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JOURNAL

OF

HER MAJESTY'S COUNCIL

OF

NEWFOUNDLAND.



SECOND & THIRD SESSIONS, SECOND GENERAL ASSEMBLY.

His Excellency HENRY PRESCOTT, Esquire,

Companion of the Most Honorable Military Order of the Bath,

GOVERNOR.



St. John's, Newfoundland.

PRINTED BY RYAN & WITHERS, PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1838.

JOURNAL.



PROCLAMATION.

(L. S.)
H. PRESCOTT. By His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

WHEREAS the GENERAL ASSEMBLY of this Island stands Prorogued until Monday the Fifth of February next; And Whereas I think fit further to Prorogue the said General Assembly until Monday the Seventh of May next:

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

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

By His Excellency's Command,
JAMES CROWDY,
Secretary.



PROCLAMATION.

(L. S.)
H. PRESCOTT. By His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

WHEREAS the GENERAL ASSEMBLY of this Island stands Prorogued until Monday the Seventh day of May next: And Whereas I think fit further to Prorogue the said General Assembly until Wednesday the Twentieth day of June next:

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

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

By His Excellency's Command,
JAMES CROWDY,
Secretary.

HER MAJESTY'S COUNCIL.

NEWFOUNDLAND.

SECOND SESSION, SECOND GENERAL ASSEMBLY,
2nd VICTORIA.

Wednesday, 20th June, 1838.

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

At half-past One of the Clock, p. m., the House met—

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

At Two of the Clock, p. m., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honorable the President of the Council commanded the Gentleman Usher of the Black Rod to go to the Commons House of Assembly, and inform the Members that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto His Excellency was pleased to open the present Session by a Gracious Speech to both Houses, of which the following is a Copy:—

His Excellency the Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

Mr. President and Honorable Gentlemen of the Council;

Mr. Speaker and Gentlemen of the House of Assembly;

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

His Excellency's Speech.

I shall have the honor of laying before you the Copy of a Despatch from Lord Glenelg by which you will learn that the Queen has been graciously pleased to offer Her Royal Mediation for the settlement of those differences between the Council and the House of Assembly which last year unfortunately prevented the passing of any Appropriation Act.

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

My remarks at the opening of the last Session respecting the Acts for the Relief of Disabled Seamen, Fishermen, and other Persons, and for the encouragement of Education, I beg once more to offer to your consideration—I must also renew the recommendation to your favor and protection of the Hospital at River Head, the benefit of that Institution having become more and more apparent.

Mr. Speaker and Gentlemen of the House of Assembly;

I shall immediately transmit to you Copies of Despatches in answer to your late Addresses to Her Majesty or to Her Majesty's Government.

In consequence of the peculiar and painful incident attendant on the Prorogation, I have found myself compelled during the recess to assume the responsibility of issuing Warrants

20th June, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

for such Sums as were indispensably necessary for the Administration of Justice, for the reception and support of Pauper Patients in the Hospital, and for Relief to the Poor in cases of extreme destitution. The way in which I have done this will, I hope, be found entirely consistent with the respect due to the Legislature and to the undoubted privileges of the House.

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

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

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

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

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

The defective state of the Jail and Court House of this Town has been frequently brought to your notice.

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

Mr. President and Honorable Gentlemen of the Council ;

Mr. Speaker and Gentlemen of the House of Assembly ;

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

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

I have to recur to my former proposition for a revision of the 5th Wm. 4, 2nd Session, Cap. 5, and of the 4th Wm. 4, 2nd Session, Cap. 6, with reference to the probable expediency of their consolidation into one Act.

In connexion with this subject the Report of the Commissioners for the regulation of Statute Labor which was last year submitted to you, I again recommend as worthy of particular and favorable attention.

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

A review of the present scale of fees is much to be desired—It would perhaps be advisable that certain Public Functionaries should have a sufficient Salary totally independent of fees, which, in such case, might, with a rateable deduction for collection, be carried to the general account ; and that every description of Service for which Officers can claim remuneration, as well as the amount of remuneration, should be ascertained by law.

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

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

Ordered, that the Honorable Messrs. Simms and Thomas be a Select Committee to draft an Address to the Governor in answer to His Excellency's Speech.

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

Committee appointed to draft an Address to the Governor in reply to His Speech.

House adjourns.

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22nd June, 1838.

HENRY PRESCOTT, Esquire, Governor.

FRIDAY, 22nd JUNE, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

Members present.

The Minutes of Wednesday last were read.

The Honorable the Attorney General, from the Committee appointed to draft an Address to His Excellency the Governor in answer to his Speech at the opening of the Session, reported a draft thereof.

Attorney General reports draft of Address to the Governor in reply to his Speech—

Ordered, that the same be received.

The Address was then read a first time.

Read 1st time.

Ordered, that the 38th Standing Rule of the House, so far as it respects the Address, be dispensed with—

Whereupon the Address was read a second time, and—

Read 2nd time.

Ordered, that the House go into Committee on the same presently.

The House accordingly went into a Committee of the whole.

Committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Address.

Reported.

Ordered, that the Report be received.

The Address was then read a third time and passed, and is in the following words:—

Read 3rd time and passed.

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.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects the Council of Newfoundland in General Assembly convened, beg leave to offer our respectful thanks for Your Excellency's Gracious Speech on opening the present Session of the General Assembly.

The Address.

We beg to assure Your Excellency that we sensibly feel and desire gratefully to acknowledge the gracious condescension of Her Majesty the Queen in offering her Royal Mediation for the Settlement of those differences between the Council and the House of Assembly which last year unfortunately prevented the passing of any Appropriation Act; and Your Excellency may rely that when you shall have laid before us the Copy of the Despatch from Lord Glenelg referred to by Your Excellency, we shall carefully address ourselves to the consideration of all the suggestions which it may propose to us with all the calmness that a subject of such deep importance demands; and with a sincere and anxious desire to adopt any measures suggested by Her Majesty in order to obviate similar misunderstandings in future, and to secure a satisfactory application of the Public Revenues.

We beg to assure Your Excellency that we feel earnestly solicitous that the several Acts for the Relief of Disabled Seamen, Fishermen and other Persons, and for the encouragement of Education, should be carried into efficient operation, and that if any emendations of those Acts be required, in order to render them more efficient in the accomplishment of their purposes, we shall gladly co-operate in the means to make them the more perfect.

We are also sensibly alive to the benefits which the public at large have already derived from the Hospital at River-Head, and we feel earnestly desirous to render that institution as efficient as possible.

The subject relative to Crown Lands, to which Your Excellency has invited our attention, shall, when the despatch from Lord Glenelg shall be laid before us, receive our serious and careful consideration.

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SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

The revision of the Acts to regulate the Making and Repairing of Roads and Highways, passed in the fourth and fifth years of His late Majesty King William the Fourth, is a subject to which we are desirous to lend our aid, with a view to render those Acts more practicable and beneficial, and we shall also gladly co-operate in promoting any amendments required in the Act for the more speedy abatement of Nuisances.

We shall also cheerfully co-operate in the revision of the Scales of Fees to be allowed to public functionaries, with a view to place them on a more suitable and improved footing, calculated to meet the just claims of Public Officers to adequate remuneration and to protect the just rights of the public at large.

A. WALKER,
Lieutenant-Colonel, Commanding the Troops,
President.

Council Chamber, }
22nd June, 1838. }

Committee appointed to wait on the Governor to know when he will receive the Address. The Committee.

Ordered, that a Select Committee be appointed to wait on His Excellency the Governor, to know when he will be pleased to receive this House with its Address.

Ordered, that the Honorable Messrs. Dunscomb and Thomas be the Committee for that purpose.

House adjourns.

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

MONDAY, 25th JUNE, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable ARCHIBALD WALKER, *Commandant.*
" " JAMES SIMMS, *Attorney-General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JOHN DUNSCOMB.
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

The Minutes of Friday last were read.

Select Committee report that His Excellency will receive the Address on Wednesday.

The Honorable Mr. Thomas, from the Select Committee appointed to wait on the Governor to know at what time he would receive the Address of the House, reported that His Excellency had been pleased to appoint Wednesday next at noon for that purpose.

House adjourns.

On motion, made and seconded, the House adjourned until Wednesday next at half-past Eleven o'Clock, a. m.

WEDNESDAY, 27th JUNE, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable ARCHIBALD WALKER, *Commandant.*
" " JAMES SIMMS, *Attorney General.*
" " JOHN DUNSCOMB.
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

The Minutes of Monday last were read.

House proceeds to Government House with their Address.

At a quarter before Twelve o'Clock, a. m., the House proceeded to the Government-House with their Address in answer to His Excellency's Speech at the opening of the Session.

At a quarter past Twelve of the Clock, the House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Address and to

27th & 29th June, 1838.

HENRY PRESCOTT, Esquire, Governor.

return an answer thereto, of which he had obtained a Copy, and which is in the following words :—

Mr. President and Honorable Gentlemen of the Council ;

I thank you for this Address and for the cordial manner in which you promise to consider the subjects which I have recommended for your deliberation. Governor's Reply.

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

FRIDAY, 29th JUNE, 1838.

The House met pursuant to adjournment. House meets.

Present,

<p><i>The Honorable</i> ARCHIBALD WALKER, <i>Commandant.</i></p> <p>“ “ JAMES SIMMS, <i>Attorney-General.</i></p> <p>“ “ JAMES CROWDY, <i>Colonial Secretary.</i></p> <p>“ “ JOHN DUNSCOMB.</p> <p>“ “ WILLIAM THOMAS.</p> <p>“ “ JOHN B. BLAND.</p> <p>“ “ JOHN SINCLAIR.</p>	<p>Members present.</p>
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The Minutes of Wednesday last were read.

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, presented the following documents— Documents presented by Mr. Secretary Crowdy.

Viz.

A Despatch from the Secretary of State, dated 3rd January, 1838, on the subject of Land.

A Despatch from the Secretary of State, dated 11th January, 1838, on the subject of the illicit Trade carried on between Foreign Fishermen and the English Fishing Vessels of Newfoundland, as reported by Captain Bennett of Her Majesty's Ship Rainbow.

A Despatch from the Secretary of State, dated 1st February, 1838, in reply to the Address of the Council on the loss of the Appropriation Bill.

A Despatch from the Secretary of State, dated 6th March, 1838, stating that in the Governor's Instructions, which will accompany his renewed Commission, the name of the Chief Justice will be omitted as a Member of the Council.

A Despatch from the Secretary of State, dated the 10th November, 1837, enclosing an opinion of the Attorney and Solicitor General on the subject of the validity of the Writs.

On motion of the Honorable the Attorney General, seconded by the Honorable Mr. Crowdy, it was— On motion—

Ordered that the three last named Despatches be entered on the Journals of the Council. Three Despatches to be entered on the Journal.

The Despatches are as follow :

DOWNING-STREET, 1st February, 1838.

No. 169.

SIR,

I have had the honor to lay before the Queen the Address from the Council of Newfoundland in their Legislative capacity, which was enclosed in your Despatch No. 61, of the 22nd of November, 1837, on the subject of the questions controverted between that body and the House of General Assembly, during the last Session, and I have received Her Majesty's commands to return the following answer. Despatch from Secretary of State in reply to Council's Address on the loss of the Appropriation Bill.

The Queen deeply regrets the inconvenience to which Her faithful subjects in Newfoundland will be exposed by the loss of the Bill of Supply for the current year ; and regards with lively concern the jealousies between the two Branches of the Local Legislature which led to that unfortunate result. The Queen, however, indulges the hope that her mediation will be accepted by both the parties to this discussion, and that it will be effectual for re-establishing a good understanding between them, especially as their conflicting claims appear to originate rather in a mutual misapprehension than in any deeper and more settled cause.

29th June, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

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

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

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

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

The Appropriation Bill appears to have been rejected by the Council, because various important services were provided for inadequately—because the Supply was voted in such very minute detail as to bring under the revision of the Assembly the case of each Public Officer, not excepting those who filled the most humble and obscure places—and because the Sums voted for Contingencies were considered as an unjustifiable diversion of the Public Revenue from its proper objects to the personal advantage of the individual Members of the House of Assembly. However much the deficiency of the Supply or the extreme minuteness of the Appropriation might justly be regretted, these circumstances do not seem to afford any valid reason for the rejection of the Bill. The third reason indeed involves so grave an imputation that it is difficult to discuss it without trenching on the deference due to the Representative Assembly of Newfoundland. Such an imputation, it is clear, ought not to be cast without the utmost caution, and on the clearest proof. It is, of course, not to be admitted merely on inference and conjecture, nor does the amount of Money involved in the question warrant such a conclusion. Considering, also, that so unworthy an abuse of the most sacred and honorable public trust could hardly fail to be visited with the censure of society at large, the Council might, it should seem, safely refer the offending parties to the tribunal of public opinion, with a reasonable security that at no distant time it would be expressed in unequivocal terms, even against those who for the moment might appear to enjoy the most unbounded popularity. If it were necessary to believe that such abuses had been really practised, it might well be

29th June, 1838.

HENRY PRESCOTT, Esquire, *Governor.*

doubted whether the authors of them would not derive impunity and encouragement from the public favour so readily bestowed on those who are engaged in a contest of which popular franchises are at least the invariable pretext. The case, therefore, ought to be exceedingly clear and strong which would justify the rejection of a Bill of Supply on the ground of a selfish misappropriation of the Public Money by the House of Assembly.

During a Session of Four Months continuance, the Sums appropriated under the head of Contingencies amounted to Two Thousand Three Hundred and Ninety-Three Pounds, Six Shillings and Three Pence, a Sum considerable, it is true, when compared with the Expenditure of other Branches of the public service, and probably admitting of some retrenchment in future years, but not so large as to justify the very serious reproach cast on the Assembly of lavishly voting for their own benefit as individuals, money which ought to have been applied for the good of the public collectively. The practice of claiming a remuneration for serving in the Assembly, or at least an indemnity against the expenses of such service, cannot reasonably be condemned: it is sanctioned by many precedents and by many considerations of great weight. In the very delicate office of assessing the amount of their own remuneration there can hardly be a doubt that the Members of the House of Assembly will, on consideration, see the propriety of leaving to the Council a controul of the most unfettered kind, and will admit that this is a branch of the public expenditure over which it is emphatically needful that a constitutional jealousy should be exercised.

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

I have, &c.

(Signed,)

GLENELG.

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

DOWNING-STREET, 6th March, 1838.

No. 183.

SIR,

My attention has been strongly directed, by the recent correspondence with respect to the differences between the Council and Assembly of Newfoundland, to the inconvenience and evils resulting from the Chief Justice being a Member of the Council. The opinion which I have formed on this subject is wholly irrespective of the imputations which have been cast on Mr. Boulton, and with regard to which I purposely abstain from offering any observation, as the allegations made against him have been referred for the consideration of a Committee of the Privy Council. But I am convinced that, as a general rule, the Chief Justice of the Colony ought not to be a Member of a Body involved in so many political discussions, and so continually brought into contact with the Representatives of the People. The combination of judicial with political duties, especially in a comparatively small community, unhappily much divided into parties, can scarcely fail to impair the general confidence in the Administration of Justice. In the Instructions, therefore, under the Royal Sign Manual, accompanying your renewed Commission, which the Demise of the Crown has rendered necessary, the Chief Justice will be omitted in the list of Councillors. You will, however, cause it to be understood that the change results on a general principle, and is intended to be permanent in its operation.

Despatch from Secretary of State, stating that in the Governor's Instructions the name of the Chief Justice will be omitted as a Member of the Council.

I have, &c.

(Signed,)

GLENELG.

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

29th June, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Despatch from the Secretary of State relative to validity of Acts of the Legislature.

No 158.

DOWNING-STREET, 10th November, 1837.

SIR,

I have received your Despatch No. 49, of the 8th ultimo, in which you have enclosed, at the instance of the House of Assembly, a case to be submitted for the opinion of the Law Officers of the Crown, as to the validity of the Acts of the former Legislature of Newfoundland.

Having submitted this case for the consideration of the Attorney and Solicitor-General, they have reported to me their opinion that no informality in the issuing of the Writs for the Election of the Members of the Assembly can affect the Acts done by the Legislative Body.

I enclose you for your information a Copy of their Report.

I have, &c.

(Signed,)

GLENELG.

GOVERNOR PRESCOTT, &c. &c. &c.

TEMPLE, 17th October, 1837.

Opinion of Her Majesty's Attorney and Solicitor General on the same subject.

MY LORD,

We have to acknowledge the receipt of your Lordship's Letter of the 14th instant, together with a case prepared by the Attorney-General of the Island of Newfoundland, for the purpose of obtaining an opinion on the following points:

1st.—In case it shall be found that all the Writs issued in 1832, under which the Members of the House of Assembly in the Island were elected and sate during all the Sessions of the first General Assembly, was issued without Seals, whether the Acts of the Legislature are to be deemed consequently void.

2nd.—In case it should be found that Two only of the Fifteen Members of Assembly were Elected under Writs issued without Seals, whether such defect renders the Legislative Acts of the Governor and Assembly invalid.

We beg leave to state to your Lordship that we have fully considered the case submitted to us, together with the accompanying Papers, and we are clearly of opinion that no informality in the issuing of the Writs can affect the validity of the Acts done by the Legislative Body.—The absence of the Seal might perhaps have justified the Sheriff, or other Officer to whom it was directed, in treating the instrument as a nullity, and consequently refusing to proceed to an Election: But the Elections were in fact made, and we are of opinion that no objection could afterwards be raised to the form of the instruments under which the Returning Officers acted, so as to affect the Legislative powers of the persons returned.

Being of opinion that the Legislative competency of the Assembly would not be affected by the circumstance of *all* the Writs having been unsealed, we feel it hardly necessary to add that it could not be affected by the fact that *two* of the Writs issued without a Seal, supposing the rest to have been duly sealed.

We beg leave to add that it will be expedient for the future that all Writs for the Election of Members of Assembly should issue under the Seal of the Colony—all Writs being in strictness instruments under Seal.

(Signed,)

T. CAMPBELL.

R. W. ROLFE.

2nd, 4th & 9th July, 1838.

HENRY PRESCOTT, Esquire, *Governor.*

MONDAY, 2nd JULY, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

Members present.

The Minutes of Friday last were read.

The Honorable Mr. Bland enters.

Member enters.

The Honorable Mr. Crowdy, by direction of His Excellency the Governor, presented an Estimate of the charge of defraying the Public Expenditure of the Colony for the year ending the 30th June, 1839.

Estimate of Expenditure for 1839, presented by Mr. Secretary Crowdy.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes;” which was read a first time, and—

Supply Bill brought up

and

read 1st time.

Ordered, to be read a second time on this day week.

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

House adjourns.

WEDNESDAY, 4th JULY, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

Members presents.

The Minutes of Monday last were read.

On Motion made and seconded, the House adjourned until Monday next:

House adjourns.

MONDAY, 9th JULY, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

Members present.

The Minutes of Wednesday last were read.

The Honorable Mr. Bland moved, seconded by the Honorable Mr. Sinclair, that the order of the day for the second reading of the Supply Bill be discharged and that a Conference be requested with the Assembly—which, on a division, was lost.

Motion, that the order of the day for the 2nd reading of the Supply Bill be discharged—lost.

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Motion, that the order of the day for the 2nd reading of the Supply Bill be discharged—and that a resolution be sent to the Assembly.

The Honorable Mr. Sinclair moved, seconded by the Honorable Mr. Bland, that the order of the day for the second reading of the Bill entitled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony for the Year ending the Thirtieth day of June in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes”—be discharged, and that the following Resolution be sent to the Assembly.

Resolved—That Her Majesty’s Council regret that the Bill sent up from the Assembly, entitled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony for the Year ending the 30th day of June, One Thousand Eight Hundred and Thirty-Eight, and for other purposes”—should contain multifarious grants of Money for totally different and independent objects, and which should be made either the subject of divers Bills or separate Resolutions.

The Council observe that in the present Bill are embraced not merely the ordinary Supplies necessary for defraying the charges of Administering the Government, but also Grants for discharging the Incidental Expenses of the Legislature, as well as occasional Grants of Money for objects totally different from, and independent of, other parts of the Bill.

The Assembly claim the right of solely originating all Money Bills, and deny to the Council the right of altering or amending them. On the present occasion it may not perhaps be necessary for the Council to admit or refute this pretension; but it is necessary that the Council should take care that no alleged privileges of the Assembly should prevent them from preserving inviolate the powers delegated to them by the Crown, and from exercising them fearlessly, as the Public Service may require.

The right of unfettered discussion upon, and of assenting to, rejecting, or modifying, all measures which come before the Council, seem indispensable ingredients to the efficiency of a deliberative and co-ordinate Branch of the Legislature.

It would be unreasonable and repugnant to justice to impose upon any body of men a grave and weighty responsibility, without, at the same time, investing them with ample powers of regulating their conduct by their ideas of what is right.

By the constitution of our Legislature, each of the Three Branches composing it, are responsible for every Act that is passed, and are clothed with the authority they possess for the express purpose of being a check and balance,—the one on the other.

If the appropriation of Money for defraying all the charges for the general Government of the Island—the Contingent Expenses of the Legislature—and every Incidental and occasional service—be embraced in one Bill; and that the first and only opportunity the Council are to have of enquiring into the justice, propriety and suitableness of these multifarious Grants is to be when that Bill is sent to them for their adoption or rejection as a whole, it is manifest it becomes a matter of moral certainty that, either the alleged privileges of the Assembly must be infringed, or the Council must, to borrow the words of Lord Glenelg, “with a view to peace make concessions disapproved by their deliberate judgment, or of acting on that judgment to the derangement for twelve months of the whole internal economy of the local Government.”

That His late Majesty never contemplated the Council being reduced to such a dilemma, or that concessions of principle and judgment were to be expected from them alone, is apparent from the fact, that wherever the Council is named, either in the Governor’s Commission, the Royal Instructions, or the Despatch of the Secretary of State accompanying those Instructions—it is recognized as a co-ordinate Branch of the Legislature, and they are not aware that in any instance the House of Assembly has been invested with an authority in which the Council are not—to say the least—participants in an equal degree.

Her Majesty’s Council feel that, whatever might be their wishes—they would not be justified in resigning to the House of Assembly a responsible and important duty which has been intrusted to them for useful purposes; and they certainly will not slight the authority under which they were created by voluntarily assuming a position inferior to that which their Gracious Sovereign assigned to them.

