

THE  
**STAR,**  
 AND  
**CONCEPTION BAY JOURNAL.**

VOL. I. NEW SERIES.

WEDNESDAY, MARCH 12, 1834.

NO. 11.

Conception Bay, Newfoundland--Printed and Published by D. E. GILMOUR, at his Office, Carbonear.

**On Sale.**

A FEW  
**HORSE COLLARS**  
**FOR SALE,**

At FIVE Shillings each,  
 By the Subscribers,

T. CHANCEY & Co.

Carbonear, Jan. 22, 1834.

**F**OR SALE at the Office of this Journal the CUSTOM-HOUSE PAPERS necessary for the ENTRY and CLEARANCE of Vessels under the New Regulations.

Carbonear, Jan. 1.

**JUST RECEIVED**

AND

**FOR SALE,**

At the Office of this Paper.

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**SCHOOL BOOKS,** viz.:

Murray's Grammar  
 Guy's Orthographical Exercises  
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 Entick's Dictionary  
 Carpenter's Spelling  
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Carbonear, Dec. 25.

**Notices.**

**THE** Creditors upon the Insolvent Estate of CHARLES COZENS, who have proved their DEBTS, may receive a DIVIDEND of ONE SHILLING in the Pound, on application to the Trustees.

By Order of the Court,

W. J. HERVEY, } Trustees to the  
 C. F. BENNETT, } Insolvent Estate  
 R. R. WAKEHAM, } of C. Cozens.

St. John's, Feb. 4.

The NORA CREINA having ceased running for the season, DOYLE begs to inform the Public, that he employs a POSTMAN WEEKLY, to convey letters, &c. round the Bay, (weather permitting.)

Carbonear, Feb. 5, 1834.

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**Notices.**

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For the Education of Young Gentlemen.

MR. GILMOUR begs respectfully to inform his friends and the public that the above School OPENED, after the Christmas Vacation, on Monday the 13th of January, 1834.

**Terms.**

Instruction in Reading, Writing, Arithmetic, and English Grammar, £4, 4 ann.  
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Carbonear, Jan. 14.

MRS. GILMOUR begs to intimate to her friends and the public that her Seminary for YOUNG LADIES, OPENED, after the Christmas Recess, on Monday, January 13, 1834.

Carbonear, Jan. 14, 1834.

**B**LANKS of every description for sale at the Office of this paper.  
 Jan. 1, 1834.

**Notice.**

The Trustees to the Insolvent Estate of CHARLES COZENS, will receive Tenders from such Persons as are disposed to treat with them, as their AGENT for the collection of the Outstanding DEBTS and final winding up of that Estate. The condition upon which the Trustees are disposed to remunerate such Agent, is by allowing him a per centage on the amount that shall be received by him.

No person will be appointed who is not locally acquainted with the District of Brigus, and who cannot offer the most satisfactory security for the faithful discharge of the Trust to be reposed in him.

Further particulars will be made known on application to

W. J. HERVEY, } Trustees to the  
 C. F. BENNETT, } Insolvent Estate  
 R. R. WAKEHAM, } of C. Cozens.

St. John's 1st Feb. 1834.

**Newfoundland Legislature.**

**COUNCIL CHAMBER.**

ST. JOHN'S, TUESDAY, FEB. 17.

The hon. the SPEAKER moved for leave to bring in a Bill for removing doubts respecting the introduction of the Law of England into Newfoundland. The hon. gentleman had two objects in view which he was anxious to see accomplished by the passage of this bill—the one was to fix some period at which the Law of England should be regarded as in force in Newfoundland, and the other was to introduce the several improvements which had of late years been made in the law by the British parliament. In his opinion the Law of England generally as it stood at the passage of the 5, Geo. IV., constituting the Supreme Court, so far as it could be enforced in Newfoundland, already constituted the law of the Island; but inasmuch as doubts had been entertained upon that subject he thought it desirable, now that an opportunity was afforded by the establishment of a local legislature, that the subject should be placed upon such a footing as would, at all events, be permanent and fixed, as nothing could be more prejudicial or inconvenient than a change of opinion in the Supreme Court of any country as to what laws they might be called upon

to administer. He therefore considered it of the first importance to fix some particular period, and he had selected the accession of His present Majesty to the throne, as being an historical epoch which it would at all times be convenient to refer to; and as it so happened that all the improvements which he thought important and desired to see introduced here, were enacted during the late reign.

Some of the improvements were of a technical nature, not affecting the substantial meaning of the law at all, but removing certain impediments to its execution, which had, through a series of ages, gradually grown up and obviously required amendment. To give hon. gentlemen, who were not professional, an idea of the technicalities to which he alluded, he would mention one out of many in that branch of the law which related to criminal prosecutions. In many indictments, as well for misdemeanours as for other offences attended with either actual or constructive force, it had been determined that the words "vi et armis," with force and arms, were essential to the validity of the indictment, though it was plain they could not partake of the essential merits of the case, and therefore an act of the British parliament had rendered this technical precision unnecessary in this as in a great number of similar instances.—Other improvements, however, of far more importance had been made in the laws themselves—they had been classed under distinct heads, with their appropriate punishments in one act. Some punishments had been abolished and others introduced more in accordance with the spirit of the age; and the whole code of criminal law had undergone important amelioration, which any hon. gentleman would perceive by an attentive perusal of Peel's Acts, and some others passed during the latter part of the late King's reign, all of which he was anxious to see extended to Newfoundland.

It had been said that by introducing the laws of England into the colonies, the judges had been clothed with a legislative authority; but no one could entertain a greater objection to Judges being possessed of such legislative authority than he (the hon. gentleman) was; because the parties litigant in any matter would be unable to know the principles upon which their case would be decided. It might enable the Judge to introduce laws which no one else would think of; nor would the counsel in such a case be enabled to advise his client, from the impossibility of determining the principles upon which his case might be decided. It was true that some people who were ignorant of the law thought the Judge should be clothed with authority to decide upon what were vainly called the principles of equity and good conscience. But that was a wrong view of the matter, because people differ as to what is equitable and just, as we see in the ordinary concerns of life, and it was quite clear that unless fixed principles were laid down, the judge might be governed by arbitrary rules, and such as might suit his own private ends. It was most desirable that the construction of the laws should be reduced as far as possible to a certainty, and that as little discretion as possible be

