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**JOURNALS**

OF THE

**LEGISLATIVE COUNCIL**

**OF NEWFOUNDLAND.**

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JOURNALS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
ISLAND OF NEWFOUNDLAND.



HIS EXCELLENCY  
SIR JOHN GASPARD LE MARCHANT, KNIGHT, AND KNIGHT COMMANDER OF THE ORDERS:  
OF ST. FERDINAND AND OF CHARLES THE THIRD OF SPAIN,  
GOVERNOR AND COMMANDER-IN-CHIEF,  
&c., &c., &c.

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BEING THE SECOND SESSION  
OF THE  
FOURTH GENERAL ASSEMBLY.  
1850.

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

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## PROCLAMATION.



J. GASPARD LE MARCHANT.  
(L. S.)

*By His Excellency SIR JOHN GASPARD LE MARCHANT, Knight, and Knight Commander of the Orders of Saint Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c., &c.*

**W**HEREAS the General Assembly of this Island stands prorogued until Friday, the Twenty-second day of June next; And whereas I think fit further to prorogue the said General Assembly until Thursday, the Twenty-seventh day of September next: I do, therefore, by this my Proclamation, further prorogue the said General Assembly until Thursday, the Twenty-seventh day of September 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 Eighteenth day of June, One Thousand Eight Hundred and Forty-nine.

*By His Excellency's Command,*

EDWARD RUSHWORTH,  
*Pro Secretary.*



## PROCLAMATION.



J. GASPARD LE MARCHANT.  
(L. S.)

*By His Excellency SIR JOHN GASPARD LE MARCHANT, Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland, and its Dependencies.*

**W**HEREAS the General Assembly of this Island stands prorogued until Thursday the Twenty-seventh day of September instant; And whereas I think fit further to prorogue the said General Assembly until Thursday the Fifteenth day of November next ensuing:

I do therefore by this my Proclamation further prorogue the said General Assembly until Thursday the Fifteenth day of November 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 St. John's, in the aforesaid Island, the Eighteenth day of September, One-Thousand Eight Hundred and Forty-nine, and in the Thirteenth Year of Her Majesty's Reign.

*By His Excellency's Command,*

JAMES CROWDY.



## PROCLAMATION.



J. GASPARD LE MARCHANT.  
(L. S.)

*By His Excellency Sir JOHN GASPARD LE MARCHANT, Knight, and Knight Commander of the Orders of St. Ferdinand and of Charles the Third of Spain, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.*

**W**HEREAS the General Assembly of this Island stands prorogued until Thursday the Fifteenth day of November instant; And whereas I think fit further to prorogue the said General Assembly until Monday the Twenty-eighth day of January:

I do therefore by this my Proclamation further prorogue the said General Assembly until Monday the Twenty-eighth day of January next, then to meet for the despatch of business; and 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, the Sixth day of November, One Thousand Eight Hundred and Forty-nine, in the Thirteenth Year of Her Majesty's Reign.

*By His Excellency's Command,*

JAMES CROWDY.





# HER MAJESTY'S COUNCIL, NEWFOUNDLAND.



Second Session, Fourth General Assembly, 13th of Victoria.



*Monday, 28th January, 1850.*

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

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

House meets.

Present :

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

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM BICKFORD ROW.

“ JOSEPH NOAD.

“ CHARLES FOX BENNETT.

At Two of the Clock, P.M., His Excellency the Governor having arrived at the Council Chamber, and being seated on the Throne, the Honourable the President of the Council commanded the Sergeant-at-Arms attendant on the Council, to go to the Commons' House of Assembly and inform the Members that it was His Excellency's will and 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:—

Governor arrives at the Council Chamber.

The Assembly summoned to attend him.

*28th January, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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His Excellency's Speech  
on opening the Session.

*Mr. President and Honourable Gentlemen of the Council :*

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

I have convened you at the usual period of the year, for the consideration of the affairs of the Colony, relying with full confidence on your deliberations on the important interests committed to your charge being resumed in a spirit which will attest your zeal for the public welfare.

In the late lamented death of ADELAIDE, the Queen Dowager, we have to deplore the loss of a most excellent Princess, and which will be mourned by all classes of Her Majesty's subjects, to whom her many eminent virtues rendered her the object of universal esteem and affection.

You will all, I am confident, unite with one voice in thanksgiving to ALMIGHTY GOD that He has been so graciously pleased to avert from this land that grievous pestilence, the Cholera, with which other parts of this Empire have been so sorely afflicted.

It is also a cause of grateful acknowledgment that a bountiful Providence has, during the past season, vouchsafed an ample reward to the toils of our hardy fishermen, whose prosperity is essential to the welfare of the Colony, and by the successful result of whose labours the energy of commercial enterprise is promoted.

It is further pleasing to me to be able to inform you that the results of the Agriculture of the Colony for the past year have more than realised the anticipations of those favourable to the experiment; and the progress made during that brief period has been such as to lead to the most encouraging anticipations for the future. The promotion of this branch of industry will merit your fostering care and encouragement, whether viewed in the light of a powerful auxiliary to the staple trade of the Colony, or as a means of providing some additional subsistence for our rapidly increasing population, for whose support the fisheries alone are becoming now inadequate.

As the Education Act will expire at the close of the present Session, the state of education in the Colony will necessarily engage your attention; from the Reports received of the condition of many of the Schools, a more efficient system of instruction is urgently required. Although our financial condition will not, I regret to say, admit of any increase being made to the present grant, yet the system is susceptible of much improvement; and I hope the Session will not be allowed to pass without the adoption of some measure that will secure a more effective superintendence of the Schools generally throughout the Colony.

28th and 31st January, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

I will cause to be laid before you copies of several Despatches which have been received from Her Majesty's Secretary of State for the Colonies.

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

The Accounts and Estimates will be laid before you. I feel confident of your readiness to provide for all that is necessary for the public service; and in the expenditure of the moneys placed at the disposal of the Executive you may rest assured that the utmost economy consistent with the exigencies of the Colony will be observed.

*Mr. President, and Honourable Gentlemen of the Council :*

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

I feel assured that your best endeavours will be exercised to afford, by wise legislation, all practical extension and developement to the trade and productive capabilities of this Island; and in the measures calculated to effect these important ends, and in your labours for the advancement of the welfare of all classes of the community, you may rely upon my cordial co-operation and support.

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

Ordered—that the Honourable Messrs. BENNETT, ARCHIBALD, and NOAD be a Select Committee to draft an Address to His Excellency the Governor in answer to his Speech.

Select Committee appointed to draft address to the Governor in reply to his Speech.

On motion made and seconded the House adjourned until Thursday next, at One o'Clock, P. M.

House adjourns.

THURSDAY, 31st JANUARY, 1850.

The House met pursuant to adjournment.

House meets.

*Present :*

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

Members present.

**31st January, 1850.**

**SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.**

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The Minutes of Monday last were read.

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

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

Ordered—that the same be received.

Address read 1st time.

The Address was then read a first time, and it was—

(37th rule of the House  
suspended.)

Ordered—that the 37th Rule of the House, so far as it respects the Address, be suspended.

Address read 2d time.

Whereupon the Address was read a second time, and—

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

Committed.

The House accordingly went into a Committee of the whole,

The Honourable the ATTORNEY-GENERAL in the Chair.

After some time the House resumed.

The Chairman reported the Address with some amendments.

Ordered—that the report be received.

Read 3d time.

Whereupon the Address, as amended, was read a third time, and it was—

Committee to wait on  
Governor to know when  
he will receive the Ad-  
dress.

Ordered—that it be engrossed, and that a Select Committee be appointed to wait on the Governor, to know when His Excellency will be pleased to receive the House with the said Address.

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

The Honourable the ATTORNEY-GENERAL lays a Petition from Philip Norman on the Table of the House.

Notice of Address of  
Condolence to Her Ma-  
jesty on the death of the  
Queen Dowager.

The Honourable the COLONIAL SECRETARY gives notice that on to-morrow he will move an Address of Condolence to Her Majesty on the lamented demise of Her late Majesty the Queen Dowager.

Committee of the House  
on Privilege.

On motion made and seconded, the House went into a Committee of the whole on Privilege,

The Honourable Mr. THOMAS in the Chair.

*31st January, and 1st February, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

After some time the House resumed.

The Chairman reported progress and asked leave to sit again.

Ordered—that the report be received.

On motion made and seconded, the House adjourned until to-morrow at One of the o'clock, P.M. House adjourns.

FRIDAY, 1ST FEBRUARY, 1850.

The House met pursuant to adjournment.

House meets.

Present:

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

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The minutes of yesterday were read.

The Address to His Excellency the Governor in reply to his Speech at the opening of the Session having been engrossed, was passed; and the Hon. the President signed the same. Address to the Governor in reply to his Speech on opening the Session

The Address is as follows:

*To His Excellency* SIR JOHN GASPARD LE MARCHANT, *Knight, and Knight Commander of the Orders of Saint Ferdinand and of Charles the Third of Spain, 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 dutiful and loyal subjects, the Council of Newfoundland, in General Assembly convened, beg leave to return your Excellency our humble thanks for the gracious Speech with which you have been pleased to open the present Session of the Legislature.