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HENRY PRESCOTT, Esquire, *Governor.*

The Council are not now for the first time called upon to assert and support their opinion upon the subject at present under consideration. They have now nothing to do but to govern themselves by precedents of their own proceedings which were unanimously adopted after mature deliberation and debate; and unchangeably and repeatedly acted upon.

In the Session before last—in a Conference had with the House of Assembly on the 29th April, 1835, upon the subject of a Supply Bill, the Council acquainted the Assembly that they were of opinion “that nothing beyond the usual annual Supply for the support of the Civil Government should be embraced in the Bill, and that all occasional Grants should be provided for in as many separate Bills as there may be distinct objects to which they may be intended to be devoted.”

“The Legislative Council also object to the Contingencies of the Legislature forming a part of the annual Supply Bill.”

And pursuant to this principle separate Bills were immediately introduced and passed.

During the last Session the Council did, on the 19th October, 1837, in a Conference upon a subject exactly similar to the one now under consideration—“distinctly acquaint the Assembly that they will not be induced by any considerations of temporary expediency, to deviate from those principles which they deem of such vital importance to the free exercise of an independent judgment upon every question that shall be brought under their deliberation.” “In either House of Parliament it is usual to divide a complicated question to enable those who are in favor of one part of a proposition, but opposed to another, freely to give their vote upon either; and it would be considered as most unfair to frame a complicated question with a view to deprive Members of that method of recording their sentiments; “for these reasons, the Council do insist that the matters embraced in this Bill, which are diverse in their nature, shall be separated; and they will not concur in establishing a precedent that objects so dissimilar may be put together in one Bill.”

On the 26th October following, the Council again acquainted the Assembly, on the occasion of that House praying the concurrence of the Council to a Bill having the very same title as the Bill now before the Council has, “that the Council cannot depart from the Constitutional principles laid down by them at the late Conference, and that they will not be induced, by any considerations of temporary expediency, to deviate therefrom; the Council does therefore insist that this Bill be limited to granting to Her Majesty a Supply of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the 30th June, 1838; and that the Grants for other purposes be excluded—that the Grants for defraying the Contingent and other Expenses of the Legislature be confined to another Bill—and that occasional Grants be not inserted in the same Bill with either. These being the principles upon which alone the Council will proceed.”

Upon the 10th November following, a select Committee of the Council, appointed to report on the Supply Bill to which reference has just been made, stated in their report, (which was adopted by the Council without a dissentient voice) that “the Council having, upon various occasions during former Sessions, as well as recently during the present, expressed their decided disapproval of the course adopted in this Bill of tacking to the ordinary Supplies Grants of Money for objects having no relation the one to the other, the Committee have not thought it necessary to pursue a subject which may be regarded as settled by the unanimous decision of the whole Council, more than once expressed.”

The House of Assembly being thus aware of the oft-repeated and unalterable determination of the Council steadily to resist every attempt at tacking occasional Grants to the Supply Bill, and that House being in possession of Her Gracious Majesty’s opinion and recommendation upon the subject, the Council did concur with Her Majesty in the hope that “the Assembly would see the propriety of leaving to the Council a controul of the most unfettered kind;”—they did expect that the Assembly would participate in the opinion of Her Majesty, so emphatically urged on them, “that they would exercise a sound and enlightened judgment in acquiescing, either in the Parliamentary rule, which leaves to the Crown the first suggestion of all Money Grants, or in the rule of the Provincial Legislatures which brings every such Grant under the separate revision of the Council,”—and they did not anticipate that the Assembly

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would, "by the exercise of an extreme right on the one side," compel the Council to do that which Her Majesty admits, under such circumstances, they "must" do,—“encounter it by a right equally extreme on the other side.”

To all the arguments graciously offered by Her Majesty, the Council do respectfully bow, and they fully concur therein;—they will cheerfully acquiesce in the adoption of any of the three modes of bringing Money Votes before the Council, recommended to the Assembly by Her Majesty. If, therefore, the House of Assembly desire that Money Bills shall pass the Council unaltered, they must avail themselves of the Gracious Mediation of Her Majesty; and thus enable the Council to exercise, without inconvenience, a control as unfettered, in this avowedly most important subject, as they have done, and shall continue to do, upon every measure to which their attention may be directed.

Whereupon a division took place, when there appeared—

House divides.

Content,

The Honorable JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Non-Content,

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

So the Motion passed in the negative.

Motion lost.

Supply Bill read 2nd time.

Pursuant to the order of the day, the Supply Bill was then read a second time.

Motion that Bill and Despatch from Secretary of State be committed.

The Honorable Mr. Thomas, seconded by the Honorable the Attorney-General, moved, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with, and that the Bill, with the Secretary of State's Despatch of the 1st February, 1838, be committed to a Committee of the whole House.

Motion in Amendment that it be committed in Six Months.

Whereupon, the Honorable John Dunscomb moved in Amendment, seconded by the Honorable Mr. Bland, that the Bill be committed on this day Six Months—the House then divided—

When there appeared—

House divides.

Content,

The Honorable JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Non-Content,

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

So the Amendment passed in the negative.

Amendment lost.

Committee on Supply Bill and Secretary of State's Despatch of 1st February, 1838

The House accordingly went into a Committee of the whole on the said Bill, and on the Despatch above referred to.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported sundry Resolutions and asked leave to sit again to day.

Ordered, that the Report be received.

The Resolutions are as follow :

Report sundry Resolutions.

Resolved,—That Her Majesty's Council having received a Message from His Excellency the Governor transmitting the Copy of a Despatch from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonial Department, conveying the offer

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of Her Majesty's Royal Mediation for re-establishing a good understanding between the two Branches of the Legislature, accepts the Gracious offer of Her Majesty with sentiments of profound gratitude and respect; and will omit no concession, consistent with their duty to Her Majesty, to render Her Mediation effectual.

Resolved,—That in the discussions from which have unhappily arisen the differences between the two Branches of the Legislature, the principle sought to be established by this House, whatever error may be supposed to have arisen in its application, is precisely that asserted for the Council by Her Majesty's Command in the Despatch referred to—viz. the right of freely exercising their deliberate Judgment on Bills of Supply and Appropriation sent up by the Assembly.

Resolved,—That it does not appear to the Council that the right can be any otherwise maintained than by one or other of the methods recognised by Her Majesty in the Despatch, namely, either by initiating no grant of Money except at the instance of the Crown, as in the Imperial Parliament, or as in the British Provinces on the Continent of North America, by granting the Supplies in separate Bills, sending each of them in turn to the Council for acceptance, or by sending up separate Resolutions, to each of which successively the concurrence of the Council should be obtained before its inclusion in the general Appropriation Act.

Resolved,—That the Bill now sent up to Her Majesty's Council by the House of Assembly, being similar to that sent up last Session, the opinion of the Council has already been pronounced upon it, and their objections remain for the most part unaltered—but in deference to Her Majesty's Royal Mediation, and assuming that the Assembly will in the like spirit of conciliation accept the Gracious offer of Her Majesty, the Council will not refuse to pass the present Bill, in the assurance that all future Bills of Supply and Appropriation will be presented for the consideration of the Council in one or other of the modes pointed out in the Despatch; although in making this concession, even for the purpose of giving effect to Her Majesty's Mediation, the Council cannot but be seriously apprehensive of exceeding the intentions of Her Majesty, as collected from the whole tenor of the Despatch.

On Motion of the Honorable Mr. Thomas, the House again went into Committee on the Supply Bill.

Supply Bill—
Committed--

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported.

Ordered, that the Report be received.

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

On Motion of the Honorable Mr. Dunscomb, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that the 42nd Rule of the House be dispensed with, so far as it respects the following Petition, which was brought in by the Honorable Mr. Dunscomb.

42nd Rule of the House
dispensed with.

To the Honorable the Legislative Council of Newfoundland in General Assembly convened:—

WE, the undersigned Inhabitants of the Town and District of Saint John's, taking into our serious consideration the important matter at issue between Your Honorable House and the other co-ordinate Branch of the Legislature, and being fully sensible of the manifold evils which must result to the public interests by even a temporary departure from those great constitutional principles to which Your Honorable House has hitherto so rigidly adhered, beg leave to express our deep regret that any attempt should again be made to coerce Your Honorable House into the adoption of a Bill of Supply framed by the House of Assembly, and offered for your acceptance under circumstances not warranted either by the practice of the Imperial Parliament, or by the usages of any other of the Colonial Assemblies.

Petition from certain
Inhabitants of Saint
John's, not to pass the
Supply Bill in the shape
in which it is sent to
the Council.

We beg to express our entire concurrence in the reasons set forth by Your Honorable House in the last Sessions of the General Assembly, for the rejection of the same Bill of Appropriation which is now again offered for your adoption. The reasons contained in your Address to Her Most Gracious Majesty, dated in November last, in explanation of the causes

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that led to your rejection of the Supply Bill of last Year, were, in the minds of your Petitioners, so just and constitutional, that we had hoped that the offer of mediation between the two Branches of the Legislature held out by Her Majesty, would be eagerly seized by the Assembly, and that the separate Grants would, in accordance with the views of Her Majesty's Government, be forthwith sent up for your concurrence.

The pertinacity of the House of Assembly in pursuing its former course, thus retarding the public business, and recklessly and unjustly withholding for so long a period that which is due to the public creditor, is, we humbly submit, neither based upon considerations for the welfare of the people, nor has it for its object the promotion of any of the general interests of the Colony.

Were the great public usefulness of, or, indeed, the constitutional necessity for, the existence of a co-ordinate Branch of the Legislature, such as the Legislative Council forms, possessing co-equal jurisdiction upon ALL questions which come before it, a matter of doubt and uncertainty, the present contest would infallibly have the effect of setting that uncertainty at rest.

Your Petitioners, many of whom contribute largely to the Revenues of the Colony, naturally feel a deep interest in the wise and judicious expenditure of the Public Money;—they look, therefore, to your Honorable House for protection from the dangerous consequences to which an acquiescence in the unconstitutional proceedings of the House of Assembly would most certainly give rise.

Your Petitioners pray that your Honorable House will be pleased to withhold your concurrence in the present Bill of Supply, until the same shall have been laid before you in such a shape as will enable you, constitutionally, to exercise your judgment upon it.

And your Petitioners, as in duty bound, will ever pray.

(Signed by,)

WILLIAM RICHARDS,
RALPH TRIMMINGHAM,
JOHN BOYD,

and 25 other Individuals.

Saint John's, 9th July, 1838.

Ordered to lay on the table.

On Motion of the Honorable Mr. Sinclair, seconded by the Honorable Mr. Bland, the Petition was ordered to lay on the Table.

House adjourns.

On Motion made and seconded, the House adjourned until To-morrow.

TUESDAY, 10th JULY, 1838

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable ARCHIBALD WALKER, *Commandant.*
“ “ JAMES SIMMS, *Attorney General.*
“ “ JAMES CROWDY, *Colonial Secretary.*
“ “ JOHN DUNSCOMB.
“ “ WILLIAM THOMAS.
“ “ JOHN B. BLAND.
“ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Motion, that the order of the day for the 3rd reading of the Supply Bill be discharged—and that it be read again in three months.

The Honorable Mr. Bland moved, seconded by the Honorable Mr. Sinclair, that the order of the day for the third reading of the Bill, entitled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes,” be discharged, and that the Bill be read again on this day Three Months.

10th July, 1838.

HENRY PRESCOTT, ESQUIRE, Governor.

Whereupon the House divided—when there appeared—

House divides.

Content,

The Honorable JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Non-Content,

The Honorable ARCHIBALD WALKER, *Commandant.*“ “ JAMES SIMMS, *Attorney General.*“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

Motion lost.

So the Motion passed in the negative.

Pursuant to the order of the day, the Supply Bill was then read a third time.

Supply Bill read 3rd time.

On Motion of the Honorable Mr. Simms, seconded by the Honorable Mr. Thomas, it was—

Ordered, that a Conference be requested with the House of Assembly on the above-named Bill.

Conference ordered thereon.

Ordered, that the Honorable Messrs. Simms and Thomas be the Conferees, and that they be a Committee to draft Instructions.

Conferees appointed who are to draft Instructions.

After some time the Honorable Mr. Simms, from the Committee appointed to draft Instructions to the Conferees on the Supply Bill, presented a Report.

Ordered, that the same be received.

The Report is as follows:—

The Council have desired this Conference with the House of Assembly, in order to preserve that good correspondence with the Assembly which the Council will always endeavour to maintain; and on this occasion, of their evincing the earnestness with which they hold this desire, by agreeing to the Bill sent up by the Assembly, entitled “An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes;” the Council deem it essentially necessary to lay before the Assembly the grounds and reasons which have influenced them in the adoption of a Bill, in this instance, under a departure from the forms and proceedings which they deem by custom and precedent, no less than by principle, as of the greatest importance to be upholden.

Instructions to the Conferees on the Supply Bill.

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

Ordered, that the Report be adopted.

Adopted.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested.

Assembly accede to Conference.

The Conferees went to the Conference, and having returned, reported that they had met the Managers from the Assembly and delivered to them their Instructions.

Report of Conferees.

On Motion of the Honorable Mr. Thomas, seconded by the Honorable the Colonial Secretary, that the Bill do now pass—

On motion, that the Supply Bill do pass.

The Honorable Mr. Dunscomb, seconded by the Honorable Mr. Bland, moved as an Amendment, that the Bill do not pass.

An Amendment was made, on which the—

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House divides.

Whereupon, the House divided on the Amendment—
When there appeared—

Content,

The Honorable JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Non-Content,

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

Amendment lost.

So the Amendment passed in the negative, and it was—

Supply Bill passed.

Ordered, that the Bill do now pass.

Whereupon, the Honorable the President signed the same—

The Honorable Messrs.
Dunscomb, Bland and
Sinclair entering their
Protest against it.

The Honorable Messrs. Dunscomb, Bland and Sinclair, entering their Protest against the Bill for the following reasons:—

1st.—Because the Bill contains multifarious Grants of Money for objects totally different, and having no proper relation the one to the other; and in order to afford to the Council an unfettered control over every item of the Public Expenditure without involving them by the exercise of their duty, in differences and disputes with another Branch of the Legislature upon certain alleged points of privilege claimed by that Branch—these Grants should be the subjects of separate Bills or previous resolutions.

2nd.—Because—if the House of Assembly do possess the privilege they claim of insisting that the Council shall make no alteration in a Bill of Supply, it is unparliamentary and irregular to heap together in one Bill a variety of unconnected and discordant subjects, even though the propositions may not separately be liable to objection in either House;—but where it is known or suspected that some parts of the Bill are not agreeable to the Council, and if sent up alone might not be agreed to, and with a view to secure the concurrence of the Council in these objectionable votes, to tack them to a Bill of Supply which the exigencies of the country demand, is a proceeding wholly destructive of the freedom of debate—subversive of the rights and privileges of the Council, and exceedingly dangerous to the best interests of the Colony.

3rd.—Because intermixing in one and the same Act, such things as have no proper relation to each other, is expressly forbidden by the Royal Instructions, which require that in the passing of all laws each different matter be provided for in different Bills.

4th.—Because the practice of combining diverse subjects in the same Bill, and of “tacking” to a Supply Bill has been repeatedly repudiated by the Council; and during the last Session, on no fewer than three several occasions did the Council, after mature deliberation, arrive at the fixed and unanimous decision, that no considerations of temporary expediency should induce them to consent to such a proceeding; and they insisted that matters diverse in their nature should be separated: for the same Body, after the lapse of only a few Months, without any sufficient reason, to renounce this their solemn decision—to depart from a course which their judgment and consciences decided to be wise and correct, and to establish a precedent which their characters are pledged to resist, is a course we hold unbecoming the dignity and derogatory to the honour of the Council to adopt.

5th.—Because this Bill is in direct opposition to all the arguments and reasonings of Her Gracious Majesty, conveyed to the Council in reply to their Petition upon a similar subject, and repugnant to every recommendation and opinion offered by Her Majesty as to the mode by which Supplies should be granted.

JOHN DUNSCOMB.
JOHN B. BLAND.
JOHN SINCLAIR.

13th & 17th July, 1838.

HENRY PRESCOTT, Esquire, Governor.

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

House adjourns.

FRIDAY, 13th JULY, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

On Motion of the Honorable the Colonial Secretary, it was—

Ordered, that the Petition presented to the House on the 9th Instant, be referred to a Select Committee to search for precedents in respect to such Petition and to report thereon—
 and—

Petition received on the
 9th inst. referred to a
 Select Committee.

Ordered, that the Honorable Messrs. Simms and Thomas be the Committee for that purpose.

The Honorable the Colonial Secretary, by direction of His Excellency the Governor, laid before the House the following documents—

Viz.

The Treasurer's General Statement of Annual Expenditure for the Five Quarters ending 30th June, 1838.

Documents laid before
 the House by Mr. Secretary Crowdy.

Supplement to ditto for the same period.

A List of Temporary Warrants issued in 1837-8.

At Two of the Clock, p. m., His Excellency the Governor, having come to the Council-Chamber and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly, at the Bar of this House, and they being come thereto, His Excellency was pleased to assent to the Bill, entitled—

The Governor arrives
 at the Council Chamber.
 Assembly summoned to
 attend him—

“An Act for Granting to Her Majesty a Sum of Money for defraying the Expense of the Civil Government of this Colony, for the Year ending the Thirtieth day of June, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes.”

His Excellency assents
 to the Supply Bill.

Then the House of Assembly retired, and His Excellency withdrew.

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

House adjourns.

TUESDAY, 17th JULY, 1838

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

17th July, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Message from the Governor on the subject of Crown Lands

The Honorable the Colonial Secretary presented a Message from His Excellency the Governor, which was read and is as follows:—

H. PRESCOTT.

The Governor wishes to draw the attention of the Council, to a Despatch from His Excellency the Earl of Durham, on the subject of Crown Lands, which will be found in this day's *Gazette*.

Government-House, }
July 17, 1838. }

Select Committee appointed to search for precedents respecting a Petition—

The Honorable the Attorney-General, from the Select Committee appointed to search for precedents, in respect to the Petition received on the 9th instant, and to report thereon—presented a Report

Ordered, that the same be received.

The Report is as follows:—

Report.

The Committee to whom the Petition of certain Inhabitants of the Town and District of Saint John's, relative to the Bill of Appropriation of Supplies, now passed by the Legislature in this present Session, has been referred "to search for precedents in respect to the said Petition, and to report thereon," on perusal and consideration thereof find, that the said Petition relates wholly to the Privileges of the Council and House of Assembly.

That the said Petition contains the following clause—Viz.

"The pertinacity of the House of Assembly in pursuing its former course, thus retarding the public business and recklessly and unjustly withholding for so long a period that which is due to the public creditor, is, we humbly submit, neither based upon considerations for the welfare of the People, nor has it for its object the promotion of any of the general interests of the Colony."

That it appears to the Committee to be an established and indispensable rule in Parliamentary proceedings that a Member, before he offers to present a Petition, should know what it contains; and for that purpose should read it over, in order that he might not implicate himself as accessory to any insult offered to the House, and that he should ascertain that it contained nothing in his judgment intentionally offensive.

That under a Rule established soon after the Revolution, and since invariably acted upon by both Houses of Parliament, Petitions offered against any Bills depending, for imposing Taxes for the service of the current Year, are uniformly rejected; on the principle that it would be a means of obstruction to those aids which the public necessities require; and which, however disagreeable the task may be, it is the duty of the Legislature wisely and prudently to impose. And which rule, the Committee humbly conceive, applies with greater force to an Appropriation Bill for the current year. *Vide 3rd Hatsell, 233 & passim.*

The Committee therefore submit that they are of opinion that the said Petition ought not to be entered upon the Journals of the Council or be suffered to continue on the Council Table, for the following reasons:—

1st.—That the Petition relates to matters of Privilege; and which matters of Privilege have, more-over, relation to a Bill for Appropriation of Supplies, which the Petitioners pray the Council not to pass.

2nd.—And because the above recited clause in the Petition is conceived in terms offensive to propriety and decorum, in reflecting on the motives and conduct of the House of Assembly in respect to the said Bill;—which latter reason alone, the Committee consider, ought to operate as a sufficient ground with the Council to reject the Petition, in order that they may not, by entertaining the Petition, identify themselves with the offensive expressions put forth in the said clause, or be liable to the imputation of countenancing unbecoming reproaches employed towards another Branch of the Legislature.

JAMES SIMMS,
Chairman of the Committee.

Council Committee Room, 17th July, 1838.

Ordered, that the Report be adopted.

17th, 20th, 24th, 27th & 31st July, 1838.

HENRY PRESCOTT, Esquire, Governor.

On Motion of the Honorable the Attorney-General, seconded by the Honorable the Colonial Secretary, it was—

Ordered, that the Petition referred to be removed from the Table, and that it be expunged from the Journal of the Council. Petition referred to above—to be expunged from the Journal.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for authorizing His Excellency the Governor to admit Persons to Practise the Profession of the Law in the several Courts of this Colony”—which was read a first time. Law Courts Practitioners’ Bill—brought up and read 1st time.

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

FRIDAY, 20th JULY, 1838.

The House met pursuant to adjournment. House meets.

Present,

<i>The Honorable</i> ARCHIBALD WALKER, <i>Commandant.</i>	Members present.
“ “ JAMES SIMMS, <i>Attorney-General.</i>	
“ “ JOHN DUNSCOMB.	
“ “ WILLIAM THOMAS.	
“ “ JOHN B. BLAND.	

The Minutes of Tuesday last were read.

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

TUESDAY, 24th JULY, 1838.

The House met pursuant to adjournment. House meets.

Present,

<i>The Honorable</i> JAMES SIMMS, <i>Attorney General.</i>	Members present.
“ “ JAMES CROWDY, <i>Colonial Secretary.</i>	
“ “ JOHN DUNSCOMB.	
“ “ WILLIAM THOMAS.	
“ “ JOHN B. BLAND.	
“ “ JOHN SINCLAIR.	

The Minutes of Friday last were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to prevent Fraud in the Sale of certain Articles imported into this Colony”—which was read a first time, and— Butter and Bread Bill—brought up and read 1st time.

Ordered, to be read a second time to-morrow.

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

FRIDAY, 27th JULY, 1838.

At half-past One of the Clock, p. m., there were—

Present,

<i>The Honorable</i> WILLIAM THOMAS.	
“ “ JOHN B. BLAND.	

The Honorable Mr. Thomas adjourned the House for want of a Quorum, until Tuesday next. House adjourned for want of a Quorum.