left,—not only for the respectability of the Bench, but for the interest of suitors. He was of opinion that the laws of England should be introduced generally, not so far as the Judge might think them applicable, but so far as they could be enforced here; and the only question for the court to decide would be, "What is the law of England on this point?" If it be left to the Judge's discretion to say what law he thinks applicable to the country he is in, it is clear that he will be proceeding, not upon principles of law previously laid down and defined, but upon his own notions of expediency, which may differ from those entertained by every other man in the community; and it will be always impossible, until a particular case is brought before him, what law he will recognize as the rule to govern his decision. If any of the laws of England be found inconvenient, they may from time to time be altered now that we have a local legislature. He would therefore declare them to be in force generally; and he thought it desirable that they should be permanently fixed, and then in the course of their operation, it might be found what portion of them is really inconvenient. It was said that many of the laws of England were not framed with any reference to the state of society in this or any other colony. This is undoubtedly true, not only of many but all the laws of the parent State—they are framed for the convenience of the people in England in every particular, but then we being accustomed to them very naturally would prefer them as a general code of laws to those of any other country; and consequently when establishing by what laws we will be governed, we select those which are most congenial to our habits and way of thinking. We might introduce the law of France or of America, but no sensible man would propose such a thing to a community of Englishmen. As the legislature introduce the law, so they may from time to time modify it, and adapt its provisions to our situation. This is the course which he had seen acted upon for some years in Upper Canada without any inconvenience, and as he was rather inclined to follow example when held by experience, than launch out into any new course although apparently very likely to be a good one, he was disposed upon this question to no nothing more than simply fix the point at which the English law shall be regarded as the rule of decision, leaving it to the legislature to make such additional local provisions as the state of this colony may require.

He was of opinion that the laws of England generally including the statute law to the 5, Geo. IV., so far as they affected property and civil rights, are the law of Newfoundland now, and therefore if that be an inconvenient state of things the legislature have the subject fully before them and can alter it.

FRIDAY, FEB. 21.

Debate resumed.

The SPEAKER observed that the only part of the preamble of the bill upon which any question might arise, was that part which respected the doubts which had been entertained as to the period up to which the law of England should be taken for the rule of

decision here; but it was not necessary to go into that preamble; when they came to the enacting clause, as to the particular period at which the British laws should be taken as a guide—some discussion might arise. He thought there could be no objection to a period being fixed, and to the adoption of the improvements which had lately taken place.

The ATTORNEY-GENERAL pointed out a clerical error in the preamble of the bill, which had referred to the 4th year of his late Majesty's reign instead of to the 5th.—It was superfluous for him to make an observation that must be obvious—that the Bill was one of the most important that could be introduced, and which would go largely to affect the general interests of the inhabitants of this country. It would therefore require deep consideration, and he would urge hon. gentlemen to weigh well the effects of the Bill before they passed it into law. His mind was not yet prepared to embrace the extent of the Bill either in its principles or its details. It had only been put into his hands yesterday. He had from indisposition been prevented attending at the first reading, which he regretted, because what had then fallen from the hon. and learned mover, might have directed his attention to the points which were then suggested.

The Bill involved considerations of great importance; for the civil law would be affected as well in its jurisprudence as in its judicature. He concurred in the object of the Bill, which proposes to settle how far the English law is applicable here; for it was quite a desideratum that this should be determined. It was a subject to which some of the most able men among us had directed their attention, but they had been unable to discover the application of any fixed rule to guide them. If we had no laws already among us, there would be no difficulty in deciding what portion of the English law would be applicable; but there was a code of laws among us, made up of usages incident to our present condition, as well respecting the jurisprudence as the judicature; but still there were many evils that ought to be remedied. It was an evil that criminal justice could not be administered out of the town of St. John's; and it was an evil that the poor, living in remote parts, had not that administration of justice among them which they ought to have, and which the legislature intended they should enjoy. But the Surrogate Courts could carry the law every where, under the imperfections, of course, incident to those courts.—It had been found impossible that three Judges could dispense justice equal to the demand. There was a superior court, invested with all the authority possessed by any courts in England; but that to the inhabitants of the outport was in a great measure shut;—then we had Circuit Courts, but a full measure of justice could never be attained by these, because of the unsuitable periods of the year at which the circuits are made by the Judges and their necessarily short stay. The Circuit Courts, out of St. John's and Harbour Grace, were inefficient. The head and front of the evil was the want of justice out of St. John's, both as regards the judicature and jurispru-

dence. He would propose that the criminal jurisdiction should extend to this Island more fully; but to whatever period they assigned that the law of England should apply here, it ought to be fixed, that no uncertainty should prevail in the minds of the Judges. [The hon. and learned gentleman then took a review of the history of the laws of this country.] In the meantime arose a difference about the English statute law. He would begin with Mr Forbes, because he was of a more generally well-known and high character than any who had preceded him. He brought the law under a more just and equitable administration. In the administration of the criminal law he had held so much of the English law as was then in existence, and so far as it was suitable.—When it was proposed to bring the whole of the statute and common law into operation here; it was found that the whole could not be brought, because there were portions of it that could not be rendered applicable.—Doubtless, there were some parts of the statute law applicable, and some were not so.—It was desirable on the part of the Judges to have their present responsibility removed, and before he (the hon. and learned gentleman) would reject the proposition, he thought it well to consider how far the existing evils could be removed. They were certainly left to a choice of evils.—When Mr Forbes left this country, after having acted upon his convictions, he was succeeded by another gentleman, exercising the same high functions. Mr Tucker took a different view of the Judicature law; he thought the criminal statute law had a much narrower operation; and no doubt, Mr Tucker's principles were the best that could govern a Judge, for he (Mr Tucker) thought that a Judge ought never to be endowed with a legislative character. But in fact (said the hon. and learned gentleman) Judges are to a given extent legislators; for although the Judges in Westminster do not alter the laws, yet they decide upon the application of them; therefore they are in their decisions legislators. However, it was no reason because they were so to a certain degree, that they should be made so to a greater and unnecessary extent. It was not only necessary to fix the period down to which the laws should be considered applicable, but also that the particular laws themselves should be fixed. Many parts of the criminal law would operate with much harshness here, because from the frequency of offence at home, it became necessary to be more severe. In Mr Forbes's time the criminal law was considered greatly severe; although that law would meet with a much more ready concurrence, on the adoption of it now, than five years ago. He was of opinion that Mr Forbes's construction as to the criminal law was a just one; he believed that the law of England in criminal matters, as it at present exists, was in force here.—He concurred with Mr Forbes, in his time—a *fortiori* he held the same opinion after the passing of the act 5th Geo. IV., and he was also borne out by the opinions of the Attorney and Solicitor-General in England. If the legislature should come to the decision that the criminal law of England is in force here, there is a cogent reason for tak-

ing it as it at present exists because ameliorations have been introduced and are still going on; besides, many of the criminal acts had been repealed by statutes of voluminous extent, and even some of the recent statutes had been abrogated. If it were taken at any former period, and it were found that some of the criminal laws had been abrogated, we should no longer have the English law in force. The least evil would be to adopt the statute law as it exists at the present day, and also in future to adopt such enactments as may hereafter be created; and if any of them be found inapplicable, let a declaratory law upon the subject be framed. This would make the whole of the proceedings more certain, and more in accordance with those of Westminster-hall.

