JOURNALS

OF THE

LEGISLATIVE COUNCIL

OF THE

ISLAND OF NEWFOUNDLAND.

HIS EXCELLENCY

KER BAILLIE HAMILTON, ESQUIRE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE ISLAND OF NEWFOUNDLAND AND ITS DEPENDENCIES &c. &c.

BEING THE THIRD SESSION

OF THE

FIFTH GENERAL ASSEMBLY.

1854.

PROCLAMATION.

KER B. HAMILTON.
(L. S.)

By His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies.*

WHEREAS the General Assembly of this Island stands Prorogued until Wednesday, the Ninth day of August instant. And Whereas I think fit further to Prorogue the said General Assembly until Monday the 9th of October next ensuing:

I do therefore, by this my Proclamation, further Prorogue the said General Assembly until Monday, the Ninth day of October next; and of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my hand and Seal at the Government House, at St. John's in the aforesaid Island, the Eighth day of August, One Thousand Eight Hundred and Fifty-four, and in the Eighteenth Year of Her Majesty's Reign.

By His Excellency's Command,

JAMES CROWDY,
Secretary.

PROCLAMATION.

By His Excellency KER BAILLIE HAMILTON, *Esquire, Governor, and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.*

KER B. HAMILTON.
(L. S.)

WHEREAS the General Assembly of this Island stands Prorogued until Monday, the Ninth day of October next: And Whereas I think fit further to Prorogue the said General Assembly until Tuesday the Tenth of October next ensuing: I do therefore, by this my Proclamation, further Prorogue the said General Assembly until Tuesday the Tenth day of October next; *then to meet for the despatch of business;* and of which all persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal at the Government House, at St. John's in the aforesaid Island the Twenty-fifth day of September, One Thousand Eight Hundred and Fifty-four, and in the Eighteenth year of Her Majesty's Reign.

By His Excellency's Command,

JAMES CROWDY,
Secretary.

HER MAJESTY'S COUNCIL,

NEWFOUNDLAND.

Third Session, Fifth General Assembly, 18th of Victoria.

Tuesday, 10*th October*, 1854.

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

At half-past One of the Clock, P. M. the House met. House meets.

Present:

The Honourable EDWARD D'ALTON, *Commandant.* Members present.
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAWRENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

At Two of the Clock, P. M, the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honourable the President of the Council commanded the Sergeant-at-Arms, to go to the Commons House of Assembly, and inform the Members that it is His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto, His Excellency was pleased to open the present Session by a gracious Speech to both Houses.

Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

10*th October*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

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

A copy of His Excellency's Speech having been left with the House, it was read by the Clerk, and is as follows:—

Mr. President and Gentlemen of Her Majesty's Council :

Mr. Speaker and Gentlemen of the House of Assembly :

His Excellency's Speech.

The circumstances under which the last Session terminated having resulted in a reference by both Branches of the Legislature to Her Majesty's Government, who have expressed their views upon the matters brought under their consideration, in Despatches from Her Majesty's Secretary of State, copies of which I will cause to be laid before you, I have, in compliance with the instructions conveyed to me, called you together at this period of the year—inconvenient though I fear it may be as regards the general business of the Country—for the purpose of settling the preliminary conditions to the introduction of the system of Responsible Government, and of remedying the inconveniences arising from the circumstance of the last Session having closed without the usual Bill of Supply.

The suggestions and recommendations contained in the Despatches of Her Majesty's Secretary of State leave me little to add beyond the expression of a hope that in the apparently only remaining point at issue between the two Houses, namely, the settlement of the details of the Representation Bill, the discussion of whatever measure may be proposed will be conducted in a spirit of moderation on all sides ; and that such a Bill may be perfected as will be fair, and, I trust, acceptable to all parties.

I have to acquaint you that a Treaty for the reciprocal free interchange of certain staple products of the United States and the British North American Colonies was signed at Washington on the 5th of June last, between the Government of Great Britain and that of the United States ; and has since been ratified by the two Governments. The admission of Newfoundland to a participation in this Treaty is conditional on certain preliminary arrangements, and the action of the Legislatures as well of the United Kingdom and United States, as of this Colony.

I shall cause to be laid before you copies of a Despatch addressed to me by Sir George Grey on this subject; but in the absence of an authentic copy of the Treaty, and of the suggestions from the Governor General of Canada which the Secretary of State has informed me I shall receive for my guidance in proposing

any measure for securing to this Colony the advantages derivable from thetreaty, I am not, at present, in a position to invite your further attention to this matter.

During the recess my attention has been directed to the defective sanitary state of St. John's. While we gratefully acknowledge the distinguishing mercy shewn to us by Divine Providence in exempting us from such visitations of sickness as have devastated other countries both of the old and new world, we are warned that even in this climate of extraordinary salubrity we cannot neglect with impunity certain general sanitary laws. I will cause to be laid before you a Report prepared by a competent person with a view to a system of drainage of St. John's, and specifying that part which being immediately indispensable, I directed to be performed. I recommend this subject to your consideration, and that provision be made for giving effect to such measures for the preservation of the public health as may be approved of by the Board of Health.

Although I regret to say the Fishery during the past season has, to a great extent, failed on some parts of the coasts of the Island, I trust that the general Fishery will, on the whole, be found to have been not below an average one. On the other hand, I have to congratulate you on the very great diminution of the potatoe disease compared with its ravages in past years.

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

I will transmit to you a statement of the Revenue up to the present period of the year. I will also direct to be laid before you the Estimates for the present year, and rely on your making the necessary provision for the public service, and for the additional expenditure incurred in carrying out measures to protect the public health.

Ordered—That a Select Committee be appointed to prepare an Address of Thanks to His Excellency the Governor in answer to His most gracious Speech. Select Committee to draft Address to the Governor in reply to His Speech.

Ordered that the Honourable Messrs. Noad, Bennett and Archibald, be a Committee for that purpose.

On motion made and seconded, the House adjourned until Thursday next at Two o'clock, P. M. House adjourns.

THURSDAY, 12TH OCTOBER, 1854.

The House met pursuant to adjournment. House meets.

12th and 13th October, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Present:

Members present.

The Honourable EDWARD M ARCHIBALD, *Attorney-General.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" THOMAS B. JOB.
" JAMES CROWDY, *Colonial Secretary.*
" LAURENCE O'BRIEN.

The minutes of Tuesday were read.

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

The Honourable Mr. NOAD, from the Select Committee appointed to prepare an Address of Thanks to His Excellency the Governor in answer to his speech at the opening of the Session, presented a draft thereof.

Ordered—That the same be received.

Address read 1st time.

The Address was then read a first time, and

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

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

The Honourable Mr. NOAD gives notice that he will to-morrow, move the suspension of the 37th Rule of the House, with reference to the said Address.

Petition of Mr. W. J. Ward read.

On motion of the Honourable Mr. NOAD, the Petition of Mr. Wm. J. Ward, praying to be re-appointed Publisher of the Debates of the House, was read, and

Ordered—To lie on the Table.

House in Committee on Privilege.

On motion made and seconded, the House went into Committee on Privilege;

The Honourable Mr. JOB in the Chair.

After some time the House resumed.

Chairman reports progress.

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

House adjourns.

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

FRIDAY, 13TH OCTOBER, 1854.

House meets.

The House met pursuant to adjournment.

13th October, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.* Members present.
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" LAURENCE O'BRIEN.
" CHARLES F. BENNETT.
" THOMAS B. JOB.

The minutes of yesterday were read.

Pursuant to the order of the day, the Address to the Governor, in answer to His Excellency's Speech at the opening of the Session, was read a second time. Address to the Governor in answer to His Speech on opening the Session read 2nd time

Pursuant to notice, the Hon. Mr. NOAD moved that the 37th Rule of the House be suspended, with reference to the said Address—and 37th Rule of the House suspended.

Ordered accordingly.

The House then went into Committee thereon; Address Committed.

The Honourable Mr. CROWDY in the Chair.

After some time the House resumed.

The Chairman reported the Address without Amendment. Reported.

Ordered that the report be received.

The said Address was then read a third time and passed, and is as follows:— Read 3rd time and passed.

To His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.*

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, beg leave to thank Your Excellency for the gracious Speech with which you have been pleased to open the present Session of the Legislature. The Address.

Called together, as the Legislature has been, for the purpose of settling the preliminary conditions to the introduction of Responsible Government, and of

remedying the inconvenience arising from the circumstance of last Session having closed without the usual Supply Bill, we assure Your Excellency that any Despatches from Her Majesty's Secretary of State on these important subjects, which Your Excellency may be pleased to lay before us, shall receive our earnest and careful attention, and we will add that it is our sincere desire to enter on the discussion of whatever measure may be proposed for the settlement of the details of the Representative Bill, in such a spirit of moderation as may tend to the final and satisfactory adjustment of that question.

The subject of Free Trade between Newfoundland and the United States is one of great moment, and any documents in relation to a matter which will have an important bearing on the prosperity of this Island, which Your Excellency may now or hereafter be enabled to lay before us, we shall thankfully receive, and will devote to them our best consideration.

We join Your Excellency in gratefully acknowledging that Mercy which for so long a time has been providentially extended to us, in preserving us from those severe visitations of sickness which have spread over so many other parts of the world, and at the same time, we beg to express not only our readiness, but our solicitude to join in perfecting such measures as have for their end the preservation of the public health.

We regret to learn that the Fishery should, to a great extent, have failed on any portion of our shores during the past season, but trust with Your Excellency that from the abundant catch on other parts of our coasts it will be an average Fishery.

With feelings of great satisfaction, we reciprocate Your Excellency's congratulations on the diminution of the potato disease—a fact which seems to warrant our entertaining the hope that we may escape its ravages in future years.

COUNCIL CHAMBER.
13th October, 1854.

Committee appointed to ascertain at what time the Governor will receive the Address.

Ordered—That the Address be engrossed—and that a Select Committee be appointed to wait on the Governor to ascertain when His Excellency will be pleased to receive the House with the same.

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

13th and 14th October, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

The Honourable Mr. CROWDY, from a Select Committee appointed to wait on the Governor to ascertain at what time His Excellency would receive the Address of this House in reply to his speech on opening the Session, reported that His Excellency had uamed ten minutes before two o'clock to-morrow.

Colonial Secretary reports that His Excellency will receive the Address to-morrow.

On motion made and seconded, the House adjourned until a quarter before two o'clock to-morrow.

House adjourns.

SATURDAY, 14TH OCTOBER, 1854.

The House met pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD D'ALTON, *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" LAURENCE O'BRIEN.
" CHARLES F. BENNETT.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

Members present.

The minutes of yesterday were read.

At ten minutes before two o'clock the House proceeded to the Government House with its Address in reply to the Speech of His Excellency the Governor on opening the Session.

House proceeds to Government House with Address.

At half-past two o'clock, the House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Address, and to return an answer thereto in the following words:—

Mr. President and Honourable Gentlemen of the Council:

Governor's reply to Address.

I thank you for this Address.

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

House adjourns.

17th *October*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

TUESDAY, 17TH OCTOBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" THOMAS B. JOB.
" JAMES J. GRIEVE.
" EDWARD M. ARCHIBALD, *Attorney-General.*
" LAURENCE O'BRIEN.

The minutes of Saturday last were read.

Documents laid before the House by command of the Governor—

The Honourable the COLONIAL SECRETARY lays before the House, by command of the Governor, the following Documents, viz :—

Two Despatches from the Secretary of State for the Colonies to His Excellency on the subject of Responsible Government, dated 6th July, 1854, and 14th August, 1854.

A Despatch from the Secretary of State for the Colonies to His Excellency on the subject of the recently ratified Commercial Treaty with the United States, dated 30th August, 1854, and

A Report from Mr. J. P. Neville on the subject of a system of drainage for the town of St. John's, dated 11th October, 1854.

To be printed.

Ordered—That the said Documents be printed.

Report of the Council's Delegates to Her Majesty's Government on Responsible Government laid before the House.

The Honourable Mr. ARCHIBALD lays before the House the Report of the Delegates from the Council to Her Majesty's Government on the subject of Responsible Government.

Ordered—That the said report be printed.

Increase of Representation Bill brought up—and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof," which was read a first time, and

17th and 20th October, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Ordered—To be read a second time on Friday next.

Ordered—That the said Bill be printed. —to be printed.

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

FRIDAY, 20TH OCTOBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.* Members present.
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

The minutes of Tuesday last were read.

Pursuant to the order of the day, the Bill entitled "An Act to increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof" was read a second time, and Increase of Representation Bill read 2nd time.

Ordered—To be committed to-morrow.

On motion of the Honourable Mr. CROWDY, the Petition of Robert Rodger praying to be re-appointed Reporter of the proceedings of this House for the present Session was read, and Petition of Robert Rodger read.

Ordered—To be referred to the Committee on Privilege presently.

Whereupon the House went into a Committee on Privilege; House in Committee on privilege.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again.

20th and 24th October, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

House adjourns.

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

TUESDAY, 24TH OCTOBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" THOMAS B. JOB.
" JAMES J. GREIVE.
" LAURENCE O'BRIEN.

The minutes of Friday last were read.

House in Committee on Privilege.

On motion made and seconded the House went into Committee on Privilege;

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the following Resolution :—

Resolution that Mr. Rodger be appointed Reporter, &c.

Resolved—That Mr. Rodger be appointed Reporter, and that his reports be published in the *Express*, and that compensation be made to Mr. Ward for the withdrawal of the publication from the *Morning Post.*

— adopted.

Ordered—That the Report be received and adopted.

Increase of Representation Bill—committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled " An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof."

After some time the House resumed.

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

Ordered—That the report be received.

24th, 27th and 28th October, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

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

FRIDAY, 27TH OCTOBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney General.* Members present.
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS
" JOSEPH NOAD.
" CHARLES F. BENNETT
" LAURENCE O'BRIEN.
" JAMES J. GRIEVE.
" THOMAS B. JOB.
" EDWARD D'ALTON, *Commandant.*

The minutes of Tuesday last were read.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof;" Increase of Representation Bill—committed.

The Honourable Mr. GRIEVE in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered—That the report be received.

The Honourable Mr. NOAD gives notice that to-morrow he will move that a conference be had with the House of Assembly on the subject of the Amendments made by the Council on the Bill above mentioned. Notice of Motion that Conference be asked with the Assembly on the Representation Bill.

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

SATURDAY, 28TH OCTOBER, 1854.

The House met pursuant to adjournment. House meets.

28th October, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Present:

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.

The minutes of yesterday were read.

Pursuant to notice, on motion of the Honourable Mr. NOAD, it was

Conference to be asked with the Assembly on Amendments of Council on Increase of Representation Bill.

Ordered—That a conference be asked with the House of Assembly on the subject of the Amendments made by the Council in the Bill for the increase of the number of Representatives in the General Assembly.

The Honourable Mr. NOAD laid before the House a draft of Instructions to the Conferees on the above named Bill.

Ordered—that the same be received and referred to a Committee of the whole House.

House in Committee on draft of Instructions to Conferees.

Whereupon, the House went into Committe thereon ;

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Instructions, which are as follow :—

Mr. SPEAKER,—

The Instructions.

In returning to the House of Assembly the Bill for the increase of the number of Representatives, the Council would briefly state the reasons which have guided them in adopting the Amendments which the Council have introduced in the Bill :—

Desirous as they are to act in accordance with the spirit of the despatch from Her Majesty's Secretary of State, the Council are willing to make such concession and to exercise such forbearance as can be reasonably expected from them, and which the despatch recommends for the guidance of both branches of the Legislature; and they have consequently adopted the Bill of the House of Assembly with

28th *October*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

only such Amendments as recognise the principle of population more fully and more perfectly than the Bill of the Assembly does.

These Amendments are simply the withdrawal of one member from each of the Districts of Bonavista and Placentia and St. Mary's—the effect of this would be to equalize, as far as may be, the number of Representatives in regard to Population, while the discrepancy which exists in the Bill before the House in giving a greater number of Representatives to a District with a smaller population would be avoided.

The Council offer this free explanation of the motives which have guided them in their consideration of the measure which is now before them, and they cannot but entertain the hope that the concessions they have made to effect a settlement of a question, the prolonged discussion of which can benefit no portion of our population, will be acceded to.

Amendments of Council arranged according to Population Returns.

No.	District.	Inhabitants.	Members.
1	Conception Bay	28,026	7
2	St. John's	25,199	6
3	Trinity	8,801	3
4	Bonavista	7,227	2
5	Twillingate and Fogo	6,744	2
6	Placentia and St. Mary's	6,473	2
7	Ferryland	4,581	2
8	Burin	4,358	2
9	Fortune Bay	2,920	1
10	LaPoile	2,180	1
			28

COUNCIL CHAMBER,
28th October, 1854.

E. M. ARCHIBALD,
Presiding Member.

Ordered—That the said Instructions be adopted.

On motion made and seconded, it was

Conferees appointed.

Ordered—That the Honourable Messrs. Noad and Thomas be the Conferees on the part of this House; and

Ordered—That the Amendments made in the said Bill be engrossed, and the Bill, as amended, read a third time on Monday next.

House adjourns.

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

MONDAY, 30TH OCTOBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

The minutes of Saturday last were read.

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

Mr. SPEAKER,—

Message to the House of Assembly requesting Conference on the subject of Amendments made by the Council in the Increase of Representation Bill.

Her Majesty's Council request a conference with the House of Assembly on the subject of certain Amendments made by the Council on the Bill entitled "An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof," and have appointed

31*th October*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Conferees to meet the Managers on the part of the Assembly in the Committee Room of the Council presently.

(Signed,)
EDWARD M. ARCHIBALD,
Presiding Member.

COUNCIL CHAMBER,
30th October, 1854.

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

MR. PRESIDENT,—

Message from the House of Assembly declining Conference with the Council on the subject of the Amendments made in the Increase of Representatives Bill.

