

JOURNALS

LEGISLATIVE COUNCIL

ISLAND OF NEWFOUNDLAND.

JOURNALS

OF THE

LEGISLATIVE COUNCIL

OF NEWFOUNDLAND.

BEING THE FIRST SESSION

OF THE

FOURTH GENERAL ASSEMBLY.

1840.

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ISLAND OF NEWFOUNDLAND.



ANNO DOMINI MDCCLXXXIX

CAP. XLIV

HIS EXCELLENCY

SIR JOHN GASPARD LE MARCHANT, KNIGHT, AND KNIGHT COMMANDER OF THE ORDERS
OF ST. FERDINAND AND OF CHARLES THE THIRD OF SPAIN,
GOVERNOR AND COMMANDER-IN-CHIEF,

&c., &c., &c.

BEING THE FIRST SESSION

OF THE

FOURTH GENERAL ASSEMBLY,

1849.

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OF THE

ISLAND OF NEWFOUNDLAND.



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HIS EXCELLENCY

THE LORD GASTARD DE MARCHANT, KNIGHT, AND KNIGHT COMMANDER OF THE ORDER
OF ST. FERDINAND AND OF CHARLES THE THIRD OF SPAIN,
GOVERNOR AND COMMANDER-IN-CHIEF,

Esq., &c., &c.

BEING THE FIRST SESSION

OF THE

FOURTH GENERAL ASSEMBLY,

1843.



ANNO DECIMO AND UNDECIMO VICTORIÆ REGINÆ.

CAP. XLIV.

An Act to render permanent certain Parts of the Act for amending the Constitution of the Government of Newfoundland.

[25th JUNE, 1847.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for amending the Constitution of the Government of Newfoundland*, it was amongst other things enacted, that it should be lawful for Her Majesty, in or by any Commission or Commissions under the Great Seal of the United Kingdom, to be thereafter issued for the Government of *Newfoundland*, and in and by any Instructions under Her Majesty's Signet and Sign Manual accompanying and referred to in any such Commission or Commissions, to establish a qualification in respect of Income or Property in right of which any Person might be thereafter elected to serve as a Member of the Assembly of *Newfoundland*; provided that no such Qualification should be fixed at more than a net annual Income, arising from any source whatsoever, of One Hundred Pounds, or the Possession of Property, clear of all Incumbrances, exceeding Five Hundred Pounds in amount or value; and that it should be lawful for Her Majesty, in manner aforesaid, to fix and determine the Length of the Period of Residence within any Electoral District in the said Island which should be required, in addition to any other Qualification, for voting at Elections within such District, or for being elected to serve as a Member of the Assembly, provided that such Period should not extend beyond the Period of Two Years next preceding any such Election; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain the said Assembly from appropriating to the public Service within the Island of *Newfoundland* any Part of the public Revenue thereof in cases

where such Services should not have been previously recommended, or such Grants of Money should not have been previously asked by or on behalf of Her Majesty; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain and prohibit the Election of Members to serve in the said Assembly in different Districts on successive or different Days, and to require that all such Elections should be simultaneous, and should be completed within a time to be limited, and that any such future Commission or Instructions as aforesaid should be laid before both Houses of Parliament within Thirty Days next after the Date thereof, should Parliament then be in Session, or if not, then within Thirty days next after the commencement of the then next Session of Parliament; and it was thereby provided that no Change which should be made in the Constitution of the said Island under the said Act should continue for a longer time than the First Day of *September One Thousand Eight Hundred and Forty-six*, unless Parliament should otherwise order: And whereas by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to continue till the First Day of September One Thousand Eight Hundred and Forty-seven certain of the Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Constitution of the Government of Newfoundland*, it was enacted, that the Changes made in the Constitution of the said Island under the said recited Act should continue in force until the First Day of *September One Thousand Eight Hundred and Forty-seven*: And whereas upon and from the said First Day of *September One Thousand Eight Hundred and Forty-seven* the Changes made in the Constitution of the said Island under the first-recited Act will cease to be in force unless further Provision in that behalf be made by Parliament; and it is expedient that from and after the said First Day of *September One Thousand Eight Hundred and Forty-seven* the first-recited Act should cease to be in force, save only so far as the same is herein-before recited: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much as is herein-before recited of the first-recited Act shall be permanent, and that upon and from and after the First Day of *September One Thousand Eight Hundred and Forty-seven* so much of the said Act as is not herein-before recited shall cease to be in force.

H.—And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.



PROCLAMATION.



J. G. LE MARCHANT.
(L. S.)

By His Excellency SIR JOHN GASPARD LE MARCHANT, Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c.

WHEREAS Her Majesty, by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Nineteenth day of July, One Thousand Eight Hundred and Forty-eight, in the Twelfth year of Her Majesty's Reign, hath given and granted unto me full power and authority to Summon and Call General Assemblies of the Freeholders and Householdors within this Island; and in pursuance of the said authority, and by and with the advice and consent of Her Majesty's Council of the said Island, I have caused Writs in due form to be issued for a General Election of Members of the General Assembly of this Island: I do, therefore, by these presents, further Summon and Call the Members of the said General Assembly, so Elected, to Assemble and Meet at the town of St. John's, in the said Island, *for the despatch of business*, on **THURSDAY**, the **FOURTEENTH** day of **DECEMBER**, now next ensuing; and of which all persons concerned therein are hereby required to take due notice and govern themselves accordingly.

Proclamation summoning the Members of the General Assembly to meet for the despatch of business.

GIVEN under my Hand and Seal at the Government House at St. John's, aforesaid, the Twenty-second day of November, Anno Domini One Thousand Eight Hundred and Forty-eight, and in the Twelfth Year of Her Majesty's Reign.

By his Excellency's Command,

JAMES CROWDY,

Colonial Secretary.

HER MAJESTY'S COUNCIL,
NEWFOUNDLAND.

First Session, Fourth General Assembly, 12th of Victoria.

Thursday, 14th December, 1848.

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

At half-past Twelve of the Clock the House met.

House meets.

Present :

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

At One of the Clock, P.M., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honourable the President of the Council commanded the Serjeant-at-Arms attendant on the Council, to go to the Commons House of Assembly and inform the Members that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto, the Honourable the President said—

Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

Thursday, 14th December, 1848.

His Excellency SIR J. G. LE MARCHANT, Governor.

Honourable Gentlemen and Gentlemen of the Assembly :

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

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

The Assembly retire.

The House of Assembly then withdrew.

The Assembly summoned to attend.

At a quarter past One of the Clock, the Honourable the President commanded the Serjeant-at-Arms to acquaint the Assembly that it is His Excellency's pleasure that they attend here immediately in this House—who, being come,

Mr. WINSER said—

May it please Your Excellency,

Mr. Winsor presents Mr. Kent as Speaker.

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

The President of the Council then said—

The Governor confirms Mr. Kent as Speaker.

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

Then the Speaker of the Assembly said—

May it please Your Excellency,

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

Your Excellency having been pleased to approve of the choice the House of Assembly have made of me to be their Speaker, it becomes my duty as such, in the name of the Representatives of Her Majesty's loyal subjects, the people of Newfoundland, humbly to demand that they may have freedom of speech in their debates—that they and their servants may be free from arrest—and that whenever Her Majesty's service and the interests of the Colony may require it, I, as their Speaker, may have free access to Your Excellency's person.

I have also humbly to request that the same disposition which has induced Your Excellency to approve of the choice which the Assembly have made of me to be their Speaker, will lead Your Excellency to put the same favourable

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construction upon my conduct in discharging the duties of this important office.

The President of the Council then said—

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

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

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

Mr. President, and Gentlemen of the Legislative Council,—

His Excellency's Speech.

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

Our most Gracious Sovereign, with the advice of the Imperial Parliament, having been pleased to re-establish the Constitution of this Colony in its original form, with but some few alterations that the experience of time past has proved indispensable, I have called you together at this the earliest period, to enable you to apply yourselves to the public business which will claim your attention, and to mature those measures that may be called for in the present condition of the Colony.

I have assembled you at an earlier period than that at which the Legislature has been accustomed to be convened, to enable you to continue the Colonial Revenue Act which will expire on the 31st of this month; and in connexion with the subject of the Collection of the Revenue, I have to direct your attention to an Imperial Act received subsequent to the last Session of the Amalgamated Assembly of this Colony, which extends complete fiscal authority to the Local Legislature.

The greatly distressed condition of the Trade of this Town and Colony generally, arising out of the train of disasters that afflicted us in the year 1846, was of so desponding a character on my first assumption of the Government, as to diffuse generally, throughout all classes, suffering and privations to an extent and degree hitherto unprecedented in the history of the Colony; and consequently, in its effects, to impose very serious embarrassments and obligations on the Executive; these were still further enhanced by the additional losses suffered in the failure of the fisheries and destruction of the potato crop of the following year.

The state of the Colony at the approach of last winter was such as to demand our most anxious care and vigilant attention for the preservation of the very existence of a large portion of the population, and more especially those dwelling in the remote settlements of the Island; and to the attainment of an object of such paramount importance all the resources at the disposal of the Government were devoted, and by the blessing of Divine Providence, not unsuccessfully; for I am thankful to have it in my power to state, that the loss of a single life from destitution was prevented,

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His Excellency's Speech. although so large a mass of the population were dependant on the Government for their daily subsistence.

The subject that has mainly occupied my attention has been the extension of the field of labour for our increasing population, the fisheries alone being now inadequate for their support; and the promotion of Agriculture appears to me not only the surest but the sole course now remaining for us in the attainment of this end; for the increased cultivation of the soil will not only carry with it the germs of future comfort and happiness to our population, but will directly contribute, as a most powerful auxiliary, to the great staple Trade of the Colony—the Fisheries, which first laid the foundation of its commercial greatness, and must ever be the source of its prosperity.

Our financial condition will not, I fear, admit of a large appropriation for the advancement of the most important part of this undertaking—the extension of Roads; but there are some of the provincial main lines on which a comparatively small expenditure will be attended with great benefit to the Colony, and for which I hope some provision will be made; I would particularly invite your attention to the great main lines of Conception Bay, St. Mary's, and Placentia.

I would also suggest for your consideration whether any expenditure on this branch of the public service will be most satisfactorily made under the control of Local Boards or the employment by the Government, during the autumn, of persons whose fishery has been unsuccessful, and who may thus provide something for their families for the approaching winter; which latter system was attended with much success, both as regards the persons employed and the labour performed, during the last year.

Among the subjects requiring legislation I would particularly call your attention to that which relates to the condition of the Poor, dependant on the Government for support.

The rapid increase in their number and the consequent pressure on the Revenue, are such as, unless checked by some improved system, will involve us in much financial difficulty; and therefore I would urge upon you the propriety of revising the mode under which relief is at present administered throughout the Colony.

The appearance in Europe of that fearful scourge, the Asiatic Cholera, and the probability of its extending its ravages to this side of the Atlantic, make it my duty to recommend to you the adoption of measures best calculated to mitigate its severity should it unhappily visit us; and in your Legislature I would direct your attention to the adoption of similar measures to those now in progress in England, for improving the Health of Towns.

To meet expenses of this nature a moderate Assessment on houses

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His Excellency SIR J. G. LE MARCHANT, *Governor.*

in the Town, to be borne equally by landlord and tenant, would suffice. His Excellency's Speech.

In connexion with this subject, and as a very obvious method of improving the sanitary condition of the Town, I recommend having an Act passed, prohibiting, after a certain early period, any interments within the limits of the Town; and in anticipation of some measure of this description, I have provided a suitable piece of ground for the purpose of a general Cemetery, at a short distance from the Town.

The Education Act will expire at the close of the Session following that on which we are now entering; and this most important and interesting subject will no doubt receive at your hands that careful consideration and investigation which it so eminently demands.

I have great pleasure in offering you my congratulations on the general results of the fisheries during the last season; the produce of which, notwithstanding some partial failures, has, I have reason to believe, been something above the average.

I will cause to be laid before you copies of several Despatches which have been received from Her Majesty's Secretary of State for the Colonies.

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

The financial statement and estimates shall be laid before you, and I rely with confidence on your making the necessary provision for the efficient conduct of the Government.

We have had to encounter a diminished revenue, and a largely increased expenditure, principally occasioned by the distressed condition of many parts of the Colony during the last winter; this has entailed on us a very heavy outlay, in addition to the provision made for such services by the Legislature; but I have the satisfaction of acquainting you that the public Treasury has at all times been able to meet these demands, and which will, I am confident, owing to the extreme urgency of our position at that period, meet with your entire concurrence.

In some of the Districts in which the potato crop has been destroyed, and the fisheries unsuccessful, the inhabitants have been reduced to a situation of considerable distress. To those most-distant I have already felt it incumbent on myself to forward some supplies; and I would invite your immediate attention to the necessity, before the season becomes too far advanced, of making provision for others in similar circumstances.

Mr. President, and Gentlemen of the Legislative Council,—

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

I have only in conclusion to express my full conviction that I shall on all

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occasions receive your ready support; and I assure you that it will be no less my desire than my duty, at all times, cordially to co-operate with you in the promotion of the public good.

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

A copy of His Excellency's speech having been left with the President, it was read *pro forma* by the Clerk.

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

Ordered—that the Hon. Messrs. ARCHIBALD, THOMAS, and TOBIN, be a Select Committee to draft an Address to His Excellency the Governor, in answer to his Speech.

House adjourns.

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

SATURDAY, 16TH DECEMBER, 1848.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H. Commandant.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of Thursday last were read.

Select Committee report draft of an Address to the Governor in reply to his Speech.

The Hon. Mr. THOMAS, from the Select Committee appointed to prepare an Address to His Excellency the Governor, in answer to his Speech at the opening of the Session, presented a draft thereof.

Ordered—that the same be received.

Read 1st time.

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

38th Rule of the House dispensed with.

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

Address read 2nd time.

Whereupon the Address was read a Second time, and—

16th and 18th December, 1848.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

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

Committed.

The House accordingly went into a Committee of the whole,

The Hon. Mr. THOMAS in the Chair.

After some time, the House resumed.

The Chairman reported the Address, with some amendments.

Reported with amendments.

Ordered—that the Report be received.

Ordered—that the Address, as amended, be engrossed, and read a Third time on Monday next.

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

House adjourns.

MONDAY, 18TH DECEMBER, 1848.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable ROBERT LAW, *K. H., Commandant.*

Members present.

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW.

“ PATRICK MORRIS.

The Minutes of Saturday last were read.

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

Address to the Governor in reply to his Speech read 3d time and passed.

The Address is as follows:

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

The Address.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland,

18th December, 1848.

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The Address. beg leave to offer to Your Excellency our humble thanks for the gracious Speech with which Your Excellency has been pleased to open the present Session of the Legislature.

We shall give our early attention to the subject of the Colonial Revenue Act shortly about to expire; and will also be prepared to give due consideration to the recent Act of the Imperial Parliament, by which the Colonial Legislatures are invested with complete fiscal authority, with a view to the adoption of such enactments as may secure for this Island the full benefit and advantage of the Act of Parliament in question.

We are fully sensible of the greatly distressed condition of the Trade of this Town, and of the Island generally, resulting from the train of disasters with which the Colony was visited in the year 1846, and that the consequent unprecedented privations and sufferings to all classes, aggravated as they were by the failure in the following year of the fisheries and potato crop, were such as necessarily to impose upon the Executive embarrassments and obligations of the gravest character.

While the state of the Colony at the approach of the last winter was not only a source of the deepest solicitude to all classes, and more especially to your Excellency, but was such as to demand the application of the whole of the resources at the disposal of the Government, for the preservation of the existence of a large portion of the population, it is most gratifying to learn that under such distressing circumstances, loss of life from destitution was effectually prevented; and we beg respectfully to take this opportunity of expressing the sense we entertain of the firmness and judgment displayed by Your Excellency in emergencies of a nature so trying and painful.

We fully concur in opinion with Your Excellency, as to the vast importance to the future well being of the Colony, of the extension and encouragement of Agriculture, not merely as a powerful Auxiliary to our Staple Trade, but as the most obvious means of providing for the subsistence of our rapidly increasing population, for whose support the fisheries alone are becoming manifestly inadequate.

The great utility and advantage to the Colony to be derived from the improvement of our internal communications, and more especially of the Main Lines of Road adverted to by Your Excellency, are duly appreciated by us, and the suggestion made by Your Excellency as to the employment by the Executive, in this branch of the public service, of persons unsuccessful in the fishery, in order to enable them to make some provision for their families during the approaching Winter, is deserving of our earnest consideration.

We shall not fail to give our best attention to Your Excellency's recommendation of the adoption of a more improved system for the administration of the funds.

18th December, 1848.

His Excellency SIR J. G. LE MARCHANT, Governor.

granted for the relief of the poor; as also of the enactment of measures for the promotion and security of the public health; and in connexion with this subject we would beg leave to express the satisfaction we feel in learning that Your Excellency has provided a piece of ground to be applied to the purposes of a General Cemetery.

There is no subject of more deep concern to the welfare of the Colony than that of Education; and we shall be prepared when it comes under our attention to devote to it all the care and consideration which are due no less to your Excellency's recommendation, than to its own real importance.

We thank Your Excellency for Your Excellency's congratulations on the results of the Fisheries, during the last season; the beneficial effects whereof are beginning to be sensibly felt in the improved tone of Commercial affairs.

We also thank Your Excellency for the promise to lay before us Copies of several Despatches which have been received from Her Majesty's Secretary of State for the Colonies.

And in conclusion, we beg to assure Your Excellency of our earnest desire to afford Your Excellency our most zealous support, while we confidently rely on Your Excellency's co-operation with us for the promotion of the public good.

The Hon. Mr. SPEARMAN enters.

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

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

Ordered—that the Hon. Messrs. ARCHIBALD and THOMAS, be a Committee for that purpose.

On motion made and seconded, it was—

Ordered—that a Committee be appointed to revise the Rules of this House—and to report the same on Friday next.

Committee appointed to revise rules of the house.

Ordered—that Messrs. CROWDY, ARCHIBALD and THOMAS be a Committee for that purpose.

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

House adjourns.

19th and 20th December, 1848.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

TUESDAY, 19TH DECEMBER, 1848.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ JOSEPH NOAD.

The minutes of yesterday were read.

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

The Hon. Mr. ARCHIBALD, from the Select Committee appointed to wait on the Governor, to know when His Excellency will receive the Address in reply to his Speech at the opening of the Session, reported that His Excellency had named to-morrow at half-past Eleven o'clock, A.M., for that purpose.

House adjourns.

On motion made and seconded, the House adjourned until half-past Eleven o'clock, A.M., to-morrow.

WEDNESDAY, 20TH DECEMBER, 1848.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The Minutes of yesterday were read.

House proceeds to Government House with their Address.

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

At One o'clock the House having returned, the Hon. the President reported that His Excellency had been pleased to receive the said Address, and to return an answer thereto in the following words :—

20th and 21st December, 1848.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Mr. President, and Gentlemen of the Legislative Council,

I thank you in Her Majesty's name for this loyal Address, and also for the assurance therein conveyed of your earnest desire and constant readiness to concur with me in the adoption of such measures as may best tend to the advancement of the general interests of this Colony.

Governor's Reply.

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

House adjourns.

THURSDAY, 21ST DECEMBER, 1848.

The House met pursuant to adjournment.

House meets.

Present:

The Honourable ROBERT LAW, *K. H., Commandant.*
 " EDWARD M. ARCHIBALD, *Attorney General.*
 " JAMES CROWDY, *Colonial Secretary.*
 " WILLIAM THOMAS.
 " WILLIAM BICKFORD ROW.

Members present.

The Minutes of yesterday were read.

A Message from His Excellency the Governor, by the Colonial Secretary, acquainted the Council that His Excellency had received an Address from the House of Assembly praying him to expend a sum not exceeding £300 in extending Vaccination in the Outports—and His Excellency was desirous of ascertaining whether the Council concurred in its prayer.

Message from His Excellency the Governor on the subject of an Address from the House of Assembly to expend a sum of money in extending Vaccination.

Whereupon, it was moved and seconded, that the Council concur in the said Address, and that the following Address be presented to His Excellency:—

Address of Assembly concurred in.

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

Address to His Excellency the Governor concurring in the Address of the House of Assembly referred to above.

MAY IT PLEASE YOUR EXCELLENCY,

The Council beg to express their concurrence in the Address of the House of

21st December, 1848.

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Assembly communicated to them this day by Message from Your Excellency, praying Your Excellency to expend a sum not exceeding £300 in extending Vaccination in the Outports.

Ordered—that the Honourable Messrs. ARCHIBALD and CROWDY be a Select Committee to present the same.

The Honourable Mr. TOBIN enters.

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

Resolved,—That a Select Committee of the House be appointed to inquire into the state of the Legislative Library, and that a Message be sent to the Legislative Council respectfully soliciting their co-operation.

HOUSE OF ASSEMBLY, }
December, 1848. }

Ordered—that the following Message be transmitted to the House of Assembly in reply:—

MR. SPEAKER,—The Legislative Council accede to the request of the House of Assembly to co-operate with them on the subject of the Legislative Library, and have appointed two Members to meet a Committee of the Assembly to inquire into its state.

Ordered—that the Honourable Messrs. ROW and TOBIN be a Committee for that purpose.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to continue an Act passed in the ninth year of the Reign of Her present Majesty, entitled ‘An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies,’” which was read a first time, and—

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

The Honourable Mr. THOMAS gave notice that to-morrow he will move that the 38th Rule of the House, so far as it respects the aforesaid Bill, be dispensed with.

The Honourable Mr. NOAD enters.

On motion made and seconded, it was—

Ordered—that the following Message be sent to the House of Assembly:—

Resolution of the House of Assembly on the subject of the Legislative Library, and requesting the co-operation of the Council.

Message to the House of Assembly concurring in the foregoing request.

Revenue Continuation Bill, brought up and read first time.

Notice of Motion to suspend 38th Rule of the House.

21st and 22nd December, 1848.

His Excellency SIR J. G. LE MARCHANT, Governor.

MR. SPEAKER,—In the absence of a Master-in-Chancery the Council requests to be informed whether the House of Assembly has any objection to receive Messages from the Council by their Clerk.

Message to the House of Assembly on the subject of Messages from the Council.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock.

House adjourns.

FRIDAY, 22ND DECEMBER, 1848.

The House met, pursuant to adjournment.

House meets.

Present :

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

“ EDWARD M. ARCHIBALD, *Attorney General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD-ROW.

“ PATRICK MORRIS.

“ JAMES TOBIN.

“ JOSEPH NOAD.

Members present.

The minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled an Act to continue an Act passed in the ninth year of the Reign of Her present Majesty, entitled “An Act for granting to her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies,” was read a second time.

Revenue Bill read 2nd time.

Pursuant to notice, the Hon. Mr. THOMAS moved that the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with—which being seconded, it was ordered accordingly.

38th Rule of the House suspended.

On motion made and seconded, the House went into Committee of the whole on the said Bill,

Revenue Bill committed

The Hon. Mr. CROWDY in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported.

Ordered—that the Report be received.

Whereupon the Bill was read a third time, and passed.

Read third time and passed.

22nd and 23rd December, 1848.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Governor arrives at the Council Chamber.

At Two o'clock, P.M., His Excellency the Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Serjeant-at-Arms was ordered to direct the immediate attendance of the Speaker and Members of the Commons House of Assembly in this House, and they being come thereto,

Assembly summoned to attend him.

His Excellency gives his assent to the Revenue Continuation Bill.

His Excellency was pleased to assent to the Bill entitled "An Act to continue an Act passed in the ninth year of the Reign of her present Majesty, entitled 'An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.'" "

Then the House of Assembly retired, and His Excellency withdrew.

Message of House of Assembly, with Resolution, on the subject of the mode of communication between the two branches of the Legislature.

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

MR. PRESIDENT,—The House of Assembly have passed a Resolution in reference to the Message yesterday received from the Legislative Council, which is as follows:—

Resolved,—That with reference to the Message from Her Majesty's Council respecting the mode of communication between the two branches of the Legislature, proposed by that body to be now adopted, the House is not prepared to depart from the practice which has heretofore obtained on this question, unless it be the intention of the Legislative Council to recommend that the office of Master-in-Chancery to the Council be abolished.

JOHN KENT, *Speaker*.

HOUSE OF ASSEMBLY,
22nd December, 1848.

House adjourns.

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

SATURDAY, 23RD DECEMBER, 1848.

House meets.

The House met, pursuant to adjournment.

Present:

Members present.

The Honourable PATRICK MORRIS.

" WILLIAM BICKFORD ROW.

" JOSEPH NOAD.

The Minutes of yesterday were read.

23rd December, 1848.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The Honourable Messrs. ARCHIBALD and TOBIN enter.

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

MR. PRESIDENT,—The House of Assembly have passed the following Resolution:—

Resolved,—That the Address to His Excellency the Governor agreed to by this House, requesting His Excellency to appropriate a sum not exceeding Seven Hundred and Fifty Pounds for the employment of the destitute Poor of the District of St. John's, be sent to Her Majesty's Council for their concurrence.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
22nd December, 1848. }

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

Message from the House of Assembly, with Resolution of the House, and Address to the Governor, to appropriate monies for the employment of the poor, brought up for Council's concurrence.

The Address of the Assembly, referred to above.

MAY IT PLEASE YOUR EXCELLENCY,

The House of Assembly respectfully request that Your Excellency will be pleased to adopt such measures as Your Excellency may deem advisable for the employment of the destitute Poor in the District of St. John's, capable of working on the Roads, and that a sum not exceeding Seven Hundred and Fifty Pounds be appropriated by Your Excellency for such purpose.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
22nd December, 1848. }

On motion made and seconded, it was

Ordered—that the said Message be taken into consideration on Tuesday next.

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

MR. PRESIDENT,—The House of Assembly have passed the following Resolution:—

Resolved,—That the Address to His Excellency the Governor, agreed to by this House, authorizing His Excellency to pay the Salaries and other necessary

To be considered on Tuesday next.

Message from the House of Assembly, with Address to the Governor, to pay salaries, &c., brought up for concurrence.

23rd December, 1848.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

charges of the Civil Government, to the 31st December, 1848, be sent to Her Majesty's Council for their concurrence.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
23rd December, 1848. }

Address of the House of Assembly referred to above.

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY,

In answer to the Message yesterday received from Your Excellency recommending this House to authorize Your Excellency to pay the Salaries and other necessary charges for the support of the Civil Government, as granted in the Appropriation Act of last Session, up to the 31st of the present month of December—the House of Assembly respectfully request Your Excellency will be pleased to direct that the Salaries and Charges referred to in the above Message be defrayed as recommended by Your Excellency, and that this House will make provision for the same in the Bill of Appropriation.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
23rd December, 1848. }

Concurred in.

Ordered—that the above Address to His Excellency the Governor be concurred in, and that the following Message be sent to the House of Assembly:—

Message to the House of Assembly, concurring in Address to the Governor, authorising him to defray the charges of the government to the 31st December, 1848.

MR. SPEAKER,—With reference to the Message from the House of Assembly requesting Her Majesty's Council's concurrence in an Address of that House to His Excellency the Governor, authorizing him to pay the Salaries and other necessary Charges of the Colonial Government to the 31st December, 1848—the Council acquaint the House of Assembly that they quite concur in the propriety of the said Address.

PATRICK MORRIS, *Senior Presiding Member.*

COUNCIL CHAMBER,
23rd December, 1848. }

House adjourns.

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

26th and 27th December, 1848.

His Excellency SIR J. G. LE MARCHANT, Governor.

TUESDAY, 26TH DECEMBER, 1848.

The House met pursuant to adjournment.

House meets.

Present :

The Honourable PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.

Members present.

The Minutes of Saturday last were read.

Pursuant to the Order of the Day, the House proceeded to the consideration of the Message of the House of Assembly, requesting their concurrence in an Address to His Excellency the Governor, praying him to expend a sum not exceeding £750 in the employment of the destitute Poor of the District of St. John's.

Message of the House of Assembly, requesting concurrence of the Council in an Address to the Governor to expend monies in the employment of the poor considered.

After some discussion, it was moved and seconded, and

Ordered—that there be a call of the House to-morrow, that the opinion of the whole House on the subject may be taken.

Call of the House, ordered.

The Honourable Mr. TOBIN gave notice that on an early day he will move that the House do respectfully address His Excellency the Governor to abolish the office of Master-in-Chancery attendant on the Council.

Hon. Mr. Tobin gave notice of an Address to the Governor to abolish the office of Master in Chancery.

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

House adjourns.

WEDNESDAY, 27TH DECEMBER, 1848.

The House met, pursuant to adjournment.

House meets.

Present :

The Honourable ROBERT LAW, K. H., *Commandant*.
 “ EDWARD M. ARCHIBALD, *Attorney General*,
 “ JAMES CROWDY, *Colonial Secretary*.
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JOSEPH NOAD.

Members present.

The Minutes of yesterday were read.

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

Call of the House.

27th December, 1848, and 10th January, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present:

The Honourable ROBERT LAW, *K. H.*, *Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JOSEPH NOAD.

Absent:

The Honourable JAMES M. SPEARMAN.
 “ JAMES TOBIN.

Pursuant to the order of the day, the House took into consideration the Message of the House of Assembly, requesting their concurrence in an Address to His Excellency the Governor, praying him to expend a sum not exceeding £750 in the employment of the destitute Poor of the District of St. John's.

The Hon. Messrs. SPEARMAN and TOBIN enter.

After some time it was

Ordered—that a Message be transmitted to the Assembly, concurring in the Address accordingly.

On motion made and seconded, with reference to the Message from the Assembly on the above subject, it was

Resolved,—That although it does not appear by the Message sent up by the House of Assembly that this vote is in answer to any demand from the Executive, yet, as in the Speech on opening of the Session, His Excellency invited immediate attention to the necessity of providing for persons who have suffered from unsuccessful fishery, and from losses by the potato disease, the Council presume that the assent of His Excellency has been obtained in this instance, and have concurred in the Address, with the understanding that it shall not be drawn into a precedent.

On motion made and seconded, the House adjourned until Wednesday, the 10th of January, 1849.

WEDNESDAY, 10TH JANUARY, 1849.

The House met, pursuant to adjournment.

The House consider the message of the House of Assembly requesting their concurrence in an Address to the Governor to expend a sum of money in the employment of the poor.

The Address concurred in.

Resolution of the House with reference to the message of the House of Assembly on the subject of the above-named Address.

House adjourns.

House meets.

10th, 12th, and 15th January, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Present:

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ WILLIAM THOMAS.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

Members present.

The Minutes of Wednesday, the 27th ultimo, were read.

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

House adjourns.

FRIDAY, 12TH JANUARY, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM B. ROW.
 “ JOSEPH NOAD.

Members present.

The minutes of Wednesday last were read.

The Hon. Mr. TOBIN enters.

The Hon. Mr. CROWDY acquaints the House that the Governor had been pleased to appoint the Solicitor-General to be Acting Master-in-Chancery attendant on this House in the absence of Mr. Robinson.

The Hon. the Colonial Secretary informs the House of the appointment by the Governor of an Acting Master-in-Chancery, in the absence of Mr. Robinson.

Whereupon it was moved and seconded that the Solicitor-General be called in, and his Commission read.

On motion made and seconded in amendment of the foregoing, it was Ordered—that the House adjourn until Monday next, and that there be a call of the House on that day.

House adjourns.

MONDAY, 15TH JANUARY, 1849.

The House met pursuant to adjournment.

House meets.

15th January, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present :

Members present.

The Honourable ROBERT LAW, *K. H.*, *Commandant.*
 “ E. M. ARCHIBALD, *Attorney General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

Call of the House.

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

Present :

The Honourable ROBERT LAW, *K. H.*, *Commandant.*
 “ E. M. ARCHIBALD, *Attorney General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

Absent:

The Honourable WILLIAM THOMAS.

The Honourable the COLONIAL SECRETARY moved, seconded by the Honourable Mr. NOAD—

That the Solicitor-General, having been appointed by His Excellency the Governor Acting Master-in-Chancery attendant on the Council, be called in and his Commission read.

[The Honourable Mr. THOMAS enters.]

Whereupon the Honourable Mr. Row, seconded by the Honourable Mr. MORRIS, moved in amendment the following Resolution:—

Resolved,—That it is the opinion of the Council, that the office of Master-in-Chancery attendant upon the Council, was terminated by the Imperial Act, 5 and 6 Vic., Cap. 120, which abolished the Council as a separate branch of the Legislature, and that if it be deemed expedient to renew the Office, it will require a new appointment.

And on the question that it do now pass, the House divided, when there appeared,

House divides.

Motion that the Acting Master-in-Chancery be called in and his Commission read.

Resolution in amendment of the above.

15th, 16th, and 17th January, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

For the amendment :

The Honourable Messrs. Row and MORRIS.

Against it :

The Honourable the COMMANDANT.

“ ATTORNEY-GENERAL.

“ COLONIAL SECRETARY.

“ THE COLLECTOR OF HER MAJESTY'S CUSTOMS.

“ WILLIAM THOMAS.

“ JAMES TOBIN.

“ JOSEPH NOAD.

So it passed in the negative.

The original motion was then put and carried.

The Honourable the ATTORNEY-GENERAL, gave notice that on Friday next he would introduce a Bill for shortening the time of prescription in certain cases.

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

The Hon. the Attorney General gives notice that he will introduce a Bill for shortening the time of prescription, &c.

House adjourns.

TUESDAY, 16TH JANUARY, 1849.

Present :

The Honourable WILLIAM THOMAS.

Member present.

At half-past One o'clock, the Honourable Mr. THOMAS declared the House adjourned for want of a quorum, until One o'clock to-morrow.

House adjourns for want of a quorum.

WEDNESDAY, 17TH JANUARY, 1849.

The House met, pursuant to adjournment.

House meets.

Present :

The Honourable EDWARD M. ARCHIBALD, *Attorney-General,*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JOSEPH NOAD.

Members present.

17th January, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The minutes of Monday and Tuesday last were read.

[The Honourable Mr. TOBIN enters.]

The Acting Master-in-Chancery called in, and his Commission read.

In pursuance of the order of the House, on Tuesday last, HUGH A. EMERSON, Esq., the Acting Master-in-Chancery attendant on the Council, was called in, and his commission read.

Select Committee make their report on the Rules of the House.

The Honourable the ATTORNEY-GENERAL, from the Select Committee appointed to report on the Rules of the House, reported as follows :—

The Select Committee appointed to inspect and revise the Rules and Regulations to be observed by the Legislative Council, have taken the same under their consideration, and report thereon as follows :—

That the Committee approve generally of the Rules, and recommend their adoption by this House, with the following exceptions, viz. :—

1st.—That in each and every Rule wherein the word “Speaker” is used, it be substituted by the word “President.”

2nd.—That in the 12th Rule, line 3rd, the word “Parliament” be expunged.

3rd.—That in the 21st Rule, the two last words “as Speaker,” be expunged.

4th.—That in the 49th Rule, the words “four Members with the Speaker” be expunged, and that there be inserted in lieu thereof the words “three Members.”

5th.—That the 41st Rule be expunged, and the following Rule substituted in lieu thereof:—“That proof be required that a public notification of the intention of any person or persons to apply to the Legislature for its interference, respecting any local matter, had been affixed to the doors of the several Churches, Chapels, or places of public worship of the town, or place to be affected, or where the premises in question shall be, for three successive Sundays, before such application shall be made. Provided, that as to any such application, with reference to any local matter in the District of St. John’s, publication of such notification shall be also given in the Newfoundland *Royal Gazette*, for three successive weeks, immediately preceding such application.

(Signed,)

E. M. ARCHIBALD, *Chairman.*

COMMITTEE ROOM,
January 16th, 1849. }

Report received.

Ordered that the Report be received.

17th and 22nd January, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Ordered, that the said Report be referred to a Committee of the whole House on Friday next. To be committed on Friday next.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M. House adjourns.

MONDAY, 22ND JANUARY, 1849.

The House met, pursuant to adjournment. House meets.

Present :

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ WILLIAM THOMAS.

“ JOSEPH NOAD.

Members present.

The Minutes of Wednesday last were read.

Pursuant to the Order of the Day, the House went into Committee of the Whole on the Rules of the House, Rules of the House committed.

The Honourable Mr. NOAD in the Chair.

[The Honourable Messrs. TOBIN, CROWDY, and ROW, enter.]

After some time the House resumed.

The Chairman reported the Rules, with some amendments. Reported with amendments.

Ordered—that the Report be received.

The amendments are as follow :—

The amendments.

In the 6th Rule, expunge the word “Upper.”

Expunge the 14th Rule, and insert in lieu thereof as follows:—“That two days’ notice of all motions deemed special, be given to the House; and any motion (with leave of the House) may be withdrawn at any time before amendment or division.”

Expunge the 22nd Rule.

In the 50th Rule, expunge the last line.

Ordered—that the Rules, as amended, be printed for the use of Members.

Rules to be printed.

The Honourable Mr. Secretary CROWDY laid before the House, by direction of His Excellency the Governor, the following documents, viz. :— Documents laid before the House by Hon. Colonial Secretary. (See appendix.)

22nd and 25th January, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The Blue Books for the years 1846 and 1847, and estimates of the charge of defraying the public expenditure of the Island, for the years ending 30th June, 1849, and 30th June, 1850.

House adjourns.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

THURSDAY, 25TH JANUARY, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H.*, *Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.

The minutes of Monday last were read.

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

MR. PRESIDENT,—The Commons House of Assembly request that the Honourable the Legislative Council will grant permission to the Honourable the Attorney-General, one of their members, to come to a Special Committee of this House, to whom it was referred to inquire into and report upon the present appropriation of Money granted for the relief of the poor, to be examined touching the same.

(Signed,)

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
 January 25, 1849. }

Permission given.

Whereupon, on motion made and seconded, permission was given to the Attorney-General to attend the said Special Commission, if he think fit; and the following Message was transmitted to the House of Assembly, by the Master-in-Chancery :—

MR. SPEAKER,—Her Majesty's Council acquaint the House of Assembly, with reference to their Message of to-day, that the Honourable the Attorney-

Message to the Assembly in accordance therewith.

25th and 29th January, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

General has permission to attend the Special Committee of the House of Assembly, mentioned in their Message.

(Signed,)

ROBERT LAW, *President.*

COUNCIL CHAMBER,
25th January, 1849. }

The Honourable the ATTORNEY-GENERAL gave notice that on an early day he will introduce a Bill for the further amendment of the Law, and better advancement of Justice.

Notice of the Hon. the Attorney General that he will bring in a Bill for the further Amendment of the Law.

[The Honourable Mr. NOAD enters.]

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P.M.

House adjourns.

MONDAY, 29TH JANUARY, 1849.

The House met, pursuant to adjournment.

House meets.

Present :

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*

Members present.

“ WILLIAM THOMAS.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of Thursday last were read.

[The Honourable Mr. MORRIS enters.]

Pursuant to notice, and on leave given, the Honourable the ATTORNEY-GENERAL brought in a Bill for the further amendment of the law, and the better advancement of Justice, which was read a first time, and

Bill for the further Amendment of the Law, brought in and read first time.

Ordered—to be read a second time on Thursday week—and

Ordered—that the said Bill be printed, for the use of Members.

Bill to be printed.

The Honourable the ATTORNEY-GENERAL gave notice that on an early day he will bring in a Bill to amend the Law relating to Actions of Replevin, and a Bill to amend so much of the Act of the 5th Geo. IV., Cap. 67, as relates to proceedings in cases of Insolvency.

Notice of a Bill to amend the law relating to Actions of Replevin;—and a Bill to amend part of a certain Act relating to proceedings in cases of Insolvency.

29th January, 1st and 5th February, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

House adjourns.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

THURSDAY, 1ST FEBRUARY, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

“ WILLIAM THOMAS,

“ JAMES TOBIN.

The Minutes of Monday last were read.

[The Honourable Mr. Row enters.]

Notice for an Address to the Governor, for a copy of His Excellency's Commission, and the Royal Instructions.

The Honourable Mr. TOBIN gave notice that on to-morrow he will move that an Address be presented to His Excellency the Governor, for a copy of His Excellency's Commission, and the Royal Instructions that accompanied it.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P. M.

MONDAY, 5TH FEBRUARY, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW.

“ JOSEPH NOAD.

The minutes of Thursday last were read.

[The Honourable Messrs. SPEARMAN, ARCHIBALD, TOBIN, and MORRIS enter.]

Pickled Fish Act in part repealed. Bill brought up.

A Deputation from the House of Assembly, brought up a Bill for the concurrence of this House, entitled “ an Act to repeal in part, an Act passed in the 8th year of the reign of her present Majesty, entitled ‘ an Act to continue and amend an

5th, and 8th February, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Act passed in the fourth year of the reign of her present Majesty, entitled an Act to regulate the packing and inspection of Pickled Fish, for exportation from this Colony;” which was read a first time, and on motion made and seconded—it was

Ordered—to be read a second time on Monday next—and

Ordered—that a Message be sent to the House of Assembly, for the evidence taken by that House on the subject of the said Bill.

Whereupon, the following Message was transmitted to the House of Assembly, by the Acting Master-in-Chancery :—

MR. SPEAKER,—Her Majesty’s Council request the House of Assembly will furnish them with the evidence taken by that House, as to the operation of the Act, entitled “an Act to continue and amend an Act passed in the fourth year of the reign of her present Majesty, entitled, an Act to regulate the packing and inspection of Pickled Fish for exportation from this Colony.”

ROBERT LAW, *President.*

COUNCIL CHAMBER,
5th February, 1849. }

The Honourable the COLONIAL SECRETARY lays before the House, by direction of His Excellency the Governor, the following documents, viz. :—

The COLONIAL TREASURER’S ACCOUNTS, for the years, 1847 and 1848, and the Audited Accounts of the Collector of Her Majesty’s Customs, for the two years ending 5th January, 1848, and 5th January, 1849.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

THURSDAY, 8TH FEBRUARY, 1849.

The House met pursuant to adjournment.

Present :

The Honourable ROBERT LAW, *K. H., Commandant.*
“ E. M. ARCHIBALD, *Attorney-General.*
“ WILLIAM THOMAS,
“ WILLIAM BICKFORD ROW,
“ PATRICK MORRIS.
“ JOSEPH NOAD.

Read first time.

Message to the House of Assembly, for evidence taken by them on the subject of the above named Bill.

Documents laid before the House by the Hon. the Colonial Secretary. (See Appendix.)

House adjourns.

House meets.

Members present.

8th and 12th February, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The minutes of Monday last were read.

Pursuant to notice, the Honourable the Attorney-General brought in "a Bill for facilitating proceedings in cases of Replevin; which was read a first time—and

Ordered—to be read a second time on Thursday next, and that in the meantime it be printed.

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

MR. PRESIDENT,—In reply to the Message of Her Majesty's Council, sent down to the House of Assembly yesterday, requesting to be furnished with the evidence taken by this House, as to the operation of the Act, entitled "an Act to continue and amend an Act, passed in the fourth year of the reign of Her present Majesty, entitled an Act to regulate the Packing and Inspection of Pickled Fish, for exportation from this Colony"—the House of Assembly transmit to Her Majesty's Council, copies of the Report of the Select Committee, appointed by this House, on the above Act, which contains the evidence required by Her Majesty's Council.

(Signed,)

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
February 6th, 1849. }

[The Honourable Mr. TOBIN enters.]

Pursuant to the order of the day, the Bill for the further amendment of the Law, and the better advancement of Justice, was read a second time—and

Ordered—to be committed on Thursday next.

The Honourable Mr. THOMAS gave notice, that on to-morrow he would move for a Select Committee to take further evidence on the Pickled Fish Act, 8 Vic., Cap. 5.

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P. M.

MONDAY, 12TH FEBRUARY, 1849.

The House met, pursuant to adjournment.

Bill for facilitating proceedings in cases of Replevin, brought in, and read first time.

To be printed.

Message from the House of Assembly, with the evidence taken by that House on the subject of the Pickled Fish Act.

Bill for the further Amendment of the Law, read second time.

Notice of motion for a Select Committee to take further evidence on the Pickled Fish Act.

House adjourns.

House meets.

12th and 15th February, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

Present:

The Honourable ROBERT LAW, K. H., Commandant.
 " WILLIAM THOMAS.
 " PATRICK MORRIS.
 " JOSEPH NOAD.

Members present.

The minutes of Thursday last were read.

[The Honourable Messrs. ARCHIBALD, Row, and CROWDY, enter.]

Pursuant to notice, the Honourable Mr. THOMAS moved that a Select Committee be appointed to take evidence on the subject of the Pickled Fish Act, 8th Vic., Cap. 5,

Motion that a Select Committee be appointed, to take evidence on the Pickled Fish Act. Select Committee, appointed accordingly.

Whereupon it was Ordered—that the Honourable Messrs. THOMAS, Row and NOAD be a Select Committee for that purpose.

[The Honourable Mr. TOBIN enters.]

On motion made and seconded, it was

Ordered—that the Order of the Day for the second reading of the Bill, entitled "an Act to repeal in part, an Act passed in the 8th year of the reign of Her present Majesty, entitled an Act to continue and amend an Act, passed in the fourth year of the Reign of Her present Majesty, entitled An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Colony" be discharged, and that the said Bill be read a second time on Thursday, the 22nd instant.

Order of the Day discharged for the second reading of the Bill, to repeal in part the Pickled Fish Act.

Bill to be read second time on Thursday.

On motion made and seconded, the House adjourned until Thursday next, at One of the Clock, P. M.

House adjourns.

THURSDAY, 15TH FEBRUARY, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, Attorney-General.
 " JAMES M. SPEARMAN, Collector of the Customs.
 " WILLIAM THOMAS.
 " WILLIAM BICKFORD ROW.
 " PATRICK MORRIS.
 " JOSEPH NOAD.

Members present.

The Minutes of Monday last were read.

15th February, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Serjeant-at-Arms, unable to attend the Council, from indisposition.

A letter from the Serjeant-at-Arms, stating his inability to attend the Council on account of indisposition, was read by the Honourable the ATTORNEY-GENERAL.

Bill to amend an Act for the Re-building of the Town of St. John's, &c., brought up.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to amend an Act passed in the 9th and 10th years of the Reign of Her present Majesty, entitled, an Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned, and also an Act passed in the 10th year of the Reign of Her present Majesty, entitled an Act to amend an Act passed in the 9th and 10th years of the Reign of Her present Majesty, entitled an Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned"—which was read a first time.

Read first time.

Message from the House of Assembly, that certain Members of the Council attend a Special Committee of the Assembly, on the subject of differential duties.

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

Mr. PRESIDENT,—The Commons House of Assembly request that the Honourable the Legislative Council will grant permission to the Honourable the Collector of Her Majesty's Customs, and the Honourable William Thomas, two of their members, to come to a Special Committee of this House, to whom it was referred to take evidence on the subject of Differential Duties.

(Signed)

JOHN KENT, *Speaker*.

HOUSE OF ASSEMBLY, }
14th February, 1849. }

Permission given.

Ordered—that permission be given to the two members of this House referred to in the Message, to attend the Special Committee of the House of Assembly, if they think fit, and—

Ordered—that the following Message be sent to the House of Assembly by the Acting Master-in-Chancery, accordingly:—

Message to the Assembly, in accordance therewith.

Mr. SPEAKER,—Her Majesty's Council acquaint the House of Assembly, with reference to their Message of to-day, that the Honourable the Collector of Her Majesty's Customs, and the Honourable William Thomas, have permission to attend the Special Committee of the House of Assembly, mentioned in their Message.

E. M. ARCHIBALD, *Senior Member Presiding*.

COUNCIL CHAMBER, }
15th February, 1849. }

15th and 19th February, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

The Honourable Mr. THOMAS, presented a Petition from certain Merchants and Inhabitants of St. John's, praying that the Act for Rebuilding the Town of St. John's, may remain unaltered; which was ordered to lie on the table.

Petition that the St. John's Rebuilding Act may remain unaltered—presented.

Pursuant to the Order of the Day, the Bill for facilitating proceedings in cases of Replevin was read a second time—and

Bill for facilitating proceedings in cases of Replevin, &c., read 2nd time.

Ordered—to be committed on Monday next.

Ordered—that the Order of the Day for the commitment of the Bill for the further Amendment of the Law and the better Advancement of Justice be discharged, and that the said Bill be committed on Monday next.

Order of the Day for committing of a certain Bill discharged.

[The Honourable Mr. TOBIN enters.]

The Honourable the ATTORNEY-GENERAL brought in a Bill for the limitation of Actions at Law, and for rendering a written memorandum necessary to the validity of certain promises and engagements, which was read a first time, and

Bill for the limitation of Actions at Law brought in, and read 1st time.

Ordered—to be read a second time on Monday next, and that it be printed.

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P. M.

House adjourns.

MONDAY, 19TH FEBRUARY, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable ROBERT LAW, K. H. Commandant.

Members present.

“ EDWARD M. ARCHIBALD, Attorney-General

“ JAMES CROWDY, Colonial Secretary.

“ WILLIAM BICKFORD ROW.

“ PATRICK MORRIS.

“ JOSEPH NOAD.

The Minutes of Thursday last were read.

[The Honourable Messrs. THOMAS and TOBIN enter.]

Pursuant to the Order of the Day, the House went into a Committee of the whole, on the Bill for the further Amendment of the Law, and the better Advancement of Justice,

Bill for the further Amendment of the Law committed.

19th and 22nd February, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

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

Ordered—that the Report be received.

Bill for the Limitation of Actions at Law read 2nd time. Pursuant to the Order of the Day, the Bill for the Limitation of Actions at Law, and for rendering a written memorandum necessary to the validity of certain promises and engagements, was read a second time, and

Ordered—to be committed on Thursday next.

House adjourns. On motion made and seconded, the House adjourned until Thursday next; at One of the clock, P.M.

THURSDAY, 22ND FEBRUARY, 1849.

House meets. The House met, pursuant to adjournment.

Present :

Members present. *The Honourable* ROBERT LAW, *K. H., Commandant.*

“ E. M. ARCHIBALD, *Attorney-General.*

“ WILLIAM BICKFORD ROW.

“ PATRICK MORRIS.

The minutes of Monday last were read.

[The Honourable Messrs. THOMAS and NOAD enter.]

Select Committee on Pickled Fish Act Amendment Bill make their report. The Honourable Mr. THOMAS, from the Select Committee appointed to take evidence on the Pickled Fish Act amendment Bill, presented a Report.

Ordered—that the Report be received.

The Report is as follows:—

The Report. The Select Committee, appointed to take further evidence on the Pickled Fish Act Amendment Bill, beg leave to Report the evidence taken by them.

Since closing the evidence, they have received a letter from Mr. Robert Oke, requesting that some further remarks may be added to the evidence given by him before the Committee; they have therefore appended his letter to this Report.

22nd and 26th February, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

The Committee have also appended an Extract from a Letter from a Commercial House in Valencia, to their Correspondents in this town, shewing the disastrous effect which French competition has, and is likely to have to a still greater extent, on the Fisheries of this Colony.

(See Appendix.)

Ordered—that the Report lie on the table, and that it be printed.

To be printed.

Ordered—that the Order of the Day, for the second reading of the Pickled Fish Act Amendment Bill, be discharged, and that the said Bill be read a second time, when the evidence taken before the Select Committee is printed.

Order of the Day for reading the Pickled Fish Act Amendment Bill discharged.

The Honourable Mr. MORRIS gave notice that on to-morrow he will move that the St. John's Re-building Amendment Bill, be read a second time.

Notice of motion respecting the St. John's Rebuilding Act Amendment Bill.

[The Honourable Messrs. SPEARMAN and TOBIN enter.];

Pursuant to the Order of the Day, the House went into Committee on the Bill for the further Amendment of the Law, and the better Advancement of Justice,

Bill for the further Amendment of the Law committed.

The Honourable Mr. THOMAS in the Chair.

[The Honourable the COLONIAL SECRETARY enters.];

After some time the House resumed.

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

Reported.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled, "An Act to continue and amend an Act passed in the 3rd year of the Reign of Her present Majesty, entitled, An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same," which was read, a first time, and

Bill to continue and amend Light House Act.