*1st February, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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We participate with your Excellency in the grief so unfeignedly felt by all classes of Her Majesty's subjects at the demise of the late Queen Dowager—a Princess, the memory of whose many eminent virtues will be long and affectionately cherished.

We acknowledge with deep humility the gratitude due by us to the Almighty Disposer of events, in having averted from this Island the fearful pestilence with which other portions of the Empire have been so grievously afflicted.

With heartfelt thankfulness we also acknowledge the blessings of a bountiful Providence in having vouchsafed to our hardy fishermen—whose prosperity is so essential to the welfare of the Colony—an ample return for their labours during the past season.

It is gratifying to us to be informed that the Agriculture of the Colony during the past year has been attended with such satisfactory results. To the encouragement and extension of this branch of industry, the value and importance of which in affording additional means of subsistence for our increasing population are self-evident, we shall not fail to give our best care and attention.

The state of education throughout the Colony, and the revision of the Act about to expire, with a view to the adoption of a more efficient system of instruction, shall receive our most attentive consideration.

We thank your Excellency for the promise to lay before us copies of Despatches received by your Excellency from the Secretary of State for the Colonies.

In conclusion, your Excellency may rest assured of our earnest endeavours being used, in co-operation with your Excellency, to adopt such measures as are best calculated to develop and increase the productive capabilities of this Island, and to promote the welfare and happiness of all classes of its inhabitants.

(Signed)

ROBERT LAW, *President of the Council.*

*Council Chamber,*  
*1st February, 1850.* }  
}

Hon. Mr. Crowdy reports that His Excellency will receive the Address to-day.

The Honourable Mr. CROWDY, from the Select Committee appointed to wait on the Governor to know when His Excellency will receive the foregoing Address, reported that His Excellency had named to-day at half-past one o'clock for that purpose.

*1st February, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Pursuant to notice, the Honourable Mr. CROWDY brought in an Address of Condolence to Her Majesty on the demise of Adelaide, the late Queen Dowager— which was read and adopted, and is as follows:—

Hon. Mr. Crowdy brings in an Address of Condolence to Her Majesty.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's most dutiful and loyal subjects, the Council of Newfoundland, beg to approach your Majesty with the humble expression of our condolence on the lamented demise of Her Majesty, Adelaide, the Queen Dowager, whose loss will be deeply mourned by all classes of your Majesty's subjects, to whom, by her extensive charities and many virtues, she was much and justly endeared.

The Address.

(Signed)

ROBERT LAW, *President.*

*Council Chamber,*  
*1st February, 1850.* }

Ordered—that the Honourable Messrs. CROWDY and NOAD be a Committee to prepare and present an Address to His Excellency the Governor, requesting him to forward the foregoing Address of Condolence to Her Majesty.

Committee appointed to wait on the Governor with the Address of Condolence to Her Majesty.

At half-past One o'Clock the House proceeded to the Government-House with their Address in answer to His Excellency's Speech on the opening of the Session.

House proceeds to the Government-house with their Address in answer to His Excellency's Speech on opening the Session.

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

*Mr. President and Honourable Gentlemen of the Council :*

I receive your Address with great satisfaction.

I assure you that I am fully aware of the value of your assistance in the conduct of public affairs, and I look with confidence to your support and co-operation in carrying out the various measures that may be calculated to secure and increase the prosperity of the people.

Governor's reply to the Address.

On motion made and seconded, the House adjourned until Tuesday next, at One of the clock P.M.

House adjourns.



*5th and 8th February, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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TUESDAY, 5th FEBRUARY, 1850.

House meets. The House met pursuant to adjournment.

Present :

Members present. *The Honourable* ROBERT LAW, *K. H.*, *Commandant.*  
 “ EDWARD M. ARCHIBALD, *Attorney-General.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Friday last were read.

House adjourns. On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.

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FRIDAY, 8th FEBRUARY, 1850.

House meets. The House met pursuant to adjournment.

Present :

Members present. *The Honourable* E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Select Committee appointed to wait on the Governor, reported that His Excellency would forward the Address of Condolence to Her Majesty. The Honourable Mr. CROWDY from the Select Committee appointed to wait on the Governor with an Address praying His Excellency will forward the Address of Condolence to Her Majesty, reported that His Excellency had been pleased to say that the said address of condolence to Her Majesty should be forwarded by an early opportunity.

Notice of motion to bring in a Bill for the Limitation of Actions, &c. The Honourable the ATTORNEY-GENERAL gave notice that on this day week he would bring in a Bill for the Limitation of Actions in relation to real property.

House adjourns. On motion made and seconded, the House adjourned until Tuesday next, at One of the clock, P.M.

**12th February, 1850.**

*His Excellency Sir J. G. LE MARCHANT, Governor.*

**TUESDAY, 12th FEBRUARY, 1850.**

The House met pursuant to adjournment.

House meets.

**Present :**

*The Honourable* **ROBERT LAW, K. H., Commandant.**  
 “ **E. M. ARCHIBALD, Attorney-General.**  
 “ **WILLIAM BICKFORD ROW.**  
 “ **CHARLES FOX BENNETT.**  
 “ **JAMES CROWDY, Colonial Secretary.**  
 “ **JOSEPH NOAD.**  
 “ **WILLIAM THOMAS.**

Members present.

The Minutes of Friday last were read.

The Honourable Mr. Secretary CROWDY, by direction of His Excellency the Governor, presented sundry copies of Despatches from the Right Honourable the Secretary of State for the Colonies, abstracts of which are as follow :—

Hon. Mr. Secretary Crowdy, by command of the Governor, lays certain Despatches before the House, from the Secretary of State for the Colonies.

Directing that two copies of the votes and proceedings of both branches of the Legislature, carried down to the latest date preceding the departure of the Packet, be transmitted to the Secretary of State.—23d March, 1849.

Relative to a revised Table of Fees for the Vice Admiralty Court, &c.—11th May, 1849.

Acknowledging receipt of a Despatch enclosing an Address from the House of Assembly on the subject of the future tenure of office.—14th May, 1849.

Transmitting an Imperial Act confirming the Acts of the Local Legislature for regulating the re-building of the Town of St. John's.—31st May, 1849.

Transmitting a Return stating the nature and amount of the Bounties granted by the French Government in support of the French trade in Codfish, &c.—23d June, 1849.

Transmitting a Letter on the subject of the Bounties and Drawbacks allowed by the United States in support of their Fisheries on the Coast of Newfoundland.—24th July, 1849.

With Order in Council, leaving certain Acts to their operation.—2nd August, 1849.

Transmitting copies of an Act of the Imperial Parliament for enabling Colonial Legislatures to establish Inland Posts.—10th August, 1849.

*12th and 15th February, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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Transmitting an Order in Council, approving of the Act to regulate the Importation of Books, and to protect the British Author.—10th August, 1849.

Transmitting copies of an Act of the Imperial Parliament for regulating the carriage of Passengers in merchant vessels.—10th August, 1849.

Transmitting an Act of the Imperial Parliament to amend the Laws now in force for the encouragement of British Shipping and Navigation.—14th August, 1849.

Transmitting an Order in Council, conveying Her Majesty's assent to "An Act to repeal certain Duties of Customs."—26th August, 1849.

On the subject of "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandise, &c.," and directing that it be brought under the notice of the Colonial Legislature with a view to the equalization of certain Duties on British and Foreign Produce.—6th September, 1849.

Transmitting an Order in Council leaving certain Acts to their operation.—10th October, 1849.

Hon. Mr. Noad to be a member of the Library Committee.

Ordered—That the Honourable Mr. NOAD be a Member of the Library Committee in the place of Mr. Tobin.

House adjourns.

On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.

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FRIDAY, 15th FEBRUARY, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

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

" JAMES CROWDY, *Colonial Secretary.*

" WILLIAM THOMAS.

" WILLIAM B. ROW.

" JOSEPH NOAD.

" CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Estimate of the Public Expenditure laid before the House by the Hon. Colonial Secretary.

The Honourable the COLONIAL SECRETARY laid before the House, by direction of His Excellency the Governor, an Estimate of the charge of defraying the Public Expenditure of the Island for the year ending 31st December, 1850.

**15th, 19th, and 22nd February, 1850.**

*His Excellency Sir J. G. LE MARCHANT, Governor.*

Pursuant to notice the Honourable the ATTORNEY-GENERAL brought in "A Bill for the Limitation of Actions and Suits in relation to Real Property, and for simplifying the remedies for trying the rights thereto, which was read a first time, and

Bill for the Limitation of Actions in relation to Real Property, brought in and read 1st time.

Ordered to be read a second time on Tuesday week next, and to be printed.

To be printed.

On motion made and seconded the House adjourned until Tuesday next, at One o'Clock, P. M.

House adjourns.

**TUESDAY, 19TH FEBRUARY, 1850.**

The House met pursuant to adjournment.

House meets.

**Present:**

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 " E. M. ARCHIBALD, *Attorney-General.*  
 " WILLIAM THOMAS.  
 " WILLIAM B. ROW.  
 " JOSEPH NOAD.  
 " CHARLES F. BENNETT.  
 " JAMES CROWDY, *Colonial Secretary.*

Members present.

The minutes of Friday last were read.

The Hon. the ATTORNEY-GENERAL gave notice that on Friday next he will bring in a Bill "to regulate and fix the Terms of the Supreme and Circuit Courts."