The House of Assembly respectfully decline complying with the request of Her Majesty's Council for a Conference on the subject of certain Amendments made by the Council in the Bill entitled " An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof," for the following reasons ;—

First,—Because, even waiving the irregularity of the demand at this stage of the proceedings, the Bill as passed by the Assembly has already formed the subject of prolonged agitation and several fruitless Conferences between both Branches.

Secondly,—Because the Bill so passed is a just and fair measure to all classes and interests in this Island, and particularly in reference to the principle of population in its general bearing.

Thirdly,—Because it contains several substantial concessions to the views of the Council in trebling the present representation of the Districts of Trinity and Bonavista, in sub-dividing St. John's, and imposing election expenses on Candidates, while an increase of only fifty per cent. on its present representation was given to the district of St. Mary's and Placentia, and that of every other district was doubled where population would permit, except in Conception Bay, where the liberal interest surrendered one member, while no concession whatever has been made to the views of the Assembly or the interests of the Liberal party.

Fourthly,—Because that Bill has been submitted by both Branches to the Imperial Government for their decision ; and while the fairness of the measure and the conduct of the Assembly thereon, have received the approval of the Imperial authorities, the amendment of the Council (in reference to the district of Burin, made last Session) has been expressly condemned.

Fifthly,—Because the recent Despatch of the Secretary of State on the subject of the existing differences requires mutual concesssion in reference to the only two unsettled preliminaries to the introduction of Responsible Government; one being the passing of this Bill, and the other, the adjustment of the Attorney General's retiring allowance; and this House, contrary to what it conceives to be strictly just, but for the purpose of terminating this unfortunate contest, having expressed its willingness to abandon its previous resolution on the allowance to be granted to the Attorney General, and meet the views of the Secretary of State thereon, therefore conceives that it has a right to expect, under all the circumstances, in a spirit of mutual concession, the assent of the Council to the Representation Bill, so sanctioned and passed.

Lastly,—Besides from the foregoing reasons, it is evident that no practical result can come from a renewal of exciting conflicts on this vexed question, as nothing new can be adduced on either side, and any proposal to take away the only member allowed to the district of St. Mary's and Placentia over its present representation (and thus comparatively disfranchise the liberal electors of that district) could not be entertained under any circumstances by this House; and this House having agreed to the proposal of the Council made last session to add a third member to the representation of Bonavista, in the hope of conciliating the Council and settling the measure, has no desire to retract that concession, and is resolved to adhere to its resolution not to recede in any respect from the said Bill.

JOHN KENT,
Speaker.

HOUSE OF ASSEMBLY,
30th October, 1854.

Ordered—That the said Message be printed.

The Honourable Mr. SECRETARY CROWDY, by command of the Governor, laid before the House the following Documents :—

Documents laid before the House by command of the Governor—

Estimate of the charge for defraying the public expenditure of the Colony for the year 1854.

A Comparative Statement of the Revenue of the Colony for the three-quarters of the years ending 10th October, 1852, 1853 and 1854.

Ordered—That the last named Document be printed.

House adjourns.

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

1st and 2nd November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

WEDNESDAY, 1ST NOVEMBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney General.* Members present.
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of Monday last were read.

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

THURSDAY, 2ND NOVEMBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney General.* Members present.
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" LAURENCE O'BRIEN.
" CHARLES F. BENNETT.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

The minutes of yesterday were read.

On motion, and pursuant to the order of the day, that the Bill, as amended, entitled "An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof," be read a third time, the House divided, when there appeared— On motion that the Increase of Representation Bill be read a third time

2nd November, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

The House divides.

CONTENT—	NON-CONTENT—
The Honourable E. M. Archibald.	The Honourable C. F. Bennett.
" James Crowdy.	" J. J. Grieve.
" Joseph Noad.	
" Laurence O'Brien.	
" Thomas B. Job.	

So the question passed in the affirmative.

Representation Bill, as amended, read third time and passed.

Whereupon, the Bill, as amended, was read a third time and passed, and

The Honourable the Presiding Member signed the same.

The Amendments are as follow:—

The Amendments.

In the 1st Section of the Bill, expunge the word "thirty" and insert "twenty-eight" in lieu thereof.

——————————— 11th and 51st lines—expunge the word "three" in each of these lines respectively, and insert the word "two" instead thereof.

The Honourable Mr. NOAD moved that a Message be sent to the Assembly with the said Bill, and laid before the House a draft thereof.

Ordered—That the said draft be received, and

Ordered—That the House go into Committee thereon presently.

Whereupon the House went into Committee, the Honourable Mr. O'BRIEN in the Chair.

After some time the House resumed.

The Chairman reported the Message without Amendment.

Ordered—That the Report be received and adopted.

The Message is as follows:—

MR. SPEAKER,—

Message to the House of Assembly of having passed the Increase of Representation Bill with Amendments, &c.

Her Majesty's Council acquaint the House of Assembly that they have passed the Bill entitled "An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof," with some amendments, to which they request the concurrence of the House of Assembly. The Council desire at the same time to state to the House of Assembly

the reasons which have guided them in adopting the amendments which the Council have introduced into the Bill.

Desirous as they are to act in accordance with the spirit of the Despatch from Her Majesty's Secretary of State, the Council are willing to make such concession, and to exercise such forbearance, as may be reasonably expected from them, and which the Despatch recommends for the guidance of both branches of the Legislature; and they have consequently adopted the Bill of the House of Assembly with only such amendments as in the judgment of the Council, recognise the principle of population more fully and more perfectly than does the Bill of the Assembly.

These Amendments are simply the withdrawal of one member from each of the Districts of Bonavista, and Placentia and St. Mary—the effect of this would be (as shewn in the table appended hereto) to equalize, as far as may be, the number of Representatives in regard to population, while the discrepancy which exists in the Bill in giving a larger relative number of members to a District with a smaller population than one not so fully represented, would be avoided.

The Council offer this free explanation of the motives which have guided them in their consideration of the measure which is now before them, and they cannot but entertain the hope that the concessions they have made to effect a settlement of a question, the prolonged agitation of which cannot be beneficial to the public, and which it is desirable to terminate, will be acceded to by the House of Assembly.

2nd and 3rd November, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Amendments of Council arranged according to Population Returns.

No.	District.	Inhabitants.	Members.
1	Conception Bay	28,026	7
2	St. John's	25,199	6
3	Trinity	8,801	3
4	Bonavista	7,227	2
5	Twillingate and Fogo	6,744	2
6	Placentia and St. Mary's	6,473	2
7	Ferryland	4,581	2
8	Burin	4,358	2
9	Fortune Bay	2,920	1
10	LaPoile	2,180	1
			28

COUNCIL CHAMBER.
2nd November, 1854.

E. M. ARCHIBALD,
Presiding Member.

House adjourns.

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

FRIDAY, 3RD NOVEMBER, 1854.

House meets

The House met pursuant to adjournment.

Present:

Members present:

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

3rd *November*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor*

The minutes of yesterday were read.

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

Message from the House of Assembly disagreeing to the Amendments of the Council on Increase of Representatives Bill.

The House of Assembly respectfully inform Her Majesty's Council that having considered the reasons of the Council for the Amendments made by them in the Bill entitled "An Act to increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof" —they have disagreed to the said amendments for the reasons heretofore communicated by them to the Council.

(Signed,) JOHN KENT,
Speaker.

House of Assembly,
2nd November, 1854.

The Honourable Mr. BENNETT enters the following Protest against the Bill which passed the Council yesterday for the increase of the numbers of the Representatives in the General Assembly of this Island, for the following reasons:—

Dissentient:

Prote of the Hon. Mr. Bnett against the Inase of Representati Bill.

Because this Bill, as amended by the Council, will, under the new system of Responsible Government, about to be introduced into the colony, place in the hands of the Roman Catholic Members, who represent a minority of the people, the whole Legislative power and future destinies of the colony, and, thereby, inflict an irreparable wrong on the Protestant majority, who possess nineteen-twentieths of the capital by which the trade of the colony is conducted.

Because, by their amendments on this Bill, the Council depart from the principle avowed by the majority in the Assembly, and assented to by the Council, to be that which governed them in their original Bill, namely, of affording the Protestants of the colony, numbering 49,511, the power, if they thought proper to avail themselves of it, of returning to the Assembly fifteen members, and the Roman Catholics (46,995) fourteen members.

Because the Council have frequently, in debate and by documentary evidence asserted such a basis of representation to be just in principle, and the only one which would be satisfactory to the majority of the people.

Because the departure of the Council from that principle by passing this Bill, involves great inconsistency, and will entail a great injustice on the majority of

the people of the colony ; and instead of restoring that peace and political harmony, so much desired by the Imperial Government and the public at large, will aggravate and perpetuate all the evils of discord and division; and will tend to destroy that respect for the Council which the public have hitherto entertained towards them.

Because, by adopting the principle of this Bill, the Council will transfer the responsibility of the expenses incurred by the Delegates to England, the stoppage of the Supplies, and all the inconvenience growing out of that measure, from the House of Assembly to themselves.

Because the amendments on this Bill have been carried by the votes and influence of the official members of the Council, and on the plea that the Bill as amended is in accordance with the desire expressed by the Right Hon. Sir George Grey, Her Majesty's Secretary of State for the Colonies, in his Despatch of the 14th August last—whereas that Despatch admits of no such interpretation, but, on the contrary, requires on the part of His Excellency the Governor "impartial arbitration" and from Her Majesty's Council and the Assembly "mutual concessions and forbearance" for the purpose of adjusting existing differences ;—the only exception taken by Sir George Grey to the amendments introduced into the Bill by the Council being that relating to Burin.

Because, whilst the Council have in accordance with the views expressed by Sir George Grey, abandoned their amendment with regard to Burin, and also that with respect to Bonavista, and manifested reasonable desire to meet the Assembly in a spirit of conciliation and just dealing towards all classes and all interests in the Colony, the House of Assembly have made no concession to those interests whatever, and insist upon the extreme and unjust measure they have hitherto maintained.

Because whilst the Council profess to adopt the principle of numbers, without reference to religious denominations, they depart by this Bill from that principle, and because the amendment hereunto annexed, and proposed by me, of 31 members would sustain that principle, and, at the same time, be just in its application to the other principles involved.

Because what was admitted and adopted by the Council last year, on mature consideration, as just, wise, and necessary, cannot be otherwise than just wise, and necessary now.

C. F. BENNETT.

November 3rd, 1852.

3rd and 6th November, 1854

His Excellency KER BAILLIE HAMILTON, *Governor.*

Amendment moved by the Honourable C. F. BENNETT, in Committee of the whole of Her Majesty's Council, for the purpose of meeting the recommendations of the Secretary of State, with a tabular statement showing what would be the returns in the event of its adoption. It is not based upon Sectarian distinctions, but upon Population, Extent of Territory, Trade and Revenue. No District is benefitted at the expense of another, but all the Districts are represented with reasonable equality. The only objecton is, that the Districts of St. John's and Conception Bay have too large a representation (more than a third of the whole) allotted to them by the Assembly; and one member ought, in strictness, be taken from each.

District.	No. of Members.	Population.	No. of Population for each Member.
Conception Bay	7	27,900	3985
St. John's	6	25,199	4199
Trinity	3	8801	2934
Bonavista	3	7227	2409
Fogo	3	6744	2248
St. Mary's and Placentia	3	6473	2157
Ferryland	2	4581	2290
Burin	2	4358	2179
Fortune Bay	1	2928	2928
Burgeo	1	2180	2180

(Signed,) C. F. BENNETT.

On motion made and seconded the House adjourned until Monday next. House adjourns.

MONDAY, 6TH NOVEMBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

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

" EDWARD M. ARCHIBALD, *Attorney General.*

" JAMES CROWDY, *Colonial Secretary.*

" WILLIAM THOMAS

" JOSEPH NOAD.

" CHARLES F. BENNETT

" LAURENCE O'BRIEN.

" JAMES J. GRIEVE.

" THOMAS B. JOB.

6th and 9th November, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

The minutes of Friday last were read.

Colonial Secretary states that the Governor has applied to the Secretary of State for Instructions respecting a Suspension Clause to the Representation Bill.

The Honourable the COLONIAL SECRETARY, by command of the Governor, acquaints the House that His Excellency had requested Instructions from Her Majesty's Government with reference to the necessity of a suspending clause being added to the Representation Bill, and expected Instructions on the subject by the last mail. His Excellency's Despatch had been acknowledged by the Secretary of State, but the matter is still under the consideration of Her Majesty's Government.

Under these circumstances, therefore, His Excellency is precluded from assenting to a Representation Bill which does not contain a Suspending clause—at least to any Bill which might be passed before the arrival of the next mail.

House adjourns.

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

THURSDAY, 9TH NOVEMBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable ROBERT LAW, K. H., *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" WILLIAM THOMAS.
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

Assembly's Message on the subject of the Council's Amendments on the Increase of Representation Bill—Committed.

On motion of the Honourable Mr. THOMAS, the House went into Committee on the Message of the House of Assembly of the 2nd instant, on the subject of the Amendments made by the Council on the Bill to increase the present number of Members in the General Assembly.

The Honourable Mr. GRIEVE in the chair.

After some time the House resumed.

9th and 14th November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

The Chairman reported that the Committee recommend that the House recede from their Amendments on the above-named Bill.

Chairman reports that Committee recede from their Amendments.

On motion that the Report be received, the House divided, when there appeared.

On motion that the Report be received House divides.

CONTENT—	NON-CONTENT—
The Honourable Robert Law, *Commandant.*	The Honourable. Wm. Thomas
" E. M. Archibald, *Attorney-General*	" C. F. Bennett.
" James Crowdy, *Colonial Secretary.*	" Thomas B. Job.
" Joseph Noad.	" J. J. Grieve.
" Laurence O'Brien.	

So the question passed in the affirmative.

Question affirmed.

Honourable Mr. THOMAS enters the following Protest against the passing of the Bill above-mentioned :—

Dissentient :

Because there is a manifest injustice in giving to the smaller District of St. Mary's and Placentia, containing 6,473 inhabitants, 3 Members, while the larger District of Twillingate and Fogo containing 6,744 inhabitants has only 2 Members allotted to it.

Protest of the Hon. Mr. Thomas against the Increase of Representatives Bill.

(Signed,) WM. THOMAS.

COUNCIL CHAMBER,
9th November, 1854.

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

House adjourns.

TUESDAY, 14TH NOVEMBER, 1854.

The House met pursuant to adjournment.

House meets.

Present:

Members present.

The Honourable ROBERT LAW, K. H., *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" LAURENCE O'BRIEN.
" CHARLES F. BENNETT.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

14th *November*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

The minutes of Thursday last were read.

The Colonial Secretary states that the Governor was authorised to assent to the Increase of Representation Bill without a Suspending clause.

The Honourable the COLONIAL SECRETARY, by command of the Governor, acquaints the House that he had received a Despatch from the Secretary of State for the Colonies, authorising him to give his assent to any Bill that may pass the two branches of the Legislature for an increase of the number of Representatives in the General Assembly, without a suspending clause.

Notice for an Address to the Governor for a copy of the Despatch.

The Honourable Mr. BENNETT gives notice that to-morrow he will move that an Address be presented to the Governor for a copy of the Despatch above-mentioned.

Bill to Incorporate the Newfoundland Provident Society read 1st time.

The Honourable Mr. NOAD brought in a Bill to Incorporate sundry persons by the name of the Newfoundland Provident Society, which was read a third time—and

Ordered to be read a second time to-morrow.

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

The Hon. Mr. ARCHIBALD gives notice that to-morrow he will move that the 37th Rule of the House be suspended with reference to the said Bill.

Bill to Incorporate the Union Bank of Newfoundland—brought up and read a first time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to Incorporate the Union Bank of Newfoundland" which was read a first time—and

Ordered to be read a second time to-morrow.

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

The Honourable Mr. GRIEVE gives notice that to-morrow he will move that the 37th Rule of the House be suspended with reference to the said Bill.

On motion that a Message be sent to the Assembly receding from the Amendments on the Increase of Representation Bill —

On motion of the Honourable the COLONIAL SECRETARY that a Message be sent to the House of Assembly acquainting them that this House recedes from its Amendments on the Bill to increase the present number of Representatives in the General Assembly of this Island—the House divided, whereupon there appeared:—

The House divides.

CONTENT—	NON CONTENT—
The Honourable Robert Law, *Commandant*,	The Honourable Charles F. Bennett
" James Crowdy, *Colonial Secretary*,	" Thomas B. Job.
" Joseph Noad,	" James J. Grieve.
" Lawrence O'Brien.	

Question affirmed.

So the question passed in the affirmative.

14th and 15th November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

The Honourable Mr. NOAD gives notice that to-morrow he will move that a Select Committee be appointed to enquire into, and report upon, the Contingencies of this House.

Notice of motion for a Select Committee on Contingencies.

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

House adjourns.

WEDNESDAY, 15TH NOVEMBER, 1854.

The House met pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GREIVE.

Members present.

The minutes of yesterday were read.

Pursuant to notice, the Honourable Mr. BENNETT moved that the following Address be presented to His Excellency the Governor:—

To His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.*

Address to the Governor for a copy of the Despatch from the Secretary of State relative to his assenting to the Representation Bill, without a Suspending Clause.

MAY IT PLEASE YOUR EXCELLENCY,—

We, HerMajesty's Council, respectfully request that Your Excellency will be pleased to lay before this House a copy of the Despatch from Her Majesty's Principal Secretary of State for the Colonies, acquainting Your Excellency that you are at liberty to assent to any Bill that may pass the two branches of the Legislature for "the Increase of the present number of Representatives in the General Assembly of this Island"—without a Suspending Clause.

COUNCIL CHAMBER,
15th November, 1854.

15th *November*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Ordered that the said Address be adopted—and

Committee to present the same.

Ordered that the Hon. Messrs. BENNETT and JOB be a Select Committee to present the same.

Union Bank of Newfoundland Incorporation Bill—Read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to Incorporate the Union Bank of Newfoundland" was read a second time.

