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JOURNAL

OF THE

HOUSE OF ASSEMBLY

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OF

NEWFOUNDLAND.

ANNO SECUNDO REGINA ALEXANDRINA VICTORIA I.

SECOND SESSION OF THE SECOND GENERAL ASSEMBLY.



St. John's, Newfoundland.

WILLIAM R. SHEA, Printer.

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1838.



PROCLAMATION.

(L. S.)
H. PRESCOTT.

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

WHEREAS the GENERAL ASSEMBLY of this Island stands prorogued until *Monday the Fifth of FEBRUARY next*; *And Whereas* I think fit further to prorogue the said General Assembly until *Monday the Seventh of MAY next* :

I do therefore by these presents prorogue the said GENERAL ASSEMBLY until *Monday the Seventh of MAY next*, of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House at St. John's in the aforesaid Island the *Twenty-second day of December, 1837*, in the first year of her Majesty's Reign.

By his Excellency's Command,

JAMES CROWDY.



PROCLAMATION.



(L. S.)
H. PRESCOTT.

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

WHEREAS the GENERAL ASSEMBLY of this Island stands prorogued until *Monday* the 7th day of *May* next; *And Whereas* I think fit further to prorogue the said General Assembly until *Wednesday* the *Twentieth* day of *June* next:

I do therefore by these presents further prorogue the said GENERAL ASSEMBLY until *Wednesday* the *Twentieth* day of *June* next, then to meet for the despatch of business; of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House at St. John's in the aforesaid Island the 16th day of April, 1838, in the first year of her Majesty's Reign.

By his Excellency's Command,

JAMES CROWDY,
Secretary.

JOURNAL

AND

PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY OF NEWFOUNDLAND.

Wednesday, June 20, 1838.

THE House having by several Proclamations been prorogued until this day, then to meet for the despatch of business, met accordingly.

Members assemble:

A Message from his Excellency the Governor, by Joseph Templeman, Esq., Usher of the Black Rod, requiring the attendance of the House in the Council Chamber.

Message from Governor commanding attendance of House.

Accordingly Mr. Speaker and the House attended, and being returned—

House attend his Excellency in Council Chamber.

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

Mr. Speaker reports.

Mr. President and Honorable Gentlemen of the Council,

His Excellency's speech:

Mr. Speaker and Gentlemen of the House of Assembly,

It gives me particular pleasure to meet you on this day, the auspicious anniversary of our beloved Sovereign's accession. May your labours contribute to the fulfilment of her Majesty's ardent desire for the prosperity and happiness of this important Colony.

I shall have the honour of laying before you the copy of a despatch from Lord Glenelg, by which you will learn that the Queen has been

His Excellency's speech.

graciously pleased to offer her Royal mediation for the settlement of those differences between the Council and the House of Assembly, which last year unfortunately prevented the passing of any Appropriation Act.

I feel confident that an adoption of the measures suggested by her Majesty will obviate similar misunderstandings in future, and afford the best means of securing a satisfactory application of the public funds.

My remarks at the opening of the last session respecting the Acts for the relief of disabled Seamen, Fishermen, and other persons, and for the encouragement of Education, I beg once more to offer to your consideration; I must, also, renew the recommendation, to your favour and protection, of the Hospital at River-head, the benefit of that institution having become more and more apparent.

Mr. Speaker and Gentlemen of the House of Assembly,

I shall immediately transmit to you copies of despatches in answer to your late addresses to her Majesty, or to her Majesty's Government.

In consequence of the peculiar and painful incident attendant on the prorogation I have found myself compelled during the recess to assume the responsibility of issuing Warrants for such sums as were indispensably necessary for the administration of Justice—for the reception and support of pauper patients in the Hospital—and for the relief of the poor in cases of extreme destitution.

The way in which I have done this will, I hope, be found entirely consistent with the respect due to the Legislature, and to the undoubted privileges of the House.

The deficiency of Seed Potatoes, owing to the scanty crop and early frost in 1837, was placed under my observation in such a manner as rendered it impossible for me to withhold considerable assistance in alleviation of a want so serious and so pressing and which might otherwise have occasioned results in the highest degree calamitous.

The Estimates for the approaching financial year, shall be prepared without delay. Those for the year about to expire are already in your possession.

It is, I am sure, unnecessary to enforce the expediency of my being promptly enabled to pay up the fixed salaries, and to discharge the various outstanding claims upon the Government.

I am desirous to recal your attention to my former suggestion as to the propriety of making provision for a Stipendiary Magistrate at the Burgeo Islands, and I would propose a like arrangement for La Poile, a place apparently of increasing importance and where the recent appointment of a Custom-House Officer has proved advantageous to the Revenue.

My recommendation for the establishment of a Colonial Vessel I must also earnestly repeat, and I shall lay before you a letter from her Majesty's Principal Secretary of State bearing upon this in conjunction with other important matter.

The defective state of the Gaol and Court-House of this town has been frequently brought to your notice.

It is hardly requisite for me to mention that the Revenue Act unless extended will cease on the 18th November next.

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

His Excellency's Speech

I invite your attention to a dispatch from my Lord Glenelg of the 3rd January on the subject of Crown Lands—you will observe under what limitations I am therein permitted to assent to an Act for their future regulation.

Until such an act be presented for my acceptance or till the end of this Session I shall adhere to existing Rules, but should no Legislative Enactment be made I am directed, as you will perceive, to pursue a new system in the alienation of the Lands of the Crown.

I have to recur to my former proposition for a revision of the 5th Wm. 4th, (2d session,) cap. 5, and of the 4th Wm. 4th, (2d session,) cap. 6, with reference to the probable expediency of their consolidation into one Act.

In connection with this subject the report of the commissioners for the regulation of statute labor, which was last year submitted to you, I again recommend as worthy of particular and favorable attention.

The Act for the more speedy abatement of nuisances seems likewise capable of improvement, and on this point I shall supply you with transcripts of a communication from the Police Magistrates of St. John's.

A review of the present scale of fees is much to be desired. It would be, perhaps, advisable that certain Public Functionaries should have a sufficient salary totally independant of fees, which, in such case, might with a rateable deduction for collection be carried to the general account, and that every description of service, for which officers can claim remuneration, should be ascertained by Law.

I will only further occupy your time to say that on the topics to which I have adverted, or on others which may be discussed either in the Council or in the House of Assembly, I shall be happy to afford such information as I possess and to facilitate your operations to the utmost of my power.

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

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

Resolution for committee to prepare address in answer thereto.

Ordered,—That Mr. Kent, Mr. Power, the Solicitor General, and Mr. Doyle, do form such committee.

Committee.

Mr. Speaker laid before the House a Letter from Charles Simms, Esq., Solicitor of the House, which was read by the Clerk as follows :

Letter of C. Simms Esq. read.

*St. John's, Newfoundland, }
20th June, 1838. }*

SIR,—I take leave to inform you that his Excellency the Governor has been pleased to appoint me to the situation of Police Magistrate for the Central district of this Island, and I apprehend that the duties of the Magistracy may be deemed to be incompatible with the office of Solicitor to the Hon. the House of Assembly, which I have had the honor to hold for a period of upwards of five years.

In begging leave of the House of Assembly to resign the office which they have in two successive Parliaments so kindly conferred upon me, allow me, Mr. Speaker, to express to yourself and to the members of the House of Assembly, collectively and individually, the grateful sense I entertain of the liberal, courteous, and gentlemanly conduct which I have uniformly experienced as an officer of the House of Assembly, and for which I shall at all times feel myself under lasting obligations.

I have the honor to be, Sir,
with much respect,
Your very obedient Servant,

CHARLES SIMMS.

The Hon. the Speaker, }
&c. &. &c. }

Letter from P. Morris, Esq. laid before the House.

Mr. Speaker also laid before the House a Letter from Patrick Morris, Esq., with a printed copy of a Memorial and Representation of his to the Right Hon. Lord Glenelg.

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

Ordered,—That the said copy of memorial and representation be read:

And the same were read by the Clerk—(for which see *Appendix*.)

Notice of motion for committee of whole to consider of supplies.

Mr. Kent gave notice that he should, on an early day, move the House into committee of the whole in consideration of supplies to be granted to her Majesty for the public service for the year ending the 30th June, 1837.

Notice of Academy bill.

The Solicitor General gave notice that he should, on an early day, move for leave to bring in a bill to establish an Academy in this Island.

Notice of bill to repeal Lawyers' Incorporation Act.

Mr. Kent gave notice that he should, on an early day, move for leave to bring in a bill to repeal the Lawyers' Incorporation act, and further to make more useful the Bar of this colony.

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

Monday June 25, 1838.

Notice of certain resolutions containing restriction relative to the offices and duties of stipendiary magistrates &c

MR. Winsor gave notice that, to-morrow, he should submit for the consideration of the House, certain resolutions containing restrictions relative to the offices and duties of stipendiary magistrates and constables in this Island.

Notice of bill to prevent fraud in sale of bread & butter, &c.

Mr. Winsor also gave notice that he should, on Monday the 9th July next, move for leave to bring in a bill to prevent fraud in the sale of butter, bread, flour, and salted pork and beef, imported into this colony.

Notice of bill to repeal seamen's relief act.

Mr. Winsor further gave notice that he should, on Thursday the 12th July next, move for leave to bring in a bill to repeal an act passed

in the 6th year of the reign of his late Majesty William the Fourth, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," and to make provision for the expenditure of money received under that act and not yet expended, provided in the interim no notice is given to introduce a bill to amend the said act.

Mr. Kent from the committee appointed to prepare an address to his Excellency the Governor in answer to his speech at the opening of the Session, reported that the committee had prepared the draft thereof, which he delivered in at the Clerk's table, where it was read a first and second time.

Report of committee appointed to present address to his Excellency.

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

Resolved,—That the House do now go into a committee of the whole on the consideration of the said address.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the address referred to them, and had agreed to the same.

Report.

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

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

Address engrossed &c.

Pursuant to order, the said address was read a third time as follows:—

Address read.

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

May it please Your Excellency —

We her Majesty's faithful subjects the Commons of Newfoundland in General Assembly convened, humbly thank your Excellency for the Speech with which you have been pleased to open the present session.

The anniversary of the accession to the throne of our Gracious and good young Queen, is a happy period from whence to date the commencement of our legislative labours, and we can assure your Excellency that in their discharge we will be actuated solely by the inclination to realize your Excellency's benevolent wish that they may contribute to the fulfilment of her Majesty's ardent desire for the prosperity and happiness of this important colony.

We thank your Excellency for your promise to lay before us a copy of a despatch from her Majesty's Principal Secretary of State for the Colonies, by which we shall learn that "the Queen has been graciously pleased to offer her Royal mediation for the settlement of those differen-

Address.

ces between the Council and the House of Assembly which last year unfortunately prevented the passing of any appropriation act."

We feel satisfied that her Majesty's high regard for the principles of the British constitution, in the vindication of which her Majesty's ancestors were placed on the throne of these realms, will not lead her Majesty in her character of a Royal mediatrix, to wish that any attempt should be made to interfere with the undoubted privileges of the Representative branch of the Legislature.

The many and important subjects to which your Excellency has been pleased to call our attention, whether for the emendation of acts already in operation, or to the propriety of, now for the first time, applying the powers of the Legislature to the correction of evils, or the supplying of deficiencies, shall meet from us that ready and minute attention which their great importance demand.

We can fully appreciate the difficulties that your Excellency must have encountered in the administration of the Government, "in consequence of the peculiar and painful incident attendant on the prorogation," and feel persuaded that your Excellency met them in a way entirely consistent with the pressure of the emergency and the "respect due to the Legislature and the undoubted privileges of the House."

We shall promptly enable your Excellency to pay up the salaries and to discharge the various outstanding claims on the Government.

We thank your Excellency for the assurance that "on the topics to which you have adverted, or on others which may be discussed either in the Council or the House of Assembly you will be happy to afford such information as you possess, and to facilitate our operations to the utmost of your power."

And in conclusion we beg to assure your Excellency that we shall sedulously apply ourselves to the consideration of the many and important subjects to be brought before us relating as they do to the state of this colony, and to the amelioration of the condition of its increasing population.

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

Adopted.

Resolved,—That the said address be adopted and presented to his Excellency by Mr. Speaker and the whole House.

Committee to present it.

Resolved,—That a committee be appointed to wait upon his Excellency to ascertain when his Excellency will be pleased receive the House to present their address.

Ordered—That Mr. Kent and the Solicitor General be a committee for that purpose.

Petition of W. Kelson and others presented & read.

Mr. Moore presented a Petition from William Kelson, Patrick Murphy, George J. Field, and others, Owners, Masters, Sealers, Servants, and Shoremen, in Trinity and its vicinity, and the same was received and read, praying that a Society formed at Trinity under the title of the "Trinity Club," having for its object the relief of all persons connected with the fisheries in and near Trinity, may be protected by the adoption of the Imperial Act 4th and 5th, Wm. 4th, cap. 40—also that the Act 6th, Wm. 4th, cap. 1, may be repealed as far as relates to the District of Trinity Bay.

To lie on the table.

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

Mr. Moore also presented a Petition from Patrick Murphy, Miles Swadridge, Robert Grant, and other Inhabitants of Trinity, which was received and read, praying that a grant may be made for the completion of the Roads and Streets now marked in the settlement, and for the general improvement of those already in existence, and that the Statute Labor Act be repealed.

Petition of P. Murphy and others presented and read.

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

To lie on the table.

Mr. Kent, from the committee appointed to wait upon his Excellency the Governor to know when it would be his Excellency's pleasure to receive the address of this House in answer to his Excellency's speech at the opening of the session, reported that the committee had waited on his Excellency accordingly, and that his Excellency was pleased to say he would receive the address on Wednesday next at one o'clock.

Time for receiving address of thanks fixed.

Mr. Kent presented a Petition from David Fahy, Thomas Costello, Patrick Fleming, and other inhabitants of Torbay, and the same was received and read, praying that the House would grant a sufficient sum of money for repairing the main Road leading from Torbay to St. John's, and making it safe and useful.

Petition of D. Fahy and others presented & read.

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

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

Referred to committee on Roads and Bridges.

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

Resolved,—That the House do now resolve itself into a committee of the whole House on the consideration of a supply to be granted to her Majesty.

House in committee of supply.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had agreed to certain Resolutions, which he handed in at the Clerk's table, and the same were read as follow :—

Report.

1. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty towards defraying the salary of the Clerk of the Executive Council, from the first day of July, one thousand eight hundred and thirty-seven, to the thirtieth day of June, one thousand eight hundred and thirty-eight.

2. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds, sterling, be granted to her Majesty towards defraying the salaries of two Clerks in the Secretary's office, for the same period.

3. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and five pounds, sterling, be granted to her Majesty towards defraying the salaries of an office-keeper and of a messenger in the Secretary's office, for the same period.

4. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty to-

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wards defraying the salary of the Clerk of the Northern Circuit Court, for the same period.

5. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, sterling, be granted to her Majesty towards defraying the salary of the Clerk of the Southern Circuit Court, for the same period.

6. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds, sterling, be granted to her Majesty towards defraying the salary of the Crier and Tipstaff of the Supreme Court for the same period.

7. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, sterling, be granted to her Majesty towards defraying the salary of the Gaoler at St. John's, for the same period.

8. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds, sterling, be granted to her Majesty towards defraying the salary of one Police Magistrate for the district of St. John's, for the same period.

9. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds, sterling, be granted to her Majesty towards defraying the salary of a second Police Magistrate for the District of St. John's for the same period.

10. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighty pounds, sterling, be granted to her Majesty towards defraying the salary of the High Constable of the district of St. John's, for the same period.

11. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and seventy pounds, sterling, be granted to her Majesty towards defraying the salaries of six Police Constables in the District of St. John's, for the same period, at the rate of £45 each.

12. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds, sterling, be granted to her Majesty towards defraying the salary, office-rent, and all contingencies connected with the office of the Colonial Treasurer.

13. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds, sterling, be granted to her Majesty towards defraying the salary of one Police Magistrate at Harbor Grace, for the same period.

14. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighty-five pounds, sterling, be granted to her Majesty towards defraying the salary of three Police Constables at Harbor Grace, being thirty-five pounds for the High Constable and twenty-five pounds for each of the other two, during the same period.

15. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, sterling, be granted to her Majesty to defray the salary of the Gaoler at Harbor Grace, during the same period.

16. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of one Stipendiary Magistrate at Carbonear, for the same period.

17. *Resolved*,—That it is the opinion of this committee that a sum not exceeding seventy-five pounds be granted to her Majesty towards defraying the salaries of three Police Constables at Carbonear, being twenty five pounds each, for the same period.

18. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of one Stipendiary Magistrate at Brigus, for the same period.

19. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards defraying the salary of a constable at Brigus, and the salary of a constable at Port de Grave, at twenty-five pounds for each, for the same period.

20. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred and seventy-two pounds be granted to her Majesty towards defraying the salaries of the Gaolers and Constables in the following Out-Ports for the same period:—Viz., a constable at Bay de Verds, twelve pounds; a constable at Harbor Maine, twelve pounds; a constable at Cats Cove, twelve pounds; a constable at Western Bay, twelve pounds; a constable on the South Shore, twelve pounds; a constable at Ferryland, twelve pounds; a constable at Bay of Bulls, twelve pounds; a constable at Toads Cove, twelve Pounds; a constable at Cape Broyle, twelve pounds; a constable at Caplin Bay, twelve pounds; a constable at Aquafort, twelve pounds; a constable at Fermeuse, twelve pounds; a constable at Renewes, twelve pounds; a constable at Placentia, twenty-five pounds; a constable at little Placentia, twelve pounds; a constable at Barren Island, twelve pounds; a constable at Merasheen, twelve pounds; a constable at Burin, twenty-five pounds; a constable at St. Lawrence, twelve pounds; a constable at Lamaline, twelve pounds; a constable at St. Mary's, twenty-five pounds; a constable at Trepassy, twelve pounds, a constable at Harbor Britain, twelve pounds; a constable at Grand Bank, twelve pounds; a gaoler at Ferryland, twenty pounds; a gaoler at Placentia, twenty-five pounds.

21. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Bay Bulls, for the same period.

22. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Ferryland, for the same period.

23. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Placentia, for the same period.

24. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate of Burin, for the same period.

25. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at St. Mary's, for the same period.

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26. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Harbor Britain, for the same period.

27. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Trinity, for the same period.

28. *Resolved*,—That it is the opinion of this committee that a sum not exceeding seventy-four pounds be granted to her Majesty to defray the salaries of a Gaoler and Constables in certain Out Ports, for the same period :—Viz., a gaoler at Trinity, twenty-five pounds ; one constable at Trinity, twenty-five pounds ; a constable at Catalina, twenty-four pounds.

29. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a Stipendiary Magistrate at Bonavista, for the same period.

30. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and ninety pounds be granted to her Majesty to defray the salaries of constables in certain Out Ports, for the same period :—Viz., a constable at Bonavista, twenty-five pounds ; a constable at Greens Pond, twelve pounds ; three constables at Twillingate and Fogo, forty-nine pounds ; a constable at Exploits Bay, twelve pounds ; a constable at Brigus South, twelve pounds ; a constable at Witless Bay, twelve pounds ; a constable at Petty Harbor, twenty pounds ; a constable at Old Perlican, twelve pounds ; a constable at Hearts Content, twelve pounds ; a constable at Hants Harbor, twelve pounds ; and a constable at New Harbor, twelve pounds.

31. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds be granted to her Majesty to defray the Attorney General's fees and in lieu thereof, for the same period.

32. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-two pounds ten shillings be granted to her Majesty to defray the deficiency arising from an error in the Government Estimate of the salaries of six Police Constables at St. John's, for the quarter ending June 30th, 1837.

33. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred and fifty pounds be granted to her Majesty to defray the expense of Civil and Judicial Printing, Stationery, &c., exclusive of the Sheriff's office, for the year ending June 30th, 1838.

34. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred pounds be granted to her Majesty towards defraying the expense of civil and criminal prosecutions for the same period.

35. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred pounds be granted to her Majesty towards defraying the expense of dietry, clothing, washing, &c., and for other incidental expenses of prisons throughout the Island, for the same period.

36. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the expenses of the ordinary repairs of Court Houses and Gaols for the same period.

37. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty to defray the expenses of Coroners for the same period.

38. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds be granted to her Majesty to defray the expenses of fuel and light for public buildings, exclusive of the Sheriff's house and office for the same period.

39. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty to defray the salary of the Medical Attendant of the Gaol, at St. John's, for the same period.

40. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards defraying the salary of the Barber of the Gaol for the same period.

41. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty to defray the salary of the Medical Attendant of the Gaol at Harbor Grace for the same period.

42. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty to defray the expense of postages for the same period.

43. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred pounds be granted to her Majesty towards defraying the expense of the hiring of vessels and covering all the other expenses of the Judges on the usual Circuits for the current year.

44. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards compensating the representatives of the late James Blaikie, Esq., for the loss of income produced by the act for the amalgamation of the office of Clerk of the Central Circuit Court with that of the Clerk of the Supreme Court for the year ending June 30, 1838.

45. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds be granted to her Majesty towards defraying the expense of removing rocks and obstructions in Quidi Vidi Harbor, to be expended under the same superintendence as last year, for the current year.

46. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the expense of unforeseen contingencies for the year ending June 30th, 1838.

47. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty as an additional remuneration to William Goff for taking the Census at St. John's.

48. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty as an additional

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remuneration to Michael Hayes for taking the Census of Conception Bay.

49. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty towards compensating John Effort for the store and stage containing craft and other property cut down by order of the magistrates, to save the town of Port de Grave from being burned on the night of the 5th February, 1837.

50. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty-six pounds nineteen shillings and sixpence be granted to her Majesty towards compensating James Doyle, of Carbonear, for maintaining an orphan child since March, 1832, to 30th June, 1837.

51. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards defraying the expense of erecting a Grand Jury Room in Harbor Grace.

52. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds be granted to her Majesty towards remunerating John King for having erected a commodious and useful bridge over Salmon Cove River.

53. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-five pounds be granted to her Majesty towards remunerating Dr. Walsh of Carbonear, for services performed professionally under the Board of Health, during the prevalence of Small Pox.

54. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty as a retiring allowance to John Buckingham, of Carbonear, Esquire, in consideration of his past services as a Stipendiary Magistrate in Conception Bay, and that an address be presented to his Excellency praying the appointment of a Magistrate as his successor.

55. *Resolved*,—That it is the opinion of this committee that a sum not exceeding seventy-seven pounds be granted to her Majesty to defray the expenses of a Special Messenger and Witnesses examined at the Bar of the House of Assembly, in the following manner—viz., to Thomas Ridley, James Bayley, James Prendergast, James Sharp, John Jacob, the representatives of the late James Hippisley, Robert J. Pinsent, William Sterling, Alfred Mayne, and John Fennell, each five pounds, a special Messenger twenty pounds, to Thomas Byrne, one pound, to Thomas Byrne, road Surveyor, six pounds.

56. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one thousand five hundred pounds be granted to her Majesty towards relieving the Poor of the out-ports of this Island for the year ending June 30th. 1838.

57. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one thousand five hundred pounds be granted to her Majesty towards relieving the poor of the district of St. John's for the same period.

58. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty towards

compensating Matthew Stevenson, late Clerk of the Peace at Harbor Grace, for the loss of his office. Reports

59. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards compensating George Hippisley for services performed by him as assayer of weights and measures.

60. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards remunerating Thomas Williams, assayer of weights and measures for the district of St. John's, for his services and expenditure as such assayer.

61. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate at Grand Bank for the year ending June 30, 1838.

62. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ten pounds be granted to her Majesty towards compensating Catherine Walsh, of Brigus, for paying the passage of a lunatic to Ireland.

63. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards supporting Johanna Armstrong, widow of William Armstrong, late Marshal of the Supreme Court.

64. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty to defray the addition to the salary of John Hewson, office-keeper in the Secretary's office, for the same period.

65. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty to go to the representatives of the late William Phippard, in full of all claims upon this colony.

66. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds be granted to her Majesty towards compensating Johanna Molloy, wife of Dr. Molloy of Harbor Grace, for the support of her husband, being a lunatic.

67. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards remunerating the Chairman of the Central Board of Road Commissioners under the act 6. W. 4, cap. 15, for his services.

68. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards compensating Wm. Martin, for his past services as high constable of Conception Bay.

69. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty-two pounds ten shillings and sevenpence be granted to her Majesty to defray the expenses of the General Election of 1837, as follows:—Expenses incurred for the Election at St. John's, £56 9 7—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred at Fortune Bay, £1 14 8—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred at Burin, £14 10 4—Returning

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Officer, £25, Poll Clerk, £10,—Expenses incurred at Placentia and St. Mary's, £9 10 8—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred at Ferryland—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred at Conception Bay, £37 12 8—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred in Trinity Bay, £1 4—Returning Officer, £25, Poll Clerk, £10,—Expenses incurred at Bonavista, £3 8 8,—Returning Officer, £25,—Poll Clerk, £10,—Expenses incurred at Fogo, £13,—Returning Officer, £25,—Poll Clerk, £10.

70. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds, be granted to her Majesty towards defraying the salary of the Clerk of her Majesty's Council, for the past session.

71. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the Salary of the Master-in-Chancery attending the Council for the past session.

72. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted to her Majesty towards defraying the Salary of the Usher of the Black Rod.

73. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty five pounds, be granted to her Majesty towards defraying the salary of the Door Keeper of her Majesty's Council.

74. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and ninety six pounds, fourteen shillings and one penny be granted to the Clerk of her Majesty's Council to defray the contingent expences of the Council during the past session.

75. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds, be granted to her Majesty towards defraying the salary of the hon. the Speaker of the House of Assembly during the past session.

76. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds, be granted to her Majesty towards defraying the salary of the Solicitor of the House of Assembly for the past session.

77. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty five pounds, be granted to her Majesty towards defraying the salary of the Door Keeper of the House of Assembly for his services during the past session.

78. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted to her Majesty towards defraying the salary of two under Door-keepers of the House of Assembly for their services during the past session, at twenty-five pounds each.

79. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty pounds, be granted to her Majesty towards defraying the salary of the Messenger of the House of Assembly for his services during the past session.

80. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds, be granted to her Majesty towards defray-

ing the salary of the Assistant Messenger of the House of Assembly for for his services during the past session. Report.

81. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted to her Majesty towards defraying the salary of the reporter of the House of Assembly for his services in reporting proceedings &c. of the Assembly during the past session.

82. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted, to her Majesty towards defraying the salary of Librarian of the Legislature for her services.

83. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds, be granted to her Majesty towards remunerating the Treasurer of this Colony for procuring copies of certain public accounts.

84. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty-six pounds sixteen shillings and three pence, be granted to her Majesty towards defraying the expense of arrears due to John Shea for printing Journals of House of Assembly for the session of 1836.

85. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighty-eight pounds one shilling, be granted to her Majesty towards defraying the arrears of expense of firing Fog Guns from the 1st July, 1836, to 31st December, 1836.

86. *Resolved*,—That it is the opinion of this committee that a sum not exceeding nine hundred and fifty-one pounds five shillings, be granted to her Majesty towards defraying the expenses under the following general heads, for the quarter ending June 30th, 1837, being one-fourth of the several sums voted for those purposes as herein-before mentioned, that is to say—Civil and Judicial Printing, £87 10s.; Criminal Prosecutions, £125; Expenses of Prisoners, £75; Repairs of Gaols and Court Houses, £25; Coroners, £30; Fuel and Light, £50; Medical Attendant at Gaol at St. John's, £10; Ditto at Harbor Grace Gaol, £5; Barber at Gaol at St. John's, £3 15s.; Postages, £15; Contingencies, £25; and also to the Poor of St. John's a further sum of £250, and to the poor of the Out Ports £250.

87. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred and fifty pounds, be granted to her Majesty towards defraying the expenses of a geological survey of this Island.

88. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ninety-two pounds seventeen shillings be granted to her Majesty towards defraying the fees of the Solicitor General.

89. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds, be granted to her Majesty towards remunerating James M'Donald of Harbor Grace for supporting a deserted child (Thomas Fanning).

90. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds seven shillings and sixpence, be granted to her Majesty towards remunerating Robert Tremlett of Twillingate for supporting and transmitting to St. John's a pauper child.

Report.

91. *Resolved*,—That it is the opinion of this committee that a sum not exceeding nine pounds two shillings and sixpence be granted to the Honorable the Speaker of the House of Assembly to defray the expenses of Newspapers for the House of Assembly that is to say—the Patriot Newspaper, 1*l.* 5*s.*; Royal Gazette, 1*l.* 1*s.*; Ledger, 1*l.* 11*s.* 6*d.*; Newfoundlander, 1*l.* 1*s.*; Times, 1*l.* 1*s.*; Mercury, 1*l.* 1*s.*; Star, 1*l.* 1*s.*; Sentinel, 1*l.* 1*s.*

92. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards compensating Stephen J. Daniel late of Carbonear for services performed as an Assayer of Weights and measures.

93. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of the Stipendiary Magistrate of Fogo and Twillingate.

94. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and forty five pounds sixteen shillings and sevenpence be granted to her Majesty towards defraying the charges of Registering Voters as follows:—In the District of St. John's, Thomas O'Connor, 2*l.* 5*s.*; Robert Holden, 8*l.*; James Finlay, 10*l.*; John M'Lennan, 2*l.* 6*s.* 1*d.*; John Toor, 1*l.* 14*s.* 7*d.*; John Freeman, 1*l.* 14*s.* 7*d.*; William Heaney, 1*l.* 14*s.* 7*d.*; Thomas Morton, 1*l.* 14*s.* 7*d.*; Henry Winton, Stationery, 9*l.* 13*s.* 2*d.*—In Conception Bay, Thomas Danson, 7*l.* 7*s.*; John Buckingham, 2*l.* 2*s.*; William Sterling, 8*l.* 8*s.*; Richard Rankin, 8*l.* 8*s.*; James Sharp, 5*l.* 5*s.*; Benjamin Rowe, 3*l.* 11*s.*; Daniel Bearnes, 4*l.* 10*s.*; John Bowes, 3*l.*; Thomas Butler, 4*l.* 10*s.*; William Smith, 2*l.* 10*s.*; Robert Connel, 2*l.* 10*s.*; William Mallowney, 2*l.* 10*s.*—In Trinity Bay, John Reagan, 8*l.*; James Constable (for 1835), 13*s.* 4*d.*; John Collins (1835), 1*l.* 6*s.* 8*d.*; Martin Ady (1835), 2*l.*; John Rendell (1835), 2*l.*; William James, Constable, 1*l.*; Thomas Green, for Boat hire, 2*l.* 10*s.*; Charles Granger, 2*l.* 10*s.*; Benjamin Sweetland, 5*l.*—In Bonavista Bay, Sampson Miffiu 7*l.* 10*s.*; J. L. Oakley, 7*l.* 10*s.*; James Allen (1835), 5*l.*—In Ferryland, William Traynor, 4*l.*; William Sweetland (1835), 3*l.* 3*s.*

95. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty towards defraying extra expenditure of James Wiseman in enumerating the census in Trinity Bay.

96. *Resolved*,—That it is the opinion of this committee that a sum not exceeding six hundred and ninety pounds and ninepence be granted to the hon. the Speaker of the House of Assembly to defray the Contingent Expenses of the House of Assembly for the past session.

97. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifteen pounds be granted to her Majesty to defray the expenses and remuneration of J. B. Bearnes as Assayer of Weights and Measures at Brigus and Port de Grave in Conception Bay.

98. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifteen pounds be granted towards com-

compensating the Clerk, Serjeant-at-Arms, Door Keeper, and Messenger, appointed by the Crown to the House of Assembly, that is to say—Edward Mortimer Archibald, Esq., £100; Elias Rendal, £50; John Stephenson, £35; William Kelly, £30.

99. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and sixty pounds, be granted to the Proprietors of the Newfoundlander towards defraying the expense of printing the Journals.

100. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ten pounds, be granted to Richard Perchard, House Keeper of the Legislature.

101. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred and eighty-eight pounds, be granted towards paying the representatives of the following districts one pound per diem each, for forty-two days attendance during the past session, that is to say—the Members for the District of St. John's, Conception Bay, Bonavista Bay, Trinity Bay, Fogo, Ferryland, Placentia and St. Mary's and Burin, such sums to be paid on the certificate of the Speaker.

102. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and sixty pounds, be granted to Robert John Parsons to defray the expense of the general printing of the House of Assembly.

103. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted towards defraying the expenses of Captain Pearl, Royal Navy, incurred in conveying Petitions to his late Majesty's Government praying the Establishment of a Local Legislature.

104. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eleven pounds two shillings, be granted towards defraying the expenses incurred by Thomas Chancey in the fitting up the Sessions House of Carbonear.

105. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds, be granted in addition to the salary of the Chairman of the Sessions for the District of St. John's.

106. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty-five pounds, be granted towards compensating Thomas Morton for loss of office.

107. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighteen pounds, be granted to the Clerk of the Peace at Harbor Grace.

108. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds per annum, for three years from the 8th May, 1838, be granted towards supporting a Grammar School at Carbonear under the direction of the following Board of Directors, that is to say—Robert Pack, John Walsh, M. D., William B. Bemister, and Felix M'Carthy.

109. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred pounds, be granted towards defraying the

Report.

expenses of three Delegates appointed by the House of Assembly to treat with her Majesty's Government in London on the subject of the Administration of Justice, the Agriculture, the Fisheries, and the general state of the Colony.

110. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two thousand pounds be granted to his Excellency the governor towards liquidating outstanding claims on the executive and to meet prospective deficiencies.

111. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds, be granted to remunerate the two Clerk's in the Secretary's Office for extra labor arising from the past session being protracted to a period of four months.

Resolutions agreed to.

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

Moved by Mr. Kent, seconded by Mr. Power,

Resolution for committee to draft bill.

Resolved,—That a committee be appointed to draft a Bill in conformity with the said Resolutions.

Committee.

Ordered,—That Mr. Kent, Mr. Power, the Solicitor General, and Mr. Doyle, do form such committee.

Bill for granting supplies to her Majesty for the year ending 30th June, 1838, presented & read 1st time.

Mr. Kent reported from the said committee that they had drafted a Bill for granting supplies to her Majesty for the year ending 30th June, 1838, which he presented to the House, and the same was read a first time.

2d reading.

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

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

Tuesday June 26, 1838.

Petition of J. Pitts presented and read.

MR. Kent presented a Petition of James Pitts of Lance Cove, Island of Belle Isle, Planter, and the same was received and read, praying for the appointment of Inspector of Pickled Fish, should the House deem an additional Inspector necessary.

To lie on the table.

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

House in committee on bill for granting supplies to her Majesty.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill granting supplies to her Majesty for the year ending 30th June, 1838.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

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

Bill engrossed.

