 22d August 6	12	10	0
6	M. Allen, 2d instalment, Fort William to the King's Bridge	35	0	0
	William Whelan, 1st instalment, Spaniards Bay to New Harbor and Dildo Cove 7	20	4	5
9	J. Furlong, 2d do. Blockmaker's Hall road	12	5	7
	M. Dea, 3d do. on street from the Church to the Orphan Asylum School 8	13	17	4
10	Lannon and Shea, 1st instalment, Carbonear to Grates Cove	23	13	9
	Allen and Dea, do. Flatrock to Pouch Cove	8	13	4
	Thomas Pyne, do. on Cochrane Street 9	9	10	8
11	M. Walsh, do. Portugal Cove road	19	7	1
	John Dwyer, two thirds of contract on the Custom House lane	17	6	8
	B. Marshelsen, amount of do. in Port de Grave 270	4	15	4
12	Fling, Dunn, and Power, 2d instalment between Carbonear and Grates Cove	92	19	0
	R. Doyle, do. on the Topsail road	20	14	5
	P. Kennedy, 1st do. Bay Bulls to Petty Harbor 271	21	13	4
13	J. Murphy do. Outer Cove Road 2	6	1	4
16	J. Stokes, amount of do. Carbonear to Hearts Content	35	0	0
	Edward S. Connigan, 1st instalment, Portugal Cove to Broad Cove 3	17	6	8
17	T. Wilson, 2d do. Spaniards Bay to Brigus	33	4	5
	James Rafter, do. do. do.	29	9	4
	M. Shea, compensation for ground on do.	12	2	8
	John Richards, do.	6	18	8
	Wm. Butler, do.	1	6	0
	P. Cooney, do.	2	12	0
	M. Reardon, do.	1	10	4
	M. Lawless, do.	2	3	4
	J. Green, conting. of Commissioners on ditto 4	17	6	8
	George Toney, amount of contract between Grand Bank and Fortune	17	6	8
	Samuel Cannon, last instalment at Bay Roberts	46	3	10
	John Kelly, 1st do. Outer Cove road 5	13	0	0
18	Skully and Callum, 1st do. Carbonear to Grates Cove	12	2	8
	John Murphy, 1st and 2d do. on do.	67	18	6
	Carried forward.....	£4646	4	7



	Brought forward.....	£4646	4	7
	Garrett Murphy, 2d do.		24	14 0
	John Dooling, 1st and 2d do. Harbor Grace to Carbonear 6		23	2 2
21	M. Darcy, 2d do. Bay Bulls to Petty Harbour 8		11	8 0
	J. Lake, half of contract for a bridge at Lamaline		20	0 0
	Special Votes; J. Clift, hire of a vessel for the Geological survey for one month 7		55	0 0
24	Legislative Contingencies; R. J. Parsons, for printing for the House in last Session 9		150	0 0
	John Currie, last instalment, contract in Harbor Grace		22	10 0
	J. Hearn, amount of do. Bay Roberts		17	2 4
	J. Green, for surveying in do. 279		4	6 5
25	T. Pyne, 3d instalment do in. St. John's		27	8 10
	Hartrey and Savage do. do.		42	7 0
	Fling and Ryan, do. do.		29	15 1
	Richard Leary, do. do.		14	1 9
	Kenney and Dooley, do. do.		80	12 0
	Gleeson and Condon, do. do. 280		23	16 8
	T. George, cutting woods between Spaniards Bay and Dildo Cove		12	16 6
	William George, do. do.		6	1 4
	J. Green, contingencies of Commissioners of do.		15	15 6
	John Dooling, 3d instalment, Harbor Grace to Carbonear 1		9	3 4
26	R. Flakavan do. Custom House hill		24	16 11
	R. Butler, 2d do. Carbonear		23	6 8
	Wall and Moore, do. on road from Musquito to the Carbonear road 2		15	0 5
28	Rourke and Gladney, 1st. instalment on road from Lance Cove to Belle Isle beach 3		17	6 8
30	John Dwyer, do. St. John's to Quidi Vidi		26	0 0
	L. Bryan, do. on a bridge between Brigus and Holyrood 4		34	13 4
Oct. 1.	T. Byrne, surveyor at St. John's		41	10 0
	Wm. Haddon, inspector do.		26	0 0
	Eagan and Tobin, deputy surveyors		30	0 0
	S. J. Daniel, Clerk to Commissioners, qr. ended 30th Sept. 5		12	10 0
	M. Dillon, last instalment, Bay Bulls road		14	6 0
	T. Pyne do. Hogan's lane		7	10 2
	J. Neil, jr. do. Upper Long Pond road		28	17 9
	John Furlong, do. Blockmaker's Hall road		12	5 6
	P. Cummins, 2d do. Carbonear to Grates Cove 6		17	6 8
3	Shannon and Dalton, 2d instalment, Carbonear to Grates Cove		51	17 6
	John Dooling, 1st ditto on ditto		13	0 0
	W. Corcoran, on account of contract between Bonavista and Ca- talina 287		6	7 3
	John M'Cue, 2d instalment, Holyrood to Brigus		34	4 8
	Edward Dunn, ditto ditto 8		32	18 8
5	P. Cummins, ditto ditto		23	0 9
	P. Kennedy, do. Bay Bulls to Petty Harbor		21	13 4
	W. Fleming, 1st do. on the Topsail road 9		41	12 0
7	G. Mansfield, two thirds of contract between old Perlican and Hants harbor		19	1 4
	J. Bealey, amount of ditto in Carbonear		26	17 4
	P. Collins, last instalment in Harbor Grace		7	7 4
	R. Shea, ditto £10 2s 3d J Lannon, £12 2s 8s		22	4 11
	D Lughorne, ditto ditto 290		2	3 4
	R. Aylward, amount of contract between Great & Little Placentia		97	10 0
	Kelly and Grant, ditto ditto		5	4 0
	Carried forward £5972 18 0.....			



1839.

		Brought forward.....	5972	18	0
Oct. 7.	R. Aylward,		7	11	8
	T. Fitzpatrick		9	9	5
	T. Hunt		7	11	8
	R. Shea, £7 11 8—M. Walsh, £2 12 0		10	3	8
	Kelly and Grant,		8	2	3
	M. Grace, 2d and final payment, Wigmores Gully Road to old Topsail road		23	16	9
	John Neill, amount of contract on do.		11	16	11
	M. Grace, Fresh Water, new bridge to Wigmores Gully	[2]	4	6	8
	T. Pyne, second instl. Cochrane street		9	10	8
	T. Foley, Harbor Grace	[3]	4	6	8
	“ 1st instl. “		21	13	4
	E. Shannahan	[4]	9	10	8
8	M. Shannahan, 1st instl. roads in Harbor Grace,		5	9	9
	James Shea,		4	18	3
	R. Hickey	294	5	4	0
	M. Walsh, 2d, Portugal Cove road		19	17	1
	J. L. M'Kie, conting. of Commrs. between Bay Bulls and Cape Broyle,		10	0	0
	F. L. Bradshaw, inspector between Great and Little Placentia		13	0	0
	“ To pay labourers on same road		0	8	8
	J. Lovett, comp. for ground between Aquaforte and Ferryland		17	4	
	N. Walsh, first instal. Aquafort and Fermeuse		2	17	6
	D. Garland, surveyor, for contingencies of Commrs. at Port de Grave		6	1	4
	J. Parsons, last instalment, between Carbonear and Bay de Verds		11	13	4
	Gaol expenses, . . P. Kough for a retaining wall and palisade fence round the Court House		80	10	2
	Roads—Hayley, Russell and Butler, 2d ins. Carbonear to Grates Cove		7	16	0
	P. Kenny, Old Placentia road		23	2	2
	R. Doyle, 3d ditto Topsail road		20	14	6
	T. Holton, Signal-hill road,		14	6	2
	R. Flahavan, Gower street		54	17	9
	John Dooling, Harbor Grace to Carbonear		11	11	1
	W. Whelan, Harbor Grace		7	16	0
	P. Hanrahan, Aquafort to Ferryland		5	12	8
	Joseph Reed, Old Perlican to Hants Harbor		44	10	6
	Allen and Dee, 2d do. Pouch Cove road, 300		8	13	4
	Sundries, . . Comp. for ground between Carbonear and Grates Cove		74	1	7
	E. Congdon, 3d instl Aquaforte to Ferryland		5	9	6
	H. Watts, for work in Brigus		1	19	0
	J. Green, contingencies of Commissioners between Brigus & Holyrood		1	18	8
	J. Bealey, 2d instalment, Harbor Grace to Spaniards Bay		34	13	4
	Sundries—Compensation for ground between those places		44	12	8
	Commissioners of same road for contingencies		17	6	8
	Special Votes—1 mo. hire of a ketch for Geological survey, to 13th inst		55	0	0
	Roads. . George Cook, last inst. Outer Cove road		33	0	10
	W Fling, first do Brigus to Holyrood		27	18	0
	Denis Walsh, 2-3rds of do on Topsail road		34	19	1
	John Furlong for fences on Bay Bulls road		6	5	8
		Carried forward	6798	0	11



1839.				
		Brought forward.....	6798	0 11
Oct 23.		M. Merrigan, 2d instl. Holyrood to Brigus	40	8 11
		M. Dyer, 1st do. Grove farm to White Hills	26	0 0
		John Kelly, 3d do. Spaniards Bay to Brigus	23	2 3
		Thomas Wilson, do.	33	4 5
		H. Watts, do. on John Thomas's contract in Brigus	17	6 3
		J. Clark, 2-3ds contract in Burin	37	0 0
		John Ryan, last instl. in Carbonear	11	0 0
		W. Quigley                   Topsail road	27	8 6
		M. Blanch,                   Great to Little Placentia	2	13 6
		M. Fitzpatrick, do. £9 5s 6d—J. Connors, £9 10s. 8d.	18	16 2
		M. Barron, £9 9s 6d. John Fitzpatrick, £9 11s. 6d	19	1 0
		M. Blanch & Co.	3	11 1
		T. Fitzpatrick, amount of contract, on do.	13	6 9
		J. Lannan, 1st instl. in Harbor Grace	5	15 7
		John Dunn, for contingencies on the Outer and Pouch Cove roads	12	11 4
		John Murphy, 2d instalment Outer Cove Road,	6	1 4
		Edwards and Connigan, Portugal Cove to Broad Cove	26	0 0
		Daniel Mackey, 1st & 2d do. contract in Burin	34	0 0
		Thomas Cooke, last instalment, Freshwater to Wigmores Gully	16	9 4
		John Dwyer, last instalment, Duckworth street	39	0 0
		John Neill, amount, Fresh water to Wigmores Gully	16	5 0
		John Funcheon, drain in Queen street	65	0 0
		L. Bryan, 2d instalment, Brigus to Holyrood	34	13 4
		James Hearn                   “                   “	13	11 7
		N. Molloy, secretary of Commissioners of the same road	20	0 0
		Edward Dunn, last instalment	32	18 8
		John M'Cue,                   “                   “	38	7 10
		N. Mallowney, surveyor on do.	18	2 6
		John Cuddihy, 2d ins. Spaniards Bay to New Harbor and Dildo Cove	9	18 7
		Edward Whiteaway,	9	16 5
		J. Cannon,	9	16 5
		John Walsh	10	19 7
		M. Allen, 2-3ds on road to Fort Townshend	28	17 9
		Sundries—Compensation for ground in Harbor Grace	42	9 4
		“                   Harbor Grace to Island Cove,	6	1 4
		Commissioners of do. for contingencies	17	16 8
		J. L. Prendergast, surveyor between Carbonear and Grates Cove	35	0 0
		M'Namara and Sinnott, last instalment on the Petty Harbor road	19	5 10
		Dwyer and Grace, do. Wigmores Gully road	10	10 0
		John Kelly, Outer Cove road	26	0 0
		John Dwyer, Hannon's lane	8	13 4
		P. Coghlan, amount do. Portugal Cove road	13	8 8
		M. Merrigan, last instalment, Brigus to Holyrood,	40	8 11
		A. Norris, Duckworth street,	13	2 10
		N. Mulloy, service as surveyor in, and for contingencies of, Commis- sioners between Holyrood and Brigus	10	0 0
		M. Rielley, 2d instalment, Blockmaker's Hall to S. River	23	2 3
		J. Bealey, 1st do. in Harbor Grace.	13	17 4
		J. Fitzgerald, 2d                   “                   Fermeuse to Aquaforte	5	15 7
		Carried forward	7804	5 2



		Brought forward.....	7804	5	2
Nov. 11.	T. Gatherall, 3d instalment, Bay Bulls to Cape Broyle,		24	0	0
	Vote of Credit,—B. G. Garrett, on account of Criminal Prosecutions		3	18	0
	Gaol expenses,—G. P. Davies, for a pump in the Gaol Yard at H. Grace		2	10	11
	Roads—M. Murphy, 2d inst. between Monday and George's Pond		23	2	3
	Fling and Dunn, last inst. Bay Bulls and Petty Harbor,		40	8	10
	M. Darcy		11	8	2
	P. Kennedy,		33	2	1
	R. Flahavan, amt. do. on road near the Orphan Asylum School		38	2	8
	Commissioners of St. John's, contingencies		100	0	0
	S. J. Daniel, Clerk to do.		12	10	0
	M. Cummins, last inst. contract in St. Mary's		5	15	7
	J. Bishop, do. £8 1s 9d—J. Borrice, £3 19s 5d]		12	1	2
	T. Drohan, 3 19 5 —J. Gobin 4 6 8		8	6	1
	W. M'Donald 4 0 2 —P. Tobin 3 19 5		7	19	7
	P. Daley 3 18 0 —D. White 3 15 2		7	13	2
	W. Brothers, Aquaforte to Fermeuse		5	15	6
	R. Hickey, H. Grace to Island Cove		1	6	0
	Rouke and Gladney, 2d do. Lance Cove to Belle Isle Beach		21	13	4
	M. Grace, the Barrens to Newtown		20	4	5
	Moses Power, Torbay road		52	0	0
	John Brothers, Aquaforte to Fermeuse		5	15	6
	W. H. Best, 1st and 2d do. on his contract in Burin		13	17	4
	W. Yetman, J. Yetman, R. Dobbin, M. Meehan, W. M'Donald, T. Adams, L. White, J. Mooney, and W. Bishop, each £4 0 11, first instl. on their respective contracts at St. Mary's, [327]		36	8	3
	Special Votes—J. B. Jukes, on account of Vote for a Geological Survey [26]		80	0	0
	Roads—H. Butler, 1st & 2d instlmts. in Burin		8	7	6
	G. Hadfield, amount, Cape Broyle to Bay Bulls		16	0	0
	T. Branley,		9	4	6
	D. Ryan, 2d instl. Aquaforte to Fermeuse		5	15	6
	M. Tobin [328]		5	15	7
	J. Dooling, 1st & 2d instl H. Grace to Carbonear		8	13	4
	" 2nd do. on do.		7	10	0
	Hartery & Savage, 2d & last do. on road from Upper Long Pond to Rennie's mill		53	15	8
	Mulloy and Rielley, last inst. on Bay Bulls road		43	8	2
	J. Aylward, amount of do. for drains on same road [9]		3	9	4
	W. Brothers, 2d instl. Aquaforte to Fermeuse		5	15	6
	Commissioners, Carbonear to Grates Cove, for contingencies [330]		121	6	8
	W. Burke, Surveyor at St. Mary's		15	0	0
	Tobin and Yetman, 1st instl. road to crossing place [1]		8	13	4
	M. Northovan, amount, Hants Harbor to Hearts Content		46	16	0
	R. F. Seaward		42	6	10
	J. Perry, for a bridge at New Perlican		76	0	0
	M. Allen, 3d instl. Fort William to Kings Bridge [3]		34	19	11
	P. Crane, Bay Bulls to Cape Broyle,		18	13	4
	R. Furlong,		3	10	10
	M. Darcy, Bay Bulls road		19	1	4
	T. Houlton, Signal hill road		6	4	11
	Clerk to Board of Control, to 22d inst.		12	10	0
	M. Hartery, 2-3ds contract, Carbonear to Grates Cove		23	1	8
	P. Kinna, 2d instalment		20	4	5
	J. Hatchett, 1st do. on 2-3ds contract on Outer Cove road		18	4	0
	J. Brown, compensation for ground between Cape Broyle and Cornfield		13	0	0

Carried forward 6798 0 11



		Brought forward.....	£9257	18	0
Nov. 28.	M. Power, 1st inst.	Aquaforte to Fermeuse	11	11	1
	J. Walsh		2	6	3
	G. Jackman, surveyor,	Renewse to Fermeuse	8	1	8
	C. M'Carthy, last inst.	on same road	7	7	8
	M. Dumphy, £8 13s 9d..	E. Conway, £9 5s 5d	17	19	2
	W. Keating, £8 13s 9d—	R. Grant, amount of do. £10 1s 5d	18	15	2
	P. Butler, on account of contract	in Carbonear,	30	11	10
	P. Kelaler, amount of do.	"	24	0	0
	J. Bartlett, last inst.	Carbonear to Hearts Content	50	15	0
	W. Everett,	"	50	0	0
	M. Harley, amt.	Grates Cove	11	10	10
	J. Saunders 3d instalment,	Caplin Bay to Cape Broyle	4	11	4
	T. Foley, 2d instalment	in Harbor Grace	17	6	8
	M. Walsh, Harbor Grace	to Spaniards Bay	34	13	4
	Burn and Maher, on account of do.	between Carbonear and Grates Cove	36	19	7
	John Boolin, amt.	Caplin Bay to Ferryland	3	15	3
	T. Neville, comp. for ground	between Spaniards Bay and Brigus	2	12	0
	M. Dwyer, 2d instalment	Grove to White Hills,	26	0	0
	Commissioners, Harbor Grace	to Carbonear, for contingencies	16	6	8
	W. Fleming, 2-3ds contract,	Spaniards Bay to New Harbor	23	2	3
	John Walsh,	"	19	12	11
	M. M'Daniel, amt. of do.	Holyood to Brigus	13	0	0
	J. Green, services as surveyor	in Brigus, and between S. Bay & Brigus	9	15	0
	Hanrahan and Dalton, last inst.	Carbonear to Grates Cove	25	18	8
	P. Cummins, 8 13 4—	J. Murphy, 16 19 7	25	12	11
	Fling, Dunn, & Power,		23	4	9
	P. Cummins, £11 10 5—	G. Murphy, £12 7	23	17	5
	E. Skully, 2d inst.	Carbonear to Grates Cove	12	2	8
	J. Power, compensation for ground,	Caplin Bay to Ferryland	4	15	4
	J. Hartwell, last inst.	Bay Bulls to Cape Broyle,	12	8	5
	J. Dillon, 10 3 8—	J. Mara, do. 12 10 10	22	14	6
	P. Day, 9 15 0—	H. Carew, 16 11 8	26	6	8
	J. Rogers, surveyor, 7 18 9—	C. Kelly, ditto, 2 10 0	10	8	9
	W. Skully, comp. for ground	on same road	3	18	0
	J. M'Carthy, 3d instalment,	Renewse to Fermeuse	7	2	0
	T. Spicer,	"	13	3	
	R. Ollerhead, amount of contract	on do.	55	5	6
	R. Powell, on account of ditto,	Bonavista to Catalia	4	3	4
	F. Page, services between	Great and Little Placentia	5	0	0
	Messrs Fitzpatrick, last instalment	on same road	11	11	1
	G. Follett, amount of contract,	Hants Harbor to Hearts Content	19	0	6
	J. Quints, surveyor on same road		7	2	4
	J. Murphy, last instalment,	Outer Cove road	11	5	4
	J. Gleeson, amount ditto	White Hills road	3	9	4
	T. Pyne, last instalment,	Cochrane-street	9	10	8
	"	contract for repairs on ditto	6	1	4
	P. Kenny, half last instalment,	Old Placentia road	13	0	0
	Messrs Rielley, Block-makers	Hall to S. River	12	2	8
	W. Whelan, 2d instalment,	Aquaforte to Ferryland	2	3	4
	J. Ryan, compensation	Cape Broyle to Ferryland	6	1	4
	R. Walsh, first instalment,	Bay Bulls road	7	2	9
	M. Vokey, amount of contract,	Harbor Grace to Spaniards Bay	28	12	0
		Carried forward	9859	0	9



		Brought forward.....	£9859	0	9
Dec 12	W. Whelan, amt. cont. £5 17s	J. Bealey, last inst. on do. £25 4s 2d	31	1	2
	J. Bealey, first and second ditto Carbonear to Grates Cove		16	3	7
	J. Cahill, second ditto Carbonear to Hearts Content	8	28	0	0
16	J. Dwyer, ditto Quidi Vidi road		26	0	0
	R. Rossiter, third ditto Cape Broyle to Ferryland		2	0	6
	A. Rossiter, ditto ditto		3	5	9
	J. Conolly, first and second ditto St. Mary's to Salmonier	9	36	0	0
	J. Haddon, last ditto White Hills road		29	9	4
	M. Dea, ditto George's Pond road		27	14	8
	M. Walsh, ditto Portugal Cove road		19	7	1
	Rourke and Gladney, amount of contract in Belle Isle		28	12	0
	J. Neville, amount ditto Topsail road		4	6	8
	S. Kavanagh, last instalment Outer Cove road	50	20	16	0
19	R. Flavan, first ditto Custom House to Boden's		8	13	4
	S. Redmond, second ditto Carbonear to Hearts Content	351	20	0	0
	Clerk to Commissioners of St. John's		9	0	0
	P. Russell, first instalment Harbor Grace to Island Cove		2	12	0
	Dawley and Walsh, second do.		18	4	0
	M. Whelan, amount ditto Caplin Bay to Ferryland		3	13	8
	B. Sweetland, compensation for ground on same road		6	10	0
	P. Cane, do. 2		1	19	0
21	W. Whelan, 1st inst. do.		1	2	6
	P. Kelly, last ditto do.		4	0	2
	C. Flagerty, do. do.		2	12	0
	F. Sheen, do. do.		2	14	11
	W. Sheen, do. do.		2	12	0
	J. Gregory, do. do.		3	18	0
	B. S. Morrey, Surveyor on ditto	3	5	1	0
24	J. Bower, last instalment, Renewse to Fermeuse		7	10	9
	P. Walsh, ditto		7	10	9
	P. Meagher do. 4		6	18	8
	Roads, 1836; Commissioners of St. John's on account of the road from Holyrood to Placentia	5	60	0	0
	Roads, 1839; G. Cooke, amount of contract on the Outer Cove road		4	6	8
	M. Power, half last instalment Torbay road		34	13	4
	E. Keefe, first instalment Caplin Bay to Ferryland		2	5	8
24	D. Garland, contingencies of Commissioners at Port de Grave	355	5	15	0
27	M. Doyle, 1st instalment on Bay Bulls road		5	4	0
30	D. Walsh, last ditto Topsail road		23	13	4
	Allen and Dea, ditto Pouch Cove road		43	2	6
	Messrs. Rielley, amount ditto Topsail road		4	11	0
	Edwards and Connigan, half of last instalment on the Broad Cove road		21	13	4
31	W. Quigley, ditto Topsail road	7	13	17	4
	Byrne and Maher, ditto on road from Carbonear to Grates Cove		9	4	11
	J. Hart, last ditto Renewse to Fermeuse	8	8	2	3
	T. Byrne, surveyor of the Central Board of Commissioners		41	10	0
	W. Haddon, general Inspector		26	0	0
	Eagan and Tobin, Assistant Surveyors		30	0	0
	S. J. Daniel, Clerk	9	3	10	0
Dec 10	M. Meany, 2d instalment Carbonear to Hearts Content		22	10	0
	T. Smith, amount of do. between Hants Harbor and Hearts Content.	5	5	13	3
			£10,621	3	5



		CR.	
1839.	July 1. By Votes remaining unpaid of 1835-6.		
	Roads and Bridges	175	0 0
	Ditto ditto 1836-7		
	Education	471	8 8
	Roads	472	10 0
	Ditto ditto 1837-8		
	Education	525	0 0
	Ditto ditto 1838-9		
	Education	650	0 0
	Roads	16250	3 6
	Printing and Stationery	115	18 9
	Gaol expenses	148	3 1
	Coroners	31	6 0
	Fuel and Light	9	2 9
	Repairs of Gaols	177	16 5
	Incidentals	25	8 3
	Vote of Credit	111	10 1
	Special Votes	950	0 0
	Legislative Contingencies	300	0 0
		£20,413	8 4

DR. The Treasurer in account with the Colony for the half year ending Jany. 1st 1840.

Balance from last statement		15,469	6 2
Amount since received under the following heads—			
Qr. ended 30th September, 1839			
23—Colonial Revenue	5573	2 8	
23—Imperial ditto	1354	19 3	
24—Licence Money	22	0 6	
Light Dues	185	6 6	
25—Fines	2	18 5	7,138 7 4
Qr. ended January 1st, 1840.			
Colonial Revenue	3746	4 4	
Imperial ditto	1207	19 6	
Licence money	687	16 8	
Light dues	88	13 10	
25—Excess of fees	106	2 8	5836 17 0
		£28444	10 6

CR.

Amount since paid under the following heads	Voted	Paid	Unpaid
1. Cape Spear Light House		66 1 3	
2. Fort Amherst do.		11 5 0	
3. Harbor Grace do.		98 15 0	
4. Salaries		1575 5 0	
5. Prosecutions	350 0 0	259 11 5	90 8 7
6. Printing and Stationery	450 0 0	124 3 6	325 16 6
7. Gaol expenses	450 0 0	181 17 11	268 2 1
Carried forward . . . .	£1254 0 0	£2316 19 1	£684 7 2







<b>DR.</b>		
1839.	<b>WOLVES.</b>	
Nov 16	Wm. Treanor, allowance under 3, Vic. Cap. 1, for killing a Wolf 25	5 0 0
24	Martin Day, do. 32	5 0 0
		£10 0 0

	<b>CR.</b>	
	Imperial Revenue.	
1839.		
Oct. 23	Received from the Collector on account of the qr. ended 30th ult.	1354 19 3
1840.		
Jan 28	Ditto on account of ditto ended 31st ultimo	1207 19 6
		£2562 18 9

	<b>CR.</b>	
	Colonial Revenue.	
1839.		
Oct. 15	Received from Collector on account of qr. ended 30th ult.	4047 19 8
30	Ditto balance of ditto	1525 3 0
1840.		
Jan 14	Received on account of qr. ended 31st ult.	3510 12 10
18	Ditto balance of ditto	235 11 6
		£9319 7 0

	<b>LICENCES.</b>	<b>CR.</b>
1839.		
July 5.	Amount received from Brigus	12 16 6
6.	“ Bonavista	9 4 0
Nov 7.	“ Twillingate	18 0 0
	“ Trinity	41 5 0
16	“ St. John's	524 0 0
Dec 31	“ St. Johns	102 6 8
	“ Ferryland	2 5 0
		£709 17 2

	<b>FINES.</b>	<b>CR.</b>
July 5	Amount received from Brigus	18 11
Aug 23	Ditto Bonavista	1 19 6
		£2 18 5

	<b>EXCESS OF FEES.</b>	<b>CR.</b>
Nov 20	Amount received from Clerk of the Supreme Court, being for four years to 1st April last	£106 2 8



## CUSTOMS ACCOUNTS.

*Port of ST. JOHN'S,—J. M. SPEARMAN, Collector.*

A Consolidated Account of the Goods imported in the year ended the 5th day of January 1840, showing the Agregate Quantities and Values of the various Articles, with the amount of Duty collected thereon.

Articles imported.	Quantity imported.	Value.	Duty.
Wine—videlicet.			
1st class .....	168 $\frac{3}{4}$ Gallons	141 5 7	12 8 9
2d ditto .....	8546 $\frac{1}{2}$	2015 11 8	427 6 6
3d ditto .....	9943	1095 14 0	379 9 3
4th ditto .....	17193	1291 7 5	429 16 6
Spirits	32210 $\frac{1}{2}$	3797 13 5	805 6 3
Apples	1192 $\frac{3}{4}$ Barrels	598 5 0	29 16 5
Beef and Pork, salted	44,533 3 23 cwts	98130 7 6	1682 6 7 $\frac{1}{4}$
Bread or Biscuit	106946 2 21	89640 17 11	1336 14 2
Batter	13602 1 18	40049 15 11	1020 12 10
Cattle, neat	..... head	.....	.....
Coals	13018 $\frac{1}{2}$ tons	8609 9 1	325 9 2
Flour	49974 $\frac{1}{2}$ Barrels	72023 15 2	1855 4 4
Goods, Wares and Merchandise, not otherwise enumerated or described	.....	262919 6 3	6572 19 11 $\frac{1}{2}$
Hogs	.....	.....	.....
Horses, Mares, or Geldings	.....	.....	.....
Lumber	2,742242 feet	3978 2 1	94 18 9
Oatmeal	3579 barrels	3077 1 2	89 6 6
Timber, ton, and Balk of all kinds, including Scantling	618 $\frac{3}{4}$ Tons	617 15 10	17 10 2
Sheep,	Head	"	"
Shingles	1,808950	903 15 9	30 3 0
Tea	200128 Lbs	14995 15 10	833 17 4
<b>Totals</b>		<b>£603885 19 7</b>	<b>15943 6 6<math>\frac{3}{4}</math></b>

**JAMES SPEARMAN,**  
Collector.

Custom House, St. John's, 11th Jan. 1840.