With regard to the civil jurisprudence which would be affected by the passage of this Bill, both in its practice and in its principles, it was a matter of deep importance. Our local laws would be abolished—our beneficial and peculiar mode of proceedings in attachments against property would also be taken away, and it was a subject for grave consideration before we abolished that. He would rather first enquire what were the defects and deficiencies in the civil jurisprudence of the country, and correct those defects and deficiencies;—he would make no changes on speculation; for those who removed our landmarks might do much mischief. If he were now called upon to say yea or nay to the Bill, he would say nay, until he had time to say yea—it required much consideration. He had endeavoured already to speak as to the criminal law;—but with respect to the civil, especially as it regarded real property, primogeniture, and the rule of descent, the Bill before the House would go to the putting down of all those rules which had hitherto governed our rights to property. The first point for consideration under the law of real property, was that of primogeniture which had not prevailed here since the creation of the earliest laws. It might do well perhaps were it interwoven with the existence of a country and the institutions of it—but it was seen that it had become a bone of contention even in the parent state, where the law of gavelkind, or borough-English formed an exception to the general rule—a law not altogether dissimilar from that which had obtained here. He would warn hon. gentlemen how they introduced laws seriously to affect the tenure of real property here, for now and for years past there had been real property distinguished from that connected with the Fishery. If the law of primogeniture were made to apply here, how would it be with the fishing-rooms? for a large portion of real property was invested and involved in the carrying on of the fishery.—The usages which we have laid down for ourselves is more consistent with the simple ends of justice; for the people here require different rules from those which may be found expedient in the mother country. He (the hon. and learned gentleman) would be content with first taking the criminal law of England; for if the civil law were taken with it, not only would the 5th, Geo. IV., cap. 67, but also the Fishery laws, pass away. Should it be so? Besides the insolvent law

must also pass away, and the insolvent law of England be substituted for it. The present law on that head was certainly imperfect and it would be required that the legislature should alter it; but he was not ready to admit the insolvent law of England;—to that was attached penalties, and those penalties would bring imprisonments, and he could not approve of that. He did not think there would be much difficulty in bringing in the statute criminal laws; but as regards the civil law, if a bill of that kind were persisted in to that undue extent, he must enter his objection to it. It might be modified; but it ought to be modified very greatly.—Before they reject the present laws, let it be seen if it were not possible to revise them; let it be seen if the administration of justice, particularly in the outports, may not be rendered more easy. The subject required more time and the closest investigation, and he would therefore advise the postponement of the measure until a future day. The hon. and learned gentleman would reserve any further observations until a future stage.

The SPEAKER, as the mover of the Bill, would be expected to say something; and he would therefore offer something to do away with the objections which had been raised. He felt that he was addressing strangers, and that he could not expect to have that weight and influence in the community, which the hon. and learned gentleman who had just preceded him, and who was of long standing in it, could be expected to have, and which indeed it would be pernicious to shake. But he came there to do his duty, and he was certainly disposed to do every thing to advance the interests and improve the condition of the colony.—It may be supposed that the Bill which he had introduced was a sort of empiricism adopted by him—a desire solely to introduce changes in the country; but in order to remove from the minds of hon. gentlemen any impression that in concocting this Bill he was bringing forward any of his own views, he would assure them that he was bringing forward the experience of persons who had perhaps better means of judging of their effects than he had. The Bill was not his own, it had not been framed even in his own language; it had been adopted by other colonies, and had been put into their mouth by the parent government. Precisely in the same words was the law of France introduced into Canada, where all the previous laws were entirely swept away, and a new code introduced—into a country thinly populated, entirely remote from the sea coast, and scarcely having anything in common with Great Britain—without roads, without turnpikes, without coaches, &c. and where in such a crude state of society the English laws might have been said to be inapplicable, and yet he had never heard the complaint that those laws had not worked well. It was easy for any hon. gentleman to warn others against running into dangers, where that caution was given to persons not exactly competent to weigh those difficulties and see the dangers. He had no doubt the hon. gentleman believed those difficulties did exist, he had no doubt of his sincerity, because he had perhaps every thing to gain and nothing to lose by their adoption. He

(the hon. Speaker) had nothing to gain or lose, therefore he would be careful how he adopted the old laws and abrogated the new ones. Objections had been raised which did not exist. The hon. gentleman said that the bill went to introduce an entirely new code of laws: but if he (the hon. Speaker) could believe so, he would bundle up the papers and throw them into the fire. He did not believe that the passage of that bill into an act would make any difference in the laws of the country at all; none of the evils apprehended would be inflicted upon the country. So far as the civil law was concerned, all that was meant by it was that whenever a question came to be decided, the Judge should look to the state of the laws in England, and decide in Newfoundland accordingly. With regard to the law of attachment, could not there be a proviso to the bill that it should not extend to that or any other rule? The hon. gentleman had said that if the bill were to pass, it would up-root all the principles regarding real property—he had gone farther, and said that the law of primogeniture was not the law in Newfoundland, and that the state of society at home was the only state in which it might be convenient. [The hon. Speaker referred to Blackstone to shew that the law of primogeniture, as well as all other laws of England, were still in force in the colonies, where they had not been repealed.] The law of primogeniture is in force in Newfoundland, if there were any doubt about it, it were better to have it settled. If they did not like that law, they could say so by a proviso to the Bill. It should be openly stated, that the public may not be deluded, that the law of England in gross is the law in Newfoundland at this moment, excepting such alterations as have been made since the 5th, Geo. IV. The hon. gentleman had said there was a wide difference in this respect between the civil and criminal laws of England; but they were equally in force except in so far as they had been altered by particular acts of Parliament. It was idle to make it be believed that we were in a doubtful situation. If there were an inconvenient law let it be altered. If they wanted the law of England, let it be established firmly; if not, repeal it, or do anything they pleased with it. It had been contended by the Attorney-General that the criminal law is in force here—then why not the civil? for the act does not make exceptions. If he (the hon. Speaker) as one of the Judges of the Supreme Court had taken a wrong view of the subject, it would have an injurious effect in the community, and the sooner he were set right the better. If the whole law were not in force, who was to say that law is or is not so? There were certainly laws of the Imperial Parliament of a local nature not applicable here, but every other law capable of being broken here, was capable of being carried into operation here. For example, the destruction of cloth upon tenter-hooks at home had been made felony,—so had the destruction of machinery, &c., but it was plain that they could not indict a man in Newfoundland for these offences, because we have no manufactory of cloth, nor machinery so to be destroyed. The same reasons do not operate here to enact such laws;

