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JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

NEW FOUNDLAND.

ANNO SECUNDO REGINA ALEXANDRINA VICTORIA I.

THIRD SESSION OF THE SECOND GENERAL ASSEMBLY.



St. John's, Newfoundland,

WILLIAM R. SHEA, Printer.

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1838.

JOURNAL

AND

PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY OF NEWFOUNDLAND.

Monday, August 20, 1838.

THE House, by Proclamation, having been prorogued until this day, then to meet for the despatch of business, and being met—

Members assemble.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR,

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

Message from his Excellency, requiring attendance of House.

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

House attend his Excellency.

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

Mr. Speaker reports.

Mr. President and Honorable Gentlemen of the Council,

His Excellency's speech.

Mr. Speaker and Gentlemen of the House of Assembly,

Our financial and other affairs being, as respects the current year, precisely in the state in which they were at the commencement of the last session, I have only now to refer you to my opening address on that occasion, and to recommend to your early consideration the subject therein mentioned, and the various documents connected with them which I have since transmitted.

Writs served on Mr. Speaker, and

Mr. Speaker informed the House that on entering the Speaker's room a short time previous to the opening of the present session, he had been served by the High Sheriff with a writ for £3000, at the suit of Edward Kielley, for certain proceedings of the House, that the House may take the same under their immediate consideration.

Mr. Kent, at the suit of Edward Kielley.

Mr. Kent also acquainted the House that he had been served with a similar process.

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

House in committee on privilege.

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

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Tuesday, August 21, 1838.

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

Resolution for committee to present address to his Excellency.

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

Committee.

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

Notice of committee to examine public accounts.

Mr. Winsor gave notice that he should, to-morrow, move that a committee be appointed to examine the public accounts, to sit every day the House meets, from 10 to 12 o'clock, with liberty to send for persons and papers, and to report to the House.

Notice of bill to repeal seamen's relief act.

Mr. Winsor also gave notice that he should, to-morrow, move for leave to bring in a bill to repeal in part an act passed in the 6th year of the reign of his late Majesty William the Fourth, entitled "An act to provide for the relief of sick and disabled seamen, fishermen and other persons," and to authorize the appropriation of monies collected under the said act.

Notice of bills.

Mr. Brown gave notice that he should, to-morrow, move for leave to bring in the following Bills, viz.

A bill to amend an act passed in the 6th session of the Legislature, intituled "An act for the encouragement of education in this colony."

A bill to enable members of the Assembly to vacate their seats in certain cases, and to provide for the election of others in their stead.

A bill to provide for the registering the names of persons entitled to vote at elections, and to repeal a certain act heretofore passed for that purpose.

A bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district.

A petition of William Goff, Thomas Cooke and other inhabitants of the district of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sum sufficient for repairing the line of road leading from Fresh Water at the west end of Mr. Wakeham's garden, in by Cooke's and Walsh's plantation, to the old Topsail road.

Petition of William Goff and others presented & read.

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

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

Referred to committee on Roads and Bridges.

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

Notice of committee of supply, &c.

Pursuant to order, the House resolved itself into a committee of the whole House on privilege.

House in committee on privilege.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had considered the business to them referred, and had examined evidence in reference thereto, and had come to certain resolutions thereon, which they had directed him to report to the House; and he read the said examination and resolutions in his place, and afterwards delivered the same in at the Clerk's table, where they were again read as follow:

Report.

JOHN O'MARA examined—Was present at the Judges' Chambers when Dr. Kielley was brought up before Judge Lilly, under a writ of habeas corpus; Mr. Robinson was Dr. Kielley's attorney. During Mr. Robinson's speech he used language derogatory to this House. He compared the privileges of this House to those of the Mechanics' Society, or any other corporate body. He said the House had simply the power of turning persons out of the House that disturbed it, or handing them over to the civil power, and so have every other corporate body; or words to that effect.

EDWARD MORRIS examined—Was present when Dr. Kielley was brought up before Assistant Judge Lilly, under a writ of habeas corpus, and continued part of the time during the pleadings of Mr. Robinson. Mr. Robinson was the attorney of Doctor Kielley; heard Mr. Robinson

Report.

speaking of the privileges of the House of Assembly;—he said they had no more privileges than any body of men met a for proper purpose—he instanced the Mechanics' Society.

PETER BROWN examined—What is your name ?

Peter Brown.

Are you a member of the House of Assembly ?

Yes.

Has anything occurred lately which you consider a violation of the privileges of the House of Assembly ?

I have been served with a writ on this day at the suit of one Edward Kielley, seeking for damages for alleged injuries sustained by said Edward Kielley; the plaintiff's declaration is signed "B. ROBINSON." The institution of this suit is from acts performed by order of the House of Assembly, and under the authority of the Speaker's warrant, by the Serjeant-at-Arms.

Does Bryan Robinson, attorney for plaintiff, hold any situation under the Honorable the Board of Council ?

He is Master-in-Chancery to the Board of Council.

WILLIAM CARSON examined—What is your name ?

William Carson.

Are you a member of the House of Assembly ?

I am member for the district of St. John's.

Are you Speaker of the House ?

I am.

Has anything occurred that you considered a violation of the privileges of the House ?

Yes. On the morning of opening the session (20th August) on entering the Speaker's room, I was served by the High Sheriff with a writ at the suit of one Edward Kielley, for £3000, to amerce me for duties performed by me as Speaker in the House, and by order of the House. The attorney to the writ and declaration is Bryan Robinson, Master-in-Chancery, who brings down to this House messages from the Council.

Resolved,—That Bryan Robinson, Esquire, Master in Chancery, attendant on her Majesty's Council, by contemptuous language and observations respecting the House of Assembly and the Members thereof, and by the suing out of certain Writs, at the suit of one Edward Kielley, for alleged damages against the Speaker and other members of this House, for proceedings within this House, has been guilty of a gross breach of the privileges of this House—and the said Bryan Robinson being an Officer of the Board of Council, this House cannot proceed against him for such contempt.

Resolved,—That the said Bryan Robinson be not admitted as the bearer of any message to this House until a message be despatched to her Majesty's Council acquainting the Council with their Resolution.

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

Resolutions agreed to.

Ordered accordingly.

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

Wednesday, August 22, 1838.

MR. Kent, from the committee appointed to prepare an address to his Excellency the Governor, in reply to his Excellency's Speech at the opening of the present session, reported that the committee had prepared the draft of an address accordingly; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report of Committee to draft address to his Excellency.

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

Address;

May it please Your Excellency—

The Commons House of Assembly regret that at this advanced season of the year the financial and other affairs of the Colony are in the state in which they were at the commencement of the late session.

The House of Assembly regret it the more because the labors of the Assembly, pursued through a period of nearly two months, and on the eve of being consummated, were rendered of no effect by the unexpected prorogation.

The House of Assembly beg to assure your Excellency that they will resume their labors with a sincere desire to act in conjunction with your Excellency and the other Branch of the Legislature—a desire which, they flatter themselves, has on all occasions marked their proceedings.

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

Adopted & engrossed.

Resolved,—That a deputation be appointed to wait on his Excellency to ascertain when it would be his Excellency's pleasure to receive the said address.

Resolution for deputation to wait on his Excellency.

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

Deputation.

Mr. Brown, pursuant to notice and leave granted, presented the following Bills, viz:—

Sundry bills presented.

A Bill to amend an act passed in the 6th session of the Legislature, entitled "An act for the encouragement of Education in this Colony."

A Bill for vacating the seats of Members of the Assembly in certain cases, and to provide for the Election of others in their stead.

A Bill to provide for the registering the names of persons entitled to vote at Elections, and to repeal a certain act heretofore passed for that purpose.

A Bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district.

Bills read 1st time.

And the same were severally read a first time.

2d reading.

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

Bill to repeal Seamen's relief Act read 1st time.

Mr. Winsor, pursuant to notice and leave granted, presented a Bill to repeal in part an act passed in the 6th year of the reign of his late Majesty William the Fourth, entitled "An act to provide for the relief of sick and disabled seamen, fishermen and other persons," and to authorize the appropriation of monies collected under the said act, and the same was read a first time.

2d reading.

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

Notice of Bill to preserve the harbors of this Colony from obstructions, &c.

Mr. Power gave notice that he should, to-morrow, ask leave to bring in a bill to preserve the Harbors of this Colony and its dependencies from all annoyances, and to provide for the appointment of a Harbor Master at Carbonear.

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

Resolution for committee to audit public accounts.

Resolved,—That a committee of audit be appointed to examine the public accounts, to sit every day the House meets, from 10 to 12 o'clock, with liberty to send for persons and papers, and finally to make a report thereon to the House. ●

Committee.

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

Petition of J. Walsh & others presented and read.

A Petition of J. Walsh, Felix M'Carthy, Robert Pack, and other inhabitants of Carbonear and its vicinity, was presented by Mr. Power, and the same was received and read, praying for a grant of a further sum of money for the completion of the line of road along the North Shore, and for repairing and improving the streets in said town of Carbonear.

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

Referred to committee on roads and bridges

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

Petition of J. Geary and others presented and read.

A petition of John Geary, Patrick Ryan and others, residing in Gower Street, in this town, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sum of money adequate for the repair of the road leading from the Meeting House hill to the Rev. Mr. Carrington's in the said street.

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

Referred to committee on roads and bridges.

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

Mr. Morris laid before the House a printed copy of the defence of Judge Boulton to the charges preferred before the Privy Council by the House of Assembly—also, the report of the Lords of the committee of Privy Council for Trade, on the address of the House transmitted to the said Council by Lord Glenelg, on the subject of the British Fisheries of Newfoundland.

Documents laid before the House.

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

To lie on the table.

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

Ordered,—That 100 copies of the said defence be printed for the use of the Members.

Defence to be printed.

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

Ordered,—That 100 copies of No. 32, in the appendix to the said defence, be printed for the use of the Members.

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

House in committee of supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

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

Thursday, August 23, 1838.

MR. Power, pursuant to notice and leave granted, presented a Bill to preserve the Harbors of this Colony and its dependencies from all annoyances, and to provide for the appointment of a Harbor Master at Carbonear, and the same was read a first time.

Bill to preserve the harbors of this Colony from annoyances, &c. read 1st time.

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

2d reading.

A petition of William Evans, John Forsay, and other inhabitants of Grand Bank and Fortune, in the electoral district of Burin, was presented by Mr. Winsor, and the same was received and read, praying for a grant of a further sum of money to complete the line of road from Grand Bank to Fortune.

Petition of W Evans and others presented and read.

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

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

Referred to committee on roads and bridges.

Petition of W. Evans & others presented and read.

A Petition of William Evans, S. W. Sprague, and other inhabitants of Grand Bank, and Fortune, in the electoral District of Burin, was presented by Mr. Winsor, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same), and the said petition was received and read, setting forth:—That the premature deaths at the before named places have been equal to, if not exceeding, any place in this Island, in proportion to the number of its inhabitants, and that there are at this time, in the two places, eight widows, with twenty fatherless children under the age of fourteen years; and therefore praying that should any monies, during the present session, be granted for the relief of the poor, that the above named places will be taken under the consideration and protection of the House.

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

Referred to committee of Supply.

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

Petition of J. Cummins presented and read.

A Petition of John Cummins, of Ferryland, Constable, was presented by Mr. Winsor, and the same was received and read, setting forth:—That he was employed by the Magistrates of the District of Ferryland to take the list of voters at Brigus, Cape Broyle, Caplin Bay, and Ferryland, and praying that he may be remunerated for such services.

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

Referred to committee of supply.

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

Report of committee appointed to wait on his Excellency the Governor.

Mr. Kent, from the committee appointed to wait on his Excellency the Governor to be informed when it would be his Excellency's pleasure to receive the House to present their address in reply to his Excellency's speech at the opening of the Session, reported that they had attended to the duty, and that his Excellency was pleased to say he would receive the House on Saturday next at two o'clock.

Sundry bills read 2d time.

Agreeably to the order of the day, the following Bills were read a second time, viz:—

A Bill for vacating the seats of Members of the Assembly in certain cases, and to provide for the Election of others in their stead.

A Bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district.

A Bill to amend an act passed in the 6th session of the Legislature, intitled "An act for the encouragement of Education in this Colony."

A Bill to provide for the registering the names of persons entitled to vote at Elections, and to repeal a certain act heretofore passed for that purpose.

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

Time appointed for committal of three 1st mentioned bills.

Ordered,—That the said three first mentioned Bills be referred to a committee of the whole House on the days following:—

A bill to enable members of the Assembly to vacate their seats in certain cases, and to provide for the election of others in their stead, tomorrow.

A bill to regulate the office and fees of Sheriff, and to make provision for the appointment of a Sheriff in each judicial district, on Saturday next.

A bill to amend an act passed in the 6th session of the Legislature, intitled "An act for the encouragement of education in this colony," on Monday next.

A bill to provide for the registering the names of persons entitled to vote at elections, and to repeal a certain act heretofore passed for that purpose, be engrossed and read a third time to-morrow.

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

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

House in committee on privilege.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had re-considered the resolutions adopted by the House on the 21st instant, on the subject of the breach of privilege by Bryan Robinson, Esq., Master-in-Chancery to her Majesty's Council, and had made an amendment therein, which they had directed him to report to the House: and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:

Report.

In the second resolution after the word "Resolution," expunge the words "and until satisfaction be made on the part of the said Bryan Robinson for such repeated violations of the privileges of the Commons House of Assembly."

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

Amendment read and agreed to.

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

Resolved,—That the said resolutions, as amended, be sent up to her Majesty's Council.

Ordered,—That Mr. Kent, and Mr. M'Carthy do carry the same to her Majesty's Council.

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

Friday, August 24, 1838.

PURSUANT to the order of the day, a bill to preserve the harbors of this colony and its dependencies from all annoyances, and to provide for the appointment of a harbor master at Carbonear, was read a second time.

Bill to preserve the Harbors of this Colony from annoyances, &c., read 2d time.

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

To be committed

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

Bill to repeal Seamen's relief act read 2d time.

Agreeably to the order of the day, a bill to repeal in part an act passed in the 6th year of the reign of his late Majesty William the Fourth, entitled "An act for the relief of sick and disabled seamen, fishermen and other persons," was read a second time.

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

To be committed

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

Petition of Matthew Stevenson presented & read.

A petition of Matthew Stevenson, of Harbor Grace, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor had given his consent to the same being presented) and the said petition was received and read, praying that the pecuniary aid granted to him the last year for past services as Clerk of the Peace for Conception Bay, may be continued to him.

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

Referred to committee of supply.

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

Message from his Excellency the Governor transmitting sundry documents.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

He also presented to the House, by command of his Excellency, the following documents, viz.—

Copy of a despatch from the Secretary of State for the Colonies relative to certain acts passed by the Colonial Legislature in the session of 1837.

Copy of two orders of her Majesty in Council approving of acts passed by the Colonial Legislature.

Statement of Imperial Revenue for the year ending 5th July, 1838.

Imports in the quarter ending 5th July, 1838.

Staple articles exported from 5th July, 1837, to 5th July, 1838.

Shipping return from 5th July, 1837, to 5th July, 1838.

Statement from Governors of the Savings' Bank.

Copy of Crown Rent account for the year ending 31st March, 1838.

Return of the expenses incurred in the Circuit of the Judges in the year 1834, and the number of vessels that were employed on that service in the years 1835, 1836, and 1837. (For the foregoing documents, see Appendix.)

Account for registering voters for the district of Conception and Trinity Bays. Message.

Account of Assayer of weights and measures for the division of Port-de-Grave.

A petition of R. Holden, John Long, and Patrick Kielty, to his Excellency, praying for remuneration for services performed at the first election in 1836.

And then the said Messenger withdrew.

Mr. Speaker read the said message as follows :

H. PRESCOTT.

The Governor transmits and recommends to the favourable consideration of the House of Assembly the accompanying application from the commissioners of the Harbor Grace Island Light House, and desires to call the attention of the House, with reference to this application, to the dissection of the act 1st Victoria, cap. 8.

Government House, 24th Aug., 1838.

The Application accompanying the said message was then read by the Clerk as follows :

Harbor Grace, 16th Aug., 1838.

SIR,—We have to acquaint you for the information of his Excellency the Governor, that the stock of sperm oil on hand at the Light House on Harbor Grace Island, will be expended in the course of December next, and would therefore respectfully recommend that twelve months supply of that article be forthwith ordered from London, that no disappointment may arise in continuing the exhibition of the light after that period.

We beg leave to add, that we have received from the keeper a list of the articles required for the service at the Light House for the ensuing year, which, with the funds to provide for the oil, will require the sum of £337 11 6 sterling. We therefore most respectfully request his Excellency will be pleased to place that amount at our disposal.

We strongly recommend to his Excellency's attention the necessity which, in our opinion, now exists, in having the light shewn all round the compass, so that the shipping entering and sailing from the various harbors of Conception Bay, situated to the westward of the said Island, may have the benefit thereof. To effect this desirable measure it will only be necessary to add five additional reflectors to the lower tier, the extra cost of which and apparatus, we have ascertained would amount to £151 8 sterling, exclusive of package, freight, &c.

We have, &c.

(Signed)

**W. STERLING.
JAMES BAYLY.
THOS. CHANCEY.**

Honorable JAMES CROWDY.

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

Ordered,—That the said message and application, with the said accounts and petition, be referred to the committee of supply ; and the said other documents do lie on the table to be perused by the members of the House.

Referred to committee of supply.

House in Committee of Supply.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

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

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

Saturday, August 25, 1838.

Bill to repeal Registration of voters act read 3d time.

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

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

Passed. Title.

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

Sent to Council.

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

House in Committee of Supply,

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

Notice of motion for Committee to enquire into Sheriff's fees.

Mr. Morris gave notice that, on Monday next, he should move that a committee be appointed to enquire into the fees of the High Sheriff, with liberty to send for persons, papers and records.

Time for presenting address to his Excellency, arrived.

It being the time appointed for his Excellency the Governor to receive the House with the address in answer to his Excellency's speech at the opening of the present session, the House waited on his Excellency and presented the said address—and being returned,

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

Mr. Speaker reports.

Mr. Speaker and Gentlemen of the House of Assembly—

His Excellency's reply.

In reply to this address I have to assure you that I shall always be happy to act in conjunction with the other branches of the Legislature for the public good.

25th August, 1838.

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

Monday, August 27, 1838.

A Petition of Thomas Cooper, Thomas Benson, Henry Martin, and others, inhabitants of Grates Cove, was presented by Mr. Moore, and the same was received and read, praying for a grant of such sum as may appear necessary to open a road from the main road leading from Carboncar to Bay de Verds and the Grates Cove, and for the erection of Bridges over certain Brooks which would intersect the line of road.

Petition of T. Cooper and others presented and read.

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

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

Referred to committee on roads and bridges.

A Petition of James Merrigan, Patrick Brazil, and other inhabitants of St. John's and its vicinity, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum for the repairing of the road from James Davis's gate, at Monday's Pond, to George's Pond.

Petition of J. Merrigan & others presented and read.

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

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

Referred to committee on roads and bridges.

A Petition of George Hutchings, Henry Winton, Thomas Williams, and others, resident in Queen Street and its neighbourhood, was presented by Mr. Kent, and the same was received and read, praying for a grant of such a sum of money as may be deemed meet for the purpose of repairing the road at the head of the said street, which at present is in a very bad state, and for cutting a water course from the front of Barter's Hill to the water side, similar to that now in progress on the King's Road.

Petition of G. Hutchings and others presented and read.

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

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

Referred to committee on roads and bridges.

House in committee on Bill to repeal Seamen's relief act.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to repeal in part an act to provide for the relief of sick and disabled seamen, fishermen, and other persons.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Engrossed.
3d reading.

Ordered,—That the said Bill be engrossed and read a third time on Wednesday next.

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

Resolution for House in committee on state of administration of justice.

Resolved,—That this House resolve itself into a committee of the whole House on Wednesday next, on an enquiry into the present state of the administration of Justice in this Island, with liberty to send for persons and records.

Notice of address to his Excellency.

Mr. Kent gave notice that he should, to-morrow, move an address to his Excellency the Governor, praying his Excellency to lay before this House, an account of the proceedings of the commissioners appointed under the act "to authorize the erection of a Colonial House in the Town of St. John's, and the raising by loan of a sum of money for that purpose," specifying the names of the commissioners appointed—amount of claims put forward and admitted for ground for the purposes of the said act—number of plans and specifications received—amount paid for the plans adopted—dates of advertizements for completing the erection of the said building according to the plan adopted—number and name of places in which the said advertizements have been published—amount of lowest tender accepted—name of contractor—name of superintendant appointed—amount of loans raised—and the number and amount of debentures issued.

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

Tuesday, August 28, 1838.

Letter from honorable Mr. Secretary Crowdy.

MR. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, a statement of the expenses incurred in registering voters for the district of St. John's.

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

Referred to committee of Supply.

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

A Petition of Patrick Byrne, William Pottle, and others, inhabitants of English Harbor, was presented by Mr. Moore, praying for a grant of a sum of money for the making a road from English Harbor to the head of Robin Hood bight, through Salmon Cove (about three miles) and a bridge over Salmon Cove River.

Petition of P. Byrne & others presented & read.

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

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

Referred to committee on roads and bridges

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

House in Committee of Supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Mr. Morris gave notice that he should, to-morrow, move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House, copies of proceedings in the case of John Carroll *vs.* Thomas Ashman, in the Court of Sessions of this District, and in the case of Ashman *vs.* McLennan and Boyd, in the Central Circuit Court, and also copies of certain proceedings relative thereto in the Supreme Court.

Notice of address to his Excellency.

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

Wednesday, August 29, 1838.

A Petition of William Langley and John Butler Bulley, on behalf of themselves and the other Commissioners appointed for building a Bridge across the River Head to the South Side, was presented by Mr. Kent, and the same was received and read, praying for a grant of the sum of Ninety-four pounds Nine shillings and Seven pence, the balance now due to the Contractor for the building and completing the said Bridge.

Petition of W. Langley & others presented and read.

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

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

Referred to Committee of Supply,

A Petition of Johanna Armstrong, widow of William Armstrong, late Marshal of the Supreme Court, was presented by Mr. Morris, (who stated in his place that he had obtained the consent of his Excellency the Governor to present the same), and the said petition was received and read, praying for a continuance of the grant of Fifty pounds voted her the last year.

Petition of Johanna Armstrong presented & read.

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

Referred to committee of supply.

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

Petition of J. Power presented and read.

A Petition of John D. Power, of Torbay, was presented by Mr. Morris, and the same was received and read, complaining of having been removed from the situation of Constable at Torbay without any just cause, and praying to be reinstated.

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

Referred to committee on administration of justice.

Ordered,—That the said Petition be referred to the committee on the administration of Justice.

Petition of J. M'Lennan and J. Boyd presented and read.

A Petition of John M'Lennan and James Boyd, Police Constables, was presented by Mr. Morris, and the same was received and read, setting forth:—

That in the month of August last past, a Warrant or Writ of Execution was put into the hands of Memorialists from the Court of Sessions, bearing the seals and signatures of James Blakie and Patrick Morris, Esquires, in the instance of John Carroll *vs.* Thomas Ashman, to levy for the sum of Ten pounds Nine shillings and Ten pence, being the amount of a judgment obtained in the Court of Sessions for wages due said Carroll in the fishery.

That Memorialists accordingly proceeded in the execution of their duty and took possession of sundry articles of household furniture, the property of said Ashman, when he, said Ashman, then and there paid the amount of said Execution, and Memorialists instantly released the property.

That in the month of January following, when Patrick Morris, Esq., one of the aforesaid Magistrates, had left this Country for Britain, the proceedings and Judgment were brought up by writ of *Certiorari* before the Hon. the Supreme Court, at the instance of Bryan Robinson, Attorney, when the said Judgment was reversed and proceedings taken by the said Bryan Robinson against Memorialists for the amount of the said judgment and costs, and Memorialists were accordingly amerced in damages to the amount of Seventeen pounds Fourteen shillings and ten pence.

That Memorialists' property was taken possession of by the High Sheriff under a Writ of Execution, when one of your Memorialists, viz. John M'Lennan, paid the amount of the execution to the High Sheriff, as per receipt hereunto annexed.

Memorialists therefore humbly pray your Honorable House would be graciously pleased to take into consideration the great and serious injury they have sustained in being compelled to pay the said sum of Seventeen pounds Fourteen Shillings and Ten pence, and grant them some redress, and Memorialists as in duty bound will ever pray.

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

Referred to committee on administration of justice.

Ordered,—That the said petition be referred to the committee on the administration of Justice.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to preserve the Harbors of this Colony and its dependencies from all annoyances, and to provide for the appointment of a Harbor Master at the port of Carbonear.

House in committee on Bill to preserve the harbors of this Colony from annoyances.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Mr. Kent, pursuant to notice, on the 27th inst., presented the draft of an address to his Excellency the Governor; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Draft of address to his Excellency read.

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

Address

May it please Your Excellency —

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before this House the following Documents, viz. an account of the proceedings of the commissioners appointed under the act "to authorize the erection of a Colonial House in the Town of St. John's, and the raising by loan of a sum of money for that purpose," specifying the names of the commissioners appointed—amount of claims put forward and admitted for ground for the purposes of the said act—number of plans and specifications received—amount paid for the plans adopted—dates of advertizements for completing the erection of the said building according to the plan adopted—number and name of places in which the said advertizements have been published—amount of lowest tender accepted—name of contractor—name of superintendant appointed—amount of loans raised—and the number and amount of debentures issued.

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

Adopted and engrossed

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

Committee to present it.

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

Draft of address to his Excellency read.

Address

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

May it please Your Excellency—

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before this House copies of proceedings in the case of John Carroll vs. Thomas Ashman, in the Court of Sessions of this district, and in the case of Ashman vs. M'Lennan and Boyd, in the Central Circuit Court; and also copies of certain proceedings relative thereto in the Supreme Court.

Adopted and engrossed

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

Committee to present it.

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

House in committee on Bill to amend education Act.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to amend an act for the encouragement of education in this colony.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report.

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

Engrossed-3d reading.

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

House in committee on administration of justice.

Pursuant to the order of the day, the House resolved itself into a committee of the whole on the administration of Justice.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Thursday, August 30, 1838.

Petition of H. Coryear and others presented and read.

A Petition of Henry Coryear, James Coady and others, inhabitants of Cape Broyle and Brigus, was presented by Mr. Winsor, and the same was received and read, setting forth—That a great many boats

from the northward frequent the fishing ground and Coves in this neighbourhood for the purpose of using their codseines during the caplin shoal. That the ground commonly used for cod-seining and fishing is very limited. That the persons so frequenting the neighbourhood not only haul fish on the fishing ground & coves, but also split their fish and throw overboard their ballast, to the great injury of memorialists, who therefore pray that the House will make such laws as will prevent a recurrence of such nuisances.

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

Pursuant to the order of the day, an engrossed bill to repeal in part an act to provide for the relief of sick and disabled seamen, fishermen, and other persons, was read a third time.

Bill to repeal Seamen's relief act read 3d time.

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

Resolved,—That the said bill do pass, and that the title be “An act to repeal in part an act passed in the 6th year of the reign of his late Majesty William the Fourth, entitled “An act to provide for the relief of sick and disabled seamen, fishermen and other persons,” and to authorize the appropriation of monies collected under the said act.”

Passed.
Title.

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

Sent to Council.

Pursuant to the order of the day, an engrossed bill to amend an act for the encouragement of education in this colony was read a third time.

Bill to amend education Act read 3d time.

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

Resolved,—That the said bill do pass, and that the title be “An act to amend an act passed in the sixth session of the first General Assembly, entitled “An act for the encouragement of education in this colony.”

Passed.
Title.

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

Sent to Council.

Agreeably to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the Bill to preserve the Harbors of this Colony and its dependencies from all annoyances, and to provide for the appointment of a Harbor Master at Carbonear.

House in committee on Bill to preserve the harbors of this Colony from annoyances.

Mr. Speaker left the chair:

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

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

Engrossed.
3d reading.

Notice of motion for committee to prepare address to the Queen.

Mr. Morris gave notice that, on Thursday next, he should move that a committee be appointed to prepare an address to the Queen on the general state and condition of this Island.

Notice of motion for engrossing and transmitting address to Earl Durham.

Mr. Kent gave notice that, on an early day, he should move that the address to Earl Durham, adopted by the House, be engrossed and transmitted.

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

Friday, August 31, 1838.

Bill to preserve the harbors of this Colony from annoyances read 3d time.

PURSUANT to the order of the day, an engrossed bill to preserve the harbors of this colony and its dependencies from all annoyances, and to provide for the appointment of a harbor master at Carbonear, was read a third time.

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

Passed.
Title.

Resolved,—That the said bill do pass, and that the title be “An act to preserve the harbors of this colony and its dependencies from all annoyances, and to provide for the appointment of a harbor master at Carbonear.”

Sent to Council.

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

Petition of W. Bemister and others presented and read

A Petition of William Willis Bemister, William H. Taylor and others, members of several Boards of Road Commissioners at Carbonear, was presented by Mr. Power, and the same was received and read, praying for a grant of a sum of money for constructing a drain from a place called Bunker's Hill, to lead towards Crocker's Cove, so as to obviate the very great loss, damage, and inconvenience that very often accrue after a sudden thaw or a continuance of wet weather by the overflowing of the flat land above the said town of Carbonear, causing heavy floods of water to intersect the town in several places.

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

Referred to committee on roads and bridges

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

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

House in committee on privilege.

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

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Doyle took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had directed him to report that the committee rose.

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

*
Saturday, September 1, 1838.

MR. Morris, from the committee appointed on the 29th ult. to present to his Excellency the Governor an address of the House, reported that they had waited upon his Excellency accordingly and presented the same, when his Excellency was pleased to reply thereto as follows:—

Report of committee appointed to present an address to his Excellency-

Gentlemen,

The proceedings mentioned in this address having reference to suits between private individuals, any of whom may obtain copies of them in usual course, I do not think it proper to give any direction on the subject.

His Excellency's reply.

Government-House, }
1st September, 1838. }

Mr. Morris gave notice that he should, on Monday next, move an address to his Excellency in answer to the said reply.

Notice of address to his Excellency.

Mr. Kent, from the committee appointed on the 29th ult. to present an address of the House to his Excellency the Governor, reported that they had presented the said address accordingly, and that his Excellency was pleased to reply thereto as follows:—

Report of committee appointed to present an address to his Excellency.

Gentlemen,

I will request the Commissioners of the Colonial Building to furnish the information asked for in this address.

His Excellency's reply,

Government-House, }
1st September, 1838. }

Mr. Winsor gave notice that, on Monday next, he should move an address to his Excellency the Governor praying that his Excellency will cause to be laid before this House, *detailed* accounts of the receipts and expenditure of monies for the Light Houses of Cape Spear, Fort Amherst, and Harbor Grace Island.

Notice of address to his Excellency.

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

House in Committee of Supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

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

Monday, September 3, 1838.

Draft of address to his Excellency read.

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

Address

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

May it please Your Excellency —

The House of Assembly respectfully request that your Excellency will be pleased to cause to be laid before them *detailed* accounts of the receipts and expenditure of all monies for the use of the Light Houses of Cape Spear, Fort Amherst, and Harbor Grace, to the 30th June last.

Adopted and engrossed

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

Committee to present it.

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

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

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare the address to his Excellency the Governor, of which notice was given yesterday, in answer to his Excellency's reply to a former address.

House in committee of supply.

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

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

Resolved,—That all sums alleged to be owing under the head of fuel and light, rents of Courts of Sessions, and other claims connected with the administration of Justice, be not allowed, as a general sum under the

heads, civil and criminal prosecutions, and unforeseen contingencies, have each year been voted, sufficient, in the opinion of this committee, to meet all exigencies under these heads.

Report

Resolved,—That all accounts not regularly attested, claiming remuneration for services not provided for in any Bill of Supply, be not attended to.

Resolved,—That when a sum is voted in any Appropriation Bill, for any general or specific purpose, and that it has been found necessary to exceed that sum, sworn statements containing a detailed account of the expenditure, both of the sum voted and the amount due, be required previously to the taking into consideration the propriety of voting any such surplus expenditure.

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

Resolutions agreed to.

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

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

Tuesday, September 4, 1838.

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

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

And the House resolved itself into the said committee accordingly.

House in Committee on privilege.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

Resolved,—That the Resolutions submitted to the committee be printed for the use of the Members.

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

Resolution agreed to.

The Solicitor General gave notice that, to-morrow, he should move for leave to bring in a bill to establish an Academy in this Colony.

Notice of Bill to establish an Academy.

Mr. Morris gave notice that, on an early day, he should move an address to his Excellency the Governor, praying that his Excellency would be pleased to recommend to this House the appropriation of a sum of money for the encouragement of Steam Navigation between this Island and the United Kingdom.

Notice of address to his Excellency.

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

Message to be sent to Council.

Resolved,—That a message be sent to her Majesty's Council requesting that the Council will inform this House of the amount of their contingencies.

Committee to communicate it.

Ordered,—That Mr. Brown and the Solicitor General do communicate the said message to her Majesty's Council.

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

Wednesday, September 5, 1838.

Academy Bill presented & read 1st time.

THE Solicitor General, pursuant to notice and leave granted, presented a Bill to establish an Academy in this Colony, and the same was read a first time.

2d reading.

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

Notice of motion for address to his Excellency.

Mr. Morris gave notice that he should, on Friday next, move an address to his Excellency the Governor, praying that his Excellency will cause to be laid before this House the following returns, viz:—

A return of all Writs issued from the Supreme Court, from the first day of January, 1835, to the first day of January, 1838, both days inclusive, specifying the time when such Writs were issued, when served, and by whom served, and when returnable, the amount sued for, and the amount of judgments thereupon, the number and amount of Executions issued on such judgments, and the amount received on such Executions; the returns distinctly to state the amount sued for, the fees of the Sheriff or his Bailiffs, the fees of the Clerk of the Court, and the taxed costs of the Attorney; and specifying the net amount paid over to the Plaintiffs or their Attorneys.

A similar return for the Central Circuit Court.

A similar return for the Northern Circuit Court.

A similar return for the Southern Circuit Court.

Also, a distinct, detailed and separate return from the High Sheriff of all his fees of office in the execution of Writs in the Supreme and Circuit Courts of this Island, from the 1st day of January, 1835, to the 1st day of January, 1838, both days inclusive, with the amount of Writs, Poundage, and other charges, specifying the proportion of fees received by the Deputy Sheriff in the various parts of the Island.

The number of Bench Warrants issued during the said period, by whom executed, and the amount of fees paid thereon.

Draft of address to his Excellency read.

Mr. Morris, pursuant to notice yesterday, presented to the House the draft of an address to his Excellency the Governor; which he

read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

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

Address

May it please Your Excellency—

The House of Assembly, anxious to increase the intercourse between this the most ancient and loyal colony belonging to her Majesty, and the parent Country, and to do every thing else in its power to perpetuate the connection, most humbly request your Excellency will be pleased to permit the Assembly to appropriate a portion of the public Revenues for the purpose of encouraging the establishment of Steam Navigation between this colony and the United Kingdom of Great Britain and Ireland.

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

Adopted & engrossed.

Ordered,—That Mr. Morris and the Solicitor General be a committee to present the same to his Excellency.

Committee to present it.

Mr. Morris gave notice that, on an early day, he should move an address to his Excellency the Governor, praying his Excellency would direct the Attorney-General to institute a criminal prosecution against the printer of the *Times* newspaper, for the insertion in that paper of a foul libel, charging the members of this House with disloyalty to their Sovereign, &c.

Notice of motion for address to his Excellency.

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

Friday, September 7, 1838.

A Petition of Patrick Ward, Jeremiah Kennedy, William Mul-lowney, and others, inhabitants of Harbor Main, in Conception Bay, was presented by Mr. Godfrey, and the same was received and read, praying for a grant of a sufficient sum of money to make a road through Harbor Main, and erect bridges over three small rivers or brooks intersecting the said proposed road.

Petition of P. Ward and others presented and read.

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

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

Referred to committee on roads and bridges.

A Petition of Patrick Ward, Michael Tobin, Patrick M'Donald and other inhabitants of Harbor Main, Gasters, Cats Cove, Salmon Cove, Chappel's Cove, and Holyrood, was also presented by Mr. Godfrey, and the same was received and read, praying for a grant of an adequate sum for erecting a bridge over the southern arm of Salmon Cove River.

Petition of P. Ward and others presented and read.

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

Referred to committee
on roads and bridges

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

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

House in committee on
privilege.

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

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had considered the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow:

1. *Resolved*,—That on the 20th August last, the day appointed by his Excellency the Governor for the opening of the present session of the Legislature, and while the hon. the Speaker and the other members were waiting the summons of the Representative of Our Most Gracious Sovereign to hear the Speech from the Throne, writs were served by the High Sheriff and his Bailiffs, on the hon. the Speaker, John Kent, Esq., member for St. John's, Peter Brown Esq., member for Conception Bay, James Power, Esq., also member for Conception Bay, Peter Winsor, Esq., member for Ferryland, John M'Carthy, Esq., member for Conception Bay, and David Walsh, an Officer of this House, claiming compensation for damages, to a large amount, said to be sustained by one Edward Kielley, Surgeon, in consequence of certain proceedings of this House.

2. *Resolved*,—That on the 22d August, a writ was served on Thomas Beck, Esq., Serjeant-at-Arms to this House, by the High Sheriff and his Bailiffs, at the suit of one Edward Kielley, Surgeon, and claiming compensation in damages to a large amount from the said Thomas Beck, for carrying into operation the orders of this House.

3. *Resolved*,—That B. G. Garrett, Esq., High Sheriff, on the 24th day of October last, by himself and his common bailiff, did serve within the avenues leading to this House, and while the Hon. the Speaker was in the chair, writs at the suit of Henry John Boulton vs. Patrick Morris, Esq., member for the district of St. John's, John Kent, Esq., also member for the district of St. John's, and John Valentine Nugent, Esq., member for the district of St. Mary's and Placentia, claiming compensation in damages to the amount of two thousand pounds, for words said to be spoken by the said Patrick Morris in the House of Assembly, when exhibiting charges of high crimes and misdemeanours against the said Henry John Boulton, late Chief Justice of Newfoundland.

4. *Resolved*,—That on the 2nd day of November last, the said Benjamin G. Garrett, Esq., High Sheriff, at his own suit, issued out a writ against the said Patrick Morris, Esq., member for St. John's, then on the eve of departure from the colony, delegated by this House to lay the grievances and wrongs of the people of Newfoundland at the foot of the August Throne of Her Most Sacred Majesty, which writ was served upon

him by the Coroner, complaining of words used by him, the said Patrick Morris, whilst in the exercise of his public duty as the Representative of the people of Newfoundland, in this the Commons House of Assembly.

5. *Resolved*,—That it is a high breach of the “undoubted privileges” of this House, and through them of the rights of the universal people of Newfoundland, to arraign, prosecute or complain in any inferior Court or place, for acts done, or words spoken in this House.

6. *Resolved*,—That the deliberate, repeated outrages committed on the privileges of this House by Benjamin G. Garrett, Esq., High Sheriff, has subjected him to its highest displeasure.

7. *Resolved*,—That it is the undoubted right of this House to commit all persons who may violate their privileges. And that in the case of Edward Kielley vs. the hon. the Speaker, Members, and the Officers, of this House—the plaintiff, the Sheriff and Bailiffs, the Counsel, Attorneys and Solicitors, have all violated the privileges of this House, and are liable to be committed.

8. *Resolved*,—That having on a recent occasion committed Edward Kielley, George Lilly, Acting Judge, and Benjamin G. Garrett, High Sheriff, and through them asserted the “undoubted privileges” of the House, it is not prudent, nor expedient, or necessary again to resort to the exercise of such extreme power.

9. *Resolved*,—That having the most unbounded confidence in the justice and wisdom of her most Gracious Majesty, this House do recommend to the hon. the Speaker and the members of the House, to submit the case of Edward Kielley against them to the adjudication of Her Majesty’s Chief Justice and Judges of the Supreme Court; and it is further recommended to the hon. the Speaker and the other members of the House, to direct their counsel to plead privilege, and to make no other defence whatever.

10. *Resolved*,—That John Kent, Esq., member for St. John’s, Peter Winsor, Esq., member for Ferryland, and Patrick Morris, Esq., member for St. John’s, be appointed managers on the part of the Commons House of Assembly of Newfoundland, to conduct the defence of the hon. the Speaker, the members, with the officers of the House, in the case of E. Kielley vs. them; and it is further recommended that they immediately retain as counsel her Majesty’s Attorney General and such other counsel as they may deem necessary.

11. *Resolved*,—That such a sum as may be deemed necessary for defending the case, be voted by the House and placed in the hands of its managers for that purpose.

12. *Resolved*,—That if it shall hereafter appear that the hon. the Speaker, the members, or the officers of this House, sustain loss or damage, directly or indirectly, by the prosecution of Edward Kielley, Surgeon, this House will avail itself of the first opportunity fully to compensate them, payable out of the public Revenue of this Island.

13. *Resolved*,—That an address be presented to his Excellency the Governor, with a copy of these resolutions, praying that his Excellency may be pleased to direct her Majesty’s Attorney General to aid and assist the managers from this House with his counsel and advice in defending the just, unquestionable, inalienable rights of her Majesty’s Commons of Newfoundland, in the persons of her faithful and loyal subjects the Speaker, the members, and the officers of this House.

14. *Resolved*,—That the address be presented to his Excellency the Governor by the hon. the Speaker and the whole House.

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

Draft of address to his Excellency read.

Mr. Winsor, in pursuance of one of the said resolutions, presented to the House the draft of an address to his Excellency the Governor, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

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

May it please Your Excellency—

The House of Assembly have adopted the enclosed resolutions, and in conformity with one of them humbly request that your Excellency will be pleased “to direct her Majesty’s Attorney General to aid and assist the managers from this House with his counsel and advice in defending the just, unquestionable, inalienable rights of her Majesty’s Commons of Newfoundland, in the persons of her faithful and loyal subjects the Speaker, the members, and the officers of this House.”

Adopted and engrossed

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

Committee to present it

Ordered,—That Mr. Morris, Mr. Winsor, and Mr. Doyle be a committee to wait upon his Excellency to ascertain when it would be his Excellency’s pleasure to receive the House with the said address.

Draft of address to his Excellency read.