## CUSTOMS ACCOUNTS.

Port of *ST. JOHN'S*,—J. M. SPEARMAN, Collector.

DR.

1839 CONSOLIDATED ACCOUNT of Receipts and Payments for the year ended 5th Jan. 1840

To Out Bay balances, viz.

Trinity, 10th October, 1839	214	14	1
Carbonear " "	28	6	3
Harbor Grace " "	32	3	11
Little Bay " "	43	15	0

Out-Bay Receipts, viz.

5th January,	1070	11	7 $\frac{1}{4}$
5th April	126	15	9
5th July	1738	16	5
10th October	881	18	6

Proceeds of Tobacco, detained for under valuation

23 18 7 $\frac{1}{2}$

1840 Outstanding Bonds, 5th January, 1839

1043 3 5

Jan. 5. Duties on Goods imported this date

12125 4 3 $\frac{1}{2}$

N. B.—The Returns from Fogo, Burin and La Poile, for the Quarter ended 10th Oct. 1839, have not yet been received, and consequently the duties collected at these places for that Quarter, are yet to be accounted for.

£17329 7 10 $\frac{1}{4}$

I do hereby declare that the foregoing accounts are just and true, in every particular, to the best of my knowledge and belief.

JAMES SPEARMAN,

Custom House, St. John's, 18th Jan. 1840.

Collector.

CR.

1839.	By Balance from last year	35	15	9
	Out Bay balances, viz.—Fogo, . . . . . 5th July 1839	216	1	2
	Greenspond 10th Oct " "	32	3	11
	Trinity " " "	173	2	11
	Harbor Grace " " "	114	11	5
	Little Bay " " "	29	6	6
	Drawbacks	86	6	9
	Returned Duties	2	19	5
	Over Entries	0	16	9
	Double Entries	0	18	5
	Incidental Expenses	37	4	7
	Salaries, viz.—			
	J. M. Spearman	50	0	0
	John R. M. Cooke	150	0	0
	E. L. Moore	150	0	0
	John Canning	100	0	0
	James M. Winter, Fogo	76	2	5
	Lorenzo Moore, Greenspond	88	15	11
	John L. M'Kie, Bay Bulls	51	2	5
	Thomas Read, La Poile	76	2	11
	Day pay Tide Waiters	190	0	4
	Allowances to Imperial Sub-Collectors	73	14	1 $\frac{1}{2}$
	Outstanding Bonds	130	6	7
	Paid Treasurer	15463	15	6 $\frac{3}{4}$

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, Nfld. 25th Jan. 1840.

W. THOMAS  
JAS. POWER,  
H. A. EMERSON,  
Auditors.

17329 7 10 $\frac{1}{4}$



## CUSTOMS ACCOUNTS.

### STATEMENT OF THE REVENUE

Collected under acts of the Imperial Parliament for this colony during the last three years, ending the 5th January, 1840, enumerating the articles paying duty under those Acts.

Articles.	1837.				1838.				1839.			
	Quantity.	Duty.			Quantity	Duty.			Quantity.	Duty.		
Ale and Porter—Gallons	3603	22	10	9	3610	23	11	8	2700	22	8	6
Arrowroot —Pounds	60	0	3	11	170	1	4	1	40	0	2	6
Bacon & Hams— “	42643	129	8	3	45658	111	8	5	26934	88	16	7
Baskets — No.	74	2	9	11	270	2	2	9	6	0	5	1
Bottles — —	5464	16	9	2	3098	10	16	4	567	2	2	11
Bricks — —	291912	37	1	3	474560	63	13	3	313358	43	16	11
Brooms — —	145	8	17	2	3273	11	9	6	1775	11	9	7
Candles —Pounds	3240	19	3	6	621	2	14	4	2460	4	13	7
Cheese — —	3300	9	6	9	17104	34	9	8	725	1	17	1
Chocolate — —	3037	12	7	9	1820	5	16	9	4001	11	1	11
Cider —Gallons	11374	46	14	2	17606	57	14	2	1058	3	16	1
Clocks — No.	5	3	12	2	89	21	19	8	23	4	18	9
Coals —Tons	“	“	“	“	103	7	11	6	15	1	2	6
Coffee —Pounds	61848	174	12	10	65110	150	10	6	43600	145	19	10
Combs —Packages	1	2	3	“	5	4	17	1	8	5	17	3
Corks —Gross	133	1	16	4½	7	18	0	“	790	7	1	8
Crackers —Pounds	42	4	11	“	79	16	10	“	106	15	0	“
Earthenware —Packages	2	2	4	5	3	1	9	8	7	4	12	3
Eau de Cologne—Bottles	76	2	6	2	300	15	0	“	98	0	4	6
Eggs —Dozens	68	1	11	“	130	6	0	“	266	18	9	“
Feathers —Pounds	1700	2	19	8	2792	5	18	6	570	3	13	6
Fruit —Packages	1871	39	2	1	2145	52	16	5	2477	41	13	0
Furniture —Pieces	196	31	17	9	1046	45	5	11	1048	48	12	6
Furs —Packages	2	3	5	1	“	“	“	“	“	“	“	“
Glassware —Packages	39	56	14	2	127	109	11	8	98	96	18	3
Honey —Pounds	1310	1	18	4	986	1	13	9	207	9	0	“
Indigo —Pounds	150	5	9	10	91	2	15	0	40	1	1	0
MANUFACTURES—viz.												
Cotton —Packages	57	24	10	7	23	77	18	3	8	21	13	7
Iron — “	98	42	14	2	76	48	1	4	37	31	4	11
Leather — “	5	15	0	0	7	29	11	7	1	28	17	6
Linen — “	5	3	12	0	1	16	1	“	1	3	12	9
Silk — “	17	32	14	6	21	39	7	10	3	2	17	9
Woollen — “	171	48	1	8	17	75	5	10	6	9	10	9
Molasses —Gallons	492156	2051	10	0	453924	1890	18	1	514172	2142	5	8
Musical Instruments—No.	10	4	0	0	117	64	4	11	5	8	17	2
Oil (Olive) —Gallons	293	2	16	3	393	6	18	11	164	2	7	5
Paintings —No.	7	6	8	“	11	3	7	4	7	9	3	“
Carried forward, . . . . .	£2856	6	4½	“	£2968	16	7	“	£2811	8	5	“



## CUSTOMS ACCOUNTS.

### STATEMENT OF THE REVENUE

Collected under acts of the Imperial Parliament for this colony during the last three years, ending the 5th January, 1840, enumerating the articles paying duty under those Acts.

(Continued.)

Articles.	1837.				1838.				1839.			
	Quantity.	Duty.			Quantity	Duty.			Quantity.	Duty.		
Brought forward.....	£2856	6	41	5	£2968	16	7	7	£2311	8	5	
Paper Hangings—Packages	4	5	2	0	1	13	6	7	7	14	2	
Pepper —Pounds	261	13	2		196	12	4	696	2	1	9	
Pimento —	2491	5	19	7	1906	3	19	1	2078	4	6	8
Sausages —	30	13	2		266	11	9	1016	2	0	11	
Seeds ..Packages	2	8	6		22	3	11	7	17	3	9	4
Soap, perfumed ..Pounds	16	3	5		72	1	13	6	181	1	7	4
SPIRITS, viz.												
Brandy ..Gallons	12983	1791	4	10	11467	1565	14	10	7809	1080	12	11
Cordial ..	122	13	4	10	259	23	10	1	29	2	8	0
Geneva ..	8380	1313	15	5	6484	942	0	3	6097	864	0	0
Rum ..	245394	6368	2	0	172987	5935	3	7	128760	7803	7	1
Whiskey ..	1184	88	16	0	1554	116	11	0	975½	73	3	3
Stationery —Packages	57	21	8	10	6	7	15	9	11	10	0	1
Sugar (refined)—pounds	280	1	15	4	8,615	21	19	5	1462	39	13	4
Syrup —Gallons	39	3	18	0	33	3	2	3	600		12	5
TOBACCO, Viz:												
Cigars —No.	99719	42	4	9	43000	8	18	0	53450	8	10	0
Manfd & Leaf —Pounds	194228	711	4	7	269838	1086	12	8	199987	908	10	9
Toys —Packages	49	20	18	3	37	22	1	1	42	14	9	5
Turpentine (spirits)—Galls.	923	11	18	8	1232	15	3	2	719	9	16	4
Vinegar —Gallons	362	3	9	1	1265	8	13	10	693	6	17	5
Wines —Gallons	31422	543	8	6	45439	575	5	5	30291	462	5	1
	£13804	15	3½		£13312	9	8		£14116	14	8	

JAMES SPEARMAN,  
Collector.

Custom House, St. John's, March 3d, 1840.



## STATEMENT

Of the expenditure of the sum of £5000, voted by the Imperial Parliament, (in the year 1835) in aid of this Colony.

Salary of the Judge of the Vice Admiralty Court for the two years ending 31st March, 1836.	1000	o	o
B. G. Garrett, Esq. late Clerk of S. C. Court—difference between rate of salary voted by the Legislature, and his former rate of salary (from 1st April to 31st Dec. 1835)	108	16	3
Gratuity to the representatives of the late John Broom, Esq.	360	o	o
Gratuity to William Phipard, late High Constable	50	o	o
Outstanding debt for Stationery supplied the Secretary's Office in the years 1826 and 1827	79	16	11
	1598	13	2
Remains unappropriated	3401	6	1o
	£5000	o	o

Secretary's Office, 12th March, 1840.

### A DETAILED STATEMENT

Of all Fees Received by EDWARD M. ARCHIBALD as Clerk of the Supreme and Central Circuit Courts during the time he has held that Office.

Received between the 1st day of April, A. D. 1835, and the 1st day of April 1839.

Fees on the registration of Deeds, Leases, Wills, &c.	280	19	9
Ditto ditto of Grants	37	7	10
Ditto ditto Probates of Wills and Letters of Administration	274	12	7
Ditto on the issuing of Process, and of every other description whatever on the plea side of the Supreme and Central Circuit Courts	377	6	1o
	£970	7	o
Paid for printed blank forms of Process £64 2 4			
Annual allowance out of fees, 4 years, £800 0 0	864	2	4
Balance paid into the hands of the Colonial Treasurer	£106	4	8

Received between the 1st day of April, 1839, and the 18th day of February, 1840.

Fees on registration of Deeds, Leases, Wills, &c.	30	2	11
Ditto ditto ditto of Grants	5	18	8
Ditto do. Probates of Wills and Letters of Administration	61	12	7
Ditto do. the issuing of Process and of every other description whatever on the plea side of the Supreme and Central Circuit Courts.	76	18	o
	£174	12	2

EDWARD M. ARCHIBALD.

St. John's, February 18, 1840.



# A RETURN

Of Fines and Forfeitures imposed by the hon. the Northern Circuit Court during the years 1838-39, and which were received by the High Sheriff.

No	Date	Names	Occasion	Amt.	To whom paid	For what year received
1	1838. Sept. 22d	G. Narrowmore	Misdemeanor	1 0 0	Col. Sec.	1838
2	October 9th	Jas. Lush	Ditto	4 6 8	Ditto	Ditto
3	December 8th	A. Thoomey	Retg. Spirituous Liquors	7 10 0	Ditto	1839
4		Francis Lynch	Ditto	7 10 0	Ditto	Ditto
5		Wm. Brown	Ditto	7 10 0	Ditto	Ditto
6	1839. May 31st	T. Dunford	Ditto	7 10 0	Ditto	Ditto
7	September 21st	W. Goodger	Assault and Battery	2 0 0	Ditto	Ditto
8	October 1st	W. Curren	Ditto	2 0 0	Ditto	Ditto
9	May 31st	Pat. Power	Perjury	10 0 0	_____	1840*

## REMARKS.

\* To be paid on the usual annual Return being made out for 1840.

B. G. GARRETT, *High Sheriff.*

St. John's, 6th April, 1840.

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*



# A RETURN

Of all Fines, Penalties and Forfeitures imposed by P. W. Carter and Charles Simms, Esqs. Police Magistrates, and the Amount levied or received, for the year ending 30th June, 1839,—and a similar Return from that period to the 12th ult, February, 1840.

Date.	Party Fined.	Offence	Fine	Informers' share	Costs	Crown share	Remarks.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1838.							
July 5th	Thomas Mulloy . . . . .	Breach of Nuis. Act, 3. W. 4, cap 8	0 5 0	0 0 0	0 0 0	5 0 0	Paid
31st	John Marshall . . . . .	Assaulting Eleanor Cummins, Impl Act 9, Geo. 4th, cap. 31—Sec. 27	0 1 0	0 0 0	0 0 0	1 0 0	Ditto
Aug. 8th	William Murphy . . . . .	Assaulting D. O'Mara, Imp. Act	0 1 0	0 0 0	0 0 0	1 0 0	Ditto
14th	James Brine . . . . .	Ditto Thomas Osborne Impl. Act	0 5 0	0 0 0	0 0 0	5 0 0	Ditto
Oct 11th	Thomas Blake . . . . .	Breach of 4, Wm. 4, cap. 9.	2 10 0	1 5 0	0 0 0	1 5 0	Ditto
29th	Timothy Hegan . . . . .	Assaulting M. Joice, Impl. Act	2 0 0	0 0 0	0 0 0	0 0 0	Pauper, no levy
Nov. 9th	James Walsh . . . . .	Assaulting E. Power, Impl. Act	2 0 0	0 0 0	0 0 0	0 0 0	Paid
28th	T. & J. Wilkins . . . . .	Do. John Brien, Impl. Act	2 0 0	0 0 0	0 0 0	0 0 0	Minors, Father paid costs
Dec. 6th	Patrick Kirwick . . . . .	Malicious Mischief, Act 7 and 8, Geo. 4, cap. 30	2 0 0	0 0 0	0 0 0	0 0 0	Suffered 2 months imprisonment as per sentence.
1839.							
Jan. 2d	Wm. Gallishue . . . . .	Assaulting James C. Lilly and others Imperial Act	2 0 0	0 0 0	0 0 0	0 0 0	Paid
14th	Miles Martin . . . . .	Ditto Mary McDougal, Impl. Act	1 0 0	0 0 0	0 0 0	0 0 0	Suffered 2 weeks imprist.
April 1st	A. Robinson . . . . .	Drunkenness	0 1 0	0 0 0	0 0 0	1 0 0	Paid
20th	Miles Martin . . . . .	Assaulting John Hanley, Impl. Act	2 10 0	1 5 0	0 0 0	1 5 0	Paid
27th	Henry Supple . . . . .	Assaulting G. Burton, Imperial Act	5 0 0	0 0 0	0 0 0	0 0 0	Suffered 2 months impris.
May 3d	Michael Daily . . . . .	Breach of Act 3d, Wm. 4, cap. 8	0 5 0	0 0 0	0 0 0	5 0 0	Paid
			£7 8 Stg.				

P. W. CARTER,  
*Justice Peace.*

APPENDIX.



From 1st July, 1839, to the 12th February, 1840.

Date.	Party Fined.	Offence.	Fine.	Informer's share.	Costs.	Crown share.	Remarks.
1839.							
July 17th	John Smith	Assaulting Wm. Walsh, Imperial Act	2 0	0-1 0	0-0 0	0-1 0 0	Paid
31st.	Anthony Feehan	Breach of 3 W. 4, cap. 8.	0 5	0-0 0	0-0 0	0-0 5 0	Ditto
Aug. 14.	Roger Flahavan	Breach of 3 W. 4, cap. 8.	0 5	0-0 0	0-0 0	0-0 5 0	Do.
Sep. 17.	James Walsh	Assaulting James Harley, Impr Act	2 0	0-1 0	0-0 0	0-1 0 0	Do.
Oct. 8	Moses Neill	Ditto Thomas Murray, do.	3 0	0-1 10	0-0 0	0-1 10 0	Do.
12.	John Gibbons	Ditto John Rowe, do.	1 0	0-0 0	0-0 0	0-1 0 0	Do.
"	George Cook	Ditto Michael Brine, do.	0 10	0-0 0	0-0 0	0-0 10 0	Do.
26.	Edward Barry	Breach of License Act, 3d Vic.	7 0	0-0 0	0-0 0	0-0 0 0	No property.
28	Charles Loughlan	Breach of License Act, 3d Vic.	7 0	0-3 10	0-0 15	0-2 15 0	Paid
31	John Dunphy	Assaulting John Thomey, Impr Act.	1 0	0-0 0	0-0 0	0-1 0 0	Ditto
Nov, 4th	Oliver Curren	Breach of Act 3 W. 4, cap. 8.	0 5	0-0 0	0-0 0	0-0 5 0	Ditto
	Wm Morrissey	Assaulting Henry Andrews, Im. Act	1 0	0-0 0	0-0 0	0-0 0 0	Suffered 14 days impris.
6th	D Wadron & J Mudge	Ditto W. Tideman	5 each	0-0 0	0-0 0	0-0 0 0	Suffered 2 months impr'
11th	Charles Loughlan	Open house during divine service	0 10	0-0 5	0-0 0	0-0 5 0	Paid
16th	James Kirwan	Assaulting Michael Wade, Im. Act.	1 0	0-0 10	0-0 0	0-0 10 0	Paid
20th	Thomas Whelan	Breach of License act, and harbor-boring a deserter, 5 & 6 W 4 cap. 19 5-10	7 0	0-3 10	0-0 12	6-2 17 6	Paid
25th	James Clooney	Breach of License Act	2 0	0-0 0	0-0 0	0-0 0 0	No property
26th	John M'Guire	Ditto ditto	1 0	0-0 10	0-0 0	0-0 10 0	Paid
	Patrick Flood	Ditto ditto	2 0	0-1 0	0-0 0	0-0 7 0	Ditto, not all levied
	John Shelly	Ditto ditto	2 0	0-1 0	0-0 0	0-0 10 0	Ditto, not all levied
	Michael Daily	Ditto ditto	1 0	0-0 10	0-0 0	0-0 10 0	Ditto
	John Culleton	Ditto ditto	2 0	0-1 0	0-0 0	0-1 0 0	Ditto
Dec 21	John Dunn	Assaulting Eleanor Quinlan, Im Act	3 0	0-0 0	0-0 0	0-0 0 0	Suffered 1 month impri.
26	Daniel Byrne	Ditto John M'Lenan	0 5	0-0 0	0-0 0	0-0 0 0	Suffered 1 week's impri.
1840	John Walsh	Ditto Sarah Leary	2 0	0-0 0	0-0 0	0-0 0 0	Suffered 6 weeks impri.
Jan. 31	Daniel Berrigan	Ditto John Downey	1 0	0-0 0	0-0 0	0-1 0 0	Paid
Feb 11	Michael Brine	Ditto Mary M'Dougal	1 0	0-0 0	0-0 0	0-0 0 0	Suffered 2 weeks impri.

£16 19 6

P. W. CARTER,  
Justice Peace.



## ACCOUNT SALES

Of Swine seized, condemned and sold under the Colonial Act 5, Wm. 4, Cap, 8, Secs. 10 and 12, for the year ending 30th June, 1839, and thence to the 12th February, 1840.

No SEIZURES OF SWINE OR FORFEITURES DURING THE YEAR ENDING 30th JUNE, 1839.

Date.	Purchaser.	Price.	Seizing officers share.	Costs	Crown Share.	Remarks.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1839.						
August 5th..	Lieut. Skinner, R.V.C...	1 0 0	0 10 0	6 8 3	4	
" "	.. Ditto	15 0	7 6	6 5 1	1	
Sept. 2nd ..	John Eales	1 10 0	15 0	7 2 7	10	
" "	.. Ditto	7 0	3 6	3 10		
1840.						
Feb. 10th ..	Edward Tobin	1 10 0	15 0	9 8 5	4	
" "	.. John Flood	15 0	7 6	8 11		
		£5 17	£2 18 6	£2 2 8	£ 17 7	Currency
					less 1 9	
					0 15 10	Due the Crown

**P. W. CARTER, J. P.**

## RETURN

Of the number of Certificates relative to the killing of Wolves, presented to the Colonial Secretary, between the 14th day of September, 1839, and the 3d day of January, 1840, as required by the Act 3 Vic, cap. 1, sec. 3.

No.	Name.	Residence.	Name	Residence.
1.	Benjamin Sweetland	Trinity.	William Tavener	Trinity
2.	Ditto	ditto	Benjamin Day	Salmon Cove, Trinity Bay

**JAMES CROWDY,**  
*Colonial Secretary.*



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# DESPATCHES

FROM THE  
SECRETARY OF STATE FOR THE COLONIES.

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## DESPATCH

Relative to the remuneration to the Collector of the Customs for collecting the  
Colonial Revenues.

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[Copy.]  
No. 9

Downing Street,  
2d Nov. 1839.

Sir,—

I transmit, herewith, for your information and guidance, with reference to your despatches No. 59 of the 29th October, and No. 68 of the 1st December last, a copy of a letter from the Secretary to the Lords Commissioners of Her Majesty's Treasury, containing their Lordships' decision in regard to the grant to the Collector of Customs at St. John's, Newfoundland, of an additional remuneration for the collection by him of the duties imposed by local acts.

I have the honor to be,  
Sir,

Your most obedient servant,

[Signed]

J. RUSSELL

Governor Prescott,

&c. &c.

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[Copy.]

Treasury Chambers,  
29th October, 1839.

Sir,

With reference to your letters of 18th December 1838, and 12th January 1839, on the subject of Remuneration to the Collector of Customs, Newfoundland, for the collection of Colonial duties, and to the act of the Legislature of that Colony, submitted in your Letter of the 27th March last, I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord John Russell, that as the remuneration of £50 per annum, for the collection of Duties imposed by Colonial Enactments, in addition to such part of the Salary of £800 per annum already received by the Collector as was assigned to him in consideration of the Services he has been called upon to perform for the Colonial Government, was proposed by the House of Assembly, who were cognizant of the nature and extent of the extra labour and responsibility devolving on that Officer in respect of the collection of the colonial duties, my Lords have seen no reason to dissent from that proposition or to suggest any direction for the issue to the Collector, of any portion of the further amount of £150, which had been placed in deposit to await their Lordship's decision.

My Lords have therefore apprized the Commissioners of Customs that they are pleased to authorise and approve of the employment of the Collector at St. John's, Newfoundland, in



the collection of the additional Colonial duties, to which the correspondence between that Officer and the Governor of the Colony had reference, and to sanction his receiving the remuneration which the Assembly had proposed to assign to him; and my Lords have also signified to the Commissioners their desire that the Collector may be apprized that any future application for his assistance, or that of the other officers of his department, in the collection of Colonial duties, or in carrying into effect other Colonial enactments, should be submitted to the Commissioners of Customs, in order that the directions of this board may be given thereon, and that they should not be made the subject of discussion between the Collector and the local authorities.

I am, &c.

(Signed)

G. J. PENNINGTON,

Pro. Sec'y.

Jas: Stephen, Esq., &c. &c.

## DESPATCH

Relative to the remuneration voted for the Collector of the Customs—and the salaries of the Clerk and Sergeant-at-Arms appointed by the Crown.

[Copy.]  
No. 15.

Downing Street, }  
10th Jan. 1840. }

SIR,—I have to acknowledge the receipt of your despatch No. 59, of the 13th November, in which, referring to your despatches, No's 59 and 60, of the 29th and 30th Oct. 1838, you request to be furnished with instructions in regard to the appropriation of certain sums of money voted by the Colonial Legislature for the Collector of Customs, and the Clerk and Sergeant at Arms of the House of Assembly, which are now lying in the Colonial Treasury, awaiting the decision of the Secretary of State.

I have to acquaint you in reply that the despatch No. 59, appears to have been referred by Lord Glenelg, on the 18th Dec. 1838, to the Lords Commissioners of the Treasury, whose answer to that reference is dated 29th Oct. last, and was communicated to you for your information and guidance, in my despatch, No. 9, of the 22d Nov. That communication will have adjusted the question regarding the Collector of Customs to which you refer.

The despatch, No. 60, of the 30th October, 1838, appears to have been answered by Lord Glenelg's despatch of 10th Jan. 1839, No. 237, in which his Lordship announced her Majesty's decision to retain the Clerk and Sergeant-at-Arms of the House of Assembly in the position to which they had been appointed by the Crown. Lord Glenelg does not indeed appear to have stated in express terms that the money voted conditionally by the Assembly for their remuneration was to be paid—but his despatch on the subject was obviously written with that intention—nor can there be any good reason for withholding the required payment.

I have, &c.

(Signed)

J. RUSSELL.

Captain Prescott, R. N. C. B.

## DESPATCH

Relative to certain Acts passed in 1838, and desiring to know the intentions of the Legislature as to amending the Act 1 Vic., Cap. 4.

[Copy.]  
No. 14.

Downing Street, }  
6th Dec. 1840. }

SIR,—Of the series of Acts passed by the Legislature of Newfoundland in their Session of 1838, there remain five upon which the final decision of her Majesty has not yet been communicated.



I have now the honor to transmit to you an order passed by her Majesty in Council, on the 15th ultimo, leaving Caps. 2, 6, 7, & 8, No's. 89, 93, 94, 95, to their operation.

The Act, (cap. 9,) No. 96, for declaring the value of the dollar, and making it a legal tender in the Island, is objectionable, so far as regards debts which shall hereafter accrue and subsist, such provisions being contrary to the intent of her Majesty's order in Council of the 7th Sept. 1838, relating to the sterling value at which the dollar should pass current in the West Indies and American colonies.

This act, therefore, which has a suspending clause, cannot receive her Majesty's confirmation.

I avail myself of this opportunity to remind you that the act, cap. 4, of the Session of 1837 has not yet been amended. The objections to this act, which were stated by Lord Glenelg, in his despatch, No. 191, of 23rd May, 1838, are too important to allow of its receiving her Majesty's assent, and I request, therefore, to be informed whether it is the intention of the Legislature to amend it in the manner suggested by his Lordship.

I have, &c.

[Signed]

J. RUSSELL.

[Copy.]

(L. S.)

At the Court at Windsor, the 15th Nov. 1839.

## PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY,	
MARQUIS OF NORMANBY,	VISCOUNT PALMERSTON,
LORD CHAMBERLAIN,	VISCOUNT MELBOURNE,
EARL OF ALBERMARLE,	VISCOUNT EBRINGTON,
EARL OF ERROLL.	MR. LABOUCHERE.

Whereas the Governor of her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of October, 1838, pass four Acts, which have been transmitted, entitled as follows, viz.:

No. 89. An act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its dependencies.

No. 93. An act for the regulation of Pilots, and the Pilotage of Vessels at the Port of St. John's.

No. 94. An act to preserve the Harbor and Roadsteads of Newfoundland and its dependencies from nuisances and obstructions.

No. 95. An act to further amend an act to regulate the packing and inspection of Pickled Fish for exportation from this Island.

And whereas the said acts have been referred to the committee of the Lords of her Majesty's most honorable Privy Council, appointed for the consideration of all matters relating to trade and foreign plantations. And the said committee have reported as their opinion to her Majesty that the said acts should be left to their operation. Her Majesty was therefore this day pleased, by and with the advice of her Privy Council, to approve the said report.

Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being of her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

The Governor of Newfoundland,

## DESPATCH RELATIVE TO THE BLUE BOOK.

[Copy.]

Downing Street, 26th Dec. 1839.

SIR,—I have the honor to submit to you three sets of Blue Books for the years 1839, 1840, and 1841.



Each set consists of five copies. The original and duplicate copies are to be returned, when filled up, to this office. One copy is to be retained by yourself, and the two remaining copies are to be laid before the Council and Assembly.

Should any additional number of particular blank returns be wanted I shall be happy to forward them, upon receiving an intimation of the number of sheets required.

The importance of having these books correctly filled up and promptly returned has been frequently dwelt upon in the despatches of my Predecessors; and I am happy to acknowledge that with regard to many colonies the returns are very efficient.

I have only therefore to request, that if in the colony under your Government any impediment should exist to the accurate performance of this duty by the Colonial Secretary, you will use your utmost endeavours to remove the difficulty, so that the "original" may be transmitted to this office as soon after the close of each year as possible.

I have, &c.

(Signed)

J. RUSSELL.

Captain Prescott, R. N., C. B.

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## Miscellaneous Despatches.

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[Copy.]  
No. 21.

Downing Street, 9th Feb. 1840.

SIR,—I transmit to you herewith copy of a communication from Mr. Justice Brenton, suggesting an arrangement by which, as her Majesty's Government have not the means of providing him with a pension, he may be enabled to retain the office, and at the same time be relieved from the duties of a Judge.