Pursuant to notice, and on the motion of the Hon. Mr. GRIEVE, it was

37th Rule of the House suspended.

Ordered that the 37th Rule of the House be suspended, with reference to the said Bill.

Whereupon, the House went into Committee thereon;

The Honourable Mr. NOAD in the chair.

After some time the House resumed.

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

Ordered that the Report be received.

Education Bill brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act for the encouragement of Education," which was read a first time—and

Ordered to be read a second time to-morrow.

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

Mr. PRESIDENT,—

Message from the House of Assembly requesting Council's Contingencies.

The House of Assembly request that Her Majesty's Council will be pleased to furnish them with the amount of their Contingent Expenses for the past and present Session of the Legislature.

(Signed,)

JOHN KENT,

Speaker.

HOUSE OF ASSEMBLY,
15th November, 1854.

The Honourable Mr. BENNETT enters the following Protest against the Bill which has passed the Council for the Increase of the present number of Representatives in the General Assembly of this Island, for the following reasons —

15th and 16th November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Dissentient :

Because in addition to the reasons given in his protest of the 3rd instant against the Amendments made by this House on the Bill sent up from the Assembly for the Increase of the Representatives, the present Bill (the Council having now receded from those Amendments) is at variance with those principles which influenced this House on all former occasions when legislating upon the subject ; and that this departure from their formerly avowed principle has been made by the official members of the Council, professedly for the purpose of acting in accordance with the Despatch of the Secretary of State for the Colonies, "That numbers, without reference to creed," should be the basis of the increased representation—whereas this principle is disregarded by the Bill of the Assembly.

Protest of the Hon. Mr. Bennett against Representation Bill.

Because in not adhering to the principle of numbers, the Bill does gross injustice to the wealthy, commercial, and otherwise important, extensive, and Protestant District of Fogo and Twillingate, in giving to that District two members only, whilst it gives to the less important and less wealthy Roman Catholic District of Placentia and St. Mary's, with a less population, three members.

Because the Bill of the Assembly without Amendment has been carried by the votes of the four Official Members and one Roman Catholic Member against the votes of the other four non-official Members of Council, who represent the voice of the majority of the people of the colony.

Because the majority of the House of Assembly who have forced the Council into the adoption of their measure, are not the representatives of the majority of the people, but have been elected under the present unequal and unjust system of representation, by the minority—that minority being Roman Catholic.

St. John's, 15th November, 1854. C. F. BENNETT.

Pursuant to the order of the day, the Bill to incorporate sundry persons by the name of the Newfoundland Provident Society, was read a second time—and

Newfoundland Provident Society Bill read 2nd time.

Ordered to be committed to-morrow.

Pursuant to notice, and on motion of the Honourable Mr. NOAD, it was

Ordered that the 37th Rule of the House be suspended, with reference to the said Bill.

37th Rule of the House suspended.

Pursuant to notice, and on motion of the Honourable Mr. NOAD, it was

Ordered that a Select Committee be appointed to report upon the Contingencies of this House.

16th *November*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Select Committee to report on Contingencies.

Whereupon the Honourable Messrs. NOAD, GRIEVE, and BENNETT, were appointed a Committee for that purpose.

Notice of motion for a Select Committee to report on the Rules of the House.

The Honourable Mr. NOAD gives notice that to-morrow he will move for a Select Committee to report on the Rules of the House.

House adjourns.

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

THURSDAY, 16TH NOVEMBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of yesterday were read.

Report of Select Committee appointed to wait on the Governor with the Address of yesterday.

The Honourable Mr. BENNETT, from the Select Committee appointed to present the Address to the Governor passed yesterday, reported that the Address had been presented, and that His Excellency had been pleased to give to them the copy of the Despatch applied for, and which is as follows:—

DOWNING STREET,
24th October, 1854.

No. 13.

SIR,—

Copy of Despatch from the Secretary of State on the subject of the Governor's giving his assent to the Increase of Representatives Bill without a Suspending Clause.

I have received your Despatch of the 19th September, No. 120, enquiring whether, if the Council and Assembly of Newfoundland agree upon the details, you may assent to a Bill for increasing the number of Representatives of the General Assembly without a clause suspending it for the Royal assent.

I regret that the interval between the arrival of your Despatch and the first outward mail did not allow of answering your Despatch as promptly as you wished that I should do.

I have now to state that provided the Bill, which you expect will be passed, appears to you in other respects unobjectionable, you are at liberty, under the pe-

culiar circumstances of the case, to assent at once to it although containing such a provision as that to which your enquiry refers.

I have, &c.

(Signed,)

G. GREY.

Governor HAMILTON, &c., &c. &c.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to Incorporate the Union Bank of Newfoundland."

Union Bank of Newfoundland Incorporation Bill committed

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported without Amendment.

Ordered—That the report be received.

The Bill was then read a third time and passed.

Read third time and passed.

Pursuant to the order of the day, the Bill entitled "An Act for the encouragement of Education" was read a second time, and

Education Bill read second time.

Ordered to be committed to-morrow.

Pursuant to the order of the day, the House went into Committee on the Bill to Incorporate sundry persons by the name of the Newfoundland Provident Society;

Newfoundland Provident Society Bill committed.

The Honourable Mr. NOAD in the chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported without Amendment.

Ordered that the Report be received—and

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

Pursuant to notice, and on motion of the Honourable Mr. NOAD, it was

Ordered that a Select Committee be appointed to report on the Rules of the House—and

Committee appointed to report on the Rules of the House.

Ordered that the Honourable Messrs. NOAD and BENNETT, be a Committee for that purpose.

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

House adjourns.

17th *November*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

FRIDAY, 17TH NOVEMBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable ROBERT LAW, K. H., *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of yesterday were read.

Notice of Motion for leave to bring in a Bill for certain annual returns by Banking Companies and Corporations.

The Honourable Mr. GRIEVE gives notice that he will to-morrow move for leave to bring in a Bill to provide for certain annual returns to be made by all Companies and Corporations carrying on the business of Banking in this colony.

Newfoundland Provident Society Bill read 3rd time and passed.

Pursuant to the order of the day, the Bill to Incorporate sundry persons by the name of the Newfoundland Provident Society, was read a third time and passed.

Title.

Ordered that the title of the said Bill be "An Act to Incorporate sundry persons by the name of the Newfoundland Provident Society."

A Deputation from the House of Assembly brought up two Bills for the concurrence of this House, entitled as follows:—

Supply Bill

"An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this colony, for the year ending on the 31st day of December, 1854, and for other purposes, and

and

Public Officers Retiring Allowance Bill brought up and read 1st time.

"An Act to provide for the Retiring Allowances of certain Public Officers of the Government of this colony."

Which were severally read a first time, and

Ordered to be read a second time to-morrow.

17th *November*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor*

The Honourable Mr. NOAD, from the Select Committee appointed to report on the Rules of the House, presented a Report, which was read and adopted, and is as follows:—

Report of Select Committee on the Rules of the House.

The Select Committee appointed to report on the Rules and Orders of the House beg leave to state that they have considered the matter to them referred, and recommend that the following scale of Fees be chargeable on Private Bills, and that the same be added to the Rules and Orders of this House.

MASTER IN CHANCERY'S FEES.

Drafting Bill	£2	2	0
Examining Drafted Bill	1	1	0
Attending Bill during its various stages	1	1	0

CLERK'S FEES.

For every Petition	0	6	8
" every Notice	0	6	8
" each Reading	0	6	8
" first Committal	0	6	8
" every subsequent Committal	0	3	4
" engrossing—per folio of ninety words each	0	1	0
Sending Bill to the House of Assembly	0	6	8
On Governor's assent	0	6	8

That one-half of the foregoing Fees on Private Bills returned from the House of Assembly with amendments, shall be chargeable only on the respective stages through which the amendments shall pass.

That one-half of the said Fees shall be chargeable on Bills originating with the House of Assembly, excepting therefrom the charge for engrossing and drafting.

That the charge for Printing and all other necessary expenses not included in the foregoing scale, shall be allowed, and payable on the taxation of the President.

That a sum not exceeding Ten Pounds sterling be deposited with the Clerk of the Council by the applicant for any Private Bill, prior to its second reading, to liquidate such Fees, according to the stages through which the Bill may pass, and that the balance remaining thereafter, if any, in the Clerk's hands, shall be

repaid to the depositor of such sum of money as aforesaid; and should the said sum of Ten Pounds be insufficient to discharge the Fees due on any Private Bill, the applicant therefor shall pay the balance due to the Clerk of the Council after the passing of the Bill, and before the assent of the Governor being given.

Respectfully submitted by

JOSEPH NOAD.
CHARLES F. BENNETT.

COMMITTEE ROOM,
Council Chamber,
17th November, 1854.

Education Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act for the Encouragement of Education;"

The Honourable Mr. NOAD in the chair.

After some time the House resumed.

Reported—without Amendment.

The Chairman reported the Bill without Amendment.

Ordered that the Report be received, and

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

Petitions of Clerk of Council and J. Higgins read.

On motion of the Honourable Messrs. CROWDY and NOAD the Petitions of the Clerk of the Council, and of J. Higgins were read—and

Ordered to be referred to the Select Committee on Contingencies.

House adjourns.

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

MONDAY, 20TH NOVEMBER, 1854.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

The Honourable ROBERT LAW, K. H., *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

20th *November*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

The minutes of Friday last were read.

Pursuant to notice, the Honourable Mr. GRIEVE brought in a Bill to provide for certain Returns to be made by Banking Companies, which was read a first time—and

Banking Companies Returns Bill brought in and read a first time

Ordered to be read a second time to-morrow.

The Honourable Mr. GRIEVE gives notice that to-morrow he will move that the 37th Rule of the House be suspended with reference to the said Bill.

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

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this colony for the year ending on the 31st day of December, 1854, and for other purposes," was read a second time—and

Supply Bill read 2nd time.

Ordered to be committed to-morrow.

The Honourable the COLONIAL SECRETARY gives notice that to-morrow he will move that the 37th Rule of the House be suspended with reference to all Bills now before the House.

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

Pursuant to the order of the day, the Bill entitled "An Act for the Encouragement of Education" was read a third time and passed.

Education Bill read 3rd time and passed.

The Honourable Mr. BENNETT gives notice that to-morrow he will move that an Address be presented to the Governor, praying His Excellency will be pleased to cause to be laid before this House the Despatch to the Secretary of State to which Sir George Grey's Despatch of the 24th October, No. 13, is an answer.

Notice of motion for Address to Governor praying that Despatch to the Secretary of State be laid before the House.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the Retiring Allowances of certain Public Officers of the Government of this colony was read a second time—and

Public Officers Retiring Allowance Bill read 2nd time.

Ordered to be committed to-morrow.

The Honourable Mr. NOAD, from the Select Committee on the Contingencies of the Council made the following report:—

The Select Committee appointed to take into consideration the Contingencies of this House, beg leave to report that they have examined the accounts of the Clerk and Usher of the Black Rod, the former amounting to £511 4*s.* 11*d.* stg.,

Report of Select Committee on Contingencies.

(which includes amount for Printing and Binding Journals), and the latter to £78 2*s.* 2*d.* stg., which they recommend to be paid.

And the Committee recommend that the Officers of this House be paid for their services during the past and present Sessions, as follows:—

The Clerk for Session of January, 1854	£150
Ditto for present Session	150
Usher of the Black Rod for Session of January, 1854	100
Ditto for present Session	100
The Master-in-Chancery for Session of January, 1854	125
Ditto for present Session	125
The Doorkeeper for January Session	45
Ditto for present Session	45
Assistant Doorkeeper and Messenger for January Session	20
Ditto for present Session	20
The Reporter for January Session	50
Ditto for present Session	50
The Publisher of the Reports and Proceedings last Session	50
Ditto additional allowance	30
The Publisher of the Reports and Proceedings for the present Session	50
Expenses of the Delegations for the House	350

(Signed,)

JOSEPH NOAD.
C. F. BENNETT.
JAMES J. GRIEVE.

20th November, 1854.

Ordered that the said Report be received—and

Ordered—That the House go into Committee thereon presently.

Report of Select Committee on Contingencies committed.

Whereupon, the House went into Committee accordingly;

The Honourable Mr. ARCHIBALD in the chair.

After some time the House resumed.

Reported.

The Chairman reported the Report without amendment.

Ordered—That the said Report be received and adopted—and

20th and 21st November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Ordered—That a Message be transmitted to the House of Assembly in accordance therewith.

Message transmitted to the Assembly in accordance therewith.

Whereupon a Message was transmitted accordingly.

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

House adjourns.

TUESDAY, 21ST NOVEMBER, 1854.

The House met pursuant to adjournment.

House meets.

Present:

Members present.

The Honourable ROBERT LAW, K. H.. *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" JAMES J. GRIEVE.
" THOMAS B. JOB.

The minutes of yesterday were read.

Pursuant to the order of the day, the Bill to provide for certain Returns to be made by Banking Companies, was read a second time—and

Banking Companies Returns Bill read 2nd time.

Ordered to be committed to-morrow—and in the meantime to be printed.

Pursuant to notice and on motion of the Honourable Mr. GRIEVE, it was

Ordered—That the 37th Rule of the House be suspended with reference to the said Bill.

37th Rule of the House suspended.

Pursuant to notice, and on motion of the Honourable Mr. BENNETT, it was

Ordered—That the following Address be presented to the Governor :—

To His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.*

Address to the Governor for a copy of His Excellency's Despatch to the Secretary of State, of which that of the 24th October is an answer.

MAY IT PLEASE YOUR EXCELLENCY,—

Her Majesty's Council respectfully request that Your Excellency will be pleased to direct that there be laid before them, a copy of the Despatch from

21st *November*, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Your Excellency to the Right Honourable Sir George Grey, of which that of the 24th October, No. 13, already transmitted to this House, is an answer.

(Signed,)

ROBERT LAW,

President.

COUNCIL CHAMBER,
21st November, 1854.

Select Committee to present Address.

Ordered—That the Honourable Messrs. BENNETT and JOB be a Select Committee to present the same.

Public Officers Retiring Allowance Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to provide for the Retiring Allowances of certain Public Officers of the Government of this colony;"

The Honourable Mr. CROWDY in the chair.

After some time the House resumed.

Committee recommend that a message be sent to the House of Assembly respecting Retiring Allowances to Colonial Treasurer and Collector of Revenue.

The Chairman reported progress, and asked leave to sit again, and recommended that a Message be sent to the House of Assembly requesting permission to insert in the Bill retiring allowances of £100 a year to Robert Carter, Colonial Treasurer, and John Kent, Collector of Her Majesty's Revenue.

Ordered that the Report be received.

Supply Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this colony for the year ending 31st day of December, 1854, and for other purposes;"

The Honourable Mr. ARCHIBALD in the chair.

After some time the House resumed.

Chairman reports progress.

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

Ordered that the Report be received.

House adjourns.

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

22nd *November*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

WEDNESDAY, 22ND NOVEMBER, 1854.

The House met pursuant to adjournment. House meets.

Present:

The Honourable ROBERT LAW, K. H., *Commandant.* Members present.
" EDWARD M. ARCHIBALD. *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of yesterday were read.

The Honourable Mr. BENNETT, from the Select Committee appointed to wait on the Governor with the Address of this House, of yesterday, reported that His Excellency had been pleased to say that he would comply with the request therein made to him. Report of Select Committee appointed to wait on the Governor with the Address of yesterday.

On motion of the Honourable Mr. BENNETT, it was

Ordered that the following Message be transmitted to the House of Assembly.

Mr. SPEAKER,—

Her Majesty's Council request permission from the House of Assembly to insert in the Retirement Bill a Pension of £100 a year each for the Treasurer and Collector of the Revenue, or such other provision as the House of Assembly may deem more fitting. Message to the House of Assembly respecting a Retiring Allowance to Treasurer and the Collector of the Revenue.

Her Majesty's Council in making this request are influenced by the consideration that, putting aside any question of right, a provision to this extent for these Officers in the event of their vacating their offices, will be generally regarded as a just and graceful appreciation of their services.

COUNCIL CHAMBER,
22nd November, 1854.

Whereupon the said Message was taken to the House of Assembly accordingly by the Master-in-Chancery.

22nd November, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Banking Companies Returns Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill to provide for certain Returns to be made by Banking Companies;

The Honourable Mr. NOAD in the chair.

After some time the House resumed.

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

Ordered—That the Report be received.

Supply Bill committed

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this colony for the year ending 31st December, 1854, and for other purposes;"

The Honourable Mr. ARCHIBALD in the Chair.

After some time the House resumed.

Reported with an Amendment.

The Chairman reported the Bill with an Amendment.

Ordered—That the Report be received.

The Amendment is as follows:—

The Amendment.

Expunge the Proviso at the end of the first Section of the Bill.

Supply Bill read 3rd time and passed.

Whereupon the said Bill, as amended, was read a third time and passed, and

The Honourable the PRESIDENT signed the same.

A Deputation from the House of Assembly brought up two Bills for the concurrence of this House—entitled

Contingency Bills brought up

An Act to provide for the Contingent Expenses of the Legislature—and

and

An Act to provide for the Contingent Expenses of the Legislature for the present Session.

Read 1st time.

Which were severally read a first time—and

Ordered to be read a second time to-morrow.

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

The Honourable Mr. NOAD gives notice that he will, to-morrow, move that the 37th Rule of the House be suspended with reference to the said Bills.

23rd *November*, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

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

THURSDAY, 23RD NOVEMBER, 1854.

The House met pursuant to adjournment. **House meets.**

Present:

The Honourable ROBERT LAW, K. H., *Commandant.* **Members present.**
" EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of yesterday were read.

The Honourable Mr. BENNETT laid before the House the Despatch applied for to His Excellency the Governor by Address on the 21st instant, which is as follows :—

GOVERNMENT-HOUSE, Newfoundland,
19th September, 1854.

