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**JOURNAL AND PROCEEDINGS**  
OF THE  
**HOUSE OF ASSEMBLY**  
OF  
*NEWFOUNDLAND.*

**FRIDAY, May 17, 1839.**

**T**HE House having been, by his Excellency's Proclamation of the 11th February last, prorogued until this day, then to meet for the despatch of business, met, pursuant to the said Proclamation accordingly.

Meeting of the Assembly.

A message from his Excellency the Governor was delivered by Joseph Templeman, Esq., Usher of the Black Rod.

Message from his Excellency—

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

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

commanding attendance of the House.

Accordingly, Mr. Speaker and the House went up to attend his Excellency in the Council Chamber—and being returned—

House attend.

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

Mr. Speaker's report.

*Mr. President, and Hon. Gentlemen of the Council—*

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

His Excellency's speech

I am glad to meet you again in session, and I could have wished to assemble you at an earlier period, but the nature of our climate, our commercial pursuits, and the want of an edifice for your special accommodation, have been obstacles to my so doing.



His Excellency's speech

I commend to your consideration a report which I shall forward, from the commissioners for the erection of a Colonial House. They have determined upon the plan of a building which would prove highly useful and ornamental, but their further operations are suspended by difficulties which may probably be obviated by Legislative enactment.

I am commanded to bring under the attention of the Legislature, the intention of her Majesty's Government to establish a steam communication between the Mother Country and Nova Scotia, for the conveyance of mails to and from the British North American possessions, with a view to ascertain in what degree Newfoundland can contribute to, or be benefitted by, such an arrangement. Transcripts of the correspondence on this subject shall be sent down.

I shall transmit copies of a despatch from the Secretary of State regarding the disposal of the Crown Lands, by which you will perceive that it is advisable to postpone deliberation on that matter till the receipt of further advices from his Lordship, which may, I presume, be shortly expected.

At the commencement of the last session, I laid before you a despatch from Lord Glenelg, respecting the Colonial act for the extension of the Criminal Law of England to this Island. No step appears to have been taken in accordance with his Lordship's recommendation, but as a proper consideration and selection of such English Laws as may be suitable to Newfoundland, must be a work of time as well as great importance, and as her Majesty's decision upon the act is suspended until the result of Lord Glenelg's suggestion shall be known, I feel persuaded that this point will engage your early attention.

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

The usual financial statements, and the estimates for the ensuing year, shall be immediately laid before you.

The pressure of extreme distress in this populous town, has compelled me to exceed the sum allotted for the relief of the poor. The increased aid under my direction has been confined to the Indigent Sick—to paupers impotent from age or infirmity—to idiots and orphan children.

I hope that a careful enquiry will enable you to ascertain the quantum of relief requisite for the wretched and helpless—the legitimate objects of public care.

Confiding in the benevolence of the Legislature, I have not hesitated to assume a responsibility on this occasion, for which I trust that there will not be any future necessity. I have to remind you that the last Appropriation Act was not passed till the 25th of October, although the financial year commences with July—as under such circumstances the machinery of Government must either stand still, or be continued in action by the unauthorised command of the Executive, you will probably think it right, by an early application to the subject of the Public expenditure, to prevent the recurrence of that dilemma.

Your attention will necessarily be directed to the preparation of a new Revenue Bill, as the existing act only extends to the 18th of next November.

*Mr. President, and Hon. Gentlemen of the Council,—*

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

I have in former addresses recommended some measures for your con-



sideration, respecting which I shall at all times be ready to give every information in my power.

His Excellency's speech

Although our financial state would not justify my making, at present, any suggestion entailing considerable or immediate expense, yet, having been long of opinion that great advantage would be derived from the employment of a Diving Bell, for the removal of all natural and artificial obstructions from the Port of St. John's, I have made some preliminary enquiries connected with that object, the result of which I shall lay before you.

The Act 2d Victoria, cap. 3, does not prescribe reports to be made to me by the commissioners appointed therein; I cannot, therefore, supply you with any precise information as to the progress of our roads; but of the funds lately provided for the prosecution of this important work, a large proportion is, as yet, unapplied.

Such reports as I receive from the respective district Boards of Education, shall be presented to you.

I trust that benefit, although not so great or general as might be desired, is derived from the Colonial Act, for the promotion of this essential object upon which I will not farther remark at present, because the remaining two years to which the operation of the act is limited, will afford better means and opportunity of forming a correct judgment respecting it.

It gives me pleasure to inform you that the President of the London Geological Society has, at my request, recommended a gentleman fully competent to undertake the Survey for which you made provision last year. This gentleman, a Graduate of Cambridge, to whose merit high testimonials have been furnished by the Geological Professor of that University, is already arrived, and has entered upon his arduous task with zeal and alacrity. I cannot deny myself the gratification of quoting the closing paragraph of the Professor's letter on this occasion:—"What the survey will lead to it is impossible to judge in our present ignorance of the structure of your Island, but I cannot help anticipating great good, both economical and scientific. In the name of my brother Geologists of England, I offer you our best thanks for the noble example you have set to our other Colonies."

I conclude with the oft-repeated assurance of my inclination to assist your labours for the public good. It is my ardent desire that unanimity and harmony may prevail between the different Branches of the Legislature, producing, as their natural result during the session, measures of practical utility.

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

*Resolved*,—That an humble address be presented to his Excellency the Governor, in answer to his Excellency's speech.

Resolution for address to his Excellency in answer thereto.

*Ordered*,—That Mr. Nugent, Mr. Kent, and Mr. Winsor be a committee to prepare the said address.

Committee to prepare it



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

## MONDAY, May 20, 1839.

Petition of M. Vibers & others, presented & read

**A** Petition of Michael Viber, and 141 others, inhabitants of the North-side of Trinity Bay, was presented by Mr. Moore, and the same was received and read, setting forth the failure of the fishery in that Bay for the two last seasons, and the inclemency of the past winter, and thence deducing the destitution of the population of that place (nearly 2000 persons) and praying a grant for seed potatoes.

To lie on the table.

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

Communications from Conception Bay relative to distress of inhabitants read.

Mr. Godfrey read several communications from Conception Bay representing the great distress of the inhabitants, and the necessity of relieving their wants by a grant for the purchase of seed potatoes. In the letter of Mr. Jacob, of Port de Grave, J. P., he states that the committee for the distribution of seed potatoes last year, in that district, returned to the Treasury the sum of ninety-seven pounds, cy.

To lie on the table.

*Ordered*,—That the several communications now read, do lie on the table.

Petition of Rev. P. Nowlan & others presented & read.

A petition of the Rev. Pelagius Nowlan, and 52 others, inhabitants of Placentia, was presented by Mr. Doyle, and the same was received and read, setting forth, that when Placentia was garrisoned, breakwaters were sustained to preserve the houses from inundation; but that long neglect having caused them to decay, all the houses are now occasionally subjected to be inundated at every spring tide, to a considerable height: and praying, therefore, that sufficient breakwaters may be erected.

Referred to committee on roads.

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

Assistant-Messenger appointed.

On motion of Mr. Moore, seconded by Mr. Nugent,  
*Resolved*,—That Mr. Morty Dunn be appointed to the office of Assistant Messenger to this House.

Draft of address to his Excellency read.

Mr. Nugent, from the committee appointed to prepare an address in answer to his Excellency's speech, brought up the draft of an address, which he read.

*Resolved*,—That the said report be received.

To be committed.

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

House in committee thereon.

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 taken the address to them referred under their consideration, and had made some amendments therein; and he delivered the address with the amendments in at the Clerk's table.



And the said amendments having been read throughout, upon the question put thereon, were agreed to by the House, which address, as amended, is as follows :

Amendments read and agreed to.

*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.*

Address read.

May it please your Excellency,

We, her Majesty's faithful Commons of Newfoundland, in General Assembly convened, beg leave to thank your Excellency for your Excellency's speech at the opening of the session.

We shall not fail to take under our consideration the report of the Commissioners for the erection of a Colonial House, to which your Excellency adverts, and if it shall be found that the means of the country will warrant it, we shall be happy to facilitate the erection by the removal, by legislative enactment, of the difficulties which at present impede it.

It affords us particular pleasure that the House of Assembly have anticipated the wishes of her Majesty's Government, and been foremost in the encouragement of the establishment of steam communication for the conveyance of the Mails between the Parent State and the colonies, and therefore will the perusal of the correspondence upon that subject prove interesting to us.

Confident that the final determination of the Government on the subject of the Crown Lands will not be less advantageous, nor their concessions to this colony less liberal and extensive than those proposed to our delegates last year, we shall postpone the consideration of that subject until the receipt of further advices from the Most Noble the Secretary of State for the Colonies.

We are exceedingly solicitous to meet the views of the Government on the subject of the act for the extension of the Criminal Law of England to this Colony, and shall therefore apply our sedulous attention to the consideration of the despatch of Lord Glenelg respecting that measure.

We thank your Excellency for your intention to lay before us the usual financial statements and estimates, and regretting that the state of the poor of St. John's should be considered such as to induce your Excellency to exceed the sum allotted by the Legislature for their relief, we beg to assure your Excellency we shall take under our most serious consideration all the information that shall be laid before us, on a subject of so much constitutional importance, and that we shall make the fullest enquiry into the condition of the poor, with a view to ascertain the amount of relief necessary for the wretched and helpless.

We regret much that your Excellency should have to complain that the period of the passing of the Appropriation act of last year was unseasonably protracted to the 25th October, and that the machinery of Government should have been thereby embarrassed, but the delay in passing that measure, your Excellency must be aware, did not accrue from the House of Assembly, but arose from various and harrassing impediments improperly and illegally thrown in the way of their deliberations. The



Address.

Assembly then, as they are now, were solicitous, by the promptitude of their supplies, to testify their desire to promote the public service, but unhappily they met not that cordial co-operation elsewhere, which would have been desirable, and which we have been always anxious to conciliate in the same spirit of cordiality and good feeling; therefore we shall be ready to enter upon the subject of supply with as little delay as the due consideration of the various returns necessary for our information thereon shall permit; and, in order to secure a revenue to meet the necessary expenditure, we shall not fail to renew the act for that purpose, which expires next November.

The measures to which your Excellency adverts as having been recommended in former sessions, we shall revert to at your Excellency's suggestion, particularly the establishment of an Academy, the regulation of Prison Discipline, and of the authenticity of Official Returns, and the amendment of the Hospital and Statute Labour act, and much regret that the country should so long, from causes over which the Assembly had no controul, have been deprived of the advantages that may naturally be expected to result from their adjustment.

We shall take care, in any future Road bill, to remedy the defect in the former, to which your Excellency directs our attention, by the introduction of a provision requiring Reports from the Board of Control, of the progress of the works in the various parts of the Island, and shall carefully consider those of the Boards of Education when laid before us.

It is particularly gratifying to the Assembly that a gentleman bearing the high scientific character of Mr. Jukes, should be induced to undertake the Geological Survey of the Island. That is a subject upon which the Assembly feel great interest—originating as it did with them, they are doubly solicitous it should eventuate in enhancing the physical character and developing the internal resources of the country, thereby promoting the rapid and permanent advantage of its inhabitants.

We beg leave in fine to tender to your Excellency our acknowledgments for the assurance of your Excellency's "inclination to assist our labours for the public good," and for your Excellency's desire that unanimity and harmony may prevail between the different branches of the Legislature,—and in conclusion we beg to assure your Excellency that it is the solemn conviction of the Assembly that this "harmony" and that "unanimity" are essentially necessary to the fulfilment of the functions of the Legislative Body so as to promote the public benefit, and that impressed with these opinions, the Members of the Assembly shall now be, as they have at all times been, solicitous to maintain these relations with the other branches of the Legislature which become them as patriot citizens and loyal subjects.

Passed.

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

Committee to wait on his Excellency relative thereto.

*Ordered*,—That Mr. Dwyer and Mr. Kent be a committee to wait on his Excellency to know when his Excellency will be pleased to receive the same.



Mr. Speaker having laid before the House a copy of a Despatch from Lord Glenelg respecting the appointment of the officers of the House, together with a letter from the hon. the Colonial Secretary relative thereto—

Copy of Despatch from Lord Glenelg respecting appointment of officers, laid before the House.

Mr. Nugent gave notice that to-morrow, he would move the following Resolution:

Notice of Resolution relative thereto.

That in accordance with her Majesty's gracious accedence to the wishes of the Assembly, with reference to the appointment by the House of the Clerk and Serjeant-at-Arms, the House do forthwith proceed to elect a fit and proper person to act as Clerk in the absence of Edward M. Archibald, Esq., or until his successor be appointed.

Notice by Mr. Winser for to-morrow, that a committee be appointed to consider of the propriety of providing potatoes for persons possessing land, but destitute of the means of procuring seed.

Notice for committee to provide seed potatoes.

Notice by Mr. Nugent for to-morrow, that an address be presented to his Excellency the Governor, praying that his Excellency will order copies of his instructions (if any) on the subject of the Report of the Right Hon. the Earl of Durham, on the affairs of British North America, and on the subject of comprehending Newfoundland in the contemplated Legislative union of the British North American Colonies, to be laid before the House.

Notice of address to his Excellency.

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

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## TUESDAY, May 21, 1839.

ON motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Winser,

Resolution respecting appointment of officers.

*Resolved*,—That her Majesty having acceded to the claim of the House of Assembly, of the right to the appointment of persons to fill the offices of Clerk and Serjeant-at Arms on occasions subsequent to the date of the despatch of Lord Glenelg upon this subject (10th Jan. 1839)—the House do now proceed to the election of a fit and proper person to fill the office of Acting Clerk, in the absence of Edward M. Archibald, Esq., or until a successor be appointed.

*Resolved*,—That Walter Dillon, Esq., be appointed to act as Clerk of this House during the absence of Mr. Archibald, or until a successor be appointed by the House.

Acting Clerk appointed.

*Ordered*,—That Mr. Dillon do take his seat at the table accordingly.

Mr. Doyle, from the committee appointed to wait on his Excellency the Governor, to ascertain when his Excellency would be pleased to receive the address of the House in answer to his Excellency's speech, reported that his Excellency had been pleased to appoint Thursday next, at two o'clock, for that purpose.

Time for receiving address of House in reply to his Excellency's speech, reported.



Notice of address to his Excellency.

Pursuant to notice, Mr. Nugent moved, seconded by Mr. Dwyer, and

*Resolved*,—That an address be presented to his Excellency the Governor, requesting that his Excellency will be pleased to order to be laid before the House copies of any instructions his Excellency may have received relative to the report of the Right Hon. the Earl of Durham, and on the subject of the intention of Government to have Newfoundland included in the contemplated Legislative union of the British North American Colonies.

Address read.

Mr. Nugent then presented to the House the draft of an address to his Excellency, pursuant to the said resolution, which was read, and is as follows :

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

May it please your Excellency,

The House of Assembly humbly request your Excellency will be pleased to order that a return be laid before the House of the instructions (if any) your Excellency has received on the subject of the report of the Right Hon. the Earl of Durham, to her Majesty, on the affairs of British North America,—and also the instructions (if any) your Excellency has received on the subject of the intention of Government to have Newfoundland comprehended in the contemplated Legislative union of the British North American Colonies, as it is of the greatest importance that the House of Assembly have as early as possible the fullest information upon these subjects—subjects in which the vital interests of the colony are involved.

Adopted.

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

Committee to present it

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

Report of Lord Durham transmitted to the House

Mr. Speaker laid before the House a copy of the report of the Earl of Durham, on the affairs of British North America, transmitted for the use of the Speaker and Members of the Assembly.

Notice of resolutions.

Notice by Mr. Kent for Saturday next, of motion for the following resolutions :—

That whereas James Power, Esq., member of the House of Assembly for the district of Conception Bay, having accepted an office of emolument under Government, has thereby vacated his seat.

That the Speaker do communicate to his Excellency the Governor the circumstance of such vacancy, in order that a writ may be issued for the return of a member to serve in the place of the said James Power.

Notice of motion for printing Lord Durham's Report.

Notice by Mr. Nugent for to-morrow, that the House do order fifty copies of the report of the Earl of Durham on the affairs of British North America.



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

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**WEDNESDAY, May 22, 1839.**

**O**N motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Godfrey,

Motion respecting the printing of Lord Durham's Report.

*Resolved*,—That thirty numbers of the report of the Right. Hon. the Earl of Durham, with all the papers connected with his Lordship's administration in Canada, as laid before Parliament during the present session, and published, be ordered through his Excellency the Governor, for the use of the Members of the legislature.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency.

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

**H. PRESCOTT.**

The Governor having been informed by Mr. Hoyles, lately appointed under the Great Seal Acting Clerk of the House of Assembly during the absence of Mr. Archibald, that the House has refused to receive him in that capacity,—and Mr. Hoyles having also forwarded a letter addressed to him by the Speaker to that effect, and enclosing two Resolutions of the House confirmatory thereof.

The Governor is under the necessity of acquainting the House of Assembly that should these resolutions be persisted in, he will be obliged to adjourn the General Assembly until the decision of her Majesty's Government in the matter can be known.

The Governor has further to state, that until the determination of the House upon this message shall be made known to him, the presentation of the address in answer to his opening speech must be suspended.

*Government House,*

22d May, 1839.

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

*Resolved*,—That the further consideration of his Excellency's message be postponed to Wednesday next, the 29th inst., and that there be ordered a call of the House for the same day.

Further consideration thereof postponed.

Then the House adjourned until Wednesday next, at twelve o'clock.

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**WEDNESDAY, May 29, 1839.**

**A** GREEABLY to the order of the day, the message from his Excellency the Governor relative to the appointment of Acting Clerk of the House, was read and considered—and thereupon,

Message read and considered.



Resolutions respecting the appointment of Acting Clerk.

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

*Resolved*,—That this House having taken into its deepest consideration the message from his Excellency the Governor, on the subject of the appointment of the Acting Clerk of the House of Assembly, is of opinion, that though her most gracious Majesty has been graciously pleased to accede to the Assembly the right of nominating to future appointments, it would be expedient, for the promotion of the public service, to accede to the demand of his Excellency the Governor by admitting the Acting Clerk appointed by his Excellency, till her Majesty's pleasure be known.

*Resolved*,—That the Speaker do communicate to his Excellency the purport of the preceding resolution.

Mr. Hoyles directed to take his seat, as Acting Clerk.

And hereupon, Hugh W. Hoyles, Esq., the Acting Clerk appointed by his Excellency, was directed by Mr. Speaker to attend and take his seat at the table as Acting Clerk to the House.

And Mr. Hoyles attended accordingly, and presented his commission, together with a certificate of his having taken the usual oaths according to law; which commission and certificate were read, and are as follow:

Commission.

COMMISSION.

(H. PRESCOTT.)

VICTORIA by the grace of God,  
of the United Kingdom of Great  
Britain and Ireland, Queen, De-  
fender of the Faith, &c.

*To all to whom these presents shall come, greeting.*

WHEREAS by Letters Patent made and passed under the Great Seal of our Island of Newfoundland, bearing date the 8th of November, in the third year of the reign of his late Majesty King William the Fourth, Edward Mortimer Archibald, Esq., is duly constituted and appointed Clerk of our General Assembly of our said Island, and which office he doth now continue to hold. And whereas the said Edward Mortimer Archibald is now under license of our Governor of our said Island, absent therefrom, and it is necessary and expedient that a fit and proper substitute be appointed to execute and perform the duties of the said office, during his absence as aforesaid—Know Ye, therefore, that we having taken into our royal consideration the loyalty, integrity, and ability of Hugh William Hoyles, Esq., have constituted and appointed, and by these presents do constitute and appoint him, the said Hugh William Hoyles, Acting Clerk of our said General Assembly, of our said Island, in the place and stead, and as the substitute of the said Edward Mortimer Archibald, to have, hold, execute, and enjoy, the said office unto him, the said Hugh William Hoyles, for and during the absence of the said Edward Mortimer Archibald, from our said Island, and during our pleasure, together with all and singular the rights, profits, privileges and emoluments thereto belonging.

Given under the Great Seal of our aforesaid Island.

Witness, our trusty and well-beloved  
Henry Prescott, Esq., Companion  
of the Most Honorable Military  
Order of the Bath, Governor and  
Commander-in-Chief in and over  
the Island of Newfoundland and  
its Dependencies, at St. John's, in  
our said Island, the Tenth day of  
May, in the second year of our reign.

*By his Excellency's command,*

JAMES CROWDY.



## CERTIFICATE.

Certificate.

I, James Simms, Esq., do hereby certify and attest that the within named Hugh William Hoyles, Esq., hath this day taken and subscribed before me the customary oaths of office I have duly administered unto him, by virtue of her Majesty's Commission under the great Seal of Newfoundland, bearing date the sixteenth day of May, instant, unto me directed for such purpose.

Witness my hand at St. John's Newfoundland, the seventeenth day of May, 1839.

JAMES SIMMS.

Pursuant to the order of the House made on Wednesday the 22d inst., the names of the different members were called over, and the following were absent, viz :—

House called over.

PATRICK MORRIS, Member for St. John's.

Members absent.

HUGH A. EMERSON, Member for Bonavista.

HENRY BUTLER, Member for Burin.

Pursuant to notice, Mr. Kent moved, seconded by Mr. Moore, that it be—

*Resolved*,—That James Power, Esq., member for Conception Bay, having vacated his seat by accepting an office of emolument under the Crown, the Speaker do notify the same to his Excellency the Governor, so that a new writ may be issued for the election of a member to serve in the place of the said James Power.

Resolution respecting the vacant seat of James Power, Esq.

Which being put, passed in the affirmative.

Carried.

Whereupon, Mr. Power, by order of the Speaker, withdrew.

Notice by Mr. Nugent for to-morrow, of motion for an address to her Majesty's Government on the subject of the appointment of the Acting Clerk in the absence of Mr. Archibald, and also on the subject of the conduct of the latter officer.

Notice of address to her Majesty's Government.

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

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THURSDAY, May 30, 1839.

MR. Speaker laid before the House a letter from the hon. the Colonial Secretary, acquainting him for the information of the House, that his Excellency would receive the House with their address in answer to his Excellency's speech at the opening of the session, on Friday next at 12 o'clock, and that immediately afterwards his Excellency would receive the deputation appointed to present to him the address of the 21st instant.

Letter from hon. Mr. Secretary Crowdy.



On motion, pursuant to notice, of Mr. Nugent seconded by Mr. Winser,

Resolution for address to her Majesty's Government—

*Resolved*,—That an address be presented to her Majesty's Government on the subject of the appointment of the acting Clerk of the House, in the absence of Edward Mortimer Archibald Esq., and also on the subject of the conduct of the latter officer.

Address read—

Mr. Nugent then presented to the House the draft of an address in pursuance of the said resolution, and he read the same in his place.

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

Adopted—

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

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

Printed—

*Ordered*,—That fifty copies of the said address be printed for the use of members.

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

To be committed.

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

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

Notice of address to his Excellency.

Notice by Mr. Winser for Monday the 10th June, of motion for an address to his Excellency the Governor, respectfully requesting him to cause the fourteenth section of the act 6th Wm. the 4th, entitled "An Act for the relief of sick and disabled seamen, fishermen, and other persons," to be fully complied with.

Notice for committee to enquire into operation of Bastardy Act.

Notice by Mr. Kent for an early day, of motion for a select committee to enquire into the operation of the 4th Wm. 4th, sec. 2., c. 7., commonly called the Bastardy Act.

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

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## FRIDAY, May 31, 1839.

Time for receiving address of House in reply to his Excellency's speech, arrived.

**T**HE time appointed by his Excellency the Governor for receiving the address of the House, being arrived, the House adjourned until one o'clock.

At one o'clock, the House having met, pursuant to adjournment—

Report.

Mr. Speaker reported that the House had been in attendance on his Excellency to present to him the address of the House, in reply to his Excellency's speech at the opening of the session, and that in reply there to his Excellency was pleased to say—



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

His Excellency's reply.

The expression of your intention to take into prompt and careful consideration such matters as shall appear most essential to the public interests, gives me great satisfaction.

Mr. Nugent from the committee appointed to wait on his Excellency the Governor with the address of the House of the 21st inst., relative to any instructions his Excellency might have received on the subject of the Report of the Earl of Durham, and on the subject of the intention of her Majesty's Government to have Newfoundland comprehended in the contemplated Legislative union of the British North American Colonies, reported that they had waited on his Excellency accordingly, and that his Excellency had been please to make the following reply—

Report of committee appointed to present address to his Excellency

*Gentlemen—*

I have not received any communication from her Majesty's Government on the subject of Lord Durham's Report.

His Excellency's reply.

The order of the day for the House in committee of the whole on the address to her Majesty's Government on the subject of the appointment of the acting Clerk of the House in the absence of Mr. Archibald, and also on the subject of the conduct of the latter officer, being read—

Order of day read—

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

*Ordered,*—That the said order of the day be postponed till Friday the 17th day of June next.

Postponed.

On motion, pursuant to notice, of Mr. Winsler, seconded by Mr. Moore,

The House resolved itself into a committee of the whole on the propriety of providing potatoes for such of the poor of the Island as might have land without the means of purchasing seed to plant therein.

House in committee on seed potatoes.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Doyle reported from the committee that they had considered the matter to them referred, and had come to the following resolutions thereon :—

Report—

*Resolved,*—That a great many inhabitants of several of the districts of this Island are in great distress, and are now in want of seed potatoes, and have no means of purchasing them.

Resolutions—

*Resolved,*—That it is the opinion of this committee that an address should be presented to his Excellency the Governor, respectfully requesting him to issue his warrant to the Treasurer of the colony for the sum of three hundred and twenty-five pounds, to be appropriated to the purchase of seed potatoes, and that his Excellency will be pleased to appoint commissioners to issue the same to the destitute poor of Conception and Trinity Bays, and the district of Ferryland, with instructions that good and sufficient security shall be taken from each individual receiving seed, to return an equal quantity in the ensuing fall.



Concurred in—

*Resolved*,—That this House concur with the committee in the said resolutions.

Committee.

*Ordered*,—That Mr. Doyle, Mr. Winsor, and Mr. Moore be a committee to prepare the said address, and to report thereon to-morrow.

Message from his Excellency.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House;—he also presented, by command of his Excellency, an estimate of the charge of defraying the civil expenditure, for the year ending the 30th June, 1840, together with the Treasurer's accounts for the three quarters ended 31st March last.—[See *Appendix*.]

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

MESSAGE.

H. PRESCOTT.

The Governor having received a communication from the Speaker on the subject of an assumed vacancy in the representation of Conception Bay, in consequence of Mr. Power having accepted an office of emolument, acquaints the House of Assembly that no disqualification of this description is prescribed by the Royal Proclamation under which the House holds its existence, or established by any subsequent Law.

His Excellency could not, under his instructions, assent to a measure of this description, even were it presented as a bill for his acceptance, unless such bill contained a suspending clause. It is utterly impossible that he can consider a resolution of the House of Assembly as establishing a legal disqualification ; therefore he must decline issuing a writ for the election of a member to serve in Mr. Power's place, he being now as legally one of the representatives of Conception Bay as at any former period.

Notice of addresses to his Excellency.

Mr. Nugent gave notice that on Wednesday next, he would move that an address be presented to his Excellency the Governor, in reply to his Excellency's message on the subject of the resolution of this House respecting the vacancy that has occurred in the representation of Conception Bay, by the acceptance by Mr. Power of an office of emolument under the Crown.

Also, That on Monday next, he should move that an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House returns of the reports whereon his Excellency judged it necessary to draw from the Treasury of the Island sums beyond those voted for the relief of the Poor; and also a detailed statement of the sums paid to the several Boards of Commissioners for the Poor, and the several reports of, and communications from, the same.



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

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**SATURDAY, June 1, 1839.**

**MR. WINSER**, from the committee appointed to prepare an address to his Excellency the Governor on the propriety of providing seed potatoes for the destitute poor of Conception and Trinity Bays, and the district of Ferryland, reported that they had prepared an address to his Excellency accordingly; and the same was read, and is as follows:

Report of committee appointed to present address to his Excellency

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

Address:

May it please your Excellency,

The House of Assembly beg leave to acquaint your Excellency that they have resolved to grant to her Majesty the sum of three hundred and twenty-five pounds, for the purchase of seed potatoes, to be distributed among such poor and indigent persons in the districts of Conception Bay, Trinity, and Ferryland, as may have land fit for cultivation, and no other means of procuring seed—viz., for Conception Bay, two hundred pounds; for Trinity Bay, seventy-five pounds; and the district of Ferryland, fifty pounds.

The House of Assembly respectfully request that your Excellency will be pleased to appoint commissioners to issue the same, with directions to receive from all persons requiring potatoes, good and sufficient security that they will return the same quantity to the commissioners by the first of November next.

And as the season is so far advanced that the advantages to be derived from the distribution of such potatoes will be lost, unless the same are sent to the different districts without loss of time, the House of Assembly respectfully request that your Excellency will be pleased to issue your warrant to the Treasurer of the Colony for the said sum of three hundred and twenty-five pounds, and cause the potatoes to be purchased therewith, to be distributed with as little delay as possible.

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

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

Adopted—

*Ordered*,—That Mr. Winsler and Mr. Moore do form a committee to present the same.

Committee.

A petition from Thomas Millar and others, inhabitants of Great and Little Placentia, was presented by Mr. Nugent, (who stated in his place that his Excellency the Governor being acquainted with the subject matter of the same, consents that the House do proceed thereon as they shall

Petition of T. Millar & others.



think fit)—and the said petition was received and read, praying that the House would grant a sum of forty pounds annually for the support of a Ferryman to ply across the Gut of Placentia.

Mr. Nugent moved, seconded by Mr. Brown,

Referred to committee  
of supply.

That the said petition be referred to the committee of supply.

House divide thereon.

Whereon the House divided, when there appeared for the motion, six ; against it, one.

For the motion.

Against the motion.

Mr. Brown

Mr. Moore.

— Winsor

— Nugent

— Doyle

— Dwyer

— Godfrey.

Carried.

So it passed in the affirmative.

Petition of F. L. Bradshaw  
and others.

Mr. Nugent presented a petition from F. L. Bradshaw and others, inhabitants of the North East Arm of Great Placentia, and stated in his place that his Excellency the Governor sanctioned the presentation of the same, and the said petition was received and read, setting forth—

That the distance between Great Placentia and the North East Arm is seven or eight miles.

That the number of inhabitants residing in the Arm, exclusive of servants, is about one hundred and sixty. That of those, ten have already fishing establishments, and many others will have establishments in the course of the coming season.

That a line of communication may be formed between the two above-mentioned places, without interfering in any material degree with the property of any one, and that the original miserable path-way is obstructed by fifty-four fences,—Petitioners therefore pray that the House will vote a sum of money sufficient to open a road along the said line.

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

Referred to committee  
on roads.

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

Petition of J. Mallard  
and others.

A petition from John Mallard and others, inhabitants of Quidi Vidi, was presented by Mr. Nugent, (who stated in his place that the said petition had received the sanction of his Excellency the Governor,) and the same was received and read, setting forth—

That the petitioners returned their sincere thanks for the liberal grants which had been hitherto made for the purpose of improving the entrance to Quidi Vidi Harbor. That no money had ever been expended in a way better calculated to promote the interests of future generations, since their expenditure had opened a safe and convenient road, which would require no future repairs, to the ocean, whence petitioners draw the greatest part of their subsistence, and had contributed to render Quidi



Vidi Harbor the safest port on the coast between St. John's and Harbor Grace. That the amount voted by the House is now nearly expended, and petitioners therefore pray for a further grant, in order that the work may be completed.

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

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

Referred to committee of supply.

Then the House adjourned until Monday next, at twelve o'clock

## MONDAY, June 3, 1839.

**M**R. BROWN gave notice that, to-morrow, he should move for leave to bring in a bill to continue an act passed in the sixth year of the reign of his late Majesty King William the Fourth, entitled "An Act for the encouragement of education in this colony,"—and also to continue an act passed in the reign of her present Majesty Queen Victoria, entitled "An Act to amend an act passed in the sixth session of the General Assembly of Newfoundland, entitled 'An Act for the encouragement of education in this colony.'"

Notice of address to his Excellency.

Mr. Winsor gave notice that on Thursday next, he would move that an address be presented to his Excellency the Governor, praying that his Excellency will cause to be laid before the House returns of all writs issued from the Northern and Southern Circuit Courts from the 1st Jan., 1838, to do. 1839, inclusive; such returns specifying the amount sued for, the amount of judgments, the amount of the executions issued thereon, and the amount received on such executions, together with the sums paid over to the plaintiffs or their attorneys.

Notice of address to his Excellency.

The Solicitor General gave notice that on an early day, he would move for leave to bring in a bill to amend an act passed in the third year of the reign of his late Majesty King William the Fourth, entitled "An Act for the more speedy abatement of nuisances."

Notice of bill to amend nuisance act—

Also, for leave to bring in a bill to establish an Academy in this Island.

to establish an academy and to empower Courts of Record to grant certificates to insolvent persons.

Also, for leave to bring in a bill to empower Courts of Record in this Colony to grant Certificates to Insolvent persons, under certain restrictions.

Mr. Winsor, from the committee appointed to wait on his Excellency the Governor with the address of the House relative to providing seed potatoes for the destitute poor of Trinity and Conception Bays, and the district of Ferryland, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply:—

Report of committee appointed to wait on his Excellency with address

*Gentlemen*—

That advanced season of the year and other circumstances appear to me to render the measure proposed in this address inexpedient and nearly impracticable.

His Excellency's reply.



Concurred in—

Nevertheless, should it be proposed in a joint address from the two deliberative branches of the Legislature, I will endeavour, as far as possible, to carry it into execution.

Message from his Excellency.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy acquainted the House that he was commanded by his Excellency the Governor to present to the House the following documents :—

No. 1. Hospital account for May last, and Pauper account for October, 1838; for payment of which accounts no provision had been made.

2. Estimate of the sums required per month for the support of the poor, together with a statement of the number of aged impotent persons on the pauper list.

3. Circulars sent to the poor Commissioners of the Outports, and statement of, and correspondence at, Brigus, Harbor Grace, Trinity and New Harbor.

4. Copies of memorials to his Excellency the Governor, from Bay de Verds, Portugal Cove, and Burin, praying for assistance for the poor, and for a supply of seed potatoes.

5. Copies of despatches from the Secretary of State for the Colonies, as follow :—

(a) Her Majesty's answer to the address of the House, dated October 25, 1838.

(b) Her Majesty's acknowledgment of an address from the House of Assembly.

(c) Copy of a despatch communicating the intention of Her Majesty's Government to send out copies of Imperial acts.

(d) Do. relative to the disposal of Crown Lands.

(e) Do. relative to a Diving Bell.

(f) Do. relative to communication with the Steam Navigation Company.

(g) Copies of despatches from the Secretary of State on the subject of a line of Steam Packets between Great Britain and the North American Colonies.

[For all which, see *Appendix.*]

On motion, the said memorials No. 4, were read.

*Ordered*,—That the said memorials and documents do lie on the table.

Message on the subject of the vacancy in the representation of Conception Bay, read.

The Message from his Excellency the Governor in answer to the communication from the House, on the subject of a vacancy in the representation of Conception Bay, having been read—

Mr. Nugent moved, seconded by Mr. Kent, that it be

Resolution for address a reply thereto.

*Resolved*,—That an address be presented to his Excellency the Governor in reply thereto.



Mr. Nugent then presented to the House the draft of an address in pursuance of the said resolution, which was read, and is as follows :—

Draft of address to his Excellency read.

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

May it please your Excellency,

Having taken into consideration your Excellency's message of 31st May, declining to issue a writ for the election of a member for the district of Conception Bay, in the room of James Power, Esq., whose seat has, by the House, been declared to be vacant by his acceptance of an office of emolument under the Crown, on the ground that "no disqualification of this description is prescribed by the Royal Proclamation under which the House holds its existence, or established by any subsequent Law," the House of Assembly beg leave to represent to your Excellency the following reasons whereby they are influenced most respectfully to press upon your Excellency the reconsideration of the resolution of the House on that subject.

The House of Assembly derives its existence from the exercise of the Royal Prerogative under the Royal Instructions of the 26th day of July, 1832, and the will and intentions of the Crown in granting a Legislature to this country are explained by the Secretary of State for the colonies of that time, in a Despatch to the then Governor, dated 27th July of the same year, which explanations coming from the proper organ of communication of the sentiments of the Sovereign, and with the approval of Parliament as expressed by their order of the 7th August to print the same, the House feel themselves obliged to regard as the expression of the sentiments and wishes of the Crown with respect to the institution, the functions, and the extent of the privileges of this Body.

The Right Hon. Secretary, in the despatch alluded to, clearly makes the House of Commons of England the standard whereby the House of Assembly here shall regulate their proceedings, and also that whereby the Governor, for the time being, shall measure his proceedings towards them; and it particularly specifies that, in general, "the analogy between them is maintained, and therefore, the *laws and rules* of Parliament, as modified by the exigencies of the case, may be taken as the *safe guide* for the conduct of the Council and the Assembly, and for your proceedings towards them." (See Despatch, page 2.)

From this, as well as from the very nature and object of the institution of the House, it is clear that the Royal Authority, whence had emanated the Legislative Charter of this Island, had, in its institution, no intention whatever to restrict those privileges which were absolutely necessary to preserve the purity and independence of the representative Branch of the Legislature, no wish to acquire an undue and illicit influence within the Commons House of Assembly—and hence the House of Assembly have no doubt that at their very institution, and inherently the House had every right and legal authority to declare seats vacant, and their Speaker to issue his warrant or order for the issue of new writs in session and during vacation, under the acts 6 Anne, ch. 17, 109, 3, ch. 41, 15, G. 3, ch. 36, 22, G. 3, ch. 45, and 52, G. 3, ch. 144.



Address.

In the first House of Assembly, on the occasion of its opening, twelve members were present at the election for Speaker—William Carson and Thomas Bennett, Esquires, being candidates for that office—and, before proceeding to the said election, Dr. Carson objected to the votes of three of the Members present being taken, on the ground that Mr. Cozens was disqualified under the Act 52, G. 3, ch. 144, Mr. Kough under the Act 22, G. 3, ch. 45, and Mr. Hoyles under the Act 6, Anne, ch. 17; and Mr. Brown objected to Mr. Martin's vote, on the ground that he was disqualified, not being a householder, but nevertheless, although Dr. Carson had four unquestionable votes in his favour, and Mr. Bennett only two, the latter gentleman, having the four questioned votes in his favour, was declared elected by the Clerk, and took the chair accordingly.—Journals, 3d session, page 6.

On the 6th February, 1834, being in the same session, Mr. Brown moved for an enquiry into the qualification of Mr. Martin, on which motion an amendment was proposed to the effect that, on the motion questioning his qualification, Mr. Martin should not be permitted to vote, but on the question on this amendment being put from the chair, a division took place, and six members whose votes were unquestioned voted for the amendment, and only two against, yet to those two were added not alone the three former questioned votes, but also the vote of Mr. Martin himself, and it was only by these undue means an equality of votes was produced, upon which the Speaker, (who if these enquiries were to be suffered to proceed, must, of necessity, lose the Chair,) gave his casting vote in the negative both on this question and on the original motion.—Jour. 3d Sess., p. 15.—And subsequently a motion for a new writ for Conception Bay, “in the room of Charles Cozens, Esq., a Bankrupt or Insolvent,” was carried in the negative by a majority produced by the same four illegal votes.—Jour. p. 17.

The issue of these questions very naturally suggested the hopelessness of expecting a House so constituted to come to a decision in the case of Mr. Kough, a Government Contractor, and Mr. Hoyles who had, since his Election, accepted the office of Colonial Treasurer, being an office of emolument, and it was in order to prevent the possibility of the danger of a decision thus improperly made, being drawn into a precedent in future times, that the two latter questions were not subsequently mooted.

Thus, then, the Journals of this House afford no precedent whatever upon this subject, although they testify clearly that a large majority of those members, whose right to take their seats could not be questioned, was decidedly of opinion that the acts before referred to were applicable to the Assembly of Newfoundland. They saw, in fact, as do the House of Assembly at present, that if, in an Assembly consisting of several hundred members, as is the British House of Commons, these constitutional restraints on the power and influence of the Crown were necessary to the sustentation of the purity and independence of the popular Branch of the Legislature, *a fortiori* are they indispensably requisite for the protection of a Body consisting of only fifteen Members, amongst whom, if these laws did not apply, the Crown could easily produce, at any time and for any purpose, a majority subservient to the will of the Executive, at the sacrifice of the privileges of the Assembly.

Your Excellency is pleased to ground your objection to the issue of a new writ, in this instance, upon your Excellency's opinion that “no disqualification of this description is prescribed by the Royal Proclamation under which the House holds its existence, or established by any subse-



quent law." But we beg to submit to your Excellency that, notwithstanding the silence of the Proclamation on the subject, not only has the Crown admitted, expressly and practically, the existence of "disqualifications of this description," but has even laid down by its own acts a clear precedent whence may be derived the right to declare vacant the seats of Members accepting, *even, honorary offices.*

Address.

After the prorogation of the second session of the General Assembly, two members of the then Assembly were, by his late Majesty's appointment, nominated to the office of members of his Majesty's Council, viz., Mr. Thomas, and Mr. Garland, upon which occasion, during the vacation, a new writ was ordered by the Governor to be issued for the Election of a member for the district of St. John's, and another for the district of Trinity, and upon which writs Dr. Carson and Mr. Row were returned, (Journals 3d Session, page 5.) But although the House of Assembly acknowledge in this precedent the admission of the Crown that a vacation of his seat in the Assembly must result from the acceptance by a member of, at least, an emolumentary office, we cannot refrain from observing that the issue of such a writ in vacation or otherwise without the authority of the warrant of the Speaker of the Assembly, is unjustifiable.

The House of Assembly are, for these reasons, of opinion that, inherently and independently of any subsequent law upon the subject, they have a right to declare vacant the seat of any member who accepts, subsequently to his election as such member, an office of emolument under the Crown, and to corroborate their claim to that privilege, the Assembly of Newfoundland have the advantage of a statute which extends to them the general criminal jurisdiction of the House of Commons as far as the circumstances of this country will permit its application, and which particularly renders those acts before mentioned the rule of their constitution and proceedings—the act 1st Victoria, ch. 4, entitled "An Act to extend the Criminal Laws of England to this country under certain modifications."

Upon these grounds, the House of Assembly beg most respectfully to solicit the reconsideration of their resolution upon the subject of the vacancy produced in the representation of Conception Bay, by the acceptance by James Power, Esq., of an office of emolument under the Crown—a Resolution whereby the House by no means meant to create a disqualification, but which is merely declaratory of a disqualification already established by Law—and to pray that your Excellency will, in compliance with the order of the House, who are themselves the sole judges of the qualification of their members, direct a writ to be issued for the election of a member to succeed him.

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

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

Adopted—

*Ordered*,—That Mr. Nugent and Mr. Kent do form a committee to present the same.

Committee.

Mr. Speaker informed the House that after the last session of the Assembly he had forwarded to his Excellency the Governor, a copy of the report of the committee of Justice, together with the evidence connected therewith, but that his Excellency had returned him the same without any reply.



Mr. Speaker further stated that in accordance with a resolution passed in the last session of the Assembly, he had forwarded to his Excellency the Governor an address adopted on the last day of the session, requesting his Excellency to draw on the Colonial Treasury for the sum of six hundred pounds, to defray the expenses of the delegation from this House to her Majesty's Government.

Mr. Nugent, in his place, informed the House that, as one of the said delegates, and on their behalf, he had written to the honorable the Colonial Secretary, requesting to be informed if it were his Excellency's intention to proceed on the said address, but that the honorable the Secretary had communicated to him in reply that his Excellency declined acting in compliance thereto, it not having been presented till after the close of the session.

Notice of Committee of audit.

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

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

*Resolved*,—That a supply be granted to her Majesty.

Notice of Committee of supply.

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 a supply to be granted to her Majesty.

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

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## TUESDAY, June 4, 1839.

**O**N motion of Mr. Kent, seconded by Mr. Winsor,

*Resolved*,—That that part of the Assembly now set apart for the accommodation of the Members of the Legislative Council, be likewise open during the sittings of the Assembly to the Judges of the Supreme Court.

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

*Ordered*,—That the Assistant Clerk do take his seat, during the sittings of the House, in the Solicitor's Box.

Education amendment act read 1st time.

In pursuance of notice and leave granted, Mr. Brown presented a bill to continue an act passed the 6th W. 4., entitled "An Act for the encouragement of education in this Colony," and also to continue an act of 1st Vict., entitled "An Act to amend an act passed in the sixth session of the General Assembly of Newfoundland, entitled "An Act for the encouragement of education in this Colony," and the same was read a first time.

2d reading.

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



On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Winsler,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House copies of the several reports of the commissioners for the poor, wherein his Excellency was induced to advance from the Treasury sums beyond those voted by the Legislature, together with a detailed statement of the appropriation of such sums, and praying also for a detailed statement of the appropriation of the several sums granted for the support of the poor under Act 2d Vic., caps. 1 & 10.

Mr. Nugent then presented to the House the draft of an address in pursuance of the said resolution, and the same was read as follows :—

Draft of address to his Excellency read.

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

May it please your Excellency,

The House of Assembly request that your Excellency will order to be laid before the House a return of the representations of the several boards of Commissioners for the poor, laid before your Excellency, whereby your Excellency was induced to overdraw upon the Treasury of the Island for the sum of £535 17s. 10d.; and also, a detailed statement of the sums ordered for each settlement in the Island, under the Act 2d Vic., caps. 1 & 10; such statement to specify the name of the place, the date of the order, the amount sent, and the names of the persons appointed by your Excellency to distribute the same; and also a similar detailed statement of the disposal of the sums overdrawn by your Excellency.

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

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

Adopted—

*Ordered*,—That Mr. Nugent and Mr. Winsler do form a committee to present the same.

Committee.

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

*Resolved*,—That a committee of audit be appointed to examine the public accounts, and that they sit every day the House meets, from 11 to 12 o'clock, with power to send for persons and papers, and finally to report to the House.

Resolution for committee of audit.

*Ordered*,—That Mr. Brown, Mr. Godfrey, Mr. McCarthy, Mr. Winsler, and Mr. Dwyer, do form the said committee.

Committee.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.



First report of Mr Jukes transmitted

He further presented, by command of his Excellency, a copy of the first report of Mr. Jukes, on a Geological Survey of the Island, and also copies of correspondence with the commissioners for the support of the poor for the district of St. John's, on the subject of the inadequacy of the provision made for that service.

Message read.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

## MESSAGE.

*H. PRESCOTT.*

The Governor transmits to the House of Assembly the first report made by Mr. Jukes, and quite concurring in the views of that gentleman, as to the best mode of prosecuting the Geological Survey, His Excellency trusts that additional provision will be made for this service in the next appropriation bill.

The said documents were read by the clerk.—[See *Appendix.*]

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

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

*Ordered*,—That the said report be printed for the use of members.

House in committee of supply

Agreeably to the order of the day, the House resolved itself into a committee of the whole 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 matter to them referred, and had directed him to ask for leave to sit again.

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

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

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## WEDNESDAY, June 5, 1839.

Delegation (provision) bill presented and read.

**M**R. NUGENT, pursuant to notice and leave granted, presented a bill to provide for the expense attendant on the late Delegation from this House to her Majesty's Government, and the same was read first time.

2d reading.

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



A petition from William Martin, late high constable of Harbor Grace, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor being acquainted with the subject matter of the said petition, consents that the House do proceed thereon as they shall think fit,) and the same was received and read, setting forth the gratitude of petitioner for the grant which had been hitherto annually made him, and praying for a continuance of the same.

Petition of W. Martin.

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

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

Referred to committee of supply.

Mr. Brown presented a petition from George Hippenley, assayer of weights and measures for the district of Harbor Grace, (and stated in his place that his Excellency the Governor had sanctioned the presentation of the same,) and the said petition was received and read, setting forth—

Petition of G. Hippenley

That petitioner had discharged the duties of his office for four years past, with fidelity and diligence, though no compensation had been granted him for the services of the past year. That the fees received by petitioner were totally inadequate to remunerate him for his trouble and loss of time in discharging his official duties, and therefore prays that the House will grant him some compensation for the same.

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

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

Referred to committee of supply.

Mr. Brown, in his place, informed the House that his Excellency the Governor had directed him to state, that his Excellency would approve of a vote for the support of Mr. Matthew Stevenson, equal to that passed in the last session of the Assembly.

Agreeably to the order of the day, the House resolved itself into a committee of the whole 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 matter to them referred, and had directed him to ask for leave to sit again.

Report.

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

Notice by Mr. Nugent for an early day, of a bill to amend an act passed in the first year of her Majesty Queen Victoria, entitled "An Act to repeal part of an act of the 5th W. 4, entitled "An Act for the better administration of Justice in Newfoundland and for other purposes," and also to make further provision for the registration of Deeds in this Colony."

Notice of bill to amend administration of Justice act.



Notice of bill to establish a poor-house.

Notice by the Solicitor General for an early day, of a bill to establish a poor-house, and to make provision for the support of the poor in the district of St. John's.

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

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THURSDAY, June 6, 1839.

Report of committee appointed to present address to his Excellency

**M**R. NUGENT reported from the committee appointed to wait on his Excellency the Governor with the address of the House of the 4th inst., praying for certain returns connected with the account of monies expended for the support of the poor, that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply :

His Excellency's reply.

*Gentlemen—*

It is only in St. John's, as I informed the Legislature in my opening speech, that I have been compelled to exceed the sum allowed by the appropriation act for the support of the poor. The correspondence of the Commissioners on this subject is before the House.

A portion of the sum allotted for the same object, in the several electoral districts, by the Act 2d Vic., cap. 10, remains unappropriated.

All the information requested in the concluding part of this address will be found in the warrants addressed to the Treasurer, which I will direct that officer to prepare on the requisition of the House.

Academy bill presented and read.

The Solicitor General, pursuant to notice and leave granted, presented a bill for establishing an Academy in this Island, and the same was read a first time.

2d reading.

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

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

Printed

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

Poor-house bill presented and read—

Pursuant to notice and leave granted, the Solicitor General presented a bill for establishing a poor-house, and to make provision for the support of the poor of the district of St. John's, and the same was read a first time.

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

2d reading.

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

Order of day read—

The order of the day on Mr. Winser's motion for an address praying for a return of all writs issued out of the Northern and Southern Circuit Courts, having been read—

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

Postponed.

*Ordered,*—That the said order of the day be postponed.



Pursuant to order, a bill to provide for the expenses of the late Delegation from this House to her Majesty's Government, was read a second time.

Delegation (provision)  
bill read 2d time.

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

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

Committed.

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

Agreeably to the order of the day, the House resolved itself into a committee of the whole 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 considered the matter to them referred, and had come to certain resolutions thereon, and he read the same as follow :

Report.

1. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds stg. be granted to her Majesty towards defraying the salary of the Clerk of the Council.

2. *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 salaries of two Clerks in the Secretary's Office.

3. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the salary of an office-keeper to the Secretary's office.

4. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the salary of a messenger to the Secretary's office.

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

6. *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 Clerk of the Northern Circuit Court.

7. *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 Clerk of the Southern Circuit Court.

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

9. *Resolved*,—That it is the opinion of this committee that a sum not exceeding six hundred pounds be granted to her Majesty towards de-



fraying the salaries of two police magistrates for the district of St. John's, being three hundred pounds each, per year, for each magistrate.

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

11. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and seventy pounds be granted to her Majesty towards defraying the salaries of six police constables for the district of St. John's.

12. *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 Gaoler of St. John's.

13. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one thousand four hundred and ten pounds be granted to her Majesty towards defraying the salaries of the stipendiary Magistrates of the following places :—

A Stipendiary Magistrate at Harbor Grace, one hundred and fifty pounds.

Carbonear, one hundred and twenty pounds.

Brigus, one hundred & twenty pounds

Trinity, one hundred and twenty pounds.

Ferryland, one hundred pounds.

Bay Bulls, one hundred pounds.

Placentia, one hundred pounds.

Burin, one hundred pounds.

St. Mary's, one hundred pounds.

Harbor Britain, one hundred pounds.

Grand Bank, one hundred pounds.

Bonavista, one hundred pounds.

Twillingate and Fogo, one hundred pounds.

14. *Resolved*,—That it is the opinion of this committee that a sum not exceeding nine hundred and forty-six pounds be granted to her Majesty towards defraying the salaries of the undermentioned constables & gaolers at the following places :—

The Gaoler at Harbor Grace, fifty pounds.

Ferryland, twenty-five pounds:

Placentia, twenty-five pounds.

Burin, twenty-five pounds.

Trinity, twenty-five pounds.

The High Constable at Harbor Grace, twenty-five pounds.

2 constables at Harbor Grace, twenty-five pounds each.

3 ————— — Carbonear, £75, being twenty-five pounds each.



A constable at Brigus, twenty-five pounds.  
 Port de Grave, twenty-five pounds.  
 Bay de Verds, twelve pounds.  
 Harbor Main, twelve pounds.  
 Cats Cove, twelve pounds.  
 Western Bay, twelve pounds.  
 South Shore, twelve pounds.  
 Feryland, twelve pounds.  
 Bay of Bulls, twelve pounds.  
 Toads Cove, twelve pounds.  
 Cape Broyle, twelve pounds.  
 Caplin Bay, twelve pounds.  
 Aquaforte, twelve pounds.  
 Fermeuse, twelve pounds.  
 Renewse, twelve pounds.  
 Placentia, twenty-five pounds.  
 Little Placentia, twelve pounds.  
 Barren Islands, twelve pounds.  
 Merasheen, twelve pounds.  
 Burin, twenty-five pounds.  
 St. Lawrence, twelve pounds.  
 Lamaline, twelve pounds.  
 St. Mary's, twenty-five pounds.  
 Trepassey, twelve pounds.  
 Harbor Britain, twelve pounds.  
 Grand Bank, twelve pounds.  
 Trinity, twenty-five pounds.  
 Catalina, twenty-four pounds.  
 Bonavista, twenty-five pounds.  
 Greenspond, twelve pounds.

3 Constables at Fogo and Twillingate, forty-nine pounds.

A Constable at Exploits Bay, twelve pounds.  
 Brigus South, twelve pounds.  
 Witless Bay, twelve pounds.  
 Petty Harbor, twenty pounds.  
 Old Perlican, twelve pounds.  
 Heart's Content, twelve pounds.  
 New Harbor, twelve pounds.  
 Portugal Cove, twenty pounds.  
 Hants Harbor, twelve pounds.

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

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

17. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty towards defraying the salary of the Surgeon to the gaol at St. John's.

18. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty towards defraying the salary of the Surgeon to the Gaol at Harbor Grace.



19. *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 to the Gaol at St. John's.

20. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the expense of a retiring salary to John Buckingham.

21. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty pounds be granted to her Majesty towards defraying the expense of printing & stationery.

22. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred and fifty pounds be granted to her Majesty towards defraying the expense of Civil and Criminal Prosecutions.

23. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty pounds be granted to her Majesty towards defraying the expense of Gaol dietry, &c.

24. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and forty pounds be granted to her Majesty towards defraying the expense of coroners.

25. *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 fuel and light for public buildings, exclusive of the Sheriff's house and office.

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 expense of postages and other incidentals.

27. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five hundred and sixty pounds be granted to her Majesty towards defraying the expense of conveying the Judges on the Circuits.

28. *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 unforeseen contingencies.

29. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds be granted to her Majesty towards defraying the expense of firing fog guns.

30. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards the support of Matthew Stevenson, many years Clerk of the Peace for Harbor Grace.

31. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards the support of William Martin, high constable for many years for Conception Bay.

32. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds in addition to a former sum of three hundred and fifty pounds granted under 2d Vic. cap. 1, for the same purpose, be granted towards defraying all expenses attendant on a Geological survey of the Island for one year.



33. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds in addition to a former sum of one hundred pounds granted under 2d Vic. cap. 1, towards supporting a Grammar School at Carbonear, for the year ending 7th May, 1839, and which has not been applied, be now re-appropriated and added to a former sum granted in the aforesaid Act, for the erection or procuring a Grammar School House at Carbonear aforesaid.

Provided always that in consequence of the Commissioners appointed under the said Act not carrying that provision into effect, the following persons be a Board of Commissioners for regulating the said Grammar School, viz:—

WILLIAM BROWN, THOMAS NEWEL, JAMES POWER, JOHN ELSON, and  
JOHN WALSH.

And provided further that the course of education in said School, in addition to the study of the Greek, Latin and English Languages, shall comprise Writing, Reading, Arithmetic, Book-Keeping, and the Mathematics.

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

Resolutions agreed to.

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

*Ordered*,—That Mr. Brown and Mr. Nugent do form a committee to prepare a bill in pursuance of the said Resolutions, and to report thereon to-morrow.

Committed.

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

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## FRIDAY, June 7, 1839.

MR. SPEAKER informed the House that he had received a communication from Thomas Williams, assayer of weights and measures for the district of St. John's, requesting that he would lay the subject of said Thomas Williams' services for two years past before the House, —and enclosing a petition which he had presented to his Excellency the Governor in December last, together with his Excellency's reply thereto, to the effect that his Excellency had sanctioned the presentation during the preceding session of the Legislature of a petition from the said Thomas Williams, praying remuneration for past services.

Communication and petition of T. Williams.

On motion, the said petition was read, setting forth—

That petitioner had held the appointment of assayer of weights and measures for more than 4 years; that in consequence of the fees of his office amounting during the first year to nearly £30, the House did not think it necessary to vote petitioner more than an equal sum in addition for that year's services; that in consequence of the reduction of the fees during the next two years to half their original amount, petitioner had received for each of these years a vote of £50, but that to his great dis-



Petition of T. Williams

appointment and loss, his onerous and very troublesome duties for the year then past had been entirely overlooked by the House, though his fees during that period did not amount to £5. That petitioner is a native of St. John's; that his father was also a native, and an active and unpaid police magistrate for 36 years.