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

3d Reading.

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

Wednesday, June 27, 1838.

IT being the time appointed by his Excellency the Governor to receive the House with their address in answer to his Excellency's speech, Mr. Speaker and the House waited upon his Excellency, and presented the same—

House wait upon his Excellency to present their address.

And being returned,

Mr. Speaker reported that his Excellency had been pleased to reply as follows :

Report.

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

His Excellency's reply.

“ I feel much gratified by the assurance contained in this address, and I shall ever be happy to aid your exertions for the public good.

*“ Government House, }
27th June, 1838.” }*

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from her Majesty's Council.

The Hon. Mr. Crowdy being admitted within the Bar, laid before the House, by command of his Excellency the Governor, the following documents and papers, viz.

Reply of the Secretary of State to the address of the Council, on the loss of the appropriation Bill.

Letter from the Secretary of State on the subject of the complaint made by the House of Assembly of a breach of Privileges, by Chief Justice Boulton.

Letter from the Secretary of State, stating that the Queen had received with much satisfaction the address of the House of Assembly of the 16th October last.

Letter from the Secretary of State on the subject of the address of the House of Assembly of the 18th October last, praying the removal from office of the Honorable Chief Justice Boulton.

Letter from the Secretary of State with reference to an address to the Queen from the House of Assembly, stating that the Lords of the com-

mittee of the Privy Council for the Trade do not consider it advisable to assist the British fisheries by bounties from the public purse.

Letter from the Secretary of State in acknowledgment of addresses of the House of Assembly on the subject of granting bounties in aid of the British fisheries.

Despatch of the Secretary of State with opinion of Crown Law officers as to the validity of unsealed writs.

Despatch from the Secretary of State on the subject of the illicit trade carried on between Foreign fishermen the English fishing vessels.

Despatch on the subject of Land.

Estimate of the charge of defraying the Civil Expenditure of the Island of Newfoundland, for the year ending 30th June, 1839.

Letter from Mr. Pinsent on the subject of a supposed case of poisoning, and enclosing his accounts

Presentments of Grand Juries of Ferryland, St. Mary's & Twillingate.

Application from the Magistrates of St. John's for Law Books.

Extract of a report from the Police Magistrates of St. John's.

Specification and estimate of repairs of Gaol and Court House at Trinity.

Estimate for making a sewer from the Gaol at Harbor Grace to the sea.

Accounts of John Reagan, Elizabeth Alexander, John Peyton, Esq. John Skelton, Registration of voters, Trinity Bay, Superintendants of Quarantine, and Board of Health, Bonavista.

A memorial of John Stephenson, praying for additional remuneration for taking the names of persons entitled to vote at Elections in the Southern District.

And then the Messenger withdrew.

The first mentioned document was read as follows:

Copy.
No. 169.

Downing Street, }
1st February, 1838. }

SIR,—I have had the honor to lay before the Queen the address from the Council of Newfoundland, in their Legislative capacity, which was enclosed in your despatch No. 61, of the 22d November, 1837, on the subject of the questions controverted between that body and the House of Assembly, during the last Session, and I have received her Majesty's commands to return the following answer.

The Queen deeply regrets the inconvenience to which her Majesty's faithful subjects in Newfoundland will be exposed by the loss of the bill of Supply for the current year, and regards with lively concern the jealousies between the two branches of the Local Legislature which led to that unfortunate result. The Queen, however indulges the hope that Her mediation will be accepted by both the parties to this discussion,

and that it will be effectual for re-establishing a good understanding between them, especially as their conflicting claims appear to originate rather in a mutual misapprehension than in any deeper and more settled cause.

The constitution of the Legislature of Newfoundland is avowedly modelled on that of the Imperial Legislature,—with regard to money grants, however, a distinction prevails. In the House of Commons no grant of money can be initiated except by the Crown. This rule practically does not extend in the House of Assembly, nor indeed in the Houses of Assembly of the British Provinces on the Continent of North America. In the latter a substitute has been devised, not less effectual in its operation, and more consonant with the general spirit of the Provincial constitution. It consists in the practice of either granting the supplies by the year by a series of bills, each of which is in turn sent up to the Council for acceptance, or in granting the supplies by separate Resolutions, in each of which successively the concurrence of the Council is obtained before it is included in the general appropriation act. In this respect the assemblies are subject to a restriction from which the House of Commons is exempt—a restriction which has still in view the same object, that of affording to the people a security against the misuse of that high trust which the constitution commits to their representatives.

If the Assembly should establish and exercise the double right of deciding without the intervention of the House, first on the amount of the public expenditure, and secondly, on the specific objects to which it should be applied, and if the only practical check on this power should consist in the right to reject all the votes of the session collectively, it is plain that a system would be introduced unknown either in the mother country or in the British North American Provinces, and it is equally plain that such a system would be attended with very grave inconvenience. Besides other evil consequences it would reduce the Council and the Governor to the dilemma of making, with a view to peace, concessions disapproved by their deliberate judgment, or of acting on that judgment to the derangement for twelve months of the whole internal economy of the local Government.

Her Majesty is therefore of opinion that the House of Assembly would exercise a sound and enlightened judgment in acquiescing either in the Parliamentary Rule which leaves to the Crown the first suggestion of all money grants, or in the rule of the Provincial Legislatures which brings every such grant under the separate revision of the Council—otherwise the extreme right on the one side must be encountered by a right equally extreme on the other side, and the contests between the two Houses of Local Legislature, must be pursued at the expense of the people.

But although there can be no doubt that the Council should exercise freely and fearlessly the right of rejecting an appropriation act, it does not therefore follow that a judicious use was made of this right on the present occasion. Her Majesty having been appealed to by the Council desires to express, though with every feeling of respect for the Legislative Council, a different opinion.

The appropriation bill appears to have been rejected by the Council, because various important services were provided for inadequately—because the supply was voted in such minute detail as to bring under the revision of the Assembly the case of each public officer, not excepting those who filled the most humble and obscure places—and because the sums voted

for contingencies were considered as an unjustifiable diversion of the public revenue from its proper objects to the personal advantage of the individual Members of the House of Assembly. However much the deficiency of the supply, or the extreme minuteness of the appropriation might justly be regretted, these circumstances do not seem to afford any valid reason for the rejection of the bill. The third reason indeed involves so grave an imputation that it is difficult to discuss it without trenching on the deference due to the Representative Assembly of Newfoundland. Such an imputation, it is clear, ought not to be cast without the utmost caution, and on the clearest proof. It is, of course, not to be admitted merely on inference and conjecture, nor does the amount of money involved in the question warrant such a conclusion. Considering, also, that so unworthy an abuse of the most sacred and honorable public trust could hardly fail to be visited with the censure of society at large, the Council might, it should seem, safely refer the offending parties to the tribunal of public opinion, with a reasonable security that at no distant time it would be expressed in unequivocal terms, even against those who for the moment might appear to enjoy the most unbounded popularity. If it were necessary to believe that such abuses had been really practised, it might well be doubted whether the authors of them would not derive impunity and encouragement from the public favour so readily bestowed on those who are engaged in a contest of which popular franchises are at least the invariable pretext. The case, therefore, ought to be exceedingly clear and strong which would justify the rejection of a bill of supply on the ground of a selfish misappropriation of the public money by the House of Assembly.

During a session of four months continuance, the sums appropriated under the head of contingencies amounted to £2393 6s. 3d., a sum considerable, it is true, when compared with the expenditure of other branches of the public service, and probably admitting of some retrenchment in future years, but not so large as to justify the very serious reproach cast on the Assembly of lavishly voting for their own benefit as individuals, money which ought to have been applied for the good of the public collectively. The practice of claiming a remuneration for serving in the Assembly, or at least an indemnity against the expenses of such service, cannot reasonably be condemned: it is sanctioned by many precedents and by many considerations of great weight. In the very delicate office of assessing the amount of their own remuneration there can hardly be a doubt that the members of the House of Assembly will, on consideration, see the propriety of leaving to the Council a controul of the most unfettered kind, and will admit that this is a branch of the public expenditure over which it is emphatically needful that a constitutional jealousy should be exercised.

Adverting to the whole of this subject, the Queen commands me to signify through you to the Council her Majesty's opinion that if a bill of supply and appropriation, substantially corresponding with the present, should again be sent up by the House of Assembly, it ought not to be rejected on the grounds assigned by the Council for the rejection of the present bill.

I have, &c.

(Signed) GLENELG.

Governor PRESCOTT,
&c. &c. &c.

The next seven Documents were then read.—(For these Documents and Estimate see *Appendix*.)

Documents read.

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

To lie on the table.

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

Friday, June 29, 1838.

MR. Speaker laid before the House a Letter from the Hon. Mr. Secretary Crowdy transmitting, by direction of his Excellency the Governor, a Memorial of Mr. Mayne, with his Excellency's recommendation of it to the favorable consideration of the House.

Letter from Hon. Mr. Secretary Crowdy transmitting Memorial of Mr. Mayne.

The Memorial above referred to prayed that the House would be pleased to continue to Memorialist the salary attached to the office of Clerk of the Peace for Conception Bay when he entered upon the duties thereof, or to grant him such increase as the House shall consider his services in justice entitle him to.

Ordered,—That the said Memorial do lie upon the table.

To lie on the table.

A Petition of Alfred Mayne, of Harbor Grace, was presented by Mr. Power, and the same was received and read, praying that the House will be pleased to continue to him the salary attached to the office of Clerk of the Peace for Conception Bay when he entered upon the duties thereof or to grant him such increase as the House shall consider his services in justice entitle him to.

Petition of A. Mayne presented and read.

Ordered,—That the said Petition do lie upon the table.

To lie on the table.

Pursuant to the order of the day, an engrossed Bill for granting supplies to her Majesty was read a third time.

Bill for granting supplies to her Majesty read 3d time.

Moved by Mr. Kent, seconded by Mr. Power,

Resolved,—That the Bill do pass, and that the title be "An Act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-eight, and for other purposes."

Passed.

Title.

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

Sent to Council.

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

Resolved,—That the reply of the Secretary of State to the address of the Council on the loss of the appropriation Bill, be printed for the use of the Members.

Document to be printed.

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

Monday, July 2, 1838.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency the Governor.

THE Hon. Mr. Secretary Crowdy, being admitted within the Bar, informed the House he had a message from his Excellency the Governor signed by his Excellency, which he presented to the House.

And then the Messenger withdrew.

The said message was read and is as follows :—

H. PRESCOTT.

In transmitting to the House of Assembly the accompanying Petition, from Mr. Henry Earle, the Governor is desirous of expressing his opinion that whatever errors may have been committed in the matter of the double Election, or wherever those errors may have originated, no blame on that account is imputable to the officers employed under the authority of Government, who necessarily incurred expense and must be deemed entitled to remuneration for their personal services on both occasions.—His Excellency relies with confidence on the calm and dispassionate decision of the House upon the justice of these claims.

Government House, }
2nd July, 1838. }

Petition read.

The Petition accompanying the said message was then read by the Clerk, praying for remuneration for expenses incurred and services performed by him as Poll Clerk at the Election of 1836, in the District of Trinity.

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

Referred to committee of supply.

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

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

Monday, 9th July, 1838.

Notice of address to his Excellency the Governor.

MR. Winsor gave notice that, on an early day, he should move that a committee be appointed to prepare an address to his Excellency the Governor praying that his Excellency will be pleased to cause to be laid before the House, a statement of all warrants on the Treasury for money, from the first of November, 1837, to this date, designating the person and amount.

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

Tuesday, July 10, 1838.

THE Solicitor General gave notice that, on Tuesday next, he should move for leave to bring in a Bill to fix the sittings of the Supreme and Circuit Courts of this Island.

Notice of bill to fix the sittings of the Supreme and Circuit Courts.

Mr. Brown gave notice that, on an early day, he should move for leave to bring in a Bill to amend an act passed in the second session of the Legislature, intituled "An act for registering the names of persons entitled to vote at Elections."

Notice of bill to amend act for registering the names of persons entitled to vote at elections.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message:—

Message from her Majesty's Council requesting conference.

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-eight, and for other purposes," and have appointed Conferrees to meet the Managers from the Assembly in the committee room of the Council presently.

A. WALKER, *President.*

Council-Chamber, }
10th July, 1838, 1½ P. M. }

And then the Messenger withdrew.

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

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

Conference agreed to.

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

Council acquainted thereof.

Ordered—That Mr. Kent, the Solicitor General, Mr. Brown and Mr. Doyle do manage the said conference on the part of this House.

Managers named.

And they went to the conference—and being returned—

Conference held.

Mr. Kent reported that the managers had been at the conference, and he delivered the report in at the Clerk's table where it was read as follows:—

Report.

The Council have desired this conference with the House of Assembly in order to preserve that good correspondence with the Assembly which the Council will always endeavour to maintain; and on this occasion of their evincing the earnestness with which they hold this desire, by

Report.

agreeing to the Bill sent up by the Assembly, entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-eight, and for other purposes," the Council deem it essentially necessary to lay before the Assembly the grounds and reasons which have influenced them in the adoption of a Bill in this instance under a departure from the forms and proceedings which they deem by custom and precedent, no less than by principle, as of the greatest importance to be upholden.

The Council, therefore, desire to acquaint the House of Assembly, that it is in dutiful accordance with the gracious recommendation of her Majesty, conveyed in the Despatch of her Majesty's Secretary of State for the Colonies, that the Council have agreed to pass a Bill of Supply substantially corresponding with that rejected in the last Session of the Legislature; in the earnest expectation that this adoption by the Council of her Majesty's gracious mediation will be met by correspondent feelings on the part of the House of Assembly, and that future Bills of Supply will be framed conformably to the principles suggested by her Majesty, in order that the Council may be spared the necessity of exercising the extreme right of rejecting them if framed in opposition to those principles.

A. WALKER, *President.*

Council Chamber, }
10th July, 1838. }

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message:—

Mr. Speaker,

Her Majesty's Council have passed the Bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty eight, and for other purposes," without amendment.

A. WALKER, *President.*

Council-Chamber, }
10th July, 1838. }

And then the Messenger withdrew.

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

Thursday, July 12, 1838

Notice of address to his Excellency the Governor.

THE Solicitor General gave notice that, to-morrow, he should move an address to his Excellency the Governor praying that his Excellency will be pleased to advance a certain sum of money, then to be named, to enable his Excellency to send the Judges of the Supreme Court upon their respective Circuits, and that this House will reimburse his Excellency for the same.

Mr. Winsor, pursuant to notice and leave granted, presented a Bill to prevent fraud in the sale of certain Articles imported into this Colony, and the same was received and read a first time.

Bill to prevent fraud, &c., presented and read first time.

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

2d reading.

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

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

Mr. Kent gave notice that, to-morrow, he should move that the House resolve itself into a committee of the whole on the consideration of ways and means.

Notice of motion for committee of whole on ways and means.

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

Friday, July 13, 1838.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency the Governor

THE Hon. Mr. Secretary Crowdy, being admitted within the Bar, laid before the House by command of his Excellency the Governor, the following documents, viz.

Treasurer's General Statement, 1837-8.
Supplement to the Treasurer's accounts.
Temporary Warrants, 1837-8.
Minute of Council, 1st December, 1837.

—(For these Documents see *Appendix*.)

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

To lie on the table.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of ways and means.

House in committee on ways and means.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had agreed to two Resolutions which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's table where they were again read as follow:

Report.

Resolved,—That it is the opinion of this committee that the act 1st Vic. cap. 1, entitled "An act for granting to her Majesty certain duties on goods, wares and merchandize, imported into this colony and its dependencies," and which act expires on the 18th November next, be renewed.

Resolved,—That it is the opinion of this committee that the said act should continue to be in operation for the period of twelve months, commencing on the 18th day of November, 1838, and ending the 18th day of November, 1839, and no longer.

Resolutions agreed to.

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

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

Resolution for committee to draft bill.

Resolved,—That a committee of five be appointed to draft a bill in conformity with the said resolutions.

Committee.

Ordered,—That Mr. Brown, Mr. Winser, Mr. Kent, the Solicitor General, and Mr. Doyle, do form such committee.

Message from his Excellency the Governor commanding attendance of House.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR,

By Joseph Templeman, Esquire, Usher of the Black Rod, requiring the attendance of the Members of the House in the Council Chamber.

Mr. Speaker reports.

Mr. Speaker and the House attended accordingly, and being returned, Mr. Speaker reported that his Excellency had been pleased to assent to the bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this colony for the year ending the Thirtieth day of June, in the year of Our Lord One thousand Eight hundred and Thirty-eight, and for other purposes."

Notice of bill for retirement of members, &c.

Mr. Brown gave notice that he should, to-morrow move for leave to bring in a bill for the retirement of Members of the Assembly in certain cases, and to provide for the Election of others in their stead.

Address to his Excellency moved.

Mr. Winser gave notice that he should, to-morrow, move that a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency will be pleased to cause to be laid before the House a detailed account of the Expenses incurred for the conveyance of the Judges on Circuit during the year of 1837.

Notice of Bill to extend jurisdiction of Courts of sessions in this Island, &c.

Mr. Kent gave notice that he should, on an early day, move for leave to bring in a bill to extend the jurisdiction of the Courts of Sessions in this Island, and to regulate the amount of fees payable in the same.

Bill to authorise his Excellency to admit persons to practice the profession of the Law, &c.

Mr. Kent, pursuant to notice and leave granted, presented a bill to authorise his Excellency the governor, to admit persons to practice the profession of the Law in the several Courts of this Island.

2d reading.

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

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

Saturday, July 14, 1838.

Retirement of Members bill presented and read.

MR. Brown, pursuant to notice and leave granted, presented a bill for the retirement of Members of the Assembly, in certain cases, and to provide for the election of others in their stead, and the same was received and read a first time.

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

2d reading.

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

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

Pursuant to the order of the day, a bill to authorise his Excellency the governor, to admit persons to practice the profession of the Law in the several Courts of this colony, was read a second time.

Bill to authorise his Excellency to admit persons to practice the profession of the Law read 2d time.

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

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

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

To be committed.

Mr. Kent, from the committee appointed to draft a bill for granting to her Majesty certain duties on goods, wares, and merchandise imported into this colony and its dependencies, reported that they had prepared a bill for that purpose, which he presented to the House, and the same was read a first time.

Bill for granting to her Majesty certain duties on goods, &c. read 1st time.

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

2d reading.

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

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor praying his Excellency to cause to be laid before the House a detailed statement of the expenses attending the conveyance of the Judges on the Circuits in the year 1837.

Resolution for committee to prepare address to his Excellency for sundry documents.

Ordered,—That Mr. Winser, Mr. Moore, and the Solicitor General, do form such committee.

Committee.

Mr. Winser gave notice that, on Tuesday next, he should move for a committee to prepare an address to his Excellency the Governor, praying that his Excellency would be pleased to communicate to this House all circumstances respecting the directors of the Hospital, for the district of Ferryland, including the time, manner, and particulars of their election, the particulars of all their proceedings since, together with a detailed account of all sums of money received and applied by them to this time.

Address to his Excellency for sundry documents moved.

Also that his Excellency will be pleased to cause to be laid before this House a copy of all the reports and proceedings of the commissioners of roads for the district of Ferryland, appointed by his Excellency for the expenditure of the sum of nine hundred pounds granted in the year 1836, together with a detailed account of the expenditure of the said sum.

Mr. Dwyer gave notice that, on Monday next, he should move an address to his Excellency the Governor praying that his Excellency would cause to be laid before the House a return of all license money collected in the outports from the first day of October, 1835, to the first day of October, 1837.

Address to his Excellency for sundry documents moved.

Notice of address, &c.

Copies of the swearing in of all Magistrates at the outports since the accession of her present Majesty.

Copies of correspondence between his Excellency and the different Boards of Education for the out-ports, together with all resolutions adopted at their meetings since the first day of July, 1837, to the present time.

A return of the Census for the District of Fogo.

Report of committee appointed to prepare address to his Excellency.

Mr. Winser, from the committee appointed this day to prepare an address to his Excellency the Governor, reported that they had prepared the draft of an address accordingly, which he presented to the House, and the same was delivered in at the Clerk's table and read as follows :

Address read.

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before them a detailed statement of the expenses attending the conveyance of the Judges on the Circuit in the year One thousand Eight hundred and Thirty-seven.

Adopted.

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

Committee to present it.

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

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



Monday, July 16, 1838

Bill to fix the Terms of the Supreme and Circuit Courts read 1st time.

THE Solicitor General, pursuant to notice and leave granted, presented a bill to fix the terms of the Supreme and Circuit Courts of this Island, and the same was received and read a first time.

2d reading.

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

Moved by Mr. Brown, seconded by Mr. Winser,

Resolution for committee to examine into and defray expenses attending Delegation, &c.

Resolved,—That a committee be appointed to examine into and defray the expenses attending the Delegation of the three Members of the House of Assembly to London, and that they be authorized to receive

the amount voted by the House for that purpose, viz., Five hundred pounds, and to disburse all ascertained expense in carrying the mission of the Delegates into effect, and that all papers and accounts relating thereto be referred to the said committee.

Ordered,—That Mr. Brown, Mr. Winser, and the Solicitor General, do form the said committee.

Committee.

Mr. Brown reported from the said committee that they had received a report from the chairman of the committee appointed last Session to carry certain Resolutions into effect ; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

Report.

Mr. Kent as chairman of the said committee reported that he, on the faith of the Resolutions of this Honorable House, expended the following sums for which he now prays remuneration.

| | |
|--|--------------------|
| To the Hon. the Speaker..... | £150 |
| “ John Valentine Nugent, Esq..... | 150 |
| “ Patrick Morris, Esq..... | 150 |
| For the passage to Britain of the Hon. the Speaker and Mr. Nugent..... | 24 |
| For the passage of Mr. Morris..... | 12 |
| | Currency £486 |
| | is |
| | Sterling £421 |
| Interest from 20th November to this date..... | 15 15 9 |
| | Sterling £436 15 9 |

JOHN KENT, *Chairman.*

St. John's, Newfoundland, 16th July, 1838.

Pursuant to the order of the day, a Bill for granting to her Majesty certain duties on goods, wares and merchandize imported into this Colony, was read a second time.

Bill for granting to her Majesty certain duties, &c., read 2d time.

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

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

To be committed

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

To-morrow.

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

House in committee on Bill to authorise his Excellency to admit persons to practice the profession of the Law.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

Amendments read and agreed to.

Bill engrossed.

3d Reading.

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

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

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

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

Tuesday, July 17, 1838.

Notice of Bill to amend act for the more speedy abatement of nuisances.

THE Solicitor General gave notice that he should, on an early day, ask leave to bring in a Bill to amend an act passed in the third year of the Reign of his late Majesty William the Fourth, entitled "An act for the more speedy abatement of Nuisance."

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

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor agreeably to the said notice.

Committee appointed.

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

Report.

Mr. Winser, from the said committee, reported that they had prepared the draft of an address to his Excellency the Governor in pursuance of the said Resolution which he delivered in at the Clerk's table, where it was read as follows:—

Address read.

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will please communicate to them all circumstances connected with the Directors of the Hospital for the District of Ferryland, including proceedings and particulars of the time and manner of their election, all particulars of their proceedings since, together with a detailed account of all sums of money received and applied by them, to the first of July, 1838.

A copy of the report and proceedings of the Commissioners of Roads and Bridges for the district of Ferryland appointed by your Excellency for the expenditure of the sum of Nine hundred pounds granted in the year 1836, together with a detailed account of the expenditure of the said sum.

Also, a copy of the Records of the Court of General Sessions of Ferryland from the first of January, 1835, to the first of July, 1838.

Adopted

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

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

Committee to present it.

A Petition of Charles F. Bennett, Richard Voisey, John Dwyer, and other residents of Quidi Vidi and upon the Road leading to it on the South Side of the Pond, was presented by Mr. Kent, and the same was received and read, praying the House to appropriate a sum of money for repairing of the said Road.

Petition of C.F. Bennett and others presented & read.

Ordered,—That the said Petition do lie upon the table.

To lie on the table.

Agreeably to the order of the day, an engrossed Bill to authorise his Excellency the Governor, to admit persons to practice the profession of the Law in the several Courts of this colony, was read a third time.

Bill to authorise his Excellency to admit persons to practice the profession of the Law read 3d time.

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

Resolved,—That the Bill do pass, and that the title be "An Act to authorize his Excellency the Governor to admit persons to practice the profession of the Law in the several Courts of this Colony."

Passed.

Title.

Mr. Dwyer, pursuant to notice, presented to the House the draft of an address to his Excellency the Governor, and the same was delivered in at the Clerk's table, where it was read as follows:—

Draft of address to his Excellency presented & read.

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to order the following Returns to be laid before the House, viz:—

A return of all license money collected in the out-ports from the first day of October, 1835, to the first day of October, 1837.

Copies of the date of swearing in of all Magistrates in the out-ports since the accession of her present Majesty.

Copies of all correspondence between your Excellency and the different Boards of Education for the out-ports, together with all resolutions adopted at their meetings since the first day of July, 1837, to the present time.

A return of the Census for the District of Fogo.

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

Adopted

Ordered,—That Mr. Dwyer and Mr. M'Carthy be a committee to present the said address to his Excellency.

Committee to present it.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR,

Message from his Excellency the Governor

The Hon. Mr. Secretary Crowdy, being admitted within the Bar, presented to the House a message from his Excellency the Governor, signed by his Excellency, and the said message was read by Mr. Speaker and is as follows:—

Message,

H. PRESCOTT.

The Governor wishes to draw the attention of the House of Assembly to a despatch from his Excellency the Earl of Durham, on the subject of Crown Lands which will be found in this days Gazette.

Government House, }
17th July, 1838. }

The Hon. Mr. Secretary Crowdy also presented to the House, by direction of his Excellency the Governor, an abstract of the Census of the population, &c., of the Electoral district of Fogo.

To lie on the table.

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

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

Resolved,—That the despatch referred to in the said message be read and inserted in the Journals of the House.

Despatch read.

And the said despatch was read accordingly and is as follows:—

Castle of St. Lewis, Quebec, }
18th June, 1838. }

SIR,—In the exercise of the powers vested in me as Governor General of her Majesty's Colonies in North America, and with a view to the permanent establishment of an improved system in the disposal of Waste Lands, the property of the Crown, in those Colonies, and the promotion of emigration thereto, upon the most extensive scale that circumstances will admit, I have prepared a Commission, directing an immediate enquiry into the subject, for each of the Provinces and Islands comprised in my general Government, and also authorizing the Commissioner therein named to issue temporary rules and regulations for the disposal of Crown Lands in each Colony, and to give instructions to the officers of the Crown Lands' department as to the performance of their duties.

I enclose the commission as prepared for the Island of Newfoundland, and have to direct that you will cause the Great Seal of that Island to be immediately affixed thereto, and that the Commission, together with a copy of this despatch, may be published in the usual manner.

As one of the incidental, though not least desirable results of an improved system in the disposal of lands, the property of the Crown, may, I hope, be a very considerable increase in the value of all lands which have become private property, and as the expectation of such a result might lead to applications for grants of land, upon the terms now in force, to such an extent as should defeat, or at least seriously impede, the most beneficial operation of the improved system, and especially the very desirable result above-mentioned, I have also to instruct you, that, until further directions from me, you will, so far as it may be in your discretion under any Provincial Act or Royal Instructions or otherwise, abstain from alienating any waste lands, the property of the Crown. You may rely on receiving those further directions in so short a time as to prevent any inconvenience from the present suspension of your discretionary powers in this respect.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

DURHAM.

His Excellency
Captain PRECOTT, R. N., &c. &c.

Moved by Mr. Winser, seconded by Mr. Moore,

Resolved,—That forty copies of the Census Return for the District of Trinity be printed for the use of the members of the House.

Census returns to be printed

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

Wednesday, July 18, 1838.

PURSUANT to order, a bill to fix the Terms of the Supreme and Circuit Courts of this Island, was read a second time.

Bill to fix the Terms of the Supreme and Circuit Courts read 2d time.

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

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

To be committed.

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

Mr. Winser, from the committee appointed on the 14th inst., to wait on his Excellency the Governor with an address of the House then adopted, reported that they had presented the said address, and that his Excellency was pleased to reply thereto that he would cause to be laid before the House the returns therein prayed for.

Report of committee appointed to prepare address to his Excellency.

Agreeably to the order of the day, a bill for the retirement of members of the Assembly in certain cases, and to provide for the election of others in their stead, was read a second time.

Retirement of Members Bill read 2d time.

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

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

To be committed

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

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy, being admitted within the Bar, acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and the said message was read by Mr. Speaker as follows :

Message from his Excellency the Governor

H. PRESCOTT.

The Governor perceiving by the Journals that the House of Assembly is in committee on the Revenue bill, deems it necessary to bring under the consideration of the House the expediency of making provision for a Custom House officer at Greenspond on the same footing as at La Poille, considerable loss to the Revenue having arisen from the want of such an officer.

Government House, 18th July, 1838.

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

Ordered,—That the said message be referred to the committee on ways and means.

Referred to committee on ways and means.

House in committee on Bill for granting to her Majesty certain duties on goods, &c.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for granting to her Majesty certain duties on goods, wares and merchandize imported into this Colony.

Mr. Speaker left the chair.

Mr. Winser took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to a resolution thereon which they had directed him to report to the House, and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows ;

Resolved,—That an address be presented to his Excellency the Governor praying that his Excellency will cause to be laid before this House a return of the amount of Revenue received by the Sub-Collector of the Customs from La Poille Bay since his appointment, and also a return of the amount of imports into Greenspond, with the duties collected thereon for the last five years.

Resolution read and agreed to.

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

Moved by Mr. Brown, seconded by Mr. Kent,

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare the said address.

Committee.

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

Report of committee appointed to draft address to his Excellency.

Mr. Brown, from the said committee, reported that they had prepared the draft of an address in pursuance of the said Resolution, which he delivered in at the Clerk's table, where the same was read as follows ;

Address read.

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

May it please Your Excellency,

The House of Assembly respectfully request that your Excellency will cause to be laid before this House a return of the amount of Revenue received by the sub-Collector of the Customs from La Poille Bay since his appointment to that station, and also a return of the amount of Imports into Greenspond, with the duties collected thereon for the last five years.

Adopted,

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

Ordered,—That Mr. Brown and Mr. Kent be a committee to present the said address to his Excellency. Committee to present it.

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

Thursday, July 19, 1838.

PURSUANT to the order of the day, a bill to prevent fraud in the sale of certain articles imported into this colony, was read a second time.

Bill to prevent fraud in sale of certain articles, &c., read 2d time.

Moved by Mr. Winsor, seconded by Mr. Moore,

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

To be committed.

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

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill for the retirement of members of the Assembly in certain cases, and to provide for the election of others in their stead.

House in committee on Retirement of Members Bill.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Resolved,—That this House will, on the second of August next, resolve itself into the said committee.

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

Saturday, July 21, 1838.

A Petition of Charles Blackman and John Jacobs, commissioners to represent the wishes of the people of Port de Grave, was presented by Mr. Power and the same was received and read, praying for a grant of a further sum for the improvement of the Roads in Port de Grave, and also a sum for widening and improving the road from Port de Grave through Barreneed to the

Petition of C. Blackman and others presented & read.

Northern Gut of Port de Grave, a distance of four miles, there to join the main road leading from St. John's round Conception Bay.

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

Referred to committee on roads and bridges.

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

House in committee on Bill to prevent fraud in sale of certain articles, &c.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the consideration of the bill to prevent fraud in the sale of certain articles imported into this colony.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendment read and agreed to.

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

Engrossed. 3d reading.

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

Notice of Bill to repeal registration of voters act.

Mr. Brown gave notice that, on Monday next, he should ask leave to bring in a bill to repeal an act passed in the second session of the Legislature, entitled "An act for registering the names of persons entitled to vote at Elections."

Notice of registration of voters bill.

Mr. Brown also gave notice that he should, on Monday next, ask leave to bring in a bill for registering the names of persons entitled to vote at elections.

Notice of bill to prevent fraud in the culling of fish, &c.

Mr. Moore gave notice that he should, on an early day ask leave to bring in a bill to prevent fraud in the guaging of oil and the culling of fish in this colony.

Notice of bill respecting the making of oil barrels

Mr. Moore also gave notice that he should, on an early day, ask leave to bring in a bill that no oil be shipped from the Island in any cask but those made of the wood of this country, save and except porter tierces.

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

Monday, July 23, 1838.

Report of committee appointed to present address to his Excellency.

MR. Brown, from the committee appointed to present an address of the House adopted on the 18th inst. to his Excellency the Governor, reported that they had waited on his Excellency with the address accordingly, when his Excellency was pleased to reply as follows :—

Gentlemen,

I will call upon the Acting Collector of the Customs for Returns in accordance with this address.

His Excellency's reply.

Government House, }
23rd July, 1838. }

Mr. Winsor, from the committee appointed to present to his Excellency the Governor an address of the House adopted on the 17th inst., reported that the committee had presented the address to his Excellency and that his Excellency was pleased to deliver the following reply:—

Report of committee appointed to present address to his Excellency.

Gentlemen,

With reference to the first paragraph of this address I can only call for such returns as by the last clause of the Act 6, Wm. 4, cap. 1, are prescribed to be made by the Directors.

His Excellency's reply.

The Documents connected with Roads in the Ferryland District shall be demanded from the Commissioners and forwarded to the House.

I do not feel myself authorized to comply with the request contained in the concluding paragraph.

Government-House, }
23rd July, 1838. }

Mr. Dwyer reported from the committee appointed to present an address of the House adopted on the 17th inst., that the committee had presented the address to his Excellency and that his Excellency was pleased to make the following reply.

Report of committee appointed to present address to his Excellency.

Gentlemen,

I will call upon the Treasurer for the amount of Licence Money received during the period mentioned in this address.

His Excellency's reply.

No Commissions of Justices of the Peace has been issued for the Northern or Southern Districts since the accession of her Majesty, nor has any return of the administration of Oaths to Magistrates been received.

The correspondence mentioned in the third paragraph shall be supplied.

The census for the District of Fogo is already in the possession of the House.

Government House, }
23rd July, 1838. }

Mr. Brown, pursuant to notice and leave granted, presented a bill to repeal an act passed in the 2nd session of the Legislature, entitled "An act for the registering of the names of persons entitled to vote at Elections."

Bill to present act for registering the names of persons entitled to vote at elections presented.

Mr. Brown, pursuant to notice and leave granted, presented a bill to provide for the registering the names of persons entitled to vote at Elections.

Bill to provide for the registering the names of persons presented.

Letter from the Hon. Mr. Secretary Crowdy transmitting memorial of Mrs. Blaikie.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy transmitting by direction of his Excellency the Governor a memorial of Mrs. Blaikie.

The said memorial was then read by the Clerk, setting forth—

Memorial.