Attorney-General gives notice of a Bill to fix Terms of Courts.

The Honourable Mr. BENNETT laid on the table two Petitions from Placentia and Fortune Bays on the subject of Education.

Petitions laid on Table by Hon. Mr. Bennett, on the subject of Education.

The Honourable Mr. Secretary CROWDY, by direction of the Governor, lays before the House the Audited Accounts of the late and present Collector of Her Majesty's Revenue for the year ending 5th January, 1850, together with a Consolidated Account for the same period by the Collector of the Revenue.

Colonial Secretary lays Audited Accounts of the Collector of the Revenue before the House.

On motion made and seconded the House adjourned until Friday next, at One o'clock, P.M.

House adjourns.

**FRIDAY, 22D FEBRUARY, 1850.**

The House met pursuant to adjournment.

House meets.

*22nd and 26th February, 1850.*

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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Present:

Members present.

*The Honourable* E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Petitions laid on the Table on the subject of Education, by the Honourable Messrs. Bennett, Crowdy, Row, and Archibald.

The Honourable Mr. BENNETT laid on the table Petitions on the subject of Education from Burin, Ferryland, Lower Burgeo, Belloram, Harbour Briton and Grole.

The Honourable Mr. CROWDY laid on the table a Petition from the Bishop, Clergy and other Members of the Church of England in St. John's, praying for a proportional Grant, according to population, for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church. And also Petitions on the same subject from Pouch Cove, Torbay, Belle Isle, Portugal Cove and Broad Cove, Petty Harbour, Quidi Vidi, and South Shore Conception Bay.

The Honourable Mr. ROW laid on the table Petitions on the above-named subject, from Clergymen and others of Harbour Grace, Carbonear, Bay Roberts, Port-de-Grave, Spaniards' Bay, Brigus, Bishops' Cove, and Island Cove.

The Honourable Mr. ARCHIBALD also laid on the table Petitions on the same subject, from Twillingate, Trinity Bay (North), Catalina, Moreton and Tizzards Harbour, Bonavista, Bonavista Bay (North), Fogo, and King's Cove.

Vacation of Seats Bill brought up—

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

Read 1st time.

Ordered to be read a second time to-morrow.

House adjourns.

On motion made and seconded the House adjourned until Tuesday next, at One of the clock, P.M.

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TUESDAY, 26TH FEBRUARY, 1850.

House meets.

The House met, pursuant to adjournment.

*26th February, and 1st March, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

**Present :**

<i>The Honourable</i> ROBERT LAW, <i>K. H., Commandant.</i>	Members present.
“ E. M. ARCHIBALD, <i>Attorney-General.</i>	
“ JAMES CROWDY, <i>Colonial Secretary.</i>	
“ WILLIAM THOMAS.	
“ WILLIAM BICKFORD ROW.	
“ JOSEPH NOAD.	
“ CHARLES FOX BENNETT.	

The Minutes of Friday last were read.

Pursuant to the order of the day, the Bill entitled “ An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the Election of Members in their stead ”—was read a second time, and—	Vacation of Seats of Members of the House of Assembly Bill—
	Read 2nd time.

Ordered—to be committed to-morrow.

Pursuant to the order of the day, the Bill for the Limitation of certain Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto—was read a second time, and—	Limitation of Actions and Suits relating to Real Property Bill—
	Read 2nd time.

Ordered—to be committed on Friday next.

On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.	House adjourns.
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FRIDAY, 1<sup>ST</sup> MARCH, 1850.

The House met, pursuant to adjournment.	House meets.
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**Present :**

<i>The Honourable</i> ROBERT LAW, <i>K. H., Commandant.</i>	Members present.
“ EDWARD M. ARCHIBALD, <i>Attorney-General.</i>	
“ JAMES CROWDY, <i>Colonial Secretary.</i>	
“ WILLIAM THOMAS.	
“ WILLIAM B. ROW.	
“ JOSEPH NOAD.	
“ CHARLES F. BENNETT.	

The minutes of Tuesday last were read.

*1st and 5th March, 1850.*

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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Bill to provide for the Vacation of Seats of Members of the House of Assembly in certain cases—committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the Election of Members in their stead,"

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

Reported with some amendments.

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, be read a third time to-morrow.

Bill for the Limitation of Actions relating to Real Property—committed.

Pursuant to the Order of the day, the House went into Committee on the Bill for the Limitation of certain Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again.

Ordered—that the report be received.

House adjourns.

On motion made and seconded the House adjourned until Tuesday next, at One of the clock, P.M.

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TUESDAY, 5<sup>TH</sup> MARCH, 1850.

House meets.

The House met pursuant to adjournment:

Present ::

House adjourns.

*The Honourable* E. M. ARCHIBALD, *Attorney-General.*  
 " JAMES CROWDY, *Colonial Secretary.*  
 " WILLIAM B. ROW.  
 " JOSEPH NOAD.  
 " CHARLES F. BENNETT.

The minutes of Friday last were read.

On motion made and seconded, it was—

*5th and 8th March, 1850.**His Excellency Sir J. G. LE MARCHANT, Governor.*

Ordered—that the Bill entitled “An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and the Election of Members in their stead,” be re-committed to-morrow.

Vacation of Seats Bill—

To be re-committed.

Pursuant to the order of the day, the House went into Committee on the Bill for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto,

Limitation of Actions Bill—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again.

Ordered—that the report be received.

On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.

House adjourns.

## FRIDAY, 8TH MARCH, 1850.

The House met pursuant to adjournment.

House meets.

Present:

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

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Pursuant to the order of the day the Bill entitled “An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the election of Members in their stead,” was re-committed.

Vacation of Seats of Members of the House of Assembly Bill—re-committed.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported with amendments.



*8th, 12th, and 15th March, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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Ordered—that the report be received.

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

Bill for the Limitation of Actions, &c.—committed.

Pursuant to the order of the day, the House went into Committee on the Bill for the limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

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

Ordered—that the report be received.

House adjourns.

On motion made and seconded, the House adjourned until Tuesday next at One of the o'clock, P.M.

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TUESDAY, 12TH MARCH, 1850.

Present :

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

“ WILLIAM THOMAS.

House adjourns for want of a quorum.

At Two of the clock the Honourable the PRESIDENT declared the House adjourned for want of a quorum, until One o'clock, P.M. on Friday next.

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FRIDAY, 15TH MARCH, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

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

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

“ E. M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

**15th March, 1850.**

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The minutes of Friday and Tuesday last were read.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the election of Members in their stead," was read a third time and passed.

Bill for the Vacation of Seats of Members of the Assembly, as amended, read 3d time and passed.

The amendments are as follow :

1st. line 3d page of the Bill, expunge the words "and he is hereby required."

The amendments.

2d Section—Insert at the end thereof the following words—"Provided also that any Member so resigning, and offering himself as a Candidate at the Election, shall bear the expenses of such Election, so far as the same have been usually borne by the Colony, and shall, before he shall be nominated as a Candidate for such Election, deposit with the Colonial Secretary such sum of money, not exceeding the amount paid by the Colony for the last preceding Election of the District for which such Member was returned, as the Governor in Council shall direct, which sum, or so much thereof as may be required for that purpose, shall be applied by the said Colonial Secretary in discharge of such expenses."

4th Section—Expunge the parenthesis in this Section, and add at the end thereof the words, "he having first obtained a Certificate of discharge pursuant to law, and being otherwise duly qualified."

Insert as the 5th Section—"And be it further enacted, that this Act shall not have any force or effect until Her Majesty's pleasure thereon shall have been first duly signified."

Insert over the form of resignation, the words "Form of Resignation."

Ordered—that the said Bill, as amended, be sent to the House of Assembly for concurrence in the amendments.

The Bill was accordingly sent by the Master-in-Chancery.

Pursuant to the order of the day, the House went into Committee on the Bill for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto,

Bill for the Limitation of Actions on Real Property—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

**15th and 19th March, 1850.**

**SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.**

Ordered—that the report be received.

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

House adjourns.

On motion made and seconded the House adjourned until Tuesday next, at One o'Clock, P. M.

**TUESDAY, 19TH MARCH, 1850.**

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H.*, *Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Friday last were read.

Bill for the Limitation of Actions relating to Real Property—

Read 3d time, and passed

Pursuant to the order of the day, the Bill for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto—was read a third time and passed, and it was—

Title of the Bill.

Ordered—that the title of the said Bill be “ An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto.”

Whereupon the President signed the same.

Bill to amend an Act for the Registration of Voters—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 amend an Act passed in the fourth year of the Reign of His late Majesty, entitled an Act for the registering the names of persons entitled to vote at Elections”—which was read a first time, and—

Ordered to be read a second time to-morrow.

19th and 22nd March, 1850.

*His Excellency* Sir J. G. LE MARCHANT, *Governor.*

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other Officers in the several Electoral Districts"—which was read a first time, and—

Bill to provide for the appointment of Sheriffs, &c., brought up—

Read 1st time.

Ordered—To be read a second time on this day week, and to be printed.

On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.

House adjourns.

FRIDAY, 22ND MARCH, 1850.

The House met pursuant to adjournment.

House meets.

Present:

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

Members present.