That petitioner was extensively concerned as a merchant in St. John's for nearly 40 years, and bore arms in its defence during the whole of the French war. That he was always foremost in prosperity in subscribing liberally towards all public institutions, and has always largely contributed to the support of the indigent. That within the last 20 years, petitioner has lost a handsome fortune by fires and extensive failures, but has always preserved an honest and unblemished character.

That petitioner challenges the strictest inquiry into the truth of the foregoing statements, and earnestly solicits his Excellency's interference in the matter of his duties as assayer of weights and measures for the past year, and humbly hopes that in the disposal of, or appointment to, any respectable situation in the colony, his Excellency will kindly bear in mind the wants and services of petitioner.

To lie on the table.

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

Report of committee appointed to present address to his Excellency

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 3d inst., relative to his Excellency's Reply to an address of the House on the subject of a vacancy in the Representation of Conception Bay, reported that they had waited on his Excellency, and that his Excellency had been pleased to make the following reply:

His Excellency's reply.

*Gentlemen—*

Having given careful consideration to the arguments contained in this address, I am bound to state that I adhere to the opinion I have already expressed, that the House of Assembly has no lawful authority to expel Mr. Power, and that he still remains legally one of the Representatives for Conception Bay.

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

*Ordered,*—That the said address, together with the reply thereto, be printed for the use of members.

Petition of John Boden.

A petition from John Boden, constable of Trinity, was presented by Mr. Moore, (who stated in his place that his Excellency the Governor sanctioned the presentation of the same) and the said petition was received and read, setting forth—

That in 1837, petitioner having been directed by the Magistrates of Trinity to make a return of the names of persons entitled to vote at elections, in pursuance of such order visited the several harbors between English Harbor and Heart's Ease, at an expense to himself of £7 6s 8d. That in the last year, under the same authority, petitioner performed the same duty at an expense of £9 15s 6d. That petitioner receives no compensation for his personal services in performing the above duty, and therefore prays the House to grant him the sums above mentioned.



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

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

Referred to committee of supply.

Mr. Nugent laid before the House a statement forwarded to him by the Colonial Treasurer, in pursuance of the reply of his Excellency the Governor to an address of the House of the 4th inst., of the sums paid to the poor of the different out-ports, to 1st April last, on account of the vote for 1838-9.

Statement of sums paid to the poor, laid before the House.

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

Mr. Brown, from the committee appointed to prepare a bill for granting a supply to her Majesty, reported that they had prepared a bill accordingly, and the same was read a first time.

Supply Bill read 1st time

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

2d reading.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the consideration of a bill to provide for the expenses of the late Delegation.

House in committee on Delegation (provision) Bill.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Engrossed. 3d reading.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

Message from his Excellency.

He also presented, by command of his Excellency, the following documents:—

Documents.

No. 1. A petition from Sarah Blaikie praying for a grant towards her support.

2. Memorial from Michael Cullen, constable, of Torbay, praying payment of salary.

3. A memorial to a similar effect from Richard Anderson, constable, of Trinity.

4. An account of £35 16s. 11d. currency, due the House of Messrs. W. & H. Thomas for sperm oil furnished to the Harbor Grace Light House.

5. A Report from the commissioners for the erection of a Colonial Building.

6. Sundry accounts of expenses attending the Registration of Voters at Conception Bay, Trinity Bay, Ferryland and St. John's.



Documents:

7. Estimates of, and requisitions for, work, repairs, furniture, books, &c., for various Courts and Court Houses, being—

(a) Estimate of repairs necessary for the Court House and Gaol at Harbor Grace.

(b) Requisition for books for the use of the Supreme Court.

(c) ————— for furniture for the Court House at Burin.

(d) ————— for books for the Court of Sessions at Brigus.

8. Certain documents connected with the proceedings of the Boards of Education for Conception, Trinity, Placentia and St. Mary's Bays, being

(a) Copies of correspondence, &c. with the Board for Conception Bay.

(b) Ditto, Trinity Bay.

(d) Education Returns for the district of Placentia and St. Mary's.

9. Miscellaneous claims, being

(a) Communication from the Clerk of the Peace at Harbor Grace praying payment of account already furnished.

(b & c) Accounts of expenses of Small Pox Patients in 1836.

10. Presentments of Grand Juries—in the Northern district, at Placentia, Ferryland, Burin, Twillingate, Harbor Grace and Bonavista.

11. A communication from the Stipendiary Magistrates of St. John's on the subject of the Police establishment.

12. A petition from Joseph Noad, Surveyor General.

13. Outstanding accounts connected with the election of 1836, being

(b) A petition from Wm. Sweetland to be repaid certain expenses connected therewith.

(c) Ditto, Patrick Kielty, do.

(d) Ditto, John Long, do.

(e) Ditto, E. J. Pinsent, do.

(f) Ditto, W. Barnes, account for do.

(g) Ditto, John Peyton, do.

[For all which Documents see *Appendix*.]

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

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

*Resolved*,—That a bill for providing for the expenses of the late Delegation from this House to her Majesty's Government be re-committed to a committee of the whole House to-morrow.

Notice by Mr. Brown for to-morrow, of a motion that the 36th Rule of this House be suspended, as far as respects a bill for granting a supply to her Majesty.

Resolution for committal of Delegation (provision) Bill.

Notice of suspending 36th rule of House as respects supply bill.



At half past two o'clock several members having retired, and there being present Mr. Speaker, Mr. Kent, Mr. Brown and Mr. Nugent, Mr. Speaker adjourned the House for want of a quorum.

No Quorum.

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**SATURDAY, June 8, 1839.**

**T**HREE Messages received yesterday from his Excellency the Governor were read by Mr. Speaker, and are as follow :

3 Messages from his Excellency.

**MESSAGE.**

*H. PRESCOTT.*

The Governor transmits for the consideration of the House of Assembly an important document addressed to him by the Stipendiary Magistrates of St. John's.

**MESSAGE.**

*H. PRESCOTT.*

In transmitting the accompanying documents, the Governor is desirous of recommending to the reconsideration of the House of Assembly all claims connected with the Election of 1836. Independently of the principle of Justice by which his Excellency is persuaded that the House will be actuated in its decision, he wishes to press upon its observation the inconvenience to which the public may be exposed on similar future occasions should any legitimate demands of this description remain unsatisfied. The Governor wishes to recal the attention of the House of Assembly to his Message of the 2d July, 1838, on this subject.

**MESSAGE.**

*H. PRESCOTT.*

The Governor transmits and recommends to the favourable consideration of the House of Assembly the accompanying petition of the Surveyor General, to whose services to the public his Excellency has much pleasure in bearing testimony.

The report of the stipendiary Magistrates of St. John's was read by the Clerk.

Report of Stipendiary Magistrates read.

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

On motion, the petition of Joseph Noad, referred to in his Excellency's last message, was read, setting forth—

Petition of Joseph Noad

That in addition to the discharge of his ordinary duties, petitioner finds himself very frequently called on to devote a portion of his time for the furtherance of objects not immediately connected with his situation, but which are of general public utility. That such information and assistance as is required of him, he most readily furnishes. That until mathematical instruments were provided for purposes connected with the establishment of new lines of road, petitioner lent his for such purposes, and



Petition of Joseph Noad

though one instrument was eventually lost to petitioner, from damage sustained while so employed, he never received any compensation for it and had no alternative but to replace it from his own resources. That from the passing of the first road act up to that of 1837, petitioner acted as chairman of the Central Board of Road Commissioners, performing the duties of a Secretary as well as those of a Commissioner, and which latter are still discharged by him. Petitioner has also superintended the removal of the rocks at Quidi Vidi Harbor, which work is yet in progress, and daily requires attention of petitioner. That for the services thus enumerated, petitioner has never received any remuneration beyond £100 voted in the session of 1837.

Petitioner's salary is £300 per annum, the fees during the six years he has held the office have not averaged £43 per annum. The whole of petitioner's emoluments, therefore, are not equal to one half those enjoyed by persons holding similar situations in the adjacent colonies; and insufficient as they are to meet even the unavoidable expenses of his family, do not afford him the means of lessening the fatigue to which the personal discharge of his duties necessarily subjects him. Petitioner believes that not even the rudest plan of Harbor Grace or Carbonear exists, and however desirable it may be that such documents should be provided, petitioner has no means of procuring them or of making any general surveys; he is however at present employed as far as time and opportunity will permit, and at his own cost, in preparing a new plan of St. John's, the correctness of which is insured from its being based on trigonometrical data. A work of this kind petitioner believes to be of general interest, and the necessity of it is quite apparent from the very great alterations which have taken place in the town of St. John's since the date (1804) of the existing plan.

Petitioner therefore respectfully begs to recommend the foregoing statement to the favourable consideration of his Excellency, humbly requesting that his Excellency will be pleased to forward the same to the House of Assembly, with the prayer of petitioner that the Honorable House will be pleased to make such an addition to his salary as to it may seem fit.

To lie on the table.

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

Supply Bill read 2d time

Pursuant to order, a bill for granting a supply to her Majesty, was read a second time.

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

Resolution for suspending 36th rule of House as respects supply bill.

*Resolved*,—That the 36th Rule of this House be suspended as respects the said bill—whereon,

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

House in committee thereon.

The House resolved itself into a committee of the whole on the consideration of the same.

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 gone through the said bill, and had made some amendments therein; and he delivered the bill with the amendments in at the Clerk's table.



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

Amendments read and agreed to.

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

Engrossed.  
3d reading.

On motion, pursuant to notice, of Mr. Winser, seconded by Mr. Moore,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House a return of all writs issued from the Supreme Court from the first January, 1838, to the 1st January, 1839, inclusive, with all concomitant particulars thereon; and also for similar returns from the Northern, Southern and Central Circuit Courts.

Mr. Winser then presented to the House the draft of an address in pursuance of the said resolution, and the same was read as follows:—

Draft of address to his Excellency read.

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

May it please your Excellency,

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

A return of all writs issued from the Supreme Court from the 1st Jan. 1838, to 1st Jan. 1839, inclusive, specifying the time when such writs were issued, when served, and by whom served, and when returnable; the amount sued for, and the amount of judgment thereupon; the number and amount of executions issued on such judgments, and the amount received on such executions; the returns distinctly to state the amount sued for the fees of the Sheriff or his Bailiffs, the fees of the Clerk of the Court, and the taxed costs of the attorney, and specifying the net amount paid over to the plaintiffs or their attornies.

A similar return for the Central Circuit Court.

A similar return for the Northern Circuit Court.

A similar return for the Southern Circuit Court.

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

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

Adopted.

*Ordered*,—That Mr. Winser and Mr. Dwyer do form a committee to present the same.

Committee.

Mr. Brown, seconded by Mr. Doyle, moved that it be—

*Resolved*,—That a bill for providing for the expenses of the late Delegation from this House to her Majesty's Government be recommitted to a committee of the whole House.

Resolution for re-commitment of Delegation (provision) Bill.



House divide thereon:

Whereon the House divided, when there appeared for the motion, six; against it, one.

For the motion:

Against the motion.

The Solicitor General.

Mr. Nugent.

Mr. Doyle

— Brown

— Winser

— Godfrey

— Dwyer.

Carried.

So it passed in the affirmative.

House in committee.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone thro' said bill, and had made some amendments therein, and that on a motion by Mr. Brown, seconded by Mr. Winser, that the words "six hundred and eighty-four pounds eighteen shillings and three-pence-halfpenny" be struck out of the first enacting clause of the said bill, and the words "seven hundred and thirteen pounds eight shillings and twopence" inserted instead thereof, the committee divided, when there appeared—

For the motion.

Against the motion.

Mr. Brown

Mr. Speaker

— Winser

— Nugent.

— Moore

— Doyle

— Solicitor General.

And that on a motion by Mr. Brown, seconded by Mr. Winser, that between the sixth and seventh enacting clauses of the said bill, the following clause should be inserted—

"And a further sum of twenty-four pounds to defray the expense of printing incurred by Patrick Morris, Esq., one of the Delegates from the House of Assembly, with one pound four shillings interest thereon; and also a further sum of three pounds five shillings and tenpence-halfpenny, being for difference of exchange at the rate of eight per cent"—the committee again divided, when there appeared—

For the motion.

Against the motion.

Mr. Brown

Mr. Speaker

— Doyle

— Nugent.

— Winser

— Moore

— Solicitor General.

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.



Notice by Mr. Winsor for Monday of a motion that the Clerk be directed to insert in the Journals of the House a catalogue of all documents sent down by his Excellency the Governor.

Also, for the same day, of motion that an address be presented to his Excellency the Governor praying that his Excellency will direct the Colonial Treasurer to furnish to the House all such documents as the committee of audit may from time to time require.

Notice of address to his Excellency.

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

## MONDAY, June 10, 1839.

**P**URSUANT to order, an engrossed bill to provide for the expenses of the late Delegation was read a third time—whereon,

Delegation (provision)  
Bill read 3d time.

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

*Resolved*,—That the said bill do pass, and that the title be “An Act to provide for defraying the expense of the late Delegation to her Majesty’s Government.”

Passed  
Title.

*Ordered*,—That Mr. Brown and Mr. Doyle do carry the said bill up to her Majesty’s Council and desire their concurrence thereto.

Sent to Council.

A petition from William Hooper and others, inhabitants of Burin and Placentia Bay, was presented by Mr. Nugent, (who stated in his place that his Excellency the Governor sanctioned the presentation of the same) and the said petition was received and read, setting forth—

Petition of W. Hooper  
and others.

That for a great part of the year there are no means of communication between Burin and Placentia, and that if a Boat were established to ply between those places, touching at the islands on the western shore, it would be a great accommodation generally to the inhabitants of the Bay. Petitioners therefore pray for a grant for such purpose.

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

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

To lie on the table.

Agreeably to the order of the day, an engrossed bill for granting a supply to her Majesty, was read a third time—whereon,

Supply Bill read 3d time

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

*Resolved*,—That the words “and for other purposes” be inserted between the words “Justice” and “and,” in the fifth line of the preamble of the said bill, and that the words “being at the rate of forty-five pounds each,” be inserted at the end of the twelfth enacting clause.

Amendment thereon  
moved.

And the said amendments were made in the bill at the table of the House.



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

Passed.  
Title.

*Resolved*,—That the said bill as amended do pass, and that its title be  
“An Act for granting to her Majesty a sum of money for defraying the  
expenses of the Civil Government of the Colony, and for other purposes  
for the year ending thirtieth June, one thousand eight hundred  
and forty.”

Sent to Council.

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

On motion of the Solicitor General,

Academy bill read 2d  
time

A bill to establish an Academy in this Island was read a second time.

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

Referred to committee  
of whole.

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

*Resolved*,—That this House will, on Monday, the 24th inst., resolve  
itself into a committee of the whole on the consideration of the same.

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

*Resolved*,—That an address be presented to his Excellency the G  
vernor, respectfully requesting him to cause the 14th section of the G  
W. 4, entitled “An act for the relief of sick and disabled seamen, fisher  
men and other persons,” to be fully complied with; and requesting al  
that his Excellency will be pleased to order the Colonial Treasurer  
furnish the House with such documents as the committee of audit ma  
from time to time require.

Draft of address to his  
Excellency read.

Mr. Winsor then presented to the House the draft of an address in pu  
suance of the said resolution, and the same was read as follows:—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency w  
be pleased to cause that the fourteenth section of the act made in th  
sixth year of his late Majesty William the Fourth, entitled “An Act  
for the relief of sick and disabled seamen, fishermen and other  
persons,” may be fully carried into effect.

And also that his Excellency will be pleased to order that the Treas  
urer do furnish the House of Assembly with such documents as the com  
mittee of audit may from time to time require.

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

Adopted.

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

Committee.

*Ordered*,—That Mr. Winsor and Mr. Moore do form a committee  
present the same.



Notice by the Solicitor General for to-morrow of a motion that an address be presented to his Excellency the Governor, praying for a return of all criminal and civil suits had before the Magistrates of the Island from the 30th June, 1838, to 30th June, 1839.

Notice of address to his Excellency.

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

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## TUESDAY, June II, 1839.

**T**HE Solicitor General presented a petition from Johanna Armstrong, (and he stated in his place that the said petition had received the sanction of his Excellency the Governor) and the same was received and read, setting forth—

Petition of Johanna Armstrong.

That in consideration of the services of her husband, the late William Armstrong, who had been for many years in the service of the colony, petitioner had ever since the establishment of a local Legislature, received from it an annual grant of £50 in continuation of an annuity of the same amount previously enjoyed from the Parent Government. That petitioner will not now enter into a minute detail of the circumstances on which she founds her present claim, as they have been frequently stated at length in her former petitions, but she hopes they were amply sufficient to induce the House to grant to her for the present year the sum usually voted.

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

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

Referred to committee of supply.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented, by command of his Excellency, the following documents :—

No. 1. A petition of Simon Morris respecting Waterford Bridge, with the Report of the Road Commissioners thereon.

2. A petition from Henry Earle, poll clerk at Trinity, in the election of 1836, praying for further compensation for his services.

3. A petition from the stipendiary magistrates at Brigus, praying for a salary for the Gaoler of that place.

4. A petition from certain inhabitants of the South Shore of Trinity Bay, praying for a salary for a stipendiary magistrate.

5. A petition from the inhabitants of the south shore of Conception Bay praying for the appointment of a stipendiary Magistrate.



6. Consolidated accounts from the Collector of the Customs, of receipts and payments for the year ending 5th January, 1839.

7. (*a, b, c*) Returns of writs issued out of the Southern Circuit Court for the years 1835, '6, '7.—[See *Appendix*.]

Message read.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

## MESSAGE.

### H. PRESCOTT.

The House of Assembly in their last session presented an address to the Governor, requesting him to pay a certain sum due on account of paupers admitted into the Hospital, and twenty-five pounds each to the Clerks in the Secretary's Office for extra services, and stating that the House would make provision for the same in the next bill of supply. At a subsequent period of the same session, an appropriation bill passed the Assembly which included the sum due for paupers, but not that intended for the other service before named.

The Governor acquaints the House of Assembly that under these circumstances the last mentioned sums have not been paid.

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

Referred to committee of supply

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

Petition of Henry Earle

The petition of Henry Earle, poll clerk at Trinity, at the election of 1836, having been read—

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

Resolution rejecting its reception.

*Resolved*,—That the said petition being couched in terms disrespectful to this House, be not received.

On motion,

The several petitions Nos. 1, 3, and 5, were read as follow :—

Petition of Simon Morris

The petition of Simon Morris, setting forth—

That in the spring of 1838, the late Patrick Doyle, of St. John's, mason, contracted with the Board of Commissioners of Roads for the district of St. John's, under the Act of Victoria ch. 2, to build a bridge of stone upon the Petty Harbor road in the room of the bridge denominated Waterford Bridge, agreeably to a plan and specification submitted and approved of in March, 1838.

That in the said specification the quality of the materials as well as the dimensions of the several compartments of the erection are regulated and the entire building and all its parts were thereby required to be under the inspection, and subject to the approval of the said Board of Commissioners.

That agreeably to the said contract, the said Patrick Doyle commenced and prosecuted the said work, until the month of September last when he died, leaving the abutments of the said bridge completed, and leaving your Excellency's petitioner the Executor of his last will, and to



which will your Excellency's petitioner was granted letters of administration in the Supreme Court of this Island; and thus did your Excellency's petitioner consider himself bound to fulfil that contract which had been entered into by the testator.

That finding the abutments completed, and seeing that in the dimensions and the character of the materials they accorded with the specification, and from an examination of the papers of the original contractor, having observed that at every stage of the erection the most rigid inspection had been instituted by order of the commissioners, and that particularly the erection of the abutments had, on the 18th July, been interrupted by a written notice from Mr. Haddon, General Inspector of Works under the Board, until the solidity of the foundation should be examined; having discovered that the ground was probed, and the whole examined and finally approved of, and that the work continued under a similar control and inspection, your Excellency's petitioner humbly conceived it was natural for him, ignorant and inexperienced as he was in the construction of Bridges, to think that he could with safety proceed to raise the superstructure on abutments that had been completed under the eye and subject to the control, and had the approval of, persons of knowledge and experience; and on reference to the original specification, your Excellency's petitioner finds a reservation to have objectionable work immediately removed.

It was under such circumstances, and with such encouragement, your Excellency's petitioner continued the work—still subject to the same control and inspection—and throughout the progress of his work your Excellency's petitioner still met the approval of the said board, yet when the bridge was nearly completed, after having removed the centre, the abutments gave way, shattering the most important part of the work by the movement; and it is now the opinion of experienced persons that it will be necessary to take it down in order to its reconstruction.

That it is now universally admitted that the fault lay in the insufficiency of the abutments; and in the letter of the chairman of the commissioners, written by order of the Board, dated 15th December, it is expressly so stated;—and your Excellency's petitioner begs leave to transmit two of the original letters of the Chairman for your Excellency's perusal—one of which bears testimony of the propriety of petitioner's conduct during the progress of the work.

Under these circumstances, your Excellency's petitioner as he was not concerned in making or preparing the dimensions of the said abutments, as those dimensions had met the approval of the Board of Commissioners, prayed the said Board, either for a further advance to complete the work, or for a release from the contract; but, declining to comply with the latter, they expressed their inability to accede, and recommended a petition to your Excellency for a further grant to be at the disposal of the Board, the necessary amount of which will be £250 sterling.

Your Excellency's petitioner, at the recommendation of some of the Commissioners, submitted to the additional expense of erecting a new centre of Timber, the one of stone having been injured by a flood which took place a few days previous to the death of the late contractor Mr. Doyle.

Your Excellency's petitioner has already made pecuniary advances in the building beyond his humble means, and has hitherto contributed all



his time, and devoted all his energies to the prosecution of this important work, its failure has not resulted from the inattention or carelessness of your Excellency's petitioner ; for, beside his desire to fulfil to the letter the terms of the contract of the late Mr. Doyle, he was stimulated by a strong interest in the formation of a public work of such great utility, and expended upon it the amount of the third instalment, which is held in reserve to the amount of £160.—And he therefore prays your Excellency's consideration, and to make such order thereon as its justice may to your Excellency seem to demand.

Petition of stipendiary  
magistrate at Brigus.

The petition from the Stipendiary Magistrate at Brigus, setting forth—

That by the Colonial Act 6 W. 4, cap. 16 (1836) the sum of three hundred and fifty pounds was appropriated "towards defraying the expense of building a Gaol and Court House at Brigus," and that such a building was erected in Brigus accordingly.

That a sum of fifty pounds was granted last session (1838) by the Legislature towards the further improvement of the said building—which sum has been expended in furnishing the Court Room and building a Fence round the Gaol Yard.

That the full business of a Court of Sessions of the Peace has been regularly transacted in the said building during the last two years—that the building is used daily as a police office—and that the gaol and gaol yard are now in fit condition to receive prisoners sentenced to a *short* confinement.

That although the said building is styled, in the act aforesaid, "a Gaol and Court House," yet no salary has been granted for a Gaoler.

That your memorialist believes it would be a saving to the Government and country if a small salary were affixed to the office of Gaoler, and if offenders sentenced to *short* terms of imprisonment, were imprisoned in the Gaol at Brigus, instead of being sent from thence, (as is now the practice) at a considerable extra expense, to the Gaol at Harbor Grace.

Therefore your memorialist most respectfully solicits your Excellency's consideration of the premises.

Petition of inhabitants  
of South Shore of Tri-  
nity Bay.

The petition from the inhabitants of the South Shore of Trinity Bay, setting forth—

The great inconvenience to which the inhabitants of that place are subjected, as regards the administration of Justice, and praying his Excellency to appoint a stipendiary magistrate there.

Petition of inhabitants  
of North Shore of Con-  
ception Bay

The petition from the inhabitants of the North Shore of Conception Bay, setting forth—

That along the extensive and populous line of coast between Salmon Cove and Bay de Verds, comprising nearly fifty miles, cases frequently occur which loudly call for the intervention of a judicious magistrate.

That owing to the distance, and the difficulties and expenses of travelling, between petitioners' residences and Harbor Grace, very many grievances are submitted to of necessity, by which the well disposed are deprived of their just rights, and the evil-minded allowed to take undue advantages with impunity.



That among persons of such various interests many disputes occur which by no means prove a disposition to defraud or take unlawful advantages, but which equally call for the decision of a competent civil authority.

Petition.

That for these and many other, perhaps, paramount considerations, petitioners humbly pray that your Excellency will be graciously pleased to devise such means as will secure to petitioners the blessing of a stipendiary magistrate.

We, the undersigned magistrates, merchants and others, of Carbonear, beg to recommend the foregoing prayer of the inhabitants of Conception Bay, and to state our decided conviction of the expediency of a resident stipendiary magistrate in a convenient situation between Salmon Cove and Bay de Verds—a line of coast containing upwards of four thousand souls.

THOS. CHANCEY, J. P.  
 H. C. WATTS, Barrister-at-Law.  
 W. W. BEMISTER.  
 GEORGE FORWARD.  
 GEORGE W. GILL.  
 J. PICKAVANT, Wes. Missionary.  
 SIMON LEVI.  
 ROBERT AYLES.  
 J. S. TEULON, Surgeon.  
 WM. FAULKNER, W. Missionary.

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

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

Referred to committee of supply.

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

### WEDNESDAY, June 12, 1839.

**M**R. Winsor, from the committee appointed to wait on his Excellency the Governor with the addresses of the House of the 8th and 10th inst.—the former, praying for a return of all writs issued from the Supreme and Central Circuit Courts in the year ending 1st January last—the latter, praying that his Excellency would cause the 14th section of the Act 6, W. 4, entitled “An act for the relief of sick and disabled seamen, fishermen and other persons,” to be fully carried into effect, reported that the said committee had waited on his Excellency, and that to the first of the said addresses his Excellency had been pleased to make the following reply:—

Report of committee appointed to present addresses to his Excellency

*Gentlemen*—

His Excellency's reply to 1st address

I will direct returns to be made in compliance with the terms of this address.



His Excellency's reply  
to 2d address

And that to the second address his Excellency was pleased to reply as follows:—

*Gentlemen,*

I will call for the accounts mentioned in the first paragraph of this address from the only two districts where the act 6, W. 4, cap. 1, is in operation.

The Treasurer shall be directed to produce such vouchers and documents connected with the accounts before the House of Assembly as may be required by the committee of audit.

On motion, pursuant to notice, of the Solicitor General seconded by Mr. Doyle,

*Resolved*,—That an address be presented to his Excellency the Governor requesting that his Excellency will be pleased to order returns from the stipendiary magistrates of the Island of all criminal and civil suits had before them from 1st June, 1838, to 1st June, 1839, to be laid before this House.

Draft of address to his  
Excellency read.

The Solicitor General then presented to the House the draft of an address in pursuance of the said resolution, and the same was read as follows:—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to order that there be laid before the House a return from the different stipendiary magistrates of the Island, of all criminal and civil suits had before them from 1st June, 1838, to 1st June, 1839.

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

Adopted.

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

Committee.

*Ordered*,—That the Solicitor General and Mr. Doyle do form a committee to present the same.

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

*Ordered*,—That the committee of audit have leave to sit on those days over which the House shall have adjourned.

Petition of F. L. Bradshaw  
and others.

Mr. Doyle presented a petition from F. L. Bradshaw and others inhabitants of Barren Islands, and the same was received and read, setting forth—

That a great necessity exists for repairing the road from the Flats on the eastern end of Barren Islands to the western cove, a distance of three miles. That from the Flats to Barren Islands, a distance of one-fourth of a mile, the road is covered with brushwood. That the path in Barren



Islands harbor, three-fourths of a mile long, is in a most dangerous state, as part of it runs along a shelving cliff, and is so intersected by deep drains formed by the water rushing from the hills, that it is frequently dangerous for foot passengers, and altogether impracticable to persons carrying burdens, insomuch that it is necessary to convey the dead to the burial ground by water. That from Barren Islands to the western cove, a distance of two miles, the road is covered with brushwood. That there are in Barren Islands a chapel, a church, and a school-house, and that a road along the above line would be a great accommodation to the inhabitants of every part of the settlement, and that the sum of £400 being sufficient for such purpose, petitioners pray that the House will grant them that sum.

Petition.

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

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

Referred to committee on roads.

A petition from Bridget Connors, of St. John's, widow, was presented by Mr. Nugent, (who stated in his place that his Excellency the Governor being acquainted with the subject matter of the said petition, consents that the House do proceed thereon as they shall think fit) and the said petition was received and read, setting forth—

Petition of Bridget Connors.

That during nine months past, petitioner, by sanction of the commissioners of the poor, has maintained an old man of the name of Michael Hickey, at the rate of 1s. 2d. cy. per day, and which sum, together with the cost of the said pauper's washing, petitioner regularly received from Mr. Freeman, the former pauper superintendent. That Mr. Hanley, (Mr. Freeman's successor) allows petitioner only 5s. 3d. per week, and refuses to pay for washing. That petitioner has frequently prayed Mr. Hanley to provide some other person to take charge of the said pauper, as she could not afford to provide for him at so low a rate, but he has, notwithstanding been left with her for six months longer. That petitioner has also been deprived of payment for the month of October last, and on applying to Mr. Hanley, she was directed to seek relief to the Governor. Petitioner therefore prays that the House will take her case into consideration.

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

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

Referred to committee of supply.

Then the House adjourned until Friday next, at one o'clock.

## FRIDAY, June 14, 1839.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency.

**T**HE hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.



Documents presented.

He further presented, by command of his Excellency, the following documents :—

No. 1. A memorial from Thomas Danson, praying for remuneration for attending to give evidence before the House.

2. Report from the Commissioners of Roads between Bonavista and Catalina, with a memorial from the Chairman of the said Board praying for remuneration for his services.

3. A Letter from the Stipendiary Magistrate at Bonavista relative to the manner of registering voters in that Bay.

4. A statement of disbursements for the relief of the poor at Bay Bulls, Renewse and Trinity Bay.

5. Communication from the Commissioners of the Poor for St. John's on the subject of the necessity of a provision for the relief of the Poor.

Message read.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

## MESSAGE.

*H. PRESCOTT.*

In transmitting to the House of Assembly the accompanying copy of a communication from the Commissioners for the relief of the poor of the district of St. John's, the Governor requests the attention of the House to the important subject to which it has reference.

The several documents accompanying his Excellency's message were then read by the Clerk.

Memorial of T. Danson.

The memorial of Thomas Danson, setting forth—

That your Excellency's petitioner, in the summer of 1837, was summoned to appear before the Honorable House of Assembly, and attended accordingly; several persons residing here were also summoned, who were each paid five pounds for such attendance; but in the bill passed by the Legislature my name was omitted by mistake, which sum was voted for petitioner by the Assembly and negatived by the Council the last autumn, by not being placed in the proper bill—not that the Council had any objections to the same being paid to petitioner.

For the two Books of Registry of the names of persons entitled to vote at elections for Members of the hon. the House of Assembly at Conception Bay, annually to be made out in pursuance of the provisions of the Legislature thereon—one book to be transmitted to the Executive and one book to be kept in sessions here, and holding Courts of Revision at Upper Island Cove, Spaniards Bay, also in this town, all of which duties have been performed by petitioner hitherto since the act passed. For the year 1835, petitioner was voted by the Legislature ten pounds—1836, seven pounds; but for the years 1837 and 1838, no money had been voted for such duties required by the said act; for the present year 1839, the like duties are required, and must shortly take place unless the Law is altered this session by the Legislature.



Your Excellency's petitioner begs leave to state that about two thirds of the persons entitled to vote at elections for Conception Bay, reside between Spaniards Bay and Bay de Verds—the registry of such require much care and time.

Petitioner is in great hopes that your Excellency may observe just cause to recommend his case to the favourable consideration of the House of Assembly for remuneration.

The memorial of William Sweetland, of Bonavista, setting forth :

Memorial of W. Sweetland.

That your memorialist in the summer of the year 1837, was appointed by your Excellency one of the Commissioners for Roads and Bridges from Trinity to Bonavista, and towards the close of that year re-appointed with Messrs. Miffen and Bremner under an act of the Local Legislative Assembly for this Island for the line of road from hence to Catalina.

That on the commencement of operations thereon, the duty of superintending them devolved on your memorialist, who, though assisted by an inspector occasionally, was obliged to devote the greater portion of his time and attention to that object, and as is usual with all new undertakings, experienced much difficulty in prevailing on the inhabitants to undertake the work and fatigue and privations afterwards in directing their operations.

That in June following your memorialist was duly appointed Chairman of the board of Commissioners, and having fulfilled the duties as such, has since been re-appointed by the board named under the last road act, as will more fully appear by the letters marked A and B accompanying this memorial, and to which your memorialist humbly craves reference.

That two of the former commissioners being engaged in business, and one of them situated at a distance of nearly ten miles from the other two, and the majority of the present commissioners living the same distance at right angles from your memorialist and S. Miffen, Esq., a meeting of the whole board is not possible in the winter season, nor convenient at all times at any fixed period—hence the appointment of your memorialist under letter instead of at a general meeting as intended.

That in consequence of the duties so devolving on your memorialist, a large sacrifice of time and attention has been required of him, and submitted to, both on the road and in the office, therefore he humbly presumes to hope some remuneration may be awarded him for his exertions in forwarding the work, and for his attention generally thereunto.

Wherefore your memorialist humbly prays that your Excellency will be most graciously pleased to recommend to the local Legislature of this Island at their ensuing session, that such an allowance may be made him as they in their wisdom deem his exertions and the nature of his employment entitled to.

[For the remaining documents see *Appendix.*]

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

*Ordered*,—That the said documents Nos. 1, 2 and 3, be referred to the committee of supply.

Referred to committee of supply.



Mr. Kent moved, seconded by the Solicitor General, that it be

To lie on the table.

*Ordered*,—That the said statement of monies distributed for the relief of the poor, do lie on the table.

House divide thereon.

Whereon the House divided, when there appeared for the motion five; against it, one.

For the motion.

Against the motion.

The Solicitor General

Mr. Moore.

Mr. Winser

— Kent

— Nugent

— Dwyer.

Carried.

So it passed in the affirmative.

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

Petition of J. Dunscomb and others.

Mr. Kent presented a petition from John Dunscomb and 29 others, inhabitants of Maggoty Cove, and the same was received and read, setting forth—

That the roads leading severally from the Ordnance Yard to Signal Hill, and from the Ordnance Yard to the forest, are in a bad state of repair, and praying for a grant for the same.

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

Referred to committee on roads.

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

Petition of J. Casey & others.

Mr. Kent presented a petition from John Casey and 50 others, inhabitants of St. John's, and the same was received and read, setting forth—

That during the last session of the Legislature, memorialists had petitioned for a grant for the road leading from M'Kennon's Bakery, in St. John's, by Dreelan's Well, to Denis Nowlan's Farm at Monday Pond, but without effect. That this road requires, for the general purposes of agriculture and public convenience, to be widened to the extent of 20 feet; and as memorialists are almost exclusively the landholders on each side of this road, and will require no compensation for the loss of ground which would be occasioned by such an alteration, a small sum would be sufficient to make the said road practicable. Petitioners therefore pray that the House will grant a sum for such purpose.

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

Referred to committee on roads.

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

On motion, pursuant to notice, of Mr. Kent, seconded by Mr. Winser,

Resolution for comtee. to enquire into operation of Bastardy Act.

*Resolved*,—That a select committee be appointed to enquire into the operation of the 4th W. 4, sess. 2, c. 7, commonly called the Bastardy Act, with power to send for persons and papers.



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

Committee.

## A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from H. M. Council.

The Master-in-Chancery brought down from Her Majesty's Council, the following written Message :

*Mr. Speaker,*

Her Majesty's Council request a conference with the House of Assembly on the subject of a bill entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes for the year ending the thirtieth of June, A. D. one thousand eight hundred and forty, and have appointed conferrees to meet the managers of the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
14th June, 1839, 2½ p. m.

And then the messenger withdrew.

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

*Resolved*,—That the conference requested by her Majesty's Council be agreed to.

Conference agreed to.

*Ordered*,—That the Solicitor General and Mr. Nugent do go up to her Majesty's Council and acquaint them that this House has agreed to the conference requested by them.

Council acquainted thereof.

*Ordered*,—That the Solicitor General, Mr. Nugent, Mr. Kent, and Mr. Winsor be the managers to manage this conference.

Managers named.

And their names having been called over, they went to the conference, and being returned—

Conference held.

Mr. Nugent reported that they had been at the Conference, and had agreed to report as follows:—

Report

Her Majesty's Council have sought this conference for the purpose of acquainting the House of Assembly that it cannot assent to the bill sent up to it, entitled "An Act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony and for other purposes for the year ending the thirtieth day of June, in the year of Our Lord one thousand eight hundred and forty,"—

Because—The 2d section—or what is apparently intended for the 2d section, though not marked as such—contains matter foreign to what the title of the bill imports, and is therefore opposed to the 16th article of the Royal Instructions. It is expressed in these terms: "And be it further enacted that the sum of one hundred pounds, granted under Act 2d Vic. c. 1, towards supporting a grammar school at Carbonear, for the year ending 7th May, 1839, and which sum has not been applied, be now re-appropriated and added to the former sum for the erection or procuring of a grammar school at Carbonear aforesaid—Provided that in consequence of the Commissioners appointed under the said Act not carrying that provision



Report.

into effect, the following persons be a Board of Commissioners for the regulation of the said grammar school, that is to say—William Brown, Thomas Newell, James Power, John Elson and John Walsh,—And provided further that the course of education in such school, in addition to the study of the Greek, Latin and English languages, shall comprise writing, arithmetic, book-keeping and mathematics.”

It makes no grant to her Majesty towards defraying the expenses of the Civil Government of the Colony, nor any other purpose, but merely amends an act of the last session of the Legislature.

Her Majesty's Council desire also to draw the attention of the House of Assembly to the fact that the sums proposed to be granted to her Majesty to defray the expenses of the Gaols and civil and criminal prosecutions, are wholly inadequate, and must inevitably embarrass the Executive if persevered in, and leave the colony in debt to individuals for the public services which they have performed. The House of Assembly having provided for the former services only £453, while the Council have ascertained that the expenditure made on that account in the three quarters ended 31st March last, has been fully at the rate of £600 per annum; and for the latter services only £550, while the expenditure incurred under that head, in the abovementioned period, actually exceeds the sum proposed to cover the expenses of the whole year.

Her Majesty's Council also observe that the sum formerly granted to a constable at Toads Cove has either been withdrawn or inadvertently omitted, and that the constable at Torbay has not been paid for two years.

The Council therefore request that the House of Assembly will furnish them with any information it may possess, in order that the Council may be in a situation to judge, in conjunction with the House of Assembly, of the propriety of discontinuing the services of those officers.

JAMES SIMMS,

*Senior Member of Council presiding*

Council Chamber,  
14th June, 1839.

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

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**MONDAY, June 17, 1839.**

Report of committee appointed to present addresses to his Excellency

**T**HE Solicitor General, from the committee appointed to wait on his Excellency the Governor with the address of the House of Assembly on the 12th inst., praying for returns of criminal and civil suits had before the magistrates of the Island for the year ending the 1st inst. reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply

His Excellency's reply

*Gentlemen—*

I will direct returns to be made as requested in this address.



Pursuant to notice and leave granted, the Solicitor General presented a bill to continue an act passed in the third year of the reign of his late Majesty, entitled "An act for the more speedy abatement of nuisances," and the same was read a first time.

Bill to continue nuisance act read 1st time.

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

2d reading.

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

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

Printed

A petition from Edward Miffen, of Bonavista, was presented by Mr. Nugent, (who stated in his place that his Excellency the Governor sanctioned the presentation of the same) and the said petition was received and read, setting forth—

Petition of E. Miffen;

That petitioner performed the duties of poll clerk in the district of Bonavista, in the election of 1836, and with such fidelity and impartiality that on the close of the poll, petitioner received the thanks of the several candidates. That from the very great exposure necessarily attendant on proceeding to the several parts of the district at so late a season of the year, (it being then in the month of October) petitioner contracted a severe rheumatism which for some time nearly deprived him of the use of his limbs, and in its cure occasioned him considerable expense. That from that period to the present time petitioner has been expecting some remuneration for his time and trouble, but not having received any, and presuming on having done his duty, he prays that some compensation may be awarded him.

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

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

Referred to committee of supply.

Notice by the Solicitor General for to-morrow, of a motion that a select committee be appointed to enquire into the working of the police department throughout the Island.

Notice of committee to enquire into working of police department.

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

**TUESDAY, June 18, 1839.**

**A** Petition from John Morrison and others, inhabitants of Queen Street, was presented by Mr. Kent, and the same was received and read, setting forth—

Petition of J. Morrison and others.

That during the last session of the Legislature, the sum of one hundred pounds was voted by the House for the purpose of cutting a drain in Queen Street sufficiently large to carry off the floods of water which during the spring and fall descend from Barter's Hill. That to carry the object of this vote fully into effect, a further sum of seventy-five pounds will be necessary, which petitioners now pray the House to grant.



Referred to committee  
on roads.

Petition of C. Ayre.

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

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

Mr. Kent presented a petition from Christopher Ayre and another, inhabitants of St. John's, and the same was received and read, setting forth—

That during the last two or three years the road leading from Fort Townshend to the Government House has been much injured by the torrent of water that in the spring of each year has been permitted to pass over it.

That during the past spring memorialists' Houses and grounds were also very considerably damaged by it, insomuch that it was almost impossible, without expensive repairs, to inhabit them.

That the small drain at the entrance of the Cathedral Ground, has been choked by an accumulation of dirt, and (even though it should be cleared) is by far too small to receive the deluge that occasionally issues from the Barrens.

That no vote of money from the legislature has yet been made for the repair of the above-named road.

That memorialists' property from its situation is yearly in danger of being inundated.

Your memorialists therefore respectfully pray that your honorable House will grant, in the present session, such sum for the building a suitable bridge or drain (to receive the water of the head at the Fort Townshend hill, and convey it through its usual and natural channel past the O. A. School) and the levelling and repair of the said road (which is considerably higher on the north than on the south side) as may be considered necessary and proper.

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

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

Referred to committee  
on roads.

Petition of W. Thomas  
and others.

Mr. Kent presented a petition from William Thomas and others, the committee of the St. John's Factory, and stated in his place that his Excellency the Governor sanctioned the presentation of the same, and the said petition was received and read, setting forth—

That this institution has been the means of preserving from want and destitution a large number of indigent persons during the past winter, enabling them by their own exertions to support their families, instead of applying for relief to public charity.

The beneficial results which have arisen from instructing the poor in the art of making and mending their nets and seines cannot have escaped the observation of your honorable House.



The committee gratefully acknowledge the grant voted the past year ; and if the means at the disposal of the committee had been more ample they would have had it in their power to maintain a large portion of the poor of this district.

The committee therefore pray that your Honorable House will be pleased to grant to the St. John's Factory such further relief as may enable them to extend its usefulness in supporting the poor and leading them to habits of industry and economy.

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

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

Referred to committee of supply.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

**MESSAGE.**

*H. PRESCOTT.*

The Governor transmits to the House of Assembly the accompanying petitions, to show the necessity of early provision being made for cases of the description to which they refer ; and his Excellency acquaints the House that under the circumstances stated in Foristal's application, he has taken upon himself the responsibility of directing his admission into the Hospital.

*Government House,  
18th June, 1839.*

The petition of John Forristal, referred to in his Excellency's message, was then read by the Clerk, setting forth—

Petition of J. Forristal.

That your petitioner has been engaged for more than thirty years in the fishery, during which time he always paid Hospital dues according to the laws of the colony.

That for the last four years petitioner has been employed in Fermeuse, where Mr. Goodridge, his employer, stopped the Colonial Hospital dues from him.

That nevertheless, though now in the greatest penury and extremely ill, he is told that he cannot be admitted to the St. John's Hospital except your Excellency will graciously please to take his particular case into your consideration and order his admission.

And your petitioner hopes that taking the premises into consideration and remedying this defect in the Hospital Rules, your Excellency will please to order your petitioner relief.



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

Petition of W. Heaney.

The memorial of William Heaney, setting forth :

That a person of the name of Jeremiah Larkin came to your memorialist on Friday the 31st ult., and begged of your memorialist to allow him to sleep in his House, as he was very ill and friendless, having been out of employment for some days previous, and being without any means of procuring a lodging elsewhere.

That memorialist having known Larkin many years, accordingly received him into his House, where he has been in Bed from that time to this.

That he is exceedingly ill, and memorialist fears that unless medical aid and proper attention be afforded him he will shortly sink under his complaint.

That memorialist has a blind wife, and no one about him that can render any assistance to Larkin.

He therefore prays that your Excellency will be pleased to order that Larkin may be received into the Hospital as a pauper patient.

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

Further conference with H. M. Council requested

*Resolved*,—That a further conference be requested with her Majesty's Council on the subject of the last conference.

Committee.

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

Report

Mr. Nugent, from the committee, reported that they had made some progress in the matter to them referred, and would be prepared to report finally thereon to-morrow.

Notice of bill to regulate culling of fish and guaging of oil.

Notice by Mr. Moore for an early day, of a bill to regulate the culling of fish and guaging of oil.

Notice of address to his Excellency.

Notice by Mr. Nugent for to-morrow, of a motion that an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House a return of the several causes, civil and criminal, the expenses whereof have been defrayed from the amount voted for civil and criminal prosecutions for the year ending 30th June, 1839,—such returns to specify the expenses paid in each case, the particular sums paid to each officer on account of the same ; and praying also for a return of the expenditure under the head of gaol expenses during the same period, such return to specify the names of the several prisoners, the number of days each prisoner was confined,—also, praying for copies of the Blue Book for the years 1837 and 1838.



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

### WEDNESDAY, June 19, 1839.

**M**R. Winser presented a petition from Patrick Cleary and 24 others, inhabitants of Bay Bulls, and the same was received and read, setting forth—

Petition of P. Cleary and others.

That memorialists having observed the liberality of the House in granting sums of money for the purpose of making roads through several of the outports, are encouraged to hope that the like consideration will be extended to them, and therefore pray that the House will grant them a sum of money sufficient to run a road through the harbor of Bay Bulls.

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

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

Referred to committee on roads.

Mr. Nugent, from the committee appointed to prepare instructions for the managers of the conference to be holden with Her Majesty's Council, reported that they had prepared instructions accordingly, and the same were read as follow :—

Report of committee of conference with Council—instructions to managers.

Upon considering of the objections urged in conference on the 14th inst., by her Majesty's Council, to the bill entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes for the year ending the thirtieth day of June, in the year of Our Lord one thousand eight hundred and forty," the House of Assembly acquaint the Council that they continue of opinion that the second section of the said bill does not contain "matter foreign to what the title of the bill imports," inasmuch as appropriation is not matter foreign from supply, and many acts of this Legislature may be quoted to show that appropriation, re-appropriation, and regulation, have never been so regarded. The section in question is merely a re-appropriation of money that had been granted under a former act, and not applied; and this re-appropriation is necessarily accompanied by a provision appointing commissioners to ensure its application, because it was the circumstance of the former Board having been broken up by the declension of two of its members to act, which caused this money to remain dormant. As for the provision regulating what shall be the school course, it is merely explanatory to the people of the district for which it is intended of what a grammar school is designed to teach, and is merely expressing in detail what the title of the establishment of itself imports.

With respect to the votes for the expenses of Gaols, and for Civil and Criminal prosecutions, as the demands on these heads continue gradually to increase, while crime would appear to diminish, the House of Assembly are about to enter upon an enquiry upon the subject, when, should the sums now voted prove really insufficient, they will be ready to add a further vote in a supplementary bill of supply.



Report.

On referring to the original bill brought into the House of Assembly and read a first and a second time, it has been found that in the course of engrossment an error occurred in transcribing the votes for the constables, which the House will not fail to remedy in their supplementary bill also. As to a requisition for information of the grounds whereon either House have passed a bill "except where such information has related to facts stated in such bill as the ground and foundation thereof," such a course is not consistent with the precedents of the House of Commons, and cannot therefore be concurred in by the House of Assembly—"the *Laws and Rules of Parliament*" having, at the institution of the Legislature been declared by the Government who gave to Newfoundland her constitution, as "*the safest guide for the conduct of the Council and Assembly.*"

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

Adopted—

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

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Butler,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House a return of the several causes, civil and criminal, the expenses whereof have been defrayed from the amount voted for civil and criminal prosecutions for the year 1839, such returns to specify the expenses paid in each case, and the particular sums paid to each officer, on account of the same,—praying further for a detailed statement of the expenses incurred under the head of Gaol expenses, for the same year, including the number and names of the prisoners, and the number of days each prisoner was confined, and praying also for copies of the Blue Book, for 1837 and 1838.

Draft of address to his Excellency read.

Mr. Nugent then presented to the House the draft of an address in pursuance of the said resolution, and the same was read as follows :—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will please to order that the following returns be laid before the House :—

A return of the several causes, civil and criminal, the expenses whereof had been defrayed from the amount voted for civil and criminal prosecutions, for the year ending 30th June, 1839, up to 30th May, 1839, specifying the nature of the cause, the names of the parties, the result of the trial, and the fees and expenses paid to each particular person.

And also a detailed statement of the expenditure under the head of Gaol expenses for the same year, including the names of the several prisoners, and the number of days each person was in prison, whose expenses have been defrayed from the amount voted for that purpose.



And also copies of the Blue Book for the years 1837 and 1838

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

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

Adopted—

*Ordered*,—That Mr. Nugent and Mr. Butler do form a committee to present the same.

Committee.

Mr. Godfrey presented a petition from Patrick Ward and 155 others, inhabitants of Harbor Main and Holyrood, and the same was received and read, setting forth—

Petition of P. Ward and others.

That in the Road Act of last year, the House was pleased to vote the sum of one thousand pounds for a road “from Brigus to Holyrood, *being the line already laid down.*”

That the line of road alluded to would not only be inconvenient, but would involve great labour and expense in making it, inasmuch as it runs through a large swamp, where it is impossible to obtain a particle of good gravel, or road materiel. In another point of view, it would be of little use to the public, as travellers during the winter never go that way.

That your petitioners, after mature consideration, are of opinion, that a new and improved line can be found, which could be made at much less expense, and would be infinitely more beneficial, not only to the public generally, but more particularly to the large population residing at the head of Conception Bay, and which would prove a more desirable communication with St. John's throughout the year.

That the new line which your petitioners humbly recommend for adoption, would run from Salmon Cove Bridge direct to Harbor Main, and from thence on to Holyrood. There are two new bridges already built on this line, which would be rendered useless without a road.

Your petitioners therefore humbly pray your honorable House to take the premises into consideration, and amend the wording of the grant, in order that the Board of Commissioners may be enabled to appropriate the money to the best advantage for the public benefit.

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

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

Referred to committee on roads.

Notice by the Solicitor General for to-morrow, of motion for second reading of the poor-house bill,—also, for an early day, of a bill to amend an act of 5 W. 4, entitled “An act for the establishment of a light-house on Harbor Grace Island, and also to amend an act of 1 Vic. entitled “An act to authorise the raising by loan a further sum of money for the completion of the light-house on Harbor Grace Island, and to make further regulations respecting the same.

Notice of 2d reading of poor-house bill—and bill to amend Harbor Grace Island Light House bill



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

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## THURSDAY, June 20, 1839.

Poor-house bill read 2d time.

**P**URSUANT to order, a bill to establish a poor-house, and to make provision for the support of the poor of the district of St. John's, was read a second time.

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

Committed.

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

*Resolved*,—That this House will, on Saturday next, resolve itself into a committee of the whole on the consideration of the same.

Message from his Excellency.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented, by command of his Excellency, the following documents :—

No. 1. A communication from the Chief Justice on the subject of the appointment of a Sheriff on the coast of Labrador.

2. Copy of certain resolutions of the Board of Education at Trinity with the opinion of the Attorney General thereon.

3. A memorial from Michael Coady, constable at Bay Bulls, praying for an increase of salary.

4. A petition from Margaret Finlay, praying for admission into the Hospital.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

## MESSAGE.

**H. PRESCOTT.**

The Governor submits for the consideration of the House of Assembly a communication made to him by the Chief Justice of the colony.

The documents accompanying the said message were then read by the Clerk.—See *Appendix*.

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



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

*Ordered*,—That the said resolutions of the Board of Education at Trinity, with the opinion of the Attorney General thereon, be printed for the use of members.

Agreeably to the order of the day, on the subject of a conference to be holden with her Majesty's Council, it was—

*Ordered*,—That Mr. Nugent and Mr. Winser do go up to her Majesty's Council and request the said conference.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from Her Majesty's Council, the following written Message :

*Mr. Speaker,*

Her Majesty's Council accede to the conference requested by the House of Assembly, on the subject of the last conference, and have appointed conferrees to meet the managers of the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
20th June, 1839.

And then the messenger withdrew.

*Ordered*,—That Mr. Nugent, the Solicitor General, Mr. Kent, and Mr. Winser be the managers to manage this conference.

And their names having been called over, they went to the conference, and being returned—

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

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 a bill sent up from the House of Assembly, entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the civil government of the colony and for other purposes for the year ending 30th June, 1840," with amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
20th June, 1839.

And then the messenger withdrew.

Conference with H. M. Council requested.

Message from H. M. Council.

Managers named.

Conference held.

Report.

Message from H. M. Council.



2d reading.

*Ordered*,—That the said amendments be read a first time this day six months.

Notice of Bill to repeal part of Seamen's Relief Act, and

Notice by Mr. Winser for an early day, of motion for leave to bring in a bill to repeal part of an act of 6 W. 4, 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.

Bill to prevent fraud in the sale of bread, flour, butter, &c.

Also, for leave to bring in a bill to prevent fraud in the sale of bread, flour, butter, salted beef and pork, imported into this Island.

Notice of Addresses to his Excellency.

Notice by Mr. Nugent for to-morrow, of motion that an address be presented to his Excellency the Governor, praying for a return of the casual and territorial revenue, for the year ending 1st May, 1839, and of the amount and appropriation of fines levied under Imperial acts during the same period.

Also, of motion for an address praying for a return of the number and tonnage of merchant, coasting, and fishing vessels, entering the port of St. John's in the current year,—such returns to specify the vessels entering the port twice, during that period.

Also, for an early day, of motion for an address to his Excellency on the subject of the opinion of her Majesty's Attorney General on certain resolutions of the Board of education at Trinity Bay.

Notice for the consideration of the parts of his Excellency's speech at the opening of the session which relate to the erection of a Colonial Building.

Notice by the Solicitor General for to-morrow, of motion that the House do go into consideration of those parts of his Excellency the Governor's speech at the opening of the session as relate to the erection of a Colonial Building, and to the adoption of part of the criminal law of England in this colony.

Also, of a motion that the House resolve itself into a committee on the consideration of a supply to be granted to her Majesty.

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

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## FRIDAY, June 21, 1839.

**O**N motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Kent,

Resolution for Address to his Excellency,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order a detailed return of the amount and appropriation of the casual and territorial revenue for the year ending 1st May, 1839,—and also a detailed Statement of the amount and appropriation of fines levied under Imperial acts, to be laid before the House.



*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House a return of the number and tonnage of merchant vessels (other than coasting and fishing vessels) that entered the ports of St. John's and Conception Bay, within the current year, such returns to specify the vessels that entered the said ports twice; and also, of the number and tonnage of coasting and fishing vessels entering those ports for the same period.

Resolutions for addresses to his Excellency.

*Resolved*,—That an address be presented to his Excellency the Governor praying, that his Excellency will direct that the opinions of the Judges of the Supreme Court on the subject matter of the communication from the Board of Education at Trinity be laid before the House.

Mr. Nugent then presented to the House the drafts of addresses in pursuance of the said resolutions, and the same were read as follow :—

Drafts of addresses to his Excellency read.

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will please to order a detailed return of the casual and territorial revenue for the year ending 1st May, 1839, and its appropriation,—and also, a detailed return of the amount of fines levied under Imperial Acts of Parliament, together with their appropriation, to be laid before the House.

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

May it please your Excellency,

The House of Assembly request your Excellency will please order that a return be laid before the House of the number of merchant vessels that entered the port of St. John's within the current year, and the amount of their tonnage, (other than coasting and fishing vessels,) specifying the vessels which entered the port twice,—and also the number and tonnage of coasting and fishing vessels that entered the same port for the same period.

And also a return of the number and tonnage of all such merchant and other vessels which entered the ports of Conception Bay, for the same period.



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

May it please your Excellency,

The House of Assembly having taken into consideration your Excellency's message of the 20th inst., with reference to permitting the Bible to be introduced into schools founded by and supported under the acts, and the opinion of her Majesty's Attorney General of this Island thereon, request that as the said opinion is given in great doubt and professed uncertainty, your Excellency would be pleased to have the case referred to the Judges, and to order that they be directed to report upon the same and that their report be laid before this House with all convenient despatch.

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

Adopted—

*Resolved*,—That the said addresses be adopted.

Committee.

*Ordered*,—That Mr. Nugent and Mr. Winser do form a committee to present the same.

Petition of L. O'Brien  
and others.

Mr. Doyle presented a petition from Lawrence O'Brien and others, the President and Members of the Benevolent Irish Society, and the same was received and read, setting forth—

That the Benevolent Irish Society is a body of persons voluntarily associated, and instituted in the year 1806, for the promotion of the principal great objects of Christian charity and benevolence, and that ever since their institution, their funds, raised from the voluntary subscriptions of the members, and the donations of others, have been devoted to the education of the ignorant, the feeding of the hungry, and the clothing of the naked.