TUESDAY, 31st JULY, 1838.

The House met pursuant to adjournment. House meets.

Present,

<i>The Honorable</i> ARCHIBALD WALKER, <i>Commandant.</i>	Members present.
“ “ JAMES SIMMS, <i>Attorney-General.</i>	
“ “ JAMES CROWDY, <i>Colonial Secretary.</i>	
“ “ JOHN DUNSCOMB.	
“ “ WILLIAM THOMAS.	
“ “ JOHN SINCLAIR.	

31st July & 3rd August, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

The Minutes of Tuesday and Friday last were read.

Member enters.

The Honorable Mr. Bland enters.

The Honorable Mr. Secretary Crowdy, by direction of His Excellency the Governor, laid the following Documents before the House—

Viz.

Documents presented
by Mr. Secretary
Crowdy.

A Letter from Captain Polkinghorne, of Her Majesty's Ship Crocodile, enclosing a Correspondence with the Governor of Saint Pierre's, on the subject of the Fisheries.

A Letter, with an Account Current, from the Road Commissioners—Holyrood to Carbonear.

Census of the Population of the Electoral District of Fogo.

Butter and Bread Bill—

The Order of the Day for the second reading of the Bill entitled "An Act to prevent fraud in the Sale of certain Articles imported into this Colony," having been read, it was—

to be read a 2nd time
in six months.

Ordered, on motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Bland, that the said Bill be read a second time on this day six months.

Revenue Bill brought
up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," which was read a first time, and—

Ordered, to be read a second time to-morrow.

House adjourns.

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

FRIDAY, 3rd August, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable ARCHIBALD WALKER, *Commandant.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Revenue Bill, read 2nd
time.

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," was read a second time, and—

Ordered, to be committed to-morrow.

Members of Assembly
seat vacating Bill—
brought up and read 1st
time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for vacating the Seats of Members of the Assembly in certain cases, and to provide for the return of others in their stead," which was read a first time, and—

Ordered, to be read a second time to-morrow.

Notice of motion for
leave to bring in a Bill
to repeal Statute La-
bour Laws.

The Honorable Mr. Thomas gave notice that at an early day he will move for leave to bring in a Bill to repeal all existing laws relative to Statute Labour.

Supreme and Circuit
Court Terms Bill—
brought up and read 1st
time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to fix the Terms of the Supreme and Circuit Courts of this Island," which was read a first time, and—

Ordered, to be read a second time to-morrow.

On Motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Bland, it was—

—to be printed.

Ordered, that the Bill be printed.

House adjourns.

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

7th & 10th August, 1838.

HENRY PRESCOTT, Esquire, Governor.

TUESDAY, 7th AUGUST, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN SINCLAIR.

Members present.

The Minutes of Friday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies.”

Revenue Bill,
Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Ordered, that the Report be received.

Reported.

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

Pursuant to the order of the day, the Bill entitled “ An Act for vacating the Seats of Members of the Assembly in certain cases, and to provide for the return of others in their stead,” was read a second time, and—

Members of Assembly
seat vacating Bill, read
2nd time.

Ordered, to be committed to-morrow.

On the order of the day being read for the second reading of the Bill, entitled “ An Act to fix the Terms of the Supreme and Circuit Courts of this Island,” it was—

Order of the day dis-
charged for 2nd read-
ing of the Supreme and
Circuit Court Terms
Bill.

Ordered, on Motion of the Honorable the Attorney General, seconded by the Honorable the Colonial Secretary, that the Bill be read a second time on this day Six Months.

The Honorable the Colonial Secretary, by direction of His Excellency the Governor, laid before the House, the Collector of Customs’ consolidated Account Current for the Year ended 5th January, 1838.

Document laid before
the House by the Co-
lonial Secretary.

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

House adjourns.

FRIDAY, 10th AUGUST, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*
 “ “ JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ WILLIAM THOMAS.

Members present.

The Minutes of Tuesday last were read.

The Honorable Messrs. Dunscomb, Bland and Sinclair enter.

Members enter.

Pursuant to the order of the day, the Bill, entitled “ An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies,” was read a third time and passed.

Revenue Bill, read 3rd
time and passed.

Whereupon, the Honorable the President signed the same.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “ 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.”

Registration of Voters’
Act repeal Bill brought
up.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill, entitled “ An Act for vacating the Seats of Members of the Assembly, in certain cases, and to provide for the return of others in their stead.”

Members of Assembly
seat vacating Bill—
Committed—

10th & 13th August, 1838.

SECOND SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

The Honorable Mr. Crowley in the Chair.
 After some time the House resumed.
 Reported— The Chairman reported progress and asked leave to sit again to-morrow.
 Registration of Voters' Act & Appeal Bill, read 1st time. The Bill brought up from the House of Assembly this day, was read a first time, and—
 Ordered, to be read a second time on this day week.
 House adjourns. On Motion, made and seconded, the House adjourned until Tuesday next.

MONDAY, 13th August, 1838.

House meets. The House met at noon to day, in consequence of a requisition from the Honorable the President of the Council;—His Excellency the Governor having informed him that it was his intention to give his assent to the Revenue Bill, and to Prorogue the Legislature, at 2 o'clock, p. m.

Present,

Members present. *The Honorable* ARCHIBALD WALKER, *Commandant.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

Members enter. The Honorable Messrs. Simms, Crowley and Dunscomb enter.

The Governor arrives at the Council Chamber. Assembly summoned to attend him—
 At Three of the Clock, p. m., His Excellency the Governor, having come to the Council-Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to address the Two Houses of the Legislature in the following words:—

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

His Excellency's Speech on Proroguing the Legislature.
 It having been represented to me that an Assistant Judge of the Supreme Court has been arrested by order of the House of Assembly, in consequence of a decision made by him in his judicial capacity; and that the Sheriff has also been arrested for having obeyed a mandate of his Superior, the said Judge, founded upon that decision—I feel myself compelled to have recourse to a Prorogation, for the purpose of putting a stop to proceedings which, independently of any question as to their legality, seem wholly unsuited to the character and condition of the Colony, and calculated to subvert that respect which is due, and which it is highly expedient that all classes of Society should render to the Administrators of the Law in the exercise of their functions.

Some inconvenience must result from the present measure, but to this it behoves us to submit for the avoidance of greater evil; and I trust that a short recess, by affording opportunity for reflection, may have the effect of producing calmer counsels for the future.

The Honorable the President of the Council then said—

The General Assembly Prorogued.
 It is His Excellency the Governor's will and pleasure that this General Assembly be Prorogued until Monday the Twentieth day of this present Month of August, and this General Assembly is accordingly Prorogued until Monday next, the Twentieth day of August, then here to be holden for the despatch of Business.

HER MAJESTY'S COUNCIL,
NEWFOUNDLAND.

THIRD SESSION, SECOND GENERAL ASSEMBLY,
2ND VICTORIA.

Monday, 20th August, 1838.

This being the day appointed for the Meeting of the Colonial Legislature—

At half-past One of the Clock, p. m., the House met.

House meets.

Present,

The Honorable ARCHIBALD WALKER, *Commandant.*

“ “ JAMES SIMMS, *Attorney General.*
“ “ JAMES CROWDY, *Colonial Secretary.*
“ “ WILLIAM THOMAS.
“ “ JOHN B. BLAND.
“ “ JOHN SINCLAIR.

Members present.

At Two of the Clock, p. m., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honorable the President of the Council commanded the Gentleman Usher of the Black Rod to go to the Commons House of Assembly and inform the Members that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House; and they being come thereto, His Excellency was pleased to open the Session by a Gracious Speech to both Houses.

His Excellency the Governor arrives at the Council Chamber. The Assembly summoned to attend him.

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

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

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

His Excellency's Speech on opening the Legislature.

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

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

House adjourns.

FRIDAY, 24th August, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*
“ “ JAMES CROWDY, *Colonial Secretary.*
“ “ JOHN DUNSCOMB.
“ “ JOHN B. BLAND.
“ “ JOHN SINCLAIR.

Members present.

The Minutes of Monday last were read.

24th August, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

On motion of the Honorable Mr. Crowdy, seconded by the Honorable Mr. Bland, it was—

The Governor's Speech taken into consideration.

Ordered, that the Speech of His Excellency the Governor, on opening the Session, be taken into consideration—

A draft of Address in reply thereto—adopted.

Whereupon the Honorable Mr. Crowdy presented a draft of an Address in answer thereto. Ordered, that the same be received and adopted.

Ordered, that it be engrossed presently.

Read and passed.

Whereupon the Address having been engrossed, it was read and passed.

The Governor will receive the House with the Address to-morrow.

The Honorable Mr. Secretary Crowdy informed the House that it was His Excellency the Governor's pleasure to receive the House with its Address To-morrow, at Twelve o'clock.

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

Mr. PRESIDENT,

Message from Assembly with resolutions on the subject of a Breach of Privilege by the Master-in-Chancery, Attendant on the Council.

The following Resolutions have passed the House of Assembly.

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 the 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 no longer admitted as the bearer of any Message to this House, until a Message be despatched to Her Majesty's Council, acquainting the Council with these Resolutions.

Resolved,—That the said Resolutions be communicated to Her Majesty's Council.

WILLIAM CARSON,
Speaker.

House of Assembly, {
24th August, 1838. }

On motion of the Honorable Mr. Bland, seconded by the Honorable Mr. Crowdy, it was—
Ordered, that the above Message of the House of Assembly be taken into consideration

To-morrow.

Documents laid before the Council.

The Honorable Mr. Secretary Crowdy laid before the Council the following Documents by direction of His Excellency the Governor—

Viz.

See Appendix.

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.

Do.

Copy of an Order of Her Majesty in Council, dated 25th April, 1838, approving of certain Acts passed by the Colonial Legislature.

Do.

Copy of an Order of Her Majesty in Council, dated 25th May 1838, do. do. do.

Letter from the Harbor-Grace Island Light-House Commissioners, on the subject of the wants of the Light-House.

The Returns called for towards the close of the Session of 1837, relative to the duties of Stipendiary Magistrates and Constables in the various Districts.

House adjourns.

On Motion, made and seconded, the House adjourned until To-morrow, at half-past Eleven o'clock, a. m.

25th & 28th August, 1838.

HENRY PRESCOTT, Esquire, Governor.

SATURDAY, 25th August, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

Members present.

“ “ JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

At a Quarter before Twelve o'clock, in the forenoon, the House proceeded to the Government-House with their Address in answer to His Excellency's Speech at the opening of the Session.

House proceeds to the Government-House with their Address.

The Address is in the following words:

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.

The Address.

May it please Your Excellency;

We, Her Majesty's most dutiful and loyal subjects the Council of Newfoundland, beg leave to approach Your Excellency to express our humble thanks for your Gracious Speech at the opening of the present Session, and to assure Your Excellency that we will take into our early consideration the subjects to which you have been pleased to call our attention.

JAMES SIMMS.

Council Chamber, }
24th August, 1838. }

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

Mr. President, and Honorable Gentlemen of the Council;

I receive this Address with great satisfaction.

25th August, 1838.

Governor's reply to the Address.

On Motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock, p. m.

House adjourns.

TUESDAY, 28th August, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Saturday last were read.

On the order of the day being read for taking into consideration the Assembly's Message of the 24th instant—

Order of the day read that Assembly's Message of the 24th instant be considered.

The Honorable Mr. Bland, seconded by the Honorable Mr. Dunscomb, moved the following Resolution, which was agreed to by the House—

Resolved,—That in reference to the Message transmitted from the House of Assembly on the 24th August, this House are not aware that Mr. Robinson has in any way, in his capacity of Master-in-Chancery, attendant upon the Council, interfered with the Privilege of the House of Assembly, or that he has done any act upon which the Council are called on to offer an opinion.

Resolution on subject thereof.

28th & 31st August, & 4th September, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Registration of Voters' Bill, brought up and read 1st time. A Deputation from the House of Assembly brought up for the consideration of this House, a Bill, entitled "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"—which was read a first time, and—

Ordered, to be read a second time to-morrow.

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

FRIDAY, 31st AUGUST, 1838.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney-General*.
 " " JAMES CROWDY, *Colonial Secretary*.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Registration of Voters' Bill, read 2nd time. Pursuant to the order of the day, the Bill entitled "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,"—was read a second time.

Three several Deputations from the House of Assembly brought up for the concurrence of this House, the Bills, entitled—

Education Act Amendment Bill. "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.'"

Hospital Act in part repeal Bill. "An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled 'An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons,' and to authorize the Appropriation of Monies collected under the said Act."

Harbour preservation Bill—brought up and read a first time. "An Act to preserve the Harbours of this Colony and its Dependencies from all annoyances and to provide for the appointment of a Harbour Master at Carbonear"—Which were read a first time.

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

TUESDAY, 4th SEPTEMBER, 1838.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney-General*.
 " " JOHN DUNSCOMB.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The Minutes of Friday last were read.

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

Message from Assembly for Council's Contingencies.

MR. PRESIDENT,

The House of Assembly request to be informed of the amount of the Contingencies of Her Majesty's Council.

WILLIAM CARSON,
Speaker.

House of Assembly,
 4th September, 1838.

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

7th & 11th September, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

FRIDAY, 7th SEPTEMBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ JOHN DUNSCOMB.
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

On motion of the Honorable Mr. Crowdy, seconded by the Honorable Mr. Bland, the House went into a Committee of the whole on the Bill entitled “ 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” —

Registration of Voters' Bill—Committed.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Chairman reports that Committee had risen.

On motion, the Bills entitled—

“ An Act to preserve the Harbours of this Colony and its Dependencies from all annoyances and to provide for the appointment of a Harbour Master at Carbonear.”

Harbour preservation Bill.

“ 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.’ ”

Education Act Amendment Bill,

“ An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled ‘ An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons,’ and to authorize the Appropriation of Monies collected under the said Act” —

and Hospital Act in part repeal Bill—

—were severally read a second time, and—

—severally read 2nd time.

Ordered to be Committed To-morrow.

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

House adjourns.

TUESDAY, 11th SEPTEMBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on 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.”

Harbour preservation Bill—Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Reported with Amendments.

Ordered, that the Report be received.

Ordered, that the Amendments be engrossed.

Pursuant to the order of the day, the House went into a Committee of the whole on 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.’ ”

Education Act Amendment Bill—Committed.

11th & 14th September, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 1838.

The Honorable Mr. Bland in the Chair.
After some time the House resumed.
The Chairman reported progress, and asked leave to sit again to-morrow.
Ordered, that the Report be received.

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

FRIDAY, 14th SEPTEMBER, 1838.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMONS, *Attorney General.*
“ “ JAMES M. STEARMAN, *Collector of the Customs.*
“ “ WILLIAM THOMAS.
“ “ JOHN B. BLAND.
“ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Education Act Amend-
ment Bill—
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on 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.’”

The Honorable Mr. Bland in the Chair.

A Message from the House of Assembly being announced the House resumed.

Academy Bill, brought
up.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to establish an Academy in this Colony.”

The House again went into Committee on the Education Act Amendment Bill.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received.

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

The Amendments are as follow:—

Amendments—
On Education Act
Amendment Bill.

1st Section, 5th line.—Expunge the words “to nominate and appoint” after the word “Seal.”

“ 31st 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 Section, 3rd 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.”

3d Section—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 any 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 superintendance or management of the said School or Schools.—Provided always, that no Board or Boards of Education constituted or

14th & 18th September, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor*.

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 Section, 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.

The Academy Bill, brought up this day, was then read a first time, and—
Ordered, to be read a second time to-morrow.

Academy Bill, read 1st time.

Pursuant to the Order of the Day, the Bill, as amended, entitled "An Act to preserve the Harbours 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 and passed.

Harbour preservation Bill, read 3rd time and passed.

Whereupon the President signed the same.

The Amendments to the said Bill are as follow:—

In the Title of the Bill, 1st line—Insert after the word "Harbours" the words "and Roadsteads of Newfoundland."

Amendments in the above named Bill.

" " 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 Harbours 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.

2d 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.

On motion, the House went into a Committee of the whole on the Bill entitled "An Act to repeal in part an Act passed in the Sixth year of the Reign of His late Majesty William the Fourth, entitled 'An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons, and to authorize the appropriation of Monies collected under the said Act.'"

Hospital Act in part repeal Bill, Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received.

On Motion, made and seconded, the House adjourned until Tuesday next, at One o'Clock, p. m.

House adjourns.

TUESDAY, 18th SEPTEMBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

Members present.

" " JAMES CROWDY, *Colonial Secretary*.

" " JAMES M. SPEARMAN, *Collector of the Customs*.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Friday last were read.

18th September, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Education Act Amend-
ment Bill—
read 3rd time and pas-
sed.

Pursuant to the order of the day, the Bill, as amended, 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,’” was read a third time and passed.

Academy Bill, read
2nd time.

Pursuant to the order of the day, the Bill entitled “An Act to establish an Academy in this Colony,” was read a second time, and—
Ordered, to be Committed To-morrow.

Hospital Act in part
repeal Bill,
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to repeal in part an Act passed in the Sixth year of the Reign of His late Majesty William the Fourth, entitled ‘An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons, and to authorize the appropriation of Monies collected under the said Act.’”

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported, with—
Amendments.

The Chairman reported the Bill with some Amendments, which are 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 fifth 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 that two several days of meeting of the 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 2d, 3d and 4th Sections of the Bill.

Ordered, that the amendments be engrossed, and the Bill, as amended, read a third time To-morrow.

18th & 21st September, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

On motion of the Honorable Mr. Crowdy, seconded by the Honorable Mr. Thomas, it was—

Ordered, that a Committee be appointed to report on the Contingencies of the Council.

Select Committee appointed on Council's Contingencies.

Ordered, that the Honorable Messrs. Crowdy, Spearman and Thomas, be the Committee for that purpose.

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

House adjourns.

FRIDAY, 21st SEPTEMBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

Members present.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in and upon 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,’” without amendment.

Message from Assembly agreeing to amendments on Education Act Amendment Bill

WILLIAM CARSON,

Speaker.

House of Assembly,

21st September, 1838.

Pursuant to the order of the day, the Bill, as amended, entitled “An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled ‘An Act to provide for the Relief of Sick and Disabled Seamen, Fishermen and other Persons,’ and to authorize the Appropriation of Monies collected under the said Act”—was read a third time, and passed.

Hospital Act in part repeal Bill,

read 3rd time and passed.

Whereupon the President signed the same.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to establish an Academy in this Colony.”

Academy Bill,

The Honorable Mr. Sinclair in the Chair.

Committed—

After some time the House resumed.

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

Reported.

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

House adjourns.

TUESDAY, 25th SEPTEMBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

Members present.

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

25th & 28th September, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Academy Bill—	Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to establish an Academy in this Colony."
Committed—	The Honorable Mr. Sinclair in the Chair. After some time the House resumed.
Reported with—	The Chairman reported the Bill with some Amendments. Ordered, that the Report be received.
	The Amendments are as follow:—
Amendments.	Expunge all the words of the first section of the Bill, after the first "the" in the ninth line, and insert in their stead the words following:—"Chief Justice for the time being, the Attorney General for the time being, the Colonial Secretary for the time being, the Speaker of the House of Assembly, and the Solicitor General for the time being, shall, with four other Persons to be nominated and appointed by the Governor, or Person administering the Government for the time being, be the said Directors: Provided always, that in the event of the resignation, death, or absence from the Island, for the space of twelve months, of any of the persons so appointed and nominated, it may and shall be lawful for the Governor, or Person administering the Government, as aforesaid, to nominate and appoint to the vacancy or vacancies thus arising." At the end of the third section insert the following words: "Provided also that the Head or Senior Master so chosen and appointed shall be a Graduate of some University in Great Britain or Ireland, or in some one of the British Possessions abroad." In the 5th Section of the Bill, 8th line—Expunge the first three words. 8th Section—Expunge all the words after the word "shall," at the end of the 2d line, and insert the following words in their stead: "on the twentieth day of January in each year, or oftener if required by the Governor or Person administering the Government for the time being, cause to be laid before him, for the information of the Legislature, a true statement of all Monies which have been received and expended by them during the past year."
Bill to be printed.	Ordered, that the Bill, as amended, be engrossed and printed.
House adjourns.	On Motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 28th SEPTEMBER, 1838.

House meets.	The House met pursuant to adjournment.
	Present,
Members present.	<i>The Honorable</i> JAMES SIMMS, <i>Attorney-General.</i> " " JAMES CROWDY, <i>Colonial Secretary.</i> " " JAMES M. SPEARMAN, <i>Collector of the Customs.</i> " " WILLIAM THOMAS.
	The Minutes of Tuesday last were read.
Revenue Bill brought up, and read 1st time.	A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies,"—which was read a first time.
Mr. Secretary Crowdy delivers a Message from the Governor on the subject of compensating the Collector of the Customs for collecting the Colonial Revenue.	The Honorable Mr. Secretary Crowdy acquainted the House that he was directed by the Governor to communicate to them the following Message from His Excellency—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.

25th & 29th September, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

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

On Motion of the Honorable Mr. Thomas, the Bill, as amended, entitled "An Act to establish an Academy in this Colony"—was read a third time and passed. Academy Bill read 3d time and passed.

Whereupon the President signed the same.

On Motion, made and seconded, the House adjourned until To-morrow. House adjourns.

SATURDAY, 29th SEPTEMBER, 1838.

The House met pursuant to adjournment. House meets.

Present,

The Honorable JAMES SIMMS, Attorney-General.

" " JAMES CROWDY, Colonial Secretary. Members present.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Yesterday were read.

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the following Resolutions, Viz.— Message from Assembly relative to the Act for erecting a Colonial Building.

Resolved, That it is the opinion of this House that an Act passed in the 6th 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 its 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.

WILLIAM CARSON,

Speaker.

House of Assembly,

28th September, 1838.

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," was read a second time. Revenue Bill read 2nd time.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Crowdy, it was—

Ordered, that an Address be presented to His Excellency the Governor, requesting His Excellency will be pleased to direct that there be laid before the Council a detailed account of the sums requisite to be provided by the Legislature for the collection of the Colonial Revenue by the Collector of Her Majesty's Customs. The Governor to be requested to furnish a detailed account of the sums requisite to be provided for collecting the Colonial Revenue.

Ordered, that the Honorable Messrs. Crowdy and Thomas be a Committee to draft the Address. Committee appointed to draft Address to His Excellency.