Mr. Morris, pursuant to notice, yesterday, presented to the House the draft of an address to his Excellency the Governor, praying that his Excellency would cause certain Returns to be laid before the House ; and he read the same in his place, and afterwards delivered it in at the Clerk’s table, where it was again read as follows :

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

May it please your Excellency,

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

A return of all Writs issued from the Supreme Court, from the first day of January, 1835, to the first day of January, 1838, both days inclusive, specifying the time when such Writs were issued, when served, and by whom served, and when returnable, the amount sued for, and the amount of judgments thereupon, the number and amount of Executions issued on such judgments, and the amount received on such Executions; the returns distinctly to state the amount sued for, the fees of the Sheriff

or his Bailiffs, the fees of the Clerk of the Court, and the taxed costs of the Attorney; and specifying the net amount paid over to the Plaintiffs or their Attorneys.

Address.

A similar return for the Central Circuit Court.

A similar return for the Northern Circuit Court.

A similar return for the Southern Circuit Court.

Also, a distinct, detailed and separate return from the High Sheriff of all his fees of office in the execution of Writs in the Supreme and Circuit Courts of this Island, from the 1st day of January, 1835, to the 1st day of January, 1838, both days inclusive, with the amount of Writs, Poundage, and other charges, specifying the proportion of fees received by the Deputy Sheriff in the various parts of the Island.

The number of Bench Warrants issued during the said period, by whom executed, and the amount of fees paid thereon.

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

Adopted and engrossed.

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

Committee to present it.

Pursuant to the order of the day, the Bill to establish an Academy in this Colony, was read a second time.

Academy Bill read 2nd time.

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

That the said Bill be committed on Tuesday next—

Motion to commit it.

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

That it be committed this day six months; which being put, and the House dividing thereon, there appeared for the amendment, five; against it, six.

Amendment moved thereon

FOR THE AMENDMENT,

AGAINST THE AMENDMENT,

Mr. M'Carthy

The Solicitor General

— Brown

Mr. Dwyer

— Godfrey

— Morris

— Moore

— Doyle

— Winsor.

— Kent

— Butler.

House divide.

So it passed in the negative.

Amendment lost.

The original motion was then put and passed in the affirmative, and

Ordered, accordingly.

Original motion carried.

The Solicitor General gave notice that, on an early day, he should ask leave to bring in a Bill to remove doubts as to the powers of the Supreme and Circuit Courts in Equity cases.

Notice of Bill to remove doubts, &c.

Mr. Morris, from the committee appointed on the third inst. to prepare an address to his Excellency the Governor, in answer to his Excellency's reply to a former address, reported that they had prepared the draft of an address accordingly, which he pre-

Report of committee appointed to prepare an address to his Excellency.

sented to the House ; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Address.

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

May it please your Excellency—

The House of Assembly regret that your Excellency should have been advised not to comply with the request contained in their address of the 29th ult., praying that your Excellency would be pleased to order the proceedings in the cases of Carrol vs. Ashman, and Ashman vs. Boyd and M'Lennon, in the Court of Sessions, the Supreme and Circuit Courts, to be laid before this House.

Your Excellency is pleased to say, in your answer to the address of this House, that as the proceedings in the Courts below were of a private nature, the parties could apply and were entitled to a copy of them, and that therefore it was not necessary for your Excellency to give any order on the matter. The House of Assembly do most humbly state to your Excellency, that the real facts of the case must have been withheld from your Excellency to induce your Excellency to come to THIS conclusion, the House therefore thinks it necessary for the information of your Excellency to state the particulars of the cases of Carrol vs. Ashman, and Ashman vs. Boyd and M'Lennon.

It appears that on the 20th January, 1837, John Carrol, a seaman and fisherman, summoned Thomas Ashman, planter, to appear before James Blaikie, Esq., and Patrick Morris, Esq., Justices of the Peace, and complained that the said Thomas Ashman refused to pay him wages due to him for his services performed on board a ship or vessel employed by said Ashman the preceding season in the Bank fishery ; the said Magistrates having heard the case, gave judgment for the plaintiff, Carrol, for £1 01s. 5d. and signed an Execution against the goods of the said Thomas Ashman, for the amount, which was placed in the hands of John M'Lennon and James Boyd, Constables of the Court of Sessions, for execution, who received the amount of the Judgment which was paid over to the Attorney of the plaintiff Carrol. It further appears that the proceedings in the Court of Sessions were removed by writ of *certiorari* into the Supreme Court, where the proceedings in the Court of Sessions were quashed and declared null and void, before Judge Lilly. It further appears that Thomas Ashman, the defendant in the action in the Court of Sessions, commenced proceedings in the Circuit Court, presided over by the Hon. Judge Des Barres, against John M'Lennon and James Boyd, the officers of the Court of Sessions, for acting illegally in executing the judgment of that Court, and finally received from the said John M'Lennon and James Boyd, damages to the amount of £17 14s. 10d. and which was levied on the goods of the said M'Lennon and Boyd, by B. G. Garrett, Esq., High Sheriff—John M'Lennon and James Boyd, state in their petition to this House, that they addressed an humble memorial to your Excellency, praying for redress for the great injury inflicted on them for the execution of what they thought was their imperative duty as the officers of the Crown, and that your Excellency was pleased to state in reply, that your Excellency could not interfere, but thought the Magistrates should bear them harmless. After which the said John M'Lennon and James

Boyd petitioned this House, complained of their grievances, and prayed for redress.

Address.

These are the facts, as nearly as this House could ascertain them, on which they grounded their application to your Excellency for copies of the proceedings in the cases of Carrol vs. Ashman, and Ashman vs. M'Lennon and Boyd, in the Court of Sessions, and the Supreme and Circuit Courts.

Having stated the facts that came before this House, in reference to these cases, we have again most humbly to express our regret that your Excellency should have been advised to denominate such cases, as private cases, and your Excellency will no doubt be surprised, when your Excellency is informed of the fact that one of the parties to these cases, Patrick Morris, Esq., J. P., and Member of the House of Assembly, applied to the Clerk of the Supreme and Circuit Courts for copies of the proceedings, who refused them on the ground that he could not give them without the permission of your Excellency. It therefore appears from the answer of your Excellency to the address of this House, that your Excellency cannot or will not order copies of the proceedings in these cases to be laid before the House, on the ground that they are connected with matters only of a private nature, and can at any time be demanded by the parties, and when required by one of the parties from the Clerk of the Supreme and Circuit Courts, he refused them, without first obtaining the sanction of your Excellency.

It is the humble opinion of the House, independent of every other reason, that the moment that John M'Lennon and James Boyd petitioned this House their complaints assumed a public character, and as this House is the grand provincial inquest to hear grievances, and to correct such public abuses as are not cognizable before inferior tribunals, the complaint of John M'Lennon and James Boyd, officers of her Majesty's Courts, shut out from redress from all quarters, claimed their immediate and prompt consideration.

It is one of the fundamental principles of that incomparable constitution which throws the shield of its protection over the most humble of her Majesty's subjects, and of which this House is a miniature representation of one of its branches, that an injury done the meanest subject becomes a wrong inflicted on the Sovereign; and it is to redress the grievances of the meanest as well as the highest of her subjects that her Majesty throws open the doors of her Courts, from the high Court of Parliament to the lowest court in her dominions.

It is the humble opinion of this House, that the case of Carrol vs. Ashman, and Ashman vs. Boyd and M'Lennon, involve questions of no ordinary importance—whether the Court of Sessions be legally authorized to adjudicate on the subject of Fishermen and Seamen's wages—whether the officers of the Court of Sessions have protection for executing the judgment of the Court—and lastly, whether there remains in Newfoundland any Court of Justice to which the Fishermen and Seamen employed in the Bank and Shore Fisheries can resort, to recover their rights.

Under all these circumstances the House of Assembly again humbly request that your Excellency will be pleased to order copies of the proceedings in the cases Carrol vs. Ashman, and Ashman vs. Boyd and M'Lennon, in the Court of Sessions, Supreme and Circuit Courts, to be laid before this House.

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

Adopted and engrossed.

Ordered,—That the said address be presented to his Excellency by the committee who prepared it.

Committee to present it.

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

Saturday, September 8, 1838.

Present,

No quorum.

MR. Speaker, Mr. Winser, Mr. M'Carthy, and Mr. Dwyer—

And at 25 minutes past twelve o'clock, Mr. Speaker adjourned the House, for want of a quorum, until Monday next, at twelve of the clock.

Monday, September 10, 1838.

Report of committee appointed to present an address to his Excellency.

MR. Winser, from the committee appointed on the third inst. to present an address of the House to his Excellency the Governor, praying his Excellency to lay before this House detailed statements of the receipts and expenditure on account of certain Light Houses in this Island, reported that they had waited upon his Excellency and presented the said address, when his Excellency was pleased to reply that he would comply with the prayer thereof.

His Excellency's reply.

Report of committee appointed to present an address to his Excellency.

Mr. Morris, from the committee appointed on the 5th inst. to present an address of the House to his Excellency the Governor, praying that his Excellency will be pleased to permit the Assembly to appropriate a portion of the public Revenue for the purpose of encouraging the establishment of Steam Navigation between this Colony and the United Kingdom of Great Britain and Ireland, reported that they had waited upon his Excellency and presented the said address, when his Excellency was pleased to make the following reply:—

Gentlemen,

His Excellency's reply.

I have the greatest pleasure in giving my consent to the present request of the House of Assembly.

8th September, 1838.

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

Tuesday, September 11, 1838.

Time for receiving address appointed.

MR. Morris, from the committee appointed on the 7th inst. to wait upon his Excellency the Governor, to ascertain his Excellency's pleasure when he would receive the House with their address adopted on that day, reported that they had attended to that duty, and that his Excellency was pleased to appoint to-morrow, at twelve o'clock.

Mr. Morris also reported from the committee appointed on the 7th instant to present to his Excellency the Governor an address of the House, praying that his Excellency would cause to be laid before the House certain proceedings in the Sessions and Supreme Courts, that the committee had waited on his Excellency, and that his Excellency was pleased to reply as follows :

Report of committee appointed to present address to his Excellency.

Gentlemen,

After careful consideration, I adhere to the answer which I have already given on the subject matter of this address.

His Excellency's reply.

Mr. Morris, from the committee appointed on the 7th inst. to present to his Excellency the Governor an address of the House, praying that his Excellency would order to be laid before the House certain returns, reported that they had presented the said address to his Excellency accordingly, and that his Excellency was pleased to make the following reply:—

Report of committee appointed to present address to his Excellency.

Gentlemen,

I will direct returns to be made in accordance with the terms of this Address.

His Excellency's reply.

The House of Assembly is of course aware that the present Sheriff was first appointed in the year 1836.

Government-House, }
11th September, 1838. }

A petition of Roger Flahavan, Timothy Hogan, John Harding, and other inhabitants of St. John's and its vicinity, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum to repair the road leading to their farms.

Petition of R. Flahavan and others presented and read.

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

Referred to committee on roads and bridges.

A petition of James Douglas, Robert Currie, Thomas B. Job, and others, inhabitants of St. John's and its vicinity, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum to make and complete the line of road marked out from the White Hills to meet the Logy Bay Road.

Petition of J. Douglas and others presented and read.

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

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

Referred to committee on roads and bridges.

A petition of James Dooley, of Portugal Cove, was also presented by Mr. Morris, and the same was received and read, praying for remuneration for his past services as police constable, at Portugal Cove.

Petition of Jas. Dooley presented and read.

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

A petition of James L. Mews, Charles M'Carthy, Joseph Snook, and others, inhabitants of New Perlican, on the south shore of Trinity Bay, was presented by Mr. Moore, and the same was received and read, praying for a grant of a sufficient sum to repair the bridge over the river running through the said harbor which is in a very dilapidated state, or for building a new one.

Petition of J. L. Mews presented and read.

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

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

Referred to committee on roads and bridges.

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

Memorial and representation of P. Morris, Esq., to Lord Glenelg, received as an official document from the delegates.

House in Committee on Academy bill.

Resolved,—That the memorial and representation of Patrick Morris, Esq., to the Right Hon. Lord Glenelg, laid before the House the past session, be received by the House as an official document from the delegates.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill to establish an Academy in this colony.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report.

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

Amendments read and agreed to.

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

Engrossed. 3d reading.

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

House in committee on ways and means.

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

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House; and he read the said resolutions in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow:—

Resolved,—That it is the opinion of this committee that the following table of duties be adopted, upon goods, wares and merchandise (except wines and spirits) imported into Newfoundland and its dependencies:—

Beef and Pork (salted) the cwt.	£0	0	9
Flour, the barrel, not exceeding in wt. 196 lbs.	0	0	9
Oatmeal, the barrel, not exceeding — 200 —	0	0	6
Bread or Biscuit, the cwt.	0	0	3
Butter, the cwt.	0	1	6
Apples, the barrel	0	0	6
Coals, the ton	0	0	6
Tea, per lb.	0	0	1
Lumber, 1 inch thick, the thousand feet	0	1	0
Timber and Balk of all kinds, including Scantling, the ton	0	0	6
Shingles, the thousand	0	0	4
Goods, wares, or merchandizes, except wines & spirits, not otherwise enumerated, described or charged with duty in this Act, and not herein declared to be duty free, for every £100 of the true value thereof	2	10	0

Molasses	-	-	-	-	-	Free
Salt	-	-	-	-	-	Free
Implements and materials fit and necessary for the fisheries, viz. lines, twines, hooks, nets and seines	-	-	-	-	-	Free
Coin and Bullion	-	-	-	-	-	Free
Horses, Mares, and Geldings	-	-	-	-	-	Free
Neat Cattle	-	-	-	-	-	Free
Calves	-	-	-	-	-	Free
Sheep	-	-	-	-	-	Free
Hogs	-	-	-	-	-	Free
Potatoes and other vegetables	-	-	-	-	-	Free
Printed Books	-	-	-	-	-	Free

Report.

Resolved,—That it is the opinion of this committee that a duty of sixpence, sterling, per gallon, be levied on all spirits, the produce of Great Britain or her colonies, imported into this colony.

Resolved,—That it is the opinion of this committee that a duty of one shilling and sixpence sterling, per gallon, be levied on all Champagne, Burgundy, Claret, Hock, and all other wines imported into his colony, whose value in this market, exclusive of the duty, shall exceed the sum of eight shillings, sterling, per gallon.

Resolved,—That is the opinion of this committee that a duty of one shilling, sterling, per gallon, be levied on Port, Madeira, Sherry, and all other wines imported into this colony, whose value as aforesaid, shall exceed five shillings, sterling, per gallon.

Resolved,—That it is the opinion of this committee that a duty of ninepence, sterling, per gallon, be levied on Fayal Madeira, Marsella, Malaga Sherry, Figueira, Port, Teneriffe, and all other wines imported into this Island, whose value as aforesaid shall exceed the sum of two shillings and sixpence, sterling, per gallon.

Resolved,—That it is the opinion of this committee that a duty of sixpence, sterling, per gallon, be levied on Catalonia, Benecarlo, Common Fayal, Cargo Claret, and all other wines imported into this Island, whose value as aforesaid shall not exceed the sum of two shillings and sixpence, sterling, per gallon.

Resolved,—That it is the opinion of this committee that the sum of nine hundred pounds, sterling, be allowed to the Collector and such other officers of Customs as may be necessary for the collection of the Colonial Revenue, and to defray all the expenses of remuneration for such collection and charges incidental thereto.

Resolved,—That it is the opinion of this committee that any revenue Bill that may pass this House should continue in operation for twelve months from the passing thereof, and no longer.

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

Resolutions agreed to.

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

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

Resolution for committee to prepare bill in conformity thereto.

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

Committee.

Notice of motion for committee to prepare address to his Excellency.

Mr. Morris gave notice that to-morrow, he should move that a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency would without delay, communicate to his Excellency the Governor General, the Right Hon. the Earl of Durham, the anxious desire of this House to co-operate in every way with his Excellency, in the furtherance of such measures as may have the effect of concentrating the power of the North American Colonies, so as to secure their permanent union with the parent Government.

Notice of bill for effecting greater uniformity of practice in the prisons of this colony, &c.

The Solicitor General gave notice that to-morrow, he should move for leave to bring in a bill for effecting greater uniformity of practice in the government of the several prisons in this Island, and for appointing inspectors of prisons throughout the colony.

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

Wednesday, September 12, 1838.

Address to his Excellency presented.

At the hour appointed by his Excellency the Governor to receive the House with their address, Mr. Speaker and the House waited on his Excellency and presented the same—and being returned,

Mr. Speaker reported his Excellency's reply as follows:—

His Excellency's reply.

Mr. Speaker and Gentlemen of the House of Assembly—

-I wish to abstain from expressing any opinion upon the proceedings mentioned in the resolutions which you have just presented, or upon the resolutions themselves.

In the case now brought under my consideration, I must leave the Attorney-General to the exercise of his own discretion.

Government-House, }
12th September, 1838. }

Order of the day 3rd reading of Academy Bill read.

The order of the day for the third reading of the engrossed bill for establishing an Academy in this colony, being read—

The Solicitor General moved, seconded by Mr. Morris,

House in Committee thereon.

Resolved,—That the said bill be recommitted to a committee of the whole House on the reconsideration of the same.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report.

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

Amendments read and agreed to.

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

Engrossed.
3d reading.

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

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

Resolved,—That a committee be appointed to prepare the address to his Excellency the Governor, of which notice was given yesterday.

Resolution for committee to prepare address to his Excellency.

Ordered,—That Mr. Morris, Mr. Winsor, the Solicitor General, Mr. Kent, and Mr. M'Carthy, do form the said committee.

Committee.

Mr. Winsor gave notice that to-morrow, he should move an address to his Excellency the Governor, praying his Excellency to inform the House if had received any communication from his Excellency Lord Durham, wherein is contained matter that it would be consistent with the duties of the House of Assembly to be acquainted with.

Notice of motion for address to his Excellency.

Mr. Brown gave notice that to-morrow, he should move an address to his Excellency the Governor, praying that he would be pleased to cause to be laid before the House, copies of all despatches (if any) in reference to the mission of the Delegates from the House of Assembly to her Majesty.

Notice of motion for address to his Excellency.

Pursuant to order, an engrossed Bill for establishing an Academy in this Colony, was read a third time.

Academy Bill read 3d time.

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

Resolved,—That the said Bill do pass, and that the title be "An act to establish an academy in this Colony."

Passed.
Title.

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

Sent to Council.

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

Thursday, September 13, 1838.

MR. Speaker laid before the House two letters from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, the following documents, viz.—

Letter from Honorable Mr. Secretary Crowdy transmitting sundry documents.

Report of Commissioners of Roads from Carbonear to Bay de Verds.

Report of Commissioners of Roads from Bonavista to Catalina.

Report from Commissioners of Roads and Bridges in the District of Ferryland.—(For which see *Appendix*.)

Report of Board of Education for the District of Burin.

A letter from Mr. Peyton, the Stipendiary Magistrate at Twillingate, recommending to the favorable consideration of his Excellency, a claim of James Tuffin, of Herring Neck, for the support of an aged and blind Pauper, with his account.

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

Ordered,—That the said letter and account be referred to the committee of supply, and the other documents do lie upon the table to be perused by the members of the House.

Letter and account referred to committee of supply.

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

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor, of which notice was given yesterday.

Committee appointed.

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

Report.

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

Address.

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

May it please your Excellency—

The House of Assembly most respectfully request that your Excellency will be pleased to inform them if your Excellency has received any communication from the Right Hon. Earl of Durham, Governor General of the British North American Colonies, including Newfoundland, in reference to his Excellency the Governor General's mission to these Colonies, and effecting the interest of this colony; and if so, that your Excellency will be pleased to cause the same to be laid before the House.

Adopted and engrossed.

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

Committee to present it.

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

Draft of address to his Excellency presented & read.

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

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

May it please Your Excellency—

The House of Assembly most respectfully request that your Excellency will be pleased to cause to be laid before this House copies of all despatches (if any) that may have been received by your Excellency in reference to the Delegation from this House to her Majesty's Government.

Adopted and engrossed.

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

Committee to present it.

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

Notice of resolution relative to attendance of members.

Mr. Winsor gave notice that, to-morrow, he should submit a Resolution for the consideration of the House, relative to the attendance of Members to their duties in this House.

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

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the present state of the administration of Justice in this Island.

And the House resolved itself into the said committee accordingly.

House in committee on administration of justice.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

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

Resolved,—That it is the opinion of this House that it would greatly facilitate the public business if the enquiry into the present state of the administration of justice be referred to a select committee instead of the whole House.

Resolution to refer enquiry into state of administration of justice to a select committee.

Resolved,—That a select committee of five be appointed for the said purpose, with liberty to send for persons, papers and records.

Ordered,—That Mr. Morris, Mr. Winsor, Mr. Brown, Mr. M'Carthy, and Mr. Godfrey, do form the said committee.

Committee.

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

Friday, September 14, 1838.

MR. Winsor moved, pursuant to notice, seconded by Mr. Moore,

Resolved,—That such Members of this House who do absent themselves without the leave of the House, are to be reported deserters to their trust, and neglecters of that duty they owe to this House and their Country.

Resolutions relative to attendance of members.

Resolved,—That the Clerk of this House be instructed to take down the names of the absent members at the time of adjournment each day, and that it be read with the minutes every morning the House sits.

A petition of Robert Pack, Thomas Chancey and others, residents in Conception Bay, and H. P. Thomas, Thomas B. Job, Lawrence O'Brien, and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum for the erection of a Pier or Quay at Portugal Cove.

Petition of R. Pack and others presented and read.

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

Referred to committee on roads and bridges.

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

Petition of J. Keefe and others presented and read

A petition of John Keefe, Matthew Murphy, and others, inhabitants of St. John's, was also presented by Mr. Morris, and the same was received and read, setting forth—that the coffins supplied the Hospital in this town are made of refuse Lumber, and nearly without shape or form ; and praying the interference of the House.

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

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

To be printed.

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

Report of committee appointed to prepare bill for granting certain duties.

Mr. Kent, from the committee appointed to prepare a Bill for granting to her Majesty certain duties, reported that the committee had prepared the draft of a Bill accordingly, which he presented to the House, and the same was read a first time.

2d reading.

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

House in committee of supply.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

Notice of consideration of election expenses of 1836.

Mr. Morris gave notice that on Monday next, he should bring under the consideration of the House the expenses attending the election of 1836.

Notice of motion for consideration of his Excellency's message relative to Harbor Grace Light House.

Mr. Brown gave notice that on Monday next, he should move the consideration of his Excellency's message on the subject of the Harbor Grace Light House.

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

Monday, September 17, 1838.

Report of committee appointed to present an address to his Excellency—

MR. Brown, from the committee appointed on the 13th inst. to present an address of the House to his Excellency the Governor, reported that the committee had waited upon his Excellency accordingly, and that his Excellency was pleased to reply as follows:—

Gentlemen,

I have no despatch which I consider it necessary to lay before the House of Assembly in connection with the Delegation from the House to Lord Glenelg.

His Excellency's reply.

I have copies of correspondence carried on principally between his Lordship and a member acting in the name and on the behalf of the Delegates to a certain date, and which correspondence is possibly not yet terminated, but these copies are sent for my information alone.

The intercourse between his Lordship and the delegation is carried on direct and not through me, and the delegates will, I presume, in due season, communicate its results to the House of Assembly.

Government-House, }
17th September, 1838. }

Mr. Winsor reported from the committee appointed on the 13th inst., to present an address of the House to his Excellency the Governor, that they had attended to that duty, when his Excellency was pleased to reply as follows :

Report of com. appointed to present address to his Excellency.

Gentlemen,

I have no communication from his Excellency the Earl of Durham, of the character described in this address.

His Excellency's reply.

Government-House, }
17th September, 1838. }

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by command of his Excellency the Governor, the following documents, viz.

Letter from Honorable Mr. Secretary Crowdy transmitting sundry documents.

A return of the proceedings of the commissioners for erecting a Colonial Building.

A return of the expenditure of monies for the Light Houses of Cape Spear and Fort Amherst.

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

To lie on the table.

A petition of Patrick Gleeson, James Brine and others, householders of the town of St. John's, was presented by Mr. Morris, and the same was received and read, setting forth—

Petition of P. Gleeson and others presented and read.

That memorialists have been called on from year to year to pay large sums assessed on their property, said to be levied under an act entitled "An act for the establishment and regulation of fire companies in the town of Saint John's."

That memorialists state that the assessment has not been levied on the whole property of the town, which was the intention of the act, but on the contrary it has been most partial, a few persons having to pay for the protection from fire of the whole property of the town.

That memorialists further complain that there has been the most unjust appropriation of the sum raised, a great portion of the sum levied being paid to placemen and retainers in direct violation of the said act.

That memorialists therefore most humbly pray that the House will institute an inquiry into the gross misapplication of the money raised under

the said act, and that it may be amended or repealed, so that the charge for the protection of the property of the town from fire should fall in due proportions on all property protected.

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

Petition of John Reagan and others, presented & read.

A petition of John Reagan, John Collins and others, inhabitants of old Perlican, Grates Cove, and places adjacent, was presented by Mr. Brown, and the same was received and read, praying for a grant of a sum of money sufficient to open a line of road from old Perlican to Grates Cove, and erecting bridges over Cocks Cove and Black-head Brook; also, for making a branch road to join the main road leading down Conception Bay, in the direction of Bay de Verds, and for building two bridges over certain brooks, and repairing the streets in Old Perlican.

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

Referred to committee on roads and bridges.

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

Petition of John Tilly and others presented and read.

A petition of John Tilly, George Ayre, and other inhabitants of Old Perlican and Hants Harbor, was presented by Mr. Moore, and the same was received and read, praying for a grant of a further sum for completing the road from Old Perlican to Hants Harbor, and for erecting bridges over certain brooks intersecting the said line of road.

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

Referred to committee on roads and bridges.

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

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

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

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

To be Committed.

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

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

Despatch of Secretary of State to be printed.

Resolved,—That the despatch from the Secretary of State for the Colonies relative to certain acts passed by the Colonial Legislature, in the session of 1837, and laid before this House, be printed for the use of the Members.

Mr. Winsor gave notice that to-morrow he should bring under the consideration of the House the despatch from Lord Glenelg, in reply to the address of the Council on the loss of the appropriation bill.

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

Tuesday, September 18, 1838.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency the Governor.

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

And then the messenger withdrew.

Mr. Speaker read the said message as follows :

Message read.

H. PRESCOTT.

The Governor transmits to the House of Assembly the report of the road commissioners for the district of St. John's, which he recommends as well worthy of consideration.

His Excellency takes this opportunity of bringing under the observation of the House, the zeal and activity of the Chairman of the Board, and of suggesting the propriety of compensating that gentleman for the time and attention which he has devoted to the public service.

Government-House. }
18th September, 1838. }

The said report was then read by the Clerk,—for which see *Appendix*.

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

Ordered,—That the said message be referred to the committee of supply, and the said report do lie upon the table to be perused by the members of the House.

Referred to committee of supply, &c.

Mr. Moore gave notice that to-morrow he should ask leave to bring in a bill for the establishment of a Post Office in this Colony.

Notice of bill to establish a post office in this colony.

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

Motion respecting Election expenses of 1836.

That it is the opinion of this House that the legal expenses attending the General Election of November, 1836, and unprovided for, be referred to the committee of supply for adjustment, and thereupon,

Mr. Kent moved in amendment, seconded by Mr. Winsor,

An amendment thereon moved.

That the Executive, in the session of 1837, sent down to this House a detailed statement of outstanding claims, in which were contained the expenses of the "first election," aggregate amount of said claims £1956:8:3.

That in the bill of supply for the Civil Government for the year ending June, 1838, a sum of £2000 was granted to meet the said outstanding claims.

That all expenses relating to the said election contained in the detailed statement beforementioned, having been already provided for, cannot a second time be entertained,—which being put, and the House dividing thereon, there appeared for the amendment, two ; against it, five.

FOR THE AMENDMENT.

AGAINST THE AMENDMENT.

Mr. Kent
— Winsor.

Mr. Morris
— Butler
— Moore
--- Brown
--- Godfrey.

House divide.

So it passed in the negative.

Amendment negatived.

The original motion was then put, and the House dividing thereon, there appeared for the motion, five ; against it, two.

Original motion carried.

FOR THE MOTION.

AGAINST THE MOTION.

Mr. Morris
— Butler
— Moore
--- Brown
--- Godfrey.

Mr. Kent
— Winsor

So it passed in the affirmative, and

Ordered,—Accordingly.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Messages from Her Majesty's Council, transmitting amendments to education bill, and

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

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to amend an act passed in the sixth session of the first General Assembly entitled "An act for the encouragement of education in this colony," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber, }
18th September, 1838 }

JAMES SIMMS,
Senior Member presiding.

Mr. Speaker,

Amendments to bill to preserve the harbors of this colony from annoyances, &c.

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to preserve the harbors of this colony and its dependencies from all annoyances, and to provide for the appointment of a harbor master at Carboncar," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber, }
18th September, 1838. }

JAMES SIMMS,
Senior Member presiding.

And then the messenger withdrew. *

Amendments to education bill read.

The amendments made by her Majesty's Council in the bill entitled "An act to amend an act passed in the sixth session of the first General Assembly, entitled "An act for the encouragement of education in this colony," were read a first time as follow :

1st sec. 5th line—Expunge the words "to nominate and appoint," after the word "scal."

" 8th line—Insert the words "nominate and," between the words "to" and "appoint."

" 12th line—Insert the words "to any other district," between the words "residence" and "or."

2nd sec. 3d line—Expunge the word "and," at the end of the third line, and also the four following lines.

" 9th line—Expunge the word "such," and insert the word "religious" in its stead, and expunge the letter "s" at the end of the word "instructions."

" 10th line—Insert after the word "school," the words "or in any way to interfere in the proceedings or management thereof."

3rd sec. Expunge all the words of this section after the word "that," in the first line, and insert in their place as follows:—"no book or books shall be used in any school or schools established or to be established, supported or to be supported by any board or boards of Education appointed or to be appointed under this act, or under an act passed in the sixth year of his late Majesty's Reign, entitled "An act for the encouragement of education in this Colony," but such as shall be chosen and selected by the Board or Boards of Education aforesaid, having the superintendence or management of the said school or schools. Provided always that no Board or Boards of Education constituted or appointed as aforesaid, shall on any pretence choose or select for the use of such school or schools, any book or books of a character, or having a tendency to teach or inculcate the doctrines or peculiar tenets of any particular or exclusive church or religious society whatsoever."

4th sec. 24th line—Between the words “Education” and “with,” insert the words “who may approve the same.”

Expunge the 5th and 6th sections of the bill.

Ordered,—That the said amendments be read a second time to-morrow. 2d reading.

The amendments made by her Majesty's Council in the Bill, entitled “An act to preserve the Harbors of this Colony and its Dependencies from all annoyances, and to provide for the appointment of a Harbor Master at Carbonear,” were read a first time as follow :—

Amendments to Bill to preserve the Harbors of this Colony from annoyances &c. read 1st time.

In the title of the Bill, 1st line, insert after the word “Harbors,” the words “and Roadsteads of Newfoundland.”

Expunge all the words after the word “from,” in the second line, and insert in their place the words “nuisances and obstructions.”

Expunge the Preamble of the Bill, and insert in its stead the words “Whereas it is necessary to make provision for the prevention of nuisances and obstructions in the Harbors and Roadsteads of Newfoundland and its Dependencies.”

Expunge the word “Colony,” throughout the Bill, and insert in its stead the word “Island.”

Expunge the 8th and 9th lines of the first section of the Bill, also the last two words of the 10th line, and the three following lines.

Second section—Expunge the last line of this section, and insert in its place, the words “to be applied to the public uses of the said Island, and for the support of the Government thereof.”

Expunge the 3rd, 4th, 5th, and 6th, sections of the Bill.

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

Resolved,—That this House having had under their consideration the Despatch from the Secretary of State for the Colonies of the first of February last, and being desirous of according with her Majesty's recommendation therein contained, and of evincing their unfeigned loyalty and attachment to her Majesty, they will in future separate the contingencies of the House from the General Supply Bill, and submit the same to the executive for approval before they frame them into a Bill.

Resolution relative to Despatch of Secretary of State of 1st February last.

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

Wednesday, September 19, 1838.

MR. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, an account of Mr. O'Dwyer's, for Medical attendance and Medicines.

Letter from Honorable Mr. Secretary Crowdy transmitting account of Mr. O'Dwyer.

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

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

Petition of W. Pitts and others presented and read.

A petition of William Pitts, William Kent, and others, inhabitants of Bell Isle, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum for making a Road from Lance Cove to Bell Isle Beach, a distance of of about three miles.

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

Referred to committee on roads and bridges.

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

Petition of J. Sullivan and others, presented & read.

A petition of John Sullivan, John Squires, and others, inhabitants of Pouch Cove, was also presented by Mr. Morris, and the same was received and read, praying for a grant of money sufficient to complete the Road from Pouch Cove to Flat Rock.

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

Referred to committee on roads and bridges.

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

Bill for establishing a general post office in this Colony read 1st time

Pursuant to notice, and leave granted, Mr. Moore presented a Bill for establishing a General Post Office in this Colony, and the same was read a first time.

Mr. Morris moved, seconded by Mr. Kent,

Motion for second reading this day six months.

That the said Bill be read a second time this day six months—

Which being put, and the House dividing thereon, there appeared for the motion, seven; against it one.

House divide thereon.

FOR THE MOTION,

AGAINST THE MOTION,

Mr. Morris
— Brown
— Winser
— Kent
— Godfrey
— Butler
— Doyle.

Mr. Moore.

Motion carried.

So it passed in the affirmative, and
Ordered accordingly.

Amendments to Education Bill read 2d time.

Pursuant to the order of the day, the amendments made by her Majesty's Council in the Bill entitled "An act to amend an act passed in the sixth session of the General Assembly, entitled 'An act for the encouragement of Education in this Colony,'" were read a second time.

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

To be committed.

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

Notice of motion for address to his Excellency.

Mr. Brown gave notice that to-morrow, he should move an address to his Excellency the Governor, praying that his Excellency would cause to be laid before this House an estimate of the necessary expenses connected with the Light-House on Harbor Grace Island for one year, specifying the quantity of Oil and Wick required, the Salaries of Keepers, and all other particulars; also a return of all claims for expenses of the Elections in 1836, which are unprovided for.

Mr. Kent gave notice that he should, on this day week, move the consideration of the Resolution passed by this House on the subject of separating the contingencies from the general Bill of Supply, for the purpose of considering the propriety of rescinding the said Resolution.

Notice of motion for consideration of Resolution on the subject of contingencies.

On motion, the House was counted.

House counted.

Present,

Mr. Speaker, Mr. Brown, Mr. Kent, Mr. Winsor, Mr. Moore.

No quorum.

Mr. Speaker adjourned the House, at three o'clock, for want of a quorum.

Thursday, September 20, 1838.

MR. Winsor, from the select committee for auditing public accounts, presented to the House a special report; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Report of committee appointed to audit public accounts.

The committee for auditing the public accounts, having examined into the accounts of Cape Spear Light House, beg leave to report to this Honorable House, that on the last of June it was in debit to the Colony in the sum of £844 19s. 2d. exclusive of different sums borrowed, to the amount of £1500, making a total of £2344 19s. 2d.

That on examining into the contingencies of the Light House, exclusive of the expense of the building, from the 1st of November, 1836, to the 1st of May, 1838, the contingencies, including the salaries of the Keeper and the Secretary to the Commissioners, amounted to the sum of £776 4s. 1d., while the receipts from the same time to the last of June, 1838, do not amount to a larger sum than £510 8s. 7½d., viz:—

From the Collector of St. John's	£434	18	4½
do. Harbor Grace	14	3	1
do. Trinity	16	13	7
do. Carbonear	29	0	6
do. Brigus	7	12	10
do. Ferryland	8	0	3
	<hr/>		
	£510	8	7½
	<hr/>		

Thus it appears that in the last twenty months preceding the first of July last, the expenses, including the interest of £1500, say £150, have exceeded the receipts to the amount of £415 15s. 5½d.; but your committee beg leave to report, that they have been informed by Mr. Shea, the Secretary, that there is a large stock of Oil on hand, perhaps to the amount of £100, leaving still a balance against the receipts, of above £300 for twenty months, or about £180 per annum.

The object of the committee in thus making their Special Report is that the Members of this Honourable House may consider the propriety of increasing the light dues on shipping for the support of Cape Spear

Light House, until this large debit which existed on the last of June, to the amount £2344 19s. 2d., and which is still increasing, may be in part or fully paid up.

PETER WINSER, *Chairman.*

Report adopted.

Ordered,—That the said report be received and adopted.

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

Resolution for addition to address.

Resolved,—That there be added to the address of which notice was given yesterday, a return of all monies expended as well as all the sums not expended to the 8th ult., under the act 6th Wm. 4th, intituled "An act for the encouragement of Education in this Island," by the Boards of Commissioners in the Districts of Conception and Trinity Bays, and that the Rules of the House be suspended in reference to notice of motion of this Resolution.

Draft of address to his Excellency presented & read

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

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

May it please Your Excellency—

The House of Assembly most respectfully request that your Excellency will be pleased to cause to be laid before the House an estimate of the necessary expenses connected with the Light House on Harbor Grace Island for one year, specifying the quantity of oil and wick required, the salaries of the Keepers, and all other particulars.

Also a return of all claims for expenses of the Election in 1836, which are unprovided for.

Also a return of all monies expended, as well as the sums not expended, to the 8th ult., under the act 6th Wm. 4th, intituled "An act for the encouragement of Education in this Colony," by the Boards of Commissioners in the Districts of Conception and Trinity Bays.

Adopted and engrossed.

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

Committee to present it.

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

House in committee on amendments to education bill.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the amendments made by her Majesty's Council in the Bill to amend an act for the encouragement of Education in this Colony.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone through the said amendments and had agreed to the same.

3d reading.

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

Agreably to the order of the day, the House resolved itself into a committee of the whole House on the consideration of granting certain duties to her Majesty.

House in committee on bill for granting certain duties.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through the said bill and had made an amendment therein, which he was directed to report to the House.

Report.

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

Amendment read and agreed to.

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

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

Engrossed.
3d reading.

Mr. Morris gave notice that on an early day, he should ask leave to bring in a bill to amend an act passed in the first session of the first General Assembly, entitled "An act to extend the criminal laws of England to this colony, under certain modifications;" also, a bill to repeal an act for the banishment of persons convicted of certain offences, and also to provide certain modes of punishment in divers criminal cases, passed in the first session of the third General Assembly.

Notice of motion for presenting bills.

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

Friday, September 21, 1838.

PURSUANT to the order of the day, the amendments made by the Council in the bill entitled "An act to amend an act passed in the sixth session of the first general Assembly, entitled 'An act for the encouragement of education in this colony,'" were read a third time.

Amendments to Education Bill read 3d time.

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

Resolved,—That the said amendments do pass.

Passed.

Ordered,—That Mr. Brown and Mr. M'Carthy do acquaint her Majesty's Council that this House have concurred in the said amendments.

Council acquainted thereof.

Mr. Morris gave notice that to-morrow he should ask leave to bring in a bill to repeal "An act to regulate the making of roads and highways in this Island."

Notice of bill to repeal road act.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from Her Majesty's Council, transmitting amendments to bill for the relief of sick and disabled seamen &c.

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to repeal in part an act passed in the sixth year of the reign of his late Majesty Wm. the 4th, entitled 'An act to

Message &c.

provide for the relief of sick and disabled seamen, fishermen and other persons, and to authorise the appropriation of monies collected under the said act," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber, }
21st September, 1838 }

JAMES SIMMS,
Senior Member presiding.

And then the messenger withdrew.

Amendments read 1st
time.

The said amendments were then read a first time as follow :

In the title of the Bill—Expunge the 4th, 5th and 6th words, and instead thereof insert the word "amend."

" Expunge the last twelve words.

In the Preamble—Expunge the last six lines, and instead thereof insert the following words, after the word "has" in the 5th line—"not been carried into effect in some one or more of the Electoral Districts of this Colony, in consequence of the non-election of Directors, pursuant to the provisions contained in the first and second sections of the said act, whereby it is become expedient to make further provisions therein."

In the 1st Section—Expunge all the words, after the word "that", in the second line of this Section, and instead thereof insert the following words—viz, "In all cases wherein the Electors in any of the Electoral Districts of this Colony have heretofore failed, or at any time hereafter shall fail, to elect Directors in pursuance of the provisions of the 1st and 2nd sections of the said act, that then it shall and may be lawful for his Excellency the Governor, or other person administering the Government of this Colony for the time being, to nominate and appoint fifteen persons to be Directors for any such District failing as aforesaid to elect the same; Provided that such persons shall be duly qualified under the provisions of the said act, to be Electors within such district. And such persons being so nominated and appointed, are hereby authorized and required to perform, execute, and fulfil, to all intents and purposes, the duties assigned and appointed by the said act to be executed by directors being duly elected under the provisions of the said act. *And provided also* that before such Directors shall be so nominated and appointed by his Excellency the Governor, or other person administering the Government as aforesaid, the Justice or Justices of the Peace who may have appointed or shall appoint the time and place of meeting of Electors for the election of Directors in such District wherein the Electors have failed or shall hereafter fail, duly to elect Directors under the provisions of the said act, shall certify under his or their hands respectively the two several days of meeting of Electors in such District have been by such Justice or Justices duly appointed and notified under the provisions of the said act, for the election of Directors, and that the said Electors have failed to make such election on either and both of the said days."

Expunge the 2nd, 3rd, and 4th, sections of the Bill.

Ordered,—That the said amendments be read a second time to-morrow. 2d reading.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

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

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

Monday, September 24, 1838.

MR. Brown, from the committee appointed on the 20th inst. to present to his Excellency the Governor an address of the House, reported that the committee had waited on his Excellency and presented the same, when his Excellency was pleased to reply thereto as follows:— Report of com. appointed to present address to his Excellency.

Gentlemen,

I will immediately call upon the Commissioners for the Harbor Grace Island Light House to afford the information required respecting that establishment. His Excellency's reply.

All claims connected with the Election of 1836 were transmitted to the House in the following year, and the aggregate amount for each District is, I perceive, inserted in the Appendix to the Journals of the corresponding Session.

The required return connected with the Education Act shall be supplied.

Government-House, }
22nd September, 1838. }

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

Resolved,—That the unrepealed sections of the Bill entitled "An act to regulate the making and repairing of roads and highways in this Colony," with the amendments to the said act, passed the 8th May, 1835, be printed, and that the repealed sections of the said act be also printed, in the form of an appendix thereto, for the use of the Members of the House. Resolution for printing road act.

Mr. Brown gave notice that to-morrow he should ask leave to bring in a Bill to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District. Notice of Bill to regulate the office of Sheriff, &c.

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

Resolved,—That the Report of the Chairman of the Board of Road Commissioners for the District of St. John's, be printed for the use of the Members. Resolution for printing report of Road Commissioners.

Petition of J. K. Moore and others presented and read.