That many years since, a considerable sum having been subscribed beyond the immediate necessities of the poor, the Society appointed three trustees to vest the same in the English funds, where it remains at interest for the benefit of the Society, and this sum, amounting to £1581 5s 6d., together with an ample school-house, and a lot of building ground form the entire of the property of the Society.

That the property of the Society having thus increased, the administration of the same is attended with considerable inconvenience, and therefore your petitioners humbly pray that an act of Incorporation be passed in their favour, in order thereby to facilitate the advantageous administration of that property which is consecrated to the uses of the poor.

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



A petition from Charles Simms and others, inhabitants of St. John's, was presented by Mr. Doyle, and the same was received and read, setting forth :

Petition of C. Simms and others.

That your petitioners are for the most part either the owners or occupiers of land adjoining the road leading from the King's Road (by Friendly Hall) to the Portugal Cove Road.

That during the last session, on a petition from some of your petitioners, your honorable House was pleased to grant the sum of fifty pounds towards repairing and improving the said road, which, if put into proper repair, would not only be more available than it is at present to such of your petitioners as are engaged in agricultural pursuits, but would prove infinitely more convenient as a communication with the central part of the town.

That to effect those desirable improvements, your petitioners humbly submit to your honorable House the necessity of cutting down a considerable portion of the hill to the north of Pringle's (Brine's) Bridge, and also the rebuilding of the said bridge, which is now getting into a dilapidated state.

That without these last mentioned improvements, the aforesaid road will not be available for the purposes of agriculture, as the hill before named cannot be ascended with a loaded cart, which obliges many of your petitioners to go by the circuitous route of the "King's Bridge," which nearly doubles the distance.

That it is likewise very desirable that that portion of the said road between the said bridge and the King's Road should undergo extensive repair, for which (with the exception of the beforesaid sum of fifty pounds) no provision has hitherto been made by your honorable House, in the liberal grants under that head.

That your petitioners are sensible that your honorable House are well aware of the advantages which individuals, particularly such as are engaged in agriculture, as well as the colony at large, will derive from having good and convenient roads, and that you will make such further provision for the purposes pointed out by your petitioners as may seem proper and expedient.

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

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

Referred to committee on roads.

Mr. Kent moved, seconded by the Solicitor General,

Motion for committee of whole on supply.

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

Whereon the House divided, when there appeared for the motion three, against it two.

House divide thereon.

For the motion—

Against the motion—

The Solicitor General  
Mr. Butler  
— Kent.

Mr. Nugent  
— Winner.

So it passed in the affirmative.

Carried.



House in committee.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Mr. Kent moved, seconded by the Solicitor General,

That the said report be not received.

Whereon the House divided, when there appeared for the motion three against it five.

House divide.

For the motion—

Against the motion—

The Solicitor General  
Mr. Kent  
— Butler.

Mr. Nugent  
— Winsor  
— Moore  
— Dwyer  
— Godfrey.

Negatived.

So it passed in the negative.

Bill to amend nuisance act read 2d time.

Pursuant to order a bill to amend an act passed in the third year of his late Majesty entitled "An act for the more speedy abatement of nuisances," was read a second time.

Referred to committee of whole.

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

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

Notice of bill to incorporate Benevolent Irish Society.

Notice by Mr. Doyle for an early day, of a bill to incorporate the officers and members of the Benevolent Irish Society.

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

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## SATURDAY, June 22, 1839.

Report of committee appointed to present address to his Excellency.

**M**R. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 19th inst., praying for certain returns connected with civil and criminal prosecutions and gaol expenses, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply:

*Gentlemen,*

His Excellency's reply.

All the accounts to the end of March, required in this address, will, I believe, be found as vouchers in the possession of the Treasurer. Ac



counts for the current quarter will be discharged by warrants with similar vouchers, if the funds at my disposal will permit—and if not they will be transmitted for the consideration of the House of Assembly.

On the 12th October, 1837, I transmitted to the House of Assembly a copy of a despatch from the Secretary of State with a message pointing out the necessity, in consequence thereof, of provision being made by the House for printing Blue Books in blank; and on the 31st of July, 1838, I again, by message, requested the attention of the House to this subject, and transmitted an estimate of the expense of preparing a certain number of such books. As I am only supplied with three copies yearly, two of which are sent to the Secretary of State, and the third is necessarily wanted for reference by myself and the Colonial Secretary, the House will perceive that my consent to the concluding request of this address must depend upon the decision it may come to respecting the messages to which I have alluded.

*Government House,*  
22d June, 1839.

Mr. Nugent gave notice that on Monday next, he should move that an address be presented to his Excellency the Governor on the subject of his Excellency's reply.

Notice of address to his Excellency.

Pursuant to notice and leave had, Mr. Winser presented a bill to amend an act passed in the sixth year of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," and the same was read a first time.

Bill to amend Seamen's Relief Act, read 1st time

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

2d reading.

Pursuant to order, the House resolved itself into a committee of the whole on the consideration of a bill to establish a poor-house, and to make provision for the support of the poor in the district of St. John's.

House in committee on Poor-house bill

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

*Ordered,*—That the said committee have leave accordingly.

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

## MONDAY, June 24, 1839.

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

*Resolved,*—That a committee be appointed to search the Journals of H. M. Council to ascertain what proceedings have been had upon the

Resolution for committee to search Council's journals.



bill sent up from this House, entitled "An act to provide for defraying the expenses of the late delegation."

Committee.

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

Report

Mr. Winser reported from the committee that they had complied with the instructions of the House, and had taken the following extract from the said Journals ;

" 11th JUNE, 1839.

" A deputation from the House of Assembly brought up for the concurrence of this House a bill entitled " An act to provide for defraying the expenses of the late delegation to her Majesty's Government," which was read a first time.

" 14th JUNE, 1839.

" Bill above named read a second time, and ordered to be committed on Tuesday next."

House in committee on Bill to amend nuisance act.

Pursuant to order, the House resolved itself into a committee of the whole on the consideration of a bill to amend an act passed in the third year of his late Majesty, entitled " An act for the more speedy abatement of nuisances."

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

*Ordered*,—That the said committee have leave accordingly.

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

Resolution for committee to prepare municipal regulations

*Resolved*,—That a select committee be appointed to prepare a bill to make municipal regulations for the town of St. John's.

Committee.

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

Petition of Geo. Lilly and others.

Mr. Kent presented a petition from George Lilly and 35 others, inhabitants of that part of Gower-street situated between the Theatre and the residence of the late Thomas Ryall, and the same was received and read, setting forth—

That during the last session of the Legislature, petitioners joined in a petition with the residents generally on Gower-street, praying for a sum of money for the repair of said street, contemplating at the time that whatever sum of money the House might be pleased to grant for that purpose, would have been applied to the repair of said street *generally*, and not *partially*.



Petitioners therefore pray the House would be graciously pleased to grant a small sum to enable the road commissioners to extend their usefulness in the repairs of said street westward, as far as the property of the late William Branscombe.

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

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

Referred to committee on roads.

Mr. Kent presented a petition from James Tubrid and 54 others, residing in the neighbourhood of Bell's Shute, and the same was received and read, setting forth—

Petition of J. Tubrid and others.

That since the alteration of the Fresh Water road, a much greater quantity of water has run down in the neighbourhood of Bell's Shute than formerly, to the great annoyance of your petitioners.

That as Bell's Shute is such a very useful place for the public to obtain water, every care should be taken of it.

That in order to remove the injury complained of, it is necessary that a public drain be made through Mr. Pitts' ground, and down Mrs. M'Calman's lane to the main drain in Water-street, near the premises of Messrs. Baine, Johnston & Co. The said drain to be at least 2 feet 6 inches square, built with stone.

That nothing less than the above drain would do to carry off the large quantity of water, after heavy showers of rain, as the experience of the few past weeks amply prove, by the water tearing up the street leading to M'Bride's Cove, and filling every cellar in the neighbourhood with water, to the great loss and injury of petitioners.

That your petitioners have obtained from Mr. Haddon the measurement and probable expense of the above drain, the amount of which is enclosed.

Your petitioners humbly hope that your honorable House would be pleased to grant the prayer of your petitioners by granting the amount of the estimate, to carry the above work into immediate operation.

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

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

Referred to committee on roads.

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

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**TUESDAY, June 25, 1839.**

**M**R. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, enclosing a petition from John Fleming, praying for admission into the Hospital.

Petition of J. Fleming



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

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Winser,

*Resolved*,—That an address be presented to his Excellency the Governor, in reply to his Excellency's answer to the address of this House of the 19th inst. praying for copies of the Blue Book.

Draft of address to his Excellency read.

Mr. Nugent then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

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

May it please your Excellency,

Upon considering your Excellency's observations in declining to order that a copy of the Blue Book for 1837, and also for 1838, be laid before the House of Assembly, it appears to the House of Assembly that your Excellency refers the House to the despatch of Lord Glenelg, dated 8th August, 1837.

In that despatch, may it please your Excellency, the Right Hon. Secretary informs your Excellency of his reasons for not increasing the number of copies beyond three; and expressly mentions that he has desired "that the triplicate copy" should be laid "before the Colonial Assembly of each Legislative Colony."

It is for this reason, and to avoid a very heavy, and what would, under such circumstances, appear an unnecessary expense, that the Assembly pray your Excellency to order, that in compliance with the terms of the said despatch of her Majesty's Principal Secretary of State for the Colonies, the triplicate copy of the Blue Book, retained for the use of the Colony, be laid before the House of Assembly.

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

Adopted—

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

Committee.

*Ordered*,—That Mr. Nugent and Mr. Winser do form a committee to present the same.

Petition of J. Westcott.

Mr. Kent presented a petition from John Westcott, of St. John's, Clock-maker, and stated in his place that his Excellency the Governor sanctioned the presentation of the same, and the said petition was received and read, setting forth—

That your memorialist has been for many years a resident in this town, carrying on the business of clock and watch maker, and that his workshop is nearly in the centre, being part of the Post Office Building.



That your memorialist has long observed and felt the inconvenience to which the people of this town, as well as strangers arriving here, have been subjected from there not being a town clock, to which they might have access, either to ascertain the time of the day, or to enable them to set or regulate their watches. That with a view to afford accommodation to the public, as well as to relieve himself from being obliged to answer the constantly reiterated enquiries for the hour of the day, your memorialist has been induced, some time since, and at considerable expense and trouble, to contrive and adapt, a new train of wheels and movement to his clock, to project the wheel arbour through the exterior wall of his house, and to fix a dial and index in front, on Water Street, in the most populous part of the town, whereby all those advantages are enjoyed by the public which are afforded by a town clock.

That as the expense consequent upon this undertaking, as also the cost of keeping it in good repair, is greater than your memorialist can conveniently bear, having a large family to provide for, he therefore humbly submits his case for the favourable consideration of your honorable House, and prays that he may be granted such suitable and reasonable reward as to your honorable House shall seem meet.

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

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

Petition:

Referred to committee of supply.

Pursuant to notice and leave had, Mr. Doyle presented a bill to incorporate the officers and members of the Benevolent Irish Society, and the same was read a first time.

Bill to incorporate Benevolent Irish Society, read 1st time,

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

2d reading.

Notice by Mr. Nugent for to-morrow, of a motion for leave to bring in a bill to regulate the empannelling of Juries.

Notice of bill to regulate empannelling Juries.

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

## WEDNESDAY, June 26, 1839.

**P**URSUANT to notice and leave had, Mr. Nugent presented a bill to regulate the mode of empannelling Juries, and the same was read a first time.

Bill to regulate empannelling Juries read first time.

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

2d reading.

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

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

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 21st inst., praying for a return of the number and tonnage of vessels



Reports of committees appointed to present addresses to his Excellency—His Excellency's replies.

entering the Ports of St. John's and Conception Bay for the past year, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply :

*Gentlemen,*

I will direct the Collector of the Customs to furnish the returns mentioned in this address.

Mr. Winsor, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 21st inst., praying for a return of the amount and appropriation of casual and territorial revenue, for the past year, reported that they had waited on his Excellency accordingly, and that his Excellency was pleased to make the following reply :

*Gentlemen,*

I will direct returns to be made of the description requested in this address, for the year ending 31st March last.

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 21st inst., praying his Excellency to direct the opinion of the Judges of the Supreme Court on the act for the encouragement of education in this Colony, to be laid before the House, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply to the same as follows :

*Gentlemen,*

Having carefully considered the request made to me in this address, I am of opinion that I cannot with propriety ask the Judges to report upon a matter which may by possibility be brought judicially before them for their decision.

Petition of A. Hogsett and others.

Mr. Kent presented a petition from Aaron Hogsett and 15 others, inhabitants of St. John's, and the same was received and read, setting forth—

That petitioners are the owners of farms on the road leading from Perkins' fence, on the Barrens, to the Fresh Water road : and praying for a grant for repairing the same.

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

Referred to committee on roads.

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

Notice of Addresses to his Excellency.

Mr. Winsor gave notice that to-morrow he would move that an address be presented to his Excellency the Governor, praying for a return of certain warrants issued by his Excellency, and for a return of the expenditure of the sum of eighty pounds by the Commissioners of the Fort Amherst Light House, of the expenditure of the sum of sixty pounds by the Commissioners for Cape Spear Light House, and of the expenditure of



the sum of one hundred and eighty pounds by the Commissioners of Harbor Grace Light House.

Mr. Nugent gave notice that to-morrow he would move that an address be presented to his Excellency the Governor, praying for a return of certain documents connected with the proprietary of the St. John's Hospital and Charity School—for a return of the receipts and payments of the St. John's Fire Companies for the years 1834-5-6-7-8—and for a return of the valuations of lands and tenements in St. John's, made by the said Companies.

Notice of address to his Excellency.

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

**THURSDAY, June 27, 1839.**

MR. Brown, from the Committee appointed to appropriate the sum of five hundred pounds voted during the last session towards defraying the expenses of the late delegation, reported that the committee had complied with the instructions of the House, and he handed an account of the expenditure of the said sum in at the Clerk's table, where it was read as follows:

Report of committee for disbursing grant to defray delegation expenses

*Statement of the Disbursement of Five Hundred Pounds placed at the disposal of the undermentioned Committee to defray the expenses of the Delegation to England to treat with Her Majesty's Government on the Fisheries, Agriculture, and the Administration of Justice:—*

Paid the Hon. the Speaker . . . . .	£150
— John V. Nugent, Esq. . . . .	150
— Patrick Morris, Esq., . . . . .	150
— Passages for ditto . . . . .	36

Currency £486

	Sterling	£421
Interest from 20th November . . . . .		15 15 9
Paid J. V. Nugent's order, balance in hands per bill of particulars hereto attached. . . . .		63 4 3
		£500 0 0

E. E.

PETER BROWN,  
H. A. EMERSON,  
PETER WINSER,

} Committee for disbursing grant for the expense of the late Delegation.

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Moore,

*Resolved*,—That an address be presented to his Excellency the Governor requesting that his Excellency will be pleased to order to be laid before the House a return of all grants and other documents connected with the proprietary of the St. John's Hospital—a return of all grants

Resolutions for addresses to his Excellency.



connected with the proprietary of the St. John's Charity School—an account of the receipts and disbursements of the several fire companies of St. John's, for the years 1834-5-6-7-8—and a detailed statement of the several valuations of lands and tenements made by order of said companies.

Draft of address to his Excellency read.

Mr. Nugent then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

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

May it please your Excellency,

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

A return of copies of all grants and other documents connected with the proprietary of the public Hospital at River-head, from the period of its institution.

A return of copies of all grants and other documents connected with the proprietary of the St. John's Charity School, from its institution.

A detailed account of the receipts and disbursements of the several fire companies of St. John's, for the years 1834-5-6-7-8.

A detailed statement of the several valuations of lands and tenements made by order of the respective fire companies of St. John's.

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

Adopted—

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

Committee.

*Ordered*,—That Mr. Nugent and Mr. Dwyer do form a committee to present the same.

The Solicitor General moved, seconded by Mr. Kent,

Motion for committal of Academy bill.

That the House do resolve itself into a committee of the whole on the consideration of a bill to establish an academy in this Island.

House divide.

Whereon the House divided, when there appeared for the motion, four, against it six.

For the motion—

Against the motion—

The Solicitor General

Mr. Winsor.

Mr. Nugent

— Dwyer

— Butler

— Doyle

— Kent.

— Moore

— Godfrey

— Brown.

Negatived.

So it passed in the negative.



Mr. Brown moved, seconded by Mr. Godfrey, that it be

Further motion for com-  
mittal of Academy bill.

*Resolved*,—That the said bill be committed to a committee of the whole House this day fortnight.

Whereon the House divided, when there appeared for the motion, six, *House divide.* against it four.

For the motion—                      Against the motion—

Mr. Winser.  
— Dwyer  
— Doyle  
— Moore  
— Godfrey  
— Brown.

The Solicitor General.  
Mr. Nugent  
— Butler  
— Kent.

So it passed in the affirmative.

*Carried.*

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

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## FRIDAY, June 28, 1839.

**M**R. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, transmitting certain returns prayed for in the address of the House of the 21st inst.—viz.

Communication from the  
Colonial Secretary trans-  
mitting documents.

A return of the number and tonnage of coasting vessels entering the ports Conception Bay within the current year.

A similar return for the port of St. John's.

Returns of the number and tonnage of merchant vessels that entered the ports of Conception Bay and St. John's, in the current year, such returns specifying the vessels that entered twice that period.

A return of the amount and appropriation of fines levied under Imperial acts in the year ending 31st March, 1839.

A copy of the Crown Rent account for the same period.

*Ordered*,—That the said documents do lie on the table.—See *Appendix*.

On motion, pursuant to notice, of Mr. Winser, seconded by Mr. Dwyer,

*Resolved*,—That an address be presented to his Excellency the Governor, requesting that his Excellency will be pleased to direct the Treasurer to furnish the House of Assembly with all warrants issued from his Excellency to the Treasurer to pay sums of money, from the 1st April 1837, to 31st March, 1839, inclusive.



Draft of address to  
his Excellency read.

Mr. Winser then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to direct the Treasurer to furnish the committee of audit of the House of Assembly with all the warrants issued by your Excellency to the Treasurer, to pay sums of money, from the 1st April, 1837, to the 31st March, 1838, inclusive.

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

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

Adopted—

*Ordered*,—That Mr. Winser and Mr. Dwyer do form a committee to present the same.

Committee.

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

*Resolved*,—That a copy of the report of the committee appointed to appropriate the sum of £500 towards defraying the expense of the late delegation, be sent up to her Majesty's Council.

Copy of the report of the  
Committee for disbursing  
grant for the expense  
of the late Delegation,  
to be sent to Council.

*Ordered*,—That Mr. Brown and Mr. Doyle do form a committee to carry up the same.

Committee.

Pursuant to order, the following bills were read a second time—

A bill to regulate the mode of empannelling juries.

Bill to regulate empan-  
nelling Juries—  
and

Bill to amend Seamen's  
Relief Act, read 2d time.

A bill to repeal part of an act passed in the 6th year of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons."

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

*Resolved*,—That the bill to regulate the mode of empannelling Juries be committed to a committee of the whole House on Tuesday next.

To be committed.

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

*Resolved*,—That the said bill to repeal part of an act passed in the 6th year of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," be committed to a committee of the whole House on Monday next.



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

## MONDAY, July 1, 1839.

**M**R. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 25th inst., relative to copies of the Blue Book for 1837-8, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply :

Report of committee appointed to present address to his Excellency

*Gentlemen,*

His Excellency's reply

I have already fully explained to the House of Assembly the reason why it is necessary to provide Blue Books in Blank for the use of the Legislature.

It is my desire regularly to supply a copy of this book to each of the deliberative branches, but great inconvenience would arise from the original being removed from the office of the Colonial Secretary.

This circumstance may well have escaped the consideration of the Secretary of State, in the multiplicity of his avocations ; and I have not hitherto thought it requisite to trouble his Lordship further on the subject since the receipt of the despatch to which allusion is made in this address.

*Government House,*  
29th June, 1839.

Pursuant to order, the House resolved itself into a committee of the whole on the consideration of the bill to repeal part of an act passed in the 6th year of his late Majesty, entitled " An act for the relief of sick and disabled seamen, fishermen and other persons."

House in committee of Bill to amend seamen's relief act.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Butler reported from the committee that they had gone through the said bill and had made some amendments therein ; and he handed the said bill with the amendments in at the Clerk's table.

Report.

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

Amendments read and agreed to

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

Engrossed, 3d reading.



Petition of W. Calver  
and others.

Mr. Kent presented a petition from William Calver and 80 others, inhabitants of St. John's, and the same was received and read, setting forth—

That petitioners are the owners of farms situated in the direction of the road leading from the Military road by Fort Townshend to the New-town road, and praying for a grant for the repairs of the said road.

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

Referred to committee  
on roads.

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

Petition of J. M'Grath  
and others.

Mr. Nugent presented a petition from James M'Grath, and 28 others, inhabitants of St. John's, and the same was received and read, praying for a grant for the road from the Orphan School to Upper Long Pond.

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

Referred to committee  
on roads.

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

Notices of Addresses to  
his Excellency.

Mr. Winsor gave notice that to-morrow he would move that an address be presented to his Excellency the Governor, praying for certain accounts connected with the expenditure of the Commissioners for Cape Spear and Harbor Grace Light Houses.

Mr. Nugent gave notice that to-morrow he would move that an address be presented to his Excellency the Governor, praying for returns of the number and tonnage of all merchant vessels entering the Ports of St. John's and Conception Bay, for the years 1838-9—and the number and tonnage of all coasting and fishing vessels that sailed under a general coasting and fishing clearance during the same period.

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

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## TUESDAY, July 2, 1839.

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

**M**R. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 27th inst., reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply to the same as follows:

His Excellency's reply

*Gentlemen,*

The Hospital at River-head is by grant of the Crown made over to trustees, for the use of patients under the act 6 W. 4, cap. 1.

The Charity School is also held under a grant made by the Crown to trustees, for the purpose affording the means of education to the poor.—Copies of these Grants shall be supplied.



I have no authority under the act 3d W. 4, cap. 3, to demand the accounts mentioned in this address ; but I will make known to the Secretary of the fire Companies the wishes of the House of Assembly on the subject.

Government House,  
2d July, 1839.

Mr. Winsor, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 28th inst., reported that they had waited on his Excellency accordingly, and that his Excellency was pleased to make the following reply :

*Gentlemen,*

I will direct the Treasurer to produce all warrants which he has received from me since the last audit of his accounts by the House of Assembly.

On motion, pursuant to notice, of Mr. Winsor, seconded by Mr. Dwyer,

*Resolved*,—That an address be presented to his Excellency the Governor, requesting that his Excellency will be pleased to order the Commissioners of Cape Spear and Harbor Grace Light Houses respectively to lay before the House detailed accounts of the expenditure of all sums received from the Treasurer for the use of the respective Lights, from the commencement of their appointments to the 30th June, 1839.

Mr. Winsor then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to direct the Commissioners of Cape Spear and Harbor Grace Light Houses respectively to lay before the House of Assembly detailed accounts of the expenditure of all sums of money received from the Treasurer for the use of the respective lights, from the commencement of their appointment to the 30th June, 1839.

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

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

*Ordered*,—That Mr. Winsor and Mr. Dwyer do form a committee to present the same.

Report of committee appointed to present address to his Excellency

His Excellency's reply

Draft of address to his Excellency read.

Adopted—

Committee.



Message from his Excellency.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy laid before the House, by command of his Excellency, the following documents—

No. 1. Order in Council approving certain acts of the Colonial Legislature.

2. Returns of the distribution for the relief of the poor in Harbor Grace and its vicinity.

3. Extract from instructions from the Naval Commander-in-Chief to the Captain of the *Cleopatra*, relative to the protection of the fisheries.

4. Returns of Civil and Criminal suits had before Magistrates at Trinity, Bay Bulls, Brigus and St. John's, for the year ending 1st June, 1839.

5. Hospital accounts for the year ending 31st May, 1839.

6. A circular from the Secretary for the Colonies, relative to steam navigation.

The said documents were then read by the Clerk.—See *Appendix*.

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

House in committee on Bill to regulate empannelling Juries—

Agreeably to the order of the day, the House resolved itself into a committee of the whole on the consideration of a bill to regulate the mode of empannelling juries.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

*Ordered*,—That the said committee have leave accordingly.

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

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WEDNESDAY, July 3, 1839.

ON motion of Mr. Winsor, seconded Mr. Moore,

House in committee on Bill to amend seamen's relief act.

The House resolved itself into a committee of the whole on the consideration of the bill to repeal part of an act passed in the 6th year of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons."



Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Butler reported from the committee that they had gone through the said bill and had made some amendments therein; and he handed the said bill with the amendments in at the Clerk's table.

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

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

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

An engrossed bill to repeal part of an act passed in the 6th year of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," was read a third time,—whereon,

*Resolved*,—That the said bill do now pass, and that its title be—"An act to repeal part of an act passed in the 6th year of the reign of his late Majesty, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," and to authorise the appropriation of monies collected under the said act."

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

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

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## THURSDAY, July 4, 1839.

AT forty minutes past 12 o'clock, there being present, Mr. Speaker, Mr. Winser, Mr. Dwyer, Mr. Moore, and Mr. Butler, Mr. Speaker adjourned the House for want of a quorum.

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## FRIDAY, July 5, 1839.

MR. Winser, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 2d inst., praying for certain returns connected with the expenditure of Cape Spear and Harbor Grace Light-houses, reported that they had waited on his Excellency accordingly, and that

Report.

Amendments read and agreed to

Engrossed.

3d reading.

Passed.  
Title.

Sent to Council.

No Quorum.

Report of committee appointed to present address to his Excellency



his Excellency had been pleased to reply to the same as follows:

His Excellency's reply

*Gentlemen,*

I will call upon the commissioners to furnish such accounts as have not yet been laid before the House of Assembly.

Bill to incorporate Benevolent Irish Society, read 2d time,

On motion of Mr. Doyle a bill to incorporate the Benevolent Irish Society was read a second time.

To be committed.

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

Bill to prevent fraud in the sale of certain articles read 1st time,

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

2d reading.

Pursuant to notice and leave had, Mr. Winsor presented a bill to prevent fraud in the sale of certain articles imported into this Colony, and the same was read a first time.

Notice of bill to establish a post office.

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

Notice by Mr. Moore for an early day, of motion for leave to bring in a bill to establish a general Post-Office in this colony.

Notice of bill to encourage killing of wolves.

Notice by Mr. Nugent for Wednesday next, of motion for leave to bring in a bill to encourage the killing of wolves in this Island.

Notice of bill to re-appropriate sum for encouragement of steam navigation.

Notice by the Solicitor General for an early day, of motion for leave to bring in a bill to re-appropriate the sum of five hundred pounds granted for the encouragement of steam navigation between this port and Great Britain, and to appropriate the same to the establishing a communication by steam between the ports of St. John's and Halifax, in Nova Scotia.

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

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## MONDAY, July 8, 1839.

House in committee on Bill to incorporate Benevolent Irish Society

**P**URSUANT to order, the House resolved itself into a committee of the whole on the consideration of a bill to incorporate the Benevolent Irish Society.

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; and he handed the said bill with the amendment in at the Clerk's table.



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

Amendment read and agreed to.

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

Engrossed.

Mr. Nugent presented a petition from Denis Hanlan and 55 others, and the same was received and read, setting forth—

Petition of D. Hanlan and others.

That the sum granted in the last session of the General Assembly for repairing the road from Portugal Cove to Westward Point, is insufficient for that purpose, and praying for a further grant for the same.

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

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

Referred to committee on roads.

Pursuant to order, 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 the sale of certain articles read 2d time

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

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

To be committed.

Mr. Godfrey gave notice that to-morrow he should move that a committee be appointed to consider the propriety of a survey of the line of road running directly between Salmon Cove and Holyrood, and of the line between those places by way of Harbor Main and Chapels Cove.

Notice of motion for Committee to survey lines of road between Chapels Cove & Holyrood

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

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## TUESDAY, July 9, 1839.

**M**R. Speaker informed the House that he had received a communication from the Colonial Secretary, transmitting a letter from James Clift, in reference to returns connected with the accounts of the fire companies of St. John's, prayed for in the address of the House of the 27th ult.

Communication from the Colonial Secretary transmitting letter from James Clift.

The said communication was then read by the Clerk.—See *Appendix*.

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



Message from H. M. Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council request a conference with the House of Assembly, on the subject matter of the bill entitled "An act to provide for defraying the expenses of the late delegation to her Majesty's Government," and of the statement sent to the Council of the expenditure of the sum of five hundred pounds already voted towards defraying the expenses of the said delegation,—and have appointed conferrees to meet the managers of the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
9th July, 1839.

And then the messenger withdrew.

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

Conference agreed to.

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted there of.

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

Managers named.

*Ordered*,—That Mr. Brown, Mr. Winsor, Mr. Nugent, and the Solicitor General be a committee to manage the same.

Conference held.

And their names having been called over, they went to the conference—and being returned,

Report.

Mr. Brown reported that they had been at the Conference, and he handed the report of the same in at the Clerk's table, where it was read as follows:

Her Majesty's Council have sought this conference with the House of Assembly on the subject matter of their message of the 28th ult., for the purpose of acquainting the said House that in the statement which accompanied their message of the above date, there is an error against the colony of thirty-one pounds sterling—the House of Assembly having charged four hundred and fifty pounds currency, as equal to four hundred and twenty-one pounds sterling, instead of three hundred and ninety pounds.

Her Majesty's Council also observe, in the said statement, the sum of fifteen pounds fifteen shillings and nine pence, charged for interest, without any rate or defined period being specified, to enable the Council to judge of the correctness or otherwise of that item charged against the Colony.

Her Majesty's Council therefore request the House of Assembly will furnish them with an amended statement of the disbursement of the sum



of five hundred pounds granted under the Act 2d Vict., chap. 1; and also with a copy of the Report made by the Delegates to the said House.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
9th July, 1839.

Mr. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, enclosing a petition from John Fleming, praying for admission into the Hospital; and stating that a similar petition had before been laid before the House, and that the apparent urgency of the case had induced his Excellency to bring it again under their consideration.

Petition of J. Fleming

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

On motion, pursuant to notice, of Mr. Godfrey, seconded by Mr. Winser,

*Resolved*,—That a committee be appointed to consider the propriety of directing a survey of the various lines of road between Salmon Cove and Holyrood.

Committee to survey  
lines of road between  
Salmon Cove & Holyrood

*Ordered*,—That Mr. Godfrey, Mr. Dwyer, Mr. Winser, Mr. Brown and Mr. Kent do form the said committee.

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Godfrey,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to direct to be laid before the House, returns of the No. of tonnage and No. of the crew of all vessels that entered the ports of St. John's and of Conception Bay (other than coasting and fishing vessels) during the year ended the 30th June, 1839; and also of the number and tonnage of all coasting and fishing vessels that sailed from the said ports on a general coasting or fishing clearance, for the same period.

Mr. Nugent then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows:—

Draft of address to  
his Excellency read.

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to direct a return of the No. of tonnage and No. of the crew of all vessels that entered the ports of St. John's, and of Conception Bay, (other than coasting and fishing vessels) during the year ending thirtieth June, 1839; and also of the number and tonnage of all coasting and fishing vessels that sailed from the said ports on a general coasting or fishing clearance, for the same period, to be laid before the House.



Adopted—

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

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

Committee.

*Ordered*,—That Mr. Nugent and Mr. Godfrey do form a committee to present the same.

House in committee on  
Bill to prevent fraud in  
the sale of certain articles

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

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and  
agreed to

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

Engrossed.  
3d reading.

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

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

## WEDNESDAY, July 10, 1839.

**O**N motion of Mr. Nugent,

House in committee on  
Bill to regulate empan-  
nelling Juries—

The House resolved itself into a committee of the whole on the consideration of a bill to regulate the mode of empannelling of Juries.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and  
agreed to

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

3d reading.  
Engrossed,

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



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

## THURSDAY, July 11, 1839.

**M**R. Godfrey presented a petition from John Quirk and others, inhabitants of Quidi Vidi, and the same was received and read, setting forth—

Petition of John Quirk and others.

That the road lately opened to Quidi Vidi through Forest lane is impracticable for carts, and praying for a grant to assist in repairing the same.

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

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

Referred to committee on roads.

Agreeably to order, a bill to incorporate the Benevolent Irish Society, was read a third time—whereon,

Bill to incorporate Benevolent Irish Society, read 3d time.

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

*Resolved*,—That the said bill do now pass, and that its title be—  
“An act for incorporating the Benevolent Irish Society.”

Passed.  
Title.

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

Sent to Council.

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

Bill to prevent fraud in the sale of certain articles read 3d time.

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

*Resolved*,—That the said bill do now pass, and that its title be—  
“An act to prevent fraud in the sale of certain articles imported into this Colony.”

Passed.  
Title.

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

Sent to Council.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the consideration of a bill to establish an academy in this Island.

House in committee on Academy Bill.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the matter to them referred, and had directed him to ask for leave to sit again on Monday next.

Report.



*Ordered*,—That the said committee have leave accordingly.

Order of House rescinded.

Notice by Mr. Brown for to-morrow of motion that the order of this House that the bill for incorporating the Benevolent Irish Society be sent to her Majesty's Council, be rescinded.

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

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## FRIDAY, July 12, 1839.

Bill to regulate empannelling Juries read third time.

**P**URSUANT to order, a bill to regulate the manner of empannelling Juries, was read a third time, whereon,

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

Passed.  
Title.

*Resolved*,—That the said bill do now pass, and that its title be—  
“An act to regulate the mode of empannelling Juries in the Supreme and Central Circuit Courts of this Island.”

Sent to Council.

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

Message from his Excellency.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

He further presented, by command of his Excellency, the following documents :—

No. 1. A petition from Robert Fry, praying for admission into the Hospital.

2. A letter from the commissioners of roads between Holyrood and Carbonear, requesting payment of a balance of £16 12s. 0½d. due to them.

3. A report of the progress of the work at the entrance of Quill Vidi.

4. A communication from the police magistrates of St. John's on the subject of the deficiency in the License Fund.

5. Memorial of James Finlay, Chief Constable of St. John's, praying for an increase of salary.

6. Hospital account for the month of June last.

7. Returns of Civil and Criminal suits had before the magistrates Harbor Grace, for the year ending 30th June, 1839.



The said messages were then read by Mr. Speaker, (all the members being uncovered,) and are as follow :

Messages read.

## MESSAGE.

*H. PRESCOTT.*

The Governor transmits to the House of Assembly the petition of Robert Fry, another applicant for admission into the Hospital, and again requests the attention of the House to the necessity of making immediate provision for the relief of similar sufferers.

## MESSAGE.

*H. PRESCOTT.*

The Governor transmits to the House of Assembly a letter from the commissioners of Roads and Bridges from Carbonear to Holyrood, and again recommends to the House to make provision for the payment of the balance of £14 3s. 11d. due to these commissioners.

The petition from James Finlay having been read, setting forth—

Petition of J. Finlay.

That memorialist was appointed in April, 1836, to the office of High Constable for the Central district of this Island.

That memorialist has performed the duties of his said office with firmness and assiduity, and trusts to the perfect satisfaction of the public, as well as the worshipful the police magistrates, under whose special direction memorialist has been more immediately placed.

That on the day of memorialist's appointment, the Legislature closed its session, and your Excellency was pleased to assent to the payment of eighty pounds to memorialist as a salary for that year's services.

That there are no fees, perquisites or emoluments whatsoever attached to memorialist's said office of High Constable, other than his salary, notwithstanding the duties are arduous and complicated.

That memorialist's predecessor held conjointly, for a series of years, the offices of High Constable and Assayer of Weights and Measures; also, the privilege of executing process issued out of the superior Courts, as well as that emanating from the Court of Sessions, which privilege was, by an arrangement of your Excellency's predecessor, Sir T. J. Cochrane, confined to the Sheriff's Officers and Police Constables.

That by the establishment of a Local Legislature, various laws have been enacted which require the most active exertions on the part of memorialist, (more especially in the present very limited state of the constabulary) to carry the laws into effect.

Memorialist therefore humbly prays your Excellency would be graciously pleased to take the premises into consideration, and recommend the same to the hon. the House of Assembly, for such increase of salary as to them shall seem meet.





## NEWFOUNDLAND.

Central District, }  
St. John's to wit. }

We the undersigned Police Magistrates for the Central District of Newfoundland, do hereby certify that the statements made by Mr. James Finlay, High Constable of the district aforesaid, in a memorial to his Excellency the Governor, are just and true, and that he has faithfully discharged his duty from the date of taking office to this period.

Police Office, }  
June 27, 1839. }

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

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

Referred to committee  
of supply.

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

The other documents accompanying his Excellency's message were then read by the Clerk.—See *Appendix*.

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

*Ordered*,—That the said documents Nos. 2 and 3 be referred to the committee on roads.

Petition of W. Faulkner  
and others.

Mr. Kent presented a petition from William Faulkner and 25 others, inhabitants of St. John's, and the same was received and read, setting forth—

That since the alteration of the road in Gower street, leading from the Church to Fresh Water, it has become very dangerous, and it is absolutely necessary that a retaining wall should be built for the protection of the public—and praying that the House will vote a sum of money for such purpose.

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

Referred to committee  
on roads.

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

Petition of John Rochfort,  
Samuel Carson and  
Michael O'Dwyer.

Mr. Kent presented a petition from John Rochfort, Samuel Carson, and Michael O'Dwyer, District Surgeons for St. John's, and the same was received, and read, setting forth—

That by the Colonial act 2 Victoria, chap. 10, a sum of seven hundred and fifty pounds was placed at the disposal of the Executive for distribution by nine commissioners therein named, in relief of the poor of the district of St. John's.

That the Legislature, anxious to render the benefits of the same as extensive and effectual as possible, by a union of professional talent in time of sickness, with a preservation of that confidence in the Medical Adviser ever essential if not indispensable for the successful treatment of disease,

Provided, that four medical practitioners, resident in the district, be appointed by his Excellency the Governor, to be and act as District Surgeons."



That his Excellency, in execution of said provision, appointed your memorialists to be and act as District Surgeons, the performance of which arduous and responsible duties memorialists commenced on the first day of November, and continued to discharge the same both in and out of Hospital, up to the first of February last, and were then informed by a communication addressed to them by the commissioners, to the effect, that they (the commissioners) had concurred with the Directors of the sick and disabled seamen's Hospital, elected agreeably to the Local Act of the 6th Wm. 4th, cap. 1, in an arrangement by which the duties of the District Surgeons would be performed in future in the Hospital by the Surgeon of the sick and disabled seamen's Hospital. And that the duties of memorialists, as District Surgeons, would be limited to the extern sick poor of the district. That all the paupers then in hospital, as well as those who would be afterwards sent in, would be placed under the professional care of one surgeon; in short, that the sick poor would be deprived of the contemplated advantage arising from the united aid and service of four medical attendants.

That on receipt of this communication, memorialists addressed his Excellency on the subject, complaining of this interruption in the regular discharge of duties which memorialists were bound to perform to the sick poor, and were informed by his Excellency that the Saint John's District Hospital was made over to the directors of the sick and disabled seamen's Hospital, "subject to a stipulation" that pauper patients would be admitted by direction of the Governor, at the same rate as others; and further, that his Excellency delegated this authority to the commissioners of the poor, named by 2 Victoria, chap. 10; that his Excellency therefore conceived he had no power to interfere in any arrangements made by the directors with the commissioners.

That your memorialists feeling persuaded that the sick poor, at that particular inclement period, were much distressed, and in want of the utmost professional aid which could be afforded, and by law were entitled to the united attention and services of memorialists, again addressed the board of Commissioners in support of the rights of the poor and of the public to the St. John's District Hospital, founded upwards of thirty years ago, by public subscription, for the benefit of the sick poor, but without any effect save only reference to their former announcement of concurrence in the arrangement with the directors, as already stated; at the same time stating that they, the commissioners, would take into consideration any proposition which memorialists might suggest to establish an Hospital for the use of the sick poor of the district.

That memorialists briefly replied, that admitting the conveyance from his Excellency to the directors of the 6th W. 4th, under stipulation as stated, such conveyance could only pass in estate to them subject to that stipulation, that the directors were therefore precluded from imposing any new or other condition on the guardians or commissioners of the poor as contemplated, and that the nine commissioners named by the act 2 Vic. cap. 10, clearly possessed the right of having the sick poor admitted into the St. John's District hospital, and there attended by four district surgeons, in other words, that the sick poor were entitled to admission and to such attendance.



Petition.

Memorialists concluded by entreating the commissioners of the poor possessing as they must have done when named by the Legislature in the act 2 Vic. cap. 10, the confidence of the public, to guard the rights of the public, and of the sick poor on the present occasion,—to all which correspondence with the commissioners Memorialists would respectfully refer. Your Memorialists, in submitting this statement to the consideration of your honorable House, conceive that they but discharge a duty due to the public, as memorialists could never understand by what right the commissioners could concur with the directors, to disentitle the sick poor of the district to the united services of four district surgeons agreeably to the provisions of the act by which they were appointed commissioners, or by what right the directors of the sick and disabled seamen's hospital, having obtained a conditional transfer, could have that condition again conditionally remitted by the commissioners, as in the arrangement to have the sick poor attended when in Hospital but by one surgeon instead of four, and that one person appointed, not by the Governor or under the direction of the commissioners of the poor, but by the directors of the sick and disabled seamen's hospital.

Your memorialists humbly pray the attention of your honorable House to the nature of this transfer of the District Hospital, without an equivalent, and to the fact,

That in this district, the capital of the Island, and containing a population of upwards of fifteen thousand inhabitants, and trading with many foreign parts of the globe, by which the facilities of importing diseases of various sorts are rendered very possible, there exists at this very moment no public hospital, or place suited for the reception of any sick servant, or any poor person, and of the necessity of such an institution, only a merciful Providence alone can judge; your memorialists would therefore humbly submit the expediency of making some speedy provision for these necessities now rendered so urgent and absolute by the proceedings detailed in *this Memorial* with such other reliefs to the public as to your honorable House in its wisdom may seem meet.

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

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

*Ordered*,—That the said petition be printed for the use of members.

Report of committee appointed to present address to his Excellency.

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 9th inst., reported that they had waited on his Excellency with the said address, and that his Excellency had been pleased to reply thereto as follows:

His Excellency's reply.

*Gentlemen*—

I will direct the collector to furnish the returns requested in this address.



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

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**SATURDAY, July 13, 1839.**

**P**URSUANT to notice and leave had, Mr. Nugent presented a bill to encourage the killing of wolves in this Island, and the same was read a first time.

Bill to encourage killing of wolves, read 1st time

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

2d reading.

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

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**MONDAY, July 15, 1839.**

**M**R. Kent presented a petition from the ladies composing the Indigent Sick Society, and he stated in his place that his Excellency the Governor sanctioned the presentation of the same; and the said petition was received and read, setting forth—

Petition of ladies of Indigent Sick Society.

That your memorialists are ladies who have formed themselves into a society for the relief the destitute sick.

That their benevolence is not circumscribed by any distinction of country or creed—sickness and want being the only recommendation required to insure their assistance.

That the members of this society have, during the past winter, afforded relief to 700 persons; and they have reason to believe that under Divine Providence, they have been the means of limiting the ravages of the Typhus, which assumed so formidable an aspect during the fall of the past year.

That the funds of the society being nearly exhausted, they will have no other means of continuing their exertions for the relief the poor but such as may be afforded them by your honorable House; they therefore hope that you will extend your assistance to a society whose object is not only calculated to carry succour to the sick bed of the poor, but in a great measure to conduce to the health of all classes of this town, and thereby earn what must be dear to all lovers of philanthropy, the blessing of the poor, and the good wishes of society.

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

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

Referred to committee of supply.



Mr. Brown, pursuant to notice, moved, seconded by Mr. Morris, that it be

Order of House rescinded.

*Resolved*,—That the order of this House of the 10th inst., for carrying a bill for incorporating the Benevolent Irish Society to her Majesty's Council, be rescinded.

House divide.

Whereon the House divided, when there appeared for the motion, eight, against it, three.

For the motion—                      Against the motion—

Mr. Winser.  
— Butler  
— Doyle  
— Moore  
— Kent.  
— Godfrey  
— Brown  
— Morris.

The Solicitor General  
Mr. Nugent  
— Dwyer.

Carried.

So it passed in the affirmative.

Petition of J. Savage and others.

Mr. Kent presented a petition from John Savage and others, inhabitants of Outer Cove, and the same was received and read, praying for a grant for the completion of the road to that settlement.

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

Referred to committee on roads.

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

Notice of motion for re-committal of Benevolent Irish Society Incorporation Bill.

Mr. Morris gave notice that on Tuesday se'nnight he should move that a bill for incorporating the Benevolent Irish Society be recommitted to a committee of the whole House.

Notice of motion for printing it.

Mr. Nugent gave notice that to-morrow he should move that the said bill be printed for the use of members, and that 20 additional copies thereof be ordered.

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

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## TUESDAY, July 16, 1839.

**M**R. Brown moved, seconded by Mr. Kent, that it be

Resolution for sending message to H. M. Council requesting conference on delegation bill, moved

*Resolved*,—That a message be sent to her Majesty's Council requesting a conference on the subject of a bill sent up from this House entitled "An act to provide for defraying the expenses of the late delegation."

House divide.

Whereon the House divided, when there appeared for the motion, four, against it four.



For the motion—

Against the motion—

Mr. Brown

— Butler

— Kent

The Solicitor General.

Mr. Winsor.

— Moore

— Godfrey

— Dwyer.

So Mr. Speaker gave his casting vote against the motion.

Negatived.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the consideration of a bill to establish an academy in this Island.

House in committee on Academy Bill.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

*Ordered,*—That the said committee have leave accordingly.

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Winsor,

*Ordered,*—That a bill for incorporating the Benevolent Irish Society be printed for the use of members, and that 20 additional copies thereof be ordered.

Mr. Nugent gave notice that to-morrow he should move the House to come to certain resolutions relative to the case of Kielley vs. Carson.

Notice of resolutions respecting case of Carson v. Kielley.

Mr. Moore gave notice that to-morrow he should move that no bill be brought into this House during the present session, after the 20th inst.

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

## WEDNESDAY, July 17, 1839.

**M**R. Brown presented a petition from Moses Goss and 240 others, inhabitants of Spaniards Bay and Bread and Cheese Cove, and the same was received and read, praying for a grant for the improvement of the road leading from the River-head at Spaniards Bay, to Bread and Cheese Cove.

Petition of M. Goss and others.

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

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

Referred to committee on roads.



Petition of James Sharp

Mr. Brown presented a petition from James Sharp, Chief Constable of Harbor Grace, and the same was received and read, setting forth—

That in the spring of 1817, petitioner had been appointed by and sworn in as Constable by Captain Toker, naval surrogate, at which time great public excitement prevailed in consequence of a scarcity of provisions in Conception Bay, and had acted in that capacity up to the present time, performing arduous duties, and receiving but a casual and trifling remuneration for the same.

That shortly after the destructive fire at Harbor Grace in Aug. 1832, petitioner had been selected by the commissioners, appointed at a special meeting (convened for that purpose) to lay out and regulate the new line of street; that duty he performed to the best of his ability, and to their entire satisfaction—they promising to see petitioner paid for his trouble, loss of time, and sundry incidental expenses—for which he had not received any compensation.

That when your honorable House had appointed commissioners to carry the above object into effect—more especially to form and make three fire-breaks—petitioner was again called on by them to do and perform every thing connected with the new line of street, in its plan and regulation; the hire of men to assist petitioner, the price of timber, as stakes for land-marks, and other expenses, were defrayed by petitioner, at a time when he could ill afford anything of the kind.

That in 1835, he had been appointed (by his Excellency Governor Prescott) Chief Constable for Conception Bay, in the room of Mr. Wm. Martin, sen., who had then been superannuated; but for three years previously petitioner performed every duty and function peculiar to that office in consequence of Mr. Martin's ill state of health and infirmities.

That when petitioner was appointed by the Court of Sessions as surveyor of statute labour, he had several difficulties to encounter, and which had been attended with a further expense, which he had to defray.

That petitioner attended the Chief Magistrate in holding Courts of Revision at Upper Island Cove, Bread and Cheese Cove, and Northward Cove, and had to make out an alphabetical list of persons competent to vote at elections at these places, and from thence to Musquito, placing such lists for inspection at the respective places of public worship for three sundays following.

That keeping the streets clear of filth, obstructions and other nuisances is also a duty which petitioner is required to perform; and as complaints are often made to the magistrates of obstructions, encroachments, &c. being put in several back roads and lanes in Harbor Grace and its vicinity, petitioner is always ordered by the magistrates to proceed to such places and cause the same to be removed.

That petitioner considers his annual salary too low, and inadequate to meet the expenses which occur in the execution of his duty throughout the year, and therefore humbly prays your honorable House to grant an increase of the same.

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

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

Referred to committee of supply.



On motion of Mr. Nugent, a bill to encourage the killing of wolves in this Island, was read a second time.

Bill to encourage killing of wolves, read 2d time

*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 on the consideration of the said bill.

On motion, pursuant to notice, of Mr. Nugent, seconded by Mr. Brown,

*Resolved*,—That a committee be appointed to sit on privilege, with power to send for persons and papers.

Resolution for committee on privilege

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

Committee

Mr. Nugent, from the committee appointed in the first session of the present Assembly, to proceed to England to treat with her Majesty's Government on subjects connected with the affairs of the colony, gave notice that on Friday next he should move that the report of the said committee be received, and he laid before the House the following papers connected with the same:

Notice of Delegation Report

No. 1. Case and Charges of the Assembly in Re-Chief Justice Boulton.

2. Case and Answer of Mr. Boulton, in answer thereto.

3. Report of Mr. Boulton's Trial in the Privy Council.

4. Correspondence with the Government on the general affairs of Newfoundland.

5. Correspondence relative to Mr. Boulton's case.

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

*Ordered*,—That the said documents be placed in the hands of Mr. Nugent for arrangement, till the same be presented.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the consideration of a bill to establish an academy in this Island.

House in committee on Academy Bill.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the matter to them referred, and had directed him to ask for leave to sit again on Friday next.

Report.

*Ordered*,—That the said committee have leave accordingly.



Notice of address to his Excellency.

Notice by Mr. Winser for Friday, of a motion for a committee to prepare an address to his Excellency the Governor requesting him to discontinue the payment of sums of money for office rent to the Clerk of the Southern Circuit Court, and to the Deputy Sheriff of the Southern District.

Notice of motion for printing delegation documents.

For the same day of a motion that all documents connected with the report of the delegates be printed.

Notice of Address to his Excellency.

For the same day of a motion for an address to his Excellency the Governor praying for information relative to a certain temporary warrant issued by his Excellency.

Notice of Address to his Excellency.

Notice by the Solicitor General for the same day of a motion for an address to his Excellency the Governor praying for copies of all despatches from the Secretary for the Colonies on the subject of the late delegation.

Notice of motion for committee on ways and means.

For the same day of a motion that the House do resolve itself into a committee on ways and means.

Notice for committee on part of his Excellency's message respecting the appointment of Sheriff on Labrador.

For the same day of a motion that the House do resolve itself into a committee on the consideration of that part of his Excellency's message of the 20th of June last, which relates to the appointment of a Sheriff for the Labrador.

Notice of motion for expunging resolution of 29th May.

For Thursday, the 25th inst., of a motion that the resolution of this House, passed on the 29th day of May last, be expunged from the Journals.

Then the House adjourned until Friday at one o'clock.

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## FRIDAY, July 19, 1839.

Communication from the Colonial Secretary transmitting sundry documents

**M**R. Speaker informed the House that he had received a communication from the Colonial Secretary, enclosing the following returns prayed for by the House—

1. Returns of all writs issued from the Northern, Southern, and Central Circuit Courts for the year 1838.
2. An account of the expenditure of the Cape Spear Light House for the same year.

*Ordered*,—That the said documents do lie on the table.—See *Appendix*

Report of committee on Privilege.

Mr. Nugent, from the committee appointed to sit on privilege reported that the committee had considered the matter to them referred, and had come to the following resolution thereon :—



*Resolved*,—That it is the opinion of this committee that the following address be presented to his Excellency the Governor:—

Address to his Excellency read.

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

May it please your Excellency,

The House of Assembly request your Excellency will be pleased to order that a copy of the opinion of the Attorney and Solicitor Generals of England on the legality of the exercise by this House of the right of committing for contempts, together with a copy of Lord Glenelg's despatch communicating the same—copies of the "four despatches with their enclosures, dated on the 14th, 16th, 18th, and 24th August last," from your Excellency to Lord Glenelg upon the subject of the arrest of Mr. Kielley; or extracts of such parts of the said despatches with their enclosures as have reference to the same, as these despatches form *the Case* on which the said opinion was grounded—a copy of your Excellency's order for the publication of the said opinion in the Royal Gazette of the 16th April last; and as it has been confidently stated that this *opinion* was communicated in the first instance nearly three months before its existence was known of to the public, to Mr. Kielley, or his counsel or friends, to induce them to persevere in prosecuting the appeal against the judgment of the Supreme Court to her Majesty in Council, your Excellency will perceive it is of the greatest importance that the House of Assembly be informed of the precise date of the receipt at Government House of the first copy, whether the original, duplicate or triplicate of the said opinion—therefore they request that your Excellency will please also order that such information be accordingly laid before them.

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

*Resolved*—That the said report be adopted.

Adopted

*Ordered*—That Mr. Nugent and Mr. Winser do form a committee to present the said address.

Committee.

A MESSAGE FROM HER MAJESTY'S COUNCIL

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

Message from H. M. Council.

*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up by the House of Assembly entitled "An act to repeal in part an act passed in the sixth year of his late Majesty, entitled 'An act for the relief of sick and disabled seamen, fishermen and other persons, and to authorise the appropriation of monies collected under the said act,'" with some amendments, to which they request the concurrence of the House.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
July, 1839.

And then the messenger withdrew.



Amendments read first time.

The said amendments were then read a first time, and are as follow :

In the title of the Bill, 1st line. Expunge the words "repeal in part," and insert in place thereof the words "amend."

Do. . . . . 7th line. Expunge all the words after the word "persons."

In the preamble. Expunge all the words after the word "persons," and insert in their stead the words "and whereas in several districts directors have not been elected pursuant to the provisions of the said recited act."

Expunge all the sections of the bill, and insert in place thereof the words "Be it therefore enacted by the Governor, Council and Assembly of Newfoundland, that in all cases wherein directors have not been heretofore elected or wherein they shall not be hereafter elected pursuant to the provisions of the said act, it shall and may be lawful for the Governor or person administering the Government of this Island within three months after the day appointed for such election by the said recited act, to nominate and appoint directors for such districts, and also to fill up any vacancy that may arise in any board of directors from the death, resignation, or absence from the Colony, of any members thereof—and the directors so nominated and appointed shall have the like power and authority as those elected under and by virtue of the said before recited act."

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

2d reading.

*Ordered*,—That the said amendments be read a second time this day six months.

On motion, pursuant to notice, of the Solicitor General, seconded by Mr. Dwyer,

Resolution for address to his Excellency.

*Resolved*,—That an address be presented to his Excellency the Governor praying that his Excellency will be pleased to order to be laid before the House copies of all correspondence received by his Excellency from the Secretary of State for the Colonies on the subject of the late Delegation.

Address presented—

The Solicitor General then presented to the House the draft of an address in pursuance of the said resolution.

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

Committed.

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

Mr. Speaker left the chair.

Mr. Moore took the chair of the committee.

Mr. Speaker resumed the chair.



The chairman reported from the committee that they had gone thro' the said address, and had amended the same as follows :

Report

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to furnish the House with copies of all communications from her Majesty's Government, and correspondence between your Excellency and the Secretary of State for the Colonies, on subjects connected with the late delegation from the House of Assembly.

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

*Resolved*,—That the said address, as amended, be adopted.

Address adopted.

*Ordered*,—That Mr. Nugent and Mr. Winsor do form a committee to present the same.

Committee.

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

*Ordered*,—That a copy of all documents connected with the report of the delegates be transmitted when printed to each member by the Clerk of the House.

On motion, pursuant to notice, of Mr. Winsor, seconded by Mr. Dwyer,

*Resolved*,—That an address be presented to his Excellency the Governor praying that his Excellency will be pleased to discontinue the payment of the sum of £24 per annum, for office rent to the Clerk of the Southern Circuit Court, and the Deputy Sheriff of the Southern district.

Mr. Winsor then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

Draft of address to his Excellency read.

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

May it please your Excellency,

The House of Assembly respectfully beg to remind your Excellency that in the year 1836, a presentment from the Grand Jury of Ferryland was laid before the House of Assembly, a copy of which is recorded in the Appendix of the Journal of that year, page 231.

In that presentment it was stated that the colony was subject to an annual charge of twenty-four pounds per annum, for office rent for the Clerk of the Court and Sheriff, and the Grand Jury recommended that the



Address

Court House of Ferryland should be lengthened, in order to provide offices for these gentlemen.

The House of Assembly, in that year, voted £150 for the purposes recommended, and the Court House was lengthened, and the offices provided accordingly.

But, may it please your Excellency, notwithstanding that these officers have offices provided for them, yet this sum of twenty-four pounds per annum is paid by the colony.

The House of Assembly respectfully request that your Excellency will order the same to be discontinued.

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

Adopted.

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

Committee

*Ordered*,—That Mr. Winser and Mr. Dwyer do form a committee to present the same.

Mr. Moore moved, seconded by Mr. Dwyer, that it be

*Resolved*,—That no bill be brought into this House after the 20th inst., other than a general road act, a general supply bill, a bill to provide for the contingent expenses of the Legislature, and a revenue bill.

Whereon the House divided, when there appeared for the motion, one, against it, six.