Ordered—to be read a second time on Monday next.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.

House adjourns.

MONDAY, 26TH FEBRUARY, 1849.

The House met, pursuant to adjournment.

House meets.

26th February, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ WILLIAM THOMAS.
 “ WILLIAM BICKFORD ROW.
 “ PATRICK MORRIS.
 “ JAMES TOBIN.

The minutes of Thursday last were read.

Pursuant to the Order of the Day, the Pickled Fish Act Amendment Bill was read a second time, and

Ordered—to be committed to-morrow.

The Honourable Mr. MORRIS presented a petition from certain inhabitants of St. John's occupying temporary wooden erections, which was ordered to lie on the table.

On motion of Honourable Mr. THOMAS, a petition from certain inhabitatts of St. John's, presented on a former occasion, praying that the St. John's Re-building Act may remain unaltered, was read.

Pursuant to the Order of the Day, the St. John's Re-building Act Amendment Bill was read a second time, and

Ordered—to be committed to-morrow.

Ordered—that the Order of the Day, for the second reading of the Bill to continue and amend an Act respecting Light Houses, be postponed.

Pursuant to the Order of the Day, the House went into Committee on the Bill for the further Amendment of the Law, and the better Advancement of Justice,

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

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

Ordered—that the report be received.

Pursuant to the Order of the Day, the House went into Committee on the Bill for facilitating proceedings in cases of Replevin,

Pickled Fish Act
Amendment Bill read
2nd time.

Petition from occupants
of temporary wooden
erections presented.

Petition read from In-
habitants of St. John's
on the St. John's Re-
building Act.

St. John's Rebuilding
Act Amendment Bill
read 2nd time.

Order of the Day post-
poned for 2nd reading
of Act respecting Light
Houses.

Bill for the further
Amendment of the Law
committed.

Reported.

Bill for facilitating pro-
ceedings in cases of Re-
plevin committed.

26th February, and 1st March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

The Honourable Mr. Row in the Chair.

After some time the House resumed.

The Chairman reported the Bill, with some amendments.

Reported.

Ordered—that the Report be received.

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

To be engrossed.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

House adjourns.

THURSDAY, 1st MARCH, 1849.

The House met pursuant to adjournment.

House meets.

Present :

The Honourable ROBERT LAW, K. H., Commandant.

Members present.

“ E. M. ARCHIBALD, Attorney-General.

“ JAMES CROWDY, Colonial Secretary.

“ JAMES M. SPEARMAN, Collector of the Customs.

“ WILLIAM THOMAS,

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW,

“ JAMES TOBIN.

“ JOSEPH NOAD.

The Minutes of Monday last were read.

The Honourable the COLONIAL SECRETARY, by direction of His Excellency the Governor, presented the following Documents, viz. :—

Documents presented
by Colonial Secretary.
(See Appendix.)

Despatch from Secretary of State for the Colonies, on the subject of an Act passed by the General Assembly of Newfoundland “to raise by Loan a Sum of Money for the general improvement of the Colony.”—25th May, 1847.

Ditto—Transmitting an Act, to render permanent certain parts of an Act for amending the constitution of Newfoundland.—3rd July, 1847.

Ditto—Transmitting three Orders in Council, leaving certain Acts of the General Assembly of this Colony, to their operation.—Dated 8th October, and 2nd December, 1847, and 18th February, 1848.

1849 1st and 5th March, 1849.

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Despatch from the Secretary of State for the Colonies, on the subject of the erection of a Light House on Cape Pine.

Ditto—With reference to an Address from the General Assembly, protesting against the appointment of Mr. Dawson to the office of Chief Clerk and Registrar of the Supreme Court of Newfoundland.—19th April, 1848.

Ditto—Regretting the reduction made by the General Assembly in the salary of the Clerk of the Supreme and Central Circuit Courts.—17th April, 1848.

Ditto—Transmitting an Act of the Imperial Parliament, for the Naturalization of Aliens.—25th September, 1847.

Also, several Reports on the subject of Education, and a Report from Mr. J. Donovan, on the Grammar School at Carbonear.

Pursuant to the Order of the Day, the Bill for facilitating proceedings in cases of Replevin was read a third time and passed.

Ordered—that the title of the said Bill be an Act for facilitating proceedings in cases of distress and replevin.

Whereupon the President signed the same.

Pursuant to the order of the day the House went into Committee on the Bill for the further amendment of the Law and the better advancement of Justice,

The Hon. Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered that the report be received.

Ordered—that the said Bill, as amended, be engrossed, and read a third time on Monday next.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P.M.

MONDAY, 5TH MARCH, 1849.

The House met, pursuant to adjournment.

Bill for facilitating proceedings in cases of Replevin read 3rd time and passed.

Title of the Bill.

Bill for the further Amendment of the Law committed.

Reported.

To be engrossed.

House adjourns.

House meets.

5th and 7th March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

Present:

<i>The Honourable</i>	ROBERT LAW, K. H., Commandant.	Members present.
"	EDWARD M. ARCHIBALD, Attorney-General.	
"	JAMES CROWDY, Colonial Secretary.	
"	JAMES M. SPEARMAN, Collector of H. M. Customs.	
"	WILLIAM THOMAS.	
"	PATRICK MORRIS.	
"	WILLIAM BICKFORD ROW.	
"	JAMES TOBIN.	
"	JOSEPH NOAD.	

The minutes of Thursday last were read.

Pursuant to the Order of the Day, the Bill for the further Amendment of the Law and the better Advancement of Justice was read a third time and passed—and it was

Bill for the further Amendment of the Law read 3rd time and passed.

Ordered—that the Title of the said Bill be "An Act for the further Amendment of the Law and the better Advancement of Justice."

Title of the said Bill.

Whereupon the President signed the same.

Pursuant to the order of the day the House went into committee on the Bill to amend certain Acts for rebuilding of the Town of St. John's, &c.

Bill to amend Act for Rebuilding Town of St. John's—committed.

The Honourable Mr. MORRIS in the Chair.

After some time the House resumed.

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

Reported.

Ordered—that the report be received.

On motion made and seconded, the House adjourned until Wednesday next, at One of the clock, P. M.

House adjourns.

WEDNESDAY, 7TH MARCH, 1849.

The House met, pursuant to adjournment.

House meets.

7th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present :

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney-General*,
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs*,
 “ WILLIAM THOMAS.
 “ WILLIAM BICKFORD ROW.
 “ JOSEPH NOAD.
 “ JAMES TOBIN.
 “ JAMES CROWDY, *Colonial Secretary* :

The minutes of Monday last were read.

Bill to amend Acts to regulate the Rebuilding of St. John's committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill to Amend certain Acts to regulate the Re-building the town of St. John's,

The Honourable Mr. SPEARMAN in the Chair.

After some time the House resumed.

Reported with amendments.

The Chairman Reported the Bill, with some amendments.

Ordered—that the Report be received.

Amendments to be engrossed.

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

The Amendments are in the following words :—

At the end of the Bill, insert as follows :

The amendments.

2nd.—Provided always, and be it enacted, that all wooden Sheds or Erections, of what nature and kind soever, other than those temporarily used for the purposes of Building, that are encroachments upon the width of either Water-street or Duck-worth-street, or either of the said Fire-breaks, in the said recited Acts mentioned, shall, after the first day of May next, in this present year, if not removed back to the lines prescribed by the said recited Acts for the width of the said Streets and Fire-breaks, respectively, be deemed and taken to be public nuisances, and shall be abated in the manner provided by the 4th section of the first recited Act. Provided further, that it shall be lawful for the Governor, by and with the advice of the Council, to permit any such Shed to remain in its present position, where the encroachment upon the Street or Fire-break shall be of a trifling extent, or where, in the opinion of the Governor and Council, it shall be inexpedient to remove the same.

3rd.—And be it further enacted, that from and after the passing of this Act, it shall not be lawful to erect, place or put, any wooden Shed, or Building, of any kind.

7th March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

or nature whatsoever, within the lines and boundaries prescribed by the said recited Acts for the width of Water-street, Duckworth-street, or the said Fire-breaks respectively, nor to erect or build any wooden Shed or Building in any part of the said Town of St. John's, where wooden Buildings are by the said recited Acts prohibited from being erected, and that every such erection made contrary to the provisions of this Act shall be deemed and taken to be a public nuisance, and shall be dealt with in the manner provided by the last preceding section.

4th.—And be it further enacted, that from and after the passing of this Act, it shall not be lawful for any owner or occupier of any wooden Shed or Building, in any of the said Streets or Fire-breaks respectively, to enlarge or extend the same. And in all cases of parties offending herein, every such Shed or Building shall be forthwith abated as a nuisance, in manner provided by the 2nd Section.

5th.—And be it further enacted, that so much of the said recited Acts as relate to that part of Prescott-street Fire-break, lying between Water-street and Duckworth-street, be, and the same are hereby repealed; and that the Eastern side of McLarty's Lane shall be the Eastern side of the said Fire-break, and that the Western side of the said Fire-break shall be a straight line drawn from a point in Water-street, distant Westwardly, eighty feet from the South-eastern corner of the said Fire-break, to a point on Duckworth-street, seventy feet distant Westwardly from the North-eastern corner of the said Fire-break.

6th.—Provided also, and be it further enacted, that between the Landlords and Tenants of such temporary wooden Sheds or Buildings, as aforesaid, as are under tenancy by the year, a notice to quit, at the expiration of one month from the delivery thereof, shall be deemed sufficient; if such notice be given within one month after the passing of this Act, provided also, that nothing herein contained shall be deemed to extend the term, as between Landlord and Tenant, in cases where the Tenancy is by agreement until the 1st day of May, 1849.

The Honourable Mr. MORRIS entered the following protest against the passing of a Bill "for the further Amendment of the Law, and the better advancement of Justice."

Protest of the Hon. Mr. Morris against the passing of the Bill "for the further Amendment of the Law &c."

Dissentient.—First—Because the Imperial Statute, commonly called the Newfoundland Judicature Act, 5th Geo. 4, Cap. 67, and the Royal Charter founded thereon, have instituted a Supreme Court of Judicature. It is enacted in the 1st section of the said Act, that "the said Court, shall be a Court of Record, and shall have all Civil and Criminal Jurisdiction whatever, in Newfoundland, and in all Lands, Islands, and Territories dependant upon the Government thereof, as fully and amply to all intents and purposes as His Majesty's Courts of King's Bench,

7th March, 1849.

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“ Common Plea, Exchequer, and High Court of Chancery, in that part of Great Britain, called England, have, or any of them hath.”

Secondly—Because the tenth section of the said Judicature Act, constituting Circuit Courts, enacts “ That all Crimes and Misdemeanors, cognizable in the said Circuit Courts, and all issues of fact which may be joined between the parties in any civil action depending in the said Circuit Courts, shall be inquired of, heard, and determined by the said Circuit Judge and a Jury of twelve men, according to the rules and course of the Law in England, as far as the situation and circumstances of the said Colony will permit.”

Thirdly—Because that eminent Jurist, Chief Justice Reeves, in the year 1792, recommended a system of Jurisprudence for Newfoundland, and which was afterwards embodied in an Act of the Imperial Parliament, by which the Courts of Newfoundland were to be governed by the rules and course of the Law of England, as far as the situation and circumstances of the Colony would permit. The same principle having been re-enacted in a succession of British Statutes until it was finally established on the present Newfoundland Judicature Act 5, Geo. 4, Cap. 67.

Fourthly—Because the extension of English Law to Newfoundland, and making it a basis on which the Courts of Civil and Criminal Jurisdiction rested, has been a boon of vast magnitude, and secured to the people of Newfoundland the main and most valuable privileges and rights of British subjects.

Fifthly—Because the practice which extends the Civil and Criminal Laws of England to Newfoundland, as far as the situation and circumstances of the said Colony will permit, has at all times been found to work well—no inconvenience has resulted therefrom; on the contrary—and where it has been carried out in spirit and principle—it has given universal satisfaction and contentment.

Sixthly—Because, under the system, the Judges in the superior Courts of Newfoundland are bound by the same Laws that govern the Court of King's Bench in England, and the Circuit Courts are bound to try all Crimes and Misdemeanours, and all issues of fact, by a Jury of twelve men, according to the rules and course of the Law of England, as far as the situation and circumstances of the said Colony will permit; and for their direction they have the precedents and practice of the superior Courts in England, and there appears to be no reason why a Circuit Judge in Newfoundland should not be guided by these precedents quite as well as an English Circuit Judge.

Seventhly—Because the present Bill, entitled, a Bill “ for the further Amendment of the Law and the better Advancement of Justice,” is amongst the first of

7th and 8th March, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

a series of Colonial Statutes which must eventually, if sanctioned by the Legislature, supersede the English Law, and form a Colonial Code which will deprive the people of Newfoundland of all the advantages conferred upon them by the profound wisdom of Judge Reeves and a succession of English Statutes, and amply secured to them by the Statute 5, Geo. 4th, Cap. 67, and His Majesty's Royal Charter, and which has been justly called the Magna Charta of Newfoundland.

PATRICK MORRIS.

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P.M.

House adjourns.

THURSDAY, 8TH MARCH, 1849.

The House met pursuant to adjournment.

House meets.

Present :

The Honourable ROBERT LAW, *K. H., Commandant.*

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ WILLIAM THOMAS,

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of yesterday were read.

Pursuant to the Order of the Day, the Bill as amended, entitled “ An Act to amend an Act passed in the 9th and 10th years of the Reign of Her present Majesty, entitled an Act to regulate the Re-building of the town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned; and also an Act passed in the tenth year of the Reign of Her Majesty, entitled an Act to amend an Act passed in the 9th and 10th years of Her present Majesty, entitled an Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned,” was read a third time, and passed.

Bill to amend Act for Rebuilding the town of St. John's read 3rd time and passed.

Whereupon, the President signed the same.

8th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Colonial Secretary lays before the House Capt. Loch's Report on the fisheries of Newfoundland.

The Honourable the COLONIAL SECRETARY, by direction of His Excellency the Governor, laid before the House a Report of Captain Loch, on the Fisheries of Newfoundland, in a letter to Earl Dundonald.

Pickled Fish Act in part repeal Bill committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled an Act to repeal in part an Act passed in the 8th year of the Reign of Her present Majesty, entitled an Act to continue and amend an Act, passed in the 4th year of the Reign of Her present Majesty, entitled an Act to regulate the Packing and Inspection of Pickled Fish, for exportation from this Colony,

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

Reported with Amendments.

The Chairman reported the Bill with some amendments.

Ordered—that the Report be received.

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

The Amendments are in the following words :—

The Amendments.

In the preamble of the Bill, expunge all the words after the word "whereas," in the ninth line, and insert in their place the words "it is expedient to amend the same."

Expunge the enacting clause of the Bill from the end of the third line thereof, and insert as follows:—"that so much of the said recited Act as imposes a duty upon the exportation from this Colony, to any part of the British Dominions, of Herrings in Bulk, whether fresh, salted or pickled, be, and the same is hereby repealed."

Insert as the 2nd Section:—And be it further enacted that the Master of every Vessel, in which any such Herrings as aforesaid shall be intended to be exported from this Colony, shall, before any such vessel shall be cleared outwards, enter into a Bond to Her Majesty, for the payment of a sum equal to the duties liable to be charged upon the cargo of the said vessel, under the said recited Act, upon Herrings exported in Bulk from this colony, which said Bond shall be cancelled upon the production, within one year after the date of the said Bond, to the Officer in this Colony appointed to receive duties, of a Certificate from some person duly qualified to grant the same at the Port where such vessel shall enter and discharge her cargo, that such Herrings have been landed within the British Dominions.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P.M.

12th and 15th March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

MONDAY, 12TH MARCH, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, Attorney-General.

Members present.

“ JAMES CROWDY, Colonial Secretary.

“ JAMES M. SPEARMAN, Collector H. M. Customs.

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of Monday last were read.

Pursuant to the Order of the Day, the Bill as amended, entitled an Act to repeal in part an Act passed in the 8th year of the Reign of her present Majesty, entitled an Act to continue and amend an Act passed in the fourth year of the Reign of her present Majesty, entitled an Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Colony, was read a third time and passed.

Pickled Fish Act in part repeal Bill read 3rd. time and passed.

Whereupon the presiding Member signed the same.

Pursuant to the Order of the Day, the House went into Committee on the Bill for the Limitation of Actions at Law, and for rendering a written Memorandum necessary to the validity of certain promises and engagements,

Bill for the Limitation of Actions at Law committed.

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported.

Ordered—that the report be received.

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

To be engrossed.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

House adjourns.

THURSDAY, 15TH MARCH, 1849.

The House met, pursuant to adjournment.

House meets.

15th and 19th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present:

Members present.

The Honourable E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ WILLIAM THOMAS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

The Minutes of Monday last were read.

Bill for the Limitation
of Actions at Law read
3rd time and passed.

Pursuant to the Order of the Day, the Bill, as amended, for the Limitation of Actions at Law and for rendering a Written Memorandum necessary to the validity of certain promises and engagements, was read a third time and passed—and it was

Title of the said Bill.

Ordered—that the Title of the said Bill be “An Act for the Limitation of Personal Actions at Law, and for rendering a Written Memorandum necessary to the validity of certain promises and engagements.”

Whereupon the Presiding Member signed the same.

Colonial Secretary lays
documents before the
House. (*See Appendix.*)

The Honourable the COLONIAL SECRETARY laid before the House, by direction of His Excellency the Governor, the following Documents, viz.:—

A Report from the Physician of the Lunatic Asylum—and, a

Statement of the Affairs of the St. John's Water Company, to the 31st December, 1848.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.

MONDAY, 19TH MARCH, 1849.

House meets.

The House met, pursuant to adjournment.

Present:

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

19th March, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The minutes of Thursday last were read.

The Honourable the COLONIAL SECRETARY laid before the House, by direction of His Excellency the Governor, the following Message from His Excellency:—

The Governor transmits and recommends to the attention of the Legislative Council Reports which he has received from the Stipendiary Magistrate at Burin.

The condition of the Inhabitants of that settlement, as therein shewn, calls for very earnest and anxious consideration, and the Governor will be ready to co-operate with the other branches of the Legislature in any mode of proceeding best calculated, in their opinion, to remedy such a painful state of things.

GOVERNMENT-HOUSE,
19th March, 1849. }

On motion made and seconded, it was

Ordered—that the Message be referred to a Select Committee, to Report on the best course to be adopted—and

Ordered—that the Honourable MESSRS. ARCHIBALD, THOMAS, MORRIS and NOAD, be a Committee for that purpose.

On motion made and seconded, the following Message was sent to the House of Assembly:—

MR. SPEAKER,—His Excellency the Governor, having this day transmitted to the Council, a Message, with accompanying Documents, calling the attention of the Legislature to the extreme distress prevailing at Burin, and suggesting the adoption of such proceedings as may be best calculated to remedy such a painful state of things, the Council have referred the subject-matter to the consideration of four of their Members, and they request that the House of Assembly will be pleased to appoint a Committee, to meet the Committee of the Council, for the purpose of inquiring into, and reporting upon, the measures proper to be adopted in this emergency.

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

MR. SPEAKER,—The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments, made by the Council in and upon the Bill entitled "An Act to amend an Act passed in the 9th and 10th years of the Reign of Her present Majesty, entitled an Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts

Message from His Excellency the Governor, transmitting Reports from the Stipendiary Magistrate at Burin.—
(For the Reports see Appendix.)

Message referred to a Select Committee.

Message to the House of Assembly requesting the appointment of a Committee to meet that of the Council on the subject of the distress at Burin.

Message from the House of Assembly agreeing to the amendments of the Council on the Bill to amend an Act to regulate the Rebuilding of the Town of St. John's.

19th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

therein mentioned;" and also an Act passed in the tenth year of the Reign of Her Majesty, entitled "An Act to amend an Act passed in the 9th and 10th years of the Reign of her present Majesty, entitled an Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned," without amendment.

JOHN KENT, *Speaker*.

HOUSE OF ASSEMBLY,
16th March, 1849. }

On motion made and seconded, it was

Ordered—that the Report of the Physician to the Lunatic Asylum, be printed.

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

MR. PRESIDENT,—In reply to the Message this day received from Her Majesty's Council, requesting that this House will be pleased to appoint a Committee to meet the Committee of the Council, for the purpose of inquiring into, and reporting upon, the measures proper to be adopted with reference to a Message and accompanying Documents, respecting the distress prevailing at Burin, transmitted by His Excellency the Governor, to both branches of the Legislature, the House of Assembly have appointed a Committee, to meet the Committee of the Honourable the Council, upon the subject-matter of their Message.

JOHN KENT, *Speaker*.

HOUSE OF ASSEMBLY,
March 19th, 1849. }

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

MR. PRESIDENT,—The House of Assembly have passed the Bill entitled "An Act for facilitating proceedings in cases of distress and Replevin," with Amendments, to which they request the concurrence of Her Majesty's Council.

JOHN KENT, *Speaker*.

HOUSE OF ASSEMBLY,
16th March, 1849. }

Whereupon, the said Amendments were read a first time, and

Ordered—to be read a second time on Thursday next.

Report of the Physician of the Lunatic Asylum to be printed.

Message from the House of Assembly agreeing to the request for the appointment of a Committee to meet that of the Council on the subject of the distress at Burin.

Message from the House of Assembly of having passed the Bill for facilitating proceedings in cases of Distress and Replevin, with amendments for concurrence.

Amendments read 1st time.

19th and 22nd March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P. M.

House adjourns.

THURSDAY, 22ND MARCH, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable ROBERT LAW, K. H., Commandant.

Members present.

“ EDWARD M. ARCHIBALD, Attorney-General.

“ JAMES CROWDY, Colonial Secretary.

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of Monday last were read.

Pursuant to the Order of the Day, the amendments of the House of Assembly on the Bill entitled “ An Act for facilitating proceedings in cases of Distress and Replevin ” were read a second time, and

Amendments of Assembly on Bill for facilitating proceedings in cases of Distress and Replevin read 2nd time.

Ordered—to be committed to-morrow.

The Honourable the COLONIAL SECRETARY laid before the House, by direction of His Excellency the Governor, the following documents, viz. :—

Colonial Secretary lays documents before the Council, by direction of the Governor. (See Appendix.)

Reports from the Roman Catholic Boards of Education for Gaultois and Burin; and a Report from the Protestant Board of Burin.

A Deputation from the House of Assembly brought up for the concurrence of this House the Bill entitled “ An Act to repeal certain Duties of Customs,” and a Bill entitled “ An Act to amend the Law of Attachment in the Colony, and to regulate the fees in certain cases payable thereon;” which were severally read a first time, and it was

Bill to repeal certain Duties of Customs—
and

a Bill to amend the Law of Attachment brought up and severally read a 1st time.

Ordered—that the first named Bill be read a second time to-morrow, and that the Bill last named be read a second time on Thursday next.

22nd and 23rd March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Bill for the further Amendment of the Law brought up with amendments for concurrence.

The same Deputation also brought up the Bill entitled "An Act for the further Amendment of the Law and the better Advancement of Justice," with some amendments, to which the concurrence of the House was requested.

Amendments read 1st time.

The amendments were then read a first time, and

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

The same Deputation also brought up the following Message:—

Message from the House of Assembly concurring in the Council's amendments on the Bill to repeal in part the Pickled Fish Act.

MR. PRESIDENT,—The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in and upon the Bill entitled "An Act to repeal in part an Act passed in the 8th year of the Reign of Her present Majesty, entitled 'An Act to continue and amend an Act passed in the 4th year of the Reign of Her present Majesty, entitled An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony,'" without amendment.

(Signed)

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
21st March, 1849. }

The Hon. the Attorney-General gives notice that he will bring in a Bill to prohibit Interments in the town of St. John's.

The Honourable the ATTORNEY-GENERAL gave notice that on to-morrow he would bring in a Bill to prohibit Interments within the limits of the Town of St. John's.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P.M.

FRIDAY, 23RD MARCH, 1849.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

The Honourable JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" WILLIAM BICKFORD ROW.
" JAMES TOBIN.
" JOSEPH NOAD.

The minutes of yesterday were read.

23rd March, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the Order of the Day, the House went into committee on the Amendments made by the House of Assembly on the Bill entitled "An Act to facilitate proceedings in cases of Distress and Replevin,"

Assembly's amendments on Bill to facilitate proceedings in cases of distress and Replevin, committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Amendments without amendment.

Reported.

Ordered—that the report be received.

Ordered—that the said Amendments be read a third time to-morrow.

Pursuant to the Order of the Day, the Bill entitled "An Act to repeal certain Duties on Customs" was read a second time, and

Bill to repeal certain Duties on Customs, read 2nd time.

Ordered—to be committed on Thursday next.

Pursuant to the Order of the Day, the Amendments of the House of Assembly on the Bill entitled "An Act for the further Amendment of the Law and the better Advancement of Justice," were read a second time, and

Amendments of the House of Assembly on the Bill for the further amendment of the Law—read 2nd time.

Ordered—to be committed to-morrow.

On motion made and seconded, the Bill entitled "An Act to continue and amend an Act passed in the third year of the Reign of Her present Majesty, entitled 'An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same,'" was read a second time, and

Bill to continue and amend an Act respecting Light Houses—read 2d time.

Ordered—to be committed to-morrow.

A Deputation from the House of Assembly, brought up a Bill for the concurrence of this House, entitled "An Act to raise by loan a sum of money for the general purposes of the Colony," which was read a first time, and

Bill to raise by Loan a sum of Money, brought up and read a 1st time.

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

A Deputation from the House of Assembly also brought up a Bill for the concurrence of this House, entitled "An Act to dispense with the Registration of Crown Grants, and to render valid certain others heretofore issued," which was read a first time, and

Bill to dispense with the Registration of Crown Grants, brought up and read 1st time.

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

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.

House adjourns.

26th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

MONDAY, 26TH MARCH, 1849.

House meets.

The House met, pursuant to adjournment.

Present:

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*

“ E. M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of Monday last were read.

Petition from Members of the Congregational Church of St. John's laid on the table.

The Honourable Mr. NOAD, presented a Petition from Members of the Congregational Church of St. John's, praying that an Enactment may pass to empower Trustees to hold certain Lands, belonging to the said Church, which was

Ordered—to lie on the table.

Amendments of the House of Assembly on the Bill to facilitate proceedings in cases of Distress and Replevin, read 3rd time and passed.

Pursuant to the Order of the Day, the Amendments of the House of Assembly, on the Bill entitled “An Act to facilitate proceedings in cases of distress and Replevin,” were read a third time, and passed.

Whereupon a Message was sent to the House of Assembly, acquainting them therewith.

Bill to raise by Loan a sum of Money, read 2nd time.

Pursuant to the Order of the Day, the Bill entitled “An Act to raise by loan a sum of money for the general purposes of the Colony, was read a second time, and

Ordered—to be committed to-morrow.

Bill to dispense with the Registration of Crown Grants, read 2nd time.

Pursuant to the Order of the Day, the Bill entitled “An Act to dispense with the Registration of Crown Grants, and to render valid certain others heretofore issued,” was read a second time, and

Ordered—to be committed to-morrow.

Amendments of the Assembly on the Bill for the further Amendment of the Law—committed.

Pursuant to the Order of the Day, the House went into Committee on the Amendments of the House of Assembly, on the Bill entitled an Act for the further Amendment of the Law, and the better Advancement of Justice.

The Honourable Mr. MORRIS in the Chair.

26th and 28th March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

After some time the House resumed.

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

Ordered—that the Report be received.

On motion made and seconded, it was

Ordered—that the Order of the Day, for the commitment of the Bill to continue and amend an Act respecting Light Houses, be discharged, and it was

Ordered—that the said Bill be Committed, when the Bill referred to in it be brought up from the House of Assembly.

On motion made and seconded, the House adjourned until Wednesday next, at One of the clock, P. M.

WEDNESDAY, 28TH MARCH, 1849.

The House met, pursuant to adjournment.

Present :

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The Minutes of Monday last were read.

On motion of the Honourable Mr. NOAD, the Petition from Members of the Congregational Church of St. John's, praying that an enactment may pass, to empower Trustees to hold certain Lands belonging to the said Church, was read, and it was

Ordered—that a Select Committee be appointed to inquire into the allegations contained in the said Petition, and

Ordered—that the Honourable Messrs. NOAD and TOBIN be a Committee for that purpose.

Reported.

Order of the Day discharged for the commitment of the Bill respecting Light Houses.

To be committed on a future day.

House adjourns.

House meets.

Members present.

On motion—the Petition from Members of the Congregational Church was read.

Select Committee appointed to inquire into its allegations.

Committee appointed.

28th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Report of the Select Committee on the Governor's Message, relative to the distress at Burin. (See Appendix.)

The Honourable the ATTORNEY-GENERAL, from the Select Committee to whom was referred His Excellency the Governor's Message on the subject of the distress existing at Burin, made a Report, which was read, and

Ordered—to be printed.

On motion made and seconded, it was

Select Committee on Contingencies of the House.

Ordered—that a Select Committee be appointed on the Contingencies of this House, and

Ordered—that the Honourable Messrs. SPEARMAN, THOMAS and NOAD be a Committee for that purpose.

Bill for the regulation, management, and collection of all Duties granted to Her Majesty,

A Deputation from the House of Assembly brought up for the concurrence of this House, a Bill entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs, or Successors, on Goods, Wares, and Merchandize imported into this Island and its Dependencies;" also, a Bill entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies;" which Bills were severally read a first time, and

and

also, the Revenue Bill, brought up and severally read a 1st time.

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

Notice of motion to refer the said Bills to a Select Committee.

Whereupon the Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS gave notice that on to-morrow he would move that the said Bills be referred to a Select Committee.

Amendments of the House of Assembly on Bill for the Limitation of Personal Actions at Law, brought up.

A Deputation from the House of Assembly brought up the Bill entitled an Act for the Limitation of Personal Actions at Law, and for rendering a written Memorandum necessary to the validity of certain promises and engagements, with some Amendments, to which they requested the concurrence of this House.

Read a 1st time.

The Amendments were then read a first time, and

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

St. John's Cemetery Bill brought in—and read a 1st time.

Pursuant to notice, the Honourable the ATTORNEY-GENERAL brought in a Bill to prohibit interments within the Town of St. John's, which was read a first time, and

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

Amendments of the Assembly on Bill for the further Amendment of the Law—committed.

Pursuant to the Order of the Day, the House went into Committee on the Amendments made by the House of Assembly, on the Bill entitled an Act for the further amendment of the Law, and the better Advancement of Justice.

28th March, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The Honourable Mr. MORRIS in the Chair.

After some time the House resumed.

The Chairman Reported the amendments with an amendment.

Reported with an amendment.

Ordered—that the Report be received.

The Amendment is as follows:—

Insert at the end of the Assembly's Amendments, the following words:—

Provided also, that no costs for such Jury shall be taxed, unless the Judge who tried the cause shall certify under his hand, on the back of the writ, that there was a reasonable cause for praying such jury.

The amendment.

Ordered—that the said Amendments be read a third time to-morrow.

The Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS presented a Petition from the Clerk of the Council, which was

Petition from the Clerk of the Council presented.

Ordered—to lie on the table.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled an Act to raise by loan, a sum of money for the general purposes of the Colony,

Loan Bill—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported.

Ordered—that the Report be received.

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

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled an Act to dispense with the Registration of Crown Grants, and to render valid certain others heretofore issued,

Bill to dispense with the Registration of Crown grants—committed.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

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

Reported.

Ordered—that the Report be received.

28th and 29th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The Honourable Mr. NOAD, from the Select Committee appointed to inquire into the allegations contained in a Petition from Members of the Congregational Church at St. John's, reported as follows :—

Report from Select Committee on Petition from members of the Congregational Church.

The Committee appointed to Report on the Petition from the Members of the Congregational Church, beg leave to state that they have examined the same and find the allegations therein contained to be correct, and that proof has been exhibited to them that the public notices, as required by the 40th Rule, in the Rules and Regulations to be observed by the Legislative Council, have been duly made.

(Signed,)

JAMES TOBIN.
JOSEPH NOAD.

Ordered—that the Report be received.

Notice of motion for leave to bring in a Bill to revive certain Trusts.

The Honourable Mr. NOAD gave notice that on to-morrow he will move for leave to bring in a Bill, for the purpose of enabling the Members of the Independent or Congregational Church to revive certain trusts, and for other purposes.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the Clock, P. M.

THURSDAY, 29TH MARCH, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
“ EDWARD M. ARCHIBALD, *Attorney-General*
“ JAMES CROWDY, *Colonial Secretary.*
“ JAMES M. SPEARMAN, *Collector of H. M. Customs.*
“ WILLIAM THOMAS,
“ PATRICK MORRIS.
“ WILLIAM BICKFORD ROW.
“ JAMES TOBIN.
“ JOSEPH NOAD.

The minutes of yesterday were read.

Order of the Day for 3d reading of Assembly's Amendments on Bill for the Amendment of the Law—discharged.

On motion made and seconded, the Order of the Day for the third reading of the Amendments of the House of Assembly, on the Bill for the further Amendment of the Law and the better Advancement of Justice, was discharged, and it was

29th March, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

Ordered—that the said amendments be re-committed.

Whereupon the House went into Committee thereon,

The Honourable Mr. MORRIS in the Chair.

After some time the House resumed.

The Chairman reported the Amendments with some Amendments.

Ordered—that the Report be received.

Whereupon on motion made and seconded, the Amendments as amended were read a third time and passed, and the Honourable the President signed the same.

Pursuant to the Order of the Day, the Bill entitled an Act to raise by loan a sum of money for the general purposes of the Colony, was read a third time and passed, and the Honourable the President signed the same.

Pursuant to the Order of the Day, the Bill to prohibit Interments within the Town of St. John's, was read a second time, and

Ordered—to be Committed to-morrow.

Pursuant to the Order of the Day, the Amendment of the House of Assembly on the Bill entitled an Act for the limitation of personal Actions at Law, and for rendering a written Memorandum necessary to the validity of certain promises and engagements, was read a second time, and

Ordered—to be committed to-morrow.

Pursuant to the Order of the Day, the Bill entitled an Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, Her Heirs and Successors, on Goods, Wares, and Merchandize, imported into this Island and its Dependencies, was read a second time, and on motion made and seconded, it was

Ordered—that the said Bill be referred to a Select Committee, to report thereon.

Ordered—that the Honourable Messrs. SPEARMAN, THOMAS, ROW and TOBIN, be a Committee for that purpose.

Pursuant to the Order of the Day, the Bill entitled "an Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize, imported into this Island and its Dependencies, was read a second time, and it was—

Amendments re-committed.

Reported with amendments.

Amendments read 3d time and passed.

Loan Bill read 3d time and passed.

Cemetery Bill—read 2d time.

Amendment of House of Assembly on Bill for the limitation of personal Actions at Law, read 2d time.

Bill for the regulation, management and collection of Duties granted to Her Majesty—read 2d time, and

Referred to a Select Committee.

Revenue Bill read 2d time.

29th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Referred to Select Committee.

Ordered—that the said Bill be referred to the above-named Select Committee to report thereon.

Law of Attachment Bill read 2d time.

Pursuant to the Order of the Day, the Bill entitled an Act to amend the Law of Attachment in this Colony, and to regulate the Fees in certain cases payable thereon, was read a second time, and

Ordered—to be committed to-morrow.

Order of the Day for committal of Repeal of Duties on Customs Bill, discharged.

On motion made and seconded, the Order of the Day for the commitment of the Bill entitled an Act to repeal certain Duties on Customs, was discharged, and it was

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

Order of the Day for the committal of the Light House continuation and amendment Bill, discharged.

On motion made and seconded, the Order of the Day for the commitment of the Bill entitled an Act to continue and amend an Act passed in the Reign of Her present Majesty, entitled an Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same, was discharged, and it was

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

Bill to dispense with the Registration of Crown Grants, committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled an Act to dispense with the Registration of Crown Grants, and to render valid certain others heretofore issued.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

Reported with Amendments.

The Chairman reported the Bill with some Amendments.

Ordered—that the Report be received.

The Amendments are as follows :—

The Amendments.

In the title of the Bill expunge the words "Registration of," and insert in their place the words "present mode of Registering," and instead of the word "others" insert the word "Grants."

After the word Registering, in the 8th line of the preamble, insert "in the Offices of the Chief Clerks and Registrars of the Supreme or Circuit Courts."

In the last line but one, of the first sheet, expunge the word "other," and expunge all the words of the enacting clause, after the word "offices," in the last line of the first sheet, and insert instead thereof the words "and that no Grant heretofore issued, shall be rendered invalid for want of such Registration."

29th and 30th March, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Insert as the 2nd Section :—“ And be it further enacted, that before any such Grant shall hereafter be issued to any person or persons, a Record of the same shall be made and preserved in the Office of the Surveyor-General of the Colony, which Record shall and may be inspected by any person or persons desiring to examine the same.”

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

Pursuant to notice, the Honourable Mr. NOAD brought in a Bill to enable Members of the Congregational Church to revive certain Trusts, and for other purposes, which was read a first time, and

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

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P.M.

FRIDAY, 30TH MARCH, 1849.

The House met pursuant to adjournment.

Present :

The Honourable ROBERT LAW, *K. H., Commandant.*

“ E. M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of yesterday were read.

Pursuant to the Order of the Day, the Bill, as amended, entitled an Act to dispense with the Registration of Crown Grants, and to render valid certain others heretofore issued, was read a third time and passed.

Whereupon the Honourable the President signed the same.

Pursuant to the Order of the Day, the Bill to enable the Members of the Independent or Congregational Church to revive certain trusts, and for other purposes, was read a second time, and—

Amendments to be engrossed.

Bill to enable Members of the Congregational Church to revive certain Trusts, brought in and read 1st time.

House adjourns.

House meets.

Members present.

Bill to dispense with the Registration of Crown Grants, read 3d time and passed.

Congregational Church Trusts Bill, read 2d time.

30th March, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Ordered—to be committed to-morrow.

Notice of Motion to suspend 37th Rule of the House.

The Honourable Mr. NOAD gave notice that on to-morrow he will move that the 37th Rule of the House be suspended for the present Session.

Cemetery Bill—committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill to prohibit Interments within the Town of St. John's,

The Honourable Mr. MORRIS in the Chair.

After some time the House resumed.

Reported.

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

Ordered—that the Report be received.

Copyright Bill, brought up and read 1st time.

A Deputation from the House of Assembly, brought up a Bill for the concurrence of this House, entitled an Act to regulate the Importation of Books into this Colony, and to protect the British Authors, which was read a first time, and

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

Bill to extend Vaccination to the Outports,

and

A Deputation from the House of Assembly, brought up a Bill for the concurrence of this House, entitled an Act to extend the practice of Vaccination to the Outports of this Colony.—Also, a Bill entitled an Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled “an Act to regulate the Making and Repairing of Roads, Streets, and Bridges, within this Colony, and to provide for the appropriation of Monies granted for such purposes,” which Bills were severally read a first time, and

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

Road Act Suspension Bill, brought up, and severally read 1st time.

Pursuant to notice the Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS moved that the Petition of the Clerk of the Council be read, and that it be referred to the Select Committee on Contingencies, and it was

Ordered—accordingly.

Petition of Clerk of Council read, and referred to Select Committee.

Pursuant to the Order of the Day, the House went into Committee on the Amendment of the House of Assembly, on the Bill entitled an Act for the limitation of personal Actions at Law, and for rendering a written Memorandum necessary to the validity of certain promises and engagements,

Assembly's Amendment on the Bill for the limitation of personal Actions—committed.

The Honourable Mr. MORRIS in the Chair.

After some time the House resumed.

30th March, and 2nd April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The Chairman reported the Amendment without amendment.

Reported.

Ordered—that the Report be received.

Ordered—that the Amendment be read a third time to-morrow.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.

House adjourns.

MONDAY, 2ND APRIL, 1849.

The House met, pursuant to adjournment:

House meets.

Present ::

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*

Members present.

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD:

The Minutes of Friday last were read.

On motion made and seconded, it was:

Ordered—that the Bill to suspend an Act to regulate the Making and Repairing of Roads, be printed.

Road Act Suspension Bill, to be printed.

Pursuant to the Order of the Day, the Amendment of the House of Assembly on the Bill entitled “An Act for the Limitation of Personal Actions at Law, and for rendering a Written Memorandum necessary to the validity of certain promises and engagements,” was read a third time, and passed.

Assembly's Amendment on Bill for the limitation of personal Actions at Law, read 3d time and passed.

Whereupon the Presiding Member signed the same.

Pursuant to the Order of the Day, the Bill entitled “An Act to regulate the Importation of Books into this Colony, and to protect the British Author,” was read a second time, and

Copyright Bill, read 2d time.

Ordered—to be committed to-morrow.

2nd April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Bill to extend the practice of Vaccination, read 2d time.

Pursuant to the Order of the Day, the Bill entitled "An Act to extend the practice of Vaccination to the Outports of this Colony," was read a second time, and

Ordered—to be committed to-morrow.

Congregational Church Trusts Bill, committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill to enable the Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes,

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill with some amendments.

Ordered—that the Report be received.

To be engrossed.

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

Law of Attachment Bill—committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled an Act to amend the Law of Attachment in this Colony, and to regulate the Fees in certain cases payable thereon,

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

Reported with amendments.

The Chairman reported the Bill with some Amendments.

Ordered—that the Report be received.

The Amendments are as follows:—

In the 1st Section of the Bill, last line of the 1st sheet, insert between the words "Attachment" and "in," the words "or arrest."

_____ third line of the 2nd sheet, insert between the words "Attached" and "under," the words "or his or their person or persons."

_____ last line of the 3rd sheet, insert between the words "Plaintiff" and "and," the words "or if the proceeding has been by arrest of the Defendant or Defendants, to order that he or they be forthwith released out of custody, on entering a common appearance and pleading issuably."

In the last Section, seventh line of the 5th sheet, expunge the words "Twenty-four," and insert instead thereof the word "Twelve."

2nd and 3rd April, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

At the end of the Bill insert the following Section:—And be it further enacted, that the fifth Section of an Act passed in the 6th year of Her Majesty's Reign, entitled "An Act to repeal an Act passed in the fifth year of His late Majesty's Reign, entitled 'An Act to amend the Law of Attachment, and to facilitate the recovery of debts from absent or absconding debtors, and to make other provision for the amendment of the Law of Attachment,'" shall be and the same is hereby repealed; and that henceforth no Writ of Attachment shall issue for the recovery of any debt or sum of money unless such debt or sum of money shall exceed Five Pounds Sterling, and shall be sworn to in an affidavit to be made by the Plaintiff or Plaintiffs, his, her, or their lawful Attorney.

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

On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P. M.

TUESDAY, 3RD APRIL, 1849.

The House met, pursuant to adjournment.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney-General*.

" JAMES CROWDY, *Colonial Secretary*.

" PATRICK MORRIS.

" WILLIAM BICKFORD ROW.

" WILLIAM THOMAS.

" JAMES TOBIN.

" JOSEPH NOAD.

The minutes of yesterday last were read.

Pursuant to the Order of the Day, the Bill to enable Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes, was read a third time and passed, and it was

Ordered—that the title of the Bill be "An Act to enable Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes."

Whereupon the Presiding Member signed the same.

Law of Attachment
Amendment Bill—
Committee

Amendments to be en-
grossed.

House adjourns.

House meets.

Members present.

Congregational Church
Trusts Bill—read 3d
time and passed.

Title of the Bill.

3rd April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

On motion made and seconded, it was

Ordered—that the Bill entitled an Act to amend the Law of Attachment in this Colony, and to regulate the fees in certain cases payable thereon, be re-committed,

Whereupon the House went into Committee,

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered—that the Report be received.

The Amendments are as follows:—

In the Preamble, at the commencement of the *fourth line*, insert the words “or arrest.”

————— *second last line*, expunge the words “every such process,” and insert in their place “the process in every such action.”

Whereupon the said Bill, as amended, was read a third time and passed, and it was signed by the Presiding Member.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled “An Act to regulate the Importation of Books into this Colony, and to protect British Authors,”

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an Amendment.

Ordered—that the Report be received.

The Amendment is as follows:—

In the 2nd Section, *sixth last line*, after the word “duties,” expunge all the words to the word “respectively,” inclusive, and insert in place thereof the words “the same shall be paid over to the Author or Authors of the said Book or Books, Review or Reviews, or to the Proprietor or Proprietors of the said Copyright or Copyrights, in such manner and by such means as Her Majesty shall be pleased to direct.”

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

Law of Attachment
Amendment Bill—Re-
committed.

Reported with amend-
ments.

The amendments.

Read 3d time and
passed.

Copyright Bill—com-
mittee.

Reported with an
amendment.

The amendment.

3rd April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled "An Act to extend the practice of Vaccination to the Outports of this Colony."

Outport Vaccination Bill—committed.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported.

Ordered—that the Report be received.

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

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

MR. PRESIDENT,—The House of Assembly have appointed a Select Committee, consisting of two Members of their body, to join a Committee of Her Majesty's Council, to prepare an Address from both Houses upon the subject of the Fisheries, to which they respectfully request the concurrence of Her Majesty's Council.

Message from the House of Assembly requesting a Committee of the Council to join that of the Assembly to prepare an Address on the subject of the fisheries.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }
2d April, 1849. }

Whereupon it was

Ordered—that the request be concurred in, and

Request concurred in.

Ordered—that the Honourable Messrs. MORRIS and THOMAS be a Select Committee for the above-named purpose accordingly—and the following Message was sent to the House of Assembly:—

Select Committee appointed.

MR. SPEAKER,—Her Majesty's Council acquaint the House of Assembly that they accede to the request of the Assembly contained in their Message this day transmitted to the Council, and have appointed a Committee of two Members to meet the Committee of the House of Assembly, for the purpose of preparing an Address from both Houses on the subject of the Fisheries; and will meet the Committee of the House of Assembly in the Committee-room of the House to-morrow, at eleven o'clock in the forenoon.

Message to the Assembly in accordance therewith.

E. M. ARCHIBALD,
Presiding Member.

COUNCIL CHAMBER, }
3rd April, 1849. }

3rd and 4th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow at 12 of the clock, P.M.

WEDNESDAY, 4TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

The minutes of yesterday were read.

Copyright Bill—read 3d time and passed.

Pursuant to the Order of the Day, the Bill, as amended, entitled “ An Act to regulate the Importation of Books into this Colony, and to protect British Authors,” was read a third time and passed, and the Honourable the President signed the same.

Outport Vaccination Bill—read 3d time and passed.

Pursuant to the Order of the Day, the Bill entitled “ An Act to extend practice of Vaccination to the Outports of this Colony,” was read a third time passed, and the Honourable the President signed the same.

Cemetery Bill—committed.

Pursuant to the Order of the Day, the House went into Committee on Bill to Prohibit Interments within the Town of St. John's,

The Honourable Mr. Row in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill with some amendments.

Ordered—that the Report be received.

To be engrossed.

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

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

4th April, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

Message from the House of Assembly for evidence taken respecting the Congregational Church Trusts Bill.

Mr. PRESIDENT,—The House of Assembly respectfully request that Her Majesty's Council will furnish this House with any evidence or information received by them relative to the passing of the Bill sent down to this House, entitled "An Act to enable the Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes."

JOHN KENT, Speaker.

HOUSE OF ASSEMBLY, }
4th April, 1849. }

Whereupon, on motion made and seconded, the following Message was sent to the House of Assembly in reply:—

Message to the Assembly in reply, transmitting sundry documents.

Mr. SPEAKER,—Her Majesty's Council transmit to the House of Assembly, with reference to their Message of to-day, sundry documents on the subject of the Bill entitled "An Act to enable the Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes."

ROBERT LAW, President.

COUNCIL CHAMBER, }
4th April, 1849. }

On motion made and seconded, that the Order of the Day for the second reading of the Bill entitled "An Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled 'An Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony, and to provide for the appropriation of Monies granted for such purposes,'" be proceeded with—

Motion that the Order of the Day for 2d reading of Road Act Suspension Bill be proceeded with.

It was moved and seconded, in amendment, that the Bill be read a second time on this day six months.

— in amendment that it be read in six months.

Whereupon the House divided, when there appeared—

House divides.

Content :

- The Honourable ROBERT LAW, K. H.
- " PATRICK MORRIS.
- " WILLIAM B. ROW.

Content.

Non-Content :

- The Honourable E. M. ARCHIBALD.
- " JAMES CROWDY.
- " WILLIAM THOMAS.
- " JAMES TOBIN.
- " JOSEPH NOAD.

Non-Content.

So it passed in the negative.

Amendment negatived.

4th and 7th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Original motion carried,
and Bill read 2d time.

The original motion was then put and carried, and the said Bill was read a second time, and

Ordered—to be committed to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until Saturday next, at One of the clock, P. M.

SATURDAY, 7TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs.*
 “ WILLIAM THOMAS,
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

The minutes of Wednesday last were read.

On motion made and seconded, it was

3d reading of Cemetery
Bill postponed.

Ordered—that the Order of the Day for the third reading of the Bill to Prohibit Interments within the Town of St. John's, be postponed until Tuesday next.

It was also

Committal of Road Act
Suspension Bill—post-
poned.

Ordered—that the Road Act Suspension Bill be committed on Wednesday next.

Select Committee ap-
pointed to report on the
Bill for the regulation,
management, and col-
lection of all Duties
granted to her Majesty,
make their report.

The Honourable Mr. THOMAS, from the Select Committee to whom was referred the Bill entitled “An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her heirs and successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies,” presented a Report.

7th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor,*

Ordered—that the same be received.

The Report is as follows :

The Select Committee, to whom was referred the Bill for the management and collection of all duties granted to her Majesty, her Heirs, and Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies, beg leave to report that they have examined the said Bill, and find the clauses therein contained substantially the same as the Laws now in force for the regulation, management, and collection of Duties of Customs, and therefore recommend the adoption of the same by this House.

The Committee further recommend that the following Clause be the 56th Section of the Bill.

And be it enacted that whenever the several terms or expressions following shall occur in this Act, the same shall be construed respectively in the manner hereinafter directed; that is to say, the term "Ship" shall be construed to mean Ship or Vessel generally. That the term "Master" of any Ship shall be construed to mean the person having or taking charge or command of such Ship. That the term "Her Majesty" shall be construed to mean Her Majesty, her Heirs and Successors; and that the term "Warehouse" shall be construed to mean any place, whether House, Shed, Yard, Timber-pond, or other place in which Goods entered to be warehoused may be lodged, kept, and secured."

Ordered—that the said Report be referred to a Committee of the whole House.

Ordered—that the 37th Rule of the House, so far as it respects the Bill above-named, be suspended—and

Ordered—that the House go into Committee on the said Bill,

Whereupon the House went into Committee thereon presently,

The Honourable the COLONIAL SECRETARY in the Chair.

After some time the House resumed.

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

Ordered—that the Report be received.

Pursuant to the order of the day the House went into Committee on the Bill entitled "An Act to continue and amend an Act passed in the third year of the reign of Her present Majesty, entitled 'An Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same.'"

The Report,

Referred to Committee of the whole House.

37th Rule suspended.

Committed.

Progress reported.

Light-House Continuation and amendment Bill—committed.

7th, 9th, and 10th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

Progress reported.

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

Ordered—that the Report be received.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.

MONDAY, 9TH APRIL, 1849.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*

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

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW.

“ JOSEPH NOAD.

The Minutes of Saturday last were read.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the Clock, P. M.

TUESDAY, 10TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*

“ E. M. ARCHIBALD, *Attorney-General.*

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

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

10th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The minutes of yesterday were read.

A Deputation from the House of Assembly brought up a Message concurring in the amendments of Her Majesty's Council on the amendments of the House of Assembly on the Bill entitled "An Act for the further amendment of the Law, and the better advancement of Justice."

Message from the House of Assembly concurring in Council's amendments in Bill for the further amendment of the Law.

The same Deputation also brought up a Message concurring in the amendments made by Her Majesty's Council in the Bill entitled "An Act to dispense with the present mode of Registering Crown Grants, and to render valid certain other Grants heretofore issued."