A Petition of James K. Moore, Richard Trelegan, and others, inhabitants of St. John's, was presented by Mr. Kent, and the same was received and read, praying for a grant of a sufficient sum of money to repair Williams's Lane.

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

Referred to committee on roads and bridges

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

Petition of John Edens and others, presented & read.

A Petition of John Edens, William Devereaux, and others, inhabitants of Trepassy, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum of money for opening a road and erecting a bridge over the Cox's Will path.

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

Referred to committee on roads and bridges.

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

Petition of P. Ward and others presented and read.

A Petition of Patrick Ward, Vincent Costigan, and other inhabitants of Harbor Maine, in Conception Bay, was presented by Mr. Morris, and the same was received and read, praying for a grant of an adequate sum to open a line of road between Brigus and Holy Rood.

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

Referred to committee on roads and bridges.

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

Petition of J. Templeman and others presented and read.

A Petition of Joseph Templeman, James Clift, and other inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sum of money for repairing and improving the old road leading towards Portugal Cove, from the King's Road to the top of the hill near Walsh's Farm.

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

Referred to committee on roads and bridges.

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

Petition of H. C. Watts presented and read.

A Petition of Henry Corbin Watts, of Carbonear, was presented by Mr. M'Carthy, (who stated in his place that he had obtained his Excellency the Governor's consent to present the same,) and the said petition was received and read, praying for compensation for his services as Acting Clerk of the Peace at Harbor Grace in 1835.

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

Referred to committee of supply.

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

Bill for granting certain duties read 3d time.

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

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

Passed.

Title.

Resolved,—That the said bill do pass, and that the title be "An act for granting to her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies."

Sent to Council.

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

Amendments to seamen's relief act read 2d time.

Pursuant to the order of the day, the amendments made by her Majesty's Council in the bill to repeal in part an act for the relief of sick and disabled seamen, fishermen, and other persons, were read a second time.

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

That the said amendments be committed this day six months.

Motion for committal

Mr. Morris moved, in amendment, seconded by Mr. Kent,

That all the words in the said resolution after the word "committed," be expunged, and "on Thursday next," be substituted; which being put, and the House dividing thereon, there appeared for the amendment five, against it four.

Amendment moved thereon.

FOR THE AMENDMENT.

AGAINST THE AMENDMENT.

Mr. Kent

Mr. Moore

— Godfrey

--- Brown

— Morris

— Winsor.

— Butler

— M'Carthy.

— Doyle.

House divide.

So it passed in the affirmative, and Ordered accordingly.

Amendment carried.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

Message from his Excellency the Governor

And then the messenger withdrew.

Mr. Speaker read the said message as follows:

Message read.

H. PRESCOTT.

The Governor transmits to the House of Assembly the copy of a Letter addressed to the Colonial Secretary by the Chairman of the Board of Commissioners of Roads in the district of St. John's; and it will be satisfactory to his Excellency to be enabled to make the advance therein requested.

Government House, }
24th September, 1838. }

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

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

To lie on the table.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, accounts connected with the Hospital, in the district of Ferryland.

Letter from Honorable Mr. Secretary Crowdy transmitting accounts.

Ordered—That the said accounts do lie upon the table.

To lie on the table.

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

Tuesday, September 25, 1838.

A Petition of John M'Lennan and James Boyd, police constables, was presented by Mr. Morris (who stated in his place that he had ob-

Petition of J. M'Lennan and J. Boyd presented and read.

Petition.

tained the consent of his Excellency the Governor to present the same) and the said petition was received and read, setting forth—

That in the month of August, 1837, a warrant or writ of Execution was put into the hands of memorialists from the Court of Sessions, bearing the seals and signatures of James Blaikie and Patrick Morris, Esquires, in the instance of John Carroll vs. Thomas Ashman, to levy for the sum of ten pounds nine shillings and ten pence, being the amount of a Judgment obtained in the Court of Sessions for wages due said Carroll in the fishery.

That memorialists accordingly proceeded in the execution of their duty, and took possession of sundry articles of household furniture, the property of the said Ashman, when he, said Ashman, then and there paid the amount of said execution, and memorialists instantly released the property.

That in the month of January following, when Patrick Morris, Esq., one of the aforesaid magistrates, had left this country for Britain, the proceedings and judgment were brought up by writ of *Certiorari*, before the Hon. the Supreme Court, at the instance of Bryan Robinson, Esq., Attorney, when the said judgment was reversed, and proceedings taken by the said Bryan Robinson, against memorialists, for the amount of the said judgment and costs, and memorialists were accordingly amerced in damages to the amount of seventeen pounds fourteen shillings and ten pence.

That memorialists property was taken possession of by the High Sheriff, under a writ of execution, when one of your memorialists, viz. John McLennan, paid the amount of the execution to the High Sheriff, as per receipt hereunto annexed.

Memorialists therefore humbly pray your Hon. House would be graciously pleased to take into consideration the great and serious injury they have sustained in being compelled to pay the said sum of seventeen pounds fourteen shillings and ten pence, and grant them remuneration. And memorialists, as in duty bound, will ever pray.

JOHN McLENNAN.
JAMES BOYD.

Supreme Court, 1838.

No. 12.—Thomas Ashman, }
vs. }
James Boyd and John McGlen }

Writ of Fieri Facias for
£14 8 10 sterling
14 4 poundage
3 4 return

£15 6 6

Received from John McGlen the sum of fifteen pounds six shillings and six pence sterling, as above.

Received the Writ, 8th January, 1838.

B. G. GARRETT,
High Sheriff.

Do. the Amount, 22d Feb. “

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

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

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

Referred to committee
of supply.

Thursday, September 27, 1838.

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

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor in reply to his Excellency's message to this House, transmitting copy of a letter from the chairman of the Board of Road Commissioners in the district of St. John's.

Resolution for committee to prepare address to his Excellency

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

Committee

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

Draft of address to his Excellency presented & read

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

May it please your Excellency,

The House of Assembly respectfully request your Excellency (in accordance with your Excellency's wish communicated to the House on the 24th September, inst.) to place at the disposal of the Commissioners of Roads in the district of St. John's, the sum of fifty pounds, for the purpose expressed in the Chairman's communication, copy of which has been transmitted to the House, and the House of Assembly will insert the said sum in the Bill of appropriation.

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

Adopted and engrossed.

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

Committee to present it.

Mr. Morris gave notice that to-morrow he should move the following Resolutions:

Notice of sundry resolutions.

Resolved,—That it is the opinion of this House that an act passed in the sixth session of the Legislature, entitled "An act for erecting a Colonial Building in the town of St. John's" is inoperative, for the purposes contemplated by the Legislature, owing to the insufficiency of some of the provisions of the said act.

Resolved,—That an address be presented to his Excellency the Governor praying his Excellency to suspend all operations under the said act.

Resolved,—That a message be sent to her Majesty's Council, requesting their concurrence to the above Resolutions, and the appointment of a committee of their body to meet a committee of this House to draft and present the said address to his Excellency.

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

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

House in committee on state of the colony.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report.

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

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

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

Friday, September 28, 1838.

Letter from Honorable
Mr. Secretary Crowdy
transmitting accounts.

MR. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, the following returns, requested by the House of Assembly in their several addresses of the 3d, 7th and 19th inst. :—

An account current of the Harbor Grace Island Light House, Commissioners, to the 30th June, 1838.

Estimate shewing the necessary expenses of the Harbor Grace Island Light House for one year.

Extract from a statement shewing the expenses of the additional reflectors required for the said Light House.

A return of monies expended and unexpended under the education act in the district of Conception and Trinity Bays.

A return of all writs issued from the Supreme Court for the years 1835, 1836, and 1837, together with a copy of a letter from the Acting Chief Clerk of the Supreme Court in reference thereto.

To lie on the table.

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

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

Sundry resolutions
moved.

Resolved,—That it is the opinion of this House that an act passed in the sixth session of the Legislature, entitled “An act for erecting a Colonial Building in the town of St. John’s” is inoperative, for the purposes contemplated by the Legislature, owing to the insufficiency of some of the provisions of the said act.

Resolved,—That an address be presented to his Excellency the Governor praying his Excellency to suspend all operations under the said act.

Resolved,—That a message be sent to her Majesty’s Council, requesting their concurrence to the above Resolutions, and the appointment of a committee of their body to meet a committee of this House to draft and present the said address to his Excellency.

Committee.

Ordered,—That Mr. Morris and Mr. Winsor do communicate the said message to her Majesty’s Council.

Then the House adjourned until half-past one of the clock this day.

The House met pursuant to adjournment.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to establish an Academy in this Colony," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber, }
28th September, 1838 }

JAMES SIMMS,
Senior Member presiding.

And then the messenger withdrew.

The said amendments were then read a first time.

Amendments read first time.

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

That all items formerly embodied in the Bill of appropriation, under the general head of Contingencies of the House of Assembly, be in the intended Supply Bill as fully as possible set down in detail, in order to render it inexpedient to act on a Resolution of this House passed on the 18th September inst., relating to the embodying in separate Bills the monies for the Civil service of the Government, and for the Contingencies of the Legislature.

Motion for embodying Contingencies of House in Supply Bill, and

That the said Resolution, so passed on the 18th September inst., be rescinded; which being put, and the House dividing thereon, there appeared for the motion seven, against it two.

rescinding Resolution of 18th inst.

FOR THE MOTION,

AGAINST THE MOTION,

Mr. Kent
— M'Carthy
— Godfrey
— Doyle
— Moore
— Brown
— Power.

Mr. Morris
— Winsor.

House divide.

So it passed in the affirmative, and

Motion carried.

Ordered accordingly.

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

Saturday, September 29, 1838.

MR. Morris, from the committee appointed on the 27th inst to present an address of the House to his Excellency the Governor, in answer to his Excellency's Message transmitting a communication from the Chairman of the Board of Road Commissioners for the District of St. John's, reported that the committee had waited on his Excellency and presented the said address, when his Excellency was pleased to say he would comply with the request therein contained.

Report of com. appointed to present address to his Excellency.

Petition of Factory committee presented and read.

A Petition of the persons composing the committee of the St. John's Factory, was presented by Mr. Morris, (who stated in his place that the sanction of his Excellency the Governor had been obtained for presenting the same,) and the said petition was received and read as follows :

TO THE HONORABLE THE HOUSE OF ASSEMBLY.

The Petition of the persons composing the Committee of the Saint John's Factory

Humbly sheweth—

That the Institution called the St. John's Factory was established in 1832, by the voluntary subscriptions of the inhabitants of St. John's, for the purpose of affording employment to the industrious poor, thereby investing them with means by which their condition would be bettered, and the amount of poverty usually existing in the community become materially lessened.

The operations of the institution have progressed since its formation with some trifling and unavoidable interruptions, and though the amount of benefit afforded, has not on all occasions been equal to the expectations entertained by its founders, the advantages derived by those for whom employment has been procured in the institution, evidenced by the desire they uniformly express to continue in the occupation thus afforded, fully warrant the opinion that under fostering encouragement, the Factory is capable, in no circumscribed degree, of being made available in the substantial improvement of the condition of the poor, and in promoting amongst them habits of industry and a consequent feeling of independence from which such blessings to themselves and to the country would result.

During the last twelve months, from fifty to sixty persons have been receiving continued employment in the establishment, while the numbers employed have sometimes exceeded this amount.—They have been occupied in the several departments of spinning, sewing, knitting, and net-making.—The benefits derivable from the pursuit of such avocations are certainly not confined to the immediate emolument afforded: in a fishing country the instruction of the poor, in the art of net making particularly, must eventually become to them a source of permanent and substantial advantage.

In the Session of the Assembly in 1835, the sum of Two hundred pounds was voted in aid of the funds of the Factory—this, together with individual subscriptions, has enabled the committee to this time to continue operations without intermission—and here Petitioners would beg to observe, that they are unable to distribute a sum equal to three times at least the amount received in contributions, by the increased quantum of work which such assistance enables them to procure—the paramount advantages attaching to this, as contrasted with any eleemosynary relief, are too well understood and acknowledged, to require that any observation on the subject should now be pressed upon the attention of your Honourable House.

But the funds are now in so depressed a condition, that without some pecuniary aid, the closing of the establishment will become a matter of necessity.

Petitioners therefore respectfully request that your Honourable House will take the premises into consideration, and grant such assistance as the strong claims of so valuable an asylum would seem to merit, thereby averting the injury which must otherwise arise to the individuals receiving employment in the institution.

WM. THOMAS, *Chairman & Treasurer.*
J. JENNINGS, *Secretary.*

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

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

Referred to committee of supply.

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

House in committee of Supply.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

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

Monday, October 1, 1838.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from Her Majesty's Council.

Mr. Speaker,

Her Majesty's Council having taken into their consideration the Resolutions of the House of Assembly sent up to them this day by message, requesting the Council to concur with the House of Assembly in presenting an address to his Excellency the Governor, praying his Excellency to suspend all operations under the act entitled "An act for erecting a Colonial Building in the Town of St. John's," have—

Resolved,—That her Majesty's Council cannot concur with the House of Assembly in the course requested, because the obvious and usual way of proceeding would be to amend the Act by a Bill for that purpose.

Council Chamber, }
29th September, 1838 }

JAMES SIMMS,
Senior Member presiding.

And then the messenger withdrew.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, a letter from the High Sheriff, together with the one referred to by him on the subject of the repair of the road leading to the Court House.

Letter from Honorable Mr. Secretary Crowdy transmitting two letters.

The said letters were then read by the Clerk.

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

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

Referred to committee on roads and bridges.

House in committee of Supply.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Tuesday, October 2, 1838.

Amendments to Bill to preserve the Harbors of this colony from annoyances, &c., read 2d time

PURSUANT to order, the amendments made by her Majesty's Council in the Bill entitled "An act to preserve the Harbors of this Colony and its Dependencies from all annoyances, and to provide for the appointment of a Harbor Master at Carbonar," were read a second time.

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

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone through the said amendments and had agreed to the same.

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

House in committee of supply.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to certain Resolutions thereon, which they had directed him to report to the House, and he read the same in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow:—

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

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

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

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

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

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

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

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

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

Resolved,—That it is the opinion of this committee that a sum not exceeding six hundred pounds be granted to her Majesty towards defraying the salaries of two police magistrates for the district of St. John's, being £300 per year for each magistrate.

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

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

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds be granted to her Majesty towards defraying the salary of one police magistrate at Harbor Grace.

Resolved,—That it is the opinion of this committee that a sum not exceeding eighty-five pounds be granted to her Majesty towards defraying the salaries of three police constables for Harbor Grace, being thirty-five pounds for the high constable, and twenty-five pounds each for the two other constables.

Resolutions.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of one police magistrate for the town of Carbonear.

Resolved,—That it is the opinion of this committee that a sum not exceeding seventy-five pounds be granted to her Majesty towards defraying the salaries of three police constables for the town of Carbonear, being twenty-five pounds each.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and seventy pounds be granted to her Majesty towards defraying the salary of one police magistrate for the town of Brigus and Port de Grave.

Resolved,—That it is the opinion of this committee that a sum not exceeding seven hundred and sixteen pounds be granted to her Majesty towards defraying the salaries of constables and gaolers in the following outports, that is to say—

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

A constable at Greenspond, twelve pounds.

Three constables at Twillingate and Fogo, forty-nine pounds.

A constable at Exploits Bay, twelve pounds.

A constable at Brigus south, twelve pounds.

A constable at Witless Bay, twelve pounds.

A constable at Petty Harbor, twenty pounds.

A constable at Old Perlican, twelve pounds.

A constable at Hearts Content, twelve pounds.

A constable at Hants Harbor, twelve pounds.

A constable at New Harbor, twelve pounds.

A gaoler at Ferryland, twenty-five pounds.

A gaoler at Placentia, twenty-five pounds.

A gaoler at Trinity, twenty-five pounds.

A gaoler at Burin, twenty-five pounds.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a police magistrate for Ferryland.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a stipendiary magistrate for Bay Bulls.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a stipendiary magistrate at Trepassey and St. Mary's.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a stipendiary magistrate at Grand Bank.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and twenty pounds be granted to her Majesty towards defraying the salary of a stipendiary magistrate at Trinity.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the salary of a stipendiary magistrate at Bonavista.

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

Resolutions.

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

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

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

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

Resolved,—That it is the opinion of this committee that a sum not exceeding six hundred pounds be granted to her Majesty towards defraying the expenses of Gaols, Dietry, &c.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding two hundred pounds be granted to her Majesty towards defraying the expense of fuel and light, exclusive of the Sheriff's House and Office.

Resolved,—That it is the opinion of this committee that a sum not exceeding two hundred and sixty pounds be granted to her Majesty towards defraying the expenses of the hiring of Vessels and covering all expenses of the Judges on the usual Circuits.

Resolved,—That it is the opinion of this committee that a sum not exceeding five hundred pounds be granted to her Majesty towards defraying the expenses of Unforeseen Contingencies for the year from the 30th June, 1838, to the 30th June, 1839.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards defraying the expenses of Postages, &c.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding seven hundred and fifty pounds be granted to her Majesty towards the support of the poor of the District of St. John's, provided the same shall be disbursed by six commissioners to be appointed by his Excellency the Governor, three of whom shall be Roman Catholics, and which Commissioners shall have power to appoint a person who shall act as Secretary to the Commissioners, and who shall keep a Book well bound, in which shall be written the names of the persons relieved and the quantum of relief afforded, and who shall investigate into the state and condition of all paupers receiving continuous relief out of the monies voted for the relief of the poor in this District, and shall make an annual report of the same, minutely detailing every circumstance so as to enable said Commissioners to judge the propriety of continuing or otherwise

such relief as aforesaid; and said Commissioners shall have power and are hereby authorized to remunerate out of such funds such person so appointed; and provided further that his Excellency the Governor be empowered to nominate and appoint four Medical Practitioners, resident within the District, to act as and be the District Surgeons or Medical Attendants of the District of St. John's, and to deduct the sum of one hundred and twenty pounds from the said sum towards defraying the salaries of the four District Surgeons for the District of St. John's, being the sum of thirty pounds for each for the said period, and a further sum of forty pounds towards the purchase of medicines to be dispensed in the District, tenders for the supply and dispensing of such medicine to be called for by public notice, and the lowest tender shall be preferred.

Resolved,—That it is the opinion of this committee that a sum not exceeding seven hundred and fifty pounds be granted to her Majesty towards the support of the poor of the Out Ports, provided that the same shall be disbursed by Commissioners to be appointed by his Excellency the Governor in the several Electoral Districts, and the particulars of such disbursements shall in detail be made to his Excellency for the use of the Legislature.

Resolved,—That it is the opinion of this committee that a sum not exceeding sixty pounds be granted to her Majesty as a retiring salary to John Buckingham, of Carbonear, Esq., in consideration of his services as Stipendiary Magistrate in Conception Bay, this sum being identical with that voted in the Bill of Supply for the year ending 30th June, 1838, and not paid, owing to certain circumstances contingent on its payment not having taken place, the said sum is now re-appropriated as a retiring salary for the said John Buckingham, Esq.

Resolved,—That it is the opinion of this committee that a sum not exceeding eighteen pounds fifteen shillings be granted to her Majesty to defray the expense of Librarian to the Legislature for the period of fifteen months.

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

Resolved—That it is the opinion of this committee that a sum not exceeding five pounds be granted to her Majesty towards defraying the expense of Thomas Danson, Esquire, for his attendance at the Bar of this House as a witness, last session, the said sum being omitted in the Bill of Supply (by mistake) last year.

Resolved,—That it is the opinion of this committee that a sum not exceeding twenty-seven pounds ten shillings be granted to her Majesty towards defraying the expense of the quarter's salary from the 18th August to the 18th November, of the Sub-Collector for the Port of Greens-Pond.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards the support of Mrs. Blaikie, widow of the late James Blaikie, Esq. stipendiary magistrate for the district of St. John's, and Clerk of the Supreme and Circuit Courts for many years.

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

Resolutions.

ting William Martin for his past services as high constable for Conception Bay.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding three pounds eleven shillings and sixpence be granted to her Majesty towards defraying the expense of the Registration of Voters in the district of Ferryland, by John Cummins, in the year 1835.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding sixteen pounds twelve shillings be granted to her Majesty towards defraying the over-expenditure of Messrs. Ridley, Stark, Bayley, and Chancey, as Commissioners of Roads and Bridges from Holyrood to Carbonear, for the year 1837.

Resolved,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty towards the repairs and purchasing of furniture for the sessions house at Brigus, to be placed at the disposal of the Magistrates at Brigus.

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

Resolved,—That it is the opinion of this committee that a sum not exceeding sixty-one pounds eight shillings and five pence be granted to her Majesty to be placed at the disposal of William Langley and John Butler Bulley, to enable them to discharge their contract for the building of a bridge at the River-head of St. John's with Roger Flahavan.

Resolved,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty to be placed at the disposal of the magistrates at Carbonear, towards the building of a fence round the sessions house, and other incidental repairs at said town.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty towards the painting, fitting up, and otherwise decorating the interior of the St. John's Court House, not including the Sheriff's apartments.

Resolved,—That it is the opinion of this committee that a sum not exceeding eighty-eight pounds one shilling and four pence be granted to her Majesty towards defraying the charges of registering of Voters as follows :—

For the District of St. John's, Henry Winton, stationery, eight pounds; James Finlay, eight pounds; Michael Cullen, three pounds five shillings; John Toor, one pound; John Freeman, one pound; John Downey, one pound; William Hancy, one pound; James Boyd, one pound; John M'Lennon, (boat hire included) two pounds. For Conception Bay, Tho-

mas Danson, six pounds; John Buckingham, one pound one shilling; William Sterling, five pounds five shillings; Richard Rankin, five pounds five shillings; Samuel Rumson, one pound five shillings; James Sharp, two pounds two shillings; Benjamin D. Barnes, one pound fifteen shillings; Thomas Butler, one pound ten shillings; John Bowes, one pound ten shillings; William Smith, one pound five shillings; Robert Connell, one pound five shillings; and William Mullowney, one pound five shillings.—For the district of Trinity Bay, John Reagan, five pounds five shillings; Benjamin Sweetland five pounds; John Binden, four pounds ten shillings; John Collins, one pound six shillings and eight pence; John Murphy, one pound six shillings and eight pence.—For the district of Bonavista Bay, Samson Millen, five pounds; J. L. Oakley, five pounds, and James Allen, three pounds.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and forty-seven pounds six shillings and seven pence be granted to her Majesty to defray the expense of the Election of 1836, as follows:

For the district of St. John's, to Patrick Kielty, for the hire of poll room, twenty-five pounds; to John Long, for erecting the hustings, twenty-five pounds; to John Shea, returning officer, to pay the printer's account, twelve pounds seven shillings and seven pence; to Richard Holden, for acting as poll clerk, ten pounds; to Henry Earle, as poll clerk at Trinity, five pounds; to Thomas Gaden, for expenses at Fortune Bay, one pound six shillings; to William Hooper, to pay the expense of messengers and other incidentals at Burin, six pounds sixteen shillings and sixpence; to James Doyle, for acting poll clerk at Burin, ten pounds; to Robert Lee Whiting, for building the hustings at Harbor Grace, and hire of house, fifteen pounds; to Robert John Pinsent, for printer's account, six pounds sixteen shillings and sixpence; to Samuel Cozens, for sundry expenses, three pounds; to Robert Carter, of Ferryland, to pay printer's account, one pound; to pay for the hire of a poll room at Cape Broyle, two pounds; to pay for the hire of a poll room at Renew's, one pound; to pay a messenger to Bay Bulls, one pound; to pay F. L. Bradshaw, for sundry expenses at St. Mary's, seven pounds; to Samson Millen of Bonavista, for boat hire and sundry expenses, fifteen pounds.

Resolved,—That it is the opinion of this committee that a sum not exceeding two thousand four hundred and eighty-two pounds fourteen shillings be granted to her Majesty to defray the expense of the House of Assembly as follows:

Robert R. Wakeham, Clerk of House of Assembly, one hundred pounds; services last session, fifty pounds; for arranging the Journals, fifty pounds; Thos. Beck, Serjeant-at-Arms, fifty pounds; services last session, twenty-five pounds; John Delany, Door-keeper, thirty-five pounds; services last session, seventeen pounds ten shillings; David Walsh, messenger, thirty-five pounds; his services last session, seventeen pounds ten shillings; Philip Brown, under-Doorkeeper, twenty-five pounds; his services last session, twelve pounds ten shillings; John B. Cox, Assistant Doorkeeper, twenty-five pounds; his services last session, twelve pounds ten shillings; Robert R. Wakeham, for the representatives of the late Thomas O'Connor, late Assistant Messenger, twenty pounds; Richard Holden, Assistant Clerk, fifty pounds; his services last session, twenty-five pounds; Robert R. Wakeham, stationery and office rent, fifty pounds; Thomas Beck, for fees of office, and expenses contingent on his office, twelve pounds ten shillings; William B. Row, for parchment last year, seven pounds; Alexander M'Iver, for extra sta-

Resolutions.

tionery last year, fifteen pounds fifteen shillings and sevenpence ; Robert R. Wakeham, furniture for the Assembly, Speaker's chair included, and other expense contingent on his office, twenty-two pounds twelve shillings and ten pence ; George T. Hay, for engrossing petitions last year, three pounds ; Richard Perchard, gaoler, for coals and candles, eight pounds five shillings ; the Proprietors of the **NEWFOUNDLANDER**, for the balance of last year's Journals, one hundred and sixty-three pounds one shilling and eight pence ; the Proprietor of the **PATRIOT**, balance of printing last year, one hundred and thirty-four pounds twelve shillings and eightpence ; probable amount of printing Journals this year, one hundred and fifty pounds ; the probable amount of printing for this House, one hundred pounds ; the Hon. the Speaker, two hundred pounds ; attendance last session, one hundred pounds ; attendance of thirteen members of the Assembly for forty-two days, at the rate of 20s. per day, five hundred and forty-six pounds, (the Speaker not included ;) Chairman of Finance and Supply committee, fifty pounds ; Robert R. Wakeham, to pay the person employed in cleansing the House, ten pounds ; Reporter to the House of Assembly, fifty pounds ; Robert R. Wakeham, to pay for the Newspapers of the Colony, six pounds thirteen shillings and ten pence ; Robert R. Wakeham, to pay the postages of members resident in the out ports, twenty seven pounds ; to Robert R. Wakeham, to defray the expense of Solicitor for framing eighteen Bills, being at the rate of three guineas per Bill, fifty six pounds fourteen shillings ; to William Freeman, for fitting up the rooms for the sitting of the Legislature, twenty-two pounds seventeen shillings and three pence ; to Henry Winton, for binding the Journals, twenty-one pounds ; to David Walsh, as a special Messenger to Conception Bay last year, five pounds ; to pay the travelling and other extra expenses of nine members residing in out ports, one hundred and eighty pounds, being at the rate of twenty pounds each.

Resolved,—That it is the opinion of this committee that a sum not exceeding forty-eight pounds fifteen shillings and sixpence be granted to her Majesty to defray the expense of George Henry Emerson, Esq., Barrister at law, for his services in two special Actions taken by Benjamin Greer Garrett versus Patrick Morris, and Henry John Boulton versus Patrick Morris, John V. Nugent, and John Kent, being suits instituted by the said Plaintiffs against the said Defendants for acts and proceedings performed by the Defendants in the House of Assembly in their characters as members of this House.

Resolved,—That it is the opinion of this committee that a sum not exceeding five hundred pounds, or as much thereof as may be necessary, be granted to her Majesty to defray the expenses attendant on the late Delegation appointed by the House of Assembly to treat with her Majesty's Government in London on the subject of the administration of Justice, the Fisheries, and the General state of the Colony.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred and fifty pounds be granted to her Majesty towards compensating the Clerk and Serjeant at Arms appointed by the Crown to the House of Assembly, this sum being voted in consequence of his Excellency acquainting this House by message of the 28th September, 1838, that any Supply Bill providing for the Clerk and Serjeant at Arms nominated by the House of Assembly, cannot be assented to by him unless provision be also made for the Officers who held their appointment under the Crown, provided said sum is not to be paid to said officers without the approval of her Majesty's Government in England, being first had and signified.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty to be placed at the disposal of the Chairman and Secretary, and other Officers of the Factory, to be applied for the support of the said Institution.

Resolutions.

Resolved,—That it is the opinion of this committee that a sum not exceeding five pounds be granted to her Majesty to compensate Robert Holden for his services in copying correspondence with the Speakers of the North American Colonies on the subject of the election of Officers.

Resolved,—That it is the opinion of this committee that a sum not exceeding twenty-six pounds eleven shillings be granted to her Majesty to pay the expense of an investigation in a case of supposed poisoning at Bay Roberts.

Resolved,—That it is the opinion of this committee that a sum not exceeding five pounds be granted to her Majesty to defray the expense of Philip Wright in attendance on this House to give evidence on the administration of Justice in obedience to a summons from this House.

Resolved,—That it is the opinion of this committee that a sum not exceeding three hundred pounds be granted to her Majesty to defray the expense of the Light House on Harbor Grace Island, to be expended as follows—To the Keeper of the Light House, seventy pounds, the Assistant Keeper, twenty-five pounds, for Oil, Wick, Coal, and other expenses, two hundred and five pounds.

Resolved,—That it is the opinion of this committee that a sum not exceeding five hundred pounds per year, for three years, be granted to her Majesty, to be placed at the disposal of his Excellency the Governor, to be paid to any company or individual who will place a suitable Steamer, not less than Tons Horse power, to ply between the port of St. John's and a port in Great Britain and Ireland, the said Steamer to make at least four trips out and four trips home.

The Resolution being again read, to pay travelling and other extra expenses of nine Members residing in Out Ports £180, being at the rate of twenty pounds each,

Resolution to pay travelling expenses &c. of Members read.

Mr. Kent moved, seconded by Mr. Doyle,

That the said Resolution be expunged; which being put, and the House dividing thereon, there appeared for the motion three, against it six.

Motion to expunge it.

FOR THE MOTION—

AGAINST THE MOTION—

Mr. Kent
— Winsor
— Doyle.

Mr. Brown
— M'Carthy
— Godfrey
— Butler
— Moore
— Power.

So it passed in the negative.

Motion lost.

The original Resolution was then, upon the question put thereon, agreed to by the House.

Resolution agreed to.

The Resolution that a sum not exceeding £300 be granted to her Majesty to defray the expense of the Light House on Harbor Grace Island, being again read,

Resolution to defray expense of Harbor Grace Island Light House read

Motion to expunge it.

Mr. Kent moved, seconded by Mr. Doyle,

That the said Resolution be expunged; which being put, and the House dividing thereon, there appeared for the motion three, against it six.

FOR THE MOTION—

AGAINST THE MOTION—

Mr. Kent
— Winsler
— Doyle.

Mr. Brown
— M'Carthy
— Godfrey
— Butler
— Moore
— Power.

Motion lost.

So it passed in the negative.

Resolution agreed to.

The original resolution was then, upon the question put thereon, agreed to by the House.

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

Motion respecting grant to Speaker.

That one hundred pounds be granted to the Honorable the Speaker, for his services the last session; which being put, and the House dividing thereon, there appeared for the motion five, against it, four.

FOR THE MOTION,

AGAINST THE MOTION,

Mr. Brown
— Godfrey
— Moore
— Butler
— Power.

Mr. Winsler
— Kent
— Doyle
— Dwyer.

Carried.

So it passed in the affirmative, and

Ordered.—Accordingly.

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

Motion respecting grant to Clerk.

That fifty pounds be granted to the Clerk of the House for his services the last session; which being put, and the House dividing thereon, there appeared for the motion five, against it, four.

FOR THE MOTION.

AGAINST THE MOTION.

Mr. Moore
— Power
— Godfrey
— Brown
— Butler.

Mr. Kent
— Doyle
— Dwyer
— Winsler.

Carried.

So it passed in the affirmative, and

Ordered.—Accordingly.

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

Resolution for committee to prepare bill in conformity with the said Resolutions.

Resolved.—That a committee be appointed to prepare a bill agreeably to the said resolutions.

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Revenue Bill, and have appointed managers to meet the conferrees on the part of the Assembly in the committee room of the Council immediately.

Council Chamber, }
2nd October, 1838. }

JAMES SIMMS,
Senior Member presiding.

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

Ordered—That the said conference be acceded to. Conference acceded to.

Ordered,—That Mr. Kent, Mr. Brown, Mr. M'Carthy, and Mr. Doyle be managers to conduct the said conference on the part of this House. Managers named.

And they went to the conference,—and being returned, Conference held.

Mr. Kent reported that they had been at the conference, and he read the report in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows: Report.

Her Majesty's Council have desired this conference upon the bill sent up from the Assembly entitled "An act for the further increase of the Revenue," for the purpose of acquainting the Assembly that subsequently to the said bill having been sent up to her Majesty's Council, the Council have received a message from his Excellency the Governor, informing them "that with reference to the despatch of Lord Glenelg, in the possession of the Council, which directed the Governor not to assent to a Revenue Bill which did not provide ample remuneration to the Collector for the trouble and responsibility of collecting, his Excellency informs the Council that he does not consider fifty pounds a-year as an adequate remuneration, and he cannot therefore assent to a bill which provides that amount only."

The Council collecting from his Excellency's message that in order to ensure the passing of the Revenue Bill, an amendment should be made in the said bill have, with a view to facilitate at this late period of the Session the progress of the bill, ascertained by message to his Excellency that the sum of one thousand two hundred and ninety-seven pounds seventeen shillings, being about six per cent on the amount received; would be deemed an adequate remuneration for the Collector of the Colonial Revenue.

The Council disclaiming any wish to make, in a bill of this description, amendments which may be deemed inconsistent with Parliamentary usage, without the consent of the Assembly, have requested this conference for the purpose of explaining to the Assembly the views of the Executive, and have appended to the instructions given to their conferrees an amendment in accordance therewith.

Council Chamber, }
2nd October, 1838. }

JAMES SIMMS,
Senior Member Presiding.

Amendments to Revenue bill read.

Amendments proposed by the Council to be made in the bill entitled "An act for the further increase of the Revenue."

Expunge the 14th section, and insert in lieu thereof—

"And be it further enacted that there shall be reserved out of the duties levied under and by virtue of this act, a sum not exceeding pounds per centum on the gross amount thereof, and that the same shall be appropriated by his Excellency the Governor, or person administering the Government, for the time being, by and with the advice and consent of her Majesty's Council, towards remunerating the Collector of her Majesty's Customs, and other officers in full of all salaries and daily pay to tide waiters, and of all other ordinary charges and expenses which may be incurred in collecting and accounting for the same."

To lie on the table.

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

Letter from Hon. Mr. Secretary Crowdy transmitting documents.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, a Report of the proceedings of the Board of Education for the district of Fogo, from the year 1836 to the 25th ult. together with an account current.

The said report and account were read by the Clerk,—for which see *Appendix*.

To lie on the table.

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

Letter from Hon. Mr. Secretary Crowdy transmitting documents.

Mr. Speaker also laid before the House a letter from the Hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, a letter from Mr. McKie, stipendiary magistrate of Bay Bulls, with a memorial from Michael Coady, constable, of that place, praying that his salary may be raised to the sum formerly granted to him.

The said letter and memorial were read by the clerk.

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

Referred to committee of supply.

Ordered,—That the said letter and memorial be referred to the committee of supply.

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

Wednesday, October 3, 1838.

Amendments to bill to preserve the harbors of this colony from annoyances, &c. read 3d time.

PURSUANT to the order of the day, the amendments made by her Majesty's Council in the Bill entitled "An act to preserve the harbor of this colony and its dependencies from all annoyances, and to provide for the appointment of an Harbor-Master at Carbonear," were read a third time

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

Passed.

Resolved—That the said amendments do pass.

Council acquainted thereof.

Ordered,—That Mr. Power and Mr. M'Carthy do acquaint her Majesty's Council that this House have concurred in the said amendments.

Mr. Power gave notice that to-morrow he should move for leave to bring in a Bill to make provision for the appointment of a Harbor Master at the port of Carbonear.

Notice of bill to provide for the appointment of a Harbor Master at the port of Carbonear.

Mr. Kent gave notice, that to-morrow he should move for leave to bring in a Bill to further amend an act, entitled "An act to regulate the inspection of pickled fish exported from this Colony."

Notice of Bill to amend act for the inspection of pickled fish.

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

Resolved,—That a select committee be appointed to prepare an address to his Excellency the Governor in reply to his Excellency's message to the House on the subject of the Revenue Bill.

Resolution for committee to prepare address to his Excellency.

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

Committee.

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

Report.

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

Address.

May it please your Excellency,

The House of Assembly have maturely considered your Excellency's Message of the 31st August, appending a copy of Sir George Grey's letter to Collector Spearman; and also your Excellency's Message of the 28th September, informing the House that your Excellency cannot assent to a Bill for raising a Revenue which has been sent up by this House for the concurrence of the Honorable the Board of Council.

The reasons for your Excellency not assenting to this Bill, and which your Excellency has been pleased to lay before this House, are as follow,—That the Right Hon. the Secretary of State for the Colonies has instructed your Excellency not to assent to any Bill imposing additional duties on Mr. Collector Spearman, without providing that officer adequate remuneration for their performance, and that Mr. Spearman does not consider the allowance apportioned in the Revenue Bill in question as commensurate with the labor imposed.

The House of Assembly, on reference to the dates of the communication from Lord Glenelg to your Excellency, and of the letter from Sir George Grey to Mr. Collector Spearman, are not a little surprised to find that these instructions are the same which induced the Legislature, in the session of 1837, to increase the sum necessary for the Collection of the Local Revenue from £900 to £1055.

In the apportionment of this sum the Legislature allotted £50 for the Collector—to those unacquainted with the gradual increase of the Collector's salary, since his appointment to that office in Newfoundland, and the causes that induced this increase, this sum might appear inadequate—but the House of Assembly consider it proper to lay before your Excellency the reasons which induced them to allot, apparently, so small an

Address.

allowance. When the Collector arrived in this country there was then no local act imposing taxes on any goods or merchandize.—Subsequently an act of that character passed the Legislature—and the Collector was allowed $2\frac{1}{2}$ per cent on the amount of duties collected under its authority. On passing another Revenue Bill the Legislature intentionally omitted to provide any remuneration for the Collector. The Lords of the Treasury, in consequence of that omission, instructed the Collector to retain out of duties collected under acts of the Imperial Parliament £100, thereby raising that officer's salary from £700 to £800—so in reality the Collector has £150 sterling for the additional responsibility—and as for the labor, that entirely devolves on the several subordinate officers appointed, and for whose salaries the Legislature has provided £1115.

The House of Assembly consider it necessary to enter into this detailed explanation in justification of their proceedings last year; these proceedings and alterations in the Revenue Bill originated from a desire on the part of the Legislature to meet the instructions of Lord Glenelg; that Revenue Bill, so framed, received the assent of the three branches of the Legislature, and also of the Queen in Council. These circumstances, the House of Assembly humbly submit to your Excellency, are sufficient evidence (unless your Excellency has further instructions) of the opinion of her Majesty's Government being on this subject coincident with that of the Legislature of Newfoundland.

The House of Assembly would humbly submit to your Excellency that the accident of Mr. Spearman's absence or presence, on the consideration of this question cannot affect its merits. Mr. Spearman can certainly exercise his own discretion in not assuming the labor and responsibility about to be imposed on him, but the House of Assembly presumes, should your Excellency assent to this Bill, that the Collector of the Customs is bound by the Law of the Land; besides the House of Assembly cannot admit the principle that the person filling a particular office is to be considered a fitting judge of the amount of stipend to be attached to it.

The House of Assembly therefore humbly request that your Excellency would be pleased to inform them, whether your Excellency has received any communication on this subject, of additional remuneration to Mr. Spearman, from her Majesty's Government, since the Revenue Act of 1837 became the Law of the Land.

Adopted and engrossed.

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

Committee to present it.

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

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

Thursday, October 4, 1838.

Bill to provide for the appointment of a Harbor Master &c. at Carbonear read 1st time.

MR. Power, pursuant to notice and leave granted, presented a Bill to prevent damage to Ships and Vessels in the Port of Carbonear, and to make provision for the appointment of a Harbor Master for the said Port, and the same was read a first time.

Mr. Kent, pursuant to notice and leave granted, presented a Bill to further amend an act, entitled "An act to regulate the inspection of pickled fish exported from this Colony," and the same was read a first time.

Bill to amend act for the inspection of pickled fish read 1st time.

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

Resolved,—That the Rules of the House in reference to the reading, committing, and passing of Bills be suspended so far as relates to the said Bills.

Rules of House suspended.

Ordered,—That the said Bills be now read a second time.

And they were read a second time accordingly.

Bills read 2d time.

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

Resolved,—That the said Bill to prevent damage to Ships and Vessels in the Port of Carbonear, and to make provision for the appointment of a Harbor Master for the said Port, be now committed to a committee of the whole House.

House in committee on Bill to provide for the appointment of a Harbor Master &c. at Carbonear.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Dwyer took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

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

Bill engrossed.
3d reading.

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

Resolved,—That the said Bill to further amend a Bill entitled "An act to regulate the inspection of pickled fish exported from this Colony," be now committed to a committee of the whole House.

House in committee on Bill to amend act for the inspection of pickled fish.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

Bill engrossed.
3d reading.

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

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Message from his Excellency the Governor transmitting letter &c.

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

And then the messenger withdrew.

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

H. PRESCOTT.

The Governor transmits to the House of Assembly the copy of a Letter from the Chairman of the Board of Control, including an account of incidental expenses, and recommends that provision be made for them and future contingencies of that Board.

Government-House, }
3rd October, 1838. }

Letter & account read.

The said Letter and Account were then read by the Clerk.—(For which see *Appendix*.)

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

Referred to committee of supply.

Ordered,—That the said Letter and Recommendation be referred to the committee of supply.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

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

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly, that the contingent account of the Clerk of the Council, as annexed, amounts to Three hundred and Twenty-two pounds Eighteen shillings and Two pence; and that of the Usher of the Black Rod, to Thirteen pounds Two shillings and Eight pence, also annexed; and they have—

Resolved,—That the sum of One hundred pounds be granted to the Clerk of the Council for his services during the present session.

That the sum of One hundred pounds be granted to the Master in Chancery for his services during the present session.

That the sum of Twenty pounds be granted to the Usher of the Black Rod for his services during the present session.

That the sum of Thirty-five pounds be granted to the Door Keeper for his services during the present session.

That the sum of Ten pounds be granted to the Assistant Door Keeper and Messenger for his services during the present session.

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
4th October, 1838. }

Contingent account of the Clerk of the Council and Usher of the Black Rod. Message.

CLERK OF THE COUNCIL.