For the motion—

Against the motion—

Mr. Moore

The Solicitor General.

Mr. Brown

— Winser

— Dwyer

— Nugent

— Doyle.

So it passed in the negative.

Notice of committee of supply.

Notice by the Solicitor General for Monday next of a motion that the House do resolve itself into a committee of supply.

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

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## MONDAY, July 22, 1839.

Communication from the Colonial Secretary transmitting sundry documents

**M**R. Speaker informed the House that he had received a communication from the Colonial Secretary, enclosing the following returns prayed for by the House—

1. Customs return of vessels entered at the port of St. John's in the year ending 30th June last.

2. A return of cases brought before the Court of Sessions at Bonavista



3. Copies of Grants of Land to the St. John's Hospital, and the St. John's Charity School. Address

4. An account of the distribution for the relief of the poor on the south side of Trinity Bay, during the past winter.

The said documents were then read by the Clerk.—See *Appendix*.

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

On motion, pursuant to notice, of Mr. Winser, seconded by Mr. Godfrey,

*Resolved*,—That an address be presented to his Excellency the Governor praying that a temporary warrant. No. 222, issued by his Excellency to the Colonial Treasurer, may be transmitted to the committee of audit.

Mr. Winser then presented to the House the draft of address in pursuance of the said resolution, and the same was read as follows :—

Draft of address to his Excellency read.

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

May it please your Excellency,

Upon considering the warrant No. 222, issued by your Excellency on the 21st of October, 1837, the committee of audit observed a memorandum written in pencil, stating that £300 therein made payable had been before paid under No. 1 temporary warrant.

Under these circumstances the House of Assembly pray your Excellency to order that the temporary warrant alluded to, directing £300 to be paid to Nicholas Croke on account of erecting Court Houses, &c., in the out-ports, be transmitted to the committee of audit.

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

*Resolved*—That the said report be adopted.

Adopted.

*Ordered*—That Mr. Winser and Mr. Godfrey do form a committee to present the said address.

Committee

Mr. Nugent, from the committee appointed in the first session of the present Assembly, to proceed to England to treat with her Majesty's Government on subjects connected with the affairs of the colony, reported that they had made a report on the business to them referred, and the same was read.—See *Appendix*.

Delegation Report presented.

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

*Resolved*,—That the said report be received.



Notice of address to his Excellency.

Notice by Mr. Nugent for to-morrow, of a motion that an address be presented to his Excellency the Governor, praying for a copy of the grant under which the hospital at River-head was founded.

Notice of conference with H. M. Council,

Notice by Mr. Kent for the same day, that a conference be requested with her Majesty's Council on the subject of the report of the expenses of the late delegation sent up by this House to the Council.

Notice of bill to regulate building of houses in Water-street.

For Wednesday of a bill to repeal so much of an act passed in the fourth year of the reign of his late Majesty entitled "An act to regulate the building of houses in Water-street, in the town of St. John's," as allows houses to be built of wood on the north side of the said street.

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

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## TUESDAY, July 23, 1839.

Communication from the Colonial Secretary transmitting petition of Mary Foley.

**M**R. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, transmitting a petition from Mary Foley, of St. John's, praying that her husband might be admitted into the Hospital; and enclosing also a certificate from John Rochfort, District Surgeon, to the effect that John Fogarty, a patient in ward No. 3, is a fit subject for admission.

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

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

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to order to be laid before the House a copy of the grant or other deed under which the public Hospital at River-head was founded.

Address to his Excellency read.

Mr. Nugent then presented the draft of an address in pursuance of the said resolution, and the same was read as follows—

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

May it please your Excellency,

The House of Assembly respectfully request that your Excellency will be pleased to order to be laid before the House a copy of the Grant or other deed under which the public Hospital at River-head was founded.

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

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

Adopted



*Ordered*,—That Mr. Nugent and Mr. Winser do form a committee to present the same.

Committed.

## A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from His Excellency.

The hon. Mr. Secretary Crowdy laid before the House by command of his Excellency the following documents—

- No. 1. Treasurer's accounts for the Qr. ended 30th ult.
2. Report of the Board of Education for St. John's for the past year.
3. Report of the Commissioners of Harbor Grace Light House relative to the expenditure of the same.
4. Returns of civil and criminal suits had before the magistrates at Ferryland for the past year.
5. A list of charges from No. 1 to 24, on account of civil and criminal prosecutions, for the payment of which no provision had been made.

The said documents were then read by the Clerk.—See *Appendix*.

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

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

*Resolved*,—That a conference be requested with her Majesty's Council on the subject of the conference requested by her Majesty's Council on the 9th instant.

Conference with H. M. Council requested.

*Ordered*,—That Mr. Kent and Mr. Doyle do go up to her Majesty's Council and request the said conference.

## A MESSAGE FROM HER MAJESTY'S COUNCIL

Message from H. M. Council.

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

*Mr. Speaker,*

Her Majesty's Council accede to the conference requested on the subject of the last conference, and have appointed conferrees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
23d July, 1839.

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

*Resolved*,—That the following be the instructions for the managers of this conference—

Instructions to managers

The House of Assembly have desired this conference on the subject matter of the conference required by her Majesty's Council on the 9th instant, to explain to her Majesty's Council that the errors referred to are merely clerical, and occurred in transcribing the account from the 35th page of the Journals of the second session of the present General Assembly. The sum of £36 currency paid for passages of the three delegates to England, was thus omitted; and also the period for which interest was



charged, viz. from 20th November, 1837, when the money was advanced, to the 16th July, 1838, when it was defrayed by a grant from the colony.

**Managers named.**

*Ordered*,—That Mr. Kent, Mr. Doyle, the Solicitor General and Mr. Butler be the managers to manage this conference.

**Conference held.**

And their names having been called over, they went to the conference and being returned,

**Report.**

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

**Report of committee appointed to survey line of road between Salmon Cove and Holyrood.**

Mr. Godfrey, from the committee appointed to consider the propriety of having a survey of the line of road between Salmon Cove and Holyrood, reported that the committee had a survey made accordingly, and that Nicholas Molloy, the surveyor appointed to conduct the same, had reported thereon as follows:—

To the Chairman and Committee appointed by the Honorable the House of Assembly to cause a Survey to be made of the lines of road between Salmon Cove and Holyrood.

Gentlemen,

In compliance with the order which I have received from you, bearing date the 10th July last, to survey the line of road between Salmon Cove and Holyrood—and the old line already opened—and the line contemplated, from the site intended for the new bridge at Salmon Cove, by the way of Harbor Main and Chapels Cove, to Holyrood; I have proceeded without delay on that important duty, and beg leave to report as follows:

I find that the distance of the old line is four and a quarter miles and six chains, the bed of which being a complete bog, and without any materiel (within a considerable distance) fitting to make a road. It is chiefly low marshy ground, and is, in my opinion from the state in which I find it, completely inundated for many months in the year.

The distance of the line contemplated, from the intended new bridge over Salmon Cove River to Harbor Main and Chapels Cove, on to the bridge over Holyrood, I find to be five and seven-eighths miles and two chains, the bed of which is composed of fine earth and gravel, and is very level. From the abundance of road materiel, which is to be obtained on this line, I am of opinion that an excellent road could be made at a very trifling expense, compared to that which would attend the making a road on the old line; and here, I would beg to observe that, from one end to the other of the new contemplated line, the soil appears to be of a most excellent nature, for the purposes of cultivation, and would open an ample field for the industry of the agriculturist. I am of opinion that in the course of a few years, should the inhabitants have the road made in this direction, the whole distance would be enclosed by fences, and a great quantity of it brought under cultivation.



On the old line, as I have already stated, the ground is not adapted for the purposes of agriculture, there being no soil within miles around it, but black peat, or bog stuff. It is a lonely, unfrequented path, and, in my opinion, will most likely continue so, even if a road were made there, as it is at a distance of nearly *three miles* from any settlement.

Report.

In conclusion, I deem it proper to observe, that the commissioners appointed in the year 1838, built three bridges at an expense of upwards of one hundred and sixty pounds, on the intended new line over Harbor Main and Chapels Cove Brooks and Holyrood River, which induces me to presume that it was their intention to adopt this line, as otherwise a similar expense must be incurred in erecting bridges on the old line.

I have the honor to be,  
Gentlemen,  
Your most obedient,  
Humble Servant,

NICHOLAS MOLLOY.

Harbor Main, July 20, 1839.

Mr. Godfrey moved, seconded by Mr. Winser, that it be

*Resolved*,—That the said report be received.

Report received

Whereon, Mr. Moore, seconded by Mr. Dwyer, moved, in amendment—

Amendments thereon moved

That the said report be deferred till Thursday next.

Whereon the House divided, when there appeared for the amendment, three, against it, six.

House divide.

For the amendment.

Against the amendment

Mr. Moore  
— Dwyer  
— Doyle.

The Solicitor General.  
Mr. Kent  
— Nugent  
— Godfrey  
— Butler  
— Winser

So it passed in the negative.

Negatived.

The original motion was then put, and the House dividing thereon, there appeared for the motion six, against it, three.

Original motion carried

For the motion—

Against the motion—

The Solicitor General  
Mr. Winser  
— Kent  
— Nugent  
— Godfrey  
— Butler.

Mr. Moore  
— Dwyer  
— Doyle.

So it passed in the affirmative.

Mr. Moore gave notice that on Thursday next, he should move that the report of the said committee be re-considered.

Notice for re-consideration of report



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

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**WEDNESDAY, July 24, 1839.**

Reports of committees appointed to present addresses to his Excellency—with his Excellency's replies thereto.

**M**R. Nugent from the committee appointed to wait on his Excellency the Governor, with the address of the House of the 19th inst., praying for copies of Despatches relative to the late Delegation, reported that the committee had waited on his Excellency with the said address, and that his Excellency had been pleased to reply to the same as follows:—

*Gentlemen—*

I do not consider that the production of correspondence between the home Government and me, on the subject of the late delegation from the House of Assembly, is necessary or expedient, or that it could in any way conduce to the public good.

I am therefore under the necessity of declining to comply with the present address.

*Government House,  
24th July, 1839.*

Mr. Winsor from the committee appointed to wait on his Excellency the Governor with the address of the House of the 19th inst., relative to certain amounts paid as office rent to the Clerk of the Southern Circuit Court, and the Deputy Sheriff of the Southern District, reported that to the said Address his Excellency had been pleased to make the following reply:—

*Gentlemen,*

The yearly payments mentioned in this address shall be discontinued.

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor, with the address of the House of the 19th inst., praying for certain returns connected with the opinion of her Majesty's Attorney and Solicitor General, as to the right of committing for Contempt, as exercised by this House, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply as follows:—

*Gentlemen—*

I cannot consent to supply copies of the correspondence mentioned in this address.



The opinion of her Majesty's Attorney and Solicitor General, dated December 3d, 1838, was enclosed in a despatch from Lord Glenelg, of January 8. It was received by me on the 10th of April, and was inserted by my direction in the first Gazette subsequently published—consequently, upon the 16th of that month, as stated by the House on the present occasion.

Government House,  
24th July, 1839.

Pursuant to notice and leave had, Mr. Kent presented a bill to repeal part of an act passed in the third session of the first General Assembly of this Island, entitled "An act to regulate the building of houses in Water-street, in the town of St. John's," and the same was read a first time.

Bill to repeal part of Act to regulate building of houses in Water-street read 1st time.

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

Pursuant to order, the House resolved itself into a committee of the whole on the consideration of a bill to encourage the killing of wolves in this Island.

House in committee on Bill to encourage killing of wolves.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said bill, and had made some amendments therein; and he handed 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, upon the question put thereon, were agreed to by the House.

Amendments read first time.

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

Engrossed.  
3d reading.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on the further consideration of a supply to be granted to her Majesty.

House in committee of Supply.

Mr. Speaker left the chair.

Mr. Nugent took the committee.

Mr. Speaker resumed the chair.

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

Report.

*Ordered*,—That the said committee have leave accordingly.

On motion, pursuant to notice, of the Solicitor General seconded by Mr. Moore,

*Resolved*,—That a select committee be appointed to enquire into the state of the Police Department throughout the Island.

Resolution for committee to enquire into state of Police Department.



Committee.

*Ordered*,—That the Solicitor General, Mr. Winsler, and Mr. Butler, do form the said committee.

Notice of bill to regulate persons engaged in the seal fishery of this Island

Notice by Mr. Moore for Monday, of a motion for leave to bring in a bill to regulate persons employed in the seal fishery of this island.

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

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THURSDAY, July 25, 1839.

Bill to repeal part of Act to regulate building of houses in Water-street read 2d time.

**P**URSUANT to order, a bill to repeal part of an act passed in the third session of the first General Assembly, entitled "An act to regulate the building of houses in Water-street in the town of St. John's" was read a second time.

To be committed

*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 on consideration of the same.

On motion of the Solicitor-General, seconded by Mr. Moore.

Printed.

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

Bill to incorporate the town of St. John's read 1st. time

Mr. Nugent, from the committee appointed to prepare and bring in a bill for incorporating the town of St. John's, reported that the committee had complied with the instructions of the House, and the said bill was read a first time.

2d reading.

*Ordered*,—That the said bill be read a second time on Thursday the 15th proximo.

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

Printed.

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

House in committee on supply

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

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

*Ordered*,—That the said committee have leave accordingly.



Notice by the Solicitor-General for to-morrow, of a bill to provide for the expenses of the Speaker and Members of the Assembly while in session.

Notice of bill to provide for the expenses of members.

Also, of a bill to re-appropriate any sums granted by the Legislature, and not appropriated within two years after the granting of the same.

Notice of bill to re-appropriate monies granted by the Legislature.

By Mr. Kent for to-morrow, of a motion that a copy of the report of the late delegation be sent to her Majesty's Council.

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

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## FRIDAY, July 26, 1839.

**M**R. Nugent from the committee appointed to wait on his Excellency the Governor, with the address of the House of the 23d inst., praying for a copy of the Grant under which the St. John's Hospital was founded, reported that the committee had waited on his Excellency with the said address, and that his Excellency had been pleased to reply to the same as follows:—

Reports of committees appointed to present addresses to his Excellency—with his Excellency's replies thereto.

*Gentlemen—*

The documents mentioned in this address shall be supplied.

Mr. Winser from the committee appointed to wait on his Excellency the Governor with the address of the House of the 22d inst. praying for a temporary warrant issued by his Excellency, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply as follows:—

*Gentlemen,*

I will make enquiry respecting the warrant mentioned in this address, and will communicate the result thereof to the House of Assembly.

Mr. Kent presented a petition from John Nichols and 28 others, inhabitants of St. John's, and the same was received and read, setting forth—

Petition of J. Nichols and others.

That the lane between Duckworth and Water-street, known by the name of Williams' Lane, stands in great need of repair, and praying for a grant for the same.

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

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

Referred to committee on roads.

On motion, pursuant to notice, of Mr. Kent, seconded by Mr. Winser,



*Resolved*,—That a copy of the Report of the late Delegation be sent to her Majesty's Council.

*Ordered*,—That Mr. Kent and Mr. Winser do carry up the same.

Pursuant to notice and leave had the Solicitor General presented a bill to repeal several acts now in force respecting light-houses, and to make further provision for the support of the said light-houses, and to consolidate into one act the laws respecting the same ; and the said bill was read a first time.

Bill to repeal certain acts respecting light-houses, read 1st time.

2d reading.

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

House in committee on supply

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

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

The chairman further reported that the committee had come to the following resolution on certain accounts referred to them :

*Resolved*,—That it is the opinion of this committee that certain accounts connected with the registration of voters, and with the election of 1836, should be referred to a select committee to report thereon.

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

Adopted.

*Resolved*,—That the said resolution be adopted.

Committee

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

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

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## MONDAY, July 29, 1839.

Bill to regulate persons engaged in the seal fishery of this Island, read 1st time.

**P**URSUANT to notice and leave had, Mr. Moore presented a bill to regulate persons employed in the seal fishery of this Island, and the same was read a first time.

2d reading

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

Bill to encourage killing of wolves, read 3d time

On motion of Mr. Nugent, a bill to encourage the killing of wolves in this colony, was read a third time.



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

*Resolved*,—That the said bill do now pass, and that its title be—  
“An act to encourage the killing of wolves in this colony.”

Passed  
Title

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

Sent to Council.

On motion of the Solicitor General, a bill to repeal several acts now in force respecting light houses, and to make further provision for the said light-houses, and to consolidate into one act the laws respecting the same, was read a second time.

Bill to repeal certain  
acts respecting Light-  
houses read read 2d time

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

To be committed

*Resolved*,—That this House will, on Thursday next, resolve itself into a committee of the whole on consideration of the same.

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council to ascertain what proceedings have been had upon a bill sent up from this House entitled “An act to regulate the empannelling of Juries in the Supreme and Central Circuit Courts of this Island”—and also upon a bill entitled “An act to prevent fraud in the sale of certain articles imported into this colony.”

Resolution for commit-  
tee to search Councils's  
Journals

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

Committee

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

House in committee of  
Supply.

Mr. Speaker left the chair.

Mr. Nugent took chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

*Ordered*,—That the said committee have leave accordingly.

At three o'clock, p. m. there being present Mr. Speaker, Mr. Nugent, Mr. Butler, Mr. Dwyer, and the Solicitor General, Mr. Speaker adjourned for want of a quorum.

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**TUESDAY, July 30, 1839.**

**M**R. Speaker laid before the House the following documents, prayed for in various addresses of the House, and trans-



Documents

mitted by the hon. the Colonial Secretary :

1. A return of civil and criminal suits had before the magistrates at Burin, for the year ending 1st June, 1839.
2. Returns of all vessels entering the ports of Conception Bay for the year ending 30th June, 1839.
3. A copy of the Grant on which the Charity School of St. John's was founded.

The said documents were read by the Clerk.—See *Appendix*.

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

Message from his Excellency.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented, by command of his Excellency, Mr. Jukes's second report on a Geological Survey of the Island.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

**MESSAGE.**

*H. PRESCOTT.*

The Governor transmits to the House of Assembly, a statement made by the Treasurer, in explanation of the circumstances connected with the Temporary Warrant, adverted to in the address of the House of the 22d inst., which statement appears to his Excellency perfectly clear and satisfactory.

The several papers accompanying his Excellency's message were then read by the Clerk.—See *Appendix*.

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

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

*Ordered*,—That the said report of the Geological Survey be printed for the use of Members.

Petition of A. Thomey and others

Mr. Brown presented a petition from Arthur Thomey and 60 others, inhabitants of Musquito, and the same was received and read, setting forth—

That a sum was granted in the last Session of the Legislature, for improving the roads from that place to the towns of Harbor Grace and Carbonear, but as it was insufficient to carry into effect the purposes intended, petitioners pray that the House will vote a further sum for the same.

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

Referred to committee on roads.

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



Agreeably to the order of the day, the House resolved itself into a committee of the whole, on further consideration of a Bill to repeal part of an act passed in the 2d session of the first General Assembly of this Island, entitled "An act to regulate the building of houses in Water-street, in the town of St. John's."

House in committee on Bill to repeal part of Act to regulate building of houses in Water-street

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said bill, and had made an amendment therein; and he handed the said bill with the amendment in at the Clerk's table.

Report

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

Amendment read and agreed to.

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

Engrossed. 3d reading.

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

*Ordered*,—That the copy of the Grant of the St. John's Hospital, transmitted by his Excellency the Governor, be printed for the use of members.

On motion of the Solicitor General, the House resolved itself into a committee of the whole 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 matter to them referred, and had directed him to ask for leave to sit again.

Report.

*Ordered*,—That the said committee have leave accordingly.

Then the House adjourned until Thursday at one o'clock.

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## THURSDAY, August 1, 1839.

**MR.** Nugent, from the committee appointed to search the Journals of her Majesty's Council to ascertain what proceedings had been had upon a bill to regulate the mode of empannelling Juries in the Supreme and Central Circuit Courts of this Island, and also on a bill to prevent fraud in the sale of certain articles

Report of committee appointed to search Councils Journals.



Report.

imported into this Colony, reported that they had complied with the instructions of the House, and had taken the following extract from the said Journals :—

“ JULY 23, 1839.

PRESENT,

“ The hon. Messrs. Simms, Crowdy, Spearman, Dunscomb, and Thomas.

“ Committee of the whole report as follows :

“ The Committee of the whole upon a Bill entitled “ An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island,” having risen, report that the matters concerning which the said Bill treats, are, by the Imperial Statute of 5, Geo. 4, cap. 57, and by the Royal Charter of Justice, granted under the same statute, committed to the Jurisdiction of the Supreme Court to establish, order, alter, amend, and revoke, as may from time to time be found requisite and necessary ;—under which high authority such rules and regulations have been established as the wisdom and practical experience of all the Judges have deemed fitting and suitable to fulfil the ends of Justice, and adapted to the circumstances and condition of this colony ; which Rules and regulations the committee believe have, under many years trial, been found to fulfil their important purposes.

“ The Committee having also considered the provisions of the Bill, cannot concur in their adoption ; nor, in a matter involving so important a branch in the administration of Justice as the Jury System, can the committee concur, (unless the changes proposed were not only good and proper in themselves, but also evidently necessary,) in advising the discussion of the subject further at this late period of the Session, which has already continued two months, and, in the opinion of the committee, ought not to be further protracted by any discussions not absolutely exigent.”

*Ordered*,—That the report be received and adopted.

“ JULY 30, 1839.

PRESENT,

“ The hon. Messrs. Simms, Crowdy, Spearman, Dunscomb, Thomas and Sinclair.

“ The Bill entitled “ An Act to prevent fraud in the sale of certain articles imported into this Colony,” committed to the whole House.

“ The Chairman on rising, reported that the Committee had risen.”

Pursuant to order a bill to repeal part of an act passed in the second session of the first General Assembly of the Island, entitled “ An act to regulate the building of houses in Water-street, in the town of St. John’s,” was read a third time.

Bill to regulate building of Houses in Water-st. read 3d time.



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

*Resolved*,—That the said bill do now pass, and that its title be—  
“An act to repeal part of an act passed in the first General Assembly of this Island, entitled “An act to regulate the building of Houses in Water-street, in the town of St. John’s.”

Passed  
Title

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

Sent to Council.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on 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 matter to them referred, and had directed him to ask for leave to sit again.

Report.

*Ordered*,—That the said committee have leave accordingly.

Mr. Winsor gave notice that on an early day he should move that an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to sanction the introduction into the supply bill of a provision that all boards of road commissioners where the sums under their direction (under the acts of 1st & 2d Vic.) shall exceed £400, shall be allowed the sum of £20 sterling, to pay Clerks’ fees for drawing notices, agreements and bonds; and that all boards which shall have a less sum than £400 shall have 5 per cent. on the sum under their direction for the like purpose—Provided that those boards have not already drawn sums under the head of contingencies for the like application. Also, praying that his Excellency will not in future permit any board to draw sums of money under the head of contingencies.

Notice of Address to  
his Excellency.

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

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## FRIDAY, August 2, 1839.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Ex-  
cellency.

**T**HE hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented, by command of his Excellency, the following documents:



Documents

1. Representations respecting a sick, and a lunatic pauper, ordered by his Excellency to be admitted into the Hospital.
2. A return of cases in the Court of Sessions at Twillingate for the year ending 1st June, 1839.
3. A statement of public works under the direction of the Road Commissioners of St. John's.
4. A report of the Board of Education for Burin, for 1838-9.
5. A report of the present state of King's Bridge.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

## MESSAGE.

*H. PRESCOTT.*

The Governor, with reference to communications already made on the same subject, transmits to the House of Assembly two representations respecting a sick, and a lunatic pauper. As these were cases of extreme exigency his Excellency immediately directed their admission into the Hospital.

The several documents accompanying his Excellency's message were then read by the Clerk.—See *Appendix*.

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

On motion of the Solicitor General, the House resolved itself into a committee of the whole on consideration of a bill to repeal several acts now in force respecting light houses, and to make further provision for the support of the said light-houses, and to consolidate into one act the laws respecting the same.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

*Ordered*,—That the said committee have leave accordingly.

Notice of bill to regulate office and fees of sheriff.

Notice by Mr. Brown for to-morrow, of a motion for leave to bring in a bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district in the colony.



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

**SATURDAY, August 3, 1839.**

**P**URSUANT to order the House resolved itself into a committee of the whole on consideration of a bill to repeal several acts now in force respecting light houses, and to make further provision for the support of the said light-houses, and to consolidate into one act the laws respecting the same.

House in committee on Bill to repeal certain acts respecting light-houses.

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 made some progress in the matter to them referred, and had directed him to ask for leave to sit again.

Report.

*Ordered,*—That the said committee have leave accordingly.

Mr. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, enclosing a petition from Mary Doyle to his Excellency the Governor, praying that Mary Meany, an orphan, resident in the house of petitioner, might be admitted into the Hospital, and acquainting him that in the extreme exigency of the case, his Excellency had complied with the prayer of the said petition.

Communication from Colonial Secretary, transmitting petition of Mary Doyle.

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

Pursuant to notice and leave had, Mr. Brown 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 in the colony, and the same was read a first time.

Sheriff's Bill read 1st time.

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

Agreeably to the order of the day, the House resolved itself into a committee of the whole on 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 matter to them referred, and had directed him to ask for leave to sit again.

Report.



*Ordered*,—That the said committee have leave accordingly.

Notice of bill to repeal registration of voters act.

Mr. Brown gave notice, that on Monday next he should move for leave to bring in a bill to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "An Act for registering the names of persons entitled to vote at elections," and to make more effectual provision for the same.

Then the House adjourned until Monday at one o'clock.

## MONDAY, August 5, 1839.

Sheriff's Bill read second time.

**P**URSUANT to order, a bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district in the Colony, was read a second time.

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

To be committed.

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

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

Bill to repeal registration of voters act, read 1st time.

Pursuant to notice and leave had, Mr. Brown presented a bill to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "An Act for registering the names of persons entitled to vote at elections," and to make further provision for the same, and the said bill was read a first time.

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

House in committee on Bill to repeal certain acts respecting light-houses.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on further consideration of a bill to repeal several Acts now in force respecting Light Houses, and to make further provision for the support of the said Light Houses, and to consolidate into one act the laws respecting the same.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and agreed to.

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

Engrossed, 3d reading

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



The Solicitor General from the committee appointed to take into consideration the unliquidated claims for the expenses of the election of 1836, reported as follows—

Report.

The Committee having taken into their consideration the claims submitted by the House for adjustment, beg to report

That they have given those claims their best and most serious attention, with an anxious desire to do the strictest justice to the applicants and to the public.—The Committee acting upon those principles, have been compelled to reject some claims altogether (considering the sums granted by the House last Session for their payment, as an ample compensation to the parties) and to reduce others to a reasonable and just amount.—The Committee considering the several Returning Officers who were compelled to leave their homes, upon the services of the elections, should be allowed some remuneration in addition to the expenses actually incurred, recommend the allowance accordingly set opposite their respective names, but the committee do not consider it requisite that a similar remuneration should be allowed to those officers from whom such a duty was not required.—To the several claimants whose accounts have been adjusted, the Committee recommend to the House to allow the sums expressed opposite their respective names, with the distinct understanding on the part of the House, that it will not on any future occasion recognise any further demands for the expenses of the elections of 1836.

The Committee in conclusion, cannot refrain from remarking upon the extravagant engagements entered into by the Returning Officer of St. John's,—engagements which the Committee in justice to the public, cannot recommend to the House to disburse to the extent of the sums claimed.

H. A. EMERSON,  
Chairman.

Committee Room, St. John's,  
July 27, 1839.

Robert J. Pinsent—Returning Officer	£12	10	0	
Samuel Cozens—Poll Clerk	10	0	0	
Ditto for balance of expenses incurred	3	0	0	
				£25 10 0
Benjamin Sweetland—Returning Officer	12	10	0	
Ditto for expenses incurred	13	18	4	
				26 8 4
Samson Mifflin—Returning Officer	12	10	0	
Edward Mifflin—Poll Clerk	10	0	0	
				22 10 0
John Payton—Returning Officer	12	10	0	
Ditto for expenses incurred	17	15	0	
Robert Tremlett—Poll Clerk	10	0	0	
				40 5 0
W. Barnes for Constables Staves	10	12	6	
Patrick Kielty for use of building at St. John's	25	0	0	
Robert Carter—Returning Officer	12	10	0	
W. Hooper—Returning Officer	12	10	0	
Francis L. Bradshaw—Returning Officer	12	10	0	
Robert Carter, Junr.—Poll Clerk	10	0	0	
				£197 15 10



On motion of the Solicitor General, seconded by Mr. Brown.  
*Resolved*—That the said report be adopted.

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

House in Committee of Supply.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on further 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 matter to them referred, and had directed him to ask for leave to sit again.

*Ordered*,—That the said committee have leave accordingly.

Notice for committee on contingencies,

Notice by Mr. Brown for to-morrow, of a motion that a committee be appointed to inquire into, and report on, the contingencies of the House.

Notice of Bill to regulate returns and details of offices.

By Mr. Nugent for an early day, of a bill to regulate the return and details of the various offices in the Colony.

Notice of Bill for the decision of differences between masters and servants, &c.

Also of a bill for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants and Apprentices.

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

## TUESDAY, August 6, 1839.

Light House bill read 3d time,

**P**URSUANT to order, a bill to repeal several acts now in force respecting Light Houses, and to make further provision for the support of the said Light Houses, and to consolidate into one act the laws respecting the same, was read a third time, whereupon

Amendment moved.

On motion of Mr. Nugent, seconded by the Solicitor General.  
*Resolved*,—That the word 'twice' be substituted for the word 'once' in the 13th line of the 6th section of the said bill.

And the said amendment was made in the bill, at the table of the House.

Passed, Title.

On motion of the Solicitor General, seconded by Mr. Nugent.  
*Resolved*,—That the said bill do now pass, and that it be entitled—  
 "An act to repeal several acts now in force respecting light-houses, and to make further provision for the support of the said light-houses, and to consolidate into one act the laws respecting the same."



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

Sent to Council.

Agreeably to the order of the day, a bill to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "An Act for registering the names of persons entitled to vote at elections," and to make more effectual provision for the same, was read a second time.

Registration of voters Act read 2d time

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

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

To be committed

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

Pursuant to notice and leave had, the Solicitor General presented a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining un-appropriated for a certain period, and the same was read a first time.

Bill to re-appropriate monies read 1st time.

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

Pursuant to notice and leave had, Mr. Nugent presented the following Bills, and the same were read a first time:

A bill to regulate the returns and details of the various offices in this colony.

A bill for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants and Apprentices in this Colony.

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

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

*Ordered,*—That the said last mentioned bill be printed.

On motion of Mr. Brown, the House resolved itself into a committee of the whole on consideration of a bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district in the colony.

House in committee on Sheriff's Bill.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

*Ordered,*—That the said committee have leave accordingly.

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

*Resolved,*—That a select committee be appointed to enquire into and report on the contingent expenses of this House for the present session.

Select committee to enquire into contingent expenses of the Legislature.

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

Referred to committee



Petition of J. Templeman and C. Ayre

Mr. Kent presented a petition from Joseph Templeman and Christopher Ayre, Clerks in the Secretary's office; and he stated in his place that his Excellency the Governor sanctioned the presentation of the same, and the same was received and read, setting forth—

That your memorialists are Clerks in the office of the Colonial Secretary of this Island.

That since the establishment of a Local Legislature in this colony, the duties of your memorialists have been very much increased, particularly while the Legislature is in session.

That during such session the numerous papers and returns required for the information of your honorable House and the other branch of the Legislature, and which for the most part have had to be prepared by your petitioners, have consequently occasioned much extra labour.

That such extra labour, in former sessions, has already been acknowledged and recompensed by votes of your honorable house.

Your memorialists therefore pray that your honorable House will be pleased to grant to them such allowance for "extra services" during the present session, as you may consider just and reasonable.

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

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

Referred to Committee of Supply

Petition of T. Chancey and others

Mr. Brown presented a petition from Thomas Chancey and 80 others, inhabitants of Carbonear, and the same was received and read, setting forth—

That the temporary erection called Pike's Bridge, hitherto connecting Carbonear beach with Harbor Grace new road, is very much decayed, and praying for a grant for the purpose of erecting a new bridge.

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

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

Referred to Committee on roads

Petition of G. Apsley and others

Mr. Brown presented a petition from George Apsley and 44 others, inhabitants of Carbonear, and the same was received and read, praying for a grant for repairing the road in that place leading from the main street past the Methodist Chapel to the marsh in the rear of the town.

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

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

Referred to committee on roads.



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

**WEDNESDAY, August 7, 1839.**

**A** GREEABLY to the order of the day, a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period, was read a second time.

Bill to re-appropriate monies granted by the Legislature read 2d time

*Ordered,*—That the said bill be referred 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 on consideration of the same.

On motion of Mr. Nugent, the House resolved itself into a committee of the whole on consideration of a bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district in the colony.

House in committee on Sheriff's bill

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendment read and agreed to

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

Engrossed 3d reading

Mr. Brown gave notice that on an early day he should move for leave to bring in a bill to establish a grammar school in Carbonear.

Notice of bill to establish a Grammar School in Carbonear

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

**THURSDAY, August 8, 1839.**

**P**URSUANT to notice and leave had, the Solicitor General presented a bill to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of her Majesty's reign, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam between the ports of St. John's and Halifax, in Novascotia; and the same was read a first time.

Bill to re-vest £1500 in the treasury, to be applied to the purposes of steam navigation read a 1st time



2d Reading.

Bills read 2d time

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

Pursuant to order, the following Bills were read a second time:

A bill to regulate the returns and details of the various offices in this colony.

A bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices in this colony.

To be committed

*Ordered*,—That the said bills be committed to committees of the whole House.

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

Pursuant to notice and leave had, Mr. Brown presented a bill to establish a grammar school in Carbonear, and the same was read a first time.

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

House in committee on Bill to repeal registration of voters act

On motion of Mr. Brown, the House resolved itself into a committee of the whole on consideration of a bill to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "An act for registering the names of persons entitled to vote at elections," and to make more effectual provision for registering the names of persons entitled to vote at elections in this colony.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Engrossed, 3d reading

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

Mr. Dwyer gave notice that on to-morrow, he should move that no bill be brought into this House during the present session after Saturday, the 10th inst., except a Revenue bill, a Supply bill, a general Road bill, and a Bill to defray the contingent expenses of the Legislature.

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

**FRIDAY, August 9, 1839.**

**O**N motion, pursuant to notice, of Mr. Dwyer, seconded by Mr. Winsor,

*Resolved*,—That no bill be brought into this House during the present



session after Saturday, the 10th inst., except a Revenue bill, a Supply bill, a general Road bill, and a Bill to defray the contingent expenses of the Legislature.

Pursuant to order, a bill to establish a grammar school at Carbonear was read a second time.

Grammar School Bill  
read 2d time

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

To be committed

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

On motion of Mr. Nugent, the House resolved itself into a committee of the whole on consideration of a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices in this colony.

House in committee on  
bill for the decision of  
differences between mas-  
ters and servants, &c

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

*Ordered*,—That the said committee have leave accordingly.

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 to encourage the killing of wolves in this colony," with some amendments, to which they request the concurrence of the House.

JAMES SIMMS,

Senior Member presiding.

Council Chamber,  
9th Aug., 1839.

And then the messenger withdrew.

The said amendments were then read a first time, and are as follow:—

- In the preamble—Expunge the 4th, 5th, 6th and 7th words.
- 2d line—After the word "arisen," insert the words "to the inhabitants."
- 3d line—Expunge the word "inroads," and insert "depredations" in place thereof—and expunge the last three words of this line.
- 4th line—Expunge the last word, and insert in lieu thereof the words "said animals."
- 1st section, 10th line,—After the word "killed," insert the words "with- in this colony."



In schedule A. 6th line—After the blank space insert the words “within the Island of Newfoundland.”

In schedule B. 4th line—After the blank space insert the words “within the colony of Newfoundland.”

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

Agreeably to order, the House resolved itself into a committee of the whole on consideration of a bill to regulate the returns and details of the various offices in this colony.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

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

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

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up from the Assembly entitled “An act to repeal part of an act passed in the 2d session of the first General Assembly of this Island, entitled “An act to regulate the building of houses in Water-street, in the town of St. John's,” without amendment.

**JAMES SIMMS,**  
*Senior Member presiding.*

Council Chamber,  
9th Aug., 1839.

And then the messenger withdrew.

Mr. Speaker laid before the House the following documents, transmitted by the hon. the Colonial Secretary, by command of his Excellency the Governor.

- No. 1. Account of the directors of the Hospital for the month of July last.
- 2. Report of the Board of Education for Bonavista Bay.
- 3. Statement of the schools throughout the Island for the year ending 4th July last.

The said documents were then read by the Clerk—See *Appendix.*

Ordnance School Bill read 2d time

To be committed  
House in committee on Bill to regulate returns and details of offices.

House in committee on Bill to regulate returns and details of offices.

Report

Amendments read and agreed to

Engrossed 3d reading

Message from Her Majesty's Council.

Sundry documents laid before the House



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

Then the House adjourned until Monday, at one o'clock.

**MONDAY, August 12, 1839.**

**P**URSUANT to order, the following Bills were read a third time:

Bills read 3d time

A bill to regulate the returns and details of the various offices in this colony.

A bill to repeal an act passed in the 4th year of the reign of his late Majesty, entitled "An Act for registering the names of persons entitled to vote at elections," and to make more effectual provision for the same.

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

*Resolved*,—That the said first mentioned bill do now pass, and that its title be "An act to regulate the returns and details of the various offices in this colony."

Passed, Title.

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

Sent to Council

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

*Resolved*,—That the said bill secondly above mentioned, do now pass, and that it be entitled "An Act to repeal an Act passed in the 4th year of the reign of his late Majesty, entitled "An Act for registering the names of persons entitled to vote at elections" and to make more effectual provision for the same."

Bill passed Title

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

Sent to Council

Pursuant to order a bill to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of her Majesty's reign, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by steam between the ports of St. John's and Halifax, in Novascotia; was read a second time.

Bill to re-vest £1500 in the treasury, to be applied to the purposes of steam navigation read a 2nd time

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

To be committed

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

On motion of Mr. Nugent, the amendments made by her Majesty's Council on a bill sent up from this House entitled "An Act to encourage the killing of wolves in this colony," were read a second time.



*Resolved*,—That the said amendments be committed to a committee of the whole House on to-morrow.

House in committee on bill to establish a grammar school.

Agreeably to order, the House resolved itself into a committee of the whole on consideration of a bill to establish a Grammar School in the town of Carbonear.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Engrossed,  
3d reading

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

House in committee on bill for more easy and less expensive decision of differences between masters and servants, &c.

Pursuant to order the House resolved itself into a committee of the whole on consideration of a bill for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants and Apprentices in this Colony.

Mr. Speaker left the chair.

Mr. Moore took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

*Ordered*,—That the said committee have leave accordingly.

Message from his Excellency.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

He further presented by command of his Excellency the following documents:

1. A petition from Richard Perchard, gaoler of St. John's, praying for an increase to the fees of said office.

2. Copies of correspondence with her Majesty's Government, on a subject interesting to the Legislature.

3. Copies of correspondence with her Majesty's Government, on the subject of the salary of the Judge of the Vice Admiralty Court.

The said messages were then read by Mr. Speaker, (all the members being uncovered,) and are as follow :

## MESSAGE.

H. PRESCOTT.

In transmitting to the House of Assembly the accompanying petition of the Gaoler of St. John's, the Governor desires to refer to the note



marked B attached to the estimate of the amount required for defraying the public expenditure laid before the House in the session of 1836.

## MESSAGE.

H. PRESCOTT.

The Governor transmits for the information of the House of Assembly copies of correspondence which he has held with Her Majesty's Government on a subject interesting to the Legislature.

## MESSAGE

H. PRESCOTT.

In transmitting the accompanying correspondence respecting the Judge of the Vice Admiralty Court for the favourable consideration of the House of Assembly, the Governor has to express a hope that the House will come to an early decision thereupon, and enable him to make the same known to her Majesty's Government.

The documents accompanying his Excellency's message were then read by the Clerk.

The said petition of Richard Perchard, setting forth—

That petitioner is keeper of her Majesty's Gaol in the central district of this Island, and has served in that capacity for a period of twenty years.

That about six years ago an alteration was made in the gaol dietry, and petitioner's allowance for the maintenance of the prisoners considerably reduced, but placed upon such a scale as at the *then* rate of provisions, was deemed a fair remunerating allowance for petitioner.

That during the last three years a very considerable advance having taken place in the price of provisions, petitioner feels that he has suffered a great and serious loss by supplying the prisoners at the very low rate of four pence halfpenny per day for each person.

Petitioner therefore humbly prays his Excellency would be pleased to take the premises into consideration, and grant such further increase as to his Excellency may seem meet.

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

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

Referred to committee of supply

(For the remaining documents see Appendix.)

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

*Ordered*—That the said copies of correspondence, viz., documents No's 2 and 3, be printed for the use of members.

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council, to ascertain what proceedings had been had upon a bill sent up by this House, entitled "An act to provide for defraying the expenses of the late Delegation."

Committee appointed to search Council's Journals

Petition of R. Perchard presented and read.



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

House in committee of supply.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on further 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 matter to them referred, and had directed him to ask for leave to sit again.

The chairman further reported the following resolutions.

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 Council.

2. *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 salaries of two clerks in the Secretary's office.

3. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the salary of office keeper to the Secretary's office.

4. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the salary of the Messenger to the Secretary's office.

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

6. *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 Clerk of the Northern Circuit Court.

7. *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 Clerk of the Southern Circuit Court.

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

9. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty to defray the salary of the gaoler for the same period.

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



ing the salaries of two Police Magistrates for the district of St. John's, being three hundred pounds each per year for each magistrate.

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

12. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and seventy pounds be granted to her Majesty towards defraying the salaries of six police constables for the district of St. John's.

13. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fourteen hundred and ten pounds be granted to her Majesty towards defraying the salaries of the stipendiary magistrates in the following places.

- A stipendiary magistrate at Harbor Grace, one hundred and fifty pounds.
- Carbonear, one hundred and twenty pounds.
- Brigus, one hundred and twenty pounds.
- Ferryland, one hundred pounds.
- Bay Bulls, one hundred pounds.
- Placentia, one hundred pounds.
- Burin, one hundred pounds.
- St. Mary's, one hundred pounds.
- Harbor Britain, one hundred pounds.
- Grand Bank, one hundred pounds.
- Trinity, one hundred and twenty pounds.
- Bonavista, one hundred pounds.
- Twillingate and Fogo, one hundred pounds.

14. *Resolved*,—That it is the opinion of this committee that a sum not exceeding nine hundred and forty-six pounds be granted to her Majesty towards defraying the salaries of the undermentioned constables and gaolers in the following places:

- The Gaoler at Harbor Grace, fifty pounds.
- Ferryland, twenty-five pounds.
- Placentia, twenty-five pounds.
- Burin, twenty-five pounds.
- Trinity, twenty-five pounds.
- The high constable at Harbor Grace, thirty-five pounds.
- Two constables at Harbor Grace, twenty-five pounds each.
- Three constables at Carbonear, seventy-five pounds, being £25 each.
- A constable at Brigus, twenty-five pounds.
- Port de Grave, twenty-five pounds.
- Bay de Verds, twelve pounds.
- Harbor Main, twelve pounds.
- Cats Cove, twelve pounds.
- Western Bay, twelve pounds.
- South Shore, twelve pounds.
- Ferryland, twelve pounds.
- Bay Bulls, twelve pounds.
- Toads Cove, twelve pounds.
- Cape Broyle, twelve pounds.



A constable at Capelin Bay, twelve pounds.  
 Aquaforte, twelve pounds.  
 Fermeuse, twelve pounds.  
 Renews, twelve pounds.  
 Placentia, twenty-five pounds.  
 Little Placentia, twelve pounds.  
 Barren Island, twelve pounds.  
 Merasheen, twelve pounds.  
 Burin, twenty-five pounds.  
 St. Lawrence, twelve pounds.  
 Lamaline, twelve pounds.  
 St. Mary's, twenty-five pounds.  
 Trepassey, twelve pounds.  
 Harbor Britain, twelve pounds.  
 Grand Bank, twelve pounds.  
 Trinity, twenty-five pounds.  
 Catalina, twenty-four pounds.  
 Bonavista, twenty-five pounds.  
 Greenspond, twelve pounds.

Three constables at Fogo and Twillingate, forty-nine pounds.

A constable at Exploits Bay, twelve pounds.

Brigus (south) twelve pounds.  
 Witless Bay, twelve pounds.  
 Petty Harbor, twenty pounds.  
 Old Perlican, twelve pounds.  
 Heart's Content, twelve pounds.  
 New Harbor, twelve pounds.  
 Portugal Cove, twelve pounds.  
 Torbay, eighteen pounds—and a further sum of thirty-six pounds to the constable of Torbay, being arrears due to him.

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

16. *Resolved*,—That it is the opinion of this committee that a sum not exceeding forty pounds be granted to her Majesty towards defraying the salary of the Surgeon to the Gaol at St. John's.

17. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty pounds be granted to her Majesty towards defraying the salary of the Surgeon to the Gaol at Harbor Grace.

18. *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 to the gaol at St. John's.

19. *Resolved*,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty towards defraying the expense of the retiring salary of John Buckingham.

20. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty pounds be granted to her Majesty towards defraying the expense of printing and stationery.



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

22. *Resolved*,—That it is the opinion of this committee that a sum not exceeding four hundred and fifty pounds be granted to her Majesty towards defraying the expense of Gaol dietry, &c.

23. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and forty pounds be granted to her Majesty towards defraying the expense of coroners.

24. *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 public buildings, exclusive of the Sheriff's house and office.

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 expense of postages and other incidentals.

26. *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 the conveying the Judges on Circuits.

27. *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 unforeseen contingencies.

28. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds be granted to her Majesty towards defraying the expense of firing fog guns.

29. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards the support of Matthew Stevenson, many years Clerk of the Peace for Harbor Grace.

30. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds be granted to her Majesty towards the support of William Martin, high constable for many years for Conception Bay.

31. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds in addition to a former sum granted of three hundred and fifty pounds, granted under the Act 2d Victoria, Chap. 1, for the same purpose, be granted towards defraying all expenses attendant upon a Geological Survey of the Island for one year.

32. *Resolved*,—That it is the opinion of this committee that a sum not exceeding eighteen pounds and five pence be granted to her Majesty towards defraying an account due to the directors of the St. John's Marine Hospital.

33. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and seventeen pounds thirteen shillings and three pence halfpenny be granted to her Majesty towards defraying the account of the Board of Commissioners of the Poor for the district of St. John's of October, 1838.



34. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-five pounds be granted to her Majesty towards defraying the expenses of the rent of the Hustings at St. John's in the General Election of 1836.
35. *Resolved*,—That it is the opinion of this committee that a sum not exceeding thirty one pounds one shilling and five pence be granted to her Majesty towards liquidating the Account of the Commissioners of Harbor Grace Light House for Sperm Oil, &c., dated 11th May 1839.
36. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ten pounds be granted to her Majesty towards defraying the expense of Furniture for the Court House of Burin.
37. *Resolved*,—That it is the opinion of this committee that a sum not exceeding ten pounds be granted to her Majesty towards defraying the expenses of Law Books procured for the Court House of Brigus by R. J. Pinsent, Esq., J. P.
38. *Resolved*—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty for Mrs. Blaikie for the current year, widow of the late James Blaikie, Stipendiary Magistrate.
39. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twelve pounds be granted to her Majesty towards defraying the salary of Richard Anderson, of Trinity, as a constable for the year 1838.
40. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards remunerating the two Clerks in the Secretary's Office for extra services during the session of 1837, being twenty-five pounds for each.
41. *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 expenses of the re-erection of Waterford Bridge by Mr. Simon Morris.
42. *Resolved*,—That it is the opinion of this committee that a sum not exceeding five pounds be granted to her Majesty towards remunerating Thomas Danson, Esq., of Harbor Grace, for his attendance as a witness before a committee of the House of Assembly in 1837.
43. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds be granted to her Majesty towards the improvement of Quidi Vidi Harbor.
44. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-one pounds sixteen shillings and threepence be granted to her Majesty towards the support of pauper patients in the St. John's Hospital for the month of June last past.
45. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and seventy-three pounds ten shillings be granted to her Majesty towards defraying the expense of conducting civil and criminal prosecutions by the Solicitor General.
46. *Resolved*,—That it is the opinion of this committee that a sum not exceeding two hundred pounds be granted to her Majesty towards the support of paupers and lunatics in the St. John's Hospital.



47. *Resolved*,—That it is the opinion of this committee that a sum not exceeding twenty-five pounds be granted to her Majesty towards the support of Johanna Armstrong, widow of the late Marshall of the Supreme Court.

48. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards the support of the St. John's Factory.

49. *Resolved*,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to the ladies of the Indigent Sick Society.

50. *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 Solicitor's General's fees, and in lieu thereof for the current year.

51. *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 a Packet Boat to ply every week between Burin, the Western Islands of Placentia Bay, and Placentia, the same to be under, and subject to the direction and Regulation of nine persons to be appointed by his Excellency the Governor; three of said Commissioners shall reside in Burin, three Commissioners shall reside in Merasheen, and three Commissioners shall also reside in Placentia.

52. *Resolved*,—That it is the opinion of this committee that a sum not exceeding one hundred and ninety seven pounds fifteen shillings and ten pence be granted to her Majesty to defray the expenses of the Elections of 1836, as follows:—Robert J. Pinsent Returning Officer, £12 10—ditto for travelling expenses £7—Samuel Cozens Poll Clerk, £10—ditto for expenses £3—Benjamin Sweetland Returning Officer, £12—ditto for expenses, £13 18 4—Sampson Miffen Returning Officer, £12 10—Edward Miffen Poll Clerk £10—John Peyton Returning Officer, £12 10—ditto for expenses, £17 15—R. Tremlett Poll Clerk, £10—W. B. Barnes for constables staves, £10 12 6—Robert Carter Returning Officer, £12 10—W. Hooper, Returning Officer, £12 10—Francis L. Bradshaw Returning Officer, £12 10—Robert Carter junior Poll Clerk, £10—Thomas E. Gaden Returning Officer, £12 10.

53. *Resolved*,—That it is the opinion of this committee that a sum not exceeding three hundred and thirty pounds be granted to her Majesty towards defraying all demands of the following officers for and in lieu of all fees against the Government for the current year :

The Clerk of the Peace at St. John's, £120—the Clerk of the Peace at Harbor Grace, £50—the Magistrate's Clerk at Brigus, £20—the Clerk of the Peace at Trinity, £20—The Clerk of the Peace at Bonavista, £20—the Clerk of the Peace at Twillingate, £20—the Clerk of the Peace at Ferryland, £20—the Clerk of the Peace at Placentia, £20—the Clerk of the Peace at Burin, £20—and the Clerk of the Peace at Harbor Britain, £20.

And the 22d resolution being again read—

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

*Resolved*,—That the words "three hundred and fifty be inserted instead thereof.



And the 53d resolution being again read—

Mr. Brown moved, seconded by Mr. Moore, that it be

*Resolved*,—That the words “to the Returning officer of St. John’s £12 10s., and to John Long for erecting Hustings, £25,” be inserted therein.

Whereon the House divided, when there appeared for the motion four ; against it, three.

For the motion.

Against the motion.

Mr. Moore

The Solicitor General

— Brown

Mr. Winsor

— Butler

— Nugent.

— Dwyer.

So it passed in the affirmative.

Resolutions read and agreed to,

And the remaining resolutions having been again read throughout, on the question put thereon, were agreed to by the House.

Committee to prepare Supply Bill.

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

*Ordered*—That Mr. Doyle, Mr. Brown, Mr. Nugent, Mr. Dwyer, and the Solicitor General, do form a committee to prepare and bring in a bill pursuant to the said resolutions.

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

**TUESDAY, August 13, 1839.**

House in committee on amendments to bill to encourage killing of wolves.

**P**URSUANT to order, the House resolved itself into a committee of the whole on consideration of the amendments made by Her Majesty’s Council in a bill entitled “An act to encourage the killing of Wolves in this colony.”

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

3d reading,

*Ordered*,—That the said amendments be read a third time on to-morrow.

Petition of O. O’Neil and others

A petition from Owen O’Neil and 152 others, inhabitants of Aquafort and Fermews, was presented by Mr. Winsor, (who stated in his place that his Excellency the Governor being acquainted with the subject matter of the said petition, consents that the House do proceed



thereon as they shall think fit) and the said petition was received and read, praying that the House will vote a salary for the support of a Ferryman at Aquafort.

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

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

Referred to Committee on roads

Pursuant to order, a bill to establish a Grammar School in the town of Carbonear, was read a third time—whereon,

Grammar School bill read 3d time.

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

*Resolved*,—That the said bill do now pass, and that it be entitled "An act to establish a Grammar School in the town of Carbonear."

Passed, Title

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

Sent to Council

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

The said message was then read by Mr. Speaker, (all the members being uncovered,) and is as follows :

MESSAGE.

H. PRESCOTT.

In compliance with the desire of her Majesty's Secretary of State for the Colonies, the Governor transmits for the consideration of the House of Assembly the annexed copies of correspondence between his Lordship and Mrs. Holbrook, widow of the late Surveyor General of this Island.

The correspondence referred to was then read by the Clerk.—See *Appendix*.

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

On motion of the Solicitor General, the House resolved itself into a committee of the whole on consideration of a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period.

House in committee on Bill to re-appropriate monies granted by the Legislature

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to.



Engrossed  
3d reading,

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

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

Referred to Committee

*Ordered*,—That Mr. Dwyer and the Solicitor General be added to the number of the committee appointed to report on the contingencies of the House, and that the said committee have power to send for persons and papers.

Notice of bill to incorporate Benevolent Irish Society,

Mr. Doyle gave notice that on to-morrow he should move for leave to bring in a bill to incorporate the Benevolent Irish Society, and that the rules of the House be suspended as far as respects the said bill.

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

**WEDNESDAY, August 14, 1839.**

Amendments in bill to encourage killing of wolves read 3d time

**A** GREEABLY to the order of the day, the amendments made by Her Majesty's Council in a bill entitled "An act to encourage the killing of Wolves in this colony," were read a third time.

Passed,

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

*Resolved*,—That the said amendments do now pass.

Council acquainted thereof.

*Ordered*,—That Mr. Brown and the Solicitor General do go up to her Majesty's Council and acquaint them that this House concurs in the said amendments.

Order of day read

The order of the day for the third reading of a bill to re-appropriate certain monies granted by the Legislature, for particular purposes, and remaining unappropriated for a certain period, having been read—

Discharged.

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

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

House in committee on Bill to re-vest £1500 in the treasury, to be applied to the purposes of steam navigation.

Pursuant to order, the House resolved itself into a committee of the whole on consideration of bill to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of her Majesty's reign, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by steam between the ports of St. John's, and Halifax, in Nova Scotia.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.



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

Report

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

Engrossed  
3d reading.

Pursuant to notice and leave had, Mr. Moore presented a bill to establish a Post Office in this Island, and the same was read a first time.

Bill to establish a Post-Office read 1st time.

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

2d reading.

Pursuant to notice and leave had, Mr. Doyle presented a bill to incorporate the Benevolent Irish Society, and the same was read a first time.

Bill to incorporate Benevolent Irish Society read 1st time.

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

*Resolved*,—That the rules of this House be suspended, as far as regards the said bill.

Whereon it was

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

And the said bill was read a second time accordingly.

2d reading.

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

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

House in committee thereon.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

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

Engrossed  
3d reading.

Mr. Morris presented a petition from Denis Mackin and 40 others, inhabitants of Brigus, and the same was received and read, setting forth—

Petition of D. Mackin and others.

That in the said town of Brigus and the immediate vicinity thereof, there are certain roads and highways which are in a very dangerous condition, owing to want of repair, narrowness, and being situated near the verge of steep cliffs.

That the said roads are public, and are of necessity much used by the people in general, for all the various purposes of trade and travelling.

That the roads particularly intended by your petitioners, as requiring repair and improvement, are the following, viz.—



1. The road from Frog Marsh to the Battery, by way of the River Head, the Meeting House, and the long wooden Bridge—which would require about two hundred pounds sterling.

2. The road from the Meeting House Hill to Janes's Forge, by way of Walter Whelan's house—which would require about thirty-five pounds sterling.

3. The road round the Pond, from the School House to Grave Hill—which would require about sixty pounds sterling.

4. The road from John Roberts' house towards Cupids, by way of Ratleigh Row—which would require about eighty-five pounds sterling.

5. The road from River Head to the Catholic Chapel, by way of the head of Beaver Pond—which would require about fifty pounds sterling.

That the said town of Brigus is a place of great population and trade, the inhabitants thereof owning and occupying in the fisheries and commerce of the country thirty-six brigs and schooners, which vessels last spring employed upwards of a thousand men in the seal fishery.

Your petitioners therefore trust, that in consideration of the necessity which exists for the improvement of the said roads in the town of Brigus, and of the just importance of the place and neighbourhood in the scale of Local Trade and Population,—your honorable House will be pleased to grant the sums of money required for the purposes aforesaid.

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

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

Mr. Nugent from the Committee appointed to search the Journals of her Majesty's Council, to ascertain what proceedings had been had upon a bill sent up from this House, entitled "an Act to provide for defraying the expenses of the late Delegation," reported that they had complied with the instructions of the House, and had taken the following extract that House, from the said Journals.

JULY 5, 1839.

Bill to provide for defraying the expenses of the late Delegation committed—Chairman reports progress, and asks leave to sit again, and recommended to the House that a conference be sought with the Assembly, with a view to obtain an amended account of the expenditure of the sum of £500, already voted towards defraying the expenses of a delegation of and to obtain a report of the said Delegates proceedings.