That Memorialist's late husband had, for the last 28 years, been in the public service in this country, and within four days of his death he faithfully and, as she trusts, satisfactorily discharged the duties of numerous public situations. That the heavy expense attendant on the maintaining and educating his large family prevented deceased from making any provision for them, and at the time of his death leaving them in a state of the greatest destitution and poverty. That deceased having been deprived of a valuable office, the Hon. the House of Assembly with no less liberality than justice, granted him a compensation of £100 stg. That Memorialist therefore humbly, yet hopefully, lays her deplorable case before the House, trusting it will receive that attention and relief which the long services of her late husband and the destitute condition of Memorialist and family may deserve.

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

Referred to committee of supply.

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

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

Tuesday, July 24, 1838.

Bill to prevent fraud in sale of certain articles, &c., read 3d time.

PURSUANT to the order of the day, an engrossed bill to prevent fraud in the sale of certain articles imported into this Colony, was read a third time.

Moved by Mr. Winsor, seconded by Mr. Moore,

Passed.
Title.

Resolved,—That the said Bill do pass, and that the title be “An Act to prevent fraud in the sale of certain articles imported into this colony.”

Sent to Council.

Ordered,—That Mr. Winsor and Mr. Moore do carry the Bill up to her Majesty's Council and desire their concurrence.

Bill to prevent fraud in the culling of fish, &c., presented and read 1st time.

Mr. Moore, pursuant to notice and leave granted, presented a Bill to prevent fraud in the culling of fish and the guaging of oil, and the same was received and read a first time.

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

To be printed and read 2d time on Monday next

Ordered,—That the said bill be printed for the use of the Members, and read a second time, on Monday next.

Mr. Brown moved in amendment, seconded by M. Kent,

Referred to committee to report thereon:

That the said bill be referred to a select committee to report thereon, which being put passed in the affirmative.

Committee.

Ordered accordingly, and that Mr. Brown, Mr. Kent, and Mr. Winsor, do form such committee.

A petition of Joseph Templeman was presented by Mr. Kent, (which he stated in his place was with the sanction of his Excellency the Governor) and the same was received and read, praying the House for the grant of a suitable reward out of the Colonial funds for having compiled, from a Register kept by him of the Meteorological Phenomena, a Table shewing the mean temperature of the climate and the mean height of the Barometer during a period of $3\frac{1}{2}$ years, ending 30th June, 1837.

Petition of J. Templeman presented and read.

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

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

Referred to committee of supply.

Mr. Kent gave notice that he should, on Thursday next, move for leave to bring in a bill to amend an act intituled, "An act to continue and amend an act passed in the 4th year of his late Majesty King William the 4th, entitled 'An act to regulate the packing and inspection of pickled fish for exportation from this Island.' "

Notice of Bill to amend pickled fish act.

Mr. Kent also gave notice that he should, on an early day, move an address to his Excellency the Governor praying that his Excellency will cause to be laid before this House a detailed account of the expenditure of Two thousand pounds voted this session for the liquidation of outstanding claims on the Executive and to meet prospective deficiencies.

Notice of address to his Excellency.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy transmitting, by direction of his Excellency the Governor, a return of duties received by the Sub-Collector of La Poille since his appointment to that station, and a return of the amount of imports into Greens Pond with the duties collected thereon, for the last five years, as requested by the address of the House of Assembly of the 18th inst.

Letter from the Hon. Mr. Secretary Crowdy transmitting returns.

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

Ordered,—That the said Returns be referred to the committee on ways and means.

Referred to committee on ways and means.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for granting to her Majesty certain duties on goods, wares and merchandize imported into this Colony.

House in committee on Bill for granting to her Majesty certain duties.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the said bill, and had made some amendments therein, which they had directed him to report to the House, and he delivered the bill with the amendments in at the Clerk's table.

Report.

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

Amendments read and agreed to.

Bill engrossed.
3d Reading.

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

Notice of motion for
House in committee of
supply.

Mr. Kent gave notice that he should, to-morrow, move the House into a committee of the whole on the consideration of a supply to be granted to her Majesty.

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

Wednesday, July 25, 1838.

MR. Brown moved, seconded by Mr. Kent,

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor in reply to his Excellency's message of the 18th inst., on the subject of the appointment of a Sub-Collector at the Port of Greens Pond.

Committee appointed.

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

Report.

Mr. Brown, from the said committee, reported that they had prepared the draft of an address in pursuance of the said Resolution, which he presented to the House; and he read the same in his place and afterwards delivered it in at the Clerk's table, where it was again read as follows :—

Address read-

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

May it please Your Excellency—

We, her Majesty's faithful Commons of Newfoundland, in reply to your Excellency's message of the 18th inst. on the subject of the appointment of a Sub-Collector at the port of Greens Pond, beg to inform your Excellency that we have taken the subject under our most mature consideration, and perfectly coincide with your Excellency on such appointment, and have made a suitable provision for the same in the Revenue Bill now before the House.

Adopted and engrossed-

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

Committee to present it.

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

Mr. Kent, pursuant to notice yesterday, presented to the House the draft of an address to his Excellency the Governor, and he read the same in his place and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows :

Draft of address to his Excellency presented & read.

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

May it please Your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to direct that a detailed account of the expenditure of the sum of two thousand pounds granted in the last supply bill towards liquidating outstanding claims on the Executive, and to meet prospective deficiencies, be laid before this House.

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

Adopted and engrossed.

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

Mr. Kent gave notice that he should, to-morrow, move for a select committee to enquire into the operation of the act to continue and amend an act to regulate the packing and inspection of pickled fish for exportation from this Island, and report thereon, with power to send for persons and papers.

Notice of committee to enquire into operation of pickled fish amendment act.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of a supply to be granted to her Majesty.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

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

Ordered,—That the Estimate and Treasurer's accounts laid before this House by direction of his Excellency the Governor, be printed for the use of Members.

Treasurer's accounts to be printed.

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

Thursday, July 26, 1838.

A Petition of Charles Granger was presented by Mr. Moore, (who stated in his place that he had obtained the consent of

Petition of C. Granger and others presented & read.

his Excellency the Governor for presenting the same) and the said petition was received and read, praying to be reimbursed in the sum of five pounds expended by him in taking the names of persons entitled to vote at elections in certain coves and harbors in Trinity Bay, and to be remunerated for such services.

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

Referred to committee
on supply

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

Petition of C. Newhook
and others presented &
read.

A petition of Charles Newhook, Andrew Hackett, Thomas George and others, inhabitants of New Harbor, Dildo Cove and neighbourhood, was presented by Mr. Moore, and the same was received and read, praying for a grant of a sufficient sum to erect a bridge across New Harbor.

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

Referred to committee
on roads and bridges.

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

Petition of T. Butler
and others presented
and read

A petition of Thomas Butler, Ingham Sutcliffe, Thomas Martin and others, inhabitants of Port de Grave, was presented by Mr. Brown, and the same was received and read, praying for a grant of a sum of money for repairing and making the road from Port de Grave to the Northern Gut, a distance of at least four miles.

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

Referred to committee
on roads and bridges

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

Petition of T. Hutchings
and others presented
and read

A petition of Thomas Hutchings, Thomas Neale, James Blundell and others inhabitants of Bay de Verds, on the North Shore of Conception Bay, was also presented by Mr. Brown, and the same was received and read, praying for a further grant of money to widen and drain the line of road through the North Shore of Conception Bay, and that substantial bridges may be erected over the intersecting brooks.

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

Referred to committee
on roads and bridges.

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

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

Resolved,—That a committee of five be appointed to enquire into the operation of the act for regulating the exportation of pickled fish, and report thereon, with power to send for persons and papers.

Notice of committee to enquire into operation of pickled fish act.

Ordered,—That Mr. Brown, Mr. Kent, Mr. Winsor, Mr. Butler, and Mr. Doyle do form such committee.

Committee.

Agreeably to the order of the day, a bill to repeal an act for registering the names of persons entitled to vote at elections, was read a second time.

Bill to repeal registration of voters act read 2d time

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

Ordered,—That the said bill be committed to a committee of the whole House to-morrow:

To be committed

Pursuant to the order of the day, a bill to provide for the registering the names of persons entitled to vote at Elections was read a second time.

Registration of voters act read 2d time

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

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

To be committed

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

The House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy transmitting, by direction of his Excellency the Governor, an account of the expenses incurred in conveying the Judges on their circuits through the northern and southern districts of the Island, in the years 1837-8.

Letter from the Hon. Mr. Secretary Crowdy transmitting return.

Ordered,—That the said return do lie upon the table to be perused by the Members of the House, for which see *Appendix*.

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

Friday, July 27, 1838.

MR. Kent, from the committee appointed on the 25th inst. to present an address of the House to his Excellency the Governor, reported that the committee had waited on his Excel-

Report of committee appointed to present address to his Excellency.

lency and had presented the address, when his Excellency was pleased to reply that the return therein prayed for should be laid before the House.

Report of committee appointed to present address to his Excellency.

Mr. Brown reported from the committee appointed on the 25th inst. to present an address of the House to his Excellency the Governor, in reply to his Excellency's message on the subject of the appointment of a sub-Collector at the Port of Greenspond, that they had presented the address to his Excellency accordingly, and that his Excellency was pleased to say he received the same with much pleasure.

Petition of R. Brown and others presented and read

A petition of Robert Brown, Denis Mackin, Charles Cozens, and others, inhabitants of the town of Brigus, was presented by Mr. Godfrey, and the same was received and read, praying for a grant of the sum of money therein mentioned for the repairs and widening certain roads and highways in the said town and the immediate vicinity thereof.

Referred to committee on roads and bridges.

On motion of Mr. Godfrey, seconded by Mr. Power,
Ordered,—That the said petition be referred to the committee on roads and bridges.

Notice of motion for Committee to draft address to his Excellency.

Mr. Winsor gave notice that he should, on Monday next, move for a committee to draft an address to his Excellency the Governor praying his Excellency to cause to be laid before this House the opinion of the Attorney General upon the subject of the election of the directors of the Hospital for the district of Ferryland.

Bill for granting to her Majesty certain duties, read 3d time.

Agreeably to the order of the day, an engrossed bill for granting to her Majesty certain duties, was read a third time.

Passed.
Title.

On motion of Mr. Kent, seconded by Mr. Power,
Resolved,—That the bill do pass, and that the title be "An act for granting to her Majesty certain duties on goods, wares and merchandise imported into this colony and its dependencies."

Sent to Council.

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

Bill to repeal in part seamen's relief act, presented and read

Mr. Winsor, pursuant to notice and leave granted, presented a Bill to repeal in part an act passed in the sixth year of the reign of his late Majesty William the fourth entitled "An act to provide for the relief of sick and disabled seamen, fishermen and other persons," and to authorise the appropriation of monies collected under the said act, and the same was received and read a first time.

2d reading.

Ordered,—That the said bill be read a second time on the 9th proximo.

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

Saturday, July 28, 1838.

Petition of John Byrne presented & read

A Petition of John Byrne, of Holyrood, was presented by Mr. Godfrey, and the same was received and read, praying the House to grant him a sum adequate to the labour and expense which he estimated at the least £90 currency, for building a bridge over the river called the southern gut, at Holyrood.

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

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

Referred to committee on roads and bridges.

A Petition of Charles Granger was presented by Mr. Moore, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same) and the said Petition was received and read, praying to be reimbursed for the expenses incurred by him to the amount of £7 3s., in performance of the duty of Assayer of Weights and Measures for that part of the District of Trinity between English Harbour and Hearts Ease, both inclusive, and to grant him such remuneration for said services as shall appear just, the only fees received by him being Two shillings and Nine pence.

Petition of C. Granger presented and read.

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

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

Referred to committee of supply.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee of supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred and had come to certain Resolutions thereon, which they had directed him to report to the House, and move for leave to sit again.

Report.

The said resolutions were delivered in at the Clerk's Table, where they were read as follow :—

Resolved,—That under the head of Miscellaneous Expenditure, for the past four years, the following sums appear in the respective acts of appropriation, viz :

| 1833 | 1834 | 1835 | 1836 | 1837 | 1838 | PARTICULARS. |
|--|--------|--------|--------|--------|------------------------------------|--------------------------------|
| Gov. Cochrane. Estimate sent down. No Supply Bill this year. | Voted. | Voted. | Voted. | Voted. | Gov. Prescott. Estimate sent down. | |
| £ 232 | £ 500 | £ 300 | £ 300 | £ 350 | £ 550 | Printing and Stationery. |
| 604 | 500 | 500 | 600 | 500 | 900 | Civil & Criminal Prosecutions. |
| 773 | 600 | 550 | 700 | 300 | 700 | Gaol expenses of Dietry, &c. |
| 131 | 140 | 100 | 120 | 120 | 150 | Coroners. |
| 91 | 215 | 200 | 200 | 200 | 300 | Fuel and Light. |
| | 150 | 80 | 100 | 60 | 120 | Postages and Incidentals. |
| 300 | 400 | 230 | 460 | 400 | 560 | Expenses of Circuits. |
| 565 | 500 | 1000 | 500 | 2100 | 500 | Unforeseen Contingencies. |
| £2696 | 3005 | 2960 | 2980 | 4030 | 3780 | |

Resolved,—That it is the opinion of this committee that in the votes for Miscellaneous Expenditure, under the foregoing heads, that the sum of Three thousand pounds be granted, and the committee cannot rise without expressing a hope that in future the sum voted by this committee for the Civil Government will not be exceeded by the Executive.

Resolutions read and agreed to.

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

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

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

Monday, July 30, 1838.

MR. Winser, pursuant to notice, moved, seconded by Mr. Godfrey,

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor praying his Excellency to cause to be laid before this House the opinion of her Majesty's Attorney General touching the election of the Directors of the Hospital for the District of Ferryland.

Committee appointed.

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

Report.

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

Address read-

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will please cause to be laid before them, the opinion of the Attorney General upon the following case, viz :—

The Hospital Act was promulgated in the month of July, 1836, and the first meeting took place early in the month of August; but no election taking place, a second meeting was held early in September; but this second meeting was not notified to the distant settlements, and therefore not known to a great many that are authorized by the act to

vote, and the consequence was that there were eight Directors chosen from the Harbor of Ferryland and not one from Renew's—statement as follows :

Address.

| | |
|-----------------|----|
| Ferryland..... | 8 |
| Aquafort..... | 2 |
| Fermuse..... | 1 |
| Toads Cove..... | 1 |
| Caplin Bay..... | 1 |
| Bay Bulls..... | 2 |
| | — |
| | 15 |

There were four chosen that were *not present* at any meeting, three of whom had not attended since.—At the election there were about thirty Candidates and some of the voters gave their votes for every Candidate, some more, some less, but none so little as fifteen, nor was any person informed what number of votes he was entitled to give. The chairman of the meeting was one of the last that was nominated, consequently was chosen by illegal votes.

Quere 1st. Are these Directors legally chosen ?

Quere 2d. Can any single Magistrate put in execution the provisions of the act, or any person who will not plead to the sum demanded but against the legality of the Directors ?

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

Adopted and engrossed.

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

Committee to present it.

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

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

And the House resolved itself into the said committee accordingly.

House in committee on Bills.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and have had under their consideration a bill for the repeal of an act passed in the second session of the Legislature, intituled "An act for the registering the names of persons entitled to vote at elections," and also a bill to provide for the registering the names of persons entitled to vote at Elections, and recomend the House to embody both bills in one, and had directed him to move for leave to sit again on the further consideration of the same.

Report.

And on the question being put thereon, was agreed to by the House, and

Ordered accordingly.

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

Tuesday, July 31, 1838.

Petition of H. J. Fitzgerald and others presented and read,

A Petition of H. J. Fitzgerald, John Skelton, William Sweetland, and other inhabitants of the Town of Bonavista, was presented by the Solicitor General, and the same was received and read, praying a grant of a sum equal to the expense of the erection of a Gaol and Court House in the said Town.

Referred to committee of supply.

On motion of the Solicitor General, seconded by Mr. Brown,
Ordered,—That the said petition be referred to the committee of Supply.

Bill respecting registration of voters act presented.

Agreeably to the recommendation of the committee on Bills, adopted by the House yesterday, Mr. Brown presented a Bill embodying the Bills for the repeal of an act passed in the second session of the Legislature, entitled "An act for registering the names of persons entitled to vote at Elections," and to provide for the registering the names of persons intitled to vote at Elections, under the title of a Bill to provide for the registering the names of persons entitled to vote at Elections, and to repeal a certain act heretofore passed for that purpose.

Referred to committee on Bills.

Ordered,—That the said Bill be referred to the committee on Bills.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR,

Message from his Excellency the Governor transmitting four messages.

The Hon. Mr. Secretary Crowdy acquainted the House that he had four messages from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

And then the messenger withdrew.

Messages read.

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

H. PRESCOTT.

The Governor transmits to the House of Assembly a report from the Commissioners of Roads & Bridges from Carbonear to Holyrood by which it appears they have expended Fourteen pounds Three shillings and seven pence beyond the sum at their disposal, for which expenditure his Excellency recommends the House to make provision.

Government-House, }
30th July, 1838. }

H. PRESCOTT.

The Governor transmits and recommends to the favourable consideration of the House of Assembly a petition addressed to him by Michael Cullen, a Constable at Torbay.

Government House, }
31st July, 1838. }

H. PRESCOTT.

The Governor transmits and recommends to the House of Assembly two accounts which have been delivered in to him by the Sheriff, as his Excellency thinks they go far to prove that this officer should be paid a fixed salary, or that "every description of service for which he can claim remuneration, as well as the amount of remuneration should be ascertained by Law."

Government House, 31st July, 1838.

H. PRESCOTT.

With reference to the Governor's message to the House of Assembly of the 12th Oct. last on the subject of provision being made for printing copies of the Blue Book for the use of the Legislature, his Excellency now sends an estimate of the expense of printing such copies.

Government House, 31st July, 1838.

The documents accompanying the said message were then read by the Clerk, for which see *Appendix*.

Mr. Secretary Crowdy also presented to the House a Letter from Captain Polkinghorne, of her Majesty's Ship *Crocodile*, accompanied by copy of correspondence with the Governor of St. Pierre's, on the subject of the fisheries.

Letter from the Hon. Mr. Secretary Crowdy transmitting letter from Capt. Polkinghorne.

The letter and correspondence were read by the Clerk, for which see *Appendix*.

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

Ordered,—That the said message and documents be referred to the committee of supply.

Referred to committee on supply

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

Ordered,—That the said letter and correspondence be printed for the use of the Members.

Pursuant to the order of the day the House resolved itself into a committee of the whole on the consideration of the bill to fix the terms of the Supreme and Circuit Courts of this Island.

House in committee on Bill to fix the Terms of the Supreme and Circuit Courts.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said bill, and had made some amendments therein, and he delivered the bill with the amendments in at the Clerk's table.

Report.

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

Resolutions read and agreed to.

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

Bill engrossed. 3d Reading.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee on supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor on the subject of an advance of a sum of money to defray the expenses of the Circuit Courts for the present year.

Committee appointed.

Ordered,—That the Solicitor General, Mr. Brown, and Mr. Kent do form such committee.

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

Wednesday, August 1, 1838.

Notice of motion for Committee of audit.

MR. Winsor gave notice that he should, to-morrow, move for a committee of audit on the public accounts, to sit every day from 10 to 12 o'clock, and to report thereon to the House.

Notice of bill to prevent dogs going at large at certain seasons.

The Solicitor general gave notice that he should, on an early day, move for leave to bring in a bill to prevent Dogs going at large at certain seasons.

Notice of bill to establish a post-office

Mr. Moore gave notice that he should, on an early day, move for leave to bring in a bill for the establishment of a Post Office in this Island.

Report of committee appointed to present address to his Excellency.

The Solicitor General, from the committee appointed yesterday to prepare an address to his Excellency the Governor, upon the subject of advancing a certain sum to defray the expenses of the Circuits, reported that they had drafted an address accordingly, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again read, and is as follows :

Address read-

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to advance a sum not exceeding four hundred and sixty

pounds out of the funds of this Colony to defray the expense for the hire of Vessels and other incidental expenses attending the Judges upon the Northern and Southern Circuits for the current year so, that the vessels may be ready to proceed on the first proximo, and that this House stands pledged to reimburse your Excellency for the said sum of money.

Address.

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

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

Ad

Mr. Winser moved, in amendment, seconded by Mr. Moore,

That between the words “year” and “and” there be inserted the words “so that the Vessels may be ready to proceed on the first proximo;” which being put, was carried in the affirmative, and

Amendment moved and carried.

Ordered accordingly.

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

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

Address as amended adopted and engrossed.

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

Committee to present it.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of a supply to be granted to her Majesty.

House in committee of supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.

Report.

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

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

Thursday, August 2, 1838.

MR. Winser, from the committee appointed on the 30th ult., to present to his Excellency the Governor an address of the House adopted on that day, reported that the committee had waited on his Excellency and presented the said address, when his Excellency was pleased to reply, that he would comply with the request of the House.

Report of committee appointed to present address to his Excellency.

Petition of Board of Education for the District of Burin presented and read.

A petition of the Board of Education for the District of Burin was presented by Mr. Butler, (who stated in his place that he had obtained the consent of his Excellency the Governor to his presenting the same), and the said petition was received and read, praying for pecuniary aid for the establishment and continuance of Schools in the said District.

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

Referred to committee of supply.

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

Petition of R. Hanrahan and others presented and read.

A petition of Roger Hanrahan, Arthur Thomey, John Taylor, and other inhabitants of the Town of Musquito, in Conception Bay, was presented by Mr. Brown, and the same was received and read, praying for a grant of a sum of money for altering the present line, or repairing the old Road from Musquito to Harbor Grace and Carbonear, and the erection of a Bridge across a dangerous gut at the North end of the Beach and leading to the old Road to Carbonear.

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

Referred to committee on roads and bridges.

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

Letter from the Hon. Mr. Secretary Crowdy transmitting sundry documents.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, a Return of the Licence Money collected in the Out-ports from the first of October, 1835, to the first of October, 1837, and copies of correspondence between his Excellency and the different Boards of Education for the Out-ports, since the first July, 1837, to the present time, as requested in the address of the House of the 17th inst.

To lie on the table.

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

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

Resolution for committee to audit public accounts.

Resolved,—That a committee be appointed to audit the public accounts, and to sit each day from 10 to 12 o'clock, with liberty to send for persons, papers, and records, and report their proceedings to the House.

Committee.

Ordered,—That Mr. Winser, Mr. Brown, Mr. Power, Mr. Godfrey and Mr. M'Carthy do form such committee.

Report of committee appointed to report upon bill to prevent fraud in the culling of fish and guaging of oil.

Mr. Brown, from the select committee appointed to report on the Bill to prevent fraud in the culling of fish and guaging of oil, reported that the committee have had the said Bill under their consideration, and recommend its being read a second time this day six months.

On motion that the said report be received,

Mr. Moore moved, seconded by Mr. Winser,

Motion for 2d reading.

That the bill be now read a second time, which being put, and the House dividing thereon, there appeared for the amendment, three; against it, seven.

For the amendment—

Mr. Moore
— Winser
— Godfrey.

Against the amendment—

The Solicitor General
Mr. Doyle
— Brown
— Kent
— Power
— Butler
— M'Carthy.

House divide.

So it passed in the negative.

The question on the original motion was then put and passed in the affirmative.

Question carried.

Ordered,—Accordingly.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the bill for the retirement of members of the Assembly in certain cases, and to provide for the election of others in their stead.

House in committee on retirement of members Bill.

Mr. Speaker left the chair.

Mr. Power took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said bill, and had made some amendments therein, and he delivered the bill with the amendments in at the Clerk's table.

Report.

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

Amendments read and agreed to.

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

Engrossed, 3d reading.

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

Friday, August 3, 1838.

A Petition of the ship-owners, merchants and others, carrying on the trade and fisheries at the Port of Carbonear, in Conception Bay, was presented by Mr. Power, and the same was received and read, praying the House to pass some enactment by which a Harbor-master should be appointed for the said Port, and regulations made for the mooring of shipping and the discharging of ballast, &c. therein.

Petition of the shipowners and others, of Carbonear, presented and read.

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

Mr. Power gave notice that, on Tuesday next, he should move for leave to bring in a bill agreeably to the prayer of the said petition.

Notice of bill respecting said petition.

Retirement of members
Bill read 3d time.

Agreeably to the order of the day, an engrossed bill for the retirement of Members of the Assembly in certain cases, was read a third time.

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

Passed.

Resolved,—That the Bill do pass, and that the title be “An act for vacating the seats of members of the Assembly in certain cases, and to provide for the return of others in their stead.”

Title.

Sent to Council.

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

Bill to fix the Terms of
the Supreme and Circuit
Courts read 3d time.

Pursuant to order, an engrossed bill to fix the terms of the Supreme and Circuit Courts of this Island, was read a third time.

On motion that the bill do pass—

Mr. Brown moved in amendment, seconded by Mr. Power,

Motion for its recom-
mittal.

That the said bill be recommitted to a committee of the whole House; which being put, passed in the affirmative.

House in committee
thereon,

And the House resolved itself into a committee of the whole House on the re-consideration of the said bill accordingly.

Mr. Speaker left the chair.

Mr. M'Carthy took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendment read and
agreed to.

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

Engrossed.

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

3d reading.

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

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

Passed
Title.

Resolved,—That the bill do pass, and that the title be “An act to fix the terms of the Supreme and Circuit Courts of this Island.”

Sent to Council.

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

Address to his Excellency
for sundry documents
moved.

Mr. Kent gave notice that he should, to-morrow, move an address to his Excellency the Governor to cause to be laid before this House the following returns, viz.

A detailed statement of the Treasurer's account from the year ending 31st March, 1837, up to the present period.

A detailed statement of the account of the Light House at Fort Amherst, exhibiting the actual state of said account with the colony.—
[Note,—Last account furnished to May 8, 1837.]

A detailed statement of the Light House at Cape Spear. (Last account furnished to June 26, 1837.)

A detailed statement of the Light House at Harbor Grace. (June 3, 1837.)

A detailed statement of all monies taken on loan on faith of the Colony, specifying the person from whom loaned—rate of interest given—object of appropriation—and if any such loans remain, how much.

A detailed statement of the accounts of the Savings Bank since the origin of that institution—exhibiting the amount of monies annually deposited—the rate of interest allowed—the amount of monies annually withdrawn—the amount of monies annually loaned—the names of the persons to whom such loans have been given—the nature of the security taken, whether personal or on property—if personal, the names of the securities—if on property, the description of such property—the annual expense of conducting the institution.

Particulars of the accounts upon which the several warrants issued by his Excellency the Governor, to the Colonial Treasurer, have been founded for the year ending 30th June, 1838.

A statement of the amount of monies voted and not appropriated in the years 1835, 1836, and 1837, and the reasons for their non-appropriation.

A detailed statement of the License Fund (last account furnished 27th June, 1837) with the reasons for the serious falling off in the amount of that source of revenue.

A detailed statement of all monies received for Crown Lands, Rents of ships rooms, &c., with the application of the same.

A consolidated account of the goods imported in the quarter ended the fifth of July, 1838, shewing the aggregate quantities and values of the various articles, with the amount of duties collected thereon.

A statement of the amount of Revenue collected under acts of the Imperial Parliament in the year ended 5th January, and quarter ended 5th July, 1838, with a detailed account of the appropriation of the same.

An account of staple articles, the produce of this Island, exported in the year ended the 5th July, 1838.

An account of vessels entered inward and cleared outward in the year ended 5th July, 1838.

A statement for each year since the commencement of its operation of the amount of monies received by the commissioners for the district of St. John's under the act for the relief of sick and disabled seamen, the nature of the tenure by which said commissioners hold the Hospital at River-head—the number of persons admitted into the said Hospital by means of the provision of the said act—the number of persons dismissed cured—the number of deaths—the number of medical attendants—the number of other *attachés* to the institution—the character of their occupation—the number of wards—the number of beds—the annual expense under the heads professional attendance, medicine, dietry of patients, servants, and other incidental expenses.

Notice of Sheriffs Bill.

Mr. Brown gave notice that he should, on Tuesday next, move for leave to bring in a bill to regulate the office of Sheriff, and to declare the fees thereof.

Notice of Education amendment act.

Mr. Brown also gave notice that he should, on Thursday next, ask leave to bring in a bill to amend an act passed in the sixth session of the Legislature, entitled "An act for the encouragement of education in this colony."

Notice of Bill to regulate Returns and Details of various departments in this Colony.

The Solicitor General gave notice that he should, on an early day, ask leave to bring in a bill to regulate the returns and details of the various offices and departments in this colony,—also a bill for effecting greater uniformity of practice in the Government of the several prisons in this Island.

House in committee on Registration of voters Act, &c.

Pursuant to order, the House resolved itself into a committee of the whole House on the consideration of the bill to provide for the registering the names of persons entitled to vote at Elections, and to repeal a certain act heretofore passed for that purpose.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and agreed to.

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

Engrossed.
3d Reading.

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

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

Monday, August 6, 1838.

Report of Committee to wait on his Excellency with address,

MR. Brown, from the committee appointed on the 1st inst., to wait on his Excellency the Governor with an address of the House, reported that the committee had waited on his Excellency and presented the said address, when his Excellency was pleased to reply as follows :

His Excellency's reply.

Gentlemen;

I will make such arrangements respecting the holding of the Courts as the inadequacy of the sum mentioned in this address and other circumstances will permit.

Mr. Kent, in his place, complained, that Edward Kielley, Esquire, District Surgeon, had threatened and made use of insulting language to him this forenoon, in consequence of certain statements made by him in the House, relative to the Saint John's Hospital, and claiming the protection of the House.

Mr. Kent's complaint against Dr. Kielley.

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

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

Resolution for Committee of whole on privileges:

And the House resolved itself into the said committee accordingly.

House in committee thereon,

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had under their consideration the complaint made by Mr. Kent to the House, and had examined witnesses and come to a certain report thereon, which he was directed to report to the House; and he read the same in his place, and afterwards delivered the examination and report in at the Clerk's table, where it was again read as follows:—

Report.

Patrick Byrne Examined.—Doctor Kielley had directed him to the Court House to get some assistance; Witness was proceeding, when he (Dr. Kielley) called him back and told him to apply to Mr. Kent, who was then standing at his door. On showing Mr. Kent a paper he got from Mr. Carter, Doctor Kielley pointed his hand at him (Mr. Kent), calling him a puppy, and said he would pull his nose.

Richard Butt Examined.—About 12 o'clock to-day he was passing by Mr. Kent's dwelling-house; Mr. Kent was standing at the door speaking to Patrick Byrne when Dr. Kielley said he (Mr. Kent) was a puppy and he would kick him; and walking up to Mr. Kent in a threatening attitude, with clenched hand, said he had it in for him, the lying puppy, and that his privileges should not protect him.

John Kent Examined.—Is Member for the District of St. John's. He and Dr. Kielley had some difference, provoked by him (Dr. Kielley), about 12 o'clock to-day. Dr. Kielley put his hand clenched up to his (Mr. Kent's) face several times and said he had it in for him, the lying puppy, and his privileges should not protect him—alluding to certain statements made by him (Mr. Kent) in his place in the House upon the subject of the St. John's Hospital.

The committee report that having taken under their most serious consideration the complaint of Mr. Kent, Member of this House, against Edward Kielley, Esq., District Surgeon for St. John's, and after examining witnesses thereon, are of opinion that the conduct of Mr. Kielley is a gross breach of the privileges of this House, and if allowed to pass unnoticed would be a sufficient cause of deterring members from acting in that independent manner so necessary for a free Assembly.

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

Report read & agreed to.

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

Resolution for issuing
Speaker's warrant.

Resolved,—That the Speaker do issue his warrant to the Serjeant-at-Arms to bring to the Bar of this House Edward Kielley, Esq., to be dealt with according to the pleasure of this House.

Bill to regulate returns
and details, &c., presented
and read 1st time.

The Solicitor General, pursuant to notice and leave granted, presented a Bill to regulate the returns and details of the various offices and departments in this Colony.

2d reading.

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

Registration of voters
act read 3d time.

Agreeably to the order of the day, an engrossed Bill to provide for the registering the names of persons entitled to vote at Elections and to repeal a certain act heretofore passed for that purpose, was read a third time.

On motion of M. Brown, seconded by the Solicitor General,

Passed

Resolved,—That the said bill do pass, and that the title be “An act to provide for the registering the names of persons entitled to vote at Elections and to repeal a certain act heretofore passed for that purpose.”

Title.

Sent to Council.

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

Draft of address to his
Excellency presented &
read.

Mr. Kent, pursuant to notice, presented to the House the draft of an address to his Excellency the Governor praying for certain returns; which he read in his place, and afterwards delivered in at the Clerk's table, where it was again read as follows:—

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before the House the following returns, viz:—

A detailed statement of the Treasurer's account from the year ending 31st March, 1837, up to the present period.

A detailed statement of the account of the Light House at Fort Amherst, exhibiting the actual state of said account with the Colony. (Note.—Last account furnished to May 8th, 1837.)

Do. of the Light House at Cape Spear. (Last account furnished to June 26, 1837.)

Do. of the Light House at Harbor Grace. (June 3, 1837.)

A detailed statement of all monies taken on loan on faith of the Colony, specifying the person from whom loaned, rate of interest given, object of appropriation, and if any sum of such loans remains how much.

A detailed statement of the accounts of the Savings Bank since the origin of that institution—exhibiting the amount of monies annually de-

posited—the rate of interest allowed—the amount of monies annually withdrawn—the amount of monies annually loaned—the names of the persons to whom such loans have been given—the nature of the security taken, whether personal or on property—if personal, the names of the securities—if on property, the description of such property—the annual expense of conducting the institution.

Particulars of the accounts upon which the several warrants issued by his Excellency the Governor, to the Colonial Treasurer, have been founded for the year ending 30th June, 1838.

A statement of the amount of monies voted and not appropriated in the years 1835, 1836, and 1837, and the reasons for their non-appropriation.

A detailed statement of the License Fund (last account furnished 27th June, 1837) with the reasons for the serious falling off in the amount of that source of revenue.

A detailed statement of all monies received for Crown Lands, Rents of ships rooms, &c., with the application of the same.

A consolidated account of the goods imported in the quarter ended the fifth of July, 1838, shewing the aggregate quantities and values of the various articles, with the amount of duties collected thereon.

A statement of the amount of Revenue collected under acts of the Imperial Parliament in the year ended 5th January, and quarter ended 5th July, 1838, with a detailed account of the appropriation of the same.

An account of staple articles, the produce of this Island, exported in the year ended the 5th July, 1838.

An account of vessels entered inward and cleared outward in the year ended 5th July, 1838.

A statement for each year since the commencement of its operation of the amount of monies received by the commissioners for the district of St. John's under the act for the relief of sick and disabled seamen, the nature of the tenure by which said commissioners hold the Hospital at River-head—the number of persons admitted into the said Hospital by means of the provisions of the said act—the number of persons dismissed cured—the number of deaths—the number of medical attendants—the number of other *attachés* to the institution—the character of their occupation—the number of wards—the number of beds—the annual expense under the heads professional attendance, medicine, dietry of patients, servants, and other incidental expenses.