Extra services in preparing and superintending the printing of the Journal, with Index, for the present session	£25 0 0 stg.
Henry Winton, for printing and binding	27 15 2
John McCoubrey, for printing	8 13 4
Ryan & Withers, for printing Journal, Bills, &c. for the Session of 1837	152 9 1
Do. for printing Academy Bill (1838)	2 3 4
McIver, for stationery,	6 17 3
Probable amount of cost of printing and binding Journal for the present Session	100 0 0
	Sterling £322 18 2

Accounts of Usher of the Black Rod for the Sessions of 1837 and 1838.

William Freeman, Carpenter, for fitting up, cleaning, and furnishing	10 1 11 cur.
Thomas McGrath, Smith's work,	1 0 6
Paid for 4 hogsheads coals, at 8s. 6d.	1 14 0
Do. 20 lbs Sperm candles, at 2s. 4d.	2 6 8
	Currency £15 3 1
	or
	Sterling £13 2 8

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

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

Referred to committee of supply.

A petition of John Boyd, Nicholas Gill and others, proprietors and tenants, chiefly residing in Gower Street, in the town of St. John's, was presented by Mr. Kent, and the same was received and read, praying that a sum of money may be granted for the purpose of repairing the said street, and building one or more tanks.

Petition of J. Boyd and others presented & read

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

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

Referred to committee on roads and bridges.

Mr. Power gave notice that to-morrow he should move that the House resolve itself into a committee of the whole House on roads and bridges.

Notice of motion for committee of whole on roads and bridges.

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

Friday, October 5, 1838.

MR. Kent, from the committee appointed on the 3d instant, to wait on his Excellency the Governor with an address of the House in answer to his Excellency's message on the subject of the Revenue Bill,

Report of committee to present address to his Excellency.

reported that they had presented the address accordingly, and that his Excellency was pleased to reply as follows :

His Excellency's reply.

Gentlemen,

For the specific question with which this address concludes, I have to reply in the negative.

There is an observation in the address respecting the increase of the Collector's salary from £700 to £800, which, although it cannot, under my instructions, affect my decision upon the present question, seems to have weighed with the House of Assembly in its determination not to make an adequate remuneration to that officer for his additional duties in the collection of the Colonial Revenue.

I will therefore send down a copy of Mr. Spearman's representation to the Secretary of State which produced his Lordship's Letter of the 7th March, 1837.

I have also to notice an inaccuracy respecting the Revenue Bill of last year, which has not received "the assent of the Queen in Council," but which is still under the consideration of Government.

I can assure you that it is to me a subject of great regret to differ in opinion on any occasion from the House of Assembly. I propose to make a further communication to the House by message.

Government House,
5th October, 1838.

Order of day read.

The order of the day for the third reading of the bill to further amend an act entitled "an act to regulate the inspection of pickled fish exported from this Island," being read,

Mr. Kent moved, seconded by Mr. Power,

Motion for re-committal

Resolved,—That the said bill be now re-committed to a committee of the whole House on the re-consideration of the same.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report

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

Amendments read and agreed to

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

Bill engrossed and reading.

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

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

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

Bill passed.
Title.

Resolved—That the said bill do pass, and that the title be "An act to further amend an act entitled 'An act to regulate the inspection of pickled fish exported from this colony.'"

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

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

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

And the House resolved itself into the said committee accordingly. House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had made some progress in the business to them referred, and had come to certain resolutions thereon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's table, where they were again read as follow: Report

Resolved,—That it is the opinion of this committee that a sum not exceeding three hundred and thirty-six pounds and ten pence be granted to her Majesty to defray the contingent expenses of her Majesty's Council, as follow:—

Clerk of the Council for preparing and superintending the printing of the Journals	£25 0 0
Henry Winton, for printing and binding	27 15 2
John McCoubrey, for printing	8 13 4
Ryan & Withers, for printing Journal and Bills, for 1837	152 9 1
D. for printing Academy Bill this Session	2 3 4
Alexander M'Yer, for stationery,	6 17 3
Probable amount of printing Journals this Session	100 0 0
The Usher of the Black Rod, for contingent expenses attendant on his office	13 2 8
	£336 0 10

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty to defray the expense of the salary of the Clerk of the Board of Council.

Resolved,—That it is the opinion of this committee that a sum not exceeding one hundred pounds be granted to her Majesty to defray the expense of the Master-in-Chancery, attendant on the Board of Council.

Resolved,—That it is the opinion of this committee that a sum not exceeding seventy pounds be granted to her Majesty to defray the expense of the attendance of the Usher of the Black Rod on the Board of Council.

Resolved,—That it is the opinion of this committee that a sum not exceeding thirty-five pounds be granted to her Majesty to defray the salary of the Doorkeeper to the Board of Council.

Resolved,—That it is the opinion of this committee that a sum not exceeding ten pounds be granted to her Majesty to defray the expense of the Assistant Doorkeeper to the Board of Council.

Resolved,—That it is the opinion of this committee that a sum not exceeding six pounds eleven shillings and eight pence be granted to her Majesty to defray the contingent expenses of the Board of Control for the past year.

Resolutions.

Resolved—That it is the opinion of this committee that a sum not exceeding forty-seven pounds ten shillings be granted to her Majesty to defray the expense of Charles Simms, Esquire, Barrister at Law, for his services in two special actions taken by Benjamin Greer Garrett versus Patrick Morris, and Henry John Boulton versus Patrick Morris, John Kent, and John Valentine Nugent, being suits instituted by said plaintiffs against the defendants, for acts and proceedings performed by defendants in the House of Assembly in their character as Members of this House.

Resolved,—That it is the opinion of this committee that a sum not exceeding six pounds six shillings be granted to her Majesty to defray the expense of the attendance of Dr. Walsh at Bay Roberts in a case of supposed poisoning.

Resolved,—That it is the opinion of this committee that a sum not exceeding two hundred and fifty pounds be granted to her Majesty to be placed at the disposal of the Commissioners of the Grammar School at Carbonear, to be appropriated towards the procuring or building a Grammar School at Carbonear, provided the inhabitants of said town subscribe a similar sum for said purpose.

Resolved.—That it is the opinion of this committee that a sum not exceeding seventeen pounds be granted to her Majesty towards defraying the expense of Patrick Morris, Esq., in the suit of Benjamin Greer Garrett versus Patrick Morris, for acts and proceedings in the House of Assembly, as a member of the said House.

Resolved,—That it is the opinion of this committee that a sum not exceeding fifty pounds be granted to her Majesty to be placed at the disposal of the ladies of the Sick institution.

Resolution respecting grant to Carbonear Grammar School, read.

The said resolution "that a sum not exceeding £250 be granted to her Majesty to be placed at the disposal of the Commissioners of the Grammar School at Carbonear, towards the procuring or building of a School in the said town, provided the inhabitants of the said place subscribe the like sum," being again read,

Motion that the same be not agreed to.

Mr. Kent moved, seconded by Mr. Doyle,

That the said Resolution be not agreed to; which being put, and the House dividing thereon, there appeared for the motion three, against it, six.

FOR THE MOTION,

AGAINST THE MOTION,

House divide.

Mr. Kent
— Doyle
— Dwyer.

Mr. Brown
— Godfrey
— Moore
— Butler
— Power.
— M'Carthy.

Motion lost.

So it passed in the negative.

Original resolution carried.

The original resolution was then, upon the question put thereon, agreed to by the House.

Resolutions read and agreed to

And the said other resolutions being again read, were, upon the question severally put thereon, agreed to by the House.

Mr. Kent gave notice, that he should to-morrow move for leave to bring in a Bill to raise a loan of Seven thousand Five hundred pounds for making and repairing Roads.

Notice of bill to raise a loan of £7,500 for Roads

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

Saturday, October 6, 1838.

A Petition of William Henebury, James Trasey, and others, inhabitants of St. John's and its vicinity, was presented by Mr. Kent, and the same was received and read, praying for a grant of a sufficient sum to repair the road from Mr. Perkins's, on the Barrrens, to Fresh Water road.

Petition of W. Henebury and others presented & read.

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

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

Referred to committee on roads and bridges.

Pursuant to the order of the day, an engrossed Bill to prevent damage to Ships and Vessels at the Port of Carbonear, and to provide for the appointment of a Harbor Master at the said Port, was read a third time.

Bill to provide for the appointment of a Harbor Master &c. at Carbonear road 3d time.

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

Resolved,—That the said bill do pass, and that the title be "An act for the more effectual prevention of damage to Ships and Vessels, and to provide for the appointment of a Harbor Master at the Port of Carbonear."

Bill passed.
Title.

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

Sent to Council.

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

Resolved,—That the Rules of the House in reference to the reading and passing of Bills, and giving notice of motion, be suspended during the continuance of the present session.

Rules of House suspended.

Mr. Kent, pursuant to notice and leave granted, presented a Bill for raising a loan of Seven thousand Five hundred pounds, for the purpose of making and repairing of Roads, which was read a first time.

Bill to raise a loan of £7,500 for roads read 1st time.

Ordered,—That the said Bill be now read a second time.

And the said Bill was read a second time accordingly.

Read 2d time.

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

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

To be committed on

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

Monday next.

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

House in committee on consideration of subject matter of conference with H. M. Council on 2d inst.

Resolved,—That this House do now resolve itself into a committee of the whole House on the consideration of the subject matter of the conference with her Majesty's Council on the second inst.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Resolved,—That it is the opinion of this committee that a conference be requested with her Majesty's Council, and that the instructions to the Managers on the part of this House be as follows:

The House of Assembly have taken into consideration the instructions to their conferees of the 2nd instant, on the subject of certain amendments proposed to be made in the 14th section of the Revenue Bill.—The Ho use of Assembly cannot assent to allow the Officers of her Majesty's Customs six per cent on the gross amount of monies collected under the authority of acts of the Local Legislature of this Colony, because they consider the gross amount of the past years Revenues as the maximum, and that as the Country improves, and the population increases, the produce of such revenue will so increase as to make an advalorem compensation at so high a rate, a reward more than commensurate with the quantum of responsibility and labor imposed. The House of Assembly anticipate no inconvenience to the Country from this difference with her Majesty's Council, as in the intermediate term between the holding of the conferences on this subject they have had communications from the Executive, which the House of Assembly consider it expedient to adopt.

The House of Assembly cannot conclude without stating to her Majesty's Council, that it is their desire not to embarrass the fiscal affairs of the colony, and not any sense of an insufficient sum being inserted in the Revenue Bill, now before the Council, for the remuneration of the Officers of her Majesty's Customs, which induces them to agree to the proposals of the Executive on the subject of remuneration to the Officers of her Majesty's Customs.

Resolution read and agreed to.

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

Committee to request conference.

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

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Conference acceded to.

Her Majesty's Council accede to the conference requested by the House of Assembly on the subject matter of the conference on the 2nd

instant, and have appointed conferees to meet the managers on the part of the Assembly in the committee room of the Council presently.

JAMES SIMMS,
Senior Member Presiding.

Council Chamber, }
6th October, 1838. }

And then the Messenger withdrew.

Ordered,—That Mr. Kent, Mr. Brown, Mr. Power, and Mr. M'Carthy do manage the said conference on the part of this House. Managers named.

And they went to the conference—and being returned— Conference held.

Mr. Kent reported that the managers had been at the conference, and had complied with the instructions of the House. Report.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council requesting documents relative to Bill to provide for the appointment of a Harbor Master &c. at Carbonear.

Mr. Speaker,

Her Majesty's Council request the House of Assembly will furnish the Council with all petitions and other documents in possession of that House which relate to a Bill, entitled "An act for the more effectual prevention of damage to Ships and Vessels, and to provide for the appointment of a Harbor Master for the Port of Carbonear."

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
6th October, 1838. }

Ordered,—That Mr. Power and Mr. M'Carthy do carry up to the Council the petition of the Ship Owners, Planters, and other Inhabitants of Carbonear, the only document in the possession of the House referring to the subject matter of the said message.

Petition of Ship owners and other inhabitants of Carbonear transmitted to Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council transmitting Bill for granting to her Majesty certain duties with an amendment.

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they have passed the Bill sent up from that House, entitled "An act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies," with an amendment to which they request the concurrence of the Assembly.

JAMES SIMMS,
Senior Member Presiding.

Council-Chamber, }
6th October, 1838. }

The said amendment was read a first time.

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

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

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

Resolution for committee to prepare bill for granting to her Majesty certain duties.

Resolved,—That a committee be appointed to prepare a Bill for granting to her Majesty certain duties.

Committee appointed.

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

Report.

Mr. Kent, from the said committee, reported that they had prepared a Bill in conformity with the said Resolution, which he presented to the House, and the same was read a first time.

Bill read 1st and

Ordered,—That the said Bill be now read a second time.

2d time.

And the said Bill was read a second time accordingly.

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

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

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said Bill, and had agreed to the same without amendment.

Bill engrossed. 3d reading.

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

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

Monday, October 8, 1838.

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

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

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

Bill passed.

Title.

Resolved,—That the said bill do pass, and that the title be “An act for granting to her Majesty certain duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies.”

Sent to Council.

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

Petition of J. Whelan and others presented & read.

A Petition of Joseph Whelan, David Bulger, and other inhabitants of St. John’s, was presented by Mr. Morris, and the same was received and read, praying for a grant of an adequate sum for repairing the road from St. John’s to Torbay, and from thence to Flat Rock and Pouch Cove, also for building a bridge over Forest Pond river.

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

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

Referred to committee on roads & bridges.

Mr. Morris gave notice that to-morrow he should move for leave to bring in a Bill to remove all doubts which may exist as to the Dollar being a legal tender, at four shillings and four pence, for the payment of Rents and other debts contracted in this Colony, to be paid in British sterling.

Notice of Bill to remove doubts respecting the value of the Dollar.

Mr. Morris, pursuant to notice and leave granted, presented the following Bills, viz :—

Bills presented.

A bill to repeal an act entitled “ An act to provide for the banishment of persons convicted of certain offences, and also to provide certain modes of punishment in divers criminal cases.”

A bill to repeal an act entitled “ An act for the establishment and regulation of fire companies in the town of St. John’s, and also to repeal an act to amend the said act.”

A bill to repeal an act entitled “ An act to regulate the making and repairing of roads and highways in this Island, and also an act to amend the said act.”

A bill to amend an act entitled “ An act to extend the Criminal Laws of England to this Colony under certain modifications.”

And the said bills were read a first time.

Read 1st time.

Ordered,—That the said bills be now read a second time.

And the said bills were read a second time accordingly.

2d reading.

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

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

To be committed.

Mr. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, acquainting the House by command of his Excellency the Governor, that it is his Excellency’s intention to prorogue the present session of the Legislature on Wednesday the 17th instant.

Letter from Hon. Mr. Secretary Crowdy acquainting the House of his Excellency’s intention to prorogue the Legislature

Mr. Brown from the committee appointed to prepare a bill for granting a supply to her Majesty, reported that the committee had drafted a bill accordingly, which he presented to the House, and the same was read a first time.

Bill for granting a supply to her Majesty read 1st time.

Ordered,—That the said bill be now read a second time.

2d reading.

And the said bill was read a second time accordingly.

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

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

To be committed

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

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

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

Tuesday, October 9, 1838.

Letter from Hon. Mr. Secretary Crowdy transmitting documents.

MR. Speaker laid before the House a letter from the hon. Mr. Secretary Crowdy, transmitting, by direction of his Excellency the Governor, the Report of the Road Commissioners for the Central district, appointed in November, 1836, and an account current.

Report & account read.

The said Report and Account were then read by the Clerk.—(For which see *Appendix*.)

To lie on the table.

Ordered,—That the said Report and Account do lie upon the table to be perused by the members of the House.

Petition of A. O'Neill and others presented & read.

A petition of Adam O'Neill, Michael Goff, and others, inhabitants of the district of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a sufficient sum for continuing the repairs of the Fresh-water line of road.

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

Referred to committee on roads & bridges.

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

Petition of M. Dwyer and others presented & read.

A petition of Michael Dwyer, John Hatchett, and other inhabitants of Logy Bay, was presented by Mr. Morris, and the same was received and read, praying for a grant of such further sum as will complete the road from Logy Bay to meet the Outer Cove road.

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

Referred to committee on roads and bridges.

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

Petition of N. Croke presented and read.

A Petition of Nicholas Croke, of St. John's, was presented by Mr. Morris, (who stated in his place that his Excellency the Governor had consented to the same being presented,) and the said petition was received and read, setting forth—

That in the autumn of 1836, memorialist contracted with the Government to supply materials and to erect Court Houses and Prisons in various parts of the colony, agreeably to plans and specifications which had been furnished him, and under the direction of various individuals who had been appointed for the purpose.

That in pursuance of such contract, he sent to Brigus, in Conception Bay, a foreman with a crew of tradesmen for the purpose of erecting a

Court House in that place. That, agreeably to the directions of the Colonial Secretary and the Surveyor General, memorialist's foreman called on Josiah Green, Esq., Deputy Surveyor, who, assisted by Thomas Fitzgibbon Moore, Esq., a member of your honorable House, marked out the site of the building, on which the men immediately commenced to erect the frame, which had been all prepared in St. John's. That some time after the commencement, Mr. Pinsent arrived in Brigus from Port de Grave, and not approving of the site chosen by Mr. Green, he wished to have the work to cease for some time; but memorialist's foreman having learned from Mr. Pinsent himself, that he, Mr. Pinsent, had no authority or instructions to act in the choice of a site, he, the foreman, felt it his duty to proceed with the erection on the site marked by the officer from whom he was directed to receive instructions. That Mr. Pinsent having a short time after this conversation received instructions to inspect the building, he brought his opinion of the site under the consideration of his Excellency. That on his Excellency's requiring memorialist to take down and remove the building, memorialist consented, on receiving an assurance that his Excellency would recommend his claim for amount of expenses to the favourable consideration of your honorable House. That in this situation memorialist had no alternative but to consent or to continue the building in open opposition to the wish of his Excellency, and the majority of the magistrates of Brigus. That memorialist complied, took down, and re-erected the building, which had been roofed, rough-boarded, and the chimney built, and increased the height of the second foundation, about a foot more than was specified in his contract. That memorialist has been at the expense of £79 in the removal, and having had the first site marked by the officer appointed for that duty, he trusts that your honorable House will be pleased to take the subject under your favourable consideration, and make such order thereon as to your honorable House shall seem meet.

Petition

And memorialist as in duty bound will ever pray.

NICHOLAS CROKE.

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

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

Referred to committee of supply.

Mr. Morris, presented a bill for the regulation of Pilots and the pilotage of Vessels at the Port of St. John's, and the same was read a first time.

Bill for regulation of pilots read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

2d reading.

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

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

To be committed

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

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to repeal an act for the banishment of persons convicted of certain offences, and to provide certain modes of punishment, in divers criminal cases; the bill to repeal an act to regulate the making and repairing of roads and high-

House in committee on sundry bills.

ways in this Island, and also an act to amend the said act; and the bill to amend an act to extend the criminal Laws of England to this colony under certain modifications.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

Report

The Chairman reported from the committee that they had gone through the said Bills, and had agreed to the same without amendment.

Bill engrossed.
3d reading.

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

Resolution for select committee to enquire into operation of fire companies act.

On motion of Mr. Morris, seconded by Mr. Winsor,
Resolved,—That a select committee be appointed to enquire into the operation of the act for the establishment and regulation of Fire Companies in the town of St. John's, with liberty to send for persons and papers.

Committee appointed.

Ordered,—That Mr. Morris, Mr. Winsor and Mr. Doyle do form such committee.

House in committee of supply.

Pursuant to order, the House resolved itself into a committee of the whole House on the further consideration of the bill for granting a supply to her Majesty.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments agreed to.

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

Bill engrossed
2d reading.

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

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

Wednesday, October 10, 1838.

Supply bill read 3d time

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

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

Bill passed.

Title.

Resolved,—That the said bill do pass, and that the title be "An act for granting to her Majesty a supply to defray certain charges for the support of the Civil Government of the colony, the administration of Justice, and the contingent expenses of the Legislature.

Sent to Council.

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

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

Three messages from his Excellency the Governor transmitting documents &c.

He also laid before the House, by command of His Excellency, the Hospital and Poor Accounts.

And then the Messenger withdrew.

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

II. PRESCOTT.

The Governor transmits and recommends to the consideration of the House of Assembly the accompanying serious application connected with the expenses of the Election of 1836, to which subject his Excellency has already, on more than one occasion, called the attention of the House.

Government-House, }
10th October, 1838. }

II. PRESCOTT.

The Governor wishes to call the attention of the House of Assembly to the Statement of outstanding Claims, transmitted to the Speaker in the Colonial Secretary's Letter of the 10th August last, and to express his hope that provision should be made for the discharge of these accounts.

Government House, }
10th October, 1838. }

H. PRESCOTT.

In the Resolutions of the House of Assembly of the 2nd inst., transmitted to the Colonial Secretary on the 8th, the Governor perceives that £750 are allotted to maintain the poor of St. John's, out of which £120 are to be paid to District Surgeons, £40 for Medicines, and a salary to a Secretary to be appointed by the Commissioners for the management of the poor fund, thus leaving between £500 and £600 for the relief of the sick and indigent.

The Governor has to inform the House, that there are at this moment 32 pauper patients in the Hospital, at a weekly charge of Sixteen Guineas sterling; that the knowledge of this Institution and of its benefits having become diffused, people resort to it from the Out Ports for cure, and that the number of applicants for admission is likely considerably to increase.

His Excellency transmits to the House the accounts of the Commissioners who have hitherto superintended the poor of this District, and the Hospital accounts up to the end of September. These, together, amount to £500, and that the new system may be brought advantageously into operation by the Commissioners about to be nominated, he would recommend the immediate discharge of these claims, leaving it to the consideration of the House whether it may not be desirable, also, to add one fourth to the sum now allotted for relief.

Government House, }
10th October, 1838. }

The said documents and accounts were read by the Clerk.

Petition of M. Ryan and others presented & read.

A Petition of Michael Ryan, Timothy Fitzpatrick, and other inhabitants of the District of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of money for the repairing the line of road to Upper Long Pond, and to make a road to the Three Ponds about one and a half miles.

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

Referred to committee on roads & bridges.

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

Petition of J. Brine and others presented & read.

A petition of James Brine, James Crowdy, Joseph Noad, and other inhabitants of St. John's, was presented by Mr. Kent, and the same was received and read, praying that a sum may be granted in the Road Bill of the present session for the repairs of the Road leading from the Bridge at Magotty Cove towards the Ordnance Boundry line at Signal Hill.

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

Referred to committee on roads and bridges.

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

Bill to remove doubts respecting the value of the Dollar read 1st and

Mr. Morris, pursuant to notice and leave granted, presented a Bill declaratory of the value of the Dollar in this Colony, and to remove all doubts of the same being a legal tender in certain cases, and the same was read a first time.

Ordered,—That the said Bill be now read a second time.

2d time.

And the said Bill was read a second time accordingly.

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

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

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The Chairman reported from the committee that they had gone through the said Bill, and had agreed to the same without amendment.

Bill engrossed. 3d reading.

Ordered,—That the said Bill be engrossed and read a third time tomorrow.

Bill to extend Criminal Laws of England to this Colony read 3d time.

Agreeably to the order of the day, an engrossed Bill to amend an act to extend the Criminal Laws of England to this Colony under certain modifications, was read a third time.

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

Bill passed.

Title.

Resolved,—That the said bill do pass, and that the title be "An act to amend an act of the General Assembly of this Colony, entitled "An act to extend the Criminal Laws of England to this Colony under certain modifications."

Sent to Council.

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

Agreeably to the order of the day, an engrossed Bill to repeal an act for the banishment of persons convicted of certain offences, and also to provide certain modes of punishment in divers criminal cases, was read a third time.

Bill to repeal act for the banishment of persons convicted of certain offences &c. read 3d time.

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

Resolved,—That the said bill do pass, and that the title be “An act to repeal an act entitled ‘An act to provide for the banishment of persons convicted of certain offences, and also to provide for certain modes of punishment in divers criminal cases.’”

Passed.
Title.

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

Sent to Council.

Agreeably to the order of the day, an engrossed Bill to repeal an act to regulate the making and repairing of Roads and Highways in this Island, and also to repeal an act to amend the said act, was read a third time.

Bill to repeal act for the making & repairing roads and highways in this island read 3d time.

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

Resolved,—That the said Bill do pass, and that the title be “An act to repeal an act entitled ‘An act to regulate the making and repairing of Roads and Highways in this Island,’ and also to repeal an act entitled an act to amend said act.’”

Passed.
Title.

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

Sent to Council.

A MESSAGE FROM HER MAJESTY’S COUNCIL.

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

Message from her Majesty’s Council transmitting Bill for granting to her Majesty certain duties.

Mr. Speaker,

Her Majesty’s Council have passed the Bill sent up from the House of Assembly entitled “An act for granting to her Majesty certain duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies,” without amendment.

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
10th October, 1838. }

And then the messenger withdrew.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the Bill for the regulation of Pilots and the Pilotage of Vessels at the Port of St John’s.

House in committee on Bill for the regulation of Pilots.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

Amendments read and agreed to.

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

Bill engrossed 3d reading.

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council transmitting Bill to amend act for the inspection of pickled fish with amendments.

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

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act to further amend an act entitled 'An act to regulate the packing and inspection of Pickled Fish for exportation from this Island,'" with some amendments to which they request the concurrence of the Assembly.

JAMES SIMMS,
Senior Member Presiding.

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

The said amendments were read by the Clerk and are as follow:—

Amendments read 1st time.

Page 2d, line 2d—Expunge the words "all the."

Expunge the words "intended to be exported from," and insert in lieu thereof the word "for."

" " 9th—Insert the word "first" between the words "said" and "recited."

" " 11th—Expunge all the words between "that" in the 11th line, and "intended" in the 14th line, and insert in lieu thereof "from and after the 1st day of January, 1839, every cask."

" " 14th—Expunge the word "fish" and insert "herrings" in lieu thereof.

At the end of 15th line insert, "to be paid by the owner or owners of the said herrings."

" " 17th—Expunge the word "tierces" and insert "tierce" in lieu thereof.

" " 18th—Expunge the words "nor less."

" " 22d—Expunge the word "barrels" and insert the word "barrel" in lieu thereof.

" " 23d—Expunge the words "nor less."

" last line—Between the word "of" and "16 $\frac{1}{4}$," insert the words "not more than."

" " Expunge the words "to be" and insert "not exceeding."

Page 3d line 1st—Add, at the end of the 2d clause, the words "Provided always, that nothing in this act contained shall impose any penalty on, or prevent the shipping of casks containing pickled fish which may have been packed and inspected prior to the 1st day of January, 1839."

Ordered,—That the said amendments be now read a second time.

Read 2d time.

And the said amendments were read a second time accordingly."

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

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the said amendments. House in committee on amendments.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

The Chairman reported from the committee that they had gone through the said amendments, and had agreed to the same. Report

Ordered,—That the said amendments be read a third time to-morrow. 3d reading.

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

Thursday, October 11, 1838.

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

Resolved,—That the bill for vacating the seats of members of the Assembly in certain cases, be committed to a committee of the whole House this day six months. Bill committed-

Mr. M'Carthy, by leave granted, presented a bill to enable members of the Assembly to vacate their seats in certain cases, and to provide for the election of others in their stead, and the same was read a first time. Bill to enable members to vacate their seats read 1st time.

Ordered,—That the said bill be now read a second time. 2d reading.

And the said bill was read a second time accordingly.

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

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

A petition of Patrick Mallowney, John Renouf, H. P. Thomas, and others, inhabitants of St. John's, was presented by Mr. Morris, and the same was received and read, praying for a grant of a further sum of money to complete the line of Road leading westward from Brookfield. Petition of P. Mallowney and others presented & read.

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

Ordered—That the said petition be referred to the committee on Roads and Bridges. Referred to committee on roads & bridges.

A petition of Denis Mackin, Robert Brown, Walter Whelan and other inhabitants of the upper part of Conception Bay, was presented by Mr. Brown, and the same was received and read, praying for a grant of a further sum of money for the completion of the main road round Conception Bay. Petition of D. Mackin and others presented & read.

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

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

Amendments to Bill to amend act for the inspection of pickled fish read 3d time, and

Pursuant to the order of the day, the amendments made by her Majesty's Council in the bill entitled "An act to further amend an act entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island," were read a third time.

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

Passed.

Resolved,—That the said amendments do pass.

Council acquainted thereof

Ordered,—That Mr. Kent and Mr. Morris do acquaint her Majesty's Council that this House have concurred in the said amendments.

Order of day read.

The order of the day for the third reading of the bill declaratory of the value of the dollar in this colony, and to remove all doubts of the same being a legal tender, being read—

Mr. Morris moved, seconded by Mr. Winsor,

Dollar bill re-committed

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

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendment read and agreed to

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

Bill engrossed 3d reading.

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

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

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

Bill passed. Title.

Resolved,—That the said bill do pass, and that the title be "An act declaratory of the value of the Dollar in this Colony, and to remove all doubts of the same being a legal tender."

Sent to Council.

Ordered,—That Mr. Morris and Mr. Kent do take the bill up to her Majesty's Council and desire their concurrence.

House in committee on Sheriffs' bill.

Pursuant to order, the House resolved itself into a committee of the whole House on the consideration of the bill to regulate the office of Sheriff, and to provide for the appointment of a Sheriff in each judicial District.

Mr. Speaker left the chair.

Mr. Kent took the chair of the committee.

Mr. Speaker resumed the chair.

Report

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

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

Amendments read and agreed to

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

Bill engrossed
3d reading.

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the bill to raise a loan for the making and repairing of roads.

House in committee on
Bill to raise a loan for
making roads

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Amendments read and agreed to.

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

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

Friday, October 12, 1838.

PURSUANT to the order of the day, an engrossed bill to regulate the office of Sheriff, and to provide for the appointment of a Sheriff in each judicial district, was read a third time.

Sheriffs' bill read 3d time

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

Resolved,—That the said bill do pass, and that the title be "An act to regulate the office of Sheriff, and to make provision for the appointment of a Sheriff in each judicial District."

Bill passed.
Title.

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

Sent to Council.

Pursuant to the order of the day, an engrossed bill for the regulation of pilots and the pilotage of vessels at the port of St. John's, was read a third time.

Bill for the regulation of
Pilots read 3d time

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

Resolved,—That the said bill do pass, and that the title be "An act for the regulation of Pilots and the Pilotage of Vessels at the Port of St John's."

Passed.
Title

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

Sent to Council.

Bill to raise a loan for making Roads read 3d time

Pursuant to the order of the day, an engrossed bill to raise a loan for the making and repairing of roads and highways, was read a third time.

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

Bill passed.
Title.

Resolved—That the said bill do pass, and that the title be “An act to authorise the Treasurer of this Colony to raise on loan a sum not exceeding ten thousand five hundred pounds for the purpose of making and repairing roads, streets and bridges therein.”

Sent to Council.

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

Petition of W. Andrews &c., presented & read.

A petition of William Andrews, sen., and Benjamin D. Barnes, of Port de Grave, was presented by Mr. Brown, (who stated in his place that his Excellency the Governor had given his consent to the same being presented,) and the said petition was received and read, setting forth—

That petitioners, last spring, contracted for building a bridge and wall at Port de Grave for the sum of fifty-four pounds currency. That after the accounts were made up, they found that there was only about £3 towards compensating them for their labour, trouble and expenses, from the 23d April, until the 24th May.

Your honorable House will also please take into consideration the extra work done by petitioners, not belonging to the contract, viz., from the bridge aforesaid, to a house belonging to one Wm. Butler, a length of 31 feet, 12 feet wide; sunk down four feet to get a foundation; cross-spanned, pillar'd, and bolted four tier, filled up with rocks, beach, &c., and levelled on a line with the bridge. After examining the old wall, which was thought and appeared to be substantial when the contract was entered into, petitioners were obliged to condemn it and blast rocks to get a new foundation for a new wall, with seven long substantial sticks for the securing the said wall, more than was specified in the contract.

Your honorable House will please refer to the annexed account which specifies every particular, and petitioners pray the consideration of your honorable House to recompense them for the extra work done, so that petitioners may not be working and persevering for upwards of a month for the good of the public, and at a considerable loss to themselves.

And petitioners, as in duty bound, will ever pray.

To lie on the table.

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

House in committee on bill to enable members to vacate their seats.

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

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

The chairman reported from the committee that they had gone thro' the said bill, and had agreed to the same.

Bill engrossed
3d reading.

Ordered,—That the said Bill be engrossed and read a third time tomorrow.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council requesting conference.

Mr. Speaker,

Her Majesty's Council request a conference with the House of Assembly on the subject matter of the Bill entitled "An act for granting to her Majesty a supply to defray certain charges for the support of the Civil Government of this Colony, the administration of Justice, and the contingent expenses of the Legislature," and have appointed conferees to meet the managers on the part of the Assembly in the committee room of the Council presently.

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
12th October, 1838. }

And then the messenger withdrew.

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

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

Conference agreed to.

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

Council acquainted thereof.

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

Managers named.

And they went to the conference—and being returned—

Conference held.

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

Report.

Her Majesty's Council have sought this conference with the House of Assembly in the hope that the desire to preserve a good understanding with that House, evinced by this course of proceeding—instead of an immediate rejection of the Bill entitled "An act for granting to her Majesty a supply to defray certain charges for the support of the Civil Government of this Colony, the administration of Justice, and the contingent expenses of the Legislature"—will be met by corresponding feelings on the part of the Assembly.

The Council only deem it necessary, on this occasion, to refer to the instructions to their conferees, communicated to the House of Assembly on the 10th July last, on the Supply Bill of last Session being passed by them, to satisfy the House of Assembly, that consistently with those instructions, founded on the mediation of her Most Gracious Majesty, it is impossible for the Council to pass a Bill which mixes up with the supplies required for the general government of the Colony, the contingencies of the Legislature and other matters not previously sanctioned by the Governor, or communicated by Resolutions to, and concurred in by the Council.

JAMES SIMMS,
Senior Member Presiding.

Council Chamber, }
12th October, 1838. }

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

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

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the making and repairing of Roads and Bridges in this Colony.

House in committee on
Roads and Bridges.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Saturday, October 13, 1838.

Bill to enable members
to vacate their seats read
3d time.

PURSUANT to the order of the day, an engrossed Bill to enable Members of the Assembly to vacate their seats in certain cases, was read a third time.

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

Passed.

Title.

Resolved,—That the said bill do pass, and that the title be "An act to authorize the vacation of the seats of Members of the Assembly in certain cases."

Sent to Council.

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's
Council transmitting
Bill declaratory of the
value of the Dollar &c.
with amendments.

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

Mr. Speaker,

Her Majesty's Council have passed the Bill sent up from the House of Assembly entitled "An act declaratory of the value of the Dollar in this Colony, and to remove all doubts of the same being a legal tender in certain cases," with some amendments to which they request the concurrence of the Assembly.

Council-Chamber, }
13th October, 1838. }

JAMES SIMMS,
Senior Member Presiding.

The said amendments were read a first time as follow:—

In the Preamble, 2d line—Expunge the fifth word “the.”

Amendments read 1st time.

“ “ “ After the word “tender” add the words “with-
in this Colony.”

“ “ 5th Expunge the words “ascertain rate,” and insert
the following—“ And after the same rate as the same are now pay-
able and receivable in her Majesty’s Customs and other Depart-
ments of her Majesty’s Government in this Colony.”

Expunge the 1st and 2d Sections, and insert—

“ Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, and it is hereby enacted, that all debts and sums of money now due, and payable, or which shall hereafter grow due and become payable, in monies of the coin of the Realm, whether the same debts have accrued and subsisted, or shall accrue and subsist under simple contract or specialty, within this Colony, such debts shall and may, after the passing of this act, be paid, satisfied, and discharged, in the whole or in part thereof, by the payment of Spanish, Boliviana, Central American, Chilian, Columbian, Mexican, New Grenadian, Peruvian, and Rio Plata Silver Dollars, to be paid and received at and after the rate or value of Four Shillings and Four Pence sterling for each Dollar; and a payment or tender of payment in such Dollars, according to the rate or value of the same as aforesaid, shall in all such cases aforesaid be accounted and allowed to be as good and valid in Law, as a tender or payment of monies of the coin of the Realm now is or would be.—*Provided always*, that nothing in this act shall extend or be applied to, or be construed to extend to or affect, any agreement between Merchants or other persons, or any usage of trade or custom of dealing wherein or whereby any debt contracted or subsisting under any such agreement, usage of trade, or custom of dealing, or any sum of money now is or hereafter shall become payable in or by a Bill or Bills of Exchange.”

Ordered,—That the said amendments be now read a second time.

And the said amendments were read a second time accordingly.

Read 2d time.

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

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the said amendments.

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Winsor took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

Ordered,—That the said amendments be now read a third time.

And the said amendments were read a third time accordingly.

Amendments read 3d time.

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

Resolved,—That the said amendments do pass.

Passed.

Ordered,—That Mr. Morris and Mr. Kent do go up to her Majesty’s Council and acquaint them that this House have concurred in the said amendments.

Council acquainted thereof.

Report of committee appointed to prepare an address to her Majesty.

Mr. Morris, from the committee appointed on the 13th ult. to prepare an address to her Majesty the Queen, reported that the committee had prepared the draft of an address accordingly; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

Address.

We, your Majesty's most loyal subjects the Commons of Newfoundland in General Assembly convened, have most humbly and reverently to approach your Majesty, to acknowledge with the most profound feelings of gratitude, the attention which your Majesty has been graciously pleased to give to the complaints of the people of this your ancient and loyal Colony of Newfoundland.

We have more particularly to express our deep sense of your Majesty's solicitude for the protection of the people of this colony, in permitting their complaints against the state of the Administration of Justice to be enquired into, by your Majesty in Council, as we have to express our full, complete, and perfect satisfaction at the result of that enquiry.

Your Majesty's loyal subjects of Newfoundland, being either natives of the United Kingdom, or their immediate descendants, have at all times entertained the strongest desire to be governed by the laws of England; the rights and immunities of British subjects they value beyond all price; they feel anxious to preserve them for themselves and to transmit them unimpaired to their children; it was, then, a cause for unmixed joy and delight to find these mild and merciful Laws and the incomparable constitution of England confirmed to them by the just decision of your Majesty, aided by the advice of your Majesty's Council.

It is with feelings of indignation which we cannot command language sufficiently strong to express, that we have heard that statements have been made to your Majesty, and to the other branches of the Imperial Government, imputing to the people of this colony **DISAFFECTION** and **DISLOYALTY** to your Majesty's Sacred Person and Government, as well as resistance and disregard to your Majesty's Laws. In justification of the people of Newfoundland, and in reply to these unfounded and ungenerous imputations, we fearlessly assert that in no portion of your Majesty's wide-spread dominions, are the people more sincerely, devotedly, and unanimously attached to your Majesty's Royal Person, Throne and Government, than are your Majesty's faithful subjects of Newfoundland. And we further state, without fear of successful contradiction, that, within the recollection of some of the oldest inhabitants, and which takes in the time of the French War, the late American War, and down to the present period, the high crime of disloyalty to the Crown and Government of England was not, even in one solitary instance, exhibited in your Majesty's Courts in Newfoundland against a British Subject; but on the contrary, the people came forward on those occasions, and are even more ready now to come forward, were it necessary, to expend their lives and fortunes in support of the sovereign and just rights of your Majesty, and in upholding and cementing the union and connection with the parent country.

The House of Assembly, the Representatives of the people of Newfoundland, not only repudiate the foul charge of disloyalty, but further claim for their constituents a character which they have so justly earned,

of submitting and acting in obedience to the laws—they also claim for them a moral and religious character, not inferior to that of the people of any other portion of your Majesty's dominions.

Address

Newfoundland is nearly as large as England—the inhabitants are settled in various harbors along the coast, far distant from the capital and from each other, and we regret to say, surrounded, with little exception, by the unimproved wilderness; there is not, except in St. John's, a fort, garrison, or soldier; and the civil force to preserve the peace in these distant settlements, do not exceed one or two constables, and in many harbors not even one constable; yet, notwithstanding, a civil or criminal process issuing from her Majesty's Court at St. John's, can be executed without difficulty in the most distant part, and most populous district in the Island. As an example, we humbly beg to call your Majesty's attention to one case amongst others which occurred during the heat and excitement attending the General Election of 1836: a number of persons were charged with a riot at the Election that took place at Harbor Grace, in Conception Bay—that warrants were issued for the apprehension of the parties accused from the Supreme Court at St. John's; one single constable proceeded to what was then and is now stated to be a "disturbed district," arrested all the parties, and brought them, a distance of upwards of 30 miles, to St. John's, where they were delivered over into the hands of Justice. This is only one example from hundreds we could adduce to prove the readiness with which your Majesty's subjects in Newfoundland subject themselves to the laws, even at a time when it was universally considered that these laws were administered corruptly, partially and unjustly.

We can further refer your Majesty to the official documents annually transmitted from the Local Authorities to your Majesty, which will shew the account of criminal prosecutions and convictions, and must prove the peaceful and moral character of the people of Newfoundland.

Should your Majesty desire to have farther information on the subject, we pray your Majesty to command our late beloved and venerated Chief Justices Sir Francis Forbes and Richard Alexander Tucker to make a report thereon to your Majesty; and we would unhesitatingly appeal to the expressed opinions of these learned, wise and good men, as a full defence against the calumny so unjustly heaped upon your faithful subjects of Newfoundland.

MAY IT PLEASE YOUR MAJESTY,

There is nothing more calculated to bring the administration of Justice into disrepute with the people of any colony, than to find persons placed by your Majesty on the Judicial Bench so far forgetting their duty, as to mix themselves up with the disputes of contending political parties; and it is to be lamented that individuals should in this country be placed in those responsible stations, who so far forget their duty to your Majesty and the people, as to lend the sanction of their names and stations to the foul and unfounded charges made against the loyal inhabitants of this colony.

We cannot conclude this humble address to your Majesty, chiefly intended to defend the people of Newfoundland from the foul charge of disloyalty, without expressing our sincere sorrow and regret, that any portion of your Majesty's subjects inhabiting your North American possessions, should be so far misled as were the people of Canada, to make the slightest opposition to the Government of your Majesty.

Address

It affords us the most sincere pleasure to state that we have reason to believe, that even in the provinces lately disturbed the vast majority of the clergy and people remained steady to their allegiance, and that even those that were led to open acts of resistance to your Majesty's government were not fully aware of the enormity of their offence, and had no wish to throw off their allegiance to your Majesty; and we have now every hope that these misguided individuals, impressed with gratitude for the indulgence of your Majesty, will become your Majesty's grateful and attached subjects.