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Pursuant to the order of the day the Bill entitled "An Act to amend an Act passed in the Fourth year of the Reign of His late Majesty, entitled An Act for the Registering the Names of Persons entitled to vote at Elections," was read a second time; and—

Registration of Voters Bill—

Read 2d time.

Ordered—to be committed to-morrow.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to declare the Sterling Value of the Dollar in discharge of the Reserved Salaries and other Claims upon the Local Government," which was read a first time, and

Bill to declare the value of the dollar in discharge of the Reserved Salaries—brought up—

Read 1st time.

Ordered to be read a second time to-morrow.

Pursuant to notice the Honourable the ATTORNEY-GENERAL brought in a Bill to fix and establish the Terms of the Supreme, Central Circuit and Sessions Courts, and to extend the Jurisdiction and amend the practice of the said Courts; which was read a first time, and

Terms of Courts and Sessions Bill brought in—

Read 1st time.

*22nd and 26th March, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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Ordered—to be read a second time on Tuesday next, and to be printed.

House adjourns.

On motion made and seconded the House adjourned until Tuesday next, at One o'clock, P.M.

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TUESDAY, MARCH 26TH, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The Minutes of Friday last were read.

Registration of Voters  
 Bill—committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled “ An Act to amend an Act passed in the fourth year of the Reign of His late Majesty, entitled an Act for the registering the names of persons entitled to Vote at Elections,”

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

Reported with an  
 amendment.

The Chairman reported the Bill with an amendment.

Ordered—that the report be received.

The amendment is as follows:—

In the preamble of the Bill, expunge the words “ expense annually incurred in putting into operation,” and insert in their place the words, “ annual taking and revising of the Lists of Voters in the several Electoral Districts of this Island, as prescribed and provided by.”

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

26th March, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the order of the day, the Bill entitled "An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other Officers in the several Electoral Districts," was read a second time, and—

Bill to regulate the Northern and Southern Circuit Courts, &c.—

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 declare the Sterling Value of the Dollar in discharge of the Reserved Salaries, and other Claims upon the Local Government"—it was moved and seconded, and—

Ordered—that an Address be presented to His Excellency the Governor, for a copy of the Address of the House of Assembly to the Secretary of State on the subject of the value of the Dollar, with reference to the Reserved Salaries; and—

Address to be presented to the Governor for copy of an Address of the House of Assembly on the subject of the value of the Dollar.

Ordered—that the Honourable Messrs. NOAD and BENNETT be a Committee to draft the same.

After some time the Honourable Mr. NOAD presented the following Address—which was read and adopted:

*To His Excellency* SIR JOHN GASPARD LE MARCHANT, *Knight, Governor, &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's Council, having understood that an Address has been presented to your Excellency by the House of Assembly, on the subject of the value of the Dollar as paid in discharge of the Reserved Salaries, for transmission to Her Majesty's Secretary of State for the Colonies,—respectfully request that your Excellency will be pleased to direct that a copy of such document be laid before this House.

The Address.

Ordered—that the Honourable Messrs. NOAD and BENNETT be a Committee to present the same; and—

Committee appointed to present it.

Ordered—that the order of the day for the second reading of the Bill above referred to, be postponed; and that the said Bill be read a second time on this day week, and be then first on the order of the day.

Order of the day for 2d reading of the bill discharged.

Pursuant to the order of the day, the Bill to fix and establish the Terms of the Supreme, Central Circuit, and Sessions Courts, and to extend the Jurisdiction and amend the practice of the said Courts—was read a second time, and—

Bill to fix the Terms of the Supreme, Central Circuit, and Sessions Courts, &c.—  
Read 2nd time.

*26th and 28th March, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

Ordered—to be committed to-morrow.

Statement of the Saint John's Water Company presented by Mr. Secretary Crowdy.

The Honourable Mr. Secretary CROWDY, by command of His Excellency the Governor, laid before this House a Statement of the Receipts and Payments of the St. John's Water Company to the 31st December, 1849.

House adjourns.

On motion made and seconded the House adjourned until Thursday next, at One o'Clock, P. M.

THURSDAY, 28<sup>TH</sup> MARCH, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

Select Committee appointed to wait on the Governor with an Address of the House—make their report.

The Honourable Mr. NOAD, from the Select Committee appointed to wait on the Governor with the Address of this House passed on Tuesday last, reported that His Excellency would furnish the document applied for.

Hon. Mr. Crowdy lays document applied for to the Governor, before the House.

The Honourable Mr. Secretary CROWDY, by direction of the Governor, laid before the House the copy of the Address of the House of Assembly to the Secretary of State for the Colonies, on the subject of the Reserved Salaries.

Registration of Voters Bill, as amended, read 3d time and passed.

Pursuant to the order of the day, the Bill, as amended, entitled “An Act to amend an Act passed in the fourth year of the Reign of His late Majesty, entitled an Act for the registering the names of persons entitled to Vote at Elections”—was read a third time and passed, and—

The Honourable the President signed the same:

Order of the day discharged.

On motion made and seconded, the order of the day for the Committal of the Bill to regulate the Northern and Southern Circuit Courts, &c., was discharged, and it was—

Bill to regulate the Northern and Southern Circuit Courts—to be committed on Tuesday.

Ordered—that the said Bill be committed on Tuesday next.

*28th March, and 2nd April, 1850.*

*His Excellency Sir J. G. LE MARCHANT, Governor.*

Pursuant to the order of the day, the House went into Committee on the Bill to fix and establish the Terms of the Supreme and Central Circuit and Sessions Courts, and to extend the Jurisdiction and amend the practice of the said Courts,

Bill to fix Terms of Supreme and Central Circuit, and Sessions Courts—committed.

The Honourable Mr. THOMAS 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.

On motion made and seconded, the House adjourned until Tuesday next at One of the o'clock, P.M.

House adjourns.

TUESDAY, 2ND APRIL, 1850.

The House met pursuant to adjournment.

House meets.

Present :

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

Members present.

“ EDWARD M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The minutes of Thursday last were read.

The Honourable Mr. Secretary CROWDY laid before the House, by direction of His Excellency the Governor, a Report of the Physician to the Provisional Lunatic Asylum.

Report of Physician to the Provisional Lunatic Asylum, laid on the table.

On motion made and seconded, it was—

Ordered—that the order of the day for the second reading of the Bill entitled “An Act to declare the Sterling Value of the Dollar in discharge of the Reserved Salaries and other Claims upon the Local Government,” be discharged, and that the said Bill be read a second time on this day six months.

Order of the day for the 2nd reading of the Reserved Salaries Bill—discharged.

On motion made and seconded, the House adjourned until Thursday next, at One of the clock, P.M.

House adjourns.



4th April, 1850.

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

THURSDAY, 4TH APRIL, 1850:

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H., Cominandant.*  
 “ EDWARD M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Tuesday last were read.

On motion made and seconded, it was—

Report of the Physician of the Lunatic Asylum to be printed.

Ordered—that the Report of the Physician of the Provisional Lunatic Asylum be printed.

A deputation from the House of Assembly brought up the following Message :

*Mr. President—*

Message from House of Assembly, agreeing to Council's amendments on Bill for the Vacation of Seats of Members.

The House of Assembly acquaint Her Majesty's Council that they have agreed to the amendments made by Her Majesty's Council upon the Bill sent up from this House, entitled “ An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the election of Members in their stead,” without amendment.

(Signed)

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }  
 3d April, 1850. }

Bill to fix and establish Terms of Courts—committed.

Pursuant to the order of the day the House went into Committee on the Bill to fix and establish the Terms of the Supreme, Central Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts,

The Honourable Mr. THOMAS 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.

*4th and 5th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

On motion made and seconded the House adjourned until to-morrow at One of the clock, P.M. House adjourns.

FRIDAY, 5TH APRIL, 1850.

The House met pursuant to adjournment. House meets.

Present:

*The Honourable* EDWARD M. ARCHIBALD, *Attorney-General.* Members present.  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.  
 “ JAMES CROWDY, *Colonial Secretary.*

The minutes of yesterday were read.

Pursuant to the order of the day the House went into Committee on the Bill to fix and establish the Terms of the Supreme, Central Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts. Bill to fix Terms of Courts—committed.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments. Reported.

Ordered—that the report be received.

Ordered—that the Bill, as amended, be engrossed, and read a third time on Tuesday next, and that it be printed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled “An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other officers in the several Electoral Districts. Bill to regulate the establishment of the Northern and Southern Circuit Courts, &c.—committed.

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

The Chairman reported progress and asked leave to sit again on Tuesday next.

Ordered—that the report be received.

*5th and 9th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

House adjourns.

On motion made and seconded the House adjourned until Tuesday next, at One o'clock, P.M.

TUESDAY, 9TH APRIL, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H.*, *Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

The minutes of Friday last were read.

Bill to fix Terms of Courts — re-committed.

On motion made and seconded the Bill to fix and establish the Terms of the Supreme, Central Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts,” was re-committed.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill with some amendments.

Ordered—that the report be received.

Ordered—that the Bill be read a third time presently.

Read 3d time, and passed

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

Ordered—that the Title of the Bill be “ An Act to fix and establish the Terms of the Supreme, Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts.”

Petition from Thomas Robson, laid on the table;—and

Notice of a Bill to authorize the granting a Patent to Mr. Robson.