Resolved—That the said address be adopted and engrossed.

Adopted and engrossed.

Ordered,—That Mr. Kent and Mr. Moore be a committee to present the same to his excellency.

Committee to present it.

Mr. Doyle gave notice that he should, to-morrow, move an address to his Excellency the Governor, informing his Excellency of the contemplated changes in the bill of supply to be introduced in the mode of

Notice of address to his Excellency

administering medicine and medical attendance to the poor of the district of St. John's.

Letter from honorable Mr. Secretary Crowdy, transmitting sundry documents.

Mr. Speaker laid before the House a Letter from the hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, the Collector of H. M. Customs' "consolidated account current of receipts and payments for the year ending 5th January, 1838," as audited by the Board appointed under the act 1st Victoria, cap. 1. (for which see *Appendix*.)

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

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

Tuesday, August 7, 1838.

Edward Kielley brought to the Bar.

MR. Speaker ordered the Serjeant-at-Arms to bring to the Bar of the House Edward Kielley, Esq. pursuant to his warrant issued yesterday. Mr. Kielley appeared at the Bar accordingly, when the examination of the witnesses, and the report of the committee on the consideration of the complaint of Mr. Kent, Member of this House, for certain threats and insulting language used to him by Mr. Kielley, were read to him, and Mr. Speaker called on him to explain, and having so explained, Mr. Kielley was ordered to withdraw.

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

Resolved,—That Edward Kielley, Esq. do continue in the custody of the Serjeant-at-Arms, until further orders from this House.

Ordered to remain in the Custody of the Serjeant at Arms.

Academy bill presented.

The Solicitor General, pursuant to notice and leave granted, presented a bill to establish an Academy in this colony.

2d reading.

Ordered,—That the said bill be read a second time on the 14th inst.

Bill to preserve the harbors of this Colony from obstructions &c.

Mr. Power, pursuant to notice and leave granted, presented a bill to preserve the harbors of this colony from obstructions and annoyances.

2d reading.

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

Moved by Mr. Winser, seconded by Mr. M'Carthy,

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor praying his Excellency to cause to be laid before this House the following returns :

Resolution for committee to prepare address to his Excellency for sundry documents.

A detailed account of the expenses of sending the Judges on the Circuits, in the year of 1834, with a particular account of the time each vessel was employed in their respective districts,—also, a particular account of the time each vessel was employed for the same purposes in the years 1835, 1836, and 1837.

Committee.

Ordered,—That Mr. Winser, Mr. M'Carthy, and Mr. Godfrey do form such committee.

Report of Committee to draft address to his Excellency.

Mr. Winser reported from the said committee that they had drafted an address in pursuance of the said Resolution, which he read in his place, and afterwards delivered it in at the clerk's table, where it was again read as follows :

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

Address read.

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before this House the details of the expenses of sending the Judges on the Circuits in the year of 1834, with a particular statement of the time that each vessel was employed in the respective districts—also, a particular statement of the time each vessel was employed for the same purposes in the years of 1835, 1836 and 1837.

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

Adopted and engrossed.

Ordered,—That Mr. Winser and Mr. M'Carthy be a committee to present the said address to his Excellency the Governor.

Committee to present it.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy transmitting by direction of his Excellency the Governor the opinion of Her Majesty's Attorney General on a case submitted by an address of this House on the subject of the election of Directors under the act 6th, Wm. 4th, c. 1.

Letter from the Hon. Mr. Secretary Crowdy.

Ordered,—That the said opinion do lie upon the table to be perused by the Members of the House.—(For which see *Appendix*.)

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

Wednesday, August 8, 1838.

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

Resolved,—That John Delany be appointed Assistant Serjeant-at-Arms, and David Walsh Acting Doorkeeper.

Appointment of assistant Serjeant-at-Arms & Acting Doorkeeper.

Moved by Mr. Kent, seconded by Mr. M'Carthy,

Whereas, on yesterday, Edward Kielley Esq., was brought to the bar of this House, in custody of the Serjeant-at-Arms, to answer for a violation of the privileges of this House, committed by using threatening gestures and expressions to John Kent, Esq., Member for the District of St. John's, for words uttered in the House;—and whereas the said Edward Kielley, Esq., when called on by the Speaker to explain, pointing to the said John Kent, Esq., in his seat in the House, used the following grossly offensive epithets:—"He, the said John Kent, was a liar and a coward," or words to that effect, and other very many contumelious epithets. And whereas such conduct is a grievous aggravation and iteration of the contempt offered to this House by the said Edward Kielley—

Motion respecting the conduct of Dr. Kielly.

Resolved,—That the Serjeant-at-Arms be directed to hand over the said Edward Kielley, Esq., to the Sheriff of Newfoundland and to the

Resolution to that effect.

Gaoler of this District, to be lodged in the common Gaol therein, until the said Edward Kielley do make such apology in manner and form as this House shall dictate, and that the Speaker do issue his order to these Officers as a warranty for this proceeding.

Mr. Power moved, in amendment, seconded by Mr. Godfrey,

That the consideration of the said motion be postponed until tomorrow—which being put, and the House dividing thereon, there appeared for the amendment, seven ; against it, three.

For the amendment—

Against the amendment—

Mr. Brown
— Power
— Godfrey.
— Doyle
— Winsor
— Butler

Mr. Kent
— M'Carthy
— Moore

The Solicitor General.

So it passed in the affirmative, and

Ordered accordingly.

A petition of Stephen Pack, James Scapelin, Thos. Row, and others, inhabitants of Bay Roberts, was presented by Mr. Brown, and the same was received and read, praying for a grant of a sum of money to make a road from the extreme point of Bay Roberts to the main road of Conception Bay and to erect a Bridge over a Brook passing through the said Harbour called "Squires Brook."

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

A petition of James M'Donald, of Harbor Grace, was presented by Mr. Brown, (who stated in his place that he had obtained the consent of his Excellency the Governor for presenting the same), and the said petition was received and read, praying for a grant of the sum of £10 16s. Cy. for a year's maintenance and clothing of an orphan, the son of the late Peter Fanning, who was placed in his charge by the Magistrates of Conception Bay.

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

A petition of William Martin, of Harbour Grace, late High Constable, was presented by Mr. Brown, (who stated in his place that he had the sanction of his Excellency the Governor to present the same), and the same was received and read, praying for the same pecuniary assistance which the Legislature has heretofore granted him.

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

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

Amendment moved thereon.

House divide.

Amendment carried.

Petition of S. Pack and others presented and read.

Referred to committee on roads and bridges.

Petition of J. Mc'Donald presented and read.

Referred to committee of supply.

Petition of W. Martin presented & read

Referred to committee of Supply.

Petition of G. Hipplesley presented and read.

and read, praying for compensation for his services and expenses in the said situation of Assayer of Weights and Measures, the nett fees he received for the past year being only £1 9s. 9d.

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

Referred to committee of Supply.

A petition of Thomas English, John Milley, Michael Doyle, and others, Inhabitants of Job's Cove, Barn Point, and Gull Island, on the North Shore of Conception Bay, was presented by Mr. Power, and the same was received and read, praying that a further sum may be placed at the disposal of the Commissioners for the widening and draining the line of Road, and for the erection of Bridges over certain Brooks on the said North Shore.

Petition of T. English and others presented and read.

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

Referred to committee on roads and bridges.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, the copy of a letter from Mr. Mayne, with a statement of certain fees enclosed therein—a report of the Board of Education of Bonavista, and the report of the Commissioners of the Road from Harbor Grace to Carbonear.—(For the two last documents see *Appendix*.)

Letter from honorable Mr. Secretary Crowdy, transmitting sundry documents.

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

To lie on the table.

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

Thursday, August 9, 1838.

THE order of the day that the Serjeant-at-Arms be directed to deliver over Edward Kielley, Esq., to the Sheriff of Newfoundland and to the Gaoler of this District, to be lodged in the common gaol therein, until the said Edward Kielley do make such apology in manner and form as this House shall dictate, and that the Speaker do issue his order to these Officers as a warranty for their proceeding, being read—

Order of day for imprisonment of Edward Kielley, Esq., read.

Mr. Brown moved, seconded by Mr. Winsor,

That the order of the day be discharged, and that the Serjeant-at-Arms be directed to bring Edward Kielley, Esq., to the bar of this House, and that he do apologize to this House for interfering with their privileges, that he be reprimanded by the Speaker and discharged from the custody of the Serjeant-at-Arms after paying all expenses, and that the following be the form of the apology :—

Motion to discharge order of day.

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

Form of apology.

“ I exceedingly regret that I have been guilty of any act or expression which have been considered by your Honourable House to be a gross breach of its privileges.”

Mr. Kent moved, in amendment, seconded by Mr. M'Carthy,

Amendment thereon moved.

That this House, not wishing to proceed to extremities, adopt the foregoing motion; which being put, passed in the affirmative, and

Ordered accordingly.

Edward Kielley Esq., appears at the Bar, and

The Speaker ordered the Serjeant-at-Arms to bring Edward Kielley, Esq., to the Bar of the House, and having appeared, the Clerk, by direction of the House, read the said resolution and apology, when the Speaker desired to be informed if he assented to the said apology.

Declines making the apology required.

Mr. Kielley requested permission to retire to consider the said apology, which was granted, and having returned, he declined making the said apology.

Ordered to withdraw in consequence thereof.

Mr. Kielley was then ordered to withdraw, in custody of the Serjeant-at-Arms.

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

Order of the day adopted.

Resolved,—That the motion which was the order of day, in reference to the breach of privilege by Edward Kielley, Esq., be adopted.

Speaker's Warrants and Directions.

The Speaker then delivered to the Serjeant-at-Arms the following warrants, with direction to hand the same to the respective persons to whom they are directed, and ordered him to deliver Edward Kielley, Esq., over to the High Sheriff.—

By virtue of an Order of the House of Assembly this day made—

These are to require and command you to receive into your custody and safely keep in H. M. Gaol St. John's, Edward Kielley, Esq., Surgeon, "for a Breach of Privilege of the House of Assembly, by "making use of threatening language and gestures to John Kent, Esq., "a Member of this House, and for contemptuous language and conduct "before this House," and for so doing this shall be your sufficient Warrant.

Given under my hand this ninth day of August, A. D., 1838.

(Signed)

WILLIAM CARSON,

Speaker.

To the High Sheriff of Newfoundland.

By virtue of an order of the House of Assembly this Day made—

These are to require and command you to receive into your custody and safely keep in H. M. Gaol at St. John's, Edward Kielley, Esq., Surgeon, "for a Breach of Privilege of the House of Assembly by "making use of threatening language and gestures to John Kent, Esq., "a Member of this House, and for contemptuous language and conduct "before this House," and for so doing this shall be your sufficient Warrant.

Given under my hand this ninth day of August, A. D., 1838.

(Signed)

WILLIAM CARSON,

Speaker.

To the Gaoler of H. M. Gaol at St. John's.

Edward Kielley Esq., delivered to the High Sheriff.

The Serjeant-at-Arms, at the bar, acquainted the House, that in obedience to its commands he had handed the warrants to the respective persons to whom they were directed, and delivered Edward Kielley, Esq., over to the High Sheriff.

A petition of Hugh Hamlin, Thomas Cooke and other inhabitants of St. John's was presented by Mr. Kent, and the same was received and read, praying for the grant of a sum of money to repair and enlarge the line of road leading from the premises formerly occupied by the late John M'Kinnon, baker, in Duckworth-street, and running from thence in the direction of Drelan's Well, immediately to the westward of John Casey's Race Course, to Denis Nowlan's Farm, on the North side of Monday's Pond.

Petition of H. Hamlin and others presented and read.

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

Referred to committee on Roads and Bridges.

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

Friday, August 10, 1838.

MR. Kent, from the committee appointed on the 6th inst., to present to his Excellency the Governor an address of the House, praying for certain returns, reported that they had waited on his Excellency accordingly and presented the said address, when his Excellency was pleased to reply as follows :

Report of committee to present address to his Excellency.

Gentlemen,

His Excellency's reply

The returns mentioned in this address, relating to the Customs and Treasury, shall be called for from the respective officers, at the head of those departments, and the Treasurer shall be directed to attend with documents, or furnish copies thereof, as shall be deemed by the House most convenient.

I will request of the Governors of the Savings Bank such information respecting that institution as they may consider themselves authorised to afford.

The concluding paragraph shall be referred to the directors under the act for the relief of sick and disabled seamen, &c., that they may supply all practicable information required therein.

A copy of the yearly statement of the Rent Fund shall be immediately transmitted to the House.

Government House, }
10th Aug. 1838. }

A petition of Thomas Locumb, Michael Devereaux, and other inhabitants of Ferryland, was presented by Mr. Winsor, and the same was received and read, praying for a grant of a sufficient sum to repair the roads and bridges in the town and vicinity of Ferryland.

Petition of T. Locumb and others presented & read.

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

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

Referred to committee on roads and Bridges.

A petition of Andrew Milroy, Manager in this Island of the Branch of the Bank of British North America, for and on behalf of the said Bank, was presented by Mr. Brown, and the same was received and read, praying the House will again resume the consideration of a bill

Petition of A. Milroy presented and read.

introduced the last Session to enable the Bank to sue and be sued in the name of the Managers or Local Directors, and after due enquiry, order it to pass.

To lie on the table.

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

Seamen's relief act read 2d time.

Pursuant to the order of the day, a bill to repeal in part an act passed in the 6th year of the reign of his late Majesty William the Fourth, entitled "An act to provide for the relief of sick and disabled seamen, fishermen, and other persons," was read a second time.

Moved by Mr. Winser, seconded by Mr. Kent,

To be committed

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

On Monday.

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

Sheriffs' Bill & Education Amendment Act, read 1st time.

Mr. Brown, pursuant to notice and leave granted, presented a bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial district;—also, a bill to amend an act passed in the 6th session of the Legislature, entitled "An act for the encouragement of education in this colony," and the same were received and read a first time.

2d reading.

Ordered,—That the said first mentioned bill be read a second time on Monday next, and the last mentioned bill to-morrow.

Bill to preserve the Harbors of this Colony from annoyances, &c., read 2d time.

Agreeably to the order of the day, a bill to preserve the harbors of this colony and its dependencies from all annoyances, and to provide for the appointment of a harbor master at the port of Carbonear, was read a second time.

Moved by Mr. Power, seconded by Mr. M'Carthy,

To be committed

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

On Tuesday.

Resolved,—That this House will, on Tuesday next, resolve itself into the said committee.

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

To be printed.

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

House in Committee of Supply.

Pursuant to order, the House resolved itself into a committee of the whole House on the consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

Mr. Speaker laid before the House a Letter from the hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, a statement of the expenditure of the sum of two thousand pounds granted by the Legislature toward liquidating outstanding claims, and to meet prospective deficiencies, as requested in the address of the House of the 25th ult. ; and also a statement of claims still outstanding, for which no provision has been made ; also, a letter transmitting, by the direction of his Excellency, copy of a letter from the stipendiary Magistrate of Burin, on the necessity of a fence being erected round the gaol at that place, with an estimate of the expense of such erection.

Letter from honorable Mr. Secretary Crowdy, transmitting sundry documents.

Ordered,—That the statement of claims still outstanding, and the letter and estimate be referred to the committee of supply, and that the other statements do lie on the table to be perused by the members of the House.

Referred to committee of Supply, &c.

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

Saturday, August 11, 1838.

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

Resolved,—That Mr. Speaker do issue his order to the High Sheriff to immediately bring to the Bar of this House the body of Edward Kielley, Esq., committed under the Speaker's warrant.

Résolution for bringing Edward Kielley, Esq. to the Bar.

The High Sheriff appeared at the Bar, and acquainted the House that a writ of Habeas Corpus was issued, commanding him to bring the prisoner Edward Kielley, Esq., before the Honorable Assistant Judge Lilly, and report the cause of his being detained in custody, which he did, and under an order of the said Judge the said Edward Kielley was discharged.—The High Sheriff presented to the House a copy of the said order, which was read by the Clerk as follows :

High Sheriff's Report.

The prisoner having been brought before me upon this writ, and after perusing the return of the Sheriff hereto, I am of opinion that the process by which the prisoner is held in custody is void, and I do now order him therefore to be discharged.

(Signed)

GEORGE LILLY,

Dated this Tenth day of Aug., A. D., 1838.

Assistant Judge.

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

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

House in committee on privileges.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had under their consideration the discharge of Edward Kielley, Esq., from custody, by the High Sheriff, under an order of Acting Assistant Judge Lilly, and had come to certain resolutions thereon which he was directed to report to the House; and he read the said resolutions in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow :

Resolved,—That the Speaker do issue his warrant to the Serjeant-at-Arms to take into his custody George Lilly, Esq., Acting-Assistant Judge, and Benjamin Greer Garrett, Esq., High Sheriff of this colony—for a gross violation of the privileges of this House—the said George Lilly for issuing an illegal order for the discharge of Edward Kielley, Esq., committed to the common gaol under the Speaker's warrant; and the said Benjamin Greer Garrett, for acting under such illegal order, in gross contempt of the authority of the Speaker's warrant, and in violation of the privileges of the Commons House of Assembly.

Resolved,—That Mr. Speaker do issue his warrant to take into the custody of the Serjeant-at-Arms, Edward Kielley, Esq., District Surgeon, already committed under Mr. Speaker's warrant, and illegally liberated by order of Mr. Acting Assistant Justice Lilly.

Resolutions agreed to.

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

Ordered accordingly.

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

Assistant Serjeants-at-Arms appointed.

Resolved,—That John Delany, David Walsh, Thomas O'Connor, Philip Brown, and John B. Cox, be appointed Assistant Serjeants-at-Arms, and that the Serjeant-at-Arms be empowered to call to his assistance such force as may be necessary to carry the Speaker's Warrant or Warrants into effect.

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

Monday, August 13, 1838.

Report of committee to present address to his Excellency.

MR. Winser, from the committee appointed on the 7th inst., to present an address of the House to his Excellency the Governor, praying for certain returns, reported that they had waited on his Excellency and presented the same, when his Excellency was pleased to reply that he would cause to be laid before the House the returns therein requested.

Information respecting Warrants.

The Serjeant-at-Arms informed the House that he had executed the Warrant issued on the 11th inst., against Acting Assistant Judge Lilly and the High Sheriff, for a breach of the privileges of this House, and

that he had the said Judge Lilly and the High Sheriff in custody, but that the Warrant issued on the same day against Edward Kielley, Esq., he had not executed, not being able to find him.

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

Letter from honorable
Mr. Secretary Crowdy.

Secretary's Office, 11th August, 1838.

SIR,—I am commanded by the Governor to acquaint you that it is his Excellency's intention to go down to the Council Chamber on Monday next, at two o'clock, in the afternoon, and give his assent to the Revenue Bill, which he perceives by the Journals of the Council has passed the two other branches of the Legislature, and that his Excellency will afterwards prorogue the General Assembly.

I have the honor to be, Sir,

Your very obedient servant,

JAMES CROWDY.

The Honorable
The Speaker of the House of Assembly.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from Her Ma-
jesty's Council.

The Master-in-Chancery brought down from her Majesty's Council the following written message :—

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the Assembly entitled "An act for granting to her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies," without amendment.

A. WALKER, *President.*

Council-Chamber, }
10th Augst, 1838. }

And then the Messenger withdrew.

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

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

And the House resolved itself into the said committee accordingly.

House in committee on
state of the Colony.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had under their consideration the matters to them referred and had come to certain Reso-

Report.

Report.

lutions thereon, which he was directed to report to the House, and he read the same in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow :—

Resolved,—That in consequence of his Excellency the Governor having intimated to the Hon. the Speaker his intention of proroguing the General Assembly of this Island this day, and it being the opinion of the committee that his Excellency came to this decision in order to release from the custody of the Serjeant-at-Arms Assistant Judge Lilly and the High Sheriff Garrett, committed for a gross breach of the privileges of this House, the said judge for issuing an illegal order for the discharge of Edward Kielley, Esq., who was committed to the common gaol under the Speaker's warrant ; and the said High Sheriff for carrying the said order into effect, and that his Excellency's intention to prorogue the Assembly in the midst of a press of business so necessary to be brought to a termination, for the purpose of procuring the release of the aforesaid Judge Lilly and Sheriff Garrett, is, in the opinion of this committee, an act that may lead the public to conclude that the House of Assembly have acted unconstitutionally ; it is, therefore, the opinion of this committee that a deputation be appointed to proceed forthwith to Canada, to lay before the Earl of Durham, Lord High Commander of her Majesty's North American Colonies, the whole of the proceedings connected with and relating to the circumstances which have produced the promised prorogation, and that the deputation be instructed to pray that Earl Durham may suspend the said Assistant Judge Lilly and Sheriff Garrett for their unconstitutional proceedings by their interference with the privileges of the House of Assembly, and that he may enquire into the conduct of his Excellency's advisers in exercising the prerogative of the Crown, by sanctioning the prorogation of the Assembly in the midst of the business of the Colony—and further, that the Deputation be instructed to pray for a separation of the Executive from the Legislative Councillors and for a total change in the duties of the department of the latter Body—so that all interests whatsoever may be represented in her Majesty's Legislative and Executive Councils.

Resolved,—That the Hon. the Speaker and Peter Brown, Esq., Member for Conception Bay, do form such deputation, and that Robert Roberts Wakeham, Esq., Clerk of the House, do accompany them as Secretary.

Resolved,—That the following address be adopted, engrossed, and presented by the said deputation :—

Address.

To His Excellency the Right Hon. John George, Earl of Durham, Viscount Lambton, &c. &c., Knight Grand Cross of the Most Honorable Military Order of the Bath, one of Her Majesty's Most Honorable Privy Council, and Captain General of all Her Majesty's Provinces within, and adjacent to, the Continent of North America, &c. &c.

May it please Your Excellency—

We her Majesty's Loyal Subjects, the Commons of Newfoundland, in General Assembly convened, beg leave most respectfully to tender to your Excellency our sincere congratulation on your Excellency's assumption of the Government of the transatlantic Colonies of this Empire.

In the present state of Colonial discontent, arising as much from the character of those who govern, as from the defects of the constitution of the form of Government, it was absolutely necessary that a Nobleman of Patrician extraction, high honour, great mental acquirements and with a sound and varied practical knowledge of the Constitution of his Country, should be entrusted by his Sovereign with almost dictatorial powers—to correct the evils of misgovernment—to curb the insolence of faction—to punish the violators of social order, and to cherish a spirit of loyalty to the mother country, and of subordination to the Laws by proving the one to be the price of external protection—and the other of internal peace, and its concomitants religion, industry, and happiness.

We have heard with unmixed satisfaction the happy results already clearly manifesting themselves from the wisdom of your administration in Canada, and we hope soon to see that fertile but unhappy Country, which a few short months ago was steeped in tears and blood, a field for the peaceful labours of the agriculturist and for the prosecution of the pursuits of Commercial enterprise.

Fully appreciating the immense and anxious labour that would devolve on your Excellency on your first assuming the Government, the Commons of Newfoundland refrained from addressing you on the subject of the grievances of their Country—grievances to which the people have quietly submitted, because they have always had full confidence in the justice of the Mother Country.

In the year 1833, Newfoundland was granted a Representative form of Government.—Previously thereto the Country was governed by a class of men with whose general character in the several colonies your Excellency must before now be well acquainted—who took possession of every avenue leading to Government House, and directed every succeeding Governor, who had at their disposition all the patronage of the Country—who looked with contemptuous indifference on the mass of the inhabitants—who were in effect the Ministers of the Country without any ministerial responsibility,—and were the directors of its policy in every quarter by means of their agents—who filled throughout every office of emolument and trust.

With this party were associated the Mercantile Community, a class generally resident in England—and who have occasioned a drain of wealth from this Country as hurtful to its civilization and prosperity as are the effects of absenteeism in Ireland; they carry on their trade by means of agents and minor partners, who are instructed to look on every effort towards improving the physical features of the country and developing its agricultural resources as so much waste labor; and who consider the people of the Country, like the hooks and lines they import, merely as instruments to drag the Cod Fish out of the waters.

On the first institution of a Local Legislature in this Island, the Board of Council was of course entirely nominated from this party, and continue to be so selected. Its members are all chosen from St. John's, there is not one Outport Gentleman found in that body—although the district of St. John's contains only 18,000 Inhabitants—and the Outports near 60,000—there is not one Catholic in the Council, although there are near 40,000 Catholics in the Island out of a total of 75,000,—Like all the other old Colonial Councils, it has Executive and Legislative powers combined.

Address.

With two such powerful and influential parties, and with a Council so chosen, had the poor, oppressed and (politically speaking) ignorant people of Newfoundland to contend when first a representative form of government was ceded to them.

At the first Election, the people, ignorant of political character, and of the value of the franchise, elected a majority of persons of this party for their Representatives. But they had soon reason to repent of their ignorance. The most iniquitous laws disgraced the Statute Book. The people were forced by Legislative enactment to work on the roads without remuneration.—The simple franchise of the Country was so obscured, as by and by to supply food for endless litigation.—Judges had power to chain persons on the high roads for the most trifling offences.—The avenues to the Courts of Justice were entirely placed in the hands of a few unqualified persons by a Lawyers' Incorporation Act. In a country entirely unenclosed and uncultivated, Game Laws were enacted; from the desolate and craggy rocks and Islands that surrounded our shores the hardy fishermen were forbidden by law to take the wild birds eggs; and the public revenues were squandered in supplying jobs for Contractors—in the shape of Gaols and Lock-up-houses and places for partizans as Stipendiary Magistrates and Police.

Public excitement was raised to the highest pitch; and a new election was the consequence:—The Representation of the Country was purified, and a new feature presented itself in the political history of Newfoundland.—There was then found in the House of Assembly for the first time under any shape in the country, a power regularly constituted, and composed of men able and willing to curb the extravagances of Colonial power—"to chasten its pride and check the exuberance of its riot." Since the Election of a House of Assembly, thus constituted, the history of Newfoundland is a dull, tedious and monotonous account of low and paltry opposition, not alone to the progress of reform, but to the very vitality of the Representative principle.

In 1836, after the country had been excited from one extremity to the other, by the effects of a contested Election! and after it was known that the results of this election were unfavourable to the dominant party, it was declared that there were no seals to the writs, and that the objection was valid in point of Law—the consequence was a second election which purified still more the representation of the country—Governor Prescott, in his communication with the home Government, on the subject of the unsealed writs, states that all the writs ever before issued had all those characteristics of invalidity which accompanied those issued in September, 1836. In his communication with the House of Assembly in July, 1837, on the same subject, he states "he has reason to think that the information upon which he made that statement was at least doubtful."—Chief Justice Boulton, declared it as his opinion that the omission of the seal to the writ invalidated the return. The Law officers of the Crown in Great Britain declare the writ directorial on the Returning officer—not having a seal attached he need not have obeyed it: but when he made the return it was valid in Law.—In the investigation of this case, from a minute of the Journals of the Executive Council, we find that body sitting to determine on the validity of a return of Members from the district of Conception Bay, absolutely assuming to themselves all the powers of an Election committee of the House of Commons, and afterwards advising the Governor to evade calling the House together, on a pretended informality. In the period that intervened between the two Elections—a systematic attempt was made in the Supreme Court

of the Island to deter parties in future from the free exercise of the elective franchise, by a series of prosecutions which were determined to be crimes by packed Juries, and by the most vindictive punishments, a detailed statement of these violations of law have already been placed at the foot of the Throne.—It would naturally be supposed that after the ordeal of a double Election the Representative Branch would have some weight with the Executive—But a directly opposite line of policy was pursued.—The Press Patronised by the Government teemed with the most vile, libellous and calumnious abuse of the House of Assembly.—The Speaker of the first House of Assembly was intrusted with the Commission of the peace.—The Speaker of this House was denied this Honorary distinction. During a Session of four months continuance, neither the Speaker nor a Member of the Assembly was found at the Governor's table. The Chief Justice and High Sheriff sued out writs, while the House was in Session seeking for heavy damages against three Members, for acts performed in the House ; and every sanction was given by those in power to every act calculated to lessen the legitimate influence of the people's Representatives.

The Council, while they were so active in their Executive capacity, were not idle in their Legislative character. In the Session of 1837, they assumed to themselves the right of sitting in committee of Supply ; and when the House objected to this usurpation, they rejected the appropriation Bill, and threw the whole colony into confusion.

Her Majesty's Principal Secretary of State for the colonies had transmitted in this year to the Governor of Newfoundland several reports of a committee of the House of Lords on the subject of prison discipline, together with the Imperial Act for the promotion of greater uniformity of discipline in the prisons of England, with a command that they should be laid before the Legislature of this colony ; and the House of Assembly wisely judging that it was the intention of the Right Hon. Secretary thereby to imply a desire that a Local Act should be founded on the principle therein contained, introduced and passed a bill for producing greater uniformity of discipline in the prisons of this Island—but this important measure was by the Board of Council rejected, and the anxious wishes of the people to take the regulation of the discipline, &c. of the prisons out of the hands of the Judges of the Supreme Court, disappointed.

Her Majesty's principal Secretary of State for the Colonies also communicated to his Excellency the Governor in a despatch, a copy of which was by his Excellency laid before this House, that even he could find out errors in the Returns of the Blue Book, and intimating a wish that a law may be passed to enable the Governor to demand sworn Returns from Public Officers—the House of Assembly, therefore, who also perceived several false Returns in the Blue Book of this year, brought in a Bill in conformity with the Right Hon. Secretary's intimation, but again this Bill was rejected by the Board of Council.

The House of Assembly anxious to deprive the Bar of Newfoundland of that character of exclusion by which it is at present marked, brought in another Bill, the same measure having also passed the last House of Assembly, for amending the Lawyer's Incorporation Act, but again this Bill was a second time rejected by that Board, and the Bar must now continue a monopoly in the hands of a few unqualified persons.

The House of Assembly were solicitous to place the office of Sheriff in this Country on a footing with that office in England, and in all the

Address.

other North American Colonies but Newfoundland—brought in a Bill for that purpose, in order that each district may have its Sheriff—but this Bill was also lost.

In fine, of the 32 Bills which passed this Branch of the Legislature, in the Session of 1837, among which were a Bill for the establishment of an Academy, a Bill for securing Education to the Poor, &c. &c., only Ten have passed into Laws; and the country remains subjected to a system universally complained of.

The present Session (Summer 1838) commenced apparently under favourable auspices—the House was busily engaged in digesting many useful measures, in investigating the public accounts, in examining into the state and condition of Institutions supported at public expense or by taxes levied under particular acts of the Legislature—when a circumstance occurred which impresses the House of Assembly with a belief that it would be the wish of the Executive of the Colony to deprive it of a power possessed by the most inferior Court in the Country—the power of punishing for contempt. The circumstances of the case are briefly as follows.

Edward Kielley, Esq., District Surgeon, Surgeon to the Gaol, Surgeon to his Excellency the Governor, and to the St. John's Hospital, violently threatened John Kent, Esq., Member of this House, for words spoken in his place in the House on the subject of the St. John's Hospital; he was taken in the custody of the Serjeant-at-Arms, brought to the bar of the House, and required to apologize; instead of so apologizing, he pointed to the said John Kent in his place in the House, and called him a liar and a coward—he was then remanded until the following day. On that day when brought to the bar, he refused to make a simple apology to the House, and he was committed to the common Gaol by virtue of a Speaker's warrant. An application, we believe, was made to Mr. Justice Des Barres, the senior and only professionally educated Judge now in the Island, for a writ of *Habeas Corpus*—he refused (report says) issuing one, on the ground, as we can learn, of the fact of there being no Supreme Court in existence in the Island, owing to the absence of the Chief Justice. Mr. Assistant Judge Lilly, a man not professionally educated, who is merely a *locum tenens*, had no such scruples with respect to his power; he immediately issues a writ of *Habeas Corpus*, and without assigning any reason he pronounces the Speaker's warrant illegal, and discharges the prisoner. The circumstances attending the investigation are peculiarly illustrative of the character of the conspiracy in active operation against the right of the House of Assembly. The argument took place in the Council Chamber, before Mr. Lilly, Judge Des Barres declining to attend. Mr. Robinson, Master in Chancery, the paid servant of the Council, was heard for the defendant, several of the Legislative Council were present. Mr. Robinson used the following arguments, and if we are to judge from the decision, used them with great effect:—That the House of Assembly had no more power than a body incorporated to enable it to sue and be sued,—he instanced the Mechanics' Society of this town. If (said Mr. Robinson) a person disturbs the deliberation of the Mechanics' Society he can be handed out—so it is with the House of Assembly. If he refuses to go, he can be handed over to a Police Magistrate. The House of Assembly has the same power and no more.

When the House of Assembly learned the extraordinary decision of Judge Lilly—and the equally extraordinary act on the part of the Sheriff—the Speaker's warrant was issued for the arrest of these two

persons, and for Doctor Kielley, and the two first were taken into the custody of the Serjeant-at-Arms.

Address.

May it please Your Excellency,

The sequel is the most extraordinary of the whole proceeding:—His Excellency the Governor, we presume, after calling his Council together for advice, determined on the very evening of the day these parties were so justly imprisoned, to prorogue the House of Assembly—thereby impeding the progress of public business, depriving the civil Government of the aids in the supply bill—the country of the benefit of a road bill, suspending the constitution, and leaving room for suspicion that the Governor throws the shield of his prerogative between the House of Assembly, and the servants of the Crown, who so grossly violated its privileges.

May it please Your Excellency —

A Commission of Enquiry composed of impartial persons, with power to examine both into the form of Government, and into the character and qualifications of those filling the Executive Offices of the colony, by supplying her Majesty's Government with information collected from an impartial authority, would greatly tend to expose the irritating oppressions and exclusive system under which Newfoundland is governed. The Collector of the Customs is now absent nearly two years, and the Revenue has decreased several thousand pounds.—The administration of Justice swallows up a third of the Revenue, and the Chief Justice, Mr. Boulton, is absent to answer charges preferred against him before the Privy Council,—Mr. Brenton, Assistant Judge, is absent on leave, and Mr. Des Barres is the only Judge now in the colony professionally educated. Judge Lilly is a man whose habits and education unfit him for the high situation of a Judge, who the other day was refused the situation of a Police Magistrate, with the annual stipend of £250. The Treasurer of the Island is now absent on leave, leaving the whole accumulation of the Revenue, for nearly two years, owing to the rejection of the Supply bill, to a very young man. These are circumstances that require full investigation; and the House of Assembly have just confidence in the wisdom, determination, and vigour of the Governor General, that such investigation will be rigorously instituted—that the officers of the Crown will be subjected to due responsibility—that the seats of Justice will be purified, but, above all, that the rights and privileges of the Commons House of Assembly will be preserved in their inviolability.