but in introducing a whole code, it was no reason why it should not be taken because particular portions of it were not likely to operate here. The reason why it would be convenient to introduce the whole bulk of the British law was obvious—because it was not probable that an individual here competent to the task would set about the selecting of such laws as might be suitable, for it would require much labour and application; but even if it were otherwise, it was improbable that others would concur with him in what he had decided upon. Such an individual must have acquired that influence in the country which would lead him to be regarded as a Solon, and it was not proper that such influence should be possessed by one man, because he might abuse it. He would not argue that there was such a vast difficulty in it that no one could embody a number of such laws in Parliament;—there was nothing to prevent them certainly, for they were merely statutes; but all that was wanted was a sound knowledge of what would be beneficial to the country, combined with great industry and application. The reason why he wished to see the matter placed upon a firm foundation was that the Judges might not say to-day that the laws of England were in force, and to-morrow that they were not. As the machinery worked, the loose particles would fly off, and the notice of the legislature would be attracted to it. The hon. Speaker referred to the adoption of the criminal law in Upper Canada, in 1792, and stated that the legislature had introduced extensive alterations in it which had not come under the view of the British Parliament. He himself had introduced an act for limiting capital punishments to four or five cases. He was of opinion with the Attorney-General, that in certain districts local courts should be holden in various parts of the Island. Eight or ten local judges should be resident in different parts of the Island, for the Circuit Courts were exceedingly inconvenient.—Courts of limited jurisdiction might be established, say to the extent of £40 or £50 depending upon the qualifications of him who was to preside. If such an arrangement were established, they might without much machinery administer justice much better than it had heretofore been done.—There should be fixed periods of the year for larger causes, when trials should be had by jury. Those judges might, during the recess, be itinerant, and go from place to place holding courts with summary jurisdiction. In the present state of the finances of the country the machinery should not be too cumbrous; and such a salary only afforded as they might reasonably expect would be sufficient to engage a proper person. Over and above the salary, there may be fees in proportion to the business done;—say at Harbor Grace a salary of £250, and fees, perhaps, to the amount of £150 more; in places where a less quantity of business was done less remuneration might be required.

The ATTORNEY-GENERAL briefly replied that the introduction of the principles of the British law would be the upsetting of the laws already here, many of which had been found convenient. The people of Canada

had been differently situated; they having, at the period referred to, only a population of 20,000 people, and having to originate laws for themselves. He objected to the sweeping character of the Bill generally, and to the provision for the civil justice being mixed with the criminal. The hon. and learned Speaker had asked how the Bill could conflict with the descent of real property. It was from the construction of our courts, and from custom. The country had been satisfied in the case of intestate property that two-thirds should pass to the children, and one-third to the widow. The hon. Speaker had also said that he (the Attorney-General) had every thing to gain and nothing to lose by this measure; but he (the Attorney-General) had nothing to gain but that which arose from a conscientious discharge of his duty. If the Bill passed in its present state, it would annihilate the rules and practice of the present proceedings.—He would not desire to see those rules done away until something more pertinent had been introduced, and that could not be done by amalgamating the criminal and civil judicature of the country. What the hon. and learned Speaker had said respecting the establishment of the inferior courts had long been desired, but hitherto it had been found impracticable to bring about that measure. The hon. and learned gentleman concluded by opposing the Bill which had been introduced.

Mr THOMAS agreed in a great measure upon the general principles, after having heard both sides of the question. There would be great difficulty in making up the details, which he thought should be approached with caution. He was decidedly of opinion that upon a matter of so much moment time would be required.

(To be resumed.)

[We had intended to say a few words on the Chief Judge's Bill for removing doubts respecting the introduction of the Law of England into Newfoundland, but the following remarks, by the Editor of the "PATRIOT," are so much to the purpose, that it is unnecessary for us to add to them.]

An interesting debate took place, in committee, on a bill introduced by the learned and hon. President to declare the statute and common law of England the law of Newfoundland up to the accession of the present Sovereign to the throne, with a few necessary exceptions; a subject well calculated to interest this community. It was calculated to alarm exceedingly the whim-and-caprice-men.—The criminal laws of England would readily have been given up to the learned Judge; they principally interest the "lower orders." But that the civil law of England should be introduced into this country to the annihilation of our ADMIRABLE customs—our pure and impartial laws—and throw the mantle of protection equally over the poor fisherman, the laborious planter, and the wealthy merchant, this was, indeed, most alarming! We never before saw the country in such danger! The learned and hon. Attorney-General opposed the principles of the bill, and emphatically urged caution on hon. members.—He deprecated the introduction of the English civil law, in a body, as inapplicable, and calculated to destroy our Newfound-

land law. He did not point out where the Newfoundland code was to be found, nor did we learn what law he recommended instead of the English civil law. Perhaps he might prefer the code of the Emperor Napoleon, or the civil code of the Emperor Justinian. He must have meant the popular code of William and Mary. He wished the cart to be put before the horse, and not the horse before the cart. He wished to have local judges appointed first, and then to provide a system of laws adapted to their capacities and circumstances. We are, on principle, entirely opposed to the introduction of local judges. Local judges at the cost of £7000 per annum are inconsistent with our means and our condition. If we had the means, we should exert our feeble powers in reprobating a system fraught with so much evil. In the first place, the uniformity of the law in Newfoundland would be destroyed. What was law in Trinity Bay would not be law in Placentia Bay.—We should hail with delight the return of Naval Surrogates, in preference to local judges. They would be equally ignorant of the law, and they would be without the honourable feeling that distinguished the naval surrogates. They would soon become the corrupt serviles of the feudal aristocratic merchants of the districts; they would not possess one redeeming quality. *Seven thousand per annum* would pay the interest of two hundred thousand pounds, which would be ample to form roads to every station where a court was required, and two hundred thousand pounds expended on roads in Newfoundland would add a million of money to its value. The learned and honourable President stated that when he practised first in Upper Canada as Attorney-General, he often went forty miles to an assize on a bridle road. Roads would remove every objection to the Circuit Courts. The uniformity of the laws would be preserved, and with that uniformity, safety of persons and property, while, under the proposed system, both would be endangered. A great deal was said, but it was only a popular bugbear, against the law of primogeniture. No person defends that law—it is equally subversive of the laws of nature and of justice. It will not long be the law of reforming England, and will never take root in the free soil of America. Although the statute and common law of England were made the foundation on which the Newfoundland Legislature should found a criminal and civil code, the Legislature has power to adopt, or reject, or to amend any law to their wants and circumstances, and to originate any new law consistent with the laws of England, which they may find necessary; for instance, at the same sitting the House of Assembly presented to the Council a Bill for incorporating certain persons with powers to make by-laws for cutting a channel in the ice for sealers. There is no such law to be found in the whole mass of the English statutes. It was not necessary. This very circumstance proves to demonstration the power of our local Legislature to frame laws fitted for our wants and circumstances. The declaratory law prayed for, in our comprehension was that only the existing laws, criminal and civil, should be the rule and guide of

our Courts of Law in their decisions, in absence of local statutes. They have long been dispensed with in our courts of justice and the people will not be satisfied with the opinion of any single judge. They wish for every thing to be put upon a more certain footing. It has often been our fate to witness very partial justice distributed in our Courts of Law. Human nature is too weak to permit it to be a judge in its own cause. When the interests of relations, the politics of a party, or the feelings of friendship stand in the way, unless the judge has some defined landmarks to guide him, he will be seduced into a labyrinth of error.—We congratulate the country in a judge desirous of having such landmarks for the unerring guide of his decisions.