*Ordered*,—That the report be received and adopted.

JULY 30, 1839.

Bill committed—Chairman reported progress, and asked leave to sit again on Friday next.

AUGUST 2, 1839.

Bill committed—Chairman reported that the Committee had risen.

Referred to committee on roads.

Report of committee appointed to search Council's Journals.



Notice by the Solicitor General for to-morrow, of a motion that a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period, be re-committed to a committee of the whole House.

Notice for re-committal of Bill to re-appropriate monies granted by the Legislature

Also, of a motion for an address to his Excellency the Governor, on the subject of the expenses of the late delegation.

Notice of address to his Excellency

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

**THURSDAY, August 15, 1839.**

**P**URSUANT to order, a bill to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of her Majesty's reign, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam between the ports of St. John's, and Halifax, in the Province of Novascotia, was read a third time.

Bill to re-vest £1500 in the treasury, to be applied to the purposes of steam navigation read 3d time

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

*Resolved*,—That the said bill do now pass, and that it be entitled "An act to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam between the Ports of St. John's, and Halifax, in the Province of Novascotia."

Passed, Title

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

Sent to Council

Pursuant to order, a bill to incorporate the Benevolent Irish Society was read a third time.

Benevolent Irish Society incorporation Bill read 3d time

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

*Resolved*,—That the words "James O'Donnell" be expunged from the fifth line of the preamble of the said bill.

Amendments made thereon

*Resolved*,—That the words "the Right Rev. Doctor Fleming" be expunged from the 24th line of the 2d sec. of the said bill, and the said words inserted between the words "School," and "Michael," in the 9th line.

And the said amendments were made in the bill at the table of the House.

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

*Resolved*,—That the said bill as amended do pass, and that it be entitled "An act to incorporate the Benevolent Irish Society."

Passed Title



House in committee on  
Bill to re-appropriate  
monies granted by the  
Legislature

On motion of the Solicitor General, the House resolved itself into a committee of the whole on consideration of a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Amendments read and  
agreed to.

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

Engrossed  
3d reading.

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

Pursuant to notice, the Solicitor General moved, seconded by Mr. Nugent, that it be

Resolution for address  
to his Excellency on the  
subject of delegation ex-  
penses.

*Resolved*,—That a committee be appointed to prepare an address to his Excellency the Governor on the subject of the expenses of the late Delegation to her Majesty's Government.

House divide.

Whereon the House divided, when there appeared for the motion, seven, against it, one.

For the motion—

Against the motion—

Mr. Brown

Mr. Moore.

— Winser

— Nugent

— Dwyer

— Godfrey

— Doyle

— Solicitor General.

So it passed in the affirmative.

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

Carried.

Committee.

Notice of message to  
Council.

Mr. Brown gave notice that on to-morrow he should move that a message be sent to her Majesty's Council, requesting that they will furnish this House with the amount of their contingent expenses for the present session.

Mr. Dwyer gave notice that on to-morrow he should move that the rules of this House respecting the introducing, reading and passing of bills—the considerations of amendments on bills from her Majesty's Council—the moving and passing of addresses to his Excellency the Governor, be suspended for the remainder of the present session.



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

## FRIDAY, August 16, 1839.

**M**R. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, enclosing a memorial from certain inhabitants of Port de Grave, and acquainting him that the accounts referred to in the said petition were already before the House.

Communication from Colonial Secretary transmitting—

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

Petition of inhabitants of Port de Grave.

That Memorialists induced by feelings of humanity, venture to address his Excellency relative to the destitute state of their neighbour, Benjamin Daniel Barnes.

Memorialists assure his Excellency, from personal knowledge, that Mr. Barnes has been confined to his bed by a dangerous and painful disease the last three months; that he is now quite helpless, and there is no probability of his speedy recovery.

That his wife has been in a sickly state of health since her confinement, about four months ago.

That Mr. Barnes's circumstances have been for a long time past very straitened, and latterly he has been in a condition of absolute want, so much so that a subscription has been entered into for the immediate relief of himself and family.

That Memorialists understanding from Mr. Barnes that he has claims on the Legislature for public services performed by him during the last two years, as Assayer of Weights and Measures, and for making out the lists of voters &c., which accounts have been laid before his Excellency, most respectfully solicit his Excellency's influence to cause those accounts to be paid as early as possible, so as to afford that relief to Mr. Barnes which his great and pressing necessities require.

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

Mr. Winsor presented a petition from John Killigrews and 59 others, inhabitants of Renew's, and the same was received and read, setting forth—

Petition of J. Killigrews and others.

That in point of population, trade, &c., this Harbor is superior to most, if not all the others of this district.

That about one third of the inhabitants reside on the south side, and that a considerable number (especially in the winter) live in coves as far south as Chance Cove, between which and the north side of this Harbor there is a continual communication, by boats in summer, and on the ice in winter; and that in consequence of the rapidity of our rivers and other causes, such communication (especially in the winter,) is dangerous in the extreme—a fact sufficiently shewn by the deaths and accidents that have repeatedly occurred.



That although sums have been voted by your honorable house for the purpose of making Roads and erecting Bridges in other towns, there has not been any voted for a similar purpose in this district, and the only sum in which petitioners have at all participated, is the grant towards making a road hence to Fermews.

Your Petitioners therefore humbly pray that the House will be pleased to grant a sufficient sum or sums of money, for the erection of Bridges over the large and small Renews Rivers, and also for making a road through the Town.

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

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

Pursuant to order, a bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period was read a third time.

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

*Resolved*,—That the said Bill do now pass, and that it be entitled “an Act to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period.”

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

On motion pursuant to notice of Mr. Brown, seconded by Mr. Moore.

*Resolved*,—That a message be sent to her Majesty’s Council requesting that the Council will acquaint the House with the amount of their contingencies for the present session.

*Ordered*,—That Mr. Brown and Mr. Moore do carry up the said message.

Agreeably to the order of the day the House resolved itself into a committee of the whole on consideration of a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices.

Mr. Speaker left the chair.

Mr. Moore took the chair of the committee.

Mr. Speaker resumed the chair.

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

The order of the day on Mr. Dwyer’s notice of a motion that the rules of this House, with reference to the introducing, reading, and passing bills, the consideration of amendments on bills from her Majesty’s Council, the moving and passing of addresses to his Excellency the Governor, be suspended for the remainder of the Session, having been read,

Communication from Co-Operative Society

Referred to Committee on roads

Bill to re-appropriate certain monies granted by the Legislature read 3d time.

Passed Title

Sent to Council

Message to be sent to Council

House in committee on bill for the decision of differences between masters and mistresses and their servants and apprentices

Petition of J. W. Dwyer and others

Report

Order of day read



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

*Ordered*,—That the said order of the day be postponed.

Mr. Kent gave notice that to-morrow he should move the House to come to the following resolutions:—

Notice of resolutions respecting Delegates.

1st. That in their advocacy of the cause of the people of Newfoundland, and of their representatives before her Majesty's Government in England, on the occasion of the late delegation, our delegates have testified their attachment to the interests of this colony, have vindicated the confidence reposed in them by this House, and merited the thanks of their country.

2d. That the thanks of the Commons House of Assembly of Newfoundland are hereby given to our delegates in testimony of the high sense we entertain of their services on the late delegation to her Majesty's Government.

3d. That these resolutions be communicated in a suitable manner to the members of the late Delegation.

Mr. Brown presented a petition from Mary Hillyard, of Conception Bay, widow, and the same was received and read, setting forth—

Petition of Mary Hillyard.

That in the laying out the roads and fire-breaks in Harbor Grace, immediately after the great fire, a large piece of ground was taken from a lot occupied by petitioner, and praying that the House will remunerate her for the loss occasioned thereby.

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

Mr. Nugent, from the committee appointed to draft an address to his Excellency the Governor, on the subject of the expenses of the late delegation, reported that they had prepared an address accordingly, and the same was read as follows:—

Draft of address to his Excellency.

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

May it please your Excellency,

The House of Assembly, in the session of 1837, appointed a delegation to repair to England to lay at the foot of her Majesty's throne a congratulatory address on her Majesty's auspicious accession to the throne of her ancestors; and on the occasion of the departure of their delegates, instructed them to call the attention of her Majesty's Government to the general state of the colony; to press upon them the claims of Newfoundland upon the parent Government for support and protection; to pray for encouragement for the fisherman and agriculturist; to solicit a reform in the Judicature; and to seek to interest them in the maintenance of the independence of the Representative Branch of the Legislature.

The loss of the bill of supply in that session disabled the House from providing the funds necessary for the accomplishment of the wishes of the



House in a manner suited to the importance of the occasion ; and therefore a sum being raised from private sources, scarcely sufficient to defray the mere personal expenses of the delegates, they departed, and having accomplished their mission, they returned at the close of the session of 1838.

Prior to the arrival of the delegates, and before the real amount of their expenses could be ascertained, a sum was placed in the General Bill of Supply, of 1838, which was hoped to be sufficient to meet the claims upon the House : but it was rejected by her Majesty's Legislative Council.

Although this procedure astonished the members of the Assembly—for the expenses here charged had been incurred in the first place at the express suggestion of the Government, and in the next place upon proceedings instituted not by the House of Assembly, but literally against their repeated remonstrances through their delegates, and by the Government themselves—yet as the sum had been so rejected, the next course adopted by the Assembly was to place the same sum in a bill with certain items of contingent expenses of the Assembly, and again the Council flung the charge from this Bill.

Thrown from the General Supply Bill, removed thus from a bill of contingencies, the House had no alternative but to prepare a bill expressly for the defrayal of these expenses alone ; and now a third time sought to procure the same sum by means of this separate bill ; but even this measure was almost instantly rejected by the Council.

May it please your Excellency,

The House of Assembly have in this manner testified their deep anxiety to discharge the liabilities incurred in their name by their delegates, because their honor and credit stand pledged for their liquidation, and the delay of a year has had no other effect than to add to the original real demand a proportionate amount of interest.

They have now, in the present session, sent a Bill to her Majesty's Council, passed by the unanimous voice of the House for the defrayal of those charges, together with that interest—a bill unincumbered by any other provision—and even though this House have in respect to this Bill set aside every precedent, in their deep desire to preserve that harmony between them and her Majesty's Council, which they ever have been solicitous to maintain—even though with this view they had actually laid before the Council all the detailed accounts and vouchers for the expenditure—yet even this bill the House of Assembly assumes to have been now rejected ; as upon having a committee appointed to search the Journals of her Majesty's Council, it has been found that this Bill, after being before the Council since the 11th June, was committed, and on the 8th instant, the committee rose without reporting.

Under these circumstances the House of Assembly naturally fly for succour and advice to your Excellency, the Representative of their beloved Queen. The Assembly feel they have a resource still left—but they feel that it is a resource pregnant with difficulty—difficulty not to them, but difficulty and embarrassment to the Government of the country—and that resource they would fain avoid to adopt till every other had failed.

They now pray your Excellency to defray those charges—they pray your Excellency to vindicate the character, and redeem the credit, of the



Popular Branch of the Legislature—nor is such a course without an ample precedent.

In a neighbouring Colony, where the Representatives of the People peremptorily and repeatedly refused to grant Supplies for conducting the Government, the Council refused to pass a bill for the defrayal of the expenses of the Legislature, but the House of Assembly addressed the Governor, and he immediately issued his warrants for the discharge of these claims, and his conduct was very properly rewarded by the cordial approval of the Crown.

The House of Assembly of Newfoundland, may it please your Excellency, have been always ready to grant to her Majesty the supplies necessary for the Government of their country. They have never, in one single instance, hesitated to discharge the claims of the Crown upon them; and they do trust that your Excellency will not be less prompt to lend to them your Excellency's support in this instance, than was the Governor alluded to, to meet the wishes of a body who were opposing every obstacle to the operations of the Executive.

Beside, the House of Assembly, while they thus respectfully urge upon your Excellency to free them from their present embarrassment, cannot refrain from acquainting your Excellency that the debts—the discharge of which they now solicit—ought not, in strictness to be chargeable on them—True, the amount was raised upon the credit of this House by their delegates, but it was done *at the express suggestion* of my Lord Glenelg, then her Majesty's Secretary of State for the Colonies, in a despatch bearing date the 17th February, 1838, and addressed to the delegates, and done for *the express purpose* of disembarassing the Government.

In reply to a letter of the delegates dated 12th February, 1838, deprecating the entertainment of the charges against Mr. Boulton before the Privy Council, on the ground of the impossibility of procuring evidence in London, without a moment's notice, and in the want of the necessary funds, praying their advancement by the Government, his Lordship says, "It is obvious that the intervention of the Executive Government in that manner might be understood and construed as an intimation on their part of an opinion unfavourable to the case of the Chief Justice. *It would be therefore on every account desirable that the money should be advanced to you from private sources.*"

But, may it please your Excellency, the House of Assembly have said that these debts ought not to be chargeable on them. The trial of Mr. Boulton was not ordered by this House,—it was not asked for by this House—the Delegates from this House had no instructions whatever regarding it; for it was never even contemplated by them. The cause was instituted at the suit of the Crown—it was brought on abruptly, by order of the Government, and even without the knowledge of the delegates.

Even to this hour the delegates in this House have no idea of the time when this case was first brought into the Privy Council; but on Saturday the 10th February, they received a notice from Sir Charles Greville, requiring of them to bring their charges against Mr. Boulton to a hearing at the Bar of the Judicial Committee—and this was the first intimation they had of the existence of the suit.

In Lord Glenelg's letter above alluded to, of 17th February, he thus excuses himself for its introduction—"I must observe, that in transferring from the Executive Government to the Judicial Committee of the Privy



Council, the investigation of the charge against Mr. Boulton, I pursued a course which it was not in my choice to avoid. The complaints against that gentleman, referring to acts alleged to have been done by him in his Judicial capacity, I originally thought, and am still of opinion that no authority except that of the Judicial Committee of the Privy Council, was competent either in Law or Fact to take cognizance of such charges; and *I regret that this view of the subject* could not have been made known to the House of Assembly before your departure from Newfoundland."

Thus, then, will your Excellency perceive that not only was this cause instituted against the will, but without the knowledge of the House of Assembly or of their delegates—and so instituted by her Majesty's Government, and that it was at the express suggestion of the Secretary of State, that the Delegates incurred the liabilities the House of Assembly now seek to have discharged; and they now once more respectfully pray your Excellency to prevent the deferring longer the liquidation of these claims, and the consequent accumulation of interest as well as the inconvenience, the difficulty and the embarrassment that may otherwise result; and this House pledges itself to reimburse your Excellency, in such manner as to your Excellency may seem fit.

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

*Resolved*—That the said address be adopted.

*Ordered*—That Mr. Nugent, Mr. Winser, and the Solicitor General do form a committee to present the same.

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

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## SATURDAY, August 17, 1839.

Order of day read

**T**HE order of the day on Mr. Kent's notice of certain resolutions respecting the members of the late Delegation to her Majesty's Government, having been read—

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

Postponed.

*Ordered*,—That the said order of the day be postponed.

House in committee on bill for the decision of differences between masters and mistresses and their servants and apprentices

Agreeably to the order of the day the House resolved itself into a committee of the whole on consideration of a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices.

Mr. Speaker left the chair.

Mr. Moore took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had gone through the said bill and had made some amendments therein, and he



handed the said bill with the amendments in at the Clerk's table.

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

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

Then the House adjourned until Tuesday, at one o'clock.

**TUESDAY, August 20, 1839.**

**P**URSUANT to order, a bill for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices, in this Colony, was read a third time.

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

*Resolved*—That the said bill do now pass, and that it be entitled—  
“An act for the more easy and less expensive decision of differences between masters and mistresses and their servants and apprentices in this Colony.”

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

Mr. Nugent, from the committee appointed to wait on his Excellency the Governor, with the address of the House of the 16th inst., relative to the expenses of the late delegation, reported that they had waited on his Excellency with the said address, and that his Excellency had been pleased to reply thereto as follows:—

GENTLEMEN,—

Having carefully considered the request contained in this address, I come to the conclusion that a compliance therewith would be an illegal assumption of authority, by which I should supersede the legitimate functions of the Council as a co-ordinate branch of the Legislature.

If the example to which you allude, and which you propose for my imitation, be that of my Lord Gosford, I may be permitted to observe in reply that I understand his Lordship to have acted on the occasion in question under positive directions from the Home Government.

I must not, however, be understood as expressing any opinion adverse to a Bill for defraying the expenses of the Delegation; and, while I extremely regret the occurrence of the present controversy between the Council and the House of Assembly, I would, in answer to the appeal for my advice under existing circumstances, earnestly recommend that the demands of the House, admitting them to be just and well founded, should nevertheless, on every account, be temperately pursued.

*Government House,*  
20th August, 1839.

Amendments read and agreed to.

Engrossed—3d reading

Bill for the decision of differences between masters and mistresses and their servants and apprentices read 3d time.

Passed:  
Title.

Sent to Council.

Report of committee appointed to wait on his Excellency with address of the House.



Petition of J. Mc'Donald.

The Solicitor General presented a petition from James Mc'Donald of Harbor Grace, and he stated in his place that his Excellency the Governor sanctioned the presentation of the same, and the said petition was received and read, setting forth—

That at the request of the Magistrates, and the wish of the public in general, petitioner took charge of the children of the late Peter Fanning, (who stood charged with the murder of his wife) at a time when no other person could be found to take them, in consequence of the wretched state in which the said children were, from long neglect and a deficiency of clothes, and of the common necessaries of life.

That petitioner after providing for, and treating these children in the same way and manner as if his own, at no small loss of time, and to the neglect of his own business, procured such persons to take them as apprentices, as would do them justice in every respect.

That from the time petitioner received payment from your honourable House, he lost no time in endeavouring to find a proper person to take the youngest of said children as an apprentice, (as was requested by Mr. Brown); this was at last effected with much difficulty, but not until petitioner had been put to the expense of more than what appears in the annexed statement for the necessaries the Boy seemed to want for the coming year; for unless these things had been provided by petitioner, he would not have been taken. That although petitioner thought, and had been promised, that the child would be taken from him early in the fall, he was under the necessity of keeping him until the 9th of March last, and the severity of the season, and the very high price of every necessary of life, bore hard on petitioner, who was, and still remains in the lowest circumstances, having an helpless family to support by his own exertions alone.

Petitioner therefore humbly prays your Honourable House to take his case into consideration, and grant him such payment for this, his final claim, as may appear in the wisdom of your honorable House most proper or deserving.

On motion of the Solicitor-General, seconded by Mr. Moore,

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

On motion of Mr. Nugent, a bill to incorporate the town of St. John's for the regulation and government of the same, was read a second time.

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

**Resolved,**—That this House will, on Friday next, resolve itself into a committee of the whole on consideration of the same.

Referred to Committee of Supply.

Bill to incorporate the town of St. John's read 2d time.

To be Committed.



Then the House adjourned until Friday next, at one o'clock.

## FRIDAY, August 23, 1839.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency the Governor.

**T**HE hon. Mr. Secretary Crowdy acquainted the House that he had two messages from his Excellency the Governor, signed by his Excellency, and he presented the same to the House; and the said messages were read by Mr. Speaker, (all the Members being uncovered) and are as follow :—

#### MESSAGE.

##### H. PRESCOTT.

The Governor conceives that some misunderstanding must have produced the accompanying correspondence, and he transmits it with the account referred to, which appears to his Excellency properly to belong to the contingent expenses of the session.

#### MESSAGE.

##### H. PRESCOTT.

The Governor recommends the accompanying documents to the favorable consideration of the House of Assembly.

The several documents accompanying his Excellency's messages, being—

1. Account of expenses incurred by William Freeman for fitting up the Court House after the closing of the Legislature, with a communication from his Excellency thereon.

2. Communication from the Commissioners of the Poor, enclosing accounts of the Directors of St. John's Hospital for the months of May, June and July, were then read by the Clerk.—*See Appendix.*

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

*Ordered*,—That the said account of William Freeman be referred to the Committee on Contingencies:

*Ordered*,—That the said accounts of the St. John's Hospital be referred to the committee of Supply.

### A MESSAGE FROM HER MAJESTY'S COUNCIL

Message from her Majesty's Council.

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



*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up from the Assembly entitled "An act to repeal several acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate into one act the laws respecting the same," with some amendments, to which they request the concurrence of the House of Assembly.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
22d August, 1839.

And then the Messenger withdrew.

The said amendments were then read a first time, and are as follow :

In the title, 1st line—Expunge the word "repeal," and insert instead of it the word "amend."

5th line—Expunge the words "into one act."

Preamble, 2d line—Expunge the words "repeal several of," and insert the word "amend," in its stead.

6th & 7th lines—Expunge the words "into one act."

1st section—Expunge in the last two lines the words "and every part thereof," and insert at the end of the section the words "save and except all such clauses and parts of the said acts, or any of them, as provide for or relate to the repayment of any and all sums of money that have, under the provisions of the said acts, been loaned or borrowed from any person or persons, and which provide for the satisfaction and security of such public creditors."

Expunge the 2d section of the Bill.

4th section, 6th line—After the word "Commissioners," insert the words "of whom three shall be a quorum."

7th line—After the word "superintending," insert the word "directing."

11th line—Between the words "controul" and "and," insert the words "for the administration of all matters touching and concerning the conducting and maintenance of all light houses belonging to this colony."

6th section, 8th line—Expunge the words "owned in the colony."

15th —Between the words "every" and "decked," insert the word "registered."

16th —Expunge the word "and," and insert the word "or" in its stead.

18th —Expunge the words "owned in the colony."

20th —Between the words "every" and "vessel," insert the word "such;"—and also in the 27th line.

7th section, 5th line—Expunge the words "and such," and insert the words "or some," in their stead.

8th section—Expunge the last word of the second line, and the first word of the third line.

9th section—Insert between the last word of the 4th line, and the first word of the 5th line, the words "or other officer of Customs."



9th section, 6th line—Between the 3d and 4th words insert the words “subject and liable to the payment of any such duties or dues aforesaid.”

7th line—Between the 3d and 4th words insert the words “as aforesaid.”

12th line—Between the words “Collector” and “as,” insert the words “or other officer of Customs.”

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

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill to incorporate the town of St. John's, for the regulation and government of the same.

House in Committee on Bill to incorporate the town of St. John's

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

*Ordered*,—That the said committee have leave accordingly.

Mr. Morris gave notice that on Monday next, he should move that select Committees be appointed to take into consideration the state of the fisheries, of the agriculture, and of the administration of justice in the Colony.

Notice for select committees to take into consideration the state of the agriculture, and the administration of justice

Also, that on the same day he should move that an address be presented to his Excellency the Governor, on the subject of the evidence taken during the last Session of the Assembly, before the Committee on the Administration of Justice.

and Notice of address to his Excellency.

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

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## SATURDAY, August 24, 1839.

**P**URSUANT to order the amendments made by her Majesty's in a bill sent up from this House entitled “An act to repeal several acts now in force respecting light houses, and to make further provision for the support of the said light houses, and to consolidate into one act the laws respecting the same,” were read a second time.

Amendments on bill to repeal Light House Act read 2d time

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

To be committed

Mr. Morris presented a petition from Jonas Barter and 50 others, inhabitants of Prince's Street, and the same was received and read, praying for a grant for improving said street.

Petition of Jonas Barter and others



Referred to Committee  
on roads.

House in committee on  
ways and means.

Report.

Committee to prepare  
Revenue Bill,

Committee on agricul-  
ture,

Committee on fisheries.

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

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

On motion, pursuant to notice, of the Solicitor General, seconded by Mr. Morris, the House resolved itself into a committee of the whole on consideration of Ways and Means.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

*Ordered*,—That the said committee have leave accordingly.

On motion of the Solicitor-General, seconded by Mr. Winsor,

*Resolved*,—That a committee be appointed to prepare and bring in a Revenue Bill.

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

Mr. Nugent gave notice that on Monday he should move that the several items comprised in a Bill, entitled "an Act to provide for defraying the expenses of the late delegation," be referred to the Committee of Supply.

Mr. Morris gave notice that on the same day he should present a petition from the printer of this House on matters connected with the privileges of the House.

Then the House adjourned until Monday, at one o'clock.

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## MONDAY, August 26, 1839.

**O**N motion pursuant to notice of Mr. Morris, seconded by Mr. Nugent,

*Resolved*,—That a select committee be appointed to take into consideration the state of the agriculture of this Island.

*Ordered*,—That Mr. Morris, Mr. Nugent, Mr. Butler, Mr. Winsor, and Mr. Dwyer do form the said Committee.

*Resolved*,—That a select Committee be appointed to take into consideration the state of the Fisheries of the Island.

*Ordered*,—That Mr. Morris, Mr. Nugent, Mr. Butler, Mr. Winsor, and Mr. Dwyer, do form the said Committee.



On motion pursuant to notice of Mr. Morris, seconded by Mr. Nugent,

*Resolved*,—That an address be presented to his Excellency the Governor, on the subject of the evidence taken before the Committee on the Administration of Justice, during the last Session.

Mr. Morris then presented the draft of an address in pursuance of the said resolution, and the same was read as follows :—

Draft of address to his Excellency

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

May it please your Excellency,

The House of Assembly, in compliance with the answer of your Excellency of the 24th October, 1838, to an address of this House on the subject of the conduct of the High Sheriff, take leave to lay before your Excellency a copy of the minutes of evidence taken on occasion of the enquiry into that conduct by this House. The House regret that the prorogation of the Legislature on the day following that of your Excellency's answer should have rendered it impossible to have prepared that document during the last session, and that your Excellency should have declined receiving it in the vacation.

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

*Resolved*—That the said address be adopted.

Adopted.

*Ordered*—That Mr. Morris and Mr. Winsor do form a committee to present the same.

Committee.

Mr. Morris presented a petition from Robert John Parsons, Printer of the House, and the same was received and read, setting forth—

Petition of R. J. Parsons.

That your petitioner is editor and proprietor of a weekly Journal entitled "The Newfoundland Patriot."

That in obedience to an order recorded in the Journals of your honorable House, your petitioner is publisher of the proceedings of the House of Assembly.

That on Saturday, the 20th day of October last, your petitioner, among other Parliamentary matter, published the report of a committee of your honorable House, entitled the "Report of the Committee of the House of Assembly of this Island appointed to enquire into the administration of Justice in this colony."

That said "Report" was an authorized Parliamentary paper, and that no order or condition had reference to it to prevent its publication, but that, like any other proceeding, was perfectly free to your petitioner.

That your petitioner had no discretion—if he had neglected to publish it, he would have laid himself open to the censure of your hon. House, and would have justly forfeited his situation as Reporter.



That for this publication, so ordered and sanctioned by your honorable House to be printed and published, your petitioner was summoned to the Bar of the Central Circuit Court, in the last November term, to answer the complaint of Benjamin Greer Garrett, the High Sheriff of Newfoundland, who alleged and declared that the said publication of your hon. House was a libel upon, and did him damage to the amount of one thousand pounds!—(and your petitioner appends the writ served upon him in that suit.)

That your petitioner appeared at the Bar accordingly, and the case was heard before Mr. Chief Justice Bourne and a Special Jury.

That your petitioner defended himself, and pleaded that he was guiltless of the charge, and that the paper alleged to be libellous had emanated not from your petitioner, but from the Grand Inquest of the Colony—your honorable House.

That nevertheless your petitioner was adjudged by the verdict of the said special Jury to pay to the said Benjamin Greer Garrett, for the publication of the said "Report" of your honorable House—in which your petitioner had neither hand, act or part—the sum of eighty pounds, sterling, and costs—in all, your petitioner believes, amounting to about £100.

The petitioner of your hon. House is not forgetful that when an act of favour or of Justice is sought to be obtained of the Crown, devotedness and loyalty and long service are called in by the petitioner as recommendatory qualities—your petitioner, in the present case might copy the example of Executive petitioners, did he not know and feel that superior claim to the protection of your honorable House rested in the oppressive character of the proceedings to which your petitioner has been subjected.

Your petitioner therefore humbly relies on the justice of your honorable House, that you will make such order in his case as in your wisdom may seem best.

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

Mr. Morris gave notice that on to-morrow he should move that the House do resolve itself into a committee on privilege.

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

*Ordered*—That the several items comprised in a Bill passed by this House and sent to her Majesty's Council entitled "An act to provide for defraying the expenses of the late delegation," be referred to the Committee of Supply.

House in committee on  
of Supply.

On motion of Mr. Nugent the House resolved itself into a committee of the whole on further 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 matter to them referred, and had directed him to ask for leave to sit again.



Mr. Kent gave notice that on Wednesday, he should move the adoption by the House of the series of resolutions concerning the members of the late delegation, of which notice had been given on a former day.

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

## TUESDAY, August 27, 1839.

**T**HE order of the day, on Mr. Morris's notice of motion that the House do resolve itself into a committee of the whole on privilege having been read—

Order of the day read.

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

*Ordered*,—That the said order of the day be postponed.

Postponed.

On motion of the Solicitor General,

The House resolved itself into a committee of the whole on consideration of the amendments made by her Majesty's Council in a bill sent up from this House entitled "An act to repeal several acts now in force respecting light houses, and to make further provision for the support of the said light houses, and to consolidate into one act the laws respecting the same."

House in Committee on bill to repeal light house Acts &c.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said amendments and had made an amendment thereon, which they had directed him to report to the House; and the said amendment was read by the Clerk and is as follows:

Report.

After the word colony, add the following words—

"And that all purchases for and on account of the said light-houses, shall be upon a public notice or advertisement for tenders for the same, and the lowest of such tenders for an article of suitable quality shall on all occasions be preferred; and all accounts and vouchers relating to any expense incurred on account of such light-houses shall from time to time be furnished to the Treasurer of the colony, before the respective sums of money shall be drawn from the Treasury."

And the said amendment having been again read throughout, on the question put thereon, was agreed to by the House.

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



Mr. Dwyer gave notice that on to-morrow, he should move that the amendments of her Majesty's Council in the said bill be re-committed to a committee of the whole House.

Message from her Majesty's Council.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented by command of his Excellency an account of a sum of £4 10s. due to the Clerk of the Peace at Ferryland.

The said message was then read by Mr. Speaker, (all the Members being uncovered) and is as follows :—

MESSAGE.

H. PRESCOTT.

The Governor transmits and recommends to the serious and favorable consideration of the House of Assembly the accompanying communication from the Chairman of the Commissioners of Light Houses.

The communication referred to was read by the Clerk.—*See Appendix.*

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

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

*Ordered*,—That the said account of the Clerk of the Peace at Ferryland be referred to the committee of Supply.

Message from his Excellency the Governor.

A MESSAGE FROM HER MAJESTY'S COUNCIL

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

*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to re-vest in the Treasury the sum of £1500 granted to her Majesty under an act passed in the first year of the reign of her present Majesty and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by steam between the Port of St. John's, and the Port of Halifax, in the Province of Novascotia," with some amendments to which they request the concurrence of the Assembly.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
27th August, 1839.

And then the Messenger withdrew.

read 1st

The said amendments were then read a first time, and are as follow :

In the 2d section, 14th line—Insert, after the word "Halifax" the words "or any other convenient port."



In the 3d section, 19th line—Insert after the word “Halifax” the words “or other convenient port.”

At the end of the 3d section—Insert the words “provided always, that in case it shall so happen that the said steam vessel shall be at any time or times prevented by the inclemency of the weather, or from obstruction by ice on the coast, or any inevitable accident, from performing the aforesaid voyages, and the same shall be made to appear to the satisfaction of the Governor in Council, then the person or persons contracting to employ such steam vessel in manner aforesaid, shall not be considered to be in default.”

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

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

## WEDNESDAY, August 28, 1839.

**M**R. Winsor, from the committee appointed to wait on his Excellency the Governor with the address of the House of the 26th inst., reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to make the following reply :

GENTLEMEN,—

In consequence of this Address, I shall proceed in the matter of the Sheriff as in the last Session I informed the House that I would do “should the House think fit to lay before me the documents upon which it founded its resolution respecting that Officer.”

The desire of the House of Assembly on any subject, can of course only be brought under my observation during a Legislative Session ; and that this principle has not in the present case counteracted the wishes of the House, may be inferred from the presentation of this address having been delayed above three months after the opening of the Session.

*Government House,*  
28th Aug., 1839.

Pursuant to order, the amendments made by her Majesty's Council, in a bill entitled “an Act to re-vest in the Treasury the sum of £1500, granted to her Majesty, under an act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by steam, between the Ports of St. John's and Halifax, in Nova Scotia,” were read a second time.

*Resolved*,—That the said amendments be committed to a committee of the whole House on to-morrow.

Report of committee appointed to wait on his Excellency with address of the House.

Amendments on Bill to re-vest £1500 in the treasury, to be applied to the purposes of steam navigation read 2d time



Petition of J. Furlong  
and others

Mr. Moore presented a petition from John Furlong, and others, and the same was received and read, setting forth,—

That having jointly entered into a contract with the Board of Commissioners for Roads and Bridges, for the repairing the road at Riverhead, commencing at Mr. Radford's, and ending at Mr. Palk's dwelling, and also a part of the road leading to Waterford Bridge; your petitioners hath already expended more money than they had in the first place tendered, for the due performance thereof.

That in consequence of the disappointment and loss already sustained, your petitioners hath no means or resources left to defray the expense of performing that part of their contract which requires them to build a bridge on the road near Patrick Brown's dwelling. And as the erecting and completing the said bridge, and the roads, with the united assistance and labour of your petitioners and their four horses, at the lowest estimation, will cost sixty pounds, and as your petitioners will commence and continue the work until the same is completed, if the means are afforded to them—your petitioners most humbly beseech your honorable house to take the premises into consideration, and to grant them sixty pounds to defray the expense of building the said bridge, and completing their contract.

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

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

Referred to Committee  
on roads.

The Solicitor-General moved, seconded by Mr. Kent,

That the amendments made by her Majesty's Council in a bill entitled "an Act to repeal several Acts now in force respecting Light Houses and to make further provision for the support of the said Light Houses, and to consolidate into one Act the laws respecting the same" be read a third time.

Motion for 3d reading  
of amendments to light-  
house act.

Mr. Dwyer, seconded by Mr. Brown, moved in amendment, that the said amendments be re-committed to a committee of the whole house.

Whereon the House divided, when there appeared for the amendment four, against it seven.

For the amendment,

Against the amendment,

Mr. Brown  
— Dwyer  
— Morris  
— Godfrey

Mr. Winsor  
— Moore  
— Doyle  
— Butler  
— Kent  
— Nugent  
The Solicitor General

So it passed in the negative.

Mr. Morris moved, seconded by Mr. Brown.

That the following amendment be added to the said amendments.

"And be it further enacted—That such salary shall be paid and allowed to the keepers of the said Light Houses, and such sums of money be al-



lowed to the keeper of the said light-houses, and such sums of money be allowed for the lighting the same, and for other incidental expenses, as the legislature shall or may from time to time grant, for those purposes."

Whereon the House divided, when there appeared for the amendment five, against it six.

For the amendment,

Against the amendment,

Mr. Brown

Mr. Winser

— Dwyer

— Moore

— Morris

— Butler

— Godfrey

— Kent

— Doyle

— Nugent

The Solicitor General

So it passed in the negative.

Mr. Morris moved, seconded by Mr. Brown.

That the words "five per centum" be inserted in the 16th line of the 7th section of the said bill, in place of the words "ten per centum."

Whereon the House divided, when there appeared for the motion, five, against it, six.

For the motion—

Against the motion—

Mr. Brown

Mr. Winser

— Morris

— Moore

— Doyle

— Butler

— Dwyer

— Kent

— Godfrey.

— Nugent

— Solicitor General.

So it passed in the negative.

Mr. Dwyer moved, seconded by Mr. Brown,

That this House do now adjourn.

Which being put, passed in the negative.

The original motion "that the said amendments be now read a third time," was then put, and passed in the affirmative.

And the said amendments were read a third time accordingly.

Amendments read 3d time.

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

*Resolved*,—That the said amendments as amended do now pass.

Passed.

*Ordered*,—That Mr. Kent and the Solicitor General do carry up the same to her Majesty's Council and desire their concurrence thereto.

Sent to Council.

The order of the day on Mr. Kent's notice of motion for certain resolutions respecting the Members of the late delegation, having been read—

Order of the day read.

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

*Ordered*,—That the said order of the day be postponed until Friday next.

Postponed.



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

## THURSDAY, August 29, 1839.

House in Committee on Amendments on Bill to revest £15 00 in the treasury, to be applied to the purposes of steam navigation.

**P**URSUANT to order, the House resolved itself into a committee of the whole on consideration of the amendments made by her Majesty's Council in a bill sent up from this House entitled "An Act to revest in the Treasury the sum of £1500, granted to her Majesty, under an act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam, between the Ports of St. John's and Halifax, in the Province of Nova Scotia."

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone thro' the said amendments and had agreed to the same without amendment.

*Ordered*—That the said amendments be read a third time to-morrow.

Bill for granting to her Majesty certain duties, read 1st time.

Pursuant to notice and leave had, the Solicitor General presented a bill for granting to her Majesty certain duties upon articles imported into this colony, and the same was read a first time.

On motion, pursuant to notice, of Mr. Dwyer, seconded by Mr. Moore,

*Resolved*,—That the rules of this House, as far as relate to introducing, reading, and passing bills, the consideration of amendments on bills from her Majesty's Council, and the moving and passing of addresses to his Excellency the Governor, be suspended for the remainder of the present session.

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

2d reading,

*Resolved*,—That the said bill for granting to her Majesty certain duties upon articles imported into this colony, be now read a second time.

And the said bill was read a second time accordingly.

Committed

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

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.



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

Report

Mr. Brown moved, seconded by Mr. Kent, that it be—

*Resolved*,—That the said committee do now resume.

Which being put, passed in the affirmative.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said bill and had agreed to the same without amendment.

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

Engrossed  
3d reading

The following petitions were presented by Mr. Brown :

A petition from James Bealy of Carbonear, setting forth,—

Petition of J. Bealy.

That petitioner took a contract last year, under the Board of Commissioners for the Road from Carbonear to Bay de Verds, to repair the road from Harbor-rock Hill to Crocker's Cove new bridge, for the sum of one hundred and twenty pounds sterling, which contract he has finished; petitioner begs to inform the House that in cutting through Harbor-rock Hill, he found it nothing but a solid rock, and that petitioner in fulfilling his contract, has sustained a loss of sixty three pounds ten shillings and ninepence currency. Petitioner also begs to lay before the House a sworn statement of the expenses by his accountant, and prays that your honorable House will be pleased to take his case into consideration.

A petition from William Whelan, of Spaniards Bay, setting forth,—

Petition of W. Whelan.

That in the course of the year 1837, petitioner contracted with the authorised Commissioners, to build a Bridge over the Pond at Spaniards Bay, for the sum of £170 currency, which Bridge petitioner completed to the satisfaction of said Commissioners, within the time prescribed in his contract.

That the Bridge thus built by petitioner is 321 feet long, and has eleven sunken wharves of 15 feet by 12 feet, and has been found to be of great public benefit, being an intermediate thoroughfare between Spaniards Bay and Bay Roberts, and therefore affording a ready accommodation, not only to the population of these large settlements, but also to all persons travelling by land up and down Conception Bay.

That petitioner being an illiterate man, and not having before entered upon so large an undertaking, made a wrong estimate of the expense to be incurred, whereby he sustained a serious loss, as will appear by the account annexed.

Petitioner therefore humbly and earnestly entreats the House to take the above matter into consideration and to afford him compensation for



the extra expenditure, which has been ineffectually applied, as it regards his private behoof, while engaged in a work so eminently useful to the public at large.

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

Referred to Committee  
on roads.

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

Petition of S. Rumson.

Mr. Brown presented a petition from Samuel Rumson, (and he stated in his place that his Excellency the Governor sanctioned the presentation of the same), and the said petition was received and read, setting forth,—

That petitioner is a Police Constable, for the northern district, for, and residing at Carbonear; that since the year 1835, included, till last year, he has been employed each year in the months of August and September by the Magistrates, and under the superintendance of William Stirling Esq. Revising Magistrate for that part of the Western Bay division, in Conception Bay, between the north side of Salmon Cove, and the north side of Ochre-pit-Cove, in ascertaining the names of persons eligible to vote for members of the Colonial Parliament, making out lists thereof, and exhibiting them at four different public places, and attending the different Courts of Revision with the above Magistrate in September each year, for which, after your petitioner going from his home and performing these services, finding the necessary stationary at his own expense, he has only received a small remuneration for the year 1835, and is ordered to the same duty this season also.

Petitioner understands that a brother officer living in this town, (Benjamin Rowe,) for doing the like duty in and about this town, has received a remuneration for '35 and '36, as also James Sharp for the same duty in and about Harbor Grace for the same years.

Petitioner forwarded his accounts to the hon. the Secretary's Office, more than 12 months ago, but as yet, has received nothing.

Petitioner humbly prayeth the House will take his case into consideration, and grant him such remuneration as the House in its wisdom may think fit.

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

Referred to committee  
of Supply.

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

Mr. Kent presented the following petitions, and he stated in his place that his Excellency the Governor sanctioned the presentation of the same—

Petition of Thos. Bennett and others

A petition from Thomas Bennett and others, setting forth—

That to promote the public service, your petitioners have been unavoidably obliged to hire an office where the business of the Board is transmitted, and that the contingencies incident to the said office up to the month of May last, amount to the sum of twenty-five pounds, in manner following:—Office rent, fifteen pounds, coals, five pounds, attendance of a man to take charge of the office, make fires, &c., five pounds; total, twenty-five pounds—



Your petitioners therefore pray that your honorable House will grant for the purpose of the public service the said sum of twenty-five pounds, and also the sum of five pounds in addition to purchase fuel for the use of the said office for the ensuing winter.

A petition from Henry P. Thomas and others, setting forth,—

Petition of H P Thomas and others.

That Thomas Bennett, Esq., member of the Board of Control, upon the formation of the said Board, was chosen and appointed Chairman thereof. That the duties devolving upon him as such are entirely of a public nature, and necessarily occupy a large portion of his time and attendance; the various matters connected with the situation being such, as to abstract him from his attention to his own personal affairs at least two or three days in each week.—That petitioners feel it their duty to state to your honorable House the very strict attention observed to the public service by the said Thomas Bennett, and that the whole of the original writing and correspondence of the said Board with the road commissioners is a duty performed by him.

Petitioners therefore humbly pray that your hon. House will take the premises into consideration, and if you shall deem meet, grant to the said Thomas Bennett, as Chairman of the Board of Control, a remuneration for his public services.

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

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

Referred to committee of Supply.

Mr. Nugent presented a petition from William Quigly, of Steady Water, and the same was received and read, setting forth—

Petition of W. Quigly.

That in the month of July, 1838, petitioner had entered into a contract with the road commissioners of St. John's, to make a part of the road leading to Topsail. That in consequence of springs of water bursting through on petitioner digging to the depth required by the specification, he was obliged to construct a number of trench drains, and was thereby put to great additional expense, and in completing his contract will necessarily sustain a great loss. Petitioner therefore prays that the House will grant him a sum sufficient to remunerate him for his extra labour and expenditure.

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

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

Referred to Committee on roads.

Mr. Speaker informed the House that he had received a communication from the Hon. the Colonial Secretary, transmitting a petition from Michael Allen, of St. John's, setting forth—

Petition of M. Allen.

That petitioner contracted with the Board of commissioners for the district of St. John's, to fill and level the road from King's Bridge to Duckworth-street, for the sum of £105 sterling.

That he has in accordance with such contract filled and levelled the road from the said King's Bridge to the house occupied by Mr. Marett, to the satisfaction of the Chairman and Inspector of the Board; and made drains, and effected various other improvements in the said road, until he



had expended therein a sum equal to the whole amount of the said contract, and two weeks wages for men and horses beyond that amount.

That petitioner was thus liberal in his expenditure on the said road, in his anxious desire to comply with the wishes of the Board with respect to this road in particular, being one of the principal entrances of the town, and connected with the Government Buildings, and other principal departments.

That notwithstanding his great expenses, the said road is still unfinished, and will require an outlay of at least £80, to complete it in a suitable and proper manner, and therefore he humbly prays that such means be adopted as shall seem just, in order that a further sum be granted sufficient to accomplish a work of such importance.

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

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

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

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## FRIDAY, August 30, 1839.

**P**URSUANT to order, the amendments made by her majesty's Council in a bill entitled "An Act to revest in the Treasury the sum of £1500, granted to her Majesty, under an act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam, between the Ports of St. John's and Halifax, in Nova Scotia," were read a third time.

On motion of the Solicitor-General, seconded by Mr. Moore,

*Resolved*,—That the said amendments do now pass.

*Ordered*,—That the Solicitor General and Mr. Moore do go up to her Majesty's Council and acquaint them that this House have adopted the said amendments.

On motion of the Solicitor General, the House resolved itself into a committee of the whole on further 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.

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

Referred to Committee on roads.

Amendments on Bill to revest £1500 in the treasury, to be applied to the purposes of steam navigation, read 3d time.

Passed.

Council acquainted thereof.

House in Committee of supply.

Report.



On motion, pursuant to notice, of Mr. Kent, seconded by Mr. Moore,

*Resolved*,—That in their advocacy of the cause of the people of Newfoundland, and of their representatives before her Majesty's Government on the occasion of the late delegation, our delegates have testified their attachment to the interests of this colony, have vindicated the confidence reposed in them by this House, and merited the thanks of their country.

*Resolved*,—That the thanks of the Commons House of Assembly of Newfoundland are hereby given to our delegates in testimony of the high sense we entertain of their services on the occasion of the late delegation.

*Resolved*,—That these resolutions be communicated in a suitable manner to the members of the late delegation.

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

Resolutions respecting Delegates.

**SATURDAY, August 31, 1839.**

**T**HE Solicitor General from the committee appointed to prepare a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony, and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same, reported that they had prepared a bill accordingly; and the same was read a first time.

Bill for defraying the expenses of the Civil Government read first time.

*Ordered*,—That the said bill be read a second time immediately.

And the said bill was read a second time accordingly.

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

To be committed

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

On motion of the Solicitor General, the House resolved itself into a committee of the whole on further consideration of a bill for incorporating the town of St. John's, for the regulation and government of the same.

House in committee on Bill to incorporate the town of St. John's

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the matter to them referred, and had come to the following resolution thereon:

House in committee on Bill for defraying the expenses of the Civil Government. Report.

*Resolved*,—That it is the opinion of this committee that the session is too far advanced for the further due consideration of a bill of so much importance, and necessarily embracing various measures connected with



the regulation of the Police establishment, and of the general improvement and government of St. John's, and that the committee therefore recommend that it be withdrawn from under the consideration of the House with a view to its introduction at the opening of the next session of the Legislature.

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

*Resolved*,—That this House concur with the committee in the said resolution.

*Ordered*—That Mr. Nugent have leave to withdraw the said bill.

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

*Ordered*,—That the proceedings in the case of the House of Assembly vs. Judge Boulton, before her Majesty's Privy Council, be printed without delay.

Mr. Morris gave notice that on Monday, he should move that the House do resolve itself into a committee of the whole on roads.

Then the House adjourned until Monday, at one o'clock.

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## MONDAY, September 2, 1839.

**A** GREEABLY 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 third time.

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

*Resolved*,—That the said bill do pass on Saturday next, and that it be entitled "An act for granting to her Majesty certain duties on goods, wares and merchandize imported into this Colony and its dependencies."

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

*Resolved*,—That a committee be appointed to prepare an address to be presented to his Excellency the Governor, upon the subject of the Despatch of the Secretary of State for the Colonies with reference to the salary of the Judge of the Vice Admiralty Court.

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

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Notice of motion for committee of whole on roads

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

Passed. Title.

Resolution for committee to prepare address to his Excellency.

House in committee on Bill for defraying the expenses of the Civil Government,



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

Report.

*Ordered*—That the said committee have leave accordingly.

On motion, pursuant to notice, of Mr. Morris, the House resolved itself into a committee of the whole on consideration of roads and bridges.

House in committee on roads and bridges

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the matter to them referred, and had come to the following resolution thereon:

*Resolved*,—That it is the opinion of this committee that it is necessary to continue the public improvements, and that an adequate sum should be voted this year for the making and repairing roads and bridges.

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

*Resolved*,—That this House concur with the committee in the said resolution.

Mr. Morris presented a petition from George Winter and others, and the same was received and read, setting forth—

Petition of G. Winter and others.

That your petitioners have observed with much satisfaction the various improvements made on the roads, in many parts of the Electoral District of St. John's; and are ready to admit, that they do in some measure already participate in the general good; yet they are desirous more fully to enjoy so great a benefit, by the improvement of those more immediately in their own neighbourhood. Your petitioners therefore most respectfully beg to request that your honorable House will be pleased to grant a sum for the improvement of that line leading from the Military Road, and passing on the East of property occupied by Captain Geary, Mrs. Green, and others; and extending to the river running between Irving's and Malone's Farm.

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

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

Referred to Committee on roads.

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

**TUESDAY, September 3, 1839.**

**T**HE Solicitor General from the committee appointed to prepare an address to his Excellency the Governor on the subject of the Despatch from the



Secretary of State for the Colonies, with reference to the salary of the Judge of the Vice Admiralty Court, reported an address as follows:—

Address.

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

May it please your Excellency,

The House of Assembly have had under their deliberate consideration the message sent down by your Excellency to the House, on the subject of the salary to the Judge of the Vice Admiralty Court. Whilst the House of Assembly deeply regret the conclusion to which her Majesty's Government have come with regard to Judge Carter's salary, they feel that they cannot with justice to the Colony depart from the principle adopted in an address to your Excellency on this subject, by the House of Assembly on the 10th of April, 1835.

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

Committee.

*Resolved*—That the said address be adopted.

Adopted.

*Ordered*—That the Solicitor General and Mr. Winser do form a committee to present the same.

Petition of P. Cleary and others.

Mr. Winser presented a petition from Patrick Cleary, J. L. McKie, Martin Williams, James Doyle, Edward Power, and Henry Corryer, Commissioners of Roads from Bay Bulls to Cape Broyle, setting forth—

That in consequence of one portion of their Body residing at a distance of 20 miles from the other, it was always inconvenient, and frequently impossible for them to meet as often as occasion required for the despatch of business; and praying therefore that the Commission money be divided, and that one Board may be appointed for the road from Bay Bulls to La Manche Bridge, and another for the road from La Manche Bridge to Cape Broyle and Brigus.

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

Referred to Committee on roads.

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

House in committee on Bill for defraying the expenses of the Civil Government,

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same.

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 matter to them referred, and had directed him to ask for leave to sit again.



The chairman further reported that on a motion that the following clause be adopted, "and a further sum of one hundred and seventy-three pounds ten shillings towards defraying the fees of the Solicitor General in conducting civil and civil and criminal prosecutions during the year ending 30th June, last past," the committee divided, when there appeared—

Further report.

<p>For the motion—                  Mr. Speaker                  — Winsor                  — Moore                  — Doyle                  — Nugent                  — Kent                  — Solicitor General                  — Dwyer.</p>	<p>Against the motion—                  Mr. Morris                  — Godfrey.</p>
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And that on a motion that the following vote be rescinded, "to Mr. Barnes for constables' staves, ten pounds twelve shillings and sixpence," the committee again divided, when there appeared—

<p>For the motion,                  Mr. Dwyer                  — Morris                  — Godfrey                  — Moore</p>	<p>Against the motion,                  Mr. Doyle                  — Butler                  — Kent                  — Nugent                  — Speaker                  — Winsor.</p>
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A MESSAGE FROM HER MAJESTY'S COUNCIL

Message from her Majesty's Council.

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

*Mr. Speaker,*

Her Majesty's Council have passed the Bill sent up from the Assembly, entitled "A Bill to re-appropriate certain monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period," with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
 3d Sept. 1839.

And then the messenger withdrew.

Amendments read 1st time,

The said amendments were then read a first time, and are as follow :  
 Expunge the Title of the Bill, the Preamble, and all the Sections, and insert in their stead as follows :

"An Act to amend an Act made and passed in the sixth year of the reign of his late Majesty King William the Fourth, and to make provisions for the security and due application of certain monies levied and received under the provisions of the said Act.

WHEREAS in certain districts of this Colony, Directors have not been duly elected and appointed according to the provisions of an Act passed



in the sixth year of the reign of his late Majesty King William the Fourth, entitled "an Act for the relief of sick and disabled Seamen, Fishermen, and other persons," and through which default divers sums of money that have been received, stopped, retained and collected out of the wages of Masters, Mates, Seamen, Fishermen, Shoremen, Sealers, and Servants, under the provisions of the said Act, have been held and kept, and still remain in the hands of certain persons, who have received, stopped, retained or collected the same; and it is therefore necessary to make further provisions for the safe keeping of all such monies, in order that they may be duly applied to the purposes prescribed by the said Act.

Be it therefore enacted by the Governor, Council, and Assembly of Newfoundland, that all such monies aforesaid that have been heretofore, or that may hereafter be received, stopped, retained, or collected by any person or persons, in any and every such district aforesaid, wherein such directors aforesaid have not been duly elected, and shall still continue unappointed, shall within the period of four months after the passing of this act, be paid over, by the person or persons respectively, who have received, stopped, retained, or collected the same, into the hands of the Treasurer of the Colony, in order that the same may be duly applied and appropriated to the purposes prescribed by the said Act; and such person and persons respectively, shall make due returns of all such monies, and account for the same to the said Treasurer in the same form and manner in all respects as is provided in and by the aforesaid Act, in such cases wherein such monies aforesaid are directed to be paid over to Directors, duly appointed under the provisions of the said Act. And every such person or persons aforesaid making default, neglecting, or omitting so to pay over to the said Treasurer any such monies aforesaid, or not duly accounting to him for the same in form and manner aforesaid, and according to the provisions of the said Act, shall be subject and liable to all such penalties as are prescribed in and by the said Act for like defaults, neglects, or omissions, in respect to the payment over, and accounting for such monies to the respective Directors appointed under the said Act.

And be it further enacted—that so soon as it shall be made to appear to the Governor or person administering the Government for the time being, that Directors have been duly elected in any such district or districts aforesaid, whereunto no Directors have as yet been appointed, then the Governor or person administering the Government for the time being, shall, by warrant under his hand and seal, direct the said Treasurer to pay over to such duly elected Directors of such district or districts respectively, all monies by him received for and on account of such district or districts respectively, in order that the same monies may be duly applied to the purposes prescribed under the provisions of the said Act passed in the sixth year of the reign of King William the Fourth."

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

*Ordered*,—That the said amendments be read a second time on this day three months.

Petition of W. Purcell  
and others.

Mr. Morris presented a petition from William Purcell and others, inhabitants of Portugal Cove, and the same was received and read, setting forth—

That the sum granted in the last session of the Legislature, to be expended on the road from Portugal Cove to Westward Point, has not been



sufficient to complete the line throughout, and praying therefore for a further grant for the same.

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

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

Referred to Committee on roads.

Mr. Moore presented a petition from James Tocher and 69 others, inhabitants of Hants Harbor, and the same was received and read, praying for a grant for the road running through the Harbor of that settlement.

Petition of J. Tocher and others.

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

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

Referred to committee on roads.

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

**WEDNESDAY, September 4, 1839.**

**P**URSUANT to order, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same.

House in committee on Bill for defraying the expenses of the Civil Government.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to

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

Engrossed. 3d reading.

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

**THURSDAY, September 5, 1829.**

**M**R. Speaker laid before the House the following documents, transmitted by the hon. the Colonial Secretary by com-

Documents transmitted.



mand of his Excellency the Governor,—

1. A return of civil and criminal suits had before the Magistrates of Grand Bank, for the year ending 1st June, 1839.—See *Appendix*.

2. Accounts from the Clerk of the Peace for Trinity, from Jonathan Martin, constable at Harbor Grace, and from the Coroner for Fortune Bay, and for which no provision had been made.

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

Petition of P. Power.

Mr. Moore presented a petition from Pierce Power, of St. John's, Builder, and the same was received and read, setting forth—

That petitioner has been for many years a resident inhabitant of this town, supporting a large family by his trade and occupation of builder. That in the month of May of the last year, petitioner entered into a contract with the Board of Road Commissioners for the district of St. John's, for supplying materials and erecting a retaining wall along the line of Duckworth Street, across the old fire-break opposite M'Bride's Cove.

That in pursuance of this contract, petitioner lost no time in procuring and bringing on the premises the requisite materials, employing good and experienced masons, and in prosecuting the work agreeably to the plans and specifications which were furnished him by the Commissioners.

That petitioner being actuated by the strongest desire that the work should be performed in the best and most substantial manner, spared neither labour nor expense for its accomplishment, and at all times promptly conformed to such directions as he received from the Commissioners or their inspectors, either as regarded alterations of the original plan, or modification of the specification, and the whole was performed under their immediate inspection.

That just as the work was being completed in the month of September last, owing to the heavy rains which had then recently fallen, and to the great weight and pressure of the fresh soil against the back of the wall, loosened and saturated by the wet, the work gave way, and the greater part fell to the ground.

That during the progress of the work petitioner received but two-thirds of the consideration money, and that on the failure, and up to this time, the commissioners have refused to make him any further advance, whilst petitioner has been obliged to pay a sum more than equal to the whole amount, and for which part of his furniture was sold under execution, thereby reducing himself and his helpless family to very great distress. And as your petitioner humbly conceives that this heavy misfortune did not arise from any fault of his, he now humbly prays that the House may be pleased to take his case into consideration, and grant him such relief as to them shall seem meet.

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

Referred to committee on roads.

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

House in committee on roads and bridges

On motion of Mr. Morris, the House resolved itself into a committee of the whole on consideration of roads and bridges.



Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the matter to them referred, and had come to the following resolutions thereon :

Report.

*Resolved*,—That it is the opinion of this committee that the sum of £10,500 should be voted for the making of roads and bridges.

*Resolved*,—That it is the opinion of this committee that the sum of £10,500 should be raised by loan on the credit of the colony, and that a bill should be introduced for that purpose.

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

*Resolved*,—That the said report be adopted.

Mr. Morris presented a petition from Robert Corrie and others, inhabitants and land-holders in the vicinity of Fresh Water, and the same was received and read, praying for a sum of money to complete the road leading from the Wigmores Gully road to the old Topsail road.

Petition of R. Corrie and others.

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

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

Referred to Committee on roads.

Mr. Morris moved for leave to bring in a bill to regulate the granting of Licenses, and the said bill was read a first time.

License bill read 1st time

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

2d reading.

And the said bill was read a second time accordingly.

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

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

To be committed

Mr. Morris gave notice that on to-morrow he should move that an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to discontinue the hiring of vessels for the conveyance of the Judges on Circuit.

Notice of address to his Excellency.

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

## FRIDAY, September 6, 1839.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR

The hon. Mr. Secretary Crowdy acquainted the House that he was the bearer of two messages from his Excellency the Governor,

Message from his Excellency



signed by his Excellency, and he presented the same to the House.

He further presented by command of his Excellency, an account from the Directors of the Hospital for the month of August last.

The said messages were then read by Mr. Speaker (all the members being uncovered) and are as follow :—

#### MESSAGE.

*H. PRESCOTT.*

The Governor recommends to the favourable consideration of the House of Assembly, the accompanying statement made by the Collector of the Customs.

#### MESSAGE.

*H. PRESCOTT.*

The Governor recommends to the serious and favourable consideration of the House of Assembly the accompanying communication from the Police Magistrates of St. John's.

The documents referred to in his Excellency's messages being—

1. A communication from the Collector on the subject of a Boat and Crew to be provided for the Colonial Tide Surveyor.
2. Communication from the Police Magistrates of St. John's, on the subject of the non-payment of arrears of expenses incurred in the registration of Voters—were read by the Clerk.—See *Appendix*.

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

The Solicitor General from the committee appointed to wait on his Excellency the Governor with the address of the House of the 3d inst., reported the following reply :

*Gentlemen*—

I will transmit this address to the Secretary of State for the Colonies.

Mr. Brown presented a petition from John Jacob and others, inhabitants of Port de Grave, and the same was received and read, praying for a grant for the road from Port de Grave to Northern River.

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

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

Mr. Morris presented a petition from Daniel Eagan and others, inhabitants of St. John's, and the same was received and read, setting forth—

Report of committee appointed to present address to his Excellency.

Petition of J. Jacob and others.

Referred to committee on roads.

Petition of D. Eagan and others.



That in the year 1825, certain inhabitants of St. John's had made an application to Governor Sir Thomas Cochrane for liberty to build at their own expense a "wharfandslip" for the public convenience in Beck's Cove, and his Excellency having acceded to so reasonable a request, the said improvements were then made and finished at a considerable cost.

That for want of the necessary repairs, after a lapse of 14 years, the said public wharf and slip, (although recently incorporated by an act of the hon. the House of Assembly) is fast decaying; and the fire-break opposite the said cove, is a principal thoroughfare to and from Water to Duckworth Streets, laying in a central and populous part of the town, is nevertheless in such a bad state of repair at present, as to preclude the passage of Horses in draught, and during the winter months difficult and even dangerous of access for foot passengers.

That a copious stream of good water now running from Duckworth-street through the said fire-break to the waterside at the public wharf aforesaid, would be of great importance and utility, not only to the inhabitants dwelling in the central part of the town of St. John's, by having "a Reservoir and Tank" built in the fire-break, to contain water sufficient at all times for supplying the engines in case of fire, and for domestic purposes, but also for the supplying her Majesty's Ships and the vessels in port with an abundant supply of pure water through a pipe or subterraneous passage way, leading from the reservoir or tank to the waterside at the public wharf aforesaid. Your petitioners impressed with a hope that improvements of such utility, and calculated not only to benefit the inhabitants of St. John's particularly, but the public also, will be taken into consideration, therefore humbly pray your honorable House to grant a sum of money for the erection of a reservoir or tank, and for defraying the expense of repairing and improving the public wharf and fire-break aforesaid.

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

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

Referred to committee on roads.

Pursuant to order, a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same, was read a third time.

Bill for defraying the expenses of the Civil Government, read 3d time.

Mr. Morris moved, seconded by Mr. Brown,

That the words "seven hundred" be substituted for the words "six hundred," in the 10th enacting section of the said bill.

Which being put, passed in the negative.

Mr. Morris moved, seconded by Mr. Godfrey,

That the word "one" be substituted for the word "two," in the 15th section of the bill.

Whereon the House divided, when there appeared for the motion, four, against it, six.



For the motion,

Against the motion,

Mr. Morris

Mr. Moore

— Doyle

— Butler

— Godfrey

— Kent

— Brown.

— Nugent

— Winsor

— Dwyer.

So it passed in the negative.

Mr. Kent moved, seconded by Mr. Brown,

That the words "one hundred and fifty" be substituted for the words "two hundred" in the said 15th section.

Whereon the House divided, when there appeared for the motion, five, against it, five.

For the motion—

Against the motion—

Mr. Kent

Mr. Moore

— Doyle

— Butler

— Morris

— Winsor

— Godfrey

— Nugent

— Brown.

— Dwyer.

So Mr. Speaker gave his casting vote in favour of the motion.

A MESSAGE FROM HER MAJESTY'S COUNCIL

Message from her Majesty's Council.

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

*Mr. Speaker,*

Her Majesty's Council have passed the amendment made by the Assembly, on the Council's amendments on the Bill entitled "an Act to repeal several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate into one Act the laws respecting the same," without amendment.

JAMES SIMMS,

*Senior Member presiding.*

Council Chamber,  
6th Sept. 1839.

And then the messenger withdrew.

Then the House adjourned until Monday, at one o'clock.

**MONDAY, September 9, 1839.**

**P**URSUANT to order, on motion of the Solicitor General, seconded by Mr. Nugent, it was—



*Resolved*,—That a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the colony and for other purposes for the year ending 30th June, 1840, and for regulating the appropriation of the same, do now pass, and that it be entitled—“An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the colony and for other purposes for the year ending 30th June, 1840, and for regulating the appropriation of the same.”

Bill for defraying the expenses of the Civil Government,

Passed.  
Title.

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

Sent to Council.

Mr. Winser, from the select committee appointed to audit the public accounts, reported that the committee had made a report thereon, and the same was read as follows:—

Report of Committee of Audit.

The Committee of Audit, in making their report, beg to refer your honorable House to their unfinished report of the last session, (Journal 1838, page 114,) wherein it is stated that an error had been found in the public accounts to the amount of £300.

This error has been confirmed, as may be seen by referring to the same Journal, first Appendix, page 109, where it is stated that the balance remaining in the Treasury on the 30th June, 1838, was £27,978 1s 1d,—and in the Treasurer's general account received into the House this session, the balance is stated as remaining in the Treasury on the 1st July, 1838, as £28,278 1s 1d—thus crediting the Colony with the £300 that had been in error.

But as this error might unjustly be imputed to the Treasurer of the colony, it becomes the duty of the committee of audit to state the whole facts that have come to their knowledge.

In the Appendix of the Journal of 1837, page 381, it will be found in the Treasurer's general account that the sum of £1650 had been voted for building of Court Houses, £1350 of which had been paid, leaving £300 unpaid.

In the first Appendix of the Journal of 1838, page 109, the sum of £300 was stated to have been paid to Nicholas Croke in the month of June, 1837; and consequently the whole sum voted for building of Court Houses must be considered as paid.

Notwithstanding this, the Committee have been in possession of two warrants issued by his Excellency some months after this debit was paid, viz., No 218, bearing date August 25th, 1837, to pay Nicholas Croke for erecting Court Houses, the sum of £260, and another No. 222, bearing date the 21st Oct. 1837, to pay Nicholas Croke the balance of his contract for erecting Court Houses &c. in the Out Ports the sum of £340.

In the last mentioned Warrant, No. 222, it was written in pencil ‘three hundred pounds of the above already paid to Mr. Croke, under Temporary Warrant, No. 1.’

This statement caused the Committee to address the Treasurer, requesting him to send by the bearer this Temporary Warrant No. 1.

The Committee received the following answer:—



SIR,—You do not say of what year the Warrant No. 222 was issued in, but it is of no consequence.

Agreeably to the first instructions from Sir Thomas Cochrane, Temporary Warrants were issued when people making contracts requested advances; and when the final payments were made the Warrant for the whole sum was issued, and the Temporary Warrants returned to the Secretary, and by him all destroyed.—The pencil memorandum was therefore merely to put me in mind that so much of the Warrant had already been paid under a Temporary Warrant.

This mode was found inconvenient and was given up.

I am Sir,

Your obedient Servant,

NEWMAN W. HOYLES.

Now as the Committee were in possession of the Temporary Warrants issued by his Excellency, from No. 1, to No. 44, both inclusive, and this No. 1 was for the sum of £283 18 1, paid to the Commissioners of the Poor of St. John's, the Committee did not feel perfectly satisfied, and consequently addressed his Excellency through the House on the subject.

His Excellency's answer having been already before the House, your Committee beg now to close this unpleasant subject.

*No. 1.—Treasurer's General Account from June 30th 1838, to June 30th, 1839.*

Your Committee in examining this account, find several items on the left hand page, which appear to them improperly introduced (being only in part,) under the head of Light House Accounts, Loans, Colonial Building, &c., which will be more fully explained under their particular heads; but as the introducing of these sums into the general account must consequently affect the balance stated to be in the Treasury, the stated balance on June 30th 1839, of £15,469 6 2, cannot be confidently relied on.

IMPERIAL REVENUE.

The sum stated as received in the Treasurer's General Account is £3,323 17 11.

COLONIAL REVENUE.

Under this head the sum stated as having been received for the four quarters ending the 30th June 1839, is £16,991 13 7; that of the preceding four quarters, was stated to be £22,501 4 3—a difference of £5,509 10 8.

LICENCE FUND.

The stated sum in the general account as received the four quarters ending as before stated, is £849 3 11.

FINES.

Under this head the stated sum is £1 11.

LOANS.

Under this head the sum of £10,500 received under the Act 2d Victoria, for the making and repairing Roads, Streets, and Bridges, has been



fairly and properly introduced into the Treasurer's general account; but the sum of £1100 introduced there under the head of loans, your Committee are of opinion ought not to be introduced, as it is only a part of loans which have been expended for the purposes for which they were borrowed, viz. for Cape Spear light-house, the sum of 1500*l*, which has all been expended.—The sum of 2500*l*. for Harbor Grace light-house, and which has all been expended.—And the sum of £400 for the Colonial Building, 346*l*. 19*s* of which have been expended.

### TEMPORARY WARRANTS.

Under this head the sum of £4935 5*s* 3*d*., paid under 44 temporary warrants, issued by his Excellency, has been credited to the Colony, as stated in the Treasurer's general account.

### CAPE SPEAR LIGHT-HOUSE.

This Light-house, according to the statement on the 20th July last, was indebted to the Colony to the amount of £816 4*s*. 3*d*. exclusive of the £1500 borrowed on its account.

The expenditure from the 9th July, 1838, to the 20th July, 1839, was stated to be £265 7*s*. 6*d*., and the receipts for the same period, £294 2*s*. 5*d*.

### FORT AMHERST LIGHT-HOUSE.

This Light-house was in credit with the colony on the 20th July last, to the amount of £383 19*s*. 1*d*.

The last four quarters' expenditure was £125, the receipts for the same period £125 12*s*. 9*d*.

### HARBOR GRACE LIGHT HOUSE.

The Treasurer's statement under this head commences with stating the balance from the Light House to the colony, £1694 8*s*. 8*d*. Now, this is not the fact,—the balance, including the loan, was £2694 8*s*. 8*d*.; and on the last of June, this year, it was indebted to the colony to the amount of £503 17*s*. 6*d*. exclusive of the loan of £2500.

The last four quarters' expenditure was £476 7*s*. 10*d*. and the receipts in the same statement, £166 19*s*. 10*d*.

### PROSECUTIONS.

Under this head there are some errors, and some improper charges, and one large sum which the committee have not received either the details of, or vouchers for, and consequently require more time for examination; the committee are obliged to suspend their full report of until another session.

### PRINTING AND STATIONERY.

Under this head your committee conceive there has been much extravagance, and some improper charges; also a double charge;—and although the amount is not large, yet as it appears to be designed, and not merely an error, the committee conceive it to be their duty to state it in full:—



## Northern District in account with J. T. BURTON.

1838. Oct. 11.	To printing post bill, of Nuisance	10 0
15.	2 Quires Bonds	15 0
		<hr/>
		£1 5 0
		<hr/>
		£1 10 4

Harbor Grace,  
1st January, 1839.

Approved.

THOS. DANSON, J. P.  
JOHN STARK, J. P.

This sum of £1 10s 4d sterling been has paid.—[See Warrant No. 90.]

## Northern District in account with J. T. BURTON.

1838. Oct. 11.	To printing post bill, of nuisance	10 0
15.	One quire of Bonds	15 0
		<hr/>
		£1 5 0

Harbor Grace,  
1st Jan. 1839.

Approved,

Sterling, £1 18  
THOS. DANSON, J. P.  
JOHN STARK, J. P.

This sum has been paid.—[Warrant 97.]

The amount of expenditure for the last two years under this head is 796 11s. 0d.

## GAOL EXPENSES.

Under this head the sum paid as stated by the Treasurer for the last two years was 981l. 16s. 11d.

In all of Messrs. Perchard & Boag's quarterly accounts the sum of 6l. is still charged for twelve weeks labour, although in the Gaoler of St. John's account of the quarter ending December 31, 1838, there is found charged—Wages to servant at 22l. per ann., 5l. 10s.—do. to do. at 18l. per ann., 4l. 10s.—sterling, 10l.

## CORONERS.

Under this head the sum paid, as stated by the Treasurer for the last two years was 258l. 10s. 4d. But there is one account of the Central District in which some of the charges appear to your committee to be excessive, and they deem it to be their duty to state it:—

July 28, 1837.—Inquest on an infant child at Pouch Cove, said to have been murdered by the mother—£1 1s.

Coroner travelling to Pouch Cove, 5l. 5s.—Edward Kielley, surgeon 10l. 10s.—Jury, 12s., two constables, 2l. 10s—3l. 2s.—Edward Purcell, boat hire, 4l. 6s 8d—For bringing Bridget Haire to St. John's 4l 19s 8d.

## FUEL AND LIGHT.

The sum stated to have been paid under this head the last two years, is 440l. 15s. 7d.—and there is one sum which has been paid to the High



Sheriff amounting to 184*l.* 2*s.* 2*d.*, in which the following is a copy of one of the details:—

District of St. John's, to Perchard & Boag.

1837.	To 355 hhds. coals, at 8 <i>s.</i>	142 0 0
	325 sticks fire wood, at 20 <i>s.</i>	3 5 0
		<hr/>
		145 <i>l.</i> 5 0
		<hr/>

St. John's, July, 1837.

This sum of 145*l.* 5*s.* has been paid in sterling, Warrant 139, altho' your committee observe in Perchard and Boag's as well as other merchants accounts, are made out in currency and reduced to sterling before warrants are granted to pay them.

REPAIR of GAOLS.

Under this head the expenditure for the last two years has been 156*l.* 18*s.* 5*d.*—and there is one sum of 80*l.* 11*s.* 11*d.*, paid to the High Sheriff on the 6th August, 1838, which the committee have not received any detailed account of, although particularly requested.

POOR.

Under this head the committee are from duty obliged to state, that large sums have been unconstitutionally drawn from the Treasury, and illegally applied.

To prove their first assertion, it will be necessary to state that in the last two supply bills the sum of £5000 was granted for the use of the Poor; and according to the Treasurer's statements the sum £5692 1*s.* 11*d.* has been drawn.

To prove their second assertion, it is necessary to state that in the last supply bill, passed the 25th October, 1838, the sum of £750 was granted particularly for the poor of St. John's, and the sum of £750 for the poor of the Out-ports.

The following statement will show what has since that time been expended for each—

FOR ST. JOHN'S.

Nov. 7.	To Edward Kielley, Esq.	53 6 8
14	The Commissioners	250 0 0
1839. Jan. 4.	do.	340 0 0
Feb. 11	Four Surgeons	30 0 0
20	Commissioners	200 0 0
March 28	do.	200 0 0
April 27	do.	100 0 0
	Four Surgeons	50 0 0
		<hr/>
		£1235 6 8
		<hr/>



OUT-PORTS.

1838. Nov. 2	For Twillingate	£40	0	0
	Fogo	25	0	0
	Burin	30	0	0
	Grand Bank	12	0	0
20	Trinity	48	0	0
Dec. 1	Hants Harbor	20	0	0
	Hearts Content	16	0	0
	New Harbor	6	0	0
	Carbonear	85	0	0
	Out-ports of do.	76	0	0
24.	Ferryland and Renewals	37	0	0
1839. Jan 4.	North Shore Conception Bay	36	0	0
Feb 11	South do. do	8	13	4
16	Brigus and Cupids	58	13	4
20	Bay Bulls	29	0	0
27	Port de Grave	29	0	0
	Bay Roberts	16	13	4
	New Harbor	12	0	0
Mar 16	Bay de Verds	20	0	0
	Trinity	9	6	7
		<hr/>		
		£614	6	7

This statement will shew that the sum of £473 6s 8d has been unconstitutionally drawn and illegally applied to the poor of St. John's; and that the poor of the Out-ports have been deprived of their legal right to the amount of £135 13s 5d—although by an address from the House of Assembly, their representatives have asked for a sum to purchase seed potatoes for them.

#### CIRCUIT COURTS.

Under this head sums have been unconstitutionally drawn; the sums granted in the last two supply bills being £860, while the sums stated to have been drawn amount to 1024l 11s 11d.

#### INCIDENTALS.

The sum stated to have been expended under this head the last two years is 149l 11s 6d—the greatest portion of which the committee have neither received details of or vouchers for.

#### VOTE OF CREDIT.

The sum stated to have been expended under this head is 2181l 15s—the greatest part the committee have not received details of, or vouchers for, but more particularly for the large sums.

#### EDUCATION.

Under this head the sum stated to have been paid the last year is 2843l 11s 7d, and there still remains, outstanding, 690l 7s. 1d.

#### COLONIAL BUILDING.

Under this head the sum of 400l. has been borrowed, and the sum of 336l 19s. has been expended.



## ROADS AND BRIDGES.

Under this head the committee are not prepared to make a full report, as the greatest portion of the sums granted have not yet been expended.

## HOSPITALS.

Under this head the committee beg to state that they cannot make their report, as they have received but one statement, and that from the Directors of the St. John's Hospital—which statement appears to your committee, imperfect, and which has not yet been explained.

From the Directors of the Hospital of the district of Ferryland, your committee have not received any statement whatever.

To all the imperfections of this Report the committee humbly request the indulgence of your honorable House.

PETER WINSER,  
Chairman.

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

*Resolved*,—That the said report be adopted.

Adopted

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill to regulate the granting of Licenses.

House in committee on  
license bill

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

Mr. Morris presented the following bills, and the same were read a first time—

Roads and bridges bills  
read 1st time

A bill for granting to her Majesty a supply of money for making and repairing of roads, streets and bridges in this colony, and to regulate the expenditure of the same.

A bill to authorise the Treasurer of the colony to raise on loan a sum not exceeding £10,500 for the purpose of making and repairing streets, roads and bridges therein.

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

2d reading.

And the said bills were read a second time accordingly.

*Resolved*,—That the said bills be committed to a committee of the whole house to-morrow.

To be committed

Mr. Morris presented a petition from John Condon and others, inhabitants of Freshwater, praying for a grant for the improvement of the road leading from Moses Neill's dwelling, at Freshwater, to Wigmore's Gully.

Petition of J. Condon  
and others.



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

Referred to committee  
on roads.

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

Petition of John Foley

Mr. Brown presented a petition from John Foley, and the same was received and read, setting forth—

That petitioner is owner of a tenement, situate in the town of Carbonear.

That upon a representation by the Grand Jury of Conception Bay, as to the position of the House interfering with the limits of the breadth of street prescribed by a Colonial enactment, the commissioners appointed by the House to abate such obstructions, caused the said dwelling to be removed fifty feet to the rear of its former site.

That petitioner sustained very heavy losses in consequence of this removal—the house having been considerably injured in the first place; and in the next, petitioner could not pursue his ordinary avocations for a period of three weeks, the time employed in making the necessary repairs to render it fit for petitioner's reception.

That under these circumstances petitioner trusts the House will award him such compensation as shall seem equitable.

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

Referred to committee  
on roads.

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

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

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## TUESDAY, September 10, 1839.

Message from her Ma-  
jesty's Council

### A MESSAGE FROM HER MAJESTY'S COUNCIL

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

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that the contingent account of the Clerk of the Council as annexed, amounts to one hundred and thirty-four pounds thirteen shillings and three pence—and that of the Usher of the Black Rod, also annexed, to twenty-one pounds thirteen shillings and ten-pence, making together one hundred and fifty-six pounds seven shillings and one penny, stg.,—and that they have Resolved, that the officers of the Council shall be paid for their services during the present session as follows—

Clerk—one hundred pounds.



Master-in-Chancery—one hundred pounds.  
 Usher of the Black Rod—seventy pounds.  
 Door-keeper—thirty-five pounds.  
 Assistant Door-keeper and Messenger—ten pounds.

**JAMES SIMMS,**  
*Senior Member presiding.*

Council Chamber,  
 10th Sept. 1839.

Contingent account of the Clerk of the Council—

Extra services in preparing and superintending the printing of the Journal for the present session	25 0 0
A. M'Iver, stationery	1 15 10
J. W. M'Coubrey, printing	2 1 3
Ryan & Withers, do.	5 16 2
Probable cost of printing and binding Journal for the present Session	100 0 0
	Sterling £134 13 3

Account of Usher of the Black Rod—

William Freeman, for Joiner's work	5 3 9
Thos. M'Grath, Smith	3 10 6
W. B. Moore, Painter	3 18 6
Paid for 2 hhds coal last Session	17 0 0
	Sterling
	Currency £13 9 9 or 11 13 10
R. Perchard, house-keeper, cleaning rooms	5 0 0
Same for last year, omitted	5 0 0
	Sterling £21 13 10

And then the messenger withdrew.

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

*Resolved*,—That a committee be appointed to prepare and bring in a bill to provide for the contingent expenses of the Legislature during the present session.

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

*Ordered*,—That the said message from her Majesty's Council be referred to the committee on contingencies.

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money for making and repairing roads, streets and bridges in this colony, and to regulate the expenditure of the same.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Committee to prepare contingency bill.

House in committee on roads and bridges



Report

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

Report of committee appointed to prepare contingency bill

Mr. Brown from the committee appointed to prepare a bill for defraying the contingent expenses of the Legislature during the present session reported a bill accordingly, and the same was read a first time.

*Ordered*,—That the said bill be now read a 2d time.

And the said bill was read a second time accordingly.

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

Committed

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

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 gone through the said bill, and had made an amendment therein, and he handed the said bill with the amendment in at the Clerk's table.

Amendments read and agreed to.

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

3d reading Engrossed

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

—Then the House adjourned until to-morrow at one o'clock.

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### WEDNESDAY, September 11, 1839.

Petition of J. Whelan

Mr. Nugent presented a petition from James Whelan of 20 Mile Pond, and the same was received and read, setting forth—

That petitioner became security for the due performance of a contract on the Logy Bay Road, and his principal having failed in his undertaking, petitioner was compelled to finish the same at a loss of nearly £20, which petitioner prays remuneration.

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

Referred to committee on roads.

*Ordered*—That the said petition be referred to the committee on roads

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

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to discontinue the payment of sums of money on account of costs incurred in conducting civil and criminal prosecutions.



Mr. Nugent then presented the draft of an address in pursuance of the said resolution, and the same was read as follows—

Address

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

May it please your Excellency,

The House of Assembly having in their bill of Supply, now sent up to her Majesty's Council, provided an ample salary in lieu of fees of Office for her Majesty's Attorney General, and also an ample salary in lieu of fees of office for her Majesty's Solicitor General, and having given a liberal allowance to the several Clerks of the Peace in like manner, pray your Excellency to refrain henceforward from ordering the payment to any person whomsoever of any Bill of Costs or other account, for or on pretence of those Court or other charges arising from the conducting of Civil or Criminal Prosecutions.

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

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

Adopted

*Ordered*,—That Mr. Nugent and Mr. Winsor do form a committee to present the same.

Committee

On motion of Mr. Winsor, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature.

House in committee on contingencies.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to.

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

*Resolved*,—That the said bill be re-committed to a committee of the whole House on consideration of a clause to be added thereto, for granting to Robert R. Wakeham, Esq., late Clerk of the House of Assembly, one hundred pounds, as compensation for loss of office.

Re-committed

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 considered the matter to them referred, and had agreed to the said bill without

Report



amendment,—and that on a motion that the said clause do stand part of the said bill, the committee divided, when there appeared—

For the motion—                      Against the motion—

Mr. Kent	Mr. Speaker
— Moore	— Morris
— Dwyer	— Butler
	— Nugent
	— Godfrey
	— Winsor.

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

*Resolved*,—That the said bill be re-committed to a committee of the whole on consideration of adding thereto the following clause—“And a further sum of twenty-five pounds to Walter Dillon, Esq., for his services in the present session.”

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 an amendment in the said bill, and he handed the said bill with the amendment in at the Clerk's table.

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

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

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

## THURSDAY, September 12, 1839.

**M**R. Speaker laid before the House the following documents, transmitted by the hon. the Colonial Secretary by command of his Excellency the Governor.

1. Report of the Commissioners of the road from Carbonear to Grates Cove.

2. Return of Civil and Criminal suits had before the Magistrates at Harbor Britain, for the past year.

*Ordered*,—That the said documents do lie on the table.—See *Appendix*.

Message from his Excellency.

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he



had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

He further presented by command of his Excellency the following documents—

Documents

1. Report of the Commissioners of roads from Carbonear to Hearts Content.

2. Report of the Commissioners of roads in and about the town of Carbonear.

The said message was then read by Mr. Speaker (all the members being uncovered) and is as follows—

Message

### MESSAGE.

#### H. PRESCOTT.

The Governor understanding that in a Supply Bill now before the Council, sums are awarded for defraying the debts due to the Hospital, on account of Pauper Patients, for the months of *May* and *June* only, requests the attention of the House of Assembly to the statements heretofore sent down on the same subject, for the months of *July* and *August*, to which must be added the probable expense for *September*.

If it be intended that hereafter the Hospital shall be open to Pauper Lunatics, and to no other Patients at the public expense, His Excellency must of course confine himself to the will of the Legislature on that point; but outstanding claims under the former arrangement should be discharged; and the Governor would recommend to the House the consideration of the subject of Orphans and Idiots.

Upon every principle of justice, his Excellency recommends again to the favourable consideration of the House the letter dated 22d of August, from the chairman of the Commissioners for the relief of the Poor.

GOVERNMENT HOUSE,  
12th Sept. 1839.

The documents accompanying his Excellency's message were then read by the Clerk.—See Appendix.

*Ordered*,—That the said first-mentioned report do lie on the table.

Mr. Brown moved, seconded by Mr. Godfrey,

That the said report of the commissioners of roads in and about the town of Carbonear, be referred to the committee on roads.

Whereon the House divided, when there appeared for the motion, ten; against it, one.



For the motion—

Against the motion—

The Solicitor General

Mr. Moore,

Mr. Brown

— Winsor

— Morris

— Nugent

— Kent

— Doyle

— Dwyer

— Butler

— Godfrey.

So it passed in the affirmative.

Petition of S. Pack and others

Mr. Brown presented a petition from Stephen Pack and 52 others, inhabitants of Carbonear, and the same was received and read, praying for a grant for the improvement of the roads in that town.

Petition of F. Campion and others.

Mr. Godfrey presented a petition from Francis Campion and others, inhabitants of Cupids, and the same was received and read, setting forth—

That the settlement of Cupids is of considerable extent and population, containing more than nine hundred inhabitants, who carry on a large shore fishery, and employ sixteen vessels in the seal fishery.

That the harbor of Cupids is much frequented as a place of safety by vessels belonging to Conception Bay generally, and is consequently entitled to particular consideration on that account.

That the Roads and Bridges in Cupids are in such bad condition as to render them extremely incommodious generally, and in many places dangerous.

That great benefit would accrue to the inhabitants and others, by the making a branch road from Cupids to the main road of Conception Bay, the distance being less than a mile, and the site very good.

That the settlement of Cupids has never yet received any grant from the Legislature for the improvements of its roads.

Petitioners therefore pray the House to take the premises into consideration, and to vote such sums of money as may be deemed necessary for the improvement of the Roads and Bridges in Cupids, and further for the making a branch road from Cupids to the Conception Bay main road.

Petition of M. Morris and others

Mr. Morris presented a petition from Matthew Morris and others, inhabitants of Fresh Water, and the same was received and read, setting forth—

That in consequence of the erection by the road commissioners of St. John's, of a bridge over the river at Fresh Water, the said river now frequently overflows, thereby doing great injury to the farms of petitioners, and praying therefore that the House will grant a sum of money sufficient to remedy the evil of which petitioners complain.



Mr. Kent presented a petition from William Warren and others, inhabitants of St. John's, and the same was received and read, setting forth—

Petition of W. Warren and others

That whereas an application from memorialists was on the month of June last, made to the House for a vote of seventy five pounds to complete the sewer opened in Queen Street, for the purpose of carrying off the water, which at certain seasons of the year rushes with great violence down the neighbouring hills, rendering the said street dangerous, and almost impassable during the winter.

And whereas the said sum of seventy five pounds (the application for which has been referred by the House to the Committee for Roads and Bridges,) will be found wholly inadequate for the above mentioned purpose, inasmuch as two contracts have been found necessary instead of one; and whereas a *still further* sum to the extent of one hundred pounds will be required for the completing the said sewer, and for leveling and finishing the said street.

Memorialists therefore pray that the said further sum of one hundred pounds may be granted for the purposes above recited.

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

*Ordered*,—That the said several petitions be referred to the Committee on Roads.

Referred to committee on roads.

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

*Ordered*,—That a petition from Hugh Hamlin and others, presented to this House during the last session, praying for a grant for the repair of the road from M'Kennon's Bakery, in Duckworth Street, to Dreelan's Well, be referred to the committee on roads.

Petition of H. Hamlin and others

Referred to committee on roads.

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill to authorise the Treasurer of the colony to raise on loan a sum not exceeding £10,500 for the purpose of making and repairing streets, roads and bridges therein.

House in committee on Roads and bridges

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to.

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

Engrossed. 3d reading.



Message from her Majesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL

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

*Mr. Speaker,*

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Bill entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony, and for other purposes, for the year ending 30th June, one thousand eight hundred and forty, and for regulating the appropriation of the same," and have appointed Conferees to meet the managers from the Assembly in the Committee Room of the Council presently.

JAMES SIMMS,

*Senior Member presiding.*

Council Chamber,  
12th Sept. 1839.

And then the messenger withdrew.

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

Conference acceded to.

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

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

Managers named

*Ordered*,—That Mr. Brown, Mr. Doyle, Mr. Nugent, and Mr. Winsor, be the managers to manage the same.

Conference held

And their names being called over, they went to the conference—

Report

And being returned, Mr. Brown reported as follows :

Her Majesty's Council has desired this conference with the House of Assembly, that it may offer those reasons which have influenced the Council in refusing its assent to several clauses in the bill sent up by the House of Assembly, entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony, and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same."

The clauses to which the Council refers are,

First.—The proposed grant of three hundred pounds for the re-erection of Waterford Bridge by Mr. Simon Morris. To this grant the Council cannot assent. 1st,—Because it is not a fit subject to be introduced into this Bill. 2d,—Because the Council not having previously recognized nor had any cognizance of the necessity or reasons for making such a grant.

Secondly,—The grant of one hundred pounds for three years, towards defraying the expenses of a Packet Boat to ply weekly between Burin, the Western Islands of Placentia Bay, and Placentia. This grant the Council considers to be subject to the objections which it has already urged against the grant relating to Waterford Bridge. Both being subjects suitable only for separate bills, or for a general road bill.



Thirdly,—The grant of seven hundred and thirteen pounds eight shillings and twopence, towards defraying the expense of the late Delegation from the House of Assembly to her Majesty's Government. This grant the Council cannot agree to place in this Bill; the subject of it being properly an item for the Legislative Contingencies Bill or for a separate bill.

Fourthly,—The Council cannot concur in the provisions introduced into this bill, which require accounts and returns to be verified on oath. Such provisions would conflict with the existing Laws, under which the Imperial Parliament have abolished all unnecessary oaths.

**JAMES SIMMS,**  
*Senior Member presiding.*

Council Chamber,  
12th Sept. 1839.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up by that House entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the colony and for other purposes, for the year ending the 30th June, One thousand Eight hundred and Forty, and for regulating the appropriation of the same," with some amendments, to which they request the concurrence of the Assembly.

**JAMES SIMMS,**  
*Senior Member presiding.*

Council Chamber,  
Sept. 12, 1839.

And then the messenger withdrew.

*Ordered,*—That the said amendments be read a first time on this day six months.

On motion of Mr. Brown, a bill for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session, was read a third time.

Contingency bill read 3d time

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

*Resolved,*—That the said bill do now pass, and that it be entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session."

Passed.  
Title.

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

Sent to Council.

Mr. Brown gave notice that on to-morrow, he should move that the House do resolve itself into a committee of the whole on consideration of the subject matter of the conference sent down by her Majesty's Council.



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

## FRIDAY, September 13, 1839.

Communication from Colonial Secretary

**M**R. Speaker informed the House that he had received a communication from the hon. the Colonial Secretary, acquainting him for the information of the House, that his Excellency the Governor would proceed to the Council Chamber to-morrow at two o'clock, to give his assent to a bill to encourage the killing of wolves in this island.

Petition of J. Harding & others

Mr. Morris presented a petition from John Harding and others, inhabitants of the White Hills, and the same was received and read, setting forth—

That during the last session of the Legislature, a provision was made for the formation of a road from the White Hills to the Logy Bay Road, but that the said road will be of comparatively little service unless the old road from Martin's house be put in a state of repair. Petitioners therefore pray for a grant for the last mentioned road.

Petition of P. Brazil and others

Mr. Nugent presented a petition from Patrick Brazil and others inhabitants of St. John's, and the same was received and read—

Praying for a grant for the repair of that part of Duckworth-street lying between James Malone's house and Apple Tree Well.

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

Referred to Committee on roads,

*Ordered*,—That the said petitions be referred to the Committee on Roads.

House in Committee on conference

Pursuant to order the House resolved itself into a committee of the whole, on consideration of the subject matter of the conference sent down by her Majesty's Council on yesterday.

Mr. Speaker left the chair.

Mr. Moore took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had considered the matter to them referred, and had come to the following resolutions thereon :—

Resolved 1st,—That on considering the objections of her Majesty's Council to the insertion in the bill of Supply of a vote for the re-erection of Waterford Bridge, it is the opinion of this Committee that the petition on which the said vote was founded, having come down to the House recommended by his Excellency the Governor, the insertion of the same in the Bill of Supply is perfectly consistent with the principles laid down by her Majesty's Council on the 9th July 1838, and with the instructions of



her Majesty's Government, conveyed in the despatch of her Majesty's Secretary of State for the colonies, dated 12th January, 1839.

Secondly—That notwithstanding that such is the opinion of this committee, with a view to remove these objections of her Majesty's Council, the vote for the re-erection of Waterford Bridge be referred to the committee on roads and bridges.

Thirdly—That on considering the objections to the insertion in the bill of supply of a vote for a packet boat to ply between Burin and Placentia weekly, it is the opinion of this committee that the petition on which the said vote was founded having received the sanction of his Excellency the Governor, the insertion of the same in the bill of supply is perfectly consistent with the instructions of her Majesty's Government, relative to the construction of bills of supply, conveyed in the despatch of her Majesty's Principal Secretary of State for the Colonies, bearing date as aforesaid.

Fourthly—That notwithstanding that such is the opinion of this committee, with a view to remove that objection, the vote for the establishment of a packet boat, be referred to the committee on roads and bridges.

Fifthly—That in considering the objections of her Majesty's Council to the insertion in the bill of supply of provisions which require accounts and returns of the public expenditure to be verified by affidavit, it is the opinion of this committee that the said provisions do not "conflict with the existing laws under which the Imperial Parliament have abolished all unnecessary oaths," inasmuch as the Imperial Act (5 & 6 W. 4, c. 62) for effecting that purpose, having passed on the 9th of September, 1835, is not in force in Newfoundland—and secondly as the said Imperial Act does not provide for the substitution of declarations for affidavits in cases similar or analogous to the present.

Sixthly—That notwithstanding that such is the opinion of this committee, yet as it is their earnest desire to make every possible sacrifice of their opinions to promote the passing of a bill of supply for the Civil Government of the colony, the said provisions be not further insisted on in the present session.

Seventhly—That in considering the objections of her Majesty's Council to the insertion in the bill of supply of a vote for the defrayal of the expenses attendant upon the late delegation, it is the opinion of this committee that this vote is properly placed in the bill of supply, for the following reasons:—

First—Because the principle involved in the present vote was by order of the Imperial Government, admitted by her Majesty's Council in the passing of the act 2d Vic. cap. 1.

Secondly—The expenses to be defrayed by the said vote, although incurred by the delegates of the House of Assembly, were not incurred by order of the House, nor were the proceedings from which they originated instituted by either the House of Assembly or their delegates; but these proceedings were instituted by order of her Majesty's Government, and the funds raised on the credit of the Assembly at the instance of her Majesty's Secretary of State for the Colonies.

Thirdly—Because the expenses having been thus incurred by order of the Government, in the prosecution of the Chief Justice, it is the opinion



of this committee that they were incurred in the service of the Civil Government of the colony.

Fourthly—Because it is the opinion of this committee that her Majesty's refraining from directing that this vote should be subjected to the application of the stringent rules laid down by her Majesty for the construction of bills of supply, in the despatch of her Majesty's Secretary of State for the Colonies before mentioned, is sufficient to remove every possible doubt of the propriety of the course adopted by the House of Assembly with reference to that vote in framing the late bill of supply.

Fifthly—These expenses in fine having been incurred not only with the approval, but at the suggestion of her Majesty's Government, her Majesty having refrained from ordering that this vote should not form an item in the bill of supply—the House of Assembly having in the last session, in compliance with the wish of her Majesty's Council, expressed in conference on Wednesday, 17th Oct., 1838, removed from the bill of supply of that session, a vote for the defrayal of these expenses. The House having, to comply with the wishes of her Majesty's Council, sent up in the same session the same vote in a bill of contingencies, and the same having been expunged from that bill by her Majesty's Council; the House in their anxiety to sustain their credit by the liquidation of these just debts which were incurred upon their faith, having a third time in the same session sent up the same vote, but now in a separate bill, and that bill having been rejected, and the lapse of a year having only tended to increase the amount by the addition of a year's interest. The House having in this session again sent up this vote in a separate bill, and that bill being rejected by her Majesty's Council, this committee, from all these considerations, are of opinion that the vote for the defrayal of the expenses of the delegation, should belong to the bill of supply; and that the House have no alternative to sustain their credit, but by the annexion of that vote to any bill of supply to be passed in the present session.

8th. Resolved—That it is the opinion of this committee, that as, in their earnest desire to close the session at an early and convenient period, the House of Assembly, on the 10th June last, sent up to her Majesty's Council a bill of supply making ample provision for the salaries of all the public officers, and for various other services of the colony; and as that bill of supply was unreasonably rejected by her Majesty's Council, notwithstanding that the Assembly, in conference, acquainted that body of their intention to supply the omissions complained of, in a supplementary bill, the House cannot now at this period adopt any other course than to frame a new bill, similar to that now rejected, with the exceptions above admitted.

9th. Resolved,—That in thus passing, in the present session, a third bill providing for the Civil Government of the colony, the House of Assembly evidence their anxious solicitude for the public welfare, their deep desire to support the Government of her Majesty, and their earnest wish to sustain the credit of the Legislature.

10th. Resolved—That it is the opinion of this committee that a conference be demanded of her Majesty's Council, and that a select committee be appointed to prepare reasons for the same, and that the foregoing resolutions be reported to the House, as instructions for their preparation.



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

*Resolved*,—That the said resolutions be adopted.

Adopted

*Resolved*—That a conference be requested of her Majesty's Council, and that a committee be appointed to draw up reasons to be offered at the said conference, and that the preceding resolutions be the instructions of the said committee.

Conference requested

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

Pursuant to order, a bill to authorise the Treasurer of the colony to raise on loan a sum of money not exceeding £10,500 for the purpose of making and repairing roads, streets and bridges in this colony, was read a third time.

Roads and bridges bill  
read 3d time

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

*Resolved*,—That the said bill do now pass, and that it be entitled "An act to authorise the Treasurer of the colony to raise on loan a sum of money not exceeding £10,500 for the purpose of making and repairing roads, streets and bridges in this colony."

Passed.  
Title.

Mr. Brown gave notice that on to-morrow he should move for leave to bring in a bill for granting a supply to her Majesty.

Notice of Supply Bill

Then the House adjourned until to-morrow at eleven o'clock.

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SATURDAY, September 14, 1839.

MR. Nugent from the committee appointed to wait on his Excellency the Governor with the address of the House of the 11th inst., reported the following reply :

Report of committee appointed to present address to his Excellency.

Gentlemen,—

Whatever regulations may be made by law respecting the public officers mentioned in this address, it will be my study faithfully to execute.

Pursuant to notice and leave had, Mr. Brown presented a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the colony, and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same, and the same was read a first time.

Bill for defraying the expenses of the Civil government read 1st time

*Ordered*,—That the said bill be now read a 2d time.

2d reading.

And the said bill was read a second time accordingly.

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

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

To be committed



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 gone thro' the said bill, and had agreed to the same without amendment.

Engrossed  
3d reading

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

Petition of Sir J. Pearl  
and others

Mr. Morris presented a petition from Sir James Pearl and others, inhabitants of Pearl Town, and the same was received and read, setting forth—

That petitioners, in the year 1830, were located by the orders of the late Governor, upon their various lots of land, upon a road marked out by the Surveyor General, to communicate between the Placentia road, and the road leading to the Bay of Bulls, which road was to be fully sixty feet wide, as a grand communication across the country.

That petitioners were, from the assurances of the late Surveyor General that the said road would be completed, induced to spend all their time in improving the lands measured to them on each side of the said road.

That no assistance has hitherto been given to them to make the said road passable—and that a part of petitioners are to this day compelled to wade through a swamp to communicate with their dwellings.

Petitioners therefore pray the House to grant a sum of money this present session to render the said road fit for man and beast to pass over.

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

Referred to Committee  
on roads.

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

House in Committee on  
Roads and bridges

Pursuant to order, the House resolved itself into a committee of the whole on further consideration of a bill for granting to her Majesty a sum of money for making and repairing streets, roads, and bridges in this colony, and to regulate the expenditure of the same.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Message from his Excel-  
lency

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

By Joseph Templeman, Esquire, Usher of the Black Rod.



*Mr. Speaker,*

His Excellency the Governor commands the attendance of this honorable House in the Council Chamber immediately.

House attend his Excellency

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

Mr. Speaker reported that his Excellency had been pleased to assent to a bill entitled "An act to encourage the killing of wolves in this colony,"—and further 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, and the same was read 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—*

Having come down for the purpose of giving my assent to a bill "to encourage the killing of wolves in this Colony," whose speedy operation has been rendered necessary by the increased daring of those destructive animals, I avail myself of the occasion thus presented, to express my earnest desire that the expenses of the late delegation from the House of Assembly to her Majesty's Government should be immediately defrayed by Legislative enactment.

I should not take this step, somewhat out of the usual course, were I not after careful consideration under the most absolute conviction of the propriety and justice of the measure I now recommend.

I venture then to propose to the House of Assembly again to prepare a separate bill for this object, to the Council to adopt it, and I shall readily and cheerfully assent to an act which will, I am persuaded, essentially contribute to harmony and peace, and consequently to the prosperity of the Colony.

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

*Resolved,*—That this House do now resolve itself into committee on the re-consideration of a bill for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the colony, and for other purposes, for the year ending 30th June, 1849, and for regulating the appropriation of the same.

House in committee on re-consideration of bill for defraying the expenses of the civil Government of the colony

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to

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

Engrossed 3d reading



And the said bill having been engrossed, was read a third time accordingly.

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

Passed.  
Title.

*Resolved*,—That the said bill do now pass, and that it be entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and for regulating the appropriation of the same."

Sent to Council.

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

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

Resolution rescinded

*Resolved*,—That the resolution of this House, for holding a conference with her Majesty's Council on the subject matter of the conference had with her Majesty's Council, on the 12th inst., be rescinded.

Petition of Mary Ryall

Mr. Nugent presented a petition from Mary Ryall, of St. John's, widow, and the same was received and read, setting forth—

That petitioner is a widow in possession of a house situate in Gower Street, near the Methodist Chapel, left to her by her late husband, Thomas Ryall; that the house so left to her, until the last spring, was rented at thirty pounds per annum, but is now wholly unoccupied; that the anticipated rent of the said house is the only support of petitioner, who has one child twelve years old depending on her for his living, her late husband not having left her any property whatever, save and except the said house.

That during the present summer the public road being excavated immediately opposite to her said house, she is thereby prevented from obtaining a tenant for it, the said house not being accessible to in consequence of the said excavation; that petitioner is so circumstanced as to be quite unable, for want of money, to put the said house in that state to make it tenantable, and humbly conceives that as the cutting down of the said road is of great public convenience, the expense of making the house capable of approach or entrance, should in some measure be borne by the public.

That Petitioner begs further to inform the house, that had the said excavation been of a trifling nature, so that your petitioner could possibly bear the cost necessary to repair the private injury, petitioner would not have troubled the house with any application for assistance; but such are the pecuniary circumstances of petitioner, that she is wholly unable to afford the expense (the said excavation being about six or seven feet in height, and extending along the whole front of the said house), and the costs of repair being at least equal to two years rent of the premises in their present condition.

Your Petitioner therefore humbly prays that the House will take her distressing case into consideration, and grant her such relief as shall seem meet.

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

Referred to Committee  
on roads

*Ordered*,—That the said petition be referred to the Committee on roads.



The Solicitor General gave notice that on Monday he should bring under the consideration of the House, the propriety of this House entering into correspondence with the Houses of Assembly of Novascotia, New-Brunswick, Lower Canada, and P. E. Island, on the subject of these several Legislatures contributing towards defraying the expense of establishing and maintaining a Light House on Cape Race or Cape Pine.

Notice of motion respecting Light House on Cape Race or Cape Pine

Then the House adjourned until Monday, at one o'clock.

**MONDAY, September 16, 1839.**

**MR.** Morris presented the following petitions, and the same were received and read—

A Petition of William Pitts and others, inhabitants of Belle Isle, setting forth—

Petition of William Pitts and others

That Petitioners are the owners & occupiers of farms in Belle Isle, which they would be enabled to cultivate to much greater advantage, were there any mode of transporting the codsheads to be used as manure, from the stages on the beach to petitioners farms. That the only road from the beach to the interior is a narrow path, winding over the cliffs which skirt the shore, and which is altogether impracticable to beasts of burden. Petitioners therefore pray the house to grant a sum of money sufficient to construct a road from the waterside to the interior of the island.

A petition from Henry P. Thomas and others, inhabitants of St. John's, praying for a grant for the repair of the Brookfield road.

Petition of H. P. Thomas and others

Mr. Kent presented a petition from George Hutchings and others, inhabitants of St. John's, and the same was received and read—

Petition of G. Hutchings and others

Praying for a grant for improving the firebreak leading from Queen Street to Princes Street.

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

*Ordered*—That the said petitions be referred to the committee on roads.

Referred to committee on roads.

Mr. Kent presented a petition from John Rochfort, Samuel Carson, and Michael O'Dwyer, District Surgeons, of St. John's, and the same was received and read, setting forth—

Petition of J. Rochfort S. Carson, and M. O'Dwyer

That your petitioners were appointed Surgeons for the poor of the Central District, under Act 2d Vic., Cap. X, and have continued to discharge the duties of Medical Attendants to the Sick Poor. That during a period of ten months your petitioners have given their professional services to above a thousand patients, and have frequently been called to the neighbouring outports, and have been repeatedly required to give their attendance in difficult cases of obstetricy, which none of their predecessors were ever required to do. For these arduous and responsible duties your petitioners have received but the sum of twenty pounds each.



Your petitioners being informed that it is not the intention of your hon. House to make a provision for the poor for the ensuing year, take leave to call your attention to the destitute and melancholy condition of the aged, the widows, and orphans, together with a numerous class of destitute sick as persons under treatment.

Your petitioners pray your honorable House to take the case into consideration, and make such provision for the medical attendance of the poor as in its wisdom it may deem fit.

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

Pursuant to order, the House resolved itself into a committee of the whole on the further consideration of a bill for granting to her Majesty a sum of money for making and repairing streets, roads, and bridges in this colony, and to regulate the expenditure of the same.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

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

*Ordered*,—Accordingly.

Mr. Brown moved for leave to bring in a bill for granting to her Majesty a sum of money for defraying the expenses of the late Delegation, and the same was read a first time.

*Ordered*,—That the said bill be now read a 2d time.

And the said bill was read a second time accordingly.

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

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

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

And the said bill having been engrossed, was read a third time accordingly.

House in Committee on  
Roads and bridges

Report

Delegation Bill read 1st  
time

2d reading

Committed

Report

Engrossed  
3d reading



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

House in Committee on Bill for granting license

Title, Passed.

*Resolved*,—That the said bill do now pass, and that it be entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the late delegation."

*Ordered*,—That Mr. Brown and the Solicitor General do carry the said bill to her Majesty's Council and desire their concurrence thereto.

Sent to Council.

Mr. Kent gave notice that on to-morrow, he should move for leave to bring in a bill to enable his Excellency the Governor to make a money provision for the poor.

Then the House adjourned until to-morrow at twelve o'clock.

**TUESDAY, September 17, 1839.**

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

*Resolved*,—That an address be presented to his Excellency the Governor in reply to his Excellency's message on the subject of the salary of the Surveyor General.

Mr. Morris then presented the draft of an address in pursuance of the said resolution, and the same was read as follows—

Draft of address to his Excellency

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

May it please your Excellency,

The House of Assembly, with reference to your Excellency's message of the 7th June, on the subject of the petition of the Surveyor General, beg leave respectfully to acquaint your Excellency, that whilst they perfectly concur with your Excellency in the high opinion deservedly entertained by the public at large of the very efficient services of that officer, and fully admit that he is not properly rewarded as a public officer, yet as the funds out of which his salary is defrayed are not at the disposal of the Legislature, the House respectfully suggest to your Excellency the necessity of recommending to her Majesty's Government, the justice of Mr. Noad's claim to an increase of remuneration out of the territorial funds at the disposal of the Government.

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

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

Adopted

*Ordered*,—That Mr. Morris and the Solicitor General do form a committee to present the same.

Committee



House in committee on  
bill for granting licenses

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill to regulate the granting of Licenses.

Mr. Speaker left the chair.

The Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Amendments read and  
agreed to

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

Engrossed  
3d reading

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

House in Committee on  
Roads and bridges

Agreeably to the order of the day, the House resolved itself into a committee of the whole on the further consideration of a bill for granting to her Majesty a sum of money for making and repairing roads, streets, and bridges throughout the Island.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Amendments read and  
agreed to

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

Engrossed  
3d reading

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

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

### WEDNESDAY, September 18, 1839.

Bill for protection of the  
Revenue read first time

**T**HE Solicitor General moved for leave to bring in a bill to make provision for the greater protection of the Revenue at the port of St. John's, and the same was read a first time.

2d reading

*Ordered*,—That the said bill be now read a 2d time.

And the said bill was read a second time accordingly.

To be committed

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



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

Pursuant to notice and leave had, Mr. Kent presented a bill to make provision for the sick and destitute poor of St. John's, and the said bill was read a first time.

Poor bill read first time

Mr. Kent moved, seconded by Mr. Nugent,

That the said bill be now read a second time.

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

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

Whereon the House divided, when there appeared for the motion five, against it six.

For the motion.

Against the motion.

Mr. Brown

Mr. Kent

— Dwyer

— Morris

— Winsor

— Nugent

— Moore

— Doyle

— Godfrey

— Butler

— Solicitor General

So it passed in the negative.

Mr. Brown moved, seconded by Mr. Winsor.

That the said bill be read a second time this day three months.

Which being put passed in the negative.

The original motion was then put, and the House divided thereon, there appeared for the motion six, against it five.

For the motion.

Against the motion.

Mr. Doyle

Mr. Winsor

— Kent

— Brown

— Nugent

— Moore

— Morris

— Dwyer

— Butler

— Godfrey

— Solicitor General

So it passed in the affirmative, and the said bill was read a second time accordingly. 2d reading

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

**THURSDAY, September 19, 1839.**

**P**URSUANT to order, a bill to regulate the granting of Licenses in Newfoundland, was read a third time.

License Bili read third time



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

Passed  
Title

*Resolved*—That the said bill do now pass, and that it be entitled “An Act to regulate the granting of Licences in Newfoundland.”

Sent to Council

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

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

House in Committee on  
Roads and bridges

*Resolved*,—That a “bill for granting to her Majesty a sum of money for making and repairing Roads, Streets, and Bridges in this colony, and to regulate the expenditure of the same” be re-committed to a committee of the whole house.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Amendments read and  
agreed to

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

Engrossed  
3d reading

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

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

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## FRIDAY, September 20, 1839.

Report of committee ap-  
pointed to present ad-  
dress to his Excellency.

**M**R. Morris from the committee appointed to wait on his Excellency the Governor with the address of the House of the 16th inst., reported that they had waited on his Excellency accordingly, and that to the said address his Excellency had been pleased to reply as follows,—

*Gentlemen*—

I shall not fail to transmit to her Majesty’s Principal Secretary of State this address, containing so full a testimony to the merits of the Surveyor General; but by the accompanying copy of correspondence respecting that Officer, the house will perceive that no increase of his salary can be expected to be made in the way suggested.

GOVERNMENT HOUSE,  
20th Sept. 1839.

The correspondence referred to in his Excellency’s reply was then read by the Clerk, and is as follows :



Correspondence.

[Copy.]

CIVIL SERVANTS,  
No. 66.*Government House, Newfoundland,  
28th November, 1837.*

MY LORD,

I have the honor to submit for your Lordship's consideration, the enclosed memorial from the Surveyor General, in doing which I feel pleasure in declaring it as my opinion that there is not a more efficient public officer, or more useful member of this community, than Mr. Noad.

At the same time I should feel some hesitation in fixing upon the Rent Fund any absolute obligations beyond those already established—but should your Lordship be disposed to consider Mr. Noad's application favorably, the Governor might, I think, be empowered to give the Surveyor General, in addition to his present salary, a gratification at the end of each year proportioned to the service performed, dependent on the state of the fund, and bounded, of course, by such limitation as your Lordship should prescribe.

I have, &amp;c.

(Signed,)

H. PRESCOTT.

The Right Honorable  
LORD GLENELG.

No. 174.

Downing Street, }  
6th Feb. 1838. }

SIR,

I have to acknowledge the receipt of your despatch of the 23th Nov. No. 65, enclosing a memorial from the Surveyor General of Newfoundland, praying for an increase of his salary.

Adverting to the high testimony which you have borne to Mr. Noad's character and services, it would afford me much satisfaction to be able to comply with his application; but considering the small amount of the Revenue at the disposal of the Crown in Newfoundland, and the heavy though uncertain charges at present upon it, I feel that it would not be in my power to secure to Mr. Noad any further remuneration from that source.

I have, &amp;c.

(Signed,)

GLENELG.

Captain Prescott, R. N.  
&c. &c. &c.

Mr. Nugent from the committee on Privilege, appointed to prepare instructions for Counsel in the case of Kielley, versus the Speaker, Members and Messenger of the House of Assembly, reported the proceedings

Report of committee on  
Privilege.



of the said committee, together with extracts from the Journals of the 2d session of the 2d General Assembly ; and the said report is as follows :—

### *Committee of Privilege.*

FIRST DAY.

**THURSDAY, July 18th, 1839.**

JOHN V. NUGENT, *Chairman.*

**PRESENT—Messrs. Nugent, Kent, Winser, Morris.**

Mr. Nugent read a letter addressed by him in instruction to William Witham, Esq., 8, Gray's Inn Square, London, appointed Solicitor in the Case of the Appeal of Mr. Kielley, communicating also a Bill of Exchange, for £50 towards feeing Counsel, and directing the retaining of M. D. Hill, Esq. of Chancery-lane, and J. Fleming, Esq., as Counsel for the respondents.

The Chairman also read a letter addressed by him to M. D. Hill, Esq., of further instruction upon the case, together with a petition which he had prepared, and having been adopted by the respondents then resident in St. John's, and signed by them and Mr. Emerson, their attorney here; the same was transmitted to her Majesty in Council—one copy through his Excellency the Governor, and a second directly through Mr. Witham.

The chairman then read the reply of Mr. Witham, wherein he acknowledges the receipt of £50, and expresses his confidence in the legality of the Judgment of the Supreme Court, and demands certain documentary evidence.