The House of Assembly would further implore your Excellency to advise her Majesty to regenerate the Board of Council in Newfoundland, in order to render it useful to the public in the Legislature, by the separation of the Executive and Legislative characters from the same individuals, and the infusion of the Representative principle into the Council—or else, by carrying into effect the principles so ably laid down by Lord Viscount Goderich, when communicating with the late Governor Sir T. Cochrane, the instructions of his late Majesty, of happy and glorious memory, on the institution of a Legislature in Newfoundland, by the amalgamation of the two lower branches of the Legislature into one House, where these officers of the Crown may meet the Representatives of the people, and together consider the exigencies of the country.

Resolved,—That a sum not exceeding two hundred pounds be inserted in the next bill of supply, to defray the expenses of the said mission.

Resolved,—That the advisers of his Excellency, in recommending the exercise of the prerogative of the Crown so as to interfere with the free deliberation of the House of Assembly and its privileges, are participators in the contempt offered the House.

Resolutions agreed to.

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

Ordered, accordingly.

House in committee of supply.

Pursuant to order, the House resolved itself into a committee of the whole House on the consideration of a supply to be granted to her Majesty.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and had desired him to move for leave to sit again.

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

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

Motion respecting Revenue Bills.

Whereas it has been the invariable practice on all Bills for raising a Revenue, after such Bills have passed the Council and have been sent down to this House, for the Clerk of this House to engross the same on parchment, and for the purpose of preventing mistakes, to collate the same with the Clerk of the Hon. the Board of Council; and whereas a Bill entitled "An act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies," and which passed this House, was not sent down by her Majesty's Council before half past 12 o'clock this day; and whereas his Excellency the Governor has notified his intention of giving his assent to the said Revenue Bill at two o'clock this day, and then to prorogue the House, and whereas it was impossible in the intervening period for the Clerk to engross the same on parchment and to collate it with the Clerk of the Board of Council—

Resolution for deputation relative thereto.

Resolved,—That a deputation be appointed to wait on his Excellency to inform his Excellency of the same, and that this House cannot depart from the usage adopted on similar occasions.

Deputation named.

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

Report of deputation.

Mr. Kent, from the said deputation, reported that they had waited on his Excellency the Governor and presented the said Resolutions, when his Excellency was pleased to reply as follows:—

His Excellency's reply

Gentlemen,

I am aware there has not been sufficient time to engross the Revenue Bill upon parchment, but as it has passed the Council and House of As-

sembly and received the signature of the President of the former and Speaker of the latter, I am instructed that my assent only is requisite to make it Law in its present state.

Government House, }
13th Aug. 1838. }

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency,

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

And then the said Messenger withdrew.

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

H. PRESCOTT.

The Governor being prepared to pass the Revenue Bill requests it may be immediately sent to him for his signature. requesting Revenue Bill

13th August, 1838.

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

Resolved,—That a deputation be appointed to wait on his Excellency the Governor and acquaint him that this House regrets it cannot comply with the request contained in his Excellency's last message for the reasons set forth in their former Resolutions communicated to his Excellency, which, in the opinion of this House, are insuperable.

Resolution for deputation to wait on his Excellency.

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

Deputation.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR,

By Joseph Templeman, Esq., Usher of the Black Rod, requiring the immediate attendance of the House in the Council Chamber.

Message from his Excellency, requiring attendance of House.

The House attended accordingly—and being returned—

House attend his Excellency.

Mr. Speaker reported to the House that his Excellency had been pleased to make the following Speech to both Houses:—

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

His Excellency's speech

It having been represented to me that an Assistant Judge of the Supreme Court has been arrested by order of the House of Assembly, in consequence of a decision made by him in his judicial capacity, and that the Sheriff has been also arrested for having obeyed a mandate of his superior, the said Judge, founded upon that decision—

I feel myself compelled to have recourse to a prorogation, for the purpose of putting a stop to proceedings which, independently of any question as to their legality, seem wholly unsuited to the character and condition of the Colony, and calculated to subvert that respect which is due and which it is highly expedient that all classes of society should render to the administrators of the Laws in the exercise of their functions.

His Excellency's speech

Some inconvenience must result from the present measure, but to this it behoves us to submit for the avoidance of greater evil; and I trust that a short recess, by affording opportunity for reflection, may have the effect of producing calmer counsels for the future.

August 13th, 1838.

After which the Hon. the President of her Majesty's Council said—

Honorable Gentlemen of her Majesty's Council,

Mr. Speaker and Gentlemen of the House of Assembly,

It is his Excellency the Governor's will and pleasure that this General Assembly be prorogued until Monday the twentieth instant, and then and here to be holden; and this General Assembly is accordingly prorogued until Monday the twentieth instant.

R. R. WAKEHAM, Clerk.

.....
END OF THE SECOND SESSION.
.....

Some resolutions were read from the printed papers, but as this
it being too late for the evening of yesterday and I trust that
a statement in abstracting opportunity for reflection may have the
of producing a better course for the future.

A report 18th, 1888.

After which the Hon. the President of the House, Mr. J. G. ...

... of the House of Assembly, Mr. ...

... of the House of Assembly, Mr. ...

It is the duty of the Government to will and please that their ...
Assembly be brought into the world, and that the ...
be to be held, and the ... Assembly is accordingly ...
and Monday the ...

APPENDIX

TO THE

JOURNAL OF THE SECOND SESSION

OF THE

HOUSE OF ASSEMBLY

OF

NEWFOUNDLAND.

APPENDIX

Memorial and Representation

OF

PATRICK MORRIS, ESQ.

TO THE RIGHT HONOURABLE LORD GLENELG,

HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES.

The Humble Memorial and Representation of Patrick Morris, Esq. Justice of the Peace for the District of St. John's, Member of the House of Assembly of Newfoundland, and one of the Delegates from that Body, appointed to represent the state of the Colony to Her Majesty's Government.

MY LORD,

Having been appointed with the Speaker, Dr. Carson, and Mr. Nugent, from the House of Assembly of Newfoundland, to represent the state of the Colony to Her Majesty's Government, I regret to say, that ill health prevented me from attending on your Lordship with those gentlemen in London, the beginning of January. On my arrival the first week in March, I found they had made considerable progress in the objects of their mission; that they had made various reports, which I found so consonant to the instructions given to the Delegates by the House of Assembly, that I unhesitatingly expressed my unqualified approbation of their proceedings. I was informed by them of the kind and condescending manner in which your Lordship was pleased to hear their complaints; and was highly gratified to learn that your Lordship had assented to some of the matters brought under your consideration, and that you had promised to give every consideration to the remainder.

I also found that your Lordship had thought proper to place that important question, the state of the administration of Justice, and the complaints against the proceedings of the Chief Justice, Mr. Boulton, before Her Majesty's Council. Your Lordship also laid before the Council the address from the House of Assembly, complaining of a breach of privilege on the part of the Chief Justice, in prosecuting for libel certain Members of the House of Assembly, for the publication of a speech delivered by myself, when moving for a committee to enquire into the state of the administration of Justice, and which was printed by order of that House for the use of the Members.

The Delegates were called on by order of the Council to exhibit the complaints against Mr. Boulton, and accordingly they employed eminent counsel, who laid the case accordingly before the Privy Council, to which Mr. Boulton has made his reply.

Here I shall make the same observation to your Lordship which I did to the Delegates:—That we were not authorised by our instructions to submit this most important question for the adjudication of the Privy Council, in the absence of evidence to support the various allegations; to prove which it would be absolutely necessary, either to bring evidence from Newfoundland, or that a commission should be prayed for, to examine evidence there. To these opinions of mine the Delegates replied, that the injury was at the instance of the Government; that they had made similar objections to your Lordship, and that under all the circumstances, they considered it the better way to let the matter take its course. This being the opinion of the other Delegates, and finding on my arrival in London that the subject was before the Council, it became my duty, even though I might differ in opinion, to acquiesce in the decision of Dr. Carson and Mr. Nugent. I have done so with the more readiness, from

a confident reliance, that in a case where the vital interests, peace, and prosperity of Newfoundland are so deeply involved, the Government will proceed with the inquiry, until the real merits are clearly developed. Had I any doubts on this head, the precedent on the case of Judge Desbarres, established by your Lordship, must completely remove them; who, after having been acquitted by the Council, was obliged to clear himself from every imputation in the colony.

I shall now, my Lord without further preface, call your Lordship's attention to some of the most important and prominent cases that have led to the present unsettled and unhappy state of the colony, which, though not enjoying many other advantages, was remarkable for the harmony and good feeling which existed amongst the inhabitants, and the veneration in which they held their governors and judges; and the unbounded confidence they had in the administration of justice. I shall state no doubtful or hypothetical cases, but confine myself to facts, and draw such conclusions from these facts as my limited abilities will permit: of the correctness of which your Lordship will be fully competent to judge.

The first case to which I shall solicit your Lordship's attention, is the prosecution commenced by the President of the Council, and Chief Justice of the Island, against three Members of the House of Assembly on a charge of libel, for a speech delivered by one of them.

The second is the prosecution of myself by the High Sheriff, also for libel, for the same speech, printed by order of the House of Assembly. The Sheriff is the Executive officer of the Supreme Court, and immediately under the order and influence of the Chief Justice. The only remark I shall make on this singular prosecution is, that as the Chief Justice acknowledges in his defence, that "the speech was printed by order of the House of Assembly," therefore I am prosecuted by the Chief Justice and his officer, the High Sheriff, for the discharge of my duty as one of the representative branch of the Legislature. The questions to be decided do not so much lie between the plaintiffs and defendants in these actions, as between the President of the Council, the Chief Justice and the High Sheriff, on the one part; and the infant constitution of Newfoundland on the other. If members are not allowed to express their opinions "according to conscience" in the House of Assembly, when arraigning the public conduct of public men, why then the constitution of Newfoundland is a most dangerous mockery, and the sooner your Lordship deprives the country of it the better.

As it is my intention to arrange the different branches of the subject of my present communication under distinct and separate heads, I shall commence with the conduct of Judge Boulton in his legislative capacity. His first act, on the opening of the first session of the legislature, held immediately after his arrival in January, 1834, was the assumption of the title of Speaker, instead of President of the Council; not content with changing the name, he changes the constitution, by a rule he introduced for its government, under which it required five members to form a quorum, and the Speaker at all times to be one of the number, though by the letters patent under the great seal, granted only two years before, the full number of the Council was only six.

It is unnecessary for me to remark on the "organic change" thus made in the Council, and the tendency it had to throw all the power into the hands of the Speaker, it is quite sufficient for me to say, that this violent and unwarranted change met with the severest rebuke from your Lordship's predecessor, Mr. Spring Rice, to whose constitutional and able despatch on the occasion, I have to refer your Lordship. Mr. Rice commanded that the original title of President should be resumed, and that the obnoxious rule should be rescinded. Mr. Boulton immediately assumed another title, that of "Henry John Boulton," in his messages to the House of Assembly; by which name he could not be recognized even as member of the Council, acting *ex officio*, as Chief Justice. This new title he continued until the meeting of the present House of Assembly, when one of the Members, Mr. Kent, intimated

his intention to make a distinct motion on the subject, which was found unnecessary, as since then, the Chief Justice has appended the letters P. C. to his messages to the House of Assembly, which I presume means President of the Council.

Immediately after Mr. Boulton discarded the musty title of President, and adopted the more dignified one of Speaker, he introduced a bill into the Council, entitled a Bill to extend the Law of England to Newfoundland. The main object of the Bill was to establish in the Colony the English law of real property, with "the law of inheritable succession, with its alluring rights and legal complications." This Bill, after much opposition from the Attorney General and Colonel Haly, passed the Council, and was sent down to the Assembly; alterations were made there fatal to its main object, and when it came back to the Council, it was allowed to fall to the ground. During the discussions on this Bill, Mr. Boulton argued that no Act was required; that it was the law of Newfoundland; and that if a case came before him on the Bench, involving the question of real property, he would decide according to the law of England, and the practice in the Courts of Westminster. He was supported in this view of the question by Mr. Thomas, who adduced some English decisions to support his view of the subject. The assertions of Mr. Boulton, of what he would do on the Bench, excited the alarm of Col. Haly, one of the Council, who was a considerable holder of property, and whose interest would suffer if such a principle was established in the courts, and which it was the determination of the Chief Justice to do; he immediately introduced a bill declaratory of the old law, by which landed property, as well as every other, was recognized as chattel property, and divided accordingly. This Bill was hurried through the House—got the Governor's assent,—but was finally rejected by the Crown, in consequence of a clause introduced by Judge Boulton. This clause being expunged, the amended Act passed in a following session, received the Royal assent, and is now the undisputed law of Newfoundland.

I am the more particular in bringing forward this abortive attempt on the part of Mr. Boulton, to disturb the long established usage of the country, (under which, I may safely say, every house and foot of ground was held throughout the Island,) to show to your Lordship the insatiable love of change which has influenced him, in undermining all the institutions of the country; and that it is not his fault—it is not for want of the most active exertions, controuled only by an act of the Legislature, that prevented a frightful revolution in the landed property, which he would have flung into the same chaos and confusion, as I shall by and by prove, by his Judge-made laws, he has thrown the property of the Merchants, Planters, and Fishermen.

Had Judge Boulton only glanced at the ancient Records, and the proceedings of the Courts, he would have found this important question completely set at rest.—Vol. 2, page 363, Governor Drake's opinion, in 1752, on Edgar Adam's Will, made in 1729. Vol. 2, page 167, Jona Nual's property. Vol. 3, page 247, Governor Palliser divided the property of Thomas Nual equally amongst his children, in direct opposition to the legal opinions of Mr. Dunning and Mr. Mansfield.

Immediately on the establishment of a competent Court of Judicature, in 1791, under the advice of the celebrated John Reeves, who was the first Chief Justice, a Probate Court was established for granting letters of administration and proving wills; and during the whole period since its establishment, the property of intestate estates has been divided agreeably to ancient practice; and on the 11th February, 1818, the legality of the principle was argued before the Chief Justice, now Sir Francis Forbes, who decided in favor of the custom, and against the English "law of inheritable succession, with its alluring rights and legal complications." Fortunately for the possessors of property, Col. Haly, though a member of the Council, was not so dazzled with the splendour of inheritable succession, as to part with his property to form a platform for a future aristocracy in Newfoundland, or the cases I have quoted, would present slight obstacles to the enactment from the Bench of the Supreme Court, by Mr. Boulton.

The next effort of Mr. Boulton's industry to sweep away every vestige of the laws that for centuries had regulated the trade and fisheries of the Island, was the introduction of a Bill in 1836, to repeal the 25th and 26th sections of the Judicature Act, and every ancient custom that prevailed. I petitioned the House of Assembly to be heard at their Bar against this Bill, and published a letter in the *Patriot* newspaper, February, 1836, explaining its evil tendency. This Bill was thrown out of the House of Assembly. The introduction of the Bill to repeal the Judicature Act, and the ancient customs, on the part of Mr. Boulton, was after he had decided on the bench against these laws and customs.—If he had power to repeal them, what necessity was there for an act of the Legislature?

In the same session Mr. Boulton introduced what he called a bill to establish a Nisi Prius Court, which was in effect a bill to establish another Supreme Court, and to supersede, in a great degree, the great charter of justice granted by George IV. I wrote another letter in the *Patriot* newspaper against this bill; though it passed the Council, it found only one person in the House of Assembly (composed of a majority of persons supposed to be favourable to Judge Boulton) who supported it. Amongst other clauses of the Bill, was the appointment of Masters in Chancery; and Mr. Wakeham having been present below the bar during the discussion, Mr. Boulton pointed him out as a fit person to fill the office, and afterwards sent for him to chambers to know if he would accept it. I mention this slight circumstance to prove how confidently Mr. Boulton calculated upon the passing of his Nisi Prius Bill.

The most dangerous and the most destructive law introduced by Mr. Boulton is the Lawyers' Incorporation Act, which gives a monopoly of the whole practice at the bar, to a few persons who had no claim; and which, with the enormous fees and Court charges, almost amounts to a denial of justice.

Having said so much of the untiring exertions of Mr. Boulton to remove the foundations of the civil laws, I shall conclude this part of my subject with some remarks on his successful labours in mainly altering and changing the criminal laws of the colony. Before his time, the criminal law of England was invariably adopted in the criminal courts of Newfoundland; criminals were indicted under the statute and common law of England, and, if found guilty, were condemned to the same punishment as would have been awarded in British Courts. The Judges of Newfoundland had the whole range of the common and statute law of England to draw upon without limit—they had the precedents of English Courts to direct them in their proceedings, in any case where they considered they could be found applicable to the particular circumstances of the cases that might arise in the Newfoundland Courts. Mr. Boulton, not satisfied with this boundless and almost uncontrolled power, must figure as a criminal legislator as well as a criminal judge; he, in the very first session he sat in the Colonial Legislature, introduced a bill, which was passed into a law, without the people of the country having the slightest intimation of it;—it passed without many of the members of the Legislature being at all aware of its enactments—it was called the Banishment Act, but, my lord, I shall give its true name, and call it *Mr. Boulton's Criminal Code for Newfoundland*; and, if this statute be allowed to remain on the Statute-book, Mr. Boulton, like another great man, will go down to posterity with his code in his hand. In three or four sections of a short act of a Colonial Legislature, not two years in existence, he increases the power of the Judges of Newfoundland far above that of the Judges of England; and I defy the most searching lawyer to find in the vast history of English legislation one act that contains a tithe of its enactments. Though not a lawyer, I believe I may say that it is almost an invariable practice in criminal statutes, that the enactments should be defined and specific—the Newfoundland act is unbounded and unlimited.

The first principle established in the act gives power to the Judges to banish, or to transport for a limited term, or for life, great and small criminals at their discretion. The second power given to the Judge is an addition to what he had under the old law; he can order great and small criminals to be set to work in chains on the high roads and streets. The third species of power given to the Judge is, that he can make rules for the prison discipline, regulate the dietary, mode of confinement and labour, *before* and after conviction.

These, my Lord, are the main principles of Mr. Boulton's alterations in the criminal code of Newfoundland; is it necessary to make any further remark upon them? But I must inform your Lordship of some of the proceedings under this act, and which excited much observation. Almost immediately after the act passed, a maid-servant in the employment of Judge Boulton, was tried and convicted of having some trifling article of wearing apparel belonging to the family secreted in her trunk. I think it was a shirt collar. For this offence this young woman was banished for seven years. Three boys, the eldest not more than sixteen years of age, sons of three old inhabitants of the Island, of the names of Tibbs, Dunn, and Tobin, the youngest of them not less than sixty-five or seventy years of age, were tried and convicted for taking away from a shop-door in the town of St. John's, a pair of shoes or small boots, of the value of two or three shillings. These boys (this being their first offence) were sentenced to a banishment of seven years. The three old men jointly petitioned the Governor, Captain Prescott, praying for a remission or change of the punishment. Tobin was the only child of his aged father. Tibbs' son, though young, was the chief means of support of his family. I wrote to the Secretary, Mr. Crowdy, begging that he would bring the petition of the unhappy old men under the immediate consideration of his Excellency. Mr. Crowdy replied in that kind and considerate manner which is a distinguishing feature in his character, and informed me that the matter would be submitted to the Judges, and that he was sure that as far as the Governor was concerned, he would be most anxious to comply with the prayer of the petition. I know not what proceedings were afterwards adopted. I know not whether the Judges reported favourably or unfavourably; but this I know, that the three broken hearted old men were calling from day to day, from week to week, at the Government Office, without receiving any other answer than what was conveyed in the kind and sympathising replies to their inquiries by the Secretary; until at length the old man Tibbs, overwhelmed with the strong feelings of a parent, with that state of mental anxiety and uncertainty more intolerable than certainty itself, sickened and died, a native victim to an unnatural act of a native Legislature. This may appear to your Lordship a highly coloured statement; but I solemnly assert that the whole of the facts I have recited came under my own observation, and that I have only given a faint outline of the case. What became of the boys I cannot tell, but I was informed they were smuggled out of prison, and allowed to proceed to the fishery; but there was no public notice of the fact, nor did I condescend to make inquiry on the subject.

The proceedings of Judge Boulton under the last section of the act, have been brought under the immediate consideration of your Lordship. This clause empowers the Judge, if he is so disposed, to follow his victim into the recesses of his dungeon, and inflict even a greater punishment on him there than he could by the sentence of the law. I consider this a most dangerous inquisitorial power, that should not be allowed to remain in the hands of the Judges, and that it ought to be regulated without delay. The man Shortal, one of the election prisoners, was taken ill; he imagined that his illness was caused by the deleterious quality of the water used in the prison, and he begged of his wife, to whom he was allowed to speak through an iron grating, to get him some pure spring water, which she brought in a jar, and the High Sheriff, acting under the orders of the Judge, refused to admit it to the prisoner. Being a magistrate, the woman applied to me: I took her deposition to the fact. I waited on Captain Prescott with it, who informed me he could not interfere.

With respect to the power exercised by the Judges, to order persons for minor offences to work chained on the high roads, I have to say that boys, able sailors and soldiers are so employed; and I leave your Lordship to judge how this mode of *prison discipline* is calculated to improve the morals of the unfortunate boys and other convicts; and how repugnant it must be to the feelings of freemen to witness such disgusting and slavish exhibitions in a free colony. To prove to Your Lordship the strictness with which the prisoners are watched while employed in the public streets, the "Jail Barber" was for a time dismissed from his situation by order of Judge Boulton, for the crime of giving a small piece of roasted fish to one of the prisoners.

The most extraordinary power given to and exercised by the Judges, and which had nearly escaped my notice, is that which authorises them to make convict colonies of every part of the British dominions; of making convict ships of any vessels they may think proper; and making the Captains responsible for the safe custody of their prisoners, until they are safely landed at their destined port. Here I would respectfully inquire of your Lordship, if the Colonial Council fully reported on this act before it received the approval of his Majesty—have the Newfoundland Legislature powers beyond the limits of their own jurisdiction—are the Judges authorized, under its provisions, to banish beyond the limits of the colony?—can captains of ships legally detain prisoners beyond these limits?—are they not liable to actions for false imprisonment on the part of the prisoners, at the port of their delivery? I have ventured to express opinions to this effect, and I must confess my doubts remain unabated; and I do think the subject is worthy the consideration of the legal advisers of the Crown.

I now take my leave of Judge Boulton's legislative career, and will draw the attention of your Lordship to his acts and proceedings in his judicial capacity.

Soon after his arrival in Newfoundland, in the year 1833, on the 12th December, he, nominally with the assent of the other Judges, but in reality by his own act, issued precepts to the High Sheriff to summon juries on a new system, altogether different from the system in practice under the authority of the rules of the Supreme Court, and sanctioned by his Majesty in Council, founded on the Imperial Act, and the great charter that explained it. He found the Jury laws fixed and settled;—he treated them as “nullity.” It remains to be decided whether the Jury laws, sanctioned by the law, the charter, and the King in Council, are to be swept away by the precept of Judge Boulton.

The rescinding of the rules and practice of the Courts by “one fell swoop,” and the adoption of rules and practice only known to himself, of which the bar must have been profoundly ignorant, was such a wholesale proceeding, that the very naming it to a lawyer must be quite sufficient to prove it totally inconsistent with the deliberative character of the Judge.

Amongst the first cases that came before Judge Boulton was the case of Judge Desbarres, one of the superior Judges. He was arraigned at the bar of his own Court, under an indictment for an assault on a common constable. The Judge adduced a paper in his defence, which Chief Justice Boulton at once pronounced to be a forgery; and he charged the Jury strongly against the defendant: the Jury, however, acquitted Judge Desbarres. The Chief Justice remarked on the alteration of the paper, said it was a more “flagitious” act than the original offence charged in the indictment. In consequence of this new charge, the Judge was prevented from taking his seat on the bench, and had to pass through the ordeal of another trial before Judge Boulton in his inquisitorial capacity. After a lengthened inquiry, the Chief Justice reported to Sir Thomas Cochrane on this case, and the result was, that the Governor intimated to Judge Desbarres, that he should proceed to England to explain his conduct to the Colonial Minister. The case was submitted to the proper authority who reinstated Judge Desbarres in his office; but your Lordship intimated to him, that before he took his seat on the bench, he must submit to another trial at Newfoundland, and get himself purged from the charge of having forged the summons. Mr. Desbarres submitted to this course; but naturally objected to Judge Boulton, on the ground of partiality, and also to Judge Brenton, possibly without cause. These objections were admitted by the Executive, thereby giving countenance to the charge of partiality on the part of the judges. A new judge, Lilly, was appointed to try the case, and after a patient inquiry, the jury honourably acquitted Mr. Desbarres of this foul charge.

The next case to which I beg to call your Lordships attention, is that of Robert John Parsons, Printer of the Patriot Newspaper. He was charged with an alleged libel on the Chief Justice, Boulton, printed in that paper, and summoned for a contempt of the Circuit Court, presided over by the Judge; instead of directing a prosecution in the ordinary way, by the Attorney-General, he has the printer brought before him—interrogates him. The printer denied being the author, but would not say who the author was; without further trial

he was sentenced to a fine of fifty pounds, and an imprisonment of three months in the *common jail*. As soon as this extraordinary proceeding came to the knowledge of your Lordship, you ordered the immediate liberation of the printer, and the remission of the fine; the term of the imprisonment had expired, and the fine was paid before your Lordship's dispatch arrived. The only reparation made to Parsons, for the false imprisonment on the part of the Judge, was the repayment of the fine of fifty pounds. You will not be surprised if this proceeding altogether tended much to damage the judicial character of Chief Justice Boulton.

The next cases which I shall bring under your Lordship's notice, are *Rex v. Robert Pack and others—Rex v. Patrick Morris, and others*; and, as those cases arose out of the proceedings of the Elections at Newfoundland, in November, 1836, and that it was the examination before the Council that led to the discovery, by Mr. Boulton, that the writ for the Conception Bay election had not the King's seal appended; and as the "question" of their validity "had been distinctly raised" by the President of the Council, and which opinion was reluctantly assented to on the part of your Lordship, and which led to a new general Election, declaring the former void, I think it necessary to enter fully into the particulars and nature of these cases.

Before I commence, I shall make one or two observations on the proceedings of the Council, in an inquiry into the elections of another, and a distinct branch of the Legislature—it must not be lost sight of, that the Privy Council in Newfoundland, is only another name for the Legislative Council, were it not for the wonderful discovery, by Mr. Boulton, of the informality of the writ, which stopped the proceedings altogether, we should have had His Majesty's Council converted into an election committee to enquire into the validity of elections, which should only come under the examination and controul of another branch of the Legislature to which the law, and the charter, and the practice of Parliament alone confided it! I stated in my place in the House of Assembly, what I now most respectfully state to your Lordship, that the precedent established by the Council in this matter was a great violation of the rights, and a gross breach of the privileges of the House of Assembly, and which only could be excused by the profound ignorance of parliamentary law, exhibited by the honorable actors on the occasion.

When the error in the writ was discovered, what prevented the Council, who were then deliberating in secret, from attaching the King's seal to the writ? Who could know of the original error but themselves? No other parties could, or would question it, though it was stated that all the writs for all the former elections, were equally informal, yet, in the face of this astounding fact, which would sweep away the revenue law, and every other law of the Local Legislature, the question was raised by the Chief Justice—persisted in by him in opposition to every principle of prudence and common sense, and as "the question had been distinctly raised and submitted to your Lordship, objection to the validity of the writs was insuperable."

Your Lordship's dispatch of the 31st May, 1837, is now before me, and I most fully agree with your Lordship "that the informality of the writs of the late elections, were not resorted to as a political engine, by which to neutralize the return of members supposed to be hostile to the Government," it was a pure mistake. Without the aid of your Lordship's assurance on the subject, I was not only fully convinced of it, but also, that the Governor, Captain Prescott, acted in a straight-forward manner in the matter, every way worthy of the representative of the King, and of the honorable profession to which he belongs. I expressed these opinions from my place in the House of Assembly, and I do not hesitate to repeat them again to your Lordship. I shall here make one remark more:—Your Lordship, in your dispatch of the 31st May, kindly glances at the erroneous opinions of the members elected, "supposed to be hostile to the government." I hope the *reports to your Lordship of the characters of those Gentlemen*, were expressed in the same courteous and kind manner; if not, I most solemnly assure your Lordship, that so far from these persons being opposed to her Majesty's Govern-

ment, there are not in her dominions persons more ardently, more devotedly attached to her Royal Person and Government.

To return to the cases of Pack and Morris, and others: the defendants were six members composing a quorum of the House of Assembly. Four magistrates of the Island, two respectable clergymen, and eighteen other persons, mostly old and respectable inhabitants, they stood charged with riots and disturbances before and at the election of Conception Bay. Your Lordship appears to be so fully acquainted with the particulars of the cases of all the individuals convicted and sentenced; and having in your despatch of the 31st May, expressed your deliberative opinion on the subject, that it is quite unnecessary to say a word as respects them, my observations will be confined chiefly to other matters, and the conduct of the principal *delinquents* who were acquitted. If there was the slightest crime brought home to one of the parties, the leaders, the members, the magistrates, who were the responsible persons, and unquestionably accountable for the proceedings of meetings over which they presided, ought not to escape.

The first case in the order of the time is the one in which I have the honor of having my name associated with that of the King; a mere casual meeting took place, at a place called Waterford Bridge, situated in a valley to the westward of St. John's, distant about three miles from that town, on Sunday, 23d October, 1836. The object was to consult the feelings of the rural populations in that quarter, on the respective merits of the various candidates who were then contending for the honor of representing the district of St. John's, in the ensuing House of Assembly. It being one of those fine autumnal days, so common in that season in the North American climates, and which go under the denomination of the Indian summer, a vast number of the towns-people attended, for the double purpose of an evening's amusement, and of expressing their approval of their favorite candidates. The whole line of road, from the town to the place of the meeting, was one dense mass of people on foot, on horseback, and in carriages. They assembled in a large meadow, romantically situated on the bank of a rapid river, that is there divided by a small island; the place might justly be called "the meeting of the waters." There was the greatest order observed; no circumstance whatever occurred to interrupt the harmony that generally prevailed. Dr. Carson, one of the candidates, a Scotchman, and a dissenter, first addressed the meeting,—he was followed by a number of other gentlemen. I was the very last called on to speak. It was not a political speech I made; my address to the meeting was more in the nature of a sermon, calling the attention of the assembled multitude to the blessings they saw smiling around them: a cultivated country capable of affording employment and support for themselves and their children; studded with farm houses and villas on every side. I told them that, though not an old man, I recollected the time when the cultivated country they saw was an uninhabited wilderness, the resort of the deer and the wolf, with scarcely a human sound to interrupt them in their progress. I informed them that I was the humble instrument to induce the Government of Lord Bathurst to recognise the right to the cultivation of the soil of Newfoundland, by a Legislative enactment, and put an end to the extirpating policy that so long prevailed and prevented its cultivation. I pointed out the immense debt of gratitude they owed to the King and his paternal Government; and concluded by requesting of the meeting to return peaceably to their homes, with which request they instantly complied, and the inhabitants of the town returned in the same orderly and quiet manner in which they came to the meeting. The only charge that could be brought home against the meeting was, that one individual, Mr. Power, said *Bah!* to one of the opposite party; the special jury remained in deliberation, it is said, for hours, to decide on the point whether they should convict Mr. Kent also, to whose conduct the Chief Justice called their particular attention, because he rode a spirited horse in front, "and some times took off his hat."

It is more than probable that your Lordship's attention has not been directed to some facts connected with this prosecution:—the meeting, you will please to observe, took place on the 23d Oct.; the Circuit Court held its session nearly the whole of the month of November following; a grand jury was impannelled, and inquired into the usual cases that were brought before them; but there was no indictment or complaint made against any of the parties concerned in the meeting of October, though the Monday after the meeting depositions were taken, and the strictest enquiries were made by Mr. Carter and the police magistrates. In one instance,

a tradesman of the town was summoned by the magistrates, to give evidence of the fact of my being at the meeting; the man said he could not positively say whether I was or not, when Mr. Carter endeavoured to force him to swear: the man, after getting out of the hands of the police magistrates, came to me, and informed me of the means that were adopted to induce him to prove against me. I went immediately to the magistrates' office—got the man to make an affidavit of the facts—had it filled by the Clerk of the peace,—and then expressed my astonishment how the magistrates could descend to such means to obtain evidence, when, if they only called on me, I was ready to give them every information they required. The depositions taken, were, I am credibly informed, sent by Mr. Carter, not to the Attorney General, but to the Chief Justice, where they slumbered during the sitting of the Circuit Court, and until the latter end of the December following, when they were sent to the Attorney General, who did not think them sufficiently strong to found bills of indictment upon, but left the matter to be inquired into by the grand jury of the Supreme Court.

The grand jury was composed of two of the defeated candidates at the late election, and the principal members of their committee. Such, my Lord, was the composition of the grand jury, as well as the special juries that were to try these cases. Here I may remark, that Shortal and Mackay, and some other minor offenders at the elections, were tried in the usual way, by common juries; some were acquitted, and some were found guilty; but their deliberations were inconveniently protracted. When they found parties guilty it was in a doubtful and special manner, certainly not agreeable either to the charges, or the feelings exhibited by the honourable Judge. I do not hesitate to state that the common juries acted, in every instance, in the most upright and conscientious manner; and though your Lordship may consider mine a partial opinion, I cannot avoid stating, that they were coerced by the Judge to give in a verdict of guilty, when they should have given a verdict of unqualified acquittal. Such my Lord, was their verdict in the case of Mackay, guilty of *spitting only*, which I contend was, in effect, an acquittal, and the judge was bound to record it. Here, my Lord, I beg to call your attention to the sudden change in the mode of prosecution; a change was made from common to special juries, it was determined by the advisers of the prosecutions, to select the juries from the party politically opposed to the defendants, in Pack and Morris's cases, it was utterly impossible, under the new system of special jurors, that a single man who was suspected to entertain even moderate opinions, would be left on; when the prosecutors had recourse to this mode of trial, I told Mr. Pack, my brother magistrate, who first informed me of it, that I should not be surprized at any thing that would come next.

I must now make your Lordship acquainted with the course adopted by the grand jury. Having been one of the jury myself, I can speak from my own personal observation, and pledge myself for the truth of all the facts. The Chief Justice, in his speech, glanced generally at the recent events; told the jury it was their duty to make strict inquiry into every matter connected with the peace of the country; that they had full power to summon such persons before them from the most distant parts of the Island, from whom they might extract information; and further stated, that if they thought this course attended with too much labour, they might appoint a secretary or clerk to take a record of the information given to them, and to do the more laborious part of the inquiry, and which it was their bounden duty to enter into. A Mr. Ambrose Shea was immediately appointed Secretary, and the grand inquisition was commenced. The record was kept by Mr. Shea, which can be referred to.

One of the first witnesses summoned to give evidence before this new tribunal was James Power, Esq., J. P., who, with Mr. Pack, were the successful candidates at the late election, and who was himself afterwards indicted.