I have declined acceding to Mr. Brenton's proposition, feeling myself precluded from granting indirectly that which could not be effected expressly and avowedly. The result is, that the Government being unable to secure him a retirement, Mr. Brenton is compelled to remain on the Newfoundland Bench, although nearly incapacitated from his age and growing infirmities from executing his judicial functions. This is a result much to be regretted, & which cannot fail to be prejudicial to the public. The remedy, however, is not in the hands of her Majesty's Government, and the colony itself must determine whether their interests would not be benefitted by enabling Mr. Brenton, from Colonial funds to retire from the service. I should have left the question without further remark, but feeling its great importance as regards the principle which it involves, I consider it right to instruct you to direct the attention of the Colonial Legislature to the subject, pointing out to them that the effect of not enabling the Crown to grant retiring pensions to the Judges will be, that such functionaries will remain on the bench after they are disabled, to the injury of a branch of the service, than which there is none which it is more essential to the interests of the community to keep in a state of efficiency.

I have, &c.

(Signed)

J. RUSSELL.

Governor Prescott, &c. &c. &c.



[Copy.] 123, Pall Mall,  
24th January, 1840.

My Lord,—

I have had the honor to receive the communication which Mr. R. Vernon Smith was directed by your Lordship to make to me, of your Lordship's being compelled for the reasons therein stated to decline complying with my request, that I might be recommended to the Lords Commissioners of the Treasury for a Parliamentary Grant of a retiring pension, for my judicial services in Newfoundland.

Deeply regretting as I do your Lordship's determination on this subject, as effectually closing the door to the only source from which in this country I could hope to obtain that retirement so indispensable to my encreasing infirmities and advanced age, I cannot but still indulge the hope that the peculiar circumstances and hardship of my case will incline your Lordship to a favourable consideration of any mode I can suggest by which my object of retirement may be accomplished, without prejudice to the public service, and without any additional burthen upon the Revenue of this Kingdom.

The House of Assembly of Newfoundland having refused to accede to the recommendation of the Home Government for granting to me a retiring pension, and having resolved "That it ought not to be called upon to provide pensions for officers whose services were performed for the Parent Government before the establishment of the Local Legislature, and that a pension to a retiring officer must be paid out of the £6550 reserved for the salaries of the Judges and other officers," I respectfully submit to your Lordship that a provision may in part be made for me conformably to this opinion of the House of Assembly from out of this Colonial Fund, to which the Assembly has referred, by allowing me to remain in England as long as the duties of my office are satisfactorily discharged by the person appointed by the Governor for that purpose, and until the House of Assembly shall think fit to grant to me a competent retired allowance.

But as your Lordship will, I think, admit that the one half of my salary (£700) which after the usual deductions for Commission, Exchange, &c. &c. amounts, when remitted to me, to little more than £300, would be an inadequate compensation for twelve years arduous service in a climate like that of Newfoundland, I trust your Lordship may be disposed and would feel yourself warranted to grant to me, in addition to my half salary, the yearly sum of £200 from another Colonial Fund at your Lordship's disposal, viz. the Rents of Crown Lands and Ships' rooms, on which fund pensions have heretofore been granted by your Lordship's predecessors in office, and which has always been considered as a fund altogether applicable to Colonial purposes.

Should your Lordship lend a favourable ear to this suggestion, I feel assured that this mode of providing a retired allowance for me out of Colonial Funds solely, might be adopted without establishing a precedent injurious to the revenues of the Kingdom, or which could be deemed in any way prejudicial to the public interests.

I have, &c.

[Signed]

E. B. BRENTON.

The Right Hon.

Lord John Russell.

(Signed)

J. RUSSELL.



[Copy.]  
No. 22.

Downing Street, }  
12th Feb. 1840. }

Sir—

I transmit herewith for your information and guidance, a copy of a correspondence with the Post Office relative to the transfer of the control of the Post Office in Newfoundland to the Post Master General, and the appointment of a fit person to fill the office of Post Master.

I have, &c.

(Signed)

J. RUSSELL.

Captain Prescott, R. N. C. B.

[Copy.]

General Post Office,  
1st Feb. 1840.

Sir,—

I am commanded by the Post Master General to transmit, for the information of Lord John Russell, the accompanying copy of a letter from the Board of Treasury, with its enclosure, relative to arrangements to be made for the conveyance of the mails between Halifax and St. John's, Newfoundland: and I am directed by his Lordship to state that he is prepared, in conformity with the wishes of the Lords of the Treasury, to assume the control of the Post Office in Newfoundland.

It was his Lordship's intention to have consulted with Lord John Russell as to the nomination, through the Governor, of some proper person on the spot, to have filled the situation of Post Master, but having received an application from Mr. W. L. Solomon, the son of the former Colonial Post Master, lately deceased, who states that he is recommended by the principal authorities and inhabitants, the Post Master General is disposed, if Lord John Russell concurs, to appoint Mr. Solomon to the office of Post Master, subject to the approval of the Governor.

His Lordship requests to be informed what salary has hitherto been attached to the situation of Colonial Post Master in Newfoundland.

I have, &c.

[Signed]

THOS. LAWRENCE.

[Copy.]

Treasury Chambers,  
7th January, 1840.

My Lord,—

I have it in command from the Lords Commissioners of the Treasury to transmit for your information, extract of the conditions submitted to this Board by the Lords of the Admiralty, so far as is necessary to explain the proposed arrangements for the conveyance of Post Office mails between Halifax and St. John's, Newfoundland.

At the same time, I have to acquaint your Lordship, that my Lords have also notified the contemplated arrangement to the Secretary of State; and I have to request that you will communicate with the Secretary of State on the steps it may be proper to take with a view to the appointment of some public officer at St. John's to receive and despatch the mails from and to Halifax, and who should be responsible to the Post Master General in respect



of the performance of the duty in question, and of any Packet postage payable on the letters delivered into his charge.

I am, &c.

(Signed)

G. J. PENNINGTON,

The Post Master General.

*Extract from the Conditions.*

One of such vessels so equipped and manned shall be ready to leave Halifax, N. S. with H. M. mails and despatches within 24 hours after the arrival at that Port from England of each of the mail steam vessels, about to be employed under a contract with S. Cunard, Esq. of Halifax, N. S., which latter are intended to arrive at Halifax from England twice in each calendar month, commencing in the beginning of June 1840.

The said vessel is to proceed with all possible despatch to St. John's, Newfoundland, and there deliver the said mails and despatches to the Post Master or other person appointed to receive them. After remaining not more than 48 hours (unless authorised so to do in writing by the Governor *Post Master*, such written authority being immediately transmitted to the Secretary of the Admiralty) she is to return direct to Halifax, and there in like manner deliver the said mails and despatches.

If during any of the winter months it should happen that the Port of Saint John's, Newfoundland, is found to be inaccessible on account of the ice, the mails and despatches are to be landed and received on board at such part of the south west coast of the said Island, as may be accessible, and conveyed to and from St. John's by land with the utmost despatch at the expense of the contracting parties, the return mails being despatched from St. John's within the said period after the arrival there of the mails from Halifax, as if the said vessel had entered the Port of St. John's.

The mails are to be in charge of an officer appointed by the Commissioners of the Admiralty or the General Post office, who is to be instructed by the contracting parties, and landed and brought on board when required; but should this arrangement be deemed inexpedient by Her Majesty's Government, the mails are to be delivered to the respective Post Masters by the commander of the vessel, a receipt being given and taken for the same. The Commander of the vessel will in that case be required to take the oath or declaration of office should the Lords Commissioners of the Admiralty deem it expedient.

There shall be no unnecessary delay in sailing; as soon as the mails are on board the utmost expedition shall be used; in making the passages the vessel shall not enter any intermediate Port, except from stress of weather or other unavoidable circumstance (unless expressly authorised in writing to do so, by the Lords Commissioners of the Admiralty, (or their authorised agent) and the mails shall be delivered on arrival without any loss of time.

The contract vessel is not to carry any cattle on deck.

A sailing bill shall be kept by the said commander in such form as the Lords Commissioners of the Admiralty may from time to time direct, on which bill shall be accurately noted the time of each arrival and departure, of the said vessel, to be signed by the said commander, one copy of the said sailing bill to be transmitted to the Secretary of the Admiralty, and another to the Secretary of the General Post Office, London, by the first Post after each return of the said vessel to Halifax, N. S.



The contracting parties and their servants, employed in or about the said vessels shall do all in their power to carry into full effect the stipulations contained in this contract, and shall at all times obey the directions of the Lords Commissioners of the Admiralty, or their authorized agents.

A secure place to be provided for the custody of the mails and despatches under lock and key, and the key to be kept by the officer in charge of the mails.

Colonial Office, }  
14th Feb. 1840. }

SIR,—I have laid before Lord J. Russell, your letter of the 1st instant, stating that the Post Master General is prepared to assume the controul of the Post Office in Newfoundland, and suggesting an arrangement for the appointment of a Postmaster in that Colony.

I am to acquaint you in reply, for the information of the Post Master General, that Lord J. Russell has no objection to offer to the provisional appointment of Mr. W. L. Solomon to the office of Postmaster; but he is happy to find that the Post Master General will afford the Governor of Newfoundland an opportunity of reporting his opinion on the subject.

The Post Master of Newfoundland has hitherto been remunerated for his trouble by a payment of sixpence on all letters and two pence on all newspapers received—of two pence on letters sent, and the same sum on all letters of Soldiers and men-of-war Sailors. This remuneration amounts to about £30 or £40 per annum.

I have, &c.,

(Signed)

JAMES STEPHEN.

Thomas Lawrence, Esq.

[Copy.]  
No. 23.

Downing Street, 17th Feb. 1840.

SIR,—I have received your despatch, No. 6, of the 18th January, enclosing for my information a copy of the address which has been presented to you by the House of Assembly of Newfoundland, in reply to the speech with which you opened the Session of the Legislature on the 3d of that month.

I have, &c.

(Signed)

J. RUSSELL.

Captain Prescott, R. N., C. B.

[Copy.]  
No. 24.

Downing Street, 19th Feb. 1840.

SIR,—I have to acknowledge the receipt of your despatch of the 9th Dec. No. 64, enclosing an address to her Majesty, from the House of Assembly of Newfoundland, impugning the conduct of the Council—of yourself—and of Mr. Archibald—the late Clerk of the Assembly.

I have likewise received your despatches, No's 65, and 66, of the 10th and 11th December; the former containing the vindication of Mr. Archibald against the charges of the Assembly—the latter explaining some points connected with the address—your own vindication is contained in the despatch transmitting the address itself.

The specific object which the Assembly have had in view in making this appeal to her Majesty, is to be found in their prayer, that her Majesty "would adopt such reform in the



“Council as will most tend to produce a harmonious working with the Assembly for the public good, and would order that the Executive of Newfoundland be protective of the interests and of the liberties of the people in their representatives,” or, as the Assembly sum up their meaning, ‘that to the people of Newfoundland be extended the blessing of just and impartial Government.’”

As the Council have not yet had an opportunity of answering the statement made by the House of Assembly, I shall defer the expression of any opinion on the merits of the controversy between the two bodies.

I shall confine myself to that part of the address which contains the Assembly’s charges against yourself and the late Clerk of the Assembly.

I have carefully examined these charges, and your defence, and I have no hesitation in expressing my strong dissent from the opinion of the Assembly, that in the conduct of the very arduous duties which have devolved upon you as Governor of Newfoundland, there is any, the slightest, foundation for impugning the justice and impartiality of your Government. The complaints of the Assembly against your administration are not confined to recent occurrences. They embrace subjects which have already received the full consideration of the Government, and I see no reason to doubt the correctness of that decision of my predecessor which exonerated you from all blame in these transactions. It would be her Majesty’s wish that these subjects of by-gone differences should be allowed to pass into oblivion.

Neither is your justification less complete on those new points which have now for the first time been brought under the notice of Her Majesty’s Government. In some instances you are at issue with the Assembly on matters of fact, in which it would appear that the Assembly have proceeded on insufficient information, and I willingly admit the sufficiency of your exculpation.

But whatever difference of opinion may have existed between yourself and the House of Assembly in regard to recent events in Newfoundland, your conduct throughout appears to have been regulated by an earnest desire to act fairly and impartially in your high office. Her Majesty has been graciously pleased to signify her approval of your conduct, and to express her concurrence in the view which has been taken by her Ministers, that under circumstances of considerable embarrassment you have in no degree deviated from the line of your duty.

With reference to the conduct of Mr. Archibald, the late Clerk of the Assembly, I consider that he acted wisely in retiring from that office, and the motives by which he has been actuated, in taking that step, are highly honorable to him.

As regards the complaint which the Assembly have preferred against him it is my duty to state that, having fully considered the whole case, I am of opinion that the statement of Mr. Archibald affords a successful and complete defence against the charges brought against him.

I have, &c.

(Signed)

J. RUSSELL.

Governor Prescott, R. N., C. B.

[Copy.]  
No. 28.

Downing Street, 9th March, 1840.

SIR,—I have to acknowledge the receipt of your despatch, No. 8, of the 30th January, transmitting a copy of the address presented to you by the Council of Newfoundland, containing the answer of that body to the charges which had been advanced against them by the House of Assembly in their address to the Queen of the 10th October last.



I would, in the first place, remark in regard to this controversy, which has unfortunately sprung up between the Council and Assembly of Newfoundland, that I disclaim, on the part of her Majesty's Government, any right of interference between the two bodies, and that on any ordinary occasion I should have felt that it was unnecessary and undesirable to express any opinion as to the imputed demerits of either.

The question has, however, presented itself in a shape which precludes its being so treated. The Assembly of Newfoundland have preferred against the Council the serious charge of the abuse of their constitutional powers, of encroachments on the privileges of the Lower House, added to a studied desire to produce collision, and to obstruct the public improvement of the Colony; and on these grounds is founded a prayer to the Crown to introduce such organic changes in the Council as would secure greater harmony in the transaction of public affairs.

I have her Majesty's commands to state, that in the transactions which have given rise to these complaints, the Council of Newfoundland do not appear to her Majesty's Government to have exceeded the powers which are constitutionally vested in them, and that there is not found to be any sufficient ground for the charge that they have exhibited a determination to impede the progress of the public business, or to deprive the Assembly of their legitimate rights and privileges.

Her Majesty's Government still hold the opinion that these differences are but transitory, and that some forbearance on the part of the Assembly will ensure them the respect of those classes which they now admit to be indisposed towards them, and secure the harmony of the constitution. If in this hope they are disappointed, it will be necessary to examine more deeply into the source of the evil, with a view to ascertain why, in Newfoundland, a system of free Government should have failed in producing its natural happy results. If the constitution of the Island is insufficient, or unfitted for the object intended by it, it will be for the interest of the Island that the system of representation should be remodelled, and the Franchise placed on such a basis as shall secure the participation of those portions of the community who are at present excluded from it.

It is unnecessary that I should enter further into the consideration of this question, and I sincerely trust that by mutual concessions—in matters where such concessions are practicable, without the sacrifice of any constitutional principle—greater concord may be made to prevail between the two branches of the Legislature, and that her Majesty may be spared the painful conviction that the present form of Government, and the manner in which that form of Government is exercised in Newfoundland, are inapplicable to the condition of the Colony.

I have, &c.

(Signed)

J. RUSSELL.

Governor Prescott, &c. &c. &c.

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## PRESENTMENTS

Of various Grand Juries in the Northern and Southern Districts.

[Copy.]

Southern District, }  
St. Mary's, to Wit. }

The Jurors of our Lady the Queen, for St. Mary's, aforesaid, having inspected the Court House and Gaol, present their incomplete state; requiring a Jury Room, Judge's Chambers, Bench, Table, Seats, Jury Box, Witness Box, Sheriff's Box, and a Stove, and Cribs, and Bedding for the Prisons. They present the chimney of the building in want of repair.



They present the necessity of having a high, substantial fence erected around the building, to afford a yard for prisoners to take the air, and security to the prison. They present the necessity of widening the paths leading to the sea shore, for the convenience of fishermen and others getting bait, to the width of at least ten feet from the brink of the cliff or bank. They present the necessity of having a road from "Butler's Point" to meet the "circular" road in front of the Court House, to be at least twenty feet wide for general convenience and improvement.

For self and Jurors,

(Signed)

**JOS. BLACKBURN,**  
Foreman.

St. Mary's, 24th Oct. 1839.

### Burin.

Repairs to the Gaol and Court House.

[Copy.]

*Extract from the Grand Jury Presentment at Burin, 9th Oct. 1839.*

"They also present that the flooring of the Gaol throughout, requires to be renewed, as well as some alteration in the Gaoler's apartments. That a fence round the Court House, within which prisoners might be allowed both air and exercise, is indispensably necessary, as well as the erection of a Privy.

That a railing or partition is required in the Court House, by which the Grand and Petit Juries may have better accommodation.

The expense attending such alterations and improvements will require at least the sum of fifty pounds sterling."

(Signed)

**WILLIAM HOOPER,** Foreman.

### Trinity.

Defective and insecure state of the Gaol.

The Grand Jurors for our Lady the Queen, upon their oath, present—

Her Majesty's Gaol in Trinity aforesaid, as being too small, and in other respects unfit for the purpose intended; and further, that it is in such a dilapidated state that it affords little security for the safe keeping of prisoners, (as a proof of which, two prisoners made their escape through the wall of their cell last year), and that they consider it will require about the sum of three hundred pounds sterling to put the said Gaol in a proper state.

(Signed)

**WILLIAM KELSON,**  
Foreman.

Trinity Jury Room,  
Oct. 10th, 1839.



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## Ferryland.

Commissioners of Roads from Bay Bulls to Cape Broyle—Approach to Court House—  
State of the Gaol.

Extracts from the Grand Jury Presentment at Ferryland, 6th November, 1839.

WE, the Grand Jury of the district of Ferryland, present—That the disagreement of the Gentlemen Commissioners of Roads, &c. from Cape Broyle to Bay Bulls is a great public nuisance, inasmuch as it has been the means of keeping the line of road between Cape Broyle long run bridge and La Manch, without any improvement thereon up to this time, whilst the roads at each side are now in a state of forwardness.

That the approach to the Court House requires to be improved for the convenience of the Court and Public.

The Grand Jury also present that the Gaol remains in the same state as last year, notwithstanding a presentment was then made respecting it.

[Signed] JAMES H. CARTER,  
Foreman.

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## Greenspond.

Necessity of a Lock up House.

The Grand Jury for Our Sovereign Lady the Queen, Present—

THAT it is highly necessary that a Gaol or Lock up House should be erected in this place, and for the want of which much inconvenience has been felt.

That the above representation having been made the past two years without effect, the Grand Jury hope the present representation will have the desired effect.

[Signed] THOS. WILLS,  
Foreman.

Estimated expense, about £250.

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## Placentia.

Ferry Boat—Relief of the Poor—Repairs of the Gaol.

Extracts from the Presentment of the Grand Jury at Placentia.

THEY "beg leave to call the attention to the presentment of last year, more particularly for providing a Ferryman to ply across the Gut, and a provision for the support of the Poor, as the catch of fish this season has been short,—that there is great apprehension of their being left in a state of complete destitution, and that a specific sum may be awarded to this district, as they received no portion of what was voted by the Legislature last session.



That lathing and plastering is necessary for the Gaoler's kitchen, raising and repairing the chimney to prevent its smoking, and we think the sum of ten pounds requisite."

(Signed) **W. G. BRADSHAW,**  
Foreman.

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### Bonavista.

Necessity of building a Court House and Gaol there.

**WE**, the Grand Jurors of Our Sovereign Lady the Queen, for the district of Bonavista, at Bonavista assembled, do on our oath present—

The absolute necessity for the erection of a Court House or a Gaol at Bonavista, where there is not any place for the holding of the Court, or for the confinement of prisoners, and estimate that the sum of £600 sterling would be sufficient for the erection thereof.

Also, the necessity of a Court Room and Lock up House at King's Cove, for which purpose we estimate that the sum of £150 sterling would be sufficient.

The necessity of a paid constabulary force within the district, viz.

Three at Bonavista.

One at King's Cove.

One at Keels.

One at Tickle Cove.

One at Salvage.

For self and brother Jurors,

(Signed)

**E. J. MULLOWNEY,**  
Foreman.

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## EDUCATION REPORTS.

### Saint John's.

The Memorial of the Board of Commissioners of Education, for the Electoral district of St. John's, Sheweth, to His Excellency the Governor—

That the Act of the Colonial Legislature, 6th W. 4, cap. 13, for the establishment and management of Schools in this Island, will expire in the year 1841. That the Commissioners have no more pecuniary means in hand, or in prospect than will carry on their operations for the ensuing nine months, when if the aforesaid Act be not renewed, or extended, their Schools will be closed for want of means, and all the labour and care hitherto bestowed upon them will be in a great measure if not altogether frustrated.

Memorialist therefore begs leave to submit to your Excellency the difficulty in which they will be placed, and respectfully to request a recommendation to the House of Assembly to



adopt such means as in their wisdom they may see fit for the continuance and extension of their labours, earnestly entreating a small addition to the annual Grant of about £50 or £60 more, which will enable them to carry out their plans of usefulness more efficiently, and to meet the demands of an increasing number of claimants seeking accommodation and instruction for their children.

(By order of the Board)

(Signed)

D. S. WARD,  
Chairman.

**Ferryland.**

Sir,—I beg to make report of the Board of Education of Ferryland.

The transmitted account of the Treasurer, will show the sum received as well as the disbursements made by him.

The Secretary not being furnished with returns from the Teachers in the respective Harbors, does not enable me to give in his account. I am, however, enabled in some measure to supply this deficiency, having recently visited all the schools, and ascertained that the number of Pupils educated in the twelve schools established between Bay Bulls and Renewse, amounted to three hundred and sixty eight.

I am happy to report the favourable progress of education under our Board, and have only to regret that the means at our disposal are so very limited.

I have not been enabled to convene the members so as to form a Board since the month of October, 1838; those of the section of Bay Bulls not choosing at any time since their appointment to attend our meetings, and some having taken up their residence in St. John's, we can no longer look for co-operation or assistance.

I will furnish a more particular account from our Secretary as soon as I obtain it, having given the direction on the subject.

I have, &c.

(Signed)

TIMOTHY BROWNE.

Hon. James Crowdy.

**Ferryland District.**

<p>1838. July 4. To Balance per last acct. 211 12 1</p>	<p>1838. July. By salaries to teachers this quarter 35 10 0 Oct. Do. do. 35 10 0 1839 Jan. Do. do. 35 10 0 April Do. do. 35 10 0 May Winter pay to E. Ha-ley.....£8 Do. Thos. Kielly ..8 16 0 0 July Salary to teacher this qr 35 10 0 4. Balance in hand 18 2 1</p>
211 12 1	211 12 1
<p>1839 July 4. To Balance brought down 18 2 1 16 Amount of Grant this year 144 4 7</p>	
£152 6 8	

E. O. E.  
Ferryland, 17th July, 1839.  
ROBT. CARTER, Treasurer.



**Placentia.**

**AN ACCOUNT** of the number of schools and scholars, and the cost and expenditure attending the same, in the district of Placentia and St. Mary's for the year 1839.

Place of abode	No. of		Teachers Salaries	
	Schools	Scholars	Male	Female
Great Placentia.....	2	84	£30	£20
Little Placentia .....	2	106	30	20
Saint Mary's.....	2	87	30	20
Red Island.....	1	27	8	
Trepassey,....	1	43	30	
Harbor Beaufet.....	1	27	24	
Merasheen.....	1	29		25
Point Verd .....	1	36	10	
Presque .....	1	31	25	
Barren Islands,.....	1	26		18

[Signed] **W. BRADSHAW, Chairman.**

**Bonavista.**

**STATEMENT** of the Schools under the Board of Education, from 1st July 1838, to 1st July, 1839.

Schools situated at	Masters' Name	Date of Appointment.	Salary	Children		Protes- tant	R Ca- tholic.	Total No.
				Male	Fem			
Broad Cove.....	P. Larkin...	1st Nov 1836...	£25...	29...	15...		44...	44
Tickle Cove.....	John Skiffington...	7th May 1837...	£25...	28...	17...	28...	17...	45
Open Hall .....	James Glenham ...	1st Nov 1838...	£25...	15...	26...	29...	12...	41
Salvage .....	John Sainsbury ...	1st — 1836...	£25...	23...	14...	37...	—...	37
Fair Island .....	Moses Cutler ...	— — —	£15...	20...	8...	28...	—...	28
			£115	115	80	122	73	195

**Swains Island..... J. Feltham..... 1st Nov. 1838. No return from this School.**

(Signed)

**H. J. FITZGERALD,**  
Chairman.

E. O. E.  
Treasurer  
17th July, 1839.



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## COPY

Of a report from Mr. Kough, relative to the present very defective state of the  
Court House buildings.

[Copy.]

St. John's, 27th Dec., 1839.

SIR,—I had the honor to receive your letter of the 24th, directing me to survey and inspect the Court House buildings in this town, and to report to you their state and condition for the information of his Excellency the Governor.

In obedience therewith, I have proceeded, and beg now to acquaint you that I find these buildings in a very defective state, the roof being in many parts in bad condition, the rain and drift having been kept out for several years past by only temporary repairs, the casement of the prisons on the North, and part of the Gaolers apartments by the prison yard, quite rotten.

The whole of the building requires to be painted, both externally and internally, with the exception of part of the High Sheriff's apartments, which appears to have been recently painted and papered.

Several alterations and improvements have been made from time to time these four years past, in the great room, by dividing off a passage, erecting galleries, &c. &c., but they appear to have been made for the convenience of the Legislature, and without any regard to their permanency.

New sewers and cisterns have been laid this autumn, effectually cutting off all communication between the privy and the spring which supplies the building with water.

A stone retaining wall has also been erected this season, commencing at the eastern entrance, extending along by the south front of the building, with a new palisade fence on top, the whole length.

Part of the surrounding plank fence which separates the Court House buildings from those on Water Street has been blown down by the high winds in October last, and has not since been repaired.

The palisade fence along the south western entrance and on church hill requires being renewed.

The brick building on the eastward comprising the coal vaults, stabling, &c., requires to be painted, and to have some partial repairs on the roof.

The roof of the lean-to building in Court yard admits the rain and droppings from the eaves to pass freely through it—it requires to be altered and new shingled. There are also some trifling repairs required in the Gaoler's apartments.

I would now beg leave to direct your attention to the report on the state and condition of those buildings, made in July, 1833, and subsequently referred to in February 1834, by the Clerk of works in the Royal Engineers Department on this station, and myself; those reports being so fully extended and still applying.

I have, &c.

(Signed)

PATRICK KOUGH.

The hon. the Colonial Secretary.

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## COPY

Of letters from the Collector of Customs, relative to a preventive boat for the Port of  
St John's, as provided for by Act. 3, Vic. cap. 4.

[Copy.]

Custom House, 13th Nov. 1839.

SIR,—I have the honor to acknowledge the receipt of your letter of the 30th ultimo, transmitting to me, by the Governor's command, a copy of an Act of the Local Legislature, by



which a preventive boat is provided for the better protection of the revenue in this port, with his Excellency's request that I will take the necessary steps to provide a boat and crew accordingly.

On this communication I would respectfully submit for his Excellency's consideration,—

That, on the most mature consideration of this subject, the local of the port, the system pursued by illicit traders, and the consequent injury sustained by the Revenue, I am of opinion that the employment of a second row-boat within the harbour, would not only be wholly ineffectual to the object in view, but would most assuredly disappoint the just expectations of the Legislature.

I would therefore suggest the employment of a schooner of about 25 tons burthen, instead of the boat proposed; such a vessel would afford effectual protection. It would enable me to overhaul all ships found hovering off the entrance of the harbour, and to search the various creeks and inlets along the coast.

I have, &c.

(Signed)

J. M. SPEARMAN.

[Copy.]

Custom House, 3d Jan. 1840.

SIR,—His Excellency having requested, with reference to my letter of the 28th Nov. last, that I would furnish you with an estimate of the expense attendant on the arrangement I therein recommended, I have the honor to state, that after consulting with Mr. Goodridge and other competent parties, I find a plain substantial boat of the description mentioned, cannot be built and fitted for sea under £340 sterling.

I would further add that the sum of £100 will be required annually, in addition to the sum of £200 already provided by the Legislature to meet the repairs and other contingent expenses.

I have, &c.

(Signed)

J. M. SPEARMAN

Collector.

The hon. the Colonial Secretary.

## REPORT

Of the Board of Road Commissioners for the district of St. John's.

The Board of Road Commissioners for the Central District, in submitting this, their second Report to the Legislature, take leave briefly to notice the various improvements which have been made and entered upon during the course of the past year.

### DUCKWORTH STREET.

When entering on the improvements in Duckworth Street, the sum granted for this service was found inadequate to effect the necessary alteration and repairs of the whole line.