We have most sincerely to congratulate your Majesty on the complete suppression of the temporary insurrections in these provinces, and we have also to acknowledge your Majesty's great anxiety to promote the general interests of the North American provinces, and to secure their permanent connection with the parent State, by placing over them at this crisis a nobleman so competent to heal the distractions and to detect the defects of the existing constitutions of the colonies, a statesman so distinguished as the present Governor General Lord Durham.

And we have furthermore sincerely to congratulate your Majesty on the signal success which has already attended his Lordship's Mission, and we cannot avoid expressing our decided opinion, that there is no part of his Lordship's proceedings more calculated to confirm the people of these provinces in loyalty and attachment to your Majesty's person and Government, than the manner in which he has carried the well-known wishes and commands of your Majesty into effect, by exercising the highest attribute of Royalty in extending mercy and indulgence to the misguided individuals in Canada, who subjected themselves to the highest penalties of the law.

Adopted and engrossed

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

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

Resolved,—That the said address be printed for the use of the members of the House.

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

Resolved,—That a conference be requested with her Majesty's Council on the subject of the conference of yesterday, and that the instructions to the managers on the part of this House be as follow :

Resolution requesting
conference with her
Majesty's Council

Instructions to Managers

Mr. President,

The House of Assembly have taken the subject matter of the conference with her Majesty's Council of yesterday into their consideration, and being equally anxious that no misunderstanding should exist between both branches of the Legislature, thereby preventing the passing of an act for granting to her Majesty a supply for the support of the Civil Government of this Colony, the Administration of Justice, and the Contingent expenses of the Legislature. On reference to the instructions to the conferees of her Majesty's Council of the 10th July last, on the supply bill, we find the Council state that they assent to that bill "under a departure from the forms and proceedings which they deem by custom and precedent, no less than by principle, of the greatest importance to be upholden." The House of Assembly cannot admit that custom and precedent justify her Majesty's Council in insisting on the separating the contingencies of the Legislature from the Bill for providing for the public

service of the colony; for, on reference to his late Majesty's Royal Instructions, through his Majesty's Principal Secretary of State for the Colonies, Lord Goderich, on granting to this colony a Local Legislature he expressly directs that the laws and rules of the Imperial Parliament be taken as the safest guide for the conduct of the Council and Assembly, and for the proceedings of the Government towards them.

The House of Assembly confidently assert that the Council cannot shew any custom or usage now sanctioned by the laws and rules of the Imperial Parliament to justify the Council, whose constitution is, as far as circumstances can be applied, analogous to that of the House of Lords, in interfering with the details of a bill of supply.

The House of Assembly anxious, notwithstanding, to preserve a good understanding with her Majesty's Council, and to prevent the embarrassment that must accrue to her Majesty's Government from the rejection of a bill of supply, request her Majesty's Council will appoint a committee to meet a committee from the Assembly on the subject of the contingencies of both branches of the Legislature.

WILLIAM CARSON,
Speaker.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from her Majesty's Council

Mr. Speaker,

Her Majesty's Council accede to the request of the House of Assembly for a conference on the subject matter of the conference of yesterday, and have appointed conferees to meet the managers on the part of the Assembly, in the committee room of the Council immediately.

JAMES SIMMS,
Senior Member Presiding.

Council-Chamber, }
13th October, 1838. }

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

Managers named.

And they went to the conference—and being returned—

Conference held.

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

Report

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that in compliance with the proposition of the House of Assembly conveyed by their conferees in conference this day, the Council consent that a committee of two members of the Council be appointed to meet a like number of members of the House of Assembly in committee upon the subject of the contingencies of both Houses, and that such committee be instructed to receive any proposition on the subject, which the House of Assembly may submit, and report the same to this House accordingly.

Message from Her Majesty's Council.

The committee to assemble in the committee room of the Council presently.

Council Chamber, }
13th October, 1838. }

JAMES SIMMS,
Senior Member presiding.

- Committee** *Ordered*,—That Mr. Brown and Mr. Kent be a committee on the part of this House to meet the committee of the Council.
- Report of committee.** Mr. Brown, from the said committee, reported that the committee on the part of the Council declined entering upon the subject of the contingencies of the Legislature, as they were not so instructed by the Council.
- House in committee on Roads & Bridges.** Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the further consideration of the making and repairing of roads and bridges in this colony.
- Mr. Speaker left the chair.
Mr. Brown took the chair of the committee.
Mr. Speaker resumed the chair.
- Report.** The chairman reported from the committee that they had made some progress in the business to them referred, and had directed him to move for leave to sit again.
- Ordered*,—That the said committee have leave to sit again.
- On motion of Mr. Morris, seconded by Mr. Winsor,
Resolved,—That a deputation be appointed to wait on his Excellency the Governor to obtain his Excellency's assent to certain items in the supply bill.
- Committee appointed.** *Ordered*,—That Mr. Brown and Mr. Power do form such deputation.
- Report.** Mr. Brown reported from the said deputation that they had waited on his Excellency, and that his Excellency was pleased to say he could not receive the deputation, unless in the usual manner by an address of the House.
- Then the House adjourned until Monday next, at twelve of the clock.

Monday, October 15, 1838.

- Resolution respecting contingencies of the Legislature.** **O**N motion of Mr. Morris, seconded by Mr. Kent,
Resolved,—That the contingencies of the Legislature be sent up to her Majesty's Council in a special bill, and that a committee be appointed to prepare the same.
- Ordered*,—That Mr. Kent, Mr. Brown, and Mr. Morris, do form such committee.
- Message from his Excellency the Governor.** A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.
- The Hon. Mr. Secretary Crowdy, being admitted within the Bar, acquainted the House that he had a message from his Excellency the Governor, signed by his Excellency, and he presented the same to the House
- And then the messenger withdrew.
- The said message was then read by Mr. Speaker as follows :
- H. PRESCOTT.**

The Governor transmits and recommends to the House of Assembly the accompanying petition from James Cuidihy, relative to his contract for repairing and improving the streets of St. John's.

Government House, }
15th October, 1838. }

The petition referred to in the said message was then read by the Clerk as follows:—

The Petition of James Cuidiby, of St. John's,

Petition of J. Cuidihy.

Humbly Sheweth—

That petitioner, in the performance of the contract entered into by him, for the repairs of the King's Road, and of Water Street, has found the amount of labor required of him to exceed, by far, the extent which he contemplated when framing his Tender on which the contract was based.

That such increase of labor has arisen from the nature of the ground in the King's Road, which, instead of consisting of earth and a portion of rock, was found to be wholly solid rock, and through this has petitioner carried the drain required of him more than three fourths of the length originally intended, at an expense already incurred exceeding the amount of his contract.

In Water Street petitioner is bound to put curb stone, to level the street, and procure gravel, and when finished the curb stone alone will absorb a sum equal, if not exceeding, the whole amount contracted for the repairing that street.

Petitioner now finds himself, from the above circumstances, and having exhausted the whole of his means, unable to proceed with the work, and therefore humbly prays the Commissioners to take his case into their consideration, and to adopt such measures as may relieve petitioner from the difficulties under which he at present labors.

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

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

Referred to committee of supply.

Mr. Brown, from the committee appointed this day to prepare a Bill for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature, reported that the committee had drafted the said Bill, which he presented to the House, and the same was read a first time.

Bill for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Read 2d time.

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

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the said Bill.

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone thro' the said Bill, and had agreed to the same.

Report.

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

Bill engrossed and ..

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

Read 3d time.

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

Bill passed.

Title.

Resolved,—That the said Bill do pass, and that the title be “An act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature during the present and past sessions.”

Sent to Council.

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

House in committee on Roads & Bridges.

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

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Tuesday, October 16, 1838.

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

Resolution for committee to prepare address to his Excellency.

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency will be pleased to forward to England the address of this House to her Majesty, passed the 13th inst., to be laid at the foot of the Throne.

Committee appointed.

Ordered,—That Mr. Morris, Mr. Winsor and Mr. Doyle do form such committee.

Report.

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

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

May it please your Excellency—

Address.

The House of Assembly have passed an address to her Majesty (copy of which is annexed) which they respectfully request your Excellency will cause to be transmitted to England by an early opportunity, to be laid at the foot of the Throne.

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

Address adopted and engrossed.

Ordered,—That Mr. Morris and Mr. Doyle be a deputation to present the said address.

Committee to present it.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, acquainting the House, by command of his Excellency the Governor, that his Excellency is induced, from the state of business now before the Legislature, to postpone the prorogation until Saturday next, at two o'clock.

Letter from Hon. Mr. Secretary Crowdy acquainting the House of his Excellency having postponed the prorogation.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

Message from his Excellency the Governor.

And then the messenger withdrew.

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

H. PRESCOTT.

The Governor in transmitting to the House of Assembly the accompanying memorial of Mr. Carter, the Senior Police Magistrate, cannot abstain from expressing his entire approbation of the conduct of that Gentleman, whom he has ever found zealous and efficient in the discharge of his duty.

Government House, }
16th October, 1838. }

The petition accompanying the said message was then read by the Clerk as follows :—

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

Memorial of P. W. Carter, Esq.]

May it please your Excellency—

The memorial of Peter Weston Carter, one of her Majesty's Justices assigned to keep the Peace in the Colony of Newfoundland,

Humbly Sheweth—

That your Excellency's memorialist has been in the Commission of the Peace since the year One thousand Eight hundred and Fifteen, and on the resignation of Mr. Coote became a Police Magistrate, and has continued to perform the duties of his office to this date. That for many years your Excellency's memorialist was associated in commission with the late John Broom, and James Blaikie, Esquires, the former receiving a salary of Three hundred and Ffty pounds sterling, and the latter One hundred and Seventy-five pounds sterling, together with Two hundred and Ffty pounds as Clerk of Central Circuit Court. That on the granting of a Colonial Legislature to this Island your Excellency's memorialist and Mr. Blaikie's salaries were raised to Two hundred and Fifty pounds sterling, Mr. Broom continuing to receive Three hundred and Fifty pounds sterling. That in June, One thousand Eight hundred and Thirty-four, your Excellency's memorialist was chosen Chairman of the

Memorial:

Sessions of the Central District, when his salary was, by the Honorable the House of Assembly, increased to Three hundred and Fifty pounds sterling, which was paid him, with the exception of one quarter's salary, from the thirty-first day of March to the thirtieth day of June, One thousand Eight hundred and Thirty-seven. That your Excellency's memorialist is now informed, and verily believes, that it is the intention of the Honorable the House of Assembly to reduce memorialist's salary to Three hundred pounds sterling, when the duties of office have been considerably increased by numerous Colonial Statutes, as well as by the introduction of the Criminal Law of England into this Colony, and the number of Police Magistrates reduced from three to two. That your Excellency's memorialist is not aware of having unfaithfully or unjustly discharged the duties of his office during the last twenty-three years, and he is therefore at a loss to account for the cause of a reduction in his salary, the more particularly as your Excellency's memorialist has been constantly at his post from the date of his first appointment; and therefore prays that your Excellency will be graciously pleased to lay this, his memorial, before the Honourable Members of the House of Assembly of this Colony, and as in duty bound will ever pray.

P. W. CARTER.

St. John's, 15th October, 1838.

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

Referred to committee of supply.

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

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

Evidence on administration of justice to be printed.

Ordered,—That one hundred copies of the evidence taken before the committee appointed to enquire into the present state of the Administration of Justice, be printed for the use of the Members of the House.

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

Resolution for committee to prepare Bill for granting a supply to her Majesty.

Resolved,—That a committee be appointed to prepare a Bill for granting to her Majesty a supply to defray the expenses of the Civil Government of this Colony, and other purposes.

Report of committee.

Mr. Brown, from the said committee, reported that they had drafted a Bill in pursuance of the said Resolution, which he presented to the House, and the same was read a first time.

Bill read 1st time.

Ordered,—That the said bill be now read a second time.

Read 2d time.

And the said bill was read a second time accordingly.

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

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the said Bill.

House in committee thereon.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to.

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

Engrossed
3d reading.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Message from Her Majesty's Council.

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled, "An act for the regulation of pilots and the pilotage of vessels at the Port of St. John's," with some amendments, to which they request the concurrence of the Assembly.

Council Chamber, }
16th October, 1838. }

JAMES SIMMS,
Senior Member presiding.

And then the messenger withdrew.

The said amendments were read a first time as follow:—

Amendments read 1st time.

In the 2d page, 5th line—Expunge the words "Acting Governor," and insert in their stead "person administering the Government."

" 11th line—Expunge the words "Acting Governor," and insert in their stead "person administering the Government for the time being."

7th page, 8th line—Expunge all the words between the word "vessels" (beginning with the 8th line) and the word "shall," in the 9th line.

In schedule C., 3rd line—Insert after the word "Tons," "*new measurement*, or 100 tons old measurement."

" 4th line—Do. do. do. do. or from
100 tons to 150 tons old measurement.

" 5th line—Do. do. do. do. or from
150 tons to 200 tons old measurement.

" 6th line—Do. do. do. do. or from
200 tons to 250 tons old measurement.

" 7th line—Do. do. do. do. or from
250 tons to 300 tons old measurement.

15th & 16th lines—Expunge the 15th & 16th lines of this schedule.

Ordered,—That the said amendments be now read a second time.

And the said amendments were read a second time accordingly.

Read 2d time.

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

House in committee on amendments.

Ordered,—That this House do now resolve itself into a committee of the whole House on the consideration of the said amendments.

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Butler took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Ordered,—That the said amendments be now read a third time.

Amendments read 3d time.

And they were read a third time accordingly.

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

Passed.

Resolved,—That the said amendments do pass.

Council acquainted thereof.

Ordered,—That Mr. Winsor and Mr. Godfrey do go up to her Majesty's Council and acquaint them that this House have concurred in the said amendments.

Bill for granting a supply to her Majesty read 3d time

Pursuant to order, the bill for granting to her Majesty a supply to defray the expenses of the Civil Government of this colony and for other purposes, was read a third time.

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

Passed. Title.

Resolved,—That the said Bill do pass, and that the title be "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony, and for other purposes for the year ending the thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty-nine."

Sent to Council.

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

Message from Her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that in the bill entitled "An act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature during the present and last sessions," a blank is left after the name of "Philip Wright," of the sum intended to be granted to him. Her Majesty's Council therefore request the House of Assembly will furnish them with the amount in order to its being inserted in the said bill.

JAMES SIMMS,

Council-Chamber, }
16th October, 1838. }

Senior Member Presiding.

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

Resolved,—That a message be sent to her Majesty's Council, in reply to the message of the Council, acquainting them that the sum intended to be inserted in the said bill was five pounds, and requesting the Council to correct the omission by inserting the said sum.

Message to be sent to Her Majesty's Council.

Ordered,—That Mr. Brown and Mr. Kent do communicate the said message to her Majesty's Council.

Committee.

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

House in committee on Roads & Bridges.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

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

Wednesday, October 17, 1838.

MR. Winsor, from the committee appointed to audit the public accounts, reported that they had come to a report thereon, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Report of committee of Audit.

The committee appointed for auditing the public accounts beg leave to make their report to the House. They commenced their labours by examining the Treasurer's General Account, in which, on placing all the sums of money received since the 31st March, 1836, to the 30th June, 1838, in one direct column, and the payments of all sums of money during the same period in another, and comparing the balance of March 31st, 1836, and that of June 30, 1838, they found a difference (which to them it appeared ought not to be) of £132 2s. 9½d.

This difference called for an explanation, and it was resolved that a copy of the following letter be sent to the Treasurer :

House of Assembly, Sep. 4, 1838.

The Committee of Audit respectfully request your attendance this day touching an examination of the Public Accounts.

I am, Sir, &c.,

PETER WINSER, *Chairman*.

To Newman Wright Hoyles, Esq., Treasurer,
or his Deputy.

Report

Mr. Hugh Hoyles attended, and was asked the following—

Question—What was the balance in cash in the Treasury, on the 31st March, 1836?

Answer—Eight thousand One hundred and Ninety-three Pounds Ten Shillings and Nine Pence.

Question—It appears by your statement as published in the Journals of the House, the sum of Eight thousand and Eighty-two Pounds Seventeen Shillings and Seven Pence three Farthings—how does this difference arise?

From the statement balance, being the balance of a statement in which accounts opened under particular acts of the Legislature, such as Light House acts, are not included. The cash balance is the balance of the account of all money whatever received, and paid by the Colonial Treasurer on account of the colony.

This statement not being entirely satisfactory to the committee, they requested from Mr. Hoyles an account of all sums of money received into the Treasury in each particular quarter from the 31st March, 1836, to the last of June, 1838, from the Collector, and all other persons soever; and also of all sums of money paid out of the Treasury in each particular quarter, during the same period, to all persons soever.

After some very considerable time the committee received another statement purporting to be the cash statement, and to which Mr. Hoyles signed his name to the copy of the following words:

I do acknowledge and affirm that the above statements are perfectly correct in every particular.

(Signed) **HUGH W. HOYLES,**
Acting Treasurer.

In comparing this last statement with the statement already published in the Journals, a much greater discrepancy presents itself; in the published statement it appears the sum received into the Treasury ending the quarter of September 30, 1836, was £6,426 15s. 11½d., while that of the same quarter as last handed in, was only £2,844 16s. 6d., making a difference of £3,581 19s. 5½d.—The quarter ending in December, 31st 1836, the sum received, as printed in the Journals, was £7,945 3s. 5d., and in the statement last handed in by Mr. Hoyles, the amount was £8,067 18s. 4d., making a difference the other way of £122 9s. 11d.

This extraordinary discrepancy has never been explained to your committee, otherwise than by Mr. Hoyles acknowledging that he had been in error—and he has delivered to your committee a third statement, but it does not include the beforementioned quarters; nor does it agree in its final balance on the 30th June, 1838, with either of the other statements.

By referring to the Appendix of the Journal of 1837, it will be found that a sum had been voted for the building of Court Houses, amounting to £1,650, and that at the 31st March, in that year, the sum of £1,350 had been paid, leaving unpaid the sum of £300. In the statement sent down to the House the last session, and which was printed for the use of the members, it will be seen that this £300 was paid to Nicholas Croke—notwithstanding, we find in the account of the outstanding votes this sum of £300, and that on the 25th of August, 1837, Nicholas Croke is charged on account of his contract for building Court Houses, warrant No. 218, the sum of £260, and again in October 21st, Nicholas Croke, balance of contract for building of Court Houses, warrant 222, the sum of £40, which is quite visible that the sum of £300 had been charged as having been paid twice.—This has at last been acknowledged by Mr. Hoyles, and in consequence in the last statement handed in to the committee the balance is £300, more than the balance given at the first statement, which balance was £27,978 1s. 1d., the last stated balance being £28,278 1s. 1d.—exactly £300 is the difference.

And in consequence, on Monday, October the 1st, it was—

Report.

Resolved by the Committee,—That having received three several statements from the Treasurer, and Acting Treasurer, containing the receipts and payments of sums of money from the Treasury from the 31st March, 1836, to June the 30th, 1838, and that all of these statements are dissimilar to each other, in many respects, but particularly in the balance remaining in the Treasury.

Resolved,—That this committee cannot rely with any confidence on either of them.

Resolved,—That it is absolutely necessary (in order to come at the truth) to request the Treasurer, or Acting Treasurer, to lay before this committee detailed accounts of all sums of money received into the Treasury and delivered therefrom, from the last of June to this date, both inclusive; and that the committee do count the money remaining in the Treasury.

In consequence, a letter was addressed to the Acting Treasurer, of which the following is a copy :

SIR,—The Committee of Audit request that you will (as soon as possible) furnish them with a detailed account of all sums of money received into the Treasury and delivered therefrom, from the 30th of June to this date, both days inclusive.

I have the honour to be,

Sir,

Your obedient servant,

PETER WINSER, *Chairman*,

To Newman Wright Hoyles,
Or to his Deputy.

On Tuesday, the 2nd of October, the committee received a letter from the Acting Treasurer, of which this is a copy :

SIR,—With reference to your communication of the 1st instant, I beg to state that the details therein mentioned shall be prepared as soon as possible, but as they will include the whole expenditure of the last Supply Bill, and will consequently be much more voluminous than the accounts of any previous quarter, it will necessarily be several days before they can be completed.

I have, &c.

HUGH W. HOYLES.

Peter Winsor, Esq.,
Chairman Committee of Audit.

The Committee waited until Monday, the 15th inst., and not having heard from Mr. Hoyles, sent to him a notice; the following is a copy :

SIR,—The Committee of Audit request that you will attend at the House of Assembly this day before noon.

I have the honor to be, &c.

PETER WINSER, *Chairman*

To Mr. Hugh W. Hoyles.

Report.

Mr. Hugh W. Hoyles attended, and was asked, if the documents were prepared, as ordered by the committee? his answer was, "I have them prepared as far as they go; but I am waiting for the receipts from the Customs, as the quarter's accounts cannot be completed without them, as this quarter closes on the 10th of October."—Your committee are obliged to stop here for the present.

PETER WINSEK, *Chairman.*

Your committee in examining the Books sent to them by the Treasurer, have perceived a great many inaccuracies. In the first book they took up, Volume 1st of Numerical Warrants, in the first and second pages there are charges of paying constables for their attendance on the Courts in the Southern District, five shillings sterling per day; and in the same book, page 5th, for the same duty of constables, in the Northern District, the charge is four shillings and four pence per day.

And as your committee saw several charges throughout the book, in the name of Philip Wright, which appeared of a doubtful description, they resolved to send for him, and to examine him on the different matters; and accordingly sent for him according to the following copy:

House of Assembly, September the 12th, 1838.

SIR,—The Committee of Audit request your attendance on them at the House of Assembly, on Monday, the 24th inst. September, at 11 A. M., or as soon as possible; and to bring with you your commission or commissions of appointment, as Deputy Sheriff or Clerk of the Peace.

I am, &c.

PETER WINSER, *Chairman.*

To Mr. Philip Wright.

On September the 24th, Mr. Philip Wright attended and was examined as follows:

What is your name? Philip Wright.

What situation do you hold under the Crown? Not any at present.

Have you held any situation? Yes.

What situation? Deputy Sheriff.

When did you first hold that office? On the 29th August, 1836.

Had you a commission for this office? I had.

From whom? From the High Sheriff, B. G. Garrett, Esq.

When did that commission end? On the 29th August, 1838.

Did you give bond on accepting that situation? I did.

To what amount? One thousand pounds.

Who were your Bondsman? John Eales, Jun., and Thomas Wright.

Do you understand or acknowledge that account (shewing one)? I do not know as I have not the original.

Did you pay any constable at Harbor Britain, Burin, Placentia, and Ferryland, in November, 1836, and some five or six weeks preceding it? Yes, I paid constables at holding Court in that year.

Did you hold any Court in any other place that year, than those already mentioned? I believe not.

What sum do you pay constables for their attendance on the Courts? Report.
Five shillings sterling per day.

By whose orders? I have no orders what sum to pay.

Have you paid any other constables for that Circuit, besides at these places already mentioned? I believe that that account which you have shewn me, is a copy of what was paid on that Circuit only.

What is the sum of £18 charged in the second account of the same date as paid to constables? It is for summoning Juries at the different places holding Court.

Can you name the constable that has done this duty at each place? I cannot. I had several of them.

You cannot name any of them? I can name Sullivan for one.

Did you pay him for any duty besides what is already charged? I did. I paid him for summoning Juries and serving Writs.

Am I to consider that there is any charge in this account for serving of Writs. No.

What sum do you pay him for summoning each Jury? There is no regular mode of paying, as it depends upon where they are summoned from.

Have you a stipend from the High Sheriff? None.

You say you paid Sullivan for summoning juries and attending on the Court in November term, 1836? Yes I did.

Did you not know that Sullivan had a stipend at that time, of £25 per annum? I knew he had a stipend.

Have you orders for paying stipendiary constables for such duty? I have orders.

From whom? From the Judge Des Barres.

Did you know that in the other places where you held Court there was stipendiary constables? I did not know it, I had no means of knowing it.

At the General Quarter Sessions held in Ferryland, on the 12th, 15th, and 16th February, 1837, you have charged for constables, viz., John Cummins and Thomas Payne, for attendance, 25 shillings sterling, is that correct? I believe it is.*

I perceive in September, 1836, there is a charge of three pounds for office rent, to whom was it paid? To no one, I received it myself.

In December 31st, 1836, there is the same charge; have you received it? I am not prepared to say.

I find it charged again in volume 1st, dated March 31st, 1837; for office rent, three pounds, did you receive it? I cannot remember.

At a General Quarter Sessions, held in November, 1837, there is the sum of £8 3s. 6d. charged for several duties, is that charge correct? I believe them to be correct.

In page 48, first volume, there is a second charge of three pounds for office rent, due March 31st, do you know any thing about it? I have not received it.

*Note.—This is denied by Payne, who says he never received one penny.

Report.

The committee beg to state that they have been thus particular in stating the evidence of Mr. Philip Wright so fully, as from it, it is fully established that a fraud has been practised.

By referring to the Appendix to the Journal of 1836, page 218, a copy of a letter is found as transcribed thus :

St. John's, 31st December, 1835.

SIR,—I beg leave to enclose, for his Excellency's approval, a duplicate of my usual account for office rent, the original of which was forwarded to Government House shortly after it became due, when I was informed, by Mr. Crowdy, that owing to an omission, this sum had not been estimated for, but that he would see out of what fund it could be paid. As this is a sum which has been granted me since my first appointment, to provide a private office in Ferryland, for the Records of the Southern District, and not any new charge, I hope his Excellency will be pleased to order its liquidation.

I have, &c.

(Signed)

B. G. GARRETT.

Clerk and Registrar Southern Circuit Court.

Joseph Templeman, Esq.,
Acting Secretary.

From this letter it is plain, that this sum was asked for and granted, for the expressed purpose of keeping the "Records," and there is every probability of its being paid during Mr. Garrett's residence in Ferryland, as Clerk of the Southern District Court.

For, according to Mr. Aaron Hogsett's statement, when he arrived in Ferryland, he found the Records in a Public House; but that he carried them to the Court House. He also acknowledges receiving this office rent during the few weeks that he held the office of Clerk of the Southern District Court. And your committee are astonished at the effrontery practised (without detection by the Executive) in carrying this sum of twelve pounds per annum into the Sheriff's department.

—o—

GAOLERS DEPARTMENT.

In this department also your committee find some extraordinary charges, and extravagance.—In the accounts of Messrs. Perchard and Boag are many articles charged, which do not appear to be necessary, particularly such a quantity of mould candles; for in the accounts of one half year, there is found to be no less than 426 lbs. of candles, amounting to £17 8s. 9d. There is also an extraordinary charge of six pounds in every quarterly account, for labour; and on examining Mr. Perchard, the Gaoler, on this subject, his answer was that it was for a man kept to attend on the Sheriff's department, and on the Gaoler's department, to go errands, and clean the place, by shovelling snow, &c. &c. &c.

Now it appears extraordinary to your committee, that this man should be paid by Merchants, and charged in their account.—Would it not be more consistent with public duty that this man's salary of £24 per year should go into the supply Bill as other public servants?

—o—

ON ROADS AND BRIDGES.

On this head the committee have received no detailed account, except from the grant of the sum of £900 for the district of Ferryland, and so

far as their enquiries have gone the conduct of the Commissioners there is any thing but honourable : but as there is a circumstance yet left of a very suspicious character, they beg to suspend their report thereon, until they have examined a few more evidences.

Report

On all other heads, as your committee have not the details in their possession ; and as some of them that have been asked for had not been forthcoming ; and as it requires such a length of time to procure them, your committee have for some time past, lost the hope of being able to close their report this session ; they now beg the indulgence of this Honourable House.

PETER WINSER, *Chairman.*

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

Report read and agreed to.

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

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

Mr. Winsler, from the committee appointed to enquire into the present state of the administration of Justice in this colony, reported that the committee had come to a report thereon, which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Report of committee on administration of justice

Your committee have chiefly confined themselves to an enquiry into the nature of the appointment of, and the powers exercised by, the Sheriff and Deputy Sheriffs of this colony.

The office of High Sheriff of Newfoundland is one of the most important of those connected with the administration of Justice. He appoints deputies in the Judicial Districts—is Executive officer of various Courts—selects, empannels, and summons Grand, Special and Common Juries—and is in the practice of disbursing various sums of money voted by the Legislature to defray the expense of Gaols and Civil and Criminal Prosecutions.

The emoluments and income of the office arise from fees which are charged under the authority of the Rules and Orders of the Judges of the Supreme Court.

Your committee have ascertained that the office of High Sheriff was first held (under the Charter of Justice) by Captain Buchan, R. N., and on his resignation in the year 1835, Aaron Hogsett, Esq. was appointed to the office by his Excellency Captain Prescott, which he held only for a few months, when, on the 2d January, 1836, he was superseded by B. G. Garrett, Esq., who was then appointed in compliance with the recommendation of the Right Hon. the Secretary of State for the Colonies.

Your committee have to express their regret that the Secretary of State for the Colonies should have, in this instance, interfered with the appointment made by his Excellency the Governor, and that he should have appointed any person to fill the office without making the strongest enquiry into his character and qualifications, and whether he would be likely to command the confidence and respect of the inhabitants of this colony.

Report.

Your committee have great reason to believe that the Secretary of State was misled by representations made to him, and were he aware of the marked disapprobation of the public conduct of B. G. Garrett, Esq., expressed by the House of Assembly, and that the opinions and feelings of the inhabitants of the colony, of every class, and of every grade in political sentiment, would be opposed to his appointment, he would not have interfered with the appointment made by his Excellency Captain Prescott.

Your committee have ascertained that B. G. Garrett, Esq. held the office of Clerk of the Southern Circuit Court for many years, and that in the year 1835 he obtained leave of absence from the Governor to visit England. That some time previously, the High Sheriff (Captain Buchan) intimated his intention to resign his office; and it was generally understood that Aaron Hogsett, Esq., a gentleman who previously held various offices of trust under the Government, and who during the Shrievalty of Capt. Buchan, was appointed by his Excellency to succeed to the office of Sheriff. At this time, and immediately previous to the departure of Mr. Garrett, for England, a rumour got into circulation that it was the intention of B. G. Garrett to apply for the office; the rumour coming to the knowledge of Mr. Garrett, he called upon Capt. Buchan, and in the presence of Mr. Hogsett, voluntarily pledged himself on the honor and word of a gentlemen, that he did not, nor never would, apply for the office, being under such obligations to Capt. Buchan, and knowing the superior claims of Mr. Hogsett. Having thus lulled Captain Buchan and Mr. Hogsett into false security, he proceeded to England in company with the late Chief Justice Boulton, and chiefly for the purpose, as your committee believes, to obtain from the Secretary of State the office of Sheriff of Newfoundland.

Your committee have ascertained that soon after Captain Buchan resigned and Mr. Hogsett was appointed by his Excellency the Governor to the office of High Sheriff, he (Captain Buchan) proceeded to London, where he met the said B. G. Garrett, who again voluntarily addressed him, and said he had no wish "for an appointment in Newfoundland, as it was no longer a place for him;" and added that he could have any vacancy that occurred in New South Wales, or Van Dieman's Land, or elsewhere, if the income did not exceed £200 or £250! It clearly appears to your committee that B. G. Garrett made this statement to Capt. Buchan to throw him off his guard, and to prevent him from applying to the Secretary of State to confirm the appointment made by the Governor in the person of Mr. Hogsett. It further appears to your committee that at the time he made this voluntary statement to Captain Buchan, he was negotiating for the appointment of Sheriff of Newfoundland. A few days after this last conversation with B. G. Garrett, Captain Buchan ascertained that not only did the said B. G. Garrett apply for the office, but that he was appointed, and had left London to return to Newfoundland to supersede Mr. Hogsett. Captain Buchan expressed his opinion of this transaction in the following words, published in the printed case of Mr. Hogsett—"Judge of my surprise, therefore, on shortly after being informed by Mr. Garland of his appointment, and that he had gone down to Scotland to take his passage, without communicating to me his intention, that I might have availed myself of the opportunity by writing of him. Mr. Boulton's assertion is consequently altogether groundless. Had I been aware of the circumstance in time, I should, in justice to you, (Mr. Hogsett) have endeavoured to see Lord Glenelg (which I have never yet done,) but as it was, it would have been useless."

Your committee have not the slightest hesitation in stating as their opinion, that the individual guilty of such deliberate falsehood and duplicity

as is contained in the charges made by Captain Buchan and Mr. Hogsett against B. G. Garrett, is not a fit or proper person to hold the office of Sheriff of Newfoundland.

Report

Your committee have ascertained that the High Sheriff, B. G. Garrett, Esq., held the office of Clerk of the Southern Circuit Court, previously to his present appointment, and that his neglect and misconduct in that office was so notorious that the House of Assembly in their session of 1835, to mark their sense of his conduct, on the motion of the representative of the district, (Mr. Carter) reduced his salary one half, it having been proved that he absented himself from his duties by residing in St. John's, to the great loss and irreparable injury of the people of the Southern district.

Your committee have ascertained that instead of attending the duties of his office, he occupied himself in the business and trade of the Island, buying and selling houses, selling and buying Bills of Exchange, and was generally charged with lending money in a disreputable manner, charging enormous interest, and acting in the capacity of Pawn Broker, which your committee consider highly disreputable to a person holding the honorable office of Clerk and Registrar of the Southern Circuit Court with a liberal and adequate salary.

Your committee have ascertained that the moment the inhabitants of the colony heard that it was the intention of the Secretary of State to appoint B. G. Garrett, Esq. to the office of Sheriff, petitions were presented to his Excellency the Governor, complaining of the appointment; the petitions were numerous and respectably signed, and the petitioners made serious charges against Mr. Garrett, which will more fully appear by reference to the minutes of evidence, where will be found a copy of one signed by 1100 of the inhabitants of the district of St. John's.

Your committee having stated the very objectionable means resorted to by B. G. Garrett, Esq., to obtain the office of High Sheriff, have now to draw the attention of the House of Assembly to his conduct and proceedings in the exercise of his many and most important duties in that station.

Your committee have the strongest reasons to believe that the High Sheriff, B. G. Garrett, Esq., has made unjust and illegal charges against parties to suits in the various Courts in the Island—they have ascertained that his fees are excessive to, and operate as an unjust and unequal tax upon the community, and almost as a total denial of Justice to the poorer and industrious classes of society.

Your committee have to complain that, though the House of Assembly, in the session of the Legislature in 1837, as well as in the present, made application to the Executive for the particulars of the charges, fees, and emoluments of the Sheriff, they are now, at the close of the present session, without the necessary information on this important subject.

Your committee, judging from the documents laid before them, have the strongest reasons to believe that the Sheriff has greatly underrated his emoluments, in stating the amount to the Executive Government, and inserted in the Blue Book.

Your committee have fully ascertained that in the expenditure of the monies charged under the head of gaol expenses and civil and criminal prosecutions, the Sheriff has acted with an appearance of collusion with other parties.

Report.

Your committee have to state that the most grave and serious charges which they have to bring against the High Sheriff arise out of the grossly partial and unjust mode by which he summons Grand, Special and Petit Jurors. He has, in the exercise of the power vested in him for this purpose, greatly perverted that power and made it an engine calculated to prostrate the liberties and endanger the lives and property of her Majesty's subjects in this colony. He has struck off and added to the pannels of Jurors. At his own discretion he has removed from the pannel persons supposed to be adverse to his political and religious opinions, and replaced them by persons holding opposite opinions. As an example, there were only nine Roman Catholics on the Grand Jury pannel, three of these he struck off and summoned them on the Petit Jury.

As a further proof of his partiality, his deputies in the northern and southern districts, summon and empanel Juries, for the Northern and Southern Circuit Courts under the Rules and Orders of Judge Tucker and the Assistant Judges, which is according to law; but the High Sheriff in the Central Circuit Court, summons them by quite a different mode according to his own discretion, and in direct violation of the Rules and Orders of the Judges for the regulation of the practice in the Circuit Courts.

It has been fully ascertained by your committee, that in all cases of a political character, Protestants holding liberal opinions, and Roman Catholics, have been excluded from Special Juries, and persons entertaining political principles opposed to the parties have been selected as the Jurors.

Your committee having taken the whole of the acts and proceedings of B. G. Garrett, Esq., into consideration, and having maturely reflected thereon, have arrived at the conviction that it is both injurious and dangerous to the public interests that the said B. G. Garrett should longer hold the responsible and honorable office of High Sheriff of this colony.

Your committee have therefore passed the following Resolutions, which they submit for the sanction of your honorable House, viz.

Resolved,—That B. G. Garrett, Esq., while acting as Clerk and Registrar of the Southern Circuit Court, absented himself from the duties of his office, to the great injury of the inhabitants of that district.

Resolved,—That it is the opinion of this committee that the House of Assembly in the session of 1835, to mark their sense of his misconduct, reduced his salary one half.

Resolved,—That the said B. G. Garrett, having in the year 1835, ascertained that it was the intention of the then High Sheriff to resign his office in favour of A. Hogsett, Esq., adopted a system of falsehood and deceit to mislead the said Captain Buchan, and the said Aaron Hogsett, Esq., as to his intention to apply for the office of High Sheriff, highly derogatory to the character of a gentleman holding office under her Majesty's government.

Resolved,—That the said High Sheriff, B. G. Garrett, Esq., has unjustly exacted, in the form of Fees, various sums of money which by Law he was not entitled to.

Resolved,—That the said B. G. Garrett, Esq. has made charges in the public accounts, unwarranted and extravagant.

Resolved,—That it is the deliberate opinion of this committee, that B. G. Garrett, Esq., in selecting, empannelling, and summoning Grand, Special, and Petit Jurors, has grossly violated the Law by selecting at his discretion such persons as he thought proper to act as jurors.

Report.

Resolved,—That it is the opinion of this committee, that it is dangerous to the liberties of the people of this Colony that such powers should be exercised by the High Sheriff of the Colony.

Resolved,—That it is the opinion of this committee, that an humble address be presented to his Excellency the Governor, praying that he will be pleased, in exercise of the powers vested in him by the Royal Charter of Justice, to REMOVE *the said B. G. Garrett from the office of Sheriff*; and appoint in his place some fit and proper person having the confidence of her Majesty's subjects of this Colony.

PETER WINSER, *Chairman*.

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

Report read and agreed to.

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

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

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The Hon. Mr. Secretary Crowdy, being admitted within the Bar, acquainted the House that he had a written message from his Excellency the Governor, and he presented the same to the House.

Message from his Excellency the Governor.

And then the messenger withdrew.

The said message was read by Mr. Speaker.

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

Resolved,—That an address be presented to his Excellency the Governor, requesting his Excellency to pay out of the public Treasury of this Colony the sum of Two hundred and Ten pounds Nineteen shillings and eight pence, the amount of debts due for paupers received into the St. John's Hospital, and also, Twenty-five pounds to each of the Clerks in the Secretary's office, for extra services, and that the House will make provision for the same in the next Bill of Supply.

Resolution for address to his Excellency.

Mr. Morris, in pursuance of the said Resolution, presented to the House the draft of an address to his Excellency which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read as follows:—

Draft of address presented.

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

May it please your Excellency—

The House of Assembly have had under their consideration your Excellency's message of this day, and respectfully request that your Excellency will pay, out of the public Treasury of this Colony the sum of Two hundred and Ten pounds Nineteen shillings and Eight pence, the amount

of debts due on account of paupers received into the St. John's Hospital, and also to pay to the two Clerks in the Secretary's office Twenty-five pounds each, for extra services, and that the House will make provision for the same in the next Bill of Supply.

Address adopted and engrossed

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

Committee to present it.

Ordered,—That Mr. Morris and Mr. M'Carthy be a committee to present the same to his Excellency.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council requesting conference.

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

Mr. Speaker,

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

JAMES SIMMS,
Senior Member Presiding.

Council-Chamber, }
17th October, 1838. }

And then the messenger withdrew.

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

Conference agreed to.

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

Council acquainted thereof.

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

Managers named.

Ordered,—That Mr. Kent, Mr. Brown, Mr. Power, and Mr. Winsor, do manage the said conference on the part of this House.

Conference held.

And they went to the conference—and being returned—

Report.

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

Her Majesty's Council have sought this conference for the purpose of acquainting the House of Assembly that they have found it necessary to expunge from the Bill of Supply certain items which have neither been initiated nor assented to by his Excellency the Governor, and which, in the opinion of the Council, properly come under the nature of the Contingencies of the Legislature, rather than a grant to her Majesty for defraying the expense of the Civil Government of the Colony.

Her Majesty's Council have further felt it incumbent on them to add the following words, by way of amendment, to the clause by which it is proposed to grant the sum of Seven hundred and Fifty pounds towards the support of the poor of St. John's—"And on the death, resignation, or absence from the Colony of any of the said Commissioners, his or their

place or places shall be filled up by his Excellency the Governor," and to expunge the proviso attached to the clause by which it is proposed to grant the sum of Forty pounds to defray the salary of the Medical Attendant of the Gaol of St. John's.

JAMES SIMMS,
Senior Member Presiding.

Council Chamber, }
17th October, 1838. }

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

Resolved,—That a conference be requested with her Majesty's Council upon the subject of the last conference, and that the instructions to the conferees on the part of this House be as follow:—

Resolution to request conference with H. M. Council,

The House of Assembly have taken into their consideration the instructions to the conferees of her Majesty's Council, on the subject of certain alterations in the Supply Bill.

Instructions to managers

The House of Assembly cannot admit the right on the part of her Majesty's Council to alter any regulation in a money vote that effect its ultimate appropriation, or expunge any money vote whatever.

WILLIAM CARSON, *Speaker.*

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

Conference requested.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Messages from her Majesty's Council agreeing to conference, &c.

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they accede to the conference requested on the subject matter of the said conference, and have appointed conferees to meet the managers of the Assembly, in the committee room of the Council presently.

Council-Chamber, }
17th October, 1838. }

JAMES SIMMS,
Senior Member presiding.

Mr. Speaker,

Her Majesty's Council have passed the Bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-nine," with some amendments to which the concurrence of the Assembly is requested.

Council-Chamber, }
17th October, 1838. }

JAMES SIMMS,
Senior Member Presiding.

And then the messenger withdrew.

Ordered,—That the managers who managed the last conference on the part of this House do manage this conference.

Managers named.

And they went to the conference—and being returned—

Conference held.

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

Report.

The amendments made by her Majesty's Council in the Bill entitled "An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth day of June, in the year of our Lord One thousand Eight hundred and Thirty-nine," were read a first time.

Amendments to Bill for granting a supply to her Majesty read 1st time.

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

2d reading this day six months.

Resolved,—That the said amendments be read a second time this day six months.

Then the House adjourned until this evening at seven of the clock.

The House met, pursuant to adjournment, and adjourned until tomorrow, at ten of the clock.

Thursday, October 18, 1838.

Present,

MR. Speaker, and Mr. Winsor.

No quorum.

House adjourn.