On motion, the House went into a Committee of the whole on the Assembly's Message of to-day. Assembly's Message of to-day Committed.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported that it is the opinion of the Committee that the following Message should be transmitted to the Assembly:— Reported.

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 The Report.

29th September & 1st October, 1838.

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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.

Report adopted. Ordered, that the Report be received and adopted, and that it be engrossed.

Select Committee present draft of Address to the Governor on the subject of the collection of the Colonial Revenue by the Collector of Customs.

The Honorable Mr. Crowdy, from the Committee appointed to prepare an Address to the Governor, requesting a detailed account of the sums requisite to be provided for the collection of the Colonial Revenue by the Collector of Her Majesty's Customs, reported a draft thereof.

Report adopted. Ordered, that the Report be received and adopted, and that it be engrossed.

The Report is as follows:—

Address to the Governor.

To His Excellency HENRY PRESCOTT, Esquire, C. B., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

May it please Your Excellency;

We, Her Majesty's dutiful and loyal Subjects the Council of Newfoundland, most respectfully request that Your Excellency will be pleased to direct that there be laid before the Council a detailed account of the sums requisite to be provided by the Legislature for the collection of the Colonial Revenue by the Collector of Her Majesty's Customs.

JAMES SIMMS.

Committee appointed to wait on the Governor with the Address.

Ordered, that the Honorable Messrs. Crowdy and Thomas be a Committee to wait on the Governor, to know when he will be pleased to receive the Address, and to present it.

House adjourns.

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

MONDAY, 1st OCTOBER, 1838.

House meets

The House met pursuant to adjournment.

Present,

Members present

The Honorable JAMES SIMMS, *Attorney General.*
 " " JAMES CROWDY, *Colonial Secretary.*
 " " WILLIAM THOMAS.
 " " JOHN B. BLAND.
 " " JOHN SINCLAIR.

The Minutes of Saturday last were read.

Select Committee report having waited on the Governor with address relative to the collection of the Colonial Revenue.

The Honorable Mr. Crowdy, from the Committee appointed to wait on His Excellency the Governor with an Address of this House praying His Excellency to furnish the House with a detailed account of the Sums requisite to be provided by the Legislature for the collection of the Colonial Revenue by the Collector of Her Majesty's Customs, reported that the Committee had presented the same, and that His Excellency had been pleased to say that he would comply therewith.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Crowdy, it was—

Conference ordered with the Assembly on the Revenue Bill.

Ordered, that a Conference be requested with the House of Assembly on the subject of the Revenue Bill.

Conferees appointed.

Ordered, that the Honorable Messrs. Thomas and Bland be a Committee to prepare Instructions to the Conferees, and that they be the Conferees.

House adjourns.

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

2nd October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

TUESDAY, 2d OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

The Honorable Mr. Secretary Crowdy laid before the Council, by direction of the Governor, the detailed account applied for by address to His Excellency, of the sums requisite to be provided by the Legislature for the collection of the Colonial Revenue by the Collector of Her Majesty's Customs.

Mr. Secretary Crowdy lays before the House an account of the sums requisite to be provided for the collection of the Colonial Revenue.

The account is as follows:—

Colonial Duties[£] collected, £21,950 0 0
 (Average of three years, until 5th January, 1838.)

The Account.

The Colonial Landing Waiter	....	....	£ 150 0 0	
Tide Surveyor	....	....	150 0 0	
			<u>300 0 0</u>	£ 300 0 0

The Salaries of these Officers are set down at the rate allotted to them when they were originally appointed, and they are precisely the same in amount as those approved by the Lords of the Treasury for Officers of the same degree on the Imperial Establishment of the other North American Colonies.

The Colonial Sub-Collector, Fogo	....	....	100 0 0	
“ “ La Poile	....	....	100 0 0	
“ “ Greenspond	....	....	100 0 0	
“ Clerk, Saint John's	....	....	100 0 0	
			<u>400 0 0</u>	400 0 0

The Salaries allotted to these Officers places them on an equal footing, in every respect, with the corresponding Imperial Officers of this Department.

The Colonial Preventive Officer at Bay Bulls	50 0 0	
--	------	------	--------	--

This Officer has no power to enter or clear Vessels, or to collect Duties.

Day pay of Colonial Tide Waiters	207 17 0	
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(Amount actually expended year ended 5th January 1838)

The sum voted by the Legislature for this service has never been sufficient.

Stationery, Printed Forms, Postages, and other ordinary charges and expenses	30 0 0	
--	------	------	--------	--

(Average of four years.) These items have never been specially provided for, but have hitherto been allowed by the Auditors on the production of Vouchers.

Compensation to Imperial Sub-Collectors	110 0 0	
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2½ per centum on the amounts respectively collected by them

—(average of three years.)

Carried forward	£ 1097 17 0
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.Brought forward £ 1097 17 0

This allowance was guaranteed to the Officers when they originally undertook the collection of the Colonial Duties. It is the only fair way of remunerating them for their services. By the arrangement made last year, one Officer was paid Ten Pounds for collecting nothing ; another was paid Ten Pounds for collecting £ 57 2 7 ; while a third was paid only Ten Pounds for collecting £ 1414 18 10.

Remuneration to the Collector of Her Majesty's Customs 200 0 0

This sum is not set down as an adequate remuneration for the labour and responsibility which the collection of the Colonial Duties imposes, nor as at all equal in amount to the sum originally guaranteed to me. I am, however, willing to accept it as a compensation for my services, provided the other parts of the scale are adopted.

£ 1297 17 0

J. M. SPEARMAN,
Collector H. M.'s Customs.

St. John's, 1st October, 1838.

Select Committee on
Revenue Bill, report
draft of Instructions to
Conferees.

The Honorable Mr. Thomas, from the Committee appointed to draft Instructions to the Conferees on the subject matter of the Revenue Bill, reported a draft.

Ordered, that the Report be received and adopted, and that it be engrossed presently.

The Instructions are as follow: -

The Instructions.

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 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 collection 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 the Conferees an Amendment in accordance therewith.

JAMES SIMMS.

Council Chamber,
2nd October, 1838.

Proposed Amendment
in the Revenue Bill.

Amendment 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 Govern-

2nd & 3rd October, 1838.

HENRY PRESCOTT, Esquire, C. B., Governor.

ment for the time being, by and with the 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."

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested on the subject matter of the Revenue Bill.

Assembly accede to Conference on Revenue Bill.

The Conferees went to the Conference, and having returned, reported that they had met the Managers on the part of the Assembly and delivered to them the Instructions with which they had been entrusted.

Conferees go to the Conference—and returning, make their Report.

On Motion, made and seconded, the House adjourned until To-morrow.

House adjourns.

WEDNESDAY, 3rd OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

The Honorable Mr. Secretary Crowdy, from the Committee appointed to report on the Contingencies of the Council, reported as follows:—

Select Committee on Contingencies make their Report.

The Select Committee appointed to take into consideration the Contingencies of this Honorable House, beg leave to report that they have carefully examined the Accounts of the Clerk and Usher of the Black Rod, the former amounting to Three Hundred and Forty Pounds, Fourteen Shillings and Ten Pence, Sterling; and the latter to Thirteen Pounds, Two Shillings and Eight Pence, Sterling, making together Three Hundred and Fifty-Three Pounds, Seventeen Shillings and Six Pence, Sterling—which they recommend to be paid.

The Report.

Your Committee further recommend that the Officers of this House be placed in point of emolument on a footing with the corresponding Officers of the House of Assembly.

JAMES CROWDY,

Chairman.

Committee-Room,

29th September, 1838.

Ordered, that the Report be received.

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

MR. PRESIDENT,

The House of Assembly have passed the Amendments made by Her Majesty's Council in and upon the Bill entitled "An Act to preserve the Harbours of this Colony and its Dependencies from all annoyances, and to provide for the appointment of an Harbour Master at Carbonear,"—without Amendment.

Assembly agree to Amendments on Harbour preservation Bill.

House of Assembly,

3rd October, 1838.

WILLIAM CARSON,

Speaker.

On Motion, the House went into a Committee of the whole on the Revenue Bill.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

Revenue Bill—Committed—

Ordered, that the Report be received.

Reported.

3rd & 4th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Report of Select Committee on Contingencies—
 Committed. On motion of the Honorable Mr. Crowdy, the House went into a Committee of the whole on the report of the Select Committee on the Contingencies of the Council.
 The Honorable Mr. Bland in the Chair.
 After some time the House resumed.
 Reported. The Chairman reported progress, and asked leave to sit again To-morrow.
 Ordered, that the Report be received.
 House adjourns. On Motion, made and seconded, the House adjourned until Twelve o'Clock, at noon, To-morrow.

THURSDAY, 4th OCTOBER, 1838.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Members enter. The Honorable Messrs. Thomas and Bland enter.

Report of Select Committee on Council's Contingencies—
 Committed. Pursuant to the order of the day, the House went into a Committee of the whole on the report of the Select Committee on the Council's Contingencies.
 The Honorable Mr. Bland in the Chair.

Reported. After some time the House resumed.
 The Chairman reported the Contingencies of the Council.
 Ordered, that the Report be received and adopted.

Whereupon, the following Message, embodying the Report, was transmitted to the House of Assembly :—

MR. SPEAKER,

Message to the Assembly transmitting Council's Contingencies. 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 that 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 Seventy 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.

Council-Chamber,
 4th October, 1838.

CONTINGENT ACCOUNT OF THE CLERK OF THE COUNCIL.

Account of Clerk of the Council.

Extra Services in preparing and superintending the Printing of the Journal, with Index, for the present Session	£	s.	d.
Henry Winton, for Printing, Binding, &c.	25	0	0
John McCoubrey, for Printing	27	15	2
	8	13	4
Carried forward	£ 61	8	6

4th & 6th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

	Brought forward	£ 61	8	6
Ryan & Withers, for Printing Journal, Bills, &c. for the Session of 1837.		152	9	1
Do. do. Printing Academy Bill, (1838.)	....	2	3	4
A. 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

ACCOUNT OF USHER OF THE BLACK ROD.

	£	s.	d.
Wm. Freeman, Carpenter, for fitting up, cleaning and furnishing	....	10	1 11
Thomas McGrath, Smiths' Work	....	1	0 6
Paid for 4 Hhds. Coal at 8s. 6d.	....	1	14 0
20 lb Sperm Candles at 2s. 4d.	....	2	6 8
	Currency	£ 15	3 1
			or
	Sterling	£ 13	2 8

Account of the Usher of the Black Rod.

On Motion, made and seconded, the House adjourned until Saturday next.

House adjourns.

SATURDAY, 6th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

Members present.

The Minutes of Thursday last were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, 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,'" which was read a first time, and—

Pickled Fish Act Amendment Bill—brought up and read 1st time.

Ordered, to be read a second time to-morrow.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for the more effectual prevention of damage to Ships and Vessels, and to provide for the appointment of a Harbour Master for the Port of Carbonear," which was read a first time.

Carbonear Harbor Bill—brought up and read 1st time.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that a Message be sent to the House of Assembly requesting that House to furnish Her Majesty's Council with all Petitions and other Documents in their possession which relate to the Bill above-named.

Assembly requested to furnish all Documents in their possession relative to the Bill above named.

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

MR. PRESIDENT,

The House of Assembly furnish Her Majesty's Council with a Petition from the Ship Owners, Merchants, and others, of Carbonear, which is the only document in the possession of the House, praying for an Act for the more effectual prevention of damage to Ships

Message from Assembly in reply.

6th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

and Vessels, and to provide for the appointment of an Harbour Master for the Port of Carbonear.

WILLIAM CARSON,
Speaker.

House of Assembly,
6th October, 1838.

The Petition above alluded to, signed by forty-four persons, was read.

Assembly request Conference on the Revenue Bill.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject-matter of the Conference of the 2nd instant.

Ordered, that the request be acceded to.

Conferees appointed.

Ordered, that the Honorable Messrs. Thomas and Bland be the Conferees on the part of the Council.

Report of Conferees.

The Conferees went to the Conference, and having returned, reported that they had met the Conferees on the part of the Assembly, and received from them their instructions.

Ordered, that the Report be received.

The Instructions are as follow :

Assembly's Instructions to their Conferees on the Revenue Bill.

The House of Assembly have taken into consideration the Instructions to the Conferees of the Council of the 2nd inst., on the subject of certain amendments proposed to be made in the 14th Section of the Revenue Bill.

The House 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 year's Revenue as the minimum; and that as the Country improves, and the population increases, the produce of such Revenue will so increase as to make an ad valorem 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 Colony from this difference with Her Majesty's Council; as in the intermediate time, 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 arrangements 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 the remuneration to the Officers of Her Majesty's Customs.

WILLIAM CARSON,
Speaker.

House of Assembly,
6th October, 1838.

Revenue Bill--
Committed--

On motion of the Honorable Mr. Thomas, the House went into a Committee of the whole on the Revenue Bill.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported, with an--

The Chairman reported the Bill with an Amendment.

Ordered, that the Report be received.

The Amendment is as follows:--

Amendment.

Expunge the 14th Section of the Bill.

38th Rule dispensed with.

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

Bill read 3rd time and passed.

The Bill, as amended, was then read a third time and passed.

House adjourns.

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

8th & 9th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

MONDAY, 8th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets

Present,

The Honorable JAMES SIMMS, *Attorney-General.*“ “ JAMES CROWDY, *Colonial Secretary.*

Members present.

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Saturday last were read.

The Honorable the President read the following Letter from the Honorable the Colonial Secretary.

Secretary's Office, 8th October, 1838.

SIR,

I have the honor, by command of the Governor, to acquaint you, for the information of Her Majesty's Council, that it is His Excellency's intention to Prorogue the present Session of the Legislature on Wednesday the 17th instant.

The Governor will prorogue the Legislature on the 17th inst.

I have, &c.

The Honorable the President
of Her Majesty's Council.

JAMES CROWDY.

Pursuant to the order of the day, 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,'" was read a second time, and—

Pickled Fish Act
Amendment Bill—
read 2nd time.

Ordered, to be Committed to-morrow.

On Motion, made and seconded, the House adjourned until To-morrow.

House adjourns.

TUESDAY, 9th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*“ “ JAMES CROWDY, *Colonial Secretary.*

Members present.

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole on 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.'" "

Pickled Fish Act
Amendment Bill—
Committed—

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments, which are as follow :

Reported, with—

Page 2nd, 2nd line.—Expunge the words "all the."

Amendments.

“ “ Expunge the words "intended to be exported from," and insert in lieu thereof the word "for."

“ 9th line.—Insert the word "first" between the words "said" and "recited."

“ 11th line.—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 line.—Expunge the word "Fish," and insert "Herrings" in lieu thereof.

9th & 10th October, 1838.

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- Page 2nd, 17th line.—Expunge the word “Tierces,” and insert “Tierce” in lieu thereof.
 “ 18th line.—Expunge the words “nor less.”
 “ 22nd line.—Expunge the word “Barrels,” and insert the word “Barrel” in lieu thereof.
 “ 23rd line.—Expunge the words “nor less.”
 “ last line.—Between the word “of” and “16½” insert the words “not more than.”
 “ “ Expunge the words “to be” and insert “not exceeding.”
 Page 3rd, 1st line.—Add, at the end of the 2nd 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 Report be received.

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

Revenue Bill, brought up—
read 1st time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies”—which was read a first time.

Ordered, that the 38th Rule of the House so far as it respects the Bill be dispensed with.

read 2nd time—

The Bill was then read a second time, and—

Ordered, to be committed presently.

Committed—

The House accordingly went into a Committee of the whole.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill without Amendment.

Ordered, that the Report be received.

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

House adjourns.

On Motion, made and seconded, the House adjourned until To-morrow.

WEDNESDAY, 10th OCTOBER, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Revenue Bill—
read third time, passed
and signed.

Pursuant to the order of the day, the Bill entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies”—was read a third time and passed.

Whereupon the President signed the same.

Supply Bill—
brought up—
read 1st time.

A Deputation from the House of Assembly brought up for the concurrence of this House a 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”—which was read a first time, and—

Ordered, to be read a second time to-morrow.

On the order of the day being read for the third reading of the Pickled Fish Act amendment Bill, the Honorable Mr. Thomas moved, seconded by the Honorable Mr. Sinclair, that the following Amendment be introduced in the said Bill.

Amendment on Pickled Fish Act Amendment Bill.

Page 2d—At the end of the 10th line, insert “to be paid by the owner or owners of the said Herrings.”

10th & 11th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Pursuant to the order of the day, the Bill above-named was then read, as amended, a third time, and passed. Pickled Fish Amendment Bill, read 3rd time, passed and signed.

Whereupon the Honorable the President signed the same.

On Motion, made and seconded, the House adjourned until To-morrow. House adjourns.

THURSDAY, 11th OCTOBER, 1838.

The House met pursuant to adjournment. House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

The Honorable Mr. Crowdy enters.

Member enters.

On the order of the day being read for the second reading 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”— On Motion,

The Honorable Mr. Crowdy moved, seconded by the Honorable Mr. Spearman, that a Conference be requested with the House of Assembly on the subject-matter of the said Bill. Conference ordered on the Supply Bill.

Whereupon it was—

Ordered, that the Honorable Messrs. Crowdy and Thomas be a Committee to draft Instructions to the Conferees, and that they be the Conferees on the part of this House. Committee appointed to draft Instructions and to be the Conferees.

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

“ 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.’ ” Viz. Road Acts Repeal Bill

“ 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.’ ” Criminal Law of England Amendment Bill.

“ An Act 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 cases.’ ” Banishment Act Repeal Bill.

“ 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.” Value of Dollar declaratory Bill.

—Which were severally read a first time. —and, severally read a first time.

The same Deputation also brought up a Message in the following words :—

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty’s Council that they have passed the Amendments made by the Council in and upon 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,’ ” without amendment. Assembly concur in Amendments on Pickled Fish Act Amendment Bill.

WILLIAM CARSON,
Speaker.

House of Assembly,
11th October, 1838.

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

House adjourns.

12th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

FRIDAY, 12th OCTOBER, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Honorable Mr. Crowdy reports a draft of Instructions to Conferees on the Supply Bill.

The Honorable Mr. Crowdy, from the Committee appointed to draft Instructions to the Conferees on the subject-matter of the Supply Bill, reported a draft thereof.

Ordered, that the Report be received.

Instructions Committed—

Ordered, that the House go into a Committee of the whole on the said Instructions presently.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Instructions.

Ordered, that the Report be received and adopted.

The Instructions are as follow :

The Instructions.

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.

Bills brought up—

Three several Deputations from the House of Assembly brought up, for the concurrence of this House, the Bills entitled—

Viz.
Sheriff's Bill.

“ An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District.”

Road Act loan Bill—

“ 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;”—and

and

Pilots' Regulation Bill

“ An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's.”

—and read 1st time.

—Which were read a first time, and—

Ordered, to be read a second time to-morrow.

Assembly accede to the Conference requested.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested on the Supply Bill.

12th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

The Conferees went to the Conference, and having returned, the Honorable Mr. Crowdy reported that they had delivered their Instructions to the Managers on the part of the Assembly.

Conferees report having delivered their Instructions.

On motion, the Bill 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," was read a second time.

Value of Dollar declaratory Bill, read 2nd time.

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

Ordered, that the Bill be Committed presently.

Whereupon, the House went into a Committee of the whole.

Committed.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Reported, with—

Ordered, that the Report be received.

The Amendments are as follow :—

In the preamble, 2nd line.—Expunge the fifth word "the."

Amendments.

" " After the word "tender" add the words "within this Colony."

" 5th line.—Expunge the words "a certain rate" and insert the following "And after the same rate as the same are now payable and receivable in Her Majesty's Customs and other departments of Her Majesty's Government in this Colony."

Expunge the 1st and 2nd 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 speciality, 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 Plato 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 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 Amendments be engrossed, and the Bill, as amended, read a third time, to-morrow.

On Motion, of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

Ordered, that 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 Expences of the Legislature"—be read a second time on this day six months.

Supply Bill to be read a second time in six months.

The Bills entitled—

"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,'" and—

Criminal Law of England Amendment Bill—and

12th & 13th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

- Road Acts Repeal Bill "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,'"—
- were severally read a second time, and—
Ordered, to be committed to-morrow.
- On Motion of the Honorable Mr. Spearman, seconded by the Honorable Mr. Bland, it was—
- Banishment Act repeal Bill to be read a 2nd time in three months. Ordered, that the Bill entitled "An Act 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 cases'"—be read a second time on this day three months.
- House adjourns. On Motion, made and seconded, the House adjourned until To-morrow.

SATURDAY, 13th OCTOBER, 1838.

- House meets The House met pursuant to adjournment.

Present,

- Members present. *The Honorable* JAMES SIMMS, *Attorney-General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JAMES M. SPEARMAN, *Collector of the Customs.*
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

The Minutes of Yesterday were read.

- Members of Assembly's Seat vacating Bill—brought up. A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to authorize the Vacation of Members of the Assembly in certain cases."

- Value of Dollar declaratory Bill, read 3rd time. Pursuant to the order of the day, the Bill, as amended, 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"—was read a third time.

On Motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Simms, it was—

- Amendment in Ordered, that the words "now is or" be inserted in the Bill, as amended, between the words "Realm" and "would."

- Bill passed and signed. Whereupon the Bill was passed, and the Honorable the President signed the same.

- Criminal Law of England Amendment Bill—Committed.— Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "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' "

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

- Reported. The Chairman reported that the Committee had risen.

- Road Acts Repeal Bill Committed.— Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "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.' "

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

- Reported. The Chairman reported that the Committee had risen.

- Sheriff's Bill, read 2nd time.— Pursuant to the order of the day, the Bill entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District"—was read a second time.

On Motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Sinclair, it was—

- to be Committed in three months. Ordered, that the Bill above named be committed on this day three months.

13th October, 1838.

HENRY PRESCOTT, Esquire, C. B., *Governor.*

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that the Assembly have passed the Amendments made by the Council in the Bill 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," without amendment.

House of Assembly,
13th October, 1838.

WILLIAM CARSON,
Speaker.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject-matter of the Conference of Yesterday. Assembly request Conference on the Supply Bill.

Ordered, that the request be concurred in, and that the Honorable Messrs. Crowdy and Thomas be the Conferees on the part of this House. Conferees appointed—

The Conferees went to the Conference, and having returned, reported that they had met the Managers on the part of the Assembly, and received from them their instructions. their report.

Ordered, that the Report be received.