[TO THE EDITOR OF THE STAR.]

SIR,—I have had long and anxious musings, after my mind has been employed in contemplating what may be the probable effect produced in the destinies of the country, by the circulation of such a production as the "PATRIOT." The venerable Doctor, should be spared to conduct it for a few years longer. Any thing that flows directly from his pen, comes with it, to the mind of all who are not blinded by ignorance or prejudice, a conviction that the leading principles of his conduct and principles, are shining in the galaxy of Truth and Justice. When I contemplate, that he has, during his long residence in this country, continually advocated these principles, even to the sacrificing of his worldly interests, I cannot, like many others, attribute his long and well known advocacy of benevolent principles, to motives of pure selfishness. I have, therefore, in the opinions and writings of others, sought for some developments, that, by according with my own thoughts on the subject, would confirm me in my opinion, that such conduct as the Doctor's, does not arise either from insanity, or selfishness.

He, I dare say, will readily recognise the author of the following opinions:—"All indulgence of the senses, is originally chosen, for the sake of the pleasure that accrues.—But the quantity of accruing pain or pleasure is continually changing. This, however, is seldom adverted to; and when it is, the power of habit is frequently too strong to be thus subdued. The propensity to do again what we have been accustomed to do, recurs, when the motive that should restrain us has escaped from our thoughts. Thus the drunkard and the lecher continue to pursue the same course of action, long after the pains have outweighed the pleasures, and even after they confess and know this to be the real state of the case. It is in this manner that men will often, for the sake of that which has become the object of a favourite passion, consent to sacrifice what they generally know to contain in it a greater sum of agreeable sensations. It is a trite and incontrovertible axiom, 'that they will rather die, than part with it.'

"If this be the case in the passion of avarice, or the love of fame, it must also be true in the instance of beneficence, that, after having habituated ourselves to promote the happiness of our child, our family, our

country, or our species, we are at length brought to approve and desire their happiness without retrospect to ourselves. It happens in this instance as in the former, that we are occasionally actuated by the most perfect disinterestedness, and willing to submit to tortures and death, rather than see injury committed upon the object of our affections. Thus far there is a parallel nature in avarice and benevolence; but ultimately there is a wide difference between them. When once we have entered into so auspicious a path as that of disinterestedness, reflection confirms our choice, in a sense in which it never can confirm any of the factitious passions we have named. We find by observation, that we are surrounded by beings of the same nature with ourselves. They have the same sense, are susceptible of the same pleasures and pains, capable of being raised to the same excellence, and employed in the same usefulness. We are able in imagination to go out of ourselves, and become impartial spectators of the system of which we are a part.

"We then make an estimate of our intrinsic or absolute value; and detect the imposition of that self-regard, which would represent our own interest as of as much value as that of all the world beside. The delusion being thus sapped, we can, from time to time at least, fall back in idea into our proper post, and cultivate those views and affections which must be most familiar to the most perfect intelligence."

I am sorry that my opinion of Doctor Carson cannot be applied to all that is published in the "PATRIOT." Symptoms of licentiousness and violence; of dark besotted bigotry, and cruel antipathy, are palpably depicted in some of the productions that find their way into the columns of the "PATRIOT." Such things may startle the timid, and terrify the sensitive; but they are the natural result arising from the establishment of a free press. But the lover of mankind can congratulate himself with the consideration, that all the frothy and evanescent productions of minds, filled with baseness and malignity, will but float for a moment on the sea of public opinion, and then be dispersed in the horizon of forgetfulness by the tempest of public detestation and opprobrium. Such will be the fate of those late productions in the "PATRIOT," bearing a name that gained celebrity, principally because it was a secure cloak to screen the author from the unprejudiced opinions of his contemporaries; not so the present "JUNIOR" being known he becomes contemptible. Could motives of benevolence have dictated his productions? No; the opinions of the author I have quoted, will bear on the character of this "JUNIOR," only as they bear on the passions that have in them an evil tendency. Such men as this "JUNIOR" "will rather die than part with it." Schooled in the hot-bed of religious bigotry; hackneyed in the support of political partisans of different creeds, this ambidexter would pollute the young soil of this fair country with his imported compost of long formed hate, and interminable feud. But let us "leave him alone with his glory."

Your's, Mr Editor,

DEMOCRATES,

Carbonear, 9th March, 1834.

**Poetry,**  
*Original and Select.*

## SONG.

By Alaric A. Watts.

Oh, say not, dearest! say not so;  
My heart is wholly thine;  
And if I ever seem to bow  
Before another shrine,  
I do but court the Muse's smile,  
And sing of love and thee the while!

Beloved, this tender truth believe,  
Thou'rt all the world to me;  
And if the minstrel-lay I weave,  
'Tis but to sing of thee!  
And if I seek the wreath of fame,  
'Tis but to twine with it thy name!

Then say not, dearest! say not so;  
To thee alone belong,  
In grief or gladness, weal or woe,  
My sweetest thoughts and song;  
Then fear not I can ever be  
False to my heart, my lyre, and thee.

## SONNET.

By Thomas Brydson, Author of Poems, &amp;c.

There is a happiness we cannot find  
When wandering through the crowded ways of  
men  
Yet day by day it lies in distant ken,—  
A lovely thing unto the eye of mind:  
So have I seen amid the summer hills,  
(In early life) a shade-encircled spot  
Of sunniness—as 'twere a place forgot  
When earth was blasted by sin's thousand ills;  
I bounded o'er the turf with panting haste,  
As if a kingdom would have been my dower  
Could I have kiss'd the sunshine from one flower  
Of that bright fairy-land—Lo! from the waste  
Around me, while I knelt, there came a cloud.  
And blotted out the scene.—I wept--aloud!

(From the Edinburgh Literary Review.)

## CHAPTERS ON EDUCATION.

BY DERWENT CONWAY.

(Continued).