SIR,—

Intending to summon an early Session of the Legislature for the purpose, and pursuant to the instructions contained in your Despatch, No. 8, of the 14th August, I have to request the further directions of Her Majesty's Government as to my assenting to a Bill for Increasing the Number of Representatives without a clause suspending it for the Royal assent. **Despatch applied for to the Governor on the 21st inst. laid before the House.**

2. Should the Council and Assembly, as I trust they may, agree upon the details of such a measure within the first fortnight of the Session, and if it be necessary to transmit the Bill to England for Her Majesty's approval and then returned to me, it will then, I fear, be too late to hold the Elections this year, or indeed before the month of May: and in such case, the principal object for which

the Session will have been held, at considerable public expense and inconvenience, will be defeated.

3. Although it is not probable that any Bill that may now be passed will substantially vary from the Bill of last Session which has already been under the consideration of Her Majesty's Government, yet I should hardly feel myself justified in assenting to it without a suspending clause: and under these circumstances, I think it advisable that I should be instructed to assent to the Bill when passed should there be nothing of an extraordinary nature in it, in order to obviate the inconvenience that will result from the delay in obtaining the Royal assent, should circumstances permit the holding of the Elections this autumn—of which I cannot, as yet, form a definite judgment.

4. A reply to this commuuication, if despatched by the first Mail after its receipt, will reach me by the 31st of October.

I have; &c.

(Signed,)

KER BAILLIE HAMILTON.

The Right Honourable
Sir GEORGE GREY, Bart. &c., &c., &c.

Ordered—That the said Despatch be printed

Banking Companies Returns Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill to provide for certain Returns to be made by Banking Companies;

The Honourable Mr. NOAD in the chair.

After some time the House resumed.

Chairman reports that the Committee had risen.

The Chairman reported that the Committee had risen.

Ordered—That the Report be received.

Bill to repeal in part the Registration of Voters Act brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to Suspend for one year certain parts of an Act to amend an Act passed in the 13th year of the reign of Her Majesty, entitled "An Act to amend an Act passed in the 4th year of the Reign of his late Majesty, entitled An Act for the Registering the names of Persons entitled to vote at Elections" which was read a first time—and

23rd and 24th November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bills entitled "An Act to provide for the Contingent Expenses of the Legislature"—and—"An Act to provide for the Contingent Expenses of the Legislature for the present Session," were severally read a second time—and

Contingency Bills read 2nd time.

Ordered to be committed to-morrow.

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

Mr. PRESIDENT,

The House of Assembly inform Her Majesty's Council that having already considered the matters referred to in the Message of Her Majesty's Council on the subject of providing Retiring Allowances for the Collector and Treasurer, they cannot therefore entertain any further proposition on that subject.

Message from the House of Assembly declining to entertain proposition for Retiring Allowances to the Collector and Treasurer.

(Signed,)

HOUSE OF ASSEMBLY, 22nd November, 1854. } JOHN KENT, *Speaker.*

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to Provide for the Retiring Allowances to certain Public Officers of the Government of this Colony;"

Public Officers Retiring Allowance Bill committed.

The Honourable Mr. NOAD in the chair.

After some time the House resumed

The Chairman reported the Report without amendment.

Reported without Amendment.

Ordered—That the Report be received.

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

Read 3rd time and passed.

The Honourable the PRESIDENT signed the same.

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

House adjourns.

FRIDAY, 24TH NOVEMBER, 1854.

The House met pursuant to adjournment.

House meets.

24th and 27th November, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

Present:

Members present.

The Honourable COLONEL LAW, K. H., *Commandant.*
" EDWARD M. ARCHIBALD, *Attorney General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

The minutes of yesterday were read.

On motion made and seconded, it was

Registration of Voters Act in part Repeal Bill thrown out.

Ordered—That the Bill entitled "An Act to suspend for one year certain parts of an Act to amend an Act passed in the 13th year of the Reign of Her Majesty entitled "An Act to amend an Act passed in the 4th year of the Reign of His late Majesty, entitled an Act for the Registering the names of persons entitled to vote at Elections," be read a second time on this day six months.

Contingency Bill committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to provide for the Contingent Expenses of the Legislature;"

The Honourable Mr. GRIEVE in the chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill without Amendment.

Ordered—That the Report be received.

House adjourns.

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

MONDAY, 27TH NOVEMBER, 1854.

House meets.

The House met pursuant to adjournment.

27th, 28th and 29th November, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

Present:

The Honourable ROBERT LAW, K. H., *Commandant.*
" EDWARD M ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GRIEVE.

Members present.

The minutes of Friday last were read.

The Honourable the ATTORNEY GENERAL lays before the House, by direction of the Governor, a copy of the Report of the Delegate from this Government on the subject of Free Trade.

Report of Delegate on Free Trade laid before the House.

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

House adjourns.

TUESDAY, 28TH NOVEMBER, 1854.

At half-past two of the clock, P. M. there were

Present:

The Honourable JAMES CROWDY, *Colonial Secretary.*
" CHARLES F. BENNETT.

The Honourable Mr. CROWDY declared the House adjourned until to-morrow for want of a quorum.

House adjourns for want of a quorum.

WEDNESDAY, 29TH NOVEMBER, 1854.

At half-past two of the clock, P. M, there was

Present:

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

Who adjourned the House until to-morrow for want of a quorum.

House adjourns for want of a quorum.

30th November, and 1st and 4th December, 1854.

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

THURSDAY, 30TH NOVEMBER, 1854.

House meets. At half past two of the clock, P. M. there was

Present:

The Honourable JAMES CROWDY, *Colonial Secretary*,

House adjourns for want of a quorum. Who adjourned the House uneil to-morrow for want of a quorum.

FRIDAY, 1ST DECEMBER, 1854.

House meets. The House met.

Present.

Members present. *The Honourable* JAMES CROWDY, *Colonial Secretary*.
" JOSEPH NOAD.
" CHARLES. F. BENNETT.
" LAURENCE O'BRIEN.
" THOMAS B. JOB.
" JAMES J. GREIVE.

The minutes of Monday, Tuesday, Wednesday, Thursday, and Friday last were read.

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

MONDAY, 4TH DECEMBER, 1854.

House meets. The House met.

Present:

Members present. *The Honourable* ROBERT LAW, K. H., *Commandant*.
" EDWARD M. ARCHIBALD, *Attorney General*.
" JAMES CROWDY, *Colonial Secretary*.
" JOSEPH NOAD.
" CHARLES F. BENNETT
" THOMAS B. JOB.
" JAMES J. GRIEVE.

4th and 5th December, 1854.

His Excellency KER BAILLIE HAMILTON, *Governor.*

The minutes of Friday last were read.

On motion of the Honourable Mr. GRIEVE, it was

Ordered—That the following Address to the Governor, which was read by the Clerk, be adopted :—

To His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c.*

Address to the Governor to nominate two members of the Council to examine the affairs of the Newfoundland Union Bank.

MAY IT PLEASE YOUR EXCELLENCY,—

Her Majesty's Council respectfully request that Your Excellency will be pleased to nominate two Members of the Council to examine into, and report upon, for the information of Your Excellency, the affairs of "the Union Bank of Newfoundland," established in this town.

COUNCIL CHAMBER,
4th December, 1854.

Ordered that the Honourable Messrs. GRIEVE and NOAD be a Select Committee to wait on the Governor with the said Address.

Select Committee to wait on the Governor with above Address.

The Honourable Mr. BENNETT gives notice that he will, to-morrow, propose that a Member of this House be delegated by the Council to proceed to England on the public affairs of the Colony.

Notice of motion that a Delegate from the Council proceed to England on the affairs of the colony.

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

House adjourns.

TUESDAY, 5TH DECEMBER, 1854.

The House met pursuant to adjournment.

House meets.

Present:

The Honourable EDWARD M. ARCHIBALD, *Attorney-General.*
" JAMES CROWDY, *Colonial Secretary.*
" JOSEPH NOAD.
" CHARLES F. BENNETT.
" THOMAS B. JOB.

Members present.

The minutes of yesterday were read.

5th December, 1854

THIRD SESSION, FIFTH GENERAL ASSEMBLY, 18TH VICTORIA.

The Honourable the Presiding Member announces the receipt of a letter from the Honourable the Colonial Secretary, which was read, and is as follows:—

SECRETARY'S OFFICE,
5th December, 1854.

SIR,—

Letter from the Colonial Secretary transmitting Proclamation of the Governor signifying his assent to certain Bills passed in the present session.

I have the honour, by direction of the Governor, to transmit to you the copy of a Proclamation which he has issued, signifying that His Excellency's assent has been given to certain Acts passed in the present Session of the General Assembly.

I have, &c.,

(Signed,)

JAMES CROWDY.

The Honourable
The PRESIDENT of Her Majesty's Council.

The Proclamation referred to above.

(Signed,)
KER B. HAMILTON,
L.S.

By His Excellency KER BAILLIE HAMILTON *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c. &c*

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas at and during the Session of the General Assembly of this Island now being holden at St. John's, the several Bills respectively entitled as follows, (that is to say) "An Act to Increase the present Number of Reprcsentatives in the General Assembly of this Island, and to regulate the Representation thereof;" also "An Act to Provide for the Retiring Allowances of certain Public Officers of the Government of this colony;—also "An Act for the Encouragement of Education;"—also "An Act to Incorporate the Union Bank of Newfoundland," were passed by the Council and House of Assembly of the said Island: And Whereas I, the said Governor, having afterwards seen and considered the said several Bills, so passed and entitled as aforesaid, did on the Thirtieth day of November last past, subscribe my name and give my assent to the same Bills respectively: Now, therefore, I do, by this my Proclamation, publish and make known to all Her Majesty's loving subjects in this Island, and all others whom it may concern, that I, the said

Governor, did on the said Thirtieth day of November last past subscribe my name, and did assent to the said several Acts aforesaid.

Given under my Hand and the Great Seal of the said Island of Newfoundland, at the Government-House, at St. John's, in the said Island, this Fourth day of December, A. D. 1854, and in the Eighteenth year of Her Majesty's Reign.

By His Excellency's command,

(Signed,)

JAMES CROWDY.

Ordered—That the said letter (with its enclosure) do lie on the table.

Report of Select Committee on Address to the Governor of yesterday.

The Honourable Mr. NOAD, from the Select Committee appointed to wait on the Governor with the Address of yesterday, reported that His Excellency had been pleased to say that he would comply with the request made to him.

Hon. Mr. Crowdy nominated a Delegate to proceed to England

Pursuant to notice, the Honourable Mr. BENNETT moved that the Honourable Mr. CROWDY be requested to proceed to England as a Delegate from this House, for the purpose of giving to Her Majesty's Government such information on the proceedings of the Legislature during the present Session, as circumstances may render necessary—and

Ordered accordingly.

On motion made and seconded, it was

Ordered—That the following Address be presented to His Excellency the Governor:—

Address to the Governor of having nominated the Hon. Mr. Crowdy as a Delegate from this House to Her Majesty's Government.

To His Excellency KER BAILLIE HAMILTON, *Esquire, Governor and Commander-in-Chief, in and over the Island of Newfoundland and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY,—

We, Her Majesty's Council, having thought it desirable that one of our number should proceed to England as a Delegate for the purpose of giving to Her

Majesty's Government such information on the proceedings of the Legislature during the present Session as circumstances may render necessary, respectfully beg leave to acquaint Your Excellency that they have nominated the Honourable James Crowdy as the most fitting person to discharge the duties adverted to.

COUNCIL CHAMBER,
5th December, 1854.

Select Committee appointed to present the same.

Ordered—That the Honourable Messrs. BENNETT and JOB be a Select Committee to present the same.

House adjourns.

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

PROCLAMATION.

KER BAILLIE HAMILTON.
(L.S.)

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c. &c.

WHEREAS We have thought fit to Dissolve the General Assembly of Our Island of Newfoundland: Know Ye that We do, for this purpose, publish this Our Royal Proclamation; and do by these Presents Dissolve the said General Assembly. And We do hereby discharge the Members of Our Council and of the House of Assembly of the said Island from further attendance in the said General Assembly.

In Testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Island.

Witness Our Trusty and well beloved KER BAILLIE HAMILTON, Esquire, Our Governor and Commander-in-Chief in and over Our said Island and its Dependencies, at St. John's, in Our said Island, this Fifth Day of December Anno Domini 1854, and in the Eighteenth Year of Our Reign.

By His Excellency's Command,

JAMES CROWDY,

Secretary.

APPENDIX

TO THE

JOURNALS

OF THE

LEGISLATIVE COUNCIL.

APPENDIX.

APPENDIX No. I.

ESTIMATE

Of the Charge of Defraying the Public Expenditure of the Island of Newfoundland, for the Year ending 31st December, 1854.

£20,707 3s. 4d.

Proposed distribution of the above Sum.

Salary of the Private Secretary	.....	.....	.....	£200 0 0
Clerk of the Council	.....	.....	.....	200 0 0
Two Clerks in the Secretary's Office	.....	.....	.....	400 0 0
Office Keeper ditto	.....	.....	.....	60 0 0
Messenger ditto	.....	.....	.....	60 0 0
Colonial Treasurer	.....	.....	.....	500 0 0
Clerk in the Treasurer's Office	.....	.....	.....	150 0 0
Clerk of the Supreme and Central Courts, including allowance for Assistant Clerk, and for purchase of printed forms		.....	.....	420 0 0
Clerk of Northern Circuit Court	.....	.....	.....	200 0 0
Ditto of Southern Circuit Court	.....	.....	.....	200 0 0
Crier and Tipstaff of Supreme Court	.....	.....	.....	60 0 0
Ditto ditto Harbour Grace Court	.....	.....	.....	20 0 0
Three Police Magistrates, St. John's	.....	.....	.....	900 0 0
*Police Inspector	.....	.....	.....	60 0 0
High Constable	.....	.....	.....	80 0 0
Ten Police Constables	.....	.....	.....	450 0 0
Gaoler	.....	.....	.....	150 0 0
	Carried forward	.....	.....	£4,210 0 0

*With an addition of £40 a year from the grant for the Poor for services to the Commissioners.

Brought forward	£4210	0	0
Salary of Gaol Surgeon	40	0	0
Hospital Surgeon	150	0	0
District Surgeon, including Medicine, &c.	200	0	0
District Surgeon, Conception Bay	100	0	0
Gaol Surgeon, Harbour Grace	30	0	0
Physician of Lunatic Asylum	200	0	0
Gate Keeper, Government House Lodge	26	0	0
House Keeper, Colonial Building	60	0	0
Attorney General's Fees	250	0	0
Solicitor General's Fees	200	0	0
Stipendiary Magistrates, &c., in the Outports, as per detailed statement annexed	3791	0	0

MISCELLANEOUS.

Ordinary Repairs of Court Houses and Gaols	200	0	0
Gaol Expenses	600	0	0
Printing and Stationery	500	0	0
Crown Prosecutions	300	0	0
Coroners	200	0	0
Fuel and Light	450	0	0
Postages and Incidentals	120	0	0
Circuits of the Judges	400	0	0
Relief of the Poor	6000	0	0
Outport permanent Poor	400	0	0
Lunatic Paupers	1200	0	0
Shipwrecked Sealing Crews	100	0	0
Men stationed at Fort Amherst	36	10	0
Duties on Wines for Military Mess	50	0	0
*Gas Light Company, St. John's	71	13	4
*Ditto ditto, Harbour Grace	25	0	0
Unforeseen Contingencies	500	0	0

PENSIONS AND GRATUITIES.

Mrs. Blaikie	50	0	0
Matthew Stevenson	40	0	0
Robert Connell	10	0	0
Robert Smith	10	0	0
Carried forward	£20420	3	4

* As a considerable portion of the year for which these grants are required, has expired, the service is estimated for to the 30th June —but it will be omitted in future estimates.

ALLOWANCES TO FERRYMEN.*

			Brought forward.....		£20,420	3 4
At Manuels	.....	.....	.....	£10 0 0		
Great Placentia	.....	.....	.....	25 0 0		
Little St. Lawrence	.....	.....	.....	10 0 0		
Salmonier	.....	.....	.....	25 0 0		
Burin and Spoon Cove	.....	.....	.....	20 0 0		
Biscay Bay	.....	.....	.....	15 0 0		
Portugal Cove	.....	.....	.....	25 0 0		
North and South Side Holyrood, £15 each		.....	.....	30 0 0		
Aquaforte	.....	.....	.....	15 0 0		
Trinity	.....	.....	.....	25 0 0		
Malbay	.....	.....	.....	12 0 0		
John's Pond, North Harbour, and Salmonier		.....	.....	30 0 0		
Belle Isle and Topsail	.....	.....	.....	20 0 0		
Harbour Grace and South Side		.....	.....	25 0 0		
					287	0 0
			Total.....		.....£20,707	3 4

* It is suggested that such Ferries as are absolutely required, should, in future, be provided for in the Road Bill.

The estimate for clearing snow from the streets of St. John's is omitted, as is also that for carrying out the Crown Lands Act, a considerable portion of the Sum granted on this latter account being unexpended.

DETAIL

Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports, for the year 1854.

Outports.	Magistrates.	Clerks of the Peace.	Constables. No.	Constables. Salary.	Gaolers.	Total.
	£			£		£
Petty Harbour			1	20		20
Torbay			1	20		20
Portugal Cove			1	20		20
South Shore			1	12		12
Harbour Main			1	12		12
Cat's Cove			1	12		12
Brigus and Port-de-Grave ...	150	60	2	50		260
Bay Roberts			1	12		12
Carried forward...	150	60	9	158		368

DETAIL of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports—(Continued.)