The Instructions are as follow :

MR. PRESIDENT,

The House of Assembly have taken the subject-matter of the Conference of 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. Assembly's Instructions to their Conferees requesting a Committee to adjust Contingencies 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.

House of Assembly,
13th October, 1838.

WILLIAM CARSON,
Speaker.

Ordered, that the House go into a Committee of the whole on the said Instructions presently.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Committed—

13th & 15th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Reported.

The Chairman reported that it is the opinion of the Committee the following Message should be transmitted to the House of Assembly:—

MR. SPEAKER,

Message to the Assembly relative to the appointment of a Committee to meet the Committee of that House on the subject of Contingencies—

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 of the Council be instructed to receive any proposition on the subject which the House of Assembly may submit, and report the same to this House accordingly.

The Committee to assemble in the Committee-Room of the Council presently.

Council Chamber,
13th October, 1838.

JAMES SIMMS.

Received and adopted.

Ordered, that the Report be received and adopted.

Committee appointed.

Ordered, that the Honorable Messrs. Thomas and Bland be the Committee on the part of this House.

Report of Committee.

The Committee having met the Committee on the part of the House of Assembly, and being returned, the Honorable Mr. Thomas reported, "that the Committee from the House of Assembly informed the Committee of this House that they had agreed to the Contingencies of the Council, and requested to be informed what part of the Contingencies of the Assembly were objected to by the Council—which subject never having been discussed in this House, the Committee could not give any information thereon, and here the Conference ended."

Road Act loan Bill—
read 2nd time.

Pursuant to the order of the day, the Bill 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," was read a second time.

Ordered, that the 38th Rule of this House, so far as it respects this Bill, be dispensed with.

Committed—

Whereupon the House went into a Committee of the whole on the same.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the Report be received.

Pilots regulation Bill—
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," was read a second time, and—

Ordered, to be Committed to-morrow.

Members vacation Bill,
read 1st time.

The Bill brought up this day, entitled "An Act to authorize the vacation of Members of the Assembly in certain cases," was read a first time, and—

Ordered, to be read a second time to-morrow.

House adjourns.

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

MONDAY, 15th OCTOBER, 1838.

House meets

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

15th & 16th October, 1838.

HENRY PRESCOTT, Esquire, C. B., Governor.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's." Pilots regulation Bill—
Committed—

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Reported, with

Ordered, that the Report be received.

The Amendments are as follow :—

In the 2nd page, 5th line.—Expunge the words "Acting Governor" and insert in their stead "Person Administering the Government" Amendments.

" 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 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 and 16th lines.—Expunge the 15th and 16th lines of this Schedule.

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time To-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to authorize the vacation of Members of the Assembly in certain cases," was read a second time, and—

Members of Assembly's
Seat vacating Bill—
read 2nd time.

Ordered, to be Committed To-morrow.

A Deputation from the House of Assembly brought up, for the concurrence of this House, 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," which was read a first time, and—

Contingency Bill—
brought up—
and read 1st time.

Ordered, to be read a second time To-morrow.

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

House adjourns.

TUESDAY, 16th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, Attorney-General.

" " JAMES CROWDY, Colonial Secretary.

" " JAMES M. SPEARMAN, Collector of the Customs.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

16th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

The Honorable the President read the following letter from the Honorable the Colonial Secretary.

SECRETARY'S OFFICE,
16th October, 1838.

SIR,

I have the honor, by command of the Governor, to acquaint you for the information of Her Majesty's Council (with reference to my letter of the 8th instant,) 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.

I have, &c.

(Signed,)

JAMES CROWDY.

To the Honorable the President
of Her Majesty's Council.

Letter from the Colonial Secretary relative to the prorogation of the Legislature.

Pilots regulation Bill—
read 3rd time, passed
and signed.

Pursuant to the order of the day, the Bill, as amended, entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's,"—was read a third time, and passed.

Whereupon the Honorable the President signed the same.

Road Act loan Bill—
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill 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."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill without Amendment.

Ordered, that the Report be received.

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

Members vacating Bill,
Committed—

Pursuant to the order of the day, the House went into Committee of the whole on the Bill entitled "An Act to authorize the Vacation of Members of the Assembly in certain cases."

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had risen.

Contingency Bill—
read 2nd time.

Pursuant to the order of the day, 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"—was read a second time.

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

Committed—

Whereupon, the House went into a Committee of the whole on the said Bill.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported—but recommended that a Message be sent to the Assembly to ascertain the Sum intended to be granted to P. Wright.

The Chairman reported the Bill without Amendment, but recommended that a Message be sent to the House of Assembly to ascertain the Sum intended to be granted to Philip Wright, against whose name a blank had been left in the said Bill.

Ordered, that the Report be received.

Whereupon, a Message was sent to the Assembly to the above effect.

Message sent accordingly.

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

MR. PRESIDENT,

The House of Assembly inform Her Majesty's Council that the Sum intended to be granted Philip Wright in the Bill of Contingencies was Five Pounds, Sterling, and request the Council will amend the clerical error, by inserting the said Sum.

WILLIAM CARSON,
Speaker.

House of Assembly,
16th October, 1838.

16th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in the Bill entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's"—without Amendment.

Assembly concur in Amendments on Pilots regulation Bill.

WILLIAM CARSON,
Speaker.

House of Assembly,
16th October, 1838.

A Deputation from the House of Assembly brought up, for the concurrence of this House, a 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 1839," which was read a first time.

Supply Bill—brought up, and read 1st time—

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

Whereupon the Bill was read a second time, and—

read 2nd time.

Ordered, to be Committed To-morrow.

On motion of the Honorable Mr. Spearman, seconded by the Honorable Mr. Bland, it was—

Motion for an address to the Governor for a statement of the sums in the Supply Bill, either initiated or assented to by him.

Ordered, that an humble Address be presented to His Excellency the Governor, to request that he will be pleased to direct a statement to be prepared and laid before Her Majesty's Council, of the several sums of Money proposed to be granted to Her Majesty in the present Session of the Legislature, which he has either initiated or assented to.

Ordered, that the Honorable Messrs. Spearman and Bland be a Committee to draft the Address presently.

Committee appointed to draft the Address.

After some time the Honorable Mr. Spearman, from the above-named Committee, reported a draft.

Draft reported.

Ordered, that the Report be received.

The Address is as follows:—

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

The Address—

May it please Your Excellency;

We, Her Majesty's most dutiful and loyal subjects the Council of Newfoundland, beg leave respectfully to request that Your Excellency will be pleased to direct a statement to be prepared and laid before Her Majesty's Council, of the several sums of Money proposed to be granted to Her Majesty in the present Session of the Legislature, which Your Excellency has either initiated or assented to.

Ordered, that the Address be adopted and engrossed.

Adopted—

The Address having been engrossed, it was read, and the Honorable the President signed the same.

and signed.

Ordered, that the Honorable Messrs. Spearman and Bland be a Committee to present it.

Committee appointed to present it.

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

House adjourns.

17th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

WEDNESDAY, 17th OCTOBER, 1838.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Committee appointed to wait on the Governor with an address relative to the Supply Bill, report having received the following—

The Honorable Mr. Spearman, from the Committee appointed to wait on His Excellency the Governor with the Address of this House of yesterday, on the subject of the Supply Bill, reported that the Committee had waited on His Excellency with the said Address, and received from him the following reply :—

Honorable Gentlemen ;

Reply of His Excellency.

The items in the Bill of Supply, alluded to in this Address, for which provision has been made without any previous recommendation or sanction from me, are—

The Expenses of the Delegation.
 Law Charges on the part of Messrs. Emerson and Simms.
 Expenses of Mr. Morris and of Mr. Dauson.
 Books, and Librarian, for the Legislature.

I presume that the term “ assented to ” refers to such matters as, not forming a part of the regular expenditure of Government, were not included in the General Estimate, but which have been subsequently brought under the consideration of the House of Assembly by my recommendation or with my consent.

Beyond this my assent cannot of course be given until the Bill comes regularly before me.

Ordered, that the Report be received.

Supply Bill—
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on 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.”

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported.

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

Ordered, that the Report be received.

On motion of the Honorable Mr. Spearman, seconded by the Honorable Mr. Thomas, it was—

Documents referred to the Committee on the Supply Bill.

Ordered, that the Despatch of the Secretary of State for the Colonies, to the Governor, of the 1st February 1838, with the Address of this House to His Excellency, of Yesterday, and His Excellency's reply thereto, be referred to the Committee on the Supply Bill.

Supply Bill—
Committed—

The House resolved itself again into a Committee of the whole on the said Bill.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported with Amendments—
A Conference to be had with the Assembly.

The Chairman reported the Bill with some Amendments ; and stated it to be the opinion of the Committee that a Conference should be requested with the Assembly on the subject of them.

Ordered, that the Report be received and adopted.

17th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House, and that they be a Committee to draft the Instructions to the Conferees presently. Committee appointed to draft Instructions to the Conferees—

The Honorable Mr. Spearman, from the Committee appointed to prepare the Instructions to the Conferees, presented a draft thereof, which is as follows : Report—

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 the Governor, and which, in the opinion of the Council, properly come under the nature of Contingencies of the Legislature rather than a Grant to Her Majesty for defraying the expense of the Civil Government of the Colony. A draft—

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 provided to grant the sum of Seven Hundred and Fifty Pounds towards the support of the Poor of Saint 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.

Ordered, that the Instructions, as reported, be received and adopted. Adopted—

Whereupon the Honorable the President signed the same. Signed.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested. Assembly accede to Conference.

The Conferees went to the Conference, and having returned, reported that they had met the Managers on the part of the Assembly, and delivered to them their instructions. Report of Conferees.

A Deputation from the House of Assembly brought up a Message requesting a Conference on the subject of the last Conference. Assembly request Conference on the subject of the last Conference.

Ordered, that the request be concurred in. Agreed to.

The Supply Bill, as amended, was then read a third time and passed. Supply Bill read 3rd time and passed—with

Whereupon the Honorable the President signed the same.

The Amendments are as follow :

2d Page, 5th and 6th lines—Expunge the words "thirteen thousand two hundred and sixty-three Pounds," and in lieu thereof insert "twelve thousand five hundred and twenty five pounds nineteen shillings and sixpence." Amendments.

10th Page, 10th line—At the end of this line insert the words "and upon 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."

11th Page—Expunge the first four lines of this page, and the 8th, 9th, 10th, 11th and 12th lines.

14th " —Expunge all the lines after the 17th inclusive, and to the 12th line inclusive of the 15th page.

17th " —Expunge the lines between the 3rd and 14th, both inclusive.

18th " —Expunge the words after "Saint John's," in the 9th line, to the end of the 13th line.

" —Expunge the last four lines of the same page.

19th " —Expunge the 7th, 8th, 9th, 10th, 11th and 12th lines of this page.

Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees of this House to meet the Managers from the Assembly on the subject of the last Conference. Conferees appointed on the Supply Bill—

17th & 18th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Their report.

The Conferees went to the Conference, and being returned, reported that they had received from the Managers on the part of the Assembly the following Instructions :---

Assembly's Instructions to their Conferees on the Supply Bill.

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. 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 affects its ultimate appropriation, or to expunge any money vote whatever.

WILLIAM CARSON,
Speaker.

House of Assembly,
17th October, 1838.

House adjourns.

On Motion, made and seconded, the House adjourned until To-morrow.

THURSDAY, 18th OCTOBER, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney General.*
" " JAMES CROWDY, *Colonial Secretary.*
" " JAMES M. SPEARMAN, *Collector of the Customs.*
" " WILLIAM THOMAS.
" " JOHN B. BLAND.
" " JOHN SINCLAIR.

The Minutes of Yesterday were read.

Contingency Bill--
read 3rd time.

On motion, 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," was read a third time.

Supply Bill--
brought up, and read
1st time--

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

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

read 2nd time.

The Bill was then read a second time.

Ordered, that the House go into a Committee of the whole on the same presently. The House accordingly went into Committee of the whole.

Committed--

The Honorable Mr. Bland in the Chair.

A Message being announced the House formed.

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

MR. PRESIDENT,

Assembly request the Council to make such alterations in the stringent regulations respecting the vote for Steam Navigation as they may deem expedient.

The House of Assembly request Her Majesty's Council, should any doubt exist on the propriety of 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 alteration in the same as they may deem expedient.

WILLIAM CARSON,
Speaker.

House of Assembly,
18th October, 1838.

Supply Bill--
Committed--

The House again went into a Committee of the whole on the Supply Bill.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

18th, 19th & 20th October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., Governor.

The Chairman reported the Bill without Amendment.	Reported—
Ordered, that the Report be received.	
The Bill was then read a third time, and passed.	Read 3rd time, and passed.
Whereupon the Honorable the President signed the same.	
On motion, it was---	
Ordered, that the Contingency Bill do now pass.	Contingency Bill, passed.
Whereupon the Honorable the President signed the same.	
On Motion, made and seconded, the House adjourned until To-morrow, at noon.	House adjourns.

FRIDAY, 19th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, 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,”---which was read a first time.

Delegation Contingent Bill—
brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “ An Act for 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,”---which was read a first time.

Road provision Bill—
brought up and read 1st time—

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

The Bill was then read a second time, and---

read 2nd time—

Ordered, to be Committed presently.

Whereupon the House went into a Committee of the whole on the said Bill.

Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

Reported.

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

House adjourns.

SATURDAY, 20th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

20th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

The Honorable the President read the following Letter from the Honorable the Colonial Secretary:—

Secretary's Office, 20th October, 1838.

SIR,

The Governor, understanding that the business before the Legislature is not yet completed, directs me to acquaint you, that, anxious to give the utmost time, consistent with the public convenience, for that purpose, he will not close the Session until Thursday next the 25th instant, at Two o'clock.

I have the honor to be,

Sir, &c. &c.

JAMES CROWDY.

The Honorable the President
of Her Majesty's Council.

The Council informed that His Excellency will not close the Session until Thursday.

Road provision Bill—
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill 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."

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported, with—

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received.

The Amendments are as follow :

Amendments.

At the end of the 18th page, insert as the third 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 miles from Harbor-Grace.

Page 20, line 4th—Expunge the 4th, 5th, and 6th words of this line.

22, " 15—Expunge the word "said," before the word "Board."

" 16—After the word "Control," 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 Saint John's, and other Towns and Places in this 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 heretofore 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, greatly 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

20th & 22nd October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

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 Nuisances, 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
and not exceeding
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."

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time To-morrow.

Pursuant to the order of the day, the 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," was read a second time, and—

Delegation Contingent Bill, read 2nd time.

Ordered, to be Committed To-morrow.

Pursuant to the order of the day, the Bill 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,"—was read a third time and passed.

Road Act loan Bill—read 3rd time and passed.

Whereupon the Honorable the President signed the same.

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

House adjourns.

MONDAY, 22nd OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney General.*

" " JAMES CROWDY, *Colonial Secretary.*

" " JAMES M. SPEARMAN, *Collector of the Customs.*

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

Members present.

The Minutes of Saturday last were read.

On the order of the day being read for the third reading of the Bill 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," it was—

Road provision Bill—

Ordered, on motion of the Honorable Mr. Thomas, that the said Bill be re-committed.

Committed—

22nd October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Whereupon the House went into a Committee of the whole on the same.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported, with an—

The Chairman reported the Bill with an Amendment.

Ordered, that the Report be received.

The Amendment is as follows :—

Amendment.

At the end of the 18th page, in the Bill as amended, insert the words “save and except such Roads as are already gravelled to an extent exceeding the breadth above-mentioned.”

Ordered, that the said Amendment be engrossed presently.

Bill read 3rd time and passed.

Whereupon, the Amendment being engrossed, the Bill, as amended, was read a third time, and passed—and the Honorable the President signed the same.

Delegation Contingent Bill -
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the 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 Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported, with—

The Chairman reported the Bill with some Amendments.

Ordered, that the Report be received.

The Amendments are as follow :

Amendments.

Expunge the Title of the Bill, and insert instead thereof the words “An Act to make further provision for the Contingent Expenses of the Legislature.”

In the Preamble, 1st line—Expunge all the words between the word “necessary,” in this line, and the word “to,” in the sixth line.

In the first Section, 6th line—Expunge the words “Eight Hundred and thirty-seven Pounds” and insert in their stead “One hundred and twenty-three Pounds Fifteen Shillings.”

“ “ 7th line—Expunge all the words, beginning with the word “To,” in this line—all the words in the following page—and the first five lines of the next page.

3rd page, 6th line—Expunge the words “And a further sum of,” and insert in their stead “the sum of.”

Expunge the last line of the 3rd page, and the first five lines of the last page.

Ordered, that the 33th Rule of the House, so far as it respects this Bill, be dispensed with.

Ordered, that the Amendments be engrossed, and the Bill, as amended, read a third time presently.

Bill read 3rd time and passed.

Whereupon, the Amendments having been engrossed, the Bill was read a third time and passed, and the Honorable the President signed the same.

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Spearman, it was—

Ordered, that the following Message be sent to the House of Assembly :—

MR. SPEAKER,

Message to Assembly on the subject of the rejection of certain items in the Delegation Contingent Bill.

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.”

22nd & 23rd October, 1838.

HENRY PRESCOTT, ESQUIRE, C. B., *Governor.*

The sum of Six Hundred Pounds, or so much 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 those actions are still pending.

Council-Chamber,
22nd October, 1838.

Ordered, that the Honorable the President sign the same.

Whereupon, the said Message was signed and transmitted to the House of Assembly.

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

House adjourns.

TUESDAY, 23rd OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present.

The Minutes of Yesterday were read.

A Deputation from the House of Assembly brought up for the concurrence of this House, a Bill 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,”---which was read a first time.

Read provision Bill—
brought up and read 1st
time—

Ordered, that the 38th Rule of the House, so far as it respects this Bill, be dispensed with.

The Bill was then read a second time, and---

read 2nd time—

Ordered, to be Committed presently.

Whereupon the House went into a Committee of the whole on the said Bill.

Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported—

Ordered, that the Report be received.

The Bill was then read a third time, and passed.

Read 3rd time, and
passed.

Whereupon the Honorable the President signed the same.

On Motion, made and seconded, the House adjourned until To-morrow.

House adjourns.

24th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

WEDNESDAY, 24th OCTOBER, 1838.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General.*
 “ “ JAMES CROWDY, *Colonial Secretary.*
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*
 “ “ WILLIAM THOMAS.
 “ “ JOHN B. BLAND.
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

Delegation Contingent
Bill—
brought up, read 1st
time—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, 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 to make further provision for the Contingent Expenses of the Legislature ”—which was read a first time, and—

On motion—

On motion of the Honorable Mr. Thomas, seconded by the Honorable Mr. Bland, it was—

thrown out.

Ordered, that the said Bill be read a second time on this day three months.

Motion respecting re-
solutions with reference
to the Contingencies of
the Legislature.

The Honorable Mr. Spearman, seconded by the Honorable Mr. Sinclair, moved the adoption of certain Resolutions in respect to the Contingencies of the Legislature.

Resolutions
Committed—

On motion of the Honorable Mr. Bland, seconded by the Honorable Mr. Thomas, the House went into a Committee of the whole thereon.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported.
Select Committee re-
commended to be ap-
pointed.

The Chairman reported progress, and asked leave to sit again—and recommended that a Select Committee be appointed to ascertain the details of Contingencies, and to report thereon.

Ordered, that the Report be received.

The Committee—

Ordered, that the Honorable Messrs. Spearman and Thomas be the Committee for that purpose.

Report certain Resolu-
tions.

After some time the Honorable Mr. Spearman, from the Select Committee, reported that the Committee had ascertained the amount of the items of Contingencies, and had agreed to certain Resolutions thereon.

Ordered, that the Report be received.

Resolutions

Ordered, that the House go into a Committee of the whole on the same presently.

Committed—

Whereupon, the House went into Committee accordingly.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Resolutions, which are as follows:—

The Resolutions—

£1390 0 9

£405 11 6

£684 9 3

£494 4 1

£2953 9 6

£663 8 4

£3311 19 6

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, in-

24th & 25th October, 1838.

HENRY PRESCOTT, Esquire, C. B., *Governor.*

creased 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 Colonial 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 a humble request that he will transmit them to Her Majesty's Principal Secretary of State for the Colonies.

Ordered, that the Report be received and adopted.

Resolutions adopted—

Ordered, that the Resolutions be engrossed presently.

Whereupon, the Resolutions were engrossed and transmitted, by Message, to the House of Assembly, and sent to the Assembly.

Ordered, that the Honorable Messrs. Spearman and Thomas be a Committee to draft the Address to the Governor. Committee appointed to draft the Address to the Governor.

After some time the Honorable Mr. Spearman, from the Committee, presented a draft of an Address to His Excellency. Draft presented.

Ordered, that the same be received and adopted.

Adopted.

The Address is as follows:—

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

The Address—

May it please Your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Council of Newfoundland, beg leave to acquaint Your Excellency, that we have, in our Legislative capacity, passed a series of Resolutions on the subject matter of the Contingencies of the Legislature of the Colony, Copy of which we beg to lay before Your Excellency, with our humble request that you will bring them under the consideration of Her Majesty's Government.

JAMES SIMMS.

Council-Chamber,
24th October, 1838.

Ordered, that the Honorable Messrs. Spearman and Thomas be the Committee to present the Address to-morrow. Committee appointed to present the Address.

On Motion, made and seconded, the House adjourned until half-past One o'Clock, p. m., To-morrow, House adjourns.

THURSDAY, 25th OCTOBER, 1838.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JAMES M. SPEARMAN, *Collector of the Customs.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

25th October, 1838.

THIRD SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

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

His Excellency's reply.

The Honorable Mr. Spearman, from the Committee appointed to wait on the Governor with the Address of this House of Yesterday, reported that the Committee had presented the Address, and that His Excellency was pleased to reply that he would comply with the request contained in it without delay.

The Governor arrives at the Council Chamber. The Assembly summoned to attend him.

At Two of the Clock, p. m., His Excellency the Governor having come to the Council-Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to command the immediate attendance of the House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to assent to the following Bills—

Viz.

His Excellency assents to sundry Bills.

“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 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.”

“An Act for granting to Her Majesty a Sum of Money to defray the Contingent Expenses of the Legislature during the present and the last Sessions.”

“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.”

“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.”

“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 first General Assembly, intituled ‘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 Saint 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.”

After which, His Excellency was pleased to Address the two Houses of the Legislature in the following words:—

His Speech on proroguing the Legislature.