## CHAPTER IV.

*The Wisdom of Nature conspicuous in the  
Development of the Faculties.*

It is undeniable, that the species of reading which is addressed to the judgment, is, generally speaking less attractive than that which addresses the imagination. From this, there seems an evident design in first maturing the imaginative faculty; for were it otherwise,—were judgment to take precedence of imagination, the mind of a child would be repelled from reaping, rather than attracted to it; and in thus elucidating the beauty of that design, which, if respected in the training of the mind, will infallibly lead to results so great, I am at the same time exposing the absurdity, I dare almost say the impiety, of that system, which would entirely counteract the intentions of nature. But more than this,—a great moral end is designed by nature to be accomplished, in early maturing the imaginative faculty; and it is indeed a miserable degree of ignorance that has attempted to frustrate this wise intention. There is no truth in moral science better established than this, that the cultiva-

tion of the imaginative faculty, and the progress of a certain kind of moral excellence, go hand in hand,—that kind of moral excellence which has its source in kind feelings and benevolent affections. From these spring the most excellent of the virtues; indeed, it may be asked, which of them does not emanate from these? Can any one of the social virtues be separated from kind feelings? Can charity live apart from them?—charity, in its widest and most beautiful acceptance. Can avarice exist where there is not, in every mind, prescribe the same range of duties, but varies with every man's scale of moral obligation,—is affected by the measure of every man's judgment, and by the extent of his information,—and is overborne by many accidental impulses; whereas, those acts of kindness, which seem the intuitive impulses of the mind, need no process of reasoning to urge their propriety,—vary not with the diversities of the moral creed,—are not affected, either by the measure of a man's judgment, or by the extent of his information,—and cannot be overborne by other impulses, because no impulse is more immediate than that which urges the acts themselves.

It is one thing to convince the judgment, and another thing to touch the heart.\*—Even supposing a child able to comprehend the obligation to the performance of a duty, it is questionable if much be done for virtue if the conviction of the judgment and the dictate of the heart do not go hand in hand; but once let the feelings incite to acts of virtue, and the verdict of the judgment will speedily be obtained.

But although nothing need be urged to prove that it is good to possess compassion, and kindness, and charity, it seems necessary to show more clearly than has yet been done, the connexion between these and the cultivation of the imaginative faculty.

The imagination is cultivated by the perusal of such fictitious relations, as it was usual to put into the hands of children before these were banished from the juvenile library. Now, what are these conversant with? They are conversant with every thing that touches the heart of youth;—they are conversant with all that excites kind emotions, and compassionate feelings. It is of no sort of consequence towards what object the kind emotion is directed, so as it be excited at all. It is equally important as regards the growth of virtue, that compassion be excited towards a lamb, as towards a human being: the virtue is equally nourished in both cases. It is impossible that a child should read any of the best selected and most popular among the little works, which were once the study and the recreation of the young, without benefit to the heart. I have more than once seen children excited to tears, by that earliest of the offerings made to intellect, "The Death and Burial of Cock Robin." Here was a strong excitement of the benevolent affections, through the medium of imagination; and it is impossible to tell how much of that rare virtue of kindness towards the brute creation may have been engendered through this simple relation. Acts of aggression on the part of the strong, cruelty towards the inoffensive, and the sufferings of innocence, form the burden of all those little stories which once formed a sort of infant mythology; and are not indignation against the oppressor,—compassion for the weak,—hatred of cruelty, and sympathy with the sufferer, awakened in consequence? I venture to say, that more—far more—of the virtue of compassion is taught, by reading

of a wolf betraying a lamb, than by the most admirable piece of reasoning against cruelty, or a thousand injunctions to practice gentleness and kindness.

The moral acts of charity and compassion, which are the result of reasoning, and which originate in a sense of duty, are as efficaciously, indeed, as those which immediately flow from the impulses of a feeling heart. But then there is this essential difference between them:—Reasoning is a laborious act of the mind: a sense of duty does not, in every mind, prescribe the same range of duties, but varies with every man's scale of moral obligation,—is affected by the measure of every man's judgment, and by the extent of his information,—and is overborne by many accidental impulses; whereas, those acts of kindness, which seem the intuitive impulses of the mind, need no process of reasoning to urge their propriety,—vary not with the diversities of the moral creed,—are not affected, either by the measure of a man's judgment, or by the extent of his information,—and cannot be overborne by other impulses, because no impulse is more immediate than that which urges the acts themselves.

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## CHAPTER V.

*The Views and Errors of the Sensibles.*

When I was a child, the order of nature was consulted; and reading was adapted to the different stages of infancy, childhood, and youth. I recollect all these gradations, and all with feelings of pleasure. At the period when "Cinderella," or "Little Red Riding Hood," delighted me, the "Arabian Nights' Entertainments" would have failed in fixing my attention; and, at an age when the latter had charms for me, I could have taken no pleasure in the books which are now put into the hands of children with the view of teaching them morality, and of inspiring a love of reading at the same time. It is truly a mighty plan which has been conceived by a coterie of Sensibles, with a few preachers and some booksellers at their heels! It is indeed a prodigious design—to do away with one of the four ages of man—to blot out childhood—and to fill the world with prudent matronly ladies and sober-minded gentlemen of twelve and fourteen years of age!

\* When I speak of the qualities of the heart, I do so only in obedience to common phraseology. I believe the brain to be the seat of the emotions, as well as of the intellectual faculties; for, although there are sympathetic influences between one part of the body and another, this does not prove that the seat of the emotions is anywhere else than in the brain; the heart palpitating with emotion does no more prove that the emotion has its origin in the heart, than the hair standing on end proves that fear is seated in the hair.

MAC LEE  
MR. GRACE

The first and most important step in education is, to give a child the desire of acquiring knowledge, *without reference to any particular kind of knowledge*,—a love of reading, *without regard to the species of reading*—objects which are to be obtained in no other way than by following the order which nature has established in the development of the faculties; or, in plainer terms, by adapting the reading by which education is conducted to the faculties in the order in which nature successively develops and matures them.

The framers of the new system have been actuated by two considerations; the one, that, by the old plan, foolish and false beliefs, and idle superstitions, gained admittance to the infant mind; the other, that it is far more important to cultivate the judgment than to improve the imagination: and to these considerations there was also added another motive,—that, by the new system, the mind might be led to virtue by presenting to it those models in which virtue is taught by precept. Fully bent upon the great work of preventing false beliefs and foolish thoughts from having any place in the infant mind,—of up-rooting, if possible,—at all events, of stinting the growth of—that faculty called imagination—which they looked upon as the enemy of judgment, and worthless in itself,—and of teaching the love of virtue, and the names of the letters which compose the word, at one and the same time,—the Sensibles set themselves to the task of banishing from the infant library all those fictitious relations which were conversant with the unreal world of fairies, and giants, and genii, and magicians. But no system ever originated in so extraordinary a mistake as that of supposing, that injury is done to the mind by familiarizing it in youth with unreal imagery. Is it of any importance that a child, five or six years of age, believes that the story of "Little Red Riding Hood" is a true story? or that a pair of boots could be made, capable of taking seven leagues at every stride? Do the Sensibles suppose, that the child will, at ten or twelve, continue to believe, in these fictions? or that the girl of sixteen, who at twelve, may have been charmed with the story of "Beauty and the Beast," or "Blue Beard" will still retain a predilection for that species of reading? For every era in life, a different kind of reading is adapted; and it is just as impossible that a child of eight should relish a sensible history, setting forth the beauty of virtue, as that the full-grown man or woman should give a preference to the fairy tales that delighted their infancy. There is no reasonable ground of alarm that the taste of childhood shall continue to be that of after years; every year will bring a change along with it; but the love of reading once acquired, it will continue through life, and the description of reading will accommodate itself to the changes which the human mind is constantly undergoing in its progress towards maturity.