Mr. Power, being sworn, gave the most clear and satisfactory account of the election at Harbor Grace, and the procession of the electors from Carbonear. He said, that the interruption at the hustings took place while he was going into the polling-room close by; that it was over before he had time to return to the hustings without; for the remainder of the time of the election there was not the slightest interruption to the proceedings. Mr. Power

stated as a magistrate, that he could with perfect safety proceed to any part of Conception Bay to execute a legal warrant; and that if the deputy-sheriff, Mr. Stabb, had only called upon himself or Mr. Paek, magistrate of Carbonear, when he arrested Roger Thomey, to assist him, he was quite certain the people would not attempt to interrupt the due course of the law. Mr. Stabb did not apply for such assistance, but paraded Thomey through the people in a long road leading from Carbonear to the jail at Harbor Grace, then much excited after the election, and that it was through such imprudence on the part of Mr. Stabb the rescue of Thomey was to be attributed. This was the substance of Mr. Power's evidence before the grand jury. On the retirement of Mr. Power, when his evidence was read over by the clerk, I found it was most imperfectly recorded; some other gentlemen of the jury agreed in opinion with me; and Mr. Job said, that Mr. Power should be recalled, to have his evidence properly taken down, which afterwards was not done. Other persons were examined, who stated not what really occurred at the election, but gave most alarming accounts of their own apprehensions. On such evidence the grand jury deliberated, and came into Court with a presentment against *all* Conception Bay, declaring that all law and order was there set at defiance, and that they recommended military law to be proclaimed in the insurrectionary district! This was a little too much for the Chief Justice. The St. John's grand jury found a bill of indictment against a whole people—the judge considered it would be difficult to try them, and more difficult to punish them. He desired the jury to retire, and make further inquiries for the particular offenders against all “rule, law, and order.” The jury took the hint; commenced a new series of inquisitions; subpoenas were issued to a large number of persons in Harbor Grace, Carbonear, and St. John's: amongst the rest a subpoena was issued and served upon Mr. Paek, to give evidence to “certain misdemeanours;” and he and a number of other persons were obliged to leave their houses in the dead of winter, pass a wild Bay, seven leagues across, and then travel to St. John's. Mr. Paek, and Mr. Power, little thinking that they were subpoenaed to give evidence of certain misdemeanours committed by themselves, who were magistrates and representatives of the district. This novel inquiry continued for some weeks; general alarm prevailed; no man could tell but he himself would be the next that information would be given against. I pledge my honour to you, my Lord, that though I was myself one of the grand jury, I had not, up to a few days before Christmas-day, the slightest intimation that it was the intention to indict me; and when the information was kindly conveyed to me by a friend, who accidentally discovered it, even then I did not believe it—I thought it a hoax; but my doubts were soon removed; the grand jury first found bills of indictment against Robert Paek and others; and Patrick Morris and others were the next in order. I shall, my Lord, pass over with silence and unutterable contempt the disgraceful means that were resorted to, to obtain evidence against me; a hasty *word*—anything would do. If I entered more fully into this part of the case, I should have to introduce the names of parties who I have no wish to hold forth. I shall only say, that “*the state* prosecutions” in the month of December, 1836, and January, 1837, afford very little proof either of the vigour, wisdom, or common sense of those whose duty it is to advise Captain Prescott in his government.

The most trivial breach of the peace was not proved against any one of the defendants, with the exception of Roger Thomey, who was separately indicted; and Mr. Power, who exclaimed “*Bah*” to one of the opposite party during the heat of a contested election, which no ingenuity could well torture into a breach of the peace; I do repeat, my Lord, there was no breach of the peace proven in these cases and; I shall appeal to the report of the judge for my proofs, dated 17th February, 1837, addressed to Captain Prescott, on Harding's petition for a remission of his sentence. What does this most valuable document state? It speaks for itself—“It is true the actual conflict did not last more than two or three minutes, as stated by some of the witnesses, and four or five as stated by others; but that tends only to show the extreme violence of the onset, when so much bloodshed and personal injury was committed in so short a time.” They do not say that William Harding or any one of the other prisoners spilt blood, or committed personal violence; their meaning clearly is that it was the dreadful onset of the whole body that caused the bloodshed and violence, though they would have his Excellency believe that as Harding and his associates were “armed with clubs, and

were in the front ranks of those who made the attack upon the unarmed and peaceable people in the interest of their opponents at the election"—that they must have, as a matter of course, made use of their clubs most liberally, and caused the bloodshed and personal injury complained of.

"After the conflict was over," or, perhaps, more correctly speaking, after the attack had succeeded, and the voters on the other side had been dispersed and driven away, and prevented, for fear of further violence, from coming forward to vote for the candidates of their choice, Mr. Jacob, a very respectable and intelligent magistrate, said to the petitioner Harding, "you are going on very swimmingly now (that is, from the absence of all opposition, in consequence of the voters opposed to his party being driven away, and those on his side polling alone), but perhaps when we (meaning Ridley and Prowse) get to the other side of the Bay, where the people were supposed to be chiefly opposed to the side espoused by the petitioner, you will not get on so well." Harding, the petitioner, replied, "We don't fear that, for we have five hundred marshalled men to go round the Bay with us," which expression could bear but one interpretation. No other interpretation, my Lord?—It must appear the most preposterous construction to put upon these words of Harding. Surely, if he did not mean five hundred voters, the respectable and intelligent magistrate is the last person he would have informed of his five hundred men drilled for the occasion.

There were circumstances attending the trial of "Robert Pack and others" which have escaped observation, and changes the nature of it altogether; the special Jury after remaining in deliberation for a considerable time came into court with their verdict, Robert Pack and James Power, Not Guilty; Roger Thomey, William Saunders, and William Harding, Guilty; Edward Hayden, John Meany, and Andrew Quirk, Guilty of a tumultuous assembly; which the judge appeared to receive as "unlawful Assembly;" the jury objected to this construction, and, during the discussion two of them, Mr. John Shea, and Mr. James M'Bride, said in reply to the judge, that the meeting was a lawful meeting, and that there was no original intention to commit a riot. The judge directed the jury to retire and reconsider their verdict; they returned with the same verdict, with this addition confirmatory of the opinion given by Messrs. Shea and M'Bride, that the meeting was a lawful meeting, and that there was no original intention to commit a riot. I was present in court when this verdict was returned, I did then, and do now consider it was a virtual acquittal of all the prisoners; it completely negatived the guilty intention as in the case of Mackay. What then becomes of the judge's report, "the front rank men, the clubs, the two hundred men armed with various kinds of sticks," and the devoted Harding's five hundred men in buckram?

This report to Captain Prescott, from Judge Boulton and the concentrated wisdom of the Supreme Court of Newfoundland, solemnly and seriously decided upon four most important points:—First, that the conduct of one party at the election was war, violence, and turbulence; and that the other was the paragon of peace and submission, exercising almost apostolic charity, "giving *no* provocation whatever, either by *word, gesture or otherwise*"!!!

Secondly, that the shorter time a conflict is continued the more violent it must be. "It is true," said the Newfoundland Judges, "the actual conflict did not continue more than two or three minutes, as stated by some of the witnesses, and four or five as stated by others; but that only tends to show the extreme violence of the onset!!!" Had it lasted but two, or three, or five seconds the onset would have been awful. One would imagine that this great discovery in modern warfare would only appear when steam ships and steam batteries come into use.

The third is, that as the petitioner Harding would not admit his guilt, and say that it was five hundred armed men he had in ambush, to lay siege to the town of Port de Grave, that the judge could not recommend him or his associates as fit objects for the exercise of the prerogative of mercy.

And fourthly, the most curious of all, "Because the newspaper which is the organ of the party to which these persons are attached, is holding them up as martyrs in the cause of li-

berty, and their judges as partial and unjust oppressors," they cannot think of entertaining the petition, or of making the slightest relaxation in the severity of their punishment. I am tired of wading through the details of these party persecutions; your Lordship must also be heartily tired. I shall conclude by respectfully asking your Lordship—as you have had considerable experience in elections—if the whole proceedings, particularly the report of the judges, do not exhibit a disgusting display of party feeling and prejudice that would disgrace an election committee in one of the old rotten boroughs of England.

I now approach the discussion of that portion of Mr. Boulton's judicial course, which has led to more violent changes and more disastrous results than any other of his legislative or judicial acts. Mr. Boulton has swept away *en masse* the whole of the laws, usages, and customs, which for centuries regulated the trade, fisheries, and industry of Newfoundland; he has been a mighty innovator, he did not build or enlarge, he did not amend, but he levelled to the ground the entire superstructure. He tore up the foundation of the mansion—he changed the bed of the river—the broken materials lay strewed around, hurled together in one mass of chaos and confusion; and the question now is, whether he is the master mind, competent to erect another and a better system; or whether the shattered and broken materials will have again to be placed on their old foundation. Mr. Boulton admits that he has made these changes. In a manuscript copy of a statement made by a former Chief Justice of Newfoundland, under date of the 14th August, 1822, now before me, and addressed to your Lordship's predecessor, Earl Bathurst, Sir Francis Forbes said, "There is nothing which appears more easy, but which will be found more difficult, than to make beneficial alterations in existing laws. And these are not times when power can be mistaken for right, and prudent judges will be cautious in the exercise of authority without law, how beneficial soever it may prove to the public." In the speech I delivered in the House of Assembly, when moving for a committee to inquire into the question of the judicial alterations made by Mr. Boulton in the ancient commercial laws of the country, I left myself scarcely a new light to throw upon the subject, and I do think I have great cause to complain to your Lordship of the course adopted by Mr. Boulton, in his case laid before the Privy Council, in respect to that speech. He introduces copious extracts, nearly all that I said, but leaves out altogether the decisions of the former tribunals, and the judgments of Chief Justices Reeves, Forbes, and Tucker. These were the foundation of the whole. I did not presume to put forth opinions of my own, I only stated their opinions, and placed them against the opinions of Judge Boulton. I do, therefore, protest against these extracts being placed before her Majesty's Privy Council as the speech delivered by me on that occasion. And I cannot avoid expressing my opinion of that want of legal knowledge, or that want of legal candour, which this fact so fully proves. Surely, if he were allowed, by his brother judges in Newfoundland, to act the part of judge and counsel in his unwarrantable attempt to prosecute me for discharging my public duty, would he not allow the entire speech to go to the jury? Would the jury not be bound to judge from the tenor of the whole, and not from isolated passages? Yet Mr. Boulton in bringing this speech before the Privy Council, attempts to treat them in a manner that would not be allowed in the most inferior court of law, and which would be exposed and detected by a junior lawyer of one year's standing.

My Lord, the establishment of a fishery in Newfoundland, was almost the first commencement of that naval and commercial enterprise which have since moved on in such mighty and rapid progression, and raised England high above all other nations of the earth, in power and extended dominion, as well as in wealth, science, and civilization. Viewing Newfoundland from the vantage ground which England has gained, "it appears a speck in the horizon," but it should not be forgotten, that the fisheries were one of the first nurseries of that naval strength which has given to England the command of the seas, and with it "the trade of the world."

The adventurers to Newfoundland brought with them the laws and customs of England, that then regulated her maritime affairs, then only rising into existence, the sea being the high road for all nations, it was only natural that the civilized powers of Europe should agree

in a common code for the general government of the high seas. It therefore followed that the maritime laws of Europe were adopted by England, and were the source from whence she drew her ordinances, her rules and regulations, for the direction and management of her Newfoundland fisheries. By comparing the ordinances of the King of France with the rules and directions of the King of England for conducting the fisheries, they will be found in principle the same. It was only natural that some of these regulations should be so amalgamated with the rules and practices in Newfoundland, as to become fixed and settled laws amongst the people, when all traces of the great source from whence they flowed were hidden in the womb of time. The law of current supply, is the law of bottomry common to all commercial nations, which gives the last supplier of necessary materials for the ship, a preferable claim to all former suppliers. This is precisely the law adopted in Newfoundland, the last supplier, he who enables the fisherman to proceed on his voyage, has a preferable claim beyond all former suppliers.

The next great principle is the payment of seamen's and fishermen's wages; the fish and oil, the produce of their labour, are made liable in the first place, for wages. By the maritime law, the ship, cargo, and freight, are made liable for the seamen's wages; it has been adopted into the English law, and it is not more than a year or two ago that an act of the Imperial Parliament passed, giving summary jurisdiction to every Justice of the Peace in Her Majesty's dominions, to hear and determine claims for seamen's wages, and to sign executions against ship, cargo, and even to arrest the body of the master for the payment. What is established by this recent act of Parliament, but the old principle so long practised in Newfoundland!

It was the invariable policy of England to watch with the greatest attention over the fisheries of Newfoundland, it was called a nursery for seamen, and the parent Government watched with more than the care of a nurse, the interests of this invaluable class. By a reference to the history of the government of Newfoundland, it would appear that the sole object of Government, Governors, Surrogates' Courts, and Judges, and all, was to protect the fishermen and seamen from the oppressions and injustice of the merchants. An uninterrupted, interminable war has raged between the Government on the one hand, and the merchants on the other—on this very point. Hear Chief Justice Reeves upon this head—"It appears from these extracts (said Mr. Reeves, in his evidence before a committee of the House of Commons) that there has always been a set of men who have invariably set themselves against every attempt to introduce order and justice into that Island, and these men have looked upon Newfoundland as their own property, to be enjoyed exclusively of all the rest of his Majesty's subjects. It appears, too, that the freedom they mostly sought for and exercised, was that of living free of all rule and order themselves, in the enjoyment of an exclusive monopoly, and at liberty to exercise a dominion over the boat-keepers and poor inhabitants, whom they kept in perpetual thralldom!" It is a strange fact, but not more strange than true, that the chief causes of complaint, on the part of the merchants against the Governors or Judges was, that they made them pay their servants' wages; and what is more strange, that amongst the whole of the Governors, Surrogates, Magistrates, Judges of the Admiralty, and the Chief Judges, not one of them complied with the anxious desire of the merchants, until Mr. Boulton did so. My Lord, I am ready to place the decision of the question on the truth of this one point, and I challenge Judge Boulton to disprove the fact. Let me be summoned either before your Lordship, or before the Privy Council, let me be confronted with Mr. Boulton, and at one moment's warning I am prepared to prove the fact; should I fail, I shall at once acknowledge that I have acted unjustly towards him.

Assertions are worth little without proofs. Your Lordship will find in the second volume of the Government records, kept at Government House, copies of which are, I presume, in the Colonial Office. vol. 2, page 113, there is proved beyond dispute, that "it always was the custom at Newfoundland, that the person who got the fish and oil, was liable to pay the servants wages." In 1757, during the season, volume 2, page 324, "Mr. Godard had given orders to deduct £25 per cent. of James Pym's servants' wages, the

Governor (Edwards) is offended, and would allow no deduction. One George Davis, at Carbonear, had paid servants in fish last year, estimated at 35s. per qtl., and did not give that when due, but gave his note for it. Vol. 4, page 99, order of Sir Hugh Palliser to servants in Conception Bay, to keep the fish and the rooms until security be given to pay their wages; and no merchant to ship off any fish or oil from this country, if they do not give security for the payment of last year's wages remaining unpaid. Page 132, Mr. Charles Walley, agent of a Mr. Wm. Kean, says, he is ordered by his employers to pay their wages to no Irishmen. Mr. Kean's effects ordered to be attached, then Mr. Walley agreed to pay the men, but got a copy of the decree, *that his master might lay it before the Attorney General of England.*"

29th September, 1767, it having been a bad fishery, the merchants petitioned for an abatement of the servants wages, the Governor replied, "As the servants have no controul over the contraction of debts in furnishing supplies at an exorbitant price to the planters, nor have any extra allowance on an abundant fishery, their wages must be allowed them, according to agreement."

These continued attempts on the part of the merchants to interfere with the law that regulated the preferable payment of the fishermen's wages, induced the Government to pass the British Act, the 15th Geo. III. commonly called Sir Hugh Palliser's Act, which fully established the right of the seamen and fishermen. The passing of this Act caused the greatest murmurs and complaints on the part of the merchants engaged in the trade; they continued their complaints so unceasingly, that in the parliamentary session of 1785, a bill was introduced into the House of Commons, entitled "An act for the amending and rendering more effectual, an act made in the 15th year of his present Majesty." "This bill was submitted by order of Council, dated the 9th of December of that year, to the "Committee of the Privy Council of Trade," to report thereon; and their report is dated 17th March, 1786. Your Lordship will mark the just view the lords of trade take of the subject of the payment of wages. "The eighth clause of the bill is indirectly calculated to repeal another part of the act of the 15th of your Majesty's reign, which makes the whole of the fish and oil taken, liable to the payment of the wages of the seamen or fishermen by whom it is taken or made.

This regulation only put the seamen and fishermen, employed in the Newfoundland fishery, upon the same footing with all other seamen employed in the British commerce, for the payment of whose wages the vessel and cargo are in every instance liable. *The fishermen of Newfoundland are doubly entitled to the same security as by their labour and industry the whole property made liable is produced.* By subjecting the whole, as the law now does, to the payment of wages, no inconvenience can arise either to the employer or fishermen; for as soon as such employer or merchant-supplier, (being solvent, and his bills negotiable) becomes bound to pay the fishermen's wages in England, the whole of the fish and oil are of course delivered to him, and at his disposal; all parties are perfectly secure; the employer or merchant-supplier has the fish properly cured before it is shipped for a market, and the fisherman has no pretext for neglect of duty, having a responsible person to pay him for his labour. So that the alteration proposed in this clause, could be no more for the interest of any of the parties concerned than for the advantage of the public."

In much stronger language than that of the Lords of the Privy Council of Trade, Judge Reeves speaks of the efforts of the merchants to deprive the seamen of their just rights:—"It was in this spirit, that they questioned the King's right to appoint a civil Governor, to appoint Justices of the Peace, to appoint Commissioners of Oyer and Terminer; that they complained of the Custom House, and even talked of presenting it as a Nuisance, because erected on ship's room; that they treated stat. 15, Geo. III. as destructive to the fishery, because it compels the payment of servants wages; and that they brought forward a bill in 1785, in order to expose the servants once more to the will of their masters, as to the payment of their wages."

These were the principles that governed the Courts in all the adjudications on servants' wages, as I have fully proved in my speech, delivered in the House of Assembly, by the elabo-

rate and extended opinions and decisions of such eminent lawyers and able judges as Chief Justice Reeves, Sir Francis Forbes, and Mr. Tucker, down to the very hour that Judge Boulton ascended the steps of the Supreme Court of Newfoundland. Mr. Boulton's explanation and defence may be seen in his account of his decision in the case of *Colbert v. Howley*,—the only case argued regularly before him—all the other cases failing on some petty point of legal subtlety. In this case or in any other, he has not, to my knowledge, put on record his arguments and reasons for decision; and the only recorded opinion of his that I could grapple with, is contained in his account of that case, before the Privy Council.

“The expediency of giving any priority to the fisherman's claims for wages,” says Mr. Boulton to the Privy Council, “had been frequently questioned, as appears by the reports of the late Chief Justice Tucker, and Judges Desbarres and Brenton, and of the present Attorney-General. The mode of enforcing the claim has been carried far beyond what the law warranted. (See opinion of Lord Alvanley and Chief Baron M'Donald.)”

I must read the report of Mr. Tucker and the Judges, altogether differently from Mr. Boulton; and I do now appeal to that report as an indisputable proof that the law of current supply, and the law that regulates servants' wages is now, and has ever been, the law of Newfoundland. The question of the Judges approving or disapproving of the law is one thing—their abrogation of it by their own authority is another. What did Judge Tucker recommend in this report?—“That we have little hesitation in recommending that for one year, from the passing of another act of Parliament, the privileges of the servant and of the current supply shall continue on exactly the same footing on which they now stand by the section; that after the end of one year, the lien shall be taken away.” But the best proof in reply is, that Judge Tucker not only recommended continuing the usual practice until one year after an act of Parliament should be passed, but invariably decided in favour of the just claim of the servant. All I shall say on the Attorney-General's opinion of the expediency of the laws, is to express my astonishment that if Mr. Boulton considered the Attorney-General's opinion useful, he did not lay it before the Council. There is no man understands the subject better than the Attorney-General of Newfoundland: and I sincerely regret that I did not myself get his *written opinion* upon the question of servants' wages, which I would myself lay *before the Council for the benefit of the Judge*.

The appeal which Mr. Boulton makes to the opinions of Lord Alvanley and Baron M'Donald, on the important question of servants' wages, is another proof, if further proofs were necessary, of the profound ignorance which Mr. Boulton has throughout exhibited of the recorded decisions on, and the settled laws of, Newfoundland. Having been, my Lord, a witness in the case of *Colbert v. Howley*, I was present in Court during the whole of the trial. While the Chief Justice was charging the Jury, the Clerk, Mr. Archibald, retired, and in a short time returned, and handed to the Judge those opinions of Lord Alvanley and Baron M'Donald. He was, as he very truly states, after giving his opinions to the Jury, and expressed great satisfaction at having his own opinions confirmed by such eminent authority, particularly as he had never seen them until that moment. He expresses nearly the same approbation of himself to the Privy Council.

What opinion, my Lord, must you form of the research of Judge Boulton, or his knowledge of the practice of the Courts of Newfoundland, when I inform you that he had then been nearly three years on the bench, had before summarily disposed of the question of servants' wages, and yet had not seen or heard of the opinions of Lord Alvanley and Baron M'Donald, which were given nearly sixty years before, (the 10th May, 1778), thirteen years before the regular establishment of a Supreme Court of Justice, and had ran the gauntlet amongst all the Governors, Justices, and Judges that sat since that period, and was invariably rejected by all; the opinion was buried in the “tomb of the Capulets,” from whence it was seasonably dug up by the Clerk of the Court, and brought to the aid of his chief. Had Mr. Boulton only looked but once over the report of the special cases, comprized in a small volume, he would find the opinion of Lord Alvanley and Baron M'Donald, ably and finally disposed of, and by a man not inferior in ability to either. Sir Francis Forbes, in the case of *Dooley, v. Burke*,

said, "the practice of following fish and oil, as it is called, under the 15th Geo. III. has been carried beyond what the framers of the law probably intended. There is an opinion that *found its way among the Records of the Court, given by Lord Alvanley and Baron McDonald, when they were Law Officers of the Crown*, that the servant's lien upon fish and oil for his wages, cannot be traced into the hands of a bona-fide holder for a full consideration, and this opinion is given with a latitude which might warrant its application to the merchant who receives the produce in payment of his advances upon the voyage.

"The usage of the Courts, on the contrary, has always been to consider the fish equally liable of the servants in the hands of the merchants, as in those of the immediate hirer. On the whole, I am rather inclined to think the practice of the Courts right, as applied to the regular receiver, although it has sometimes been carried too far. The correct interpretation of the law, must, in a great measure, depend upon a practical knowledge of the subject, to which the law is intended to be applied; and although I should always bend to the superior wisdom of English lawyers, yet I should hesitate in yielding implicit deference upon a matter of a mere local character."

Mr. Boulton denies having decided upon any case involving the question of current supplies: and, at the same time, freely acknowledges "that it is certainly true that in writs of attachment, previous to the appointment of the present Chief Justice, there was usually an exception of the boat and tackle of the fishermen, and that the omission of such exception was suggested by the present Chief Justice, and he has yet to learn that the suggestion was contrary to law, or that the continuation of the exception could be legally justified. *No complaint of the omission above mentioned has ever, to his knowledge or belief, been made by any party against whom any such writs of attachment have been issued.*"

I must acknowledge, my Lord, that after reading this deliberate statement of Mr. Boulton, delivered with so much confidence and coolness, I am led to look upon his proceedings on this question, with more indulgence than I was before inclined to do; it convinced me that, notwithstanding all that has been said and done in and out of Court, down to the moment when he wrote or assented to it, he did not understand the question, he was not conscious of the manifold evils and sufferings he brought upon the poor planters and fishermen of Newfoundland.

Your Lordship, before this time, must have some idea of the nature of the law of current supplies, and the law that secured to the seamen and fishermen their wages. To make the matter more clear, it may be necessary to explain that the planters, boat-keepers, and fishermen of Newfoundland have, from the first establishment of a fishery, depended altogether upon the supplying merchants, not only for the immediate supplies to enable them to prosecute the fishery, but also for the means of subsisting themselves and their families. The cultivation of the soil having been prohibited under the severest penalties, there was no other source for the resident inhabitants of Newfoundland, from whence they could obtain the necessaries of life, but the warehouses of the merchants. The planters or boat-keepers, generally speaking, were persons without capital, and were indebted to the merchants for their boats, nets, craft, and every other thing they possessed; they were, in short, more the agents of the merchants than their debtors; the close intimacy that subsisted between them, to use the words of Chief Justice Forbes, "approached to identity." Whether the planter or fisherman made a good or a bad voyage, he considered he had a just right, and which was generally allowed, to go to the "Store" for a winter's supply for himself and his family. This was the system the merchants themselves approved of, and it was carried to such an extent at one time, that if a planter or boat-keeper worked himself out of debt, and gained a credit with the merchant, he was immediately dismissed, and would no longer be supplied by that merchant. The law of current supply directly flowed from this system; by this law the merchant-supplier was first to be paid twenty shillings in the pound, for supplies issued to the planters or boat-keepers "for the then current season." Here, my Lord, you will observe there is a double protection, security to the merchant for all supplies he may give the planter,

in preference to all former debts; and a still greater protection to the planter and fisherman, who could not be interrupted, whose person and property could not be attached during the fishing season; thereby giving him the opportunity and the means, not only of paying for his current supplies, but if he was fortunate in making a successful voyage, he would have it in his power not only to pay his current debts, but all other persons to whom he might be indebted.

The planters and boat-keepers when they receive what is called their summer supplies from the merchants, proceed to their respective harbours and fishing stations. These are generally far removed from the residence of the merchant. The property of the merchant is carried to the distance of two or three hundred miles—to the various harbours and creeks of the Island, to the harbours on the coast of Labrador. The only security the merchant has for his supplies is, the industry of the planters, their honesty, and this law of current supply which guards the whole produce of the voyage against all other claimants for debts contracted previous to “the then current season.”

There is no principle better understood in Newfoundland, than that the industry of the planters and fishermen should not be interrupted in any way whatever during the fishing season. The Governors, before the establishment of courts of justice, watched over it with the utmost care; immediately on the establishment of courts of justice, the judges fully recognized the principle of the long established law; and to prevent all mistakes, in the writs of attachment the exception of the “boats, nets, and tackle,” was introduced, and this clause remained until it was so illegally and so hastily removed by Judge Boulton, immediately on his arrival, when he could have no idea of the effect of the alteration, and when he was profoundly ignorant of the laws and customs of the country or the fishery.

Though the Chief Justice of Newfoundland cannot yet see it, there is nothing more easy to prove than that this simple alteration in the writs of attachment finally disposed of the two great questions that regulated and protected the capital, and industry of the country. The law of current supply, and the law that secured the wages of the servants hung together; without this protection from the courts of justice the laws must become a nullity. Without inquiry, without process, without complaint, without hearing argument on the question, the Chief Justice orders the exceptions in the writs of attachment to be removed, allows parties to proceed for either old or new debts at any time or season, permits the “boats, craft, and tackle” of the fishermen, and the bodies of the fishermen to be attached during the fishing season, yet he heard “no complaint, and has yet to learn that the suggestion was contrary to law, and that the continuance of such an exception could have been legally justified.” I will again repeat, “the judge did not untie, he cut the gordian knot, he flung away with contempt the system that so long prevailed in the courts;” by this simple change made by Judge Boulton in the writs of attachment, the policy of the British Government, guarded as it was for centuries by the acts of all the governors, the surrogates, the magistrates, down to the establishment of regular courts of justice, was scattered to the winds by their own Chief Justice of Newfoundland.

The law so clearly and so solemnly declared by the “Lords of the Committee of Privy Council for trade,” and by various Acts of the British Parliament, carried into full operation by the concurrent decision of every court of justice in Newfoundland, approved by the unanimous opinions of the Judges, was repealed and abrogated.

But why do I appeal to such high authorities, ample proof of the violation of the law is given by Judge Boulton himself to her Majesty’s Privy Council, in the simple fact which he states, “that in writs of attachment previous to the appointment of the present Chief Justice there was usually an exception of the boat and tackle of the fisherman, and that the omission was suggested by the present Chief Justice.”

If he found it the usual practice sanctioned by the courts, it was the law, and he grossly violated the law in making the change; for the antiquity of the practice of protecting the industry of the fisherman, I have to refer your Lordship to the ancient records of the colony

vol. 3, 275, Order of Sir Hugh Palliser, "it having been the ancient practice at St. John's for creditors to suffer boat-keepers indebted to them to finish their voyage, and then to secure the produce thereof for their common interest, merchants are forbid to seize at an unfavourable time of the season, but to suffer the voyage to be completed, and, if necessary, to appoint one of the creditors to take charge of the interest of all, and to *settle with the servants*, and then to secure the residue for the benefit of all the creditors.

This order of Sir Hugh Palliser applies to cases where there was more than one merchant-supplier, he would not even allow the current supplier to interrupt the voyage; in the case of *Legyt v. Miller, Fergus, & Co.*, Sir Francis Forbes said, "in order to determine this point it will be proper to take a cursory view of the relations of suppliers and fishermen as established by the usages and law of this Island; it has been continually held by this court that the supplier of necessaries for a fishing voyage has a lien on the catch of fish for the amount of his supplies: in the case of *Cunningham, Bell, & Co. v. Trustees of Crawfords & Co.*, this right was traced beyond any positive law, to its foundation in the necessary connexion of the parties; experience has proved *that the very existence of the sedentary fishery depends upon this principle, for it is the sole foundation of the credit, and consequently of the employment of the greater portion of the fishermen of this Island*: the 49th of the King is little more than a directory application of the same principle to the distribution of insolvent estates, and it is *guarded with so much strictness by the courts that a judgment cannot be executed upon any voyage until the current supplier has been satisfied.*"

I place this deliberate judgment of Sir Francis Forbes against the hasty Act of Judge Boulton; one Judge will not allow even a judgment at law to operate against the fisherman until his current supplier is satisfied; the other rejects both the law and the authority: I leave your lordship to decide between them.

I cannot take my leave of this part of the case without making one or two concluding remarks on the immense mass of misery inflicted on the poor planters and fishermen of Newfoundland by these hasty proceedings of Judge Boulton. I do not mean to charge him with maliciously inflicting these sufferings; God forbid! I have no such intention, no matter how such an admission may affect the whole case between the Judge and the country, I consider it my conscientious duty to make this avowal to your Lordship.

Judge Boulton states that he did not hear a murmur of these complaints; yet Newfoundland has for these four years past been kept in one continual state of ferment; public meetings have been held in various parts of the Island; the King and the Queen, and both houses of the Imperial Parliament have been besieged with petitions from tens of thousands of her Majesty's subjects; and until the moment Judge Boulton is called upon by your Lordship to answer the complaints before her Majesty's Privy Council he was not aware of any having been made by the poor planters and fishermen of Newfoundland. In reply to Mr. Boulton's extraordinary statement on this head, I pledge myself to prove, not only that complaints were made, and justly made, in consequence of his adjudications on the law of current supplies and servants' wages, but also that the legal rights and the means of subsistence of the major part of the whole community were taken away; that hundreds were deprived of their just earnings, thrown into beggary and starvation; whole families flung from their houses into the streets; and that hundreds, I may say thousands of the able-bodied fishermen of Newfoundland had to fly the country, to offer their labour and their skill to the commercial and naval rivals of England; and that his adjudications converted the British fisheries of Newfoundland from a nursery "for seamen to man her Majesty's navy when occasion may require," to a nursery for seamen for the French and Americans. The evils would have extended further, but that some of the respectable merchants of Newfoundland disdained to take advantage of Judge Boulton's decisions, and honestly paid, as they were in justice bound to do, the wages of their planters' servants. I claim no merit for it, but I may be allowed to place myself amongst that number; had I availed myself of them, I could have saved from one thousand to fifteen hundred pounds for one season, though my business was much contracted; and other merchants, who paid to the last farthing, might have saved a much larger amount.

Judge Boulton says, there were no complaints made to the *Chief Justice*. Hundreds of complaints were made to me, who was only a Justice of the Peace; and, what is more, I pledge myself to prove to your Lordship, that under the laws of the Colony—under the Acts of the British Parliament, I had as much authority as the *Chief Justice* to decide upon the main question of the seamen's and fishermen's wages. These laws were subverted by Mr. Boulton; an attempt on my part to assert the supremacy of the laws, supported as he was by the tacit assent of the trembling, confounded authorities, might have led to serious consequences. I considered it prudent, instead of exercising my undoubted authority as a magistrate, to advise the injured parties quietly to submit:—For they had a gracious Prince, a just and paternal government to appeal to, who, in the end, would do ample justice to them and to the outraged laws of the country; and I offered my humble services to lay their complaints at the foot of the Throne. This offer has been accepted, and here I stand, my Lord, an humble suitor, imploring—praying for justice for a loyal, patient, and an injured people.

I have, my Lord, to crave your pardon and indulgence to the mode and manner in which this representation has been made. I have endeavoured to confine myself strictly to my subject; but if I have been carried away by my feelings to express myself warmly or with levity, and in language not suited to the dignified individual whom I am addressing, I hope your Lordship will place it to the true cause and not to any want of the most sincere respect for your Lordship.

I have the honour to remain,

My Lord,

Your humble and obedient Servant,

PATRICK MORRIS.

20, Craven Street, Strand, }
23th April, 1838. }

ESTIMATE

OF THE CHARGE OF DEFRAYING THE PUBLIC EXPENDITURE OF THE COLONY OF
NEWFOUNDLAND FOR THE YEAR ENDING THE 30TH JUNE, 1839.

Proposed distribution of the Sum of £12,458, for the Year 1838—9.

| | | |
|--|---------------|--|
| Salary of the Clerk of the Council | £200 | |
| Two Clerks in the Secretary's Office | 400 | |
| Office Keeper of do. | 60 | |
| Messenger do. | 60 | |
| Colonial Treasurer | 400 | |
| Clerk of the Northern Circuit Court | 200 | |
| Do. Southern do. | 200 | |
| Crier and Tipstaff | 60 | |
| Gaoler (St. John's) | 50 | |
| Two Police Magistrates do. | 500 | |
| Chief Constable do. | 80 | |
| Six Police Constables do. | 270 | |
| As per detail annexed. { Stipendiary Magistrates in Out Ports | 1410 | |
| { Clerk of Peace, Gaolers and Constables do. | 970 | |
| Superintendent of Convicts at hard labor | 50 | |
| To defray the Attorney General's Fees | 250 | |
| Salary of the Judge of the Admiralty (3 years) | 1500 | |
| | 6660 | |
| MISCELLANEOUS. | | |
| To defray expenses of Printing, Stationery, &c. | 550 | |
| Civil and Criminal Prosecutions | 900 | |
| Gaols | 700 | |
| Coroners | 150 | |
| Fuel and Light | 300 | |
| Ordinary repairs to Court Houses, &c. | 180 | |
| Postages and Incidentals | 120 | |
| Relief of the Poor | 1000 | |
| Expenses of the Circuits | 560 | |
| Firing Fog Guns | 250 | |
| Unforeseen Contingencies | 500 | |
| | 5210 | |
| Allowance to Chairman of Sessions (St. John's) | | |
| Necessary repairs to the Court House Buildings at <i>St. John's</i> (as per Estimate and report already furnished) | 588 | |
| | 588 | |
| Total | £12458 | |

N. B.—By existing Acts a Salary of £300 a year is provided for the Clerk of the *Supreme* and *Circuit* Courts, and the sum of £2100 for the purposes of Education.