The Honourable Mr. CROWDY laid on the table a Petition from Thomas Robson, and at the same time gave notice that on to-morrow he will bring in a Bill to authorize the granting a Patent to Mr. Robson for an improved self-acting Fog-Bell and other machinery.

9th and 12th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The Honourable Mr. THOMAS laid on the table a Petition from Merchants, Tradesmen, and Householders of St. John's, together with eighteen other Petitions from Harbour Grace and other Outports, praying that the Grant to the Newfoundland School Society may be renewed and continued.

Petitions laid on the table—that the grant to the Newfoundland School Society may be continued.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other Officers in the several Electoral Districts,"

Bill to regulate the Northern and Southern Circuit Courts, &c. — committed.

The Honourable Mr. BENNETT 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.

On motion made and seconded, the House adjourned until Friday next, at One of the clock, P.M.

House adjourns.

FRIDAY, 12TH APRIL, 1850.

The House met, pursuant to adjournment.

House meets.

*Present :*

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 " E. M. ARCHIBALD, *Attorney-General.*  
 " JAMES CROWDY, *Colonial Secretary.*  
 " WILLIAM THOMAS.  
 " WILLIAM BICKFORD ROW.  
 " JOSEPH NOAD.  
 " CHARLES FOX BENNETT.

Members present.

The Minutes of Tuesday last were read.

On motion of the Honourable Mr. CROWDY, the Petition of Thomas Robson was read.

Petition of T. Robson read.

Pursuant to notice, the Honourable Mr. CROWDY brought in a Bill to authorise the granting a Patent for an improved Self-acting Fog-Bell and other Machinery, impelled by wind, to Thomas Robson, of Sackville, in the Province of New Brunswick, Mariner; which was read a first time, and—

Bill to authorise the granting a Patent for a self-acting Fog-Bell brought in—  
 Read 1st time.

12th and 16th April, 1850.

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

To be printed.

Ordered—to be read a second time on to-morrow, and to be printed.

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

*Mr. President,*—

Message from Assembly, with amendments to Bill for the Limitation of Actions relating to Real Property, &c.

The House of Assembly acquaint Her Majesty's Council that they have passed the Bill sent down by Her Majesty's Council, entitled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto," with some amendments—to which they request the concurrence of Her Majesty's Council.

(Signed)

JOHN KENT, *Speaker.*

HOUSE OF ASSEMBLY, }  
12th April, 1850. }

Amendments of Assembly read 1st time.

The amendments of the House of Assembly on the Bill before-mentioned were then read a first time, and—

Ordered to be read a second time to-morrow.

Order of the day discharged.

On motion made and seconded, the order of the day for the committal of the Bill to regulate the establishment of the Northern and Southern Circuit Courts, &c., was discharged, and the said Bill was ordered to be committed to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until Tuesday next, at One of the clock, P.M.

TUESDAY, 16TH APRIL, 1850.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 " E. M. ARCHIBALD, *Attorney-General.*  
 " JAMES CROWDY, *Colonial Secretary.*  
 " WILLIAM THOMAS.  
 " WILLIAM B. ROW.  
 " JOSEPH NOAD.  
 " CHARLES F. BENNETT.

The Minutes of Friday last were read.

16th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the order of the day, the Bill to authorise the granting a Patent to Thomas Robson for an improved self-acting Fog-Bell—was read a second time, and—

Bill to authorise the granting a Patent for a self-acting Fog-Bell—  
Read 2nd time.

Ordered—to be committed to-morrow.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to amend an Act passed in the third year of His late Majesty’s reign, 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 Island”—which was read a first time, and—

Quarantine Act Amendment Bill, brought up—

Read 1st time.

Ordered—to be read a second time to-morrow, and to be printed.

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—

Revenue Bill, brought up—

Read 1st time.

Ordered—to be read a second time to-morrow, and to be printed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for the Regulation and Management of the Public Market-House in the Town of St. John’s”—which was read a first time, and—

Regulation of Market-House Bill, brought up—

Read 1st time.

Ordered—to be read a second time to-morrow, and to be printed.

Pursuant to the order of the day, the House went into Committee on the Bill “to regulate the establishment of the Northern and Southern Circuit Courts, &c., of this Island, and to provide for the appointment of Sheriffs and other Officers in the several Electoral Districts,”

Bill to regulate the establishment of the Northern and Southern Circuit Courts—committed.

The Honourable Mr. BENNETT 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.

Pursuant to the order of the day the amendments of the House of Assembly on the Bill entitled “An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto,” were read a second time, and—

Amendments of House of Assembly on Bill for the Limitation of Actions, &c.—

Read 2nd time.

*16th and 17th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

On motion made and seconded the House went into Committee thereon.

After some time the House resumed.

Reported—Conference recommended.

The Chairman reported that it is the opinion of the Committee that a conference should be requested with the Assembly on the subject of the 1st amendment.

Ordered—that the report be received and adopted.

Select Committee appointed to draft Instructions to Conferees.

Ordered—that the Honourables Messrs. ARCHIBALD and ROW be the conferees, and that they be a Select Committee to prepare instructions to the conferees.

Notice to suspend 37th Rule of the House, by Mr. Secretary Crowdy.

The Honourable Mr. Secretary CROWDY gave notice that on to-morrow he will move that the 37th Rule of the House be suspended, so far as it respects the Revenue Bill, and the Bill to authorise the granting a Patent to Thomas Robson.

Notice to suspend 37th Rule of the House, by Mr. Attorney-General.

The Honourable the ATTORNEY-GENERAL also gave notice that on to-morrow he will move the suspension of the 37th Rule of the House, with reference to the Market-House Bill and the Quarantine Act Amendment Bill.

Petition laid on the table from Rev. W. Shenstone and others, of Harbour Grace.

The Honourable Mr. THOMAS lays on the table a Petition from the Rev. W. E. Shenstone and others, for pecuniary aid to rebuild the Wesleyan Chapel recently destroyed by fire at Harbour Grace.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P.M.

WEDNESDAY, 17TH APRIL, 1850.

House meets.

The House met, pursuant to adjournment.

Present :

Members present.

*The Honourable* E. M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The Minutes of yesterday were read.

Select Committee report draft of Instructions to Conferees on Bill for the Limitation of Actions on Real Property.

The Honourable the ATTORNEY-GENERAL, from the Select Committee appointed to draft Instructions to the Conferees on the subject of the amendments of the House of Assembly on the Bill entitled “ An Act for the Limitation of Actions and Suits relating to Real Property,” reported a draft thereof, as follows :

17th April, 1850.

*His Excellency* Sir J. G. LE MARCHANT, *Governor.*

INSTRUCTIONS TO CONFEREES.

Her Majesty's Council have requested this Conference with the House of Assembly upon the amendments made in the Bill sent down from Her Majesty's Council, entitled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto," for the purpose of acquainting the House of Assembly that they do not concur in the first amendment made by the House of Assembly in the said Bill, whereby it is proposed to expunge the 18th Section, because, by the omission of the provision contained in this Section, a period exceeding the limitation of twenty years, and capable of being extended to nearly double that period, would, in opposition to the principle of the Bill, be requisite to bar a party from recovering landed property, owing to the mere circumstance of a concurrent right or interest in the same property accruing to him during his present estate or interest in possession, before the lapse of the first period of twenty years, and without any actual change in the circumstances of his relation to the property.

Instructions to Conferees on Bill above referred to.

That the absence of such a provision would tend to disturb titles acquired under long possession, which it is one object of the Bill to quiet and settle, and would confer upon a supine party a privilege not extended to others, virtually in as meritorious a position and entitled to equal consideration—a privilege resulting merely from a circumstance by which his estate or interest *in possession* may be confirmed or extended, but by no means necessary to the establishment of his right of possession.

It will be perceived that the 2nd and 5th Sections of the Bill protect the estates and interests of Remainder-men, Reversioners, and all parties entitled to any future estate or interest until the time when these respectively become estates or interests in possession; while the saving clause in the Section proposed to be expunged gives to a claimant the full benefit of his concurrent interest upon a contingency creating a new state of circumstances, and enabling him to enforce his rights without injury to those of other parties whose possession in the absence of such contingency the Bill is intended also to protect.

The Council beg leave to remind the House of Assembly that the Section is a transcript of a Section in the Imperial Statute now for many years the Law of England, and was adopted, doubtless, after the most mature consideration of its effect as part of a code by which rights to the recovery of landed property should be governed; and viewing it as merely carrying out the principle of the Bill, while its absence would extend a peculiar indulgence to a class of persons possessing in justice no peculiar claim to such indulgence, Her Majesty's Council trust that the House of Assembly on further consideration may recede from this amendment.



*17th April, 1850.*

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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Ordered—that the report be received and adopted.

Message to the House of Assembly, requesting a Conference on the Assembly's amendments on the Bill for the Limitation of Actions relating to Real Property.

Whereupon a Message was sent to the House of Assembly requesting a conference, presently, on the subject of the amendments made by the Assembly on the Bill above-mentioned, and stating that two Members were appointed to meet the Managers from the Assembly in the Council's-Committee-Room.

Bill to regulate the Northern and Southern Circuit Courts — committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other officers in the several Electoral Districts.

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered—that the report be received and adopted.