The Commissioners were, therefore, confined to such parts as more immediately demanded their attention. That part of the Street situate between Fort William and the Commercial Rooms has undergone a thorough repair, and many essential alterations have been made in it. A very considerable improvement has been effected in that part between the top of Queen Street and the residence of James Fergus, Esq., which, from being as formerly, almost impassable from water and filth, is now clean and commodious. To complete this Street, and remove that part of the Episcopal Burial Ground which at present so much obstructs the passage between the Court-House and the Church, the sum of £500 would be required. The Commissioners in drawing the attention of the Legislature to this delicate but important matter, respectfully submit that there is no alteration in the town more essentially necessary than the widening of the Street in this particular part.

### GOWER STREET.

Of all the Streets in the Town, Gower Street is the most susceptible of improvement. The whole of this Street is unequal and undulating, and almost all the houses have been built without the slightest reference to the future improvement of it. In several places the Commissioners found it necessary to make deep cuts, in order to reduce the street as nearly to a level as circumstances would admit; and, in the hollows, filling to a considerable extent was also found unavoidable. A very decided and necessary alteration has been effected in that part, situate between the Military road and Cochrane Street, thence to the King's road and on to Prescott-street. The alterations made on that part of the street which communicates between Cochrane street and the road leading to the King's Bridge, have been so important as to afford an excellent entrance into the town on that side. Another decided improvement has been made in that part which leads to the east and west of the Methodist Chapel, and on the cross street between the Factory and the Episcopal Church, which was formerly very difficult of ascent, but has now been reduced to a very gentle rise, perfectly secure and easy for carts and carriages to pass. In no part of the town is improvement more visible than in these parts of Gower-street just referred to.

Considerable, however, a shave been the improvements accomplished in this direction, the street which communicates between the Episcopal Church and the Wesleyan Chapel is in a very insecure state. To render it permanent, a retaining wall, or some such support will be required along that part which skirts the low ground directly to the eastward. At this point, also, there is a vast accumulation of water, which is discharged from the various drains that receive it from the high lands directly to the north and west, and which, from Pitts' land, rushes along the hollow leading to "Bell's Shoot," to the great destruction of property, the inconvenience of the householders in the neighbourhood, and the manifest injury of Duckworth street and the adjacent lanes. To prevent these annoyances in future, it will be necessary to take the water up where it enters the land of Mr. Pitts, and convey it by a covered drain to the harbor; to accomplish which, the sum of £150 will be necessary.

### COCHRANE-STREET.

Cochrane-street which was rapidly decaying, has been partially repaired. The sum granted for the repairs of this beautiful street was too small to enable the Commissioners to put upon it such a body of materiel as would have given it a proper curvature, which alone could prevent the water from remaining over it, whereby it is cut up and destroyed.

The whole of the cross streets which intersect Water and Duckworth streets, between the Custom House hill and Hunter's cove has been greatly improved, and thoroughly repaired, and from being the very worst have been made the best streets in the town. In Gambier and Holloway streets the side gutters have been paved by way of experiment, and there does not remain a doubt, that the whole of the streets would not only be improved but more effectually preserved and kept in proper form by the side gutters being well paved.

### QUEEN STREET.

A drain similar to that in the King's road has been run from the top of Queen street to the harbour; the sum granted for this street was found wholly insufficient for building the



drain alone, without entering on the repairs of the street, and the Commissioners had to incur a liability of £75 beyond the original grant for this street.

The want of funds alone have restrained the Commissioners from attempting the slightest improvement on the surface of this fine street, and it has consequently been left in a very unfinished state; one great object, however, has been attained—that of completely removing the water from the surface. The sum of £90 would be necessary to complete this street.

**SAFETY WALL.**

The safety wall in Duckworth street, which fell in the autumn of 1837, remains in the same state as the contractor had left it, notwithstanding that a grant of the Legislature has been given for its re-construction. The Contractor and the Commissioners being at issue, it was deemed advisable not to go on with the work until the case should be decided. Law proceedings were instituted against the Commissioners last year, but the case did not come on for trial until the last term of the Supreme Court, when the sum of £66 currency (the balance which would become due on the completion of the contract) was awarded the Contractor, by a Special Jury, although the wall had not been raised to the height intended, and there is a specific clause in the agreement entered into, stating that the payment of the amount contracted for, was only to be made "on the production to the Commissioners of a certificate signed and sworn to by the superintending surveyor of work, stating that the contract had been well and faithfully performed in every particular." As the case involved some points in law, the final settlement of it was reserved for the decision of the Judges in Chambers.

To meet the expenses incurred, and to discharge the debts in connection with the wall, the Commissioners throw themselves on the Legislature, and claim its future protection from the capricious operations of the law, in the discharge of their public duty.

The Commissioners cannot close this notice of the safety wall, without intimating their firm conviction that the failure of it arose out of some defect in the construction of the work, and a disregard, on the part of the contractor, to the necessary means of its preservation.

**MILITARY ROAD.**

For the Military road no grant has been given by the Legislature. As this road was getting into a very bad state, the Commissioners appropriated £50 to its repair, out of the grant placed at their disposal "for keeping in repair the roads and streets in and about the town." A contract has been entered into for this work, commencing at the Bake House, and ending at the Orphan Asylum School.

The Commissioners regret that winter had set in before the whole line could be finished, which will occasion very considerable inconvenience to those persons who reside on the north side of the street near the Asylum, in consequence of the higher side being cut down to effect a better level.

**KING'S ROAD.**

The drain in the King's road has been finished, and is found to answer the purpose intended. The road-way has also been brought into inclined planes, agreeably to the section of the Surveyor, and is now an excellent outlet to the country at that part of the town. To render the improvement permanent, however, it will be necessary to pave the side gutters, to prevent the water from cutting up and undermining the street.

**SIGNAL HILL ROAD.**

The road leading from Fort William to Signal Hill has been much improved, and, by the sinking of a drain on part of the table land which marks the first elevation of the hill, a pond which used hitherto to inundate the road has been so reduced as to cease to incommode the public passage.



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**STREET BETWEEN THE FACTORY AND THE ORPHAN ASYLUM SCHOOL.**

This street has undergone considerable alteration. It has been raised in some parts and lowered in others, and its ascent is now perfectly easy, safe and commodious.

**WATER STREET.**

The whole line of Water street, from the premises of Messrs. T. & J. Brocklebank, to Mr. Radford's at River head, has undergone material alteration. Many very useful catch-water cross drains have been cut, and other essential improvements made, which cannot fail greatly to facilitate a free intercourse in this populous and stirring street. Great, however, as the improvements have been, there still remains much to be done.

When the Commissioners commenced operations on this street, it was their intention to place a curb stone along the whole line of the street to mark it out more distinctly—which, together with the side-walks, was provided for in the original plan and specification. This progress, however, the Commissioners were compelled to relinquish, owing to the want of funds. The only object which they now have in view is to place substantial paved gutters along the side walks, which will mark them more particularly from the main road-way, and occasion less obstruction to vehicles of all kinds, and afford infinitely greater security to pedestrians by inducing them more to the sides of the street, where it is intended they shall walk.

The Commissioners cannot accomplish even this useful design, owing to the number of cellars which abound in almost every part of the street, extending in several places beyond the side walks, and which are in a very insecure and dangerous state. In endeavouring to abate the nuisances, the Commissioners have encountered much difficulty; and they humbly submit, that the only efficient remedy would be, a specific enactment of the Legislature, which they earnestly hope his Excellency the Governor will be pleased to recommend in the proper quarter. To enable the Commissioners to carry out their intentions in the improvement of this street a further sum of £200 will be necessary.

**STONE BRIDGE IN DUCKWORTH-STREET.**

The stone Bridge opposite Beck's Cove in Duckworth street has been completed. It is well and substantially built, and fully answers the expectations which were formed of it, and when the street at this part shall have been improved, it will tend greatly to beautify this section of the town.

**ROAD TO KING'S BRIDGE.**

The road leading from the eastern end of Duckworth-street to the King's Bridge, has undergone a very material alteration. It has been cut down in some parts and raised in others, and the whole distance has been reduced to planes of easy inclination. The immense quantity of filling required in that part next to the Bridge, rendered it a work of great labour and expense, and notwithstanding that the ascent is now very easy, the road is, comparatively, in an unfinished state. To secure the road and render it safe, sod embankments will be required, and suitable railings placed at each side as far as the road has been raised, or retaining walls built with a parapet on each side from the bridge to a distance of 200 feet and upwards. Opposite the house of the High Sheriff the road is spongy and full of springs, which have the effect of keeping the road continually soft. To remedy this evil effectually, it will be necessary to lower the side paths, to sink the side drains considerably



below the level of the road, and to run mitre drains in sufficient number which will completely free the road from the under water.

From the vast quantity of material and the great labour which this road required to bring it into its present form, the contract was extremely deceptive, and the work was consequently set at one half of its value (say £115 currency.) The contractor has suffered accordingly, but as the commissioners have neither the power nor the means of affording compensation to parties who may have, under such circumstances, sustained loss, they must only leave them to the consideration of the Legislature.

#### QUIDI VIDI ROAD—(South Side.)

For this very useful and much frequented road, the sum of £100 only was granted by the Legislature; which sum has been expended between the bridge leading to Signal-hill and the residence of Charles Fox Bennett, Esq., embracing very little more than one third of the whole distance between the town and the harbor of Quidi Vidi. There is not a bye-road in the district which is more in need of general repair and formation, or which has a fairer claim to immediate attention than the road leading round the beautiful and romantic lake of Quidi Vidi; inasmuch as it leads directly to one of the oldest fishing establishments in the district. The outlet from Quidi Vidi harbor to the sea is very narrow, and in heavy weather very difficult and even dangerous, and were the road well made to it, it is probable that the whole of the fish taken in the place would be conveyed to St. John's by land. Were the sum of £200 granted, it would not alone enable the Commissioners to carry forward the road, on the south side of the lake, but would also serve to continue the improvements round the eastern end, so as to meet the improved line to the White Hills, at the Grove Farm House. Thus would be afforded an easy intercourse between St. John's and Quidi Vidi, as also one of the most delightful and picturesque promenades in the vicinity of the town.

#### ROAD BETWEEN THE OUTER COVE ROAD AND THE WHITE HILLS.

This road is completed, and will be found highly advantageous to farmers and other settlers in the neighbourhood.

#### PORTUGAL COVE ROAD.

For this important road the sum of £100 only was granted, and how to apply so small a sum with advantage was found a matter of some difficulty. The whole line of road is in need of general repair, and almost every bridge and cross drain on it are beginning to give way. Some of these have been partly repaired, and others made anew. The bridge at the Cove has been reconstructed, and the abutments have been built with stone and lime mortar; and that part of the road between Mr. Coughlan's house and the bridge at the Cove, has been widened and much improved. To place this road in such a state of repair as it demands, it being the most frequented of all the public roads in the district, the sum of £500 would be necessary.

#### WESTERN POINT ROAD.

The Road from Goff's Bridge, Portugal Cove, to Western Point, was contracted for in August, 1838, and has been pushed forward with great difficulty and labour through an almost solid bed of rock for more than half the distance originally intended. This has effected an incalculable good, and cannot fail to be highly beneficial to the inhabitants. The commissioners, however, in their zeal to complete the most difficult part, have incurred a debt of £85, and to enable them to discharge this just debt, they throw themselves with confidence on the Legislature.



**BELL ISLE ROAD.**

This road has been opened to the width of 12 feet from Bell Isle Beach to Lance Cove, but to make it useful to the public it will be necessary to drain many parts, to erect several bridges thereon, and to gravel the entire line. To effect which a further sum of £200 will be required.

**BROAD COVE ROAD.**

The making of this road has been contracted for as far as the limited sum granted will reach. The work was commenced at the Portugal Cove road and carried onwards towards Broad Cove. Were the sum of £200 granted it would serve to drain and make the marshes and other parts, the whole distance. The Commissioners are of opinion that the monies which may hereafter be set apart for this very useful road would be most beneficially applied in this way. Broad Cove is a thriving little place, and to give its inhabitants an easier intercourse with St. John's is worthy the consideration of the Legislature.

**TORBAY ROAD.**

In carrying out the improvements on the various lines of road, the Commissioners have laid it down as a fixed rule, to commence their operations on those parts which are nearest to St. John's. In the application of the grant for this road, the Commissioners were induced to deviate from this principle for the following reasons—first, on account of the smallness of the grant, and secondly, because a strong petition was presented to the Board from the inhabitants of Torbay, praying that the money might be laid out in the worst parts of the road, which they stated were in the vicinity of Torbay. To this application the Commissioners readily acceded, and the whole of the money has been expended near Torbay.

The Commissioners cannot close their remarks on this most useful line of road without respectfully drawing the attention of the Legislature to the necessity of giving a liberal grant for the completion thereof, as it is one much frequented both by fishermen and farmers, and a very considerable trade is carried on between Torbay and the Capital. It is, besides, the only outlet from St. John's to Flat Rock and Pouch Cove.

**OUTER COVE ROAD.**

This road has now been made to within  $2\frac{1}{2}$  miles of Outer Cove. About the distance of 3 miles from St. John's it was found imperative to change the old line, and by keeping further to the south and west, to obtain a level, and also to give a better direction, thereby shortening the distance considerably—both of which objects have been attained by this alteration.

The new line passes through a country thickly wooded, which has been opened up and cleared of trees, stumps and roots, to the width of 13 feet. Several essential bridges have been built, with stone and lime mortar, and covered temporarily to serve during the present winter. Sleighs and sledges may now be worked the whole distance to Outer Cove. When this road is completed, it will afford an easy intercourse with the capital, and facilitate the bringing in, to the market of St. John's, by the inhabitants of this settlement, the produce of the place, as well as open up a new tract of land for agricultural enterprise.

**LOGY BAY ROAD.**

The road to Logy Bay has been made on a very limited scale, to within half a mile of the Cove. A further grant of ££0 would not only make it the whole way, but would enable the Commissioners perfectly to finish the part already formed.



### FLAT ROCK ROAD.

The road between Flat Rock and Torbay has been opened, but no part of it has yet been made: it is consequently in a very rough and imperfect state.—On approaching Flat Rock from the Torbay side, it will be impracticable to follow the old line. At the top of the hill which overlooks Flat Rock, it will be necessary to keep further from the shore, and to sweep the high ground which, immediately to the south and west of this settlement, joins the Pouch Cove road to the North and West of the Cove. To trace out and level this part of that line only, the sum of £200 will be required, and until this shall have been done, the whole line of road beyond Flat Rock to Pouch Cove will be comparatively unavailable for horse and cart work.

### POUCH COVE ROAD.

This beautiful line of road between Flat Rock and Pouch Cove is now completely opened and cleared. About 15 wooden bridges have been thrown across the larger streams and brooks, and measures are now taking to drain the worst parts with the residue of last year's grant. As the intercourse on this road cannot be very great at such a distance from the capital, it will be advisable after it shall have been drained, to make only from 8 to 10 feet of the centre, in order, with a small sum, to carry it forward a considerable distance. This plan will hold good in all the remote lines of road where agricultural pursuits are only in embryo; the great object being to connect the more distant settlements with St. John's.

### RIVER HEAD ROAD.

This road leading from the west end of the town towards the River head is still in an unfinished state.

The repairs of this road were contracted for considerably under value, and the contractors have consequently suffered. Their sureties have advanced the sum of £50 to enable them to complete the work, but still they have not been enabled to do so.

This fine entrance into the town from the south and west was to have been well made to the width of 25 feet, of a clear road way, with suitable gutters on each side where required, to convey the surface water to the catch water drains, but none of these requisites have yet been fulfilled.

The whole of the available funds for this service have been drawn, and the Commissioners have no discretionary power to extend relief to the contractors, nor have they any funds to draw upon, even if they possessed the power. The contractors then have no alternative but to petition the legislature, which alone can afford them relief.

### BAY OF BULLS ROAD.

This road is the great outlet to all the settlements south of the Capital, and is second only in importance to the Placentia line of road. It may be said to commence at the Corn Mill of the Messrs Job at River-head, where it joins the Topsail line, and from about one hundred yards beyond this point, it is well made to the distance of  $4\frac{1}{2}$  miles, running beyond Block-makers Hall a considerable way, and passing over "Sweeney's Marsh," on the new line. At the eastern boundary of Aylwards's land, a departure from the old road was found unavoidable.

To obtain a better level the Commissioners had to pass through the lands of Foley, Aylward, Ryan and others, for which compensation was claimed and given agreeably to the provisions of the Road act. The sums awarded as compensation on this, and on the Petty Harbor line of road, considerably reduced the funds of the Commissioners for these two roads. The great advantages gained, by the alterations alluded to, cannot but prove highly advantageous to the public. From Sweeney's marsh the greater part of this road runs through a beautiful country, thickly wooded, which has been opened up the whole of the way to Bay Bulls to the width of 26 feet. The greater part of swamps and bad parts have been drained, by which the road has been made firm and dry, and wooden bridges have been constructed over the principal rivers and brooks along the whole line.



**NEWTOWN ROAD.**

On this road a very good bridge has been built with stone abutments, and strongly covered with wood, and that part of the road between the bridge and the cross road, which leads to the lands of Mr. Hogan, will be completed early in the ensuing spring. A number of enterprising farmers and other settlers reside in the quarter to which this road leads, which entitles it to a first consideration among the minor roads of the district.

**UPPER LONG POND ROAD.**

This very fine line of road is made to about half a mile beyond Long Pond bridge, and has already been found highly beneficial to the numerous livers adjacent thereto. Among the various roads in the district, this is, on the whole, one of the best made; and as it meets the road from Brine's bridge to Upper Long Pond by Rennie's Mill, the two roads combined, give every facility to intercourse with the town.

There are a great many livers beyond that part at which the made road terminates, who are entitled to the favourable notice of the Legislature. Another small grant would serve to run this road forward, on a narrow scale, to a point nearer the verge of agricultural settlers, and would prove of great value to them.

**BRINE'S BRIDGE ROAD.**

The road leading from the head of the King's road to Brine's bridge is much in need of repair. No grant has ever been given for this much-frequented road, which is the outlet from the town to the most populous part of the district. Were the sum of £80 given, it would amend and greatly improve it. To reduce the hill adjacent to Mr. Mitchell's house, and render it easy, would require the sum of £30.

**FRIENDLY HALL ROAD.**

The sum of £50 was granted for this road, and has been expended. About one third of the distance is now completed, and to make good the remaining two thirds, would require a further sum of £130.

**PETTY HARBOR ROAD.**

This road, which branches off from the Bay of Bulls line about half a mile south of Waterford bridge, is now partly formed to within two miles of Petty Harbor. The smallness of the sum granted for this service induced the Commissioners to confine the made part to 7 feet in width, and even this very limited width involved great expense and labour. The natural difficulties which occurred almost at every step greatly increased the rate per mile of making, and hence the reason why this road is so narrow, and so much of it yet unimproved. To make the remaining 2 miles will require a very considerable sum of money, even on the same scale as that part already formed. As the road approaches the harbor the obstacles increase, and to form it to the water's edge, the sum of £350 would be required.

**SOUTH RIVER HEAD.**

For the making of this road the sum of £80 was granted, which has been nearly expended, and will prove of vast utility to the farmers and others in that neighbourhood, for whose benefit it was principally intended. Should a sum equal in amount be granted this year, it would serve to unite this very useful road with the Bay of Bulls new line, at the southern extremity of Sweeney's marsh.



### OLD PLACENTIA ROAD.

This road is completed to within half a mile at the farthest of agricultural settlements. Much good, notwithstanding, could still be effected by running it a little farther towards the interior, as new tracts of excellent land would be opened up to inclining settlers, in a very desirable and fertile part of the country.

### BAY OF BULLS AND OLD PLACENTIA ROAD.

The settlers on these lines of road have no communication by any cross road; it is, therefore very desirable that one should be made to connect these two roads, and were it laid out so as to cut the old Placentia road nearly opposite Mount Pearl, and running it through a populous settlement situate between these two points, to join the Bay of Bulls road somewhere near the southernmost part of Sweeney's marsh, it would be of the greatest utility to the whole of the settlers in the southern section of the district.

### WIGMORE'S GULLY ROAD.

The money granted for this road has enabled the Commissioners to make it tolerably good as far as Neil's farm, which has already proven of great utility to the farmers and other settlers on this line of road. A very difficult part, however, remains yet to be made. To the westward of Neil's old farm house the road enters a beautiful valley; at this part a perfect flat, over which the water from the higher ground to the south and west flows, without being confined to any particular course. In consequence of this, and to obtain a safe and commodious passage, the road will require to be slightly raised the whole way across the valley, (which is not more than two hundred yards), and two or three small bridges should be thrown across at such parts as may be deemed expedient. By the adoption of this plan, the water which is now scattered over the plain will be conducted into proper channels, and an easy communication afforded to the numerous farmers and other inhabitants to the westward of this almost impassable spot.

### ROAD FROM THE WIGMORE'S GULLY ROAD, TO MEET THE OLD TOPSAIL ROAD.

This road branches off from the Wigmore's Gully road on the eastern side of Neil's old farm house, and passes towards the interior. The numerous settlers on this fine line were destitute of anything which deserved the name of road. A sort of open space, on which, here and there, the stones taken from the adjacent lands had been thrown indiscriminately, was all that marked the path.

The primary object of this road is to unite the Wigmore's Gully road with what is called the old Topsail road near Ryan's farm, and from thence passing up the valley, will run on a line to join the new Topsail road about 8 miles from St. John's, thus opening up by far the finest agricultural tract in the neighbourhood of St. John's.

### WATERFORD BRIDGE.

This bridge has been re-constructed and thoroughly completed, and will be found to answer the best expectations which were formed of its utility. The abutments, which in the first instance were discovered to be defective, have been constructed so as to render the whole fabric permanently secure. The arch is built of the very best rubble stone which the locality could afford, and which was procured at much expense and labor, and if proper attention be paid to keeping the whole structure in repair, there can now be little doubt of its durability. It is an object combining great usefulness, with much architectural beauty.

The sum of £50 was sought for by petition during the last session, for the purpose of cleansing and deepening the river but was not granted. As the future stability of the Bridge will, in a great measure, depend on this work being accomplished, the Commissioners solicit



the particular attention of the Legislature to it, with an anxious desire that the vote may not be overlooked.

### THE BROOKFIELD, TOPSAIL, AND HOLYROOD ROAD.

This road which parts from the Bay of Bulls, and Petty Harbor line at the River Head, has been made for some years past, to a distance of nearly five miles from St. John's. At Steady Water, the Board of Road Commissioners appointed under the Appropriation Act commenced their improvements, and it was by them partly opened and drained to Topsail. At that part where the road enters the thick woods it has been found advisable to depart from the Old Topsail tract for the purpose of obtaining a better level, and by alternately following and crossing the old path, a very beautiful and level line has been found; upwards of two thirds of the distance, between Steady Water and Topsail, has been contracted for, and will be finished early the ensuing summer.

Owing to the want of means to contract for the whole distance, a difference of opinion existed as to the method of expending the sum granted, to the public advantage. On mature consideration, and after a minute inspection of the unmade part, it was judged expedient to contract for the repairs of the worst parts first, which being made, would afford to the public a tolerably passable road all the way to Topsail, and the Commissioners the more readily agreed to this proposition, as that part of the road in the immediate vicinity of Topsail was impassable with safety on the new line.

The greater part of the obstructions which prevented a clear and level road way to Topsail have been wholly or partly removed, and temporary bridges have been built to serve for the present winter, so that the whole distance from St. John's to Topsail can now be worked with sleds and sleighs. That section of the road between the late Mr. Doyle's land and the 17th Mile post was contracted for by a person of the name of William Quigley. This particular part required a good deal of filling, & several considerable cuts were necessary to be made. The contractor, who was but little skilled in such matters, suffered severely in consequence of having taken the contract too low. An application was made by him last year, to the Legislature, for compensation, and his claim met with some consideration. A small sum was awarded him, which he greatly needed, having performed a great deal of work for comparatively little money, but the Road Bill, in which the grant was included, not having passed, he has not yet obtained the amount. This portion of the road still remains in a very unfinished state, owing to the utter inability of the contractor to complete it.

That part of the road which is nearest to St. John's, situate between Mr. Palk's house. River Head, and the Brookfield farm, was not, in the first instance, laid out on the best line that may have been obtained. The alteration, where it would be desirable to run the new line, is now impracticable, owing to the vast quantity of cultivated land on the Southern, or lowest side, the purchase of which would absorb too much money to attempt it.

The present line, however, is susceptible of great improvement, and were an adequate sum given, many of the worst hills could be lowered, and the valleys raised, so as to reduce the whole to gently inclined planes. This road is much too narrow for the purposes required, and it cannot be denied that this populous part of the district is justly entitled to the most favourable consideration of the Legislature. It is not alone entitled to consideration on the score of resident population, but it will, when made, form part of the great northern and western line which is intended to intersect the country. Where it reaches Holyrood it there meets the line of road which connects the whole of the settlements on the north side of Conception and the south side of Trinity Bays. At Holyrood it will be joined to the St. Mary's road by Salmonier, as also by the great western road which is in contemplation to Placentia. On that part situate between Topsail and Holyrood, little has been done beyond draining the swamps, freeing it of stumps, roots, &c., and erecting temporary bridges across Manuel's brook, Longpond, and Kellebrews Rivers.



This road, in whichever point we view it, is by far the most important one in the Island, and in time will become the grand connecting link between St. John's and all the western and northern settlements of the Colony.

The Commissioners in framing this report, have confined it more particularly to the roads and streets for which grants of the Legislature have been given. There are other streets of the town, and various other roads which equally claim consideration, and the Commissioners conceive it not beyond the scope of their duty, respectfully to draw the attention of the Legislature to their very bad condition, with a view of obtaining the means to repair them.

The whole of the cross-streets and lanes between Beck's Cove and Hutchings's lane, River Head, are in a very bad and filthy state, and ought no longer to be neglected, for, independent of other important considerations, it will be impossible to keep Water-street clean, so long as water is allowed to overflow the cross-streets and lanes, and run down over it, leaving thereon a very unpleasant deposit. The sum of £300 would go far to remedy these and other evils which exist in almost every street in the western wards of the town.

The street which branches off from Duckworth-street, near the residence of James Fergus Esq. J. P. and leading towards Monday's Pond is in a deplorable state, and quite unsafe for the ordinary intercourse of life. No street in the town is more in need of repair than this.

#### STREET OPPOSITE BECK'S COVE.

This street, which intersects Water and Duckworth streets at Duckworth street bridge, is in a very disgraceful state. The water which is discharged from the high ground immediately north of this street, runs over its centre, and the greater part of the filth of the neighbourhood is thrown thereon. Were a covered drain built from the bridge to the harbour the nuisances in this street would be completely abated, and the surface, which is now offensive to the eye, would be rendered clean and wholesome.

Close to Duckworth street bridge is an eligible situation for a public tank or reservoir for water. Of the many useful measures which have occupied the attention of the Legislature, there is not one fraught with greater benefits to the public than this. The sum of £300 would not only serve to build a reservoir of sufficient dimensions, but would also form an aqueduct between the bridge and the harbour.

The Commissioners respectfully submit, that the experiment could be made for the above sum, and if found to answer, others could be constructed in all the public Coves in the town, every one of which offers a suitable situation for the purpose.—Should these suggestions be acted upon, the public would be furnished with conduits from which to obtain pure and wholesome water, not alone sufficient for daily use, but an ample supply to serve in case of fire.

The same improvements which are applicable to Beck's Cove could be carried out in Hunter's Cove to a far greater extent by uniting it to Duckworth Street.

#### PRESCOTT STREET.

This street joins Duckworth Street at Hunters' Cove Bridge, and has been open for upwards of two years. As yet, however, it has proved of little or no advantage to the public, nor is it likely to be of much, unless its present direction be altered.—What the alteration should be it is unnecessary for the Commissioners to say, but that a change of the line is called for, there is no doubt.

This street is situate in the very centre of the town, with an ample space on each side, on which dwelling houses may be erected, and were it fairly laid out, levelled and drained, there



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is every reason to believe that a populous street would shortly arise. That inclination to extend the town towards the westward (which is so manifest) would cease, and the small capitalist would embrace the opportunity of investing his money in houses which could not fail to be occupied, and thus would the town have all the benefit which is found to arise out of a more condensed population.

So far as the roads of this district have been made, an excellent foundation has been laid which will, in time, render them easy of improvement. The general directions and inclinations of all the new lines of road have been laid out, so as not to require change; to accomplish which, no pains or labour have been spared by the Surveyor or his assistants. Whatever future improvements the country may undergo, little or no alteration will be necessary on the lines of road lately laid out; consequently not a single shilling of the public money has been uselessly expended thereon.

Notwithstanding that the Commissioners have been at great pains to lay solid foundations in the various roads under their direction, still, the materials whether consisting of gravel or stone, have seldom been judiciously selected and arranged by the Contractors, and have often been laid so promiscuously upon the roads, as to render it inconvenient to travel upon them. The shape of the roads, too, or cross sections, which are of great consequence, have been too often disregarded by the contractors, but the very low rate at which most of the roads were contracted for, made the duty onerous and painful on the Commissioners to enforce a rigid adherence to the sections and specifications.