So Mr. Speaker, at half past ten o'clock, adjourned the House, for want of a quorum, until twelve of the clock this day.

The House met pursuant to adjournment.

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

Resolutions for committee to prepare Supply Bill.

Resolved,—That a committee be appointed to prepare a Bill for granting to her Majesty a Supply.

Committee.

Ordered,—That Mr. Brown, Mr. Morris and Mr. Power do form such committee.

House in committee on Roads & Bridges.

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

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

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

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

Resolution for committee to prepare Bill for the making & repairing roads and bridges.

Resolved,—That a committee of five be appointed to prepare a Bill to provide for the making and repairing of Roads and Bridges in this Colony.

Committee.

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

Bill for granting a supply to her Majesty read 1st time.

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

Ordered,—That the said bill be now read a second time.

Read 2d time.

And it was read a second time accordingly.

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

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

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report

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

Amendments read and agreed to

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

Engrossed 3d reading.

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

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

Resolved,—That the said bill do pass, and that the title be "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth June, in the year of Our Lord one thousand eight hundred and thirty-nine."

Bill passed. Title.

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

Sent to Council.

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

Resolved,—That a message be sent to her Majesty's Council acquainting them, should any doubts exist on the stringent regulations in the bill of supply now before the Council in reference to the vote for the encouragement of steam navigation, to make such alterations in the same as they may deem expedient.

Message to be sent to Her Majesty's Council.

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

Committee.

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

Resolved,—That a committee be appointed to prepare a bill for granting a sum to defray certain contingencies.

Resolution respecting contingencies

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

Committee appointed.

Mr. Brown, from the said committee, reported that they had drafted a bill in pursuance of the said resolution, which he presented to the House, and the said bill was read a first time.

Report.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Bill read 2d time.

House in committee
thereon.

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

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

And the House resolved itself into the said committee accordingly.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and
agreed to

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

Eng as ed
3d reading.

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Messages from her Ma-
jesty's Council agreeing
to bills.

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

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up from the House of Assembly entitled "An act for granting to her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth June, in the year of Our Lord one thousand eight hundred and thirty-nine," without amendment.

Council Chamber, }
18th October, 1838. }

JAMES SIMMS,
Senior Member presiding.

—O—

Mr Speaker,

Her Majesty's Council acquaint the House of Assembly that they have passed the bill sent up from the House of Assembly entitled "An act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature during the present and last session," without amendment.

Council Chamber, }
18th October, 1838. }

JAMES SIMMS,
Senior Member presiding

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

Friday, October 19, 1838.

Bill to provide for the
payment of certain con-
tingencies, read 3d time.

PURSUANT to the order of the day, a bill to provide for the payment of certain contingencies, was read a third time.

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

Resolved,—That the said bill do pass, and that the title be “An act to provide for the expenses attendant on a delegation from the House of Assembly of this colony to treat with her Majesty’s Government on matters connected with the colony, and for other purposes.”

Bill passed.
Title.

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

Sent to Council.

Mr. Winsor gave notice that to-morrow he should move that John Valentine Nugent, Esq., Member of this House, be requested, in conjunction with the Members already appointed, to manage the defence of the Hon. the Speaker and other members of the House of Assembly, and also the servants of the House, in actions of trespass instituted against them by Edward Kicley, Esquire.

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

Resolved,—That prior to the bringing up the report of the Delegates from this House to her Majesty’s Government, the same be printed for the use of the Members, together with all documents and correspondence connected with their proceedings during the progress of their mission in England.

Documents to be printed

Mr. Morris, from the committee appointed on the 13th inst. to present an address to his Excellency the Governor, praying his Excellency to transmit an address of this House to her Majesty, reported that they had presented the address accordingly, when his Excellency was pleased to reply that he would comply with the prayer therein contained.

Reports of committee appointed to present addresses to his Excellency.

Mr. Morris also reported from the committee appointed on the 16th inst. to wait on his Excellency with an address of this House requesting his Excellency to pay out of the Public Treasury of this colony certain sums, that they had presented the said address, and that his Excellency was pleased to say he would have pleasure in complying with the request therein contained.

Mr. Brown from the committee appointed to prepare a bill to provide for the making and repairing of roads and bridges in this colony, reported that they had drafted a bill accordingly, which he presented to the House, and the same was read a first time.

Roads & Bridges Bill read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Bill read 2d time.

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

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

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Amendments read and agreed to

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

Engrossed 3d reading.

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

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

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

Passed. Title.

Resolved—That the said bill do pass: and that the title be “An act for granting to her Majesty a supply of money for the making and repairing of roads, streets and bridges in this colony, and to regulate the expenditure of the same.”

Sent to Council.

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

Report of committee appointed to present an address to his Excellency.

Mr. Morris, presented to the House an address to his Excellency the Governor, which he read in his place and afterwards delivered it in at the Clerk's table, where it was again read as follows :

Address read.

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

May it please your Excellency,

The House of Assembly transmit herewith a printed copy of a report of the committee appointed by the House to enquire into the state of the administration of Justice in this colony, and adopted by this House, and in pursuance of a resolution therein contained, pray that your Excellency will be pleased, in exercise of the powers vested in your Excellency by the Royal Charter of Justice, to remove Benjamin Greer Garrett from the office of Sheriff, and to appoint in his place some fit and proper person having the confidence of her Majesty's subjects of this Colony.

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

Adopted & engrossed.

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

Committee to present it.

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

Mr. Morris gave notice that he should to-morrow move an address to Lord Durham, on his resigning the Government of the North American Colonies.

Notice of motion for address to Lord Durham.

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

Saturday, October 20, 1838.

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

Resolved,—That John Valentine Nugent, Esq., Member of this House, be requested, in conjunction with Patrick Morris and John Kent, Esquires, already appointed, to manage the defence of the Hon. the Speaker and other Members of the House of Assembly, and also the Officers of the House, in actions of trespass instituted against them by Edward Kielley, Esq.

Resolution respecting defence of Hon. Speaker, &c. &c.

Mr. Speaker laid before the House a letter from the Hon. Mr. Secretary Crowdy, acquainting the House that his Excellency the Governor understanding that the business before the Legislature is not yet completed, and anxious to give the utmost time consistent with the public convenience for that purpose, his Excellency will not close the session until Thursday next, the 25th inst., at two o'clock.

Letter from Hon. Mr. Secretary Crowdy acquainting the House of his Excellency's intention to close the session on the 25th inst.

Mr. Nugent presented to the House the draft of an address to the Queen, respectfully soliciting the attention of her Majesty's Government to the humble representation of the House, on the subject of the Supply Bill of the seventh session of the Legislature, laid before her Majesty, through her Majesty's Principal Secretary of State for the Colonies, by Delegates deputed from this House; which he read in his place, and afterwards delivered it in at the Clerk's table, where it was again read a first and second time.

Draft of address to her Majesty presented and read 1st & 2d time.

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

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

To be committed on

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

Thursday next.

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

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

Mr. Morris, pursuant to notice of Saturday, presented to the House the draft of an address to Lord Durham; which he read in his place, and afterwards delivered it in at the Clerks table, where it was again read a first and second time.

Draft of address to Lord Durham presented and read 1st & 2d time.

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

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

To be committed

On Tuesday next.

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

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

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

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council agreeing to bill for raising a loan of £10,500 for Roads.

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

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act to authorize the Treasurer of this Colony to raise on loan a sum not exceeding Ten thousand Five hundred pounds, for the purpose of making and repairing Roads, Streets and Bridges therein," without amendment.

JAMES SIMMS,
Senior Member Presiding.

Council-Chamber, }
20th October, 1838. }

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

Resolutions for publishing Returns, &c.

Resolved,—That a copy of the Returns, transmitted to this House by command of his Excellency the Governor, connected with the grant of the Road Commissioners of the District of Ferryland, for 1837, of money for the making and repairing of Roads and Bridges within that District, together with an extract from the account of the Treasurer, of monies paid from the revenues by virtue of that grant, be certified by the Clerk and published in the several Newspapers of this Town.

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

Monday, October 22, 1838.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council transmitting Bill for the making & repairing roads & bridges with amendments.

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

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act for granting to her Majesty a supply of money for the making and repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same," with some amendments to which they request the concurrence of the Assembly.

JAMES SIMMS,
Senior Member presiding

Council Chamber, }
22nd October, 1838. }

The said amendments were read a first time and are as follow :—

Amendments read 1st time.

At the end of the 18th page, insert, as the section,—“Be it further enacted that no Road shall be finished and gravelled to a breadth exceeding fourteen feet, which shall be situate above five miles from St. John's, or three from Harbor Grace, save and except such roads as are already gravelled to an extent exceeding the breadth above mentioned.”

Page 20, 4th line—Expunge the 4th, 5th and 6th words of this line.

“ 22 15th “ Expunge the word “said,” before the word “Board.”

“ “ 16th “ After the word “Central,” insert the words “hereinafter mentioned.”

“ 27 1st “ After the word “upon,” insert the word “taking.”

At the end of the Bill, insert—“ And whereas divers Cellars, Cellar-doors and Hatchways, and other excavations, erections and obstructions to the convenience and safety of the roads and passage ways along and upon divers of the Streets and Lanes of the town of St. John's, and other towns and places in the said Colony, have been dug, excavated, made, erected and placed in, upon and under the said Streets and Lanes, to the great injury of the same, and in obstruction of their repair and improvement. It is therefore hereby declared and enacted that all such Cellars, Cellar-doors and Hatchways, and all such erections and excavations as aforesaid, at any time hereafter dug, excavated, made, erected or placed, or that at any time hereafter may be dug, excavated, made, erected or placed in, upon or under the said Streets or Lanes, or any of them, shall be deemed to be public nuisances, and be subject to be removed and abated by the person or persons who have made, caused or continued the same.”

Insert as the last Section—“ And whereas the continuance of such nuisances aforesaid, have been heretofore found by the Commissioners and Surveyors of Roads and Highways generally to hinder and obstruct the proper making and improvement of the Roads and Streets of the said Town, and other Towns and places in this Colony, and it is necessary and expedient to make provision for the more speedy abatement thereof. It is therefore hereby further enacted, that the Commissioners of Roads for the several Districts of this Island, or any two of her Majesty's Justices of the Peace for the said Districts, for the time being respectively, shall be authorized and empowered, and they are respectively hereby authorized and empowered, to make, order, and direct the removal and abatement of all such nuisances aforesaid on inspection and view of the same, and to give notice in writing to the person or persons who may have erected, made or continued, or who may hereafter erect, make or continue such nuisances or any of them as aforesaid, to remove and abate the same, within the space or time of ten days after such notice shall be given; and if the person or persons so liable, as aforesaid, to abate and remove such nuisances, shall refuse or neglect so to abate and remove such nuisance, after such notice shall have been given, as aforesaid, the persons or person so offending shall be subject and liable to pay a penalty of not less than *one pound* and not exceeding *five pounds* to be recovered in a summary way,

before any two of her Majesty's Justices of the Peace, together with such costs of suit as such Justices may award; and all penalties so recovered and paid, shall be paid over to the said Commissioners of Roads to be applied to the purposes of this act."

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

Resolved,—That the said amendments be read a second time this day six months.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

Message from her Majesty's Council.

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

Mr. Speaker,

Her Majesty's Council acquaint the House of Assembly that they have been under the necessity of rejecting the following items in a Bill entitled "An act to provide for the expenses attendant on a delegation from the House of Assembly of this colony to treat with her Majesty's Government in London on matters connected with the colony, and for other purposes."

The sum of Six hundred pounds, or so much thereof as may be necessary, to defray the expense attendant on the late delegation appointed by the House of Assembly to treat with her Majesty's Government in London, on the subject of the Administration of Justice, the Fisheries, and the general state of the Colony.

Because 1st, the sum is indefinite, and 2nd, because her Majesty's Council have no Documents before them, shewing that such a sum or any part of it is required.

The several Items for Law Expenses, amounting to One hundred and Thirteen pounds Five shillings and Six pence.

Because 1st, there are no Documents before her Majesty's Council shewing that the actions in question were instituted in consequence of words spoken, or acts done in the House of Assembly, and 2nd, because these actions are still pending.

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
22nd October, 1838. }

Bill for the making & repairing roads & bridges read 1st time.

Mr. Brown presented to the House a Bill for granting to her Majesty a sum of money for the making and repairing of Roads, Streets and Bridges in this colony, and the same was read a first time.

Ordered,—That the said bill be now read a second time.

Read 2d time.

And the said bill was read a second time accordingly.

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

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

And the House resolved itself into the said committee accordingly.

House in committee
thereon.

Mr. Speaker left the chair.

Mr. Brown took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Engrossed
3d reading.

Agreeably to order, the engrossed bill for granting to her Majesty a sum of money for the making and repairing roads, streets and bridges in this colony, was read a third time.

Roads & Bridges Bill
read 3d time.

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

Resolved—That the said bill do pass, and that the title be “An act for granting to her Majesty a supply of money for the making and repairing of roads, streets and bridges in this colony, and to regulate the expenditure of the same.”

Bill passed.
Title.

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

Sent to Council.

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

Tuesday, October 23, 1838.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

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

Message from his Ex-
cellency the Governor.

And then the messenger withdrew.

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

H. PRESCOTT.

The Governor is desirous of calling the attention of the House of Assembly to a statement transmitted by the Colonial Secretary on the 10th of August last, of certain claims upon Government for which, with two exceptions, no provision has hitherto been made.

Government House, }
23d October, 1838. }

Mr. Morris presented to the House the draft of an address to his Excellency upon the subject matter referred to in the said message, which

Draft of address to his
Excellency presented.

he read in his place and afterwards delivered it in at the Clerk's table, where it was again read as follows:

Address read.

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

May it please your Excellency,

The House of Assembly have had under their consideration your Excellency's message of this day, and respectfully request that your Excellency will cause to be paid out of the public Treasury of this colony the outstanding claims referred to therein, amounting to two hundred and fifty-seven pounds thirteen shillings and seven pence, provided the several parties claiming attest their accounts in conformity to a resolution of this House, and the House will make provision for the same in the next supply bill.

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

Adopted & engrossed.

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

Committee to present it.

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

Mr. Morris moved, seconded by Mr. Winsor,

Motion respecting Delegation expenses.

That there be placed in the statement of the expenses of the Delegation from this House to treat with her Majesty's Government, a claim of his amounting to one hundred and fifty-eight pounds.

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

Amendment moved thereon.

That the Delegates report to this House the expenses attendant on their said mission, and that the same be approved of and signed by the Delegates, or a majority of them; which being put, the House divided thereon as follows:

House divide:

FOR THE AMENDMENT.

AGAINST THE AMENDMENT.

Mr. Brown

Mr. Morris

— Kent

— Doyle

— M'Carthy

— Winsor

— Nugent.

— Moore.

Amendment carried.

And the House being equally divided, Mr. Speaker gave his casting vote in favour of the amendment, so it passed in the affirmative; and ordered accordingly.

Message from her Majesty's Council.

A MESSAGE FROM HER MAJESTY'S COUNCIL.

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

Mr. Speaker,

Her Majesty's Council have passed the bill sent up from the House of Assembly entitled "An act for granting to her Majesty a supply of money for the making and repairing of Roads, Streets and Bridges in this Co-

lony, and to regulate the expenditure of the same," without amendment.

JAMES SIMMS,
Senior Member Presiding.

Council Chamber, }
23rd October, 1838. }

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

Wednesday, October 24, 1838.

MR. Morris, from the committee appointed to present an address to his Excellency the Governor, transmitting the report of the committee on the present state of the administration of Justice, and in pursuance of a resolution therein contained, praying the removal from office of B.G. Garrett, Esq., High Sheriff, reported that the committee had waited on his Excellency the Governor and presented the said address, when his Excellency was pleased to reply thereto as follows:—

Report of committee appointed to present address to his Excellency.

Gentlemen,

I have to acquaint you in answer to this address, that should the House of Assembly think fit to lay before me the documents upon which the present Resolution is founded, I will call upon the Sheriff for an explanation of the circumstances mentioned therein.

His Excellency's reply.

I will subsequently take the whole into my serious consideration with a view to the adoption of such measures as may seem requisite.

Government House,)
23rd October, 1838. }

Mr. Morris presented to the House a Bill to provide for defraying the expenses attendant on the delegation from this House to her Majesty's Government and further contingencies of the Legislature, and the same was read a first time.

Bill to provide for the payment of expenses of delegation read 1st time.

Ordered,—That the said bill be now read a second time.

And the said bill was read a second time accordingly.

Read 2d time.

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

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

And the House resolved itself into the said committee accordingly.

House in committee thereon.

Mr. Speaker left the chair.

Mr. Winsor. took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Engrossed 3d reading.

Bill read 3d time.

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

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

Passed.

Resolved,—That the said bill do pass, and that the title be “An act to provide for the expenses attendant on a delegation from the House of Assembly of this colony to treat with her Majesty’s Government in London on matters connected with the colony, and for other purposes.”

Title.

Sent to Council.

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

A MESSAGE FROM HER MAJESTY’S COUNCIL.

Message from her Majesty’s Council.

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

Mr. Speaker,

Her Majesty’s Council acquaint the House of Assembly that they have passed the following Resolutions.

1st. *Resolved*,—That the contingent expenses of the Legislature, in the session of 1836, amounted to One thousand Three Hundred and Ninety pounds Nine pence—of which sum Four hundred and Five pounds Eleven shillings and Six pence was required by her Majesty’s Council, and Nine hundred and Eighty-four pounds Nine shillings and Three pence by the House of Assembly.—That in the Session of 1837, the contingencies of the Council amounted to Four hundred and Ninety-four pounds Four shillings and One penny, and those of the Assembly to Two thousand Nine hundred and Fifty-three pounds Nine shillings and Six pence;—and that in the present year the contingencies of the Council amount to Six hundred and Sixty-three pounds Eight shillings and Four pence; while the House of Assembly require, this year, for their contingencies alone, the sum of Three thousand Three hundred and Eleven pounds Nineteen shillings and Six pence.

2nd. *Resolved*,—That her Majesty’s Council feel it incumbent on them to express their opinion that the contingencies of the House of Assembly have, within the last two years, increased to an amount very much beyond what appears to the Council to be necessary, and far exceeding the means of the Colony.

3rd. *Resolved*,—That the sums required by the House of Assembly in the Bills sent up to this House in the present Session, for their own contingencies alone, exceed one sixth of the net Local Revenue of the Colony.

4th. *Resolved*,—That the Council having regard to her Majesty’s service and the interests of the Colony, deem it their imperative duty to protest against so profuse an expenditure of the public funds, in the shape of contingencies to one branch of the Legislature.

5th. *Resolved*,—That the foregoing Resolutions be communicated by message to the House of Assembly, and by an address to his Excellency the Governor, with an humble request that he will transmit them to her Majesty’s Principal Secretary of State for the Colonies.

JAMES SIMMS,
Senior Member presiding.

Council Chamber, }
24th October, 1838. }

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

Thursday, October 25, 1838.

MR. Morris, from the committee appointed on the 23rd inst. to present to his Excellency the Governor an address of the House, reported that they had waited on his Excellency, and presented the same, when his Excellency was pleased to reply as follows:—

Report of committee appointed to present an address to his Excellency.

Gentlemen,

His Excellency's reply.

I will, in conformity with this address, issue warrants for the discharge of those claims upon Government to which the attention of the House of Assembly was requested in my last message.

I will use every precaution to prevent misapplication of the public funds, and will call for accounts attested on oath wherever the Law so directs, and in other cases require vouchers of authentication as usual, but I will not give an order which I have not the power to enforce; or attempt to exact an oath where it is not legally prescribed.

Government House, }
25th October, 1838. }

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of an address to her Majesty on the subject of the Supply Bill.

House in committee on address to her Majesty.

Mr. Speaker left the chair.

Mr. Morris took the chair of the committee.

Mr. Speaker resumed the chair.

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

Report.

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

Engrossed
3d reading.

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

Address read.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

Your Majesty's faithful Commons of Newfoundland in General Assembly convened, most humbly and respectfully approach your Majesty with renewed sentiments of love and loyalty for your Majesty's Crown, and attachment to your Royal Person, most respectfully soliciting the attention of your Majesty's Government to the humble representation of this House on the subject of the Supply Bill, of the seventh session of the Legislature, laid before your Majesty by your Majesty's Principal Secretary of State for the Colonies by delegates deputed from this Body.

The House of Assembly are induced to renew their prayer on that subject, by the occurrences that have transpired during the present ses-

Address.

sion on the Supply Bill of this year, in their deep anxiety to use every legitimate and constitutional means to uphold their just privileges against the reiterated encroachments of the Legislative Council.

But, may it please your Majesty, while the House of Assembly are thus determined respectfully to maintain the privileges of the people entrusted to them, they have proved by their moderation, their earnest desire to produce an amicable adjustment of the unhappy differences that exist between theirs and the second branch of the Legislature.

The source of these differences would seem to be the desire of the Council now, in the ninth session of the Legislature, to renew their opposition to the manner of the granting the Supplies for the public service in Newfoundland by the Assembly, which they had originated during the seventh session even to the rejection of the entire Supplies of the country, and which manner of granting the same had been founded on the well-established precedents of former sessions.

May it please your Majesty, in all the former sessions of this Legislature, without exception, the bills of supply passed into laws exhibit provisions of miscellaneous appropriation, nor had your Majesty's August Predecessor, of happy memory, in any single instance, withheld his Royal sanction to the practice; and the present Assembly in these renewed exertions to sustain those precedents, only seek to uphold a course of proceedings, which the concurrence of former Councils, and the sanction of a former Monarch, had enabled their predecessors to bequeath them as consecrated rights.

Your Majesty will thus perceive that while "the Constitution of the Legislature of Newfoundland is modelled on that of the Imperial Legislature with regard to money grants," it has been tacitly admitted, not only that the origination by the Crown of money grants as in the Imperial Parliament, but also the granting the supplies for the year in a series of Bills, as in the British Provinces on the Continent of America, was inapplicable to the circumstances and condition of society in Newfoundland.

Your Majesty's faithful Commons of Newfoundland could, for instance, have no objection to the assimilation of their practice on this subject to that of the Imperial Legislature, by the referring to the Crown the origination of all money grants, if, in a reciprocal spirit, they were granted that wholesome controul over the Colonial Public Servants possessed over the British Ministry by the House of Commons. Nor should they object on the other hand, that their supplies should form the subject of *separate* Bills, as in the British North American Continental Provinces, did the relations between the Councils and Assemblies there and here bear any parallel.

In Canada and New Brunswick the developement of the internal resources of these countries, and particularly the fostering care exhibited by the British Government towards their agricultural improvement at the expense of the Imperial Treasury, have produced, long since, a *Native Gentry to compose the Councils* there, having all their interests in common with the interests of the body of the people. In Newfoundland, on the contrary, the policy heretofore pursued by the parent Government was at first to forbid residence, then to restrain settlement, anon to decry agriculture; in fine, to fetter the resources and cramp the energies and blast the prospects of the people, has produced the natural result. *Native Gentry* there is none—a resident landed proprietary there does not exist, and consequently society in this Colony is reduced to two classes—the

one Mercantile, composed not of native but of stranger "Merchants and Adventurers," and indeed to a considerable extent even these non resident, to whom may be added the officers of the government—all strangers too. The other the humble fishermen whose destinies are rivited to the soil of their nativity.

May it please your Majesty, the interests of the mercantile class of society in Newfoundland by no means bear that intimate analogy with those of the fishermen, which, in the Provinces referred to, subsists between the several classes of the people. The native inhabitants of Newfoundland are sighing for the promotion of agriculture—for the full development of the internal resources of the country. The merchant sees in the accomplishment of their wishes the grave of his monopoly; for if agricultural produce be raised in the country, the profits of the merchant in the importation of provisions must proportionably decline. The Native Inhabitants of Newfoundland, regarding its soil with affection—it is the natal place of his Grandsire and his children, and he looks upon it as destined to envelope the last relics of his mortality—pant for its improvement—the adventurer only desires the accumulation of wealth for its ultimate removal, to the great depression of the people from whose means it was derived, the aggrandizement of a distant land.

Thus, may it please your Majesty, has it been judged, advantageous in this country to suffer the supplies to appear in bills of miscellaneous appropriation, thereby exhibiting a difference from the systems pursued both in England and the neighbouring provinces, corresponding with the difference between their respective political and social constitutions.

In the present year, your Majesty's faithful Commons with these views renewed the temperate assertion of their right so well and so justly established, but again has their exercise of that right been obstructed by your most gracious Majesty's Council, and determined once more to seek redress by soliciting in humility the protection of your Majesty, and in order to afford no pretext for the embarrassment of the country by the ultimate rejection of the whole supplies of the year until the result of your Majesty's most gracious consideration of our claims had been learned, this House immediately upon that interruption acceded to their views, and separated the original bill into three, viz. one for the support of the Civil Government, one for the defrayal of the Legislative Contingencies, and a third for the liquidation of certain law costs and other charges connected with the proceedings of the Delegation to England, and the prosecution by the late Chief Justice and the present High Sheriff, of certain members of this Body, for acts done in their Legislative capacity.

The proceedings of your Majesty's Council, may it please your Majesty, upon these bills, will more fully exhibit the inapplicability in this country of those principles which perhaps may work advantageously in the neighbouring provinces, because that while the Mercantile portion of the Council support the Official in passing the bill for the civil salaries and expenditure, the Official supports the Commercial in the rejection of Bills contemplating public improvements, defraying the cost incurred in seeking redress of grievances, or the just and legitimate remuneration for services honestly and jealously performed, because performed by persons selected by the representatives of the people.

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

Resolved,—That the said address be adopted, signed and transmitted by Mr. Speaker to his Excellency the Governor, respectfully requesting that his Excellency will be pleased to forward the same to England by an early opportunity to be laid at the foot of the Throne.

House in committee on
address to Lord Durham

Pursuant to the order of the day, the House resolved itself into a committee of the whole House on the consideration of the address to the Right Hon. the Earl of Durham, on his resigning the Government of the British North American Colonies.

Mr. Speaker left the chair.

Mr. Godfrey took the chair of the committee.

Mr. Speaker resumed the chair.

Report.

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

Engrossed
3d reading.

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

Address read.

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

To His Excellency the Right Hon. John George, Earl of Durham, Viscount Lambton, &c. &c. Knight Grand Cross of the Most Honorable Military Order of the Bath, one of Her Majesty's Most Honorable Privy Council, and Captain General of all Her Majesty's Provinces within, and adjacent to, the Continent of North America, &c. &c.

May it please your Excellency

We, her Majesty's loyal subjects the Commons of Newfoundland, in General Assembly convened, approach your Excellency to give expression to our sincere respect for your Excellency's high character, as well as to convey to your Excellency our unanimous and unqualified approval of the Public Acts of your Excellency during the period you have filled the station of her Majesty's Vice Roy over the British North American Provinces.

In common with all the people of all the North American Colonies, we hailed your Lordship's appointment to this high Office at the present crisis in Colonial Government, with hope and confidence—convinced that your Lordship was the individual above all others most competent to calm the stormy waves of public agitation; allay the kindling flames and angry strife of contending parties, by removing such defects from the local constitutions of the Colonies as would make them move in harmony with the wants and wishes of the people; cement the connexion with, and bind the Colonies to the Parent Government by the eternal bond of kindred affections and mutual interests, and lay the foundation of her Majesty's throne in the hearts of her people.

So fully were we impressed with the advantages already derived from your Lordship's Government, that we considered it our duty to convey to her Majesty, in an humble and dutiful address, our grateful thanks for her great anxiety to promote the general interests of her North American Colonies, and to secure their permanent connexion with the parent State, evinced by placing over them a nobleman so competent to detect the defects of the existing constitutions of the Colonies, and heal the distractions of their people as your Lordship.

How great, then, must our disappointment be, after having our hopes raised to the highest pitch of expectation, to find your Lordship arrested in the execution of your magnificent design to form these vast provinces into an integral part of the United Kingdom, by the mean and selfish intrigues of contending factions, ever ready to sacrifice the best interests of the Empire to their lust for power. It may appear presumptuous in the representatives of this remote and long neglected colony to pass an opinion on the acts and proceedings of the most powerful Assembly in the universe—yet we cannot but express our deep regret that any measure should meet the sanction of the Imperial Legislature by which our best interests are sacrificed, and our opinion that their acts in reference to your Lordship's mission have been most injurious and objectionable. They would scarcely be tolerated in the wildest democracy, and could only find a parallel in the petty jealousies of the small oligarchies and aristocracies that had arisen in the middle ages, or in what may be called the "paltry raffle of colonial faction."

Your Lordship sailed from England, bearing with you at the same time the confidence of your Sovereign and that of the British people; your object was to re-establish the dominion of your Royal Mistress in distant provinces that had risen in resistance to her power—She invested you with all her authority—her unconquered armies, her invincible fleets, were placed under your command.—Instead however of raising your trophies on the ensanguined field of civil strife—on a country desolated—on Inhabitants flying from their flaming villages—on fathers torn from their children, and wives from their husbands—instead of following the example which, alas! history presented to your view—and taking advantage of the dreadful calm that follows an unsuccessful civil war—immolate your hecatombs of human victims at the shrine of angry and offended power!—Yours, my Lord, were not such laurels.—Your Excellency's friends in the British senate, to appease a factious opposition, could not fling on their table the blood stained trophies of a CANNÆ or boast of the military triumphs and cruelties of an ALVA! But they could do more,—they could hold up your illustrious example as an exception to the precedents in the history of unlimited power. They could say that you not only conquered, but that you annihilated her Majesty's enemies,—you made friends of them.

For reasons which have not been yet explained to us, the representatives of this colony had not an opportunity of meeting your Lordship at the seat of your Government in company with the Delegates from the sister Colonies. Yet, notwithstanding, we rested in perfect security, having unbounded confidence in your Lordship, that in any measures intended for the general benefit of the North American Colonies, the particular interests of this most ancient and valuable colony would not be neglected.

We have observed with unmixed satisfaction the repeatedly expressed opinions of your Lordship, not only of the possibility but of the practicability of permanently uniting these provinces with the parent state—in these opinions we fully participate, and we see no good reason why Newfoundland and the other provinces should not form a part of the United Kingdom as much as Yorkshire, Edinburgh or Cork.

And we again beg to assure your Lordship that though we shall long regret the unhappy circumstances that have caused hopes thus ardently conceived to be so suddenly blighted, yet we are not without hope that, though your Lordship's views and our hopes have been frustrated, the knowledge that your Lordship has acquired, will be of lasting advantage to us in another place.

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

Adopted &c.

Resolved,—That the said address be adopted, signed and transmitted to his Excellency the Governor, respectfully requesting that his Excellency will be pleased to forward the same by an early opportunity to the Right Hon. the Earl of Durham.

Draft of address to her Majesty presented.

Mr. Nugent presented to the House the draft of an address to her Majesty, upon the subject of the message sent down to this House yesterday by her Majesty's Council, relative to the contingencies of the Legislature; and he read the same in his place, and afterwards delivered it in at the Clerks table, where it was again read as follows:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We, your Majesty's faithful subjects, the commons of Newfoundland, in General Assembly convened, beg leave to approach your most Gracious Majesty's Throne with sentiments of the most profound loyalty and attachment to your Majesty's august Person and Government.

May it please your Majesty,

Your Majesty's loyal Commons of Newfoundland, during the present Session of the Legislature of this Colony, have laboured assiduously in the public service, and in the manner of discharging their duties have sought every opportunity of proving to your Majesty, in accordance with the terms of their dutiful address to your Majesty on the loss of the Supply Bill of the seventh Session of the General Assembly, that it is not to them is attributable the injury and embarrassment to the Government—the vexation and distress to the community resulting from the rejection by her Majesty's Council of that measure.

The House of Assembly, in this session, have tried the experiment of conciliating the Council and the Executive on the subject of the supplies, and have omitted no opportunity of promoting that harmony which ought to subsist between the several branches of the Legislature.

The question of the already exorbitant salary of the Collector of your Majesty's revenues had been brought before your Majesty's Government in England by delegates appointed by this House, praying, on the part of the Assembly, its reduction to a sum somewhat more proportioned to the smallness of the amount collected, and yet—and though the reply of her Majesty's Government to the prayer of her faithful subjects on that head was not yet communicated to the House in consequence of the absence of the Delegates—yet did the House permit their privileges to be trampled on in the ardent expectation of redress from your Majesty, and calmly suffer his Excellency the Governor to dictate the terms, without an accedence to which he professed his readiness to deprive the country of revenues, and plunge its inhabitants into anarchy; those terms being the *raising* to a considerable extent that salary to seek the reduction of which they sent delegates to England.

Your Majesty's Government, during the session of 1837, proposed to admit the right of the Assembly to appoint their own officers, provided the representations of the Assembly with reference to the practice in certain neighbouring colonies should prove to be correct, and instructed his Excellency the Governor to address the several neighbouring Governors upon that subject, while at the same time the Assembly directed their Speaker to address the several Speakers upon the same. In the mean

time, instructed by your Majesty's Principal Secretary of State for the Colonies, his Excellency required the officers appointed by the Crown to be paid, although discharged from their functions by order of the House, and the House readily acceded to the proposition, regarding their claim well founded, until the deliberate decision of the question.

Address.

This Session a similar demand has been made, and although the reports made to the Speaker of the House by the neighbouring Speakers prove that Government have had proof of the right which the Assembly are determined to maintain, the right of the appointment of their officers, yet have they once more yielded accedence to avoid the possibility of collision with the Executive.

In their conduct towards the Council on the Supply Bill of the present Session have they exhibited a similar forbearance.—The Council insisted the Supply Bill should be divided—the Assembly divided it, and yet, notwithstanding this, has a bill been rejected by that Body, having for its object to defray the expenses of the late Delegation to England; thereby proving, that the individuals who in obedience to the order of this House had in England struggled to reduce the salary of one Member of the Council—the Collector—and had procured the removal from office of the late President of the Council—Mr. Boulton—that these individuals are not likely to have their interests equitably guarded by that Body, and also proving, by thus incapacitating the Assembly from discharging the just debts which they incurred in London on this subject, their inclination to bring down odium upon the popular branch of the Legislature.

But, may it please your Majesty,

This is not enough.—We find by a message laid before this House on yesterday, from that Honourable Body, that they can descend to the grossest exaggeration and misrepresentation, even for the purpose of awakening opinions in the mind of your Majesty prejudicial to the power, and defamatory of the representation, of the House of Assembly.

In this message, may it please your Majesty, your Majesty's Council seek to show that during the existence of the present House of Assembly the contingent Expenses of that Body have unreasonably increased, thereby clearly imputing an improper appropriation of the public funds to that Branch of the Legislature for their own private advantage. But a brief view of their statement will at a glance exhibit an absence of candour and disposition to exaggerate, highly derogatory from the dignity of a deliberate Assembly.

In the first Resolution of this message, your Majesty is told that in the Session of 1836 the Legislative contingencies amounted to £1390 0s. 9d. viz., for the Council £405 11s. 6d., for the Assembly £984 9s. 3d., and in 1837, £2953 9s. 6d. for the Assembly, and for the Council £494 4s. 1d., thus bringing into comparison the first Session of the present with the last of the former Assembly, and the expenditure of the Assembly with that of the Council; and they go on to state the expenses of the Council now to be £663 8s. 4d., the Assembly's £3311 19s. 6d.

But, may it please your Majesty,

Upon examining these statements we at once behold an improper effort made in 1837 to exaggerate the expenses of the Assembly and reduce those of the Council by improper and unfair means—by means exceedingly unworthy the members of your Majesty's Council; for upon refer-

Address.

ing to the 94th page of their Journals, where the items are set out which compose the charges of the Council for 1837, it will be found that that Body withheld from their account that year the charge of *Printing* altogether, thereby exhibiting in stronger relief the contrast between the contingencies of both Bodies.

However, beside this suppression of the truth on the one hand, we have on the other an incorrect account of the contingencies of the Assembly for that year, as may be seen by a reference to the same (the 94th) page of the Journals, where it will be seen that even including the £215 voted to the officers appointed by the Crown, and including expenses resulting from enquiry on administration of Justice, the gross amount of the contingencies of this Body falls short of the sum imputed by the Council, by no less an amount than £560 7s.

In looking at their statement, that the contingencies of the Assembly this year amount to £3311 19s. 6d., your Majesty's faithful Commons are astonished to find exaggeration of the highest character used to enhance the apparent extravagance of the expenditure of the Assembly.— In the first place the Council suppress the fact that in this charge are included the expenses of *two* and not of *only one* Session, being £1655 19s. 9d. for each; and in the next place is the amount utterly inconsistent with the fact, for a reference to the Contingency Bill which has actually passed both Houses of the Legislature, in its aggregate amount, including the expenses of the Council, falls considerably short of the sum here stated as incurred by the Assembly only, while the amount therein provided for the contingencies of the Assembly are little short of one thousand pounds below that sum.

May it please Your Majesty,

The House of Assembly have complained to your Majesty, and humbly sought protection from these reiterated aggressions upon the personal character as well as the Legislative dignity of the Representatives of the people.—They regret that the time ingeniously chosen too for this attack, had almost incapacitated them from the capability of reply, and then the slander should have rested on their fame for another year, and until the next Session of the Legislature, as only two hours remain to the Assembly for its accomplishment prior to the prorogation.

What can this course of inveterate hostility on the part of that dignified Body imply, if it be not to your Majesty a convincing proof that as long as your Majesty's Council continues constituted as at present, so long must their Legislative exertions be expected to be directed by motives arising from personal feelings.

Your Majesty's loyal Commons of Newfoundland therefore humbly and respectfully fling themselves, their characters, their rights and privileges beneath your Majesty's protection, and they humbly pray, and again and again implore your Majesty to take into your Majesty's most gracious consideration the reiterated prayers of your Majesty's people for a just reform in the constitution of your Majesty's Council, and the due sustentation of the privileges of the Assembly.

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

Resolved,—That the said address be adopted and engrossed, signed and transmitted by Mr. Speaker to his Excellency the Governor, respectfully requesting that his Excellency will be pleased to forward the same to England by an early opportunity to be laid at the foot of the Throne.

Adopted &c.

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

Resolved,—That a committee be appointed to prepare an address to his Excellency the Governor, praying that his Excellency would issue his warrant or warrants for the payment of expenses attendant on the delegation from this House to her Majesty's Government.

Resolution for committee to prepare address to his Excellency

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

Committee.

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

Report.

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

Address.

May it please your Excellency,

The House of Assembly take leave to request that your Excellency will advance six hundred pounds from the funds of the colony, to defray the expense of the late delegation from the House of Assembly to treat with her Majesty's Government in London on subjects connected with the colony, to pay the bill of costs of the Solicitor of the delegates of the House of Assembly incurred in the prosecution of the charges before the Privy Council, against the late Chief Justice Boulton, as also the account of the expenses incurred on the subject of printing and reporting the same case, and other expenses attendant on the delegation.

The House of Assembly pray your Excellency to relieve them from the embarrassment under which they labour through the rejection by the Council of a Bill for granting monies to meet these charges, by your Excellency issuing your warrant or warrants for their defrayal ; and the House of Assembly pledge themselves to your Excellency to provide for the same in the next session of the Assembly.

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

Resolved,—That the said address be adopted and engrossed, signed and transmitted by Mr. Speaker to his Excellency.

Address adopted and engrossed.

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

Resolved, nemine contradicente,—That John Valentine Nugent, Esq. be appointed Solicitor of this House, and that Mr. Speaker do notify the same to him accordingly.

Solicitor appointed.

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

Resolved,—That a select committee be appointed to prepare a report of the evidence taken before the committee on the present state of the administration of Justice in this colony, in-reference to the conduct of Benjamin G. Garrett, Esq.

Resolutions for committee to prepare report on administration of justice

Committee appointed.

Ordered,—That Mr. Morris, Mr. Winsor, and Mr. Doyle do form such committee.

Message from his Excellency the Governor

A message from his Excellency the Governor, by the Gentleman Usher of the Black Rod :

Mr. Speaker,

commanding attendance of House in Council Chamber.

His Excellency the Governor commands the attendance of this Hon. House in the Council Chamber immediately.

House attend.

The House attended accordingly, and being returned, Mr Speaker reported that his Excellency had been pleased to give his assent to the following bills :

His Excellency's assent.

An act for granting to her Majesty certain duties on goods, wares and merchandize imported into this colony and its dependencies.

An act for granting to her Majesty a sum of money for defraying the expense of the Civil Government of this Colony and for other purposes, for the year ending the thirtieth day of June, in the year of Our Lord one thousand eight hundred and thirty-nine.

An act for granting to her Majesty a sum of money to defray the contingent expenses of the Legislature during the present and last sessions.

An act to authorise the Treasurer of this Colony to raise on loan a sum not exceeding ten thousand five hundred pounds for the purpose of making and repairing roads, streets and bridges therein.

An act for granting to her Majesty a supply of money for the making and repairing roads, streets and bridges in this colony, and to regulate the expenditure of the same.

An act declaratory of the value of the dollar in this colony, and to remove all doubts of the same being a legal tender in certain cases.

An act to amend an act passed in the sixth session of the General Assembly, entitled "An act for the encouragement of education in this colony."

An act for the regulation of pilots, and the pilotage of vessels at the Port of St. John's.

An act to further amend an act entitled "An act to regulate the packing and inspection of pickled fish for exportation from this Island."

An act to preserve the harbors and roadsteads of Newfoundland and its dependencies from nuisances and obstructions.

His Excellency's Speech

And his Excellency was then further pleased to make the following Speech to both Houses :

Mr. President and Hon. Gentlemen of the Council—

Mr. Speaker and Gentlemen of the House of Assembly—

The public business being at length completed, I am enabled to relieve you from the labours of the session, which has been extended to an inconvenient period, and one far beyond my original expectation.

Mr. Speaker and Gentlemen of the House of Assembly—

I have to thank you in her Majesty's name for the supplies. They will, I hope, be found adequate to the intended objects—and they shall be faithfully and carefully administered.

Mr. President and Hon. Gentlemen of the Council—

Mr. Speaker and Gentlemen of the House of Assembly,

In taking leave of you, probably for a period of several months, I wish most earnestly to impress upon you the duty which belongs to us, not less

individually than collectively, of cultivating harmony and good will throughout every class of our society.

Let us endeavour to obliterate those unhappy political and religious differences which have of late years sprung up amongst us, and which were formerly unknown. They are indeed the bane of our peace. They destroy the delights of social intercourse, and impede every effort for the public good. May all members of the community, and especially those who are influential from talent or station, join heartily in this work of beneficence, and zealously endeavour to restore to Newfoundland its former character for general philanthropy and benevolence.