Message from the Assembly concurring in amendments on Crown Grants Bill.

Pursuant to the order of the day the House went into Committee on the Bill entitled "An Act to continue and amend an Act passed in the third year of the reign of her present Majesty, entitled 'An Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same,'"

Light-House continuation and amendment Bill—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an Amendment.

Reported with an amendment.

Ordered—that the Report be received.

The Amendment is as follows:—

Expunge the 3rd Section of the Bill, and insert in place thereof:—And be it enacted, that all the power and authority in and by the said Act hereinbefore continued, vested in the Collector of Her Majesty's Customs, therein mentioned, shall, from and after such time as a certain Act passed during the present Session of the Legislature, entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies," shall come into operation, be vested in the Collector to be appointed under and by virtue of the said last-mentioned Act.

The Amendment.

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

To be engrossed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to authorize the raising by Loan a further Sum of Money for the erection of a Colonial Building and public Market-House in the Town of St. John's," which was read a first time—and

Colonial Building and Market-House Loan Bill—brought up—

Read 1st time.

10th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

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

The Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS, from the Select Committee appointed to report on the Revenue Bill, presented a Report.

Ordered—that the Report be received.

The Report is as follows:—

The Select Committee to whom was referred the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Island and its Dependencies," having carefully examined the same, beg leave to report—

1st.—That by the 1st and 3rd Sections of the said Bill it is proposed to substitute, for the purposes mentioned in the said 3rd Section, an annual Grant, and to repeal the present permanent grant; and your Committee therefore recommend that the 3rd Section of the Bill be expunged, and that the 1st Section be amended by the insertion after the word "denominated," in the *fourteenth line*, of the words "save and except as hereinafter provided," and by adding the words following at the end of that Section—"Provided always, that nothing herein contained shall be construed to repeal, alter, or make void the 22nd Section of a certain Act passed in the 10th year of Her present Majesty's Reign, entitled 'An Act to amend an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled an Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned.'"

2nd.—That the Imperial and Colonial Revenue Acts in operation in the three years ended the 5th January, 1849, produced on an average of those years, a gross aggregate receipt of £57,102 1s. 9d. per annum; and that the Schedule set forth in the Bill referred to your Committee, had it been in force during those years, would have produced an average annual receipt of £59,913 1s. 7d. Sterling.

3rd.—That the Salaries and allowances paid annually to the Officers, Imperial and Colonial, Boatmen and Tidesmen included, averaged in each of those years £5816 19s. 7d.; and that the Salaries and allowances proposed to be paid to those Officers in future amount to £2950 4s. 8d. Sterling.

4th.—That the Out-door Department of the Office, in the Port of St. John's, consists at present, of a Landing Surveyor, three Landing Waiters, and a Tide Surveyor, at an attendant cost of £1250 per annum; and that it is proposed in future that the situation of Landing Surveyor shall be united to that of Tide Surveyor, and that only two Landing Waiters shall be employed at an annual cost of £650 Sterling.

10th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

5th.—That in the opinion of your Committee the union of the two offices of Landing and Tide Surveyor in the same individual, is not advisable; that an active and intelligent Landing Surveyor is absolutely necessary to the due collection and safe-keeping of the Revenue; and that if such an Officer be not appointed, the proposed Out-door Department for the Port of St. John's will be found to be utterly inadequate to the protection of the Revenue (which may be expected to average £50,000 per annum), and the urgent wants of the Service.

6th.—That by the Colonial Revenue Act now in operation, a grant of £200 is made to the Imperial Sub-Collectors as a remuneration for their services in collecting the Colonial duties, provided no one of them shall receive more than 2½ per cent. on the amount of those duties by him collected; but in the Bill now under consideration, no provision whatever is made for those Officers, in the event of their services in the collection of the Colonial Revenue being continued.

7th.—That the Colonial Sub-Collectors now receive, out of the Imperial duties which they respectively collect, 25 per cent., provided no one of them shall receive, in any one year, more than £50 for his services.

8th.—That your Committee would, under these circumstances, suggest that a grant of £250 be made to the Sub-Collectors generally, with the like proviso to that contained in the present Colonial Revenue Act, to remunerate those of the Imperial Sub-Collectors whose services in collecting the Colonial Revenue may be retained, and to compensate the Colonial Sub-Collectors for the loss which they will sustain by the conversion of the Imperial into Colonial Duties.

Your Committee cannot close their Report without an expression of regret that the Salaries and allowances proposed to be made to the Officers who are hereafter to collect the Revenue of the Colony should have been inserted in the present Bill, and not in the Bill to provide for the collection, management, and safe-keeping of the Revenue.

(Signed)

J. M. SPEARMAN.

Pursuant to the order of the day the House went into Committee on the Bill entitled "An Act to provide for the regulation, management, and collection of all duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares and Merchandise imported into this Island and its Dependencies."

The Honourable Mr. Row in the Chair.

After some time the House resumed.

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

Regulation, management, and collection of Duties' Bill—committed.

Reported.

10th and 11th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Ordered—that the Report be received.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P. M.

WEDNESDAY, 11TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of yesterday were read.

Light-House Continu-
ation and Amendment
Bill read 3d time and
passed.

Pursuant to the order of the day the Bill as amended, entitled “ An Act to continue and amend an Act passed in the third year of the reign of her present Majesty, entitled ‘ An Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same,’ ” was read a third time and passed, and the Honourable the presiding member signed the same.

Colonial Building and
Market-House Loan
Bill read 2nd time.

Pursuant to the order of the day the Bill entitled “ An Act to authorise the raising by Loan a further sum of Money for the erection of a Colonial Building and Public Market-House in the Town of St. John’s, was read a second time—and

Ordered—to be committed to-morrow.

Regulation, manage-
ment and collection of
Duties’ Bill—commit-
ted.

Pursuant to the order of the day the House went into Committee on the Bill entitled “ An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs, or Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies,”

The Honourable Mr. Row in the Chair.

After some time the House resumed.

Progress reported.

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

11th and 12th April, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

Ordered—that the Report be received.

A Deputation from the House of Assembly brought up a Message concurring in the Bill entitled “An Act to enable the Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes.”

Message from the House of Assembly concurring in the Congregational Church Trusts Bill.

On motion made and seconded, the House adjourned until to-morrow at Two of the clock, P.M.

House adjourns.

THURSDAY, 12TH APRIL, 1849.

The House met, pursuant to adjournment.

House meets.

Present :

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW,
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

Members present.

The minutes of yesterday were read.

Pursuant to the order of the day the House went into Committee on the Bill entitled “An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares and Merchandise imported into this Island and its Dependencies,”

Regulation, management and collection of Duties Bill—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again to-morrow.—
 The Chairman also reported the following Resolution:—

Progress reported—together with a Resolution.

Resolved,—That it is the opinion of the Committee that certain Amendments should be made in the Bill sent up from the Assembly entitled “An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares and Merchandise imported into this Island and its Dependencies,” and that a conference be requested with the House of Assembly on the subject.

The resolution.

12th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Ordered—that the Report be received, and

On motion made and seconded, it was

Ordered—that a conference be requested with the House of Assembly, on the Bill above named, and that the Honourable Messrs. Archibald and Spearman be the Conferees on the part of this House.

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

Ordered—that the Honourable Messrs. Archibald and Spearman, be a Select Committee to draft Instructions to the Conferees.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise, imported into this Colony and its Dependencies,”

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported progress, and asked leave to sit again to-morrow. The Chairman also reported the following Resolution:—

Resolved,—That it is the opinion of the Committee, that an Amendment should be made in the Bill sent up from the House of Assembly, entitled “An Act for granting to Her Majesty, certain Duties on Goods, Wares, and Merchandise, imported into this Colony and its Dependencies.”

Ordered—that the Report be received, and

On motion made and seconded, it was

Ordered—that a Conference be requested with the House of Assembly on the subject of the Bill above named, and that the Honourable Messrs. Archibald and Spearman be the Conferees, on the part of this House, and

Ordered—that they be a Select Committee to draft Instructions to the Conferees.

A Deputation from the House of Assembly, brought up a Message concurring in the Amendments made by Her Majesty's Council, on the Bill entitled “An Act to regulate the Importation of Books into this Colony, and to protect British Authors”—without Amendment.

Conference ordered on the regulation and management of Duties Bill. Conferees appointed.

Message to the Assembly accordingly.

Select Committee appointed to draft Instructions to conferees.

Revenue Bill—committed.

Progress reported, and also a Resolution.

The Resolution.

Conference with the Assembly to be requested on the Revenue Bill. Conferees appointed—

and to be a Select Committee to draft Instructions.

Message from Assembly concurring in Council's amendments on the Copyright Bill.

12th and 13th April, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

<p>The same Deputation also brought up a Bill entitled "an Act to continue and amend an Act, passed in the third year of the Reign of Her present Majesty, entitled an Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same," which was read a first time, and</p>	<p>Light-House continuation and amendment Bill—brought up and</p>
<p>On motion made and seconded, it was</p>	<p>Read a 1st time.</p>
<p>Ordered—that the 37th Rule of the House, so far as it respects the above named Bill, be suspended.</p>	<p>37th Rule of the House suspended.</p>
<p>Whereupon the Bill was read a second time, and</p>	<p>Bill read 2nd time.</p>
<p>The House went into Committee thereon,</p>	<p>Committed.</p>
<p>The Honourable Mr. TOBIN in the Chair.</p>	
<p>After some time the House resumed.</p>	
<p>The Chairman reported the Bill without Amendment.</p>	<p>Reported.</p>
<p>Ordered—that the Report be received.</p>	
<p>The Bill was then read a third time and passed, and the Honourable the President signed the same.</p>	<p>Read 3d time and passed.</p>
<p>Pursuant to the Order of the Day, the House went into Committee on the Bill entitled "An Act to authorize the raising by Loan a further Sum of Money for the erection of a Colonial Building and public Market-House, in the Town of St. John's,</p>	<p>Colonial Building and Market-House Loan Bill—committed.</p>
<p>The Honourable Mr. THOMAS in the Chair.</p>	
<p>After some time the House resumed.</p>	
<p>The Chairman reported the Bill without Amendment.</p>	<p>Reported.</p>
<p>Ordered—that the Report be received.</p>	
<p>Ordered—that the Bill be read a third time to-morrow.</p>	
<p>On motion made and seconded, the House adjourned until to-morrow, at One of the Clock, P. M.</p>	<p>House adjourns.</p>
<p>FRIDAY, 13TH APRIL, 1849.</p>	
<p>The House met pursuant to adjournment.</p>	<p>House meets.</p>

13th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Members present.

Present :

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs.*
 “ WILLIAM THOMAS,
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

The minutes of yesterday were read.

The Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS, from the Select Committee appointed to prepare a draft of the Instructions, to be given to the Conferees, on the Bill entitled “ An Act to provide for the Regulation, Management, and Collection of all Duties granted to Her Majesty, Her Heirs, or Successors, on Goods, Wares, and Merchandise, imported into this Island and its Dependencies,” reported a draft thereof.

Ordered—that the Report be received.

The Report is as follows :—

Her Majesty's Council have desired this Conference upon the Bill sent up from the House of Assembly, entitled “ An Act to provide for the Regulation, Management, and Collection of all Duties granted to Her Majesty, Her Heirs or Successors, on Goods, Wares, and Merchandise, imported into this Island and its Dependencies,” for the purpose of acquainting the House of Assembly, that while they fully concur in the general principles of the Bill, they are of opinion that some of its provisions require Amendments, which will render the enactment more practicable and complete; which, it being inconsistent with Parliamentary usage that Her Majesty's Council should make in a Bill of this nature, they have requested this Conference, in order to explain the nature of the Amendments they are desirous should be made, and also to obtain the assent of the Assembly to make all, or such of them, as the House of Assembly may approve of.—These are as follows :—

I.—Section 1st, line 3rd and 4th, expunge the word “ Receiver,” and substitute “ Collector.”

II.—Section 2nd, line 2nd, ditto ditto.

III.—Section 8th, line 9th, ditto ditto.

Report of Select committee appointed to draft instructions to conferees on Bill for the management and collection of Duties granted to her Majesty.

13th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Section 48, line 10th, strike out the words "and Tide," and after the word "Surveyor," add the words "one Tide Surveyor."

By this Amendment, instead of an Officer denominated in the Bill "a Landing and Tide Surveyor," provision will be made for the appointment of two Officers, to be respectively called "a Landing Surveyor," and "a Tide Surveyor." The Out-door Department of the Customs, in the port of St. John's, consists at present of a Landing Surveyor, three Landing Waiters, and a Tide Surveyor, at a cost of £1250 per annum; while, for the performance of the whole of their duty, the Bill contemplates the union, for the future, of the offices of Landing Surveyor, and Tide Surveyor, and the appointment of only two Landing Waiters, at an annual cost of £650. That the union of the two offices of Landing and Tide Surveyor in the same individual is not advisable, an active and intelligent Landing Surveyor being, in the opinion of the Council, necessary to the due collection and safe-keeping of the Revenue; and that if such an Officer be not appointed, the proposed Out-door Department for the port of St. John's, will be found quite inadequate to the protection of the Revenue, (which may be expected to average £50,000, per annum,) and to the urgent wants of the Service.

In urging the expediency of this Amendment, Her Majesty's Council are desirous of rendering perfect, as far as possible, a Bill which is to become a permanent Act of the Legislature. It will not necessarily follow that the appointment of two Officers, instead of one, should be now made; but upon any future representation from the Assembly, the arrangement proposed in the Bill, granting Duties for the present appointment of but one Officer may be departed from, and two Officers, with properly defined functions, can be substituted without involving the alteration of a permanent Law.

IV.—Section 49, line 6th, expunge the words "hereinbefore granted," and insert in lieu thereof, the word "payable."

This Amendment is necessary to correct an error, which appears to have arisen from an oversight in the wording of the Section.

V.—*Same Section, last line*—Expunge the words "for their approval and continuance."

The preceding words of this Section are ample for securing to the Legislature the opportunity of expressing its approval or disapprobation of the creation of an extra or additional office for the due securing and protection of the Revenue, while the words proposed to be expunged are liable to a construction which would practically confer upon the Legislature the exercise of a right which is constitutionally vested in the Executive alone. To remove an

13th April, 1849.

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ambiguity of this nature, which the Council are confident it cannot be the desire of the House of Assembly should exist, in this Section, the Council deem the foregoing amendment necessary.

The 56th to be the last Section of the Bill, and the following words to be substituted in lieu thereof, and to form the 56th Section, viz—

LVI.—“ And be it enacted that wherever the several terms or expressions following occur in this Act, or in any Act of the General Assembly of this Island, the same shall be construed respectively in the manner hereinafter directed, that is to say—the term “Collector,” or terms “Collector or Sub-Collector of Her Majesty’s Customs” shall be construed to mean the principal or other proper officer appointed under this Act.—That the term “Ship” shall be construed to mean Ship or Vessel generally.—That the term “Master” of any Ship shall be construed to mean the person having or taking charge of such Ship.—That the term “Her Majesty” shall mean Her Majesty, her Heirs or Successors; and that the term “Warehouse” shall be construed to mean any place, whether house, shed, yard, timber-pond, or other place in which Goods entered to be warehoused may be lodged, kept, and secured.”

The utility of this Section is sufficiently obvious without any particular explanation of its object, and the Council think it probable that in framing the Bill such a provision may have been omitted from inadvertence.

The definition of the terms “Collector,” or “Sub-Collectors of Her Majesty’s Customs,” which occur in several of the Colonial Acts, appears to be more particularly necessary in order to vest in the Collector and other officers to be appointed under this Act powers now exercised by functionaries whose offices will shortly cease to exist.

The Honourable the ATTORNEY GENERAL, from the Select Committee appointed to draft Instructions to the Conferees, on the Bill entitled “An Act for granting to Her Majesty, certain Duties on Goods, Wares, and Merchandise, imported into this Colony and its Dependencies,” Reported a draft thereof.

Ordered—that the Report be received.

The Report is as follows:—

Her Majesty’s Council have desired this Conference, upon the Bill sent up from the House of Assembly, entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandise, imported into this Colony and its Dependencies,” for the purpose of acquainting the House of Assembly that they are of opinion that the following Amendment of the Bill is requisite, and it not

Report of Select Committee appointed to draft instructions to the conferees on the Revenue Bill.

13th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

being consistent with parliamentary usage that Her Majesty's Council should make such an Amendment in a Bill of this description, they have desired this conference for the purpose of explaining the nature of the proposed amendment, and of requesting the consent of the House of Assembly to the making of it.

Proposed amendment:—

1st Section, line 14,—After the word “denominated” insert the words “save and except as hereinafter provided”—and add to this section the words following—“Provided always that nothing herein contained shall be construed to repeal, alter, or make void the 22d section of a certain Act passed in the tenth year of Her present Majesty's reign, entitled ‘An Act to amend an Act passed in the ninth and tenth years of the reign of Her present Majesty, entitled an Act to regulate the rebuilding of the town of St. John's, and the drainage and sewerage of the same, and to repeal certain Acts therein mentioned;’” and expunge the third Section of the Bill.

The words of the first and third Sections of the Bill, in effect, repeal (at least during the existence of this Bill) the 22nd Section of the 10th Victoria, c. 1, which being a Section in a permanent Act intended to operate on all duties which then were, or thereafter might be, levied, and framed in terms abundantly clear and precise for the purpose, it is not only unnecessary, but will not, in the opinion of the Council, have the effect which the Assembly probably desired to obtain, that of simplifying the Revenue Laws, to re-enact and re-impose the duty in this Bill. Moreover, the purposes to which the proposed duty are to be applied, are not expressed in this Bill; but, to ascertain them, reference must be had to the Act from which the Section is in part taken; while on the other hand the general terms in which the duty is granted by the present Bill, without any qualification or restriction as to the application of the proceeds, may raise some doubt as to the intention of the Assembly that these proceeds should be applied for the purpose expressed in the 10th Victoria, c. 1.

The Council have appended to and made part of these Instructions to their Conferees upon the Bill under consideration, a copy of a Report of a Select Committee of this House to whom the Bill was referred; and they recommend to the favourable consideration of the Assembly the suggestion that it would obviate all objections on the part of the Commissioners of Her Majesty's Customs to the future employment, in the collection of Colonial duties, of the Imperial Sub-Collectors in the Outports, if the small compensation heretofore granted to them for collecting Colonial duties were continued.

The Honourable Mr. THOMAS laid on the table a memorial from Mr. W. J. Ward, praying that a sum may be granted him for reporting and publishing the proceedings of Her Majesty's Council.

Proposed amendment
in Revenue Bill.

See Page 78.

Memorial from Mr. J.
Ward laid on the table.
(See Appendix.)

13th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

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

Mr. President—

In reply to the Message yesterday received from Her Majesty's Council, desiring a conference with the House of Assembly upon the subject of the Bill sent from this House, entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her heirs or successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies,"—this House acquaints Her Majesty's Council, that as the practice of the Imperial Parliament does not warrant either House in acceding to a conference sought upon a Bill to which no amendment has been communicated by the House having its custody, and by whom such conference is sought, this House, although desirous at all times to meet the wishes of Her Majesty's Council, are obliged, respectfully, to decline the conference which has been requested.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }
13th April, 1849. }

Whereupon, on motion made and seconded, it was

Ordered—that the following Message be transmitted to the House of Assembly:—

Mr. Speaker,—

Her Majesty's Council, in reply to the Message received from the House of Assembly declining, for the reasons therein stated, the Conference solicited by Her Majesty's Council on the subject of the Bill entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies," beg leave to acquaint the House of Assembly that in the course pursued they have followed the uniform precedents established between the Council and Assembly on former occasions, which they conceive neither branch of the Legislature is competent to change without the consent of the other—but Her Majesty's Council have no objection to adopt for the future the practice of Parliament on such occasions.

ROBERT LAW, *President.*

COUNCIL CHAMBER, }
13th April, 1849. }

Message from the House of Assembly declining a conference on the Bill "for the regulation, management and collection of Duties granted to her Majesty."

Message to the House of Assembly in reply to the foregoing.

13th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the Order of the Day, the Bill entitled "An Act to authorize the raising by Loan a further Sum of Money for the erection of a Colonial Building and Public Market-House in the Town of St. John's," was read a third time and passed, and the Honourable the President signed the same.

Colonial Building and Market-House Loan Bill—read 3rd time and passed.

Pursuant to the Order of the Day, the Bill to prohibit Interments within the Town of St. John's, was read a third time and passed, and it was

Cemetery Bill—read 3d time and passed—

Ordered—that the title of the said Bill be "An Act to prohibit Interments within the Town of St. John's."

Title.

Whereupon the Honourable the President signed the same.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies,"

Bill for the regulation, management, and collection of all Duties granted to Her Majesty—committed.

The Honourable Mr. Row in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with amendments. (*Vide* Instructions to Conferees, page 84.)

Ordered—that the Report be received—and

On motion made and seconded, it was

Ordered—that the 37th Rule of the House, so far as it respects this Bill, be suspended.

37th Rule of the House suspended.

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

Bill read 3rd time and passed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its Dependencies,"

Revenue Bill—committed.

The Honourable Mr. Noad in the Chair.

After some time the House resumed.

The Chairman reported the Bill with an Amendment.

Reported with an amendment. (*Vide* Instructions to Conferees, page 87.)

Ordered—that the Report be received—and

On motion made and seconded, it was

13th and 14th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

37th Rule of the House suspended.

Ordered—that the 37th Rule of the House, so far as it respects this Bill, be suspended.

Bill read 3rd time and passed.

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

Bill to repeal certain Duties on Customs—committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled “An Act to repeal certain Duties on Customs,”

The Honourable Mr. CROWDY in the Chair,

After some time the House resumed,

Reported.

The Chairman reported the Bill without Amendment.

Ordered—that the Report be received—and

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

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the Clock, P. M.

SATURDAY, 14TH APRIL, 1849.

The House met, pursuant to adjournment.

Present :

The Honourable JAMES CROWDY, *Colonial Secretary.*

“ E. M. ARCHIBALD, *Attorney-General.*

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

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of yesterday were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares and Merchandise imported into this Island and its Dependencies ;” which was read a first time, and

On motion made and seconded, it was

Bill for the regulation, management, and collection of Duties—brought up and read 1st time.

Members present

House meets

14th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Ordered—that the 37th Rule of the House, so far as it respects the Bill above named, be suspended.	37th Rule of the House suspended.
Whereupon the said Bill was read a second time, and the House went into Committee thereon,	Bill read 2nd time. Committed.
The Honourable Mr. Row in the Chair.	
After some time the House resumed.	
The Chairman reported the Bill without amendment.	Reported.
Ordered—that the Report be received.	
The said Bill was then read a third time and passed, and the Honourable the Presiding Member signed the same.	Read 3rd time and passed.
A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its Dependencies;" which was read a first time, and	Revenue Bill brought up and read 1st time.
On motion made and seconded, it was	
Ordered—that the 37th Rule of the House, so far as it respects the Bill above named, be suspended.	37th Rule of the House suspended.
Whereupon the said Bill was read a second time, and the House went into Committee thereon,	Bill read 2nd time. Committed.
The Honourable Mr. Row in the Chair.	
After some time the House resumed.	
The Chairman Reported the Bill without amendment.	Reported.
Ordered—that the Report be received.	
The said Bill was then read a third time and passed, and the Honourable the Presiding Member signed the same.	Read 3rd time and passed.
Pursuant to the Order of the Day, the Bill entitled "An Act to repeal certain Duties of Customs," was read a third time and passed, and the Honourable the Presiding Member signed the same.	Bill to repeal certain Duties of Customs—read 3d time and passed.
On motion made and seconded, the House adjourned until Monday next, at One of the Clock, P. M.	House adjourns.

16th and 17th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

MONDAY, 16TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs.*
 “ WILLIAM THOMAS,
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JOSEPH NOAD.

The Minutes of Saturday last were read.

Memorial of Mr. W. J. Ward, read—

On motion of the Honourable Mr. THOMAS, the Memorial of Mr. W. J. Ward, for compensation for printing and publishing the proceedings of Her Majesty's Council, was read—and it was

Referred to Select Committee on Contingencies.

Ordered—that it be referred to the Select Committee on Contingencies.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P. M.

TUESDAY, 17TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ EDWARD M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector of H.M. Customs.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

The minutes of yesterday were read.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P. M.

18th and 19th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

WEDNESDAY, 18TH APRIL, 1849.

The House met pursuant to adjournment.

House meets.

Present:

The Honourable WILLIAM THOMAS.
 “ WILLIAM BICKFORD ROW.
 “ PATRICK MORRIS.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

Members present.

The minutes of yesterday were read.

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

House adjourns.

THURSDAY, 19TH APRIL, 1849.

The House met, pursuant to adjournment.

House meets.

Present:

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector H. M. Customs*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.

Members present.

The minutes of yesterday were read.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled “An Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled ‘An Act to regulate the making and repairing of Roads, Streets and Bridges within this Colony, and to provide for the appropriation of Monies granted for such purposes.’”

Road Act Suspension
 Bill—committed.

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

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

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

Mr. President—

The House of Assembly acquaint Her Majesty's Council that they have passed the Bill sent down to the House, entitled "An Act to prohibit Interments within the Town of St. John's," without amendment.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY,
17th April, 1849.

Message from the House of Assembly—that they have passed the Cemetery Bill.

Supply Bill brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill entitled "An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony for the year ending thirty-first day of December, one thousand eight hundred and forty-nine;" which was read a first time, and

On motion made and seconded, it was

Ordered—that the 37th Rule of the House, so far as it respects the above-named Bill, be suspended.

37th Rule of the House suspended.

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

Bill read 2nd time—committed.

The Honourable the COLLECTOR OF HER MAJESTY'S CUSTOMS in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill without amendment.

Ordered—that the Report be received.

Read 3d time and passed.

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

Bill of Indemnity for Monies advanced by the Governor—brought up and read 1st time.

The same Deputation from the House of Assembly also brought up a Bill entitled "An Act to indemnify His Excellency the Governor, Sir John Gaspard Le Marchant, for Monies advanced by him from the Colonial Treasury for the service of the Colony;" which was read a first time, and

On motion made and seconded, it was

Ordered—that the 37th Rule of the House, so far as it respects the above-named Bill, be suspended.

37th rule of the House suspended.

19th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

Whereupon the said Bill was read a second time, and the House went into Committee thereon,

Bill read 2nd time—
committed.

The Honourable the ATTORNEY-GENERAL in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported.

Ordered—that the Report be received.

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

Read 3d time and passed.

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

Mr. President—

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

Message from the House of Assembly—applying for the Contingencies of the Council.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }
19th April, 1849. }

The Honourable Mr. SPEARMAN, from the Select Committee appointed to report on the Contingencies of the Council, made a Report.

Report of Select Committee on the Contingencies of the Council.

Ordered—that the Report be received.

Ordered—that the House go into Committee thereon presently.

Whereupon the House went into Committee accordingly,

Report committed.

The Honourable the ATTORNEY-GENERAL in the Chair.

After some time the House resumed.

The Chairman reported the Report of the Select Committee, with some amendments.

Reported with amendments.

Ordered—that the Report be received.

The Report, as amended, is as follows:—

The Committee appointed to take into consideration the Contingencies of this House beg leave to report that they have carefully examined the Accounts of the Clerk and Usher of the Black Rod, the former amounting to Ninety-seven

The report.

19th and 20th April, 1849.

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Pounds Nineteen Shillings and Eleven Pence, and the latter to Twenty-two Pounds Three Shillings and Two Pence, which they recommend to be paid.

The Committee further recommend that the Officers of this House shall be paid for their services during the present Session as follows, viz. :—

To the Clerk, One Hundred and Fifty Pounds.

To the Acting Master-in-Chancery, One Hundred Pounds.

To the Usher of the Black Rod, Eighty-five Pounds.

To the Door-keeper, Forty-five Pounds.

To the Assistant Door-keeper and Messenger, Twenty Pounds.

To Mr. William J. Ward, for reporting and publishing the Debates of this House, Thirty-five Pounds.

To Mr. William R. Noad, for furnishing to this House a Plan of the Town of St. John's, for the purpose of general reference, the sum of Twenty-five Pounds.

For Printing the Journals, One Hundred and Twenty Pounds.

The Honourable Mr. THOMAS, from the Select Committee appointed to meet a Committee of the House of Assembly to prepare a Petition to Her Majesty on the state of the Fisheries of this Colony, reported a draft thereof.

Ordered—that the Report be received.

On motion made and seconded, the House adjourned until to-morrow, at One of the Clock, P. M.

FRIDAY, 20TH APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H.*, *Commandant.*

“ E. M. ARCHIBALD, *Attorney-General.*

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

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW,

“ JAMES TOBIN.

“ JOSEPH NOAD.

20th April, 1849.

His Excellency SIR J. G. LE MARCHANT, Governor.

The minutes of yesterday were read.

On motion made and seconded, the Report of the Select Committee appointed to meet a Committee of the House of Assembly to prepare a draft of Petition to Her Majesty on the state of the Fisheries of this Colony, was read, and it was

Report of Select Committee appointed to prepare a Petition to Her Majesty on the state of the Fisheries—read.

Ordered—that the Report be printed.

To be printed.

On motion made and seconded, the Report of the Committee on the Contingencies of the Council was re-committed,

Report of Committee on Council's Contingencies—re-committed.

The Honourable Mr. SPEARMAN in the Chair.

After some time the House resumed.

The Chairman reported the Report with an Amendment.

Reported with an amendment.

Ordered—that the Report be received.

The Amendment is as follows :—

Expunge the words “Thirty-five Pounds” to Mr. W. J. Ward for publishing the Debates of this House, and insert in place thereof the words “Forty Pounds.”

The amendment.

Whereupon the following Message was transmitted to the House of Assembly by the Acting Master-in-Chancery :—

Mr. Speaker,—

Her Majesty's Council acquaint the House of Assembly, with reference to their Message of yesterday requesting to be furnished with the Contingencies of the Council for the present Session, that the Contingent account of the Clerk of the Council amounts to £97 19s. 11d. sterling, and that of the Usher of the Black Rod to £22 3s. 2d. sterling, and they have resolved that their Officers shall be paid for their services during the present Session as follows :—

Message to the House of Assembly—with the Contingencies of the Council.

To the Clerk of Her Majesty's Council.....	£150
“ Acting Master-in-Chancery.....	100
“ Usher of the Black Rod.....	85
“ Door-keeper.....	45
“ Assistant Door-keeper and Messenger.....	20
“ Mr. W. J. Ward for reporting and publishing the Debates of this House.....	} 40
“ Mr. W. R. Noad for furnishing to this House a Plan of the Town of St. John's, for the purpose of general reference }		25
For Printing the Journals.....	120

ROBERT LAW, President.

COUNCIL CHAMBER,
20th April, 1849. }

20th April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Road Act Suspension
Act—committed.

Pursuant to the Order of the Day, the House went into Committee on the Bill entitled "An Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled 'An Act to regulate the making and repairing of Roads, Streets and Bridges within this Colony, and to provide for the appropriation of Monies granted for such purposes,'"

The Honourable Mr. TOBIN in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered—that the Report be received.

The Amendments are as follows:—

In the Second Section, 5th line, expunge the words "and for other public works."

_____, 7th line, insert between "Governor" and "for," the words "or person Administering the Government;" and after the word "being," insert "by and with the advice of Her Majesty's Council."

_____, 9th line, insert between the words "Streets" and "Bridges," the word "or," and after the word "Bridges" expunge the words "or other public works."

_____, 10th line, insert at the end of this line the words "or person Administering the Government;" and in the

_____, 11th line, after the word "being," insert "by and with the advice of Her Majesty's Council."

_____, 17th line, expunge, at the end of this line, the words "or other public works."

_____, 22nd line, expunge, after the word "Bridge," the words "or other public works."

_____, 23rd line, insert between the words "which" and "so," the words "the same may have been;" and after the word "Governor," the words "by and with the advice of Her Majesty's Council."

Reported with amend-
ments.

The amendments.

20th April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

In the third Section, 1st line, expunge all the words after the word “enacted,” and insert in place thereof as follows—“That all persons who shall be appointed to superintend the expenditure of any Sum or Sums of Money, under the provisions of this Act, shall furnish monthly to the Governor or person Administering the Government for the time being, for the purpose of being examined and audited by Her Majesty’s Council, full and detailed statements and accounts of the way and manner in which all and every such Sum and Sums of Money shall have been so expended—which statements and accounts, together with a copy of all rules and regulations that may be made by the Governor and Council under the authority herein given, shall be laid before the Legislature within twenty-one days after the commencement of the next Session.

In the Fourth Section, 2nd line, expunge all the words after the word “and,” at the end of the line, and insert in their place the words “no longer.”

The Honourable Mr. Row, from the Joint Committee appointed to inquire into the state of the Library, reported as follows:—

That they have found the general condition of the Library satisfactory, and the Books carefully attended to by the Librarian.

Report of the Joint Committee on the state of the Library.

The Committee have, however, had their attention drawn to the very inconvenient situation of the Building in which the Library is at present kept, as well as to the risk of so valuable a stock being contained in a wooden building; and they have accordingly to recommend to the House that a more central, safe, and less expensive apartment should be taken, pending the completion of the Colonial Building.

W. B. ROW, *Chairman.*

COMMITTEE-ROOM, }
17th April, 1849. }

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P.M.

House adjourns.

21st April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

SATURDAY, 21ST APRIL, 1849.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*“ EDWARD M. ARCHIBALD, *Attorney-General.*“ JAMES CROWDY, *Colonial Secretary.*“ JAMES M. SPEARMAN, *Collector of H. M. Customs.*

“ WILLIAM THOMAS.

“ PATRICK MORRIS.

“ WILLIAM BICKFORD ROW.

“ JAMES TOBIN.

“ JOSEPH NOAD.

The minutes of yesterday were read.

Joint Address on the
subject of the Fisheries
—committed.

On motion made and seconded, the House went into Committee on the Joint Address of the two Houses to Her Majesty on the subject of the Fisheries of this Colony,

The Honourable the COLONIAL SECRETARY in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Address.

Ordered—that the Report be received, and adopted.

Select Committee ap-
pointed to wait on the
Governor therewith.

Ordered—that the Honourable Messrs. CROWDY and THOMAS be a Select Committee to wait on His Excellency with the Address, which is as follows:—

The Address.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's loyal subjects, the Council and Assembly of Newfoundland, in Session convened, beg leave most humbly to approach Your Majesty with feelings of the most profound respect for Your Majesty's person and government.

The present depressed condition of this Colony imperatively demands of us that we should bring the subject prominently under the notice of Your Majesty.—We cannot believe that a feeling of unconcern will pervade Your Majesty's counsels in regard to the interests of this Island, the oldest transatlantic possession of the British Crown; and though the benefits we might have hoped for have not

21st April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

heretofore attended on our appeals on this subject to the parent government, the daily aggravating evils under which we labour compel us to renewed effort to obtain a hearing for our just complaints.

We feel assured that a correct appreciation of these evils must lead to the application of those measures of redress which a loyal dependency may always confidently hope for at the hands of a paternal government. We are sensible of the lively interest Your Majesty entertains for all who live under the dominion of the British Crown, and that Your Majesty would not permit the continuance of a state of things which experience has shewn to be pregnant with ruinous results.

The grounds on which we presume to rest our appeal for Your Majesty's consideration are, that the interests of this Colony were sacrificed to views of Imperial policy. By the treaty of Utrecht and subsequent treaties, foreign powers were granted the right of fishing on the Banks and the principal parts of the shores and harbours of Newfoundland. The French have successfully claimed the right of the exclusive enjoyment of the Fisheries from Cape Ray to Cape John, an extent of three hundred miles of coast, and embracing the most valuable portions of the fishing-grounds of this Island. The American Treaty of 1818, gives the subjects of the latter power, privileges nearly equal to those enjoyed by the French; and thus are the natural rights of Your Majesty's loyal subjects ruinously compromised. The exigencies of Imperial interests might have demanded these concessions at the hands of Your Majesty's predecessors; but we humbly and respectfully submit whether it is consistent with any recognised principles of justice, that the Imperial advantages on which these Treaties were grounded should be purchased at the sacrifice of those rights, the preservation of which can alone secure the prosperity of this ancient and loyal Colony.

But even if the evil rested here—if it were simply the right of foreign powers to concurrent privileges of fishing on our coasts, and prosecuting their avocations on similar terms, we should feel but comparatively small cause of complaint, for fair competition would leave us but little to apprehend for the success of our trade and fisheries. Accordingly, in the abstract, the concessions embraced in the treaties referred to would have been lightly regarded by Your Majesty's loyal subjects; but they have been made the foundation of the system under which those foreign powers now prosecute their fisheries, sustained by enormous bounties, which have urged them into a condition of activity and strength, furnishing us every day with fresh proofs of the hopelessness of unaided competition, of which the decreasing productiveness of our fisheries and the awful impoverishment of the people are a truthful and lamentable development.

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MAY IT PLEASE YOUR MAJESTY,

We look to the source of all this, and we find it has been for matters of Imperial policy that our interests have been thus totally disregarded.

The various results of these bounties have frequently been brought by the Legislature and the people of this Colony under the notice of the Imperial Government. The foreign fisheries, so sustained, are annually becoming augmented, while ours are marked by corresponding diminution and decay. The effect of these bounties has been to give to the French and Americans the entire deep-sea fishing, formerly the boasted nursery for British Seamen, but now completely transferred to our powerful and ambitious rivals for maritime supremacy. The bounty on the French-caught fish is fully equal to the price usually obtained for British cure, and met as we are in almost all our markets by the protected fish of our competitors, we are frequently driven to consent to sales which leave much less than the actual cost of production.

A most fruitful source of the prosperity of the French fisheries is to be found in the supplies of bait they receive from our shores for the Bankers which fit out at St. Pierre and Miquelon, in direct contravention of the Imperial Act, 26 G. 3, cap. 26. This traffic is carried on to the serious injury of the British on that part of the coast, and to the detriment generally of our fisheries. This question is ably treated of by Captain Loch, of Your Majesty's ship *Alarm*, who was employed in the protection of our fisheries in the past year, and whose valuable report forms an appendix to this Address.

These evils have been progressing for many years until they have reached a crisis which places our existence as a colony in utter peril. The great fire in 1846, which swept away three quarters of a million of the capital of the country, assisted materially in hastening this conjuncture, and precipitated the result which the operation of the treaties in question was producing by slower but not less certain means.

Since the period of that disastrous event, the sum of Thirty-five Thousand Pounds has been disbursed from the public Treasury of the colony to preserve the fishing population from actual starvation.

Nor do we see a prospect of relief from a continued pressure while the evils of foreign competition in our fisheries remain uncorrected. So strong is the feeling widely spreading on this subject that numbers of our most hardy fishermen are quitting the colony to seek from our rivals that remunerative employment which they despair of being able to obtain at home; and it creates not unnaturally a feeling of deep discontent that in the prosecution of similar pursuits in which they are often together engaged, the subjects of other powers find an adequate

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His Excellency SIR J. G. LE MARCHANT, *Governor.*

recompense for their toil, while British fishermen in Newfoundland are unable to obtain the common necessaries of life, and have latterly been dependent in a great degree on the bounty of the local government for support.

MAY IT PLEASE YOUR MAJESTY,—

The result of such a condition of things must be inevitably ruinous.—The continued emigration of our fishermen can scarcely be prevented, and a valuable portion of our population will thus swell the tide of competition which assails us. They will naturally flee from a colony whose resources are withered by neglect, to obtain that reward for their labour which is offered to them by the rivals of British naval supremacy.

Neglect has long been our portion. While other Colonies have been from time to time recipients of Imperial Bounty, no such aid has been extended to Newfoundland, which, considered by reference to its maritime and commercial importance, is the most valuable of the transatlantic British possessions.

MAY IT PLEASE YOUR MAJESTY,

The people of this Colony are not chargeable with the causes of its present depression. The trade was fairly and legitimately carried on, exhibiting none of those wild speculations which brought ruin on other Colonies, but sustaining itself without bounty or protection, and had our natural rights been preserved the necessity for this appeal would not have arisen. But for purposes of Imperial policy the best portions of our Fisheries were handed over to Foreign rivals, whose operations have brought Your Majesty's loyal subjects to their present alarming state.

It will not be matter of surprise when we acquaint Your Majesty that from the pressure created by all these adverse circumstances, and the diminution of our revenue, the Colony has, within the last six years, contracted a debt of One Hundred Thousand Pounds.

The cession of so large a portion of our Fisheries by Your Majesty's Royal Predecessors, is the chief cause which led to the contracting of this debt.

We therefore humbly submit that the Imperial Government should relieve us from the liabilities which are so clearly the result of the sacrifices forced on the Colony by the measures adopted for Imperial purposes alone.

The French Fisheries are upheld by the supplies of Bait they receive from our shores. By the Imperial Act 26, Geo. 3, this traffic is declared to be illegal; and yet it is vigorously carried on because of the absence of a sufficient preventive force to suppress it. On the coast of Labrador Your Majesty's subjects are

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FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

exposed to continued depredations on the part of the French and Americans; and though annually visited by one of Your Majesty's Ships, this serves but little more than to ascertain the fact that such incursions are made, and that they can only be prevented by the continued presence of a Man-of-War during the summer season.

Two or three small War-steamers, employed during the Fishing season, would be required to protect that portion of our rights which the treaties have left us. Several French vessels of War are constantly occupied in the protection of their Fishery, while the occasional presence of one vessel is all we have hitherto had to shew that British protection extends to this ancient Colony.

In the markets of Spain, Portugal, and Brazil, our staple export is subject to enormous rates of duty, and in the latter country a still further increase appears to be contemplated. If urged by Your Majesty's Government we have confident hope that on the occasion of new treaties with these powers, arrangements may be effected less detrimental to our interests.

We humbly submit the premises for Your Majesty's consideration; and we pray that such assistance may be extended to us as will relieve the Colony from its pecuniary embarrassment, and that such other measures may be adopted as will avert the ruin which further neglect of this loyal dependency must inevitably, and at no distant period, occasion.

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

Mr. President—

The House of Assembly acquaint Her Majesty's Council that they have agreed to the amendments made by Her Majesty's Council upon the Bill sent up from this House, entitled "An Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled 'An Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony, and to provide for the appropriation of Monies granted for such purposes'"—without amendment.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }
21st April, 1849. }

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty the Sum of Five Thousand Pounds for the making and repairing of Main Roads and Bridges in this Colony;" which was read a first time, and

On motion made and seconded,

Message from the House of Assembly—agreeing to the Council's Amendments on the Road Act Suspension Bill.

Bill granting £5,000 for making and repairing Main Roads—brought up and read first time.

21st and 23rd April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

The 37th Rule of the House was suspended, so far as it respects the Bill above named.	37th Rule of the House suspended.
The said Bill was then read a second time, and the House went into Committee thereon,	Bill read 2nd time—committed.
The Honourable Mr. THOMAS in the Chair.	
After some time the House resumed.	
The Chairman reported the Bill without amendment.	Reported.
Ordered—that the Report be received.	
Whereupon the said Bill was read a third time and passed, and the Honourable the President signed the same.	Read 3d time and passed.
A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to provide for the Contingent Expenses of the Legislature;" which was read a first time,	Contingency Bill—brought up and read 1st time.
On motion made and seconded,	
The 37th Rule of the House, so far as it respects the Bill above named, was suspended.	37th rule of the House suspended.
The said Bill was then read a second time, and the House went into Committee thereon,	Bill read 2nd time—committed.
The Honourable Mr. MORRIS in the Chair.	
After some time the House resumed.	
The Chairman reported the Bill without Amendment.	Reported.
Ordered—that the Report be received.	
Whereupon the said Bill was read a third time and passed, and the Honourable the President signed the same.	Read 3rd time—and passed.
On motion made and seconded, the House adjourned until Monday next, at Two of the Clock, P. M.	House adjourns.
<hr/> MONDAY, 23RD APRIL, 1849.	
The House met, pursuant to adjournment.	House meets.

23rd April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

Present :

Members present.

The Honourable ROBERT LAW, *K. H., Commandant.*
 “ E. M. ARCHIBALD, *Attorney-General.*
 “ JAMES CROWDY, *Colonial Secretary.*
 “ JAMES M. SPEARMAN, *Collector H. M. Customs.*
 “ WILLIAM THOMAS.
 “ PATRICK MORRIS.
 “ WILLIAM BICKFORD ROW.
 “ JAMES TOBIN.
 “ JOSEPH NOAD.

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

Mr. President—

The House of Assembly have passed the following Resolution, to which they request the concurrence of Her Majesty's Council:—

Resolved,—That Mr. Job, being about to proceed to England, be requested to take charge of those copies of the Address on the subject of the Fisheries which are to be presented to the Houses of Parliament, and to deliver them to the Members mentioned in the resolution of this House, with a request that they will present the same and exert their influence in the promotion of its objects; and that he be authorized to call at the Colonial Office, and to urge the matters to which that Address refers upon the attention of the Secretary for the Colonies.

Resolved,—That a Message be sent to Her Majesty's Council with a copy of the foregoing Resolution, and expressing the desire of this House that Mr. Job should co-operate with any Member of their Body who may be appointed for this purpose.

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }
 23rd April, 1849. }

Whereupon the said Message was taken into consideration by the Council, but, in the course of the discussion His Excellency the Governor arrived at the Council Chamber for the purpose of Proroguing the Legislature, and the subject, therefore, was no further proceeded with.

At Three o'clock, p. m., His Excellency the Governor being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly at the Bar of this House, and they

Message from the House of Assembly, transmitting Resolutions respecting the presentation of an Address to Parliament on the subject of the fisheries.

Message from the House of Assembly referred to above—considered.

His Excellency the Governor arrives at the Council Chamber to close the Session, and

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His Excellency SIR J. G. LE MARCHANT, *Governor.*

being come thereto, His Excellency was pleased to give his assent to the following Bills, viz. :— Assents to certain Bills.

An Act to repeal certain Duties of Customs.

An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its Dependencies.

An Act to provide for the regulation, management and collection of all Duties granted to Her Majesty, her Heirs or Successors, on Goods, Wares, and Merchandise imported into this Island and its Dependencies.

An Act to continue and amend an Act passed in the third year of the Reign of Her present Majesty, entitled an Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same.

An Act to suspend an Act passed in the eighth year of the Reign of Her present Majesty, entitled "An Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony, and to provide for the appropriation of Monies granted for such purposes."

An Act for granting to Her Majesty the Sum of Five Thousand Pounds for the making of Main Roads and Bridges in this Colony.

An Act to authorize the raising by Loan a further Sum of Money for the erection of a Colonial Building and public Market-House in the Town of St. John's.

An Act to raise by Loan a Sum of Money for the general purposes of the Colony.

An Act to indemnify His Excellency Sir John Gaspard Le Marchant for Monies advanced by him from the Colonial Treasury for the service of the Colony.

An Act to repeal in part an Act passed in the eighth year of the Reign of Her present Majesty, entitled "An Act to continue and amend an Act passed in the fourth year of the Reign of Her present Majesty entitled 'An Act to regulate the packing and inspection of Pickled Fish for exportation from this Colony.'"

An Act for the further Amendment of the Law and the better Advancement of Justice.

An Act for facilitating proceedings in cases of Distress and Replevin.

An Act for the Limitation of Personal Actions at Law, and for rendering a Written Memorandum necessary to the validity of certain promises and engagements.

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An Act to amend the Law of Attachment in this Colony, and to regulate the Fees in certain cases payable thereon.

An Act to dispense with the present mode of Registering Grants, and to render valid certain Grants heretofore issued.

An Act to amend an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled "An Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned;" and also an Act passed in the tenth year of the Reign of Her Majesty, entitled "An Act to amend an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled 'An Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned.'"

An Act to prohibit Interments within the Town of St. John's.

An Act to extend the practice of Vaccination to the Outports of this Colony.

An Act to regulate the Importation of Books into this Colony, and to protect the British Author.

An Act to enable the Members of the Independent or Congregational Church to revive certain Trusts, and for other purposes.

An Act for granting to Her Majesty a Sum of Money for defraying the expense of the Civil Government of this Colony for the year ending Thirty-first day of December, One Thousand Eight Hundred and Forty-nine.

An Act to provide for the Contingent Expenses of the Legislature.

After which His Excellency was pleased to deliver to the two Houses the following

SPEECH:—

Mr. President, and Gentlemen of the Legislative Council:

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

In bringing to a close this long and laborious Session, which has been marked throughout by an ardent desire on the part of all zealously to discharge their legislative duties, I cannot omit to express to you my congratulations on that unanimity of action in your deliberations on those measures which have, during its progress, engaged your attention.

Among the measures you have originated and perfected, I have to allude to

23rd April, 1849.

His Excellency SIR J. G. LE MARCHANT, *Governor.*

the Acts to provide for the Collection of the Revenues, and the provision you have made for the department of the Customs, to come into operation on the receipt of Her Majesty's gracious assent to the Act for the repeal of the Imperial Duties, will enable the Executive to provide for the efficiency of that branch of the public service.

As a method of improving the sanitary condition of St. John's, the Act passed for prohibiting Interments within the limits of the Town will conduce much to the attainment of this most desirable object.

I must also especially notice the improved system by which you have enabled the Government to secure the due expenditure of the Road Money; the powers you have thereby conferred on me are gratifying proofs of the confidence you repose in my government; and I shall take care that the system of expenditure on this branch of the public service, pursued by the Executive in the two last winters, be steadily kept in view.

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

I thank you for the supplies which you have so liberally granted for the public service; and which it will be my utmost endeavour to apply in such a manner as to secure the interests of the Colony in the objects for which they have been provided.

Mr. President, and Gentlemen of the Legislative Council :

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

In the interval of the recess I look with confidence to your best exertions and endeavours to arouse among all classes a spirit of greater self-dependence, as well as to urge upon them the absolute necessity of their reliance being placed on their own industry and not on the eleemosynary aid of the public purse; for unless the principles of self-exertion, frugality, and self-denial be practised to a far greater extent in Newfoundland than has heretofore been the case, the finances of the Colony, straitened as they now are from the embarrassed circumstances of the last two years, must, in a very short time, succumb under the weight of sustaining, unassisted, so undue a proportion of the population of the Island.

And both earnestly and humbly hoping that before the Legislature shall again assemble the grievous calamities with which Newfoundland has been visited may, through the Divine Blessing upon the fisheries and crops of the approaching season, have passed away, and comparative abundance have been again shed abroad throughout the land; as also that the concord and harmony which has so happily subsisted between the three branches of the Legislature at the commence-

23rd April, 1849.

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 12TH VICTORIA.

ment of my administration of this Government may continue so long as I have the honour of holding my present position in this Colony, I beg you all to be assured, in returning to your homes and private avocations, that you carry with you my best wishes for your welfare and happiness, as also my warmest interest in the future advancement and prosperity of your constituents.

The General Assembly prorogued.

The Honourable the PRESIDENT OF THE COUNCIL then said—It is His Excellency the Governor's will and pleasure that this General Assembly be prorogued to Friday the 22nd day of June next, to be then and here holden; and this General Assembly stands prorogued accordingly.

1901

FIRST SESSION, FOURTH GENERAL ASSEMBLY, 1870 VICTORIA.

... I have
... all to be
... with you
... interest
... property of your constituents.

APPENDIX

The Honorable the Premier of the Colony then said—It is
... the General Assembly
... to be then and there held
... the General Assembly accordingly.

JOURNALS

OF THE

LEGISLATIVE COUNCIL.

APPENDIX.

APPENDIX, No. I.

ESTIMATE

Of the Charge of Defraying the Public Expenditure of the Island of Newfoundland, for the Year ending 30th June, 1849.

£22,835 19s. 2d.

Proposed Distribution of the above Sum.