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

Message from the Assembly, agreeing to the Conference requested.

A Deputation from the House of Assembly brought up a Message agreeing to the Conference requested on the subject of the Assembly's amendments on the Bill for the Limitation of Actions and Suits relating to Real Property.

Conferees report having delivered their Instructions.

Whereupon the Conferees went to the Conference, and having returned, reported that they had delivered their Instructions.

Bill to authorise the granting a Patent to Thomas Robson—committed.

Pursuant to the order of the day, the House went into Committee on the Bill to authorise the granting a Patent to Thomas Robson for an improved Self-acting Fog-Bell.

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered—that the report be received, and—

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

*17th and 18th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

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.
Pursuant to notice, the Honourable Mr. CROWDY moved that the 37th Rule of the House, so far as it respects the Bill above-mentioned, be suspended.	(37th Rule of the House suspended.)
Whereupon the House went into Committee on the said Bill, The Honourable Mr. BENNETT in the Chair. After some time the House resumed.	Revenue Bill—committed.
The Chairman reported the Bill without amendment.	Reported — without amendment.
Ordered—that the report be received.	
Whereupon the said Bill was read a third time and passed, and the Presiding Member signed the same.	Read 3d time and passed
Pursuant to the order of the day, the Bill entitled "An Act to amend an Act passed in the third year of His late Majesty's reign, 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 Island," was read a second time, and it was—	Quarantine Act Amendment Bill— Read 2d time.
Ordered—that the 37th Rule of the House be suspended with reference to the said Bill.	37th Rule of the House suspended, with reference to the above-named Bill.
Ordered—that the House go into Committee on the Bill to-morrow.	
Pursuant to the order of the day, the Bill entitled "An Act for the Regulation and Management of the Public Market-House in the Town of St. John's," was read a second time, and it was—	Market-House Bill— Read 2d time.
Ordered—that the 37th Rule of the House, with reference to the said Bill, be suspended, and—	37th Rule of the House suspended, with reference to the Bill above-named.
Ordered—that the Bill be committed to-morrow.	
On motion made and seconded, the House adjourned until to-morrow at One of the o'clock, P.M.	House adjourns.

THURSDAY, 18TH APRIL, 1850.

The House met pursuant to adjournment.

House meets.

18th April, 1850.

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

Present :

Members present.	<i>The Honourable</i> ROBERT LAW, <i>K. H.</i> , <i>Commandant.</i>
	“ EDWARD M. ARCHIBALD, <i>Attorney-General.</i>
	“ JAMES CROWDY, <i>Colonial Secretary.</i>
	“ WILLIAM THOMAS.
	“ WILLIAM B. ROW.
	“ JOSEPH NOAD.
	“ CHARLES F. BENNETT.

The minutes of yesterday were read.

Bill to regulate the establishment of the Northern and Southern Circuit Courts—

Pursuant to the order of the day, the Bill, as amended, entitled “ An Act to regulate the establishment of the Northern and Southern Circuit Courts of this Island, and to provide for the appointment of Sheriffs and other Officers in the several Electoral Districts,” was read a third time, and passed, and the Honourable the President signed the same.

Read 3d time and passed

Academy Amendment Bill, brought up, and—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “ An Act to amend an Act passed in the seventh year of the reign of Her present Majesty, entitled an Act to provide for the Establishment of an Academy in St. John’s”—which was read a first time, and—

Read 1st time:

Ordered—to be read a second time to-morrow, and to be printed.

Bill to authorise the granting a Patent to Thomas Robson—

Pursuant to the order of the day the Bill to authorise the granting a Patent for an improved Fog Bell or Gong, and other self-regulating Machinery, to Thomas Robson, was read a third time and passed, and it was—

Read 3d time and passed

Title.

Ordered—that the title of the Bill be “ An Act to authorise the granting a Patent for an improved Fog Bell or Gong, and other Self-regulating Machinery impelled by wind, to Thomas Robson, of Sackville, in the Province of New Brunswick, Master Mariner.”

Quarantine Act Amendment Bill—committed.

Pursuant to the order of the day the House went into Committee on the Bill entitled an “ An Act to amend an Act passed in the Third year of his late Majesty’s Reign, 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 Island.”

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

*18th and 19th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The Chairman reported the Bill with an amendment.

Reported.

Ordered—that the report be received and adopted.

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

Pursuant to the order of the day the House went into Committee on the Bill entitled “An Act for the Regulation and Management of the Public Market-House in the Town of Saint John’s.

Market-House Bill—  
committed.

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Reported.

Ordered—that the Report be received and adopted.

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

On motion made and seconded, the House adjourned until to-morrow at One of the clock, P.M.

House adjourns.

FRIDAY, 19TH APRIL, 1850.

The House met pursuant to adjournment.

House meets.

Present :

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

Members present.

“ E. M. ARCHIBALD, *Attorney-General.*

“ JAMES CROWDY, *Colonial Secretary.*

“ WILLIAM THOMAS.

“ WILLIAM B. ROW.

“ JOSEPH NOAD.

“ CHARLES F. BENNETT.

The minutes of yesterday were read.

Pursuant to the order of the day the Bill, as amended, entitled “An Act to amend an Act passed in the Third year of His late Majesty’s reign, 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 Island,” was read a third time and passed, and the Honourable the President signed the same.

Quarantine Act Amend-  
ment Bill—

Read 3d time and passed

*19th and 23rd April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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Increase of Representa-  
tives Bill, brought up  
and—

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

Read 1st time.

Light-house Act amend-  
ment Bill, brought up,  
and—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to amend an Act entitled an Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same, which was read a first time, and—

Read 1st time.

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

Market-House Bill, as  
amended—

Pursuant to the order of the day the Bill, as amended, entitled “An Act for the Regulation and Management of the Public Market-House in the Town of Saint John’s,” was read a third time and passed, and the Honourable the President signed the same.

Read 3d time and passed

The Honourable Mr. Row laid on the table of the House a Petition from James Campbell, Teacher, of St. John’s.

St. John’s Academy  
Amendment Bill—

Pursuant to the order of the day, the Bill entitled “An Act to amend an Act passed in the Seventh year of the reign of Her present Majesty, entitled an Act to provide for the establishment of an Academy in St. John’s, was read a second time, and—

Read 2d time.

Ordered—to be committed on Tuesday next.

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

The Honourable the ATTORNEY-GENERAL gave notice that on Tuesday next he will move that the 37th Rule of the House be suspended with reference to the Light-House Act Amendment Bill.

House adjourns.

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

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TUESDAY, 23<sup>D</sup> APRIL, 1850.

House meets.

The House met pursuant to adjournment.

Present:

Members present.

*The Honourable* ROBERT LAW, *K. H.*, *Commandant.*  
“ E. M. ARCHIBALD, *Attorney-General.*  
“ JAMES CROWDY, *Colonial Secretary.*  
“ WILLIAM B. ROW.  
“ JOSEPH NOAD.  
“ CHARLES F. BENNETT.

23rd April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The minutes of Friday last were read.

The Honourable Mr. NOAD laid on the table of the House a Petition from Mr. W. J. Ward, praying that the grant for reporting the proceedings of the Council may be continued to him.

A Deputation from the House of Assembly brought up for the concurrence of this House, four Bills entitled as follow:

Deputation from the House of Assembly with four Bills, viz.—

An Act to continue an Act passed in the Sixth year of the reign of Her present Majesty, entitled “An Act to revive and amend an Act passed in the Third year of the reign of Her present Majesty, entitled an Act to establish the Fees and Costs chargeable in the several Police Courts and Courts of Sessions in this Colony.”

Fees of Courts Bill.

An Act to amend an Act, entitled “An Act to amend an Act for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs, and Successors, on all Goods, Wares, and Merchandise imported into this Island and its dependencies.”

Regulation and management of Duties Bill.

An Act to continue and amend an Act passed in the Sixth year of the reign of Her present Majesty, entitled “An Act for the encouragement of Education in this Colony.”

Education Act Amendment Bill.

An Act for the Regulation and Management of the Public Market-House in the Town of Saint John's.

St. John's Market-house Bill.

Which were severally read a first time, and—

Which were severally read 1st time.

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

The Honourable the ATTORNEY-GENERAL gave notice that on to-morrow he will move that the 37th Rule of the House be suspended, with reference to the Fees of Courts Bill and the Regulation and Management of Collection of Duties Bill.

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

The Honourable Mr. NOAD also gave notice that on to-morrow he will move that the 37th Rule of the House, so far as it respects the Education Act continuation Bill and the Market-House Bill, be suspended.

Ditto:

Pursuant to the order of the day, the Bill entitled “An Act to amend an Act entitled an Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same,” was read a second time.

Light-house Act amendment Bill—

Read 2d time.

*23rd and 24th April, 1850.*

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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Pursuant to notice of the Honourable Mr. CROWDY, it was moved and second-  
ed, and—

Ordered—that the 37th Rule of the House be suspended with reference to the  
above-named Bill.

Committed.

Whereupon the House went into Committee thereon,

The Honourable Mr. NOAD in the Chair:

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the Report be received.

Read 3d time and passed

The Bill was then read a third time and passed, and the Honourable the Pre-  
sident signed the same.

St. John's Academy Act  
Amendment Bill—com-  
mitted.