Outports.	Magistrates.	Clerks of the Peace.	Constables.		Gaolers.	Total.
			No.	Salary.		
	£	£		£	£	£
Brought forward	150	60	9	158		368
Harbour Grace	130	150	1	50	90	670
Ditto	200		2	50		
Carbonear	150	60	3	75		285
Bay de Verde			1	12		12
Western Bay			1	12		12
Hants Harbour			1	12		12
Perlican	130		1	12		142
Heart's Content			1	12		12
New Harbour			1	12		12
Trinity	150	60	2	37	25	272
Catalina			1	25		25
Bonavista	150	45	1	25	10	230
Tickle Cove			1	12		12
King's Cove			1	12		12
Salvage			1	12		12
Greenspond			1	12		12
Twillingate and Fogo	130	45	3	49	10	234
Exploits Bay			1	12		12
Bay Bulls	100		1	25		125
Witless Bay			1	12		12
Toad's Cove			1	12		12
Brigus (South)			1	12		12
Cape Broyle			1	12		12
Caplin Bay			1	12		12
Ferryland	100	60	1	25	25	210
Aquaforte			1	12		12
Fermeuse			1	12		12
Renews			1	12		12
Trepassey			1	12		12
St. Mary's	130		1	25		155
Placentia	130	35	1	25	25	215
Little Placentia			1	12		12
Carried forward	1650	515	47	821	185	3171

DETAIL of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports—(Continued.)

Outports.	Magistrates.	Clerks of the Peace.	Constables. No.	Constables. Salary.	Gaolers.	Total.
	£	£		£	£	£
Brought forward...	1650	515	47	821	185	3171
Oderin			1	12		12
Merasheen			1	12		12
Burin	150	35	1	25	25	235
St. Lawrence			1	12		12
Lamaline			1	12		12
Grand Bank	130		1	12		142
Jersey Harbour			1	12		12
Harbor Briton...	100	35	1	12		147
Burgeo Islands			1	12		12
Hermitage Bay...			1	12		12
Spaniard's Bay			1	12		12
Total...	2030	585	58	966	210	£3791

RECAPITULATION.

15 Magistrates - - - - -	£2030 0 0
10 Clerks of the Peace - - - - -	585 0 0
7 Gaolers - - - - - - -	210 0 0
58 Constables - - - - -	966 0 0
	£3791 0 0

APPENDIX, No. 2.

COMPARATIVE STATEMENT

Of Duties Collected in the Island of Newfoundland, for the Three Quarters ended 10*th October,* 1852, 1853, *and* 1854.

	1852.	1853.	1854.
Saint John's	42180 10 11	52676 7 5	45469 15 11
Outports	6742 0 7	7326 2 3	7888 19 8
	48922 11 6	60002 9 8	53358 15 7
Deduct Drawbacks over Entries, &c.	3678 0 6	1112 8 2	1396 18 1
Net Amount	£45,244 11 0	58,890 1 6	51,961 17 6

CUSTOM HOUSE, ST. JOHN'S,
23rd October, 1854.

J. KENT, *Collector.*

APPENDIX, No. 3.

DESPATCHES (2)

From the Secretary of State for the Colonies, on the subject of Responsible Government.

Downing Street, July 6th, 1854.

SIR,—

I have to acknowledge your Despatches of the numbers and dates specified in the margin, reporting the prorogation of the Legislature to the 14th August, and transmitting an Address from the House of Assembly.

I cannot but feel great regret and disappointment at the termination of the Session without any progress having been made in the settlement of the question of Responsible Government, on the terms indicated by the Duke of Newcastle in his Despatch of 24th February last. But it is a source of still greater regret, that the chief obstacle to this settlement appears to arise from the mutual jealousy of the members of the Religious denominations into which the community is divided. It is deeply to be lamented that Religious differences should stand in the way of general co-operation for

the promotion of measures conducive to the common interests of all. And it should be the constant endeavour of the Local Government to mitigate these hostile feelings, and as far as possible to prevent merely political questions from being mixed up with religious disputes.

These misfortunes are rendered more serious by the refusal of the Assembly to grant the Supplies requisite for the public service. But I cannot hold out to you any expectation of Parliamentary interference on this or any ground, in the present political affairs of the Colony.

As members have been deputed both by the Council and Assembly to represent to Her Majesty's Government the respective views of the two branches of the Legislature, it is unnecessary for me while expecting their arrival to enter more into details.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed) G. GREY

Governor HAMILTON, &c., &c., &c.

Downing Street, 14th August, 1854.

SIR,—

Adverting to my Despatch of the 6th ultimo, in answer to yours of the 14th of June, forwarding Addresses from the Council and Assembly of Newfoundland, on the subject of Responsible Government, I have now to inform you that I have attentively considered the substance of those Addresses, and have also had the advantage of personal communication with the gentlemen who have been deputed to visit me on the part of both those Legislative Bodies.

2. Her Majesty's Government cannot but greatly regret the state of political feeling which these Addresses represent. The language in which each of the contending parties has thought proper to characterize the acts of the other, is much to be lamented: and still more the step which the Assembly has taken, assuming the hopelessness of any satisfactory adjustment; namely, that of subjecting the Island to the serious inconvenience which must result from their withholding the usual Supply Bill.

3. It is especially to be regretted that these feelings should have been exhibited when there is so very little of substantial difference between the two parties. The conditional concession of Responsible Government made by Her Majesty's Government meets with opposition from no party. The terms of that concession were framed by the Duke of Newcastle after full consideration of what had been urged on both sides: nor is any objection taken to the more important of these terms, which, for my own part, I regard as reasonable, and calculated to meet the exigencies of the case in a satisfactory manner. The subsisting quarrel turns almost wholly on matters of detail: questions as to the mode of carrying out the general views entertained by Her Majesty's Government: and I cannot but believe

that mutual concession and forbearance, even after all that has passed, may find a way to dispose of them.

4. I shall, therefore, continue to hope for a peaceful solution of these disputes, and that the Council and Assembly may be brought to act together in the promotion of their common interest, irrespectively of those religious differences on the political bearing of which a stress has been laid which I trust is very exaggerated. And I entertain no doubt that you will feel it to be your peculiar duty to exercise all the influence you may possess, as an impartial arbitrator, in soothing irritated feelings and reconciling discordant views.

5. But whatever may be your success, I can only refer you to my former despatch as expressing my conviction that Parliamentary interference is not to be expected. It is not from any feeling of indifference, or any want of sympathy with the trouble which these political differences have brought on the community of Newfoundland, that Her Majesty's Government must continue distinctly to decline making any application to Parliament for such interference: it is from consistent adherence to established policy, and from a conviction that if Parliament were to interfere, it would only be to the ultimate aggravation of existing differences. The only measure which Her Majesty's Government have in their own power is, that of advising Her Majesty to remodel the Council in such a manner as to make it act harmoniously with the Assembly: a measure to which they would resort with regret, and of which they at present cannot admit the necessity.

6. To apply the foregoing observations more in detail to the points at issue. The principal dispute brought before me relates to the projected Electoral Divisions, both parties being agreed on their expediency and differing only on a narrow question of detail, supposed to effect the balance of parties in the Island. On this question I feel myself incompetent, in the absence of minute local knowledge, to express any opinion, farther than by saying that undue importance seems to me to have been attached to it. I must add, however, that the exceptional provision introduced by the Council into the Bill as to the mode of voting in the district of Burin appears to me open to considerable objection. Without entering into any question as to the general expediency of such a mode of voting, there would be a great anomaly in enforcing or allowing it in one district exclusively.

7. With regard to allowances to retiring officers, the scale suggested by yourself appears to meet with general acquiescence: the only debated question regards the amount to be allotted to Mr. Archibald; a question which forms the particular subject of your despatch, No. 108 of the 26th June last, hereby acknowledged. I cannot concur in the view, that this gentleman is entitled to a pension calculated only on the period of his service as Attorney-General, exclusive of his previous service in the colony. But I think that a satisfactory arrangement may be arrived at by calculating it on the whole length of his services to the Colony in whatever capacity, but not according to the amount of his annual income during the eight years of his tenure of the office of Attorney-General, but the annual average of his income from public funds during the whole of his service in the Colony.

8. With regard to the condition embodied in paragraph 9 of the Duke of Newcastle's despatch of 21st February last, requiring that payment of members of Assembly for their expenses and attend-

ance should be made not by the Colonial Treasury, but by Local Assessment, I have to state that although I concur in the expediency of the measure itself, it is not one which I consider indispensable and as it has not been insisted on in other North American Colonies, I am not prepared, if the other conditions are complied with, to press for a fulfilment of this one, against the deliberate opinion of the Assembly.

9. It will be desirable with a view to the settlement of this question that the Legislature should be called together at an early period. The circumstances indeed under which the last Session terminated would in any case render it inconvenient that a long interval should be allowed to elapse before another Session is held.

10. In order that you may be fully aware of all that has passed in this Country, I transmit to you copies of the respresentations in writing which have been made to me by the Delegates of both parties, and of the answers which I have caused to be returned to them.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed) G. GREY.

Governor HAMILTON, &c., &c., &c.

APPENDIX, No. 4.

DESPATCH (*with Enclosure.*)

From the Secretary of State for the Colonies, on the subject of Free Trade.

Downing Street, 30th August, 1854.

SIR,—

I transmit to you copy of a Despatch which I addressed by the Mail of the 25th inst., to the Governor General on the subject of the recently ratified Commercial Treaty with the United States.

Her Majesty's Government sincerely trust that the common advantages which this Treaty will secure to Her Majesty's subjects in North America will be fully appreciated by the inhabitants of Newfoundland, and that its Legislature will readily acquiesce in passing any Bill which may be requisite for giving effect to its provisions within the Colony. In proposing any measure for this

purpose, you will be guided by the suggestions which you may receive from the Governor General in accordance with the last paragraph of my Despatch to Lord Elgin.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) G. GREY.

(COPY.)

Downing Street, 24th August, 1854.

MY LORD,—

The Despatch which you will have received from Lord Clarendon by the last Mail will have apprised you of the fact, that intelligence of the ratification by the American Government of the Treaty in the negotiation of which with the United States you have been recently concerned, has been received here: and I lose no time in congratulating your Lordship on this auspicious result of the endeavour which you, and the advisers of your Canadian Government, have so long used for achieving this great object, and of the negotiation with which your Lordship was recently charged.

As yet, however, in consequence of the short time which has elapsed since the ratification of the Treaty, I have not received from yourself any official account of these transactions, nor have Her Majesty's Government been made aware of the contents of the Act passed by Congress for the purpose of ratifying the Treaty. I feel, therefore, that any instructions which I may address to you must be imperfect, and their execution contingent on circumstances of which I am not yet fully informed—but as the Canadian Legislature is to meet early next month, I do not think it right to postpone on this account any communication to you on this important subject—assuming therefore that the Act of Congress is in conformity with the terms of the Treaty, and that it embraces all the Provinces, I proceed to convey to you the views entertained by Her Majesty's Government as to the Legislative measures required to carry into full execution the purposes of the Treaty.

Article V. runs as follows: "The present Treaty shall take effect as soon as the laws required "to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and "by the Provincial Parliaments of those of the British North American Colonies which are affected "by this Treaty on the one hand, and by the Congress of the United States on the other."

This Article is of course not to be understood as if the assent of the Provincial Legislature or even of the Imperial Legislature were necessary in order to enable the Crown to execute a valid and binding Treaty with a Foreign Country. This is in all Countries a Prerogative of the Sovereign Power: and in England the Sovereign Power *quoad hoc* is vested in the Crown.

But the concurrence of the Legislature may nevertheless be required to abrogate existing laws which may be in any respect inconsistent with the intended Treaty; and it is in this sense that I

conceive the provision of Article V is properly to be understood. The Parliament of the United Kingdom will be applied to, for instance, to repeal various provisions of the Statute 59 Geo. III, Cap. 38, passed in consequence of the convention of 1818 between Great Britain and the United States: and possibly other existing Acts of Parliament may present impediments which it will require such authority to remove.

The Imperial Parliament has, further, legal power to overrule any provisions of Colonial law which may be in opposition to the Treaty; but it is scarcely necessary to say that to enforce that power would be contrary to the principles on which the Government and Legislature of this country have long acted towards the inhabitants of Her Majesty's Colonial dominions. It will therefore be advisable to apply, in addition, to the several Colonial Legislatures, as has been assumed by your Lordship in framing the Treaty.

The purposes for which such application must be made and the extent of their repealing or enabling provisions required, must be better known to the Colonial Authorities than to Her Majesty's Government. They would appear, however, chiefly to relate to the following subjects: The admission of American Fishermen to the Colonial Fisheries within Article I, for which purpose certain Acts of the Legislatures of Nova Scotia, New Brunswick, and Prince Edward Island, would require repeal; and the admission of American produce duty free under Article III.

For these purposes, (to which your own better judgment and that of the Authorities of the several Colonies may perhaps add others), it is not proposed that Imperial Legislation should be resorted to, but that they should be provided for by the several Provincial Legislatures, as specified in the Treaty. I entertain no doubt that they will readily concur in passing the Acts necessary for this purpose.

I shall send a copy of these instructions to the Lieutenant-Governors of the other North American Provinces by the next Mail; but they will be directed only to act in conformity with any suggestions which they may receive from your Lordship, and I have to request that you will communicate with them on the subject.

I have, &c.,

(Signed) G. GREY.

Governor,
The Right Honourable
The Earl of Elgin & Kincardine, K. G., &c., &c., &c.

APPENDIX, No. 5.

REPORT

Of Mr. J. P. Nevill, *on the subject of Drainage.*

St. John's, Newfoundland, **11th October, 1854.**

To His Excellency the Governor, &c., &c., &c.

SIR,—

I have the honor to inform your Excellency that in accordance with your directions I have inspected the Town with a view to a thorough system of drainage.

The caution to avoid any scheme involving great expense has a paralysing influence when the total absence of any sanitary provisions is borne in mind—no drains—no pavements—numerous small houses without backledges—no places for the deposit of filth and ordure, excepting the surface of unpaved alleys and a total want of privies—the absence of all these things renders a considerable outlay necessary, particularly when it is remembered that the whole area of the Town is in the same lamentable condition.

Fortunately the site of the Town is divided into numerous natural areas of drainage by the short spurs (running North and South) of the main ridge (East and West) on which the place is situated, and this formation permits or rather requires a sectional system of drainage. By this I mean that any one portion can be drained in independently of another, for each has a separate outfall to the harbour.

After these preliminary remarks, I will suggest the outlines of a complete system. The head of the whole is the Military Road. In this, with numerous ramifications of small drains, the highest waters should be collected. Increasing in bulk as they fall they should be collected into a main drain in each of the principal streets having a Southerly direction. One in Cochrane Street would be used for an area averaging 800 feet in width (400 on each side). The King's Road, Prescott Street (draining Tarahan's Town), the Cathedral Hill, Adelaide Street (by the drain now making), Queen Street, Flower Hill firebreak and other streets towards River Head (at present requiring small attention), have their natural drainage areas independent of each other, and to be dealt with as I have described.

The mouths of these drains in the harbour, at the Coves and under wharves, will themselves ultimately be a nuisance of no small magnitude. These places are the centres of industry, and as such any effluvia there rising will be doubly pernicious. As long as drains empty themselves at those places the evil must exist, for no engineering skill can prevent the pollution of the neighbouring water. These things all point out that the drainage of Saint John's will not be complete without a main drain the entire length of Water Street, to receive the contents of all the other drains and discharge the whole into the harbour at the point least likely to be injurious. This drain from its size and consequent expense, cannot of course be contemplated for immediate construction, and it is the least essential part of the system.*

The most immediately indispensable drains are :—

1. Prescott Street Main, discharging in Hunter's Cove to drain Tarahan's Town.

2. Flower Hill Firebreak Main, to drain the localities in the neighbourhood of Apple-tree Well, Hutchings's Lane, &c., to take the place of a ditch now existing under numerous houses.

3. Cochrane Street Main, from Gower Street to the Harbour to take the water now running in an open ditch (between houses) from the Marsh on the South side of the Military Road.

4. Magotty Cove—a short covered drain, and the water-course deepened and straightened.

Although my directions referred only to drainage, I trust your Excellency will permit me the liberty of making a few suggestions which do not strictly belong to that department, although intimately connected with it and essential to the health of the Town.

It would be of the greatest service to have pavements laid simultaneously with the construction of drains, to prevent the degrading action of the surface-water about the drain gratings, which on gravel only, soon causes the anomaly of these openings being higher than the surrounding surface. Pavements are essential to prevent that absorption of liquid refuse, which would take place on a softer surface, to furnish material for pernicious vapours.

But the most important of all is a system of scavengering, and I cannot but think that this may be made self-supporting, as the matter collected from houses, built as the majority in St. John's are without privies, would be of the most valuable description for manure.

These works cannot be made of the greatest possible good without legislative enactments requiring Proprietors to construct branch drains from their properties.

I have not alluded in any way to the water supply, deficient as it is for domestic purposes, because I think a sufficient power exists for flushing the drains in the contents of the numerous natural water-courses which are now the chief and very poisonous drains.

I trust your Excellency will accept this simply as an introductory Report. Shortly I shall be in a position to furnish the full details of the whole scheme, accompanied with an estimate of its probable cost.

In conclusion, may I be permitted to suggest that the healthiness of some crowded localities might be much improved by opening streets through them. For instance, a street through Tarahan's Town running North and South out of the Queen's Road into Gower Street, and the maintenance of the space recently cleared by fire in the neighbourhood of Queen Street, would be a great good.

I have the honor to be,

Your Excellency's most obedient Servant,

(Signed) J. P. NEVILL.

APPENDIX No. 6.

REPORT

Of the Delegates from the Council to Her Majesty's Government, on the subject of Responsible Government.

Mr. Row and myself having been appointed Delegates from the Council of Newfoundland for the purpose of supplying to Her Majesty's Government such information as might be required touching the affairs of the Colony, and more particularly in reference to the conditions on which He Majesty's Government had resolved to concede the system of Responsible Government, I beg leave, in the absence of Mr. Row, to submit the following outline of our proceedings.

Having reached London on the 17th July, I was on the following day joined by Mr. Row, who was already in possession of a knowledge of all that had transpired during the last Session of our Legislature. After a consultation on the subject matters of our Delegation, we on the 19th addressed letters as well to Sir George Grey as to Mr. Peel, requesting the favor of interviews at as early periods as would suit their convenience. We received on the following day a reply from Mr. Peel appointing Saturday, the 22nd, for an interview with him; and subsequently received a note from Lord Hobart fixing Monday, the 24th, for an interview with Sir George Grey.