Salary of the Private Secretary	£200	0	0
Clerk of Council	200	0	0
Two Clerks in Secretary's Office	400	0	0
Office-keeper ditto	60	0	0
Messenger ditto	60	0	0
Colonial Treasurer	500	0	0
Clerk of Supreme and Central Circuit Court	350	0	0
“ Northern Circuit Court	200	0	0
“ Southern ditto	200	0	0
Crier and Tipstaff of Supreme Court	60	0	0
Three Police Magistrates (St. John's)	900	0	0
High Constable (ditto)	80	0	0
Eight Police Constables (ditto)	360	0	0
Gaoler (ditto)	150	0	0
Gaol Surgeon (ditto)	40	0	0
Barber (ditto)	15	0	0
Gaol Surgeon (Harbour Grace)	30	0	0
District Surgeon	150	0	0
Hospital Surgeon	150	0	0
Gate-keeper, Government-house Lodge	26	0	0
Stipendiary Magistrates, &c., in the Outports, as per detail	3759	0	0
Attorney-General's Fees	250	0	0
Solicitor-General's Fees	200	0	0
Carried forward.....	<u>£8,340</u>	<u>0</u>	<u>0</u>

ESTIMATE (Continued.)

Brought forward £8,340 0 0

MISCELLANEOUS.

Ordinary repairs of Court-Houses and Gaols	.....	.....	£200	0	0
Gaol Expenses	.....	.....	600	0	0
Printing and Stationery	.....	.....	500	0	0
Crown Prosecutions	.....	.....	300	0	0
Coroners	.....	.....	150	0	0
Fuel and Light	.....	.....	450	0	0
Postages and Incidentals	.....	.....	120	0	0
Circuits of the Judges	.....	.....	750	0	0
Relief of the Casual Poor	.....	.....	4200	0	0
Permanent Paupers	.....	.....	2800	0	0
Outport ditto	.....	.....	400	0	0
Lunatic ditto	.....	.....	750	0	0
Sick ditto, Hospital	.....	.....	1100	0	0
Registration of Voters	.....	.....	150	0	0
Shipwrecked Sealing Crews	.....	.....	100	0	0
Clearing Snow from Streets of St. John's	.....	.....	100	0	0
Crown Lands Act	.....	.....	300	0	0
Gas Light Company	.....	.....	143	6	8
Rent of Post Office	.....	.....	25	0	0
Artillery Men at Fort Amherst	.....	.....	36	10	0
Duties on Wines, Military Mess	.....	.....	50	0	0
Almanac	.....	.....	25	0	0

PENSIONS AND GRATUITIES.

Mrs. Blakie	.....	.....	50	0	0
Mathew Stevenson	.....	.....	40	0	0
William Andrews	.....	.....	10	0	0
Mrs. Holbrook	.....	.....	30	0	0
Laurence Furlong	.....	.....	20	0	0
Patrick Burke, R.A.	.....	.....	9	2	6

ALLOWANCES TO FERRYMEN, VIZ.:

At Manuels	.....	.....	10	0	0
Great Placentia	.....	.....	25	0	0
Little St. Lawrence	.....	.....	10	0	0
Salmonier	.....	.....	25	0	0
Burin and Spoon Cove	.....	.....	20	0	0
Biscay Bay	.....	.....	15	0	0
Portugal Cove	.....	.....	25	0	0

Carried forward £21,878 19 2

ESTIMATE (Continued.)

	Brought forward	.....	.....	.....	.....	£21,878 19 2
At Holyrood	.....	.....	.....	.....	.....	25 0 0
Aquaforte	.....	.....	.....	.....	.....	15 0 0
Trinity, North Arm	.....	.....	.....	.....	.....	25 0 0
Malbay	.....	.....	.....	.....	.....	12 0 0
Belle Isle and Topsail	.....	.....	.....	.....	.....	20 0 0
John's Pond, North Harbour, and Salmonier	.....	.....	.....	.....	.....	30 0 0
Packet Boat, Bonavista and Trinity Bay, South Side	.....	.....	.....	.....	.....	100 0 0
Ditto, Burin to Placentia, and for Messenger to and from St. John's in connexion therewith	.....	.....	.....	.....	.....	150 0 0
Commercial School, Great Placentia	.....	.....	.....	.....	.....	40 0 0
For the support of the Presbyterian School	.....	.....	.....	.....	.....	40 0 0
Unforeseen Contingencies	.....	.....	.....	.....	.....	500 0 0
						957 0 0
						£22,835 19 2
	Total	.....	.....	.....	.....

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of Peace and Gaolers, in the undermentioned Outports.

OUTPORTS.	MAGISTRATES.	CLERKS of PEACE.	CONSTABLES.		GAOLERS.	TOTAL.
			No.	Salary.		
Harbour Grace	£180	£150	1	£50	£90	£670
"	150		2	50		
Carbonear	150	60	3	75		285
Brigus and Port-de-Grave	150	60	2	50		260
Ferryland	100	60	1	25	25	210
Bay Bulls	100		1	25		125
Burin	150	35	1	25	25	235
Lamaline	130		1	12		142
St. Mary's	130		1	25		155
Harbour Britain	100	35	1	12		147
Grand Bank	130		1	12		142
Trinity	150	60	2	37	25	272
Bonavista	150	45	1	25		220
Carried forward	£1,770	£505	18	£423	£165	£2,863

DETAIL of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of Peace and Gaolers, in the undermentioned Outports—(Continued.)

OUTPORTS.	MAGIS- TRATES.	CLERKS of PEACE.	CONSTABLES.		GAOLERS.	TOTAL.
			No.	Salary.		
Brought forward	£1,770	£505	18	£423	£165	£2,863
Twillingate and Fogo	130	45	3	49		224
Placentia	130	35	1	25	25	215
Bay Roberts	1	12		12
Bay de Verds	1	12		12
Harbour Main	1	12		12
Cat's Cove	1	12		12
Western Bay	1	12		12
South Shore	1	12		12
Brigus, South	1	12		12
Witless Bay	1	12		12
Toads Cove	1	12		12
Renews	1	12		12
Cape Broyle	1	12		12
Caplin Bay	1	12		12
Aquaforte	1	12		12
Fermeuse	1	12		12
Barren Islands	1	12		12
Merasheen	1	12		12
Little Placentia	1	12		12
St. Lawrence	1	12		12
Trepassey	1	12		12
Catalina	1	25		25
Perlican	1	12		12
Hearts Content	1	12		12
Hants Harbour	1	12		12
New Harbour	1	12		12
Greenspond	1	12		12
Exploits Bay	1	12		12
Petty Harbour	1	20		20
Portugal Cove	1	20		20
Torbay	1	20		20
King's Cove	1	12		12
Tickle Cove	1	12		12
Salvage	1	12		12
Jersey Harbour	1	12		12
Hermitage Bay	1	12		12
Burgeo Islands	1	12		12
Aggregate	£2,030	£585	57	£954	£190	£3,759

ESTIMATE (Continued.)

RECAPITULATION.

15 Magistrates	£2,030
10 Clerks of Peace	585
57 Constables	954
5 Gaolers	190
	<hr/>
	£3,759

A P P E N D I X, No. 2.

ESTIMATE

Of the Charge of Defraying the Public Expenditure of the Island of Newfoundland, for the Year ending 30th June, 1850.

£16,935 19s. 2d.

Proposed Distribution of the above Sum.

Salary of the Private Secretary	£200	0	0
Clerk of Council	200	0	0
Two Clerks in Secretary's Office	400	0	0
Office-keeper ditto	60	0	0
Messenger ditto	60	0	0
Colonial Treasurer	500	0	0
Clerk of Supreme and Central Circuit Court	350	0	0
" Northern Circuit Court	200	0	0
" Southern ditto	200	0	0
Crier and Tipstaff of Supreme Court	60	0	0
Three Police Magistrates (St. John's)	900	0	0
High Constable (ditto)	80	0	0
Eight Police Constables (ditto)	360	0	0
Gaoler (ditto)	150	0	0
Gaol Surgeon (ditto)	40	0	0
Barber (ditto)	15	0	0
Carried forward	<hr/>	£3,775	0 0

ESTIMATE (Continued.)

Brought forward	£3,775 0 0
Salary of Gaol Surgeon (Harbour Grace)	£30 0 0
District Surgeon	150 0 0
Hospital Surgeon	150 0 0
Gate-keeper, Government-house Lodge	26 0 0
Stipendiary Magistrates, &c., in the Outports, as per detail	3759 0 0
Attorney-General's Fees	250 0 0
Solicitor-General's Fees	200 0 0
MISCELLANEOUS.	
Ordinary repairs of Court-Houses and Gaols	£200 0 0
Gaol Expenses	600 0 0
Printing and Stationery	500 0 0
Crown Prosecutions	300 0 0
Coroners	150 0 0
Fuel and Light	450 0 0
Postages and Incidentals	120 0 0
Circuits of the Judges	750 0 0
Relief of the Casual Poor	1000 0 0
Permanent Paupers	1200 0 0
Outport ditto	400 0 0
Lunatic ditto	500 0 0
Sick ditto, Hospital	250 0 0
Registration of Voters	150 0 0
Shipwrecked Sealing Crews	100 0 0
Clearing Snow from Streets of St. John's	100 0 0
Crown Lands Act	300 0 0
Gas Light Company	143 6 8
Rent of Post Office	25 0 0
Artillery Men at Fort Amherst	36 10 0
Duties on Wines, Military Mess	50 0 0
Almanac	25 0 0
PENSIONS AND GRATUITIES.	
Mrs. Blakie	50 0 0
Matthew Stevenson	40 0 0
William Andrews	10 0 0
Mrs. Holbrook	30 0 0
Laurence Furlong	20 0 0
Patrick Burke, R.A.	9 2 6
Carried forward	12,073 19 2
Carried forward	£15,848 19 2

ESTIMATE (Continued.)

Brought forward £15,848 19 2

ALLOWANCES TO FERRYMEN, viz.:

At Manuels	.....	.....	.....	.....	.....	10	0	0	
Great Placentia	.....	.....	.....	.....	.....	25	0	0	
Little St. Lawrence	.....	.....	.....	.....	.....	10	0	0	
Salmonier	.....	.....	.....	.....	.....	25	0	0	
Burin and Spoon Cove	.....	.....	.....	.....	.....	20	0	0	
Biscay Bay	.....	.....	.....	.....	.....	15	0	0	
Portugal Cove	.....	.....	.....	.....	.....	25	0	0	
Holyrood	.....	.....	.....	.....	.....	25	0	0	
Aquaforte	.....	.....	.....	.....	.....	15	0	0	
Trinity, North Arm	.....	.....	.....	.....	.....	25	0	0	
Malbay	.....	.....	.....	.....	.....	12	0	0	
Belle Isle and Topsail	.....	.....	.....	.....	.....	20	0	0	
John's Pond, North Harbour, and Salmonier	.....	.....	.....	.....	.....	30	0	0	
Packet Boat, Bonavista and Trinity Bay, South Side	.....	.....	.....	.....	.....	100	0	0	
Ditto, Burin to Placentia, and for Messenger to and from St. John's in connexion therewith	.....	.....	.....	.....	.....	150	0	0	
Commercial School, Great Placentia	.....	.....	.....	.....	.....	40	0	0	
For the support of the Presbyterian School	.....	.....	.....	.....	.....	40	0	0	
Unforeseen Contingencies	.....	.....	.....	.....	.....	500	0	0	1,087 0 0
Total	.....	.....	.....	.....	.....				£16,935 19 2

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of Peace and Gaolers, in the undermentioned Outports.

OUTPORTS.	MAGISTRATES.	CLERKS of PEACE.	CONSTABLES.		GAOLERS.	TOTAL.
			No.	Salary.		
Harbour Grace	£180	£150	1	£50	£90	£670
"	150		2	50		
Carbonear	150	60	3	75		280
Brigus and Port-de-Grave	150	60	2	50		260
Ferryland	100	60	1	25	25	210
Bay Bulls	100		1	25		125
Burin	150	35	1	25	25	235
Lamaline	130		1	12		142
Carried forward	£1,110	£365	12	£312	£140	£1,922

DETAIL of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of Peace and Gaolers, in the undermentioned Outports—(Continued.)

OUTPORTS.	MAGIS- TRATES.	CLERKS of PEACE.	CONSTABLES.		GAOLERS.	TOTAL.
			No.	Salary.		
Brought forward ...	£1,110	£365	12	£312	£140	£1,922
St. Mary's ...	130		1	25		155
Harbour Britain ...	100	35	1	12		147
Grand Bank ...	130		1	12		142
Trinity ...	150	60	2	37	25	272
Bonavista ...	150	45	1	25		220
Twillingate and Fogo ...	130	45	3	49		224
Placentia ...	130	35	1	25	25	215
Bay Roberts ...			1	12		12
Bay de Verds ...			1	12		12
Harbour Main ...			1	12		12
Cat's Cove ...			1	12		12
Western Bay ...			1	12		12
South Shore ...			1	12		12
Brigus, South ...			1	12		12
Witless Bay ...			1	12		12
Toads Cove ...			1	12		12
Renews ...			1	12		12
Cape Broyle ...			1	12		12
Caplin Bay ...			1	12		12
Aquaforte ...			1	12		12
Fermeuse ...			1	12		12
Barren Islands ...			1	12		12
Merasheen ...			1	12		12
Little Placentia ...			1	12		12
St. Lawrence ...			1	12		12
Trepassey ...			1	12		12
Catalina ...			1	25		25
Perlican ...			1	12		12
Hearts Content ...			1	12		12
Hants Harbour ...			1	12		12
New Harbour ...			1	12		12
Greenspond ...			1	12		12
Exploits Bay ...			1	12		12
Petty Harbour ...			1	20		20
Portugal Cove ...			1	20		20
Torbay ...			1	20		20
King's Cove ...			1	12		12
Aggregate ...	£2,030	£585	52	£894	£190	£3,694

ESTIMATE (Continued.)

DETAIL of Salaries and Allowances to Stipendiary Magistrats and Constables, Clerks of Peace and Gaolers, in the undermentioned Outports—(Continued.)

OUTPORTS.	MAGIS- TRATES.	CLERKS of PEACE.	CONSTABLES.		GAOLERS.	TOTAL.
			No.	Salary.		
Brought forward	£2,030	£585	52	£894	£190	£3,699
Tickle Cove ... ..	...	...	1	12	...	12
Salvage ... ..	...	...	1	12	...	12
Hermitage Bay ... ..	...	...	1	12	...	12
Jersey Harbour ... ..	...	...	1	12	...	12
Burgeo Islands ... ..	...	...	1	12	...	12
Aggregate	£2,030	£585	57	£954	£190	£3,759

RECAPITULATION.

15 Magistrates	£2,030
10 Clerks of Peace	585
57 Constables	954
5 Gaolers	190
	£3,759

A P P E N D I X, No. 3.

Port of St. John's,

A CONSOLIDATED ACCOUNT of the Goods imported in the Year, ended 5th day of January, 1848, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon.

ARTICLES IMPORTED.	QUANTITY IM- PORTED.	VALUE.	DUTY.
Wine, <i>videlicet</i> :—			
in bottles	Gallons 447	£333 14 10	£55 17 6
not in bottles	“ 21484	3585 15 0	1611 6 0
Spirits, <i>videlicet</i> :—			
Brandy, Geneva, and Cordials...	Gallons 17180 $\frac{3}{4}$	4515 11 11	2147 12 0
	Carried forward	£8435 1 9	£3814 15 6

Port of St. John's,

A CONSOLIDATED ACCOUNT of the Goods imported in the Year, ended 5th day of January, 1848, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon—(Continued.)

ARTICLES IMPORTED.	QUANTITY IMPORTED.	VALUE.	DUTY.
Brought forward		£8435 1 9	£3814 15 6
Spirits, <i>videlicet</i> :—			
Rum and Whiskey	Gallons 32206½	3898 1 6	805 3 3
Undefined	“ 102	19 16 0	12 15 0
Ale, Porter, Beer, Cider, and Perry ... ..	.....	3541 4 11	354 2 6
Apples	Barrels 2518¾	1354 19 5	189 18 1
Bread or Biscuit	Cwts. 81053 0 19	68756 5 8	1013 3 5
Butter	“ 12841 0 17	37571 4 1	1284 2 2
Coals	Tons 17803½	14457 9 0	890 3 6
Flour	Barrels 93750½	138448 7 2	7031 5 9
Furniture (Household) ... ..	.....	2250 12 11	225 7 4
Goods, Wares, and Merchandise, not otherwise enumerated or described }		337990 3 3	16899 12 0
Lumber	Feet 5927856	13103 6 6	740 19 7
Meat (salted or cured)	Cwts. 39721 0 26	53811 4 6	2979 2 4
Molasses	Gallons 596304	27323 17 4	3726 18 0
Oatmeal	Barrels 836	994 11 4	20 18 0
Timber (Ton) and Balk, of all kinds, including Scantling	} Tons 1627	1404 17 0	122 0 7
Tobacco (Manufactured and Leaf)	Lbs. 334199	4128 17 5	2784 19 10
Stems	“ 6650	15 15 0	5 18 10
Cigars	467500	608 19 11	233 15 0
Shingles	5,556250	2376 8 6	277 16 3
Sugar, <i>videlicet</i> :—			
Refined	Cwts. 1302 1 9	2489 0 10	324 9 8
Bastard	“ 70 2 0	96 0 0	17 12 6
Tea	Lbs. 341407	17059 2 1	4267 11 10
	Totals.....	£740135 6 1	£48022 10 11

CUSTOM-HOUSE,

The 20th day of January, 1848.

J. M. SPEARMAN,

Collector.

APPENDIX, No. 4.

Port of St. John's,

A CONSOLIDATED ACCOUNT of the Goods imported in the Year, ended 5th January, 1849, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon.

ARTICLES IMPORTED.	QUANTITY IM- PORTED.	VALUE.	DUTY.
<i>Wine, videlicet :—</i>			
in bottles	Gallons 293	£222 5 5	£36 12 6
not in bottles	" 18990	3189 17 3	1414 5 0
<i>Spirits, videlicet :—</i>			
Brandy, Geneva, and Cordials	Gallons 21612 $\frac{3}{4}$	5037 19 6	3701 11 11
Rum and Whiskey	" 54513	5689 14 8	1362 16 6
Undefined	" 169	31 0 0	21 2 6
Ale, Porter, Beer, Cider, and Perry ....	.....	2017 8 10	201 15 0
Apples	Barrels 2685 $\frac{1}{2}$	1415 19 9	201 3 3
Bread or Biscuit	Cwts. 11846 1 13	87558 11 6	1480 16 8
Butter	" 14288 1 18	42807 9 7	1428 16 7
Coals	Tons 19756	17862 4 2	987 16 0
Flour	Barrels 102648 $\frac{1}{3}$	148866 7 5	7698 12 6
Furniture (Household) ....	.....	757 7 5	75 14 8
Goods, Wares, and Merchandise, not otherwise enumerated or described	}	250273 2 4	12513 13 11
Lumber	Feet 4447709	9293 3 9	555 19 5
Meat (salted or cured)	Cwts. 45684 1 13	54396 15 2	3426 7 11
Molasses	Gallons 636101	33191 4 11	3975 12 11
Oatmeal	Barrels 1747 $\frac{1}{2}$	1899 0 9	43 13 9
Timber (Ton) and Balk, of all kinds, in- cluding Scantling	} Tons 1397 $\frac{1}{2}$	1394 10 6	104 16 5
Tobacco (Manufactured and Leaf)	Lbs. 225632 $\frac{1}{2}$	2923 19 9	1880 5 5
Stems	" 3512	32 0 0	7 12 0
Cigars	192950	410 2 0	96 9 6
Shingles	2577750	996 2 6	128 19 9
<i>Sugar, videlicet :—</i>			
Refined	Cwts. 1298 1 5	2026 18 5	324 12 5
Bastard	" 136 1 23	176 6 6	34 2 3
Tea	Lbs. 297741	14570 6 10	3721 15 3
Totals		£686039 18 11	£44435 2 0

Custom-House,
The 15th day of January, 1849. }

J. M. SPEARMAN,
Collector.

Port of St. John's,
DR. A CONSOLIDATED ACCOUNT current of Receipts and Payments for the Year, ended 5th January, 1849. **CR.**

1849.	To Out-Bay Balances, viz. :		1849.	By Out-Bay Balances, viz. :	
	Trinity, 10th October, 1847	£105 6 3		Fogo, 10th October, 1848	£113 13 11
	Carbonear, "	90 3 0		Trinity, "	185 14 10
	Harbour Grace, "	198 13 1		Bonavista, "	39 10 2
	Placentia, "	88 8 0		Carbonear, "	244 15 11
	Burin, "	155 3 3		Harbour Grace, "	1192 3 3
	Out-Bay Receipts, viz. :			Placentia, "	46 7 9
	5th January, 1848,	£2127 12 4		Burin, "	497 10 0
	5th April, "	324 7 6		Little Bay, "	349 6 3
	5th July, "	3063 2 8		Freight of Cash from Burin	0 16 8
	10th October, "	3486 3 0		Incidents	30 3 4
		9001 5 6		Over Entries	90 13 7
January 5.	Duties on Goods imported this date	35433 16 6		Drawbacks	172 4 6
	10 per cent. on that amount	3543 7 8		Returned Duties	168 1 9
	Net proceeds of Goods undervalued	33 14 7		Salaries, viz. :	
	" " seizures	141 12 5		E. L. Moore	£200 0 0
	Duties collected at Bay Bulls on 1000 feet			John Canning	200 0 0
	Lumber	0 2 6		James S. Hayward	180 0 0
	Surcharge on Out-Bay Accounts	0 5 0		James M. Winter, Fogo	100 0 0
				Lorenzo Moore, Greenspond	100 0 0
				James Winter, Lamaline	100 0 0
				Thomas Read, La Poile	100 0 0
				J. L. McKie, Bay Bulls	50 0 0
				Tidesmen's Day-pay	377 4 4
				Boatmen	191 0 0
				Imperial Officers	185 12 1
				Reserved Salaries	6325 12 2
				Collector	50 0 0
				Bonds transferred to Treasurer	24937 19 0
				Paid the Treasurer	11963 8 3
		£48791 17 9			£48791 17 9

I hereby certify that the foregoing Accounts are just and true in every particular, to the best of my knowledge and belief.

Custom-House, } J. M. SPEARMAN, }
 The 15th day of January, 1849. } Collector.

We do hereby certify that we have duly Audited the foregoing Accounts, and that we have finally settled and closed the same.

St. John's, Newfoundland, } WILLIAM THOMAS, }
 The 25th day of Jan., 1849. } JOSHUA G. FALLE, } Auditors.
 LAURENCE O'BRIEN, }

APPENDIX, No. 4.

APPENDIX, No. 5.

PETITION.

From certain Merchants and Inhabitants of St. John's, praying that the Act for the Re-building of the Town of St. John's may not be altered.

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND,
IN SESSION. CONVENED,—

THE PETITION OF THE UNDERSIGNED MERCHANTS AND OTHER INHABITANTS OF THE TOWN OF ST. JOHN'S,

Humbly Sheweth,—

That your Petitioners, observing by the official report of the proceedings of the Honourable the House of Assembly of Newfoundland, an Act has passed that branch of the Legislature to amend the Act "for regulating the Re-building of the Town of St. John's," whereby the time originally limited for allowing Wooden Sheds to remain in certain streets in the Town is extended from the First day of May next to the Thirty-first day of December, One Thousand Eight Hundred and Fifty, desire to lay before your Honourable Body, and to crave your favourable consideration of, the reasons why your Petitioners conceive it desirable that the Law, as it now stands, should continue in force.

First,—The parties who have erected substantial buildings, at a very considerable cost, and in compliance with the requisitions of the Act, did so, relying on the existing Law for the removal of the Sheds being carried into effect; and, therefore, those who have hereby benefited the Town, and obeyed the Law, should be upheld and protected.

Second,—The enormous rate of Premium demanded for Insurance, in consequence of the increased risk, by the wooden buildings being so contiguous to the premises of the parties aforesaid, is felt to be a very heavy tax; and, though unwilling to hazard any portion of their property, they are compelled, by the high rate of premium exacted, to keep, in many instances, not more than half their property insured.

Third,—The consequences that would be attendant on another extensive conflagration in the mercantile part of the Town, should such unhappily occur, (and the continuance of the wooden sheds tends very much to increase the risk) are so appalling that your Petitioners are led involuntarily to shrink from the contemplation of the subject, feeling assured that its sad effects would be felt throughout the Colony; and though the removal of the temporary sheds may, in some instances, bear hard upon individuals, the good that would accrue to the country, generally, by the increased security of provisions and other merchandise, so essential to the sustaining of the trade and fisheries of the Island, would far outweigh any disadvantage that may arise by having the Law of the land carried out.

Therefore your Petitioners pray that the Act "for Regulating the Re-building of the Town of St. John's" may remain unaltered.

(Signed)

E. HARVEY	WM. WARREN
WALTER GRIEVE	ROBERT PROWSE
PATRICK TASKER	H. P. THOMAS
THOMAS ROW	KENNETH MCLEA
ROBERT H. JOB	JOHN W. M'COUBREY
PETER MCBRIDE	VALENTINE MERCHANT
JAMES J. ROGERSON	WILLIAM F. WILSON
GEO. H. WILSON	JOHN EGAN
HENRY N. DICKINSON	THOS. G. MORRY
EDWARD BOWRING	JOHN H. WARREN
F. K. HEPBURN	JOHN BLUNDON
WILLIAM RENDELL, JR.	J. W. SNOWBALL
N. MUDGE	JOHN BOND.
MICHAEL MEEHAN	

A P P E N D I X, No. 6.

REPORT

Of a Select Committee of Her Majesty's Council, appointed to take additional Evidence on the Pickled Fish Act Amendment Bill.

The Select Committee appointed to take further Evidence on the Pickled Fish Act Amendment Bill, beg leave to report the evidence taken by them.

Since closing the evidence they have received a letter from Mr. Robert Oke,* requesting that some further remarks may be added to the evidence given by him before the Committee; they have, therefore, appended his letter to this Report.

The Committee have also appended an Extract from a letter from a commercial house in Valencia to their correspondents in this town,† shewing the disastrous effect which French competition has, and is likely to have to a still greater extent, on the Fisheries of this Colony.

EVIDENCE.

HENRY KNIGHT, EXAMINED.

The second summer the people were more aware of the force of the Vessel and crew, and did not pay their duties as readily as at the first.

* See page 132.

† See page 132.

The second summer they were not there as early as the first summer.

The day after leaving this the first year, they put into Trepassey and remained there a week—from thence to Burin, and remained two days—from Burin to Lamaline, and remained there six or seven days; and from Lamaline to St. Peter's, where they remained one or two days. Sailed 10th April, and arrived at St. Peter's about the 20th or 21st.

Second year. Left St. John's 12th April—went into Fermeuse the same evening, and remained there that night—the next day got into Trepassey and remained there six or eight days. Went in with the wind South. The vessels that sailed with them from St. John's got into Burin the day following, and told the people they were coming. Beat out of Trepassey and bore up again. Arrived at St. Peter's the 1st May. Went from Trepassey to Burin, thence to Lamaline, and thence to St. Peter's. Was only three nights at sea the whole of the first summer, including passages, and four the second year.

He is of opinion that it is not at sea in the vessel that the most duty is to be done. It should be done in the boats; at the same time the vessel has a right to be at sea also. The boats were not at sea at night, nor were the crew away from the vessel more than one night in the course of the two summers. He understood that the vessels take 100 barrels of herrings or 100 hogsheads of caplin for each trip. There were about 220 or 230 sail of bankers. They make one trip on herring, one trip on caplin, and one trip on squids. Mr. Oke took 18000 squids out of one French boat, which had been seized from the English—He believes she was seized for jigging squids in St. Peter's Roads, or for having a small quantity of fish on board without reporting them in St. Peter's. This was one of the boats seized by Mr. Oke, which was given up to the French by the Government. Was eleven days at anchor at one time in St. Peter's Roads the second year. The French would not permit them to examine or board the English boats in St. Peter's Roads. There are frequently from 50 to 200 English boats in St. Peter's. They bring back bread, flour, molasses, tea, shop goods, and some spirits. If he had a vessel suitable for a cruizer he would undertake to keep her on the station for half the duties and forfeitures he might get. Thinks that two vessels might carry out the provisions of the Act, and prevent smuggling. The boats seldom go to St. Peter's when it is foggy, for the wind then is generally foul, and they will not haul caplin for St. Peter's without a fair wind. They carry herring from 1st March to last of May; caplin from 20th June to last July; squids from beginning of August to last of September. He had been told by the planters that the French haul bait on our shores—at Dantzig Cove and Fortune and Grand Beach. They catch fish also on our ground. He drove 27 French boats off our ground one morning; they were fishing with bultows. Mr. Oke took two of them, but they were given up. The French will not allow their fishermen to use bultows in the neighbourhood of St. Peter's. They do not prevent their own men taking bait for bankers on their own coast, but they prefer purchasing from the English. Boarded one boat with three men that had 1,500 fathoms of bultow line on board—about 60 fathoms to each bultow. They cost about 20 or 30 francs each—the boat about 20 tons. Thinks 20 or 30 French fishermen would do as much mischief on our ground as 100 English fishermen. The hooks are about a fathom apart—about 60 or 70 hooks to each bultow.

CHARLES F. BENNETT, Esq., EXAMINED.

Went to Placentia and Fortune Bay the year before passing the Act 8th Vic., cap. 5. Went into Lamaline and saw a great number of boats lying idle; they were from Fortune Bay, Lawn, and Burin.

Mr. Cake's boats were out fishing at the same time, and having bait had loaded two or three times a day for three days. He had taken some bait immediately after twelve o'clock on Sunday night, and as soon as he had done so, the boats came in and swept the coves of the bait to take it to the French, and our boats were thus left without bait. Had Mr. Cake been later than twelve o'clock he would have been too late, and would have had no bait also. He thinks there might have been 100 boats or more lying there without bait. The persons most injured were the smaller boats with the weaker crews. Schooners and boats from Conception Bay, and other parts of the Island, were there with large seines, catching bait for the French. The fishermen of the Bay chiefly depended on their cast-nets for taking bait, and these were driven off the ground by the large crews. The planters represented to witness that a great part of the bait so taken perished by the way, and never reached St. Peter's; and at other times the supply was so great at St. Peter's that much bait was thrown overboard, but owing to the high price occasionally obtained they could still afford to carry on the traffic. They also stated that the demand for bait was increased in consequence of the French having prohibited the catching of bait on their own shores for the use of their own bankers, reserving their bait for the use of their shore fishery. He is of opinion that the great destruction of bait on the western shores has been the occasion of the destruction of the fishery in Placentia Bay, and the consequent poverty of the planters, who previously had enjoyed good fisheries. Does not think it would be wise to prevent the exportation of herring to our own colonies, or to exact prohibitory duties, but thinks that care should be taken to see that the fish are well cured, and that efficient means be taken to protect the Revenue. There was formerly a large trade carried on in herrings from Fortune Bay to Nova Scotia, which were paid for in articles of consumption, few of which paid any duty when imported, having been landed beyond the view of the Custom-house. Such herrings were usually ill cured, and gave a bad character to that branch of our commerce; from Nova Scotia they were frequently taken to the West Indies, and came into competition with our inspected fish. Since the passing of the 8th Vic., cap. 5, our herrings have obtained remunerating prices in the West Indies, which they did not before. Does not think the Act 8th Vic., cap. 5, has had a fair trial of its usefulness. The Revenue Schooner has not been sent round sufficiently early, nor has it been efficiently equipped. Thinks that if put on a proper footing, a protective force would not only pay its own expenses, but add considerably to the Revenue. Thinks the craft should be about 40 or 50 tons, with two good rowing boats with lug sails; a larger vessel would be inconvenient for going in and out of port, and bordering near the shore in foggy weather. During the caplin scull thinks the boats should be manned with six men and an officer each. These boats, by ranging from Fortune Bay to Lamaline, crossing each other, would effectually prevent the export of bait, and any illicit trade, and could do so in calm weather when the large vessel would be useless; the crews to have an interest in the seizures they make, to make them more vigilant in obtaining information. Thinks that a duty on the export of bait to the French would be better than a direct prohibition, and it would contribute largely to the Revenue. Received a letter yesterday stating that French fish had been offered to be sent to and delivered in Valencia at 6s. per quintal, which offer had caused the refusal by the dealers to purchase a cargo of English fish then there—and the English vessel was forwarded to Leghorn. The usual freight of fish from this to Valencia is from 2s. 3d. to 2s. 6d. sterling per quintal. Thinks that the herring fishery, if well conducted, would be a branch of profitable trade to the Colony.

JAMES FURLONG, EXAMINED.

Is of opinion that the Act 8 Vic. cap. 5, ought not to be repealed. Thinks it a very great injury

to our fisheries that bait should be sold to the French. In consequence of the lateness of the French bankers arriving at St. Peter's last year, the fish struck into Placentia Bay in great abundance;—it was a kind of fish different in character from what they had caught in former years, and evidently came in from the banks. In other years the first-caught fish was of a much smaller size.

The French have bought very large quantities of bait lately, beyond what is required to bait their hooks; this they throw overboard on the banks, and it tends to keep the fish there, which would otherwise come towards the shore. This is done when there is a surplus quantity of bait in St. Peter's, and the price low; it is sometimes as low as 1 @ 2 francs per barrel. Thinks there are from 100 @ 150 boats from Placentia Bay, besides those from Fortune Bay, employed in carrying herrings in the spring to St. Peter's.

The French can get herrings from St. George's Bay, but at a late date, not till May, which would be of very little service, not being in time for the first trip of the bankers. Thinks that if bait were not permitted to be sent to St. Peter's, more fish would be caught on our own shores, and the inhabitants of Placentia and Fortune Bays would be better off. Parties who take bait to St. Peter's bring back spirits, tea, and other articles, to the great detriment of the Revenue, and tending to demoralize the people. It is people who are well off, and not the poorer people, who supply the French with bait.

The permission to take herrings in bulk to the neighbouring colonies has been a great injury to our trade, as such herrings would not keep, and gave a bad character to our pickled fish in the West India markets. Before the Act passed he had often sent such fish to Halifax in bulk, to be packed, and from thence shipped them to Jamaica, and the result was a total loss, while lately he has obtained 30s. per barrel for his herrings in the same market, that were barrelled in Newfoundland. Barrels are only 1s. 3d. @ 1s. 6d. each in Nova Scotia, and the traders from thence can bring their barrels with them if they wish, and pack the fish there cheaper than our people can.

Herrings have not been so saleable in Nova Scotia and P. E. Island since the failure of the potato crop, which is one reason why so many vessels do not go now to Fortune Bay as formerly. If the inhabitants of Placentia and Fortune Bays were more industrious they might make any quantity of barrels during winter, and thus find profitable employment, and get off a large quantity of herrings well packed and in a marketable condition. If the people were employed in fishing the same time that they are in carrying fish to St. Peter's, he thinks they would do better and secure more provisions for their families.

In May, 1847, he saw a large French brig in Gallows Harbour, at anchor, getting bait from our fishermen, and she sailed from thence to the banks. The herring taken in bulk to Halifax and there packed, will only brand there as No. 2.

He has seen herrings in Halifax, packed by Mr. Pryor's agent at Port au Basque, which were of an excellent quality, some of which were sent to the London market; they realized remunerating prices in the several markets to which they were exported, and even in the Halifax market.—These are similar to the Fortune Bay herrings. In the year 1848, he put up about 2000 barrels of herrings; and he is still engaged in putting up herrings. Herrings can be taken in the bays from first of April to the last of May, and from first December to the last of January, and sometimes later.

Thinks it would be difficult to prevent bait from going to St. Peter's, in consequence of the fog;

but if the fishermen thought their boats were to be confiscated if they went to St. Peter's, he thinks they would then be afraid to go there. A cruizer in the bay might assist the authorities in carrying the law into effect.

ROBERT OKE, EXAMINED.

Was in command of the Revenue cruizer *Caledonia*, in 1846 and 1847.

In 1846 the coast was beset with ice, till very late in the season. The bankers were never before known to be so late in arriving at St. Peter's. A prevalence of N. E. wind had caused the herring fishery to be very late also. Left St. John's, 10th April in 1846, and 14th April in 1847. Reached St. Peter's 3rd May, 1847, and 28th April, 1846. Found that on the 2nd April, 1847, fifteen bankers had been supplied with bait, and sailed for the banks; ten of the largest ships (each about 300 tons) had been supplied with bait in England and Spain; two brigs from St. Peter's had also been supplied with bait on our coast, in Gallows Harbour and Paradise, before he got there. All the duty the first year was secured by him from boats before they left their port of lading. All the boats had left Fortune Bay before he got there—the first fleet of boats had left on the 2nd April. In 1847 they put into Trepassey in bad weather. They were a good deal in harbour at night, but then the boats were engaged, and night after night he was on the beach preventing the boats from hauling caplin. All the efficient service that was performed was done in boats away from the vessel. He is of opinion that four good boats would do more good than six vessels. The French Commandant desired him not to touch any boat within three miles of the French coast, which he considered their waters. The French boats would frequently take our boats in tow and then claim them to be under French protection. On the 3rd May, 1847, put into St. Peter's, the coast being full of ice as far as the eye could reach. Mr. Knight's log-book states: "May 3rd, fell in with ice; as far as the eye could reach could see nothing but ice; found it prudent to put into St. Peter's; impossible to leave until the 6th. Left the 6th, returned on the 7th, after receiving some injury in the ice; detained there with ice until the 11th." Nothing had arrived at St. Peter's during their stay there except Evans's boat, which put in the same evening with themselves; the boats had been kept in Fortune Bay by ice; relieved some of them with provisions. Thinks that if the boats were seizable for being in St. Peter's, they would be prevented from going there. His anxiety for the safety of the vessel in foggy weather prevented the vessel being so efficient as she might otherwise be. It is even foggy there with the wind W. and W. N. W. The vessel was generally at anchor at night, because he thought the duty might be better performed by the boats. Every craft that was taken was by boats, sometimes 10, 15 or 20 miles from the vessel. Thinks that four vessels would be insufficient to carry out the provisions of the Act. It can be better performed in boats. It was not until they went there in 1846, that the French would allow the bankers to take bait on their own shores. Understood from a French Officer that 9500 barrels of herrings were purchased in 1846 from our fishermen. Was repeatedly at sea in the boats at night. Herring was four or five francs per barrel in St. Peter's in May 1847. Several boats (upwards of 40) on seeing them, in 1847, threw their herring overboard and bore up for Fortune. The duty received in 1846 was nearly all on herring, and not on caplin. Exhibited a petition from planters in July, 1847, praying him to remain another fortnight to protect them from the encroachment of the French boats, and also produced a letter from Mr. Butler, J. P., stating that after he went away above 50 French boats came into Lamaline, and persisted in fishing on our coast in spite of our fishermen.

He is of opinion that it is not the operation of the Act that has reduced the trade in herrings to Nova Scotia, but chiefly from the facilities for selling herrings in St. Peter's. Our boats bring back all the necessaries of life from St. Peter's in payment for the bait. The traders from Nova Scotia have also been much discouraged by the competition of the houses to the westward, who will not allow these traders to undersell them; besides which, their herrings were often spoiled when they got to Nova Scotia.

ST. JOHN'S, 19TH FEBRUARY, 1849.

SIR,—

I most respectfully beg leave to wait on you with the following statement, with a desire that you will be pleased to annex the same to the evidence which I had the honour to give before a Select Committee of Her Majesty's Council on Friday last, viz. :—Nearly all the export duty on bait to St. Peter's the year 1846 was collected during my being on the station, and in 1847 the duty, with the exception of a small amount, was paid previous to my arrival at Fortune Bay. Had it been possible to have secured the duty on every barrel of herrings exported to St. Peter's after my arrival in 1847, it could not have been *anything* like the amount collected the year previous.

The mode pursued in the discharge of my duty in 1846, *was precisely the same* as that in the year 1847, and if possible, with increased zeal. The cruizer was not more at sea in the former year than in the latter.

The French, for years previous to 1846, received a large supply of caplin from the neighbourhood of Lamaline, to the serious injury of our fishery; but during the seasons of 1846 and 1847 the traffic to a very considerable amount was prevented, and the inhabitants of Lamaline have declared to me in a petition, "that to my zeal and watchfulness by night as well as by day must be attributed the circumstance of their not being under the necessity of making any application to the Government for pecuniary assistance.

The practice of French boats frequenting our shores and taking large quantities of squids, and our fishermen supplying the French with that description of bait, has become very general, and is the source of much injury. In July, 1847, I captured a French boat at anchor (10 miles distant from the vessel) with 1,500 squids on board, salted in bulk, which were distributed to the fishermen, giving to each 100, and during one day 500 quintals of fish were caught in the neighbourhood of Lamaline on that bait.

I have the honour to remain, Sir,

Your most obedient and humble servant,

ROBERT OKE.

To Hon. WILLIAM THOMAS, Chairman of a Select Committee of Her Majesty's Council.

Extract of a Letter from Messrs. WHITE, LLANO, & VAGUE, Valencia, dated December, 1848:—

"Nymph, 2,100, from Twillingate.

“ We should have placed both cargoes at Rs. 55 or 56, about 10s. per cwt. net, but our efforts to effect sales have not been attended with success. The fact is that French fish had been offered here by the French consul and other agents at Frs. 9, 58, or about Rs. 38,—6s. per quintal, on board, here, free of freight.

“ A French vessel has lately arrived from Marseilles with a small cargo, and another is announced to follow her soon. This occurrence, added to a further fall in the prices at Marseilles, has quite alarmed our dealers, who, having still some stock on hand, have felt naturally afraid to increase it by a further purchase before they can judge how far the French fish will really interfere with the Labrador; because if it should be liked by the consumers, in that case they would be exposed to a heavy loss by the much lower prices at which it could be retailed. At all events the increase of bounty by the French Government is a thing of the greatest consequence to the British Newfoundland trade. You are probably aware that several cargoes of French fish have gone this season to Oporto, Lisbon, Cadiz, and Leghorn, and although they have not all been disposed of, because the fish is not well known at those places, there is little doubt that in the course of a few years it will effectually interfere with the English Labrador cure in particular, both on account of its improved quality, and of the low rates at which the large bounty allows it to be sold.

“ A petition should, therefore, be addressed to the Government, urging the ministers strongly to protect the British interests in Newfoundland, and to adopt effective measures in order to counteract the disastrous effects that will be produced by the present increased bounty on the French fish.”

APPENDIX, No. 7.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, on the subject of an Act passed by the General Assembly of Newfoundland “ to raise by Loan a Sum of Money for the General Improvement of the Colony.”

[COPY.]

No. 15.

Downing-Street, 25th May, 1847.

SIR,—

I have to acknowledge the receipt of a Despatch from Lieut.-Colonel Law, dated 27th March, (No. 57), in which he transmits the Copy of an Act passed in the last Session of the General Assembly of Newfoundland, “ to raise by Loan a Sum of Money for the general improvement of the Colony;” and inquires “ whether there is any hope that the Government will, in any way, assist the Colony in carrying this Act into operation.”

The only answer which I can return to this question is, that I am prepared so far to give the measure the recognition and approbation of Her Majesty’s Government as to advise the Queen to

confirm the Act, but that the credit of the British Treasury cannot be either directly or indirectly pledged to facilitate the raising of the proposed loan for the general improvement of Newfoundland.

I am, Sir, &c.,

(Signed)

GREY.

Governor Sir J. G. LEMARCHANT.

APPENDIX, No. 8.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, transmitting "An Act to render permanent certain parts of an Act for Amending the Constitution of Newfoundland."

[COPY.]

No. 26.

Downing-Street, 3d July, 1847.

SIR,—

I transmit to you the six accompanying Copies of an Act of Parliament entitled "An Act to render permanent certain parts of the Act for Amending the Constitution of the Government of Newfoundland," to which the Royal assent was given on the 25th June last. The effect of that Act is, as you will perceive, to render permanent so much of the Statute 5 and 6 Vic., cap. 120, as enables the Queen to determine the qualifications of Members of the House of Assembly of Newfoundland, and to determine what length of residence in any District, and what other qualifications, are requisite to enable any person to vote for, or to be elected as, a Member for that District.

It also renders permanent so much of the Statute 5 and 6 Victoria as enables the Queen to assume the initiative in all money votes of the Assembly, and to render Elections simultaneous, and to limit the time for the completion of them.

Subject to these changes (now made permanent), the old Constitution of the Colony will revive. There will, therefore, henceforth be two Houses of Local Legislature, viz., a Legislative Council, nominated by the Queen, and a House of Assembly, elected by the people.

It has not seemed to Her Majesty's Government necessary any longer to maintain that peculiar system in Newfoundland which originated in the unfortunate events immediately preceding the enactment of the Statute 5 and 6 Victoria. We have thought it better, on every account, to propose to Parliament the re-establishment there of the Constitution in its original form, with such securities only against abuse as the experience of former times has proved to be indispensable. I sincerely

trust that there will be no recurrence of those indiscretions of which the want of that experience was probably one of the principal causes.

You will consider and report to me what instruments and what appointments will be necessary for giving full effect to the Act which I transmit. They will then be prepared with the least possible delay.

I have, &c.

(Signed)

GREY.

Governor Sir J. G. LEMARCHANT, &c., &c.



ANNO DECIMO AND UNDECIMO VICTORIÆ REGINÆ.

CAP. XLIV.

AN ACT to render permanent certain parts of the Act for amending the Constitution of the Government of Newfoundland. [25th June, 1847.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for amending the Constitution of the Government of Newfoundland*, it was amongst other things enacted, that it should be lawful for Her Majesty, in or by any Commission or Commissions under the Great Seal of the United Kingdom, to be thereafter issued for the Government of Newfoundland, and in and by any Instructions under Her Majesty's Signet and Sign Manual accompanying and referred to in any such Commission or Commissions, to establish a Qualification in respect of Income or Property in right of which any Person might be thereafter elected to serve as a Member of the Assembly of *Newfoundland*; provided that no such Qualification should be fixed at more than a net annual Income arising from any Source whatsoever of One Hundred Pounds, or the Possession of Property, clear of all Incumbrances, exceeding Five Hundred Pounds in Amount or Value; and that it should be lawful for Her Majesty, in manner aforesaid, to fix and determine the Length of the Period of Residence within any Electoral District in the said Island which should be required, in addition to any other Qualification, for voting at Elections within such District, or for being elected to serve as a Member of the Assembly, provided that such period should not extend beyond the Period of Two Years next preceding any such Election; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain the said Assembly from appropriating to the public Service within the Island of *Newfoundland* any part of the public Revenue thereof in cases where such Services should not have been previously recommended, or such grants of Money should not have been previously asked by or on behalf of Her Majesty; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain and prohibit the Election of Members to serve in the said Assembly in

different Districts on successive or different days; and to require that all such Elections should be simultaneous, and should be completed within a time to be limited, and that any such future Commission or Instructions as aforesaid should be laid before both Houses of Parliament within Thirty Days next after the date thereof, should Parliament then be in Session, or if not, then within Thirty Days next after the commencement of the then next Session of Parliament; and it was thereby provided that no change which should be made in the Constitution of the said Island under the said Act should continue for a longer time than the First Day of *September One Thousand Eight Hundred and Forty-six*, unless Parliament should otherwise order: And whereas by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act to continue till the First Day of September One Thousand Eight Hundred and Forty-seven certain of the Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Constitution of the Government of Newfoundland*, it was enacted that the changes made in the Constitution of the said Island under the said recited Act should continue in force until the First Day of *September One Thousand Eight Hundred and Forty-seven*: And whereas upon and from the said First Day of *September One Thousand Eight Hundred and Forty-seven* the changes made in the Constitution of the said Island under the first-recited Act will cease to be in force unless further provision in that behalf be made by Parliament; and it is expedient that from and after the said First Day of *September One Thousand Eight Hundred and Forty-seven* the first-recited Act should cease to be in force, save only so far as the same is herein-before recited: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much as is herein-before recited of the first-recited Act shall be permanent, and that upon and from and after the First Day of *September One Thousand Eight Hundred and Forty-seven*, so much of the said Act as is not herein-before recited shall cease to be in force.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

APPENDIX, No. 9.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Order of Her Majesty in Council, leaving certain Acts of the General Assembly of this Colony to their operation.

[COPY.]

No. 41.

Downing-Street, 8th October, 1847.

SIR,—

Four Acts passed by the Legislature of Newfoundland in the month of January last having been referred by the Queen in Council to the Lords of the Committee of Privy

Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation; I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated 28th September, approving that Report.

I have, &c.,

(Signed)

GREY.

Governor Sir J. G. LEMARCHANT, &c., &c.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT

The 28th Day of September.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

LORD CHANCELLOR,

DUKE OF NORFOLK,

MARQUIS OF CLANRICARDE,

LORD JOHN RUSSELL,

VISCOUNT PALMERSTON,

BISHOP OF LONDON,

SIR JOHN HOBHOUSE, Bart.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of January, 1847, pass four Acts, which have been transmitted, entitled as follows, viz. :

No. 63.—An Act to regulate the appointment of Sheriffs.

No. 64.—An Act for granting a further Sum for establishing a Lunatic Asylum in St. John's.

No. 68.—An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of the Colony for the year ending on the 30th day of June, 1848, and for other purposes.

No. 69.—An Act to provide for the Contingent Expenses of the Legislature.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation;—Her Majesty was thereupon this day pleased, by and with the Advice of Her Privy Council, to approve the said report. Whereof the Governor, Lieutenant,

Governor, or Commander-in-Chief, for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

WM. L. BATHURST.

APPENDIX, No. 10.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Order of Her Majesty in Council, leaving certain Acts of the General Assembly of this Colony to their operation.

[COPY.]

No. 51.

Downing-Street, 2nd December, 1847.

SIR,—

Three Acts passed by the Legislature of Newfoundland in the months of April, 1844, and January, 1847, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation;—I have the honour to transmit to you herewith an Order of Her Majesty in Council, approving that report.

I have, &c.,

(Signed)

GREY.

Governor Sir GASPARD LEMARCHANT, &c., &c., Newfoundland.

AT THE COURT AT WINDSOR,

The 22nd day of November, 1847.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

LORD PRESIDENT,

DUKE OF NORFOLK,

VISCOUNT PALMERSTON,

LORD CHAMBERLAIN,

VISCOUNT MORPETH,

EARL GREY,

SIR JOHN HOBHOUSE, Bart.

EARL OF AUCKLAND,

SIR GEORGE GREY, Bart.

LORD JOHN RUSSELL,

MR. MORE O'FERRALL.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the months of April, 1844, and January, 1847, pass three Acts which have been transmitted, entitled as follows, viz. :

No. 30.—An Act for the maintenance of a Light-House on Cape Spear.

No. 61.—An Act to amend an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled “An Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned.

No. 65.—An Act to continue an Act passed in the ninth year of the Reign of Her present Majesty, entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its Dependencies.”

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation ;—Her Majesty was thereupon this day pleased, by and with the Advice of Her Privy Council, to approve the said report.—Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief, for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

WM. L. BATHURST,

A P P E N D I X, No. 11.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Order of Her Majesty in Council, leaving certain Acts of the General Assembly of this Colony to their operation.

[COPY.]

No. 61.

Downing-Street, 18th February, 1848.

SIR,—

Two Acts passed by the Legislature of Newfoundland in the month of January, 1847, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade, that Committee have reported to Her Majesty in Council their opinion that

the said Acts should be left to their operation ; I transmit to you herewith an Order of Her Majesty in Council, dated the 11th instant, approving that report.

I have, &c.,

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.

AT THE COURT AT BUCKINGHAM PALACE,

The 11th day of February, 1848.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

ARCHBISHOP OF YORK,

LORD CHANCELLOR,

LORD PRESIDENT,

DUKE OF NORFOLK,

MARQUIS OF ABERCORN,

LORD STEWARD,

EARL GREY,

EARL OF AUCKLAND,

LORD JOHN RUSSELL,

VISCOUNT PALMERSTON,

LORD CAMPBELL,

SIR JOHN HOBHOUSE, Bart.

SIR GEORGE GREY, Bart.