(To be concluded in our next.)

**FASHIONABLE BALLS.**—Great importance is attached to a ball in England; a long time before it takes place, the newspapers announce it, and they entertain their readers with it after it is over. No details escape

them, and the most pompous terms are employed to describe the most uninteresting circumstances—"Lady N." say they, "gave on such a day, at her magnificent mansion in Berkely-square, one of the most brilliant balls we remember to have witnessed. Her ladyship's long suit of superbly finished apartments were thrown open on this occasion. In one of the rooms, the choicest refreshments were served with a profusion which did honor to the generosity and good taste of the noble hostess. The guests began to arrive at ten o'clock; at eleven the saloons were full. An hour elapsed ere the curiosity of the assembly had sated itself in admiring the splendour of the decorations. At length Collinet's band was heard, and a great part of the company flocked towards the ball-room. The seductive Miss —, wearing in her hair a garland of roses, and dressed in white satin; the graceful Miss Helen —, in a robe of scarlet crape; the exquisitely-shaped Miss Adelaide —, in a robe of black satin, and the lofty Lady —, in a robe *lamée*, in silver and gold, opened the ball with Lord —, Lord —, Sir William — and Sir —. A splendid supper, consisting of every delicacy of the season, succeeded the refreshments served during the country-dances. At four o'clock in the morning the company separated, deeply impressed with the graceful reception and refined politeness of the lady of the mansion, and the hospitality of her noble husband." To this account of a ball, at which I was present, extracted from the principal London newspapers, to which it had been officially sent, I will append a faithful recital of what I witnessed. The house in which the *fête* was given, though handsome enough for an English mansion, was, nevertheless, of moderate size: by comparing its extent with the number invited, it was obvious that (as at most of the London *fêtes*) space was really wanting.—The receiving-room was divided by a sliding partition, which was removed for the occasion. Two lustres, lighted with about fifty wax candles, and reflected by handsome mirrors, contrasted disadvantageously with the deep red drapery of the saloon. Some vases of flowers lined the foot and angle of a staircase, which two people could scarcely ascend abreast. Having made my appearance at half-past ten o'clock, I found the master and mistress of the house alone, seated near the principal door of the saloon awaiting the company, which did not arrive till eleven. Twenty large *fauteuils* and two sofas placed perpendicularly to the chimney and in a very inconvenient position, were soon occupied. Two hundred ladies, detained at home by the tyranny of *bon ton* in all the *ennui* of a domestic fireside till twelve o'clock, now filled the two saloons. Beyond was a small room, whose originally narrow dimensions were still further reduced by a table covered with caricatures, albums, and knick-knacks. This room communicated with a small ante-chamber, and led into a gallery crowning the staircase, on the steps of which the last comers arranged themselves in couples. At twelve o'clock the ball-room was thrown open. For a few minutes the other rooms were freed of the unpleasant crowd; but the respite was of

short duration, for the carriages which every moment continued to set down fresh company in a ratio disproportioned to the extent of the apartment, obliged, at length, a part of the assembly to take refuge in the hall, which was quietly abandoned by the servants, these latter establishing their headquarters on the steps outside the door. To move was now impossible for those who had not the strength to use their elbows, or the courage to leave a portion of their dress in the midst of the crowd. The supper-room was thronged with people who could not make their way out; they who, dying with thirst, in vain attempted to enter this apartment, accused those within of immoderate appetite. In the ball-room there was the same crowding, the same suffocation, with this additional difference, that the male dancers opposed to the approach of the crowd effective *coup de pieds*, and the ladies a certain portion of their persons which shall be nameless. The orchestra was composed of a piano, a harp, violins, a violoncello, a trombone, and a key-organ, which mingled its sharp tones with those of the other instruments, and sometimes executed solos.—At three o'clock such of the party as suffered most from suffocation, proceeded home. Two hours were consumed in getting up the equipages, owing to the confusion which reigned among them: at length, however, the owners entered their carriages, their dresses, which three or four hours before were so smart, now all discomposd; but there was the next day the consolation of reading in the morning papers of the pleasure one was supposed to have had at the ball, and those details of it which one could not have observed there.—*Great Britain by Baron d'Haussez.*

A merchant who had lately died at Isfahae, and left a large sum of money, was so great a niggard, that for many years he denied himself and son, a young boy, every support, except a crust of coarse bread. He was, however, one day tempted by the description a friend gave of the flavour of cheese, to buy a small piece; but before he got home he began to reproach himself with extravagance, and instead of eating the cheese, he put it into a bottle, and contented himself, and obliged his child to do the same, with rubbing the crust against the bottle, enjoying the cheese in imagination.—One day that he returned home later than usual, he found his son eating his crust, and rubbing it against the door. "What are you about, you fool?" was his exclamation. "It is dinner time, father; you have the key, so I could not open the door;—I was rubbing my bread against it, because I could not get to the bottle." "Cannot you go without cheese one day, you luxurious little rascal? you'll never be rich!" added the angry miser, as he kicked the poor boy for not being able to deny himself the ideal gratification.—*Keppel's Sketches in Persia.*

**INDIAN JUSTICE.**—A circumstance occurred a few days previous to my arrival, in the Seneca reserve, which may serve to illustrate the determined character of the Indian. There were three brothers (chiefs) dwelling in this reservation. "Seneca John," the eldest brother, was the principal chief of the tribe, and a man much esteemed by the white

people. He died by poison. The chiefs in council, having satisfactorily ascertained that his second brother "Red-hand," and a squaw, had poisoned him, decreed that Red-hand should be put to death. "Black-snake," the other brother, told the chiefs that if Red-hand must die, he himself would kill him, in order to prevent feuds arising in the tribe. Accordingly in the evening he repaired to the hut of Red-hand, and having sat in silence some time, said, "My best chiefs say, you have killed my father's son,—they say my brother must die." Red-hand merely replied, "They say so;" and continued to smoke. After about fifteen minutes, further silence, Black-snake said, pointing to the setting sun, "When he appears above those trees"—moving his arm round to the opposite direction—"I come to kill you." Red-hand nodded his head in the short significant style of the Indian, and said "Good." The next morning Black-snake came, followed by two chiefs, and entered the hut. Red-hand said calmly, "Has my brother come that I may die?"—"It is so," was the reply. "Then," exclaimed Red-hand, grasping his brother's left hand with his own right, and dashing the shawl from his head, "Strike sure!" In an instant the tomahawk was buried in the skull of the unfortunate man. He received several blows before he fell. The Indians placed him on the grass to die, where the backwoodsman who told me the story, saw him after a lapse of two hours and life was not then extinct.—The scalping knife was at length passed across his throat, and thus ended the scene.