Mr. Peel being prevented by a special summons to the House of Commons from keeping his appointment with us, as we were informed by an apologetic message from him, we on the Monday following waited on Sir George Grey, who received us very courteously, and with whom we had a lengthy interview on the subject matters of our mission. Without going into a particular detail of all that passed on both sides, I may briefly state that Sir George expressed his regret that the Session had terminated without the Council and Assembly having agreed upon the details of the Representation Bill, and without the usual Supplies having been voted; and spoke in strong terms of disapprobation of the Assembly having made the disagreement on the Representation Bill the ground for refusing to pass a Supply Bill. He said he had read the Addresses of the two Houses and the communications which had passed between them, and lamented that as the points in dispute were reduced to so narrow a compass, an agreement had not been come to; at the same time he said these were details which could not be settled by Her Majesty's Government, as they had not adequate local knowledge, and that they could only be satisfactorily adjusted in the Colony. He regretted that so much of sectarian feeling prevailed, and had on both sides been allowed to influence the consideration of the Bill, and the discussions on it. Mr. Row and myself then entered into an explanation of the details of the Bill —first observing that in reference to the influence of sectarian feelings and considerations upon this Bill, that such influence was not of recent origin; but that in 1835 and 1844, when measures for increasing the number of Representatives were before the Legislature, and then failed, such feelings were as predominant as, if not more so than, at present. That the Bill of last Session was framed by the Assembly, avowedly on a sectarian basis, and that strange as it might seem, yet such was the peculiar social condition of Newfoundland, that the details of the measure were discussed in both

houses with reference, almost entirely, to numbers denominationally and not abstractedly—instancing the nature of the subdivisions in Conception Bay. That the particular appellations applied to districts and parties, in imitation of English party names, were, in effect, merely sectarian designations. We showed that taking the number of members at 29, the Assembly's Bill failed to effectuate the general arrangement which they themselves had acknowledged to be fair. That the Council were willing and offered to abandon the Proviso as to voting in Burin; which, if the returns would be as assumed by the Assembly, of two Protestants, would have operated as a concession to the opposite party, and evidenced the sincerity of the Council's opinion, founded on past experience and practical results; that the minority in St. John's would be unrepresented by a member of their own choice; defended the Council from the imputations cast upon them by the Assembly so unsparingly, of obstructiveness to what was called the popular will and progressive reforms, and from other charges; acquainting him that apart from the official members, four members of the Council had been influential members of the Assembly. That it was by no means the desire of the Council to obstruct the establishment of Responsible Government which had been conceded by the Duke of Newcastle, but to perfect such a Bill for the increase of the number of Representatives as would be just to all classes and denominations, and admit them to their fair and proportionate share of influence under the new system about to be inaugurated. A good deal of conversation followed on other points in connection with the measure. Sir George observed that the exceptional mode of voting in Burin was one which he did not think could be sustained; that unacquainted with the necessary local knowledge he was incompetent to offer an opinion on other details, but thought the difficulty of an adjustment had been greatly exaggerated, and he felt sure would, on further consideration of the question, be easily surmounted; and that it was desirable for the interests of the Colony that it should be speedily settled. That as regards the retiring allowances, he did not concur in the views taken by the Assembly, and saw, as yet, no reason for departing from the other conditions prescribed by the Duke of Newcastle, which, without binding himself to an absolute acquiescence in them, had his general approval. Sir George said he would be happy to see us again whenever we desired it, and that we could also communicate in writing such representations, on the part of the Council, as we might have to make in relation to the points under discussion.

Subsequently to this interview with Sir George Grey, interviews were had with Mr. Merivale, the Under Secretary of State, at which the details of the Representation Bill were fully explained and discussed; upon which details Mr. Merivale said the Government were not in possession of sufficient local knowledge to pronounce a decision; the points in difference must be reconsidered and settled in the Colony, and he trusted would be easily accommodated.

Deeming it right that we should see the statements put in by the Delegates of the Assembly, before sending in any formal statement to the Secretary of State, an application was made for this purpose on the 28th July, to which no reply was received until the 9th August. In the mean time we prepared and sent in the statement, copy of which is hereto annexed; in which we deemed it right to enter fully and unreservedly into a statement of the views which influenced the Council in their amendments of the Representation Bill. On the 9th August we received a reply to our application of the 28th July, declining to comply with it, as Sir George Grey, having addressed the Governor of Newfoundland a Despatch embodying his views on the points in dispute, he was not aware of any

object to be obtained by a prolongation of the controversy;—granting us permission, however, to read the statements put in by the Assembly's Delegates, the like permission in reference to our's being conceded to them.

On the 10th of August we were favoured with a further interview with Sir George Grey, at which he recited the purport of his Despatch to the Governor; and which, by Sir George's direction, I had afterwards an opportunity of perusing at the Colonial Office. As this document will be laid before the Council, it will best speak for itself. We had a good deal of conversation with Sir George on the principal parts of it. He repeated that he could not take upon himself to determine whether the Council or the Assembly was right in the position each had taken on the points in dispute on the Represention Bill, except as to the Burin proviso, on which he had expressed his opinion. That these could only be settled in the Colony, and he sincerely trusted there would be no return to the acrimony which, unhappily, had accompanied the past discussions; that both Council and Assembly, looking at these matters as it were anew, and not standing on extreme views, he felt satisfied that a satisfactory settlement might easily be effected.

As the Secretary of State's Despatch, embodying the reply of Her Majesty's Government, will be laid before the Council, and considering the difficulty of stating with precision lengthy verbal remarks, I think it better to confine myself to the foregoing brief narrative, than to enter into a particular detail of the observations of Sir George Grey and the Under Secretary at the interviews had with them.

In relation to other matters connected with the interests of Newfoundland, I may here mention that I was in communication, by writing and in person, with the Imperial authorities on the subject of our Fishery rights and the maintenance of them against the encroachments of the French. I was also honoured by Lord Clarendon with an interview, when I brought fully under his consideration the points in which it was necessary to protect the interests of our fisheries, and the impolicy as well as the serious detriment which would result from further concessions to our great rivals. His Lordship paid great attention to my statements, and expressed his obligation for the information I had afforded him.

October 10th, 1854. E. M. ARCHIBALD.

17, St. Alban's Place.
London, August 7th, 1854.

Sir,—As Delegates named on behalf of the Council of Newfoundland, we have the honour respectfully to submit, for your consideration, some observations upon the subject matters which we have been authorised to bring under the notice of Her Majesty's Government, and to some of which, at the interview with which we were honoured, we have already called your attention.

We deferred submitting any formal statement, in the expectation of being furnished with a copy of any representation which may have been made by the Delegates of the House of Assembly, in order that we might direct our observations, more particularly, to any allegations or statements therein

put forth, which it might be necessary to controvert or explain; but it not being deemed advisable (we presume) to furnish us with the documents in question, we proceed to state for your information, as briefly as we may, our observations on the following matters.

From the communications which, doubtless, will have been made by the Governor of Newfoundland, and the addresses and documents from both Branches of the Legislature, Her Majesty's Government will have learnt the state of confusion in which the public affairs of the Colony have been involved by the Assembly, in the virtual abdication of its functions, for the purpose in the first place, of compelling the Imperial Government to accede the introduction of Responsible Government; and, in the second place, of coercing the Council, in disregard of the equal rights and interests of all classes of the population, to submit to the dictation of a majority of the Assembly, not fairly representing a majority of the people, upon the details of the Bill for the Increase of the number of Representatives.

The great injury to the public service, and to the educational and other public institutions of the Colony, and the severe distress and privation inflicted, more particularly on all the subordinate functionaries of the Government, as well as on the aged, infirm and lunatic poor, by the reckless refusal of the Assembly to grant the usual supplies for the support of the Civil Government, have already been noticed in the Address of the Council, of which we beg to annex a copy, and upon which we need hardly enlarge. We trust that Her Majesty's Government will not be misled by the assertion, that the inconvenience which has resulted and will result from this step is, in any view of the question, esteemed by the people other than an evil of great magnitude. It was a bold proceeding in order to give a factitious importance to the question at issue; but, not more by the Protestant population than by those whom a majority of the Assembly represent, could their voice be fairly heard, is this proceeding condemned and deplored.

We may further remark that not only has the Assembly refused to grant the usual Supplies, but it likewise failed to fulfil its engagement, entered into at the commencement of the Session, to indemnify the Governor for advances made by him, at their especial instance, to meet certain exigencies of the public service.

The question of the introduction of Responsible Government is no longer perhaps to be regarded as a practical one, except so far as concerns the adoption of the pre-requisites specified in the Despatch of His Grace the Duke of Newcastle; but many circumstances in the social and political condition of the Colony, which had a bearing upon the main question, are yet important to be borne in mind in the adjustment of the details of the precedent conditions referred to.

Of these conditions, manifestly the most important is that for the increase of the number of Representatives in the Assembly. Difficulties in the regulation of the details of such a measure are not of recent origin or occurrence. For, notwithstanding that from the very institution of the Legislature, an increase of the number of members was recommended and was obviously necessary, every attempt made since the year 1834 (when a useful Act passed for this purpose was disallowed by the Crown solely owing to a geographical error) has, sometimes in the Assembly, sometimes from disagreements between the Council and Assembly, signally failed.

The question of such a measure has from the outset, or rather since the year 1834, assumed a sectarian aspect; and the history of the different struggles upon it which have taken place, clearly proves, that the leaders of the Roman Catholic party in the Assembly never would consent to any Bill, however reasonable, which did not admit of their gaining an ascendancy. If the objections to yielding to the unreasonable demands of that party heretofore were well founded, there is the greater necessity, under the important modification which is now about to be introduced into the Constitution of the Colony, which will place the whole Executive as well as Legislative authority under the control of the majority of the Assembly, for establishing a fair and just representation of the relative numbers of the different religious bodies which, in fact, is the only classification in regard to political rights that now, by common consent, obtains in the Colony. This classification, we beg to observe, had its origin in the perfect union and organization with which, ever since the year 1836, if not from an earlier period, the members of the Roman Catholic pursuasion have been constrained, at the dictation of their Clergy, to act in the exercise of their political rights. There are no such class interests in Newfoundland as, in other countries grow out of different industrial employments and pursuits. The great body of the population, employed in one unvarying pursuit, is scattered along a rugged coast line a thousand miles in extent. Postal communication is imperfectly maintained with any of the outport, except those in Conception Bay; and during the winter season, the population in many parts of the Island are in entire ignorance of what transpires in the Capital. Local, that is county and township organization, such as exists in the Continental Provinces, is entirely unknown. With the exception of a partial contribution in the District of St. John's, for the support of a Seaman's Hospital, no public rate or assessment is collected in the Island. Not a single Newspaper is now published out of St. John's. Two-thirds of the members of the Assembly are residents in the Capital; and the legislative constitution itself has failed to command, especially in the Outports, much if any sympathy among the great body of the people.

The Bill for increasing the number of Representatives, adopted by the majority of the Assembly during the last Session, and sent to the Council for its concurrence—the history of which will be found in the conferences upon it between the two Houses—was framed by the Assembly avowedly on a sectarian basis; and although assumed party names, such as Conservative and Liberal, are used, there are, in reality, but two general parties known in the Colony—Protestant and Roman Catholic. The former being the majority of the population, the Assembly admitted were entitled, in the scale of Representation, to a majority of one member; and they professed to have provided for this. But apart from the fact that the Protestants are not only the majority of the population, it is important to bear in mind that they are composed of two distinct bodies; viz.—members of the Church of England and Wesleyans, between whom jealousies will naturally exist, and who do not therefore act always in unison; and that, as separate and distinct religious communities, an adjustment of the representation, in proportion merely to their aggregate number, will not, at the best, more than place them on an equality as to political influence with the Roman Catholics, who act in thorough unison. Now, while on the part of the Protestant population, there has been no hindrance to, nor any desire to restrict the free exercise, by their Roman Catholic brethren, of their political rights, the former entertain a too well-grounded fear, that with the undue ascendancy of the latter, the whole body politic would be subjected to the dominancy of a centralising power, inconsistent with the freedom of Representative Institutions; in other

words, instead of being governed by the influence of the independent opinions of their Roman Catholic brethren, they would be subject to the irresponsible control of the Head of the Roman Catholic church.

In the Bill in question the Assembly did not adopt the suggestion of a new general sub-division of the Electoral Districts, which in other respects than the exercise of the Elective Franchise, is highly desirable. The Council seeing what a field of controversy it would open up, and might possibly cause the whole measure to fail, deemed it wise not to enter on any such sub-division. The Bill being referred by them to a sub-committee, a report was submitted, showing certain anomalies and defects in the measure, and the unsupported assumptions on which the Assembly professed to have provided for the return of fifteen Protestant and fourteen Catholic members. To this Report, a copy of which is hereto annexed, and more particularly to the eighth, ninth, and tenth paragraphs of it, we beg leave particularly to refer.

In the first Electoral Division of the Island, (in 1832) an error was committed in assigning to the District of Placentia and St. Mary's, two members,—a district not so populous, and certainly not so important, in other respects, as the district of Bonavista or that of Twillingate and Fogo, and greatly inferior to that of Trinity, to each of which districts but one member was assigned. Again, the District of Burgeo and LaPoile was neither represented by itself, nor embraced in the District of Fortune Bay, though contributing to the Colonial Revenue more than that of Placentia and St. Mary's.

If sectarian considerations had any influence at the time, which is hardly possible, it might be said that the District of Conception Bay, of the population of which a considerable majority was Protestant, had four members assigned to it. But the history of the Returns in this District is instructive. In no one instance have the Protestants been able to return more than two out of the four members;—at one general election, only one Protestant member, at another they did not return one. In short, out of the twenty members returned, in all, for this district, seven have been Protestants, and thirteen Roman Catholics. This result is attributable to the violence and outrage which have marked the contested elections in this district, and which have had the effect of deterring the peaceful inhabitants from the exercise of their franchise. In the Burin District, again, to which one member had been assigned, and which had not quite so large a relative Protestant majority as Conception Bay, in the three last elections, which have been the only contested ones, a Roman Catholic has been twice returned, and a Protestant once. These are important facts.

Now in the amendments which the Council made in the Bill, in order to carry out, in fairness the proposition of the Assembly, (and for which we beg to refer to the Address of the Council) it is impossible to be shown, either that injustice is done to any one District in the relative number of members assigned to it, or that in the general adjustment the full proportion of members claimed by the Roman Caholic party is not secured to them.

In the amendment made by the Assembly on the Council's amendments, they left Bonavista with a third member, but assumed a third member also for Placentia and St. Mary's, (to which in point of population it was not entitled, until the District of Twillingate and Fogo had three members first assigned to it,) making thirty in all; and thus giving, at the most, but an equality to the Protestants,

whom they had clearly admitted to be entitled, in proportion to members, to a majority, at least, of one. By their Bill, as sent to the Council, the Assembly assumed, contrary to the results of experience both in Conception Bay and Burin, that the latter District would return two Protestants. Their last amendment however would, on this assumption, give a majority of two against the Roman Catholic party in the general arrangement, whereas the Council's amendments protected them against such a contingency, and would in fairness effectuate the original proposition in the Bill.

The proviso with regard to the mode of voting in Burin (a district which it is very difficult to divide geographically, with fairness,) a proviso which, it should be borne in mind, is in its terms permissive and not compulsory, does nothing more than what both parties have agreed to do in Conception Bay, where notwithstanding there is in the whole District a Protestant majority of nearly 5000 inhabitants, five sections or subdivisions have been created for the express purpose of securing the return of three Roman Catholic with four Protestant members.

As bearing on the probable returns for Burin, we beg to call attention to the fact, that to the section of Carbonear, with a population of 5000 inhabitants, and having a Catholic majority of 350, the Council had first assigned two members—assured that the Roman Catholic body there, from their union and organization, would return both members; but on the representation that with two members assigned to Carbonear, one would be returned by the Protestants, the Council, in a spirit of fairness, at once transferred one of the Representatives to the Harbour Main section, with a population of barely 4000, almost entirely Roman Catholics, thus giving two members to this the less populous section, and but one to Carbonear. Now the result which it was feared would take place at Carbonear, and against which the Council thus provided, is morally certain to occur at Burin, and the Council only manifested the sincerity of its opinion in this respect by the adoption of the proviso in question.

But while Conception Bay has thus been subdivided to secure the return of members representing as well the minority as the majority in that District, no such provision has been made for the District of St. John's, where a Protestant minority of 6000, out of twenty-five thousand, is unrepresented by a member of their own choice.

On the whole, we feel confident that on an impartial consideration of the amendments of the Council, it will be admitted that their adjustment of the Representation is one which will work not the slightest injustice to the Roman Catholic body, but rather falls short of the justice due to the interests of the two other religious denominations. At least, it will honestly and fairly effectuate the arrangement professed to be a just one by the Assembly, but which their Bill would not have carried out. In reference to the alteration of the boundary line of the Districts of Trinity and Bonavista, the reasons stated by the Council in their conference, we feel assured, will be deemed quite satisfactory. The provision in the Bill, as altered by the Assembly, for defraying the expense of the election of members, is altogether inadequate; and we deem it of importance to call attention to this particular. The scale of charges adopted by the Assembly is, it is true, a copy of that adopted in Nova Scotia, but clogged with the rather absurd addition of a limitation of the maximum amount to ten pounds. The extent of districts, want of facilities for communication, and other circumstances in the condition of Newfoundland, require a larger scale of compensation to ensure the proper performance of the necessary

duties and discharge of incidental expenses; otherwise, unless it be intended that the Returning Officer is to bear all charges beyond the maximum limit, a considerable expense must be borne by the Public Revenue. We would recommend the adoption of the moderate scale of fees and charges proposed by the Council in their amendment, of which a copy is annexed.