Mr. Kent read a letter addressed by Mr. Morris, then in London, to Mr. Kent of Waterford, on the want of money in the Solicitor's hands, and also the reply of Mr. Kent, addressed, *immediately*, to Mr. Witham, and covering a letter of Credit on Spooner, Attwood & Co. for the further sum of £50. In Mr. Morris's letter he expresses the strongest conviction of a favourable result.

The meeting adjourned to to-morrow.

JOHN V. NUGENT, *Chairman.*

**FRIDAY, 19th July, 1839.**

The committee met this day at 11 o'clock, pursuant to adjournment.

Richard Butt and Patrick Byrne, two of the witnesses examined by the Committee of the whole House on privilege, with reference to the complaint of Mr. Kent, of the conduct of Mr. Kielley on Monday, August 6th, 1838, having been ordered to be summoned, the messenger reported that Richard Butt was in attendance, and that he was informed that Patrick Byrne was dead.

**RICHARD BUTT EXAMINED.**

The evidence given by this witness on the 6th August 1838, having been read over to him from the 63d page of the Journals of the second session of the second general Assembly.



1. Question,—Do you recollect having made those answers in your former examination?

Answer,—I do.

2. Question,—Was the statement you then made a correct representation of the circumstances that occurred?

Answer,—It was.

3. Question,—Did Mr. Kent offer any provocation to Mr. Kielley at the time?

Answer,—Certainly not: Mr. Kent did not do nor say a word, good bad or indifferent, until Mr. Kielley used those expressions, but after the use of those threats he said to Mr. Kielley, “you are a ruffian,” or something that way.

4. Question,—Would you have any objection, or would you be able to verify by affidavit the statement you then made, together with this explanation?

Answer,—I have no objection, as the statement is perfectly true as far as I can recollect.

5. Question,—Do you know Patrick Byrne, who gave evidence on the same occasion?

Answer,—I knew him, but he died soon after that.

6. Question,—How do you know that he is dead?

Answer,—Well—I can't tell, only I have no doubt of it myself.

7. Question,—Was he not an infirm poor man?

Answer,—He was, Sir; he was a man who was once as independent a man as any in St. John's, but he was unfortunate and failed in business, like others, and latterly he became wretchedly poor and sickly, and he died shortly after this transaction.

The witness having been ordered to withdraw—

*Resolved*,—That an affidavit be prepared in order that the same be sworn to before a commissioner of affidavits, of the truth of Richard Butt's former examination, and the explanation given to-day.

The subject of the rumour that the opinion of her Majesty's Attorney and Solicitor General, that the House of Assembly did not possess the legal right of committing for contempts, was communicated to Mr. Kielley, his counsel or friends, from the Secretary's office during the past spring, to inspire them to persevere in prosecuting their appeal from the judgment of the Supreme Court to her Majesty in Council, while it was kept secret from the Defendants in the same cause—and also the fact that such an opinion should have been solicited by the Governor pending the trial of the case to which it referred, and published in the Royal Gazette, while yet the cause was under litigation, but not communicated to the Assembly, notwithstanding the House was now two months in session—all these circumstances having been brought under consideration of the committee, it was

*Resolved*,—That our chairman report to the House of Assembly that an humble address be presented to his Excellency the Governor, praying that a copy of the said opinion, with the despatch of Lord Glenelg communicating the same, copies of his Excellency's despatches, with their



enclosures, of the 14th, 16th, 18th, and 20th of August, 1838, which form the case on which the said opinion was founded, be laid before the House, and also that his Excellency will please order that the House be informed, for the reasons above mentioned, of the precise date of the receipt at Government House of the original duplicate or triplicate of the said opinion and despatch.

And then the committee adjourned.

JOHN V. NUGENT, Chairman.

THIRD DAY.

*SATURDAY, 20th July, 1839.*

The committee met this day, pursuant to adjournment. The chairman reported that he had complied with the requisition in the resolution of yesterday, and the address was passed accordingly.

Richard Butt appeared, in compliance with the summons of the committee, and the draft of an affidavit having been read, which was prepared in compliance with a Resolution of yesterday, he approved of the same, and retired to the office of the Clerk of the Supreme Court, who is also a commissioner of affidavits, and made and subscribed the same.

The committee then adjourned.

JOHN V. NUGENT, Chairman.

FOURTH DAY.

*WEDNESDAY, 7th August, 1839.*

The chairman informed the committee that he had reported to the House in conformity with the resolution of the last meeting, and had presented an address to his Excellency the Governor accordingly, who in reply, stated that the opinion of her Majesty's Attorney and Solicitor General of England on the legality of the exercise, by the House of Assembly, of the right of committing for contempts, was received at Government House, on Wednesday the 10th of April, and published in the *Royal Gazette* of the 16th April, 1839, but that his Excellency had declined to lay the correspondence with the Government before the House, and expressed no opinion, and gave no answer on the prayer of the House to have a copy of the opinion laid before the House.

JOHN KENT, ESQ., EXAMINED.

8. Question,—Have you read over the evidence given by you before a committee of the whole House of Assembly sitting on privilege on the 6th day of August, 1838.

Answer,—I have.

9. Question,—Were the statements you then made correct and true?

Answer,—They were.

10. Question,—You there impute the assault of Dr. Kielly to have resulted from anger at observations made by you on the subject of the St. John's Hospital?



Answer.—I do.

11. Question,—In what way was Mr. Kielley then connected with the Hospital ?

Answer,—As district surgeon he was medical attendant of that Hospital.

12. Question,—When were those observations made by you in the House which in your opinion irritated Mr. Kielley ?

Answer,—They were made on Wednesday, 1st August 1838, on the occasion when the House were sitting in committee of the whole on supply, and on the subject of the vote for the poor of St. John's; Mr. Kielley's attack on me occurred on the Monday after.

13. Question,—What was the nature of the observations you then made ?

Answer.—I observed upon the complaints every day being made of the neglect of the district surgeon, and the mal-administration of the Hospital generally under that officer ; and dwelt particularly on the impossibility of one man being able to pay that attention to the poor of the whole district that was requisite, who at the same time had accumulated upon him every other medical appointment in the Island, in the gift of the Governor, to the total exclusion of all the rest of the faculty.

14. Question,—On the occasion of meeting Mr. Kielley on that Monday, did you address him, or he you, first ?

Answer,—He addressed me first.

15. Question,—What terms were you on with Mr. Kielley at this time ?

Answer,—Up to that hour I considered we had been on terms of cordiality, insomuch that even if Mr. Kielley had made no advertence whatever to my privilege, I could only attribute his conduct to anger at my observations on his monopoly of medical offices, and neglect and misconduct in the administration of the Hospital.

16. Question,—Have you any objection to verify your statements upon this subject by affidavit ?

Answer,—None, whatever.

The chairman having prepared an affidavit to that effect, Mr. Kent withdrew to the office of the Clerk of the Supreme Court, who is a commissioner of affidavits, and made and subscribed the same.

*Resolved*,—That it is the opinion of this committee that the proceedings in the case of Mr. Kielley's contempts of the House of Assembly be extracted from the Journals and appended to the report of this committee, to be transmitted as evidence for her Majesty's most honorable Privy Council, and as a further instruction to Counsel in the appeal of Mr. Kielley from the Judgment of the Supreme Court.

The chairman laid before the committee four copies of the extracts, which having been compared with the original, were approved of.

*Resolved*,—That four copies of the evidence and proceedings in this committee be also prepared in like manner.



*Resolved*,—That the Judges be requested to order that the seal of the Supreme Court be affixed to all the documents thus prepared for transmission to Counsel.

And then the committee rose.

JOHN V. NUGENT, Chairman.

APPENDIX, No. 1.—Affidavit of Richard Butt.

In the Supreme Court of Newfoundland.

Saint John's }  
to wit. } CAME before me this day, Richard Butt of Saint John's,  
labourer, and being sworn on the Holy Evangelists, voluntarily maketh  
Oath and sayeth—

THAT all and every part of the examination made by deponent on the sixth day of August last, before a committee of the whole House of Assembly touching the conduct of Mr. Kielley, is correct and true, to the best of deponent's recollection and belief.

And deponent further saith, that Mr. Kent used no language or gestures to provoke or irritate the said Mr. Kielley at that time; but after Mr. Kielley had exercised such violence Mr. Kent said, "You are a ruffian," or words to that effect.

And further deponent sayeth not.

(Signed) RICHARD BUTT.

Sworn before me at St. John's, }  
this 20th July, A. D. 1839. }

(Signed) R. R. W. LILLY, *Com. Affidavits,*  
*Supreme Court.*

No. 2.—Affidavit of Mr. Kent.

In the Supreme Court.

Saint John's }  
to wit. } CAME before me this seventh day of August, in the year  
of Our Lord One Thousand Eight hundred and Thirty-nine, John Kent,  
of St. John's, Esquire, and being sworn on the Holy Evangelists, maketh  
Oath and saith—

That the evidence given by deponent before a committee of the whole House of Assembly, sitting on Privilege, on the sixth day of August, 1838, is correct and true, and that the evidence given on this day before a select committee of the House by deponent is in like manner true.

(Signed,) JOHN KENT.

Sworn before me the day and }  
year beforementioned. }

R. R. W. LILLY, *Commissioner,*  
*Supreme Court.*



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

*Resolved*,—That the said report be received, and that copies of the same in duplicate be transmitted, signed by the Speaker, and under the seal of the House, to William Witham, Esq., Solicitor in the said cause.

*Resolved*,—That one copy of the said report be transmitted through his Excellency the Governor.

*Resolved*,—That copies of the preceding resolutions do accompany the said report.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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

*Mr. Speaker,*

Her Majesty's Council have passed the Bill sent up from the House of Assembly for the concurrence of this House, entitled "an Act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the 30th June, one thousand eight hundred and forty, and for regulating the appropriation of the same," without amendment.

JAMES SIMMS,

*Senior Member presiding.*

Council Chamber,  
17th Sept. 1839.

And then the messenger withdrew.

Pursuant to order, a bill "for granting to her Majesty a supply of money for making and repairing roads, streets, and bridges in this colony, and to regulate the expenditure of the same," was read a third time.

Roads and Bridges Bill  
read 3d time

Mr. Morris moved, seconded by Mr. Brown,

That it be

*Resolved*,—That the said bill do now pass, and that it be entitled "An Act for granting to her Majesty a supply of money for making and repairing roads, streets, and bridges in this colony, and to regulate the expenditure of the same."

Passed

Whereon the House divided, when there appeared for the motion seven, against it one.

For the motion.

Against the motion.

Mr. Brown

Mr. Moore.

— Morris

— Nugent

— Dwyer

— Godfrey

— Winsor

— Butler

So it passed in the affirmative.



Sent to Council

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

House in committee on bill for protection of the Revenue

Pursuant to order, the House resolved itself into a committee of the whole, on consideration of a bill "to make provision for the greater protection of the revenue at the port of St. John's."

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 gone through the said bill and had made some amendments therein, and he handed the said bill with the amendments in at the Clerk's table.

Amendments read and agreed to

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

Engrossed 3d reading

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

And the said bill having been engrossed was read a third time accordingly.

Mr. Brown moved, seconded by Mr. Morris,

That it be

Passage moved

*Resolved*,—That the said bill do now pass, and that it be entitled "An Act to make provision for the greater protection of the Revenue at the port of St. John's."

House divide

Whereon the House divided, when there appeared for the motion four, against it one.

For the motion.

Against the motion.

Mr. Brown

Mr. Moore

— Morris

— Nugent

— Winser

Carried

So it passed in the affirmative.

Sent to Council

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

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

Resolution for address to his Excellency

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to discontinue hiring vessels for the conveyance of the Judges on the Circuits.

Mr. Morris then presented the draft of an address in pursuance of the said resolution, and the same was read as follows,—



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

Address

May it please your Excellency,

The House of Assembly having taken into their consideration the heavy expenses incurred in conveying the Judges to the Judicial districts in hired vessels, have most respectfully to state to your Excellency that they are of opinion that the necessity for incurring this expense is in a great degree obviated, internal communications having recently been opened by roads, which will enable the Judges to proceed to the principal settlements with greater certainty, and with much less difficulty,—the House of Assembly therefore humbly request that your Excellency will in future discontinue the employment of hired vessels for the conveyance of the Judges to the Northern and Southern Circuits.

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

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

Adopted

*Ordered*,—That Mr. Morris and Mr. Brown do form a committee to present the same.

Committee

At half-past three o'clock, there being present Mr. Speaker, Mr. Moore, Mr. Winsor, and Mr. Brown, Mr. Speaker adjourned the House for want of a quorum.

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**SATURDAY, September 21, 1839.**

**M**R. Brown gave notice that on Monday he should move that the Printing of this House be done by tender.

Notice of motion respecting printing by tender.

Mr. Moore gave notice that on an early day he should move for leave to bring in a bill for establishing Packet Boats in the districts of Trinity, Fogo, Bonavista, and Fortune Bay.

Notice of bill for establishing packet boats

Mr. Brown moved, seconded by Mr. Morris,

That this House do now adjourn until Monday, at 1 o'clock.

Whereon the House divided, when there appeared for the motion four, against it three.

For the motion.

Against the motion.

Mr. Morris  
— Brown  
— Butler  
— Kent.

Mr. Moore  
— Winsor  
— Dwyer.



So it passed in the affirmative, and the House adjourned accordingly.

## MONDAY, September 23, 1839.

Report of Commissioners of Roads & Bridges between Harbor Grace and Carbonear, laid before the House

**M**R. Speaker laid before the House a report from the Commissioners of Roads and Bridges between Harbor Grace and Carbonear, transmitted by the hon. the Colonial Secretary, by command of his Excellency the Governor.

The said report was read by the Clerk.—See *Appendix*.

To lie on the table

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

House in Committee on Poor Bill

Pursuant to order, the House resolved itself into a committee of the whole on consideration of a bill to provide for the sick and destitute poor of the district of St. John's.

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 considered the matter to them referred, and had come to the following resolution, thereon.

*Resolved*,—That it is the opinion of this committee, that a select committee, consisting of Mr. Winsor, Mr. Nugent, Mr. Kent, and Mr. Brown be appointed to prepare and bring in a bill to provide for the poor of the Island.

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

*Resolved*,—That the said report be adopted.

Message from her Majesty's Council

### A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed the Bill sent up from that House, entitled "an Act to incorporate the Benevolent Irish Society," with some amendments, to which they request the concurrence of the Assembly.

W. SALL,  
President.

Council Chamber,  
20th Sept. 1839.

And then the messenger withdrew.

Amendments read first time

The said amendments were then read a first time, and are as follow :—



“Expunge the preamble and the whole of the sections of the bill, and insert instead thereof as follows :

Whereas in the year of Our Lord One thousand Eight hundred and Six, the Right Rev. Doctor O'Donnell, Lieutenant Colonel John Murray, James M'Braire, Esq., John M'Killop, Esq., Joseph Church Esq., Captain Winkworth Tonge, and other persons, inhabitants of this Island, established and formed themselves into an Association or Society, under the name and title of “The Benevolent Irish Society,” for the purpose of providing for the wants of the poor, and other purposes ; and since which period the said Society has been joined by numerous additional members, and is now subsisting. And whereas the said society has acquired a large sum of money, now lodged in the public funds or stock of the United Kingdom of Great Britain and Ireland, the interest whereof is appropriated to the purposes of the said Society, . . . And whereas it is expedient for the better regulation thereof that the said Society shall be constituted a Body Corporate and Politic, with perpetual succession—

Be it therefore enacted by the Governor, Council and Assembly of Newfoundland, and by the authority of the same that the President, Vice President, the first Assistant, the second Assistant, the Treasurer and the Secretary of the said Society, and all other persons who are now or who shall hereafter be duly admitted members of the said Society ; and their successors for ever shall be, and they are hereby constituted and declared to be one Body Corporate and Politic in deed and in law, by the name of “The Benevolent Irish Society,” and the same shall be a perpetual Corporation, and have a common seal, with power to change, alter and make new the same ; and they and their successors in the name aforesaid may sue and be sued, implead and be impleaded, defend and be defended, answer and be answered unto, in all or any Court or Courts of Judicature within this Island, in all manner of actions, suits and causes whatsoever, and also of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which it is hereby constituted.

2d. And be it further enacted that the rules and regulations made by the said Society on the Eighth day of February, in the year of Our Lord One thousand Eight hundred and Six, and registered in the records of the Court of Sessions of St. John's, in this Island, on the fifteenth day of October in the year last aforesaid, shall be, and they are hereby declared to be the rules and regulations of the said Society,—Provided always, that it shall and may be lawful for the said Society from time to time to add to, alter, amend or revoke all or any of the said rules and regulations as they may deem necessary and expedient, for the better regulation and management thereof ; and provided always that such rules or regulations shall not be in any wise contrary to the laws of this Island, or the provisions of this act.

3d. And be it further enacted that it shall and may be lawful for the said Corporation, by the name aforesaid, to purchase and possess any real or personal estate, or to accept, hold and possess such as may be gratuitously given, granted, demised or bequeathed for the use and benefit of the said Corporation,—Provided that such real and personal estate shall not at any time altogether exceed the yearly value or income of three thousand pounds sterling,—And also, Provided always that no part of the principal sum now lodged in the public stock or funds of the United Kingdom of Great Britain and Ireland, shall be



expended or lessened by the said Corporation, it being the intent and meaning of this act that the interest only of the said money shall be applied to the annual expenses of the said Corporation.

4th. And be it further enacted, that it shall and may be lawful for the said Corporation to invest all or any part of the said monies, now in the public funds of the United Kingdom of Great Britain and Ireland, in other public securities of the said United Kingdom, or of this Island, or to appropriate all or any portion of the same to the purchase of fee simple property, for the use and benefit of the said corporation: provided always, that such purchase be ordered pursuant to resolutions passed at a public general meeting of the said society, duly convened by notice, specifying the object of such meeting, and such resolutions be also passed by not less than two thirds of the votes of members then resident within the district of St. John's; and provided also, that it shall not at any time be lawful for the said corporation to transfer, convey, or sell the Lands or Tenements of the said corporation, except in leases not exceeding forty years.

5th. And be it further enacted, that on the seventeenth day of February in each and every year, or on such other convenient day within seven days of the said seventeenth day, as may be duly appointed for the same, a general meeting of the members of the said Society shall be holden, when such members, or a majority of the members present at such general meeting, shall elect and choose a President, a Vice-President, a First Assistant, a Second Assistant, a Treasurer, a Secretary, a Chairman of Committee of Charity, and a Chairman of Review and Correspondence, who shall, for the year next ensuing such choice or election, and until a new election shall take place, be the Officers of the said corporation, under the provisions hereinbefore made and prescribed.

6th. And be it further enacted that upon the death, resignation or absence from this Island of the said President or any of the said officers, it shall and may be lawful for the said Corporation to elect nominate and appoint another such President or other officer as aforesaid in the place and stead of any such officer dying, resigning, or being absent as aforesaid.

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

And the said amendments were read a second time accordingly.

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

*Resolved*,—That a bill for granting to her Majesty certain duties on goods, wares and merchandise imported into this Colony do now pass, and that it be entitled "An act for granting to her Majesty certain duties on goods, wares and merchandise imported into this colony."

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

Pursuant to notice, Mr. Brown moved, seconded by Mr. Kent, that the House do come to the following resolutions:

1. *Resolved*,—That the expenses attendant on the printing of papers and records connected with the proceedings of this House are annually increasing, and have in the present year swelled to such amount as to form a principal item in its contingent expenditure.

2. *Resolved*,—That it is highly desirable that some mode should be

2d reading

Bill for granting to her Majesty certain duties—

Passed.  
Title.

Sent to Council.

Resolutions respecting printing of the House.



adopted by which no impediment shall be thrown in the way of printing Parliamentary papers, and at the same time a standard price be arrived at, by which the House may be enabled to guard against imposition, and thereby lessen the present enormous expenditure.

3. *Resolved*,—That it is the opinion of this House that the most efficacious method of printing Parliamentary papers and records at the cheapest rate, is to advertise publicly for tenders for the performance of the same.

4. *Resolved*,—That after the termination of the present session, tenders shall be advertised for in the public prints of this town, for the printing of documents ordered by this House—whether they be of papers for the use of members, or of the Journals containing a record of its proceedings.

5. *Resolved*,—That the party whose tender shall be accepted shall be bound to give a detailed and faithful report of the speeches and proceedings in this House during the session, and to publish the same in any paper now published or to be hereafter published in St. John's, (provided that the said paper be published at least weekly) and for the performance of such contract the said party shall be entitled to a sum not exceeding                      pounds.

6. *Resolved*,—That a committee of five members of this House be appointed to carry the foregoing resolutions into effect.

Which being put, the House divided thereon, when there appeared for the motion five, against it five.

For the motion— Mr. Brown — Morris — Kent — Butler — Doyle	Against the motion— Mr. Moore — Winser — Dwyer — Godfrey — Nugent
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And the numbers being equal, Mr. Speaker declined giving his casting vote thereon, the said resolutions being put as a whole, and not *seriatim*.

Mr. Winser moved, seconded by Mr. Dwyer,

That this House do now adjourn.

Whereon the House divided, when there appeared for the motion five, against it five.

For the motion— Mr. Winser — Dwyer — Moore — Godfrey — Nugent	Against the motion— Mr. Brown — Morris — Kent — Doyle — Butler.
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So Mr. Speaker gave his casting vote against the motion.

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

*Resolved*,—That Mr. Brown have leave to withdraw the preceding Resolutions.



Mr. Brown gave notice that on to-morrow he should move that the House do pass the same—whereon it was

*Ordered*,—That the said resolutions do stand first on the orders of the day for to-morrow.

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

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## TUESDAY, September 24, 1839.

Petition of Samuel Carson and others

**M**R. Nugent presented a petition from Samuel Carson, John Rochfort, and Michael O'Dwyer, District Surgeons of St. John's, and the same was received and read, setting forth—

That by the Local Act, 2d Victoria, Cap. 10, a sum of seven hundred and fifty pounds was placed at the disposal of the Executive for distribution by nine Commissioners therein named, for the relief of the poor of the district of St. John's.

That from a desire to render this relief as extremely beneficial as possible, the Legislature manifesting an anxiety to unite professional talent with a maintenance of confidence in the medical adviser, always deemed essential in the successful treatment of disease, provided as follows, viz. : That his Excellency be empowered to nominate and appoint four Medical Practitioners, residents of the district, to act and be District Surgeons. And further to deduct the sum of one hundred and twenty from the said sum of seven hundred and fifty pounds, towards defraying the salaries of the said four District Surgeons, being in the words of the recited provision, a sum of thirty pounds for each for services during the said period.

And a further sum of forty pounds towards the purchase of medicines, to be dispensed within the district, tenders for the supply and dispensing of such medicines to be called for, and obtained by public notice.

That his Excellency, in execution of this power, appointed your memorialists to act and be District Surgeons, the arduous and responsible duties of which stations memorialists commenced on the 1st November last, and continued to discharge the same up to the first day of February, as well in as out of Hospital, but were then informed by a communication from the commissioners already referred to, that by an arrangement entered into with the Directors of the Sick and Disabled Seamen's Hospital, elected pursuant to the Local Act 9th William 4th, Capt 1, the duties of the District Surgeons in the district Hospital, would be performed by the Surgeon appointed by the Directors of the Sick and disabled Seamen's Hospital. In short that the sick poor of the district of St. John's, sent to Hospital, were to be deprived of the contemplated benefit which might arise from the professional services of four medical practitioners, to which by law they were entitled.

The Commissioners commenced the execution of the duties devolving on them by dividing the district into four wards, which they placed respectively under the professional care of memorialists, comprising in such



divisions the sea coast on the East and North, extending to Cape St. Francis, on the West, to Portugal Cove and Topsail, together with St. John's and vicinity.

That the Commissioners next proposed to divide between memorialists in equal proportions, the forty pounds already alluded to, as intended by the Legislature for the purchase of medicines, without any reference, as contemplated by the Legislature, to an equivalent for a loss of time in dispensing such medicines.

That memorialists relying on the good faith of the Executive and Commissioners, acceded conditionally to this proposition, and each procured the required quantity of medicines for his ward.

That your memorialists were notified quarterly by the Secretary of the Commissioners of the ward which fell to each, and that the last notice of this description was on the 30th July 1839, referring to the quarter commencing on the 1st day of August then ensuing.

That memorialists still continue to act as District Surgeons, and to procure and also to dispense the necessary medicines to the numerous sick poor of their extensive district, although informed that the year for which their salaries was granted, expired on the 30th June last.

That your memorialists on receipt of this information, applied to the Colonial Treasurer, and were informed that warrants for proportions only of the sum of thirty pounds, namely, twenty pounds for each, had been issued by his Excellency in payment of the salaries of memorialists as District Surgeons, for the year ending 30th June, with a proportion also of six pounds thirteen shillings and four pence, in payment of ten pounds, the sum to which each should be entitled as a proportion of the forty pounds allotted for the purchase of medicines for the district, as already stated, and without any reference to remuneration for dispensing such medicine.

That on the 6th of August, memorialists addressed the Colonial Secretary, for the information of the Governor, stating that they were of opinion some error must exist in the apportioning the payment of the salaries of memorialists, as District Surgeons; and in proof of their opinion, begged to refer to the Act of the Legislature, appointing the Commissioners, and voting the sum of seven hundred and fifty pounds, with power to the Governor to apply £120 0 0 of that sum towards the payment of the salaries of four district Surgeons, being as stated, thirty pounds to each; & concluded by stating that as no doubt could exist as to the intended prospective distribution of the seven hundred and fifty pounds, none could exist in reference to the distribution of the £120 0 0, as well as from the fact that only then were four Surgeons appointed to the duties of the District; that therefore no part of this £120 0 0 could be considered as applicable to the liquidation of expenses previously incurred.

That the same reasoning is still more applicable, if possible, to the forty pounds as being offered and accepted under the condition that if it should not suffice for the object intended, the District Surgeons would be indemnified for any advance made by them in obtaining medicines for the use of the poor of the District.

That to this communication memorialists received no reply.

That your memorialists do most respectfully submit, that notwith-



standing the clear and perspicuous wording of the Act, and its manifest and self evident meaning, they have each received in lieu of salary, but twenty pounds to the 30th June last, and in lieu of the sum promised for the purchase of medicines, only six pounds thirteen shillings and four-pence.

And under these circumstances, memorialists pray the attention of your honorable House to an equitable consideration of their duties and condition, from the facts now set forth, hoping that they may be indemnified by an adequate provision for the present year.

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

Petition of John Byrne

Mr. Nugent presented a petition from John Byrne, of River-head, and the same was received and read, setting forth—

That about 10 years ago, your petitioner had expended a considerable sum of money in the building a bridge opposite the residence of the hon. Assistant Judge Des Barres, at River-head, and the said bridge has since that period been used as a public thoroughfare, by horses in draft and foot passengers, particularly by the inhabitants living on the south side of the river, as no other accommodation of the kind intervenes between the same and Waterford Bridge, distant about two miles.

To prevent the said bridge from being destroyed, or carried away in spring and fall by the flood, is both troublesome and expensive to your petitioner, who has already expended from forty to fifty pounds thereon. And as the said bridge, (solely erected by petitioner individually) has been of such importance and utility for the public convenience, petitioner humbly prays your hon. House to take the premises into consideration and to grant him a sum of money to repay him for the outlay and his trouble.

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

The order of the day on Mr. Brown's motion for certain resolutions respecting the printing of this House having been read—

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

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

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

### WEDNESDAY, September 25, 1839.

**O**N motion of Mr. Nugent, seconded by Mr. Winsor,

Resolution for address to his Excellency

*Resolved*,—That an address be presented to his Excellency the Governor on the subject matter of the petition preferred to this House on the 24th inst. by Samuel Carson and others, district surgeons, of St. John's, praying that his Excellency will be pleased to pay to those officers the amount unexpended of the sum voted for their services in the past year.



Mr. Nugent then presented the draft of an address in pursuance of the said resolution, and the same was read as follows :

Address

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

May it please your Excellency,

The House of Assembly having taken into consideration the petition of John Rochfort, Samuel Carson, and Michael O'Dwyer, Esqrs., district surgeons, under the act 2d Victoria, chap. 10, complaining that only a proportion of the sums provided as the salaries of the district surgeons, in the said act, was paid them—the House of Assembly beg leave to acquaint your Excellency that the amount voted for salaries of the said district surgeons was intended by them to be concurrent with the sum voted for the uses of the poor generally, and as the act above mentioned only provided for the wants of the poor up to the 30th June last past, so this House intended the amount voted to the medical attendants as a remuneration for services performed to the poor, who should prove to be entitled to relief under that act, and therefore now considers that all the monies voted for that general service having been expended, the district surgeons were entitled to the particular sum in question, together with that granted for the provision of medicines.

Under these circumstances we pray your Excellency to order that the residue of the sums originally voted for those services be accordingly liquidated.

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

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

Adopted

*Ordered*,—That Mr. Nugent and Mr. Winsor do form a committee to present the same.

Committee

Mr. Morris from the committee appointed to wait on his Excellency the Governor with the address of the House of the 20th inst., reported that they had waited on his Excellency with the said address, and that his Excellency had been pleased to reply thereto as follows :

Report of committee appointed to present address to his Excellency

*Gentlemen*—

His Excellency's reply

It will always be my object to practise all possible economy in the public expenditure, but without mentioning other circumstances, it appears to me that as the roads on the main land are only partially and imperfectly formed, and as there is no suitable accommodation upon them, or in some of the places at which the Circuit Courts are held, for the Judges and their respective Ministerial Officers, it is, for the present, impossible to comply with this address.

GOVERNMENT HOUSE,

25th Sept. 1839.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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



*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed the Bill sent up from that House, entitled "An act for granting to her Majesty certain duties on goods, wares, and merchandise imported into this colony and its dependencies," without amendment.

W. SALL, *President.*

Council Chamber,  
25th Sept. 1839.

And then the messenger withdrew.

Revenue bill read 1st time

Mr. Morris moved for leave to bring in a bill to provide for the due collection and safe keeping of the Colonial Revenue of Customs, and the same was read a first time.

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

2d reading.

And the said bill was read a second time accordingly.

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

Committed.

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

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

Engrossed  
3d reading

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

And the said bill having been engrossed was read a third time accordingly.

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

Passed.  
Title

*Resolved,*—That the said bill do now pass, and that it be entitled "An act to provide for the due collection and safe keeping of the Colonial Revenue of Customs."

Sent to Council

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

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up from the Assembly for the concurrence of this House, entitled "An act to make provision for the greater protection of the Revenue at the Port of St. John's," without amendment.

Council Chamber, }  
25th Sep., 1839. }

W. SALL, *President.*



And then the messenger withdrew.

On motion of Mr. Morris, the House resolved itself into a committee of the whole on consideration of the amendments made by her Majesty's Council in a bill entitled "An act for incorporating the Benevolent Irish Society."

House in committee on amendments in Benevolent Irish Society Incorporation Bill.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the said amendments, and had made an amendment on the 4th section of the same, which amendment is as follows :

Report

Section 4th,—And be it further enacted, that it shall and may be lawful for the said Corporation to invest all or any part of the said monies now in the public funds of the United Kingdom of Great Britain and Ireland, in other public securities of the said United Kingdom, or of this Island, or to appropriate all or any portion of the same to the purchase of fee simple property for the use and benefit of the said corporation, or to invest any portion of the same in good and approved private securities, at an interest not less than of five per centum per annum. And that it shall not at any time be lawful for the said Corporation to transfer, convey, or sell the lands or tenements of the said Corporation, except on leases not exceeding forty years.

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

Engrossed  
3d reading

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council

*Mr. Speaker*,—

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up for the concurrence of this House, entitled "an Act for granting to her Majesty a sum of money for defraying the expenses of the late Delegation," without amendment.

W. SALL  
*President.*

Council Chamber,  
25th Sept., 1839.

And then the messenger withdrew.

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

**THURSDAY, September 26, 1839.**

**P**URSUANT to order, the amended amendments of her Majesty's Council on a bill entitled "an Act for incorporating the Benevolent Irish Society," were read a third time.

Amended amendments on Benevolent Irish Society Incorporation bill read 3d time.



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

*Resolved*,—That the said amendments do now pass.

*Ordered*,—That Mr. Nugent and Mr. Godfrey do carry the said bill, with the amendments as amended, to her Majesty's Council, and desire their concurrence thereto.

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

## FRIDAY, September 27, 1839.

Poor Bill read 1st time.

**M**R. Kent from the committee appointed to prepare and bring in a bill to provide for the poor of the Island, reported that they had prepared a bill accordingly, and the same was read a first time.

2d reading

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

And the said bill was read a second time accordingly.

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

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

Mr. Moore moved, seconded by Mr. Dwyer,

That Mr. Nugent do take the chair of the committee.

Whereon the House divided, when there appeared for the motion four, against it three.

For the motion—

Against the motion—

Mr. Moore

Mr. Morris

— Dwyer

— Kent

— Winsor

— Nugent

— Godfrey

So it passed in the affirmative.

Committed.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

### A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.



The said message was then read by Mr. Speaker (all the members being uncovered) and is as follows—

**MESSAGE.**

**H. PRESCOTT.**

The Governor transmits and recommends to the most favourable consideration of the House of Assembly the accompanying communication from the chairman of the road commissioners of this district.

The said communication was read by the Clerk.—See *Appendix*.

*Ordered*—That the said document do lie on the table.

Mr. Morris gave notice that on to-morrow he should move for leave to bring in a bill to enable the commissioners of roads to remove certain obstructions in the streets of the town of St. John's.

Notice of Bill to remove obstructions in the streets of the town of St John's.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

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

*Mr. Speaker,*

Her Majesty's Council have passed the bill sent up from the House of Assembly for the concurrence of this House, entitled "An act to regulate the granting of Licenses in Newfoundland," with some amendments, to which they request the concurrence of the Assembly.

W. SALL, *President*.

Council Chamber, }  
27th Sep., 1839. }

And then the messenger withdrew.

The said amendments were then read a first time, and are as follow—

In the Title of the Bill—Insert after the word "Licenses" the words "for the sale by retail of wines, ale and spirituous liquors."

In the Preamble, 2d line—Expunge the word "just," and insert the word "sufficient" in its place.

3d line—After the word "wines" insert the word "ale," and after the word "liquors" insert the words "by retail."

4th line—Insert before the word "provided" the words "amend the laws relating to the granting of licenses, and also to."

5th & 6th lines—After the word "vending," expunge the eight following words, and insert instead thereof the words "the same."

1st section, 4th line—After the word "act," insert the words "or next after the publication thereof in the respective districts of this Island."

7th—Expunge the words "by retail," and insert instead thereof the words "in less quantity than two gallons at one time."



- 3d section, 2d line—After the word “sessions” insert the words “of the Peace shall be authorised, and they.”
- 4th “ 3d Expunge the words “dispose of,” and insert the word “vend” in its stead,—and also in the 6th line substitute “vended,” for “dispose of.”
- 8th After the word “on” insert the word “summary.”
- 9th Expunge the word “any,” and insert the letter “a” in its stead; and after the word “sum,” insert the words “or penalty”—after the word “ten,” insert the word “pounds.”
- 19th At the end of this line insert the words “shall be bona fide for the benefit of the estate of such person having deceased or become insolvent, and.”

Insert as the 6th section as follows :

And be it further enacted that no person shall use, mix or infuse, or cause to be mixed or infused, any foreign grains, Guinea Pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient, with any ale, porter, wine, or spirituous liquor, or shall fraudulently deteriorate or adulterate any ale, porter, wine or spirituous liquor, for the purpose of sale, or shall vend or offer for sale any ale, porter, wine or spirituous liquors, in which any foreign grains, Guinea pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient shall have been used, mixed or infused; and any person who shall knowingly or wilfully offend in any of the premises aforesaid shall for each offence forfeit and pay to our Sovereign Lady the Queen a sum or penalty of ten pounds, to be recovered upon complaint or information in a summary way before any two or more Justices of the Peace, and levied together with all costs upon the goods and chattels of the offender.

Insert as the 7th section as follows :

And be it further enacted that no person other than those duly licensed to sell or vend ale, wine and spirituous liquors by retail shall keep up or exhibit in or about any house, out-house or building any sign board or sign containing any words or emblem to that purport or effect, or any sign intended or calculated to intimate that such house or out-house or building is an inn or public house, or that ale, wine or spirituous liquors are for sale by retail or in small quantities in any such house, out-house or building, or by the owner or occupier of any of the same respectively—and any person or persons knowingly or wilfully offending herein, shall respectively forfeit and pay for each and every offence to our Sovereign Lady the Queen, a sum not exceeding two pounds, to be recovered upon complaint or information in a summary way before any two or more Justices of the Peace, and levied together with all costs upon the goods and chattels of the respective offender.

*Ordered*—That the said amendments be read a second time this day, six months.

Mr. Morris moved for leave to bring in a bill to regulate the granting of licenses for the sale by retail of wines, ale and spirituous liquors in Newfoundland, and the same was read a first time.

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

And the said bill was read a second time accordingly.



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

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

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

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

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

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## SATURDAY, September 28, 1839.

**P**URSUANT to order, a bill to regulate the granting of licenses for the sale by retail of wines, ale and spirituous liquors in Newfoundland, was read a third time. License Bill read third time

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

*Resolved*,—That the said bill do now pass, and that it be entitled "an Act to regulate the granting of licenses for the sale by retail of wines, ale spirituous liquors in Newfoundland." Passed.  
Title

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

Pursuant to notice and leave had, Mr. Morris presented a bill to provide for the removal of obstructions in Duckworth and Water-streets in the town of St. John's, and the same was read a first time. Bill to remove obstructions in Duckworthstreet and Water-street read 1st time

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

And the said bill was read a second time accordingly. 2d reading.

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

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

*Ordered*,—That the several parties interested in the properties to be affected by the passing of the said bill be notified by the messenger to attend at the bar of this House on Monday next at one o'clock, to be examined concerning such interests.

### A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written messages— Message from her Majesty's Council.



*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up from the Assembly, entitled "An Act to regulate the granting of Licenses for the sale by retail of Wines, Ale, and spirituous liquors in Newfoundland," without amendment.

W. SALL  
*President.*

Council Chamber,  
28th Sept., 1839.

*Mr. Speaker,—*

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to provide for the safe keeping, and due collection of the Colonial Revenue of Customs," without amendment.

Council Chamber, }  
28th Sep., 1839. }

W. SALL, *President.*

And then the messenger withdrew.

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

## MONDAY, September 30, 1839.

Notice of resolution relative to sending bills to her Majesty's Council

**M**R. Moore gave notice that, on to-morrow, he should move the following resolution.

*Resolved*,—That it is highly improper for any member of this House to carry any bill to her Majesty's Council without the concurrence of the majority of the House.

House in committee on hearing evidence relative to a Bill to remove obstructions in Duckworth street and Water-street.

Pursuant to order, the House resolved itself into a committee of the whole on the hearing of evidence on the subject matter of a bill for removing obstructions in Duckworth-street and Water-street.

Mr. Speaker left the chair.

Mr. Nugent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had considered the matter to them referred, and had taken the following evidence thereon.

James Hogan, of St. John's, merchant, examined, who states that he, together with his brother John Hogan, holds the premises in Water-street, nearly opposite the premises of Messrs. John Dunscomb & Co. That the said premises, including the width of a lane belonging to the property, have a frontage of 100 feet, and extend backwards, exclusively of lincays, 24 feet. That he has no particular objections to the removal of his houses on the terms stated to the Surveyors. That it would be a



decided disadvantage to him to have the houses removed, as one house is let to a cooper at the yearly rent of £30, and is principally valuable from the circumstance of having attached to it a back yard, which serves as a receptacle for cooper's stuff.

Another of the houses has appertaining to it a cellar, which in case of the house being removed, will require to be excavated several feet, and the house is therefore more valuable in its present state. The unexpired term of the leases holden by witness and his brother in the premises is between nine and ten years.

Has made several estimates of the cost of the removal and calculates that exclusive of the compensation for the loss of property, it would be between 210 and 250*l*.

Witness receives for one house, which would be destroyed by the removal £7 per annum, and would require compensation for the full rent to the expiration of his term; would require no remuneration for the loss of ground occasioned by removal. Witness has taken two views of the subject, the first is that he should require compensation for the loss of the rent of the last-mentioned house, foregoing all claim to compensation for the loss of ground, provided he were guaranteed against all loss in consequence of the removal, that is, that he should receive as much rent afterwards, as he had received before.

The second is, that he would take one sum and stand all risks of removal and depreciated value. That he should consider £350 to be such a sum, and would accept it as full remuneration for all losses, and would himself remove the houses.

Mr. Nicholas Gill of St. John's, merchant, examined, who states that he is the lessee of a house in Duckworth Street, now in the occupation of Mr. Denis Kearney.

That he holds under Mr. Ellis.

That the end of the house fronts on the street to the extent of 22 or 23 feet.

That he holds the ground in the rear also, from Mr. Ellis, but that no part of it belongs to the house.

That he would have no objection to the House being removed back upon that ground, and if it be removed to a line with the house occupied by Crute, will require no compensation for the loss of ground.

The present tenant is only a tenant at will, and has no interest in the premises, but on the contrary, is indebted to witness to the amount of £350.

Has spoken with Mr. Ellis on the subject, and he consents to the removal, and will require no compensation for his loss.

Denis Kearney of St. John's, cooper, examined, who states that he resides in a house of Mr. Gill's, situated in Duckworth Street. That he has no lease, and has been in the house ten years. That his time expires some time in October. That he believes he has no interest in the premises, as he pays no rent, he had it not to pay.



William Rendell of St. John's merchant, examined, who states that he is agent for the proprietor of a house in Water Street, situated near the premises of R. Brine & Co. That said house fronts on the street to the extent of 18 or 20 feet. That there is another house in the rear immediately adjoining it. That one of those houses must be destroyed, in order to make the street uniform. That Mr. Gill receives £8 per annum for the house, and it is situated on a large piece of ground, part of the property for which witness is agent. The landlady of the property lives in England, and witness has communicated with her on the subject of removal, but has not yet received an answer. Thinks the removal would improve the property generally.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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

*Mr. Speaker,*

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Assembly's amendment on the Council's amendments on the bill entitled "An Act to Incorporate the Benevolent Irish Society," and have appointed conferees to meet the managers on the part of the Assembly, in the Committee Room of the Council.

JAMES SIMMS,

Senior Member presiding.

Council Chamber,  
30th Sept., 1839.

And then the messenger withdrew.

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

Conference acceded to

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted thereof

*Ordered*—That Mr. Kent and Mr. Doyle do go up to her Majesty's Council and acquaint them that this House accedes to the said Conference.

Managers named

*Ordered*—Mr. Kent, Mr. Doyle, Mr. Morris, and Mr. Nugent be the managers to manage this conference.

And their names having been called over, they went to the conference, and being returned, Mr. Kent reported as follows—

Report

Her Majesty's Council have sought this conference for the purpose of informing the Assembly that they cannot concur in the amendment made by the Assembly on the amendments of the Council in the bill entitled "An act to Incorporate the Benevolent Irish Society,"—Because such amendment does not sufficiently provide for the safe-keeping of the monies now secured in the public funds of the United Kingdom, but would permit the officers of the Society to place the money subscribed for the benefit of the poor in private hands; and further, that it would permit such officers to vest such money in the purchase of property which may



by possibility decrease in value, and thus the funds intended for the benefit of the poor be lost or materially diminished.

JAMES SIMMS,

*Senior Member presiding:*

Council Chamber,  
30th Sept. 1839.

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

*Resolved*,—That the said report be taken into consideration on to-morrow.

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

## TUESDAY, October 1, 1839.

MR. Moore presented a petition from William Tilly and others, inhabitants of Old Perlican, in Trinity, and the same was received and read, praying that the House will grant a sum of money for making a bridge over Admiral's Brook, in that district, for running a road through the harbor of Old Perlican, for making a road from that place to Capelin Cove, to join the road leading to lower Island Cove, Conception Bay, and for making a road from Old Perlican to Bonney, to join the road leading to Bay de Verds.

Petition of W. Tilly and others

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

To lie on the table

Mr. Brown presented a petition from Stephen O. Pack and others, inhabitants of Bay Roberts, and the same was received and read praying for a grant for the improvement of the road running through that harbor.

Petition of S. Pack and others

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

Referred to committee on roads

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

Mr. Nugent from the committee appointed to wait on his Excellency the Governor with the address of the House of the 25th inst., reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply thereto as follows:

Report of committee appointed to wait on his Excellency

GENTLEMEN,—

His Excellency's reply

Before the last supply bill was passed one-third of the financial year had expired. The sick poor had, during that period, been attended and supplied with medicine by the gentleman who had long held the situation of District Surgeon. He was consequently paid the proportion of remuneration due to him for such service, and the District Surgeons, newly established under the act, have been each paid according to the service performed, and medicine supplied by them for the remaining eight months.

The subject of the present address is demonstrative of the inconveni-



ence of delaying the yearly financial arrangements which I pointed out to the Legislature in my speech at the opening of the present session.

GOVERNMENT HOUSE,  
30th Sept. 1839.

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

*Resolved*,—That a select committee be appointed to prepare and bring in a road bill.

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

Select committee to prepare road bill

Communication from Assistant Clerk

Mr. Speaker laid before the House a communication addressed to him by the Assistant Clerk of the House, and the same was read as follows :

St. John's, 1st October, 1839.

Sir,

As I have been informed that an Honorable Member of the House of Assembly has reported that I had altered the Contingency Bill now before her Majesty's Council, by adding five pounds to the sum voted to me, and the like sum to the Reporter's vote, I most earnestly solicit of you, as Speaker of that honorable House, to cause an enquiry forthwith to be made so as to enable me, before the bar of your honorable House, to wipe off a foul aspersion.

I have the honor to be,

Sir,

Your most obedient servant,

R. HOLDEN,

Assistant Clerk of the  
House of Assembly.

Notice of motion in reference thereto

Mr. Moore gave notice that on to-morrow, he should move that the House do resolve itself into a committee of the whole on Privilege, on consideration of an alteration alleged to have been made in the contingency bill during engrossment, and that the Clerk and Assistant Clerk be summoned to give evidence thereon.

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

*Ordered*,—That the said communication from the Assistant Clerk be referred to the said committee.

Mr. Brown having explained that the imputation alluded to in the letter of the Assistant Clerk, arose entirely from a misconception on his part, but that in reality there had been no alteration, and the House being satisfied thereon, it was

*Ordered*,—That Mr. Moore have permission to withdraw his notice of a motion for a committee of the whole House on Privilege.

Message from her Majesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the bill entitled "An act for granting to her



Majesty a sum of money to defray the contingent expenses of the Legislature for the present session," and have appointed conferees to meet the managers from the Assembly in the Committee Room of the Council presently.

JAMES SIMMS,

*Senior Member presiding:*

Council Chamber,  
1st Oct. 1839.

And then the messenger withdrew.

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

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Conference acceded to

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

Council acquainted thereof

*Ordered*—That Mr. Brown, Mr. Winser, Mr. Kent, and Mr. Doyle, be the managers to manage this conference.

Managers named

And their names having been called over, they went to the conference, and being returned, Mr. Brown reported as follows,—

Conference held

Her Majesty's Council have sought this conference with the House of Assembly, for the purpose of requesting that House will furnish the Council with the particulars of the charges or services for printing, which require the appropriation of the very large sum of two hundred and seventy nine pounds eighteen shillings, to be paid to "the Proprietor of the Patriot newspaper, for the general printing of the House of Assembly, during the present session"—as proposed in the bill sent up by the House of Assembly, entitled "An Act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature for the present Session."

Report

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, }  
1st Oct., 1839. }

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

*Resolved*,—That the said report be taken into consideration on Thursday next.

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

## WEDNESDAY, October 2, 1839.

ON motion of Mr. Nugent, the House resolved itself into a committee of the whole, on consideration of Roads and Bridges.

House in committee on roads & bridges



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 considered the matter to them referred, and had come to the following resolution thereon.

*Resolved*,—That it is the opinion of this committee, that the sum of £5250 be appropriated to the making and repairing of roads and bridges.

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

Adopted

*Resolved*,—That the said report be adopted.

Referred to committee appointed to prepare road bill

*Ordered*,—That the said report be referred to the select committee appointed to prepare and bring in a road bill.

*Ordered*,—That the said committee be also a select committee to prepare and bring in a bill to authorise the Treasurer to raise by loan, the sum of £5250 for the making and repairing of roads and bridges.

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

*Ordered*,—That a bill to provide for the removal of obstructions in Duckworth and Water-streets be referred to the said committee.

Mr. Dwyer gave notice that on to-morrow he should move that the last mentioned resolution be rescinded.

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

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### THURSDAY, October 3, 1839.

**P**URSUANT to notice, Mr. Dwyer moved, seconded by Mr. Moore that it be

Resolution rescinded

*Resolved*,—That the resolution of this House that a bill to provide for the removal of obstructions in Duckworth and Water-streets be referred to the committee appointed to bring in a bill for the making and repairing roads and bridges, be rescinded.

Whereon the House divided, when there appeared for the motion six, against it four.

For the motion.

Against the motion—

Mr. Dwyer

Mr. Nugent

— Moore

— Morris

— Butler

— Kent

— Winsor

— Doyle.

— Brown

— Godfrey.



So it passed in the affirmative.

Mr. Winser moved, seconded by Mr. Moore, that it be—

*Resolved*,—That the said bill be committed to a committee of the whole House on this day three months.

Resolution for commit-  
tal.

Whereon the House divided, when there appeared for the motion six, against it four.

For the motion—

Mr. Winser  
— Moore  
— Dwyer  
— Butler  
— Godfrey  
— Brown

Against the motion—

Mr. Kent  
— Morris  
— Doyle  
— Nugent

So it passed in the affirmative.

Pursuant to order, the House resolved itself into a committee of the whole on consideration of the subject matter of the last conference with her Majesty's Council.

House in committee on  
conference.

Mr. Speaker left the chair.

Mr. Morris took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the matter to them referred, and had come to the following resolution thereon :

Report.

*Resolved*,—That it is the opinion of this committee that a conference be requested with her Majesty's Council, and that the following be the instructions for the managers of the same :

The House of Assembly have requested this conference with her Majesty's Council in order to express their earnest desire to maintain that good correspondence which it is essential to the public interests should subsist between those two branches of the Legislature, and which her Majesty's Council are perfectly aware, for they have placed the sentiment more than once before upon their journals, that "any attempt on the part of one branch of the Legislature to interfere with the privileges of the other," necessarily tends to disturb; and that therefore the Legislative Council must perceive that the Assembly cannot accede to the request urged in the last conference, viz., that the House of Assembly should "furnish the Council with the particulars of the charges or services for printing, which require the appropriation of the very large sum of two hundred and seventy nine pounds eighteen shillings, to be paid to the Proprietor of the PATRIOT newspaper for the General Printing of the House of Assembly during the present session."

The House of Assembly feel persuaded that the Legislative Council will see that the course suggested on this occasion is not such as Parliamentary usage nor local precedent can sanction. In 1834, May 14, her Majesty's Council very properly repelled a similar aggression made upon their privileges by the Assembly of that time, asserting that "the



Legislative Council regard the privilege of auditing their own expenses to be one of *such vital importance to their independence* as a co-ordinate branch of the Legislature that *they cannot permit it* to be called in question or argued upon,"—in which decision the House of Assembly then fully concurred—such being the opinions of her Majesty's Council, such opinions being found to be in strict accordance with Parliamentary usage. The Assembly having properly yielded to the cogency of such reasoning, and maintained to this day the precedent then enforced by the Council, they now hope her Majesty's Council will see that the Assembly in asserting the right "of auditing their own contingent expenses," are not only maintaining the correct Parliamentary practice, but asserting principles laid down by the Council themselves.

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

*Resolved*—That the said report be adopted.

Adopted

*Ordered*,—That Mr. Nugent and Mr. Winser do go up to her Majesty's Council and request the said conference.

Committee

Communication from  
Colonial Secretary

Mr. Speaker laid before the House a communication from the hon. the Colonial Secretary, acquainting him, for the information of the House, that his Excellency the Governor would prorogue the Legislature on Saturday the 12th inst.

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

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## FRIDAY, October 4, 1839.

**M**R. Winser gave notice that on to-morrow he should move that the hon. the Speaker do make inquiry amongst the officers of the House, by what means the Editor of the Ledger newspaper has been enabled to publish the instructions intended to be conveyed to her Majesty's Council in a conference, on this day, and that the particulars of this proceeding be laid before the House on Monday next.

Road & Loan bills read  
1st time

Mr. Nugent moved for leave to bring in the following bills, and the same were read a first time.

A bill to provide for the making and repairing of roads, streets & bridges in this colony.

A bill to authorise the Colonial Treasurer to raise by loan the sum of £5250 for the making and repairing of roads, streets and bridges in this colony.

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

2d reading.

And the said bills were read a second time accordingly.

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

Last mentioned Bill  
Committed.

*Resolved*,—That the last mentioned bill be now committed to a committee of the whole House.



Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to

*Ordered*—That the said bill as amended be engrossed and read a third time presently.

Engrossed  
3d reading

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council

*Mr. Speaker,*

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject of the last conference, and have appointed conferees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
*Senior Member presiding.*

Council Chamber,  
4th Oct. 1839.

And then the messenger withdrew.

*Ordered*,—That Mr. Nugent, Mr. Winsor, Mr. Moore and Mr. Godfrey be the managers to manage this conference.

Managers named

And their names having been called over, they went to the conference, and being returned, Mr. Nugent reported that they had complied with the instructions of the House.

Conference held

On motion of Mr. Nugent, the House resolved itself into a committee of the whole, on consideration of a bill to provide for making and repairing roads, streets and bridges in this colony.

House in committee on roads & bridges

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Engrossed  
3d reading

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

*Resolved*,—That a conference be requested with her Majesty's Council, on the subject of the last conference on the amendments of the Council on a bill entitled "An act for incorporating the Benevolent Irish Society," and that the following be the instructions for the managers of the same :

Conference requested with her Majesty's Council.



The House of Assembly having taken into consideration the reasons whereon her Majesty's Council have founded their rejection of the amendment made by this House, upon the amendments of her Majesty's Council, on the bill entitled "An Act to incorporate the Benevolent Irish Society," have asked this conference, in order to inform the Council that they recede from that principle in the said amendment which proposes to empower the Society to vest their funded money in private securities, but press the adoption of the principle of giving the Society the power to purchase fee simple property.—The House of Assembly therefore would be ready to concur with her Majesty's Council, if they amended the said amendment by striking out the words in the same, between the word "Corporation" in the 14th, and the word "and" in the 17th line, but the better to meet the objections of the Council, they would wish that after the word "Corporation" aforesaid, the following words were inserted "provided such purchase was ordered at a public meeting of the Society, duly convened by notice, specifying the object of the meeting, and such vote to be passed by not less than two thirds of the subscribing members, then resident within the district of St. John's."

Conference requested

*Ordered*,—That Mr. Nugent and Mr. Kent do go to her Majesty's Council and request the said conference.

Message from her Majesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council 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 to defray the contingent expenses of the Legislature for the present session," and have appointed conferees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, }  
4th Oct., 1839. }

And then the messenger withdrew.

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

Conference acceded to

*Resolved*,—That the conference requested by her Majesty's Council be acceded to.

Council acquainted thereof

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

Managers named

*Ordered*,—That Mr. Nugent, Mr. Kent, Mr. Brown, and Mr. Butler, be the managers to manage this conference.

Report.

And their names having been called over, they went to the conference, and being returned, Mr. Nugent reported as follows,—

The Council have desired this conference upon the bill sent up from the Assembly, entitled, "An Act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature for the present



Session," for the purpose of expressing their regret that the grants, in several instances, proposed in this bill, so far exceed the bounds which, in their view, necessity or utility for public good requires, or reason can justify, that the Council feel themselves imperatively called upon again to reiterate their remonstrances on this subject, and to refuse their sanction to the continuance of that profuse and unnecessary expenditure in this branch of the public service, against which they have, in the most express terms, protested on former occasions.

The Council disagree to the grant of so large a sum as seven hundred and fifty three pounds being appropriated by the Assembly to the purpose of defraying the charges of members attending the Assembly during the present Session ; and for travelling charges, postages, and extra expenses of members ; but the Council agree to the sum of five hundred and eighty eight pounds being appropriated "towards paying the members of the House of Assembly, viz., to each member, exclusive of the Speaker, who shall have attended in his place at least forty two days, forty two pounds—such attendance to be certified by the Speaker."

To the several grants proposed of one hundred pounds, and fifty pounds to the Solicitor of the House of Assembly ; and of fifty pounds to the chairman of the committee of supply and Finance ; and fifty pounds to the chairman of the committee of audit, the Council do not agree. The Council consider it to be utterly incompatible with the character and station of members of the House of Assembly for them to nominate themselves to any office of emolument in that House ; or to appropriate to themselves, or receive any further emoluments for discharging any duties which devolve upon them as the representatives of the people, beyond the sum of forty two pounds allowed to each member, in order to reimburse his expenses incurred during his attendance in discharge of the duties he has undertaken. The Council, therefore, cannot agree to those grants, because they are in their nature not alone dangerous in principle, but they would, as a system of practice once allowed to be established, inevitably lead to abuses, the extent of which could not be calculated.

The Council regret that the enormously increased expenditure proposed in this bill under the head of salaries to Doorkeepers and Messengers of the House of Assembly, compels the Council again to object to such wasteful increase.

The expenditure in this same department, amounted in the year 1836, to the sum of sixty five pounds, only ; while by the present bill, the sum of one hundred and seventy five pounds is proposed to defray the expenses of this subordinate branch of the contingencies of the Assembly. The Council, on this occasion, agree to the several items under this head in the present bill, to the extent in the whole, of the sum of one hundred and forty pounds, but the Council will not, on any future occasion, agree to any grants exceeding thirty five pounds to one Doorkeeper, and twenty five pounds to one under Doorkeeper, and thirty pounds to one Messenger, attendant on the House of Assembly.