DETAIL OF SALARIES AND ALLOWANCES

TO STIPENDIARY MAGISTRATES, CLERK OF PEACE, GAOLERS AND CONSTABLES, IN THE UNDERMENTIONED OUTPORTS.

| Out-Ports. | Magistrates. | Clerk of Peace | Constables. | | Gaolers. | Total. |
|--------------------------|--------------|----------------|-------------|------------|----------|--------------|
| | | | Number. | Allowance. | | |
| Harbor Grace | 150 | 50 | 3 | 85 | 50 | 335 |
| Carbonear | 120 | | 3 | 75 | | 195 |
| Brigus and Port de Grave | 120 | | 2 | 50 | | 170 |
| Bay de Verds | | | 1 | 12 | | 12 |
| Harbor Main | | | 1 | 12 | | 12 |
| Cats Cove | | | 1 | 12 | | 12 |
| Western Bay | | | 1 | 12 | | 12 |
| South Shore | | | 1 | 12 | | 12 |
| Ferryland | 100 | | 1 | 25 | 25 | 150 |
| Bay Bulls | 100 | | 1 | 25 | | 125 |
| Toads Cove | | | 1 | 12 | | 12 |
| Fermeuse | | | 1 | 12 | | 12 |
| Placentia | 100 | | 1 | 25 | 25 | 150 |
| Little Placentia | | | 1 | 12 | | 12 |
| Barren Islands | | | 1 | 12 | | 12 |
| Merasheen | | | 1 | 12 | | 12 |
| Burin | 100 | | 1 | 25 | 25 | 150 |
| Lamaline | | | 1 | 12 | | 12 |
| Trepassey and St. Mary's | 100 | | 2 | 24 | | 124 |
| Harbor Britain | 100 | } | 2 | 24 | | 224 |
| Grand Bank | 100 | | 2 | 24 | | 224 |
| Trinity | 120 | | 2 | 37 | 25 | 182 |
| Catalina | | | 1 | 12 | | 12 |
| Bonavista | 100 | | 2 | 25 | | 125 |
| Greenspond | | | 1 | 15 | | 15 |
| Twillingate and Fogo | 100 | | 3 | 49 | | 149 |
| Exploits Bay | | | 1 | 12 | | 12 |
| Brigus (South) | | | 1 | 12 | | 12 |
| Witless Bay | | | 1 | 12 | | 12 |
| Petty Harbor | | | 1 | 20 | | 20 |
| Torbay | | | 1 | 18 | | 18 |
| Perlican | | | 1 | 12 | | 12 |
| Hearts Content | | | 1 | 12 | | 12 |
| Hants Harbor | | | 1 | 12 | | 12 |
| New Harbor | | | 1 | 12 | | 12 |
| Renews | | | 1 | 20 | | 20 |
| | | | | | Total | <u>£2380</u> |

RECAPITULATION.

| | | |
|---------------------------------|-------|----|
| 13 Stipendiary Magistrates..... | £1410 | :: |
| 1 Clerk of Peace..... | 50 | :: |
| 46 Constables..... | 770 | :: |
| 5 Gaolers..... | 150 | :: |
| Total..... | £2380 | :: |

TREASURER'S GENERAL STATEMENT

OF ANNUAL EXPENDITURE FOR THE FIVE QUARTERS ENDED 30TH JUNE 1838.

| Dr. | Cr. |
|--|--|
| Balance of General statement furnished to the Assembly for the year ended the 31st March, 1837. 9817 0 2 | Amount paid during the same period under the following heads. |
| From which has since been paid to Nicholas Croke on account of his contract for building Court Houses in the Outports, the amount of a temporary warrant, which amount is included, but not charged in the numeral warrant 222, of outstanding votes. 300 0 0 | Salaries at St. 9517 0 2 |
| Amount of monies received under the following heads in the respective periods named. | John's 931 5 0 |
| Quarter ended 30th June, 1837. | Do. Outports 645 0 0 |
| Colonial Revenue 6302 15 0 | Conveyance of Judges 400 0 0 |
| Imperial do. 2000 0 0 | Roads & Bridges 16801 0 0 |
| Licence Fund | Education 2100 0 0 |
| Fines 8302 15 0 | Weights & Measures 14 16 6 |
| Quarter ended 30th September. | Outstanding votes 3976 0 8 |
| Colonial Revenue 8534 1 0 | Amount of temporary Warrants 4525 7 3 |
| Imperial do. | 12919 7 8 |
| Licence Fund | Amount to balance..... 22189 17 11 |
| Fines 8534 1 0 | |
| Quarter ended 30th December. | |
| Colonial Revenue 6103 14 0 | |
| Imperial do. | |
| Licence Fund 563 6 8 | |
| Fines 19 9 6668 0 5 | |
| Quarter ended 30th April 1838. | |
| Colonial Revenue 2075 6 1 | |
| Imperial do. | |
| License Fund 12 2 11 | |
| Fines 2087 9 0 | |
| 35109 5 7 | £35109 5 7 |

SUPPLEMENT TO THE TREASURER'S ACCOUNTS FOR THE FIVE QUARTERS ENDED 30TH JUNE, 1838.

| | |
|---|-------------------------------|
| Balance of general statement furnished to the House of Assembly for the above period | 22189 17 11 |
| Amount of Revenue since received from the Collector, for the Quarter ended 30th June | 5788 3 2 |
| | Total balance.....£27978 1 1 |
| Balance to the debit of Cape Spear Light House as per account furnished the House of Assembly | 281 14 4 |
| Light dues received from the Collector for the Quarter ended 30th June | 89 16 9 |
| | Reduced Balance.....£191 17 7 |
| Balance to the credit of Fort Amherst Light House, as per account furnished the House of Assembly | 9 17 5 |
| Light dues since received from the Collector for the Quarter ended 30th June | 44 17 11 |
| | Total Balance.....£54 15 4 |

LIST OF TEMPORARY WARRANTS ISSUED IN 1837-8.

| Date. | No. | | £ | s | d |
|--------------|-----|---|-------|----|----|
| December 1 | 1 | Commissioners for the Relief of the Poor of St. John's | 283 | 18 | 1 |
| | 2 | High Sheriff, Civil and Criminal Prosecutions | 175 | 0 | 0 |
| 5 | 3 | Do. Expenses of Gaols | 148 | 6 | 5 |
| 6 | 4 | G. Webber, expense of bringing to St John's Geo. Avery, a prisoner accused of murder | 10 | 10 | 0 |
| 8 | 5 | John M. Rendell (conveyance of Judges) balance due on the hire of the <i>Angerona</i> | 31 | 5 | 4 |
| 9 | 6 | Attorney-General, (Criminal Prosecutions) being for the expense of witnesses | 20 | 0 | 0 |
| | 7 | Directors of the St. John's Hospital | 512 | 15 | 4 |
| 14 | 8 | High Sheriff (Criminal Prosecutions) | 33 | 19 | 7 |
| 26 | 9 | Commissioners for Relief of the Poor of Harbor Grace | 100 | 0 | 0 |
| 28 | 10 | Do. Carbonear | 100 | 0 | 0 |
| 1838. | | | | | |
| January... 9 | 11 | Do. Trinity | 100 | 0 | 0 |
| | 12 | T. Coyall, expense of bringing witnesses from Bonavista in the case of Avery | 40 | 14 | 8 |
| 13 | 13 | High Sheriff, (Criminal Prosecutions) | 104 | 18 | 11 |
| 16 | 14 | Perchard & Boag, on account of Gaol Expenses | 27 | 7 | 9 |
| 19 | 15 | Directors of St. John's Hospital | 143 | 5 | 2 |
| | 16 | Attorney-General (Criminal Prosecutions) | 6 | 1 | 8 |
| 22 | 17 | Commissioners of the Poor, Port de Grave | 50 | 0 | 0 |
| February 7 | 18 | High Sheriff, (Criminal Prosecutions) | 34 | 2 | 4 |
| | 19 | Gaol Expenses | 171 | 18 | 4 |
| 8 | 20 | Nicholas Stabb, repairs of Harbor Grace Gaol | 4 | 6 | 8 |
| March..... 2 | 21 | Commissioners of the Poor, Brigus | 60 | 0 | 0 |
| 5 | 22 | Do. Perlican, Trinity | 10 | 0 | 0 |
| 10 | 23 | Do. South Shore do. | 30 | 0 | 0 |
| 15 | 24 | Do. Carbonear | 50 | 0 | 0 |
| 26 | 25 | Do. St. John's | 29 | 0 | 0 |
| 27 | 26 | Do. Bay Roberts | 40 | 0 | 0 |
| | 27 | Do. Grates Cove | 29 | 18 | 0 |
| April..... 9 | 28 | Do. St. John's | 13 | 0 | 0 |
| 19 | 29 | Do. Western Bay | 30 | 0 | 0 |
| | 20 | 30 Undermentioned persons on account of expenses of Gaols— | | | |
| | | Richard Perchard, Gaoler | 40 | 2 | 6 |
| | | Perchard & Boag, contingencies | 22 | 8 | 4 |
| | | John Whelan, Barber | 3 | 0 | 0 |
| | | Elizabeth Sinnott, Washerwoman | 5 | 3 | 8 |
| | | David Rogers, Constable watching prisoners, | 11 | 5 | 0 |
| | | Nicholas Stabb, Deputy-Sheriff of Harbor Grace | 31 | 12 | 1 |
| | | Charles Granger, Gaoler, Trinity | 12 | 1 | 4 |
| May..... 3 | 31 | High Sheriff, Gaol Expenses | 21 | 14 | 9 |
| 9 | 32 | Commissioners of the Poor, Trinity Bay | 10 | 0 | 0 |
| 19 | 33 | Do. Renews, Fermeuse, and Trepassey | 47 | 13 | 4 |
| 21 | 34 | Do. Conception Bay | 1300 | 0 | 0 |
| — | 35 | Do. South Shore, do. | 13 | 0 | 0 |
| — | 36 | Do. South Shore, Trinity | 182 | 0 | 0 |
| 22 | 37 | Do. St. John's | 173 | 6 | 8 |
| 23 | 38 | Do. Ferryland | 43 | 6 | 8 |
| 24 | 39 | Do. Bay Bulls | 34 | 13 | 4 |
| 25 | 40 | Do. Burin | 52 | 0 | 0 |
| 26 | 41 | Do. St. Mary's | 34 | 13 | 4 |
| 29 | 42 | Do. Fortune Harbor | 14 | 6 | 0 |
| — | — | Do. Exploits Burnt Island | 11 | 14 | 0 |
| 31 | 43 | High Sheriff, (Criminal Prosecutions) | 38 | 6 | 4 |
| June..... 14 | 44 | Do. on account of do. | 27 | 15 | 6 |
| — | — | Benjamin Sweetland, repairs of Court Houses | 4 | 16 | 2 |
| | | | £4525 | 7 | 3 |

Of the sums issued to the Commissioners of the Poor of the different Districts for the purchase of Seed Potatoes, a portion to the amount of between £400 and £500 will be returned to the Treasurer.

Government House, 1st Dec. 1837.

At a Council held this day—

PRESENT,

His Excellency the GOVERNOR.

The Hon. the CHIEF JUSTICE
The COMMANDANT
The ATTORNEY GENERAL
The COLONIAL SECRETARY.

The Hon. JOHN DUNSCOMB
WILLIAM THOMAS
JOHN B. BLAND
JOHN SINCLAIR.

The following document by direction of his Excellency the Governor, was read to the Board.

H. PRESCOTT—

The Governor has assembled the Council for the purpose of making known his intention, under the unfortunate circumstance of there being no Appropriation Act, to issue Money Warrants for such purposes as may be indispensably necessary to the Administration of Justice in all its Departments. He will also think it right to defray the charge of Pauper Patients in the Hospital, and of such other charitable assistances as have been long and customarily given, and which could not be suddenly withdrawn without occasioning the greatest distress. But as it is far from his wish to invade any privilege of the Legislature, he desires to insert in the minutes of the Council, that should this proceeding be disapproved and disavowed by the General Assembly, he will hold himself bound to restore to the Treasury from his private funds, the sums which shall have been withdrawn from it in the mode stated. As respects the relief of the Poor, his Excellency has been requested by address of the House of Assembly to advance, if necessary, five hundred pounds for that object; consequently he will only consider himself personally responsible in the way above mentioned for any excess beyond that sum.

PORT OF ST. JOHN'S.—J. M. SPEARMAN, Collector.

A CONSOLIDATED ACCOUNT of the Goods imported in the year ended the 5th day of January, 1838, shewing the aggregate Quantities and Value of the Various Articles, with the Amounts of duty collected thereon.

| Articles Imported. | Qnty. Imported. | Value. | Duty. |
|---|-----------------|-------------|------------|
| Wine—videlicet: | | | |
| 1st class | 343 2-5 Gls. | 248 11 0 | 25 15 1 |
| 2d ditto | 9095½ " | 2187 13 4 | 454 15 8 |
| 3d ditto | 14658 3-5 " | 1533 10 4 | 549 14 1 |
| 4th ditto | 11548 " | 917 9 1 | 288 14 0 |
| Spirits | 242163 " | 24232 6 8 | 6054 1 6 |
| Apples | 1748½ Bls. | 872 9 6 | 43 14 3 |
| Beef and Pork (salted) | 50897 2 22 Cwt | 86730 16 10 | 1878 15 0 |
| Bread or Biscuit | 115867 2 10 " | 58550 7 5 | 1448 17 0 |
| Butter | 16199 0 3 " | 54588 16 5 | 1214 18 10 |
| Cattle (neat) | 1730 Head | 14336 0 0 | 432 10 0 |
| Coals | 14337¾ Tons | 10653 14 4 | 358 8 9 |
| Flour | 61606¾ Bls. | 68232 8 8 | 2310 5 4 |
| Goods, wares and merchandise, not otherwise enumerated or described | | 363461 13 8 | 9086 12 5 |
| Hogs | 18 | 14 15 0 | 9 0 0 |
| Horses, Mares or Geldings | 46 | 462 0 0 | 23 0 0 |
| Lumber | 3690129 Feet | 7776 3 9 | 184 10 3 |
| Oatmeal | 2476½ Bls. | 1766 6 10 | 61 16 3 |
| Timber (ton) and Balk, of all kinds, including Scantling | 832 Tons | 856 0 6 | 20 16 1 |
| Sheep | 1842 Head | 951 8 0 | 46 1 1 |
| Shingles | 3111695 | 1555 10 1 | 52 0 6 |
| Tea | 566 Lbs. | 57 0 0 | 2 7 2 |
| Totals | | £699985 1 5 | £24538 2 2 |

CUSTOM-HOUSE.

The 6th day of Jan. 1838.

EDMUND F. STEWART,

Acting Collector.

A STATEMENT
OF ALL DUTIES OF CUSTOMS RECEIVED AT THE PORT OF LA POILE IN THE UNDER-
MENTIONED YEARS.

| | Imperial. | Colonial. | Total amount since the appointment of Sub Collector |
|-------------------------------|-----------|-----------|---|
| Year ending 5th January, 1837 | 18 12 1 | 2 0 6 | |
| “ Ending 5th January, 1838 | 138 2 7 | 287 0 0 | |
| Total..... | 156 14 8 | 289 0 6 | 445 15 2 |

CUSTOM-HOUSE, St. John's,
23d July, 1838.

EDMUND F. STEWART,
Acting Collector.

STATEMENT

SHEWING THE AMOUNT OF GOODS IMPORTED INTO GREENSPOND IN THE UNDER-
MENTIONED YEARS, WITH THE DUTIES COLLECTED THEREON.

| Years. | Value of Imports. | Imperial Du- ties Collected | Colonial Du- ties Collected | Observations. |
|-----------|-------------------|--------------------------------|--------------------------------|---|
| 1833..... | 6776 11 4 | 96 12 0 | “ “ “ | |
| 1834..... | 4527 0 10 | 4 8 0 | “ “ “ | |
| 1835..... | 6036 4 11 | “ “ “ | 170 12 7 | |
| 1836..... | 4667 0 0 | “ “ “ | 115 13 9 | In the year 1836 the revenue sustained a loss exceeding £50 on the cargo of one vessel (the Mahone Bay Packet) owing to the want of an officer being there appointed. |
| 1837..... | 6839 0 0 | “ “ “ | 103 8 0 | |

Custom House, St. John's,
23d July, 1838.

EDMUND F. STEWART,
Acting Collector

AN ACCOUNT

OF THE EXPENDITURE OF THE SUM OF £2,000 VOTED BY THE LEGISLATURE TOWARDS
LIQUIDATING OUTSTANDING CLAIMS, AND TO MEET PROSPECTIVE DEFICIENCIES.

| | |
|---------------------------------|-------------|
| Civil and Criminal Prosecutions | 660 8 10 |
| Printing, &c. | 258 14 10 |
| Relief of the Poor | 400 17 5 |
| Coroners | 64 14 2 |
| Fuel and Light | 7 9 0 |
| Repairs of Gaols | 53 17 11 |
| Gaol Expenses | 383 13 4 |
| Incidentals | 67 19 2 |
| Do. (Miscellaneous) | 29 10 11 |
| Circuits | 72 5 4 |
| | £1999 10 11 |

LETTER FROM THE SECRETARY OF STATE

ON THE SUBJECT OF THE ADDRESS OF THE HOUSE OF ASSEMBLY OF THE 18TH OCTOBER, PRAYING THE REMOVAL FROM OFFICE, OF THE HON. CHIEF JUSTICE BOULTON.

Downing-street 2d January, 1838.

SIR,—I have received and laid before the Queen, the address to her Majesty from the Commons House of General Assembly of Newfoundland, dated on the 18th of October last, and transmitted to me in your Despatch of the 9th ult., No. 67, praying the removal from office of the hon. Henry John Boulton, Chief Justice of the Island.

As this petition proceeds upon acts of misconduct imputed to the Judge in his Judicial capacity, I have transmitted it to the Lord President of the Council, requesting that his Lordship would move Her Majesty in Council to refer the consideration of it to the Judicial Committee of the Privy Council. The subject plainly does not fall within the proper cognizance of Her Majesty's Executive Government; but the parties concerned will, I presume, receive from the Council Office the usual citations to appear and proceed with the enquiry before their Lordships. I am not, however, able with certainty to state what course of proceeding the Lords of the Privy Council will see fit to adopt on this occasion.

I have, &c.,

(Signed)

GLENELG.

GOVERNOR PRESCOTT, &c. &c.

LETTER FROM THE SECRETARY OF STATE,

WITH REFERENCE TO AN ADDRESS TO THE QUEEN FROM THE HOUSE OF ASSEMBLY, STATING THAT THE LORDS OF THE COMMITTEE OF PRIVY COUNCIL FOR TRADE, DO NOT CONSIDER IT ADVISABLE TO ASSIST THE BRITISH FISHERIES BY BOUNTIES FROM THE PUBLIC PURSE.

Downing-Street, 14th February, 1838.

SIR,—With reference to my Dispatch of the 1st ultimo, No. 164, I have the honour to inform you that the Lords of the Committee of Privy Council for Trade, having, in conformity with Her Majesty's commands, taken into consideration the address from the House of Assembly of Newfoundland to Her Majesty, transmitted in your Dispatch of the 9th December, No. 67, have reported to Her Majesty that it would not in their opinion be advisable to assist the British Fisheries at Newfoundland in their competition with those of Foreign Countries, by Bounties from the Public Purse. It has undoubtedly been the object of Great Britain to provide every facility, and to grant every privilege and immunity by which the prosperity of the Newfoundland Fishery might be promoted, and for this purpose that Fishery has been secured in the exclusive possession of the Markets of this Country, and of the British Colonies, while the persons engaged in it, are exempted from duty on all commodities which they may consume, or which may be necessary to the occupation.

But the Lords of the Committee of Privy Council for Trade, are of opinion that it would not be proper to attempt further encouragement by pecuniary gifts which should constitute a part of the profits of the Trade.

I have &c.

(Signed)

GLENELG.

CAPTAIN PRESCOTT, R. N., &c. &c. &c.,

LETTER FROM THE SECRETARY OF STATE

IN ACKNOWLEDGMENT OF ADDRESS OF THE HOUSE OF ASSEMBLY, ON THE SUBJECT
OF GRANTING BOUNTIES IN AID OF THE BRITISH FISHERIES.

Downing-street, 1st January 1838.

SIR,—I have received and have laid before the Queen, the Address from the House of General Assembly of Newfoundland of the 23d of October, enclosed in your Despatch of the 9th ultimo, No. 67, praying that the Fisheries of the Island may receive such encouragement in the way of Bounties as will enable the Inhabitants to compete with their Foreign rivals. Her Majesty has been graciously pleased to command me to refer that address to the committee of Privy Council for Trade, and as soon as I shall be in possession of their Lordships' opinion on the subject, I shall have the honour to communicate it to you for the information of the House of Assembly.

I have, &c.

(Signed)

GLENELG.

Governor PRESCOTT, &c. &c.

DESPATCH FROM THE SECRETARY OF STATE

ON THE SUBJECT OF THE ILLICIT TRADE CARRIED ON BETWEEN FOREIGN FISHERMEN
AND THE ENGLISH FISHING VESSELS.

Downing Street, 11th January, 1838.

SIR,—I have had the honor to receive your despatch of the 3d October, No. 52, enclosing an extract of a letter from Captain Bennett, of Her Majesty's Ship *Rainbow*, describing the extent of the illicit trade carried on between foreign fishermen and the English fishing vessels of Newfoundland, and the injurious consequence thereby produced on the English fishery, and further calling your attention to the entire absence both of Magistrates and of Custom House officers at the out-ports, on the Northern and Western Shores.

I have since had the honor to receive the address from the House of Assembly of Newfoundland, on the state of the fisheries, and have been commanded by the Queen, as you will perceive by my despatch of the 1st inst., to refer that address for the consideration of the Lords of the Committee of Privy Council for Trade.

Her Majesty's Government are fully sensible of the great importance of the Newfoundland fishery, and during the last year much of their attention has been given to the construction of the Treaties between this country and France, relative to the extent of the right conceded to French subjects to fish on the Western shores of that Island.

A considerable correspondence on this subject has already passed with the Ambassador of the King of the French at this Court, but it would be premature at the present moment to express any opinion as to the future result of that correspondence. I advert to the circumstance to shew that the Ministers of the Crown are not inattentive to the interests of her Majesty's subjects engaged in the Newfoundland fishery.

In regard to the deficiency of the means of preventing smuggling from the French Islands of St. Pierre and Miquelon, and from the continent of North America, I cannot but hope that the recommendation addressed by you to the Legislature will not have been without effect.

As I have not yet received the Journals of the Assembly of Newfoundland, and as your more recent despatches do not advert to that point, I am unable to ascertain whether any practical measures have been adopted by the Assembly for the suppression of this illicit traffic. But I shall bring the subject under the consideration of the Lords Commissioners of the Treasury, and move their Lordships to consider in what manner a stop may be most effectually put to proceedings so ruinous to the trade and commerce of the colony.

I approve of your having declined to sanction the provisional appointments made by Capt. Bennett, of a magistrate and Custom House officer at St. George's Bay. As that place is

within the limits of the French fishery, it is clear that the establishment there of any permanent settlements, whether of French or English subjects, is inconsistent with the Treaties and engagements subsisting between Great Britain and France.

With my present defective information on this point, I feel unable to determine whether any representation on the subject should be addressed to the French Government, or whether application should be made to Parliament, to revise so much of the Act 5, Geo. 4, c. 51, as authorises the removal of British subjects forming permanent settlements on that part of the Island.

But I will communicate on the subject with the Lords Commissioners of the Admiralty, and request their Lordships to direct the Naval officer who in the ensuing season may be stationed at Newfoundland to repair to the western coast of the Island, and to report on the state of the alleged permanent settlements within the French boundaries.

I have, &c.

(Signed)

GLENELG.

Governor Prescott, &c &c.

LETTER FROM CAPTAIN POLKINGHORNE,

OF H. M. S. CROCODILE,

ENCLOSING CORRESPONDENCE WITH THE GOVERNOR OF ST. PIERRE'S ON THE SUBJECT OF THE FISHERIES.

*Crocodile, at St. John's, Newfoundland,
14th July, 1838.*

SIR,—In compliance with my instructions from Vice Admiral the Hon. Sir Charles Paget, G. C. H. Commander-in-Chief on this station, to place myself in communication with your Excellency on my arrival at St. John's, on the subject of the fisheries in the neighbourhood of St. Pierre's, I have the honor to acquaint you, I anchored at that port on the 16th ult., and forwarded a letter to the Governor, on the subject of the fisheries, a copy of it and his reply I enclose for your perusal; by it you will perceive a renewal of former promises that every thing in his power should be done to enforce a strict adherence to the Treaties existing between our respective Governments, and that the French fishermen who transgressed would be imprisoned, and otherwise severely punished. While laying at anchor at St. Pierre's, I was informed by an English fisherman belonging to Fortune that a French fishing boat was then hauling caplin in Dantzic Cove, near Fortune; on learning this, I thought it most advisable to visit Fortune Bay before I proceeded westward to the neighbourhood of the Burgeo Islands, and sailed accordingly on the 19th to ascertain the correctness of the complaint made to me. On passing Dantzic Cove, within two miles, I could not perceive any boats or boat employed, as reported. In the evening of the 19th, I anchored at Grand Bank Bay, and at daylight the following morning sent an officer to Fortune to obtain information, while I placed myself in communication with the most intelligent persons I could find at Grand Bank, a considerable village, and similar in situation and population to Fortune; the two villages are about four miles distant from each other, and can muster from 200 to 250 fishermen, a number fully equal to their own protection from the encroachments of the French fishermen. At these villages I had not a complaint of any act of aggression on the part of their neighbours at St. Pierre's; on the contrary, I found there was too good an understanding between them. All the fishermen at these villages acknowledged without reserve that they caught caplin and sold it to the French; and this I have since discovered to be a general practice along the whole coast opposite to St. Pierre's from Grand Bank to Barren Island. It appears the French, at the commencement of the caplin season, give a good price for this Bait, but at a later period the value is much less, and our fishermen get goods for it, and more frequently spirits. The bad effects of this traffic will, I think, soon be apparent; our fishery will be injured from scarcity of bait, and our industrious fishermen demoralized under the baneful influence of French spirits. On the 21st I sailed for the neighbourhood of the Burgeo Islands, but on arriving off them on the 23d, I found the

pilot ignorant of the anchorage, and from the report of the natives, of their small narrow harbor. I deemed it advisable to proceed to La Poile Bay, a central situation between the Bourgeo's and Cape Ray. I anchored in La Poile great Harbor on the 24th, and found there Mr. Reid, a Collector of Customs; also a Mr. Antoine, a merchant, from Jersey, carrying on a large fishing establishment; from both these gentlemen, I obtained the best information. It appears that neither the Bourgeo Islands or their neighbourhood have been molested by the French fishermen during the last two years; and our fishermen at Bourgeo and near it are now become so numerous that they would not suffer any encroachments similar to those complained of in former years; I therefore came to the conclusion that an officer and boat's crew were quite unnecessary on this part of the coast. At La Poile I learnt that many French fishing boats did in April and May last touch at Port aux Basque, in the neighbourhood of Cape Ray, and, to the great annoyance and injury of the inhabitants, haul herrings with very large nets, and in one or two instances forcibly took up the nets of our fishermen and appropriated their contents to their own use. On this subject I addressed a letter, No. 2, to the Governor of St. Pierre's, repeating the suggestion of Commander Hope, of H. M. S. Racer, that his Excellency would cause all his fishing boats out of St. Pierre's to be numbered on their sails. At La Poile the Cod fishery is general, and said to be most successful in summer and winter,—some salmon are caught, but not in considerable numbers. On the 30th I succeeded in getting out of La Poile. On the 1st of July, I came to an anchor at Little St. Lawrence, at the entrance of the Bay of Placentia, and put myself in communication with the most intelligent persons in the neighbouring Ports of Great St. Lawrence and Great Laun. From every information I could obtain from my own inquiries at Little and Great St. Lawrence, as well as the tidings gleaned at Great Laun, by the Lieutenant of this Ship, I could not find there was any recent complaint made against the French fishermen, with whom a good understanding appeared to exist; and a Frenchman of St. Pierre's having married at Great Laun, I fear every facility was given to this man by his wife's relatives, who readily supplied him with caplin, repaired his boat, sails, &c. I learnt here that the Lamaline people are now so strong in numbers they not only prevent the French from hauling caplin, but will not permit their neighbours to do so; but availing themselves of their short and easy access to St. Pierre's, they sell at that Island large quantities of Bait whenever they can procure a purchaser. Under these circumstances it became evident to me that an officer and boat's crew would be perfectly useless at Lamaline or any Port in that neighbourhood, and I decided accordingly to proceed to St. John's, and give your Excellency the information before stated, feeling myself by my instructions fully warranted in attending to any suggestion or wish you may express, having for its object the protection of the fisheries, on visiting the western parts of the Island, as pointed out by my orders, and in accordance with the desire of my Lord Glenelg to the Lords Commissioners of the Admiralty.

I have, &c.

J. POLKINGHORNE,
Captain.

His Excellency Captain PRESCOTT, C. B.
Governor of Newfoundland.

[CORRESPONDENCE.]

(No. 1.)

Her Britannic Majesty's Ship *Crocodile*,
at St. Pierre's, 16th June, 1838.

SIR,—I have the honor to acquaint your Excellency that my visit to this Port is in consequence of instructions I have received from Vice Admiral the Hon. Sir Charles Paget, G. C. H., Commander-in-Chief, to communicate with your Excellency on the subject of the existing Treaties between our respective Governments, relative to the fisheries on the coast of Newfoundland, and I am desired to express my hope that your Excellency will do all in your power to prevent the French fishermen from infringing on the limits prescribed by the said Treaties, and which has been a subject of complaint for some years past, as it would be to me a source of regret should I have recourse to severe measures if they attempt the infringement complained of in former years. I there-

fore request your Excellency will be pleased to give all French fishermen who may call or belong to St. Pierre's, notice that if they attempt to obtain Bait or Fish within the prescribed limits on the southern coasts of Newfoundland, in parts where, by existing Treaties, they are prohibited from approaching, it will be my painful duty to detain them, and submit the whole matter to the consideration of the Vice Admiralty Court at St. John's.

I have, &c.

(Signed) **J. POLKINGHORNE,**

Captain, H. B. M. S. Crocodile.

(No. 2.)

Her Britannic Majesty's Ship *Crocodile*,
at St. Lawrence, 3d July, 1838.

SIR,—I regret that I am called on at such a very early date, after my recent communication with your Excellency, on the subject of the encroachments of French Fishermen, to renew the complaint against them. I am informed from an authentic source, that a number of fishing boats from St. Pierre's did in the months of April and May last, touch at Port Aux Basque, for the purpose of taking herrings, (which they use as an article of bait), this they did in defiance and to the great annoyance and very serious injury of the inhabitants, whom they prevent from participating by means of employing unusually large nets,—in one or two instances they hauled the nets of the settlers, and forcibly carried off their fish,—your Excellency must be sensible that such a glaring, aggravating violation of the Treaty existing between our respective countries, cannot be justified or extenuated, as the infringement and aggression took place in opposition to the remonstrances of the Inhabitants, and in defiance of them from their being the weaker party on the spot. In the performance of my duty on this coast your Excellency must feel that it is incumbent on me to stop such aggressions so often repeated, and I trust as an earnest desire on the part of your Excellency to co-operate with me, that you enforce among the fishermen of St. Pierre's the salutary suggestion of Commander Hope, Her Britannic Majesty's Sloop Racer, and cause the boats to be numbered in large figures on their sails. By adopting and enforcing this regulation the offenders would be identified; and I trust I may feel assured your Excellency would assist me in convicting and punishing the offenders—this plan would at once detect the parties, and remove suspicion that all your fishermen are implicated in such unjustifiable proceedings.

I have, &c.

(Signed)

J. POLKINGHORNE,

Captain Her B. M. S. Crocodile.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR

TRANSMITTING A REPORT FROM THE COMMISSIONERS OF ROADS AND BRIDGES FROM
CARBONEAR TO HOLYROOD.

H. PRESCOTT,

The Governor transmits to the House of Assembly, a Report from the Commissioners of Roads and Bridges from Carbonear to Holyrood, by which it appears they have expended fourteen pounds three shillings and elevenpence beyond the sum at their disposal, for which expenditure his Excellency recommends the House to make provision.

Government House, 31st July, 1838.

Harbor Grace, 12th June, 1838.

SIR,—We have the honor herewith to transmit to you for the information of his Excellency the Governor, our final account of Receipts and Disbursements for Roads and Bridges, between Holyrood and Carbonear, accompanied by twenty six vouchers for our payments, and exhibiting a balance due to us, for the public, of £16 12 0½ sterling money. This deficiency arose from our anticipating that under our general report of the 29th March 1837, and in conformity with the like course adopted by the Legislature in the instance of "King's Bridge," the sum of £47 6 8 sterling, would have been granted to us, on account of Spaniards Bay Bridge.

The sum originally granted by the Legislature was only £100, and as no one would contract to build a Bridge for that money, we were constrained to take the lowest tender at £147 6 8 sterling; so that had the residue been granted, we should have had a small sum in hand, for other necessary purposes; temporary approaches to this Bridge have been filled up, and it has been used, and found a great convenience to man and horse, during the whole of the past winter. We consider that this Bridge, of no less than 321 feet in length, is worth more than the money laid out upon it; we therefore hope his Excellency the Governor will be graciously pleased to recommend the Legislature to grant to us the sum appearing due upon our general account, amounting as aforesaid, (embracing two other small items) to £16 12 0½ sterling.

Since our last Report of 5th September, 1837 the Contract for cutting down Saddle Hill has been completed, so that a single horse and cart can, with ease, convey ten hundred weight at one load between Harbor Grace and Carbonear; a convenience which the inhabitants at large are extremely grateful to the Legislature for. Last summer having proved an unusually wet season, operated greatly against road making and caused its serious damage in many places; a dry atmosphere and fine weather during the present spring, has however, hardened the gravel, and satisfied us that the Road is well worth all the money laid out upon it.