As stated in the Address of the Council, a regard for the privileges of the Assembly prevented the Council from inserting in the Bill a provision that members of the Assembly should not receive pay from the Public Revenue. This is, however, regarded as one of the most important and beneficial conditions in His Grace's despatch, but the Council, anxious that no objection should be taken to the Bill on the ground of privilege, were content to let that subject be otherwise regulated. The very large amount of the contingent expenses of the Legislature, which, with an increase of the number of members under the present system will be greatly extended, suggests the necessity for a reform in this branch of expenditure, which, without any addition to the number of members in this Assembly, has from the average annual amount of £1264 in four sessions of the first General Assembly, gradually increased to a sum upwards of £5000 in the session preceding the last one.

Upon the subject of the remaining condition prescribed by His Grace, viz., the compensation to those officers who may be displaced on the introduction of Responsible Government, we deem it hardly necessary to say anything in support of the justice and propriety of the views entertained by the Governor of the Colony, which will doubtless receive due consideration from Her Majesty's Government, to whom, by the terms of His Grace's Despatch, the subject was, in case of difficulty, to be submitted.

Among the measures which are intended to precede the introduction of so important a modification of the Constitution of the Colony as that contemplated, we think it advisable that the existing law in reference to the qualification of members should be more clearly defined. An amendment of the Local Law relating to the registration of voters, providing as in this Country, that none except those who are duly registered shall be entitled to vote, would also prevent disputes difficult of adjustment, which are of frequent occurrence in the taking of the Polls. Whatever may be the conditions Her Majesty's Government may now finally prescribe as pre-requisites to the introduction of Responsible Government, we would respectfully suggest the expediency of the whole being embodied in one enactment for the amendment of the Constitution.

In submitting the foregoing statements and explanations, we have not thought it necessary to make any allusion to the imputations on the Council in which the Assembly have indulged, as well in their addresses and other documents in reference to the matters above adverted to, as in their representations upon other occasions. Nor would we now allude to them at all, except merely to remark, that while they are as unwarranted as they are unbecoming, and cannot impose on parties in the Colony, where all the facts and circumstances as well as the characters of individuals are well known, the object of them is to create prejudices and, if possible, to mislead the judgment of parties elsewhere, especially of those under whose review the subject matters may be brought.

In the discharge of the duty which has devolved upon the Council, in legislating on the matters in question, the Council is content (if any vindication were necessary) to rely upon its acts and proceed-

ings, as its best justification to Her Majesty's Government. In the arrangement of the preliminary measures which are to usher in so important a modification of the Constitution, the Council has endeavoured to maintain the balance equally between the different parties in the Colony; and while the majority of the Assembly are forward to complain that it has not adopted their views upon the Representation Bill, complaints are not wanting on the other hand that the Council has not in many respects done justice to those not represented by the majority of the Assembly.

In the observations which we have made, we have thought it best to speak with plainness, and not to mislead by using terms which suppose the existence of other than sectarian parties interested in the distribution of political power in the Colony. We assure Her Majesty's Government that the Council unfeignedly laments that such should be the case; but being so, it is not the less essential that the relative rights and interests of these parties should be duly guarded; and that in the inception of so important a change of system as that now about to be introduced, the body most numerous and possessing the greatest stake in the community, should, at least, have its fair share of influence in the future government of the Colony.

We have the honor to be,

Right Honourable Sir,

Your most obedient humble Servants,

E. M. ARCHIBALD.
W. B. ROW.

The Right Honourable Sir GEORGE GREY, &c., &c., &c.

APPENDIX No. 7.

DOCUMENTS

Laid before Her Majesty's Council, on the 27th November last, by the Hon. the Attorney-General by direction of His Excellency the Governor.

MINUTE BY HIS EXCELLENCY SIR J. G. LE MARCHANT.

At the late meeting of the Delegates from the Provinces of British North America, a very general opinion is reported to have been entertained of the extreme importance said to be at present attached in the British Provinces on the continent of North America, to obtaining the right of freely introducing their Agricultural produce into the United States; the produce of those States being, in like manner, freely admitted into our colonies.

To such an arrangement the United States might, it is apprehended, be induced to assent, if, by way of return, the fishermen of the United States were allowed the right of fishing on the coasts of our colonies.

Should a negotiation on this basis be entered into between the Home Government and the United States, and the right of fishing on the Coasts of the British Provinces on the continent of America be conceded to the Americans, (the fisheries within the mouths of rivers and the rights of private proprietors alone reserved,) on the condition that they will grant to these Provinces reciprocal free trade in agricultural produce, and will also add fish, cured or fresh, to the list of articles which are to be mutually admitted free by these Provinces and the United States; the question then arises whether it would be for the interest of Newfoundland to be excluded or included within such an arrangement.

REPORT of the Honourable Attorney General, on the subject of Free Trade.

St. John's, Newfoundland, December 24th, 1849.

SIR,—

In compliance with His Excellency's commands, I have given to the subject matter of the Minute placed by you in my hands the best consideration which, with the impracticability of freely consulting those better qualified than myself to offer an opinion thereon, I have been enabled to devote to it.

The question whether or not Newfoundland should be included in the arrangement proposed to be entered into between the home Government and the United States, for a reciprocal free trade in agricultural produce and fish between the Continental Provinces and the United States, on the condition of an extension of fishing privileges to the Americans, is one of the very highest importance to commercial interests of this Island, and it is the more weighty, in as much as a false step taken by a departure from our present commercial policy may be irretrievable.

The proposition is one so opposed to the long received opinions, of the impolicy of extending to foreigners further rights of fishing on our coasts, that the advantages to be gained by the proposed arrangement must be made clearly apparent, in order to overcome the strong prejudices which at present exist upon this subject.

As regards the other North American Colonies, from my own acquaintance with them, I should say that the most ample concession to the Americans of the privilege of fishing on their coasts, would not be more than an equivalent for the free introduction into the American market, by the inhabitants of those Colonies, of their agricultural produce. With us, agricultural produce is out of the question, and the whole consideration reduces itself to this point, viz.—Whether the concession to American

subjects of a full and free participation with British subjects in the fisheries of this Island (the fisheries within the mouths of rivers and the rights of private proprietors alone reserved) will be more than compensated by the opening up to us of the markets of the United States for the produce of our fisheries, on equal terms with the produce of our own fisheries. Imperial interests, by which I mean any supposed naval or maritime advantages to the mother country, are not taken into account; and it would be out of place for me here to offer any observations on that head,—the question alone being, whether our prosperity as a colony will or will not be advanced by the proposed arrangement.

The question is, however, in some degree affected by a consideration of the extensive rights of fishing on the Banks and coasts of Newfoundland already by treaty secured to the Americans; and the solution of it will depend still more upon the certainty of such an arrangement as the one referred to being entered into between the United States and the North American Provinces, without regard to Newfoundland.

Assuming, however, that this arrangement, as respects the other colonies, will be adopted, I am of opinion, after balancing all the advantages and disadvantages to the trade and fisheries of this Island, of our participation in it, that, on the whole, the advantages preponderate.

On all sides it is asserted that our fisheries are in a depressed and languishing condition, unequal to the support of our fishing population, who are consequently turning their attention to agriculture as an auxiliary, if not an independent means of support. This depression is owing to other causes than the unproductiveness of the fisheries themselves. To the proverbial improvidence of our fishing population, as well in their domestic habits as in their mode of conducting the fishery, not a little of their unsuccessfulness is due; while the system, so long in operation in this island, of "supplying" on credit, at an extremely high profit price, more in the nature of an Insurance premium than of a fair marketable value of the articles supplied, has always had, and inevitably must have, a demoralizing influence and an impoverishing effect upon the labouring classes. But the main cause of the depression of our fisheries is the large bounties given by our two great rivals, the French and Americans, for the support and encouragement of their fisheries, (principally as a nursery for seamen,) creating a competition, in which, with all the superior advantages of our local position and territorial possessions, we are unable to cope with them. These bounties, and, I believe, these alone, in the absence of any corresponding stimulus by the Government of Great Britain, have driven our fishermen from the Banks and deep sea fisheries, in which we have now not a single vessel employed; and the ruinous effect of these foreign bounties is becoming still more felt in the rapidly increasing restriction of the foreign markets in which we dispose of the produce of the only fishery now followed by our people, namely, the small boat, or in-shore fishery.

The West Indies, owing to their impoverished condition, take off comparatively very little of our produce, and the competition of the French, sustained by a bounty equal to the first cost of the article, is becoming so extensive and formidable in the ports of Italy and the Peninsula, as to give great and serious cause for alarm.

On reference to our statistical returns, I find that our whole export of fish and oil for the past year, 1848), which may be taken as an average, was as follows, viz.—

Fish (Dry Cod)	920,366 Qtls.
Salmon	3,822 Bls.
Herrings	13,872 Do.
Oil (Seal)	6,507 Tons.
Cod and other Oils	3,811 Do.
Seal Skins	521,604 Skins.

Of these articles there were exported to the United States, the trifling quantity of about 15,000 tls. of dry Codfish,—of Salmon there were exported to the same country 1,500 bls.—Herrings about ,500 bls., and of Seal Skins about 12,000.—In short, that while the whole annual value of our exports mounts to the sum of £820,000 stg., the value of that proportion of them exported to the United States is only about £19,000 stg. On the other hand, while the whole annual value of our imports from all countries amounts to the sum of £806,000 stg., the proportion imputed from the United States alone amounts to the sum of £241,000 stg.

As regards Pickled fish, of which the quantity cured is very inconsiderable, viewing the incomparable resources of this Colony, it will be found that a proportion approaching towards one-half in alue finds a market in the United States, although subject to the heavy protective duty of 20 per ent. ad valorem, and to the competition of American *bounty cured* fish. Still, the whole value of his export to the United States does not exceed £4000 sterling.

The quantity of dry cod-fish required for consumption in the United States, and for their foreign rade, (of which, however, I have no accurate data) must considerably exceed the whole amount of ur export of that article; but the heavy protective duty on British caught fish, and more especially he large bounties given by the N. S. Government to the vessels of their own subjects employed in he fisheries, effectually exclude us from their home market, in which the price of fish is, if not as emunerative, at all events less fluctuating, I believe, than in any market frequented by our people. t is, doubtless, owing to the effect of these bounties, which have an equal, if not a greater influence han their protective duty in excluding foreign caught fish from their markets, that under the recent ermission to warehouse British caught fish for exportation from the ports of the United States, so ttle dry fish has, as yet, been introduced from this Island.

The increase by the Spanish Government (to take effect on the 8th of January next) of their uties on fish imported in foreign bottoms, cannot but have a prejudicial effect on our carrying trade. ut although the shipping interests of this Island may thereby suffer, it is by no means certain that e export of fish from this Island to Spain will be consequently much reduced, or the price of the rticle in this market lessened; for owing to the greater influx into our ports of Spanish dealers hich will be one result, and the competition caused by the distribution among numerous parties of e business of supplying them, the price of our staple article will be sustained here, and our fishing opulation be more immediately benefitted, although at the sacrifice, in some measure, of the profits our resident supplying merchants and shipowners.

On the granting of bounties by our Government, similar to those granted by the Governments of France and America,—or on the establishment of any measure of protection for our produce, under the increasing favour with which Free-trade policy is now received, it is hopeless to calculate. The great desideratum, then, for advancing the general prosperity of the Colony, and the ultimate remedy for the evils of the "supplying system," is a *more extended and certain market*, as well in our ports as abroad, for our staple produce.

Were the American market thrown open to us on the same terms as to their own people, and the bounties given by their Government abolished, (which I think of equal if not greater importance than the removal of their protective duty,) with the superior advantages which proximity to the fishing grounds and the possession of the coast afford us, we ought to be able to undersell the Americans in their own markets, and a vast impulse would be given to the trade in pickled fish, for which the resources of this Island and its dependencies are unequalled.

Would, then, such obvious advantages as the opening up of this extensive and increasing market hold out to us, be more than counterbalanced by admitting American fishermen to full rights of fishing on our coasts? I think not. On the contrary, I think there are many additional advantages which would be derivable from the presence of American merchants and dealers among us, and from the increased capital, skill and enterprise, and consequently of competition, which would thereby be infused into the trade, and would stimulate the productiveness of our fisheries. Instead of carrying green fish some seven hundred miles to their own shores, for the purpose of curing it, they would avail themselves of the privilege of resorting to our neighbouring harbours and coves, in which all the property suitable for fishing purposes being in the possession of our own people, the value of that property, and of labour also, must be greatly enhanced. As regards the effect upon the quantity of fish caught and cured by our own people, by the proposed concession, and the extension to the Americans of further facilities for the curing of fish, I do not apprehend any injurious result. We possess advantages which must command for us a superiority in any such competition.

It must be borne in mind that the Americans already enjoy by treaty very extensive rights of fishing on the shores of Newfoundland and Labrador, (of which it is not too much to say they will never be dispossessed)—supporting this fishery by bounties, and protecting its produce by duties, which very greatly diminish the value of the rights reserved by us, from whom they derive their privileges. Under these circumstances, it is unwise to tempt them by the offer of a further concession, which, practically, (so far as regards the curing of fish on shore,) can only be made available by the consent of the resident inhabitants, to abrogate that protective and exclusive policy which renders their competition so injurious to us?

Any such alteration, however, in our commercial policy will be received with jealousy by the greater part of our principal merchants, whose advantages and profits in the "supplying business" would thereby be lessened;—at all events, their mode of conducting their trade and business would, for a time, be deranged; until it had accommodated itself to the altered circumstances produced by the change of policy. And considering the large stake which they have in the trade of the Colony, and how much the labouring classes are, under the existing system, dependent upon them, it is not only

desirable, but just and reasonable, that they should have an opportunity of considering the matter and of expressing their sentiments, before anything final be determined on.

For my own part, I do not think that the Americans would so rapidly avail themselves of the proposed concession, as to create any other than a gradual alteration in the present supplying system and mode of conducting the fishery; and I do not apprehend that sudden derangement which might be thought consequential upon it.

The disadvantages of the contemplated change will chiefly affect our revenue, in the collection of which it will create great difficulties, for as supplies of articles required for the fishery, and to be disposed of in barter for fish, will be carried to all parts of our extended coast, abounding as it does with excellent harbours, it will be almost impossible to prevent the vast increase of smuggling which must ensue.

Relying as we do for our revenue on duties upon imports, it is manifest that we could not admit American produce and manfactures duty free,—seeing that more than one-fourth of our whole imports already comes from the United States. But the Americans could have no just cause of complaint, if we levied precisely the same duties upon the produce of the United States as upon that of the United Kingdom; and indeed our rates of duty are so low, that they have hardly any appreciable effect upon the value (with two or three exceptions), of imported goods in this market. The effect of smuggling to an increased extent in the outports must necessarily be to throw the burthen of raising the revenue upon the merchants, traders, and other inhabitants of the capital, and of these places in which the Customs laws could be rigidly enforced; and without a most extensive and costly addition to our Customs staff a great portion of the coast would be left unproducted.

Much might be accomplished, and the revenue, I think, be considerably increased, by delegating to all the outport Stipendiary Justices, powers for the protection and collection of the revenue, analogous to those exercised by the Sub-Collectors. For the protection of the fair trader, as well as of the revenue, burthened as the Colony is with a heavy debt, this is a point of much importance.

A second disadvantage would be the distress which would be more or less felt by our fishermen in general, especially by the poorer classes of them, from the interruption of the present "supplying system," which would ensue during the *transition state* of the fishery, and until all parties should have been accommodated to the change. But the great poverty which has visited the country during the past three years has, to an extent never before known, had the effect of suspending what are termed "winter supplies," and our fishing population are learning, from necessity, to lay up from their own resources during summer, a supply for their wants during winter, instead of depending as heretofore upon the merchants; and although it may entail distress for a period, there cannot be any doubt that the fishing classes will ultimately be more prosperous by destroying that system of dependence which places the fixing of the price of the produce of their labour almost entirely beyond their control.

Again, should such a commercial arrangement as the one proposed be entered into with the other Colonies, to the exclusion of Newfoundland, we must, it appears to me, be in a considerably worse position as regards our trade and fisheries than at present; and our being included in the nego-

tiation, is consequently to be considered, amorg other points of view, as, in some measure, a matter of necessity for our own protection.

On the whole, therefore, if the rights of private proprietors be preserved, and foreigners excluded from fishing within the mouths of rivers, and especially if the bounties granted by the American Government be suspended (a condition which it is of the utmost importance to stipulate for) I cannot but think that by such an arrangement as will secure for us an extensive increase of customers and dealers in our own Island, and open up to us on equal terms with American citizens, the markets of the United States, for our staple produce, the value of property and labour will be enhanced, the resources of our fisheries be more extensively and profitably developed, and the prosperity of the great body of the population of this Island be materially advanced.

There are, however, so many interests and considerations involved in the question, that until the sentiments of our Legislature and leading Commercial men can be ascertaiued, it will be politic, in any negotiation that may be entered into with the United States, (should time not permit,) to reserve the question as respects Newfoundland, so that this Colony may hereafter be included in the arrangement, if, upon more mature deliberation, it be considered for our advantage.

I have the honor to be,

Sir,

Your most obedient humble Servant,

E. M. ARCHIBALD.

EDWARD E. RUSHWORTH, Esq., Private Secretary, &c., &c., &c.

January 8th, 1850.

SIR,—

In reference to my letter to you of the 24th ult., fearing I may not have laid sufficient stress upon the importance of the abolition of the bounties granted by the American Government for the encouragement of their fisheries, I think it right to add, that in any negociation which may be entered into for the concession to the American citizens of further privileges of fishing on our shores, the abolition of the bounties in question ought to be made a *sine qua non;* as otherwise the protection previously secured by duties may be revived and even extended under the name of bounties which could effectually nullify the contemplated advantages to us by a repeal of duties alone.