I take advantage of the present occasion, the most serious and impressive that can be offered to me, to bring under your particular observation extracts from various despatches on this interesting subject; and to assure you that the obligation I am under to render prompt and full obedience to every order I receive, is enforced in this instance by my warmest feelings and most ardent aspirations.

"18th May, 1838. Her Majesty relies on your earnest endeavours to afford to all persons under your Government, irrespective of any political or religious distinction, the utmost protection in the enjoyment of their just rights and liberties. Her Majesty is also persuaded that no exertion will be wanting on your part to moderate the violence of party animosity, and to induce all classes of the inhabitants to lay aside angry and excited feelings, in order to co-operate in advancing the welfare, and developing the resources of the Colony."

"28th July, 1838. I cannot, however, conclude this despatch without expressing my anxious hope that the political animosities which have so long distracted the Colony of Newfoundland will subside, and that all members of the Colonial Society will unite in endeavouring to promote the general welfare, and to establish harmony and good will through all classes of the inhabitants.

"12th August, 1838. I feel confident that you will second the views of her Majesty's Government by using all your personal and official influence to allay the irritation which has heretofore pervaded the society of Newfoundland, and to restore harmony and good feeling among all classes of the inhabitants."

And the Hon. the President of her Majesty's Council then said—

Honorable Gentlemen and Gentlemen—

It is his Excellency the Governor's will and pleasure that the General Assembly be prorogued until Monday, the twenty-first day of January next, and this General Assembly is accordingly prorogued until Monday, the twenty-first day of January next.

ROBERT R. WAKEHAM,
Clerk of the General Assembly.

.....
END OF THIRD SESSION.
.....

APPENDIX

TO THE

JOURNAL OF THE THIRD SESSION

OF THE

HOUSE OF ASSEMBLY

OF

NEWFOUNDLAND.

APPENDIX.

COPY OF AN ORDER OF HER MAJESTY IN COUNCIL

APPROVING OF CERTAIN ACTS PASSED BY THE COLONIAL LEGISLATURE.

At the Court at Buckingham Palace,
25th April, 1838.

Present—

THE QUEEN'S MOST EXCELLENT MAJESTY	
LORD PRESIDENT	LORD JOHN RUSSELL
LORD CHAMBERLAIN	VISCOUNT MELBOURNE
EARL OF ALBERMARLE	VISCOUNT HOWICK
EARL OF MINTO.	LORD GLENELG.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of November 1837, pass five Acts which have been transmitted, intituled as follow.—Viz:

No. 79, An Act for granting to her Majesty a supply of money for the making and repairing of Roads and Bridges in this Colony, and to regulate the expenditure of the same.

No. 82, An Act to repeal part of an Act passed in the Parliament of Great Britain, in the fifth year of the reign of his Majesty King George the 4th, intituled "an Act for the better Administration of Justice in Newfoundland, and for other purposes," and to make further provision for the registration of Deeds in this Colony.

No. 84, An Act to further continue an Act passed in the General Assembly of this Colony, in the 3d year of the reign of his late Majesty King William the fourth, intituled "an Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious Diseases, and the spreading thereof in this Colony.

No. 85, An Act to authorize the raising by loan a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulations respecting the same.

No. 87, An Act for granting to her Majesty certain monies for the service of the quarter ending the 1st July, 1837.

And Whereas the said Acts have been referred to the Committee of the Lords of her Majesty's most honourable Privy Council, appointed for the consideration of all matters relating

to Trade and Foreign Plantations; and the said Committee have reported as their opinion to her Majesty, that the said Acts should be left to their operation; her Majesty was thereupon this day pleased by, and with the advice of her Privy Council to approve the said report. Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being of her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE

COPY OF AN ORDER OF HER MAJESTY IN COUNCIL

APPROVING OF CERTAIN ACTS PASSED BY THE COLONIAL LEGISLATURE.

(L. S.)

At the Court at Buckingham Palace,
The 15th May, 1838.

Present—

THE QUEEN'S MOST EXCELLENT MAJESTY,	
LORD CHANCELLOR	VISCOUNT PALMERSTON
LORD PRESIDENT	VISCOUNT MELBOURNE
LORD STEWARD	VISCOUNT HOWICK
LORD CHAMBERLAIN	LORD GLENELG
EARL OF ALBEMARLE	MR. POULETT THOMPSON.
EARL OF MINTO.	

WHEREAS the Governor of her Majesty's Island of Newfoundland with the Council and Assembly of the said Island, did, in the month of November 1837, pass three Acts which have been transmitted, intituled as follow,—Viz:

No. 80, An Act to continue and amend an Act passed in the 4th year of the reign of his late Majesty King William the fourth, intituled "An Act to regulate the packing and inspection of Pickled Fish for exportation from this Island."

No. 83, An Act to amend an act passed in the 3d year of the reign of King William the fourth, intituled "An Act for the regulation of Pilots and the Pilotage of vessels at the port of St. John's."

No. 86. An Act for regulating the service of Merchant Seamen engaged in the Vessels of this Colony.

And whereas the said Acts have been referred to the Committee of the Lords of her Majesty's most honourable Privy Council, appointed for the consideration of all matters relating to trade and foreign plantations, and the said committee have reported as their opinion to her Majesty, that the said Acts should be left to their operation; her Majesty was thereupon this day pleased by and with the advice of her Privy Council to approve the said Report. Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being of her Majesty's Island of Newfoundland, and all other persons whom it may concern are to take notice, and govern themselves accordingly.

(Signed)

W. L. BATHURST.

A STATEMENT

Of the amount of Revenue collected under acts of the Imperial Parliament in the year ended the 5th January, 1838.

<i>Items of Receipt</i>	<i>Amount</i>
Duties received under Acts prior to 18 Geo. 3 c. 12	2440 15 6
Duties received under Acts subsequent to— — —	11359 1 1
	<u>£13799 16 7</u>

APPROPRIATION OF THE ABOVE, VIZ.

<i>Officers' Names—</i>	<i>Station—</i>	<i>Employment—</i>	<i>Salary—</i>
James M. Spearman—	Saint John's	Collector	800 0 0
George Bayly —	ditto	Controller	700 0 0
George J. Hayward—	ditto	1st Landing Waiter	350 0 0
George E. Blyth —	ditto	2d do.	200 0 0
Edmund F. Stewart—	ditto	1st Clerk & W. H. Keeper	150 0 0
Percival Hindmarsh—	ditto	2d Clerk	100 0 0
James Winter —	ditto	3d do.	100 0 0
Samuel Prowse —	ditto	Extra	100 0 0
Richard Furneaux —	ditto	Locker	57 19 0
Henry Pitts —	ditto	Extra Locker	59 14 0
James Bayly —	Harbor Grace	Sub-Collector	250 0 0
E. E. Brown —	ditto	Clerk & Locker	100 0 0
Robert Bayly —	Trinity	Sub-Collector	150 0 0
Andrew Pearce —	Twillingate	Sub-Collector	100 0 0
Robert Carter —	Ferryland	Sub-Collector	100 0 0
W. G. Bradshaw —	Placentia	Sub-Collector	100 0 0
Thomas E. Gaden —	Little Bay	Sub-Collector	100 0 0
Joshua Green —	Brigus	Sub-Collector	100 0 0
Donald Bethune (1) —	Carbonear	Sub-Collector	100 0 0
George King —	Burin	Sub-Collector	100 0 0
Thomas Read (2) —	La Poile	Sub-Collector	37 15 6
			<u>3855 9 6</u>
Tide Waiters			238 2 4
Boatmen			140 0 0

INCIDENTS, VIZ.

A new Boat for the Department	36 0 0
Office Rent &c., Harbor Grace	15 0 0
Postages, &c.	3 16 7
	<u>54 16 7</u>

Salaries reserved under acts 2d & 3d W. 4. cap. 78—

<i>Officers' Names—</i>	<i>Salary—</i>
His Excellency the Governor	3000 0 0
His Honor the Chief Justice	1200 0 0
“ “ Assistant Judge Des Barres	474 12 0
“ “ “ Judge Brenton	626 15 8
“ “ Acting Assistant Judge Lilly	298 12 4
The Attorney General	450 0 0
The Colonial Secretary	500 0 0
	<u>6550 0 0</u>

Amount paid the Colonial Treasurer, 22d July, 1837	2000 0 0
Balance in the Chest 5th January, 1838	961 8 2
	<u>£13799 16 7</u>

(1) Of this sum, £86 9 10½ was paid to Lorenzo Moore, Acting Sub-Collector, to 20th November, 1837, and the remainder, £13 10 1½, to Donald Bethune.

(2) Allowance for collecting Imperial Duties.

STATEMENT

Of the amount of Revenue collected under acts of the Imperial Parliament in the Qr. ended the 5th July 1838, with a detailed account of the appropriation of the same.

<i>Items of Receipt</i>	<i>Amount</i>
Duties received under Acts prior to 18 Geo. 3 c. 12.....	572 14 3
Duties received under Acts subsequent to— — —.....	2405 1 4
	£3157 15 7

APPROPRIATION OF THE ABOVE, VIZ.

<i>Officers' Names—</i>	<i>Station—</i>	<i>Employment—</i>	<i>Salary—</i>	
James M. Spearman—	Saint John's	Collector	200 0 0	
George Bayly —	ditto	Controller	175 0 0	
George J. Hayward—	ditto	1st Landing Waiter	85 10 0	
George E. Blyth —	ditto	2d do.	50 0 0	
Edmund F. Stewart—	ditto	1st Clerk & W. H. Keeper	37 10 0	
Percival Hindmarsh—	ditto	2d Clerk	25 0 0	
James Winter —	ditto	3d do.	25 0 0	
Samuel Prowse —	ditto	Extra	25 0 0	
Richard Furneaux —	ditto	Locker	15 16 0	
Henry Pitts —	ditto	Extra Locker	15 19 0	
James Bayly —	Harbor Grace	Sub-Collector	62 10 0	
E. E. Brown —	ditto	Clerk & Locker	25 0 0	
Robert Bayly —	Trinity	Sub-Collector	37 10 0	
Andrew Pearce —	Twillingate	Sub-Collector	25 0 0	
Robert Carter —	Ferryland	Sub-Collector	25 0 0	
W. G. Bradshaw —	Placentia	Sub-Collector	25 0 0	
Thomas E. Gaden —	Little Bay	Sub-Collector	25 0 0	
Joshua Green —	Brigus	Sub-Collector	25 0 0	
Donald Bethune —	Carbonear	Sub-Collector	25 0 0	
George King —	Burin	Sub-Collector	25 0 0	
Thomas Read —	La Poile	Sub-Collector	1 9 0	958 4 0
Tide Waiters.....				70 4 0
Boatmen.....				46 13 4

INCIDENTS, VIZ.

Fuel, Stationery, &c. for the year ended the 5th January, 1837, as sanctioned by the Hon. Commissioners H. M. Customs	61 9 0	
Expenses attending the seizure of Schooner New Dolphin, and paid under the above authority	37 10 6	
Office Rent &c. Harbor Grace.....	4 0 0	102 19 6

Salaries reserved under acts 2d & 3d W. 4. cap. 78—

<i>Officers' Names—</i>	<i>Salary—</i>
His Excellency the Governor	750 0 0
His Honor the Chief Justice	150 0 0
“ Assistant Judge Brenton, acting as Chief Justice	237 10 0
“ “ Assistant Judge Des Barres	175 0 0
“ “ Acting Assistant Judge Lilly	87 10 0
The Attorney General	125 0 0
The Colonial Secretary	112 10 0
	1637 10 0

Balance in the Chest 5th July, 1838	342 4 9
	Total £3157 15 7

Custom House, St. John's,
20th August, 1837.

EDMUND F. STEWART,
Acting Collector.

IMPORTS in the Quarter ending 5th July, 1838.

A Consolidated Account of the Goods imported in the Qr. ended the 5th July, 1838, shewing the aggregate quantities and values of the various articles with the amount of duty collected thereon.

Articles Imported—	Quantity Imported—	Value—	Duty
Wine—videlicet:			
1st class.....	50 1-5th Gallons	40 18 6	3 15 4
2d ditto.....	1671 3-5ths "	366 19 6	83 11 11
3d ditto.....	4983 "	502 6 7	186 17 3
4th ditto.....	6126 "	418 16 0	153 3 0
Spirits.....	41662 "	4073 14 11	1041 11 0
Apples.....	269 Barrels	140 7 0	6 14 6
Beef and Pork (salted).....	8967 0 10 Cwts	17832 5 0	336 1 8
Bread or Biscuit.....	42813 3 26 —	21495 0 4	535 3 6
Butter.....	4928 0 12 —	11970 3 0	302 2 1
Coals.....	3264 Tons	2461 8 0	81 12 0
Flour.....	17696½ Barrels	17692 8 6	663 12 4
Goods, wares and merchandise, not otherwise enumerated or described.....		106903 9 5	2650 1 11
Lumber.....	306257 Feet	818 10 7	15 6 3
Oatmeal.....	1136½ Barrels	596 13 6	28 8 3
Timber (Ton) and Balk of all kinds, including Scantling.....	45 28-40 Tons	42 9 0	1 2 10
Sheep.....	15 Head	11 0 0	7 6
Shingles.....	577,700	288 4 4	9 12 4
Tea.....	27487 Lbs.	2055 0 0	114 10 10

Totals £186,809 14 2 | 6213 14 6

Custom House,
St. John's, 20th Aug. 1838.

EDMUND F. STEWART,
Acting Collector.

Staple articles exported from 5th July, 1837, to 5th July, 1838.

From whence exported.	Cod Fish.	Salmon.	Herring.	Seal & Cod oil	Seal Skins.	Ox & cowhides
	Quintals	Tierces.	Barrels.	Gallons.	No.	No.
St. John's { In British Ships..	406462	1484	3897	1,332,181	252958	3970
{ In Foreign Ships..	60500					
Out Ports—In British Ships..	319984	778	1918	780418	98662	449
	786946	2262	5815	2112599	351620	4419

Custom House, 20th Aug., 1837.

EDMUND F. STEWART,
Acting Collector.

PORT OF ST. JOHN'S.

An account of Vessels entered inwards and cleared outwards from the 5th July, 1838, to the 5th July, 1838.

	Inwards.						Outwards.					
	British Ships.			Foreign Ships			British Ships.			Foreign Ships.		
	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.
St. John's.....	619	69821	3972	24	3298	230	591	66341	3937	24	3337	236
Out Ports.....	252	29017	1857				271	31321	1946			
Total for the Island.....	871	98838	5829	24	3298	230	862	97662	5883	24	3337	236

Custom House, 20th August, 1838.

EDMUND F. STEWART,
Acting Collector.

A STATEMENT shewing the transactions of the Savings Bank since its origin, exhibiting the amounts received, interest allowed, sums withdrawn, amounts loaned, and the annual expense of the Institution for the years ending 31st Dec. 1835, -6, and -7.

Annual amount of deposits	Annual rate of interest allowed	Amount annually withdrawn	Annual amount loaned	Annual expense of the Institution
1835—£1170 7 0	Three per cent	172 9 1	610 8 8	37 12 1
1836—£2757 1 9 $\frac{1}{2}$	Three per cent	372 11 0 $\frac{1}{2}$	3125 15 4	37 5 8
1837—£1209 17 9 $\frac{1}{2}$	Three per Cent and a Bonus of one per Cent on all deposits that had been 12 months in the Bank.	1536 11 4	2759 15 4	42 2 4

St. John's, Newfoundland, }
20th August, 1838. }

By order of the Governors,
J. R. M. COOKE, Clerk.

Account current of the Crown Rents Fund for the year ending on the 31st March, 1838.

DR.		CR.	
1837.		1837	
Apr 1	To the Balance of last year's account	Apr 22	By remitted to the Colonial Department to provide for the payment of Mrs. Westcott's Pension for one year and a half ending 31st ult.
	745 15 3 $\frac{1}{4}$		45 0 0
1838.		July 7	By Cash paid for incidental works & repairs on the Government buildings fences, &c. during the Qr. ending 30th ult.
Mar 31	Cash, being the amount of Rents received during the year ending this day, for Lands formerly Ships Rooms		153 2 0
	461 12 8	17	By Cash paid for cleaning the plantations on the Government Grounds
To do. of other Crown Lands leased and granted	179 5 2		18 4 0
To Cash being the nett proceeds of Crown Lands sold and rents redeemed during the same period	83 7 9	27	By Cash paid for Stationery for the Surveyor General's Office
	724 3 7		5 15 1
Deduct 5 per cent for the Receiver's Commission thereon	36 4 2	Sep 11	By Cash paid for coals for do.
	687 19 5		3 18 0
	£1433 14 8 $\frac{1}{4}$	Oct 5	By Cash paid for incidental works and repairs on the Government buildings, &c. during the Qr. 30th Sept.
			152 8 9 $\frac{1}{2}$
		9	By Cash paid for planting trees on the Government Grounds
			7 3 0
		Dec 29	By Cash paid for printing blank grants of Crown Lands
			19 10 0
		1838	
		Jan 6	By Cash paid for incidental works and repairs on the Government Buildings &c. during the Qr. ending 31st ult.
			142 17 3
		Mar 31	By Cash paid for incidental works and repairs on the Government Buildings during the Qr. ending this day
			70 4 2
			By Cash paid the Surveyor General's salary during the year ending this day
			300 0 0
			By Cash paid Chainman's do.
			20 0 0
			By balance to next account
			495 12 4 $\frac{3}{4}$
			£1433 14 8 $\frac{1}{4}$

(Signed)

H. PRESCOTT,
Governor.

Detail of Expenses incurred in conveying the Judges on their Circuits in the year 1834.

Table money, Spring Term (Harbor Grace)	21 0 0
Hire of "Native" for Northern Circuit	90 0 0
"Abeona" for Southern Circuit	121 12 8
Table Money do.	40 0 0
Ditto Northern Circuit	61 0 0
Sheriff Sundry Expenses	124 16 2
	Total—£458 8 10

Return of the number of days during which Vessels were employed on the Circuits in the years 1835, 1836, and 1837.

1835.—Northern Circuit, 32 days.—Southern Circuit, 40 days.

1836.—Northern Circuit, 36 days.—Southern Circuit, 55 days.

1837.—Northern Circuit, 42 days.—Southern Circuit, 54 days.

REPORT
OF COMMISSIONERS OF ROADS AND BRIDGES FROM CARBONEAR TO BAY DE VERDS.

Carbonear, 17th Aug. 1838.

The Commissioners of Roads and Bridges from Carbonear to Bay de Verds, report for the information of his Excellency the Governor, that they have opened a Road twenty feet wide, as far as Fresh Water, a distance from Carbonear of $1\frac{1}{2}$ miles; and as the road in that direction had to pass, for the greater part of the distance, through private property, they have unavoidably incurred a considerable expense in paying the amount of compensation awarded to the owners of the land, by the Court of Arbitration.

From Fresh Water to Bay de Verds, the road has, for the present, been opened twelve feet wide. The whole distance on the new line is 37 miles, (see surveyor's plan accompanying this report,) of which $29\frac{1}{2}$ miles has been newly opened through the woods in the different places, between the coves and settlements; and as the new line is made to pass through every cove and settlement, it will connect a population of 5336 persons, as follows,—

Fresh Water and Clowins Cove	551	Oakerpitt Cove	270
Salmon Cove and Perry's Cove	316	No. Bay	350
Broad Cove, Mulley's Cove, and Black Head	894	Gull Island	231
Adam's Cove	308	Job's Cove	272
Bradley's Cove	131	Lower Island Cove	632
Western Bay	811	Low Point	148
		Bay de Verds	449
			5363

On this line there are 25 rivers and brooks, that will yet require bridges, (see surveyor's report accompanying this.)

The money already placed under the controul of this Board, will enable the Commissioners to meet their present contract; that is, for Building Bridges, one at Northern Bay, two at Western Bay, one at Oakerpitt Cove, one at Fresh Water, and one at Crocker's Cove; for opening of the road twelve feet wide from Fresh Water to Bay de Verds, for making a bridle road of 12 feet wide from Crocker's Cove to Fresh Water, and for finishing the road 20 feet wide from Carbonear to Crocker's Cove.

The Commissioners would humbly request that his Excellency the Governor would recommend the Legislature to grant a further sum of money for the building of the Bridges on this line of road; so as to open the communication from Carbonear to Bay de Verds; and

that his Excellency would also recommend the granting of a further sum, for draining and making the road passable from Fresh Water to Bay de Verd, a distance of $35\frac{1}{2}$ miles.

There is no part of this Island where there is so large a population residing in so many Coves contiguous to each other; and what is more remarkable, there is scarcely a place of shelter for boats that are not light enough to be hauled on shore during rough weather; the larger fishing craft have, generally, during such weather, to take shelter in Carbonear, the first safe harbor on this side of the Bay after leaving Baccalieu, so that during many parts of the year, and especially in the fall and winter seasons, no communication by water can be had with Carbonear, which is the nearest place, with the exception of Island Cove, where supplies of any kind can be procured.

The new line of road when made available, will open a communication at all times, as well as afford many agricultural advantages to the population.

Although the road from Fresh Water to Bay de Verds is, at present, only opened 12 feet wide; yet the Commissioners have, for the whole distance, secured the land for a road of 24 feet wide, so as to avoid the payment in future of any large sum of money as compensation to owners of land.

(Signed)

JAMES POWER.

Chairman of the Board of Road Commissioners
from Carbonear to Bay de Verds.

THE COMMISSIONERS OF ROADS AND BRIDGES FROM BAY DE VERDS TO CARBONEAR.

Carbonear, 2d August, 1838.

GENTLEMEN,—I beg leave to inform you that the line of road from Bay de Verds to Carbonear is now opened and that previous to further improvement being made thereon, or the road being laid down to its proper width, it will require to be thrown open to the further width of twelve feet.

There are twenty five rivers and brooks intersecting the line of road, which require bridges to be placed over them; and in order that the road may be passable for foot passengers, it will be necessary that drains be made, and that the materiel taken from them be placed in the centre of the road.

With respect to the probable expense attending these improvements, I should say from the observations I have been enabled to make, that it would be as follows,—

For opening the line of road to the further width of 12 feet.	£240 stg.	Island Cove Brook	30 stg.
For making side & cross drains.	1050 —	Beachy Pond “	20 —
For opening a passage and making a road to Kinneall hill at Bay de Verds.	120 —	Job's Cove Droak “	85 —
For making the road from Fresh Water to Crocker's Cove to the width of 20 feet.	120 —	Gull Island “	55 —
For erecting a Bridge over Island Pond Brook.	60 —	Horrids “	20 —
North West Pond	30 —	Mobsley's Northern “	40 —
Bonny	50 —	Mobsley's Southern “	20 —
Low Point	56 —	Salt Peas Pond “	20 —
Caplin Cove	60 —	Adams Cove	18 —
Pinch Gut Brook	50 —	Black Head	55 —
Black Rock “	20 —	Broad Cove Southern	20 —
Pissing Mares “	60 —	Broad Cove, Northern	55 —
		Little Small Point	20 —
		Spout Cove	50 —
		Perry's Cove	35 —
		Whites Cove	15 —
		Salmon Cove	90 —

(Signed)

JAMES L. PRENDERGAST.

Surveyor to the Board, &c. &c.

REPORT

OF COMMITTEE FOR ROADS AND BRIDGES AT BONAVIDA AND CATALINA.

To his Excellency HENRY PRESCOTT, Esq., C. B.
Governor and Commander-in-Chief, in and
over the Island of Newfoundland and its De-
pendencies, &c. &c. &c.

The Commissioners for Roads and Bridges at Bonavista and Catalina, beg leave to report to your Excellency—That participating with Trinity Bay, in grants of money made by the Local Legislature of this Island, previous to the year 1837, for the purposes of opening roads of communication between those two Bays, your Commissioners caused the line of road, designated Cochrane Road, between Catalina and Bonavista, to be surveyed, reported on, and opened; which was finally accomplished towards the close of last summer.

The particulars of the proceedings and expenditure thereon, will be fully detailed in the general report of the Board of Commissioners at Trinity, with whom your Commissioners in this quarter were associated, and to which report they beg leave to crave reference.

That during the last session of the Local Legislature, a further grant of £500 was made for a road from Bonavista to Catalina. The undersigned who were appointed Commissioners for the expenditure thereof, beg to report to your Excellency, that they lost no time in advertising for tenders for the intended work, and entered into contracts for the making of three miles of road from Bonavista to Catalina, and succeeded in completing nearly two miles thereof, 16 feet in width, with a trench on each side, in all 20 feet, before the winter closed in and arrested their further progress.

Advertisements are now exhibited for the purpose of enabling persons desirous of entering into contracts for any portion of the road not under contract, to send in their tenders, and in the event of their being accepted, to commence operations at the earliest possible period after the close of their fishing voyage.

The portion completed of the three miles above alluded to has cost at the rate (in finishing) of £111 sterling, per mile; for the payment of a portion of which, we have, agreeably to your Excellency's instructions, certified to your Excellency in favour of some of the contractors for £112 0 11 sterling in liquidation of that portion which the act allows to be paid previous to the final completion of their contracts.

Much of our further progress for the present year will depend on the date of the conclusion of the fishery; but nevertheless, we fully calculate on the three miles under contract being completed early, which will cost at least 336*l*.

We also calculate that two miles on the Catalina side will be completed this year at or about the same rate.	224		£784
We fully expect two miles in addition, will be under contract on this side at the same rate at least.	224	We shall want for 6 small bridges and calculate for filling bogs, And covering marshes.	60 40
	224	Sum voted last session	884 500
	£784	Deficit	£384

We therefore most respectfully beg to suggest to your Excellency, the necessity for a further grant of money in aid of our present funds, as we are most anxious to complete the line between Bonavista and Catalina, as early as possible, it being of the utmost importance in point of utility to the inhabitants on either extreme, and will tend to facilitate the progress of the Judges on their Northern Circuit.

(Signed)

W. SWEETLAND
S. MIFFLEN
A. BREMNER.

CORRESPONDENCE AND ACCOUNTS

CONNECTED WITH THE BOARD OF ROAD COMMISSIONERS FOR THE DISTRICT OF FERRYLAND.

Ferryland, 30th August, 1838.

Sir,—I had the honor to receive your letter dated 23d July last, some time since, requesting to be furnished with a report of the proceedings of the Commissioners of Roads and Bridges for the district of Ferryland, under the Act 6 W. 4, cap. 15, together with a detailed account of the expenditure of the sum of £900 granted for the use of roads and bridges in said district.

I now beg leave to transmit herewith the report required, also the accounts of what hath been expended by the Commissioners under and for the purposes of the act before named.

I beg to remark to you, and which I am desirous should be made known, that I am not a party to any of the expenditure or charges made in any of the accounts now transmitted, except my own, for the present year; as I have not acted a commissioner under the first commission, since tendering my resignation in October, of which be pleased to take notice.

I have, &c. (Signed)

ROBERT CARTER,

Chairman of Board of Road Commissioners under 6 W. 4. c. 15.

Hon. James Crowdy,
Colonial Secretary.

AN ACCOUNT of money received and paid by Robert Carter, Chairman of the Board of Commissioners of roads and bridges for the district of Ferryland per Act 6 W. 4, c. 15.

1838. Received.		1838. Paid.	
June 6	This sum received from the Col. Treasurer, per warrants 76 14 8	June 6	Rd. Furlong, per contract 9 12 10
	Less Freight paid . . . £0 8 8		Thomas Mokelar, inspecting roads at Bay Bulls, &c. 6 0 0
	“ Insurance $\frac{3}{4}$ per C. pd. 11 6	July.	Jas. Kelly, per contracts and extra work per do. 16 3 11
	“ Com. Ship. &c. paid J. M. Rendell & Co. . . 15 4 1 15 0		Inspecting Kelly’s work &c 8 8
			J. Jackman, for balance on his contracts. 10 8 0
		Aug 24	This sum in hand to meet the contracts for opening &c the rest of the line complete 32 6 3
	£74 19 8		£74 19 8
1838.			
Aug. 24.	This sum in hand 32 6 3		
	Ferryland, 29th Aug., 1838.	E. O. E.	ROBERT CARTER.

Commissioners of Roads, &c. for the district of Ferryland in account with Matt. Morry.

1837 DR.		
Dec. 10.	To paid William Gregory the amount of his contract.	8 11 0
20.	Paid Martin Conway, do.	8 15 0
	Journey to La Manch at the request of the Commissioners.	2 0 0
1838.	Paid Benjamin S. Morry, as per account furnished.	13 17 6

CR. £33 3 6

1837.		
Dec. 7	By this sum received from Mr. Thomas Congdon.	33 3 6
	E. E.	

Capelin Bay, July 30, 1838.

MATTHEW MORRY.

Commissioners of Roads, &c. for the district of Ferryland, to Benjamin S. Morry.

1837

DR.

Oct. 20.	To surveying one mile of road and measuring the same (Martin Cain)	15	0
Nov 10	Surveying one mile do. for Matthew Whelan	15	0
13	Surveying one mile do. for Patrick Congdon	15	0
17	Surveying one mile do. for Richard Furlong	15	0
20	Surveying one mile do. for John Saunders	15	0
27	Surveying one mile do. for John Bowlen	15	0
28	Surveying one mile do. for Martin Stafford	15	0
30	Surveying one mile do. for Bryan Dunn	15	0
Dec 3	Surveying one mile do. for William Gregory	15	0
5	Surveying half mile do. for Martin Conway	10	0
—	Surveying half mile do. for Jas. Ryan	10	0
10	Surveying half mile do. for Patrick Handean	10	0
—	Surveying half mile do. for Wm. Shechan	10	0
14	Surveying two miles do. for Richard Kinchela	1	10 0
17	Surveying one mile do. for Richard Saunders	15	0
21	Surveying three miles do. for James Jackman	2	4 0
27	Surveying three miles do. for James Jackman	1	0 0

CR.

14 5 0

1838.

Jan.	By Cash received from Matthew Morry,	13	17	6
	Balance due.....		7	6
	E. E.	14	5	0

Capelin Bay, July 30, 1838.

BENJAMIN SWEETLAND MORRY.

Ferryland, 10th June, 1837.

SIR—The commissioners of roads and bridges for the district of Ferryland, appointed under the Act 6 W. 4, c. 15, have the honor to report to you for the information of his Excellency the Governor, that unforeseen circumstances retarded the appointment of a superintending surveyor until the beginning of last October, when Lieutenant Robert Carter, R. N. the person appointed, was instructed to proceed forthwith to Bay Bulls, and survey from thence to Cape Broyle, keeping in view the line stated to have been surveyed by Mr. P. Sweetland the preceding year.

That by the time that survey was completed from bay Bulls to La Manch Bridge, the weather set in so severe as to put a stoppage to further progress with the work until the spring.

The commissioners voted Lieut. R. Carter, R. N., the sum of forty-five pounds stg., which is all the money yet expended, of the grant of 1836.

The surveyor has been out on the line of road some time. Notices for tenders to open the road surveyed have been issued, and the Commissioners confidently expect the whole line will be opened between Bay Bulls and Renewse before the end of present year.

There are several Rivers on the line of road which cannot be avoided, that will require expensive bridges across them; that the commissioners are of opinion the present grant will not be sufficient to open the line of road and build the bridges also,—the commissioners therefore purpose to open the road all through first, and apply the remaining funds, if any, to the erection of such as may appear most wanting. We have, &c.

(Signed)

ROBERT CARTER
THOMAS CONGDON
MATTHEW MORRY
THOMAS WRIGHT,
Commissioners.

Ferryland, 30th July, 1838.

SIR,—The Commissioners of Roads and Bridges for the district of Ferryland have the honor to report to you, for the information of his Excellency the Governor, that since their last Report, dated 10th June, 1837, (a copy of which is now transmitted herewith) they have caused to be opened by contracts ending last year, as much of the line of Road between Bay Bulls and Renews as they could get contractors to undertake; and some small portion that could not be completed before the Winter set in has been finished the past spring.

That there yet remains to be opened near Toads Cove some short distance, and one or two patches between Ferryland and Renews, which, if the funds in hand will extend to, the Commissioners intend to have opened at the end of the Fishing season, as contractors cannot be obtained during the Fishery;—this done, the whole line of road between Bay Bulls and Renews, with an exception of two mile snear Cape Broyle will be open, clear of woods, twenty feet wide, and the marshes staked.

Those two miles near Cape Broyle above alluded to, are opened only ten feet wide, that portion not being fully approved of.

If bridges were erected over the Rivers the line of road would be immediately available for travellers on foot in Summer, and for sledges during the Winter, the whole distance of about thirty five miles.

The Commissioners beg to observe that two surveys were made between La Manche and Cape Broyle, by the superintending Surveyor, and the one approved by the majority of Commissioners hath been opened—the other is well marked and easily traced, the whole distance between those places, should his Excellency the Governor deem proper to direct the notice of the new Commissioners for that part of the Country to it,—for on this portion much diversity of opinion exists as to the line best adapted for general uses.

We have the honour to be, Sir,

Your obedient humble Servants,

ROBERT CARTER
MATTHEW MORRY
THOMAS CONGDON
JOHN L. Mc'KIE
MICHAEL COADY.

To the hon. the Colonial Secretary,
Government House, St. John's.

Commissioners Statement of the Receipt and Expenditure of a Sum of Money in opening the
Line of Road from Bay Bulls River to La Manche Bridge.

Received from the Treasurer	£268 13 4
Paid the undernamed persons for opening by Contract portions of the line of Road—viz. :	
Michael Coady, jun.	32 17 0
George Hadfield	20 9 0
Patrick Day	23 13 2
David Asple	24 15 9
Morris Denn	34 1 8
Michael Lee	21 13 4
Martin Williams	85 9 6
James Grady for Building a Bridge over Moble River	3 7 8
Henry Getheral, erecting an approach to La Manche Bridge	4 5 0
	£250 12 1
Balance remaining at the disposal of the Commissioners	18 1 3
	£268 13 4

JOHN L. Mc'KIE
MICHAEL COADY,
Commissioners of Roads and Bridges
District of Ferryland.

Bay Bulls, 17th August, 1838.

Commissioners of Roads, district of Ferryland, to Ewen Stabb.

1837		DR.	
Paid Insurance on £340 hence to Ferryland, $a \frac{3}{4}$ per cent			2 18 6
Commission on receiving and transmitting £346 1s. 10d. a 1 per cent.			3 9 2
Cash in two bags per Norris			339 14 2
		CR.	£346 1 10

Received from the Treasurer £300 stg. £346 1 10
 St. John's, 29th Sep., 1837.

Gentlemen,—By Wm. Norris, I forward you £339 14s. 2d. agreeable to the above account, which I received in accordance with your directions. I am, &c.
 EWEN STABB.

The Commissioners of Roads & Bridges for the district of Ferryland in account with Thomas Congdon.

1837		DR.	
Sep 12	To Cash paid Michael Coady messenger from Bay Bulls		1 10 0
Oct 2	Cash paid W. Sheen, messenger to do.		1 5 0
Nov 9	Cash paid T. Bryan, amount of contract		10 0 0
	Cash paid P. Hanrahan in advance on his contract		3 15 0
15	Cash paid W. Sheen, advance on his contract		5 0 0
18	Cash paid R. Kinchela, in advance on his contract		15 7 4
	Cash paid J. Jackman in advance on his contract		16 0 0
24	Cash paid R. Sullivan for placing advertisements through the district		3 9 0
	Cash paid W. Norris for freight of £339 14s., cash from St. John's		1 13 11
25	Cash paid M. Culleton, messenger to Bay Bulls, & measuring Whelan's road		2 5 0
	Cash paid P. Hanrahan, advance on his contract		2 18 4
	Cash paid M. Cain by order of Court		12 0 0
28	Cash paid W. Gregory, in advance on his contract		6 9 0
	Cash paid Court Charges in M. Cain's case		1 17 10
	Cash paid M. Stafford, due on his contract		12 7 5
	Cash paid W. Sheen, due on his contract		8 9 2
Dec 1	Cash paid J. Saunders, due on his contract		19 13 0
5	Cash paid R. Kinchela, due on his contract		28 9 7
6	Cash paid R. Sanders, due on his contract		25 6 3
	Cash paid J. Bowlen and T. Tool, due on their contract		21 0 0
	Cash paid P. Condon, due on his contract		19 7 0
	Cash paid P. Hanrahan, due on his contract		7 10 0
	Cash paid M. Whealan, due on his contract		19 12 3
11	Cash paid J. Ryan, due on his contract		6 4 5
13	Cash paid B. Dunn, due on his contract		10 15 6
	Cash paid J. Jackman, second advance		16 0 0
	Cash paid R. Furlong due on his contract		11 13 6
	Cash paid drawing, executing and copying 19 contracts a 7s. 6d.		7 2 6
	Cash paid $2\frac{1}{2}$ per cent commission on receiving and paying £339 14s. 2d.		8 9 10
	Cash paid attending the Court in Martin Cain's case		1 0 0
	Cash paid Mr. Commissioner Morry, to balance		33 3 6
		CR.	339 14 1

Oct. 4. By cash received from Mr. Ewen Stabb £339 14 4
 Ferryland, 13th Dec. 1837. E. O. E.

THOMAS CONGDON.

EXTRACT from the Treasurer's Accounts of the sum of £900 paid to the Road Commissioners for the Ferryland District.

1837.				
Feb. 11.	Robert Carter for his services in superintending and surveying of roads in the district of Ferryland.....	Warrant	180	45 0 0
Nov. 26.	Commissioners of roads (Ferryland)—Road from Bay Bulls to La Manche.....		225	268 13 4
	General vote for that district.....		226	44 0 0
	Robert Carter, surveyor.....		—	47 0 0
	To pay labourers.....		227	84 0 0
Sep. 26.	Road Commissioners (Ferryland).....		220	300 0 0
1838.				
May 25.	Robert Carter, R. N. surveyor, Ferryland.....		236	34 12 0
	Robert Carter, Chairman of Commissioners, balance of vote 1836-7..		—	76 14 8
				£900 0 0

REPORT

OF THE BOARD OF COMMISSIONERS FOR ROADS AND BRIDGES WITHIN THE DISTRICT OF ST. JOHN'S.

TOWN OF ST. JOHN'S.

The Commissioners for the Roads and Bridges within this district, have contracted for extensive alterations and improvement in the Street called the *King's Road*, which are calculated to cleanse it from the impurities that have hitherto been found to exist in that part of the town. A drain is now being opened in the centre of the Main road-way, which, when completed, will be sufficiently large to carry off any water or filth which may collect in that neighbourhood. The entire of this street from Duckworth Street to the Military Road will be reduced, as nearly as possible, to three inclined planes, and the ascent, which before was very steep, will be rendered easy and commodious.—The work is now in progress and will be completed in November next. The amount of contract for this service exceeds the sum granted by £70 7s 10d. sterling, which deficiency the Commissioners trust will be supplied by the Legislature.

The street leading from the Custom House to Boden's Cove has also been contracted for, and the work is now in progress. The contemplated improvements in this street are considerable, and when completed will afford a much easier approach to Cochrane Street, both from the East and from the West.—Two small bridges are laid out for erection—one between Messrs Robert Brine & Co.'s gateway, and the premises of Mr. Nicholas Gill, and the other near the premises of Messrs. Brocklebank.—The rock opposite the premises of Messrs. Dunscomb & Co. will be removed, and the street in that part, which is narrow and irregular, will be widened to a distance of 40 feet. The improvements in this street will render it much safer and more commodious than heretofore: but it is even susceptible of still greater improvement, by removing several houses, which at present project so much as to obstruct a free passage, and prevent carts and other vehicles from passing each other. The want of funds, alone, have prevented the Commissioners from entering on the improvements alluded to.

The sum of £350 only has been voted by the Legislature for improving the various other streets in the town, and out of this amount the sum of £50 was expended by the Commissioners in the early part of the past winter, for partial repairs in several parts thereof, leaving only £300 at the disposal of the Board. On the opening of the spring, when the works were commenced, the Board finding this sum quite inadequate to proceed with general repairs, thought it advisable to expend it in certain repairs now going forward in Water-street.

Water-street being the great thoroughfare of the town, and the scene of all the Commercial business of the place, the Commissioners have thought it but right to commence the improvements in it, under the impression that, should the Legislature approve of their proceedings, a sufficient sum of money would be placed at their disposal, so as to enable them to carry similar improvements into all the other streets of the town.

The safety-wall in Duckworth Street was contracted for, and the retaining portion of it raised to the height intended, when from some defect in the construction, or from causes unknown, and which could not have been anticipated by the Commissioners, the greater part of the wall gave way on the 6th instant, and fell to a level with the street.

The Commissioners attribute the failure in this wall more to some defect in the structure and execution of the work, than to a want of proper proportions in the dimensions of it.

The Contractor having abandoned the contract on the plea that the plan was defective, the Commissioners have been, for the present, reduced to the necessity of taking the direction of clearing away the rubbish, with a view to the preservation of the materials.

The advanced state of the season has induced the Commissioners to defer the rebuilding of the wall until the ensuing spring, when greater justice can be done to render durable this important work.

To meet the additional expense occasioned by the fall of the wall, and to complete it, a further grant of £150 will be required.

To enable the Commissioners to level and otherwise improve the street which intersects Water-street and Duckworth Street at this point, a further sum of money will be required. The original grant for building the safety-wall is £85 sterling, which sum has been voted conditionally, and Newman W. Hoyles, Esq., has, on behalf of Wm. Newman Esq., frankly placed at the disposal of the Commissioners a corresponding amount, both of which sums united were not sufficient to complete the contract. To build a retaining wall on the eastern side, and make the cross street, will cost, at a fair estimate, about £150, which sum, if granted by the Legislature, would render this street by far the most eligible approach to Duckworth Street.

The stone Bridge in Duckworth Street opposite Beck's Cove, is in a state of forwardness, and when completed, will greatly improve that part of the town. The grant for this service is deficient of the sum contracted for by £51 6s 10d currency, to meet which, the Commissioners throw themselves on the Legislature, and hope to have placed at their disposal a sum, not only sufficient to liquidate the claim which the Contractors will have on them, but to erect a retaining wall at the south-western end of the Bridge, to make more secure that part of the street which skirts a loose bank of earth on the South side, which is liable to give way if left unsupported by a wall.

The Bridge leading from Mr. Job's cottage to the South side of the Harbor is now completed. The wooden frame work of the span of this Bridge, together with the side Railings, form an object of much architectural beauty; and when the entrance into the Town from the Westward is fairly opened, made and finished, conformably with the intentions of the Commissioners, this Bridge will prove a lasting ornament to that part of the town.

WATERFORD BRIDGE.

A contract has been entered into for building Waterford Bridge with stone, for the sum of £460 currency: at the commencement of this building, considerable difficulties occurred to the Commissioners, owing to the smallness of the grant, viz. £180, and doubts were entertained as to the expediency of drawing a rateable proportion from the sums granted for the different lines of road to which the Bridge leads.