The Contractors for the making of roads in this district are every day becoming more experienced in the art, and are also gaining a more accurate knowledge of the rate at which roads can be properly made, and, as in future, the excuse of total ignorance cannot be pleaded, a more rigid system can with justice be enforced, and the whole of the works subject to a more rigorous inspection.

No season could possibly have been more trying for the newly made roads than the latter part of last year. The alternate severe frosts and saturating rains loosened the road to such a degree as to throw to the surface every particle of soft material, and the whole of the earthy matter which ought in the first instant to have been rejected, will be fairly exposed in the spring, which will not only enable the commissioners to remedy past defects, but will afford the best test as to the durability of the materials which have been already used.

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#### PLACENTIA ROAD BY HOLYROOD AND SALMONIER.

A preliminary survey of the line of road by Holyrood and Salmonier to Placentia was made by Mr. Blackburn in the year 1835. On a minute inspection of the plan submitted, it was discovered that that part of the line traced between Holyrood and Salmonier tended too much to the southward, and that the ground over which the survey had been made was too elevated and undulating for the ordinary purposes of a good road.

In order to obtain more precise information relative to this important road (which is intended to connect Conception and St. Mary's Bays) another survey was ordered by the Board of Road Commissioners, appointed under the appropriation act of 1836.



By a plan of the survey submitted by Mr. Byrne, Surveyor to the Board, it was found that a more level line could be obtained, at a lower elevation, and in a much better direction, passing through land infinitely superior in point of fertility, and offering far greater advantages to settlers along the whole line between Holyrood and Salmonier.—Mr. Byrne's survey was confined principally to that part of the road which runs directly from Holyrood to the head of Conception Bay, to Salmonier at the head of St. Mary's Bay.

In the year 1836, a grant was given by the Legislature for this road, which has been partly applied in the survey alluded to, and partly expended in opening about 5 miles on that part next to Holyrood, and, as far as this particular part is concerned, there cannot exist but one opinion, which is that no material alteration can be made with advantage to the public.

Mr. Blackburn's preliminary survey extends onwards from Salmonier to Great Placentia by Colinet, and on this part of his plan, also, a considerable difference of opinion existed, even among persons who were best acquainted with the route. It was said that a more direct line from Holyrood to Placentia could be had, which would greatly shorten the distance and facilitate the intercourse between St. John's and that distant settlement. With a lively consideration of the importance of the matter, the Board of Road Commissioners for the Central district ordered another cursory survey to be made in the months of December and January last, with a view to obtain more accurate information on the subject.

In conformity with the instructions of the Board, Mr. Byrne, their surveyor, left St. John's on the morning of the 26th December last, and proceeded to a point on the Salmonier line of road, 5 miles west by South of Holyrood, from whence he directed his course due west on to Colinet, (leaving the Salmonier line on his left) and thence to Great Placentia, and with his party arrived at the latter place on the 13th day after leaving St. John's without any satisfactory result, having met with many difficulties to the formation of a road, in consequence of ponds and other obstructions on the way.

On his return from Placentia, Mr. Byrne took, for part of the way, a direction still more northerly than that by which he went, and by doing so, gathered much information as to the description of country which lies between the Bays of Conception and Placentia. Mr Byrne's report is now before the Commissioners, and from the information which it conveys no great difficulty exists in arriving at pretty correct conclusions. The information, however, is not of that precise character, nor is it founded on that strict investigation, which would warrant the Commissioners in recommending to the Legislature the exact line of road which ought to be adopted in tracing the great Northern and Western line by Trinity and Placentia Bays.

From all the information which the Commissioners have as yet obtained, they do not think it advisable to change the line of road to Placentia, unless by the avoidance of some elevated barrens which may be done without any material departure from the present route—and they are the more induced to this opinion because the road by Salmonier unites the Bays of Conception, Placentia, and St. Mary's, by one leading road.

In giving expression to their opinions, however, the Commissioners are not to be understood as meaning that the line of road by Salmonier to Great Placentia is the best adapted to open a communication with the most distant western and northern settlements of the colony, for a glance at the plan furnished by Mr Byrne, when compared with the Chart of New-



foundland will show, that to effect this desirable object, it will be imperative to keep very much farther to the northward in order to produce such a line as will render it easy to run branch roads into the main one from both sides of the Island; and to compass this, the main north line might follow the road which leads round Conception Bay, as far as Salmon Cove, a distance of about 5 or 6 miles beyond Holyrood, where it should part the Conception Bay Road, and taking nearly a northwest direction, keeping as near to Dildo Cove and Chapel Bay as circumstances would admit, run thence onwards between Trinity and Placentia Bays nearly as far as North Harbor, at the head of Placentia Bay, where the northern line of Trinity and Bonavista might, with propriety branch off.

The Commissioners in closing this report are glad to avail of the opportunity afforded them, to acknowledge the services of Mr. Byrne, their surveyor, who has in every instance where they have had occasion to employ him, merited their unqualified confidence and approbation; and they conceive it their duty to state, that Mr. Byrne has established for himself, in his particular department as Surveyor and Inspector, claims on the country, which they anxiously trust will not be overlooked. The Board have, therefore, to recommend Mr. Byrne to the particular consideration of his Excellency the Governor, and of the other branches of the Legislature, as a person whose future services as a Land and Road Surveyor, may be made highly beneficial to the colony, and they respectfully submit the propriety of including Mr. Byrne's salary in the General Bill of Supply.

**JAMES DOUGLAS,**

Chairman.

St. John's, Feb. 22nd 1840.

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Communications from the Board of Road Commissioners.

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Stone Buildings, April 7, 1840.

Sir,—I have the honor to acquaint you, for the information of his Excellency the Governor, that a meeting of the Board of Road Commissioners for the Central District was held on yesterday; to take into consideration the present state of the affairs of the Board, and the condition of the various works under their direction.

First, with reference to the incidental expenses of the Board, which have heretofore been defrayed from a fund set apart from the gross sums granted by the Legislature for this district in the road bills of 1838-9, but in consequence of no road bill having passed the present year, it is much to be desired that a direct provision should be made by the Legislature to liquidate the expenses which will necessarily be incurred by the Board in superintending to completion the numerous contracts now in progress, and others which will be entered into by the Board.

Secondly, the Commissioners beg to intimate to his Excellency, that in order to the efficient discharge of their public duty, it is unavoidably necessary that they should retain in their service Mr. Thomas Byrne, surveyor, and Mr. Stephen J. Daniel, secretary, together with the two inspectors. The services of the surveyor and his assistants will not alone be required for this district, but will be made available for the Placentia line of road by Salmonier, which is, as yet, very imperfectly surveyed and laid out, and for which a considerable sum of money is still at the disposal of the Board; but as the Commissioners have not the means of paying these individuals, they beg to submit the difficulties under which they labour, to the favourable consideration of the Legislature.



As a great many contracts in this district remain to be finished, and others entered into, and as ample employment can be found for all the officers employed under the Board highly conducive to the public advantage, the Commissioners are induced to hope that his Excellency will accord with them in opinion and be pleased to bring the whole of the facts stated above under the view of the other branches of the Legislature with his Excellency's recommendation, that an express provision be made for the purposes alluded to, namely—

For defraying the salary of Thomas Byrne, surveyor, £166 sterling.

For defraying the salary of Stephen J. Daniel, secretary, £100 sterling.

For defraying the salary of Edward Tobin, assistant surveyor, £60 sterling.

For defraying the salary of Daniel Eagan, assistant surveyor, £60 sterling.

Thirdly, the Commissioners beg to draw his Excellency's attention to the outstanding claims upon them, a statement of which they subjoin, with a request that his Excellency will be pleased to bring the same under the consideration of the Legislature, with a view to obtain a grant to discharge them.

#### STATEMENT.

Queen street, £75—(This sum has been paid the Contractor out of the Grant for the Blockmaker's Hall and Bay Bulls roads, and is intended to revert to its first appropriation.)

Safety Wall in Duckworth Street, £66.—(This sum, put down for the safety wall as a claim on the Commissioners, was awarded the contractor by a Jury, but as the case involved some points in law, it was reserved to be argued in Chambers, and as Counsel have not been heard on either side of the question, no decision has been given.)

Westward Point Road, £85—Bay of Bulls Road, £12—Duckworth-street, £7.  
—Job's Bridge, £16.

Fourthly, the Commissioners would likewise bring under the notice of his Excellency several individuals who have suffered loss in consequence of the low rates at which contracts were taken by them. These parties having already applied by petition to the proper quarter, where their claims have been recognised, and compensation awarded them in two successive Road Bills which have not passed the Legislature; moreover as their individual losses have been certified by this Board, the Commissioners think it not beyond their province to advert to the subject, with a desire that their claims may again be referred to the Legislature—viz.

Wm. Quigley, the contractor for part of the Topsail road, £65    0    0

M. Allen, sen. the contractor for the road to King's Bridge 80    0    0

Robert Shaw and others, contractors for River Head road 60    0    0

Fifthly, the Commissioners beg to submit to his Excellency the utility of re-appropriating the sum formerly granted "to build a wharf at Boden's Cove," together with an additional sum for constructing a proper landing place for fish-offal and other manure at Bolan's Cove, such a measure being of the greatest importance to the agricultural population of the district.



Sixthly,—The roads and streets of this district having occupied the attention of the Board, the Commissioners are of opinion, that as the various streets and roads in and about the town, from being so constantly worked, require to be kept in repair, and that if a specific grant were given for that purpose, it would eventually be productive of a great saving to the Colony.

The King's Bridge is in a very dilapidated state, and stands much in need of general repair; the retaining walls are shaken, and will shortly tumble down if not prevented by some means or other. The walls must either be taken down and re-constructed in a more substantial way, or buttresses will be required to support the present ones.

The Commissioners, fully impressed with the vast benefit which is conferred on commerce by a rapid and easy communication, take leave to point out *three public or main roads* upon which large sums of money have been expended, and which expense will have been wasted if they are not now perfected. The first in importance is the Portugal Cove Road, which is fast falling into decay, and will shortly become impassable if not timely repaired. The whole of the bridges are beginning to give way, and several of them are at this moment not perfectly safe for public use. The sum of £400 would serve to re-construct the decayed bridges, and give the whole of the road a coat of gravel.

The second in consequence is the Topsail road, the worst parts of which are already contracted for, to be brought into a fit state for the reception of gravel; were the sum of £700 granted for this road, it would complete a carriage way to Topsail, which is much to be desired. Besides the general utility of this road, the great quantity of wood which is cut along the whole line and hauled on it, renders it of great importance to the population of this district.

The next road to which the Commissioners would advert, is the Bay of Bulls new line. This road, if stopped short at that point which is now reached, will prove of little use to the public, because certain bridges have been constructed, and others are in course of being built, which, unless the road be made, cannot be used; cross-drains are also being cut, which cannot be passed unless covered and finished, and the whole of the rubbish and other obstructions levelled and cleared away—the sum of £500 would not alone remedy the evils pointed out, but would finish this useful road as far as the Gold's River, a distance of 9 miles from town, which would be of incalculable advantage to the public.

The reason which has prompted the Commissioners to point out the state of these leading roads, is, that if the works be now relinquished, they cannot again be resumed without entailing on the colony a great accession of expense. They would therefore submit, that were provision made for the purposes adverted to, it would prove alike useful and advantageous to the inhabitants of the whole Island.

The Commissioners would beg leave to add that, in their opinion, great advantages would be derived by the Commercial interests of the Colony from having a bridle-path, or narrow road, opened between Holyrood, in Conception Bay, and Long Harbor, or some other point nearer the head of Placentia Bay, a very populous district to which no road at present leads. Were the sum of £500 voted for this service an accurate survey could be made, and a road opened to the width of 8 or 10 feet. The advantages of this road will be better understood by having reference to the report of this Board, submitted to his Excellency on the 22d of February last, and the plan which accompanied that report.



In addition to the unliquidated claims already adverted to, is the salary of the Chairman of this Board for the past and present year, at £150 stg. per annum, which is respectfully submitted to his Excellency and the other branches of the Legislature for consideration.

I have the honor to be, Sir,

Your very obedient servant,

**JAMES DOUGLAS,**

*Chairman.*

The hon. James Crowdy.

[Copy.]

Saint John's, April 6, 1840.

SIR,—In the Legislature of last year, the Road Bill introduced by the House of Assembly, but which did not pass into law, contained an item awarding to Mr. Noad 190l as a remuneration for his services as Chairman of the Commissioners appointed to superintend the expenditure of the various sums of money granted for widening the entrance to Quidi Vidi Harbour, and for other services connected with the formation of roads. In the Road Bill of this year the same item was again placed, but this bill, we believe, has also been rejected.

As Commissioners with Mr. Noad for the above named purposes, we are fully aware of the trouble that devolved upon him, and we consider it just towards him, more especially as his services at Quidi Vidi will be again shortly required, respectfully to request that his Excellency will be pleased to submit a recommendation to the House of Assembly that the above sum may be dealt with as to be made available for the purpose originally intended by that branch of the Legislature.

Begging that you will oblige us by laying this letter before his Excellency the Governor,

We have, &c.

(Signed)

**C. F. BENNETT,**  
**ROBERT JOB,**  
**W. RICHARDS,** } Commissioners.

The hon. James Crowdy, &c. &c. &c.



STATISTICAL ACCOUNT OF THE EXPENDITURE OF SUNDRY GRANTS OF THE LEGISLATURE, FOR STREETS, ROADS, AND BRIDGES, WITHIN THE CENTRAL DISTRICT, UNDER ACTS 1 VIC., CAP. 2, AND 2 VIC., CAP. 3.

Names.	Streets		Roads Opened		Roads drained		Roads repaired		Roads made		Bridges	Amount			Rate per perch		
	Miles	Perches	Miles	Perches	Miles	Perches	Miles	Perches	Miles	Perches		No.	£	s.	d.	£	s.
Duckworth Street	27											302	17	7	1	12	4 $\frac{3}{4}$
Gower Street	67											294	0	0	2	0	0
Cochrane Street	68											40	0	0	0	11	9
Queen Street	35											95	0	0	2	14	3 hf
Water Street	62											430	19	7	1	8	6 $\frac{1}{2}$
Street between the Factory and the Orphan School	18											44	0	0	2	8	10 $\frac{1}{2}$
McLarty's Street	7 $\frac{1}{2}$											13	0	0	1	14	8
Custom House Street	9 $\frac{1}{2}$											30	0	0	3	3	2
Street opposite T. Hogan's	11											25	0	0	2	5	5 $\frac{1}{2}$
Episcopal Church Street	24											48	0	0	2	0	0
Custom House Hill	10											35	6	8	3	10	8
Boden's Cove Street	76											234	3	6	3	1	7 $\frac{1}{2}$
Safety Wall												195	7	10	0	0	0
Military Road												50	0	0	0	6	3
The King's Road	72											474	3	0	6	11	8 $\frac{1}{2}$
Signal Hill Road												57	13	10	1	4	0 hf
Stone Bridge in Duckworth Street										48	1	152	0	0	0	0	0
Waterford Bridge											1	480	0	0	0	0	0
Job's Bridge											1	252	3	10	0	0	0
Bridges built in sundry places											45	431	6	3	0	0	0
King's Bridge Road										60		115	7	8	0	16	6
Quidi Vidi Road										49		90	0	0	0	13	11 hf
Portugal Cove Road								9 $\frac{1}{2}$				169	7	8	0	1	1 hf
Brookfield Road							2 $\frac{1}{2}$	28				61	14	6	0	1	8
Westward point Road										61		143	0	0	1	0	3
Broad Cove Road			3 $\frac{1}{2}$	6 $\frac{1}{2}$						62 $\frac{1}{2}$		100	0	0	0	6	10
Bell Isle Road			2 $\frac{1}{2}$	27								84	9	0	0	1	6
Outer Cove Road												31	0	0	0	0	9
Ditto Ditto			5	75						3 $\frac{1}{2}$	75	406	4	3	0	7	3 $\frac{1}{4}$
Pouch Cove Road												80	5	3	0	0	11 hf
Logy Bay Road										1	32	98	15	3	0	5	7 hf
Torbay Road												200	0	0	0	18	0
River Head Road												292	18	5	1	4	2 hf
New Town Road												59	0	0	0	5	11
Upper Long Pond Road by Allen's Farm										14	35	192	0	0	0	8	10
Upper Long Pond Road from Brine's Bridge										1	15	192	1	2	0	11	5 hf
Friendly Hall Road												50	8	0	12	0	
Petty Harbor Road										2 $\frac{3}{4}$	35	476	11	3	0	10	5
South River Road												79	19	0	0	9	9
Old Placentia Road										2	23	280	0	0	0	8	5
Road from the Wigmore's Gully																	
Road to the Old Topsail Road																	
George's Pond Road												26	6	6	0	6	9
Wigmore's Gully Road										2 $\frac{1}{2}$	42	259	10	0	0	6	9 $\frac{3}{4}$
White Hill's Road										1 $\frac{1}{2}$	62	259	14	2	0	9	7
Ditto from Martin's Gate										1	15	203	0	0	0	12	2
Ditto from the Outer Cove Road												90	0	0	0	10	6
Three ponds Road												73	5	11	0	8	2
Topsail and Holyrood Road												50	0	0	0	8	6
Ditto ditto										3 $\frac{3}{4}$	15	873	5	0	0	14	4 hf
Ditto ditto 46 cross drains cost						5 $\frac{1}{4}$	8					207	9	8	0	2	5 hf
Ditto ditto												120	1	6	0	0	0
Ditto ditto			3qr									89	7	6	0	1	8 hf
Bay of Bulls Road						6 $\frac{1}{2}$	57			3	16	957	15	0	0	19	7 hf
Ditto ditto												223	0	0	0	1	11 qr
Ditto 20 cross drains.												15	0	0	0	0	0
	3	7	14 $\frac{1}{2}$	28 $\frac{1}{2}$	11 $\frac{3}{4}$	65	11 $\frac{1}{2}$	28	30 $\frac{1}{4}$	24 $\frac{1}{2}$	48	10335	18	9			



RECAPITULATION.

	Miles.	Perches.	Amount.	Rate per Perch
Streets .....	3	7	£2066 10 4	£2 2 8 $\frac{3}{4}$
Roads opened .....	14 $\frac{1}{2}$	28 $\frac{1}{3}$	285 1 9	0 1 2 $\frac{1}{2}$
Roads drained .....	11 $\frac{3}{4}$	65	430 9 8	0 2 3
Roads repaired .....	11 $\frac{1}{2}$	28	231 2 2	0 1 2 $\frac{3}{4}$
Roads made .....	30 $\frac{3}{4}$	24 $\frac{1}{2}$	5676 15 5	0 11 8 $\frac{3}{4}$
Bridges (48) .....	0	0	1315 10 1	0 0 0

JAMES DOUGLAS,

Chairman of the Board of Road Commissioners  
for the Central District.

St. John's March 30, 1840.

## REPORT

Of the Road Commissioners from Ferryland to Aquaforte.

Aquaforte, Dec. 24, 1839.

Sir,—I am requested by the Road Commissioners to state that the line of road from Ferryland to Aquaforte under our surveillance is now very passable for man and horse—the first contracts are completed of opening and clearing all wood, brushwood and rocks, and draining and gravelling to the breadth of ten feet throughout the whole distance of three miles and a quarter.

A very excellent bridge over the Spout River has been erected; also two boats for the use of the Ferry have been provided, in which may be conveyed man, horse, or carriage.

But as usual, in the opening of a new line of road, there are many places where improvements may be made, which could not be foreseen in the first contracts—and to which the attention of the Commissioners will be necessary. This line of road adjoining the new lines of the neighbouring harbors (now being completed,) appears to give new life to the district—communications are facilitated—public worship is attended from settlements where the House of prayer has not been yet erected, and the blessings of Providence begin to be more apparent. The public are grateful for the favours thus conferred, for it has been the means of giving bread to the poor and destitute, and considerably adding to the comforts of the rich.

I have, &c.

(Signed)

HENRY WINSER.

Hon. James Crowdy.



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# REPORT

## *Of the Commissioners of Light Houses.*

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St. John's, Jan. 6, 1840.

Sir,—The Commissioners of Light Houses appointed under Act 3 Vic. cap. 5, feeling a desire to give their fullest aid to the carrying out of the important and extensive views contemplated by the act already referred to, have accordingly given mature consideration to the subjects which seem to call particularly for attention, and upon them they have directed that I should lay their views before his Excellency the Governor.

The attention of the Commissioners was in the first place attracted to the Island of Baccaloo, which appears to them to be a position where the establishment of a light would be attended with the most material benefit to a large portion of the trade of the country.

This Island, from its geographical position, commands the extensive Bays of Trinity and Conception—the former of which, though having an extensive trade, and contributing to the general Light fund, does not at present enjoy any of the advantages arising from the operation of the act. The erection of a light on Baccaloo would go in full to meet this desideratum, and its beneficial effects in reference to the sealing trade of the Island generally, must be manifest from the fact that this is the point whence the St. John's and Conception Bay vessels (the great majority) usually take a departure, and is also the land they desire to make on their return voyages; and in this latter view, particularly, would the more Northern vessels be more or less participators in the convenience and security the light would unquestionably afford. The Commissioners deem any further detail on this head unnecessary—the reasons given, they feel assured, will show how well-founded are their views of the expediency of the measure they suggest for consideration.

Cape Pine, for many well-known reasons, seems also to demand prominent attention. The subject of the establishment of a light here has long been canvassed, and on no occasion has any objection ever been urged against the necessity of the measure; still it remains unattended to, although a season scarcely passes by, that does not serve to show how much loss of life and property would probably be prevented by a light on this headland. The Commissioners feel therefore that they would be wanting in the discharge of their duty, did they not take occasion strongly to urge the importance of the subject. The trade of the neighbouring colonies of Canada, New Brunswick, &c. would benefit materially, and its interests would be largely involved in this undertaking; for the losses at Cape Pine and its vicinity from time to time have been chiefly amongst the vessels engaged in the Timber trade of those provinces—it being usual with them to make this land, both on their outward and homeward voyages. Their legislatures would doubtless willingly furnish a contingent to promote an object which so directly concerns their important shipping interests, and the Commissioners are induced to believe that a suggestion has more than once been thrown out by the countries referred to, which leaves little doubt that their co-operation would be cheerfully given to the undertaking. It is, however, only with an understanding that such assistance should be furnished, that the commissioners would advise the adoption of the measure. With Newfoundland it must assuredly originate, but every principle of equity demands that her neighbours should participate in the outlay, as they unquestionably will in the beneficial results.



I am desired by the Commissioners, in laying these views before his Excellency, to request that no time should be lost in submitting them to the legislature, where their important subject matter must command due attention. Much additional duty will devolve on the commissioners, should the legislature, concurring in their recommendations, decide on carrying them into effect; but they will deem their services compensated by the great public benefits which they will then confidently anticipate, and which they will feel happy in having been instrumental in promoting.

I have, &c.

(Signed)

THOS. BENNETT,  
Chairman of Commissioners  
of Light Houses.

Honorable James Crowdy.

**Expenses attending the Registration of Voters.**

The District of St. John's, for the Registration of Voters.

1839.

	Dr.
Dec. 1. To amount of Henry Winton's account for stationery, &c.	£12 9 4
John Toor, John M'Lennan, Thomas Hughes, Wm. Heaney	
John Downey, Thomas Morton, Luke Doyle, Pat. Coghlan,	
Michael Cullen,—each 4 days, at 5s.....	9 0 0
James Finlay, copying lists, attending Revisionary Court, per-	
fecting the Register, and copying the same, &c.....	20 0 0
	£41 9 4

Approved

P. W. CARTER, J. P.  
CHAS. SIMMS, J. P.

St. John's, Newfoundland.

Registrar of Voters, To Henry Winton,

1839.

	Dr.
July 24. To 10 13-sheet Demy ft. line Indexes, 5s.....	2 10 0
6 7-sheet Foolscap ditto, 4s. 6d. ....	1 7 0
26. 4 Sheets Imperial ruled paper, 6d.....	2 0
2 Cards Steel pens, 7s., 6 qr. Pott paper, 7s. 6d. ....	14 6
7 Pencils, 3s. 6d.— $\frac{1}{2}$ qr. cartridge paper, 1s. 9d. ....	5 3
3 quires paper, 5s. 3d.—1 oz. wafers, 9d. ....	6 0
Aug 28 1 1-quire Foolscap Index .....	5 0
1 7-sheet ditto .....	4 0
30. 1 13-sheet Imperial Index .....	7 6
W. B. Row, Esq. for law expenses .....	2 16 1
Nov 10. 2 3-quires ft. line Books, index'd throughout, per Register and	
Copy, at 36s. ....	3 12 0
	£12 9 4



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**Miscellaneous.**

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**LETTER** from the Magistrates at Harbor Grace, representing the inadequacy of the sum voted by the Legislature for making certain alterations in the Court House, with Presentment of the Grand Jury thereon.

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Sir,

Harbor Grace, 11th. Jan. 1840

We have the honor of transmitting, for the information of his Excellency the Governor, a presentment made by the Grand Jury for the district on the 9th inst., together with an estimate of the expense necessary to be incurred in performing the work recommended.

We however beg to observe, that the sum of £50 already granted by the Legislature bears so small a proportion to the amount required, that the expending the same at present, as suggested by the Grand Inquest, would, in our opinion, be imprudent, as nothing could be accomplished therewith beyond the erection of the gallery and opening the attic intended for the Jury room. The very great inconvenience felt from the want of Jury rooms induces us most respectfully to forward the presentment without delay, for the consideration of his Excellency, praying he will be pleased to recommend to the Legislature now sitting, a grant of such further sum as may be requisite to make the improvements proposed.

We have, &c.

(Signed)

THOS. DANSON, J. P.

JOHN STARK, J. P.

Hon. James Crowdy.

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**PRESENTMENT.**

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Grand Inquest, }  
H. Grace, 9th Jan. 1840 }

The Grand Inquest for the Northern District of Newfoundland, assembled at a Requisition of the Court of Quarter Sessions,—Present,

—THAT the present Jury room being found too small and inconvenient for the Assembly of the Grand Jurors, and the want of a Petty Jury room, the following described alterations for improving the same are required—viz.

A gallery erected in the west end of the Court room 6 feet 6 inches in depth, to run across from front to back, with a pannelled front 2 feet 6 inches high, corresponding with the rest of the frame work in the Court House, lathed and plastered underneath, supported by five columns in front,—a staircase to lead to the same from the Court House room,—two rows of seats in the said gallery, for a Grand and Petty Jury Box, and two doors to lead to the attic over the present Magistrates' office and Jury room, and the said attics converted into 2 rooms, for the use of the Grand and Petty Jurors, a frame and window to each said room in the west gable end of the roof of the Court House, and the said rooms to be furnished with a double floor of inch board, lathed and plastered sides and ceiling, with a deep recess or closet and stove to each said room.

That the Grand Jurors propose the Magistrates give public notice for tenders to perform so much of the aforementioned alterations and improvements as may be done for the sum granted by the Legislature, viz. 2d Vic. cap. 1, 1838, . . £50.



That the present Police Room be enlarged by removing the partition between the present Grand Jury room, and the said Police office, and that such other alteration as would be thereby required be made, viz. the removal of a recess and the Bar, &c.

(Signed) WM. PUNTON, Foreman.

### ESTIMATE

For certain work to be done in the Court House at Harbor Grace, viz.

The partitions in the Magistrates' office to be removed, throwing the present Jury Room into the Police office. The skirtings of the said office to be removed, a good floor of seasoned plank,  $1\frac{1}{2}$  inch thick, to be laid over the whole office. Two inside sashes to be made and glazed, with two good coats of paint. The press in the office to be removed to another place. The Jury room door to be removed and stopped up with lath and plaster. To erect a gallery in the west end of the Court Room, six feet six inches wide, to run across from front to back, with a pannel front 2 feet 6 inches high, to correspond with the other frame work, in the Court House. The under part of the gallery to be eight feet high from the Court House floor, to be lathed and plastered underneath, and to be supported in front with five neat columns. The gallery to be entered by a neat stair case from the Court House floor. To fix up two rows of benches in said gallery, for a Grand Jury Box. The attic room now over the magistrates' office to be converted into two Jury rooms, say a Grand Jury room, and a Petty Jury room, said rooms to be entered from the back of the gallery, with a door leading into each room, and each room to have a dormant window in the west gable roof of the Court House. The Jury rooms to be finished with a good double floor of inch board, lath and plaster side walls, and curved ceiling, each room to have a closet or recess. To find and fix a good Franklin stove in each room, with funnelling leading into the chimney. Finding all materials and finishing the whole in a workmanlike manner, for the sum of One hundred and sixty pounds sterling.

(Signed)

ROBT. LEE WHITING.  
THOMAS KITCHEN.

Harbor Grace, January 9, 1840.

### TREASURER'S BOND,

With names of his sureties, and amount for which they are respectively bound.