I beg also to repeat the expression of my opinion, that as the consequences of a false step would be so ruinous, nothing should be done by which interests of such importance to us may be effected, without an opportunity of considering the subject being offered to the Legislature and the trade of the colony.

I am, Sir, &c., &c.

E. E. RUSHWORTH, Esq.

E. M. ARCHIBALD.

Letter from the Hon. Attorney General to Sir Anthony Perrier.

10, Marlborough Hill, St. John's Wood,
Saturday Evening, 9th April, 1853.

MY DEAR SIR,

Owing to a pressing engagement which took me from home, I have to apologize for not having replied before now to your note of Thursday afternoon, which reached me yesterday. I have just received your note of to-day on the same subject from the Foreign office.

In answer to your enquiry, I have no hesitation in saying that if a Treaty of reciprocity between the United States and the British North American Colonies be negotiated, it would be to the prejudice of Newfoundland not to include that colony in it. Without reference to the particular terms, whatever they may be, of the contemplated Treaty, I may observe in general, that the establishment of reciprocal free trade between the United States and the North American colonies with the exception of Newfoundland, would give the continental Provinces the benefit of an intermediate trade in the produce of that Island, the profit of which would obviously be greatly enhanced to Newfoundland by a direct trade with the United States.

If by the terms "Reciprocal Free Trade," are meant merely the abolition, on both sides, of all duties on the produce, maritime as well as territorial, of the respective countries, I repeat that Newfoundland would be prejudiced by an exclusion from such an arrangement with regard to the other Provinces.

But if, in return for the free admission into the American Markets of our staple produce, more extensive privilege of fishery on our coasts are sought by the United States, it becomes an important question, as respects Newfoundland whether without the abolition also of the American fishery bounties, we should not be conceding much more than an equivalent for the advantages to be gained by the mere reduction of duties. In this respect the interests of the other Provinces, more particularly of Nova Scotia and New Brunswick, are almost identical with ours.

On this view of the question, I would beg leave to refer you, if you have not already seen it,to a despatch of last autumn from Mr. Crowdy, the Administrator of the Government of Newfoundland to the Colonial Minister. Accompanying it is a Report made by myself in 1849 on this subject, in pursuance of an inquiry made by Earl Grey, as to the probable effect of a Treaty of reciprocity with the United States in certain articles of colonial and American produce, then agitated.

I have seen no reason to alter the opinion I then expressed, that, as regards Newfoundland, a free participation by the citizens of the United States with British subjects in the fisheries of the Island (the fisheries within the mouths of rivers and the rights of private proprietors being reserved) would be fully compensated by the abolition of the American fishery bounties as well as the duties on our own staple produce.

I need not here reiterate arguments I have before urged to show the benefit and importance (concurrently with the opening up of new and extensive markets for our produce) of the introduction of

more capital and skill into the prosecution of the fisheries of the Island—the vast impulse which would be given to the development of valuable resources, now dormant,—and above all, by the extension of commercial competition, the elevation of our industrial population from their present state of penury and dependence.

Since 1849, and more especially during the past year, the effective protection of our colonial fishing grounds from American encroachments, and the consequent depression of the American fishery, have enhanced, in a very great degree, the value of the concession of more extensive fishing privileges, now sought by the people of the United States.

Our Government is now in a condition to ask, in return for the privileges coveted by the Americans, ample terms of compensation; and among these, speaking in regard to Newfoundland, the abolition, at all events, the gradual reduction and ultimate cessation of these bounties should be made a *sine qua non.* From all I know or have heard of the public sentiment in the United States on the subject of these bounties, the condition is one not likely to be resisted.

It is manifest that if these bounties be left unrestricted, their own fishery produce could, indirectly by means of them be as effectively protected, and ours be almost excluded from their markets, as by their retention of the present high rates of duty.

As regards our local circumstances, there is one point of consideration to which I think it right to advert. Our revenue is raised entirely from duties on imports; and it would be of importance to us, until we can devise some other plan, to be permitted to lay a duty of 5 per cent advalorem on American produce, in return for an equivalent duty being levied on ours in the United States. But this is a subordinate matter, and it would, perhaps, be inconsistent to make such an exception from an arrangement of a general nature.

On the other hand, the great difficulty and expense of collecting duties over so extensive a coast as ours, with its numberless harbours, would soon render it most desirable, if not absolutely necessary, to raise a Revenue by some other system of taxation. A moderate export duty on produce, as a chief source of revenue, would be much more simple, as well as inexpensive in its collection, and I incline to think, would ultimately be generally satisfactory.

In reference to making the abolition (immediate or gradual) of the American bounties, a condition of any treaty of reciprocity, I cannot but admit that so far as concerns Newfoundland there are some local advantages possessed by our people, which, to a certain extent, may be set off against the value of the bounties to American fishermen. But if it be contemplated to concede to the United States such extensive fishery privileges as I have referred to, the abolition of their bounties and of this source of protection to their own industry over ours, seem an obvious part of the equivalent to be made to us.

I beg you to excuse my writing to you somewhat hurriedly, and for touching on topics which are, perhaps, not strictly within the scope of your note; but I feel deeply interested, as you may suppose, in the effect which any treaty may have on the prosperity of our trade and fisheries.

I shall be at your service, to confer with you further, personally, on these matters whenever it may suit your convenience, and will probably call upon you at Cumberland Terrace (should the American mail not arrive) before One, on Monday.

I am

My dear Sir,

Faithfully yours,

E. M. ARCHIBALD.

SIR ANTHONY PERRIER.

P. S.—The recent address of the House of Assembly was passed hurriedly, and without sufficient time for the consideration of what should be the terms of an arrangement for reciprocal trade with the United States; but there is a strong, and, I think I may say, a preponderating opinion in the colony in favour of reciprocal free trade with the Americans.

The late petition of the Merchants to Lord Clarendon is entitled to great weight, but it must also be remembered that the contemplated alteration of our commercial system, which, if effected on safe conditions, cannot but greatly promote the general prosperity of all, and especially of the humbler classes in the Island, would for a time, perhaps, derange, to some extent, the business of our leading merchants. Ultimately, with the increased means and prosperity of the labouring class, there ought to be more scope and greater success as well as security for mercantile enterprise.

Some of our most influential and intelligent merchants, I am aware, are favorable to a Reciprocal Free Trade with the United States, on the basis of such an arrangement as I have suggested.

E. M. A.

10, Marlborough Hill,
St. John's Wood, April 11, 1853.

MY DEAR SIR,—

In stating on Saturday last, my view of the value to Newfoundland of Reciprocal Free Trade with the United States, and of the conditions which should be observed in the concession of any further privileges of fishery to the Americans, I did not expressly refer to the export from our Island of any produce other than that of the Fishery.

But as to the territorial resources of Newfoundland, when developed, will furnish, and I trust shortly, an export of lumber, free-stone, gypsum, coal, and mineral ores and their produce; and as these, it is to be hoped, will be embraced in the category of free admission into the United States from the other Colonies, I merely write to say that in any Treaty which may be concluded, the trade be-

tween the United States and Newfoundland should be placed on the same footing in this respect as that with the other Provinces.

I am,

My Dear Sir,

Faithfully yours,

E. M. ARCHIBALD.

SIR ANTHONY PERRIER.

Extract of a Despatch from the Honourable J. CROWDY, *Administrator of the Government, to the Right Honourable Sir* J. PAKINGTON, *dated 30th November*, 1852.

Our present relations with the United States leave the preponderance of advantages greatly on their side, as whilst our Imports from those States during the last year amounted to upwards of £200,000, they took from us to the value of £20,000 only. This great difference is occasioned by the large protective duties exacted in that country, amounting to at least 20 per cent. Were these lowered, and the Bounties given in aid of their Fisheries withdrawn, the probability is that a very considerable market would be found for our fish; and these objects are the principal points to be considered as respects our interests in any Treaty between the two Governments.

As our Revenue is derived altogether from a Tax on Imports, we are not in a position to give up so large a portion of it as that derived from Imports from the United States. But if their Government would consent to an advalorem duty on our produce, of equal amount with that imposed by us on theirs, and which, with one exception, does not exceed seven per cent., an arrangement might be effected, which, in my opinion, would be most advantageous to this Colony, and unobjectionable as regards all parties.

The citizens of the United States already possess considerable fishery rights on our coast, and especially at the Labrador, and on this latter coast they are particularly favoured, as, whilst supplies sent there from the settlements of this colony pay the Colonial Duty, those, to a very large amount supplied by the Americans, altogether eseape this Tax. I would add, that, in the exercise of these rights, few, if any, instances have occurred, of complaint or collision between British and American Fishermen or Traders.

I beg to repeat, that the principal object for our interest in negotiating with the Government of the United States, is a scale of advalorem duties in the two countries, similar in amount, and the abolition or reduction of the American Bounties.

I fear we have not much to offer them as an inducement to yield to us these advantages, except we consent to their being placed on an equal footing with our own people as regards the Fisheries on

this coast; and on this point I beg to refer you to Sir Gaspard LeMarchant's despatch of the 31st of December, 1849, in which the advantages and probable results of such a measure are fully treated.

I beg, with all diffidence, to express my concurrence in Sir Gaspard's views.—Our Fishery continues in a very depressed condition, and when the potatoes fail, or become diseased, as is the case this year, pauperism and dependence on Government for support most extensively prevail.

In the present position of our fisheries I see no remedy for this evil; and I therefore incline to the opinion that for the reasons stated in the Despatch above adverted to, the Colony would benefit by the introduction amongst us of enterprising American Traders; and that the abolition of Bounties and reduction of Duties would be full compensation for such competition, to those already engaged in the Trade of the Colony, and who would have the advantage of residence, property and existing Establishments.

At the same time I would suggest, that as such arrangement would involve changes of an important character, and be viewed with considerable alarm by the established Mercantile Houses, it should not be adopted without the Trade as well as the Legislature having an opportunity of first expressing their views thereon.

I have, &c.,

(Signed) JAMES CROWDY.

REPORT by the Honourable* ATTORNEY GENERAL, *of Delegation to Canada, on the subject of Reciprocal Free Trade with the United States.

St. John's, October 3, 1854.

MAY IT PLEASE YOUR EXCELLENCY,—

In the month of May last your Excellency was pleased to depute me, on the part of the Government of this Colony, to attend a meeting of Delegates from the British North American Provinces, for the purpose of discussing the project of a Treaty between Great Britain and the United States, for Reciprocal Free Trade between the British North American possessions and the United States, on condition of the extension of further privileges of Fishery to American citizens, and the admission of British subjects to the like participation in the Fisheries of the United States. The time at which this meeting was to have been held, having been once fixed, was subsequently indefinitely postponed.

Having, however, on my arrival at Halifax, in the month of June, on my way to England, found a Telegraphic Despatch from the Earl of Elgin, Governor General of Canada, desiring the Delegates from Nova Scotia and Newfoundland (if the latter had reached Halifax) to proceed forthwith to Quebec, in order to confer with him on the subject of the Treaty recently before then entered into at

Washington by His Lordship and Mr. Marcy, on the parts respectively of the Governments of Great Britain and the United States, I accordingly proceeded to Canada, in company with the Hon. W. Young, Attorney General of Nova Scotia, and Delegate from that province, and Mr. Little, Delegate from the Assembly of this Colony. We reached Quebec early on the morning of the 25th June, and found there the Hon. Messrs. Chandler and Partelow, Delegates from New Brunswick, who had arrived the day before we did.

On the following day, the 26th, in company with all the other Delegates, I waited on Lord Elgin who received us with much courtesy, and in the course of an interview of considerable length, entered into an explanation of the circumstances attending the negotiating and concluding of the Treaty, and other particulars, the purport of which was as follows:—

After briefly stating the substance of the project of Treaty which had been for some time previously under discussion, with the amendments proposed by Mr. Marcy—the obstacles to the adoption of it, from difficulties with regard to the specification of the Bays and inlets to be excepted from the operation of the Treaty—the question of mutual rights of fishery on the Western coast of America—objections of the United States Government to the introduction of certain articles in the Schedule of Free Imports—admission of Colonial-built ships to American Registry, and throwing open of the coasting trade;—and seeing the difficulty of reconciling the views taken in the different Colonies in regard to their respective interests, with those entertained by the United States Government; and the prospect consequently of the negotiations being still further protracted, while Her Majesty's Government were desirous of bringing them to a satisfactory settlement with as little delay as possible, His Lordship had, accordingly, been entrusted with full powers, on the part of the British Government, to proceed to Washington, and conclude a Treaty, without further calling on the Governments of the respective Colonies to take part in the negotiation. He had, however, expected, and would have been glad to have had the attendance of the Delegates from Nova Scotia, in like manner as he had been attended by the New Brunswick Delegates at Washington—to hear what they might have to suggest, and to have the benefit of their information,—His Lordship nevertheless, taking upon himself the sole responsibility of concluding the Treaty.

He then explained the modifications which had been made in the former project; the removal of the difficulty with regard to the exception of particular Bays, by excluding from the operation of the Treaty Salmon, Shad, and the Shell-fishery, and all fishery in the mouths of rivers; and the provision of recourse to arbitration in case of dispute;—the exemption from duty of certain additional articles, among others, coal:—the adoption of the parallel of 36°, as the limit of the British Fishery on the American coast, to prevent interference with special rights on the coast of Florida, and with the interests of the Slave-holding States,—and other matters.

In reference to the throwing open of the American Coasting Trade to Colonial shipping, and likewise the admission of Colonial built vessels to American registry. His Lordship stated, that to have insisted on such stipulations, would have rendered the negotiation abortive, while, on the other hand, he felt convinced that the disadvantages under which American commerce would labour, by the exclusion from Registry of Colonial-built vessels, would, in a very short time, compel the Government of the United States, without any pressure on our part, to remove one, if not both these restrictions.

His Lordship then read and commented on the Treaty, the contents of which are now known to Your Excellency. In reference to Newfoundland, he said there were difficulties in the way of the immediate extension of the Treaty to that Colony, of which the Delegates from thence would be aware. Among these, the most prominent was the mode of supplying the deficiency of Revenue which would be caused by the free importation of American produce: but his Lordship said he thought it possible that the United States Government would, at our request, consent to the retention of equivalent duties on both sides sufficient to sustain our Revenue; but that he could not well have such a provision inserted in the Treaty. (I may here observe that the Act of Congress recently passed for carrying out the Treaty does not, in that part of it which relates to Newfoundland, provide for any such arrangement.) There was also, His Lordship said, the necessity of settling certain questions in reference to the French rights of fishing on our coasts, with the negotiations on which he said he knew I was already well acquainted.

I called His Lordship's attention to the subject of the importance of the abolition of the American Fishery Bounties. These, he said, were so much a matter of their own internal regulation, that he did not conceive he could with propriety insist on their abolition as a condition of the Treaty; but he had reason to believe, that without any interposition on our part, they were likely to be discontinued before long, a result towards which the effects of the Treaty itself would in no small degree contribute. I also pointed out the necessity for a stipulation being adopted before Newfoundland became a party to the Treaty, for the preservation of our Bait, which would be of common utility to American citizens and our own people; and entered into explanations to show the importance, in every respect, of reserving to the Local Legislature the right of legislating for the preservation of Bait; and, if deemed necessary, for the restriction or prohibition of its exportation at certain seasons. This, His Lordship said, was a matter which could be brought forward whenever Newfoundland was prepared to participate in the Treaty. Considerable discussion followed on all sides, in reference to different points in the Treaty, which it is unnecessary to detail, and we took leave of His Lordship, who requested us to meet him on the following day, after considering how and when the Treaty (in the event of its ratification by the Senate of the United States, which was then uncertain) could be brought into operation in the different Colonies; and whether, as regarded the continental Provinces, it were not advisable that special sessions of their Legislatures should be called for the purpose.

On the following day, Mr. Young, Mr. Chandler, Mr. Partelow, Mr. Little and myself again waited on His Lordship, according to appointment, when a lengthy conversation took place on the points discussed on the previous day, and on the bearing of the Treaty on the interests of the different Colonies. Besides our interview with Lord Elgin, we had also much conversation with the leading members of His Government on the subject of the Treaty. I had a further interview with Lord Elgin on Thursday, at which time he was awaiting, with much interest, intelligence of the action of the United States Senate on the question of the ratification of the Treaty.

It will be seen from the foregoing, that the conference of the Delegates, with the Governor General, of which I have given an outline, was of a totally different nature from that intended when the meeting of Delegates was first contemplated. The Treaty having been already concluded, it was too late to urge the insertion in it of such stipulations as the Governments of the respective Colonies

might have considered essential to their interests; and our duty was almost entirely confined to the receiving a verbal Report from His Excellency the Governor General, of the conclusion of the Treaty, and of the incidents of the negotiation.

It would be out of place for me here to enter into any exposition of the probable effect of the Treaty on the Trade and Fisheries of Newfoundland. The proper time for such observations will be when the subject is formally brought under the consideration of the Legislature; but having for some years past taken not a little interest in the question of Reciprocal Free Trade with the United States, I may be permitted to express the opinion that notwithstanding the Treaty, as a project of Reciprocity, falls short of the full extent of what is due to Colonial claims, it will still prove most beneficial to the interests of British North America; and, as regards this Colony, with the adoption of stipulations for the protection of bait, and the necessary fiscal arrangements to sustain our Revenue, the operation of the Treaty must greatly promote the prosperity of all classes of the community. As the adoption of the Treaty by Newfoundland is left to our choice, without being driven to act in unison with the other Colonies; and as we are proportionably larger consumers of American agricultural produce than the other Colonies, it would be but fair to us to re-open the negociation for the abolition of the American Bounties, which now are confined almost entirely to the Codfisheries, and consequently affect us most.

I have the honor to be,

Your Excellency's most obedient,

Humble Servant,

E. M. ARCHIBALD.

To His Excellency, the GOVERNOR.

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TO THE

JOURNALS

OF THE

LEGISLATIVE COUNCIL.

HENRY WINTON, PRINTER, ST. JOHN'S, NEWFOUNDLAND.