Mr. President, and Honorable 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 Honorable 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.

25th October, 1838.

HENRY PRESCOTT, Esquire, C. B., *Governor.*

Let us endeavor 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, 1833.—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.”

The Honorable the President of the Council then said—

It is His Excellency the Governor’s will and pleasure that this General Assembly be Prorogued to Wednesday the Sixteenth day of January next, to be then and here holden; and this General Assembly stands Prorogued accordingly. The General Assembly prorogued.

APPENDIX.

APPENDIX.

ESTIMATE

Of the Charge of defraying the Public Expenditure of the Colony of Newfoundland for the Year ending the 30th June, 1839.

Twelve Thousand Four Hundred and Fifty-eight Pounds, Sterling.

PROPOSED DISTRIBUTION OF THE ABOVE SUM OF TWELVE THOUSAND FOUR HUNDRED AND FIFTY-EIGHT POUNDS, FOR THE YEAR 1838-9.

Salary of the Clerk of the Council	....	....	....	£200	0	0
Two Clerks in the Secretary's Office	....	....	....	400	0	0
Office-Keeper of ditto	....	....	....	60	0	0
Messenger ditto	....	....	....	60	0	0
Colonial Treasurer	....	....	....	400	0	0
Clerk of Northern Circuit Court	....	....	....	200	0	0
Clerk of Southern Circuit Court	....	....	....	200	0	0
Crier and Tipstaff	....	....	....	60	0	0
Gaoler (St. John's)	....	....	....	50	0	0
Two Police Magistrates (ditto)	....	....	....	500	0	0
Chief Constable (ditto)	....	....	....	80	0	0
Six Police Constables (ditto)	....	....	....	270	0	0
As per detail annexed. { Stipendiary Magistrates in Out-Ports	....	....	....	1410	0	0
{ Clerk of Peace, Gaolers and Constables (ditto)	....	....	....	970	0	0
Superintendent of Convicts at hard labour	....	....	....	50	0	0
To defray the Attorney-General's Fees	....	....	....	250	0	0
Salary of the Judge of the Admiralty (3 years)	....	....	....	1500	0	0
						6660 0 0

MISCELLANEOUS.

To defray Expenses of Printing, Stationery, &c.	....	550	0	0	
Civil and Criminal Prosecutions	....	900	0	0	
Gaols	....	700	0	0	
Coroners	....	150	0	0	
Fuel and Light	....	300	0	0	
Ordinary Repairs to Court-Houses, &c.	....	180	0	0	
Postages and Incidentals	....	120	0	0	
Relief of the Poor	....	1000	0	0	
Expenses of Circuits	....	560	0	0	
Firing Fog Guns	....	250	0	0	
Unforeseen Contingencies	....	500	0	0	
						5210 0 0
Allowance to Chairman of Sessions (St. John's)	....				
Necessary Repairs to the Court House Buildings at St. John's (as per Estimate and Report already furnished)	....	588	0	0	
						588 0 0
						Total £12,458 0 0

N. B.—By existing Acts a Salary of £300 a-year is provided for the Clerk of the Supreme and Central Courts, and £2,100 for the purposes of Education.

APPENDIX.

DETAIL

OF SALARIES AND ALLOWANCES TO STIPENDIARY MAGISTRATES,
CLERK OF PEACE, GAOLERS AND CONSTABLES IN THE
UNDERMENTIONED OUT-PORTS.

Out-Ports.	Magis- trates.	Clerk of Peace.	Constables.		Gaolers.	TOTAL.
			No.	Allowance		
	£	£		£	£	
Harbour-Grace	150	50	3	85	50	335 0 0
Caribnear	120		3	75		195 0 0
Brigus & Port-de-Grave	120		2	50		170 0 0
Bay-de-Verds			1	12		12 0 0
Harbour-Main			1	12		12 0 0
Cats Cove			1	12		12 0 0
Western Bay			1	12		12 0 0
South Shore			1	12		12 0 0
Lerryland	160		1	25	25	150 0 0
Bay Bulls	100		1	25		125 0 0
Toad's Cove			1	12		12 0 0
Permeuse			1	12		12 0 0
Placentia	100		1	25	25	150 0 0
Little Placentia			1	12		12 0 0
Barren Islands			1	12		12 0 0
Merashcen			1	12		12 0 0
Burin	100		1	25	25	150 0 0
Lamaline			1	12		12 0 0
Trepassey and St. Mary's	100		2	24		124 0 0
Harbour Britain	100	}	2	24		224 0 0
Grand Bank	100					
Trinity	120		2	37	25	182 0 0
Catalina			1	12		12 0 0
Bonavista	100		2	25		125 0 0
Greenspond			1	15		15 0 0
Twillingate and Fogo	100		3	49		149 0 0
Exploits Bay			1	12		12 0 0
Brigus (South)			1	12		12 0 0
Witless Bay			1	12		12 0 0
Petty Harbour			1	20		20 0 0
Torbay			1	18		18 0 0
Perlican			1	12		12 0 0
Hearts Content			1	12		12 0 0
Hauts Harbour			1	12		12 0 0
New Harbour			1	12		12 0 0
Renewse			1	20		20 0 0
Total ...						£2380 0 0

RECAPITULATION.

Thirteen Stipendiary Magistrates	£ 1410 0 0
One Clerk of Peace	50 0 0
Forty-Six Constables	770 0 0
Five Gaolers	150 0 0
	£2380 0 0

APPENDIX:

Despatches from Secretary of State for the Colonies.

No. 166.

Downing Street, 3rd January, 1838.

SIR,

I have received and have laid before The Queen the Address of the House of Assembly of Newfoundland of the 23rd of October, enclosed in your Despatch of the 9th ulto. No. 67, and referred to in your previous Despatch No. 64, praying the removal of restrictions to the cultivation of the Soil of the Island. Her Majesty was pleased to receive that Address very graciously, and to command me to return the following answer.

In the result of a very extensive enquiry and much reflection, Her Majesty's Government have been led to the conclusion that the Waste Lands in all the British Colonies ought to be disposed of in no other manner than by Public Auction to the highest bidder at a fixed upset price. That price must of course vary in different Colonies, but should be fixed in each from time to time with a careful reference to the exchangeable value and ordinary price of Wild Land in that particular Colony.

This system is in force throughout British North America and in all the Australian Settlements.

I enclose for your information copies of the Acts of Assembly recently passed for this purpose in New Brunswick and in Upper Canada; and I am to convey to you Her Majesty's Authority to assent on her behalf to any Act which may be passed for a similar purpose by the Council and Assembly of Newfoundland, if framed upon the same principles and comprising no clauses otherwise objectionable.

For your guidance in the mean time, I transmit a Copy of the Land Regulations now in force in the Australian Settlements.

With the assistance of the Council, these regulations may readily be adapted to the local circumstances of Newfoundland, and when so adapted you will take them as the rule for your Government in the alienation of the Lands of the Crown until some Legislative provision shall have been made for that purpose.

I have, &c.

(Signed,)

GLENELG.

NEW-BRUNSWICK.

8th WILLIAM 4th, CAP. 2.

An Act to restrain the provisions of the 5th Section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry Regulations for the future disposal of the Crown Lands and Timber in certain cases.

[Passed 22nd July, 1837.]

WHEREAS in and by the fifth Section of an Act made and passed at this present Session, intituled "An Act for the support of the Civil Government in this Province," it is enacted, that all disposals of any of His Majesty's Lands, Woods, Mines, and Royalties within this Province, made during the continuance of the said Act, shall be utterly null and void and of none effect unless made at Public Auction to the highest bidder: And Whereas it is deemed advisable to restrain the operation of the said fifth Section in certain cases.

1.—Be it therefore enacted, by the Lieutenant Governor, Legislative Council and Assembly, that nothing in the aforesaid in part recited Act contained shall extend or be construed to extend to prevent His Excellency the Lieutenant Governor or Commander-in-Chief for the time being, by and with the advice and consent of the Executive Council, at any time during the continuance of this Act, from disposing, by private Sale, of any Tract or Tracts of ungran-

APPENDIX.

ted Crown Lands to any Person or Persons who shall, prior to the passing of this Act, be actually settled upon and shall have improved such Tract or Tracts without any legal authority for so doing. Provided always, that in no case shall more than One Hundred Acres be granted to any one Person, and that no Grant be made as aforesaid for less than Two Shillings and Sixpence currency per Acre, for immediate payment, or Three Shillings currency per Acre, by four annual instalments; and that the names of the Grantees, with a statement of the quantity of Land granted to each, where situate, and the terms and conditions of Sale, be laid, each year, with the other casual Revenue Accounts, before the General Assembly.

2nd.—And be it enacted, that it shall and may be lawful for His Excellency the Lieutenant Governor and Commander-in-Chief for the time being, by and with the advice and consent of the Executive Council, if they shall see fit, to grant Licences for cutting and hauling Timber, Logs or other Lumber, immediately on their being applied for, and to renew the same to the former occupant or occupants who may have worked the same during the previous year, on his or their making timely application thereof before the previous License expires, and to grant the same by private Sale, on Petition, without Public Auction, at the following Rates—

Viz.

For Square Red Pine Timber, Two Shillings and Sixpence per Ton.

For Square White and Sapling Red Pine, Two Shillings per Ton.

For Square Birch, Spruce and Hemlock, One Shilling and Six Pence per Ton.

For Pine and Spruce Logs, Three Shillings and Sixpence per 1000 Superficial Feet.

And for other descriptions of Wood, the Sum of Ten Pounds upon every Hundred Pounds of its estimated value.

And in case two or more persons shall apply on the same day for a new berth, if the said Lieutenant Governor or Commander-in-Chief, by and with the advice and consent aforesaid, shall see fit to dispose of the same, that then and in such case it shall be sold by the Commissioner of Crown Lands or his Deputy, to the highest bidder, and be competed for between the applicants only; provided that no such licence be granted for a longer term than one year, and not to extend beyond the first day of May next after the issuing thereof.

3rd.—And Whereas cases may arise where Persons licenced to cut Timber, Logs or other descriptions of Lumber, may exceed the quantity so licenced; Be it therefore enacted, that it shall and may be lawful for His Excellency the Lieutenant Governor or Commander-in-Chief for the time being, by and with the advice aforesaid, to grant relief to the Person or Persons so exceeding the licence upon payment of the lawful tonnage money; provided that the Person so exceeding the quantity licenced make such application for such excess and pay the tonnage before the first day of May in each year; and provided also, that such excess shall have been cut within the limits of his license.

4th.—And be it enacted, that from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor and Commander-in-Chief for the time being, by and with the advice and consent aforesaid, to make such Rules and Regulations relating to the disposal of Land and the licencing of Timber, Logs and all other descriptions of Lumber, and for the guidance of applicants, agreeably to the true intent and meaning of this Act, as may be deemed expedient and proper, to carry the provisions of this Act into effect, which said Rules and Regulations shall be published in the *Royal Gazette*.

5th.—And Whereas cases may arise where industrious Emigrants or Natives, not having any Land, may be desirous of procuring small allotments for immediate settlement: And Whereas there are in this Province sundry Tracts of ungranted Crown Land not valuable for Lumbering purposes, but fit for Agricultural improvement, and which should be disposed of on reasonable terms to Persons of the above description. Be it enacted, that from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander-in-Chief, by and with the advice and consent of the Executive Council, to sell and grant by private Sale, to any Emigrant or Native, being British subjects, not having any Land, and who shall prove to the satisfaction of the said Governor and Council that he is deserving of such privilege and has not applied for the same for any other purpose than that of immediate settlement and cultivation, a quantity of Land of the description mentioned in the preamble of this Section, not exceeding One Hundred Acres to each Individual; and that

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an account of such disposals be annually laid before the General Assembly specifying the name of Grantees, the quantity granted to each, where situate, and the terms and conditions of Sale. Provided always, that no Land shall be sold and granted as aforesaid for less than Two Shillings and Six Pence currency per Acre, to be paid immediately on the application being complied with, and before the applicant take possession thereof.

6th.—And be it enacted, that in case any Officer of the Army or Navy of the United Kingdom shall be desirous of purchasing Land from the Crown in this Province, and shall make it appear to the satisfaction of the Lieutenant-Governor or Commander-in-Chief for the time being, that the same is for the purpose of actual settlement by such Officer, that then it shall and may be lawful for his Excellency the Lieutenant Governor or Commander-in-Chief for the time being, by and with the advice and consent of the Executive Council, to grant a remission of the purchase money or part thereof to all such Officers according to the following graduated scale, on the production of testimonials of unexceptionable character from the General Commanding-in-Chief, or from the Lords of the Admiralty:—

Field Officers of the Army, of 25 Years Service in the whole and upwards, £300.

Field Officers of the Army, of 20 Years Service in the whole and upwards, £250.

Field Officers of the Army, of 15 Years Service in the whole or less, £200.

Captains in the Army, of 20 Years Service in the whole and upwards, £200.

Captains in the Army, of 15 Years Service in the whole or less, £150.

Subalterns in the Army, of 20 Years Service in the whole or upwards, £150.

Subalterns in the Army, of 7 Years Service in the whole or less, £100.

And Officers of His Majesty's Navy, of the corresponding ranks and terms of service, in the like proportion.

Provided always, that no remission of Purchase Money be made to any Officers of the Civil Departments of the Army or Navy.

7th.—And be it enacted, that all Grants, Leases and other Assurances under the Great Seal of this Province, made and entered into under and by virtue of any of the provisions of the said in part recited Act or of this Act, shall in all cases and in all Courts of Law and Equity within this Province be deemed and taken to be evidence, that all the requisitions of the said in part recited Act, or of this Act, as the case may be, in regard to the mode and terms of disposing of the Lands, Tenements or Hereditaments in such Grants, Leases or Assurances contained, have been duly observed and complied with.

8th.—And be it enacted, that this Act shall continue and be in force until the 1st day of September, which will be in the Year of Our Lord 1839.

UPPER CANADA.

An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein mentioned.

WHEREAS it is expedient to provide greater facilities for the disposal of the Public Lands in this Province and for the issuing of Patent Deeds for the same, be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that from and after the passing of this Act no free grant shall be made of any of the Public Lands in this Province to any person or persons whomsoever except U. C. Loyalists and their Children, and such other persons as are now entitled to a free grant of Public Land, under or by virtue of any Order in Council or other regulation of Government now in force and effect.

2nd.—And be it further enacted, by the authority aforesaid, that it shall be the duty of the Surveyor General so soon as conveniently may be after an Order in Council shall have been

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issued for the allowance of any claim for a free grant of Land, to locate the party or parties entitled thereto, or the assignee or assignees of such party or parties, his, her or their heirs or assigns, on such Lands open for location in any district within this Province under the authority of the Government, as he, she or they shall think proper to select, and as shall not have been previously located to any other person or persons, or shall not have been otherwise specially reserved, and the Patent Deed or Patent Deeds of the Lands so located shall be issued to the parties free of expense, or upon the payment of such Patent Fees only as are now payable under any present regulation respecting grants of a similar nature.

3rd.—And be it further enacted, by the authority aforesaid, that after the allowance of any such claims under or by virtue of any Order in Council to be issued in respect thereof, such claims shall be assignable and transferable by the parties entitled thereto to any purchaser or purchasers thereof, and such purchaser or purchasers, his, her or their heirs or assigns, shall be entitled to locate in respect thereof, and to have the Patent Deed or Patent Deeds of the same to be issued in his, her or their name or names.

4th.—And be it further enacted, by the authority aforesaid, that all claims for free grants of Public Lands shall after the passing of this Act be made and set forth by Memorial or Petition to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in Council, and shall be accompanied by the requisite Documentary proofs and evidence, and shall be signed by the Claimant or Claimants, his, her, or their Attorney or Agent, and shall be duly considered and disposed of in Council only, and in no other manner except as hereinafter provided.

5th.—And be it further enacted, by the authority aforesaid, that it shall be the duty of his Majesty's Commissioners for the sale of Crown Lands, for the time being, to keep a Book for the entry (at the option of the parties interested) of the particulars of any assignment made by, as well the original Nominee or Locatee as also by any subsequent Assignee or Assignees of any such claims on the Lands located in respect thereof,—such assignment or assignments being first produced and exhibited to the Commissioners aforesaid, together with an affidavit of the due execution thereof, sworn before any Justice of the Peace, who is hereby fully authorized to administer the oath in this behalf, and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such Book of entry or registry, and to endorse on every such assignment a certificate of such entry or registration, and every such assignment so entered and registered shall be valid against any other of a previous date or execution, but not then entered or registered except in cases of express notice.

6th.—And be it further enacted, by the authority aforesaid, that after any Order in Council shall be made in respect to free grants of Land as aforesaid, the party or parties interested therein or the Assignee or Assignees of such party or parties and the Heirs or Assigns of such Assignee or Assignees shall at their option be entitled to locate Lands in respect thereof or to claim an allowance in lieu thereof at the rate of four shillings per Acre in the purchase of any other Public Lands upon the sale thereof under the provisions of this Act, and whether the same consist of Crown Lands, Clergy Reserves, School Lands, or other Public Lands.

7th.—And be it further enacted, by the authority aforesaid, that any Military or Naval Officer or other person entitled to an allowance in Money in lieu of Lands under any existing order or regulation shall be entitled to purchase any of the Public Lands aforesaid, and shall receive credit upon any such purchase to the full extent of the said allowance.

8th.—And be it further enacted, by the authority aforesaid, that in case of the sale of any Clergy Reserves or other Lands appropriated for a specific public purpose to any person or persons entitled under the provisions of this Act to purchase the same in lieu of locating or purchasing other Lands as aforesaid, the proper funds to which the proceeds of the Lands so sold shall belong, shall be re-imbursed the full amount of such sale from and out of the proceeds of the sale of Crown Lands not so appropriated to any specific purpose, and it shall be the duty of the Commissioner of Crown Lands to regulate his accounts accordingly.

9th.—And be it further enacted, by the authority aforesaid, that except, as aforesaid and as hereinafter is further provided, none of the Public Lands aforesaid shall be sold by private

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sale unless the same shall have been first offered at public auction for sale at an upset price, after which it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to direct the sale of such Lands at the upset price thereof named at such public auction to any person willing to purchase the same by private contract.

10th.—And be it further enacted, by the authority aforesaid, that the upset price of such Public Lands shall be from time to time fixed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province in Council only and not otherwise, as also the terms and conditions of sale and such other regulations respecting the same, not contrary to the provision of this Act, as shall be deemed necessary.

11th.—And be it further enacted, by the authority aforesaid, that the management of such public sales and the time and place of holding the same shall be under the controul and direction of the Commissioners of Crown Lands subject to any general or special Order in Council that shall from time to time be made to regulate the same, and the proceeds of such sales, as also of sales by private contract, shall be received by the Commissioner of Crown Lands, and be duly accounted for and paid over by him to the Receiver General of the Province.

12th.—And for the purpose of encouraging actual settlement on the Lands purchased from the Crown under the provisions of this Act, Be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province to order and direct reservations to be made of such portions of Land, adjoining or adjacent to Lands intended for immediate sale, as the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice and consent of the Executive Council, shall deem requisite and advisable to order and direct, and the Land so reserved shall upon application be granted free of expense to the purchaser or purchasers of the adjoining or adjacent lot so sold, provided the quantity in no case shall exceed fifty Acres, upon its appearing upon inspection and other sufficient proof that such purchaser or purchasers, his, her, or their assignee or assignees, shall have been bonâ file settled and resident upon the Land so purchased for the space of five years, and shall have made such improvements thereon as shall be required by any Order in Council respecting the same, provided always that such reservation shall not in any case exceed in quantity the lot or parcel of purchased Land in respect of which such reserved Land shall have been made, and also that the whole of such residence shall have been within ten years from the time of such original purchase.

13th.—And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the consent of the Executive Council, to nominate and appoint fit and proper persons in each District in the Province to be resident Agents of the Commissioner of Crown Lands for the sale of Public Lands, in the manner hereinafter provided, and also to appoint the time and place in each District where such Agents shall keep their offices.

14th.—And be it further enacted, by the authority aforesaid, that it shall be the duty of such resident Agents, and they are hereby authorized and empowered, under the direction of the Commissioner of Crown Lands, to make sales as well by auction as also by private contract of the Public Lands within their respective divisions at such upset prices as shall have been under the provisions of this Act duly fixed and ascertained.

15th.—And be it further enacted, by the authority aforesaid, that every such District Agent shall be furnished by the Commissioners of Crown Lands with correct Lists and Maps of the Lands for sale from time to time in his division and with such other means as may be necessary to enable him to give full and requisite information to purchasers, and the division allotted to each District Agent shall be assigned and limited by the Commissioners of Crown Lands, and such District Agent shall not have any power to act out of such division, and shall keep regular accounts of sales, and make the same distinctly to appear on his Plan or Map.

16th.—And be it further enacted, by the authority aforesaid, that no sale of Public Lands by auction or otherwise shall be effected out of the District and division in which such Lands are situate unless under a special Order in Council.

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17th.—And be it further enacted, by the authority aforesaid, that the purchase money upon the sale of any such Public Lands shall in the first instance be paid to the resident District Agent, who shall transmit the same to the Commissioners of Crown Lands whenever the same shall amount to the sum of £25, deducting therefrom his per centage as hereinafter provided, and in default of such remittance shall be liable to be charged penalty thereon at the rate of 15 per cent from the time he shall retain the same in his hands after the amount shall become remittable as aforesaid, and upon the receipt of any such purchase monies by the District Agent, such District Agent shall give the purchaser or purchasers a receipt for the same, specifying therein the number of the lot, or quantity of Land purchased, and otherwise sufficiently describing the same, which receipt shall bear date the day on which it was actually signed, and the receipt so given shall authorize the purchaser to take immediate possession of the lot so sold, and to maintain actions of ejectment or for trespass against any wrongful possessor or trespasser thereon, in his own name, as fully and effectually as if the Patent Deed had been issued to such purchaser.

18th.—And be it further enacted, by the authority aforesaid, that so soon as the purchase money of any particular lot or quantity of Land shall have been paid up in the manner aforesaid, the purchaser or purchasers thereof shall thereupon become entitled to have and receive a free grant of the same by His Majesty's Letters Patent, under the Great Seal of the Province, granting the same to such purchaser or purchasers, his, her or their heirs and assigns in free and common soccage, and subject only to such reservations as are now usually reserved in Letters Patent of the same description, and such Letters Patent shall be transmitted by the Commissioners of Crown Lands to the District Agent of the Division in which the Lands are situated within the space of thirty days after the whole of the purchase money shall have been paid and duly notified to the Commissioner of Crown Lands, unless by any unforeseen event or unavoidable necessity, the same cannot be transmitted, and it shall be the duty of the District Agent, upon the receipt of such Letters Patent, to deliver the same to the owner or owners upon demand, without charge.