Pursuant to the order of the day, the House went into Committee on the Bill  
entitled “ An Act to amend an Act passed in the seventh year of the reign of Her  
present Majesty, entitled an Act to provide for the Establishment of an Academy in  
St. John's,”

The Honourable the ATTORNEY-GENERAL in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

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

Regulation and man-  
agement of Duties Bill  
to be printed.

Ordered—that the Bill for the regulation, management, and collection of all  
Duties, be printed.

Notice of motion for 2d  
reading of Increase of  
Representatives Bill.

The Honourable the COLONIAL SECRETARY gave notice that on to-morrow  
he will move that the Bill, entitled “ An Act to increase the present number of  
Representatives in the General Assembly of this Island, and to regulate the  
Representation thereof,” be read a second time.

House adjourns.

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

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WEDNESDAY, 24TH APRIL, 1850.

House meets.

The House met, pursuant to adjournment.

24th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Present:

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

Members present.

The minutes of yesterday were read.

The Honourable Mr. CROWDY laid on the table a Petition from Mr. J. V. Nugent; and at the same time gave notice that on to-morrow he would move that the 41st Rule of the House be suspended with reference to the said Petition.

Notice of motion to suspend 41st Rule of the House.

On motion of the Honourable Mr. CROWDY, it was—

Ordered—that the order of the day for the third reading of the Bill, entitled “An Act to amend an Act passed in the Seventh year of the reign of Her present Majesty, entitled an Act to provide for the establishment of an Academy in St. John’s,” be discharged, and that the said Bill be read a third time to-morrow.

Order of the day for 2d reading St. John’s Academy Amendment Bill, discharged.

Pursuant to the order of the day, the Bill entitled “An Act to continue an Act passed in the Sixth year of Her present Majesty, entitled an Act to revive and amend an Act passed in the Third year of the reign of Her present Majesty, entitled an Act to establish the Fees and Costs chargeable in the several Police Courts and Courts of Sessions in this Colony,” was read a second time, and

Fees of Courts continuation Bill—

Read 2d time.

Pursuant to notice of the Honourable the ATTORNEY-GENERAL, it was—

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

37th Rule of the House suspended.

Whereupon the House went into Committee thereon,

Fees of Courts continuation Bill—committed.

The Honourable Mr. Row in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

The Bill was then read a third time, and the Honourable the President signed the same.

Read 3d time and passed



*24th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

Regulation, management and collection of Duties Bill—

Pursuant to the order of the day, the Bill, entitled “ An Act to amend an Act entitled an Act to amend an Act for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs and Successors, on all Goods, Wares, and Merchandise imported into this Island and its dependencies,” was read a second time, and on motion, it was—

Read 2d time.

37th Rule of the House suspended.

Ordered—that the 37th Rule of the House be suspended with reference thereto, and—

Ordered—that the House go into Committee thereon to-morrow.

Education Act continuation Bill—

Pursuant to the order of the day, the Bill entitled “ An Act to continue and amend an Act passed in the Sixth year of the reign of Her present Majesty, entitled an Act for the encouragement of Education in this Colony,” was read a second time, and on motion, it was—

Read 2d time.

37th Rule of the House suspended.

Ordered—that the 37th Rule of the House be suspended, with reference thereto.

Bill committed.

Whereupon the House went into Committee thereon.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

Read 3d time and passed.

The Bill was then read a third time and passed, and the Honourable the President signed the same.

Market-House Bill—

Pursuant to the order of the day the Bill, entitled “ An Act for the Regulation and Management of the Public Market-House in the Town of St. John’s,” was read a second time, and on motion, it was—

Read 2d time.

37th Rule of the House suspended.

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

Bill committed.

The House accordingly went into Committee thereon.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

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

24th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Ordered—that the report be received.

A Deputation from the House of Assembly brought up a Message agreeing to the amendments made by Her Majesty's Council upon the Bill entitled "An Act to amend an Act passed in the Fourth year of the reign of His late Majesty, entitled an Act for the Registering the names of persons entitled to vote at Elections," without amendment.

Message from Assembly, agreeing to Council's amendments in Registry of Voters amendment Bill.

The same Deputation also brought up a Bill for the concurrence of this House entitled "An Act to authorise the issue of Treasury Notes, and for the reduction of the public debt of the Colony"—and a

Treasury Notes Bill, brought up—

and

Bill entitled "An Act to repeal an Act entitled an Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony"—which were severally read a first time, and—

Road Act Regulation Bill, brought up—

and severally read 1st. time.

Ordered—to be read a second time to-morrow, and to be printed.

Notices to suspend the 37th Rule of the House, with reference to the Bills above named, were then given by the Honourable Messrs. NOAD and ARCHIBALD.

Notices of motion to suspend 37th rule of the House.

A Deputation from the House of Assembly brought up the Bill sent down from this House, entitled "An Act to fix and establish the Terms of the Supreme, Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice in the said Courts," with some amendments, to which they requested the concurrence of this House.

Message from House of Assembly, with amendments on Bill to fix and establish Terms of Courts.

The amendments were then read a first time, and—

Amendments read 1st. time.

Ordered—to be read a second time to-morrow, and to be printed.

The amendments are as follow :

In the title of the Bill, insert the word "Central" before "Circuit."

The amendments.

At the end of the Third Section add—"Provided always, that nothing herein contained shall authorise the said Judges, on any of the days aforesaid, to issue attachments for contempts, except in cases on the equity side of the said Courts."

In the Fourth Section of the Bill expunge the words in the second and third lines—"may bear date respectively on the day and year on which the same shall be issued," and insert in lieu thereof the words "and all declarations in eject-

24th April, 1850.

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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ment." Insert after the word "process," in the fifth line, the words "or the service of such declaration. Insert after the word "process," in the fifth line, and before the word "all," the words "or declaration"; and after the word "process," in the second last line, the words "or such declaration."

Expunge the Sixth, Seventh, and Eighth Sections of the Bill.

In the Ninth Section of the Bill expunge the words in the fourth line "should he deem it expedient so to do," and insert in lieu thereof, "upon the application of any party to the suit, and upon such terms as the Judge may deem reasonable."

In the Thirteenth Section of the Bill expunge the word "Ten," and insert "Five." in the fourth line; also expunge the word "sterling" in the same line. Expunge the word "Ten" in the sixth line, and insert "Five"; also expunge the word "sterling." Expunge all the words after "question" in the seventh line.

In the Fourteenth Section of the Bill expunge all the words after the word "question," in the sixth line.

Expunge the Fifteenth Section of the Bill.

In the Sixteenth Section of the Bill, add after the word "age" in the last line, "and shall be subject to such and the like proceedings for the recovery of costs and otherwise, as if of the full age of twenty-one years."

After the Sixteenth Section of the Bill add as follows:

"Whereas it is expedient to prescribe the forms of mesne process and the mode of pleading in summary cases aforesaid:

"Be it therefore enacted,—That the Schedule to this Act, marked A, shall be the form of Summons and Attachment, *mutatis mutandis*, to be hereafter used in summary cases in the said Courts, and the copy or copies thereof to be served upon the defendant or defendants shall be endorsed as required by law, and that in inserting any other count than in such form contained, the plaintiff or plaintiffs may do so in the same brief manner; and that in all pleadings it shall be sufficient and effectual for the party or parties pleading to make the usual and known title thereof in practice, either on the back of the original writ, or to file the same separately within the time required by the practice of the several Courts for pleading in any such case aforesaid; and that in pleading a set-off it shall be sufficient for the defendant or defendants to file a bill of particulars, accompanied with a copy for the plaintiff or plaintiffs, and endorse thereon "set-off."

24th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

A

NEWFOUNDLAND.

District

*To the Sheriff of*

*District, Greeting :*

Summon A B, of

that he be before our Court, on

to answer C D, who complains in person or by E F, Attorney,

that the said Defendant is indebted to the said Plaintiff in the sum of

Pounds, for goods sold and delivered, work performed, and materials furnished,  
monies lent, paid, received on account stated, or for use and occupation, or  
as by bill of particulars hereto annexed, or

Witness the Honourable

at

the

day of

in the year of our Lord One Thousand Eight Hundred and

Attorney (or person)

Clerk or Commissioner of Court.

Court.

A. B., Plaintiff

Plaintiff

*vs.*

C. D., Defendant.

E. F., of

maketh Oath and saith that he did on the

day

of personally serve C. D., the within-named Defendant, with a true copy  
of the within Writ, whereupon was endorsed a notice of the true intent of such ser-  
vice, and also a copy of the particulars hereto annexed, and that he necessarily  
travelled miles to make such service.

Sworn before me

And be it enacted,—That the sum of two shillings and six pence only, exclu-  
sive of mileage, shall be paid to the Sheriff for the service of any summary writ of  
Summons from the Supreme or either of the Circuit Courts, and that the Sheriff  
of the Central District shall not be entitled to charge any fee for service, return or  
poundage, on any Writ of Attachment executed in the Northern or Southern Dis-  
trict by a special deputation.