To the proposed grant of fifty pounds to Richard Holden, for "extra services," the Council do not agree ; considering that, as assistant clerk, he is amply paid for all the public services he is capable of performing, by the handsome salary of eighty pounds, allowed in this same bill.

To the proposed grants of fifty pounds to Thomas Beck, Esq., and ten pounds to Walter Dillon, Esq., the Council cannot give their concurrence.

To the proposed grant of one hundred and thirty pounds to defray Law Charges, the Council cannot, under present circumstances, agree ; but whenever the Council shall be furnished with that information on the subject of this grant which shall satisfactorily shew that the law charges are in their origin and circumstance, such that the public ought to defray, the Council will most readily concur in a grant to reimburse them.



The Assembly not having complied with the request of the Council to furnish them with the particulars of the expenses to be defrayed under the head of "General Printing," by the proposed grant of two hundred and seventy nine pounds eighteen shillings, the Council have no other alternative than that of refusing their sanction to this grant; and while the Council disclaim any intention to interfere with the privileges of the Assembly on this or any other occasion, they maintain their right under existing circumstances, having relation to this grant especially, and also to other incidents of this Bill, to be reasonably satisfied that the purposes upon which the grant is predicated are *bona fide*; for upon this principle alone does that comity repose, which in the ordinary course of proceeding between the two branches of the Legislature, induces either branch not to call in question on the subject of "Contingent Expenses" the proposed disbursements of the other.

JAMES SIMMS,  
Senior member presiding.

Council Chamber, }  
4th Oct., 1839. }

Road (Loan) bill read  
3rd time

Pursuant to order, a bill to authorise the Treasurer of the colony to raise on loan a sum not exceeding £5250 for making and repairing roads, streets and bridges, was read a third time.

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

Passed.  
Title

*Resolved*,—That the said bill do now pass, and that it be entitled—  
"An act to authorise the Treasurer of the colony to raise on loan a sum not exceeding £5250 for making and repairing roads, streets and bridges.

Sent to Council

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

Message from her Ma-  
jesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject of the last conference on the amendment of the Assembly on the Council's amendments on the bill entitled "An act to incorporate the Benevolent Irish Society," and have appointed managers to meet the conferees on the part of the Assembly in the Committee Room of the Council presently.

JAMES SIMMS,  
Senior member presiding.

Council Chamber,  
4th Oct., 1839.

*Mr. Speaker,—*

Her Majesty's Council acquaint the House [of Assembly that they have passed the bill sent up for the concurrence of this House, entitled  
"An act for granting to her Majesty a sum of money to defray the con-



tingent expenses of the Legislature for the present session," with some amendments, to which they request the concurrence of the Assembly.

Report  
of Board

JAMES SIMMS,  
Senior member presiding.

Council Chamber, }  
4th Oct., 1839. }

And then the messenger withdrew.

*Ordered*,—That Mr. Doyle, Mr. Kent, Mr. Nugent and Mr. Godfrey be the managers to manage the said conference.

Managers named

And their names having been called over, they went to the conference, and being returned, Mr. Doyle reported that they had been at the conference, and had complied with the instructions of the House.

Conference held

*Ordered*,—That the said amendments made by her Majesty's Council in a bill entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session," be read a first time on this day three months.

At a quarter past three o'clock there being present Mr. Speaker, Mr. Nugent, Mr. Godfrey, Mr. Moore, and Mr. Dwyer, Mr. Speaker adjourned the House for want of a quorum.

SATURDAY, October 5, 1839.

MR. Moore moved, seconded by Mr. Nugent that a bill to provide for making and repairing roads, streets and bridges in this colony, be read a third time—whereon,

Motion for 3d reading of roads & bridges bill

Mr. Kent moved in amendment, that the words "to Dunscomb's Bridge on the old Placentia Road," be expunged from the first section of the said bill, and the words "to Brookfield Farm and onwards on the Topsail line of road," be substituted.

Amendment moved and carried

Which being put, passed in the affirmative, and the said amendment was made in the bill at the table of the House.

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

*Resolved*,—That the said bill be recommitted to a committee of the whole House.

Committed

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.



Amendments read and agreed to

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

On motion of Mr. Morris, the said bill was read a third time.

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

Passed.  
Title

*Resolved*,—That the said bill do now pass, and that it be entitled—  
“An act to provide for making and repairing roads, streets and bridges in this colony.”

Sent to Council

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

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

Conference requested with her Majesty's Council.

*Resolved*,—That a conference be requested with her Majesty's Council on the subject of their last conference, and that a select committee of five be appointed to draw up instructions for the managers of the same.

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

Report

Mr. Nugent, from the committee, reported that they had considered the matter to them referred, and had framed the following instructions—

The House of Assembly have solicited this conference with her Majesty's Council to lay before that hon. Body their reasons for dissenting from the views taken by them in the last conference, and to urge a respectful protest against the unwonted course adopted by them of amending a bill providing for the contingent expenses of the legislature—the history of the Legislature of Newfoundland exhibiting no precedent for such a proceeding.

The Council in the first paragraph of the reasons proposed by them for the last conference, “regret that the grants in several instances proposed in this bill so far exceed the bounds which, in their view, necessity or utility for the public good requires, or reason can justify;” but the Assembly would beg leave in reply to say, that they are and ought to be the sole judges of the “necessity and utility” of the grants required for the proper movement of the legislative machinery of their body. *They* have always carefully abstained from interfering with the privileges of the Council with respect to *their* contingent charges, because they have always considered it would be indecorous and unparliamentary, and for these reasons they expected a reciprocal forbearance from the Council, particularly when care was taken that no vote should appear therein calculated to awaken acerbities that ought to be permitted to die away.

In considering the several votes objected to, however, it behoves the Assembly to enter into a full explanation of some, and to exhibit to the Council that none of these votes was such as should have called forth from a co-ordinate Branch of the Legislature—and that branch, too, not responsible to the public—a reproof so very severe, so uncalled for, so unjust, as that at the close of that paragraph.

The first vote objected to by her Majesty's Council is that of £753 for defraying the charges of members attending the Assembly during the present session; and for travelling charges, postages and extra expenses of members. By a reference to the acts of the last session and the session before, it will be found that this vote is exactly consonant with the



votes for those services hitherto; and therefore the Assembly had every reason to expect that no objection to it would have been started; but as the objection is made, the Assembly feel it due to themselves to give the fullest explanation.

Of the members regularly attending in the present session, five are now resident in St. John's; their remuneration, therefore, at £42 each, amounts to £210; six are resident in Outports, and their remuneration, including £20 for travelling charges and other expenses, is £372—to which is added, £18 for postages, being at £3 each—the whole making a sum of £600, which, deducted from the sum voted, leaves a balance of £153 to be disbursed, according to a report of a committee of contingencies which will appear upon the journals of the Assembly.

Heretofore, whenever the Council or Assembly needed to carry votes in their contingencies, the object of which they thought it expedient not to express, the course was to cover them in a gross sum, as for general "Contingencies," placing the detail upon their Journals as matter for after reference, as is exemplified in the Journals of both Houses for 1834, '35, '36, '37, and '38, nor did either permit enquiry into the particulars. The Assembly regret it should be now necessary to explain their motive for deviating from that course in the present instance, but feel that the conduct of the Council, with respect to the present bill, leaves them no alternative.

Her Majesty's Council, as constituted when the contingency bill went up to that Body on the 12th ult., consisted of eight members—four holding their seats by virtue of their office, and four members of the mercantile body, who were also members of the "Chamber of Commerce,"—one of the latter being President, and another Vice President of the Mercantile Society. That Society, since the period of the opening of the present House of Assembly, had exhibited an unvarying hostility as well to the representative body as to the individuals who compose it; and in promoting this personal and political outcry the mercantile gentlemen of the Council had publicly taken a prominent part.

It is unnecessary to enter widely upon this subject—it is sufficient for the Assembly at present to advert to one incident. In the first session of 1838, the Assembly judged it necessary, in sustenance of their privileges, to commit certain parties for contempt; the Chamber of Commerce took up their quarrel; and the signature of members of her Majesty's Council was appended to a petition highly defamatory of the personal character of the members of the Assembly, praying that the franchise may be abolished, the House of Representatives set aside, and the entire government and legislation of the country be submitted to the "Governor and Council." One of the parties interested, encouraged by this support, sought reparation by law, but the judgment of the Supreme Court affirmed the privilege of the House.

Thus stood matters in February of the present year, when this Gentleman appearing to decline to go further, the mercantile body, for the promotion of their views, urged him to appeal, and actually raised *several hundred pounds* by subscription to seek to break down the power and destroy the usefulness of the Assembly; and members of her Majesty's Council, it is notorious, have not thought it unbecoming to be contributors.

An appeal, then, to her Majesty in Council was, under such circumstances, made from the judgment of the Supreme Court, the entire ex-



pense of which was incurred by the mercantile body, and an OFFICER OF THE COUNCIL (the Master-in-Chancery) was deputed to proceed to London to support it. The House of Assembly must necessarily incur expenses to defend their cause in turn, finding a body abounding in wealth leagued against them; but the members of the Council who were of the mercantile body, being equal in number to all the others, were sufficiently powerful to *negative* every measure for the protection of the Assembly, and they had already abundantly testified the will.

One individual member of the House of Assembly, in this emergency, and with this prospect before him, volunteered to advance—first, a sum of fifty pounds, and subsequently a second sum of the same amount, and even now are further advances demanded; but from the detail above given, and from the conduct of the mercantile gentlemen in the Council, upon the bill for defraying the expenses of the delegation, the Assembly were deterred from pursuing the usual course, and under a pressing necessity of passing the amount, the sum of one hundred pounds to pay off the advance above-mentioned, and the sum of fifty-three pounds as a further remittance, were included in the above vote.

With reference to the implied objection to the votes of twenty pounds for travelling charges, and three pounds for postages, to members resident in the Outports—now for the first time raised by the Council—the House of Assembly consider it only just and reasonable that such expenses should be defrayed, and therefore must continue to press this vote.

If it be thought proper to give some remuneration to members resident in St. John's for their loss of time—being obliged to sacrifice much of their personal interests to the public business—is it not reasonable to think that a further vote should be given to members who are sent in from the Outports, and who are obliged to sacrifice *all* their time, to incur not only the expense of travelling, &c., but the great inconvenience of a total absence from their families and their business?—and certainly it cannot be urged with any appearance of justice that the above sums are an *extravagant* vote of indemnification.

With reference to the objection of the Council to the votes to the Solicitor of the House, the Chairman of Supply and Finance, and the Chairman of Audit, the Assembly are compelled to remark that this too is, on their part, a *novel* objection, even coming from the Council. The Council object that it is not proper for members of the House of Assembly “to appropriate to themselves or receive any further emoluments for discharging any duties which devolve upon them as the Representatives of the people beyond the sum of forty-two pounds,” but the Council are aware that in every Legislature under Britain, from the Imperial Parliament down to the humblest of her Colonies, the principle here objected to prevails.

In the House of Commons the Chairman of Committees receives a splendid salary for his services,—in the House of Lords the Chairman receives a splendid salary for his services,—in the neighbouring Colonies the Chairman is also paid for his services as such—but what need of going further than merely to point to the past votes of the Council, where during the three last sessions they freely admit the principle without a murmur; and, therefore, when such a principle is admitted and acted upon every where else—and when that principle has, session after session,



met the sanction of the Council of Newfoundland, of the Executive and of the Imperial Government—it cannot be thought unreasonable in the Assembly to continue to maintain it.

To the subject of the objection to pay the Solicitor of the House, the Assembly consider the same arguments applicable, nor is it inconsistent with the practice of Legislative Assemblies generally. The Assembly will advert to only one of our sister colonies, Nova Scotia, where it has been not unusual that members of the Assembly have held, during their session as members, the office even of Clerk of the House; nay, is not the very same principle held even in her Majesty's Council where now this objection is mooted, for do we not find that an hon. Member of that body, holds the office of Clerk of the Council, and at the same time sits and votes on bills wherein his salary is provided for? There is not a shadow of impropriety in his doing so—certainly, then, it is not improper for a member of the Assembly to do the same!

The Council object that the Members of the Assembly are allowed forty-two pounds for their attendance as members, and they therefore imply that any additional remuneration for services performed is improperly allowed. The Assembly, in the votes now in question, considered that they had to remunerate members for services performed, not for the parties themselves, but at the desire and for the convenience of the whole House.

The Assembly cannot be denied the right of seeking for the acquirements requisite for the use and effectual performance of the public business, and whether they find the necessary qualifications without or within the House, it is a duty they owe the public to avail themselves of them. This principle is applicable in every country, but if it never were practised elsewhere, the peculiar circumstances of Newfoundland may often render its use imperative. It is not the duty of every member to sit in the chair of a committee which the public interests require should be permanently occupied by the same individual, and where much labour, not only in the House, but out of doors, much research and investigation, unceasing labour is requisite.

It is not the duty, nor would it tend to the public interests, that each member of the House should prepare his own bills; it is necessary, therefore, in accordance with usage, to delegate that charge to one individual, and to remunerate his labour and services by a salary, and occasionally by an additional vote for extra services; heretofore the House could go abroad and employ a person out of doors for that service, but now they find it expedient to employ a member of their own body, and having employed him, and he having performed this duty, not for himself, but for all the members of the House, it is the duty of the House to see those services properly remunerated.

The next objection of the Council is one extremely uncourteous to the Assembly; and looking to votes which have obtained this very session the *unanimous* assent of the Council, the Assembly, in respect for her Majesty's Council, will refrain from expressing their opinions upon. The votes herein objected to are the following, which were granted for extra services in a session now of nearly five months continuance:

Doorkeeper, ten pounds.

Messenger, five pounds.

Under Doorkeeper, five pounds.

Second Doorkeeper, five pounds.

Assistant Messenger, five pounds



And a further sum of five pounds deducted from the salary of the Messenger.

Now, when it is taken into consideration that the united salaries of the Doorkeeper and Messenger of the House of Assembly fall considerably short of the salary given to the High Constable of St. John's, and that the salaries of the inferior officers are scarcely one half the amount of the salary of the commonest constable, it would not appear reasonable to object that, when the Session ran to the length of a full month beyond the period of its usual continuance, these individuals should be made to suffer without remuneration; beside too, the House of Assembly must be considered the best, as they are and ought to be the sole judges of the amount of remuneration due to their own servants.

The objection to the vote for extra services to the Assistant Clerk is liable to the same observations; this officer's services terminate not like those of the clerk, with the termination of the session, they continue to occupy his time and absorb his attention through the whole of the vacation also.

But the Assembly by these latter objections, are compelled to turn to other votes of the Council, to show that the objections at present urged against the bill for the contingencies of the Legislature, do not appear to have emanated from principles of economy.

The Clerk of the House at present holds his appointment under the Crown, all the officers just mentioned have been chosen by the representatives of the people; a vote of fifty pounds for extra services in preparing the journals for printing, is embraced in this very bill to the Clerk of the House, and that vote is not objected to; and the Clerk of the House is not a person totally dependant for the support of his family upon the proceeds of one office. He not only holds this place, but a variety of others, the salary for two of which is by statute fixed at three hundred pounds per annum, and the fees attendant upon all are most extensive.—The Assistant Clerk holds but the one office, receives nothing from the public but this paltry stipend—the Council adopt the vote for the rich Pluralist, appointed by the Crown,—they reject the paltry five and ten pounds to the Doorkeepers of the Assembly, and to their Assistant Clerk.

In the Bill of Supply lately adopted by the Council, that honorable Body also admit the propriety of giving extra votes for extra services—but here again it happens to be the wealthy Crown-appointed pluralist who enjoys their favour! It is only the humble officers appointed by the Assembly to whom it is objectionable in the eyes of the Council to pass votes to pay them for their labour in a session occupying five months of that Season, when only labour and attention are of any value in Newfoundland. The Clerks in the Secretary's Office get an extra vote for extra services, but they are officers of the Crown holding pluralities worth at least from £300 to £400 per annum each; the assistant clerk of the Assembly and the assistant doorkeepers and messengers of the Assembly have no claim!

But one of these latter officers with all those rich emoluments, holds the office of Usher of the Black Rod in the Council, and the Council without consulting the Assembly, raised his salary very nearly fifty per centum beyond what it was from the establishment of the Legislature, although to hold this office he must be absent from his other office, for which he is paid by the public £200 per annum, besides an occasional vote for extra services; to this arrangement the Assembly assented, be-



cause they thought it would be indecorous in the extreme if they were to charge her Majesty's Council with a "*profuse and unnecessary*" expenditure in this branch of the public service. They contented themselves with making a corresponding advance in the Salary of their Sergeant-at-arms, who, although an officer appointed at present by the Crown also, yet holds no other, and therefore can retain it without sacrificing his duties elsewhere.

As to the threat of the Council that they will on a future occasion regulate the number and remuneration of the servants of this House, the Assembly will pass it over in perfect silence!

With regard to the objection to the votes to Mr. Beck, late Sergeant-at arms, and Mr. Dillon, late Acting Clerk, the Assembly consider that as Mr. Beck had held the appointment up to the very moment of the opening of the present session—and as he was necessarily, in compliance with the duties that devolved upon him on his appointment, in attendance on the House, unaware of any determination adverse to his continuance in office,—this House thought themselves bound in justice to pay him his salary for the session, according to the rate at which he had before been remunerated; and as Mr. Dillon was appointed to the office of Acting Clerk of the House, without at present arguing whether the House was right or wrong in that appointment—if they were right, Mr. Dillon ought immediately be paid; if they were wrong, it is not he whom the Council should condemn. In either case the Assembly were bound in justice to pay him, he having not only been appointed, but having acted several days in that capacity.

The next vote objected to by the Council is one for certain law charges incurred by the Assembly, which although the party employing is liable to pay, the party defeated in the actions would not be liable to. The services here referred to were performed on the requisition of the Assembly—the party judged himself bound to obey their order as he would that of the Council—and having been employed by them the public are bound to pay him, and therefore do they press this account.

The last vote objected to by the Council is one to the Proprietor of the *Patriot* newspaper for printing, and although the House refused to comply with the requisition of the Council by explaining their contingencies, they hesitate not here to enter into an ample explanation. This vote is *bona fide* a vote for defraying the expenses of printing, but in the following manner:—The sum of £178 18s. is the charge for the work of printing, and the remaining £101 is the amount of expenses incurred by the Printer in obeying an order of the House for that printing.

The printer of the House by an order dated 4th July, 1837, was bound to publish the reports and proceedings of the House, and in compliance with this order he published a report of the House, for which publication he was sued and damages as for libel were recovered against him £80, which with the expenses amounted to the sum in question.—He petitioned the House for an indemnity, and the House provided that indemnity in manner above-mentioned, and the reasons which are given under the head of the first item adverted to in these reasons, will also apply here to account for this vote not being given openly in the Bill.

The House of Assembly regret exceedingly that the extraordinary and unprecedented course adopted on the present occasion by her Majesty's Council should leave them no option, but oblige them to enter thus fully into all these subjects, and to advert to circumstances they would fain have



forgotten. Having made this explanation, they will once more afford her Majesty's Council an opportunity of doing justice to the motives and dispositions of the Assembly by sending up another bill, and then they will consider they have discharged their duty to themselves and to their country.

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

*Ordered*—That the said report be adopted.

Message from her Majesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

*Mr. Speaker,*—

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the bill entitled "An act to incorporate the Benevolent Irish Society," and have appointed conferees to meet the managers from the Assembly in the committee room of the Council presently.

JAMES SIMMS,  
Senior member presiding.

Council Chamber, }  
5th Oct., 1839. }

And then the messenger withdrew.

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

Conference acceded to

*Resolved*,—That the said conference be acceded to.

Council acquainted thereof

*Ordered*,—That Mr. Doyle and Mr. Kent do acquaint her Majesty's Council with the resolution of this House.

Managers named

*Ordered*,—That Mr. Doyle, Mr. Kent, Mr. Brown and Mr. Butler be the managers to manage this conference.

Conference held

And their names having been called over, they went to the conference, and being returned, Mr. Doyle reported as follows :

Report

The Council have desired this conference with the Assembly for the purpose of acquainting that House that the Council have taken into consideration the proposals of the Assembly on the subject of the bill entitled "An act to incorporate the Benevolent Irish Society," conveyed by the Assembly at the last conference upon this bill ; and that the Council have agreed to expunge the 4th section in their amendments, and to substitute in lieu thereof as follows :

And be it further enacted, that it shall and may be lawful for the said Corporation to invest all or any part of the said monies now in the public funds of the United Kingdom of Great Britain and Ireland, in other public securities of the said United Kingdom or of this Island, or to appropriate all or any portion of the same to the purchase of fee-simple property for the use and benefit of the said Corporation—Provided always that such purchase be ordered, pursuant to resolutions passed at a general meeting of the said Society, duly convened by notice specifying the object of such meeting, and such resolutions be also passed by



not less than two-thirds of the votes of members then resident within the district of St. John's,—and provided also that it shall not at any time be lawful for the said Corporation to transfer, convey or sell the lands or tenements of the said Corporation, except on leases not exceeding forty years.

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

*Resolved*,—That the said amendments of her Majesty's Council be acceded to.

Amendments acceded to

*Ordered*,—That Mr. Doyle and Mr. Brown do go up to her Majesty's Council and acquaint them that this House concurs in the said amendments.

Then the House adjourned until Monday at twelve o'clock.

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## MONDAY, October 7, 1839.

**M**R. Nugent moved for leave to bring in a bill to provide for the contingent expenses of the Legislature, and the same was read a first time.

Contingency bill read 1st time

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

2 reading

And the said bill was read a second time accordingly.

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

*Resolved*—That the said bill be now committed to a committee of the whole House.

Committed

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

On motion, pursuant to order, of Mr. Nugent,

*Ordered*—That Mr. Nugent and Mr. Winsor do go up to her Majesty's Council and request a conference on the subject of their last conference on a bill entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session."

### A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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



*Mr. Speaker,*—

Her Majesty's Council acquaint the House of Assembly that they do not accede to the conference requested on the subject of the amendments made by the Council on a bill entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature during the present session"—

Because the Assembly having rejected this bill as amended by the Council, it is no longer depending between the two Houses.

JAMES SIMMS,  
Senior member presiding.

Council Chamber, }  
7th Oct., 1839. }

And then the messenger withdrew.

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

*Resolved*,—That a committee of five be appointed to prepare a message to her Majesty's Council on the subject of their message.

Committee

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

Then the House adjourned until to-morrow at twelve o'clock.

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## TUESDAY, October 8, 1839.

**O**N motion of Mr. Nugent,

The resolution of this House of Saturday last, respecting a conference to be holden with her Majesty's Council on the subject of their then last conference, the order of yesterday relative to the message requesting the said conference, together with the message of her Majesty's Council in reply to the said message, having been read—

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

Message to her Majesty's Council

*Resolved*,—That the following message be sent to her Majesty's Council on the subject matter of their message :

*Mr. President,*

The House of Assembly in reply to the Message of her Majesty's Council of yesterday, declining to grant the conference requested by this House "on the subject of the amendments made by the Council, on a bill entitled "An Act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature during the present session", because the Assembly having rejected this bill as amended by the Council, it is no longer depending between the two Houses," beg to inform the Council that the message from this House requesting that conference was so couched, merely through a clerical error;



the original resolution as inserted on our Journals on last Saturday, and on which this message was founded, being as follows,—

*Resolved*,—That a conference be requested with her Majesty's Council on the subject of their last conference on a bill entitled "An Act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session."

The House of Assembly, however, in now requesting a conference on the subject matter of the last conference on the said bill, respectfully protest against the dangerous precedent of the Councils' acting in their Legislative capacity, upon an assumption of proceedings in this House of which no official intimation has reached them.

On motion of Mr. Moore, the House resolved itself into a committee of the whole on consideration of a bill to provide for the contingent expenses of the Legislature.

House in committee on Contingency bill

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to

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

Engrossed 3d reading

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

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

*Mr. Speaker,*

Her Majesty's Council in reply to the message of the House of Assembly, renewing their request for a further conference upon the subject matter of the Bill entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature during the present session," acquaint the House of Assembly that for the reasons stated in their message of yesterday, the Council do not accede to the conference requested.

JAMES SIMMS,

Senior Member presiding.

Council Chamber, }  
8th Oct., 1839. }

And then the messenger withdrew.



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

## WEDNESDAY, October 9, 1839.

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

*Resolved*,—That the House do now resolve itself into a committee of the whole, on consideration of a bill to provide for the contingent expenses of the Legislature.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

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

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

And the said bill having been engrossed, was read a third time accordingly.

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

*Resolved*,—That the said bill do now pass, and that it be entitled "An act to provide for the contingent expenses of the Legislature."

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

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council to ascertain what proceedings have been had upon a bill sent up from this House, entitled "An act to provide for the making and repairing of roads, streets, and bridges, in this colony."

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

Mr. Nugent from the committee reported that they had complied with the instructions of the House and had taken the following extract from the said Journals:

### "OCTOBER 8.

"An act to provide for the making and repairing of roads, streets, and bridges in this colony—committed.

House in committee on contingency bill

Report

Amendments read and agreed to

Engrossed 3d reading

Passed. Title

Sent to Council

Report of committee appointed to search Journals of H. M. Council



"The hon. Mr. Bland in the chair.

"After some time the House resumed.

"The chairman reported that the committee had risen, and recommended that the bill be reported on this day three months.

"*Ordered*,—That the report be received and adopted."

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

*Resolved*,—That a committee be appointed to search the Journals of her Majesty's Council to ascertain what proceedings have been had upon a bill sent up from this House, entitled "An act to provide for the contingent expenses of the Legislature."

Resolution for committee to search Journals of H. M. Council

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

On motion of Mr. Nugent, the House resolved itself into a committee of the whole on consideration of roads.

House in committee on roads

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the matter to them referred, and had come to the following resolution thereon.

Report

*Resolved*,—That the House of Assembly having during the present session, passed a bill to grant to her Majesty the sum of £10,500 for the making and repairing of roads, streets, and bridges, and on this bill being lost in her Majesty's Council, having passed a second bill wherein the amount was limited to £5,250, it is the opinion of this committee that the House would not consult the public interests by sending up a third bill.

On motion of Mr. Nugent, seconded by Mr. Moore,

*Resolved*,—That the said report be adopted.

Then the House adjourned until Friday at twelve o'clock.

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## FRIDAY, October 11, 1839.

ON motion of Mr. Nugent, seconded by Mr. Winser,

*Resolved*,—That Mr. Speaker be empowered to raise on loan, from any Body or Bodies, Corporate and Politic, or Company or Companies, or any Individuals willing to lend the same, any sum or sums of money not exceeding in the whole, the sum of two thousand nine hundred and eighty pounds four shillings and eight pence sterling, at an interest not exceed-



ing six pounds per centum per annum, in order to defray the contingent expenses of the Legislature.

*Resolved*,—That this House will make provision at the next session, for such sum or sums of money as may or shall be loaned by virtue of the foregoing resolution.

*Resolved*,—That such sum or sums of money as may or shall be loaned as aforesaid, shall be forthwith appropriated by the Speaker, according to the provisions of the bill lately passed the House of Assembly, entitled “An act to provide for the contingent expenses of the Legislature.”

On motion of Mr. Winsor, seconded by Mr. Godfrey,

*Resolved*,—That Mr. Speaker do order forthwith, thirty copies of the report of the Earl of Durham, on the affairs of Canada, together with the documents and correspondence published therewith, for the use of members; and for the expenses attendant upon which, this House will make provision at the next session of the Legislature.

*Resolved*,—That a committee of three be appointed to correspond during the vacation, with her Majesty's Government, on the several subjects brought under their consideration by order of this House by the late delegation, and that the said committee report to the House at the opening of the next session of the Legislature—the following persons to be such committee,—the Speaker, Mr. Nugent, and Mr. Godfrey.

*Resolved*,—That Mr. Kent, Mr. Doyle, and Mr. Godfrey, be appointed as Commissioners, to appropriate the grants voted by the two lower branches of the Legislature, to make provision for the expenses of the Delegation.

On motion of Mr. Nugent, seconded by Mr. Brown,

*Resolved*,—That an address be presented to his Excellency the Governor, praying that his Excellency will be pleased to issue his warrant to the Treasurer of the Colony, to pay the sum of £250 to Mr. Simon Morris, to remunerate him for the expense of rebuilding Waterford Bridge.

Mr. Nugent then presented the draft of an address in pursuance of the said resolution, and the same was read as follows:

*To His Excellency HENRY PRESCOTT  
Esquire, Companion of the Most Honorable  
Military Order of the Bath, Governor and  
Commander-in-Chief in and over the Island  
of Newfoundland and its Dependencies, &c.*

May it please your Excellency,

The House of Assembly humbly pray your Excellency will be pleased to issue a Warrant, or Warrants, to the Treasurer of the Colony, to pay the sum of two hundred any fifty pounds to Mr. Simon Morris, to remunerate him for the expense of rebuilding Waterford Bridge, his claim to that amount having come before this House certified by the Board of Road Commissioners for the District of St. John's, and sanctioned by the recommendation of your Excellency, and the House of Assembly shall, in their next session, make provision to indemnify your Excellency for so doing.

Draft of address to his  
Excellency



On motion of Mr. Nugent, seconded by Mr. Brown,

*Resolved*,—That the said address be adopted.

*Ordered*,—That Mr. Nugent and Mr. Brown do form a committee to present the same.

Committee

On motion of Mr. Nugent, the House resolved itself into a committee of the whole on consideration of a bill for granting to her Majesty a sum of money to make provision for the poor of Newfoundland.

House in committee on poor bill

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the said bill and had agreed to the same without amendment.

Report

*Ordered*,—That the said bill be engrossed and read a third time presently.

Engrossed  
3d reading

And the said bill having been engrossed, was read a third time accordingly.

On motion of Mr. Nugent, seconded by Mr. Brown,

*Resolved*,—That the said bill do now pass, and that it be entitled “An act for granting to her Majesty a sum of money to make provision for the poor of Newfoundland.”

Passed.  
Title

*Ordered*,—That Mr. Nugent and Mr. Brown do carry the said bill to her Majesty’s Council and desire their concurrence thereto.

Sent to Council

Mr. Brown moved for leave to bring in a bill to provide for the reconstruction of Waterford Bridge, and the same was read a first time.

Waterford Bridge bill  
read first time

*Ordered*,—That the said bill be now read a second time.

2 reading

And the said bill was read a second time accordingly.

On motion of Mr. Brown, seconded by Mr. Kent,

*Resolved*—That the said bill be now committed to a committee of the whole House.

Committed

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro’ the said bill, and had agreed to the same without amendment.

Report

*Ordered*,—That the said bill be engrossed and read a third time presently.

And the said bill having been engrossed, was read a third time accordingly.



On motion of Mr. Brown, seconded by Mr. Doyle,

Passed.  
Title

*Resolved*,—That the said bill do now pass, and that it be entitled—  
“An act to provide for the re-construction of Waterford Bridge.”

Sent to Council

*Ordered*,—That Mr. Brown and Mr. Doyle do carry the said bill to her Majesty's Council and desire their concurrence thereto.

no motion of amendment

On motion of Mr. Brown, seconded by Mr. Kent,

*Resolved*,—That the petition of Simon Morris, respecting Waterford Bridge, the report of the Road Commissioners thereon, and the message of his Excellency the Governor relative to the same, be sent to her Majesty's Council with the said bill.

Message from his Excellency

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The hon. Mr. Secretary Crowdy acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House.

And the said message was read by Mr. Speaker (all the members being uncovered) and is as follows :

MESSAGE

H. PRESCOTT.

The Governor transmits the accompanying opinion of the Law Officers of the Crown upon the ejection by the House of Assembly of one of its members, that the House may be aware of the impossibility of his Excellency issuing a writ for a new election for Conception Bay in the place of Mr. Power.

The document accompanying his Excellency's message was then read by the Clerk.—See *Appendix*.

*Ordered*—That the said document do lie on the table.

Notice of address to her Majesty's Government.

Mr. Nugent gave notice that on to-morrow he should move an address to her Majesty's Government on the subject of the bill entitled “An act to provide for the contingent expenses of the Legislature.”

Message from her Majesty's Council

A MESSAGE FROM HER MAJESTY'S COUNCIL.

The Master-in-Chancery brought down from her Majesty's Council the following written message—

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed an act sent up from this House entitled “An act for granting to her Majesty a sum of money to make provision for the poor of Newfoundland,” with some amendments, to which they request the concurrence of the Assembly.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, }  
11th Oct., 1839. }

And then the messenger withdrew.



## A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council

The Master-in-Chancery brought down from her Majesty's Council the following written message—

*Mr. Speaker,*

Her Majesty's Council acquaint the House of Assembly that they have passed a bill sent up by the Assembly entitled "An act to provide for the expenses of the re-construction of Waterford Bridge," without amendment.

JAMES SIMMS,  
Senior Member presiding.

Council Chamber, }  
11th Oct., 1839. }

And then the messenger withdrew.

At a quarter past 4 o'clock, there being present, Mr. Speaker, Mr. Nugent and Mr. Kent, Mr. Speaker adjourned the House till to-morrow, at 11 o'clock, for want of a quorum.

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**SATURDAY, October 12, 1839.**

**M**R. Moore moved for leave to bring in a bill to provide for the expense of completing the road from King's Bridge to Duckworth-street, and the same was read a first time.

Bill to provide for completing road from King's Bridge to Duckworth-street, 1st time

*Ordered,*—That the said bill be now read a second time.

2d reading

And the said bill was read a second time accordingly.

On motion of Mr. Moore, seconded by Mr. Godfrey,

*Resolved*—That the said bill be now committed to a committee of the whole House.

Committed

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

After some time Mr. Speaker resumed the chair.

On motion of Mr. Moore, seconded by Mr. Dwyer,

*Ordered,*—That all members now present do attend in their places in the House.

And Mr. Winser being present, and not in his place, attended in his place accordingly.

On motion of Mr. Moore, seconded by Mr. Dwyer,

The House resolved itself into a committee of the whole on a bill to provide for the expense of completing the road from King's Bridge to Duckworth-street,—resumed.



Report  
from  
Majesty's Council

The chairman reported from the committee that they had gone through the said bill and had agreed to the same without amendment.

Engrossed  
3d reading

*Ordered*,—That the said bill be engrossed and read a third time presently.

And the said bill having been engrossed, was read a third time accordingly.

On motion of Mr. Moore, seconded by Mr. Godfrey,

Passed.  
Title

*Resolved*,—That the said bill do now pass, and that it be entitled "An act to provide for the expense of completing the road from King's Bridge to Duckworth-street."

Sent to Council

*Ordered*,—That Mr. Moore and Mr. Godfrey do carry the said bill to her Majesty's Council and desire their concurrence thereto.

On motion of Mr. Moore, seconded by Mr. Dwyer,

*Ordered*,—That the petition of Michael Allen, respecting the expense of completing the said road, be sent to her Majesty's Council with the said bill.

On motion of Mr. Winsor, seconded by Mr. Godfrey,

*Ordered*,—That fifty copies of the bill entitled "An act for granting to her Majesty a sum of money for defraying the contingent expenses of the Legislature for the present session," together with all documents relating thereto be printed for the use of members, and a copy of the same transmitted by the Assistant Clerk to each member.

Draft of address to her  
Majesty's Government

Pursuant to notice, Mr. Nugent presented the draft of an address to her Majesty's Government on the subject of a bill entitled "An act to provide for defraying the contingent expenses of the Legislature," and the same was read as follows:

MAY IT PLEASE YOUR MAJESTY,

Your Majesty's faithful Commons, the House of Assembly of Newfoundland, in General Assembly convened, humbly approach your Majesty with sentiments of ardent loyalty and attachment to your Majesty's Royal Person and Government, and beg leave humbly to express their gratitude for the gracious attention bestowed upon the complaints of your Majesty's loyal subjects the people of Newfoundland on the occasion of the late Delegation from this House to treat with your Majesty's Government on the affairs of Newfoundland.

Your Majesty's gracious accedence to the humble prayer of this House on the subject of the Administration of Justice—and the improvement, however partial, in the constitution of your Majesty's Council by the removal from that body of the Chief Judge, whose judicial functions are incompatible with those of the Councillor whether Executive or Legislative, have been hailed by the people of Newfoundland as a promise of equal justice, of constitutional reform, of a speedy removal of all those abuses which have hitherto impeded their improvement, contracted their resources, and marred their happiness.

But, may it please your Majesty, in proportion as the hopes of the people are excited by your Majesty's gracious consideration—so are the dif-



faculties and embarrassments of their Representatives hourly encreasing—their personal characters have been unceasingly the subject of the coarsest attacks, their characters as representatives have been as openly outraged, and their character as an aggregate body as often maligned, nor have they found from the Executive Government that sympathy or support which they had a right to expect from the representative of their Sovereign.

Most Gracious Queen, the circumstances under which the present session of the Legislature opened were peculiarly calculated to embarrass, to dishearten, to intimidate the Assembly in the discharge of their duty to your Majesty, and to their constituents, for as the House of Assembly consists of only *Fifteen* Individuals who represent a population by census, reputed as about seventy-five thousand, in a body constituted of a number so small, the persons returned, and particularly, as is the case with the present members, whose return has been the result of the overthrow of an undue mercantile ascendancy, have to discharge their duty at the imminent risk of great personal injury.

In the first session the present Assembly had to struggle against a tide of hostility and opposition—the whole power of the Executive had appeared to have been used to prevent their return. They had been before elected in 1836, but an informality in the writs was made the illegal pretext of his Excellency the Governor, by Proclamation declaring them invalid, and, without even the formality of a dissolution of that House, new writs were issued, yet, with only two exceptions, the same members were returned.

The first aggression upon the members after their first return was the singling out six of the Fifteen, four of whom were Justices of the Peace, by your Majesty's Attorney General, and being arraigned as common malefactors, they were tried on a charge of Riot, where there was not a particle of evidence to sustain the imputation. The failure to coerce by these means was the signal to set at defiance their authority, and to seek every means of impeding their exertions and neutralising their usefulness. That portion of the press which was most virulent in its abuse was supported by those in authority—the mercantile party supported it, and hence were they unmeasured in their calumnies.

Under these circumstances, in our anxiety faithfully to discharge our duty to our Sovereign, with advantage to our Constituents, though finding our proceedings impeded at every step, still did we bear those infringements upon our privileges without having recourse to the extreme powers with which we were vested. In the course of an inquiry into the administration of Justice, the Assistant Judges of the Supreme Court had refused to give evidence, and although the practice in the Colonial Legislatures afforded ample precedent for the demand, yet, in place of punishing the contempt, we contented ourselves with appealing to his Excellency the Governor: but the appeal was vain; and on the same occasion E. M. Archibald, the Clerk of the Supreme Court, who was at the same time receiving from this House his stipend as Clerk of the House, having been appointed by the Crown, having refused to make returns of copies of certain public records, his Excellency, upon again being appealed to, not only did not lend his support to the Assembly, but directly expressed his approval of the conduct of that officer. (Jour. 1837, page 145.)

It was not, may it please your Majesty, until the members, even during session, were at length publicly threatened in the streets for discharging their duty, that the House attempted to assert its right to res-



train the outrageous conduct of its opponents by the arrest of the party offending, and when the Individual so arrested was, improperly and illegally, discharged by a Judge who had rendered himself conspicuous by publicly subscribing to a party petition expressive of the most outrageous calumnies on the personal and political characters of the members, which petition was made to form a portion of the Appendix to the case of Mr. Boulton tried before your Majesty's Privy Council (No. 28.) and who with the before mentioned Mr. Archibald, Clerk of this House, had also signed another document in the same appendix (No. 6.) couched so offensively to members of this house as to call forth from your Majesty's Privy Council the strongest expression of censure.—When that individual was illegally discharged by this Judge, then did the house feel themselves compelled to support their authority by his arrest also; but again his Excellency suspended the business of the country, and, without permitting a Revenue Bill to pass or a Supply to be granted, threw the shield of his power around those who had transgressed the law, and by a hasty prorogation neutralized the authority of the Assembly. (Journals 1838, pages 82, 83, & 84.)

An appeal was here made, by the individual first arrested, to the laws of his country for redress for the fancied injury, but in place of awaiting the award of those laws, his Excellency applied to your Majesty's Principal Secretary of State for the Colonies for the opinion of your Majesty's Law advisers in England upon the premises, and, although by the Judgment of the Supreme Court of this Island, the conduct of the Assembly had, in the interim, been declared to be legal, yet, calculated as was the said opinion to shake the public confidence in the local Courts of Justice, his Excellency ordered the immediate publication of the same in the Royal Gazette, notwithstanding that an appeal from the Judgment of the Supreme Court to your Majesty in Council was then pending, while his Excellency refused to comply with an address of the House praying his Excellency to lay that opinion, and his correspondence with your Majesty's Secretary of State upon the subject, before the Legislature in the present session.

During all this time the public Journals before alluded to, continued unceasingly, their vituperation of the members of the Assembly, falsely attributing to them the vilest motives, the worst characters—and the premises will prove that in allowing it heretofore to pass unpunished, the Assembly have exercised a forbearance which furnishes the best answer to all their slanders.

On Tuesday March 5th, however, the *Public Ledger* newspaper, one of the Journals before adverted to, appeared with a most libellous article upon the House of Assembly in its aggregate capacity, and as this libel was coupled with a recommendation to his Excellency to draw monies from the Public Chest in defiance of their authority, it was judged prudent now to interfere; and accordingly, the House not then being in session, the Speaker on the same day addressed a letter to the Secretary of the colony, calling his Excellency's attention to the libel in question, and praying his Excellency to order your Majesty's Attorney General to prosecute the Libeller, but in vain. Nay, more, his Excellency immediately proceeded to adopt the recommendation of the slanderous Journalist, and drew various sums from the Colonial Treasury without authority, to the amount of Seven Hundred and Two Pounds. The following is an extract from the libel then complained of:

“As for the arrogant, scoundrelly House of Assembly with which the country is **CURSED**, his Excellency will, in this instance, do well to, as



far as possible, wash his hands clear from it, and take upon himself a judicious responsibility, in which all honest men will bear him out; and let the House of Assembly take any course which it may deem fit."

The appeal to his Excellency was once more vain, the Libeller went unpunished and the Government Advertisements in his columns virtually expressed, in the most public manner, his Excellency's approval of his conduct!

Under such untoward circumstances, what course, may it please your Majesty, could the House pursue other than they have followed? We daily saw torrents of invective and vituperation poured out against us until the frequent iteration of the calumnies at length attracts the attention of the British press, and thus not only in this country are we insulted with impunity, but throughout Europe has the character of this Assembly been held up to opprobrium. What could we do? If we attempted to punish the Transgressor ourselves, the shield of the Executive was sure to protect him while our act is as sure to be denounced as "violence," "turbulence," "disloyalty"!—If we pray his Excellency to order that we have the protection of the law, his Excellency deigns not even to reply, but rewards the Individual who injures us in violation of that law; and, that this tends to encourage the slanderer, your Majesty will perceive from the following extract from the *Ledger* of yesterday the 11th instant:

"And we believe that a greater pack of KNAVES does not exist than that which composes the House of Assembly of this colony. Take them for all in all, from the Speaker downwards, we do not suppose that a greater set of lowlife and lawless scoundrels, as public men, can be found under the canopy of Heaven"!!

Yet the very first article in the advertising columns is a "GOVERNMENT advertisement"!

It was amid difficulties and embarrassments such as these that the present session of the Assembly occurred on the 17th day of May, and immediately upon the opening, a despatch from your Majesty's Principal Secretary of State was laid before the House, conveying your Majesty's wishes on the question so long under discussion,—the right to appoint the Clerk and Sergeant-at-Arms of the Assembly, your Majesty acceding to the demand of the Assembly to exercise the right of nomination themselves—"so far as relates to future appointments," but forbidding that the present Holders should be disturbed in their Offices, on the following grounds; "They were lawfully appointed by her Royal Predecessor in the exercise of a Prerogative *not only unquestioned* at the time, but acquiesced in by the Assembly."

With the full knowledge that your Majesty's Secretary had made this statement under a false impression produced by misinformation on the facts, the Members of the Assembly unanimously bowed to your Majesty's decision because they were convinced that, when they should lay before your Majesty a correct statement of the case, your Majesty would not hesitate to relieve them, for by a reference to our Journals it will be seen that the propriety of the exercise by the Crown of this prerogative was not only not acquiesced in, but utterly denied *ab initio* by the Assembly.

The first Session of the first General Assembly of this Island took place on the first day of January 1833, and by a reference to the 9th page of



the Journals of that session, it will be observed that the very first act of the Assembly upon its meeting, after moving the address in reply to the Governor's speech, was to deny the right of the Crown to appoint these officers and claim it for the Assembly.

By a reference to the 67th page of the same volume (session 2d) it will be seen that the right was then actually exercised by the House. Subsequently, however, the matter remained in abeyance until July 1837, when the present Assembly again exercised the right, and the officers of their appointment have continued to the opening of the present Session.

Thus will your Majesty perceive that, from the very first hour of the existence of the Legislature, even to the present day, has the House of Assembly claimed the right of appointing their officers, and thus will your Majesty see the main ground on which rests the demand of having the present officers undisturbed in their offices is based upon untenable premises.

But, may it please your Majesty, the House of Assembly, in acceding to your Majesty's gracious decision under such circumstances, were actuated by no motives but of loyalty and attachment to your Majesty's Royal Throne and august person, as well as by an earnest desire that this Session may proceed to the public advantage, for, were it otherwise, never had a house of representatives stronger grounds of objection to *one* of the officers thus pressed upon them.

We have already exhibited to your Majesty Mr. Archibald, the Clerk of the Assembly appointed by the Crown, in his capacity of clerk of the Courts, resisting the authority of the House. We have shown him signing a petition filled with invective and pregnant with misrepresentations assailing the character of the Representative Body, without pretending to exhibit a shadow of proof in their support, and we have shown him as a party to an address to Mr. Boulton, grossly offensive to the Speaker and members of the House, which address was strongly censured in your Majesty's Privy Council; and in this latter instance to give to this document a currency calculated to deceive your Majesty, Mr. Archibald, then Clerk of the Supreme Court and Clerk of the Assembly, actually signed himself,—not in the capacity he then held, but—in one which had been withdrawn from him four years before, viz., “Acting Assistant Judge in 1834.”

The House of Assembly felt no difficulty in acceding to the wishes of your Majesty, however, in this instance, because this officer was then and still is absent from the colony, for they felt that it was only necessary to lay these circumstances before your Majesty to ensure redress, as it could not be regarded as consistent with propriety, or consistent with the dignity of the Representative Body, that an Individual who had so often and so publicly embarked in political hostility and indulged in personal invective against all the members, and had united with those who are hourly struggling to deprive that body of existence, should hold the highest office of trust in the House, should daily sit at the table of the House, should be the depository of its Records, the Registrar of its proceedings.

But, may it please your Majesty, many and urgent as have been the embarrassments under which the Assembly have laboured, none are more important than those to which they have been subjected by your Majesty's Council acting in their Legislative capacity. Incessant in



their encroachments on our privileges, uncourteous and offensive in their communications, they have proved themselves impracticable in the management of the public business, opposed to improvement, deaf to the wants and miseries of the poor.

To pass over the circumstances of former Sessions we beg to remind your Majesty that we have before noticed the desire of the Assembly at the opening of the present, that this session may proceed to the public advantage, and we are fully impressed with the conviction that this can only be accomplished by the maintenance of harmonious relations between the several branches of the Legislature. All that could be effected to duce this end has been sought to be done by the Assembly, while every act of your Majesty's Council would appear to be dictated by a studied desire to produce collision.

The session of the Assembly occurs in the spring, a season which at first was thought advantageous, but by experience has been discovered to be most inconvenient, as the labours of the session are spread over that season of the year most valuable to people in business. Anxious, therefore, to bring the session to a speedy close, the Assembly took, at an early period, the subject of Supplies under their consideration, and the result was that the bill of appropriation, which is usually one of the last, was passed in this House within a month of the opening, but her Majesty's Council rejected that bill on the plea that the salaries of two Constables were omitted, the sum voted for Gaol expenses was insufficient, and a vote for the re-appropriation of a sum for a Grammar School had been introduced, which sum voted in the last bill of supply had lain dormant from the disagreement of the Commissioners.

The Assembly explained to them in conference that the constables' salaries were omitted inadvertently and would be voted in a supplementary bill, that the vote for Gaol expenses would, when we had more information, be made suitable to the service, and that the vote for the Grammar School having been only a re-appropriation ought not to be disturbed; but your Majesty's Council ever unreasonable, ever adverse to education, rejected the bill, and the financial year was allowed to close, and the Judges to go on Circuit without having had a supply voted to your Majesty for the public service.

The vote for the establishment of a Grammar School was then made the subject of a separate bill, and the same Council which every year since the establishment of a legislature, have thrown out a bill for the establishment of an academy, by the rejection of this measure have deprived the country of the hope of enjoying even the humble advantage of one Grammar School for the whole Island, so long as that Council remains constituted as at present.

The House of Assembly in the session of 1838 had placed in the bill of supply a vote for defraying the expenses of the late delegation, but at the suggestion of members of the Council it was withdrawn from that as soon as the bill was rejected and placed in a contingency bill, and subsequently it was placed in a separate Bill, but to no purpose, those expenses continued a charge on the colony until the present year, when again a separate bill for the amount having been passed in this House, it was again rejected by the Council; and at length, determined to pay those just demands, the Assembly resolved once more to place them in the bill of Supply.

The Council, however, once more rejected the bill which provided for the expenses of the Civil Government of the colony, yet coupling two or



three minor objections with an objection to this vote, but the Assembly at once resolved to send up a third supply bill, striking out all the items objected to, with the exception of this, and determined to retain that vote for the defrayal of charges for which their credit stood pledged. But, by the seasonable recommendation of his Excellency the Governor to pass another separate bill for the purpose, a collision was prevented.

At length the third supply bill went up with every vote objected to removed from it, and thus was the anxiety of the Assembly for the public service testified, suffering patiently repeated, uncalled-for aggressions on their privileges, rather than embarrass the officers of the Government. But although the Assembly had been thus liberal in their grants to your Majesty, although they had made ample provision for every branch of the public service, although they had provided Revenues, yet now is the session closing, and the Legislature of Newfoundland exhibits the singular and unprecedented instance of a refusal, under such circumstances to pass a bill to defray the expenses of the Assembly, and while the humblest officer of the Executive Government is provided for, the officers of this Body, after a laborious session of five months, are thus deprived of the means of subsistence for the approaching winter.

May it please your Majesty, the circumstances of the rejection of this bill are so extraordinary that the House have ordered the bill itself and all the proceedings thereon to be printed, in order that they may be laid before your Majesty, and to these proceedings we refer your Majesty for the objections of the Council and the explanation of the Assembly.

The explanation of the Assembly was intended to be made in conference, but the Council declined to grant that conference, for which declension we believe the history of Legislation affords no precedent, and subsequently rejected a second bill without a moment's consideration, and without explanation.

May it please your Majesty, by this explanation your Majesty will perceive that it is to the constitution of the Council we attribute all the difficulties that surround us,—we see within them the working of the policy of the mercantile party, who have ever opposed the march of Reform, the spread of improvement—who have hitherto succeeded in cramping the genius, in impeding the intellectual advancement of the people, the physical developement of the resources of the country.

We have already adverted to their opposition to educational improvement as evidenced in the fact that, in Newfoundland there exists not a single school endowed or encouraged by the Legislature for the education of the middle or upper classes of society, notwithstanding that the Assembly in every session of the Legislature hitherto, had passed a bill for the establishment of an academy, and their hostility to the developement of the agricultural resources of the country is evinced by their rejection, in the present session, of two successive bills for the making of roads, the Assembly having, on the rejection of the first, apprehensive that the objection was to the amount voted, sent up a second for half the amount, but to no purpose.

Their apathy for the wants of the poor has been evinced by the rejection of a bill making provision for the sick poor of the Island, in a country where there is not one public Hospital, a single poor-house or house of industry, work house or house of refuge for the sick, the aged or the infirm—not a single asylum for the orphan! and where the rejection of



the road bill, consigning the industrious poor to destitution, must necessarily be expected to add considerably to the ranks of pauperism.

May it please your Majesty, under these circumstances we humbly pray your Majesty to take under your Majesty's gracious consideration the state of your Majesty's loyal colony of Newfoundland. We humbly pray your Majesty to regard a people who have never been known to swerve from their loyalty to their Sovereign, their attachment to the laws and constitution of England. They have around them the elements of improvement—within them the germ of happiness—their soil is fertile—the people are intelligent, industrious, frugal, and distinguished for every social virtue. They only need a paternal government—they only want a considerate legislature to draw out all these advantages, to secure success to the fisher, abundance to the agriculturist, prosperity and happiness to all.

We humbly pray your Majesty to take the premises under your Majesty's gracious consideration, to adopt such reform in your Majesty's Council as will most tend to produce a harmonious working with the Assembly for the public good. We humbly pray your Majesty to order that the Executive of Newfoundland be protective of the interests, of the liberties of the people in their Representatives—we humbly pray your Majesty in fine, that to the people of Newfoundland be extended the blessing of just and impartial Government.

On motion of Mr. Nugent, seconded by Mr. Winser,

*Resolved*,—That the said address be adopted, and transmitted by the Speaker to her Majesty's Principal Secretary of State for the Colonies through his Excellency the Governor. Adopted

*Ordered*,—That the said address be printed.

On motion of Mr. Winser, seconded by Mr. Morris,

*Resolved*,—That the following address be presented to his Excellency the Governor : Draft of address to his Excellency

*To His Excellency HENRY PRESCOTT  
Esquire, Companion of the Most Honorable  
Military Order of the Bath, Governor and  
Commander-in-Chief in and over the Island  
of Newfoundland and its Dependencies, &c.*

May it please your Excellency,

The House of Assembly beg to acquaint your Excellency that they have appointed Mr. Kent, Mr. Doyle, and Mr. Godfrey, Commissioners for the appropriation of the sums voted for the defrayal of the expenses of the Delegation.

*Ordered*,—That Mr. Winser and Mr. Morris do form a committee to present the same.

On motion of Mr. Dwyer, seconded by Mr. Moore,

*Resolved*,—That the committee appointed to correspond with her Majesty's Government on the subjects brought under the consideration of Government by the late delegation, be also empowered to call the



attention of her Majesty's Government to such circumstances connected with the proceedings of this House, as they shall deem necessary.

Report of committee appointed to present address to his Excellency

Mr. Winsor, from the committee appointed to wait on his Excellency the Governor with the address of the House of this day, reported that they had waited on his Excellency accordingly, and that his Excellency had been pleased to reply verbally thereto, that his Excellency would issue his warrants in pursuance of the said address.

Message from his Excellency

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

— By Joseph Templeman, Esquire, Usher of the Black Rod.

commanding attendance of House in Council Chamber

*Mr. Speaker and Gentlemen of the House of Assembly—*

His Excellency the Governor commands your attendance forthwith in the Council Chamber.

House attend

Accordingly, Mr. Speaker and the House went up to attend his Excellency in the Council Chamber, when his Excellency was pleased to assent to the following bills, viz.

His Excellency's assent to bills

“ An act to Incorporate the Benevolent Irish Society.”

“ An act to repeal part of an act passed in the first General Assembly of this Island, entitled “ An act to regulate the building of houses in Water Street, in the town of St. John's.”

“ An act to provide for the due collection and safe-keeping of the Colonial Revenue of Customs.”

Mr. Speaker then presented several bills, and to which his Excellency was pleased to give his assent, which bills are as follow :

“ An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of the Colony and for other purposes, for the year ending 30th June, 1840, and to regulate the appropriation of the same.”

“ An act to repeal several acts now in force respecting Light Houses, and to make further provision for the support of the said Light Houses, and to consolidate the laws respecting the same.”

“ An act to re-vest in the Treasury the sum of £1500 granted to her Majesty, under an act passed in the first year of the reign of her present Majesty, and remaining unappropriated, and to appropriate the same for the purpose of facilitating a communication by steam, between the ports of St. John's and Halifax, in the province of Nova Scotia.”

“ An act for granting to her Majesty certain duties on goods, wares, and merchandise imported into this colony and its dependencies.”

“ An act to make provision for the greater protection of the Revenue at the port of St. John's.”

“ An act to regulate the granting of Licenses, for the sale by retail of ale, wines and spirituous liquors in Newfoundland.”

“ An act for granting to her Majesty a sum of money for defraying the expenses of the late delegation.”

“ An act to provide for the expenses of the re-construction of Waterford Bridge.”



His Excellency was then 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 ;*

I am happy to be at length enabled to terminate a Session of unexpected and inconvenient duration.

*Mr. Speaker, and Gentlemen of the House of Assembly ;*

I have to thank you, in her Majesty's name, for the supplies, which shall be carefully applied to their prescribed purposes.

At the same time, I cannot but express my unfeigned and pungent regret that the various and urgent representations which it has been my duty to make on behalf of the sick and impotent Poor, and of Orphans and Idiots, have not resulted in any provision for those unfortunate sufferers.

After which, the President of her Majesty's Council said,

*Honorable Gentlemen of her Majesty's Council, and*

*Gentlemen of the House of Assembly,*

It is his Excellency's will and pleasure that this General Assembly be prorogued till Wednesday the first day of January next, and this General Assembly is accordingly prorogued till Wednesday the first day of January next, then here to be holden.

**HUGH W. HOYLES,**

*Acting Clerk of the House of Assembly.*

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**END OF THE FOURTH SESSION.**  
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