**Know all Men**, by these Presents, that I, NEWMAN WRIGHT HOYLES, of St. John's, in the Island of Newfoundland, Esquire, am held and firmly bound to our Sovereign Lord the King, his heirs and successors, in the full sum of Eight Thousand Pounds of lawful money of the United Kingdom of Great Britain and Ireland, to be paid to our Sovereign Lord the King, his heirs or successors, or his or their Attorney General of the Island of Newfoundland, for which payment to be well and truly made, I bind myself, my heirs, executors and administrators, firmly by these presents, sealed with my seal, dated the the thirteenth day of June in the third 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, and in the year of Our Lord 1833.



WHEREAS the above bounden Newman Wright Hoyles hath by letters patent under the Great Seal of the Island of Newfoundland been appointed Treasurer of the said Island Now the conditions are such that if the above bounden N. W. Hoyles his heirs executors or administrators shall and do from time to time and at all times hereafter as often as requested or commanded by the Governor or Acting Governor of the said Island render to the said Governor or Acting Governor for the time being a true just and perfect account and reckoning of all and every sum and sums of money that shall by him the said N. W. Hoyles be had received paid laid out or disbursed of from for or on account of his said office of Treasurer And also well justly truly and honestly in every respect pay apply and account for all and every such sum and sums of money as shall by virtue of his said office be received by him or be put in his keeping or control and in every respect demean himself in the said office of Treasurer with fidelity then this obligation to be void or else be and remain in full force.

(Signed)

NEWMAN W. HOYLES.

Signed sealed and delivered in the presence of us.

(Signed)

JAMES CROWDY,  
CHRISTOPHER AYRE.

NAMES OF THE TREASURER'S SURETIES, AND AMOUNT FOR WHICH THEY ARE  
RESPECTIVELY BOUND.

WILLIAM THOMAS,	.....	£1000
WILLIAM B. ROW,	.....	1000
JOHN RENDELL, (Junr.)	.....	1000
ROBERT JOB,	.....	1000
EDWARD M. ARCHIBALD	.....	2000
PATRICK KOUGH.	.....	2000

The Conditions of the Bond similar to those in that given by the Treasurer.

**COPY**

Of a letter from the Stipendiary Magistrate at Brigus, representing the insufficiency of the sum granted by the Legislature for building a Jury Room in the Court House there.

Brigus, 26th December, 1839.

Sir,—I beg leave to state to you, for the information of his Excellency the Governor, that I have, in conformity with his Excellency's commands, advertised for tenders for building a Jury Room to the Court House of Brigus, and that I have not been able to obtain any tender within the sum voted by the Legislature for that purpose, (viz.—fifty pounds sterling.)

The several parties who made enquiry of me relative to the building in question, on learning the particulars of the work required to be done, stated to me that the sum voted was not enough, in which opinion, I, on full consideration, concur. I would therefore most respect-



fully suggest that an application be made to the Legislature for a further grant of twenty pounds stg., which additional sum would, I believe, enable me, on the part of the Government, to accomplish the intended object.

I have, &c.

(Signed)

ROBERT J. PINSENT.

*Stipendiary Magistrate at Brigus.*

The Hon. James Crowdy, &c. &c. &c.

## GEOLOGICAL REPORT.

By J. B. JUKES, B. A. & F. G. S.

In the present state of Geological science, an observer commencing an investigation of a country at a distance from those which have been already described, is very much in the condition of one who begins the science afresh. The nomenclature and classifications with which he has been familiar, have to be discarded, or at all events held as of uncertain application to the things he has now to examine; and instead of tracing and mapping down a series of rocks, the order of which is known, and in which the identification of one affords a ready clue to the interpretation of the rest, the Geological Surveyor has to labour at long, uninteresting, and perplexing details, in order to acquire the preliminary knowledge with which to begin his work. If to these considerations be added that of the difficulties arising from an uncleared country and a dangerous coast, increased during the latter part of the season by unfavourable weather, I hope the small part of the survey which has been completed during the past summer, compared with what I had expected to accomplish, will be sufficiently accounted for.

The best form into which the materials collected can be thrown, will, I think, be—first of all, a general account of the different formations met with in the course of the survey,—and then a sketch of the portions of the country occupied by each, their local varieties, and their relations one with the other. As I have not yet been able to connect the eastern and western sides of the Island, I will describe them each separately, as far, at least, as regards the stratified rocks. And inasmuch as any names which can be given to the several formations, must be for the present provisional, and I wish by all means to steer clear of that fruitful error, hasty generalization, I shall apply to the different formations, names derived either from those places near which they are best exhibited, or from some obvious and general character.

### STRATIFIED ROCKS OF THE EASTERN PART OF NEWFOUNDLAND.

(IN THE DESCENDING ORDER.)

1.—The Bell Isle shale and gritstone formation.—This formation is the newest or highest in the series of stratified rocks on the eastern side of the Island. It consists of a great mass of dark brown and black shale, interstratified with beds of a fine grained gritstone. The shale is of various degrees of hardness, sometimes crumbling beneath the finger, and in very thin laminæ, at others in thicker plates, requiring a sharp blow to break them. It is frequently micaceous, and some portions of it put on precisely the appearance of some mica slate having a curved or wrinkled lamination, and being entirely composed of scales of white silvery mica. Some slabs of this shale are covered with singular marking in relief, at first sight resembling the leaves and branches of small plants or sea weeds; they are, however, I believe, concretionary, and not organic. The softer parts of the shale frequently decompose in situ into a dark brown earth, which lodges in the crevices and in the ledges of the cliffs,



and has precisely the appearance of fine vegetable mould. The beds of gritstone which occur at various intervals in this mass of shale, are universally fine grained, grey internally, but weathering brown outside, generally thin bedded, being rarely more than two feet thick, and are divided by joints into sharp angular blocks. These joints are almost invariably at right angles to each other, and when also perpendicular to the beds, the blocks are of course rectangular, and form good building stone. If not thus naturally square, however, the stone will not readily admit of being made so artificially, as it is of a brittle splintery character. In the upper part of this formation, the shale is much more abundant than the gritstone, which latter frequently occurs in single beds, with regular intervals of shale between each; in the lower portion the beds of gritstone are more grouped together, forming a thickness sometimes of 20 or 30 feet, and the shale bears a less proportion to the stone than in the upper part. The thickness of the whole formation must be considerable; but owing to the want of a continuous section, and other difficulties, it must be left to conjecture. It cannot, however, be so little as 600 feet. The Bell Isle shale and gritstone is in some places seen to graduate or pass down by regular degrees into the next inferior, or that which I shall term the variegated slate formation. One formation is said to graduate downwards or upwards into another, when at their junction, the beds of each alternate the one with the other, and no positive line of separation can be drawn between the two.

2.—The variegated slate formation consists of a mass of rocks, the most remarkable & abundant of which are some bright red & greenish grey slates. The upper part of this formation is almost invariably of a very fine grain, but here and there contains coarser beds, or even patches of small conglomerate. The fine grained beds are generally traversed by a slaty cleavage, but from their brittle character seldom split into large slates, and are never sufficiently durable to be used for economical purposes. Some of the beds are slightly calcareous. The bright red color generally characterises certain beds, each bed, or group of beds, being only of one hue; sometimes, however, a sudden change takes place, the red colour ending in one or more broad streaks, and the remainder of the mass being greenish grey. The colours are likewise in variable proportions, in different localities; the predominating hue being red in one place, green in another, and becoming in some places, brown, cream-coloured, or yellowish. The slaty cleavage is most frequently developed in the upper part of the formation; the lower beds, though retaining something of their characteristic colouring, are rather coarser, more siliceous, and become compact slate rock or gritstone. The total thickness of this formation must certainly exceed a thousand feet.

3.—The Trinity Bay Sandstone formation—This is the rock which most usually occurs next below the variegated slates; I cannot, however, as yet state, whether the two pass into each other or not.—The Trinity Bay sandstone formation is composed of materials of which the following section is an example:

1.—Dull red sad sandstone, or gritstone, containing a few pebbles, in enormously thick beds, some being so much as 30 or 40 feet.	} Feet.
	} 400
2.—Alternating beds of coarse and fine grained rock, the finer beds exhibiting an imperfect slaty cleavage, and the beds generally very thin, sometimes not more than 3 inches.	} 400
3. { Dark red sandstone	} 150
{ Light purple do.	
{ Dull red sandstone and conglomerate	
{ Gritstone with a dull red and white stripe.	
4.—Greenish slaty rock.	50
5.—Dull red sandstone and conglomerate.	100
6.—A continued alternation of beds similar to 3, 4, and 5, for a thickness of at least 500 or	600
	—
	1700

These gritstones and sandstones are generally hard and intractable, having a dull fracture, and being not well adapted for building purposes. The slaty beds are siliceous, and the slaty cleavage imperfectly developed, the whole series being characterised by as few features of interest as can well be imagined.—It seems somewhat to change in the nature of



the conglomerate beds in some places, as great masses of a grey colour, with small red pebbles imbedded, were observed belonging apparently to this formation. As we descend to its lower beds moreover, the quantity of the slaty rocks increases.—From these two circumstances it may happen that the Trinity Bay sandstone formation may be identical with the rocks I shall mention next. As, however, there is no direct evidence, except mineral character, in favour of this supposition, and some circumstances seem to militate against it, I shall describe these rocks separately.

4.—The Signal Hill sandstone and conglomerate.—This formation consists of a group of rocks generally of a dull red colour, very hard and intractable, and thick bedded. Its upper portion is principally a coarse grained sandstone, frequently containing beds of conglomerate of quartzose pebbles, some of which are as large as a man's fist. In the lower part the conglomerate is generally smaller and it is interstratified with masses of a very fine grained gritstone, of a light grey colour, hard and splintery, the beds of which are commonly very thick, and in a very limited section scarcely discernible. This grey stone may be seen at Quidi Vidi, Signal Hill, and the base of the South Side Hill of St. John's. It is there used as a building stone, but, like the gritstone of the Bell Isle formation, its utility for that purpose chiefly depends on the direction of the joints which traverse it, as it is difficult to trim it into shape. From all parts of the formation large square blocks might be frequently obtained fit for the construction of piers or breakwaters, or for similar purposes. The thickness of the formation, or of that part of it exhibited near St. John's, must be about 800 feet.

5.—The St. John's slate formation.—The gradation downwards of the Signal Hill sandstones into this formation is perfect. At their junction, beds of dull red and greenish fine grained gritstone alternate with each other, passing upwards into a coarse red sandstone, and downwards into a compact greenish rock, acquires a slaty cleavage, and assumes all the aspect of clay slate. This slate formation varies considerably in character in different beds, and it is possible that the beds themselves may vary in different portions of their course. They are sometimes very thin, and split easily along the lines of stratification; in this case the cleavage is frequently absent, or if present, its plane appears generally to coincide with that of the stratification. Other beds, again, are very thick—the marks of stratification being confined to those bands of color technically called the stripe, and having a fine cleavage crossing them at various angles, and splitting them into large and excellent roofing slates. The colour of these rocks varies from a greenish hue to a dark blue, or that which is commonly understood by slate colour. The thickness of the whole formation cannot be ascertained, as I do not know that I have anywhere seen the base of it; that part which is exposed, however, must be 2 or 3000 feet thick. It is the lowest stratified rock anywhere to be seen on the eastern side of the Island.

#### STRATIFIED ROCKS OF THE WESTERN PART OF NEWFOUNDLAND.

The series of stratified rocks on the Western shore of Newfoundland is very different from that of the Eastern side. It consists of four or five formations, in the following order.—

1.—The Newfoundland coal formation.—This interesting and important group of rocks resembles in its higher portions the coal formation of Europe, and consists of alternations of shale and clunch, with various beds of gritstone, and here and there a bed of coal. Interstratified with those rocks, however, there occur in Newfoundland beds of red marl; and as we descend to the lower parts of the formation, there come in alternations of red and variegated marls with gypsum, dark blue clays with selenite, dark brown conglomerate beds, and soft red and white sandstones. This inferior portion of the Newfoundland coal formation so greatly resembles the new red sandstone of England (which in that country lies over the coal formation,) that it was not till I got the clearest evidence of the contrary, I could divest myself of the prepossession of its being superior to the coal in this country also. That nothing might be wanting to complete the resemblance, a bright spring is known to rise in one spot on the south side of St. George's Bay, through the beds of red marle and sandstone.



It is certain, however, that in Newfoundland the beds containing coal are above these red marles and sandstones, with gypsum and salt springs, the whole composing but one formation, which it is impossible to subdivide by any but the most arbitrary line of separation. The total thickness of this formation must be very considerable. I by no means have any reason to suppose that I have as yet seen its highest beds, while the thickness of those which I have seen must amount altogether to at least one or two thousand feet.

The group of rocks which I believe to be next below the coal formation, is one that I shall call—

2.—The Port au Port shale and gritstone.—This is a very large formation, something similar in character to that which on the eastern side of the Island I have called the Bell Isle shale and gritstone; and it is perfectly possible that the two may be different portions of the same beds.—The Port au Port beds, however, are not so regularly bedded as those of Bell Isle, the shales are less micaceous and more sandy, and many of the gritstone beds are laminated and schistose. The total thickness of the beds seen must exceed 1500 feet.

3.—The Humber Limestone.—This group of rocks lies below the Port au Port shales and gritstones, and in the Bay of Islands it is the one next inferior; as however their junction was not exposed, I cannot say whether the one graduates into the other, or whether other beds may be not interposed between the two in other localities. The highest part of the Humber Limestone which was visible was a thin bedded mass, about 30 feet thick, of a hard slaty limestone of a dark gray colour, with brown concretions that, on a surface which had been sometimes exposed, stood out in relief. Below this are some thin beds of hard subcrystalline limestone, the colours of which are white or flesh-coloured with veins.—These would take a good polish, and would make very ornamental marbles, and from the thinness of the beds are especially adapted for marble slabs. This series of beds has a thickness of about 200 feet. Below these are a few feet of similar beds of black marble, which rest on some gray compact limestone, with bands or thin beds and irregular nodules of white chert; and these latter beds pass down into a large mass of similar limestone, without chert, and in very thick beds. This mass of rock forms hills four or five hundred feet high, in nearly horizontal beds.—Its upper part continues to be regularly bedded, but in its lower portion all distinction into beds is lost, and the limestone becomes perfectly white and saccharine. This great mass of white marble is frequently crossed by gray veins, so that I cannot say that I saw any block pure enough for the statuary marble; and for all other purposes to which marble is applied, the store is inexhaustible.

On the north side of St. George's Bay there is a formation which I believe to be in the same situation as the Humber limestone, with respect to the Port au Port shale and gritstone; but which differs in character so very much from any beds I saw on the Humber, that I forbear to class it with that rock without further evidence.—It consists principally of a light yellow magnesian limestone, having, however, interstratified beds of grey carbonate of lime. The gray beds frequently contain bands and nodules of chert or chalcedony, and the yellow magnesian beds are frequently marked with light red concentric rings, which are sections of spheroidal bands of colour, but which do not appear to differ, except in colour, from the rest of the mass. These bands or rings are of rather irregular form, something resembling the bands of colour in a fortification agate, but being frequently three feet in diameter. The following is the most complete section I could get; but as it was cut off by the sea below, and concealed by the woods above it, it affords no criterion as to the total thickness of the formation.

Thick bedded light yellow magnesian limestone	15 Feet
Thin bedded do., with horizontal pink stripes, and having partings of indurated marle	8 —
Thick bedded light yellow magnesian limestone	10 —
Thin bedded pinkish yellow do. with light red concentric rings	20 —
Light grey limestone with a band of chert	5 —
Yellow magnesian limestone	2 — 60



4.—The Mica slate and gneiss.—This formation, in whatever country it appears, is the lowest of the stratified rocks. Mica slate is a laminated rock made up of flakes of mica. Gneiss may be described as stratified granite. As is often the case, they have in this country chlorite, slate, and quartz rock associated with them. The description of these rocks to be found in any elementary work on Geology, will equally apply to those of this country.

I have not made any mention of the igneous or unstratified rocks in the above summary. Those met with in the course of the survey are basalt, greensone, porphyry, hypersthene, sienite, and granite. It is, of course, entirely foreign to my plan to enter on a description of these rocks, as their characters are constant in all countries. Any remarkable varieties in them will be noticed in treating of the several localities in which they were found.

Having now given a slight sketch of the series of stratified rocks in the order in which they occur, so far as that order has yet been ascertained, I have next to trace out the space of country occupied by each, to mark their minor varieties in different localities, and to notice their relations one with the other, as well as with the igneous rocks that are associated with them. In order to keep my observations in a connected form, and to suit the manner in which I was obliged to collect them, I shall describe separately the following different districts, namely—

1st.—The Coast from Trepassey to Cape St. Francis.

2d.—Conception Bay.

3d.—Trinity Bay.

4th.—I shall put together a few scattered notices of St. Mary's and Placentia Bays, and the coast from Cape Chapeau Rouge to St. Pierre and Miquelon.

5th.—The Coast from Cape la Hune to Cape Ray.

6th.—From Cape Ray to the Bay of Islands.

1.—In the country between Trepassey and Cape St. Francis, the only formations are the St. John's slate and Signal Hill sandstone.—The St. John's slate rocks occupy by far the largest part of this district. No other rocks are found between Cape Pine and Cape Race, nor for a considerable distance inland around those points. On the West side of Trepassey Harbor, the slate rocks are bent into regular curves, forming alternate saddles and troughs, of great ridges and furrows, as it were, running parallel to each other in a North-East and South-West direction.

The line which runs along the top of such a ridge is called an anticlinal line, or that which the rocks *decline from* on either hand; that, on the contrary, which runs along the bottom of a furrow, is called a synclinal line, or that which the rocks *decline towards* on either hand. This undulation of the rocks does not necessarily produce an undulation in the surface of the country; the curved beds of rock being all cut off, as it were, at a certain height, and the country more or less plane. (See section No. 10) As we approach the East coast from Trepassey, these undulations become less frequent, and from Cape Race to Ferryland the dip of the rocks is invariably E. S. E.; their line of strike (or the direction in which the beds run through the country) being parallel to that of the coast. From this easterly dip it follows that those headlands which run out farthest to the East contain the highest beds, the others having successively plunged beneath them; accordingly, in Ferryland head, we get the highest beds of the St. John's slate formation; those, namely, which begin to alternate with the beds of the next superior mass of rocks—the Signal Hill sandstones;—and the rock lying just outside the headland, and called Ferryland Hare's Ears, is composed entirely of the latter formation. On the South side of Torbay, a few miles North of St. John's, the junction of the two rocks may be in like manner observed; and a line drawn from Torbay to Ferryland head will nearly describe the boundary of the two formations;—the Signal Hill sandstones composing the country to the East,—the St. John's slate rocks that to the West of that line. In the immediate neighbourhood of this boundary line the rocks have always an Easterly dip at a high angle, but at the distance of a mile or two from it, on either hand, they are frequently traversed by curves forming anticlinal



and synclinal lines similar to those described at Trepassey. Evidence of such change of dip may be observed on the Topsail Road a few miles from St. John's, and in the innermost cove of Torbay a beautiful series of curves, like regular masonry, is exposed in the cliffs. The same thing takes place in the Signal Hill sandstones, but on a larger scale. Thus, in Freshwater Bay, the rocks forming the South Side Hill, after plunging from the summit of that ridge towards the sea, may be seen gradually to curve upwards again, and rise into the cliffs of Cape Spear, and the same synclinal line may be observed passing through the headlands on each side of Petty Harbour. (See section, No. 1.) So that if the land were continued to the Eastward of these points, we should have the St. John's slate re-appearing from under the sandstones on that side.—From Torbay the rocks trend gradually round, striking eventually about N. W. so that the Signal Hill sandstone occurs at Flat Rock, again, I believe, on the top of the hill above Cape St. Francis. The rocks hereabouts, however, are so broken and confused as to be very difficult to make out.

The external characters of the country thus described are not very various.—The Signal Hill sandstone formation is every where very barren. It generally forms bold hills characterised by flat tops, and long ridges, its bare rocks being but scantily clothed with dwarfish shrubs. Its cliffs are wild and craggy, the massive beds forming a stout bulwark against the fury of Atlantic storms. The slate rocks compose a country of a more gentle character, better wooded, and more fertile; and though many of the hills in the Northern part of the district are superior in height to those of the sandstone formation (1) and some of them are sufficiently rocky and precipitous, there is far more undulation of surface, and a more picturesque variety in the slate country than in that composed of the Signal Hill sandstones and conglomerates. A chain of considerable hills runs in from Renew's towards Conception Bay, occupying part of the slate country, but not, I expect, entirely composed of that rock—as when they come out on the Bay they contain porphyries and sienites. South of Renew's, and thence round into St. Mary's Bay, the country is comparatively low and level, and near the sea coast almost entirely destitute of wood. The small valleys, however, are many of them pretty and fertile in appearance.

2.—The shores of Conception Bay are for the most part composed of the St. John's slate formation. From Cape St. Francis to Portugal Cove both the cliffs and the interior are very difficult of access; but from the shape of the hills I should judge them to be greatly composed of igneous rocks, and at the Cove these rocks show themselves in great abundance; dykes of greenstone cut through and disturb the slate rocks, large masses of hard grey quartz rock, without the slightest appearance of bedding, and great veins of serpentine come out upon the coast without preserving any determinate direction.—From Portugal Cove to Holyrood a great bank of pebbles and a low tract covered with sand and boulders, obscures the coast section, and I have not yet examined the country by land.

The country from Holyrood to the west side of Collier's Bay, and a large tract inland round those places is composed principally of igneous rocks. The principal mass of these rocks is a porphyry, having a dark green or purple base, with disseminated red or white crystals. On the east side of Holyrood is a yellow crystalline quartz rock containing circular patches of a greyish rock, of inferior durability to the quartz.—The hollows formed by the decomposition of the rock occupying these circular patches, and which are sometimes 2 feet across and 5 or six inches deep, are very similar to these found in the granite rocks of Cornwall, and at one time attributed to the new work of the Druids. (2.) The Butter-pots Hill, on the east side of Holyrood, is composed for about two thirds of its height, of a red sienite, with large crystals of quartz and feldspar; but is capped by a flat tabular mass of fine grained grey amorphous basal. A si-

Note. (1.)—Branscombe Hill attains a height of 900 feet above the level of the sea. The highest point of the South Side Hill is 750, that of Signal Hill 520 feet above the sea.

Note. (2.)—See De'a Beche's report on the Geology of the Counties of Devon and Cornwall, page 452.



milar sienite to that of the Butter-pots is found between Cat's Cove and Salmon Cove. All the rest of this tract, except the extreme points of the headlands, is occupied by porphyry. This porphyry constitutes those remarkable and picturesque hills with three peaks, called the Cat's Cove Hills, which lie about four miles inland from that place, and have a height of about 900 feet above the level of the sea. From the west side of these hills the porphyry runs down to Turk's Head, on the west side of Collier's Bay. At Bull Cove, at the mouth of Collier's Bay, the St. John's slate again comes out on the coast, and continues thence through the West side of Conception Bay to be the prevailing rock. Between Bull Cove, and Brigus, however, a narrow band or irregular dyke of igneous rock runs through the headlands, and in two points clearly overlies and contorts the slate rocks; making them much more siliceous and brittle, obscuring their stratification, and causing a multitude of white quartz veins to traverse them in all directions. (See diagram, No. 3) Along the West shores of Conception Bay, from Brigus to Flamborough Head, the prevailing dip of the slate rocks is nearly N. W.—This N. W. dip is invariable at the head of all the Bays and in the interior as far as I have gone; but in many of the headlands, as for instance, between Port de Grave and Bay Roberts, on the North side of Spaniards' Bay. On the North side of Harbor Grace, and in Carbonear Island, a S. E. dip are observable. From Carbonear to Flamborough Head only one line occurs, along which such change of dip takes place; and this anticlinal line nearly touching Salmon Cove head, cuts through the headlands of Broad Cove, Western Bay, Island Cove, and Flamborough Head—thus running parallel to the general line of the coast, or as nearly N. N. E. and S. S. W. as possible. In all these points the extreme Eastern beds dip to the E. while to the W. of the line the dip is invariably towards the W. In Bay Verde a sudden change takes place in the direction of the beds, and the Signal Hill sandstones and conglomerates come in and form all the peninsula between Bay Verde's Breakheart Point, and Old Perlican. The position of the beds is very various, the dip frequently changes both in an angle and direction, and the country is thus broken and confused.

Returning to the bottom of Conception Bay, there is found about several of the headlands small patches of the variegated slate formation, resting sometimes on the St. John's slate and sometimes on the igneous rocks. The position of these patches of the variegated slate with respect to the St. John's slate is evidently unconformable. One formation is said to be unconformable to another when the direction of the strike, or the direction or angle of inclination of the dip of the *lower rock* is clearly different from that angle or direction in the upper rock. Thus in a small Cove between Brigus and Bull Cove, where the beds of the variegated slate may be seen resting on those of the St. John's slate formation, both the dip and strike of the two formations is at variance. The St. John's slate dips at an angle of  $50^{\circ}$  to the N. W., while resting on the edges of its upturned beds is a mass of red slate dipping at an angle of about  $30^{\circ}$  to the N. E. (See sec. No. 4), this inconformability of position is a proof, not only that the St. John's slate was formed, but that it had been disturbed and broken up by dislocating forces, before the time when the variegated slate was deposited.—The other places where the patches of variegated slates were observed, are—on both sides the point of the peninsula between Bay Robert's and Port de Grave, dipping in each case outwards from the inferior rocks and on each side of the mouth of Brigus Harbour. Again on the E. side of the mouth of Collier's Bay, where the variegated slate is separated from the porphyry by a bed of coarse conglomerate containing large quartz pebbles, and a mass of quartzose rock, schistose but not distinctly bedded, and which has most probably been greatly altered by the contiguity of the porphyry—(see diagram, No. 11.) From this point of Collier's Bay the variegated slate strikes through Bacon Cove into Cat's Cove, dipping all the way about E. N. E., and in Cat's Cove also is separated from the porphyry by a mass of altered rocks, schistose, and full of quartz veins, and which, if it belong to the variegated slates, has lost all its original characters. A small patch of the variegated slates is seen in Salmon Cove, not far from the E. point, and dipping W. This small patch, which is a bright red, abuts against a large mass of slate rock, characterised by narrow bands of dark and light grey, and which is at an angle of  $60^{\circ}$  to the E. This slate rock forms the whole of Harbor Main; it is not precisely like St. John's slate, though it resembles that rather than the variegated slate formation. I am inclined, nevertheless, to consider it part of the variegated slate, altered by heat, perhaps, and placed in its present position with respect to the red slate on the one side of it, by a considerable dislocation.



On entering Holyrood another small portion of variegated slate is seen near the E. point, resting on a schistose rock, with little appearance of bedding and dipping E. at an angle of  $30^\circ$ . These beds are shortly turned up into a nearly perpendicular position by the intrusion of a mass of grey grizzly basalt, on which rest a horizontal patch of slate rock, precisely like that in Harbor Main, (see section No. 2.) Near the junction of the red slate, and this igneous rock, the slate is evidently altered; it becomes more compact and siliceous, and though more easily shivered, it loses its previously well defined cleavage. The continuation of this section to the south is obscured by a loose rubbish of sand and boulders, but two or three hundred yards beyond are some thin beds of limestone dipping slightly to the north. This limestone is of an impure and siliceous nature, very compact, and marked by small tubular concretions of calcareous spar. It is not more than 10 feet thick, and has both above and below it some grey schistose beds, which are likewise slightly calcareous. To which formation these limestone beds belong there is here no direct evidence to inform us; and it is remarkable that beds precisely similar in character and appearance should be equally obscurely placed in Mortier Bay, near Burin. In each case, however, beds of the variegated slate formation are not far distant, so that it is probable the limestone belongs to it.