MR. HAYTER.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of January, 1847, pass two Acts, which have been transmitted, entitled as follows, viz. :—

No. 62.—An Act to raise by Loan a Sum of Money for the general improvement of the Colony.

No. 67.—An Act to repeal an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled “ An Act to make further provision for securing the due payment of the Interest that shall become due and payable upon a certain Loan to be raised under authority of an Act passed in this present Session entitled ‘ An Act to raise by Loan a Sum of Money for the rebuilding and improvement of the Town of St. John's.’ ”

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation ;—Her Majesty was thereupon this day pleased, by and with the Advice of Her Privy Council, to approve the said Report.—Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief, for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

WM. L. BATHURST.

APPENDIX, No. 12.

DESPATCHES AND ENCLOSURES

From the Secretary of State for the Colonies to His Excellency the Governor, on the subject of the erection of a Light-House on Cape Pine.

[COPY.]

No. 6.

Downing-Street, 28th April, 1847.

SIR,—

With reference to my Despatch, No. 68, of 31st ultimo, on the subject of the erection of a Light House on Cape Pine, Newfoundland, I transmit to you, herewith, for your information, the copy of a Letter from the Lords' Commissioners of the Treasury, and of an enclosure from the Board of Admiralty, stating that Captain Bayfield, R.N., has been instructed to repair to Newfoundland with the view of determining, by personal investigation, what should be the height and the best position for the proposed Light on Cape Pine.

I am, &c.,

(Signed) GREY.

Governor Sir G. LEMARCHANT, &c., &c.

[COPY.]

Treasury Chambers, 16th April, 1847.

SIR,—

I am commanded by the Lords' Commissioners of the Treasury to transmit to you for the information of Earl Grey, with reference to the Minute of the Board forwarded to his Lordship on the 25th ultimo, a copy of a letter from the Admiralty respecting the Light-House at Cape Pine; and I am to request that you will suggest to Lord Grey that the Governor of Newfoundland should be apprized of the instructions given to Captain Bayfield.

(Signed) C. E. TREVELYAN.

J. STEPHEN, Esq.

[COPY.]

Admiralty, 31st March, 1847.

SIR,—

With reference to your letter of the 23rd instant, relative to the construction of a Light-House on Cape Pine, Newfoundland, I am commanded by my Lords Commis-

ers of the Admiralty to acquaint you for the information of the Lords of the Treasury that my Lords are of opinion that upon the whole, Cape Pine is the best place for a Light-House, yet much of the utility of the Light will depend upon the best spot for its site; and for this reason their Lordships have directed Captain Bayfield to take a convenient opportunity of stretching over to Cape Pine, and determining upon the best situation and the proper height, so as to afford the best chance of the Light being seen either over or under the prevalent fogs of Newfoundland.

My Lords have further directed Captain Bayfield to put himself in communication with the Commissioners in charge of the Light-Houses of the Colony, or the Governor, and to report his opinion to my Lords.

(Signed) W. A. B. HAMILTON.

C. E. TREVELYAN, Esq.

[COPY.]

No. 68.

Downing-Street, 31st March, 1847.

SIR,—

I enclose herewith for your information the accompanying copies of a Correspondence between the Office of the Lords Commissioners of the Treasury and my Department, on the subject of the erection of a Light-House at Cape Pine, Newfoundland.

You will learn from the enclosed Minute of the Board of Treasury that an Estimate for a grant to the amount of £2,000 sterling, will be submitted to the House of Commons this Session, on account of the erection of the proposed building, and that communications have been addressed to the Master General and Board of Ordnance, to the Lords Commissioners of the Admiralty, and to the Elder Brethren of the Trinity House, requesting them to take such steps as may be necessary for the immediate commencement of the work. As the Light-House will be built under the superintendence of the Commanding Royal Engineer in Newfoundland, you will render to that officer every assistance within your power of which he may stand in need. As all the necessary preliminary arrangements will now be shortly made by the Public Departments in this country, Her Majesty will be advised to confirm the Act passed by the Colonial Legislature on the 29th April, 1844, making due provision for the maintenance of the Light.

I am, Sir, &c.,

(Signed) GREY.

The Officer Administering the Government of Newfoundland.

[COPY.]

Downing-Street, 26th November, 1846.

SIR,—

I am directed by Earl Grey to transmit to you for the consideration of the Lords Commissioners of the Treasury the copy of a Despatch from the late Governor of

Newfoundland on the subject of the material of which it may be desirable to construct the proposed Light-House at Cape Pine, in that Colony.

I am to request that you would observe to their Lordships that the time would seem to have arrived for preparing an Estimate for Parliament of the expense of erecting a Light-House at Cape Pine in conformity with the intention of Her Majesty's Government, as expressed in the Correspondence noted in the margin. I am therefore to request that you would move their Lordships to give such instructions as may be necessary for this purpose, and direct their attention to your letter of the 4th May last, which stated that in the case of a Light-House which was proposed to be erected of Iron, at the Cape of Good Hope, the enhanced price of Iron at that time, together with the charge for freight, would prevent any saving being effected by the use of that material.

(Signed)

J. STEPHEN.

C. E. TREVELYAN, Esq.

[COPY.]

Treasury Chambers, 25th March, 1847.

SIR,—

With reference to your letter of the 26th November last, upon the subject of the erection of a Light-House on Cape Pine, Newfoundland, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you a copy of their Lordships' Minute, of the 19th instant,—and I am to request that, submitting it for the information of Earl Grey, you will move His Lordship to convey to the Governor of Newfoundland any requisite directions in conformity therewith, or that may tend to expedite the proceedings for the execution of the work to which it relates.

I am further to request you will suggest to Lord Grey that it will be desirable that the Newfoundland Act of 29th April, 1844, "for the maintenance of the Light-House on Cape Pine," should receive any requisite confirmation by Her Majesty.

I am, &c.,

(Signed)

C. E. TREVELYAN.

JAMES STEPHEN, Esq.

Copy of Treasury Minute, dated 19th March, 1847.

My Lords refer to the Communication made by direction of this Board to the Secretary of State on the 15th May, 1841, stating that upon provision being made by the Legislature of Newfoundland either separately or with aid from the other North American Colonies, for the future maintenance of a Light-House on Cape Pine, the Board would be prepared to recommend to Parliament such Grant as may be requisite for defraying the expense of constructing the Light-House, and my Lords have before them the Act passed by the Legislature of Newfoundland for making such provision, with the Acts relating to the appointment of Commissioners to take charge of the Light-Houses belonging to that Colony; and likewise refer to the Correspondence that has taken place with the Colonies

Government, and with the Ordnance and Admiralty Boards, and the Trinity Board, relating to the Light on Cape Pine.

Let an Estimate be prepared and laid before the House of Commons for a Grant in the present Session, to the amount of £2,000, on account of expenses to be incurred for the construction of the said Light-House; and let the requisite extracts from the above-mentioned Correspondence in explanation of the Estimate be annexed thereto.

Write to the Secretary to the Ordnance, and referring to his letters of the 12th February, and 23rd April, 1845, and to the reports therein forwarded to this Board, as well as to previous communications with this Department on the subject of the construction of a Light-House on the Southern Coast of Newfoundland, request he will state to the Master-General and Board that my Lords are desirous that steps should now be taken without delay for proceeding with the said works.

Transmit to the Secretary copies of the communications from the Board of Admiralty of the 19th August, and 13th December, 1845, and of their enclosures, together with copies of the letter from the Trinity Board, of 10th February, 1846, and of the letter from Mr. Alexander Gordon, of 7th February, 1846, in order that they may be submitted to the Master-General and Board; and with reference thereto request the Secretary will, in the first place, state to the Master-General and Board that there appears to my Lords to be no doubt as to the expediency of selecting the site for the Light-House at or near Cape Pine, as suggested in the Report of the Hydrographer of the Admiralty; and state that my Lords conceive it desirable, in whatever manner the work may be executed, that it should be under the supervision of the Master-General and Board, and of the Commanding Royal Engineer of Newfoundland; but that my Lords will at the same time move the Secretary of State and the Lords of the Admiralty to give such directions as may ensure the Commanding Engineer receiving all possible assistance and co-operation from the Colonial Government and the Local Commissioners of Light-Houses, and from the Surveying or other Officers of Her Majesty's Navy, both in the selection of the site for the building and in all other matters connected with the work.

Further request that the Secretary will accordingly move the Master-General and Board to instruct the Commanding Royal Engineer to take the requisite steps, in communication with any Officer of Her Majesty's Navy who may be delegated by the Lords of the Admiralty to assist in this respect, for determining the site for the Light-House, with any requisite buildings for the use of the Light Keepers, or the reception of Stores; and likewise to furnish such further particulars respecting the means that may be attainable in the Island for constructing the buildings, either in masonry or in such other mode as may have been adopted in the construction of the existing Light-Houses in Newfoundland, and in regard to the facilities the site selected for the building may afford for making those means available, or for landing either Wrought Stones or Iron Castings, in the event of its being found necessary to adopt the suggestions in regard to the transmission of those materials from this country or from the neighbouring Colonies of Nova Scotia or New Brunswick, as will enable the Master-General and Board to determine what arrangement it will be advisable to make for the execution of this work.

Further state that my Lords will request the Elder Brethren of the Trinity House to furnish the Master-General and Board with any information regarding the nature and dimensions of the Lantern and Lighting Apparatus that may be necessary for the guidance of the Commanding Engineer, and will also request the Elder Brethren to cause steps to be taken for the preparation of these portions of the work whenever the requisite particulars for this purpose can be ascertained.

APPENDIX, No. 13.

DESPATCH

From the Secretary of State for the Colonies, with reference to an Address from the General Assembly protesting against the appointment of Mr. Dawson to the Office of Chief Clerk and Registrar of the Supreme Court of Newfoundland.

[COPY.]

No. 3.

Downing-Street, 19th April, 1847.

SIR,—

I have received Lieutenant-Colonel Law's Despatch (No. 33), of the 26th January, enclosing an Address to myself from the General Assembly of Newfoundland, protesting against the appointment of Mr. Dawson to the Office of Chief Clerk and Registrar of the Supreme Court in that Colony.

You will take the first opportunity which presents itself, to communicate to the General Assembly of Newfoundland my assurance that it was far from my intention to disparage the claims to the consideration of the Colonial Bar, or of any other members of the community in Newfoundland, when I advised the Queen to appoint Mr. Dawson to the situation of Chief Clerk and Registrar of the Supreme Court. I have no doubt that there are many residents in Newfoundland who are perfectly competent to discharge the duties of the office in question, but I considered that it would, on general grounds, be more to the advantage of the Colony to select, in this instance, a gentleman from this country for the appointment.

I have the honour to be, Sir,

(Signed) GREY.

Governor Sir GASPARD LEMARCHANT, &c., &c.,

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, regretting the reduction made by the General Assembly in the Salary of the Clerk of the Supreme and Central Circuit Courts.

[COPY.]

No. 2.

Downing-Street, 17th April, 1848.

SIR,—

I have received Lieutenant-Colonel Law's Despatch (No. 36), of the 26th January, reporting that the House of Assembly of Newfoundland had reduced the Salary of the Clerk of the Supreme and Central Circuit Courts from £500 to £350 per annum.

I cannot abstain from expressing my regret at the reduction which the Assembly has been pleased to make in the Salary of this Office, as I fear that the rate now determined upon is lower than will be consistent with the true interests of the Colony.

Although Mr. Dawson was not prepared for such a diminution in his official Salary, he will not relinquish his situation, but as the change will occasion him some inconvenience, he will probably be under the necessity of postponing for a short time his departure from England.

I am, Sir, &c.,

(Signed)

GREY.

Governor Sir J. G. LEMARCHANT.

APPENDIX, No. 14.

DESPATCH

From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Act of the Imperial Parliament "for the Naturalization of Aliens."

[CIRCULAR.]

Downing-Street, 25th September, 1847.

SIR,—

In the last Session of Parliament an Act was passed "for the Naturalization of Aliens," 10th & 11th Vic., ch. 83. I herewith enclose a copy of it.

The Preamble of that Act explains briefly the circumstances in which it originated. In almost all the British Colonies Laws had, of late years, been enacted, the object of which was to impart the privileges of natural-born British subjects to Aliens inhabiting the Colonies in which those enactments were made. On referring those Acts to the successive Law Officers of the Crown, it appeared from their answers to such references, to be a matter of great doubt whether they were valid and effectual for their purpose, and whether the Queen could properly be advised to confirm them. The principal ground of this doubt was the existence in the British Statute Book of various General Acts respecting the Naturalization of Aliens, some of which Acts of Parliament, and especially the Statute 7th & 8th Vic., ch. 66, were supposed by Her Majesty's legal advisers to extend to, and to be in force throughout the British Colonies. But the Colonial Acts in question being found to be in several respects at variance with, and repugnant to, those Acts of Parliament, it was inferred that such Colonial enactments were null and void either in whole or in part.

To obviate a conclusion replete with so much inconvenience, and recommended by no assignable advantage, Her Majesty's Government recommended to Parliament in their last Session, the passing of the Act which I now enclose.

The result of that Act is, first, to give validity to all Colonial Naturalization Acts formerly passed, and to declare that they shall be taken to have been valid from the time of their enactment. Secondly, the Act then proceeds to provide that all Naturalization Acts which shall hereafter be passed by any

Colonial Legislature shall, within the limits of the Colony, have the force of law, any Law or Statute to the contrary notwithstanding. But, thirdly, both the retrospective and the prospective operation of the 10th & 11th Vic., ch. 83, is confined to Colonial Acts which authorize the enjoyment of the privileges of Naturalization within the limits of the Colony within which such Act shall have been, or shall be, made. It also declares, fourthly, that all such Naturalization Laws shall be subject to the rules which regulate the enactment and disallowance of Colonial Laws on any other subject. And, finally, it declares that the 7th & 8th Vic., ch. 66, does not extend to the British Colonies.

The result of these enactments will be to remove all doubts which have hitherto prevented the confirmation of various Naturalization Acts of the different British Colonies, and to ascertain the competency of the Colonial Legislatures to confer on Aliens the privileges of natural-born British subjects, if the exercise of those privileges be limited to the particular Colony in which the enactment may be made.

It may obviate a possible misconception to add, that inasmuch as that part of the Navigation Act which confines to British subjects the ownership of British Registered Shipping is not repealed, but continues in full force, the disability of an Alien naturalized under a Colonial Act to own such Shipping is not removed by the accompanying Statute 10th & 11th Vic., ch. 83. It would, indeed, be at variance with the terms of that Act to claim such a privilege in pursuance of it, inasmuch as the privileges which it authorises the Colonial Legislatures to confer, are expressly restricted to the limits of the Colony within which they may so be conferred.

I propose, in a series of separate Despatches, to advert to, and dispose of, the particular questions of this kind, which have hitherto been pending; those separate Despatches being, of course, addressed to the Governors of those Colonies only in which any such questions have arisen.

I have the honour to be, Sir,

Your obedient humble Servant,

(Signed) GREY,

Governor Sir J. G. LEMARCHANT,



ANNO DECIMO AND UNDECIMO VICTORIÆ REGINÆ.

CAP. LXXXIII.

AN ACT for the Naturalization of Aliens.

[22nd July, 1847.]

WHEREAS by divers Acts, Statutes, or Ordinances, enacted by the Legislatures of divers of Her Majesty's Colonies or Possessions abroad, Provision hath been made for imparting to divers Aliens there resident the Privileges or some of the Privileges of Naturalization, to be exercised and enjoyed within the respective limits of such Colonies and Possessions respectively: And whereas doubts

have arisen as to the competency of the said Legislatures to enact any such Laws, Statutes, or Ordinances, and as to the validity of the same when so enacted, and it is expedient that such doubts be removed: Be it therefore and it is hereby declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all Acts, Statutes, and Ordinances heretofore made and enacted by the Legislatures of any of Her Majesty's Colonies and Possessions abroad, for imparting to any Person or Persons the Privileges or any of the Privileges of Naturalization, to be by such Person or Persons exercised and enjoyed within the respective limits of such Colonies or Possessions respectively, shall within such limits have and be taken and reputed to have had from the time of the enactment thereof respectively, all such and the same force and effect as doth by Law belong to any other Law, Statute, or Ordinance made or enacted by any such respective Legislatures.

II. And be it and it is hereby enacted and declared, That all Laws, Statutes, and Ordinances which shall hereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad for imparting to any Person or Persons the Privileges or any of the Privileges of Naturalization, to be by any such Person or Persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall within such limits have the force and authority of Law, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided nevertheless, that all such Laws, Statutes, and Ordinances shall be made and enacted in such manner and form, and subject to and in conformity with all such rules, as now are or hereafter shall be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend or as shall hereafter extend to the the confirmation or disallowance of any other such Laws, Statutes, or Ordinances.

III. And whereas a certain Act was made and enacted in the seventh and eighth year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Aliens*: And whereas doubts have arisen whether the said recited Act of the seventh and eighth year of Her Majesty's Reign extends to and is in force in Her Majesty's Colonies or Possessions abroad; now it is hereby further enacted and declared, That the said recited Act of the seventh and eighth year of Her Majesty's Reign, or any part of it, doth not extend to the said Colonies or Possessions, or to any of them.

IV. And be it enacted, That this Act may be amended or repealed by any other Act of this present Session of Parliament.

APPENDIX, No. 15.

BOARDS OF EDUCATION.

St. John's, 12th December, 1848.

MY DEAR SIR,—

In sending the accompanying Report of the Catholic Board of Education for the District of St. John's, for the information of His Excellency the Governor, permit me to add

a brief report of the present state of the Presentation Convent School, and that of the Orphan Asylum, which Schools are not under the controul of that Board, although supported by Legislative grants.

With reference to the former School, which was founded by me, and for a considerable period supported from those resources usually devoted to the personal maintenance of the Bishop, from which resources were also constructed the several School-houses hitherto used by the Institution, as well as the Dwelling-house of the Community destroyed by the fire of the 9th June, 1846, which latter house, with the Schools adjacent, cost me over £4,000, but since which period the Ladies of the Institution are compelled to be indebted to the Convent of Mercy for an asylum, where the scanty accommodation originally intended only for four Nuns is now obliged to serve for no fewer than fifteen; an arrangement greatly calculated to militate against the health of the entire, and already has one Lady fallen a victim, yet my means, crippled by my vast losses by that fire, render me utterly unable to afford a remedy.

This School is conducted by a Community of Nuns of the Order of the Presentation, and is in operation fifteen years, during which period they have sent abroad to all parts of the Island, and even to the neighbouring Colonies, many thousands of young women well educated, and with their young minds stored with the treasures of virtue and religion.

The number of children registered on their books for admission considerably exceeds a thousand, of whom they are only capable of accommodating 400 in the temporary School-house which I had erected for them after the fire, the others joining according as vacancies occur; but in summer, so anxious am I to meet as far as possible the vast want in this respect, that an extensive tent is erected on the ground adjoining, to afford further accommodation.

The course of Education here consists of Orthography, Reading, Writing, English Grammar, History, both sacred and profane; Geography, Arithmetic, the Elements of Natural History as taught by the first-class Book of the Irish National Schools, Knitting, Netting, and plain and fancy Needlework. Spinning, too, had been extensively taught, but as the wheels, cards, &c., were also destroyed by the fire, the Ladies have not now the means, even if they had room, to teach it.

The Orphan Asylum School was established by the Benevolent Irish Society some three or four-and-twenty years ago. During the past year it was placed under the management of a Community of Monks brought from Ireland, and at my expense. This Community at present consists of five members, four of whom (the fifth is a lay brother) are highly competent to fulfil the charge imposed on them; and as they are men whose lives are devoted to the education of the poor, in a moral and religious as well as literary sense, it is not unreasonable to expect that their zeal will speedily be rewarded by the rapid improvement of the children placed under them. Indeed, already may evidences of that amelioration be discovered in the great improvement that is evinced abroad by the children under their care.

The number of children at this School is 600, but at present, being the winter season, the average attendance does not exceed 450. This number, however, would be at least double what it is now were the School-room sufficient to accommodate them. They at present occupy every apartment in the spacious Building usually occupied by the Benevolent Irish Society—that Body generously and charitably devoting them to the wants of the poor children, greatly to their own inconvenience. If

means could be taken to erect a suitable School-house for this invaluable Institution, I have no doubt whatever that even 800 children would be immediately enrolled as pupils, and an amount of good would result that must have a most beneficial effect upon the public interests.

The course of education (communicated under the system used by the Brothers of the Christian Schools,) is Spelling, Reading, Writing, Arithmetic, and Geography, for the first room, or Primary School, consisting of 320 children; for the second and third rooms, or Principal School—the same, with Grammar, Geography, Algebra, Mensuration, Navigation, Trigonometry, and Surveying, &c., these rooms consist of 280 boys.

I also append a scale, shewing the arrangement of the Classes, together with the number of boys, or rather young men, who left School within the last year, having finished.

I have the honour to remain, my dear Sir, &c.,

(Signed) MICHAEL ANTHONY FLEMING.

The Honourable JAMES CROWDY, &c., &c.

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight*,
Governor, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

The Commissioners of the Roman Catholic Board of Education have much pleasure in informing your Excellency in this their Report, that the Schools under their superintendence have continued to prosper, through the fostering care of the Legislature; the attendance of the children, particularly in the winter months, being much more constant and satisfactory, though the numbers have not increased, as they might reasonably have expected, but this circumstance may be attributed to the disasters we have lately experienced, as the Commissioners have reason to believe.

The Commissioners have opened a new School on the Bay Bulls road, near the Goolds, there being a large population lately established in that neighbourhood; they have also, at Black Head, a School-house in process of erection, which a few weeks' labour will render fit for the reception of Scholars.

Though the destruction of the stock of Books in the hands of the Commissioners, at the time of the general fire, has obstructed the establishment of a uniformity of Classes and Class Books throughout all the Schools, that object has not been lost sight of.

The following are the numbers of Pupils attending the different Schools, viz.:—

At Petty Harbour	.....	137 Pupils.
The Goolds	.....	66 “
Brookfield	.....	123 “
Logy Bay	.....	47 “

At Outer Cove	57 Pupils.
Torbay	36 "
Flat Rock	28 "
Pouch Cove	26 "
Windsor Lake	15 "
Portugal Cove	36 "
Belle Isle	35 "
Black Head	28 "

Making an aggregate of 634, being an increase of 42 above the number of Pupils at the period of our last Report.

The Commissioners find the Junior Classes generally on the increase, their parents exhibiting a laudable anxiety for their more punctual attendance than in former years, a circumstance the Commissioners are happy to report to your Excellency.

The Commissioners forward for your Excellency's information copies of the Reports of the Orphan Asylum and the Nunnery Schools, whose state affords the Board the greatest satisfaction.

On behalf of the Board,

(Signed) † MICHAEL ANTHONY FLEMING.

St. John's, Newfoundland, December 12, 1848.

REPORT

Of the Proceedings of the Protestant Board of Education for the District of Harbour Grace, for the Years 1847 and 1848.

In the last Report of this Board, dated 21st December, 1846, it was stated that in the five Schools under its direction—viz., one on the South side of Harbour Grace, one on the North side, one at Bryant's Cove, one at Mosquito, and another at Bay Roberts—about 247 pupils were then receiving instruction, and that out of this number the daily average of attendance was about 140.

From the reports furnished by the respective Teachers, as well as from the occasional inspection of the members of this Board, the numbers now receiving instruction may be stated at about 220, and the daily average about 145. In these Schools, as in most others of similar description in the Colony, there is much fluctuation in point of attendance, occasioned partly by the weather, and partly by the abstracting pursuits of the fisheries, &c.

The School-houses at Mosquito and Bay Roberts have been built from the funds placed at the disposal of the Board; that at Bryant's Cove is understood to belong to the "Society for the Propagation of the Gospel," but the Board are accommodated with the use of it upon the easy terms of keeping it in

decent repair. That on the South side of Harbour Grace is the property of the "Newfoundland School Society," and the Board are permitted to use it on similar conditions, paying also the nominal rent of one shilling per annum; that on the North side has been held for the last year at the rent of Five Pounds currency—the term for which it is engaged will expire on the 22d day of October ensuing. Whether the Board can again be accommodated with it on similar terms, or whether they will find it necessary to erect a building for this purpose, is at present uncertain; but the necessity for continuing a School in this locality, viz., the upper part of the North side of Harbour Grace, is beyond all question.

The Salary paid by the Board is £40 per annum to each of the five Teachers—that is, in all, £200 Sterling a-year; and the sum placed annually at the disposal of the Board is £235, thus leaving a balance of £35 for rent, stoves, stove-piping, books, and repairs, &c.

In adverting to the utility of the Schools under the direction of this Board they cannot, of course, be compared, in this respect, with those Institutions, the object of which is to communicate a strictly grammatical and scientific education. This is not their object, except to a very limited degree. All that the Board can reasonably expect for the small remuneration of £40 a-year, is to obtain Teachers tolerably competent and attentive to their charge; these objects, the Board flatter themselves, have been accomplished. The main impediment with which the Teachers have to contend appears to arise out of that unrestrained manner in which many of the children sent to their Schools are allowed to conduct themselves at home, thus rendering them impatient under wholesome and necessary discipline. Upon the whole, the Board have much satisfaction in stating that these Schools are of considerable service, and that the outlay expended upon them appears to be fully justified by the advantages conferred on the rising generation.

A statement of Accounts, in duplicate, will accompany this Report, where a balance will appear in favour of the Board, at this date, of £111 12s. 6d. sterling.

JOHN CHAPMAN,

Chairman of the above-named Board.

Harbour Grace, 6th July, 1848.

<i>Protestant Board of Education for the District of Harbour Grace.</i>					
DR.			CR.		
1846	To Balance due as per Account, dated 21st December, 1846	<i>Sterling.</i> £46 19 9	1846	By amount of Salaries paid to Teachers from 21st Dec., 1846, to 22d May, 1848, inclusive	<i>Sterling.</i> £251 6 5
1847	To amount of Grant from that date to Quarter ending on the 22d May, 1848, inclusive,		1847	&	
&			&		
1848	at rate of £235 per annum	352 10 0	1848	By amount of Incidental Disbursements from that date to 6th July, 1848	36 10 10
				By Balance at this date	111 12 6
		£399 9 9			£399 9 9

Errors Excepted :

Harbour Grace, 6th July, 1848,

JOHN CHAPMAN,

Chairman of the above-named Board.

PROTESTANT BOARD OF EDUCATION,
 Carbonear, 4th December, 1848 }

SIR,—

This Board have the honour to forward for His Excellency's information, the Report of the Schools under their superintendance, for the year ending 5th July, 1848.

Owing to the non-attendance of the Rev. Mr. Harvey, the removal of the Rev. Mr. England from the Black Head Mission, and the absence of one of the Lay Members of the Board on a visit to England the past summer, the Annual Meeting could not be held at the usual time, consequently the lateness of this Report.

The Board have much pleasure in reporting the general efficiency of the Schools, and the steady improvement of the pupils; they have also the satisfaction of stating that a great improvement is observable in the moral habitude of the children in the small Out Coves in which the Board have established Schools.

The return of the number of Pupils is given of the maximum attendance, which occurs from September until June, when a great many of the children are taken away by their parents, on their various occupations at the Cod fishery.

The £50 currency awarded this Board for the cession of the Crocker's Cove School-house to the Roman Catholic Board have been expended on the erection of a School-house at the important settlement of Freshwater, which School-house yet requires a small sum to make it as comfortable as it is desirable a School-house should be.

By the Return now forwarded it will be seen that the Board have but three School-houses, the remainder of the Schools being held in the houses of the several Teachers, (with the exception of the School at Otterbury, which is held in the Wesleyan Chapel there,) which makes it quite uncomfortable for the Masters and Scholars—the Board therefore express an ardent hope that the Legislature at its next sitting will grant a liberal aid, so that the inhabitants of each settlement shall be enabled to erect a suitable house.

I have, &c.,

(Signed)

JOHN SNOWBALL, W. M.,
 Chairman.

The Honourable JAMES CROWDY, &c., &c.

Protestant Board of Education, District of Carbonear, Year ending 5th July, 1848.

No. of SCHOOLS.	LOCALITY OF SCHOOLS.	MASTERS' NAMES.	No. of PUPILS.		COURSE OF INSTRUC- TION.	No. of SCHOOL- HOUSES.	MASTERS' SALARY.	EXPENSE OF SCHOOLS.			REMARKS.
			Boys.	Girls.				£	s.	d.	
1	South Side Carbonear ...	Thomas Newell	46	23	In Classes of Spelling, Reading and Writing, and Common Arithmetic.		£ 35	£ 40	0	0	This includes £5 for the hire of a School-house.
2	Freshwater ...	Joshua H. Parsons	37	40		1	35	35	0	0	
3	Otterbury ...	Joseph Jutson	16	18			20	20	0	0	Children taught in the Wesleyan Chapel.
4	Perry's Cove ...	John Swaine	16	8			25	25	0	0	
5	Adam's Cove ...	Samuel Hallett	18	13			20	20	0	0	
6	Western Bay and Bradley's Cove ...	Joshua Baggs	34	20			30	30	0	0	
7	Ochre Pits and North Western Bay ...	John Curtiss	10	14			30	7	10	0	This School was closed on the 31st October, 1847, in consequence of the non-attendance of the children, and the apathy evinced by their parents; they have since petitioned to have the school re-opened, but the Board have no funds.
8	Northern Bay ...	Thomas Moors	19	8			25	25	0	0	
9	Lower Island Cove ...	John Lewis	64	41		1	30	30	0	0	
10	Bay-de-Verd ...	James Norris	24	21		1	25	25	0	0	
			284	206		3	£257	10	0		
				284							
				490							
		Secretary's Salary, £10 sterling ...						11	10	8	
							£269	0	8		

Carbonear, 4th December, 1848,

(Signed)

JOHN SNOWBALL,
Chairman.

A Statement of the number of Schools, and the Pupils attending, under the Catholic Board of Education for the Carbonear District, &c., together with the cost and expenditure attending the said Board, for the year ending 22nd May, 1847.

RESIDENCE.	NUMBER OF SCHOOLS.	NUMBER OF PUPILS.	AVERAGE IN DAILY ATTENDANCE.	TEACHERS.	SALARIES IN CURRENCY.
Carbonear ...	1	140	60	John Mackey ...	£70 0 0
Ditto South Side ...	1	130	50	Michael Kelly ...	33 0 0
Crocker's Cove ...	1	43	30	Edward Morris ...	25 0 0
Broad Cove ...	1	50	35	William Millea ...	25 0 0
Turks' Cove ...	1	32	20	Michael Doyle ...	20 0 0
Western Bay ...	1	33	25	Pierce Hanrahan ...	25 0 0
Northern Bay ...	1	25	18	John Lynch ...	25 0 0
Paid for Materials, &c., for a School-house in the course of erection at Job's Cove ...					55 0 0
Paid for Materials, &c., for a School-house about to be commenced at Bay-de-Verd ...					22 6 1
John Bealy, for rent of a School-house at South Side ...					5 0 0
Secretary, Stationery, &c. ...					23 0 0
To balance on hand ...					0 10 11
<i>May 22nd, 1847.</i>					<u>£328 17 0</u>

CR.

By Cash received from the Colonial Treasurer ... £328 17 0

(Signed)

J. P. GLEESON, *Chairman.*

Carbonear, November 25th, 1848.

A Statement of the number of Schools, and the Pupils attending, under the Catholic Board of Education for the Carbonear District, &c., together with the cost and expenditure attending the said Board, for the Year ending 22nd May, 1848.

RESIDENCE.	NUMBER OF SCHOOLS.	NUMBER OF PUPILS.	AVERAGE IN DAILY ATTENDANCE.	TEACHERS.	SALARIES IN CURRENCY.
Carbonear ...	1	135	60	John Mackey ...	£70 0 0
Ditto South Side ...	1	127	55	Michael Kelly ...	33 0 0
Crocker's Cove ...	1	40	30	Edward Morris ...	25 0 0
Broad Cove ...	1	54	35	William Millea ...	25 0 0
Turks' Cove ...	1	27	18	Michael Doyle ...	20 0 0
Western Bay ...	1	37	25	P. Hanrahan ...	25 0 0
Northern Bay ...	1	27	20	John Lynch ...	25 0 0
Carried forward					<u>£223 0 0</u>

	Brought forward	£223	0	0
Rent of the South Side School-house	...	5	0	0
Richard Collins, for repairs of a Stove	...	0	5	0
Paid for Materials, &c., for a School-house in the course of completion at Job's Cove	...	37	6	1
Paid for Materials, &c., for a School-house in the course of erection at Bay-de-Verd	...	40	0	0
Secretary, Stationery, &c.	...	23	0	0
To balance on hand	...	0	16	10

May 22nd, 1848.

£329 7 11

CR.

By balance from Account, 1847	...	0	10	11
" Cash received from Colonial Treasurer	...	328	17	0

£329 7 11

(Signed)

J. P. GLEESON, *Chairman.*

Carbonear, November 25th, 1848.

[COPY.]

GRAMMAR SCHOOL, CARBONEAR,
10th February, 1848.

SIR,—

I beg leave to submit for the information of the Government the following brief Report of the state of the Seminary under my care, during the past year.

The number of Pupils in daily attendance varied from 30 to 41. At present there are in daily attendance 38, whose ages vary from 11 years to 20. Of these pupils, five learn French; eight, Geometry; two, Algebra; nine, Globes; five, Navigation; five, Mensuration; nine, History; nineteen, Geography; thirty-one English Grammar; two, Book-keeping; all, Arithmetic, Writing, &c., &c. One private pupil (who previously attended the School, but who is now otherwise engaged during the day,) learns Latin in the evenings, and is now reading the third Book of Virgil's *Æniad*, Sallust, and the Greek Grammar.

The Class Books used by the French are *Telemaque* and *Perrin's Fables*; those using Geometry use *Chambers' Treatise*. *Bonnycastle's Algebra* is used by those engaged in that department; the other Books used in the Seminary are *Keith's Treatise on the Globes*; *Norie's Navigation*; *Keith's Edition of Hawmoy's Mensuration*; *Pinnock's Histories*; *Guy's Geographies*; *Murray's English Grammar*; *Jackson's Book-keeping*; *Guy's Arithmetic*.

My system of education is chiefly by lecture, which I thus conduct. I bring a class to the black-board, and, after due explanation, I elucidate, by examples, what I previously spoke on. This course I pursue in the following branches, viz., French Grammar, Geometry, Mensuration, Book-keeping, Navigation, and Arithmetic, in all of which, except French Grammar and Book-keeping, I cause the pupils to form diagrams for demonstration, and perform the Arithmetical questions proposed to them before they leave class. In the exceptions, I cause them to come prepared on one day to answer any questions I may choose to put relative to the subject for lecture of the preceding day.

Though Murray's English Grammar is our class book, yet I do not confine them to the views entertained by that author; but during that they parse and analyse the sentences proposed as exercises, I give them the benefit of any remarks to be found in Crombie's, Maunder's, Lennia's, and McCulloch's Grammars, and in Harris's Hermes.

I feel delighted that I can with confidence assert that the progress during the past year was well calculated to afford gratification to the parents and guardians of the pupils; and I am happy in having it in my power to state that the average attendance was very regular during the greater part of last year. It appears to me that the parents of the pupils, as well as the pupils themselves, have at length begun to appreciate the advantages that may be derived from a sound education. I find that the progress in Geography is really astonishing, a circumstance mainly attributable to their having had, during the last year, the advantage of excellent Maps.

I beg leave to add that during the greater part of last year, I lectured a select class of pupils, amounting in number to ten or twelve, in Natural Philosophy, during one hour on every Wednesday. These lectures have not been resumed by me as yet this year.

The hours of attendance are as follows, viz., in summer, from 9½ to 1, and from 2 to 4 each day in winter, from 10 to 3, without intermission.

Hoping that this brief report may prove satisfactory,

I have, &c.,

(Signed)

ALEXANDER O'DONOVAN.

The Honourable JAMES CROWDY, &c., &c.

REPORT

Of the Protestant Board of Education for the District of Brigus, for the Year ending July, 1848.

The Board of Education for the District of Brigus, in submitting to His Excellency the Governor their Report for the year 1848, beg leave to state that the Education Act places at their disposal the sum of £105 sterling, with which sum they have established three Schools, which are now in operation in the following places, viz.:—At Topsail, on the South Shore of Conception Bay; at Bull Cove; and at Burnt Head. The number of children attending the said Schools is as follows:—Topsail School, 43; Bull Cove ditto, 38; Burnt Head ditto, 34.

The annual sum paid to the Teachers of these Schools collectively, is £108 currency, or £36 currency to each Teacher, leaving a balance of £13 currency at the disposal of the Board, which sum is appropriated to the purchase of School requisites, and for defraying other incidental expenses.

I have, &c.

(Signed)

W. S. MILLS, *Chairman.*

The Honourable JAMES CROWDY, &c., &c.

BRIGUS, 5TH JULY, 1848.

At the Annual Meeting held this day, the Board begs leave to submit Report, Disbursements, &c., for the information of His Excellency the Governor:—

REPORT.

That there are ten Schools under the controul of this Board, giving instruction to 630 Pupils, in their respective Localities, as per annexed list:

No. of SCHOOLS.	LOCALITIES.	No. of PUPILS.	AMOUNT PAID TEACHERS.
1	Brigus	73	£35 0 0
2	Harbour Main	96	35 0 0
3	Cubits	65	20 0 0
4	Colliers	65	20 0 0
5	Chapel's Cove	83	25 0 0
6	Bacon Cove	65	20 0 0
7	Cat's Cove	59	20 0 0
8	Kellegrews	44	20 0 0
9	Holyrood	56	25 0 0
10	Turks' Gut	24	10 0 0
		630	£230 0 0
Secretary			20 0 0
Rent of School-house in Cubits			2 0 0
			£252 0 0
To Balance in Treasurer's hands			15 14 1
			£267 14 1

CR.

By Balance in Treasurer's hands from 1847	£13 17 2
May 22d.—By amount of Grant	253 16 11
	£267 14 1

(Signed)

DENIS MACKIN,
Chairman Catholic Board of Education.

The Honourable JAMES CROWDY, &c., &c.

TRINITY, JULY 20, 1848.

SIR,—

The Annual Meeting of the Board of Education for Trinity North being now past, I herewith forward you the Report agreed on by the Board.

NUMBER OF SCHOOLS.	WHERE SITUATED.	SALARIES PER ANNUM, STERLING.	NO. OF SCHOLARS ADMITTED.	AVERAGE ATTENDANCE.	RENT OF SCHOOL-HOUSES PER ANNUM.
1	Catalina ...	£30	131	15	<i>Currency.</i>
2	Trinity, North Side ...	30	54	18	
3	Cuckolds Cove	30	47	19	£2 0 0
4	Trouty ...		34	12	£4 0 0

The Schools of Trouty and Cuckolds Cove, still kept but semi-weekly, continue, under the able and assiduous conduct of Mr. Arthur Watts, to afford satisfaction both to the parents of the children and the Board.

The Trinity North Side School, though somewhat advanced from the previous year, does not progress as it may reasonably be expected. The Master has ability for commanding greater success, but the people generally do not appreciate the value of Education.

The Catalina School presents also a less favourable appearance than could be desired. A second Master had offered to teach during the time of the vacation allowed, and this in part is the cause of the diminishing of the Board School. Mr. Cram's decease, which occurred on the 21st ultimo, has led to the appointment of Mr. William Bremner, of Hants' Harbour, to that Mastership.

It may be desirable to reiterate the sentiments conveyed in the latter part of former Reports, as to the inadequate means for Education in this portion of the Electoral District. But a cursory view of the whole may suffice to shew, that with its many Coves and Harbours the number of Schools and Schoolmasters had need be doubled to attain the end for which the Government has made the grant, namely, to afford cheap or gratuitous education to the working classes.

I have, &c.,

(Signed)

THOMAS M. WOOD, *Chairman.*

The Honourable JAMES CROWDY, &c., &c.

REPORT

Of the Board of Education for Trinity Bay (South), for the Year ending in 1848.

At the Annual Meeting at Old Perlican, 5th July, 1848, the Resolutions of the past year having been read, the Rev. Mr. England was chosen Chairman; Mr. S. March, Treasurer; and Mr. George Ayre, Secretary, for the ensuing twelve months; after which it was unanimously agreed on by the Board, to re-appoint each School Teacher to the same station and place held by him the previous year—that is to say, Mr. J. Husson, at Hants' Harbour; Mr. J. Quintz, at Scilly Cove; Mr. Thomas Cooper, at Grates Cove; and Mr. J. B. Ayre, at Seal Cove, for three months of the winter season. The Salaries of the first-named Schoolmasters to be £25 sterling each, and the Schoolmaster at Seal Cove £5

sterling. The remainder of the sum granted is £5 for Stationery and Secretary's fee, and for necessary repairs and books for the Schools above mentioned. The number of Scholars attending will be seen by the annexed schedule.

DR.		<i>The Board of Education.</i>		CR.	
To grant of Legislature	£90 0 0	By John Husson	£25 0 0		
		James Quintz	25 0 0		
		Thomas Cooper	25 0 0		
		John B. Ayre	5 0 0		
		Secretary	5 0 0		
		Rent of School-house	0 10 0		
		Grates Cove Contingencies	1 15 0		
		Scilly Cove ditto	1 15 0		
		Old Perlican ditto	1 0 0		
	£90 0 0		£90 0 0		

Hants Harbour, 13th August, 1848. (Signed) **GEORGE AYRE, Secretary.**

Schedule of the Trinity Bay (South) Day School, from 1st July, 1847, to 30th June, 1848.

Places.	Teachers.	Teachers' Annual fee.	School Receipts during the year.	School Receipts			Increase.	Decrease.	Average attendance.	Average ages.	Alphabet.	Easy reading.	Scripture readers.	Writers on Slates.	Writers on Books.	Cipherers.
				Boys.	Girls.	Total.										
Hants' Harbour	John Husson	£25 0 0	£6 18 4	21	16	37	3	27	7	6	13	18	6	12	6	
Scilly Cove	James Quintz	25 0 0	2 9 6	10	9	19	5	9	6	2	7	9	2	4	6	
Grates Cove	Thos. Cooper	25 0 0		26	14	40	5	38	7	9	12	19	8	15	10	
Seal Cove	J. B. Ayre	5 0 0	0 11 3	7	16	13	8	13	12	4	2	3	1	2	1	

REPORT

Of Schools in connexion with the Board of Education for the District of Trinity Bay (West), July 5th, 1848.

LOCALITY.	NO. OF CHILDREN ADMITTED.	NOW ON BOOKS.
New Harbour	68	50
New Perlican	46	39

H. LIND.

DR.

Account of Expenditure by the Board of Education, Trinity Bay (West).

CR.

1847.		Currency.	Sterling.	1847.		Currency.	Sterling.
July 8.	To paid M. Howley, per order ..	£3 19 5		July 7.	By Balance per account transmitted ..		£30 4 6
	“ Samuel Mills, ditto ..	4 3 8		Dec. 6.	Amount of two quarterly warrants		30 0 0
Aug. 2.	“ G. Cranford, ditto, 3 months' salary ..	7 10 0		1848.			
Oct. 13.	“ T. W. Ollerhead, per order, 3 months' salary ..	7 10 0		May 22.	Amount of two quarterly warrants		30 0 0
“ 15.	“ Rev. H. Lind, per account ..	2 15 0					
Nov. 1.	“ G. Cranford, per order, 3 months' salary ..	7 10 0					
“ 10.	“ M. Butler, per order ..	4 0 0					
“ 13.	“ J. Bemister, amount of account, per order ..	5 8 8					
Dec. 6.	“ for Stove and Funnelling for New Perlican School ..	2 14 6					
“ 18.	“ J. Bemister, amount of account, per order ..	10 17 5					
	“ for 1 hundred Bricks ..	0 9 0					
1848.							
Feb. 1.	“ J. Brine, per order, 3 months' salary ..	7 10 0					
April 1.	“ G. Cranford, per order ..	7 10 0					
“ 22.	“ Rev. H. Lind, ditto ..	1 16 0					
May 1.	“ J. Brine, ditto, 3 months' salary ..	7 10 0					
“ 4.	“ M. Howley, per order ..	0 12 0					
	“ R. Seward, per order ..	1 8 0					
		£83 3 8	£72 1 10				
July 5.	Balance ..	20 18 6	18 2 8				
		£104 2 2	£90 4 6				£90 4 6

Heart's Content, 5th July, 1848.

R. OLLERHEAD,
Treasurer.

REPORT

Of the Schools under the Protestant Board of Education, Bonavista (South), from 30th June, 1846, to the 1st July, 1847.

WHERE SITUATED.	MASTERS' NAMES.	DATE OF MASTERS' APPOINTMENT.	SALARIES, CURRENCY.	AVERAGE ATTENDANCE.		NUMBER ADMITTED.		TOTAL.
				Male	Fem'le	Male	Fem'le	
Bonavista ...	Samuel Rowsell ...	1st Jan., 1844	£60 0 0	35	14	52	25	77
Tickle Cove ...	John Skiffington ...	21st Aug. 1843	25 0 0	16	9	29	14	43
Prescott Harbour Newman's Cove Knight's Cove ...	Robert Tilley ...	9th Nov., 1845	25 0 0	17	7	21	9	30

THOMAS M. WOOD, *Chairman.*

Bonavista, 17th September, 1847.

DR.	<i>Protestant Board of Education, Bonavista (South).</i>		CR.
1847. March 1	To Tickle Cove School: for 1 quarters' salary, due 31st December, £6 5		1847. April 29
	less this sum advanced by the late Treasurer £3 0	£3 5 0	By Cash for this received from the friends of the late Treasurer, being balance from last account £6 15 6
	2 quarters' salary, due 30th June	12 10 0	By 1 quarter's grant received at St. John's £37 10 0
	for School requisites	0 9 1	less this sum paid for Stationery £2 3 10
June 30	To Bonavista School: for 2 quarters' salary, due 30th June £30 0		By 2 quarters' grant, due 27th May, 1847
	less this sum advanced by the late Treasurer £3 10	26 10 0	June 27
	for School requisites	1 16 10	By Newman's Cove school-house, for balance
	2 quarters' rent of School-room	2 10 0	
	Paid for cleaning & white-washing School-room	0 5 0	
	Lime and Soap	0 1 10	
	To Prescott Harbour School: 2 quarters' salary, due 30th June	12 10 0	
	School requisites	1 1 7	
	2 quarters' rent School-house	2 0 0	
	To Newman's Cove School-house: this sum allowed for building ma- terials	15 0 0	
	To School requisites (remaining amount)	0 18 1	
	To Cash remaining on hand	38 15 0	
		£117 12 5	
			£117 12 5

Errors Excepted :

Bonavista, 14th July, 1847,

ARCHIBALD ARNOTT, *Treasurer.*

Audited and passed at the Annual Meeting.

Bonavista, 17th September, 1847.

THOMAS M. WOOD, *Chairman.*

REPORT

Of the Schools under the Protestant Board of Education, Bonavista (South), from the 1st day of July, 1847, to the 1st day of July, 1848.

WHERE SITUATED.	MASTERS' NAMES.	DATE OF MASTERS' APPOINTMENT.	SALARIES, CURRENCY.	AVERAGE ATTENDANCE.		NUMBER ADMITTED.		TOTAL
				Male	Fem'le	Male	Fem'le	
Bonavista ...	Samuel Rowsell ...	1st Jan., 1844	£60 0 0	36	15	53	26	79
Tickle Cove ...	John Skiffington ...	2nd Aug., 1843	25 0 0	25	7	30	18	48
Prescott Harbour	Robert Tilley ...	9th Nov., 1845	25 0 0	17	6	21	10	31
Newman's Cove	No master							
Knight's Cove ...	Ditto							

Bonavista, 1st July, 1848.

ARCHIBALD ARNOTT, *Secretary.*
BERTRAM JONES, *Chairman.*

DR. *The Schools in account with the Protestant Board of Education, Bonavista (South).* CR.

1848.		1847.		
June 29	To Bonavista School :		July 1	By Cash for balance of last acct. £38 15 0
	For a Flag ..	£1 5 0		School requisites remaining do. 0 18 9
	2 lb ratline, for halyards ..	0 1 8	Oct. 12	Cash for 2 quarters' grant, due 27th Nov. .. 75 0 0
	this sum paid Joseph Skerman for work on the School-house	0 10 0	1848.	
	School requisites ..	3 11 9	May 23	Cash for 1 quarter's grant, due the last Feb. .. 37 10 0
	whitewashing and scrubbing the School-room, including soap and lime ..	0 8 3	June 29	Cash for 1 quarter's grant, due 27th May .. 37 10 0
	rent for 12 months ..	5 0 0		
	Master's salary for 12 months..	60 0 0		
	To Tickle Cove School :			
	For School requisites ..	0 16 11		
	Master's salary for 12 months..	25 0 0		
	To Prescott Harbour School :			
	For this sum allowed to finish the new School-house ..	10 0 0		
	School requisites ..	0 10 4		
	funnelling for and repairs to a stove for School-room ..	2 7 0		
	rent of School-house ..	4 0 0		
	Master's salary for 12 months..	25 0 0		
	To Newman's Cove School-house :			
	For this sum paid for building materials ..	1 4 9		
	Secretary and Treasurer ..	3 0 0		
	School requisites remaining ..	1 11 11		
	Cash remaining on hand ..	45 7 9		
		£189 13 9		£189 13 9

E. E. Bonavista, 1st July, 1848.

ARCHIBALD ARNOTT, *Secretary.*
BERTRAM JONES, *Chairman.*

To His Excellency SIR JOHN GASPARD LE MARCHANT, *Knight, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

In this their Annual Report for the year ended 7th July, 1847, the Protestant Board of Education for the District of Fogo have to inform your Excellency, that in the two Schools established by the Board in this District the number of children receiving instruction during the past year has been as follows:—

In the School opened in the harbour of Fogo, 40 children; and in the School at Barren Islands and Joe Batt's Arm, 48 children.

The disposal of the Government Grant to the Board, of £50, continues the same as stated in the Board's last report. The Teacher of the School in Fogo harbour is paid thirty-two pounds sterling per annum, and the Teacher of the Barren Islands and Joe Batt's Arm School is paid the sum of eighteen pounds sterling per annum.

W. J. HOYLES, *Chairman.*

DR. *Teachers and School-houses in account with the Roman Catholic Board of Education for Bay Bulls District.* CR.

1848.					
Feb. 22.	To Cash paid Bay Bulls Teacher ..	£10	0	0	Feb. 22. By Cash received from the
	“ Witless Bay ditto ..	7	10	0	Colonial Treasurer ..
	“ ditto School-house ..	2	10	0	£35
	“ Mobile Teacher ..	3	10	0	0
	“ ditto School-house ..	1	0	0	May 22. By ditto ditto ditto
	“ Toads Cove Teacher ..	4	10	0	35
	“ ditto School-house ..	1	10	0	0
	“ Caplin Cove Teacher ..	3	10	0	Aug. 22. By ditto ditto ditto
	“ ditto School-house ..	1	0	0	35
	“ ditto School-house ..	1	0	0	0
May 22.	To Cash paid Bay Bulls Teacher ..	10	0	0	Nov. 30. By ditto ditto ditto
	“ Witless Bay ditto ..	7	10	0	35
	“ ditto School-house ..	2	10	0	0
	“ for Mobile Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
	“ Caplin Cove Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
	“ Toads Cove Teacher ..	4	10	0	
	“ ditto School-house ..	1	10	0	
Aug. 22.	To Cash paid Bay Bulls Teacher ..	10	0	0	
	“ Witless Bay ditto ..	7	10	0	
	“ ditto School-house ..	2	10	0	
	“ Mobile Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
	“ Toads Cove Teacher ..	5	0	0	
	“ ditto School-house ..	1	0	0	
	“ Caplin Cove Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
Nov. 30.	To Cash paid Bay Bulls Teacher ..	10	0	0	
	“ Witless Bay ditto ..	7	10	0	
	“ ditto School-house ..	2	10	0	
	“ Mobile Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
	“ Toads Cove Teacher ..	5	0	0	
	“ ditto School-house ..	1	0	0	
	“ Caplin Cove Teacher ..	3	10	0	
	“ ditto School-house ..	1	0	0	
		£140	0	0	

(Signed)

PATRICK CLEARY, *Chairman.*

FERRYLAND, JULY 15, 1847.