Copies of the Contracts for filling up the approaches to Spaniards Bay Bridge, and for cutting down Saddle Hill, have been forwarded to the Colonial Treasurer, all the contracts entered into by us, have been completed to our satisfaction.

The following original documents remain in our possession to be disposed of as his Excellency shall be pleased to direct, viz., 25 contracts—34 bonds and 42 Tenders—the 96 Duplicate Receipts for monies paid, the Record of our proceedings and the correspondence, will, of course remain with some one of this Board. In conclusion, we have the honor to state that being required by law to send copies of all the Contracts and Bonds to the Colonial Treasurer, added very considerably to our labours.

We have &c., (Signed)

**THOMAS RIDLEY
JOHN STARK
JAMES BAYLY
THOMAS CHANCEY.**

Commissioners Roads and Bridges, Holyrood to Carbonear.

DR. The Commissioners of Roads and Bridges from Carbonear to Holyrood in Conception Bay, In general Account Current for Monies Received and Expended on the Public Account. **C**R.

| | |
|---|----------|
| 1837. | |
| 29th March To balance in hand from last account | 329 1 3 |
| Balance due to the Commissioners out of Pocket | 14 3 11 |
| | <hr/> |
| | £343 5 2 |

| | |
|---|----------|
| 1837. | |
| March 30, By paid John Stark, Vouchers. | |
| contingencies (71) | 21 18 0 |
| H. Hearder do. (72) | 1 6 0 |
| Jos. Green do. (73) | 12 1 |
| May 11. J. Morrissey road (74) | 13 0 0 |
| 27. W. Whelan bridge (75) | 26 0 0 |
| June 3. J. T. Burton, printing (76) | 13 0 |
| 16. Jas. Morrissey road (77) | 8 13 4 |
| 21. Russell & Butler, road (78) | 2 9 10 |
| 24. Geo. Vokey bridge (79) | 22 19 4 |
| July 17. W. Whelan bridge (80) | 17 6 8 |
| Aug. 30. James Sharp, contngcs (81) | 8 8 |
| P. Mallowney, do. (82) | 2 2 |
| Sep. 11. W. Stevenson, road (83) | 5 17 4 |
| — Cannon & Wilson, bridge (84) | 8 13 4 |
| — Anderson & Currie, road (85) | 8 13 4 |
| 19 W. Whelan, bridge (86) | 24 5 4 |
| 28 Jas. Bealey, bridge (87) | 4 16 5 |
| Oct. 1 Dooling, Collins & Moore (Saddle Hill) (88) | 5 4 0 |
| 7 J. Morrissey, road (89) | 4 6 8 |
| 23 Dooling, Collins & Moore (Saddle Hill) (90) | 5 4 0 |
| 25 James Bealey, road (91) | 25 2 8 |
| Nov, 11 Anderson & Currie, road (92) | 81 18 4 |
| Dec. 21 Dooling, Collins & Moore (Saddle Hill) (93) | 14 14 8 |
| 27 W. Whelan, bridge (94) | 8 13 4 |
| 28 Geo. Vokey bridge (95) | 8 13 4 |
| 1838. | |
| April 25 W. Whelan, bridge (96) | 21 13 4 |
| | <hr/> |
| Total..... | £343 5 2 |

| | |
|--|-----------|
| Sums due on hand by the Commissioners— | |
| Balance due to Comnsrs. as above | 14 3 11 |
| Due to James Bealey, contractor for roads near Carbonear | 2 5 7 |
| Due to Express Packet Company (postages) | 0 2 6½ |
| | <hr/> |
| Total due from the Public | £16 12 0½ |

Harbor Grace, }
 12th June, 1838. }
 (Signed)
 THOS. RIDLEY
 JAMES BAYLEY
 THOS. CHANCEY
 JOHN STARK,
 Commissioners
 of Roads and Bridges
 from Holyrood to Carbonear.

Total amt. of Jas. Bealey's contract 119 12 7
 Cash paid him by vouchers No. 4, 38, 51, 76 5 4 stg.
 No. 91..... 25 2 8

 101 8 0 equal to

 117 0 0 cy.
 Due to him..... 2 12 7 cy.

 Due to him..... 2 5 7 stg.

REPORT

OF ROAD COMMISSIONERS FROM HARBOR GRACE TO CARBONEAR.

Harbor Grace, 28th July, 1838.

SIR,—As Commissioners (appointed by the Act 1 Victoria, Cap. 2,) for the making and repairing a Road from Harbor Grace to Carbonear, we have the honour to report our proceedings hitherto, for the information of his Excellency the Governor.

Under the authority and conditions of the aforesaid Act, we entered into a Contract with James Bealy, a resident of Carbonear, for the cutting down certain hillocks, filling up hollows, and making cross drains &c., as will appear by the original instrument lodged by us with the Board of Control at St. John's, for the performance of the whole of which we agreed he should be paid the sum of £102 sterling, in the expectation that after defraying that, and incidental charges, such as those of Secretary, Surveyor, Printer, &c. the remaining sum would enable us to gravel the said road, and which Contract has been accordingly completed.

The greater time and attention given by us to so important a branch as road making, the more the resources of the Country have been developed and our judgment accelerated, by which experience has been gained, and the best mode of improvement with greater certainty been adopted.

In making this important work in so populous a neighbourhood, it has been our whole desire and object to lay the foundation of a *solid road* by a systematic procedure, which has become the more difficult, owing to its running the whole distance, nearly in a direction north and south, and has necessarily intersected several hills, which consequently caused after heavy rains and the spring thaw, immense bodies of water to run down and completely to injure or destroy the side drains, and in some instances, at particular places, to overwhelm the road and cut it up altogether, but which we have had repaired.

With a view to prevent such rushes of water in large bodies, we have been induced to get constructed one dozen additional cross drains; all of which are strongly built of stone, and are properly covered, and being placed in situations where they were mostly needed, have been found of vast benefit, and have enabled passengers to walk to and fro perfectly dry.

We have now altered the plan originally entertained of gravelling, and thus completing the line, on the principle that, to do so, would be the means of throwing away at least fifty pounds of the public money in a useless manner, as with the sum of £200 stg. voted by the Legislature by the said Act, we could not possibly cut through enough of the hills and fill up the hollows on both sides thereof, to make the ascent and descent sufficiently gentle so as to gravel, and cause travelling to be found agreeable. Notwithstanding, a vast deal of toil, by cutting through hillocks and by filling, has already been saved both to man and beast; and the ground work of an excellent thorough road is in a great measure established; and we respectfully beg leave to report to his Excellency, that having come to the resolution of cutting down more hills, and erecting further diagonal cross drains, for the passing off into the valleys the water contained in the long drains on the upper side in wet seasons, we have very lately contracted with James Lanan to perform the same, (and for the building a bridge along the said line) commencing at Harbor Grace, and extending a distance of three quarters of a mile, for the sum of £80 currency, and which, being in progress, is to be completed by the 30th day of September next, so that advantage may be taken of long days and summer weather, so essentially necessary for a road to harden and settle before the autumn rains set in.

We beg leave further to inform his Excellency that Conception Bay contains a population of nearly 28,000 inhabitants, the greater part of whom at some time or other during the seasons have intercourse with both Harbor Grace and Carbonear by land, whilst the residents of the two latter places alone, amounting to, we believe, 8000 persons, have vast daily communication with each town, besides the Grand and Petit Juries have to attend the Courts of Law at Harbor Grace, and many members thereof have to return to Carbonear, so that horsemen, foot passengers, and vehicles are hourly on this road, both by day and night. Every needful material is at hand on the spot for the formation and reparation of a road.

no colony, can such requisites, we believe, be more easily and cheaply obtained, which must make road-making less expensive than in any other parts of the world.

In our proceedings we have been entirely governed by the route determined on and adopted by the late Commissioners of Roads and Bridges from Holyrood to Carbonear, and have not, in consequence, expended any money whatever, in the purchase of land belonging to private individuals.

To make a perpetual and satisfactory finishing road, we find that the further sum of about £250 sterling will be found requisite, which if systematically laid out, principally in cutting through hills, (such as John Murphy's, Moxley's, and several minor ones) and in gravelling thereafter, would afford great comfort to the people of the towns of Harbor Grace, Carbonear, and Musquito more especially, as well as to a travelling public, and which we hope his Excellency will be pleased to recommend to the favourable consideration of the Legislature.

The line of road in question is about $3\frac{1}{2}$ miles in length, and forms the only public walk of interest in the neighbourhood, affording the traveller most pleasing prospects and delightful views the whole distance.

A line of road from the interesting village of Musquito, situated midway between the two populous towns aforesaid, might with very great ease and facility be struck, passing up the valley by the side of the south hill, so as to connect itself with the main road in question, and is distant therefrom about $1\frac{1}{4}$ mile, which would afford incalculable benefits on the inhabitants of that place.

(Signed)

JAMES BAYLY
ROGER HANRAHAN
WILLIAM COLLINS
MICHAEL HOWLEY.

REPORT

OF THE BOARD OF EDUCATION OF BONAVIDA.

Bonavista, July 4, 1838.

SIR,—I beg leave herewith to transmit to you a copy of the accounts of the Board of Education for this district, and also a report of the Schools under its care, that the same may be laid before his Excellency the Governor of this Island.

I beg leave also to send you the following extracts from the journals of the proceedings of the said Board.

July 4, 1838.

A meeting of the Board was held this day, at which were present, the Rev. H. J. Fitzgerald, E. J. Mallowney, S. Miffen, and J. Skelton, Esqrs.—Messrs. A. Arnott, J. Shears, and T. Taylor.

Resolved,—That the salary of Moses Cutler be increased to £15 currency for the present year.

That the opinion of the members of this Board at Greenspond be taken with respect to the application of the money (£15 cy.) formerly voted for Pinchards Island, it being the opinion of all the Members present that it would be more advantageous, under present circumstances, to apply £10 thereof to the payment of a schoolmaster at Swains Island, and the remaining £5 to the increase of the salary of Moses Cutler.

That the sum of £5 currency be allowed Mr. Gaylor for his services as Secretary and Treasurer to this Board up to May 1st, 1838; and that the like sum of £5 be allowed as a yearly salary for the Secretary and Treasurer of this Board—one person performing the duties of both offices.

The yearly accounts being duly examined and passed, and the report agreed upon, the Board proceeded to choose its officers for the ensuing year, when the Rev. H. J. Fitzgerald was chosen Chairman, and Mr. Thomas Gaylor Secretary and Treasurer of the Board.

Resolved,—That a school be opened at Open Hall, at a yearly salary of £25 currency, with six weeks vacation during the height of the fishery—and that public notice be given to all desirous of applying for the situation of schoolmaster at that place.

I beg leave likewise to inform you that this Board awaits the warrant of his Excellency to admit Mr. Addy, Methodist Preacher at Bonavista, to his place at this Board, to which place he is entitled by the Education Act. I have, &c.

(Signed) H. J. FITZGERALD, Chairman.

STATEMENT

OF THE SCHOOLS UNDER THE BOARD OF EDUCATION, DISTRICT OF BONA VISTA, FROM 7TH SEPTEMBER, 1837, TO THE 1ST JULY, 1838.

| Settlement where Schools are situated. | Master's name | Date of Appointment. | Salary. | Scholars | | Protes- tant. | Roman Catholic | Total No. of Scholars | Sums appropriated for requisites, but not yet sent. |
|--|----------------|----------------------|---------|----------|---------|---------------|----------------|-----------------------|---|
| | | | | Male | Female. | | | | |
| Broad Cove..... | P. Larkin | Nov. 14, 1836 | 25 | 25 | 16 | ... | Cath. | 41 | £ 15 7 8 Cy. |
| Salvage..... | J. Sainsbury | do. | 25 | 31 | 22 | Prot. | — | 53 | |
| Fair Island* | Moses Cutler. | do. | 10 | 13 | 5 | do. | — | 18 | |
| Tickle Cove..... | J. Skiffington | May 17, 1837 | 25 | 30 | 29 | 30 do. | 29 do. | 59 | |
| Pinchard Island,..... | No appli | cation made to | the | Board | for | an | appoinment. | | |

* This School has been reduced from 45 to its present Number, by sickness and death in December last.

(Signed)

Bonavista, July 4, 1838.

H. J. FITZGERALD, Chairman.
THOMAS GAYLOR, Secretary.

DR. The Schools in the District of Bonavista in account with the Board of Education CR.

| 1838. | 1837. |
|--|--|
| May 1. Cash paid P. Larkin for half year's salary, from 1st November 1837, to 1st May, 1838...12 10 0 | Nov. 1. By cash in hands of Treasurer 26 11 8 |
| 7. Cash paid John Skiffington, for half year's salary, from 7th November, 1837, to 7th May 1838.....12 10 0 25 0 0 | May 7. Cash received of John Skiffington, for Books sold.... 14 0 27 5 8 |
| 9. Cash paid John Sainsbury, for half year's salary, from 1st November 1837 to 1st May 1838 12 10 0 | June Cash received from the Colonial Treasurer.£100stg 115 7 8 115 7 8 |
| Cash paid Moses Cutler for half year's salary for same period... 7 10 0 | Cash received from John Sainsbury for books sold. 1 6 2½ 1 6 2½ |
| Cash paid Mr Jeynes for school requisition.....15 7 8 35 7 8 | |
| Cash paid the Secretary of the Board for his services to this date..... 5 0 0 5 0 0 | |
| Cash remaining in the Treasurer's hands to this date.....78 11 10½ 78 11 10½ | |
| £143 19 6½ | £143 19 6½ |

July 4, 1838.

(Signed)

H. J. FITZGERALD, Chairman.
THOMAS GAYLOR, Secretary.

EDUCATION REPORT FOR FERRYLAND.

Ferryland, August 27, 1837.

SIR,—I beg to transmit to you a report of the proceedings of the the Board of Commissioners of Education for the district of Ferryland.

The Treasurer's return will shew the sums received and paid by him, while that of the Secretary goes to shew the number of Schools established under the Board, and the Pupils educated in each school.

In making this report I am happy to be enabled to state that the benefits derived to the different settlements within the district from the establishment of schools is fully and duly appreciated; and I must not omit to remark that the small sum at the disposal of the Commissioners was the cause why those benefits were rather limited in their extent.

In the appropriation of the money under our controul we regulated our proceedings by the standard of equity, and gave to each settlement a sum corresponding with the census of population taken in the year 1836.

By the Treasurer's account a large proportionate sum would seem to appear on his hands; however, since his return was made, large balances have been discharged, and the only sum now at our disposal will be barely sufficient to pay the Teachers' salaries, becoming due on the 4th day of January, ensuing.

I lately visited the Northern part of our district, and caused, with the active and able assistance of the Rev. Mr. Cleary, schools to be opened, and teachers employed there.

I cannot close my report without stating for the information of his Excellency, that I uniformly experienced the most cordial co-operation and support from the Commissioners generally, and were I *particularly* to name any one, it should be our Treasurer, whose regularity in the discharge of his various duties merits the highest commendation.

I beg you to assure his Excellency that it shall be my constant care and endeavour to promote and extend the benefits and blessings of education.

I have, &c.

(Signed) **TIMOTHY BROWN.**

The Hon. James Crowdy, Esq.

SECRETARY'S Return of the number of Schools established by the Board of Education for the Electoral District of Ferryland, together with the names of the Teachers, and number of Pupils.

| Schools established, | Names of Teachers. | No. of Schools. | No. of male Pupils. | No. of female Pupils. |
|-----------------------------|--------------------|-----------------|---------------------|-----------------------|
| Renewse..... | John Dwyer | 1 | 20 | 23 |
| Fermewse..... | Thos. Larrissey | 1 | 14 | 22 |
| Aquaforte..... | Jane Winsor | 1 | 8 | 7 |
| Ferryland..... | Elizabeth Coulman | 1 | 10 | 16 |
| Caplin Bay..... | R. Fitzhenry | 1 | 16 | 8 |
| Cape Broyle..... | Anna Coryear | 1 | 7 | 3 |
| Brigus..... | Catherine Power | 1 | 9 | 20 |
| Total Number of Pupils..... | | | 183. | |

BAY BULLS DIVISION.

| | | | | |
|------------------|---------------|---|---|----|
| Bay Bulls..... | J. Murphy | — | — | 66 |
| Witless Bay..... | N. Fitzgerald | — | — | 44 |

(Signed)

THOMAS WRIGHT,
Secretary.

Ferryland, 21st August, 1837.

Ferryland, September 1st, 1837.

SIR,—Enclosed you have the Treasurer's account of Payments and Receipts, the former in conformity to your orders to the several Teachers, the latter, such sums as have been received by me from the Colonial Treasurer for each year's respective grant,—also, a list of stationery purchased by order of the Board, and a list of what has been issued thereout, to whom, and of what remains in my possession, all of which I trust will be found correct.

Had you returned from your tour westward at an earlier date, I should have transmitted them earlier, but I expect it is yet in sufficient time to enable you to make up the report of the Board's proceedings, which should have been done in July last, in conformity with the act. I have, &c.

(Signed)

Rev. Timothy Brown, Chairman of the Board of Education.

ROBERT CARTER, Treasurer.

FERRYLAND DISTRICT.

AN ACCOUNT of Stationery purchased by order of the Board of Education for use of Schools.

| Date, 1836. | In charge of the Treasurer. | Primers | Spelling Books | Arithmetics | Blank Record Books. | Paper. | Wafers. | Pens, |
|----------------|--|----------|----------------|-------------|---------------------|----------|---------|-------|
| | | 36 | 36 | 12 | 1 | reams 1½ | oz. 1 | 100 |
| Date of Issue. | To whom delivered. | Primers. | Spelling Books | Arithmetics | Blank Record Books. | Papers | Wafers. | Pens |
| 1837. | | | | | | ream | oz. | |
| 23d July. | For the use of the Treasurer and Secretary..... | ... | ... | ... | 1 | ½ | 1 | 50 |
| " | J. and Mary Meaney, Ferryland..... | 2 | ... | ... | ... | ... | ... | ... |
| " | J. T. Ann and Mary Brown, do..... | 1 | 3 | ... | ... | ... | ... | ... |
| April 6. | J. Dwyer, for Renewals..... | 6 | 6 | 1 | ... | ... | ... | ... |
| 7. | R. Fitzhenry, Caplin Bay..... | 6 | 6 | ... | ... | 1 qr | ... | ... |
| May 1. | Peter Power, for Brigus..... | 5 | ... | ... | ... | ... | ... | ... |
| 4. | T. Larrissey, for Fermews..... | 6 | 6 | 1 | ... | ... | ... | 12 |
| August 8. | E. Coultman, for Ferryland..... | 6 | 6 | 1 | ... | 2 qr | ... | 20 |
| | Remaining in the Treasurer's care, on 10th August, 1837... | 4 | 9 | 9 | ... | 17 | ... | 18 |
| | | 36 | 36 | 12 | 1 | 1½ re | 1 | 100 |

Ferryland, 16th August, 1837.

(Signed)

ROBERT CARTER, Treasurer.

DR. Robert Carter, Treasurer, in account with the Ferryland Board of Education. CR.

| 1836. | Currency. | 1836. | |
|----------|--|-----------|---|
| Dec. 20. | To this sum received from the Colonial Treasurer, being the Grant for 1836..... 125 stg. 144 4 7 | Dec. 20. | By the sum paid for Stationery and freight from St. John's..... 7 7 8 |
| 1837, | | 24. | Cash paid order to Caplin Bay teacher 5 0 0 |
| July 20. | This sum received from the Colonial Treasurer, being the Grant for 1837..... 125 stg. 144 4 7 | 28. | Do. do. Renewse..... 4 0 0 |
| | | 1837. | |
| | | Jan. 6 | Do. do. Fermews..... 6 0 0 |
| | | 16. | Do. do. Ferryland..... 8 10 0 |
| | | 17. | Do. do. Cape Broyle..... 5 0 0 |
| | | Feb. 13. | Do. do. Bay Bulls..... 7 10 0 |
| | | " | Do. do. Witless Bay..... 6 0 0 |
| | | April 13. | Do. do. Aquaforte..... 7 10 0 |
| | | 24. | Do. do. Renewse..... 8 0 0 |
| | | May 15. | Do. do. Caplin Bay..... 2 0 0 |
| | | Aug. 4. | Do. do. do..... 2 10 0 |
| | | " | Do. do. Fermews..... 2 0 0 |
| | | 31. | Do. do. Brigus..... 5 0 0 |
| | | " | Do. do. Cape Broyle..... 2 10 0 |
| | | | Balance in Treasurer's hand 208 1 6 |
| | £283 9 2 | | 288 9 2 |

1837, Sept. 1.—To balance brought down 208 1 6

E.E.

Ferryland, Newfoundland, 1st September, 1837.

(Signed) R. CARTER, Treasurer.

EDUCATION REPORT FOR BURIN.

District of Burin, 4th Oct. 1837.

SIR,—I have the honor to transmit herewith a report of the Directors of the Board of Education for the district of Burin. I am at the same time directed to say that circumstances having prevented their meeting on the first Wednesday in July, agreeably to the act as therein set forth, for the purpose of electing fresh officers, &c., they beg to acquaint his Excellency the Governor, that the Rev. Mr. Berney was at a meeting holden this day, at the Court House, again chosen Chairman for that part of the ensuing year ending on the first Wednesday in July next, 1838.

I have, &c.

(Signed)

The Hon. James Crowdy.

FREDERICK R. PAGE, Secretary.

BURIN.—Unforeseen difficulties having occurred to prevent a school from being brought into operation here, not one is yet established ; but the Directors hope these impediments are about being got over, and that a very short time will elapse ere that most desirable object will be obtained.

ROCK HARBOR.—Here a School has been opened since June last, under a Teacher giving general satisfaction, from the local situation of this place, all can attend.

FORTUNE.—Here, also, a school has been in operation since June, under an approved Teacher, and a report from thence states the number of daily scholars to be forty, and on Sundays from sixty to seventy attend, and hopes are entertained of the most favourable results.

At no other place has any school been established, indeed no application as Teacher for any of the other places has been made,—this, we presume may be owing to the number of places chosen as fit and proper, and the small sums such an appropriation will allow—still we hope to see so desirable an object accomplished.

(Signed)

WILLIAM HOOPER, Chairman, pro. tem.

Dated at the Court House, Burin, the 4th day of Oct., 1837.

EDUCATION REPORT FROM TWILLINGATE.

Twillingate, 23d August, 1837.

SIR,—I beg leave to transmit to you for his Excellency the Governor's approbation, the accompanying resolutions which the Board of Education for this district, have thought it desirable to adopt at their meeting on the 16th inst.

According with the apprehension of the Board last year, I am sorry to say that we have not been able, by an equal division of the Legislative grant through the many stations within this district, to establish schools generally. The only ones established by the Board last year, are two, one at the Exploits Burnt Island, and another at Tilting Harbour. But we confidently hope that the sums assigned as salaries in the present amended resolutions, will prove sufficient to induce a sufficient number of teachers to offer their services.

His Excellency will observe that, in reference to the settlements of Joe Bat's Arm and Barrid Islands, the Board have departed from their plan for the other stations. This departure has been occasioned by a wish, on the part of the Board, to meet an offer made to them by the Newfoundland and North American School Society through one of their school masters ; an offer to establish a school embracing the education, as far as their local position will admit, of both these settlements. It is the opinion of the Board that a school conducted by that society on the principles proposed in the 5th resolution, would more effectually meet the wants of those distant and extremely destitute stations, than the Board can at present, in any other way, hope to do. If, however, his Excellency shall see reason to conclude differently, the Board will then have no objections to put these stations on the same footing as the others.

In reference to the 6th resolution, permit me to say that all the members of the board, with but one exception, think it to contain the most reasonable, fair, liberal, and just conclusion that they could possibly come to, on such an important subject, and therefore they anxiously hope it will meet his Excellency's approbation.

I am, &c.

(Signed) J. CHAPMAN, Chairman.

P. S. The salaries to the Schoolmasters at the Exploits Burnt Island, and Tilting Harbour, will be paid shortly, when an account of the state of our funds will immediately be sent to your office.

Secretary's Office, 12th September, 1837.

SIR,—I have received and laid before the Governor, your letter of the 23d ult., with its enclosed copy of Resolutions adopted at a meeting of the Board of Education on the 16th, and I am directed to acquaint you that his Excellency cannot sanction that part of the first of these regulations which makes void the eighth of those formerly adopted, nor any part of the 5th and 6th.

I have, &c.

(Signed,) JAMES CROWDY.

The Rev. J. CHAPMAN,
Chairman of the Board of Education, Twillingate.

Amended Regulations adopted by the Board of Education for the district of Fogo, at a general meeting held in the Court House at Twillingate on the third Wednesday in August, 1837; the object whereof is to render the grant of the Legislature more effective than it has yet been in this district.

1st.—It is resolved that the first, second, fourth, sixth, and eight regulations, adopted by the said Board, in the 4th July, 1836, be from henceforth void.

2d.—That a salary of thirty pounds currency each, shall be paid annually to four schoolmasters; one of whom shall be stationed on the south island of Twillingate, another at Fogo, another at Tilting Harbour, and another at the Exploits Burnt Island.

3d.—That one month's vacation in the fishing season shall be allowed to each schoolmaster, beginning at a date to be chosen by himself, but that no other holidays shall be allowed him at any other season of the year.

4th.—That the schools shall open either on the 1st October, or on the 1st April, in each year, and that each schoolmaster, on presenting to the Secretary of the Board his register of scholars, as may be required, shall be paid the sum due to him, half-yearly.

5th.—That the Treasurer for the Board shall pay annually to the agent for the Newfoundland and British North American School Society, the sum of £30 currency, on condition that the said Society establish a school embracing for its object, the settlements of Joe Batt's Arm and Barid Islands, and conducting it as at others of their principal stations.

6th.—That, in those settlements where the children to be taught in the same school, are some of them of the Protestant and others of the Roman Catholic denomination, the Holy Scriptures of the Old and New Testament, shall not be excluded from the former; and that the children of the latter shall be taught to read in such books as their parents or guardians shall approve of.

Members present at the above meeting; the Rev. J. Chapman, J. N. Bergin,—John Peyton, Esq. A. Pearce, Esq. R. Tremlett, Esq. J. Bell, Esq. J. Preston, Esq. Mr. J. Ludlow, H. Knight, J. Colbourne, W. Burge.

Members absent at the above meeting: T. A. Lyte, Esq. S. Lawler, Esq.

The four resolutions were unanimously agreed to by all the members.

For the 5th and 6th J. Peyton, A. Pearce, R. Tremlett, J. Bell, J. Preston, Esqs. Messrs. W. Burge, J. Ludlow, H. Knight, J. Colbourne,—Against them the Rev. J. N. Bergin.

(Signed) J. Chapman, Chairman.

Twillingate, 17th August, 1838.

Twillingate, 9th October, 1837.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th ult., on the 7th inst. which I have this day laid before as many members of the Board of Education, as could be assembled. I am desired to convey for his Excellency's information, their unanimous sentiments on the matters therein alluded to, which are as follow:—

First—That they jointly thank his Excellency for his sanction of those parts of the amended regulations which relate to the improvement of the salaries of the schoolmasters to be hereafter employed by the Board, as implied in the 2d, 3d, and 4th of these resolutions.

Secondly—That although the 5th has not met his Excellency's approbation, they still think it would have been desirable.

Thirdly—That they very much regret the refusal of his Excellency to sanction the 6th of the "Amended Resolutions," which had been adopted by the Board on their mature conviction of its propriety; and they now beg leave respectfully to signify to his Excellency their determination not to depart from it, dreading the admission of the contrary principle as pregnant with evils to the best interests of the rising generation.

I am, &c.

(Signed) JOHN CHAPMAN, Chairman.

The Hon. James Crowdy.

P. S. Please find enclosed an account shewing a balance in the hands of our Treasurer, of £40 16s 8d, also two vouchers for amounts paid, with two Registers of the Schools at Exploits Burnt Island and Tilting Harbour.

CENSUS AND RETURN FOR THE DISTRICT OF FOGO, EXTENDING FROM CAPE FREELS TO CAPE JOHN.

| Names of Settlements. | No. of Dwelling Houses | Family. | | | | | No. of Servants | | No. fishing boats | | | Heads of Families who are Servants. | No of acres in possession. | No. of acres under cultivation | Bushels potatoes yearly. | Bushels of Oats or other Grain. | Tons of Hay. | Number of Horses. | Neat Cattle. | Hogs | Sheep. | Schools. | Male Pupils. | Female Pupils. | Protestant Episcopalians | Protestant Dissenters. | Roman Catholics | Number and Denomination of Churches and Ministers. | | | | |
|----------------------------------|------------------------|-----------------|-----------------|----------------|-----------------|-----------------|-----------------|----------|-------------------|---------------|----------------|-------------------------------------|----------------------------|--------------------------------|--------------------------|---------------------------------|--------------|-------------------|--------------|------|--------|----------|--------------|----------------|--------------------------|------------------------|-----------------|--|-----------------------|------------|----|--|
| | | Males | | Females | | | Males. | Females. | Under 15 Qtls | From 15 to 30 | Upwards of 30. | | | | | | | | | | | | | | | | | Miscellaneous. | | | | |
| | | Under 14 years. | 14 to 60 years. | Upwards of 60. | Under 14 years. | 14 to 60 years. | | | | | | | | | | | | | | | | | | | | | | Upwards of 60. | Churches and Chapels. | Ministers. | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | Ep. | R.C. | W. | Ep. | R.C. | W. | |
| Cat Harbor and Cape Freels..... | 14 | 19 | 22 | 2 | 19 | 19 | 1 | 12 | 3 | 12 | 2 | | | | 333 | | 1 | 4 | 2 | | | | | 81 | | 16 | | | | | | |
| Deadman's Bay..... | 2 | 4 | 2 | | 3 | 2 | | | | | | | | | 30 | | | 1 | 2 | | | | 11 | | | | | | | | | |
| Muddy Hole..... | 1 | 4 | 4 | | 2 | 2 | | | | 1 | | | | | 100 | | | 1 | | | | | 12 | | | | | | | | | |
| Ragged Harbor..... | 1 | 2 | 1 | 1 | 1 | 1 | | | | | | | | | 16 | | | 1 | | | | | 5 | | | | | | | | | |
| Rockey Bay..... | 1 | 4 | 3 | 3 | 2 | 1 | | 1 | | | | | | | 30 | | | 5 | | | | | 11 | | | | | | | | | |
| Gander Bay..... | 8 | 17 | 11 | 13 | 17 | 10 | | 5 | | | | | | | 85 | | | 16 | | | | | 60 | | | | | | | | | |
| Dog Bay..... | 1 | 2 | 1 | | 1 | 1 | | | 1 | | | | | | | | | 5 | | | | | 7 | | | | | | | | | |
| Change Islands..... | 28 | 46 | 46 | | 42 | 33 | 3 | 17 | 3 | 34 | | | | | 401 | | | 19 | | 3 | | | 192 | | 1 | | | | | | | |
| Fogo Harbor..... | 69 | 95 | 91 | | 118 | 93 | 8 | 92 | 9 | 82 | | | | | 640 | | | 20 | | | | | 416 | | 103 | 1 | | | | | | |
| Seldom-come-by..... | 2 | 6 | 2 | | 1 | 2 | | | | 2 | | | | | 20 | | | 3 | | | | | 12 | | | | | | | | | |
| Wild Cove..... | 2 | 2 | | | 5 | 2 | | | 1 | 2 | | | | | | | | | | | | | 10 | | | | | | | | | |
| Hare Bay..... | 4 | 6 | 7 | | 5 | 8 | | | | 4 | | | | | 80 | | | | | | | | 26 | | | | | | | | | |
| Lion's Den..... | 4 | 8 | 5 | | 4 | 3 | 2 | | | 3 | | | | | 76 | | | | | | | | 22 | | | | | | | | | |
| Barid Islands..... | 26 | 40 | 30 | 2 | 27 | 30 | 4 | 11 | 2 | 24 | | | | | 338 | | | 7 | | | | | 145 | | 1 | | | | | | | |
| Joe Batt's Arm..... | 48 | 73 | 76 | 3 | 85 | 60 | 1 | 21 | 7 | 45 | 5 | | | | 902 | | | 26 | | | | | 207 | | 119 | | | | | | | |
| Sandy Cove..... | 4 | 3 | 11 | 2 | 5 | 7 | 1 | 10 | 1 | | 3 | 1 | | | 170 | | | 6 | | | | | 1 | | | | | | | | | |
| Tilton Harbor..... | 47 | 66 | 81 | 6 | 59 | 60 | 6 | 42 | 7 | 20 | 18 | 5 | | | 1465 | | | 30 | | | | | 5 | | 322 | | 1 | | 1 | | | |
| Shoe Cove (Cape John)..... | 14 | 21 | 16 | 2 | 25 | 16 | 1 | 1 | | 14 | | | | | 88 | | | | | | | | 81 | | | | | | | | | |
| Caplin Cove..... | 3 | 4 | 5 | 1 | 3 | 4 | | | | 5 | | | | | 20 | | | | | | | | 17 | | | | | | | | | |
| Beaver Cove..... | 2 | 2 | | | 4 | 2 | | | | 2 | | | | | 11 | | | | | | | | 8 | | | | | | | | | |
| Tilt Cove..... | 2 | 4 | 5 | | 4 | 3 | | | | 3 | | | | | | | | | | | | | 16 | | | | | | | | | |
| Round Harbor..... | 3 | 6 | 3 | | 5 | 3 | | 1 | | 4 | | | | | 13 | | | | | | | | 18 | | | | | | | | | |
| Indian Burial Ground..... | 5 | 12 | 8 | 1 | 9 | 8 | 1 | 3 | | 7 | | | | | 57 | | | | | | | | 42 | | | | | | | | | |
| Robins Cove..... | 1 | 1 | 1 | | | 1 | | 1 | | 1 | | | | | 6 | | | | | | | | 3 | | | | | | | | | |
| Bits Cove..... | 1 | 2 | 1 | | 4 | 1 | | | | 1 | | | | | | | | | | | | | 8 | | | | | | | | | |
| Nippers Harbor..... | 10 | 18 | 16 | 1 | 11 | 12 | 3 | 3 | 2 | 14 | | | | | 82 | | | | | | | | 66 | | | | | | | | | |
| Rogues Harbor..... | 2 | 2 | 3 | | 3 | 3 | | | | 2 | | | | | 17 | | | | | | | | 12 | | | | | | | | | |
| Sops Arms..... | 1 | 1 | 1 | | | | | 1 | | | | | | | | | | | | | | | 2 | | | | | | | | | |
| Halls Bay..... | 1 | 1 | 1 | | 1 | 2 | | | | 1 | | | | | 25 | | | | | | | | 5 | | | | | | | | | |
| Wards Harbor & Triton Islands... | 5 | 11 | 9 | 1 | 8 | 7 | | 1 | | 9 | 1 | | | | 40 | | | | | | | | 36 | | | | | | | | | |

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