Waterford Bridge being the point at which all the roads leading from the southward to St. John's meet, and moreover, finding the old Bridge perfectly unfit for use, and dangerous for carts and carriages to pass—the Commissioners concluded for the work, under the impression that the House of Assembly would, when in session relieve them from the responsibility, by granting a further sum for this particular service, sufficient to meet the difference between the sum already voted and that contracted for, namely £258 10 sterling.—This Bridge is now in progress, and when finished agreeably to the plan and specification, will be the finest building of the kind in the Island.

BRIDGES TO UPPER LONG POND.

A substantial bridge is built at the eastern end of Upper Long Pond, on the Long Pond line of road, and another bridge is likewise finished at the farm of Mr. Michael Allen, Jr. on the same line. The road also on the entire of this line, from the Barrens to Upper Long Pond, has been contracted for and will be completed in October.

THE ROAD LEADING FROM THE WEST END OF THE TOWN TO RIVER HEAD.

The work necessary to be performed on this road has been contracted for, and is now going forward. In order to give greater effect and utility to this beautiful approach from the southward and westward, the commissioners have widened the main roadway from 18 to 25 feet, several necessary catch-water drains have been made, and two small bridges have been laid out for erection—one near where the road branches off for Bay Bulls, and another near the same point on the Topsail branch-road. The steep part of this road near Sudbury Hall, has been lowered four feet, and the hollows raised in a corresponding degree, so that the whole of this fine entrance from Mill-Lane, River-head, to the west end of the town, has been vastly improved.

THE ROAD TO WATERFORD BRIDGE.

The road leading from St. John's to Waterford Bridge is contracted for, and the work is in a progressive state. Its direction, from Mill-lane to the Bridge, is parallel with the river, running through high undulating ground, and was laid out, in the first instance, with a total disregard to elevation or inclination. The commissioners not having a sufficient sum of money at their disposal to adopt a new line, found it necessary to enter upon extensive improvements on the old one, by lowering the hills and filling up the hollows. Two small bridges are being built, and cross drains have been cut where found necessary, the abutments of which are built of good masonry, imparting both security and durability.

As this road is the great outlet from St. John's to all the southern parts of the Island, the commissioners have spared no exertions to make the alterations beneficial to the farmers inhabiting the fertile vale through which the road passes, and property in this direction will be much enhanced by having a communication safe, easy and commodious.

ROAD TO WIGMORE'S GULLY.

The repairs on this road have been contracted for, and the work is in a forward state of progress. The hill at the rear of Mr. Long's house has been lowered 5 feet, and the whole line of this road will be otherwise greatly improved.

OLD PLACENTIA ROAD.

Part of this road, situate between Dunscomb's Bridge and Purcell's Marsh has been contracted for, and the work is in a forward state; the contemplated improvements on this line will afford much facility of communication to the farmers residing in this quarter.

TOPSAIL ROAD

The necessary repairs on this road have been contracted for, commencing at Cain's house and terminating at the seventh mile post. By this contract the road will be extended nearly two miles in its full intended width, and when completed, agreeably to the plan and specification, will develop a vast tract of new land, well calculated for agricultural improvement and industrious enterprise.

OUTER COVE ROAD.

The improvements on this line are going forward, but the grant for this service being too small, the commissioners are unable to push the road forward to meet the Logy Bay Road. Nevertheless, the limited amount placed at their disposal shall be appropriated in a manner so as to give satisfaction to the public.

ROAD FROM BRINE'S BRIDGE TO UPPER LONG POND.

A contract has been entered into for repairing this road, and the work is in a state of forwardness.—This line of road when finished will afford a more direct communication with the waste lands beyond Long Pond, and will be found highly beneficial as a winter road, as well as one of the finest summer drives in the vicinity of the town. A bridge has also been built on this road which will prove of general utility.

ROAD TO THE KING'S BRIDGE.

For the road leading from the North Side of the town to the King's Bridge no grant whatever has been given by the Legislature. This road, the most frequented of all the

public outlets, has been wholly overlooked; were a grant of £200 given for this service, the Road could be much improved, and the public would be thereby considerably benefited. The Hill near the house of B. G. Garrett Esq. would be reduced, and the valley filled up. A more desirable improvement could not possibly be made, especially when it is considered, with what great difficulty the poor men are enabled, during the winter, to haul their slides of wood over this steep hill. As the public generally suffer much inconvenience from the vast quantities of snow which lodge on the principal roads, and in the streets of the town, the Commissioners respectfully submit, that were a small sum placed at their disposal, to be applied to the purposes of removing the superfluous snow, much difficulty and danger would be avoided. In course of the winter the snow accumulates in such abundance as to obstruct a free passage in the streets, and were a fire to take place when they are so encumbered, there would be no possibility of conveying the fire engines so as to render assistance. Indeed, the necessity of such a grant is obvious, for, independent of every other consideration, the large heaps of snow only serve as places on which to throw the filth of the town,—presenting every spring, the most disgusting appearance, and calculated to generate disease. The Commissioners are of opinion that the sum of £200 would keep the streets clear, and would also keep the three main roads open, for a distance of nine miles from the town.

The Commissioners regret that the limited sums placed at their disposal, for the great leading roads from St. John's to the more remote parts of the Island have prevented them from extending the improvements on those lines, so far as is desirable; side and cross drains are being opened on the Bay of Bulls road, in the marshy and wet parts, and the whole line will shortly be in a fit state for the reception of proper road materiel. To complete this road, and throw a bridge over the stream which forms the boundary line between this and the Ferryland District, a further grant of £1800 will be required.

The Topsail and Holyrood road is in a similar state with the Bay of Bulls line. To complete it, as far as the Southern Gut of Holyrood, the sum of £2,500 will be necessary.

The Petty Harbor road is still in a very defective state, and upwards of two miles is only partially made. To finish which, and to widen other parts the sum of £400 will be found necessary.

The Outer Cove road is in a very bad state. To open up the New line, and finish the whole extent, will cost £500.

The Torbay road is very much in need of repair, and to what is barely necessary, the sum of £400 will be required.

The road to Logy Bay will require a further sum of £100 to finish it.

A very necessary and highly beneficial alteration can be made on the Topsail line of road between Nevill's farm and Summerfield farm, by intersecting Doyle's land—thereby avoiding a very difficult hill on the present line. To effect this very desirable alteration the sum of £300 will be necessary. The Commissioners are of opinion that no improvement in the vicinity of the town can be attended with greater advantages to the public than this.

For the extensive line of road from St. John's to Portugal Cove, the sum of £100 only has been granted by the Legislature. On a particular inspection of this road it has been found in a very bad state. Many of the Bridges demand immediate attention, and the entire line is in great need of gravelling. In several parts the water has undermined the Road; and in others the Road way is worn down and requires renewal. From these causes, and from the rapid decay of roads which are so constantly worked—if general effectual repairs are withheld much longer, this road will become impassable. To enter upon partial repairs, with the limited sum placed at the disposal of the Commissioners, would in their opinion be a waste of the public money. They have, therefore, refrained from entering upon this road, until the Legislature should be made acquainted with the inadequacy of the sum granted for this service.

From the Soldier's Tilt to the King's Bridge, the road is capable of much improvement. Indeed the entire line stands in need of thorough repair, and demands the particular attention of the Legislature, as it not only affords great facility for mercantile intercourse from the northward—particularly from Conception Bay,—but is much used by farmers for agricultural purposes.

The monies granted by the Legislature for the improvement and extension of roads, &c.,

when expended, will be of great benefit to the public generally, and particularly so to the farmer. As roads are extended into the country, the price of cartage and other labour will be proportionally reduced, and greater facility given to this branch of industry. But as roads are constantly wasting away, they require constant attention to keep them in repair, and it would be an ultimate saving to the Colony, if a grant were given by the Legislature for this purpose, to be placed at the immediate disposal of the Board of Commissioners, so that they may be enabled to enter into contracts for keeping in good order the more extended and public lines of road, and have the power of employing labourers to keep the minor roads in repair.

The Commissioners in the adoption of improvements, have found it advisable to alter the direction of several roads, which alterations have caused them to enter upon, and damage private property. For such damages they are liable to pay a fair remuneration. This reasonable demand of parties sustaining loss, is calculated greatly to diminish the limited funds placed at the disposal of the Commissioners. They would therefore suggest for the consideration of the Legislature the great advantages which would be gained by recommending his Excellency the Governor to give, in lieu of property so taken, an equivalent in waste land.

In framing their Contracts the Commissioners have reserved to themselves the right to alter and vary their plans, without prejudice to the subsisting contract, and with the understanding that, should the labour or expense be thereby increased, a fair and equitable remuneration should be allowed to the Contractor. Few Contracts can be so clearly defined by specification as not to need some amendment. The Commissioners therefore have found it necessary to improve on some of the specifications, whereby the expenses of the Contractor have been increased. To meet such liabilities the Commissioners trust that the Legislature will make it a consideration in their future Grants for the completion of any particular service, as well as to provide for other contingencies, concomitant on carrying into practical operation the provisions of the Road Act.

The Commissioners cannot close their present Report without calling the attention of the Legislature to the state of the streets in the town. In almost every part they are overlaid with filth of every description, which ought not to be permitted. Nothing, however can be done to effect a permanent good, without first improving the surface, and cutting catch-water drains of sufficient dimensions to carry off water, &c. &c. Some plan should be devised to cleanse the streets daily by removing all the useful manure and depositing it in some part where it might be sold to meet the expense incurred in its removal. The Nuisance Act should be amended, and full effect given to it, in order to prevent the dirty practice of throwing filth in the open street. Several Petitions, numerous and respectably signed, have been received by the Commissioners, representing the necessity of improving the streets; and so desirous are the petitioners of immediate amelioration, that they look forward with much anxiety to the proceedings of the Legislature in matters connected therewith. The inhabitants of Queen's Street have offered to aid in cutting a public sewer in that street, and the householders and others in the neighbourhood of Ryall's hill have offered their assistance to improve that part of Gower Street situate between the Wesleyan Chapel and the Theatre.

In a place like St. John's, where two thirds of the Revenues of the colony are raised, it is rather surprising that a sum has never been given by the Legislature for the very useful purposes alluded to. But the Commissioners trust, that when the attention of the Legislature is drawn particularly to the subject, a grant will be given suitable to the magnitude of the town, and the importance of the matter—to render clean the Capital from all those impurities which daily collect in a dense population, and which cannot but affect both the health and comfort of the people.

Of the many subjects of internal economy which have been submitted to the honourable the House of Assembly, there is none more immediately interesting than the state of the roads; “for next to the general influence of the seasons upon which the regular supply of our wants and comforts depend, there is, perhaps, no improvement more useful to men in a civilized state than the perfection of the means of internal communication.” In the neighbourhood of St. John's where the best roads in the Island are to be found, they are still very defective, and hitherto the people have been willing to put up with a very absurd system of road-making, and with roads in every respect essentially bad;—for it must be obvious, that

there is a vast difference between a road without form or solidity,—and which is nothing more than an open space in an enclosed Country, along which travellers may with difficulty pass—and a road fit to allow of carriages being drawn with rapidity, with little labour to the horses, and perfect security to the passengers. The want of adequate means alone have prevented the Commissioners from adopting the best system of road making, still they have placed the roads on an infinitely better footing, and have reduced the system nearer to a science, imparting a degree of solidity and durability before unknown in the Colony.

JAMES DOUGLAS.

Chairman of the Board of Road Commissioners

P. S. The military Road between Fort Townshend and Fort William is in a very bad state—the sum of £80 sterling would put this fine line of Road in thorough repair.

Cochrane Street is also in need of slight repairs. This beautiful Street is already crumbling away for want of proper attention,—the sum of £20 would repair it.

REPORT

OF ROAD COMMISSIONERS FOR THE CENTRAL DISTRICT APPOINTED IN 1836.

THE amount in the hands of the commissioners at the period when their last account was furnished, arose chiefly from the remaining balances of sums appropriated for removing the rocks at the entrance to Quiddy Viddy Harbor, and for the Bay Bulls road—and has been expended accordingly.

Bay Bulls road.

With the exception of that part of the Bay Bulls road lying between Bay Bulls Large Pond, and Long Pond, which is only 12 feet wide the whole distance from Sweeney's Marsh to Bay Bulls is opened the full breadth of 24 feet,—over all the roads and principal streams bridges have been built, and cross and side drains completed as far as the funds allotted for this road permitted.

Road from Holyrood to Placentia by Salmonier, and Salmonier to St. Mary's.

The nature of the country between the above named places being very little known, and the information that could be collected relative to it, being of a most uncertain character, the commissioners were compelled as a first step to send their superintending Surveyor to explore and examine it in various directions, in order that the most advantageous line for the road may be correctly ascertained. After a most laborious research, renewed from time to time as circumstances permitted, he was only enabled, from the many difficulties encountered, to make such a report as induced the commissioners to determine on the line for the first 5 miles of road, from Holyrood—this portion which reaches to Peak Pond, the commissioners consider unexceptionable—the opening of it has been contracted for, and the work is in progress. Much time has been consumed, and money expended, in the preliminary examination referred to, but the outlay has been of the greatest service, as though so limited an extent of the whole road as that above named, has been exactly determined on, the Commissioners are now possessed of sufficient information to satisfy them, that the general direction of it may with the greatest benefit to the public be taken to the northward of Salmonier River, and very considerably so, perhaps 4 miles, to the northward of Flakey Down, as a very steep hill, over which as well as other hills almost as exceptionable as that, the existing route to Placentia now runs. The new line, in addition to its securing a very superior level, has also the advantage of passing thro' a country much more favourable to the agriculturist than the old one.

The road from Salmonier to St. Mary's, as marked by Mr. Blackburn, with some alterations, more especially at its junction, with the main line from Holyrood, the commissioners believe may be adopted as the road to be finally opened.

On the Topsail road.

The sum of £53 8s. 6d. has been spent in paying a balance due for the erection of a bridge over Seals Cove river, on the road between Holyrood and Kellygrews, and for covered drains on the road between the latter place and Topsail, and for other necessary repairs.

Road from Coady's Well to Broad Cove

After the country between the above named places had been examined, a line of road was marked by direction of the Commissioners, and subsequently opened by contract. The amount voted for this road did not permit the commissioners to open it generally of a greater width than 12 feet—in parts between, with a view to future improvements, that width was increased. Such bridges and draining as were necessary to make this road passable have been also completed, and the commissioners believe it is of great service to the residents in Broad Cove—the distance to this place from Coady's Well is about four miles...to make the road good would require £200 per mile.

Quiddy Viddy.

The work here since the commissioners' last report has been continued through the two past seasons,—during that of 1837, the sum of £99 5s. 9d. cy. was expended; during that just now terminated, the sum of £159 13s. 2d. cy., and there still remains about £70 cy. to be appropriated to the same purpose. The effect produced has been the clearing the channel from the rocks which at low water were bare. The spaces occupied by them are now, at low spring tides, covered with from four to five feet of water; the width of the channel has been also considerably widened, and the commissioners believe the parties most interested in it feel that their facilities in prosecuting the fishery are very materially increased, and that they are satisfied with the improvements so far made. With the foreman of the work (Nicholas Kennedy) the commissioners have every reason to be pleased; and in consideration of the attention displayed by him, from the first commencement of the work, and of his having constructed the tubes and bags requisite for blasting, they have considered it but just towards him, after three years' service, to give him in addition to his ordinary wages, the sum of twenty pounds.

(Signed)

JOSEPH NOAD, Chairman.

ACCOUNT of monies expended by the Central Board of Road Commissioners (appointed in 1836,) since the furnishing their last account in June, 1837.

		Bay Bulls Road.		Currency
1837.	July 10	To Cash paid Philip Stamp and Richard Roach, viz. for opening 272 perches of road, near Bay Bulls Long Pond, at £15 10s per mile	...	13 3 6
		Widening (from 12 to 24) 4 miles and 30 perches of road from the Goulds River towards Bay Bulls at £13 per mile as per account	...	55 8 8
		Cash paid James Cuddihy, viz. for 3 large bridges, say 1 over the Goulds river, and 2 over streams near the above	128 0 0	
		Allowance for additional work	4 0 0	
		Building 9 smaller Bridges at 55s.	24 15 0	
		Filling up a brook	2 15 0	
		Draining 33 perches of road, of 7 feet wide, and 2½ feet wide, at 7s. 6d.	12 7 6	
		Draining 68 perches, do. 4 feet wide	14 12 6	
		Removing all combustible materials from 50 ft of any part of the 3 largest bridges...	20 0 0	
1837.	Oct. 10.	Draining the road between the first bridge and the Goulds river, say 187 p. @ 2s 3d	21 0 9	
		Building cross drains at 10s.	3 0 0	
		Deduct £60 paid Cuddihy, and charged by the commissioners in their last account, and also the sum of £5 stopt to remedy a defect in the King Post of the Goulds River Bridge	65 0 0	165 10 9
		Cash paid Michael Darsey, viz. for widening (from 12 to 24 feet) 3¾ miles of the Bay Bulls road from Sweeney's Marsh to the Goulds river, at £14 per mile	54 7 6	
		Allowance for clearing the part first opened of wind-falls	2 0 0	56 7 6
		Cash paid Edward Gorman, viz., for draining 171 perches of road from Sweeney's Marsh towards the Gold River at 2s. 3d. per perch	...	19 4 9
		Cash paid James Toole and M. Rielley, viz., for opening 1¾ miles of road next the Bay Bulls, 24 feet wide, at £31 per mile	54 5 0	
		Cash paid Wm. Sinnott, viz., for carrying off a bog from the road, and for draining 112 perches 14L...for 2 cross drains 1L	15 0 0	
		Cash paid Martin Williams, viz., for building 13 bridges & clearing the stream at 5L	65 0 0	
		Cash paid Roger Flahavan and John Savage for opening 7 miles and 184 perches of road, 12 feet wide. at 15L. permile	129 6 1	
1838]		Deduct 50L. paid contractors, and charged by the Commrs. in their last account	50 0 0	79 6 1
Jan 9		Cash paid John Savage and Richard Roach, viz. for building 8 temporary bridges at 5s. each	2 0 0	
		121 Perches side draining near Golds River, 3 ft wide, 2 ft deep, 1s. 11½d per perch	11 16 11½	
		4 Cross drains at 12s. 6d.	2 10 0	
		25 Perches draining leading from the cross drains at 3s.	3 15 0	20 1 11
		Cash paid John Eunis and Pat. Rielley, viz. for draining 342 perches road between the end of Gorman's work and the first bridge at 1s 10d per perch.	...	31 7 0
		Cash Paid Philip Stamp, viz., for examining and measuring work on Bay Bulls road	4 13 0	579 8 2
	16.	Petty Harbor Road.		
		Cash paid Roger Flahavan, balance due him for making 1 mile of road as per acct.	8 0 0	
1837.		Road from Coady's Well to Broad Cove.		
July 25.		Cash paid 3 men, 25 days each, 4s 6d per day for labour in assisting the surveyor to examine and make a line of road from Coady's Well to Broad Cove per acct. paid one man 3 days work, employed as above,	17 11 0	
Sept 12.		Cash paid Richard Gladney, viz. for opening roads, building bridges, draining &c.	103 6 4	
		Cash Paid J. A. Wheeler, viz. for 15 cross drains 10s each, draining 35 pels @ 3s	12 15 0	
1838		Less 55s. deducted for bad work	2 15 0	10 0 0
July 26		Cash paid N. Rourke and R. Gladney, for draining, covering cross drains, and opening 7 perches road	19 10 3	
		Employed in examining and measuring the above work	1 5 0	
1837.		Road from Topsail to Holyrood.		
Aug. 18.		Cash paid Bryan O'Brien, balance due him for bridges built on the road from Holyrood to Kellygrews, as per account	27 5 6	
Nov 2.		Paid Bulley & Job for 1 Barrel Tar, used on the above bridges	1 0 0	
1838				
Jan 9		Paid R. Walsh for keeping the road from Emanuel's River to the Butter Pots clear of windfalls	2 10 0	
Feb. 6		Paid John Roach, viz. 30 covered cross drains 11s each, built on the road between Topsail Kellygrews	16 10 0	
		Deduct 30s. paid contractor before, and charged by the Commrs. in their last acct.	1 10 0	15 0 0
Jan. 9		Paid James Neville and John Roach balance due them for opening part of the road from Topsail to Kellygrews	2 0 0	
		Paid Jas. Neville for keeping 8 temporary bridges in repair during 1837, and building new ones,	4 0 0	
16.		Paid Richard Roach (one covered drain)	10 0	
9		Paid Jas. Neville and John Gehan, for keeping the wood uncut from near the road from Topsail river to Miller's house for the preservation of the road	12 6	7 2 6
		Carried forward	£799 1 3	

1838		Brought forward	£799	1	3
Feb. 20	Paid John Rendell for notice Boards put on road	...	...	10	6
	Paid M. Rielley and W. Walsh for keeping the Topsail road clear of windfalls in the winter of '36 & '37	...	...	2	0
1837.	Quiddy Viddy expenditure in the summer of 1837.				
	Amount paid blacksmiths' accounts, materials, &c.	...	...	17	13
	Workmen's accounts, house-rent, &c.	...	...	81	11
May 1.	Paid Geo. Winter for Quick Match	...	1 6 4		
July 21.	Paid Workmen, as per receipt to this date	...	110 12 7	111	18
	C. F. Bennett as per account for powder, canvas, tar &c	...	...	15	10
Aug 7	Robert Dunn, 47 lbs powder, at 10d.	...	...	1	18
	For boats for workmen,	...	...	7	17
Sep 14	For grease, &c 19s 4d, rum &c 38s for men employed in removing the fragments of stones from the water	...	...	2	17
23	N. Kennedy, gratuity for 3 years' service in superintending the work, preparing tubes, bags, &c	...	...	20	0
1837.	Road from Holyrood to Placentia, by Salmonier, and Salmonier to St. Mary's—				
Nov 25	Cash paid 4 men 63 days work each at 4s 4d, assisting Mr Byrne, surveyor, to explore, examine and mark a line of road from Holyrood to Salmonier, and thence to St Mary's	...	...	56	14
	Cash paid 3 men 20 days each, employed as above	...	...	13	10
	1 Quintal fish for Byrne's use	...	...	13	6
	For sundry expenses incurred for boat hire, carriage of provisions &c	...	...	3	12
1838	Paid 4 men for 24 days work assisting Byrne as above in examining a line of road to Salmonier, carriage of provisions, etc	...	...	32	14
Aug 14	Paid 5 men, 12 days each employed with Byrne as above	...	...	15	0
	Paid for provisions for Byrne and Boy, 19s, bunting 5s.	...	...	1	4
	Paid Philip Stamp, assistant surveyor, employed as above, 13 days, at 5s	...	...	3	5
	Paid for provisions for Stamp, 10s per week	...	...	18	6
	Incidental account,—Cash paid Custom House duty on surveyors' instruments	...	...	6	1
1837	George Cooke for making a roadway to Boden's Cove by Maggoty Cove stone bridge	...	...	15	0
Aug. 2	Paid Patrick Whelan, shoring the railway at King's bridge	...	...	1	0
12	9 Yards Bunting, at 1s 6d, Line 1s 6d	...	...	15	0
Sep 12	Paid James Grey, for building an additional wall at the stone bridge, Maggoty Cove	...	...	3	4
	Paid for painting the said bridge	...	...	10	0
	Straps for surveying instrument	...	...	6	0
Oct 23	Patriot Office, per account	...	...	2	16
25	Ledger, do. £3 18s...Times, ditto, 2l 6s 8d...Gazette, ditto, 3l...Patriot, ditto, 8s 4d, stationery 17s 6d	...	...	10	10
	Paid Masons' work at King's bridge 4l—less 20s deducted	...	...	3	0
1838	Philip Stamp, superintending road work on various roads, measuring the same, etc. 23 days as per acct.	...	...	6	9
Jan 3	Thomas Byrne, 7 months' salary as superintending surveyor, to 31st Dec. 1837, at 100l stg. p annum	...	...	67	6
	Paid C. F. Bennett, for one gallon tar, for work at Quiddy Viddy—see his account	...	...	2	0
	Paid Newfoundlander for advertisements, 2l 3s 4d—Times, ditto, 8s 4d	...	...	2	11
	N. Kennedy, with 2 men 1 day's work each, at Quiddy Viddy, removing fragments of rocks from channel	...	...	17	0
Oct 3.	Paid C. F. Bennett, for bunting, canvass, etc. used by surveyor in laying out roads as per account	...	...	1	18
	Paid for spirit level imported for the road service by C. F. Bennett, as per account and Receipt	...	...	18	1
	Balance in the hands of the Commissioners, carried down	...	...	641	3
				1966	11
				9	

ACCOUNT of Monies Received.		Sterling.	Currency.
By balance in hand on 30th June, 1837	.....		446 10 7
Cash received from Colonial Treasurer, balance account Bay Bulls road	...	250 0 0	
Do. account Broad Cove do.	...	150 0 0	
Do. account Road from Placentia to Kellygreys by Salmonier	...	490 0 0	
Do. Salmonier to St. Mary's	...	240 0 0	
Do. being an unexpended balance of a sum voted in 1834 for a road to Salmonier	...	49 0 4	1360 8 0
By Cash acct. of sum appropriated (say 200l) for improving entrance to Quiddy Viddy Hr.	...	138 7 5	159 13 2
			1966 11 9
Balance in the hands of the Commissioners brought down	...	641l. 3s 4d	

St. John's, Newfoundland,
4th Oct., 1838.

(Signed)

JOSEPH NOAD, Chairman.

INDEX.

ACADEMY—Bill to establish an—see bills No. 7.
 Addresses to His Excellency the Governor,—
 In answer to his Excellency's Speech at the opening of the Session, 7—presented, 14—reply, 15.
 For account of proceedings of the Commissioners for erecting the Colonial Building, 17, 19—presented, 23—reply, *ibid.*
 Praying for Copies of certain proceedings in the Supreme and Circuit Courts, 17, 20—presented, 23—reply, *ibid.*
 For detailed accounts of receipts and expenditure of Light Houses, 23, 24—presented, 34—reply, *ibid.*
 In reference to Steam Navigation, 25, 27—presented, 34—reply, *ibid.*
 For returns connected with the Supreme, Central, Northern and Southern Circuit Courts, &c., 26, 30—presented, 35—reply, *ibid.*
 To cause a Criminal Prosecution to be instituted against the Printer of the "TIMES," for a Libel on the Members of the House, 27.
 In reference to the Writs served on the Speaker, &c., at the suit of Edward Kielley, 29—presented, 38—reply, *ibid.*
 Praying for the assistance of the Attorney General, in the defence of the Speaker and Members of the House, in the action taken by Edward Kielley, 30
 In reference to certain proceedings in the Courts in the causes of Carroll vs. Ashman, and Ashman vs. Boyd and M'Lennan, 32—presented, 35—reply, *ibid.*
 To request his Excellency to communicate to the Earl of Durham, the desire of the House to co-operate with him (the Earl of Durham) in his measures for concentrating the power of the North American Colonies, 38.
 Praying for any communication, &c., from the Earl of Durham, 39, 40—presented, 43—reply, *ibid.*
 For Copies of despatches in reference to the mission of the Delegates, 39, 40—presented, 42—reply 43.
 For Estimates of the expenses of Harbor Grace Island Light House for one year, 48, 50—presented, 53—reply, *ibid.*
 In reference to the letter transmitted by his Excellency, from the Chairman of the Board of Control, 57—presented, 59—reply, *ibid.*
 In reference to the Revenue Bill, 75—presented, 79—reply, 80.
 Praying him to forward the address of the House to Her Majesty, 108—presented, 129—reply, *ibid.*

A

Addresses to his Excellency the Governor—
 Transmitting report on the administration of Justice, 130—presented, 137—reply, *ibid.*
 Requesting the payment of certain outstanding claims 136—presented, 139—reply, *ibid.*
 Praying that he would issue warrants for the payment of the expenses of the Delegation, 147.
 Addresses to Her Majesty,—
 On the state of the Colony, 102.
 On the subject of the Supply Bill of the 7th Session, 131, 139.
 In reference to the Resolution of the Council respecting the expenses of the Legislature, 144.
 Address to Lord Durham, on resigning the Government of the Colonies, 131, 142.
 Andrews William and others, petition of—see petitions.
 Appendix—Documents contained in,—
 Copies of Orders in Council approving of certain Acts passed by the Colonial Legislature.
 Statement of Imperial Revenue for Year ending 5th January, and Quarter ending 5th July, 1838.
 Imports in the Quarter ending 5th July, 1838.
 Staple Articles exported from 5th July, 1837, to 5th July, 1838.
 Shipping Return from 5th July, 1837, to 5th July, 1838.
 Statement from Governors of Savings' Banks.
 Copy of Crown Rent Account for the Year ending 31st March, 1838.
 Return of the expense incurred on the Circuit of the Judges in the Year 1834.
 Return of the number of days during which vessels were employed on the Circuits in the years 1835, 1836, and 1837.
 Report of Commissioners of Roads and Bridges from Carbonear to Bay de Verds.
 Report of Commissioners of Roads and Bridges for Bonavista and Catalina.
 Correspondence and Accounts connected with the Board of Road Commissioners for the District of Ferryland.
 Report of the Board of Road Commissioners for the District of St. John's.
 Letter from Chairman of the Board of Control.
 Report of Road Commissioners (appointed in 1836) for the Central District.
 Appointment of Managers for the defence of the Speaker, &c., in Kielley's case, 131.
 Armstrong Joanna, petition of—see petitions.
 Attendance of Members—Resolution respecting, 40

BANISHMENT of persons convicted of certain offences—Bill to repeal act to provide for—see bills No. 16
 Bemister William and others, petition of,—see petitions.

BILLS—

- No 1. To repeal in part Seamen's relief act, 4, 8, 12, 16, 21, 54.
- 2. To amend Education Act, 5, 7, 10, 20, 21, 48, 50, 51.
- 3. To enable Members to vacate their seats in certain cases, &c., 5, 8, 10, 95, 98, 100.
- 4. To enable persons to vote at Elections, &c., 5, 10, 14.
- 5. To regulate the office and fees of Sheriff, 5, 10, 53, 96, 97.
- 6. To preserve the Harbors of this Colony from all annoyances, &c., 8, 9, 11, 19, 21, 22, 62, 74.
- 8. To remove doubts as to the powers of the Supreme and Circuit Courts in Equity cases, 30.
- 9. For granting to her Majesty certain duties, 42, 44, 51, 54, 86.
- 10. To establish a Post Office, 45, 48.
- 11. To repeal Act to regulate the making Roads & Highways, 51, 87, 89, 93.
- 12. To provide for the appointment of Harbor Master at Carbonar, 75, 76, 77, 83.

B

- 13. To amend Act for the Inspection of Pickled Fish, 75, 77, 80, 96.
 - 14. To raise a sum of money by loan for the making and repairing Roads, 83, 97, 98.
 - 15. To regulate the Sterling value of the dollar, 87, 92, 96.
 - 16. To repeal an act to provide for the banishment of persons convicted of certain offences, &c., 87, 89, 93.
 - 17. To repeal an act for the establishment and regulation of Fire Companies, 87.
 - 18. To amend an act to extend the Criminal Laws of England to this Colony, 87, 90, 92.
 - 19. For granting a Supply to her Majesty, 87, 90, 110, 112, 125, 126, 127.
 - 20. For the Regulation of Pilots, 89, 93, 97.
 - 21. For granting Contingencies, 106, 107, 127.
 - 22. To provide for the making and repairing of Roads and Bridges, 126, 129, 134, 135.
 - 23. To provide for the Delegation expenses, 137.
- Boulton Judge—defence of to the Charges of the House of Assembly, 9.
- Boyd John and others, petition of,—see petitions.
- Brine James and others, ditto,—ditto ditto.
- Burn Patrick and others, ditto,—ditto ditto.

CARTER P. W. Esq., petition of,—see petitions.

- Circuit Courts, return of expenses of, 12,—see appendix
- Committees on privilege, 4, 5, 22, 25, 28.
- Of the whole House, on Supply, 5, 9, 14, 17, 23, 24, 42, 62, 81—report, *ibid*—reply, *ibid*.
- , on sundry Bills, 10.
- , 16, 19, 20, 51, 84, 100, 106.
- , on Ways and Means, 5, 36.
- Select, to examine the public accounts, 8—report, 49.
- to enquire into Sheriffs' fees, 14.
- to draft Addresses, 4, 24, 40, 75.
- to present Addresses, 19, 20, 24, 27, 30, 31, 33, 40, 50, 76, 136.
- to prepare Address to the Queen on the state of the Island, 22—report, 102.
- to enquire into Administration of Justice, 41.

C

- to enquire into the operation of the Fire Companies' act, 90.
- Conferences with her Majesty's Council, 73, 84, 104.
- Cooper Thomas and others, petition of—see petitions.
- Coryear Henry and others, ditto—see ditto.
- Courts Supreme and Circuit—Bill to remove doubts as to the powers of, in Equity cases,—see Bills No. 8.
- Colony—House in Committee on the state of, 57.
- Contingencies of the Legislature, bill for granting,—see Bills No. 21.
- Crown Rent, account of, 12—see appendix.
- Criminal Laws of England—Bill to amend an act to extend, to this Colony—see Bills No. 18.
- Croke Nicholas, petition of—see petitions.
- Cummins John and others, petition of—see ditto.
- Cudihy James, petition of—see ditto.

DESPATCH from the Secretary of State for the Colonies, relative to Colonial Acts for 1837, 12—see appendix.

Delegation Expenses—Bill to provide for—see bills No. 22

————— Address to his Excellency the Go-

D

- verner to provide for the payment of—see addresses.
- Douglas James and others, petition of—see petitions.
- Dooley James, petition of—see petitions.
- Duties—Bill for granting—see bills No. 9.
- Dwyer Michael and others, petition of—see petitions.

EDENS John and others, petition of—see petitions.

Education—Bill to amend Act—see bills No. 2.

Education Board—Report of, for the District of Barin, 49

E

- for the District of Fogo, 74
- see appendix.
- Election Expenses of 1836—motion for considering, 42.
- Evans William, petition of—see petitions.

FACTORY—Petition of the persons composing the Committee of,—see petitions.

F

- Fire Companies—Bill to repeal an act for the establishment of,—see bills No. 17.
- Flahavan Roger and others, petition of—see petitions.

GEARY Patrick and others, petition of—see petitions.

G

- Gleeson Patrick and others, petition of—see ditto.
- Goff William and others, petition of—see ditto.

H

HARBORS of this Colony—Bill to preserve, from annoyances.—see bills No. 6.
 Harbor Master—Bill to provide for the appointment of, at Carbonear—see bills No. 12.
 Hennebury William and others, petition of—see petitions
 Holden Richard and others, petition of—see petitions.

House of Assembly—attend his Excellency the Governor at the opening of the Session, 3,—at the close, 148.
 ————— adjourned for want of a Quorum, 34.
 Hutchings George and others, petition of—see petitions

J

JUSTICE, Administration of—
 Committee to enquire into, 16.
 House in Committee on, 20, 41,—report, 119.

Evidence on, to be printed,
 Committee to prepare the report of the evidence in reference to, 147.

K

KEEF John and others, petition of—see petitions.
 Kent Mr.—informs the House that he has been served with a Writ at the suit of Edward Kielley, 4.
 Kielley Edward—sues out Writs against Mr. Speaker and Mr. Kent, 4.

L

LANGLEY William and others, petition of,—see petitions.
 Legislative Council, message to, for an account of their Contingencies, 26.
 Letters from the Hon. Mr. Secretary Crowdy, 16, 47, 58.

Light House at Harbor Grace—application from Commissioners of, 13,—motion for considering, 42.
 Light Houses at Cape Spear, Fort Amherst, and Harbor Grace—detailed accounts of Receipts and Expenses of, moved for,—see Addresses.

M

MACKIN Denis and others, petition of,—see petitions.
 McKie Mr.... Letter from, 74.
 McLennan John and others, petition of,—see ditto.
 Members assemble, 3.
 Merrigan James and others, petition of,—see petitions.
 Mews James and others, petition of,—see ditto.
 Messages from His Excellency the Governor,—
 Requiring the attendance of the House at the opening of the Session, 3,—at the close, 148.
 Transmitting sundry documents, 12.
 ————— application from the Commissioners of Harbor Grace Light House, 13.
 ————— Report of Road Commissioners for the District of St John's, 45.
 ————— Letter from the Chairman of the Board of Road Commissioners, 55.
 ————— Letter from Chairman of Board of Control, 78.
 ————— sundry matters for the consideration of the House, 91.
 ————— Petition of James Cudihy, 106.

————— Memorial of P. W. Carter, Esq., 109.
 In reference to certain claims not provided for, 135.
 Messages from Her Majesty's Council,—
 Transmitting Bills with amendments, 46, 52, 59, 85, 94, 100, 111, 132 ;—without amendments, 93, 128, 132.
 Declining to concur in the course recommended by the Assembly, in reference to the act for erecting a Colonial Building, &c., 61.
 Requesting Conferences, 73, 99, 124, 125.
 Transmitting account of Contingencies, 78.
 Acceding to Conference on the Revenue Bill, 84.
 Requesting to be furnished with all documents relative to the bill for the appointment of Harbor Master at Carbonear, 85.
 Requesting that a blank in the Contingency Bill may be filled up, 112.
 Objecting to certain items in the Contingency bill, 134
 Transmitting Resolution in reference to Contingencies, 138.
 Message to Her Majesty's Council,—
 In reference to the vote on Steam Navigation, 127.

N

NUGENT, John Valentine, Esq., appointed Solicitor of the House, 147.

O

O'DWYER Doctor,—account of, transmitted by his Excellency the Governor, 47.

O'Neil Adam and others, petition of,—see petitions.
 Orders in Council, approving of acts passed by the Legislature, 12,—see appendix.

P

P
PACK Robert and others, petition of—see petitions.
PETITIONS,—
 Of J. Walsh and others, 8.
 — John Geary and others, 8.

PETITIONS,—
 Of William Earvan and others, 9.
 — William Evans, 10
 — John Cummins and others, 10.
 — Matthew Stevenson and others, 12.

PETITIONS,—

- Of R. Holden and others, 13.
 — Thomas Cooper and others, 15.
 — J. Merrigan and others, 15.
 — George Hutchings and others, 15.
 — Patrick Burn and others, 17.
 — William Langley and others, 17.
 — Joannah Armstrong, 17.
 — John D. Power, 18.
 — John Mc'Lennan and James Boyd, 18, 55.
 — Henry Coryear and others, 20.
 — Wm. W. Bemister and others, 22.
 — Patrick Ward and others, 27.
 — Roger Flavahan and others, 35.
 — James Douglas and others, 35.
 — James Dooley, 35.
 — James L. Mews and others, 35.
 — Robert Pack and others, 41.
 — John Keef and others, 42.
 — Patrick Gleeson and others, 43.
 — John Reagan and others, 44.
 — John Tilly and others, 44.
 — Wm. Pitts and others, 48.
 — John Sullivan and others, 48.
 — James K. Moore and others, 54.
 — John Edens and others, 54.
 — Patrick Ward and others, 54.
 — Joseph Templeman and others, 54.

PETITIONS,—

- Of Henry C. Watts, 54.
 — The Persons composing Committee of St. John's
 Factory, 60.
 — John Boyd and others, 79.
 — Wm. Hennebury and others, 83.
 — Joseph Whealan and others, 86.
 — Adam O'Neil and others, 88.
 — Michael Dwyer and others, 88.
 — Nicholas Croke, 88.
 — Michael Ryan and others, 92.
 — James Brine and others, 92.
 — Patrick Mullooney and others, 95.
 — Denis Mackin and others, 95.
 — Wm. Andrews and Benjamin Bearns, 98.
 — James Cudihy, 107.
 — P. W. Carter, 109.
 Peyton Mr., Letter of, 39.
 Pickled Fish,—Bill to amend Act for Inspection of...see
 Bills No. 13.
 Pilots...Bill for the Regulation of...see Bills No. 20.
 Pitts William and others, petition of,—see petitions.
 Post Office, Bill to establish,—see Bills No. 10.
 Power D. John, petition of,—see petitions.
 Privileges—House in Committee on, 4, 5, 22, 25, 28,—
 Report, *ibid.*
 Public Accounts—Committee appointed to examine, 4, 8,
 — Report, 49, 114.

Q

QUEEN, Her Majesty the, Addresses to...see Addresses.

R

REGISTRY of names of Voters'—Bill to provide for,
 —see Bills No. 4.
 Revenue Bill—see bills No. 9.
 — Imperial, Statement of, 12,—see appendix.
 Reagan John and others, petition of,...see petitions.
 Road Commissioners, Reports of,—
 From Carbonear to Bay de Verds, 39...see appendix
 From Bonavista to Catalina, 39...see ditto.
 In the district of Ferryland, 39...do.

For the district of St. John's, 45—do.
 For the Central district 88—do.
 Roads and highways, bill to repeal act to regulate the
 making of...see bills No. 11.
 Roads and bridges, House in committee on, 106, 108,
 113, 116
 — Bill to raise a loan for the making and
 repairing of...see bills No. 113.
 Ryan Michael and others, petition of...see Petitions.

S

SAVINGS Bank...statement from Governors of 12...
 See appendix.
 Seamen's relief Act, bill to repeal in part...see bills No. 7
 Secretary of State, despatch of to be printed, 44
 Sheriff, bill to regulate office and fees of,...see bills No 5
 Shipping Return.. see appendix
 Solicitor of the House appointed, 147.
 Speech of his Excellency the Governor at the opening of
 the Session, 3...at the close 148
 Speaker Mr, informs the House that he has been served
 with a writ at the suit of Edward Kielley, 4

— Lays before the House Letters from the ho-
 norable Mr Secretary Crowdy, 39, 43, 55, 61,
 74, 88, 109, 131.
 Stevenson Matthew and others, petition of, see Petitions.
 Staple articles exported, 12...see appendix.
 Steam Navigation, address to his Excellency in reference
 to, 25.
 Sullivan John and others, petition of...see petitions.
 Supply...House in committee on, 5, 9, 14, 17, 22, 24, 42,
 62, Report, 81.
 — Bill for granting to her Majesty...see bills No 19

T

TEMPLEMAN Joseph and others, petition of...see petitions.
 Tilly John and others, do. do.

V

VACATING of seats by Members, bill to provide for...See Bills No. 3.

W

WAYS and Means, committee on, 5, 36, report *ibid.*
 Walsh John and others, petition of...see petitions.
 Ward Patrick and others, do. do.

Watts H. C. petition of...see petitions.
 Whelan, Joseph and others, do. do.
 Writs served on Mr. Speaker and Mr. Kent at the suit of
 Edward Kielley, 4.