SIR,—

The Board of Education for the District of Ferryland, in compliance with the instructions contained in the "Act for the encouragement of Education in this Colony," beg leave most respectfully to submit to His Excellency the Governor the following Report of their proceedings under said Act for the past year.

There are two Schools at present under the management of the Board, viz., one at Aquaforte, and one at Renew's. The Board have determined upon re-establishing a School at Ferryland as soon as a suitable Teacher can be obtained.

The number of Scholars attending the School at Renew's is five, which is a little above the number in attendance last year. This School seems to be in a better condition than formerly, and we have no doubt the number of Scholars will shortly increase. During the past year there has been a new Teacher appointed for this School, the former Teacher having been removed by death.

The number of Scholars attending the School at Aquaforte is twelve; this number is somewhat larger than it has hitherto been, and it is the opinion of the Board there will yet be a greater number in attendance.

The School at Ferryland, which will be opened as soon as practicable, has not been in operation for the last two years; this has been partly owing to the difficulty of procuring a suitable person whom the Board could appoint as a Teacher. The sum granted by the Colony is Twenty-five Pounds per annum, which is divided as equally as possible between the three places, and to keep these Schools in operation the sum is very small. In consequence of the School in Ferryland not being in operation for some time, there was a small surplus remaining on hand, which has enabled the Board to increase, in a small degree, the salary of the Teacher at Aquaforte for the past year, and also to add the small sum of Forty Shillings, for the ensuing year, to the salary of the Teacher at Renew's.

The Board will re-open the School in Ferryland as soon as a competent person can be obtained as a Teacher, but owing to the inadequacy of the funds the salary that they are enabled to give is so small that they cannot easily find a suitable person willing to undertake the duty for so small a remuneration.

I remain, Sir, &c.,

(Signed) H. H. HAMILTON, *Chairman.*

The Honourable JAMES CROWDY, &c., &c.

FERRYLAND, JULY 25, 1848.

SIR,—

The Board of Education for the District of Ferryland, in compliance with the instructions contained in the "Act for the encouragement of Education in this Colony," beg leave most respectfully to submit to His Excellency the Governor the following report of their proceedings for the past year.

The number of Schools remains the same as at the date of the last report, viz., one at Aquaforte, and one at Renew's.

The number of Scholars attending the School at Aquaforte is eleven, which is nearly the same number as was in attendance last year.

The number attending the School at Renew's is five, but there is a prospect that the number will shortly increase.

Last year the Board had determined to open a School at Ferryland, but could not obtain a competent person as Teacher. The sum granted by the Colony is so small when divided between the three places that the sum the Board are enabled to give a Teacher at Ferryland, after paying the salaries of the other Teachers, is so small that they cannot easily obtain the services of a Teacher for so small a remuneration, but still have a hope, as there is a small surplus remaining on hand each year, to be enabled to add something annually to the sum the Board has already voted for the Teacher, and thus secure the services of a competent person, and one who would be willing to undertake the charge, as the remuneration will be somewhat greater.

I remain, Sir, &c.

(Signed) H. H. HAMILTON, *Chairman.*

The Honourable JAMES CROWDY, &c., &c.

FERMEUSE, 11TH DECEMBER, 1848.

SIR,—

As Chairman of the Roman Catholic Board of Education for the District of Ferryland, I beg leave, through you, to transmit to His Excellency the Governor an account of the present state of the Schools under our care.

The number of Schools, male and female, at present in operation, is 15, and consequently the average amount of salary yearly, for each Teacher, cannot be more than £12; but we have varied the salaries according to the labours and capacity of the respective Teachers. Two of the Schools being discontinued for some time, (viz., one at Brigus with a salary of £15 currency, and the other at the South Side of Renew's with £12 currency per annum,) we were enabled to repair partly the School-houses in these localities, to advance the salaries of some of the Teachers who have only £8 to £12 currency, and to establish a Female School in Brigus, with a salary of £10 to its Teacher. But for the last six months the Male School is in operation there again. And having now furnished you with a brief but true account of our stewardship, and hoping that it will suffice, and prove satisfactory to His Excellency,

I remain, Sir, &c.,

(Signed) JAMES MURPHY, *Chairman.*

The Honourable JAMES CROWDY, &c., &c.

COURT-HOUSE, PLACENTIA, 5TH JULY, 1848.

The Protestant Board of Education for the District of Placentia, in presenting their annual Report for the year 1847-8, wish to premise, that from the year 1845 to 1847 their functions as a Board have been suspended, owing to the absence of their Chairman and Secretary—the Rev. Mr. Jeynes, and Mr. (now the Rev.) William Taylor; although by an arrangement of some of its members with the Government one Winter School, that at Spencer's Cove, Long Island, has been kept up, instructing about 16 children.

This, with the exception of one year's grant to the School at Harbour Beaufort, has been the only School supported by this Board.

In the fall of 1847, the Rev. William Kepple White, having succeeded the Rev. William Jeynes, at the request of several members of the Board, under the bye-laws, appointed Teachers for Winter Schools at the following places—that is to say, at Sound Island, Woody Island, Burgeo, and Spencer's Cove. The progress of these Schools has been exceedingly satisfactory, and the Board hopes that some little has been done towards carrying into effect the praiseworthy wishes of the Legislature.

Already the inhabitants of these places, appreciating the benefits accruing to their harbours by such Schools, have proffered their aid in the erection of School-houses, and have besought this Board to continue the boon which they have thus had afforded them, though in so limited a degree. And this Board, responding to their wishes so ardently expressed, have commissioned their Chairman to engage Teachers for the following places if practicable—that is to say, Oderin, Isle of Valen, Woody Island, Sound Island, Spencer's Cove, and Harbour Beaufort—after reserving a sum of Thirty Pounds to institute a Protestant School at Great Placentia, in connexion with the Church there, so soon as the pious intentions of Her Majesty the Queen Dowager shall have been carried out sufficiently to render such a step of utility.

But this Board would wish to observe that these advantages must necessarily be of a temporary nature, arising as they do from an accidental accumulation of funds, unless the House of Assembly see fit to augment the trifling amount allowed to this Board.

The following are the numbers in the various Schools instituted by the Board during the last winter:—

LOCALITIES.	LARGEST NUMBER.	GENERAL NUMBER.
Woody Island	19	14
Sound Island	36	17
Burgeo	9	9
Spencer's Cove	16	15

Making a total of 80 children, taking the highest return, who have benefited by the grants of the Board; and when it is considered that these four Schools were the whole means of Education for the Protestant portion of the Bay, excepting the School at Harbour Beaufort, under the Newfoundland and British North American School Society, educating perhaps 30 more, and consequently, that out of more than 1200 Protestant children, 111 are all who have been educated, and more than could be instructed by the annual grant to this Board, it is hoped that the necessity of the appeal for further funds will be admitted by the Legislature.

The following is a statement of receipts and disbursements by the Board for the year 1847-8:—

DR.		CR.	
To Alexander Chambers, Esq., for School Fees	£1 0 0	By payment to Teacher at Woody Island	£6 0 0
William Brown, for ditto	0 8 0	ditto at Sound Island	10 0 0
		ditto at Spencer's Cove	10 0 0
		ditto at Burgeo	7 0 0
	£1 8 0		£33 0 0

(Signed) **WILLIAM KEPPLER WHITE**, Episcopal Missionary,
Chairman.

REPORT

Of the Schools in the Burin District, under the direction of the Protestant Board.

JULY, 1847.

Several of the Schools reported last year have not been in operation for some time past. The master of the Fortune School died last winter, and since his death no suitable person could be obtained. The master of the Little Burin School left us for a more promising situation in Nova Scotia early last Fall, and the salary being so small no competent master has since offered. The Female School in Burin Bay was suspended during last Winter, but was re-opened this Spring. The Female School in Bulls Cove was in operation up to last April, but since that period has been vacant.—All these Schools while going forward were quite as good as circumstances could warrant us to expect, and their suspension at present is altogether to be ascribed to the smallness of our funds; the salaries we can give being so trifling as to be altogether unworthy the acceptance of respectable and efficient Teachers.

The Schools at Lamaline, Great Burin, and Spoon Cove have been regularly kept on; but the Board have found it necessary to make some additional allowances to the persons keeping them to enable them to live—this the Board could not have done but for the circumstances before referred to, which have left some funds at their disposal.

The Board trust the time is not far distant when the Government will place in their hands a sum of money to enable them to discharge the duties of their office with better effect and greater satisfaction.

Schools at present vacant:—Three, viz., one at Fortune; one at Little Burin; one at Bulls Cove.

N. B.—The number of children that attended these Schools was about 90. The total amount of salaries for their support, £58.

Schools at present in operation :—

No.	PLACES.	TEACHERS.	SALARY.	CHILDREN ATTENDING.
1	Lamaline ...	M. A. Nuckey ...	£15 0 0	38
2	Great Burin ...	John Churchill ...	33 0 0	37
3	Spoon Cove ...	Elizabeth Boucher ...	6 10 0	21
4	Burin Bay ...	Bridget Woundy ...	6 10 0	25
4			£61 0 0	121

(Signed) S. W. SPRAGUE,

Chairman Protestant Board of Education, Burin.

BURIN, 3RD JANUARY, 1849.

The Catholic Commissioners for the District of Burin, in compliance with the Act for the establishment of Schools, have the honour to transmit to His Excellency the Governor the following Report, having reference to the Schools under their control.

BURIN.—This School continues flourishing. It is attended by 104 children, male and female, whose mental and moral culture give ample evidence of the benefits, religious and secular, that the rising generation of this town has derived, and is deriving, through its instrumentality.

GREAT ST. LAURENCE.—This School is also in a flourishing state, and gives the Commissioners great satisfaction, and has generally upwards of 90 children, male and female, in attendance.

BEAU BOIS AND LITTLE BAY.—This School continues to give the Commissioners great satisfaction—and there were in attendance, last year, upwards of 40 children, male and female; and now that the road connecting the two settlements is completed, this School will no doubt be much better attended.

SUNDRY PLACES.—The Commissioners are extremely desirous to establish Schools in the following places:—At Lamaline, where there are 50 children; at Lawn there are 45; and at Mortier, Fox Cove, and their neighbourhood, there are upwards of 90;—but are deprived of the power for want of means.

In conclusion, the Commissioners beg leave to impress on His Excellency the entire want of Schools in many important settlements within the District, as well as the great increase of the population since the last Education Grant; and trust that His Excellency will recommend to the Assembly a more liberal allowance. They feel assured that His Excellency's consideration for the wants and wishes of all those whom a Gracious Sovereign has committed to his paternal sway, will urge His Excellency to impress on the Legislature the educational necessities of this District.

MICHAEL BERNY, *Chairman.*

HARBOUR BRITON, 10TH NOVEMBER, 1848.

SIR,—

In pursuance with the directions in the "Act for the encouragement of Education in this Colony," I forward the Report of the proceedings of the Board for the District of Fortune Bay, held June 20th and 30th, 1848.

1st.—A vote of thanks to Mr. Ellis for his late services as Treasurer.—Carried unanimously.

2nd.—Proposed and carried, That a Schoolmaster be appointed for Bennet Island during the summer months, and Jersey Harbour during the winter months, six months at each place, and the sum of £40 (£20 to each place) appropriated for the erection of School-houses at those places.

3rd.—Proposed and carried, That the Chairman be authorized to procure a Teacher, at a salary of £50 sterling, and that every effort be made to procure a more efficient class of Teachers for the future, at a salary of £50 sterling, but the present Teachers to remain as fixed at the last meeting, viz., for the one at

Garnish	.....	.....	.....	.....	£40	Currency.
Hermitage Cove	.....	.....	.....	.....	35	"
English Harbour	.....	.....	.....	.....	35	"
Push-through	.....	.....	.....	.....	35	"
Burgeo	.....	.....	.....	.....	35	"
Harbour Briton	.....	.....	.....	.....	40	"
					<u>220</u>	£220

A sum of £25 Currency for Books, £7 for the completion of the School at Harbour Briton, and £7 for that at Push-through, voted at the Special Meeting, were confirmed.

Schoolmasters' Salaries	.....	.....	.....	.....	£220	Currency.
Vote to Schools	.....	.....	.....	.....	25	"
					7	"
					7	"
Total expenses of the year	.....	.....	.....	.....	<u>259</u>	£259

The number of children at the Schools is as follows:—

	Males.	Females.	Total.
Harbour Briton	20	13	33
Garnish	7	12	19
Push-through	0	0	14
Hermitage Cove	15	14	29
Burgeo	0	0	40
English Harbour	0	0	23

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

(Signed) J. G. MOUNTAIN,

Chairman of the Protestant Board of Education, District of Fortune Bay.

The Honourable JAMES CROWDY, &c., &c.

JANUARY 3RD, 1849.

The Catholic Board of Education for the District of Fortune Bay beg to transmit to His Excellency the Governor, for his information and that of the Legislature, the following Report of the Schools under their control.

GAULTOIS.—This School has been in operation since the Fall of 1844, and has been conducted to the entire satisfaction of the Board. It is attended by 31 children, male and female.—This is the only School the Commissioners are enabled to establish in the District.

They beg leave to impress on His Excellency the great want of Schools in the following places—Great Jervis, Harbour Briton, Bellorem, and St. Jacques. They earnestly hope to be supplied with the means of establishing Schools in these harbours; and should the revenue of the Island afford it, they feel assured that His Excellency will impress on the Legislature the educational wants of this District in particular.

(Signed) **MICHAEL BERNY, Chairman,**

A P P E N D I X, No. 16.

MEMORIAL

Of Mr. William James Ward, for Compensation for Reporting and Publishing the Proceedings of Her Majesty's Council.

**TO THE HONOURABLE THE LEGISLATIVE COUNCIL, IN SESSION
CONVENED.**

THE MEMORIAL OF WILLIAM JAMES WARD

Respectfully Sheweth,—

That your Memorialist, desirous of placing on public record the important proceedings of the Upper Branch of the Legislature of this Colony, has devoted his time and exertions to reporting these as faithfully and fully as was practicable, and publishing such reports in his daily Journal.

That as a grant is given for similar services here by the House of Assembly, and by the Legislative Council as well as the House of Assembly in the other Colonies, your Memorialist submits these circumstances, and prays that such sum may be granted him for reporting and publishing the proceedings of your Honourable House, as to your Honourable House shall seem meet.

WILLIAM J. WARD,

St. John's, Newfoundland, April 13th, 1849.

APPENDIX, No. 17.

A Statement of the Affairs and Accounts of the St. John's Water Company to December 31st, 1848.

Paid for pipes and materials imported, with freight, insurance, and shipping charges ...	£2,629 8 10	Received instalments of £8 $\frac{1}{2}$ share, on 600 shares ...	£4,800 0 0
Paid duties on pipes and materials ...	105 14 6	Received on Loan from Bank £200, less discount ...	197 0 2
Paid expenses procuring Superintendant, &c. ...	42 18 1	Received for water supplied, &c. ...	39 4 9
Paid for fire-plugs, cocks, &c., made here ...	277 18 0		
Paid for compensation for land for laying pipes, &c. ...	28 6 3		
Paid labour cutting trench, laying pipes, &c. ...	713 19 8		
Paid Tradesmen, &c., for sundry services ...	263 2 9		
Paid on account Loan to Government to improve Street to Magotty Cove ...	264 0 0		
Paid 17 $\frac{1}{2}$ year's salary to Superintendant ...	552 4 4		
Paid 3 years' salary to Secretary ...	150 0 0		
Balance ...	8 12 6		
	£5,036 4 11	Balance brought down ...	£5,036 4 11
			£8 12 6

WILLIAM THOMAS,
President.

WILLIAM J. WARD,
Secretary.

APPENDIX, No. 18.

REPORTS

Of the Stipendiary Magistrate of the Distress existing at Burin, transmitted by Message of His Excellency the Governor, 19th March, 1849.

[COPY.]

A Report of the produce of the Fishery and Crops, together with the condition of the Inhabitants of the Eastern Division of the District of Burin, from Rashoon to Lawn, both inclusive, for the month of August, 1848.

THE FISHERY.

The squids having been moderately plentiful up to the 15th of the month, the large boats added from 5 to 7 quintals per man to their former catch, bringing up the average to a little over 75 quintals per man—whilst the fish being scarce during this period on the home ground, the small craft did not add more than 3 or 4 quintals per man, have no more than been realized for this description of craft up to the 18th of the month, when an Easterly gale set in, and continued up to the 23rd, during which time all the bait, as well as fish, appears to have been driven from this Bay, and from the coast, as nothing has been since done on the Fishery.

THE CROPS.

The hay is being nearly all secured, producing about three-fourths of an average crop.

I regret to report that the fatal potato disease has again appeared; there were only two or three instances of it previously to the gale of wind before alluded to, when all the gardens and potato beds exposed to its direct influence became affected; and not only the potato, but almost every other vegetable production suffered.

THE CONDITION OF THE INHABITANTS.

It may now be assumed that the fishery as pursued by the skiffs and punts, and consequently by the poorest class of the inhabitants, is ended, or if not absolutely so, the little fish which may be caught will not sustain the families depending on it through the month of September—and there are many who are not provided with the means of support beyond the last of October. It is, therefore, evident to me that destitution to the amount of from one-third to one-half of that provided for by the Government last winter, will be required for the ensuing winter, unless some means less expensive to the Colony can be devised for the removal of some of the most destitute families. The subject is one of deep importance, and I should fail in my duty if I did not thus early submit it to His Excellency the Governor for his consideration.

(Signed)

WILLIAM HOOPER,

Stipendiary Magistrate.

Burin, 2nd September, 1848.

[COPY.]

BURIN.

Stipendiary Magistrate's Report for December, 1848.

THE FISHERY.

The herring fishery, which usually affords a large amount of the sustenance of the poorer class of the inhabitants, has proved almost a total failure through the past month, adding much to their otherwise destitute situation. In the cod fishery nothing has been done.

THE CROPS.

The disease has destroyed nearly all the potatoes; it is doubtful if a single barrel will be preserved for seed.

THE CONDITION OF THE INHABITANTS.

Every succeeding month shews more fully the utter destitution into which from one-third to nearly one-half the inhabitants are now reduced; their existence depends wholly upon Government aid—if this shall be withheld many deaths from starvation will be inevitable. In the course of a month there will not be any provisions to be purchased, even by those who have the means in their possession, for already have many persons been compelled to resort to St. Peter's for that purpose.

(Signed)

WILLIAM HOOPER,

*Stipendiary Magistrate.**Burin, 3rd January, 1849.*

[COPY.]

BURIN.

Stipendiary Magistrate's Report for January, 1849.

THE FISHERY.

Nothing either in the cod or herring fishery has been done.

THE CROPS.

There is nothing to report.

THE CONDITION OF THE INHABITANTS.

As the winter advances, so do the wants of the poor and destitute portion of the inhabitants. At every weekly meeting of the Commissioners of Relief new applicants present themselves. The most searching inquiry is gone into, and any who have, or from their earnings ought to have, the means of existence for three or four weeks, or a longer period, are invariably refused any assistance from the Meal at present remaining.

I have in former reports stated, and every year's experience convinces me of the fact, that while the Planters who pursue the fishery in the punt and skiff shall be compelled to sell their fish in a green

state, with the accompanying inconveniences and loss of time which that system involves, will never be able to provide for the wants of their families, unless by the aid of such an abundant fishery as would be fallacious to entertain. Private mercantile enterprize or speculation will not afford to such men the wants they require, without compelling them to take what they do not require; they have, therefore, no stimulus to exertion; they are driven as it were into a state of destitution, and consequently become wholly dependent upon Government for support, for a period of from five to seven months in the year.

(Signed)

WILLIAM HOOPER,
Stipendiary Magistrate.

Burin, 7th February, 1849.

[COPY.]

BURIN.

Stipendiary Magistrate's Report for February, 1849.

THE FISHERY AND CROPS.

There is nothing to report.

THE CONDITION OF THE INHABITANTS.

It is now four weeks since the Commissioners of Relief issued the last Meal of the quantity which was placed in their hands; the destitution was then on the increase, and it became indispensably necessary to sustain 1200 famine-stricken individuals—a few barrels of flour and bags of bread, all that could be procured, was purchased, together with some fish, which sustained the people two weeks. A public meeting of the principal inhabitants was then called, and contributions of fish and molasses made, to the extent in value of £50, which but little exceeded one week's issue; resolutions were passed declaratory of the absolute necessity which existed for the Commissioners of Relief to purchase, by drafts on the Government, as much fish and molasses as would sustain the famishing poor until a communication could be had with St. John's for assistance from the Government. The Commissioners, conscious that no other course was open to them, have complied, and a schooner is now being got ready to depart on that voyage. The situation of the people was so clearly seen in January that the Commissioners conceived it to be their duty to attempt sending a craft to St. John's, and they engaged a small schooner for that purpose;—she was, however, laying far up the Arm of Mortier Bay, and before she could be got out, the ice formed, and prevented the possibility of getting her out; the weather besides assumed so severe a character that the voyage would have been attended with such danger as to prevent or deter any crew from attempting it. The Commissioners have, by Memorial, drawn the attention of the House of Assembly to the alarming state of the destitution which prevails here.

I am most thoroughly convinced that mercantile enterprize will never bring the people out of the distress in which they are now involved. I believe that it cannot be done but through the aid of the Government, either by the removal of the most destitute, or by fitting out three or four vessels with a supply of salt, bread, molasses, hooks and lines, to be issued to the *poor* Planter in payment for green fish; he would not then be compelled, as now, to receive two-thirds of his daily catch of fish

in articles he does not want, or could do without—by this means he would, with the produce of two or three weeks' fishery, be placed in a situation to cure the remainder of his voyage, which would, in a great measure, render him independent. An advance of from 30 to 50 per cent. on the above articles would be, I apprehend, quite equal to the expense of the Charter of a Vessel, so as to leave but little or no loss on the adventure, and would prove a saving to the Colony of from £1,000 to £1,500 a-year—a sum which, I fear, will be required annually, during the existence of the present mode of mercantile speculation.

(Signed)

WILLIAM HOOPER,
Stipendiary Magistrate.

Burin, 12th March, 1849.

[COPY.]

The Grand Jury, at Burin, having been summoned to meet this day at a General Court of Quarter Sessions, have unanimously resolved that their best thanks are due to the Worshipful Bench of Magistrates, as well as to the respective Clergymen who are associated with them as "Relief Commissioners," for having engaged a Boat to proceed to St. John's with an application to the Government for a further supply of Indian Meal for the sustentation of the destitute poor of this district, the number of whom is already very great; and the Grand Jury are fully cognizant with the situation of many families who have not the means of support beyond the first of March, and who must then add to the large number now applying for relief. No application of greater necessity could have been ever made.

For the Grand Jury,

(Signed) JOHN O'NEIL, *Foreman.*

GRAND JURY ROOM, BURIN,
31st January, 1849.

APPENDIX, No. 19.

REPORT

Of the Joint Committee on Burin Relief.

The Joint Committee of Her Majesty's Council and the House of Assembly, to whom was referred the Message of His Excellency the Governor transmitting and recommending to the consideration of the Council and Assembly, certain Returns received from the Stipendiary Magistrate at Burin, have taken the subject-matter of the said documents into their consideration, and beg to report as follows:—

The Committee lament to find, that notwithstanding a somewhat more than usually abundant catch of fish during the past season, by the inhabitants of Burin, (exceeding an average for the large boats of seventy-five quintals a man—and for small boats or punts fifty quintals a man) very great distress exists in this locality; and that many hundreds of persons are now dependent for daily sustenance upon relief administered by the Government, and upon the charitable contributions of private indivi-

duals. The particulars of the destitute condition of the inhabitants of Burin are so fully detailed in the reports of the Stipendiary Magistrate accompanying the Message of His Excellency, as to render a repetition of them unnecessary.

In inquiring into the causes of this state of destitution, the Committee are able to trace its origin, mainly, to the almost entire failure for three successive years of the potato crop, added to a series of unprosperous fisheries for several years preceding the past one; and to the untoward events, in particular, of the year 1846, which were peculiarly distressing in their effects upon the settlements of Burin and its vicinity. But there are other circumstances which have powerfully contributed to the existence of the present unhappy state of affairs in this locality, to which the attention of the Committee has been called. Owing to the withdrawal, years ago, of the large mercantile houses who formerly carried on business in this part of Placentia Bay, and in the absence, of late, of any resident Supplying Merchant, the large majority of the inhabitants have been dependent for their supplies upon casual traders from St. John's and Nova Scotia, resorting to these parts, with whom they have carried on a disadvantageous barter traffic—receiving in exchange for their fish supplies of food and other articles, the latter not seldom of a kind and quality unsuited to their wants, and at prices over which they can exercise no control. Each successive spring has consequently found them less able to undertake the fishery with efficiency or advantage, from the want of salt, and the absence of other necessary supplies. That during the past season, their necessities, owing to the distress of the preceding winter, being greater than usual, the fishermen, (more especially those in the small boats), were compelled, from the want of salt, to sell their green or newly-caught fish from day to day, to provide food for the sustenance of life—being obliged, too, in many instances, to take in exchange for the produce of their labour, articles which they did not require. The catch of fish, therefore, which, if cured as taken, and disposed of under ordinary circumstances, would have gone far to keep the inhabitants independent of charitable aid, has been hardly equivalent to, probably, one-third of the same quantity of fish cured and made available in the usual course of business. Burin, it will be borne in mind, also, does not participate in common with the inhabitants of the Northern and Eastern parts of the Island in the benefits of the Seal Fishery; and the Committee have further reason to believe that there is in this settlement a larger proportion of widows and children than in other outport settlements.

In looking at the condition of the inhabitants of Burin, the Committee discover in it, unfortunately, many features of resemblance to the condition of the inhabitants in other parts of the Island, where the fishery is relied on as the sole means of support; and independent of causes which during the past three years have more immediately affected the prosperity and depressed the condition of the Colony, the Committee are impressed with the belief that, under even ordinarily favourable circumstances, the fishery of itself is not equal to the support of those who are engaged in it in the taking and curing of the fish. This result, the Committee are of opinion, has flowed from the great increase in the amount of our population dependent on the fishery, and to the operation of causes beyond our control, influencing unfavourably the state of the markets for our staple produce, and diminishing, consequently, the price paid to the producer to a sum by no means equivalent to the cost and labour of production.

But while the fisheries are inadequate to the burthen upon them, there are, notwithstanding, ample resources within the Colony, in agriculture and in other branches of industry, rightly applied, for the independent and comfortable subsistence of even a larger population than the existing one. To render these resources available, and thereby to alleviate the distressed condition of Burin and of

other portions of the Colony, as well as to provide the means of preventing a repetition of the enormous demands which within the past two years have been made on the Public Treasury, and, above all, to arrest the growth of a system so destructive of the energies, the self-reliance, and the morals of the people, the Committee have, after the consideration of various suggestions, agreed to recommend to the Council and Assembly the adoption of a plan which, anticipating in some measure the appropriations to be made during the present and the next three years for public works, will provide the means of employment for such able-bodied men in the localities in which distress is likely to prevail, as will probably require aid from the local Government for their relief, and at the same time develop the agricultural resources of the Colony, and promote settlement in those places which possess the greatest facilities and advantages, and hold out the best prospects for the cultivation of the soil.

The Committee, therefore, recommend that the construction of the main lines of Road mentioned in the Estimate and Schedule annexed to this Report should be proceeded with and, as far as practicable, completed. That surveys and allotments be made of such portions of land, in different parts of the Island, as are best adapted for agriculture, and upon a report to be made by the Surveyor General, or under his direction and control, and approved of by the Governor and Council, sums of money should be expended in the opening of cross or agricultural roads through such allotments as will, while affording employment to the poor inhabitants, facilitate their settlement upon and cultivation of the land—that the maximum amount to be expended upon the main lines, as well as on the cross roads, as specified and detailed by Act of the Legislature, and with a view to the adoption of a scale for that purpose, the Committee beg to refer to the accompanying Estimate. That to secure the employment to be afforded in the performance of these public works, to the poorer inhabitants of the different localities who are from present appearances likely to require relief from Government, the works should be undertaken and carried on in the Autumn, after the close of the fishery, and provision should be made for the employment of the poor in winter, in procuring timber and other materials for Bridges. That in order more effectually to secure this employment to the poorest classes of able-bodied men, the price to be paid for the completion of the main lines of road should be limited not to exceed seven shillings per perch, and for the cross or agricultural roads four shillings a perch, or some other moderate amount—thus throwing the expenditure over so large a surface as to afford employment, as far as practicable, at no great distance from the homes of the residents in the different localities;—and in apportioning the work to be done, it might be set off with advantage in lots, to be valued and drawn for indifferently by the parties to be employed. The details of the mode of expenditure of the money should be regulated by stringent provisions to be inserted in an Act for that purpose, which might usefully embody many of the provisions of the existing Road Acts.

The full extent to which the Committee think it would be judicious to go, in the carrying out of this plan, is to the extent of £30,000—the expenditure of which spread over two, three or more years, would afford time and opportunity for the inhabitants to turn their industry into other channels than that of the prosecution of the fishery, would develop favourably our agricultural resources, and afford scope for the cultivation of grain and other valuable substitutes for the potato, the disease of which, it is to be hoped, will have disappeared or been greatly mitigated in the course of two or three years hence.

To provide the means of meeting an expenditure so much larger than the present condition of the finances of the Colony will warrant, the Committee recommend that Treasury Notes for sums of £1 each should be issued from time to time to such an amount as may be required, not exceeding at the utmost the sum of £30,000; and it is highly improbable that so large an amount at any time will ever

be required. That such Notes should be payable by the Treasurer in discharge of any Warrants to be drawn upon him, and be convertible into Specie on presentation at the Treasury, at the expiration of one month after being issued, one day in each month being appointed for the purpose of the same being presented and paid. That they shall be received at the Custom House in payment of Colonial duties, and be re-issued from time to time as occasion may require—provision being made that the total amount to be issued shall be reduced annually to the extent of seven and a-half per cent. until the whole are called in. The Committee are of opinion that by retaining in the Treasury at all times specie to the extent of one-third or one-fourth of the issue of Notes, and from the small amounts for which these shall be issued, and their consequent general circulation, combined with the discretionary power to re-issue them, no difficulty whatever need be apprehended on the score of their convertibility, nor of their unrestricted general use throughout the Island.

While the adoption of the proposition of the issue of Treasury Notes is, in the opinion of the Committee, necessary to the carrying into effect the plan which they now recommend for the relief of the poorer classes, by the advancement of the public works—the promotion of agriculture, and the developement of other beneficial resources of industry—it is one to which they also look as likely to be advantageous to the Colony in other respects. At present the debt of the Colony is subject to a very heavy rate of interest. The employment of paper currency, therefore, to a limited extent, though resorted to in the first instance as the means of carrying into operation the measures now suggested, may be made useful during the period limited for its existence (should our Revenue not fall short of its estimated amount) in reducing to some extent the interest now payable upon the public debt.

The Committee also recommend that provision should be made for supplying the different localities of the Island, where the greatest necessity prevails, with seed corn, in order that the land heretofore under cultivation may not lie waste during the ensuing season.

The Committee have appended to this Report suggestions submitted by two or three of their Members, which contain many matters worthy of consideration, in carrying into effect the plan now proposed.

E. M. ARCHIBALD, *Chairman of the Joint Committee,*
Committee Room, March 27, 1849.

ESTIMATE

Of Work necessary to be performed on the Main Lines of Roads throughout the Colony, to make good the communications to and from the principal settlements in each District, and connecting the whole with the Capital. And a further Estimate for the construction of Roads through Lands suitable for settlement and cultivation, the main object of which would be to give profitable and re-productive labour to the able-bodied in want of employment, in every District of the Island.

FERRYLAND DISTRICT.

Road from Trepassey to Renews, 15 miles main line, 7s. per perch—	£112 ₤' mile	...	£1680	0	0
Renews to Cape Broyle, 6 miles main line, at	£112 ₤' mile	.....	672	0	0
Ditto ditto 6 miles agricultural line, at 4s. 6. ₤' perch—	£72 ₤' mile	.....	432	0	0
Cape Broyle to Bay Bulls, 6 miles main line, at	£112 ₤' mile	.....	672	0	0

ST. JOHN'S DISTRICT.

Bay Bulls to the Goulds, 8 miles main line, at £112 per mile	.....	£896	0	0		
The Goulds to Petty Harbour, 4 miles main line, at £112 per mile	.....	448	0	0		
Torbay to Pouch Cove, 8 miles main line, at £112 per mile	.....	896	0	0		
Repairing and completing main lines, 10 miles, at £72	.....	720	0	0		
Opening up agricultural roads, 15 miles, at £72	.....	1080	0	0	£4040	0 0

PLACENTIA AND ST. MARY'S DISTRICT.

Salmonier to Placentia, main line, 15 miles—£112	.....	£1680	0	0		
Great Placentia to Distress, 10 miles, at £72	.....	720	0	0		
Distress to Branche, 6 miles, at £72	.....	432	0	0		
Salmonier to St. Mary's, 20 miles, at £72	.....	1440	0	0		
Salmonier to Holyrood, 10 miles, at £72	.....	720	0	0	£4992	0 0

CONCEPTION BAY DISTRICT.

Topsail to Brigus, 20 miles, at £72 per mile	.....	£1440	0	0		
Brigus to Harbour Grace, 15 miles, at £72	.....	1080	0	0		
Harbour Grace to Carbonear, 5 miles, at £72	.....	360	0	0		
Carbonear to North Shore, 20 miles, at £72	.....	1440	0	0		
Carbonear to Heart's Content, 5 miles, at £72	.....	360	0	0		
Spaniard's Bay to New Harbour, 6 miles, at £72	432	0	0	£5112	0 0

TRINITY BAY DISTRICT.

Main and Agricultural Lines	£3000	0	0		
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BONAVISTA BAY DISTRICT.

Main and Agricultural Lines	£2500	0	0		
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TWILLINGATE AND FOGO DISTRICT.

Main and Agricultural Lines	£1000	0	0		
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BURIN DISTRICT.

Main and Agricultural Lines	£1000	0	0		
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FORTUNE BAY DISTRICT.

Main and Agricultural Lines	£1000	0	0		
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Estimate for the Main and other Roads in the various Districts, year 1849		£26100	0	0		
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Purchase of Seed Corn	1500	0	0		
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		£29,400	0	0		
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A large portion of the estimate for 1849 must necessarily be expended in the year 1850; by

making an additional appropriation of £10,000 for that year, and an equal sum for the year following, it may be said that sufficient profitable employment will be secured for the years 1849, 1850, 1851, and 1852—as the conclusion of the season will be as soon as the sum of fifty thousand pounds can be expended.

The whole of the expenditure for Public Works we propose to provide for by the issue by the Colony of *One, Five, and Ten Pound Notes*, say—

In the year 1849	.....	.....	.....	.....	£25,000
In the year 1850	.....	.....	.....	.....	12,500
In the year 1851	.....	.....	.....	.....	12,500
					£50,000

These Notes to be received in payment for all Colonial Works, and for all Colonial Duties, and to be convertible into *Specie*, at the option of the holders, at the Colonial Treasurer's office, either quarterly or monthly, as may be determined upon—7½ per cent. of the issue to be cancelled yearly by the Colony, by which means the whole issue will be paid off in about thirteen years, and at a cost to the Colony of little more than the usual interest.

ST. JOHN'S, NEWFOUNDLAND, MARCH 22, 1849.

[Copy.]

MY DEAR SIR,—

In compliance with the wishes of His Excellency I have devoted my most anxious attention in maturing a project which may have the effect of relieving His Excellency's Government from the pressure upon it for the support of paupers in all parts of the Island, and which must lead to financial embarrassment if not checked in some effectual manner.

The enclosed statement, which I request you will lay before His Excellency, will fully explain the only project I have to propose. It is to give general and simultaneous employment to the able-bodied labourers in every district of the Island.

First.—By completing and uniting the Main Lines of Roads, opening thereby a communication with the populous settlements in each district, and connecting the whole with St. John's.

Secondly.—In opening up the country in each district by what I call Agricultural Roads, thereby giving employment to those who may stand in need of it, and affording a favourable opportunity for cultivation and settlement.

There is a main principle in this plan, which I think is indispensable for its useful working, strictly limiting the expenditure to seven shillings per perch, or some other moderate amount, in the main lines, and to four shillings and sixpence in the agricultural lines—this throws the expenditure over a large extent of surface, and would afford employment at no great distance from the homes of the residents in each locality.

If this proposition for giving general employment will be found practicable, it would in a great degree relieve the Government from the pressure that now rests upon it for the support of paupers throughout the Colony.

I could not recommend to His Excellency so large an expenditure under the present state of the finances of the Colony, without at the same time suggesting a mode for providing for it, which I hope will meet with His Excellency's approval.

The proposition I have to make on that head, is to recommend the issue of Colonial Bank Notes, of One, Five and Ten Pounds, to be received in payment for all public works and for all Colonial duties, and to be convertible, at the option of the holders, into Specie, by application at the Colonial Treasurer's office, monthly or quarterly, as it may be determined on, seven and a half per cent. of the whole issue to be cancelled by the Colony annually, by which, at a cost of a little more than the usual interest, the whole issue will be paid off in a little more than thirteen years.

In humbly and respectfully submitting these propositions for the approval of His Excellency, I may be permitted to say that I have given this important subject all the consideration in my power to bestow upon it; and that I felt doubly anxious to aid His Excellency in his praiseworthy efforts to raise the country into a state of self-reliance, and to put an end to that system of pauperism so degrading and demoralizing to the people of the Colony, possessing within itself so many elements of remunerative and productive employment.

I have the honour to be, Sir, _____

Your most obedient servant,

(Signed)

PATRICK MORRIS..

The Honourable JAMES CROWDY, Colonial Secretary.

From the nature of the present distress that prevails throughout the country, and particularly because you meet the same wide-spread complaint of destitution from every district, and almost from every harbour and cove of the Island, it is clear that, in order to stem the difficulty of the time, some method must be adopted, materially differing from any hitherto used, in meeting the just claims of the poor, and most especially ought such a course be devised as will be most calculated to conduce to the public good.

There is nothing clearer than that we shall have to make a large outlay of money before the commencement of the Fishery, to keep the poor people alive, and then it is necessary for us to examine all the consequences of that expenditure.

If the money, or its worth in provisions, be distributed amongst the community simply as a loan, is there not danger of moral injury to those who, hitherto, have been industrious, and have been forced to look to Government aid by misfortune? May not these alone teach them an easier mode of supplying their families with the winter's food than renewed exertion or increased economy.

Then we have also to consider that in the present state of the Colonial finances, if the poor be fed in this way, and they have a right to be supported at all events, the general improvement of the country must stand still; because you have not the means of embracing both services, except some plan could be devised calculated to combine both objects and bring them together under the same expenditure.

Look at the state of Burin at present, the whole population sinking under the extreme of destitution. This appears to us appalling, but the only reason is, because we have not yet had accounts from the other remote settlements. I only fear that you will receive as heart-rending from the North-

ward; and I myself know that, in many parts of the District of Placentia and St. Mary's, there is no less of misery.

We recommend the Executive to transmit, for the relief of Burin, a quantity of Indian Meal, accompanying that recommendation with a general suggestion that labour be returned for it. In doing this, would it not be better to send them a still more substantial relief, and point out the especial work to be accomplished in return? For instance:

If we look into the report of Mr. Acting Judge Simms, on the table of the House of Assembly, we find he adverts to the importance of the Road from Burin to Fortune Bay, the completion of which he tells you, from personal observation, would render unnecessary the use of a vessel beyond Burin; yet, this is only one of the very many public advantages that would flow from that important line of communication.—Why not, then, point to this road, and tell the people of Burin to make that road practicable for the food you give them, and by so doing you will have made a permanent improvement—you will greatly add to the comforts and convenience of the numerous and populous settlements on both sides of that neck of land, while you are affording the greatest facility to the administration of Justice; and the same principle may be brought to apply to every other part of the Island. Point to the particular work you require to have done, and you may be certain that, while you are bountifully relieving the poor, you will be doing more for the moral improvement of the people, and the physical improvement of the country, than has been done for many years, and at an expense comparatively trifling.

I may be told, however, that it would be a hardship to ask the people of Burin to go so far from home as the extremity of the road to Garnish or Grand Bank, and in the same way of other settlements. But the system I thus beg leave to suggest has already been put in practice, and with the happiest results.

The road from St. Mary's to Salmonier, where it joins the road from Placentia to St. John's, and by which is the road to the capital for the people of that and the neighbouring settlements, is twenty-two miles long, and only that portion that lay between St. Mary's and River-head was practicable on that way, wild and desolate as it was; some lives had been lost through hardship arising from the great difficulty of travelling it. Last year, however, the people lost their potatoes and the fishery, and they were in destitution, but in asking for relief they sought it not as alms, but asked to be permitted to earn their food by their labour. The Government sent it there, and for the moderate supply granted to that locality sixteen miles of road were opened and drained—the people cheerfully went upon the most remote lots, and not a murmur of complaint was heard from them. In this way their immediate wants were relieved, and the country has the great advantage of a road made over a difficult and dangerous country, that has completely stripped the journey to St. John's of the greatest of its difficulties.

The plan adopted was simply this. The whole road was carefully divided into lots, equalling the number of families requiring relief. These lots were then fairly valued, and the number of each lot having been written on paper, the head of each family drew, and was content with that which chance, in this manner, sent him, feeling that there was no undue preference given to any. If this mode, therefore, were generally put in practice throughout the country a great quantity of public work would be accomplished, the people would be fed, and you would not be fated to hear a single complaint on the subject from any part of the Island, while at the same time the moral character of the people would be sustained.

JOHN DELANEY.

To check the spirit of pauperism increasing to such an alarming extent, I would suggest that Committees be instituted in every part of the Colony, and these Committees be formed of all the Magistrates and Clergymen in each district, and each part of such district, where it is necessary to give relief; and that where a Committee could not be conveniently formed of such persons as before named, that His Excellency be empowered and requested to name any other person or persons to form a part or the whole of such Committees.

That on the 15th of September, in each and every year, the Stipendiary Magistrates of every district, or part of district, should cause Proclamations to be posted in the usual places, calling on the inhabitants who wanted relief, or expected relief in the forthcoming winter, to give in their names by the 1st of October, and that on the 15th October these persons requiring, or expected to be relieved, should be set to work in making or repairing of roads, bridges, &c., in all parts where such works were necessary; and in other parts where such work was unnecessary, that then the Committee should fix on some good spot of uncultivated and ungranted land, and there employ these labourers seeking for relief, to work either by the day at two shillings currency, or by task labour at one shilling per perch, as the labourers who were industrious would be inclined to take the latter, as they could, without doubt, earn more than two shillings per day—that a Stipendiary Constable or Constables should be required to superintend these labourers, and to be paid for such superintendence either by the day or at a percentage on the sum expended.

That on the 1st day of May, in each and every year, such parts or parcels of land which should be thus cleared and fit for some crop, be exposed to public sale, and delivered to the highest bidder, on such conditions as His Excellency the Governor, with the advice of his Council, should dictate.

But to return to the labourers. When the season was too much advanced to continue clearing the land, then they should be directed and employed in cutting and preparing stakes and longers for fencing the land thus cleared, or in performing such necessary work as the district required, and that encouragement should be held out to spend their winter evenings in picking of oakum, mending or making of cod-nets, or salmon or herring-nets, and paid for such labour in a fair and reasonable manner by each Committee.

That each Committee should be authorized to draw on the Secretary of the Colony for the means to pay these labourers as the exigency of their case might require, either in cash or necessary food—and that the Stipendiary Magistrate should from time to time render a particular and detailed account of every transaction.

PETER WINSER.

APPENDIX, No. 20.

REPORT

Of Captain Loch on the Fisheries of Newfoundland, in a Letter to Earl Dundonald.

[Copy.]

HER MAJESTY'S SHIP "ALARM,"
St. John's, Newfoundland, 1848. }

MY LORD,—I sailed from Halifax in H. M. Ship under my command on the 14th June, and

anchored in the harbour of St. Pierre's the afternoon of the 17th. I found the outer roads and the inner harbour filled with shipping. There were one hundred and thirty-three French vessels, averaging from one hundred to three hundred and fifty and four hundred tons; one hundred of these were Bankers, chiefly brigs, lately returned with cargoes. They had taken in their salt, and were waiting for bait (caplin), which they told me would strike into the Bays of St. Pierre's and Miquelon in a day or two. This prophecy (whether likely to prove true or not) was merely mentioned to deceive me, as it was well known the supply afforded round their own Islands is insufficient to meet the great demand. The next morning I observed boats discharging caplin into the Bankers, which I ascertained had been brought over from our own shores during the night in English boats. The bait is sold in the harbour of St. Pierre's, either by barter for piece goods, provisions, or for money.

In every way this transaction is illegal. First, by vessels trading to foreign ports without a Custom-house clearance, in violation of Act 3 and 4, chap. 59, Wm. 4; secondly, by sailing without registers; and thirdly, by defrauding the Colony of a branch of its revenue.

Their only excuse is, that if they were not, in self-defence, to sell their caplin, the French would take it, as they formerly used to do, in defiance of all remonstrances and opposition; for it is, they say, impossible to guard every particular point where the caplin may strike along so extensive a coast, so as to prevent the robbery, or in most cases, even to see the French fishermen, in consequence of the frequent and dense fogs. This traffic has now become so systemised and general, and so productive to all the parties engaged in it along the coast, that it will be a matter of great difficulty to put it down.

I waited on the Commandant, Monsieur Delecluse (Capitaine de Corvette), and after mentioning the object of my visit, I strongly urged him to aid me in the support of the existing treaty.

He said he would, and always had endeavoured to do so, in conjunction with my predecessors, but that it was an up-hill task, owing to the proximity of the Island to the main, and the frequent fogs which often enveloped all surrounding objects, sometimes for many days together.

As a means of checking this great evil, I would propose establishing one or two Magistrates at central positions, say Fortune, Lamaline, and Burin, and supplying four swift row boats, attached to a Colonial Tender, during the fishing season, and swearing in their coxswains as Special Constables.

Some of the local authorities entertain an idea that they cannot exercise jurisdiction over men embarked in boats; but in this I ventured to assure them they are mistaken, and that when boats are fishing in creeks, harbours, or along the coast within three miles distance of the land, the same law extends to the persons of the individuals in them as to a settler on the shore, and that they would be fully borne out in exercising any legitimate authority they may possess, for an infringement of a local or imperial law by parties so situated.

The fishing season commenced the beginning of June, and will close the first week of October. They do not consider it will be a favourable one—however, fishermen are as hard to satisfy as farmers; their catch will probably average one million quintals.

The government bounty is eleven francs per quintal, a sum equal to the value of the article itself. Owing to the embarrassed state of the French finances at home, and the failure of all their commercial establishments in the West Indies, there is comparatively no sale for the bank fish this year. No accurate calculation can be formed of the value of the whole quantity of fish caught by the French, as

many vessels carry their cargoes to France green. The fish are dried and salted there, and exported thence to the West Indies, and some to the Mediterranean.

I am assured that three hundred and sixty vessels, from one hundred to three hundred tons burthen, are engaged in the bank fishery, employing from sixteen to seventeen thousand seamen (exclusive of the coast fishermen). All these vessels return to France every winter. Their crews spend the money they make there, buy the fitments they require there, sell their cargoes for the use of their countrymen at cheaper rates than the Newfoundlanders can to the Colonists, and are knit together in a body by the regularity and system of their duties, and man their country's navy if required.

The French annual Great Bank fishery averages a catch of a million, two hundred thousand quintals, and nearly the entire quantity is sent to the West Indies. Guadaloupe and Martinique consume two-thirds, and the remainder is exported to other Islands.

The Islands of St. Pierre and Miquelon are admirably adapted for the purposes to which they are applied; no expense to Government, they offer the best possible centre for all commercial operations, a depot for their stores, secure harbours for their shipping, and at the same time, owing to their proximity to the shores of Newfoundland, their inhabitants are equally well supplied with bait, and fish, as the British settlers themselves in their vicinity.

The French authorities, however, do not deny that the sole object of their Government in supporting these fisheries at so great a cost, is to form seamen for their Navy. Monsieur Filleau, the intelligent Commissary at St. Pierre's, candidly told me this, and added that no private companies could of themselves support this commerce, unless the market price of the article rose to double its present amount.

Monsieur Delecluse, the Governor, had also the honesty to affirm that the supply of caplin by the English from their bays and coast, alone enabled the bankers to prosecute their fishings, and he believed that to this traffic with his Islands our poor settlers were alone enabled to support their existence.

REMARKS :—

It is obvious that by withholding from the French the supply of bait from our own shores their success upon the Grand Bank would sensibly diminish, and the advantages the fish merchants at present derive from the bounty granted by their Government, over their competitors, could not increase the trade beyond the limits controlled by the comparatively very scanty supply of caplin afforded by their own coasts and islands.

If, on the other hand, it is the large payment of bounty by the Government that alone upholds the fisheries, and which has advanced them to their flourishing condition, the present is surely the period for our merchants to exert themselves to regain their lost ascendancy, while the French are paralysed by the failure of the French West India markets, and general loss of credit, consequent upon the emancipation of the Blacks by the Revolution of February.

It is wonderful to observe the inhabitants of a nation certainly not addicted to maritime pursuits, surpass a seafaring people in the prosecution of an avocation natural to them, and in which it is necessary to display more science and perseverance to be successful than in any other branch of a sailor's trade.

In consequence of this anomaly, I cannot but believe there must be some flagrant want, either of industry or skill, on the part of the people of Newfoundland, admitting even that the existence of the French Banker is entirely dependent upon the bounty money.

However this may be answered, the fact is very apparent that the French have established and systemised a large fleet of vessels, which now no unaided individual enterprise can successfully compete with.

The capital advanced by the French Government (at the commencement of the competition with the English Bank fishermen) at once lowered the market price of fish to almost the cost attendant upon the sailing of the English vessel, which the French bounty alone was, and is still, equal to defray.

A French vessel of three hundred tons has a crew of at least forty men (worse fed and paid than Englishmen) and is found with from seven to nine heavy anchors, and upwards of eight hundred fathoms of hemp cables. She would also have from four to five large boats capable of standing heavy weather, and numerous nets and fishing tackle, made in France at one-third the expense our Colonists can procure theirs.

The boats above-mentioned are capable of laying out from five to six thousand fathoms of line, to which hooks and weights are attached at certain distances, and secured by anchors. These are termed Bultows, and are generally shot on each bow and quarter. They are enabled, with the number of hands belonging to each vessel, to lift these lines and take the fish off frequently, both during the day and night; while the smaller English vessels, manned by a weaker crew (consequent upon the greater expence) and only possessing common anchors and cables, are under the necessity of using the ordinary trawl line. Not only are the fish attracted away from the latter by the miles of bait spread over the bottom by their rivals, but when heavy weather occurs they are obliged to weigh, while the French remain securely at anchor with two hundred fathoms of cable on end, and ready to resume their employment immediately the weather will permit them.

While we yield to the French the advantages of independent ports and unmolested fisheries, we are on the other hand hampered by circumstances unfelt by them. For example, their fishermen arrive from the parent State, ours belong to a thinly-peopled and dependent Colony—they have their drying grounds close to the fisheries, as we have, on the shores of this very Colony, deriving every advantage from it, and untrammelled by any expenses or local taxes, to which our people have to contribute in addition to the aforesaid disadvantages.

The distance from France is of no moment; instead of adding to, it is the means of diminishing, the expense attendant on the conveyance of the fish to Europe, for a great portion of the season's catch not sent to the West Indies is carried away by the large fleet of vessels upon their return home for the winter; while our fish merchants have to collect the produce of the season from numerous stations, distributed over a great range of coast, and then again to tranship it into larger vessels to cross the Atlantic.