These fragments of the variegated slate formation around the headlands at the bottom of Conception Bay, have, as we have seen, always an inclination from the present land towards the waters of the Bay, which would lead us naturally to expect the presence of superior rocks in that direction. This expectation is verified by the fact of Great and Little Bell Isle and Kelly's Island consisting of the formation next above the variegated slate, namely, that which I have called the Bell Isle shale and gritstone. The beds of shale and gritstone of which these Islands are composed, dip invariably N. W. so that the lowest beds are seen on the S. E. side. On the E. side of Kelley's Island a mass of gritstone of several beds of the usual character, and forming altogether a thickness of about 30 feet, rises into the cliff, and as the soft beds of shale on which it rests have been decomposed, has continually fallen down, so as to form a great mass of disjointed fragments at the cliff's foot. This heap of fragments being protected from the action of the sea breakers, by a considerable pebble beach which stretches out around it, remains as a great natural stone yard where every one may help himself to the block which suits him best (1.) In the cliffs of Bell Isle, the regular alternations of the beds of shale and gritstone must strike every eye. Several considerable beds of gritstone exist, but none in such a favourable situation for transportation as that of Kelley's Island. The general dip is N. W. at an angle of about  $20^\circ$ ; and as the Island measures upwards of three miles across in that direction, and the cliffs are occasionally 300 feet high, the total thickness of the mass would apparently be very great. The distinctness of the beds, however, and the continuity of the perpendicular cliffs enables us clearly to perceive that the Island is traversed by several faults. A fault is a break in the continuity of a bed of rock, being sometimes a wide fissure filled with broken materials—sometimes a mere line of division; and in each case the separated portions of the beds are at different levels on the opposite sides of the fault. The difference of level, or throw of the fault, as it is called, varies from a foot to hundreds of yds., & the range of a fault, or the space of country traversed by it, is frequently many miles. In consequence of such faults or dislocations, it is evident that beds which have in their regular course of dip become covered by a considerable mass of rocks may be again thrown up to the surface; and thus in estimating the thickness of formation, the same beds may be reckoned over again two or three times unless the faults are attended to. On the W. side of Bell Isle a remarkably red bed of sandstone about 8 feet thick rises at an angle of  $20^\circ$  from the water's edge to the summit of the cliff near

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(1) Several workmen were busy, when I was there, removing blocks for the Catholic Cathedral of St. Johns. At one spot, in the midst of the fallen rubbish, and, as the workmen assured me, beneath the roots of a tree growing on the rubbish, was found an old nine pounder; on the trunions of which was still visible S. G. with either a fleur de lis or an arrow head.



the north end of the Island, and a precisely similar one about the middle of the Island; in each case it is covered by a bed of very black schale; it is therefore highly probable that the two are but different portions of the same bed, whose re-appearance is caused by a fault. Several other dislocations may be observed at different points. The thickness of that part of the formation even which is shown in Bell Isle, thus becomes a complicated question not very easy to decide.

It appears from facts mentioned above that the St. John's slate formation is by far the oldest rock in Conception Bay, and that the porphyries and sienites are more modern than the variegated slate formation at least, since they cut through and produce alternations in its beds. It also appears that the space now occupied by the bottom of the Bay from Holyrood to Colliers Bay, down as far as a line drawn from Portugal Cove to Carbonear at least, was once filled by the Bell Isle shale and gritstone resting on the variegated slate formation, which reposed in a hollow of the St. John's slate. Whether, however, this tract was ever thus occupied by these beds above water, or whether the isolated patches now above the level of the sea were elevated individually, there is no direct evidence shewn. It is at least highly probable that the three Islands of shale and gritstone were once much more extensive than at present, if they were not continuous, and that they have been worn away, by the action of a strong N. or N. W. current. I shall have, however, to return to this subject at a future time.

The external characters of Conception Bay are interesting and picturesque. From Cape St. Francis to Portugal Cove the hills form a connected range, but have a serrated outline, are steep and clothed with thick woods; they are much the same thence to Holyrood, but are rather tamer, and removed from the coast by the flat land mentioned before. Round the head of the Bay in the country, composed of igneous rocks, the hills lose their connected character, and stand out in distinct peaks or detached flat-topped masses. They are still, however, clothed with wood nearly to their summits. The headlands of this tract, those especially composed of the variegated slate formation, are green and fertile, yielding excellent grass, and amply repaying the labour of cultivation. The shale and gritstone of these three islands, too, the quiet shapes of which offer so striking a contrast with the rough outline of the main land, form a soil which seems admirably adapted for pasture land, bears good timber, and makes excellent garden ground. The St. John's slate formation on the W. side of the Bay, preserves its usual character; its high lands, none of which are more than 800 feet above the level of the sea, frequently form connected ridges, whose summits are rocky and bare; their sides are clothed with dense woods, the trees being more remarkable for their number than their size, while the winding vallies are frequently very pretty and apparently fertile. This fertility is immediately obvious in all those vallies in which a good natural system of drainage exists, from the increased size of the trees, and the patches of fine grass that spring up wherever an old tilt has stood or other clearing been made. Of such vallies, those on each side of Clark's Hill, at the head of Port de Grave, called the Northern and Southern Guts, are excellent examples; and many other pretty and fertile spots may be found along the coast between Brigus and Island Cove. In Bay Verde, however, the barren character of the Signal Hill sandstones is immediately apparent, stunted bushes alone concealing the nakedness of the rocks.

3.—We come now to Trinity Bay.—In this district we entirely lose sight of the St. John's slate formation—its western boundary running down the middle of the peninsula between Trinity and Conception Bays. Of the Signal Hill sandstones, too, I cannot undertake to affirm the existence further than from Breakheart point to Old Perlican; though at the same time it is perfectly possible that what I have called the Trinity Bay sandstone may be only the upper formation of which the Signal Hill sandstones form



the lower beds; and that thus this latter rock, and even the St. John's slate may be again visible on the W. side of Trinity Bay. From Salvage point to Hearts Content, the coast is entirely composed of beds belonging to the Trinity Bay sandstone formation, consisting of alternations of dark red or purple gritstones and sandstones with thin beds of slaty rock. The beds strike along the coast, or about N. E. and S. W. and dip invariably to the N. W. at an angle of about  $50^{\circ}$  or  $60^{\circ}$ .—Between Hearts Content and Hearts Desire, these beds gradually trend round, and eventually strike into the country towards the S. E. and at the head of the Harbor of Hearts Desire, dip to the S. W. beneath the variegated slate formation. The variegated slate formation occupies the whole coast, and a good breadth of the interior, from Hearts Desire to the head of Dildo Cove. Along the whole of this tract it is traversed by various anticlinal and synclinal lines, running nearly N. E. and S. W., and thus causing the rocks to dip alternately N. W. and S. E. Between Long Point and Witless Bay, is one interesting locality, where in a hollow of the variegated slate rocks reposes a mass of beds of shale and gritstone belonging evidently to the Bell Isle formation. (See section No. 5.) The graduation from one into the other is here perfect; the upper beds of the variegated slate pass into a grey gritstone, with a fine grain, but devoid of cleavage; these, as we ascend, became separated by thin beds of shale, the thickness of which continues to increase, and that of the gritstone to diminish, until the whole is crowned by a mass of shale without any gritstone whatever. (See section No. 6.) What makes this locality still more remarkable, however, is the fact of the slaty cleavage being developed in the beds of slate themselves. These beds which are curved up at a high angle on either side, are finely laminated, and they split as easily as any shale along their planes of lamination, but they are also traversed by a fine cleavage preserving a constant angle of nearly  $90^{\circ}$  to the horizon, and having the same strike as the beds.—The shale is thus minced as it were into small scales, or little narrow chips, being cut *thin* by the lamination, *narrow* by the cleavage, and too fragile to retain any *length* in the direction of the strike of the beds. The lower surfaces of the gritstone beds alternating with the shale are likewise traversed by the cleavage for an inch or so upwards, as they break or decompose into sharp jagged edges. These gritstone beds scarcely differ in fineness of grain from the whole mass of those composing the variegated slate formation in which the slaty cleavage is perfectly developed. About half a mile south of this spot, in a small Cove opposite Red Rock, among some beds of the ordinary red slate, I observed a band of red calcareous rock, traversed in every direction by small strings of carbonate of lime, looking like fragments of shells, and containing concretionary balls of grey crystalline limestone. Underneath this was a pinkish yellow concretionary rock, with veins of carbonate of lime, and small balls of ironstone. The thickness of these beds was about 15 or 20 feet, and they are capable of being burnt into lime. I did not succeed in discovering in them any decided organic remains, though some of the markings were like faint impressions of shells.

At Dildo head some beds of shale again appear, resting on the variegated slate rocks, which rise up from underneath the shale towards the S. and continue to dip to the N. W. to the head of the Cove, where the lower beds of the formation begin to show themselves. Returning from the head of Dildo Cove, which forms the extreme southern point of Trinity Bay we find the variegated slate formation still forming the coast to Spread Eagle, Long Cove, and Colliers Bay, down to Tickle Harbor Point, having on the whole a N. W. dip. On each side of Chapel Arm the undulations in the slate rocks are frequent patches of shale resting here and there in their hollows, but their sides still remarkably preserving the usual inclination towards the N. W. and S. E. On entering Chapel Arm we come immediately on igneous rock. This is for the most part a rather largely crystalline greenstone its texture sometimes varies into nearly a compact basalt. It is frequently marked with circular bands, in relief, of some inches in diameter; these are sections of spheroidal concretions which are not however sufficiently developed



to be detached from the mass, and the nuclei of which are of the same character as the rest of the rock.

On the West side of Chapel Arm the variegated slate rock abuts against the greenstone without undergoing any apparent alteration, except that its colours become fainter, and that the red beds lose that hue entirely as they approach the igneous rock. This change of colour, however, takes place sometimes where no igneous rock is present. On the E. side of Chapel Arm patches of shale and gritstone rest upon and have been caught among the greenstone, and are of course greatly altered from their original characters. The shale is hard, brittle, and rings with a metallic sound, and the gritstone is almost crystalline in texture, and in places joined so as to assume an irregular columnar form. The greenstone does not come out upon the coast in any other part, but it spreads a good way in the interior, the hills called Spread Eagle Peak, Old Shop, and the Tolt, being certainly composed of the greenstone and its cognate rocks. Passing round the extremity of Tickle Harbor Point we find the upper beds of the variegated slate formation dipping regularly under the Bell Isle shale and gritstone, which occupies the whole of the west side of this long headland up to Tickle Harbor. Not far from the extremity of the point the shale contains a great bed of conglomerate 30 or 40 feet thick of a light grey colour. The pebbles consist of light quartz, are seldom larger than walnuts, and are compacted together by a grey cement, which is slightly calcareous. In the cliff at this place is seen a very neat example of a fault, and of the effect which is sometimes (though perhaps rarely) produced by a fault on the surface of the ground. (See section No. 7.) In Tickle Harbor an entire change takes place in the rocks forming the surface of the country, produced probably by a great fault, but the exact nature of which cannot be ascertained by reason of the lowness of the land, and the want of a continuous section. A mile or two W. however, of Tickle Harbor, the cliffs again commence, and the first thing seen is a mass of serpentine with some impure steatitic rock and a yellow quartz rock containing crystals of feldspar. Over these, which are not above 20 or 30 yards across, is an ash coloured slate, then a dark purple slate, then a slate with a brown stripe, surmounted by a grey slate, the whole having a thickness of 400 or 500 feet, dipping N. W. and passing upwards into a grey mass of alternations of slates and gritstones, forming what I have called provisionally the Trinity Bay sandstone formation. This formation, which in its upper parts consists entirely of thick beds of hard sandstone and conglomerate, occupies the whole coast from the Bay of Bulls arm to Trinity Harbor. Its prevailing dip from Bay of Bulls Arm to Buonaventure is N. W. at various angles of inclination, and thus it shortly passes in that direction under the variegated slate formation. These latter rocks come in at the head of the Bay of Bulls Arm, & from a band of country running thence by Centre Hill to the middle portion of Random S. W. Arm, crossing thence into Random Sound, forming the central portion of Random Island, about Hickman's Harbor, and striking from the Island across Smiths' Sound into the mainland west of Popes Harbor. From under this band of variegated slates however the Trinity Bay sandstone again rises to the west, and in Random S. W. Arm, continues to rise to the W. or dip to the E. until at the head of the Arm its lowest beds come out to the surface, and we have the same slate rocks appearing underneath them, which I mentioned before as occurring near Tickle Harbor. In Random Island, however, this is not the case, as the Trinity Bay sandstone, after rising to the west, from under the variegated slate formation, very soon arches over, dips again to the west, and so passes under another band of the variegated slates, which as they also dip rapidly to the W. shortly become covered by the next superior rocks, the Bell Isle shale and gritstone. See section No. 8.) The shale and gritstone occupies all the N. W. corner of Random Island, and a considerable tract on the mainland opposite. This tract is low and level, and is bounded to the W. by a range of hills, some spurs of which strike the coast opposite the W. side of Random Island, about one mile S. of the bar which nearly connects the Island with the main.



The rock of which these hills are composed is a red sienite, very similar to that which occurs in some places at the head of Conception Bay. The junction of the sienite, with the shale and gritstone, is at one place clearly exposed; it partly overlies those rocks which dip slightly towards it, and abut against it. The shale near the junction is indurated, and the gritstone more than usually hard and of a semi-crystalline texture. (See diagram No. 9.) In several other points at the extreme head of Random Sound, masses of a dark grey schistose rock may be observed resting on, or entangled in, the sienite, but there is no evidence to shew to what formation they belong. The sienite rocks have apparently a very extensive range in the interior, as the same chain of hills runs beyond the extremity of Random S. W. Arm for some distance; they do not however appear elsewhere on the coast.

The variegated slate rocks both in Random, and Smith's Sounds, have some remarkable localities. In one part of Smith's Sound the variety of color is very great,—bright red, dull red, cream colour, deep brown and green, alternating with each other. The cream coloured portion is rather calcareous.—In Random Sound, near Hickman's Harbour, a bed of white crystalline quartz rock, 15 feet thick, is apparently interstratified with the red and green slates; and some distance above it two thinner beds of a similar character appear. The whole is in a highly inclined position, but not contorted, and the beds of quartz preserve a regular thickness for several hundred yards.

From Pope's Harbour to Trinity Harbour the country is composed of the Trinity Bay sandstone, one anticlinal line only occurring in this tract. This line passes through New Buonaventure, and runs thence into the country in a N. N. E. direction. To the W. of this line the rocks dip W. N. W.; to the E. of it, or along the coast, the dip is E. S. E. at various angles of inclination. Between Trinity Harbour and Robin Hood's Bay the beds are perpendicular for a short distance, but afterwards recover their Easterly dip, and in Salnon Cove are nearly horizontal.

The detached Islands about the mouth of Smith's Sound are composed of a red and grey fine grained gritstone, belonging, I believe, to some part of the variegated slate formation. Some of the beds on these Islands would make tolerable building stone. Just North of British Harbor (called also shut-in Harbour) a great trap dyke comes out upon the coast cutting through the gritstone beds without producing in them any sensible alteration. This dyke is two or three hundred yards wide, and is very interesting. Near its sides the rock is vesicular, nearly black, and precisely resembling modern lava; approaching the centre it becomes compact, and of a dark grey, and part of the very central portion is columnar. The part in which the columns are best developed is about 20 yards wide, forming a nearly perpendicular band slightly curved. The columns are small and irregular in the number of their sides. They are nearly horizontal, and are divided by 3 or 4 perpendicular joints, into 4 or 5 nearly perpendicular beds as it were. In the two outside beds the columns are slightly bent; those on one side downwards, those on the other upwards. (The section No. 12 will make this description more clear.) North of the principal dyke two or three smaller ones occur, cutting through the gritstones without disturbing them.

Concerning the relative age of the rocks of Trinity Bay, it is clear that the greenstone and sienites are the most modern; and from the mass of sienite to the W. of Random Island forming hills which seem to keep a nearly N. and S. direction, it is probable that to the outburst of that sienite is due the dislocations affecting the stratified rocks, which have likewise an approximate N. and S. direction,—or at all events that the outbreak of the sienite and the dislocation of the rocks was simultaneous. It would appear also that the variegated slate rocks are conformable to the Trinity Bay sandstones, but as I have not yet traced any gradations of one in the other, their continuity is uncertain. Now beneath the Trinity Bay sandstones we have seen that slate rocks shew themselves both in Tickle Harbor, and the head of Random S. W. Arm, and it thus appears probable that this series may represent or contain what I have called the Signal Hill Sandstone and St. John's slate formation. To this latter, however, the variegated slates have been shewn clearly unconformable in Conception Bay. In the absence of



all organic remains, and the want of a good continuous section, the distinctness or identity of two formations can never be held as proved by mineral character alone; I have therefore left the question open for future evidence to decide. Such evidence I hope to get early in the next spring, at the head of St. Mary's Bay.

The external characters of Trinity Bay are distinct and well deserving of notice. In those parts occupied by the Trinity Bay sandstone formation the land is high and the cliffs bold, the summits of the hills, however, are not craggy, and their outline is tame and regular the country is generally thickly wooded, but the trees are not remarkable for size, and the fertility of the soil is not striking, though in sheltered situations it appears of an average quality. The great difference between these rocks and the variegated slate formation, in the character of the country which they compose, is obvious about Heart's Desire and in the Random Island. In each case the tract occupied by the variegated slate is low and level. The improvement in the size of the trees is great, and wherever a spot has been cleared of trees and moss, or a strip of ground along the sea shore is naturally so unincumbered, the soil is clothed with a rich pasturage of bright green grass, sometimes scattered with wild clover.

The tract between Heart's Desire and Dildo Harbor would amply repay the labor of cultivation, as pasture land certainly, if not as arable, were but a good road once opened to the capital; and it certainly seems a pity that such a space should be left unused as would be fully able to supply the most populous part of the Island with the common luxuries of fresh meat, butter, milk and eggs, leaving out of the question the great resources that would be thrown open to a part at least of the labouring population. The tract about the N. W. corner of Random Island is perhaps too remote from the mass of the population to be at present valuable as an agricultural district; otherwise the whole of the ground formed by the variegated slates and Bell Isle shale formation, from the size of its timber and the patches of grass, is evidently of good quality, and able, if opened, to support a much larger population than is now to be found on the neighbouring shores. The hills about the head of the Bay, around Chapel Arm, and which are composed of igneous rocks, are remarkably distinct in appearance from the high lands which surround the Bay; they are detached from each other, and have a peaked and serrated outline; they are clothed with wood, but not I believe of a quality better than ordinary. The sienite hills W. of Random Island are likewise immediately to be distinguished by their peaked and decided outline from the heavy storms of the gritstone ridges. One detached hill, however, composed of the sandstone rocks, lies between Bay of Bulls Arm and Deer Pond. It is called Centre Hill and is upwards of 1000 feet in height. It is a fact remarkably characteristic of the way in which this country is covered by water, that from the summit of this hill I counted 152 "ponds," varying in breadth from 20 or 30 yards to about a mile, none of which were at a greater distance than 8 miles from the foot of the hill. The cliffs around the entrance of Random Sound are very striking; the immensely thick beds of gritstone forming smooth perpendicular walls of great height above, and depth beneath the level of the sea,—a large block or ledge here and there jutting out to support a stunted fir, and an occasional mass of ruins affording an uncertain landing at their foot.

I have drawn section No. 10 from Shoal Bay, around the head of Conception Bay, and Trinity Bay, to the country S. W. of Random Island, by way of exhibiting, in a connected form, some of the facts mentioned above. It does not aim at giving more than the rudest imitation of the outline of the country, with little regard to proportion. The contorted position of the St. John's slate is given from analogy, as I have never actually traversed the country between the head of Conception Bay and the East coast.

4.—I had been so long detained by contrary winds on the Western part of the Island, that the only places I was able, on my return, to visit in Placentia Bay, were St. Lawrence, Mortier, Audierne, and Great and Little Placentia. From what I saw in passing from one to the other, and from what I gathered from different accounts, I am enabled to state that the principal formation of Placentia Bay is the variegated slate. In the neighbourhood of Great and Little Placentia the rocks are chiefly a dull red and green compact slate rock, but devoid of slaty cleavage, evidently the lower beds of the variegated slate formation. At Little Placentia the dip of these rocks is N. W. at an angle of 60°. The North side of the



N. E. Arm of Great Placentia is composed of a porphyritic greenstone of a fine grain, with small disseminated red and white crystals. I could nowhere trace the junction of this rock and the other formations which forms the cliffs on the South side of the Arm. The whole of the S. E. Arm of Great Placentia and the country about is composed of the variegated slate rock, dipping either S. E. or S., at various angles of inclination. From this Southern dip we should of course expect to find the country to the South composed of the higher beds of the variegated slate rocks; accordingly, from what I could learn, I believe the whole of the country between Placentia and Cape St. Mary's to be so occupied, but was prevented ascertaining its precise character, or the position of the beds, by stormy weather, and the want of a harbour along the coast. Fox Island, Red Island, Long Island, and Audierne, are composed of the most characteristic beds of the variegated slate formation. The neighbourhood of igneous rocks, however, is shewn by the occurrence in the latter Island of a mass of dark purple porphyry, associated with quartz rock.

The sea coast from Cape Chapeau Rouge through Little St. Lawrence, Burin, and Mortier, is composed of a dark greenish grey schistose rock, in which all trace of bedding is sometimes lost, but which, near the entrance of Mortier Bay, dips  $60^\circ$  to the S. W. On going up Mortier Bay the most singular and perplexing variety of rocks presents itself, the green schistose beds above mentioned continue for about two miles into the Bay, but are suddenly replaced by quartz rock in a large amorphous mass on the South side of the Bay, while on the North a serpentine with bands of quartz come in, and over these lie patches of black shale with their beds of grey gritstone precisely like the Bell Isle shale formation, but much twisted and contorted; these latter rocks run for some distance on the North side of the Bay into the large Cove called Spanish Room. On the South side of the Bay, the quartz rock, after forming a lofty cliff for about half a mile, suddenly ends, and regular beds of variegated slate are found abutting it, and dipping from it in a Westerly direction. The Bay here trends to the S. W. and these rocks apparently run along its South shore; on the opposite side of the Bay a peninsula juts out, forming the South side of Spanish Room. It is nearly a mile in length, and is composed of the following rocks—(See section, No. 13.) The point of the peninsula is occupied by a rock, which, whether to call a sandstone or a gneiss is matter of doubt. It has evidently been formed of the detritus of a red sienite, a round pebble of which rock I found enclosed in it; but in appearance, in the slightly rounded forms of its crystalline components and their laminated arrangement, it exactly resembles gneiss. It is tough, but not very hard; it is regularly bedded, dips to the N. W. at an angle of  $70^\circ$ , and is divided into square blocks by joints that follow the dip and strike of the beds. It would make a very fair building stone, if care were taken to place it with its planes of lamination in a horizontal position. The thickness exposed of this rock is about two hundred feet. To the low cliffs composed of this, succeeds a small bank of sand rubbish, immediately beyond which is another cliff of about forty feet in height, composed of beds of red and green marls, containing a mass of red sandstone and conglomerate, dipping at a very slight angle to the S. W. and exposing a thickness of about 150 feet. In the lowest beds of marl are bands of white marl, indurated, and very calcareous, and one or two beds of very hard concretionary limestone, mottled with red and white. The cliff again ends, and a low bank of sand and boulders extends for about 200 yards, when suddenly some black and brown shale is found resting on two beds of light brown or whitish limestone, siliceous, and containing small tubular concretions and strings of spar, and agreeing in every respect with the thin beds of limestone in Chapel Cove, Holyrood, at the head of Conception Bay. The two beds of limestone are separated by a thin parting of shale; they are each about five feet thick; and the whole mass of shale and limestone dips at an angle of  $75^\circ$  to the S. S. E. The beds of limestone form a ridge running across the beach, and keeping the same dip and strike some distance into the water. Unfortunately the section here is again interrupted by a hollow filled with sand and boulders, immediately beyond which is a cliff of red sandstone and conglomerate, dipping in the same direction with the red marls and sandstones before mentioned, and exposing a thickness of about 40 feet. This last mass of conglo-



merate is rather soft, full of large quartz pebbles imbedded in fine red sand, and marked by regular lines of stratification. The remainder of the peninsula is a low beach running up to the mainland, the cliffs of which are there composed of the same serpentine rock, associated with quartz, which was mentioned before.—In my present ignorance of the surrounding country, I forbear to speculate on the presence of these red marls and sandstones; I was, however, struck with their resemblance to those which, on the W. side of the Island, form the lower parts of the coal formation. At the same time the whole section is rather remarkable for its mystery than its capability of giving information. At the head of the harbour of Little St. Lawrence, the green and grey schistose rocks mentioned as forming the coast, are greatly twisted and contorted; and immediately beyond, the country is entirely composed of igneous rocks. This igneous rock is a dull red; it is composed of a base of red compact feldspar porphyry; frequently, however, crystals of quartz occur, and the whole mass becomes granular and crystalline, and contains hornblende and other minerals, when it is called sienite. It forms a low tract of coast, rising into craggy hills in the interior, and extends from the Harbour of St. Lawrence to Point May. At Great St. Lawrence a small vein was found in this rock in which were small crystals of fluuate of lime, with one or two of galene, or sulphate of lead, and a few fragments of green carbonate of copper. The vein, however, was only a few inches in width, and disappeared in the course of two or three yards without any sign of leading to anything of more importance. This rock forms the Island of St. Pierre. Langley, however, is composed of the variegated slate rocks. The Island is apparently traversed by an anticlinal line, running N. E. and S. W. through Cape Percee, the rocks dipping on one side of it S. E. and the other N. W. (See section No. 14.) In this Island the variegated slate apparently graduates down into rocks similar to the Trinity Bay sandstones—brown and purple grits shewing themselves about Cape Percee.

The external characters of the tract now described are of course as various as the rocks which compose it. The fertility of the variegated slate rocks is everywhere apparent. The Island of Langley supplies St. Pierre with meat, butter, milk, and eggs. The tract between Placentia and Cape St. Mary's is (as I was informed) occupied by six hundred head of cattle, and thus evidently only requires a commodious communication with St. John's to become a flourishing agricultural district; which character, I have little doubt, may be extended to the Western shore of St. Mary's Bay. This formation everywhere forms rather low and level ground; but that its fertility is not due to that circumstance alone, may be proved by contrasting it with the low shore around Laun and Lamaline, composed of the red sienite and porphyry, where scarcely a stunted bush can be seen for miles, and the whole country is a low barren waste of rocks, thinly covered with brown moss. From Cape Chapeau Rouge along the Northern shore of Placentia Bay, the country appears very rugged and broken; and N. and E. of Placentia are some very considerable hills, but of what composed I am as yet unable to state.

5.—Owing to the same cause mentioned before, I was unable to visit any part of Fortune Bay; and therefore now pass to the district between Cape La Hune and Cape Ray. This tract is altogether composed of either igneous rocks or the very oldest of the stratified rocks. Though I did not land on any point between Cape La Hune and the Burgeo Islands, yet from the contour of the coast, and the description I was enabled to get, I can safely assert it to be composed chiefly, if not entirely, of granite. About the Burgeo Islands granite is the sole rock, with the exception of some patches of mica slate and gneiss on one of the headlands. Three varieties of granite were observed; one white, rather fine grained, with abundance of mica; another of a coarse grain, with less mica, and a redish colour; and the third, which is by far the most abundant, a coarsish red granite, with large embedded crystals of flesh-coloured feldspar. These rocks occupy the whole coast, and a wide tract of the interior, between Burgeo and La Poile Bay,—Both the E. and W. points of La Poile are composed of the porphyritic granite mentioned above, or that which contains the large crystals of feldspar. On the E. side of the Bay this granite is soon replaced by porphyritic green stone, which runs up to Galleys-boy Harbour. On the W. side of the Bay, however, the granite runs as far up as Tooth Head, where it partly overlies and sends large veins into a mass of dark blue and purple schistose rock with a green stripe. The changes which take place at the junction of these two rocks, in their respective characters are instructive.



At about ten yards from this junction the imbedded crystals of feldspar in the granite becomes smaller, and soon cease to be conspicuous, the rock is then principally composed of crystals of quartz and hornblende, and that portion which forms the veins shortly loses the hornblende, the quartz from crystalline becomes compact, and the veins at a short distance from the granite are entirely composed of compact quartz rock on the one hand, while their gradation into granite on the other, is well and clearly exhibited. The granite itself becoming more and more largely granular and crystalline as we advance into its mass, (See section No. 15.) The schistose rock at its junction with the granite, is hard, brittle, and traversed by strings of quartz; as we recede from that rock, however, it passes into a compact flagstone, in thin beds of a fine grain, hard but tough, of a light green colour, occasionally having a slaty cleavage when it resembles the St. John's slate; its general dip is about S. at an angle of  $80^{\circ}$ .—About one mile above Tooth Head, in a large cliff of regular flagstone, without slaty cleavage, two granite veins are seen four or five feet across, whitish, consisting of crystalline quartz feldspar, and hornblende, and producing no apparent alternation in the neighbouring rocks. On the E. side of the Bay, opposite this, is a mass of dark siliceous schist, with brown ferruginous stains, which is succeeded towards the S. by quartz rock and chloritic schist, continuing to the greenstone porphyry mentioned before. I was informed that slaty rocks were traceable for several miles into the country beyond the head of the La Poile Bay. Between La Poile and La Moine the rocks are all granite, principally red, and some of it of a rather fine grain. From La Moine to the Dead Islands, and thence to Port aux Basques and Cape Ray, mica slate and gneiss compose the entire country. About the Dead Islands, abundance of veins exist in the gneiss, some of which are 30 yards wide, and are composed of large crystals of quartz and feldspar, containing as it were, nests of mica and hornblende, thus constituting a very largely crystalline granite. These veins always run with the strike of the beds, & their sides present no well marked line of division between the crystalline rock and the schistose mica slate and gneiss, one passing into the other by fine gradation. Some well-marked distinct gneissic veins, however, were observed, which not only ran in the strike of the beds but crossed them, and enclosed masses of the mica slate. No large mass of granite appeared in the neighbourhood of these veins, but such might exist a little way in the interior. The mica slate and gneiss do not occupy distinct tracts, but beds of each alternate with the other, and some beds partook of the character of both. The strike of these rocks is everywhere pretty uniform about the Dead Islands and the Port au Basques, being about E. N. E.; their dip however is northerly at the Dead Islands, and southerly at Port au Basques. At the latter place, beds of a very peculiar character were interstratified with the gneiss and mica slate. They were not more than a foot or two thick, black, heavy and crystalline, with a fine grain, resembling basalt very much in appearance.—Garnets occur sparingly scattered about the mica slate, but I observed none of any magnitude.—These gneiss and mica slate rocks continue from Port aux Basques round Cape Ray, for some distance towards Little Codroy River, whither they terminate.