### THE STAR.

WEDNESDAY, MARCH 12, 1834.

The following is an extract of a Letter to a mercantile house, in this town, dated Figueira, 12th December, 1833.

"Communications with Lisbon and Porto are suspended. Having procured license from the Royalist Government, vessels coming from neutral ports are admitted here; the blockade by the Queen's forces not having been rigorously enforced, more entries might have taken place. We should recommend traders to attempt communicating with the shore, and when such be impracticable, to make signals of distress.

"Civil war continues its devastation, and when the contest that agitates this unfortunate country will terminate, is uncertain. Negotiations have been open at the Miguelite quarters by a British and Spanish emissary, but the result is not yet known. This Government has embargoed two-thirds the produce of this year's growth of corn, wine, and oil; and cattle, straw, wood, &c., are taken indiscriminately; these added to former contributions, have caused great excitement in this province."

The LEISTER, nearly three months from Poole, to St. John's, has brought dates to the 10th of December. The Schooner JULIA, for this Port, from Liverpool, and the Barque JOHN, for St. John's, from Bristol, sailed on the same day with the Leister.

Nearly all the Sealing vessels have left this port. They were fortunately not compelled to saw out as the high tide of Friday morning caused the ice to break up. The s.w. and w. winds of Sunday, and a strong breeze from the latter point on Monday, left little or no obstruction to the vessels' proceeding on their destined voyage. The other Harbors of the Bay, were not so fortunate: the ice remaining in them up to the present time. About 90 vessels have cleared out from this port, and between 35 and 40 from Harbor Grace.

A Petition is, we understand, in course of signature in this place, praying that the Road Bill may not pass.

Mr GEORGE LILLY has been appointed, by his Excellency the Governor, Master in Chancery.

The average temperature for February was 20.36. ---Highest point 45, on the morning of the 12th; lowest point 14 below zero, on the morning of the 7th.---But I have understood that at half-past 7 on the same morning, it stood at Harbor Grace, at 15 below zero. The average temperature for the corresponding month in 1833 was 17.35.

P. H. G.

### STREET ACT FOR CARBONEAR.

WHEREAS in order to guard against the destructive ravages so frequently committed by Fire in this Island of Newfoundland it is deemed expedient for the preservation of the Town of Carbonear in the said Island to regulate the width of the Streets thereof and to make provision for the opening of Fire-breaks in the said Town

BE IT THEREFORE ENACTED by the Governor Council and Assembly that the Main Street of Carbonear extending round the Harbour thereof from the House of JOHN BUCKINGHAM Esq on the South-side and round the Western side of a certain Pond on the West end of the said Harbour and thence Eastward to Crockers Cove Beach shall not be less than fifty feet in width in every part thereof and shall be made to conform to such line and plan and metes and bounds as shall be fixed settled or laid down concerning the same by such Commissioners or Appraisers as shall under or by virtue of this Act be hereafter for that purpose appointed AND that all and every Houses Stores Buildings and Erections whatsoever which shall at any time or times hereafter be erected or built in the said Street whether the same be erected on any vacant spot of ground or upon the site of any former building shall be made to conform to the width of the said Street as the same is hereby established and directed Provided always that nothing herein contained shall extend to require the removal of any House or Store which hath been built or erected previously to the passing of this Act AND provided likewise that the Water-side of the present line of the said Street or Road shall remain undisturbed.

2nd AND BE IT FURTHER ENACTED that for the making and regulating of Fire-breaks in the said Town of Carbonear as well as for laying down the line and plan of the said Main Street of Carbonear and for remunerating persons who may sustain loss of Land or Property by reason of the formation of the said Fire-breaks it shall and may be lawful for any Justice of the Peace on the requisition or application in writing of twelve or more householders of the said Town to convene after Six days Public Notice thereof at the least a Public Meeting of the householders of the said Town and of the proprietors of Houses and Lands therein or their lawful agents or attorneys to assemble at such time and place as the said Justice of the Peace may for such purpose publicly notify and appoint and then and there to choose eight persons four of whom are to be chosen by the proprietors or the majority of the proprietors of such portions of Ground as may be necessary for the purposes of making or widening the said Fire-breaks and Main Street or either of them and the remaining four by the proprietors of Houses Tenements and Ground situate at Carbonear within one hundred and fifty yards distance from the waters of the Harbour thereof and the householders or tenants residing within the said limits or the majority of them the said proprietors and householders who shall

be present at the said intended meeting and which eight persons so chosen and elected at the said intended meeting shall have power to elect a ninth person as umpire and such nine persons shall thereupon after being duly sworn in such behalf before a Justice of the Peace be Commissioners of Roads and Appraisers for the purposes of this Act and such Commissioners and Appraisers or a majority of them are hereby authorised to mark out and make or form

Cross Streets or open spaces to serve as Fire-breaks and such Cross Streets shall be at least sixty feet wide and shall intersect the said Main Street as nearly as may be at right angles and shall extend from the Sea one hundred and fifty yards thence towards the interior of the country and the said Commissioners or Appraisers or a majority of them are hereby authorised to take and appropriate all such Ground as may be required to form the said Fire-breaks and also to grant to the owner or owners of the Ground so to be taken and appropriated such reasonable compensation for the same as they shall deem proper under the terms and limitations herein prescribed

3rd AND BE IT FURTHER ENACTED that the said Commissioners and Appraisers or a majority of them shall be hereby authorised immediately on the removal by fire or otherwise of any Buildings or Erections which may be situate on any Land which the said Commissioners or Appraisers shall deem necessary for the formation of the said intended Fire-breaks or any of them to take enter upon and appropriate all and every or any such portions of Ground for the formation of the said intended Fire-breaks or any of them and to appraise the value of all and every such portions of Land as may be necessary to be taken for the purpose of forming the said intended Cross Streets or Fire-breaks or any or either of them always taking into account the additional value derived to the several proprietors from the convenience and security afforded by the opening of the said Streets and that such appraised value shall be deemed and considered the true value of the said portions of Ground and shall be paid by all and every the proprietors of Houses Tenements and Land lying and being within the bounds of Harbour Rock Hill on the East FRANCIS PIKE juniors inclusive on the West and one hundred and fifty yards North and West from high water mark of the said Harbour of Carbonear within the said boundaries and the Tenants or Occupiers thereof by a Rate or Assessment between Landlord and Tenant agreeable to their respective interests therein AND at such valuation as the said Commissioners and Appraisers or a majority of them shall assess appoint or determine and which they are hereby authorised and required to do

4th AND BE IT FURTHER ENACTED that all Rates and Assessments which shall be made or regulated by the said Commissioners and Appraisers or a majority of them by virtue of this Act shall and may be sued for and recovered from any person or persons making default in the due payment thereof in a summary way in any of His Majesty's Courts of Record which decision thereon shall be final