It may also be said that our people are working for existence—the French are sent forth by capitalists, and supported by large bounties paid by their Government. Hence (as I have endeavoured to show) the great reason of their success over our Colonists in their more expensive mode of fishing on the banks.

It is not surprising, then, that they have been thrown back upon the coast of the Island, and have abandoned their vessels for small boats only adapted to fish close to the shore and in the creeks and harbours.

Fortunately, the cod—the staple wealth of these seas—seems inexhaustible, so that a large revenue is still made, but the nursery for seamen has ceased to exist,—while our rivals number 16,000 well-trained men belonging to the Bankers, exclusive of 12,000 others attached to their fishing stations on the coasts granted to them by treaty.

BURGEO ISLANDS.—JUNE 24.

The fishing is carried on throughout the year. It was good during the past winter, but indifferent in the spring—on the whole they have had a fair catch, 6000 quintals since October. The fish are not so plentiful as they were five years ago.—There are about 700 inhabitants residing on three Islands—they are increasing in numbers; fourteen years since there were only two families.

The French do not interfere with their fishing, or appear on their coasts. The caplin had not been at all plentiful, but were beginning to strike into the harbours in great abundance, and would, they expected, remain on the coast for several weeks.

They trade principally with Spain and Portugal, sending their largest fish to Cadiz—and generally commanding the early markets of both those countries, in consequence of their ability to prosecute their employment throughout the year.

These inquiries were principally answered by Mr. Stephens, Agent to Messrs. Newman, Hunt & Co. There was, besides this establishment, a Jersey Room, belonging to Mr. Nicholl, who has another fishing station thirty leagues east, and one at La Poile. During my visit there were two vessels in the port. One was receiving cargo for the Levant, and the other collecting fish from the different stations along the coast.

Most of the fishermen belonging to the settlement were hired by one or other of the above-mentioned houses, and they receive 4s. 6d. for every hundred fish delivered; but unfortunately, they are dependant upon their employers for the supply, not only of their boats, nets, clothes, and other articles, but also for their food—so that by what I could ascertain I fear that a very pernicious system of usury is prosecuted. If this should continue the merchants may be enriched, but the settlers will certainly never improve in civilization or prosperity.

The inhabitants, with but few exceptions, are all Protestants. There are two churches, but at the time of my visit, no clergyman; the Rev. Mr. Blackmore having been removed to a better living, and Mr. Cunningham, his successor, had not arrived. The Magistrate is a Mr. Cox, at present in England. There is also a School-house, to which the fishermen contribute a small annual sum for the education of their children.

The appearance of the settlement itself is, without exception (considering the reputed value of the fisheries), the most disreputable and wretched I have hitherto seen. True, the ground is a bog, with granite, boulders, and rocks rising from its centre, upon which the huts and cabins can alone be planted, but yet no attempt seems to be made to drain the filth and bog water away from their doors,

or even to make pathways by which to pass from house to house, without having to wade through black mire. The only causeway in the settlement is one formed of deal boards from the Church to Mr. Stephens' residence;—nevertheless, to my surprise, I must own that the people seem happy in their state of filth, and I heard no complaint of disturbance, or of crime having been recently committed.

LAMALINE.—JUNE 30.

The fish struck in early, and in great quantities, but there was not a catch in proportion to the abundance at the commencement of the season, in consequence of bad weather preventing the boats going out until the caplin struck in, when they were fully employed catching and taking them to St. Pierre, to sell to the French Bankers. There has been but little bait at St. Pierre's this year, so that caplin fetch a high price. As much as £15 a-day is made by each boat employed in this manner.

I was informed by Mr. Winter, the Custom-house Officer at Lamaline, that a duty of 6s. per quintal was imposed by the Colony on bait exported, but in consequence of the Law Officers of the Crown having given their opinion that bait caught and shipped (without being landed) could not be considered as exported, the boats adopt this method of taking away the caplin to evade the duty.

At the time of my first visit the French boats had not been troublesome, none indeed had been seen; but on my second visit, after their caplin had been sold, they began to complain of their encroachments. This was the latter end of August, about the time when the fish leave their coasts and small islands for our shores. After the fish have been cured they are taken by coasters to St. John's and Burin.—There are also schooners that trade regularly from Harbour Breton, in the employ of Newman & Co. and Nicholl & Co.

The house and boat that are kept for the use of the Officer and crew, generally left at Lamaline during the fishing season, have not been put in a state of repair this summer. The boat has no oars, and looks very old—and the house has several panes of glass broken, and was not in a fit state to be inhabited.

The settlement of Lamaline is not increasing. Much apathy exists among the inhabitants. No road is yet made, and only one small house has been built since last year. The population is not quite four hundred.

Mr. Butler, the late Magistrate, died in the fall of the year, and Mr. Pack, from St. John's, is his successor. Mr. Pack is building a large house about a quarter of a mile from the settlement, and expresses his intention of carrying on agriculture to a large extent. The soil is good, and well adapted for potatoes—of which they have lately begun to export a considerable quantity. The potato disease, however, visited them last year, in consequence of which their seed is neither good nor abundant.

To have left an officer and boat's crew at Lamaline at the late season of my first visit (June 30), I ascertained would have been of no service, as the French Bankers had received their supply of caplin from the English themselves, and which Mr. Pack told me were chiefly the fish about which disputes arose.

It may be undoubtedly true that the French occasionally encroach upon the Banks in the

vicinity of Lamaline, and thereby excite the jealousy of the fishermen of that station, and that in consequence a man-of-war's boat would be useful to foster the indolence of those individuals who, thus protected, might choose their own time to fish, and take it easy; yet I have no hesitation in saying that they do not deserve this protection, for the comparatively few fish the French abstract cannot be one tithe so injurious to their own individual interests as their wholesale and illegal traffic in caplin is to the entire fishing community inhabiting the South and Eastern shores of the Colony—not only by supplying the French Bankers with the means of prosecuting their successful competition on the Grand Bank, but also thereby preventing the strike of the fish towards the shore by the spread of bait which intercepts their passage.

I nevertheless think that a small Cruizer, possessing three fine whale-boats, permanently stationed on the South coast for the season, making Lamaline, as the port nearest the French possessions, her head quarters, and with power not only to protect our fishermen, but to act as a Coast Guard Vessel to prevent smuggling, and to check the illegal trade in caplin, would be most beneficial to the fishing interests of the Colony at large.

ST. JOHN'S.

I sailed from St. John's for the coast of Labrador, July 23, with clear weather and a moderate breeze from W.S.W., which lasted until we were abreast of Trinity Bay, when we met a fog from the Southern coast, which generally fills that Bay, with wind between S. and W.S.W., passing over the narrow isthmus which joins the district of Ferryland to the great body of the Island.

The wind shifted to N.N.E., and threw up, as it increased, a chopping sea; but as the fog was light I stood towards Cape Freels, to see whether the valuable fishing grounds extending round its extremity were occupied by our own people.

This Cape is to be avoided in thick or heavy weather, on account of the innumerable rocks and shoals that surround it, both North and South.

It nevertheless is a good fishing station, and affords shelter for boats and small vessels; seventeen were in sight.

At noon we passed Funk Island within a mile, leaving it on the port hand. It is a flat-browed Island, I should say not more than sixty feet high, and cannot be seen at more than twelve miles distance.

Parties repair thither in Spring and Autumn to collect eggs and feathers. At one time a very considerable profit could be gained by this trade, but lately, owing to the war of extermination that has been waged against the flights of puffins, gannets, divers, gulls, eidar ducks, cormorants, &c., &c., it has greatly diminished. One vessel of twenty-five tons is said once to have cleared two hundred pounds currency in a single trip to Halifax.

July 26th, we passed between Groats and Belle Isle (South), shortly after daylight;—counted ten icebergs, some drifting about with the winds and tide, others aground, and two at the entrance of Croc.

CROC.

This harbour is a long narrow indenture, slightly curving towards its head, where vessels may lay perfectly land-locked.

It is the head-quarter station for the French men-of-war employed for the protection of their fisheries.

I found at anchor the French brig of war *Maleagre*, and two empty merchant vessels laying with their top-gallant-masts down, and hatches locked, their crews to a man were engaged fishing. Besides these, there was a small English schooner, the *Mariner*, bound and belonging to St. John's, with a cargo of salmon.

The French have two rooms in Croc, on opposite sides of the harbour. When they return home for the winter they leave them in charge of two Irishmen, named Hope and Kearney, only removing the canvass coverings of the stages.

They also leave some of their boats behind them, turning them over on the beach, and thatching them with spruce boughs in the same manner that our own migratory Fishermen do theirs on the coast of Labrador, to protect them from the weather.

Their establishments are conducted upon the same principle as our own, and although their arrangements evince a better system of discipline, I do not think that the same energy is displayed by their fishermen in the prosecution of their employment—nor does it appear to me to be so thoroughly performed. I mean that, to my inexperienced eye, the fish neither seemed to be so well cleaned, split, boned or cured.

The two rooms in Croc employ between them thirty-seven quintal boats, and one hundred and thirty men—one hundred afloat and thirty shoremen (as they are termed) in the establishments; six of these boats were exclusively occupied in catching caplin and herring for bait, and were manned by crews of eight men.

Their fishing this year commenced the 5th of June, and is considered good in point of quantity—although the fish are unusually small. The catch has been to the present date (July 27) seven thousand quintals, and they anticipate six thousand more before the close. They use seines principally, but they also fish with lines.

Caplin had struck in very early and in great abundance. They were now beginning to disappear, replaced by herring.

Croc is by no means a first-class fishing station. Rouge, St. Julian's, Goose Cove, Creminellere, Braha, Quirpon, besides others in the vicinity of Cape St. John, all harbour more vessels, and send forth a greater number of boats.

The French coast fishermen do not receive so large a bounty as their countrymen engaged exclusively on the banks. The risk and expense attending their occupation is much less, and consequently the insurance lower.

The coast fishermen sail from France in vessels of 150 to 200 tons, laden with salt, and containing their entire fishing equipments, comprising men, boats, nets, and provisions. When they ar-

rive at the destined harbours, they moor their vessels, re-roof their last year's establishments, land their goods, lock up their vessels' hatches, and commence fishing. If the season proves prolific, traders connected with the planters will perhaps once or twice during the season carry away the produce of their good fortune and industry, preserving a sufficiency to freight their own vessels back to France.

The French north-east coast fisheries are prosecuted perhaps with greater vigour, and have increased more rapidly than those to the southward.

This year there are upwards of 11,000 fishermen employed between Cape Ray and Cape St. John, shewing an increase of 1,500 men within two years.

I had great difficulty in collecting information, not only from the superintendents of the rooms, but also from the naval officers; they evinced, I thought, great jealousy in their answers to my questions.

The northern and southern fisheries are opposing interests. The former are conducted by houses at Granville, St. Malo, Gampol, Bennick, Havre, Nants, and St. Brioux; the latter by merchants of Dieppe, Bayonne, and in one instance in connection with a St. Malo house of the name of L'Huiller. I met at the table of the Captain of the French brig-of-war, two superintendents of rooms; they have originally been masters of bankers—they appeared to be men of energy and substance, and possess very considerable general information. They spoke with pride of the sailors their bankers produce and of the hardships and dangers they were exposed to while fishing on the banks, and that to deprive their country of these fisheries would be to lop off the right arm of her maritime strength.

I found, during my stay, the climate dry, the winds light, and in the harbour (notwithstanding the proximity of eight or ten icebergs) the temperature mild and agreeable; but outside the air was damp and chilly, even with a clear sky overhead.

Sailed for Belle Isle (North), July 29, and observed, on my way there, one brig in Fish Shot Cove, one bark and one brig in Goose Cove; one bark, one brig, and one schooner in Creminellere Cove; two barks and two brigs in Braha; one English brig in Griguet Harbour; one French brig in Degrat Harbour.

BELLE ISLE (NORTH).

The fisheries round this Island are most valuable, and, I grieve to say, are principally gathered by the French.

During the afternoon, night, and next morning I was off this Island. I only saw two vessels, and those were English jacks—but nevertheless I ascertained that the French had been fishing round its shores the entire season, and had only departed upon the visit of the man-of-war being reported by their look-outs.

I do not see how these fisheries can effectually be protected while the French possess the facilities of numerous and convenient ports in its vicinity, with only the opposing influence of two Jersey establishments in Chateau Bay to contend against them. The most effectual protection would be the

constant presence of a small cruizer during the entire season, to act in conjunction with the small Government Schooners the French themselves employ for this service. If it were practicable to form establishments on the Island itself, this expense, perhaps, might be saved; but owing to the total absence of safe beach or boat harbours, this would be almost impossible.

These fisheries are capable of yielding 40,000 quintals in the season, and I am told the French take upon the average 30,000.

I could not visit the establishments at Chateau, owing to the Bay being blocked up by icebergs; eighty-three were counted between Belle Isle and the coast of Labrador.

RED BAY

Is a beautiful little harbour, perfectly sheltered from every wind, and is capable of admitting ships of the largest class. It is formed by Saddle Island laying off the entrance of a round basin with a narrow neck; there is good anchorage behind the Island, which forms what may be called the outer harbour; the hills of the main are nearly 500 feet in height, somewhat higher than those directly to the north-east and south-west of the port.

The hills are close to the shore, formed of reddish granite, and covered with moss, some stunted spruce, birch, and juniper bushes.

Three small rivulets enter the basin, but water cannot easily be procured for ships, owing to sand-bars extending across their mouths.

The port is not very easy to make, as the features and indentation of this portion of the coast are very similar; one of the best marks is a small flat island, a little to the eastward of Saddle Island, named "Oil" Island in the book of sailing directions, and White Island by the fishermen.

There are thirteen rooms at this station, all belonging to separate planters, small proprietors, employing altogether fifty fishermen (exclusive of the shoremen); the principal person among them is a Mr. William Penny, of Conception Bay. He comes to this port in his schooner every spring, and arrived this year on the 17th June, with ninety-five people on board—forty men, the rest women and children. During the season there are about one hundred inhabitants—forty reside for the purpose of seal-fishing during the winter. They commenced cod-fishing this year the 5th of June. They use both seines and lines, and have twenty-five boats of different sizes, employing from two to three hands each, and capable of containing from 5 to 10 quintals. They send their fish to St. John's, Carbonear and Halifax. They despatch it twice in the season if the fishing is moderately good. Their catch to the present date (30th July) has been 3,500 quintals, which is the greatest amount of fish they have taken so early for the last three years. They expect to average, before the close, 100 quintals a man. They would not be contented with less than 70. (The French consider 50 quintals per man a paying season.) The fishing generally ends about the 5th of September, when the ice begins again to form, and the bait strikes off into deep water. The bait they use is caplin, herring, and lance, in rotation. Although the latter may be procured throughout the season, they use the caplin when it can be had, which is frequently from June until the end of August. They can place no reliance upon the strike of the herring. They consider the climate during the summer and autumn months dryer and of more equal temperature than upon the north-east coast of Newfoundland.

They say that they are much disturbed by the French and Americans. The former coming over from the other side in squadrons of batteaux, sweeping all their best fishing grounds—while the latter enter their harbours in schooners of about 60 tons, catching their fish, and drying them close to their own stages, which they boldly assert they have a right to do by treaty.

I examined several of the planters separately, and all agreed that there are about six hundred Frenchmen employed in fishing vessels, of different sizes, between Forteau and Red Bays alone. There is no agriculture, if we except a few cabbages and turnips planted round the doors of their huts, which they use with their common diet of fish and salt pork. The fishermen are paid principally in bills of exchange given by the merchants, and receive from £18 to £25 currency a-year. Those employed for the summer season only, generally receive half their catch.

The planters of the harbour expressed so much dissatisfaction at the encroachment of the French, who, they assert, are encouraged in their depredations by some of the principal English inhabitants residing in the Bays to the Westward, that I have thought it advisable to give the evidence of the three principal parties I examined, at length:—

What are your names?

ROBERT ASH, of Carbonear, and **FRANCIS WITTS**. We have been fishing eleven years out of this harbour. Witts has resided on the coast of Labrador for the last two years, and would continue to do so if not so much interfered with by the French.

BENJAMIN COOMES came straight from England. Has been residing between Black and Red Bays, and on the coast of Labrador, for twenty-five years, cod-fishing and sealing on his own account. They all asserted that their fishing is very much injured by the encroachments of the French—fishing on the coast to the westward, in Black Bay and Forteau Bay, &c., which prevented the fish from passing down the coast, but more particularly are they injured by the French sweeping all the caplin off the ground, which otherwise would remain a month longer if they were not so disturbed and cleared by them.—“To give an idea how much we suffer by these encroachments, and how much the French benefit by them, there are parties employed purposely to catch and cure caplin to supply the Great Bank fishing vessels.”

Q.—Who are the principal people in Black Bay?

A.—One family, Mr. Odell's.

Q.—Do they agree to the French going there?

A.—Yes, they encourage them, and lend and build stages for their accommodation, and receive the livers of the fish as payment.

Q.—What may this be worth to them?

A.—A quintal of fish produces a gallon of oil, which sells for 2s.

Q.—Have you ever remonstrated with the English residents at the Bays to the Westward, and stated to them how prejudicial their encouragement of the French was to your interests?

A.—Yes, and they are well acquainted that the French fishing must injure ours.

Q.—What do you suppose is the reason why the French are enabled to surpass our fishermen in cheap fishing on our own coast?

A.—Their fit-out is in the first place much cheaper—not one-fourth the prime cost of ours. Secondly—They receive a large bounty from Government. Thirdly—The wages are not one-half those we pay our fishermen.

Q.—How many Frenchmen would you suppose are fishing between Red Bay and Forteau?

A.—From 1000 to 1500 men.

Q.—In how many boats or vessels?

A.—About 200 large and small.

Q.—Do you think the Government of Newfoundland could make any arrangement that could effectually prevent the encroachment of the French on the coast of Labrador?

A.—Yes, a cruizer stationed in the straits from the 1st of July to the last of August; or resident Magistrates, say at Black Bay and Forteau, and perhaps Chateau.

Q.—Would the planters on the coast of Labrador think it worth their while to pay £300 a-year in support of the salaries of Magistrates to clear the coast of the French?

A.—We think we pay taxes enough, and we imagine that the Government of Newfoundland ought to defray such a charge for the benefit of its subjects and its own commerce.

Q.—Are you aware if there are any individuals residing between Red Bay and Forteau Bay who have made sums of money by their encouragement of French fishing?

A.—Yes; Samuel Tomms, formerly residing at Great St. Modeste. Last year he went to Quebec, having cleared £1000 in the last few years by the sale of oil from the cod livers.

Q.—Who among the principal people at Forteau encourage the French?

A.—Mr. Ellis, for one, who has a room at Great St. Modeste expressly for the use of the French. He is the same person who has applied to be a Magistrate.

Q.—Do the residents of Labrador receive any assistance from the Government of Newfoundland during the winter?

A.—No, none. Last year, for the eight months, which is the usual length of the winter, we were hard put to it in consequence of the French having deprived us of our means of living by plundering our coasts. Many of the poorer inhabitants were alone supported by the charitable assistance of those in better circumstances.

Q.—You say that certain parties have had to give up trade in vessels in consequence of the French encroachments—state who these were?

A.—Francis and Claudius Witts, William Udell, and Mr. Pike. These parties had to give up their vessels, finding that the catch of fish was so much reduced from what it used to be before the

French came in such numbers, that none of the parties could procure even half cargoes by the close of the season.

Q.—How do you know that the French fishing interferes with yours?

A.—Because on the Monday our catch is double what it is any other day of the week, owing to the French not fishing on the Sunday, thereby permitting the fish to pass up the coast.

CARROL COVE.

This is a small fishing station, five miles west of Red Bay, where there are only two rooms, belonging to a Mr. Landragan. He employs thirty men—six of these reside there throughout the winter to trap seals. They catch them in frame nets, which are laid down the 20th of November, and taken up the last of December; then again put down the 1st of June, and taken up the middle of July. 300 seals a-year is the average catch.

They send their cod to a Jersey house in Blanc Sablon.

There are three seal fisheries between Chateau Bay and Carrol Cove, fished by men from Red Bay, who abandon them in summer for the cod fishing. Their average catch is 350 seals.

BLACK BAY, OR PINWARE,

Is a wild open roadstead, but a good fishing station, and caplin are always to be found in great abundance during the season, inside the bar formed by the river at its head, and which the French are said entirely to appropriate, by dropping nets across the channels, and placing watch-boats to guard them. This intelligence caused me to despatch an officer in the barge from Red Bay, who might be enabled to take any intruders by surprise, and give me accurate information. He counted twenty fishing boats at anchor under Ledge Island, and boarded sixteen vessels at anchor inside Little St. Modeste, belonging to Nova Scotia, one American, and three French from St. Pierre's.

These latter had been fishing on the Labrador shores; and according to my directions he took away their registers.

At Shiphead, on the western side of Black Bay, he boarded the French brig *Novelle*, St. Pierre, of St. Malo, wind-bound, from Quirpon bound to Port-au-Choix, laden with salt and a small quantity of fish, which apparently had not been taken on this coast. He also boarded two French boats fishing for vessels at Port-au-Choix, which he ordered away. He observed twelve or thirteen French boats off Cape Diable to windward of him, but these he could not reach, as it blew too strong.

FORTEAU BAY

Is almost an open roadstead to the south and south-east, but safe even with winds from those quarters, owing to its depth and the protection it receives from the opposite coast of Newfoundland.

It is surrounded by table-lands of sandstone, covered with the usual moss, the dwarf spruce, birch bush, and some mountain ash. A salmon river of some size enters the sea at the head of the bay. Seals, salmon, cod, and remarkably fine herrings are very plentiful. The fishings are carried on with considerable profit by five establishments—four, connected with Jersey, Poole, and St. John's, are in the bay; and the fifth, planted upon the eastern point, belongs to a Mr. Grange, a wealthy colonist, from Anchor Point, Newfoundland. Upwards of four hundred people are employed by these various planters, but their catch this year has not been (in proportion) so good as that of their rivals of Red Bay.

The resident agents and partners are Messrs. Ellis, employed by Mr. Bird, of Poole, and Laroux, a Jersey merchant and Agent for Mr. Quitville, the most extensive planter on the coast of Labrador. He has, besides this, other establishments (one at Blanc Sablon), and supplies most of the minor rooms and resident fishermen with goods, clothes, and stores, much to his own profit. Messrs. Young and Janveaux, and George de Heaume and David Janvers, are the remainder.

There are nine fishing-stations between Red Bay and Forteau, viz., Carrol Cove, East St. Modeste, Black Bay, West St. Modeste, Capstan Island, Lance Diable, River-head of Lance-a-Loup, and Lance Amour. Except at Lance-a-Loup, where a Mr. Crockwell of Torquay has a room, all these stations are fished by Colonial fishermen, who send their produce to St. John's by vessels from that port, and to the Jersey houses of Forteau Bay and Blanc Sablon.

These small stations employ about two hundred and twenty men, and average a catch of twenty-five thousand quintals throughout the year.

Cabbages and turnips are grown at every station for the summer consumption of the inhabitants.

Those who reside upon the coast during the winter shoot deer, partridges, ducks, geese, curlew, and other wild fowl, amply sufficient for their support. They have, nevertheless, stores of pork, flour, tea, and molasses, supplied by traders from Québec, Halifax and St. John's.

Much of my time was occupied, during the ship's stay at Forteau, in settling innumerable disputes between the rival firms and fishermen, and in trying an action brought by Philip Landragan, of Carrol Cove, against Messrs. George de Heaume and Daniel Janvers, for having taken a schooner belonging to the former, under pretence of purchasing her, and having used her for nine months, and, in consequence of the Collector of Customs of St. John's declaring the register to be incorrect, returning her to the plaintiff, who accepted a bill for thirty pounds as an equivalent for her use, and for having boarded her after delivering her over, and taking out gear belonging to the vessel.

The above was a sample of many of their grievances, but there were two of a much graver description; one against Mr. Ellis, of Forteau, as shewn in my letter to His Excellency, of the 30th ultimo.

The other case was brought before me by a man named Charles Dicker, a planter, resident on Grand Point, three miles west of Blanc Sablon, and a settler of twenty-four years, who, upon hearing a man-of-war was at Forteau, walked across the country to lay a charge against a stronger party for having torn up his Seal and Salmon Nets, as he asserted they prevented his own catch being so great as it otherwise would be. The poor man was thus deprived of his season's profit, and probably his winter's subsistence. I was enabled, fortunately, to succeed in restoring his rights to him.

BLANC SABLON

Is seven miles west of the Western Point of Forteau Bay. It is open to the eastward, nevertheless the westerly winds are those most feared, as they throw in heavy cross swells between Wood and Greenly Islands, and vessels are not unfrequently driven on shore by them.

It is the principal fishing station on the Labrador coast. There are four Jersey establishments, two belonging to Messrs. Philip de Quitville (under the charge of Thomas Laroux), and the others to Philip Bray and Lebrock—there are upwards of three hundred inhabitants during the season, and only four families reside during the winter. They all arrived this year in June, and commenced fishing the 13th, and found both cod and caplin very abundant—they had never seen fish so early before, and greatly regretted not having arrived sooner. Besides the cod, they fish seal and herring; the latter they use for bait when caplin is scarce. They commonly find the caplin on the coast by the middle of June, and it generally remains until the end of July.

De Quitville's establishments, both at Forteau and this Bay, cure and export caplin. They also extract oil from the herring as well as from the cod liver. Twelve Jersey vessels and eighty boats were in use, employing altogether three hundred hands. They trade to twelve different ports in the Mediterranean, and occasionally to their own island, Jersey.

The fish is sent away as fast as they can load the vessels; the first sailed this year the 7th July, and another will sail to-day (9th August), and four in September. There were sixteen vessels at anchor in Blanc Sablon harbour, namely, one barque, three brigantines, and twelve schooners. They were all waiting for cargoes.

Notwithstanding the abundance of fish at the commencement, they consider they have only had a fair catch—13,000 quintals—owing to their late arrival, and the fish leaving early; they consider from 15 to 16,000 quintals a good season. Last year their fishing did not terminate until the end of August—this year it closed the 25th July.

The fogs lay longer against this portion of the coast than further to the eastward, owing to its being at the entrance of the Straits, and more exposed to the southerly winds, which drive them out of the estuary of the St. Lawrence. Blanc Sablon is sometimes enveloped for a week at a time, while a few miles beyond the sky is clear and dry. This is much against the planters' interests. Americans occasionally spread their nets and fish early in the season, on their way through the Straits towards Cape Charles; but they do not disturb the settlers. There were about ten this year—they used to appear in greater numbers. Four French brigs had been fishing off Green Island for three weeks or a month—they left the day before yesterday, when they heard we were on the coast. They fish along the Labrador coast throughout the season, and only retire upon the appearance of the man-of-war. All the small planters complain grievously of this intrusion, while the more wealthy encourage it, for (as I have already stated) the sake of the liver oil which they receive for stage-room. The Americans carry the fish away green.

The people are supported, as at the other stations, by supplies from Jersey, Halifax and Quebec; and all the large establishments pay the men £2 sterling a month, instead of giving them half the catch.

There are no resident fishermen in this particular harbour, but a few along the coast to the westward, at Grand Point, Bradore, and Esquimaux Harbours, but no regular rooms are maintained.

The river running into this port separates the dependency of Newfoundland from Lower Canada. The harbour is always completely blocked up by ice from November until June, occasionally to the end of the latter month. At this station all the fishermen are Protestants, and from Jersey.

This fishery is much what it has been for the last fifteen years; but people are commencing to pass up the coast, and they anticipate a gradual supply of permanent settlers from the south of Newfoundland and Canada.

When on the point of sailing, the son of Mr. Grange, of Anchor Point, Newfoundland, came on board to complain that the French had stopped his father fishing a salmon river that has been in his family for upwards of a century; that after much opposition on his father's part, he had to yield to the French one-half, and afterwards two-thirds of the produce of the river. This year they had taken it from him altogether.

As I could find no definite instructions relative to the assumed right of the French over the river as well as sea fishings, and as this question bears so gravely upon the interests of so many settlers, and the dignity of her Majesty's Colony; and feeling that any inquiry on my part, after ascertaining the statement to be true, without forcibly expelling the French from property which has been in the possession of the English for so long a period, would be ineffectual, I advised Mr. Grange to draw up a memorial for the consideration of the Colonial Government, and promised to lay the facts of the case before his Excellency the Governor.

REMARKS:

The inhabitants of any particular bay or station along the coast of Labrador have not the right or power, in my opinion, to permit the French to lay out their nets along the coasts or in their harbours, for by so doing the rights of other fishings are naturally interfered with, by stopping the passage of the fish along the coast, and, after fair warning, I think they should be subject to the same punishment for "aiding and abetting," as the intruders are themselves.

In my opinion it would be most advisable, nay, absolutely necessary for the prosperity of the British subjects, that Magistrates should be appointed from St. John's to administer justice and control the society resident at the various fishing stations in the Straits of Belle Isle during the season.

This extensive coast, commencing from the estuary of the St. Lawrence and stretching far north to the regions of perpetual snow, is one of the most barren and desolate in the world; and it seems that nature has removed the means of supporting human life from its surface to the waters which surround it, the abundant production of which offers the inducement and rewards the industry and perseverance of the thousands of adventurers who resort to it from both Europe and America.

The portion forming the northern boundary of the Straits of Belle Isle is not so well marked or grand in feature as where it recedes from the Island of Newfoundland, either to the north or south. From the sea the country has a green and alluvial appearance, but it is not until close to it that this is lost, and nothing is seen but bare granite rocks, partially covered with moss and stunted shrubs; juniper, birch, and poplar trees grow in the valleys, where the soil is of sandy clay, the temperature much higher, and the fogs less frequent than upon the coast. Here deer, bears, wolves, foxes, martens, otters, beavers, and a great variety of wild fowl take up their abode until driven to the coast by the snow-

drifts of approaching winter. The ice does not usually leave the bay free for vessels to enter before June, and it begins to form again in the shallow bays and pools in the beginning of September.

The entrance of the Straits of Belle Isle, between York Point and Cape Bauld, is twenty-six miles wide, the latter point bearing from the former south-east. At Cape Norman, eighteen miles to the westward of Cape Bauld, the opposite coast of Labrador is distant only fourteen miles; but the narrowest part of the Strait is at Point Amour, in Forteau Bay, where it is only $9\frac{1}{4}$ miles wide. The western entrance of the Strait, between Greenly Island and Point Ferroll, is nearly twenty-one miles wide, the point bearing from the Island S.S.W. The course and distance through the Strait is S. 54° W. true, or according to the mean variation W. $\frac{1}{4}$ S. 65 miles.

The navigation of this Strait is attended with very considerable danger, from sudden fogs, wandering icebergs, and strong irregular currents. In spring the entrance of the Strait to the Northward is frequently almost blocked up by large ice islands, which are set to the south-west even against strong winds from that quarter; these are broken up into smaller pieces as the summer advances, and are met with throughout the entire season; it is thus apparent that the dangers of the coast are greatly increased in dark or foggy nights, during which no vessels should attempt to run—for it is impossible, under these circumstances, even with the most careful watching, to guard against unknown dangers, or to be sure of the vessel's position within ten miles, owing to the frequent irregularity in the set of the currents. The prevailing current runs directly through the Strait to the S.W., and its rate is at times two knots, diminishing gradually in force as it spreads out in the wider parts of the Gulf; but yet its course and velocity is greatly influenced by the prevailing wind; for example—with the wind from south-west, the stream sets along the west coast of Newfoundland, from Point Ferroll obliquely across the Strait towards Forteau Bay; again it runs with a north-east directly in an opposite direction along the west coast of Newfoundland from Point Ferroll past Point Rich. In short, there is no constancy, either in the rate or set of these streams, for the winds and the irregular tides modify the set and rate of the equally irregular currents, in a manner which it is extremely difficult, if not impossible, to calculate upon with any degree of certainty. It would be prudent, therefore, on the approach of a dark or foggy night to secure a safe anchorage if possible; and even if a vessel bound to the Gulf, and running with an easterly wind, should find no port fit for that purpose, I would advise her standing over to the Newfoundland side of the Strait, where the soundings are not so deep, and the icebergs not so prevalent, and there either lying-to until daylight or anchoring with the stream.

ST. GEORGE'S BAY.

There are two hundred resident planters in this Bay, who receive assistance in hands during the fishing season from Cape Breton and its adjacent shores. Their fishing usually commences a month or six weeks earlier than that on the coast of Labrador. This year they began the 27th April. They fish herring, salmon, trout, and eels, besides the cod. Up to the present date (17th August) their catch has been 10,000 barrels of herring, 200 barrels of salmon, and but a small quantity of cod. They employ about 200 boats and 800 hands, and send their fish to the Halifax and Quebec markets during the summer and fall. The fishings end about the 1st October, with the exception of the eels, which are caught in great quantities and afford subsistence during the winter. They have bait without intermission during the entire fishing, and use caplin, herring, squid and clams. The climate is usually dry and mild, and if their society was under proper control, St. George's Bay would offer

many inducements to the industrious settler. The harbour is occasionally blocked up by ice, but for no length of time, and is always open by the middle of April. The inhabitants consist of English, a few Irish, and a number of lawless adventurers—the very outcasts of society—from Cape Breton and Canada; and it is very distressing to perceive a community comprising nearly 1000 inhabitants settled in an English Colony under no law or restraint, and having no one to control them, if we except what may be exercised through the influence shewn by the single clergyman of the Established Church, who is the only person of authority in the settlement. I am told the reason why magistrates are not appointed, is in obedience to direct orders from the Home Government—it being believed against the spirit of the treaty with France. Under these circumstances I would recommend either that a vessel-of-war should be appointed to remain stationary in the harbour, or that the society should be forcibly broken up and removed, for violent and lawless characters are rapidly increasing, and neither the lives nor property of any substantial or well-disposed settler is safe. Four cases of violent assault were brought to my notice as having recently been committed upon parties—some of whom were injured for life, and others nearly murdered; and I was sorry to understand the culprits had succeeded in escaping into the woods upon the appearance of Her Majesty's ship.

The cultivation of grain has been commenced with considerable success. Wheat, barley, and oats ripen well; and turnips grow particularly fine. Potatoes and garden-stuffs are cultivated also to a considerable extent. A great quantity of fur is collected, but the trappers suffer great losses by the robbery of both traps and their contents.

REMARKS:

I have thus stated to your Lordship all the information I could gain relative to the fisheries of the south coast of Newfoundland and Labrador, gleaned from the statements of the parties residing at the ports visited by Her Majesty's ship under my command; but before closing this report I consider it my duty to lay before your Lordship, how I conceive Her Majesty's ships may be beneficially employed in the protection to be afforded to British interests upon the coast of Labrador and round the Island of Newfoundland; and in doing so I must presume to call your attention to the report of Captain MILNE, of Her Majesty's ship *Crocodile*, whose observations made in 1840 agree entirely with the facts I was enabled to collect during my cruize this season; and notwithstanding seven years have elapsed between the periods of our inspections, the evils therein pointed out exist, and in a more magnified form, with, perhaps, the single exception of the French encroachments upon our grounds round the Burgeo Islands, early in the spring, for the purpose of digging bait. These have discontinued, simply because they have so systemised their arrangements with the settlers in the bays of Placentia and Fortune, including those living on the coast between, as to render them independent of any supply from the more distant Burgeo Islands.

In a former part of this report I have stated my opinion as to the best means to be adopted to prevent the smuggling of bait from Lamaline and its vicinity to the Island of St. Pierre's; and I simply add, that if the small Cruizer I proposed to be provided by the Colonial Government was stationed principally in the harbour of St. Pierre's during the time the French bankers arrived for their supplies of bait, she might the more effectually check the illegal trade by being there, at the point of concentration, to board all the English vessels and boats outside the harbour, upon their approach and departure, instead of fruitlessly endeavouring to watch an extensive line of coast abounding in ports.

I most emphatically assert that the traffic in caplin to the French islands, and the introduction of French merchandize into our Colony by the return boats, so injurious to British commerce and Colonial revenue, can never be checked without the constant presence of one or more revenue vessels, possessing several swift row boats, to act in conjunction with vigilant and independent local authorities, appointed for the sole purpose of performing this coast guard duty.

The French, although comparatively unmolested by our fishermen, and possessing fisheries about equal in extent to our own, conceive it necessary to employ six cruizers for their protection, comprising a corvette (or brig), a steamer, three schooners, and an armed store-ship. Each of these has a range of coast to guard, namely, one schooner in charge of St. Pierre's, under the immediate orders of the commandant of the Island; a second from Cod Roy along the coast to Point Ferroll; a third from thence to Croc, where the senior officer generally is himself, to receive all reports and adjust disturbances. The steamer is usually employed between Croc and Cape St. John.

It is obvious that the single English man-of-war employed to protect the Newfoundland fisheries is not sufficient to counteract the advantages of so preponderating an influence.

The coast of Labrador is, in my opinion, the one that requires the most vigilant watching, for the protection of the rights of the Colonial and Home subjects who flock there during the season, and to do so effectually the constant presence of a cruizer would be required.

The knowledge that a man-of-war will visit the coast during the season, may exercise sufficient influence to prevent any very outrageous behaviour on the part of foreigners towards detached British settlers—yet it can exercise no effective control to prevent their fishing encroachments; and now, after repeatedly and vainly demanding permanent protection against these inroads, the settlers find it more to their advantage to enter upon a reciprocity of barter (as injurious to British commerce and Colonial revenue, and the fishing interests at large, as it is profitable to a few of the leading planters on the coast, who supply the poorer settlers with commodities), than to run the risk attending a forcible ejection of the intruders.

In conversations I have held with His Excellency the Governor, it appears that the Colonial Legislature have hitherto been disinclined to re-establish the Surrogate Courts that formerly exercised annual authority upon the coast, alleging that the expense was greater than the benefit the Colony derived from their existence. Under these circumstances I deem it my duty to represent to your Lordship, that if the Captains of Her Majesty's ships should still be ordered to interfere in the control of the frequently very turbulent fishing society distributed over that distant coast, it would be more consistent with their position, and their duty more effectually performed, if they did so under the Acts of Parliament regulating their power over Her Majesty's subjects committing offences on the high seas, or that conferred upon Consuls residing in foreign ports, until such time as the Colonial Government may deem it expedient to re-establish a legal control over a dependency producing so considerable a portion of the actual revenue of Newfoundland.

In the 18th article of your Lordship's instructions, you direct my attention to the prevention of all illicit trade; and although I have endeavoured to the best of my ability to carry out these instructions, I found the evil too general, and encouraged by those parties even, in many instances, who complained of the evil, to be able to report any great success. The injurious extent to which trade in caplin and contraband articles is carried on, cannot be better shewn than by stating that upwards

of £20,000 were realised last year by the sale of that bait to the French; so it is very apparent that unless either the Home or the Colonial Government take steps to re-establish a legal transfer of this commodity for the benefit of the revenue, or show more decision and method in the employment of means for its suppression, that it is in vain to rely upon any consistent aid being received from the Captain of the single ship appointed to protect the entire fishings of Newfoundland and Labrador.

I trust that I need not assure your Lordship, that it is from no other wish on my part that I point to these various difficulties in the way of a successful guardianship of our fishing interests, than to show in how many instances the people themselves are to blame for the evils they complain of; and how little the Colonial Government has been enabled to perform for the protection of its best interests, owing, I firmly believe, to the opposition it has met with from parties interested in carrying on a contraband trade.

I have the honour to be, my Lord,

Your Lordship's most obedient, humble servant,

(Signed) GRANVILLE G. LOCH, *Captain.*

Vice-Admiral the Right Hon. THOMAS EARL OF DUNDONALD, }
G.C.B., &c., &c., Commander-in-Chief.

A P P E N D I X, No. 21.

REPORT

Of the Physician to the Lunatic Asylum.

ST. JOHN'S, DECEMBER 31, 1848.

SIR,—

I have the honour to lay before you, for the information of His Excellency the Governor, a List of the Cases of Insanity treated by me during the past year, at Palk's Farm, together with a statement of the circumstances of this Provisional Asylum for the Insane, since it was instituted by His Excellency, and placed under my superintendence, in November, 1847.

And I cannot but use this opportunity to solicit from His Excellency a continuance of the deep interest which he has constantly shewn in the fate of the afflicted insane—who, cast out from society, and by their immediate friends, become either a reproach to humanity, or the objects of its enlightened care!

Their interests having been entrusted to me by His Excellency, I should be indeed wanting in duty, as well as humanity, if I did not use my utmost endeavours to serve those who are so helpless.

The house at Palk's farm affords the means of cleanliness and some comfort for the insane, and but little beside. The means required for classification do not exist, not even so as to allow of the separation of the noisy from the quiet. No securely-enclosed airing grounds exist for excited patients,

nor the fields necessary for farming operations to employ the able-bodied, who pass the greater part of their time in listlessness, idleness, and apathy.

It is scarcely possible that any curative treatment can be practised under such circumstances.

All that has been effected, is the care and control of all Lunatics, without the use of strait jacket, hand-cuff, chain, or any of the usual means of mechanical restraint, and the personal cleanliness of all, together with good food, and some exercise in the open air for the quiet patients; whereas the excited lunatics, who, of all others, require exercise out of doors to enable them to relieve the excitement of the mind by muscular efforts, have been of necessity confined to the house, and for the most part to their small bed-rooms, for want of securely-enclosed airing grounds and internal house-room. The unceasing noise made by a recent lunatic, his threats of violence, and occasional attacks upon the attendants, excite some of the other patients exceedingly; and it has happened more than once, that a cunning and treacherous lunatic who is kept in order in ordinary circumstances, has attempted to assist a violent new-comer in an attempt to overpower the assistants—circumstances which could not happen if there were separate parts of an Asylum for the noisy and the quiet. And in the present place the constant noise of some at night, who never seem to sleep, disturbs the quiet, frightens the nervous, and excites the turbulent. It is difficult to get attendants to remain satisfied in an Asylum where such constant noises occur through the night, so that to sleep is very often impossible for nights together, in certain states of the weather. Sleepless nights make nervous and discontented attendants, and the patients find in them querulous and irritable superiors, instead of forbearing, kind friends. Nor is it to be wondered at, if, in spite of all due efforts, such patients so situated necessarily become worse instead of better; and as this applies to the majority of the recent cases, it is self-evident that such a state of things is a reproach to the Colony, in which every one is interested in some degree, inasmuch as insanity spares neither sex nor station, and no one can say, “I, at least, shall never require the treatment necessary for a lunatic!” Those whom God thus afflicts are, above all others, dependent upon society for help. And now that the proper system of treatment has been pointed out by the medical profession, it appears astonishing that there should be a moment’s delay in those who have the power entrusted to them, in placing Asylums in the state most conducive to the practical working of this system. Is it not as imperative in a country to provide for the insane poor as for the sane poor? Nay, is it not more so?

Without bias I report upon the present unsatisfactory state of the means at my disposal for the treatment of lunatics; and if I exceed my office in stating my opinions, I beg to observe, that the insane under my charge may be said almost literally to have no other friend so situated as to be able to represent their wants and sufferings to those who can relieve them. I speak then in the name of those who, tormented night and day incessantly with furious excitement, curse their existence, and with horrid blasphemies demand relief from their intolerable misery. And in the name of those quiet inoffensive persons suffering from alienation of the mind, who ask why they are imprisoned, and what crime they have committed, I repeat for them—why are they imprisoned? For want of a suitable place where they would feel themselves free to move about in the fields, and to occupy themselves in the exercise of their several trades, although otherwise secluded from the bulk of mankind!

May I then be permitted to express the hope that His Excellency will soon lay the foundation of a Building suitable as an Asylum for those permanently bereft of reason, and as a house of cure for others susceptible of treatment. Such an Asylum, also, is especially requisite for those now living wretchedly clad and fed, scattered amongst the necessitous poor in and about St. John’s, whose principal

inducement for boarding them, besides the weekly pay, is, but too often, the work which they harshly force from these unfortunates, of whose misery, in some instances, I have been but too well assured by the relieving officer, and other persons.

The annexed table contains a list of about one-half of the insane in the Island, for the past year; the remainder being either in the St. John's Hospital or at private lodgings. To these may be added certain cases in the outports. The whole number may be stated to be between 50 and 60. (There were also several who fell victims to typhus fever in the Hospital, having been directly exposed to the infection of that disease, for want of a separate establishment.)

In this my first Report upon the treatment of Lunatics, I have considered it advisable to go somewhat into the subject of lunacy, apart from the more immediate business of the report; and with this view also I have added two Appendices, to bring before His Excellency some of the principal features of the old and new systems of treatment. Reproaching themselves with much of the evils of past days regarding the insane, Physicians now strenuously strive to wipe out every remaining stain from their humane profession; and the ready co-operation of all society, on its part, in every nation and colony, has produced Lunatic Asylums which do honour to mankind, and atone, as far as may be, for the errors of past ages. Regarding, then, every day that the building of an Asylum is deferred, as an opportunity for good thrown away, I make the more earnest entreaty for a consideration of the circumstances which interfere with the operation of two Acts of the Legislature providing for the building, in the hope that they may be found less weighty than they seem to be. For whilst years of delay pass on, misfortunes are annually occurring to the insane, which disgrace the country. One is hunted nearly to death in the streets; another commits suicide, and so forth; whilst others wander about the town, injuring themselves and annoying the inhabitants.

The Provisional Asylum has been in existence fourteen months, and during that time thirty patients have been received, seven discharged, and twenty-three are remaining.

So that with the very inadequate means presented by such an establishment, where utility has in every instance given way to rigid economy, some good has been done in the curative treatment of the patients; and too much can scarcely be said of the beneficial change which is apparent in those who, for years inmates of the St. John's Hospital, in a state defying description, are now to be seen in the day-rooms of the Asylum.

I was obliged to commence with bare necessaries; and an economy has since been enforced in the establishment, that has prevented my having such a complete supply of articles of bedding and clothing, as to permit them to be kept constantly clean by frequent changes. The Asylum does not therefore present that appearance of extreme cleanliness and propriety in clothing and bedding which it would do under a more liberal economy.

It is, however, with some satisfaction that I can lay before the Government, documents proving that, exclusive of £125 expended in fitting up the Asylum, the weekly cost of the patients does not amount to the sum hitherto paid at the St. John's Hospital—viz., 12s. 1d. Yet this includes rent, wages, coals, candles, food, clothing, bedding, and all contingencies. And I may add that during the past year the following work has been done at the Asylum by the manager, assistants, and patients:—

1st, an out-house built, capable of accommodating fifteen patients, whereby the men are completely

separated from the women;—2nd, four water-closets built;—3rd, the men's garden enclosed; and another neatly laid-out garden enclosed with palings and set apart for the women. (Besides a flight of stairs built in the cottage by a regular carpenter.)

In the present state of the Asylum every additional patient, by dividing the general expense, will help to reduce the cost of each individual, as the diet of each costs but six shillings and ninepence three farthings a-week.

It was made imperative upon me by His Excellency, that the annual cost of the lunatics should not, at Palk's farm, exceed what it had been in the Hospital. I had, therefore, this problem to solve—at 12s. 1d. a-week, (the presumed cost of diet and bedding, at the Hospital, for a lunatic,) to supply him with a house, with some airing grounds, exclusive attendants, clothing, house-keeping, and cooking, besides better diet and bedding. The weekly cost of each patient, during the past year, at Palk's farm, has been 11s. 10½d.; the number of attendants, three, besides the manager, matron, and kitchen maid—in all six persons. The other things above mentioned have been supplied. Thus I have succeeded in providing what was required for somewhat less than the prescribed sum.

But if successful in the economical boarding of the insane, I cannot say as much for their improved treatment. Great care may make a small amount of the necessaries of life suffice for health and strength—but no care or anxiety will furnish what is (not in small amount, but) altogether wanting. With regard to the improved treatment of the insane, viz., discarding the shameful use of mechanical restraints, and substituting moral control—I have been unable to practise it, except in a remote degree, not having, at Palk's farm, the requisite means.

Touching the non-restraint system, I beg to refer to the Appendix, No. 1, where Dr. CONOLLY says, "I consider it still requisite to remind those who are most anxious to adopt it, that certain conditions are essential to its being successfully maintained." To me it is a subject of humiliation, that whilst I have discarded many, I am yet obliged, from the nature of the Asylum, to use some means of restraint, which I abhor, and which are known to be injurious to the insane in all cases whatsoever.

The following extract concerning the use and disuse of restraint at Bethlehem, will illustrate my views.

In the report for 1844, page 49, we read:—"From the peculiar character of the cases received into this hospital, it is deemed inexpedient rather than impracticable, to adopt the principal of dispensing wholly with restraint, under all circumstances, yet every opportunity is taken of confining it within the narrowest limits."

Thus it is found to be practicable in recent cases, if thought necessary, as it is by the advocates of non-mechanical restraint; and this evidence from the Physicians of Bethlehem plainly shews that the use of mechanical restraint is a matter of choice in recent as well as chronic cases of insanity. The fact that recent cases are more likely to give trouble,—that is, to require more restraint in periods of excitement,—than chronic cases, and that such periods are more constant, proves nothing in favour of mechanical restraints.

In the report above mentioned, we find also that mechanical restraints are nearly abolished; and to this I may add my own observations in 1847, when I saw no instance of mechanical restraint.

“Average weekly number of patients in restraint at Bethlehem, in—

1839.....	11 ³³ / ₅₂	1843.....	3 ⁴ / ₅₂
1840.....	13 ³⁹ / ₅₂	1844.....	1 ³⁵ / ₅₂
1841.....	9	1845.....	1 ²⁰ / ₅₂
1842.....	3		

“The experience of Bethlehem, however, shews that in any Asylum, mechanical restraints both irritate and humiliate a patient,” &c.

P. 50.—“Nearly forty-one per cent. of the curable patients admitted this year, were classed as violent or dangerous; above fifty per cent. of the total admissions thus consisting of a class which, a few years ago, would, as a matter of ordinary precaution and humanity, have been subjected to rigorous personal restraint. Experience has however shewn, and every year confirms, not only the wisdom of a totally different system, but that *restraint is a highly exciting cause of suicide*: and the fact that no untoward circumstance has occurred in Bethlehem, with so large a number of dangerous patients, while mechanical restraint has not been used for two patients a week, is a most striking illustration of the advantage of this system.” At the present moment the padded room is used at Bethlehem, and the practice of the Physicians seems to have nearly passed through the transition state between the use and disuse of mechanical restraints, a proof of the superior practical benefit of the latter system in recent cases, when it obtains a fair trial.

I shall never forget the night when the lunatics, who for years had been confined in the cells of the Hospital, were brought to the Asylum. Their haggard looks, and the fright of my assistants (who had never seen a lunatic before) at the presence of so many insane persons in perfect freedom—formed a picture which is indelibly impressed on my mind. Astonishment at first kept the whole group of lunatics perfectly quiet and tractable, and their quick appreciation of the comforts and cleanliness which surrounded them, and especially of the excellent diet provided, kept them, afterwards, in good humour for a considerable time. Some would always seize my hands to shake, others would forcibly kiss them, so deeply grateful were those poor creatures. And it was not until a week or two had passed away, that they began to give trouble, from the bad habits which they had acquired. It took, however, nearly twelve months’ experience of our kind treatment to convince them, that although we insisted upon proper conduct, yet the refractory would only be shut up for a short time in their bedrooms, and not ill-treated. The consequence was, that one man, who is partly lunatic, partly imbecile, said one day, ‘he hoped they would not shut him up again, for it hurt his feelings’—words that deserve to be written in gold, as evidence of a sound moral sense, that had been gradually produced in this man by proper treatment, and a sufficient reward to those who have toiled to effect thus much.

From the first, the men who came to us, some of whom were supposed to be incurably dirty, became cleanly, from constant attention—an attention which, as may be readily conjectured, was very wearying to the attendants for some time. At present, cleanliness has become a habit, demanding but ordinary care on the part of the attendants to maintain.