The external characters of the district, now under consideration, have a great uniformity. The same barren desolate appearance of hopeless sterility is everywhere visible. The interior consists of a broken country, of small hummocky hills, traversed in every direction by narrow vallies; the tops of the hills are bare rock, and their sides scantily covered with moss, while a few stunted trees miserably congregated in some more sheltered spot, serve but to render more apparent the nakedness they are not sufficient to conceal. Few parts of the country rise into hills high enough to give features to the scene—the general level of the land sloping gradually from the interior towards the sea; as, moreover, the rocks continue to have beneath the water the same broken and uneven surface they had above, the coast is lined with a perfect fringe of islands, islets, and rocks, above and under water, the smallness and number of which render it impossible to lay them down on charts except of very large dimension. To those well acquaint-



ted with this coast, it offers an abundance of safe and commodious Harbors; to others it is full of dangers, they can neither avoid or foresee. Under no possible circumstance, can it give to its inhabitants more than shelter and fresh water.

6.—We come now to the description of a large, important and interesting district between Cape Ray and the Bay of Islands, which I regret that the time at my command did not permit me to examine more in detail. I considered it my duty, however, in the first instance, to acquire materials for a slight outline of the structure of as large a space of country as possible, leaving the detail of the particular districts that were worth the labor, to be filled in at a future period. In describing this portion of the country I shall depart a little from the plan hitherto pursued, and give a slight sketch of its Physical Geography, which is as yet little known. From Cape Ray a chain of hills runs into the country in a North East direction, having an average height of about eight hundred feet above the level of the sea. They are of the most part flat-topped, but end in three conical peaks towards Cape Ray, and become very much broken at the distance of 15 or 20 miles into the country. The chain of hills is apparently continued towards the head of St. George's Bay, at a distance of about 20 miles from the sea shore, but gradually trending towards the north, they run round the head of the Bay, and thence towards the Bay of Islands. The tract on the south side of St. George's Bay, between these hills and the sea, is generally of a low average level, though having an agreeably undulated surface; about Cape Anguille however, it rises to a height of four or five hundred feet above the level of the sea. On the north side of the Bay another tract of comparatively low ground exists to the west of the range of hills; namely, the country around Port au Port, much of which is not greatly above the level of the sea; and that part which does attain a height of three or four hundred feet is table land. The hills about the head of St. George's Bay, though rarely exceeding one thousand feet in height, are of a mountainous character, rugged and precipitous; and this continues to be the nature of rather a wide band of country that runs from the E. of St. George's Bay, across the Humber river, at the head of the Bay of Islands, and thence for a considerable distance still farther north. About St. George's Bay this ridge of hills forms the watershed of the country; the brooks on one side running down into the Bay, those on the other emptying themselves into the Grand Pond, a large lake in the interior. This lake commences at about fifteen miles in a straight line N. E. from the extreme Point of St. George's Bay. In the first seven miles, the lake spreads out to a width of about two miles, and runs about E. S. E.; at this point, however, it bends round, divided into two branches, each from half a mile to a mile wide, which enclose an Island about twenty-one miles long, and five across in the broadest part. In this part of its course the direction of the lake is E. N. E. The remainder of the lake, which is about 25 miles long, and 4 or 5 across, gradually trends round to the N. E. and N. E. by N. The whole length of the lake is about fifty-four miles. At its S. W. extremity, it is enclosed by lofty hills and precipitous banks, and is of great depth, no bottom having been found with three fishing lines, or about 90 fathoms. Its depth is further proved by the fact, of the truth of which my Indian guide assured me, that its S. W. half is never frozen over in the hardest winters. Towards its N. E. end it gradually becomes shallow, and the hills slope down into a flat country which extends as far as the eye can reach towards the N. and N. E. The lake receives on all sides many brooks, and at its N. E. extremity a very considerable river, fifty yards wide and several feet deep, comes in, which is called the Main Brook. Three miles W. of the mouth of this river, an equally considerable one runs out of the pond; this latter is full of rapids for five or six miles, when it is joined by another river of about the same size, which flows from the N. W. These united rivers run towards the S. W., and in about six miles enter Deer Pond, a lake about 15 miles long and three or four across, running in a direction about N. E. and S. W. The S. W. end of this lake is again encircled by the hills, through which the united waters force their way by a narrow and precipitous valley, forming the river Humber, and running out into the Bay of Islands. The part of the river between Deer



Pond and the sea, is about twelve miles long, from about 50 to 100 yards across, and several feet deep; its navigation is, however, impeded by two rapids, one about two miles from its mouth, and three quarters of a mile long, and another shorter but steeper, and more dangerous about half a mile below Deer Pond. The river which above Deer Pond comes in from the north and joins that running out of the Grand Pond, is likewise encumbered with rapids, our progress up each branch being stopped half a mile from their junction by rapids utterly impracticable with our boat. I afterwards interrogated the Indians respecting the course of the river in those parts into which I was not able to penetrate myself, & they informed me that the N. branch which I shall call the Humber, rises in the country near Cow Head, passes down to the E. through several lakes, two of which are 8 or 10 miles long, and gradually bends round to the S. or S. W., to the spot I have before described. The main brook which runs into the N. E. end of the Grand Pond, is navigable for a canoe for a distance of some miles above the place where I turned back. It is there found to run out of a lake 8 miles long; on the other side of the lake the river is again met with, and passing up it three more lakes are crossed, each above six miles long. The extremity of the last of these is about 18 miles from Hall's Bay, a branch of the Bay of Notre Dame; and crossing half a mile of land another brook is met with, down which a canoe can proceed to the waters of that Bay. It thus appears that the country drained by the Humber is upwards of 100 miles from N. to S., and 50 or sixty from E. to W., by far the most extensive system of drainage in the Island, it approaches the sea on three points, namely, Cow Head, Hall's Bay, and St. George's Bay, and the united waters force their way out at a point nearly equidistant from each, having either formed for themselves or taken advantage of the narrow pass between Deer Pond and the South branch of the Bay of Islands, called Humber Sound. The Indians likewise informed me that if they proceeded from the E. side of the Grand Pond opposite the E. end of the Island, a day's journey to the E. brought them to the S. end of Red Indian Pond, a lake between 40 and 50 miles in length, and that from that point another day's march to the S. E. brought them to the middle of another large pond of about the same size. Each of these ponds empties itself by a brook into the Bay of Exploits. They each run about in a parallel direction with the Grand Pond, or about N. E. and S. W., and the S. W. end of the third large pond is within a long day's walk of White Bear Bay. It thus appears that there are two easy methods of crossing the country from N. to S. with a canoe. The first by proceeding from St. George's Bay through the Grand Point to Hall's Bay; the second from White Bear Bay, through the third pond to the Bay of Exploits.

The Geological structure of the district thus described is precisely in accordance with its external features. The chain of hills running from Cape Ray to the Back of Cow Head, forms a great anticlinal axis, which in the N. part of its course runs N. N. E. and S. S. W., but S. of St. George's about N. E. and S. W. The central portion of these hills is composed of gneiss, mica slate, chlorite slate, quartz rock, and granite, and from these the superior rocks dip on either hand. It appears, however, that the superior formations flanking these hills are different, and different places. The tract lying on the S. side of George's Bay, between these primary hills and the sea, is occupied by the Newfoundland coal formation.—The general strike of these beds is parallel to the coast, or about N. E. and S. W., but about Cape Anghulle the beds are broken and disturbed, and thence to Codroy strike N. or sometimes N. W. It thus happens that the same beds which form the coast at one part, continue along its whole course, and we are deprived of the benefit of a coast section. In order to get a section of the country we are then driven to the rivers. I ascended the Codroy River ten or twelve miles from the sea, and the brook next above Crabb's River about 8 miles, from which I got the following results:—

The cliffs on the sea shore, and a band of country a few miles in width parallel to it, are occupied by the lower beds of the formation,—the red sandstones and marls, with gypsum. In the cliffs near Codroy Island is much red and green marl, with bands of white flagstone. The white flagstone and the greenish marl contains many veins of



white fibrous gypsum, and interstratified with these and the red marls are some thick beds of white and grey gypsum, of a singular character. These gypsum beds are not hard compact sulphate of lime, but are composed of white flakes of that substance, regularly laminated, and interspersed with small flakes and specks, or sometimes thin partings of a black substance, apparently bituminous shale. The whole mass is soft and powdery, thick bedded, and in considerable abundance, and it might be carried away in boats with great facility. I was informed by some Indians of great Codroy River that they had seen a bed of coal two feet thick, and of a considerable extent, some distance up the country. Their account of the distance, however, varied from ten to thirty miles; and I could not induce any of them to guide me to the spot. I proceeded up the river about twelve miles from the sea, and some distance beyond the part navigable for a boat without seeing any thing but beds of brown sandstone and conglomerate, interstratified with red marls and sandstones, gradually becoming more horizontal and dipping toward the S. E. I believe, however, that a bed of coal had been seen by an Indian on the bank of the brook running into Codroy River about 30 miles from its mouth, but that the person who saw it was not in the neighbourhood at the time of my visit. About the middle of the South side of St. George's Bay, in the vicinity of Crabb's River, the lower part of the coal formation, consisting of alternations of red marl and sandstone, strikes along the coast, the beds dipping to the N. W. at an angle sometimes of  $45^{\circ}$ . About 3 miles from the coast, however, an anticlinal line occurs, preserving the same strike as the beds, or about N. E. and S. W. and causing those to the S. of it to dip to the S. E. Thus the rocks which form the country along the coast, to the width of 3 miles, with a N. W. dip, again occur to the same or a greater width, according to the angle of their inclination, with a dip to the S. E. before we can expect to find any higher beds than those in the sea cliffs; so that at least 6 miles of country formed of the lower beds, must be crossed directly from the coast, before we arrive at the higher beds in which the coal is situated. (See section, No. 16.) In ascending the brook next above Crabb's River, I found on the sea coast beds of soft red sandstone and red marl, and about a mile up the brook, red and whitish sandstones, interstratified with beds of marl, chiefly red, but also occasionally whitish, green or blue; beyond that were beds of marl, containing massive grey gypsum, similar to that at Codroy, and a bed of blue clay, containing crystals of sienite. Similar rocks, with now and then a bed of brown or yellow sandstone, occurred throughout the first 2 or 3 miles; further the character of the rocks was precisely similar to those I had already passed.

As, however, the banks of the brook were occasionally low, the section observed was of course not perfectly continuous, and beds which were hidden on one side of the anticlinal line formed cliffs, and were thus exhibited on the other side. Thus, as I continued to ascend the brook, I came on a cliff of red marl, 50 feet thick, with some thin grey soft micaceous sandstone, beyond which were some beds of grey hard rock, with nodules of subcrystalline limestone, the banks of the river being likewise covered with a crust, a foot thick, of tula. Some distance above this the red sandstones become more scarce, the colour being generally brown or yellowish; grey clunch, too, with vitaneous laminæ was frequent, some banks of brown sandstone, and a nest of coal with a sandstone nucleus was seen. The shape was irregular, and was about two feet long. (See section No. 17.)—It most probably was a vegetable squeezed out of all semblance of its former shape. Over this mass of sandstone there was again a good thickness of grey clunch, and brown or yellow sandstone and conglomerate interstratified with red and brown marl, all dipping gently to the S. E. Over these were some thin beds of red sandstone with red marl, and a little beyond some hard light brown or greyish yellow sandstone with small quartz pebbles; this rock formed ledges stretching across the river, producing a fall of two or three feet. About one hundred and fifty yards above this, on the W. bank of the brook, was some grey clunch and shale, on which rested a bed of hard grey sandstone, 8 feet thick, covered by two or three feet of clunch and iron stone balls, and two feet of soft brown sandstone, with ferruginous stains, on which reposed a bed of coal three feet thick.—See section No. 18.



The dip of these rocks was very slight towards the South, in which direction the bank became low, as it was also on the opposite side of the river, which prevented my tracing the coal further; neither was the bank above the coal high enough to bring in any of the beds over it and thus give its total thickness, since it is evident the portion here seen may be only the lower part of a bed instead of the whole. The quality of the portion thus exposed was good, being a bright caking coal. The distance from the sea shore is about 8 miles; the only harbour, however, is that of St. George, which is about 20 miles from this spot. A few very rude and imperfect vegetable impressions were all I could see in any of these rocks. Many of the gritstones in this section might probably turn out good freestones. In the next brook to the East of the one I ascended, was formerly a salt spring, which, however, I was assured, had lately become quite dry; but several of the little rills which I tasted in the neighbourhood were brackish. As regards the extent of country occupied by this bed of coal, or others which may be above it, the data on which to found any calculation are but few. If, however, the upper rocks follow the course of the lower, without the intervention of faults and irregularities, the tract so occupied would probably be an oval, forming the centre of the country, bounded on the sea coast by the North, and the ridge of primary hills on the South. From the top of the high lands at Crabb's River this ridge bounded the horizon at the distance apparently of about 20 miles. Allowing half of this width to be occupied by the lower beds, the tract yielding coals would probably be 20 or 30 miles long by 10 miles wide. Gypsum again appears once or twice to the cliff between Crabb's River and St. George's Harbor. The North side of St. George's Bay, between Cape St. George and Indian Head, is occupied entirely by beds of the magnesian limestone mentioned before, all dipping at a slight angle to the N. N. W. and thus passing under the great mass of shales and gritstones which forms the country about Port au Port. At Indian Head a mass of igneous rocks comes in, but in consequence of the lowness of them and on each side of it, no junction with the surrounding formation can be observed. It consists partly of a hypersthenic rock, largely granitic, with many small crystals of Labrador feldspar, exhibiting the usual reflected colours; much of it, however, is a hard dark basaltic rock, with imbedded crystals of hornblende. In crossing from St. George's Harbor to the Grand Pond, the country was so covered by diluvial rubbish, and that by moss and woods, that no guess could be given as to the nature of the rocks below, except from the circumstance of some angular pieces of white limestone being found in one of the brooks. On arriving at the Grand Pond the cliffs are found to be gneiss and mica slate.—The western end of the Island, and the mainland opposite, is chiefly a chloritic schist; all the centre of the Island, however, and the main on each side of it is granite, some of which is white with mica, and some red, with or without hornblende. The North end of the Island is a conglomerate. (See section No. 19) Immediately opposite the Eastern end of the Island, on the Northern shore of the lake are some thick beds of very white rock, dipping in various directions; and just beyond these, towards the East, some cliffs of a bright red colour, apparently red sandstone, but the bedding of which was not discoverable.

The violence of the winds and waves would not admit of our small boat approaching these cliffs either in going or returning. Two or three miles East of them, however, the cliffs are composed of beds of red sandstone and marl, passing upwards into brown and yellow sandstones and conglomerate of small quartz pebbles, interstratified with beds of brown, yellow, and blue marls, clunch and shales, and dipping at various angles of inclination, but generally moderate ones, towards the E. or S. E. This series of beds is precisely similar to that previously described as forming the South side of St. George's Bay, and it forms the cliffs of all the shores of that part of the lake East of the Island. Its general dip is Easterly, and the angle of inclination becomes less as we recede from the granite and primary rocks; and in the bed of a small brook, at the N. E. corner of the Pond, were found various pieces of coal; and at one part, where the bank was newly fallen, the following section was exposed:—



	Ft.	In.
Sand and Boulders	10	0
Softish grey and yellowish sandstone	5	0
Ditto do. shaly	1	0
Coal (some part like cannel coal)	0	6
Yellow clunch	0	2
Grey bind	2	0

All these beds dip at an angle of  $30^{\circ}$  to the S. E. Large pieces of coal were found in the head of the brook, which is rapid and rocky above this point, shewing that more beds exist; and one Indian of St. George's Harbour assured me he had seen a bed three feet thick in the brook below this point, about three years ago. This was probably true, as I saw many banks in the same brook where such beds might have appeared, but which were then covered with wood and rubbish that had fallen from above.

It thus appears that rocks containing beds of coal are those last observed to dip towards the wide level tract mentioned before as existing N. E. of the pond, and that as they approach that tract the beds become more horizontal and regular. It is therefore highly probable that coal may be found over the whole or greater portion of it.—Its extent I do not know, but some low hills which appeared in the distance were said by the Indian to be at the head of White Bay. It is evident that should a coal country be found to stretch from the Grand Pond to the Bay of Exploits or Bonavista Bay, its value will be much greater than the strip of coal rocks along the South side of St. George's Bay.

Between Cape St. George and the Bay of Islands the cliffs are chiefly composed of shale and gritstone, dipping in various directions. At the entrance of the Bay, however, a group of precipitous hills strike the coast from the S. E. and forms the lofty headlands round Lark and York Harbors. These headlands are composed of igneous rocks of various characters. They are partly a sienite compound of quartz and hornblende, which passes into a greenish rock, full of red veins, and having the appearance of a conglomerate till closely examined; other portions are a dark compact greenstone, which contains sometimes masses like a peperino or volcanic grit. Before entering Humber Sound, I observed a few beds of red sandstone, resembling that of St. George's Bay, and near it some dark bituminous shale, but the relations of the two were not clearly exhibited. From that spot nearly to the head of Humber Sound, all the rocks consisted of dark shale and grey gritstone. These beds, as before described under the name of the Port au Port shale and gritstone, much resemble the Bell Isle shale formation on the East of the Island. Their position in Humber Sound is irregular and broken. They dip various ways, frequently at high angles; a Westerly inclination, however, being the most frequent. Some beds of a red colour were observed, but what place they occupied in the series, it was impossible to determine. The most irregular contortions occasionally shewed themselves; the beds of shale being puckered up into angles like a vandyke border. From this broken condition of its beds, it is impossible to form an estimate of the total thickness of the formation with any degree of accuracy; it occupies, however, the whole length of the Humber Sound. On approaching the head of the Sound, the dip of these shales and grits becomes more regular, being always to the W. Their positive junction with the next formation is no where seen, as the only section, that of the cliffs on the North of the Sound is interrupted by a low bank of loose sand, 3 to 400 yards across. Just beyond this we come to the Humber limestone, dipping regularly W. and therefore passing underneath the shale and grit. The limestone formation has already been described, as respects its mineral character. It only remains therefore to state, that whenever its dip could be seen, it was invariably west at different angles. The hills composed of it run nearly N. and S. for a considerable distance. About three miles up the Humber River, its lowest portion, in which no appearance of bedding is discernible, forms lofty white precipices of pure marble, crowned and surrounded by thick woods, and which, closing in upon the rapids, produce most picturesque scenery. Blocks of any size might here be procured, and by a little management floated down the river into the Sound, where any kind of vessel will find excellent anchorage. A little above these limestone precipices, the hills recede from the river and enclose a valley of about two miles in width, but they are continued without any inter-



ruption to just below the second rapid, where they close in again on the stream. Here the rocks are gneiss, and mica slate and gneiss form all the hills around the lower end of Deer Pond. At about the middle of this lake the hills gradually slope down, exposing no cliff; at one point, however, some beds of yellowish sandstone and conglomerate of white quartz pebbles were observed. Round the upper end of Deer Pond, and thence as far as could be seen, was spread the level country mentioned before; but at the rapids just above the bifurcation of the river, some ledges of light brown gritstone were seen. Both these gritstones and the sandstones and conglomerate, were the same rocks as those found on the banks of the Grand Pond and the south side of St. Georges Bay, belonging to the lower part of the coal formation. Putting these facts together, we get an E. and W. section from the mouth of the Bay of Islands to the head of Grand Pond, which exposes the structure of the country in a satisfactory manner. (See section No. 20.)

Concerning the age of the Humber limestone formation, we have only the positive facts that it is newer than the gneiss and mica slate, and older than the Port au Port shale and gritstone. I devoted as much time as I could spare to hunting in it for fossil shells, but not the slightest trace or indication could I find in any part of it, of its containing organic remains. This absence of organic remains coupled with its crystalline character, would lead one to look on it as a primary limestone, or a portion of the gneiss and mica slate formation. If so, it is certainly the highest part of that formation; as it loses its crystalline character in its middle beds, becomes thin-bedded in its highest portion, and has every appearance of graduating upwards into the Port au Port shale and gritstone. Concerning the still more interesting question of the relations of the coal formation to the surrounding rocks, it will be seen that I have as yet little or nothing to offer. That it is unconformable to the gneiss and mica slate is certain; as in St. George's Bay and the Grand Pond, it runs up to that formation, while in the Bay of Islands the Port au Port shale and gritstone, and the Humber limestone, intervene before we find any trace of the red sandstone which forms the base of the coal formation. If it be allowed me to offer any opinion, instead of an argument, I am inclined to believe the coal formation the newest stratified rock in the Island, and probably unconformable to all the rest.

As regards the external character of the district now under consideration, I have already spoken of its physical geography, and have only to add a few words on its agricultural capabilities. The coal formation on account of its alternate beds of marl and sandstone, and its low and undulating surface, is everywhere admirably fitted for cultivation. On the S. side of St. George's Bay, along the sea cliffs, on the banks of the rivers, or wherever the surface is cleared and drained of trees, it is covered with beautiful grass; and the few straggling settlers scattered along that shore exist almost entirely on the produce of their live stock. The aspect of their houses put me in mind of the cottages of small farmers in some parts of England. There is every reason to believe that the same fertility would be characteristic of the country round the N. E. of the Grand Pond. The whole of the district, even the primary hills, is covered with wood of a far finer description than the generality of that on the E. side of the Island. Groves of fine birch and juniper are scattered among the fir, and pines are met with here and there in the interior of the country. On the bank of a brook between St. George's Bay and the Grand Pond, my Indian guide pointed out several fine ash trees. The Bay of Islands has, I believe, long been celebrated in Newfoundland for its timber; and I can safely assert that the banks of the Humber, as far as I ascended it, did not deteriorate in that respect—every portion of the country being densely covered with fine wood.

I have hitherto mentioned only these large masses of rock which enter into the solid structure of the Island: I have now a few words to add respecting the superficial matters that lie scattered over it in many parts, forming a thickness of a few feet immediate-



ly below the surface of the ground. These loose materials consist principally of sand and coarse gravel, with here and there a patch of the clay, and large blocks of rock either mixed up with them, or strewed loosely over them. In the neighbourhood of St. John's and the peninsula stretching out to Cape St. Francis, these superficial matters are principally of coarse sand, dark grey and brown, having a semi-stratified arrangement, and being frequently at least ten feet thick. I never could discover, in any part, shells or other relics of the sea. It lies perhaps most abundantly on the sides of the gently sloping grounds, as for instance in the town of St. John's; but, though never found on the very summits of the hills, it spreads over much of the higher grounds, being seen abundantly along the road from Portugal Cove to St. John's, at a height of 400 or 500 feet above the level of the sea. It is every where full of angular pieces of slate rocks, many of them of a large size, lying, without any regard to arrangement, imbedded in the mass.—Some rounded blocks of stone occur also; but I do not recollect ever having seen a piece that might not have been derived from the immediate neighbourhood. At Ferryland some beds of white clay are found on the sides of a cliff, which is used by the inhabitants for plastering and white-washing. Large boulders are every where to be met with. In Port de Grave, some of a dull gritstone, apparently part of the Trinity Bay sandstones, rested on the top of the slate hills 400 or 500 feet above the sea. In Come-by-Chance lay some immense blocks of red sienite, perfectly rounded, probably derived from the hills W. of Random Island. Along the south shores of Avalon, the mass of drifted materials is, I think, less than on the north. On the summits of the Lamalin Islands, however, 200 feet above the sea, were some large angular blocks of grey slate, resting on red porphyry. Between Burgeo Islands and Cape Ray, the gravel resembles that on the East of the Island, but is mixed with much finer and purer sand. Blocks of the primary rocks, too, here occur in abundance; and on the S. side of St. George's Harbor an immense block of gneiss and mica slate was seen; this was about four yards across in each direction, and five or six feet of it were exposed above the surface of the ground. Its edges were not greatly rounded. In going from St. George's Harbor to Grand Pond, the banks of the brooks never exposed anything but sand and boulders of granite, gneiss, and similar rocks. (1) The whole of the flat country mentioned as occurring about the N. E. end of Grand Pond and Deer Pond, appears to be covered by a thick bed of loose sand, containing occasionally small quartz pebbles. Small cliffs of this sand, 30 feet high, were often exposed on the banks of the rivers. It is frequently regularly stratified. I concluded at first that before the Humber had worn a sufficiently deep channel through the hills below Deer Pond, this flat country had been covered by a fresh water lake, in which the sand was deposited. I afterwards, however, found patches of the same sand on the banks of the Humber Sound 20 or 30 feet above the sea level. I searched several times but did not discover a single shell, or other organic body in this sand to show whether it might be considered a tertiary formation or not. Whether boulders of granite, however, or other rock, occurred, they always, as far as I observed, rested upon and were never enclosed by this sand. On the north side of St. George's Bay, near Ship Cove, a small valley is almost filled up by clay, mud and sand, with boulders. (See diagram No. 12.) This mass forms a low crumbling cliff, 30 or 40 feet high; on the sides of which I found abundance of shells, buried sometimes several inches in the clay. They were in different stages of decomposition, some of them crumbling under the touch. The fragments I brought away have been examined by Professor Stuwitz, and he declares them to be common and existing species—one is a pholas, others myra arenosa, buccinum undatum, a tellina, &c.—The small cove was entirely occupied by a pebble beach and no shells visible in it except these old ones 30 feet above high water mark. It is possible however, that they may have been brought there by birds, and become afterwards covered by the falling clay. I certainly could find no bed of shells in the cliff, and the case is therefore

(1) A gentleman in St. George's Harbor assured me he had seen pieces of coal and other rocks brought down by the ice in Crabb's River and the other brooks on the south side of St. George's Bay.



hardly decisive to be cited as an argument for the recent elevation of the land above the sea. I have never been able, on the shores of Newfoundland, to perceive any of those level markings in the rocks, or lines and ledges of sand pebbles, so common in other countries, and indicating ancient sea beaches raised above their former level—except, indeed, in St. George's Bay, and between L'Anglois and Miquelon, I have seen but few spots where a beach of any kind exists.—Stern cliffs, whose depth below the water seems to equal or exceed their height above it, characterise nearly the whole coast. At the head of some of the Bays, however, and in nearly all the small coves and harbors, is found a bank of pebbles; and frequently happens that a brook which comes foaming down the rocks immediately behind, suddenly disappears, quietly soaking its way out to the sea beneath the bank of pebbles the waves have plied over it. The pebble beaches at Great and Little Placentia are very singular, but it would lead me into a great detail to describe them. Suffice it, therefore, to say, that Little Placentia stands on an island surrounded by a bank of pebbles, which connect it with the main land, and that Great Placentia stands on a great square flat of loose pebbles heaped up by the tides at the junction of the two arms of the harbor with the main opening. In Trepassey Harbor is another instance of an island joined to the main by a pebble beach, as also of the sea, having dammed itself out of part of its former space, which is now occupied by a fresh water pond. The pebble beaches at the head of Conception Bay are curious. A bank of pebbles runs along the shore from Topsail to Holyrood, a distance of ten miles; and on the S. E. side of each of the islands of Belle Isle, Little Belle Isle and Kelley's Island, a pebble beach stretches out into the triangular form, its apex reaching three or four hundred yards into the sea. It appears as if a N. W. current drifted past these Islands, deposited a pebble beach in the slach water under the lee of each, and then swept up the remainder of its accumulations on the shore of the mainland beyond. I was much surprised at finding two rounded masses, as large as a man's head, of meandrina (a tropical coral) on these beaches; but conclude them to have been part of the ballast of some vessels from Bermuda or the West Indies.

In conclusion, it may be allowed me to point out the course which I would suggest for the prosecution of the survey during the summer of 1840. I should wish to employ the month of May in examining St. Mary's Bay, and the remainder of the summer in continuing the coast survey thence through the Bays of Bonavista and Notre Dame. I should hope to be able to reach the Red Indian Lake by the River Exploits, and to ascertain something respecting the probable extent of the coal field, whose borders were reached last summer at the N. E. end of the Grand Pond.

Respectfully submitted by

J. B. JUKES.







## DOCUMENTS CONTAINED IN THE APPENDIX.

- Estimates, 3; **TREASURY ACCOUNTS**, viz., Light House Accounts, 6 and 25.  
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