19th.—And be it further enacted, by the authority aforesaid, that it shall also be the duty of the Commissioners of Crown Lands to furnish every District Agent with a correct List of all Lands which shall be from time to time open for location within his division to any claimant or claimants entitled to free grants, and it shall be the duty of such District Agent to afford the requisite information to any such claimant or claimants, and also to receive and transmit to the office of the Commissioners of Crown Lands any petition or application for location to be laid before the Executive Government, and such District Agent shall also receive and distribute to the parties concerned the necessary location tickets, Orders in Council, Letters Patent, and other Documents relative to grants of Land, free of expense.

20th.—And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the Province, by and with the advice and consent of the Executive Council, to authorize and direct the expenditure, by the Commissioners of Crown Lands, of any sum not exceeding £1000 in each Township, in which the same shall be considered necessary and advisable, in the erection of one Grist Mill and one Saw Mill, or either of them, at such place in the Township as shall be deemed most advisable and beneficial, and the money expended in the building of the same, by the Commissioner of Crown Lands, out of the proceeds of the sales of Crown Lands in his hands, shall be allowed in the accounts of the said Commissioner, and such Saw Mill and Grist Mill or either of them shall afterwards be disposed of and sold at such time and upon such terms and conditions as the Governor, Lieutenant Governor, or Person Administering the Government for the time being shall, by and with the advice and consent of the Executive Council, authorize and approve, and the proceeds of any such sale shall be paid by the Commissioner of Crown Lands direct, and be accounted for by him in the same manner as the proceeds of Sales of Crown Lands.

21st.—And be it further enacted, by the authority aforesaid, that the Commissioners for the sale of Crown Lands for the time being, as also every District Agent, shall, before entering upon the duties of their respective offices, give good and sufficient security, to the satisfaction of the Executive Government, for the faithful discharge of their respective duties and for the due payment of all public monies that shall come into their hands respectively, that is to say, for the payment of such monies that shall come into the hands of the District Agent to the

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Commissioner for the sale of Crown Lands, and for the payment of such monies that shall be received by such Commissioner of Crown Lands, or the balance remaining unexpended in his hands, to the Receiver General of the Province.

22nd.—And be it further enacted, by the authority aforesaid, that each of the District Agents shall receive such a per centage on the sale of Lands made by them under the authority of this Act, as the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, with the advice of the Executive Council, shall think reasonable for the service so performed.

23rd.—And be it further enacted, by the authority aforesaid, that it shall be the duty of the Commissioners for the sale of Crown Lands to render his account in writing to the Receiver General, every three months, of all public monies in hand, or received, or paid by him, in which account shall be included, the amount paid to District Agents for their services, and for the inspection and sale of Lands, and locating Lands, and the said Commissioner shall pay over to the Receiver General the balance of all public monies remaining in his hands at the time of rendering such half yearly account, after retaining thereout a sufficient amount to meet contingent expenses of the Crown Land Department not exceeding the sum of £500.

24th.—And be it further enacted, by the authority aforesaid, that it shall be the duty of the said Commissioner of Crown Lands, once in every year, within ten days after the meeting of any session of the Legislature, to transmit to the Governor, Lieutenant Governor, or Person Administering the Government of the Province, a true copy or copies of the Accounts or Lists of all sales and expenditure respecting the Public Lands of the Province under his controul or management, and of all monies in hand, such accounts being brought up to within thirty days of the delivery of the same, in order that such accounts may be laid before Parliament.

25th.—And be it further enacted, by the authority aforesaid, that it shall also be the duty of the said Commissioner of Crown Lands to cause a correct List and description of the names and residences of the District Agents throughout the Districts, as also a List of all Lands intended to be offered for sale and location, with the upset prices and conditions of sale, to be published in the Upper Canada Gazette, and in one Newspaper of the District in which the Lands are situate.

26th.—And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or other Person Administering the Government of the Province, by and with the advice and consent of the Executive Council, to authorize and direct the Commissioner of Crown Lands, from time to time, to make private sales at a fair valuation to any lessee or occupant of Crown Lands, or to other Individuals who from the peculiar situation of the property applied for may be liable to injury by the disposal thereof to any other person or persons than such lessees or occupants [or other Individuals interested as aforesaid.

27th.—And be it further enacted, by the authority aforesaid, that if any person shall make oath or affirmation under the provisions of this Act, and such oath or affirmation shall be wilfully false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

28th.—And be it further enacted, by the authority aforesaid, that this Act shall continue in force for two years, and from thence to the end of the then next Session of the Provincial Parliament, and no longer.

Commons House of Assembly, 27th day of February, 1837.

(Signed) ARCHIBALD MACLEAN, *Speaker.*

Legislative Council Chamber, 3rd day of March, 1837.

(Signed) JOHN B. ROBINSON, *Speaker.*

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed) F. B. HEAD, *Lt. Governor.*

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INFORMATION

FOR THE USE OF THE MILITARY AND NAVAL OFFICERS PROPOSING TO SETTLE
IN THE BRITISH COLONIES.

COLONIAL OFFICE,
15th August, 1831.

1. Annexed is a Statement of the Regulations according to which, with such modifications as local circumstances may render necessary, lands belonging to the Crown are disposed of in the several British Colonies in North America, as well as a Statement of the Regulations in force in the Australian Colonies.

2. Under these Regulations Military and Naval Officers cannot receive free grants of land; but, in buying land, they are allowed a remission of the purchase money, according to the undermentioned scale:—

Field Officers of 25 years' service and upwards, in the whole	£300
Field Officers of 20 years' service and upwards, in the whole	250
Field Officers of 15 or less years' service in the whole	200
Captains of 20 years' service and upwards, in the whole	200
Captains of 15 years' service or less, in the whole	150
Subalterns of 20 years' service and upwards, in the whole	150
Subalterns of 7 years' service or less, in the whole	100

Regimental Staff Officers and Medical Officers of the Army and Navy will be deemed to come within the benefit of this Rule.

3. Officers of the Army or Navy, who propose to proceed to the Colonies in order to take advantage of this indulgence, should provide themselves with certificates from the office of the General Commanding in Chief, or of the Lords Commissioners of the Admiralty, shewing that their emigration has been sanctioned, and stating exactly their rank and length of service. No document from the office of the Secretary of State is necessary.

4. Officers on half-pay, residing in the Colony where they propose to settle, may be admitted to the privileges of Military and Naval Settlers, without referring to this Country for testimonials, provided they can satisfy the Governor that there is no objection to their being allowed the indulgence, and that their return of their rank and length of service is accurate, and provided, if they belong to the Navy, that they produce their letter of leave of absence from the Admiralty.

5. Military Chaplains, Commissariat Officers, and Officers of any of the Civil Departments connected with the Army, cannot be allowed any privileges on the subject of land. Purser, Chaplains, Mipshipmen, Warrant Officers of every description, and Officers of any of the Civil Departments connected with the Navy, must also be considered as not qualified for those privileges. Although members of these classes may have been admitted formerly, and under a different state of circumstances, they must now be excluded.

6. Gentlemen who have ceased to belong to His Majesty's Service cannot be allowed the advantages to which they were entitled while in the Army or Navy. It is not, however, proposed to affect by this rule Officers who desire to quit the service for the express purpose of settling in the Colonies: it is only required, that when they resign their commissions, they should apply for a certificate from the General Commanding in Chief, or from the Lords Commissioners of the Admiralty, that they do so with the view of emigrating; and such certificate, if produced to the Governor of any Colony, within one year from its date, *but not otherwise*, will be a sufficient warrant for allowing the bearer the same advantages as Officers still in His Majesty's Service.

Officers who have sold out within the last twelve months preceding the date of this memorandum will be allowed the usual privileges, notwithstanding their want of the certificate required by these Regulations, if they present themselves to the Governor of the Colony within a year from the present date. And all officers who have already been recommended by the General Commanding in Chief will be entitled to their privileges, without regard to any obstruction which might otherwise be offered by the Regulations now established.

7. Officers cannot be allowed advantages in the acquisition of land in any Colony, unless it be their intention to fix their residence in that Colony. In order to insure the obser-

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vance of this rule, it has been determined that the Titles to lands obtained by Officers who take advantage of the peculiar Regulations existing in their favour, shall be withholden for a period sufficient to prove that they have not repaired to the Colony for the mere purpose of gaining possession of a portion of land, and then departing. Two years is the period for which it has been decided that the Titles shall be kept back: this delay will be sufficient for the salutary object in view, and will not constitute any serious inconvenience to the *bonâ fide* Settler.

8. By the annexed Regulations for the disposal of Crown lands, it will be observed that the general sales will take place periodically. But in order to prevent inconvenience to Officers who may arrive in the intervals between those sales, and be desirous at once to obtain an allotment, the Governors of the Colonies are authorized to allow Officers to acquire, at any time, on payment of the upset price, lands which have previously been offered for sale at some general sale, and not been bought.

Officers will thus be relieved from delay at the time of establishing themselves in the Colony. They will also be enabled by this arrangement, which will permit them to obtain their land at a fixed price, to choose such a quantity as shall be exactly equivalent to the amount of the remission to which they are entitled, instead of being liable to be called upon to pay a balance, which must be the case if they bid for lands at a sale by auction.

9. There being little or no Crown land available in Prince Edward's Island, Officers cannot be offered any privileges in the acquisition of land in that Colony. In Cape Breton, an Island in which the natural inducements for the settlement of Officers are not very considerable, it is necessary, from local circumstances, that there should not be a remission of purchase money as in other Colonies: to such Officers as may wish to settle in this island, allotments of land will be granted on the same scale and conditions as before the general introduction of the system of selling the Crown lands, viz:—

To a Lieutenant-Colonel	1,200 acres.
„ Major.....	1,000 „
„ Captain	800 „
„ Subaltern	500 „

REGULATIONS FOR THE DISPOSAL OF LANDS BELONGING TO THE CROWN IN THE BRITISH NORTH AMERICAN PROVINCES.

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The lands are no longer to be given away by free grants, but are to be sold.

The Commissioners of Crown lands will, at least once in every year, submit to the Governor a Report of the land which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which he would recommend it to be offered; the land so offered having been previously surveyed and valued in one or more contiguous tracts of those which are most adapted for settlement, according to the local peculiarities of the province, and in proportion to the number of deputy-surveyors who can be employed.

The lands to be laid out in lots of 100 acres each, and plans of such parts as are surveyed to be prepared for public inspection, which plans may be inspected in the office of the Surveyor General, or in that of his deputies in each District, on payment of the fee of 2s. 6d.

The Commissioner of Crown lands will proceed to the sale in the following manner:—He will give public notice in the Gazette, and in such other newspapers as may be circulated in the Province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the sale of the lands in each district, and of the upset price at which the lands are proposed to be offered; he will give notice that the lots will be sold to the highest bidder; and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

The purchase-money will be required to be paid down at the time of sale, or by four instalments with interest; the first instalment at the time of the sale, and the second, third, and fourth instalment at intervals of half a year.

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If the instalments are not regularly paid, the deposit-money will be forfeited, and the land again referred to sale.

Public notice will be given in each district, in every year, stating the names of the persons in each district who may be in arrears for the instalments of their purchases, and announcing that if the arrears are not paid up before the commencement of the sales in that district for the following years, the lands in respect of which the instalments may be due will be the first lot to be exposed to auction at the ensuing sales; and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown of the sum due, the same will be paid to the original purchasers of the land who made default in payment.

The patent for the land will not be issued, nor any transfer of the property allowed, until the whole of the instalments are paid. The lands sold under this regulation are not to be chargeable with quit-rents, or any farther payment beyond the purchase-money and the expense of the patent.

Persons desirous of buying land, in situations not included in the tracts already surveyed, must previously pay for the expense of survey, and the price must of course depend upon the quality of the land and its local situation.

The Crown will reserve to itself the right of making and constructing such roads and bridges as may be necessary for public purposes in all lands purchased as above; and also to such indigenous timber, stone, and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair, and for any other public works. The Crown further reserves to itself all mines of precious metals.

The regulations for granting licences to cut timber will be learnt by application to the Surveyor-General's office in the respective Colonies.

COLONIAL OFFICE,
7th March, 1831.

TERMS UPON WHICH THE CROWN LANDS WILL BE DISPOSED OF IN NEW SOUTH WALES AND VAN DIEMAN'S LAND.

It has been determined by His Majesty's Government that no land shall, in future, be disposed of in New South Wales or Van Dieman's Land, otherwise than by public sale, and it has therefore been deemed expedient to prepare, for the information of settlers, the following summary of the rules which it has been thought fit to lay down for regulating the sales of land in those Colonies.

1. A division of the whole territory into counties, hundreds, and parishes, is in progress. When that division shall be completed, each parish will comprise an area of about twenty-five square miles.

2. All the lands in the Colony, not hitherto granted, and not appropriated for public purposes, will be put up to sale. The price will of course depend upon the quality of the land and its local situation, but no land will be sold below the rate of 5s. per acre.

3. All persons proposing to purchase lands not advertised for sale, must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor-General's office to all persons applying, on payment of the requisite fee of 2s. 6d.

4. Those persons who are desirous of purchasing will be allowed to select, within certain defined limits, such portions of land as they may wish to acquire in that manner. These portions of land will be advertised for sale for three calendar months, and will then be sold to the highest bidder, provided that such bidding shall at least amount to the price fixed by Article 2.

5. A deposit of £10 per cent. upon the whole value of the purchase must be paid down at the time of sale, and the remainder must be paid within one calendar month from the day of sale, previous to which the purchaser will not be put in possession of the land; and in case of payment not being made within the prescribed period, the sale will be considered void and the deposit forfeited.

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6. On payment of the money, a grant will be made in fee-simple, to the purchaser, at the nominal quit-rent of a pepper-corn. Previous to the delivery of such grant, a fee of forty shillings will be payable to the Colonial Secretary for preparing a grant, and another fee of five shillings to the Registrar of the Supreme Court for enrolling it.

7. The land will generally be put up to sale in lots of one square mile, or 640 acres; but smaller lots than 640 acres may, under particular circumstances, be purchased, on making application to the Governor, in writing, with full explanations of the reasons for which the parties wish to purchase a smaller quantity.

8. The Crown reserves to itself the right of making and constructing such roads and bridges as may be necessary for public purposes in all lands purchased as above, and also to such indigenous timber, stone, and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair, and for any other public works. The Crown further reserves to itself all mines of precious metals.

COLONIAL OFFICE,
20th January, 1831.

TERMS UPON WHICH THE CROWN LANDS WILL BE DISPOSED OF IN THE NEW SETTLEMENT IN WESTERN AUSTRALIA.

It has been determined by His Majesty's Government, that land shall in future be disposed of in Western Australia, upon the same principles as in New South Wales and Van Diemen's Land; but the encouragement hitherto given to persons who might incur the expense of taking out labouring persons to the Colony, will not be entirely withdrawn at present.

The following is a summary of the Rules which it has been thought fit to substitute for those dated the 20th of July, 1830.

1. A division of the whole territory into counties, hundreds, and parishes is in progress. When that division shall be completed, each parish will comprise an area of about twenty-five square miles.

2. All the lands in the Colony not hitherto granted, and not appropriated for public purposes, will be put up to sale. The price will, of course, depend upon the quality of the land and its local situation, but no land will be sold below the rate of five shillings per acre.

3. All persons proposing to purchase lands not advertised for sale, must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor-General's Office to all persons applying, on payment of the requisite fee of two shillings and six pence.

4. Those persons who are desirous of purchasing will be allowed to select, within certain defined limits, such portions of land as they may wish to acquire in that manner. These portions of land will be advertised for sale for three calendar months, and will then be sold to the highest bidder, provided that such bidding shall at least amount to the price fixed by Article 2.

5. A deposit of 10 per cent. upon the whole value of the purchase must be paid down at the time of sale, and the remainder must be paid within one calendar month from the day of sale, previous to which the purchaser will not be put in possession of the land; and in case of payment not being made within the prescribed period, the sale will be considered void and the deposit forfeited.

6. On payment of the money, a grant will be made, in fee simple, to the purchaser, at the nominal quit-rent of a pepper-corn. Previous to the delivery of such grant a fee of forty shillings will be payable to the Colonial Secretary for preparing the grant, and another fee of five shillings for enrolling it.

7. The land will generally be put up to sale in lots of one square mile, or 640 acres, but smaller lots than 640 acres may, under particular circumstances, be purchased, on making application to the Governor, in writing, with full explanations of the reasons for which the parties wish to purchase a smaller quantity.

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8. The Crown reserves to itself the right of making and constructing such roads and bridges as may be necessary for public purposes in all lands purchased as above, and also to such indigenous timber, stone, and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair, and for any other public works. The Crown further reserves to itself all mines of precious metals.

9. Those Settlers who may incur the expense of taking out labouring persons to the settlement, will be entitled to an abatement of the price at which the land may have been purchased, at the rate of £20 for the passage of every married labourer and his family.

10. Persons claiming such an abatement from the price paid for land, will be held responsible for any expense the Colonial Authorities may be compelled to incur for the maintenance (during the first year after their arrival) of the labourers in respect of whom it has been allowed.

COLONIAL OFFICE,

1st March, 1831.

ADDITIONAL REGULATIONS.

COLONIAL OFFICE,

18th February, 1837.

Much inconvenience having arisen in the North American Colonies from the system of receiving the payment for Crown Lands by instalments, His Majesty's Government have decided to discontinue that practice. Accordingly the Governors of those Colonies have been directed to give notice that from and after the first of June, 1837, that part of the existing Regulations which relates to the mode of paying the purchase money will be abolished, and that instead of it a deposit of 10 per cent. on the whole value of the purchase will be in future required to be paid down at the time of sale, and the remainder of the price within fourteen days from that time; that until this payment is made, the purchaser will not be put in possession of the land, and that in case of his failure to pay the money within the prescribed period, the sale will be considered void and the deposit will be forfeited.

No. 168.

Downing Street, 11th January, 1838.

SIR,—I have had the honor to receive your Despatch of the 3rd October, No. 52, enclosing an extract of a letter from Captain Bennett of H. M. Ship *Rainbow*, describing the extent of the illicit trade carried on between foreign fishermen and the English fishing vessels of Newfoundland, and the injurious consequence thereby produced on the English fishery, and further calling your attention to the entire absence both of Magistrates and of Custom House Officers at the Out Ports on the Northern and Western Shores.

I have since had the honor to receive the Address from the House of Assembly of Newfoundland, on the state of the Fisheries, and have been commanded by the Queen, as you will perceive by my Despatch of the 1st inst., to refer that address for the consideration of the Lords of the Committee of Privy Council for Trade.

Her Majesty's Government are fully sensible of the great importance of the Newfoundland Fishery, and during the last year much of their attention has been given to the construction of the Treaties between this Country and France, relative to the extent of the right conceded to French subjects to fish on the Western Shores of that Island.

A considerable correspondence on this subject has already passed with the Ambassador of the King of the French at this Court, but it would be premature at the present moment to express any opinion as to the future result of that correspondence. I advert to the circumstance to shew that the Ministers of the Crown are not inattentive to the interests of Her Majesty's subjects engaged in the Newfoundland Fishery.

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In regard to the deficiency of the means of preventing smuggling from the French Islands of St. Pierre and Miquelon, and from the Continent of North America, I cannot but hope that the recommendation addressed by you to the Legislature will not have been without effect.

As I have not yet received the Journals of the Assembly of Newfoundland, and as your more recent Despatches do not advert to the point, I am unable to ascertain whether any practical measures have been adopted by the Assembly for the suppression of this illicit traffic. But I shall bring the subject under the consideration of the Lords Commissioners of the Treasury, and move their Lordships to consider in what manner a stop may be most effectually put to proceedings so ruinous to the Trade and Commerce of the Colony.

I approve of your having declined to sanction the provisional appointments made by Captain Bennett of a Magistrate and Custom House Officer at St. George's Bay. As that place is within the limits of the French Fishery, it is clear that the establishment there of any permanent settlements, whether of French or English subjects, is inconsistent with the Treaties and engagements subsisting between Great Britain and France.

With my present defective information on this point I feel unable to determine whether any representation on the subject should be addressed to the French Government, or whether application should be made to Parliament to revise so much of the Act 5, Geo. 4, C. 51, as authorizes the removal of British subjects forming permanent settlements on that part of the Island.

But I will communicate on the subject with the Lords Commissioners of the Admiralty and request their Lordships to direct the Naval Officer, who in the ensuing season may be stationed at Newfoundland, to repair to the Western Coast of the Island and to report on the state of the alleged permanent settlements within the French boundaries.

I have, &c.

(Signed)

GLENELG.

Governor Prescott.

No. 191.

Downing Street, 23rd May, 1838.

SIR,—I have had under my consideration various Acts passed by the Legislature of Newfoundland during their recent Session, and I have to request your attention to the following observations respecting them.

The Act No. 81, extends the Criminal Laws of England to Newfoundland "so far as the same can be applied." The "penal code and Criminal Laws of England" are mentioned in the preamble, and the "Criminal Laws and Statutes of the Imperial Parliament in force in England on the 20th day of June, 1837," are mentioned in the enacting part of the Clause—a convertible term, either of which sufficiently describes the Body of Laws which, as far as possible, is to be applied in all cases in the Colony. Now the two expressions are plainly not co-extensive in their meaning, for there are many actions punishable by law in this Country of which no mention is to be found in the Statute Book. But whether the rule is to be understood as applying both to the Common and to the Statute Law, or to the Statute Law only, it is, I think, inaccurately laid down. The test by which the Judges are to determine whether any Penal Law is in force or not, is the practicability of applying it. Now there are some penal enactments of great importance to the welfare of the Colonial Society which would be excluded by this test, and there are many more totally inapplicable to their condition which would be included by it. Further, the interpretation of this general rule must be undertaken in each successive case by the Judge; and it is of such latitude as to afford a scope for very extensive differences of opinion between different Judges. This observation is the more important because all future Enactments of the British Parliament for amending the penal code, are, by the terms of this Act, to have the force of Law in Newfoundland, subject to the same qualification.