Some of the women, however, are constantly dirty in their habits, from debility and sickness, consequent upon years of close confinement and neglect. The great trouble these unfortunates give,

and the disgusting duties of the attendants in charge of them, can scarcely be estimated by those unacquainted with Asylums. It requires much encouragement on the part of the Physician, to induce the attendants to be still kind and attentive at all times in such circumstances; and it is evident that remuneration ought to be given them in special relation to the nature of their duties.

Of the cases which occur of the worst kind, I shall here relate one:—Mary —, aged 45, admitted December 7, 1847.* State on admission: “A frightful object, in filth and rags; lower limbs contracted, knees touching the chin.” She could not support herself in a sitting posture, having been lying so long in one position that she seemed to have no legs at all, they were so closely doubled upon her body. She spent the whole day and night in roaring and cursing, saying she was on fire for her sins, and entreating every by-stander to throw her into the sea, as she was not fit to live. The calls of nature were to her—as to the brutes. She tore every article of clothing put upon her, refused to be washed, struggled with and struck the attendants, and seemed to be past remedy.

The effect of the care she received in the Asylum was as follows:—After the first week she remarked, “Ah! I was once a clean woman.” Sometime afterwards she asked to see a clergyman, and began from thence to say her prayers at times. She did not give up the habit of cursing for a long time, but it gradually wore off—and at this time she is a modest, cleanly, respectable-looking woman, walking freely about, although some contraction still remains in the hips. Very grateful is this poor woman for what has been done for her. Her mind remains somewhat impaired only, but in the table of cases she is placed amongst those “much improved,” although she is so nearly well that she might be named as one of the cured. She had been five years and a-half insane, at the time of her admission into the Asylum.

There is another woman in the Asylum whose case is perhaps more striking, from the co-existence of much disease of her body. She was an idiot, as well as otherwise insane, and never evinced the slightest intelligence until one day, a clergyman being at her bed-side, she most unexpectedly and suddenly cried out, “Oh, Father Forristal, Father Forristal!” She did not, however, show any other symptom of sanity; but from that day I did not despair of her improvement. She has far surpassed my expectations! The details of her case in the day-book are most interesting.

The past year's history of this little community may be told in a few words. After a few weeks' residence at the Asylum, some of the women began to assist in the duties of the house—washing, and mending clothes, &c.; and although the majority have remained very idle, two or three have been generally doing a little to assist the servants. Some have visited their relatives during the year. The noisy women have been very badly situated. Their airing grounds being in front of the house, they have been necessarily confined almost entirely to their rooms.—In the winter, at the commencement of 1848, the male patients went thrice to the woods, and brought home firewood—principally as a recreation; for the hire of catamarans and horses rather exceeded the value of the wood. The men were delighted, and all but one worked unremittingly. It was evident enough from these experiments that the permanent male inmates could be induced to do farm work as a pleasure, and thus help to maintain themselves, whilst materially improving their bodily and mental health. It is notorious that the first day the men were in the woods, a gentleman from town fell in with them, to his great astonishment, while at their work; and the first man that approached him with his load on his shoulder he recognised as one of desperate character as a lunatic, who had been chained in a cell for 15 years!—

* See Table.

The difficulty of attending at one and the same time to those who cannot leave the Asylum, and to those who, whilst in the woods or elsewhere, must be carefully watched to prevent the possibility of accidents, cannot be easily or often overcome in our present position; and the only other occasions upon which the men have left the Asylum, were at the times of potato-planting, and of hay-making, when they assisted the manager in some fields of his, near the establishment; and on two or three excursions for boughs and young trees—and once berry-picking—at short distances from home. The small garden forming the men's airing ground, afforded a little occupation to them occasionally—but by far the greater portion of their time, during the past year, has, I am sorry to say, been spent in idleness. One or two of the most handy were engaged in the spring in assisting the manager and assistants to build an out-house.

Five or six of the patients might be continually employed in farm work, if land were attached to the Asylum. The value of the work they would perform is estimated at half the expense of food for the whole number of inmates. It would, at least be worth a considerable sum.

The winter is a very trying season for the male patients. They remain almost always in-doors, and lose their usual ruddy, healthy looks. Nor can it be otherwise in the present Asylum.

With regard to their isolation from society, I have endeavoured to mitigate the severity of such a lot by encouraging the patients' relatives to visit them; and in some instances I have sent a patient, with an attendant, or my own servant, to visit relatives, even as far as Portugal Cove. Nothing can exceed the pleasure and gratification this affords to patients, tired of the idle, monotonous life of the Asylum, and longing to see faces once familiar, though long estranged from them. What floods of tears I have seen shed by lunatics, at the sight of a child, a husband, or a wife, as the case may have been!

In the present Asylum, it is unsafe at times for the attendants; as the excitement caused by any one patient becomes communicated to the rest—there being no means of placing the excited patients by themselves, thereby producing much disorder and alarm, not destitute of danger; which, in a proper place, could not happen. As an instance of this, I may mention that a very troublesome patient having been admitted, and being, of necessity, placed with the others, he struck both of the attendants severely, and by example caused another inmate to do the same. So also at night, it is frequently impossible for the attendants and quiet patients to sleep, as the excited sing and halloo all night long; and fits of excitement being periodical, and varying in the periods of recurrence in different individuals, it may with justice be said, that very seldom indeed is there a quiet night in the Asylum. The effect of this upon the attendants, after their daily duties, is very bad, making them discontented; and the effect upon the whole of the patients is bad, as one noisy person excites the quieter ones, so that beneficial treatment is scarcely possible.

It is said that the insane should be treated as very young children. Having lost the balance of their minds, that is, the control of their faculties, it is requisite that they become instructed afresh: be taught to think and reason correctly. Now, how can this be the case, if the influences surrounding them are contradictory to each other;—if turbulence and disorder exist, in the place of calmness and regularity, in the mental atmosphere surrounding them;—if they be exposed continually to a variety of accidental influences? And how can the latter be avoided in a very small, crowded Asylum, without the means of isolation?

The Provisional Asylum has done much for the insane; and yet it is as inferior to a properly-

constructed Asylum as it is superior to the under-ground cells of the Hospital. A lunatic is no longer chained to his bed like a beast, nor allowed to lie in filth and vermin, with scarce a covering to his nakedness. He is still, however, a prisoner, unnecessarily, and therefore unjustly. He has not yet obtained such a position as to afford him the means of being cured. If he be tranquil, but nervous, and dreading a recurrence of his fits of excitement, he has no quiet corner to resort to, where the noise of others would cease to agitate him! If he be greatly excited, and pray piteously to be allowed to walk in the fresh air, his prayer is denied; he must dash his hands against the walls of his cell (7 feet by 5) and rage himself hoarse, in his fury, for hours, until the fit subsides; because there is no inclosed airing ground where he might harmlessly walk off his excitement in the cool breeze.

The main obstacle to the commencement of the work of freeing the insane from their cells and bonds, was the want of experienced assistants. When I look back upon our earliest days at Palk's farm—utterly ignorant of their business as my attendants were—I am thankful to Providence that no accident ever happened to check or throw reproach upon the good work we were engaged in. A few untoward occurrences and dangers having been met with, and having resulted harmlessly, gave the attendants experience, caution, and confidence in themselves, and the system they help to carry out. Although many anxious moments must be spent by those engaged in such an occupation, I have never heard but one remark—"give us good wages and a good Asylum—then it will be some pleasure to do our work."

So inconvenient is the Provisional Asylum, that the attendants have no separate rooms, or sleeping places; nor a closet nor cupboard to themselves, for any purpose. Can it be expected that any one engaged in a very arduous employment, requiring the most scrupulous and unremitting attention for fourteen hours a day, will be contented without some comfort during the short time allotted for repose—and when, in case of temporary sickness, the same distracting noises must be listened to through the livelong night?

The attendants have cheerfully borne their part in the Asylum up to this time; but always with the prospect before them of becoming placed in the new Asylum, where their greater comfort should compensate them for their present endurances. And I must not forget that they are fully aware that they are assisting in the noble and humane undertaking of treating the insane with consideration and kindness, and of restraining their mad violence without one chain, strait-jacket, or any such thing. To do this, and to suffer blows and horrible abuse, surely demands some appreciation and recompense beyond what they obtain.

I may mention, in this place, that there is one great deficiency in the female side of the house, viz., there is no second attendant. The matron has to discharge the duties of house-keeper and cook, which are evidently enough fully to occupy her time. Yet she, as well as the kitchen-maid, is frequently required to assist in managing the patients. This confiction of occupations causes irregularity and confusion, which the employment of a second assistant would altogether prevent; and I need not insist upon the necessity for strict regularity and order in a Lunatic Asylum.

The two *bona fide* cures which have taken place during the year, were of women. And one reason for this fact is, that upon the whole, whilst the patients are more troublesome and difficult to manage in the female wards, yet there is more comfort and cleanliness there than in the male wards—these being of necessity very roughly built, and so incommodious from want of room, that it is scarcely possible to maintain decent appearances. Indeed, why conceal the fact—they are out-houses.

It is unhappily an unquestionable fact, that although in all countries the idiot and lunatic are considered to be under the especial protection of Heaven, and that, the more so, the wilder the people—yet in the most civilized communities great numbers of the insane were, until the close of the eighteenth century, driven out of the society of their fellows by common consent, as if of inevitable necessity, chained in dens like dangerous wild beasts, and in short, put out of the way in the most convenient manner at the moment attainable—in the hope that friendly death might speedily end their misery.

God helps those who help themselves—says the proverb. If providence have, as we believe, an especial regard for the mortal bereft of reason,—Providence we know works principally through men's hands—and these having been idle for centuries in the cause of the lunatic, he has been left to his fate—the victim of criminal ignorance and neglect. His existence being forgotten, unless at times the *eclat* of some attempted assassinations turned for an instant the attention of mankind towards the frightful secret strongholds called Asylums, when another insane victim of ignorance was to be suddenly and for ever immured in one of them.

Many, many a madman is conscious of his state, although clouded and undefined to his impaired intellect; and in a far higher degree, of what has been and is being done to him. Thousands such must, then, have existed for years in a state worse than death. A released prisoner writes the history of his weary past hours, and interests all men in his cruel destiny, especially the prisoner of injustice. But who could write a parallel history of a released maniac of olden times? He never was released!—All society can suffer with Silvio Pellico, over his one floweret! But who weeps for the lunatic who said, “Sir, I have not seen a flower or a green leaf these ten years?”

In former days the maniac was the peculiar victim of injustice from his fellows, and the hopelessness of interesting even his own kindred in his fate must have ever been his most hideous reflection. In this Island we have not yet entirely cast off the slough of former days. Injustice towards the maniac still exists.

At the close of my Report I take occasion to remark that I have obviously been compelled to draw a comparison between the state of some of the lunatics as they are in the Asylum, and as they were in the Hospital from which they were sent. I therefore think it necessary to state, that in no Hospital can lunatics ever be kept in a state of common decency—so exclusive and unremitting is the attention they demand. Precisely similar is the comparison that has been made in England, between the insane as they were but a few years since in the Hospitals, and as they now are in the Asylums.

The ceaseless business of an Asylum is admirably described by ESQUIROL, [*Maladies Mentales*, Tome 1,] who lived forty years in one. He says:—

“What meditations exist for the philosopher who, stealing away from the tumult of the world, passes through an Asylum of Lunatics! He finds there the same ideas, the same errors, the same passions, the same misfortunes: it is the same world. But in such a place the traits are stronger, the shadings more marked, the colours brighter, the effects more striking; because man is there in all his nakedness; because there he does not dissemble his thoughts, does not hide his faults, and does not lend to his passions the charm which seduces, nor to his vices the appearances which deceive.

“In an Asylum of Lunatics the bonds of society are broken, friendships cease, confidence is

destroyed, habits are changed; one acts without propriety, harms without hating, and obeys from fear; every one has his ideas, his affections, his language. Having no community of thoughts, each one lives alone and for himself; egotism isolates all. The language there is *outré*, false, disordered, like the passion it expresses. An Asylum of this kind is not exempt from crime;—they blaspheme, denounce; the son curses his father, the mother cuts the throats of her children; in fine, they steal, they assassinate there.

“If we look further, we see man degraded from the high rank which places him at the head of creation, stripped of his privileges, deprived of his noblest character, reduced to the condition of the most stupid and vilest creatures. He does not think; not only has he no ideas nor passions, he has not even the determinations of instinct. Unable to provide for his subsistence, he is not even able to approach his lips to the food which affection or benevolence presents to him. He rolls himself in his own excrement, he remains exposed to all exterior and destructive influences, he seldom recognizes his fellow-man, and cannot raise himself to the point of having a knowledge of his own existence.

“Amid such a confused mass of beings, what application, what devotion, what zeal, is not necessary, to discover the cause and the principle of so many disorders, to conjure so many diverse passions, to conciliate so many opposite interests, in fine, to restore man to himself! It is necessary to correct and set right one, to animate and sustain another, affect the mind of this one, go to the heart of that one; one will be led by fear, another by kindness, all by hope;—and yet he who thus devotes himself can only promise himself the good which he does. What can a physician hope for, who is always wrong when he does not succeed, and is seldom right when he does, and who is pursued by prejudices even in the good which he has obtained?”

HENRY H. STABB.

To the Hon. JAMES CROWDY, the Colonial Secretary, &c., &c.

TABLE

Of Cases treated in the Provisional Lunatic Asylum for the year 1848.

NAME.	AGE.	IF MARRIED.	TRADE OR OCCUPATION.	RELIGION.	COUNTRY.	DISEASE.	DURATION AT TIME OF ADMISSION.	DATE OF ADMISSION.	BY WHOM SENT IN.	STATE ON ADMISSION.	PRESENT STATE.	REMARKS.
Patrick Frippe	24	Single	Fisherman	Roman Catholic	Ireland	Mania	6 months	1847, Nov. 30	Col. Secretary	Health good.	Dismissed—November 30, 1848.	Convalescent.
John Meagher	26	"	"	"	"	Monomania	10 months	Dec.	Magistrates	Health good; naked.	In good health.	Mental state improved; cure probable.
Stephen Brazil	40	"	"	"	"	Mania and Dementia	15 years	1848, Jan. 7	Col. Secretary from Hospital	Much emaciated; covered with dirt and vermin.	Healthy and clean.	Ditto much improved; cure improbable.
John Piccott	65	Married	"	Church of England	Newfoundland	Mania	4 years	"	"	Emaciated; covered with dirt and vermin; in rags.	Ditto ditto.	Ditto ditto.
William Tizzard	25	Single	"	"	"	Dementia	7 months	"	"	Health good.	Ditto ditto.	Mental state improved; cure improbable.
Thos. Dunovan	30	"	Tinman	Roman Catholic	"	"	3½ years	"	"	Much emaciated; covered with dirt and vermin; in rags.	Consumptive.	Ditto will not live long.
James Dunovan	30	"	Fisherman	"	"	"	6½ years	"	"	Ditto ditto.	Healthy and clean.	Ditto cure improbable.
Edward Maher	25	"	Carpenter	"	Ireland	Mania	8 months	"	"	In bad health.	Health bad.	Ditto cure probable.
James Anderson	45	"	Gentleman	Church of England	Newfoundland	Monomania	3½ years	"	"	Sick; emaciated; in dirt, vermin and rags.	Dismissed.	Improved. [June 27.
Samuel Barry	25	"	Shoemaker	Roman Catholic	"	Dementia	2 years	Jan. 19	Col. Secretary	Ill and weak.	In good health.	Dismissed; much improved, May 17; returned
Laurence Turner	40	"	Artist	Church of England	England	Mania	3 months	Feb. 19	Magistrates	In bad health.	Dismissed.	Improved.
William Flarty	60	Married	Fisherman	Roman Catholic	Ireland	Dementia	Recent	May 17	Col. Secretary	In good health.	Health good.	No change.
Peter Tizzard	23	Single	"	Church of England	Newfoundland	"	"	June 17	"	Ditto ditto.	Ditto.	Ditto.
— Whelan	50	Married	"	Roman Catholic	Ireland	Mania	"	"	"	In bad health.	Dismissed.	Improved.
Frank M'Donald	30	Single	"	"	Newfoundland	Mania and Epilepsy	"	Nov. 30	"	Naked; in bad health.	Under treatment.	Ditto; cure probable.
James Nief	38	"	"	"	Ireland	Dementia—Paralysis	1 year	Dec. 1	"	Paralytic.	Ditto.	Ditto ditto.
Mary Caroline	80	Married	"	Roman Catholic	Ireland	Mania	Many years	1847, Dec. 7	Col. Secretary from Hospital	Extremely weak; in dirt, vermin and rags.	In good health; cleanly.	Mental state unchanged; cure improbable.
Mary Butler	55	"	"	"	"	"	6½ years	"	"	In good health; clean, well clad.	Ditto.	Ditto ditto.
Mary Mooney	50	Single	"	"	Newfoundland	Mania—Dementia	14½ years	"	"	Emaciated; in dirt, vermin, and rags.	Health improved; clean.	Ditto ditto.
Mary Philpot	45	Married	"	Church of England	"	Mania	5½ years	"	"	A frightful object; in filth and rags.	Health good; very cleanly.	{ Mental state much improved; cure probable; from being quite a cripple, walks about.
Alice English	35	Single	"	Roman Catholic	"	Dementia	2½ years	"	"	Extremely weak and ill; in filth and rags.	Health much better; become fat; clean.	Mental state much improved; cure improbable.
Cather. Whelan	50	Married	"	"	Ireland	Mania—Lypomania	2 years	"	"	Emaciated; in dirt, vermin, and rags.	Health good; is fat; clean.	{ Ditto; cure probable; dismissed September 17; returned February 2.
Christiana Jarret	38	Single	"	"	Newfoundland	Mania	6½ years	"	"	Ditto ditto.	Health good; cleanly.	Mental state much improved; cure improbable.
Mary Dunovan	22	"	House servant	"	"	"	Recent	Dec. 11	Col. Secretary	Emaciated; ill; in dirt and rags.	Dismissed—April 2.	Convalescent.
Ann Power	40	Married	"	"	Ireland	"	1 year	" 21	"	In good health.	Health good.	Mental state unchanged; cure improbable.
Eliza Parnell	36	"	"	Church of England	England	Lypomania	2 years	1848, April 18	Magistrates	In dirt and rags.	Ditto.	Ditto improved; cure probable.
Anne Beenmore	37	"	"	"	"	Puerperal Mania	Recent	June 24	Col. Secretary	In bad health.	Ditto.	Ditto ditto.
Mary Hanlon	34	Single	"	Roman Catholic	Newfoundland	Lypomania—Epilepsy	"	July 2	"	Epileptic.	Unchanged.	Ditto unchanged; cure improbable.
Mary Smallcomb	25	Married	"	"	"	Puerperal Mania	"	Sept. 12	"	In bad health.	Dismissed—October.	Convalescent.
Mary Butler	50	"	"	Church of England	"	Mania	3 months	" 13	"	Ditto ditto.	In good health.	Mental state unchanged; cure improbable.

Admitted since December 31..... 4 Women.
Waiting admittance..... 4 Men.

Besides the above-named patients, 1 woman was attended at her own house, at the earnest request of her mother, and completely recovered.

Resumé.

Dec. 31, 1848.	{	Convalescent... 3
		Dismissed..... { Improved 4
		Remaining..... 23

30

The four lunatics dismissed, as *improved*, were taken away by their relatives in consequence of their improvement. One of these, after remaining with her family 4½ months, returned to the Asylum; being an example of a class of quiet lunatics, who behave with propriety whilst under moral control, but without it, give themselves up to extravagant actions.

1848.		£	s.	d.	
	Brought forward	£693	3	5½	
June 30.	Ironmongery	5	10	4	
Sept. 30.	“	4	3	5	
			9	13	9
June 30.	Ironwork	1	9	6	
Sept. 30.	“	2	0	0	
Dec. 31.	“	2	13	9	
			6	3	3
Dec. 31.	Medicine	4	12	9	
June 30.	Shaving	4	10	0	
June 30.	Straw	1	0	0	
Dec. 31.	“	1	10	0	
			2	10	0
June 30.	Window Glass	0	12	4	
Sept. 30.	“	0	5	4	
Dec. 31.	“	0	3	0	
			1	0	8
June 30.	Washing	2	0	0	
Sept. 30.	“	1	10	0	
Dec. 31.	“	1	4	0	
			4	14	0
June 30.	Wine, Brandy, Tobacco	0	16	4	
Sept. 30.	“ “ “	0	6	0	
Dec. 31.	“ “ “	1	18	9	
			3	1	1
June 30.	Lime, Whiting, and Glue	1	1	7	
Sept. 30.	“ “ “	1	0	5	
Dec. 31.	“ “ “	1	7	5	
			3	9	5
Sept. 30.	Doors, Chairs, Bedsteads	9	4	6	
Dec. 31.	Stoves	5	0	0	
			£747	2	10½

1848.

Coals paid for by the Colonial Secretary, additional £ 22 5 0

1849.

Coals paid for at the close of 1848 for the ensuing year's stock, by the Colonial Secretary 27 1 10½

THE following contains the opinions of Dr. Conolly, of Hanwell, on Lunatic Asylums and their inmates; which, from the very high standing and great experience of that Physician, will do more to prove the necessity for providing a commodious Asylum and Farm, than anything I can myself say. Dr. Conolly, in his Annual Report of the Hanwell Asylum, of 31st December, 1846, says:—

“On the 21st of September last seven years were completed, during which no strait-waistcoat, muff, leg-lock, hand-cuff, coercion-chair, or other means of mechanical restraint, have been resorted to in the Hanwell Asylum, by night or by day. In these seven years, 1100 cases have been admitted and treated entirely on the non-restraint system; and the number of patients in the Asylum has, during a great part of the said period, amounted to nearly 1000. (There are still some Asylums in England, Ireland, and Scotland, in which such means of restraint are employed and defended; and travellers from various parts of the Continent, and from the United States of America, apparently prepossessed in favour of such ancient and forcible methods of control, continue to pay hasty visits to Hanwell, and to publish opinions condemnatory of the non-restraint system.) In the annual reports of past years, when the experiment was in but an early stage of its progress, and when it was embarrassed by many difficulties, I refrained from engaging in any controversy on the subject, being satisfied that the result would furnish the best test of its being rational and judicious, as well as humane. If such results had not appeared, it would have been my duty to alter or relinquish any other particular in the treatment of the patients. Now, after seven years' patient trial, during which the non-restraint system has been introduced into many other Asylums, without the occurrence of any accident against which mechanical restraint would have afforded security, I do not think it desirable more particularly to notice the opinions of writers, who have sometimes appeared to visit Hanwell more prepared to argue than to observe: nor should I deem it necessary to refer to this part of the treatment, if it were not that I consider it still requisite to remind those who are most anxious to adopt it, *that certain conditions are essential to its being successfully maintained.*”

The Committee of Visitors of Hanwell, in their report of January 19th, 1847, say:—“It affords them the utmost satisfaction, after the experience of another year, to be enabled to speak in terms of still higher praise of the humane system which has happily been progressing in the establishment for some years past, and they have not had the slightest cause to regret the abolition of all restraint, which they attribute to the zealous and efficient manner in which the duties of the officers and servants have been performed. The Committee are anxious to draw the attention of the Court to the report of the visiting physician, now presented, as containing matter of great interest and importance, on the humane and successful management of the insane without restraint in public Asylums. The subject is so ably and convincingly brought forward by Dr. Conolly, that the Committee do not think it necessary to add more than their entire approbation and concurrence in the sentiments so well expressed by him.

(Signed) “CHAS. AUGUSTUS TULK, *Chairman.*”

From Dr. Conolly's Work on the Construction and Government of Lunatic Asylums.

EFFECTS OF NEGLECT.—“It is difficult for the Physician to an Asylum to make others comprehend how important many influences, in themselves apparently trifling, become, when the aggregate of their operation is continually applied to disordered minds. Vulgar approbation is easily obtained by occasional display, although the general character of an Asylum may be that of a mere workhouse

or place of safety, in which *nothing is habitually done, beyond employing the patients, and keeping them quiet*, for their recovery. The faults of commission may be few, and of omission many.—The wards may be generally quiet:—there may be a solitude falsely called peace. Contrivance may secure this at all ordinary hours of public inspection, and especially on committee days; and yet the hours of rising, and of going to bed, and of meals, may be often signalized by irregularities and violence, and the patients may pass a very large part of their time unoccupied, unamused; their hourly comforts little cared for, their recreations quite disregarded; so that many of them become more and more listless, and even at length incurable, from neglect!

AMUSEMENTS OF THE INSANE.—“It is the same with the evening parties. The first sight of three hundred insane persons assembled for an entertainment, and stimulated by a lighted and decorated apartment, and the presence of strangers, and the sound of music, and allowed to dance as freely and even as fantastically as each may choose, is one which an unfamiliar spectator can scarcely witness without feeling some immediate trepidation. But in an Asylum where kindness is the rule, and where all the officers and all the attendants, and even the visitors, are known to entertain cordial feelings towards the patients, and where the patients are unaccustomed to any kind of violent treatment, or even to sharp or unkind reproof, it is found that a character of order prevails, which is not lost sight of amidst the excitement of the liveliest dancing and enjoyment. What appears to be an almost unrestrained activity is moderated by one timely, kind and judicious word: and excitement which seems likely to transgress due bounds, is suspended in a moment by friendly conversation. When the hour of separation arrives, cheerful faces and grateful expressions shew the general good effect of the indulgences accorded, on which, usually, sound sleep is found speedily to ensue.”

EMPLOYMENT.—“Among the means of relieving patients from the monotony of an Asylum, and of preserving the bodily health, and at the same time of improving the condition of the mind, and promoting recovery, employment of some kind or other ranks the highest. Generally speaking, sedentary occupations appear to be less favourable to the recovery of our patients at Hanwell than active occupations. Farm and garden work is not only more active, but more various, and therefore more remedial. This advantage, and that of its being carried on in the open air, and exciting no violent emotions, are justly enumerated amongst its recommendations by Dr. Jacobi.”

DIET.—“The insanity is itself, in certain classes, the frequent result of half starvation, going on for years or for generations. The body has deteriorated, and the manifestations of the mind fail with the other functions. In some cases the mere diet and general comfort of the Asylum are sufficient, first for relief, and ultimately for cure. Removed to an Asylum, the sight of good food, in sufficient quantity, surprises them: they sit down to their meals ‘freeminded and cheerfully disposed’—one of the sure precepts of long-lasting enumerated by Lord Bacon: they soon become nourished, the body and the mind recover power; and if we do not produce a cure, we produce content, which is a great gain.”

DUTIES OF ATTENDANTS.—“In Asylums in which bodily restraints are never resorted to, the great substitutes are continual superintendence and care. From the hour of rising to the patient’s bed-time, no ward should, on any pretext whatever, be left without an attendant. Without harassing the patients by useless and continual interference, the attendants must never be regardless of them, or wholly unobservant of their conduct, their manner, their language, and also of their dress, their appearance, their food, their exercise, their occupations, or their amusements. They should always be

ready to explain what a patient misunderstands, and to listen to and remedy little grievances which fret the insane. When patients quarrel with one another, they alone can prevent the beginning of strife before blows are struck: and they will find that it is not difficult to do this, by separating the disputants, and engaging their attention in something else. As regards the dress of the patients, their care must often be relied upon for maintaining its cleanliness, and its decency; and every industrious attendant will find out that there are many slovenly patients whose habits can be very much improved. Some of them will doubtless try the patience of the attendants to the utmost, and require the same attentions many times a day: but this attention is part of the business of an attendant. By proper attention occasionally through the day, and the last thing at night, many patients may be relieved from the miseries consequent on a neglect of cleanly habits,—others may be encouraged to neatness and order. The attendant should consider it a duty to become acquainted with the characters of the patients under his care, and should be able to give a particular account of them when required. It is often important to the medical officers to be able to get information on which they can depend, relative to many circumstances of the patient's health, and various propensities—as, whether they take food well or not, are active or indolent, good tempered or morose, fond of work or of amusement, or of reading, or any particular occupation for which they require materials or space, or other assistance—and the attendants have the most ample opportunity of knowing all these particulars. Some patients pass a large portion of their time in writing, or in making calculations on paper: and all their requests for writing paper, pens, ink, pencils or books, should be complied with, of course within reasonable bounds. Their wishes on any subject should be made known to the physician—as, their wishes to be employed; any particular wish as to their clothing, or articles of furniture, or decorations in their rooms; and especially any desire they may express to see the chaplain or their minister—but no promises should ever be made to them which cannot be performed, and no deception of any kind be practised upon them.”

NIGHT WATCHING.—“The general watching of a large Asylum during the night, is of great consequence to many of the patients—some require food, cordials, medicines, cooling drink, or various medicines: some become suddenly violent, and require timely attention, or become dangerous to others. Epileptic patients are constantly liable to severe attacks of their malady: the paralytic and those disposed to apoplectic seizures, are subject to sudden and serious accidents: and the suicidal require to be frequently visited. There are patients who evidently suffer most when lying down; there are some to whom the heat of a bed is intolerable.—They have sensations of burning heat scarcely known to the sane. These patients suffer for a length of time from the restlessness which every one knows who has ever known a bad night, but in a more intense degree.—The old method of fastening down such patients in bed made them frantic, and their cries proclaimed their excessive wretchedness.”

RESTRAINT.—“Attendants trained in Asylums where restraints are used, immediately apply them, in private and recent cases; thus producing the worst consequences. Of this I meet with frequent and lamentable instances in private practice: where days previous to the treatment of recent cases, are passed in all the misery and disadvantage of bonds, and dirt, and darkness, and unregarded fever, restlessness and thirst.”

“The whole life of the numerous incurable patients in County Asylums must take its character from the *attendants*; and be agitated or tranquil, passed in misery or in content, according to the qualifications possessed by those in whose sole and immediate charge and power they must necessarily

be for the greatest part of every day. Every thing that a judicious Committee wishes to be carried into effect,—every comfort that the benevolence of the officers would wish to confer,—every appliance of daily treatment,—every curative means will be either realized or withheld, according to the character of the attendants. They are the instruments by which every great and good intention is brought into hourly practice. It is not necessary to say more to prove how important it is that they should be well chosen, well governed, well taken care of, well supported in their duty, and well paid!”

“I hope my concluding words will be believed when I say, that if the whole of the system which I have imperfectly endeavoured to sketch, be steadily persevered in,—no anger—no severity—no revenge—no deception—no disregard ever shewn to the insane,—the resident Superintendent will no longer find himself living among the habitually furious, or the incurably gloomy, or the constantly discontented. Calmness will come,—hope will revive,—satisfaction will prevail. Some unmanageable tempers, some violent or sullen patients, there must always be,—but much of the violence, much of the ill-humour, almost all the disposition to meditate mischievous or fatal revenge, or self-destruction, will disappear. Some of the worst habits that beset the poor lunatic will also be got the better of,—cleanliness and decency will be maintained, or restored,—and despair itself will sometimes be found to give place to cheerfulness or secure tranquility.—I could walk through such an Asylum as I have described, and point out illustrations of every word in every ward.

“Thus living and thus occupied the director will learn to love his people, with all their infirmities, which are their afflictions. The Asylum is his world. The patients are his friends,—humble, but not without even delicate consideration for others,—wayward, but not malignant, except when cruelty exasperates them,—capricious, but not ungrateful,—distrustful, but to be won by candour and truth,—disturbed and grievously afflicted, but not dead to some of the best and purest affections. He will almost regard his patients as his children; their cares and their joys will become his, and, humanly speaking, his whole heart will be given to them.”

In another part of his work, Dr. Conolly says—

“If experience did not always prove that improvements of any kind are slow, and invariably met by opposition, we should be at a loss to account for the fact, that in England, twenty-three years after the liberation of the lunatics at the Bicêtre, a state of things equally bad, if not worse, generally existed. From the evidence given before the Parliamentary Committees in 1815, we gather facts, supported by the evidence of the attendants themselves, almost too horrible to be credible. Every artifice of cruelty seems to have been employed upon those who were already the most unhappy of mankind. The idea seemed to prevail that all the feelings of humanity were extinguished by the visitation of insanity. The keepers were, in all the English madhouses, of the lowest and most brutal character, merely distinguished by their success in controlling the violence of their patients by still greater violence, and by possessing the power of punishment. The account of the inquiry into the management of the York Asylum in 1813, written by the late respected Mr. Grey, gives probably a true picture of the state of the condition of the insane in general.

“This Asylum was opened in 1777, and bore a fair character for organization and management. Upon the establishment of the Retreat, at York, in 1796, a more humane system than had hitherto been known in England was introduced into its management; and in the description of it by the founder, Mr. Tuke, published in 1813, a recommendation of the milder mode of treatment was given; this was considered, and with some reason, to be an attack upon the management of the York Asylum;

and it was followed up by a series of charges brought by Mr. Godfrey Higgins against this latter institution. The horrors ultimately made known would be beyond belief, were they not amply attested, and were it not certain that in some private Asylums things are little mended even now. Though the Committee of the York Asylum long refused to listen to the charges brought by Mr. Higgins, they could not entirely conceal the facts; and the extent to which frauds of all kinds were carried by the steward, assisted much in developing the general state of the house. A committee of inquiry was appointed; and on the day after their deliberations ceased (28th December, 1813), one wing of the Asylum was destroyed by fire. There could be no doubt of this being intentionally done, and that it was done to destroy the part of the house most obnoxious to inquiry. How many patients perished is unknown,—at least four were missing. The steward barred the gates, to prevent the entrance of those who were willing to assist; and nearly all the officers and attendants were away. The steward entered four patients, who were missing, as “died,” but it is far more probable that a larger number was sacrificed; the real number in the house was probably unknown,—for either by negligence or design the books had been so irregularly kept, that the number of deaths to July, 1813, actually 365, was entered as 221, and 101 of those dead had been calculated among the cures. The Committee refused to adopt the only method of ascertaining the number missing, by requiring from each keeper an account of the patients under his care, from a pretended delicate objection to the divulging of the names of the inmates.

“Mr. Higgins thus sums up the state of the management of the house:—‘In the Asylum investigations, concealment appears at every step of our progress: 365 have died; the number advertised is 221. A patient disappears and is never heard of more, and is said to be ‘removed.’ A patient is killed, and his body is hurried away to prevent an inquest. He is cured—but it is by some medicine the composition of which is known only to the doctor. The public cry out that a patient has been neglected; there is a levy *en masse* of respectable governors to quell the disturbance, and to certify that the patient has been treated with all possible care, attention and humanity. A committee of investigation desires to be shewn the house; certain cells ‘in an extreme state of filth and neglect’ are omitted to be pointed out to them. The governors examine the accounts;—there are considerable sums of which neither the receipt nor the application appears. They inspect the physician’s report;—it only aids the concealment. The steward’s books are inquired for;—in a moment of irritation he selects for the flames such of them as he thought it not advisable to produce;—and yet every circumstance of concealment is imputed by some to mere accident, and every attempt to tear off the mask, and exhibit the Asylum in its true character, is stigmatized as a libel or an indelicate disclosure!’

“The details which were brought before the Committee to exhibit the brutality and profligacy of the keepers need not be repeated; but it is gratifying to find that Mr. Higgins persevered, notwithstanding the obloquy heaped upon him, until a complete change of the officers and of the system was brought about.

“In 1815 Bethlem appeared to have been going back rather than improving, for a half century. From the time that the indiscriminate visits of the public had been prohibited, the secrets of the institution were known only to a few. The case of Norris, a patient in Bethlem, which was made public by the parliamentary committee, has often been related, but it will not be out of place here:—William Norris had been an officer in the navy, and was first confined at Bethlem in 1801. In 1803 he is said to have struck Mr. Haslam, the apothecary,—and whether from any real fear of him, or as a punishment, a new and most ingenious instrument of torture was invented for his confinement.

‘A stout iron ring was riveted round his neck, from which a short chain passed to a ring made to slide upwards on an upright massive iron bar more than six feet high, inserted into the wall. Round his body a strong iron bar, about two inches wide, was riveted: on each side the bar was a circular projection, which being fashioned to and enclosing each of his arms, pinioned them close to his sides. The waist-bar was secured by two similar bars, which, passing over his shoulders, were riveted to the waist-bar both before and behind. The iron ring round his neck was connected to his shoulder by a double link. From each of these bars another chain passed to the ring on the upright iron bar. His right leg was chained to the trough in which he had remained thus encaged and enchained twelve years. He read books of all kinds, and reasoned quite coherently on the events of the war! During the whole of this period it was impossible for him, from the nature of the restraint in which he was placed, either to stand quite upright or to lie down at ease. It will be no matter of surprise that he died on the 26th February, 1815.

“From this time a gradual but very slow improvement in the condition of the insane may be observed. Chains were removed, and leathern restraints of much milder kinds substituted; and more care was given to the warming and clothing of the patients. Some of the largest Asylums in England were opened between 1815 and 1825. The introduction of employment by Sir William Ellis at Wakefield, and afterwards at Hanwell, was a great advance in the amount of confidence reposed in patients; employment has since been introduced in almost every Asylum, and no serious accident, so far as we are aware, has ever occurred from allowing the use of tools. The credit of declaring the total abolition of mechanical instruments of restraint to be desirable and practicable, belongs to Dr. Charlesworth and Mr. Hill, of the Lincoln Lunatic Asylum. The progress of the alteration was given by Mr. Hill, in a lecture delivered by him at the Lincoln Mechanics’ Institution, 21st June, 1838, and since published with the addition of extracts from the ‘Proceedings’ of the Asylum, and tables shewing the gradual disuse of restraint. A reference to a few of these will illustrate this part of the history of the non-restraint system. The Lincoln Asylum was opened on the 26th of April, 1820, and was conducted from the first on humane principles, but with all the usual instruments of restraint.

“On the 29th February, 1829, it is reported that a patient has died in the night in consequence of being strapped to the bed in a strait-waistcoat: and an order is consequently given that the use of the strait-waistcoat shall be discontinued except under the special written order of the physician: and also that every case of restraint shall be entered in a journal, with its nature and duration.

“On the 4th of May, in the same year, the ‘heaviest pair of iron hobbles,’ which were jointed, and weighed 3 lbs. 10 oz., and the ‘heaviest pair of iron hand-cuffs,’ which weighed 1 lb. 5 oz., are ordered to be destroyed; five strait-waistcoats are likewise condemned.

“Numerous entries in 1829, 1830, 1831, and 1832, prove the diminished use of coercion. On the 16th of July, 1832, is the first order for strong dresses for such patients as tear their clothes. These patients were in all Asylums the most subject to continual restraint.

“21st July, 1834. All the instruments which would confine the fingers were ordered to be destroyed; but manacles for the wrists, and leg-locks, were retained. March 1837, the system of restraint was entirely abolished.

“Mr. Hill’s lecture, which contains much that is exceedingly interesting, upon this subject, has the following sentence, which has been the test on which all the controversy on the abolition of restraint has been founded—

“*In a properly constructed building, with a sufficient number of suitable attendants, restraint is never necessary, never justifiable, and always injurious, in all cases of lunacy whatever.*” This sentence, when published in 1838, was declared, even by those most inclined to the new system, to be too decided, and likely to produce a bad effect; but fortunately the lapse of eight years has proved its perfect truth, by its adoption as a principle in all the most important Asylums in the kingdom. But the upholders of the old system received the announcement of a doctrine so startling as if there were something atrocious in proposing to liberate those who were unfortunate enough to be insane: and for years after restraint had been actually abolished, the non-restraint system was declared ‘utopian’ and impracticable; then, declared to be practicable but not desirable; and at length, when every other argument has failed, those who have so strenuously opposed it come forward and claim it as their own system, which they have been practising for years, excepting that it is carried a little further.

“With the results before us of the treatment of many thousand patients without restraint, and taking into consideration the facts, that in no Asylum where the new system has been introduced, has it been found necessary to abandon it; that the reports of all these Asylums declare their general condition to be improved; that the cures are not decreased; and, which we consider of equal importance, that the comfort of the incurables is greatly increased,—we consider ourselves justified in considering that the strait-waistcoat, the coercion-chair, and every kind of strap and instrument of restraint, will shortly disappear like ‘the dark house and whip,’ the chains and straw, the starvation, the whirling-chair, and every other means of torture formerly considered a necessary part of the treatment of those who were afflicted with insanity.

“Here we may consider the subject of non-restraint concluded so far as its practicability is concerned. If no case requiring restraint has occurred in an Asylum containing nearly a thousand patients, during six years, in which time eighteen hundred cases have been treated, it is unlikely that any more difficult cases can occur elsewhere. *It is nowhere insisted that restraint can never be necessary in ill-constructed Asylums;* and until houses for private patients are constructed for the purpose for which they are used, some restraint will probably be used in many of them.”

QUARTERLY REVIEW, JUNE, 1844.—(*Article on the Report of the Metropolitan Commissioners in Lunacy to the Lord Chancellor.*)

“The history of insanity exemplifies an observation frequently made, that in many of the greatest calamities that befall mankind, the most poignant miseries are those which are superadded by human folly and ignorance to the dispensations of Providence. During the Reign of Terror, Pinel obtained permission to free his chained maniacs, from the Commune. He began by liberating fifty the first, twelve of whom were the most violent in the establishment. The experiment entirely succeeded. (1792.)”

“In England, the first improved system was set on foot by the Society of Friends. (1793.) This ‘Retreat’ was opened under the direction of the Tukes at York.

“The exposure of the shocking treatment of lunatics at the York Asylum, at Bethlehem’s, St. Luke’s, and Hoxton, produced a lasting impression. The fact having been demonstrated, that a kind and

gentle treatment may be advantageously substituted for harshness, a reformation of the old hospitals was carried into effect, and new Asylums were set on foot, professedly on this principle. In County Asylums, where adequate means of classification and employment were at hand, it was discovered as soon as the experiment was made, that personal restraint may for the most part be dispensed with, if *due vigilance is used to prevent accidents*, and a sufficient number of attendants are at hand to overpower resistance when necessity requires. In proportion as restraint was discontinued, it was observed that the inmates of Lunatic Hospitals became more tranquil, more cheerful, more disposed to give assistance to the superintendents, and less mischievous, irritable and destructive. It was no longer impossible to cultivate gardens to which they had access, or to preserve glass windows. These were no longer guarded with lattices, nor were the walls built so high to prevent escapes. In fact, moral principles were substituted in the government of these reformed Asylums for physical force."

To this I beg leave to add a relation of the *first attempt* made to ameliorate the condition of lunatics:—

"Towards the end of 1792, Pinel having many times urged the Government to allow him to unchain the maniacs of the Bicêtre, but in vain, went himself to the authorities, and with much earnestness and warmth, advocated the removal of this monstrous abuse. Couthon, a member of the Commune, gave way to M. Pinel's arguments, and agreed to meet him at the Bicêtre. Couthon interrogated those who were chained, but the abuse he received, and the confused sounds of cries, vociferations, and clanking of chains, in the filthy and damp cells, made him recoil from Pinel's proposition. You may do what you will with them, said he, but I fear you will become their victim. Pinel instantly commenced his undertaking. There were about fifty whom he considered might without danger to the others, be unchained, and he began by releasing twelve, with the sole precaution of having previously prepared the same number of strong waistcoats with long sleeves, which could be tied behind the back if necessary. The first man on whom the experiment was to be tried was an English Captain, whose history no one knew, as he had been in chains forty years. He was thought to be one of the most furious among them; his keepers approached him with caution, as he had, in a fit of fury, killed one of them on the spot with a blow from his manacles. He was chained more rigorously than any of the others. Pinel entered his cell unattended, and calmly said to him, 'Captain, I will order your chains to be taken off, and give you liberty to walk in the court, if you will promise me to behave well, and injure no one.' 'Yes, I promise you,' said the maniac; 'but you are laughing at me, you are all too much afraid of me.' 'I have six men,' said Pinel, 'ready to enforce my commands if necessary. Believe me then on my word, I will give you your liberty if you will put on this waistcoat.' He submitted to this willingly, without a word; his chains were removed, and the keepers retired, leaving the door of the cell open. He raised himself many times from the seat, but fell again on it; for he had been in a sitting posture so long, that he had lost the use of his legs; in a quarter of an hour he succeeded in maintaining his balance, and with tottering steps came to the door of his dark cell. His first look was at the sky, and he cried out enthusiastically, 'How beautiful!' During the rest of the day he was constantly in motion, walking up and down the staircases, and uttering exclamations of delight. In the evening he returned of his own accord into his cell, where a better bed than he had been accustomed to, had been prepared for him, and he slept tranquilly. During the two succeeding years which he spent in the Bicêtre, he had no return of his previous paroxysms, but even rendered himself useful, by exercising a kind of authority over the insane patients, whom he ruled in his own fashion."

THE following Extract from Dr. Stabb's paper in the Journal of Psychological Medicine, January, 1848, contains a description of the present state (1847) of the finest Asylum in France, and perhaps in the world. This document will shew what *can* be done for Lunatics:—

“La Salpêtrière is an institution containing 5000 females, of whom, on an average, from 1400 to 1700 are insane poor of all ages (formerly of old age only). Attached to the Asylum are three resident physicians,—M. Lelut being the principal; and two physicians-in-chief non-resident, MM. Falret and Mitivier.

“I was taken to every part of this colossal establishment by M. Battelle, who, with an earnestness that could spring only from a heartfelt interest in the subject, explained minutely the actual state of everything connected with the department for the insane, as well as the successive steps by which the whole had been brought to its present *state of perfection*,—a designation which I think is justly merited. For if much remains to be done, or is rather being done, in exchanging old things for new, in parts of this princely pile of the days of Louis Quatorze; there is nevertheless at the present moment an ample provision of means—perhaps superior to that of any other Asylum in the world—for the curative treatment of the recently insane, and for the care and comfort of those afflicted with chronic insanity. And it is somewhat worthy of mention, that the saloons of the indigent insane are adorned with marble, polished oak, and spotless white draperies—yet it need not excite a word of cavil, for, as my excellent conductor observed, solid oak and marble would last for centuries, and such Asylums were not built for a day.

“With regard to the inmates of this institution, as of Hanwell, it may be said such happy influences surround them, that their insanity is veiled from the passing observer: and when amongst them the question arises involuntarily in the mind, Are these really insane? In La Salpêtrière the insane are placed in five distinct divisions of the buildings, which are for the most part new, and under the direction of M. Battelle, so arranged as to present a succession of apartments equally remarkable for size and elegance, and admirably adapted to the comforts of the patients. For the sake of classification the divisions are appropriated as follows:—One for insane epileptics; one for the chronically insane; and two for the insane under treatment, or the curable. For those under temporary excitement there is enclosed a large grassy court, with Swiss cottages disposed around, containing one room each. To each division is attached an extensive airing court, with trees, small gardens and grass plots, for exercise and amusement. For the use of the whole establishment there are large kitchen gardens within the walls, which are cultivated by the insane of this Asylum, assisted by others from the Bicêtre. Within the buildings are found large dormitories of superlative cleanliness, well lighted and ventilated—the floors of oak, beautifully waxed. The beds are arranged on a raised platform on either side, leaving a wide passage through the centre of the ward; the bedding is remarkable for snow-white linen, heavy blankets, and numerous thick mattresses. The windows of the dormitories are large, and open in six compartments; they have curtains, and are unguarded by iron sash, bar, or wirework, excepting in certain wards having an exterior aspect. It is said that the window panes are never broken by the patients, and the small high window is never introduced here.

“The dormitories open by glass doors into convenient day-rooms, where I found the patients at various times, busily occupied with the needle—chatting and singing.

“The general arrangements are so intended as to divest the minds of the inmates of any feeling whatever of imprisonment. And whether occupied within doors, or enjoying the fresh air without,

the insane at Salpêtrière appeared free and happy. The diet at this establishment is unexceptionable. The dining tables are covered with oil-cloth. The dishes and spoons are of metal; and the knives and forks of the ordinary kind.

“The clean linen saloon is one of the finest and handsomest apartments in La Salpêtrière, containing the general supply for the hospices and hospitals of Paris—all sewn, washed, and assorted by the insane.

“Shortly after my arrival I was present at one of M. Falret’s weekly re-unions of the insane, when recitations and singing took place by the patients, who appeared much interested, especially in the songs, when many united their voices. They sat in number about a hundred, variously dressed, and sewing, except when required to recite. Their cheerful countenances when singing showed the pleasure they experienced, and the general occupation combined with amusement—the physician and attendants being present as encouraging friends,—could not but have a beneficial effect upon their disordered minds, whether in promoting the dawning convalescence of some, or in soothing the morbid irritability of others,—a beneficial, curative effect.

“With regard to the quietness of so many assembled lunatics in different stages of various mental maladies, M. Falret observed that he had at length succeeded in obtaining complete control over the actions of his patients, (however difficult it might be to direct their thoughts in any given channel). Now as no effort was observable on the part of the physician or attendants in maintaining quietness and decorum, the influence of their presence alone was evidently sufficient to induce the patients to control themselves—a great step as it appears to me.

“Amongst the hundreds of insane in this Asylum, in vain did I look for the furious maniac; almost in vain for the excited;—the ordinary calmness of the numerous patients, consequent upon their excellent general treatment, is the reality which impressed itself on my mind from my visits to La Salpêtrière.

“Besides those whom I saw in the day-rooms, dormitories and airing grounds, I observed some hundreds of insane employed in various ways—spinning, sewing, tailoring, washing, hanging out clothes to dry, gardening, and farming; all quiet and orderly, under the superintendence of respectable-looking attendants.

“The chapel, on an equally grand scale with the other buildings, can contain as many as Notre Dame, viz., 2000 people; it is octagonal, and divided into so many compartments, some of which are set apart for the insane, who frequent this place of worship with the best effect upon their minds, and always behave with reverence and decorum. I entered it in the evening, and observed about a hundred people there, some praying aloud. To the insane, the benefit of such attendance, and of the religious instruction carefully and wisely administered under the guidance of the Abbé Christophe, is constantly extended.

“On quitting La Salpêtrière, I could not refrain from observing to M. Battelle, that the realization of such perfect cleanliness and elegance, not to say magnificence, in a public charity, was extremely difficult of belief, even to an eye-witness, and the fact may be fairly doubted by others; whilst the knowledge of this being the Asylum provided for the poor and miserable, the epileptic and insane, savoured more of romance than reality. But it is indeed a reality worthy of a great nation, and a striking example of the true practical genius of Christianity.

“ I have described the beneficial effect produced on the insane by M. Falret's re-unions for singing, recitation, &c. At the Bicêtre, I was present at a more remarkable re-union—a re-union of idiots ! These unfortunates had been taught dancing and singing, fencing, military drill, recitation, writing, and arithmetic—with such Herculean pains of philanthropic hearts, as few can imagine !

“ The previous day I had visited the school in which these lessons were received in a dull, obtuse, mechanical manner by the poor pupils, who were drawling in the monotonous tones of a village school ; and it was only on observing the revolting countenances around, that a visitor became necessarily aware that he was amongst idiots. What an occupation,—the cultivating of minds, all but utterly sterile ! And what can repay the originators of this Divine work ? unless it be the consciousness that they, and the labourers in it, are permitted to clothe with sense and reason, however limited, those whom a mysterious Providence has placed on the earth clothed with something like brutality !

“ The holy attempt to awaken faculties hitherto dormant, to restore to themselves and to **GOD**, as it were, those lost minds, demands the praise of mankind, as the most stupendous of human endeavours,—endeavours happily not without success. Gleams of intelligence shine occasionally through the mental darkness, and these, fostered during days, months, and years, have in certain instances increased in number, and have even become combined into a steady, continuous, mild light of reason, shining from the erewhile vacant eyes of the idiot—*Charles Emile*,* for example ! And this is the recompense of the teacher !

“ At this re-union, eighty-four boys, idiots and epileptics, were present, and went through their various exercises with considerable skill and great propriety, under the direction of M. Vallee, their superintendent and instructor. M. Battelle, who accompanied me, was much moved, and said he could scarcely refrain from shedding tears as often as he came amongst these children. My own feelings at witnessing, for the first time, such an unparalleled scene, were painful as well as pleasing, in a high degree.”

* An idiot who has been wonderfully brought forward, from a most brutal state.

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