It hardly seems to have been sufficiently recollected in forming this Act, how very large a proportion of all Acts of Parliament are penal.—Laws of which the sanction consists in the right of civil action only, are of comparatively rare occurrence.

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The Colonial Legislature has, I believe, adopted a much larger proportion of the Law of England than they could really have designed to introduce.

The final clause directs the equal distribution between the Crown and the Informer, of any pecuniary penalties which may be imposed by any law of England to which the Act has given validity in Newfoundland. I apprehend that this rule is laid down with very questionable latitude. If in this Country all pecuniary penalties were to be disposed of according to this general rule, the effect would be to surround every man with spies, seeking an opportunity to convict him of some violation of the law which might redound to the profit of his accuser. The encouragement of Informers, though often a necessary, is always a very serious inconvenience.

The design of this Act being plainly judicious, and the errors to which I have referred resulting from mere inadvertence, you will suggest to the Council and Assembly the expediency of amending it. In doing so they will probably follow the course observed in other Colonies, where the adoption of the recent amendments of the English Criminal Code has been effected by transcribing the Acts of Parliament with such alterations as the local circumstances of each Colony dictated. Although this process exacts a much greater degree of labour and attention at first, it will probably be found in the result far the more convenient, as precluding many doubts, and narrowing within proper limits the discretionary powers of the Judges. In the mean time the decision of Her Majesty in Council on this Act will be suspended.

I enclose two orders passed by Her Majesty in Council on the 25th ultimo and 15th inst., leaving Acts Nos. 79, 80, 82, 83, 84, 85, 86, and 87, to their operation. The last mentioned Act contains an informality of expression which I cannot allow to pass unnoticed. It commences not with the ordinary phrase "May it please your Majesty," but with the words "May it please your *Excellency*," and the Assembly of Newfoundland humbly beseech *not* the Queen, but the Governor, that it may be enacted, &c. This I have no doubt is a mere oversight, but as forms of this nature are the recognitions of certain constituted principles, the departure from them is important in reality as well as in appearance; and if this informality should be repeated in any subsequent Act, it will preclude me from submitting it to the decision of Her Majesty in Council.

The remaining Act of the series (No. 78) is still under the consideration of Her Majesty's Government.

I have, &c.

(Signed)

GLENELG.

The Governor of Newfoundland.

Orders in Council relative to certain Local Acts.

(L. E.)

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, entitled as follows.

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.

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- 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 3rd year of the reign of His late Majesty King William the 4th, entitled “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 of 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 Quarte ending the 1st of July 1837.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable 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 therefore 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.

(L. S.)

AT THE COURT AT BUCKINGHAM PALACE,

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 Albermarle,	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 follows.

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 3rd 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 Honorable 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

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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.

*Castle St. Lewis, Quebec,
18th June, 1838.*

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

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

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

I have the honor to be,

Sir,

Your obedient, humble Servant,

DURHAM.

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

ISLAND OF }
NEWFOUNDLAND. }

DURHAM.
(L. S)

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

To CHARLES BULLER, Greeting.

WHEREAS it is highly expedient and desirable that the disposal of the extensive tracts of Waste Land, the property of the Crown, in our Provinces of Lower Canada, Upper Canada, Nova Scotia and New Brunswick, and our Islands of Prince Edward and Newfoundland, should be placed upon such a footing as may most effectually conduce to the increase of population and wealth in the said Provinces and Islands, and the general prosperity thereof, and in particular to greatly increased Emigration from the Mother Country, both of capitalists and

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labourers, as permanent settlers ; to the end that while the vast but imperfectly developed resources of the said Provinces and Islands should, as soon as possible, be made fully productive, a more intimate connection between Britain and Her Colonial Empire in North America, founded on common interests and productive of mutual advantages, may be established and permanently secured : And whereas we have ordered and directed each of our Lieutenant Governors of our Provinces of Upper Canada, Nova Scotia, and New Brunswick, and our Island of Prince Edward, respectively, to affix the Great Seal of the Province or Island of which each is respectively Lieutenant Governor, to a commission addressed by us to you, to the like effect and containing the like powers and authorities for enquiry touching the Waste Lands, the property of the Crown, in each such Province or Island respectively, as are hereinafter contained : Know ye, therefore, that we, reposing great trust in your zeal, ability and discretion, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said CHARLES BULLER, to proceed with the utmost despatch to enquire into the past and present methods of disposing of Waste Lands, Woods, Forests, and other Domains and Hereditaments the property of the Crown in our Island of Newfoundland, and to collect information respecting the operation thereof in regard to the advancement of our said Province, and in particular to the promotion of Emigration thereto from the Mother Country. And our further will and pleasure is, that you after due examination of the premises, do and shall, as soon as conveniently may be, report to us, under your hand and seal, what you shall find touching or concerning the premises upon such enquiry as aforesaid ; and also that you shall suggest such alterations or modifications of the Laws and regulations at present in force as may appear likely to promote the objects aforesaid. And for the better discovery of the truth in the premises, we do, by these presents, give and grant to you full power and authority to call before you such and so many of the Officers of the Crown Lands Department, and Agents for Emigrants in our said Island of Newfoundland, and such other officers of the Crown and other persons as you shall judge necessary, by whom you may be the better informed of the truth in the premises, and to enquire of the premises, and every part thereof, by all other lawful ways and means whatsoever. And we do also give and grant to you full power and authority to cause all and singular the officers aforesaid, in our said Island of Newfoundland, or any other person or persons having in their custody any records, orders, regulations, books, papers, or other writings relating to or in any wise connected with the premises, to bring and produce the same before you ; and for your assistance in the due execution of this our Commission, we do hereby authorize you to nominate and appoint such person or persons as you shall think fit to be Assistant Commissioner or Assistant Commissioners for the purposes aforesaid, or any of them ; and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient. And our will is and we do hereby direct and ordain that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents ; and we do hereby further authorize and empower you, at your discretion, to appoint such person as Secretary to this our Commission as to you shall seem proper, and to frame such temporary rules, orders and regulations with regard to the manner of disposing of such Crown Lands in our said Island of Newfoundland, as may to you appear expedient, and from time to time, at such like discretion, to alter and vary the same, due regard being had in all such rules, orders and regulations, to any Provincial Act or Acts and to any Royal Instructions now in force in our said Island of Newfoundland touching or concerning the disposal of the said Waste Lands, or any part thereof. And we do hereby further authorize and empower you to give instructions to the several Officers of the Crown Lands Department and Agents for Emigrants in our said Island, as to the performance of the duties of their respective offices ; subject nevertheless to all such Provincial Acts or Royal Instructions as aforesaid, which instructions shall be in all respects binding upon the officer or officers to whom the same shall be respectively addressed.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of our said Island of Newfoundland to be hereunto affixed.

Witness our Right Trusty and Right well-beloved JOHN GEORGE Earl of DURHAM Viscount LAMBTON, &c. &c., Knight Grand Cross of the Most Honorable Military Order of the Bath, one of our Most Honorable Privy Council, and Governor General, Vice Admiral and Captain General of all our Provinces within and adjacent to the Continent of North America, &c. &c. &c.

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At our Castle of St. Lewis, in our City of Quebec, in our said Province of Lower Canada, the Eighteenth day of June, in the year of our Lord One Thousand Eight Hundred and Thirty eight, and in the first year of our Reign.

CHARLES BULLER,
Chief Secretary.

Crocodile, at St. John's, Newfoundland,
14th July, 1838.

SIR,—In compliance with my Instructions from Vice Admiral the Hon. Sir Charles Paiget, G. C. H., Commander in Chief on this Station, to place myself in communication with your Excellency, on my arrival at St. John's, on the subject of the Fisheries in the neighbourhood of St. Pierre's. I have the honor to acquaint you I anchored at that Port on the 16th ult., and forwarded a Letter to the Governor on the subject of the Fisheries, a copy of it and his reply I enclose for your perusal; by it you will perceive a renewal of former promises, that every thing in his power should be done to enforce a strict adherence to the Treaties existing between our respective Governments, and that the French Fishermen who transgressed would be imprisoned and otherwise severely punished. While laying at anchor at St. Pierre's I was informed by an English Fisherman belonging to Fortune, that a French Fishing Boat was then hauling Caplin, in Dantzick Cove, near Fortune; on learning this I thought it most advisable to visit Fortune Bay before I proceeded Westward to the neighbourhood of the Bourgeo Islands, and sailed accordingly on the 19th to ascertain the correctness of the complaint made to me; on passing Dantzick Cove within two miles, I could not perceive any Boats or Boat employed as reported; in the evening of the 19th I anchored at Grand Bank Bay, and at daylight the following morning sent an Officer to Fortune to obtain information, while I placed myself in communication with the most intelligent persons I could find at Grand Bank, a considerable Village and similar in situation and population to Fortune; the two Villages are about two miles distant from each other, and can muster from 200 to 250 Fishermen, a number fully equal to their own protection from the encroachments of the French Fishermen; at these Villages I had not a complaint of any act of aggression on the part of their Neighbours at St. Pierre's, on the contrary I found there was too good an understanding between them; all the Fishermen at these Villages acknowledged without reserve that they caught Caplin and sold it to the French; and this I have since discovered to be a general practice along the whole coast opposite to St. Pierre's from Grand Bank to Burin Island; it appears the French at the commencement of the Caplin Season, give a good price for this Bait, but at a later period the value is much less, and our Fishermen get goods for it, and more frequently spirits; the bad effects of this traffic will I think soon be apparent; our Fishery will be injured from scarcity of Bait, and our industrious Fishermen demoralized under the baneful influence of French spirits; on the 21st I sailed for the neighbourhood of the Bourgeo Islands, but on arriving off them on the 23rd I found the Pilot ignorant of the anchorage, and from the report of the Natives of their small narrow Harbour, I deemed it advisable to proceed to La Poile Bay, a central situation between the Bourgeo's and Cape Ray; I anchored in La Poile Great Harbour on the 24th and found there Mr. Reid, a Collector of Customs, also a Mr. Antoine, a Merchant from Jersey, carrying on a large Fishing Establishment; from both these Gentlemen I obtained the best information; it appears that neither the Bourgeo Islands or their neighbourhood have been molested by the French Fishermen during the last two years, and our Fishermen at Bourgeo and near it are now become so numerous that they would not suffer any encroachments similar to those complained of in former years; I therefore came to the conclusion that an Officer and Boat's Crew was quite unnecessary on this part of the Coast.—At La Poile I learnt that many French Fishing Boats did, in April and May last, touch at Port aux Basque in the neighbourhood of Cape Ray, and to the great annoyance and injury of the Inhabitants haul Herrings with very large Nets, and in one or two instances forcibly took up the Nets of our Fishermen and appropriated their contents to their own use; on this subject I addressed a Letter, No. 2, to the Governor of St. Pierre's, repeating the suggestion of Commander Hope, of H. M. Sloop Racer, that his Excellency would cause all his Fishing Boats out of St. Pierres to be numbered on their Sails; at La Poile the Cod Fishery is general. — In the neighbourhood of Cape Ray, successful in Summer and Winter, some Salmon are caught but

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not in considerable numbers; on the 30th I succeeded in getting out of La Poile—on the 1st of July I came to anchor at Little St. Lawrence, at the entrance of the Bay of Placentia, and put myself in communication with the most intelligent persons in the neighbouring Ports of Great St. Lawrence and Great Lawn; from every information I could obtain from my own inquiries at Little and Great St. Lawrence, as well as the tidings gleaned at Great Lawn by the Second Lieutenant of this Ship, I could not find there was any recent complaint against the French Fishermen, with whom a good understanding appeared to exist, and a Frenchman of St. Pierre's having married at Great Lawn, I fear every facility was given to this man by his wife's relatives, who readily supplied him with Caplin, repaired his Boat Sails, &c. I learnt here that the Lameline people are now so strong in numbers they not only prevent the French from hauling Caplin, but will not permit their neighbours to do so; but availing themselves of their short and easy access to St. Pierre's they sell at that Island large quantities of Bait whenever they can procure a purchaser; under these circumstances it became evident to me that an Officer and Boat's Crew would be perfectly useless at Lameline or any Port in that neighbourhood, and I decided accordingly to proceed to St. John's and give your Excellency the information before stated; feeling myself by my instructions fully warranted in attending to any suggestion or wish you may express, having for its object the protection of the Fisheries on visiting the Western parts of the Island, as pointed out by my orders; and in accordance with the desire of my Lord Glenelg to the Lords Commissioners of the Admiralty.

I have, &c.

(Signed)

J. POLKINGHORNE.

His Excellency
Captain Prescott, C. B., Governor of Newfoundland.

*Her Britannic Majesty's Ship Crocodile,
at St. Pierre's, 16th June, 1838.*

SIR,—I have the honor to acquaint your Excellency that my visit to this Port is in consequence of Instructions I have received from Vice Admiral the Honorable Sir Charles Paget, G. C. H., Commander in Chief, to communicate with your Excellency on the subject of the existing Treaties between our respective Governments, relative to the Fisheries on the Coast of Newfoundland, and I am desired to express my hope that your Excellency will do all in your power to prevent the French Fishermen from infringing on the limits prescribed by the said Treaties, and which has been a subject of complaint for some years past, as it would be to me a source of regret should I have occasion to have recourse to severe measures if they attempt the infringement complained of in former years. I therefore request your Excellency will be pleased to give all the French Fishermen, who may call or belong to St. Pierre's, notice that if they attempt to obtain Bait or Fish within the prescribed limits on the Southern Coasts of Newfoundland, in parts where by existing Treaties they are prohibited from approaching, it will be my painful duty to detain them, and submit the whole matter to the consideration of the Vice Admiralty Court at St. John's.

I have, &c.

(Signed)

J. POLKINGHORNE.

Captain H. B. M. S. Crocodile.

His Excellency the Governor of St. Pierre's.

*Her Britannic Majesty's Ship Crocodile,
at Little St. Lawrence, 3rd July, 1838.*

SIR,—I regret that I am called on at such a very early date after my recent communication with your Excellency on the subject of the encroachments of French Fishermen, to renew the complaint against them; I am informed from an authentic source, that a number of

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Fishing Boats, from St. Pierre's, did, in the months of April and May last, touch at Port aux Basque for the purpose of taking Herrings (which they use as an article of Bait) this they did in defiance, and to the great annoyance and very serious injury of the inhabitants whom they prevent from participating by means of employing unusually large Nets; in one or two instances they hauled the Nets of the Settlers, and forcibly carried off their Fish. Your Excellency must be sensible that such a glaring aggravating violation of the Treaty existing between our respective Countries cannot be justified or extenuated, as the infringement and aggression took place in opposition to the remonstrances of the Inhabitants and in defiance of them, from their being the weaker party on the spot. In the performance of my duty on this Coast your Excellency must feel that it is incumbent on me to stop such aggressions so often repeated, and I trust as an earnest desire on the part of your Excellency to co-operate with me, that you enforce among the Fishermen of St. Pierre's the salutary suggestion of Commander Hope, H. B. M. Sloop Racer, and cause the Boats to be numbered in large figures on their Sails; by adopting and enforcing this regulation the offenders would be identified, and I trust I may feel assured your Excellency would assist me in convicting and punishing the offenders this plan would at once detect the parties and remove suspicion that all your Fishermen are implicated in such unjustifiable proceedings.

I have, &c.

(Signed)

J. POLKINGHORNE.

Captain H. B. M. S. Crocodile.

His Excellency the Governor of St. Pierre's.

*St. Pierre de Terre-Neuve,
le 16 Juin, 1838.*

MONSIEUR,—J'ai l'honneur de vous accuser réception de votre lettre de ce jour au sujet des traités qu' existent entre nos gouvernemens respectifs relativement a la pêche sur les cotes de Terre-Neuve. J'ai toujours eu avec beaucoup de peine que quelques infractions y avaient été commises, et j'ai lieu de croire que les mesures que j'ai prises pour en prévenir le retour, en ce qui me concerne, ont été efficaces, car je n'ai reçue l'on dernier aucune plainte fondée a ce sujet—j'ai donné des ordres pour que les pêcheurs français soient bien avertis qu'ils ne doivent pas d'epasser les limites qui nous sont assignées par les traités; et afin qu'ils ne puissent prétendre cause d' ignorance cette d' euse est écrite sur les roles d' équipage qui leur sont délivrés en outre un arrêté local punit ceux qui sont convaincus d' avoir d'epassé leur limites, pour la première fois. d'un emprisonnement—et pour le cas de récidive, le patron d' embarcation est interdit de son commandement j' espere qu' au moyen de ces mesures nos pêcheurs ne donneront plus lieu à aucune plainte et que la bonne harmonie qui existe si heureusement entre nos deux Gouvernemens, ne sera jamais troublée ici les relations agréables que j'ai toujours eu avec les Officiers de sa Majesté Britannique m'en sont d' ailleurs au sur garant.

J'ai l'honneur d'être avec respect,

Monsieur,

Votre tres humble & tres obeissant Serviteur,

de Commandant des îles St. Pierre et Miquilon,

(Signed)

BRUE.

A Monsieur le Capitaine Polkinghorne,
Commandant La Frigate de Sa Majesté
Britannique le "Crocodile."

ABSTRACT
OF THE
***CENSUS* of the *POPULATION*, &c.**
FOR THE
ELECTORAL DISTRICT
OF
FOGO.

Taken in pursuance of the Colonial Act, 6th Wm. 4, Cap. 4.

APPENDIX.

CENSUS and RETURN for the District of FOGO,

SETTLEMENTS.	No. of Dwelling Houses.	FAMILY.					Number of Servants.		Number of Fishing Boats.			
		Males.			Females.		Males.	Females.	Under 15 Qrs.	From 15 to 30.	Upwards of 30.	
		Under 14 years.	14 to 60 years.	Upwards of 60.	Under 14 years.	14 to 60 years.						Upwards of 60.
Fiaty's Bight.....	7	9	9	..	10	6	1	7	2	6	2	..
Waldon's Cove.....	1	..	1	1	..	1	..	1	..	1	..	..
Fortune Harbour.....	14	23	22	1	31	16	..	4	2	17	..	..
Webber's Bight.....	5	10	9	..	6	8	1	..	..	7	..	..
River Exploits.....	2	4	1	1	2	1	..	9	1	1	1	..
South Head Harbor.....	1	..	1	..	..	..	..	..	..	1	..	..
Indian Arm.....	1	..	2	..	1	..	..	..	..	2	..	..
Loot Bay.....	1	3	1	..	3	2	..	..	..	1	..	..
Burnt Island Exploits.....	35	62	59	8	57	42	1	26	8	49	..	..
Black Island.....	5	6	9	1	9	7	..	3	..	7	..	..
New World Island Whole Gulph.....	4	4	5	1	6	2	..	..	..	4	..	..
" Sam's Cove.....	1	3	1	..	..	1	..	..	..	1	..	..
" Western Head.....	3	3	5	1	5	5	1	..	..	5	..	..
" Pearce's Harbour....	3	7	4	..	3	4	1	1	..	5	..	..
" Morden's Harbour..	29	44	45	5	47	33	3	12	7	37	..	..
" Fizzard's Harbour..	19	35	28	2	32	22	2	..	..	27	..	..
" Merrott's Harbour..	4	6	6	..	5	6	..	3	2	4	..	..
" Herring Neck.....	54	98	76	6	80	61	1	28	6	56	..	..
" Pike's Arm.....	6	4	7	1	16	5	..	..	..	5	..	..
Twillingate (N. Island) Harbour.....	53	84	87	6	80	70	2	58	16	55	2	..
" Back Harbour.....	40	68	60	3	67	47	3	22	16	42	..	..
Twillingate (S. Island) Harbour.....	39	62	58	3	57	50	8	53	9	40	..	..
" Farmer's Arm.....	14	22	26	2	27	22	3	7	2	15	1	..
" Durell's Arm.....	20	36	36	2	33	29	..	7	4	24	1	..
" Little Harbour.....	14	28	19	2	23	17	..	1	5	15	..	..
" Bluff Head.....	7	18	13	1	14	19	..	1	..	9
" Platter's Cove.....	5	4	6	..	9	6	5
	703	1124	1059	87	1101	872	59	468	116	737	36	6

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Extending from CAPE FREELS to CAPE JOHN.

Hheads of Families who are Servants.	Number of Acres in possession.	Number of Acres under cultivation.	Bushels Potatoes yearly.	Bushels of Oats or other Grain.	Tons of Hay.	Number of Horses.	Neat Cattle.	Hogs.	Sheep.	Schools.	Male Pupils.	Female Pupils.	Protestant Episcopalians.	Protestant Dissenters.	Roman Catholic.	Number and Denomination of Churches and Ministers.						
																MISCELLANEOUS.						
																Churches and Chapels.			Ministers.			
																	Ep.	R.C.	W.	Ep.	R.C.	W.
..	234	..	..	..	..	..	..	..	..	..	24	..	20							
..	40	..	..	..	..	..	..	..	..	..	..	..	4							
..	1446	..	..	..	..	8	..	..	..	..	28	..	71							
..	140	..	..	..	..	7	14	..	..	..	..	..	34							
..	200	..	..	..	6	..	6	..	..	..	17	..	2							
..	10	..	..	..	..	..	..	..	..	..	1	..	..					
..	20	..	..	..	..	..	..	..	..	..	3	..	..					
..	9	..	..					
..	2376	..	..	..	8	..	..	..	..	..	236	10	8	1						
..	400	..	..	..	2	..	..	..	..	..	18	..	17							
..	68	..	..	..	..	..	..	..	..	..	17	..	1							
..	5	..	..					
..	55	..	..	..	..	..	..	..	..	..	20	..	..					
..	50	..	..	..	..	..	..	..	..	..	10	..	..					
..	782	..	..	..	1	..	..	..	..	..	184	..	12	1						
..	855	..	..	..	7	3	..	..	..	..	121	..	..					
..	138	..	..	..	..	..	..	..	..	..	28	..	..					
..	1277	..	..	..	8	..	..	..	..	..	329	..	27							
..	92	..	..	..	..	..	..	..	..	..	33	..	..					
..	1741	..	..	..	24	24	..	1	48	36	390	..	13	1				1		
..	1516	..	..	..	24	10	..	..	..	..	265	21	..							
..	1027	..	..	..	40	20	..	..	..	..	280	14	6							
..	594	..	..	..	11	..	..	..	..	..	110	..	1							
..	897	15	147							
..	445	2	4	95							
..	380	9	19	55	..	1							
..	90	3	25							
			20310				1	304	106	23	1	48	36	4022	45	819	4	1		1	1	

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