And whereas it is expedient and necessary that provision should be made to  
enable Justices of the Peace to take order as to the hearing and determining of all  
differences that may arise within this Colony between masters or mistresses and  
their apprentices, and to regulate certain proceedings connected with apprentices :

Be it therefore further enacted,—That it shall be lawful for any Stipendiary  
Justice of the Peace within the said Colony, and he is hereby required, upon appli-  
cation made to him in that behalf, to consent to and approve, by writing under his  
hand, of any indenture of apprenticeship that shall be produced before him, provi-  
ded upon examination he shall be satisfied of the good moral character and other

*24th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

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requisite fitness of the master or mistress of such apprentice ; whereupon such indenture of apprenticeship shall be as binding upon the said master or mistress and apprentice, and all parties concerned, as if such master or mistress and such apprentice, or other parties, had been at the time of the execution of such indenture of full age.

And be it further enacted,—That if any master or mistress of an indentured apprentice shall misuse or evil entreat his or her apprentice, or the said apprentice shall have any just cause to complain, or if the apprentice do not his or her duty to his or her master or mistress, then the said master or mistress, or the apprentice having such cause of complaint, shall and may repair unto any Stipendiary Justice of the Peace of the Town or District wherein such master or mistress dwelleth, who shall by his wisdom and discretion make such order and direction between the said master or mistress and the apprentice, as the equity of the cause shall require ; and, for the purpose of hearing and determining any such complaint, such Justice shall have power to enforce the attendance before him of any master or mistress, and of any apprentice, and also of any necessary witness, by summons, or, if such Justice shall think it expedient and necessary, by warrant for that purpose. And if default shall be found in such master or mistress, it shall be lawful for such Justice, at his own discretion, to impose a fine upon him or her, not exceeding Twenty Shillings, and to levy the same by distress and sale of the offender's goods and chattels, or to discharge, by writing under his hand and seal, such apprentice from his said apprenticeship, according to his discretion, upon which discharge such indenture shall cease and be of no further effect. And if default shall be found in such apprentice, the said Justice shall authorise such abatement to be made out of his or her wages or allowances, or cause such apprentice to be imprisoned, with or without hard labour, for any period not exceeding ten days, as by his wisdom and discretion shall be thought meet, or may in addition to or without such abatement, correction and punishment, at his discretion, discharge such apprentice from his said apprenticeship, whereupon such indenture shall cease and be of no further effect.

And be it further enacted,—That no indenture of apprenticeship, nor any covenant therein, shall be of any force or effect to require the executor or administrator of such master or mistress to keep or maintain such apprentice more than one month after the death of such master or mistress, and that at the expiration of such month the indenture of apprenticeship shall cease and be of no further effect.

Pursuant to notice, the Honourable Mr. CROWDY moved that the Bill entitled “ An Act to increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof,” be read a second time.

Increase of Representatives Bill—

Read 2d time.

Whereupon the said Bill was read a second time, and—

*24th and 25th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Ordered—to be committed to-morrow.

On motion of the Honourable Mr. Row, the Petition of Mr. J. Campbell, Teacher, was read.

Petition of Mr. J. Campbell read.

The Honourable the COLONIAL SECRETARY, by direction of the Governor, laid before the House a copy of a Despatch from the Right Honourable the Secretary of State for the Colonies, acknowledging the receipt of Addresses from the Legislature, to the Queen, on the lamented death of the late Queen Dowager.

Despatch from the Secretary of State to His Excellency the Governor, acknowledging receipt of Addresses to Her Majesty—laid on table by Mr. Secretary Crowdy.

The Honourable Mr. BENNETT gave notice that on to-morrow he will move that a Select Committee on the Contingencies of the Council be appointed.

Notice of motion for Select Committee on Contingencies.

On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P.M.

House adjourns.

THURSDAY, 25<sup>TH</sup> APRIL, 1850.

The House met pursuant to adjournment.

House meets.

*Present:*

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

Members present.

The minutes of yesterday were read.

A Deputation from the House of Assembly brought up a Message, agreeing to the amendments made by this House on the Bill entitled “ An Act to amend an Act passed in the third year of His late Majesty, entitled an Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases,” without amendment.

Message from House of Assembly, agreeing to Council's amendments on the Quarantine Act Amendment Bill.

A Deputation from the House of Assembly brought up a Message, receding from the amendment made by the Assembly in the Bill sent down to that House, entitled “ An Act for the Limitation of Suits and Actions relating to Real Property, and for simplifying the remedies for trying the rights thereto.”

Message from the House of Assembly, receding from the amendment on the Bill for the Limitation of Suits and Actions relating to Real Property.

*25th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

Message from the House of Assembly with License Act amendment Bill.

The same Deputation also brought up a Bill for the concurrence of this House, entitled "An Act to amend an Act passed in the Third year of the reign of Her present Majesty, entitled an Act to regulate the granting of Licenses for the sale by retail of all Wines and Spirituous Liquors in Newfoundland," which was read a first time, and—

Bill read 1st time.

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

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

The Honourable the ATTORNEY-GENERAL gave notice that, with reference to this Bill, he will, on to-morrow, move that the 37th Rule of the House be suspended.

Message from the House of Assembly, agreeing to the Bill to authorise the granting a Patent to Thomas Robson.

The same Deputation from the House of Assembly also brought up a Message, agreeing to the Bill sent down from this House, entitled "An Act to authorise the granting a Patent for an improved Fog Bell or Gong, and other Self-regulating Machinery impelled by wind, to Thomas Robson, of Sackville, in the Province of New Brunswick, Master Mariner."

Regulation, management and collection of Duties Bill—committed

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs and Successors, on all Goods, Wares, and Merchandize imported into this Island and its dependencies,"

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

Reported.

The Chairman reported the Bill with an amendment.

Re-committed.

Whereupon it was moved and seconded, that the said Bill be re-committed, and—

Ordered—accordingly.

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

Read 3d time and passed

The Bill was then read a third time and passed, and the Honourable the President signed the same.

*25th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the order of the day, the House went into Committee on the Bill entitled "An Act for the Regulation and Management of the Public Market-House in the Town of St. John's,"

Public Market-House  
Bill—committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

Whereupon the said Bill was read a third time and passed, and the Honourable the President signed the same.

Read 3d time and passed

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act entitled an Act to regulate the making and repairing of Roads, Streets and Bridges within this Colony," was read a second time, and—

Road Act repeal Bill—

Read 2d time.

Pursuant to notice given, and on motion made and seconded, it was—

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

37th rule of the House  
suspended.

Whereupon the House went into Committee thereon,

Bill committed.

The Honourable Mr. NOAD in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

The Bill was then read a third time and passed, and the Honourable the President signed the same.

Road Act repeal Bill—  
Read 3d time and passed

Pursuant to the order of the day, the amendments of the House of Assembly on the Bill entitled "An Act to fix and establish the Terms of the Supreme, Circuit and Sessions Courts, and to extend the jurisdiction of the said Courts," was read a second time, and the House went into Committee thereon,

Amendments of Assem-  
bly on the Bill to fix  
Terms of Courts—

Read 2d time.  
Committed.

The Honourable Mr. ROW in the Chair.

After some time the House resumed.

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



*25th and 26th April, 1850.*

## SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

Ordered—that the report be received.

Treasury Notes Bill—

Pursuant to the order of the day, the Bill entitled “An Act to authorise the issue of Treasury Notes, and for the reduction of the public debt of the Colony,” was read a second time, and, pursuant to notice given, it was moved and seconded, and—

Read 2d time.

Ordered—that the 37th Rule of the House, with reference to the above-named Bill, be suspended.

Select Committee on Contingencies.

Pursuant to notice, the Honourable Mr. BENNETT moved, seconded by the Honourable Mr. Row, that a Select Committee on the Contingencies of the Council be appointed, and it was—

Ordered—that the Honourable Messrs. ARCHIBALD, ROW, and BENNETT be the Committee.

Petition of Mr. Ward read.

On motion of the Honourable Mr. NOAD, the Petition of Mr. W. J. Ward, was read, and—

Ordered—to be referred to the Committee on Contingencies.

House adjourns.

On motion made and seconded, the House adjourned until One o'clock, P.M. to-morrow.

## FRIDAY, 26TH APRIL, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H.*, *Commandant.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.

The Minutes of yesterday were read.

Petition of Mr. Nugent read.

On motion of the Honourable Mr. CROWDY, a Petition from Mr. J. V. Nugent was read, and it was—

Ordered—that the said Petition do lie on the table.

*26th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The Honourable Mr. CROWDY laid a Petition on the table from Mr. J. Daniel, praying to be indemnified for his time and services in reporting the proceedings of the Council.

Petition of Mr. Daniel laid on the table.

Pursuant to the order of the day the Bill entitled "An Act to amend an Act passed in the Seventh year of the reign of Her present Majesty, entitled an Act to provide for the establishment of an Academy in St. John's," was read a third time, and passed, and the Honourable the President signed the same.

St. John's Academy Act amendment Bill—

Read 3d time and passed

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

Increase of Representatives Bill—committed.

The Honourable Mr. THOMAS 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.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act in further amendment of the St. John's Re-building Acts," which was read a first time, and—

St. John's Re-building Acts amendment Bill, brought up, and—  
Read 1st time.

Ordered—to be read a second time to-morrow, and to be printed.

The Honourable the ATTORNEY-GENERAL gave notice that on to-morrow he will move that the 37th Rule of the House, with reference to the Bill above-named, be suspended.

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

Pursuant to the order of the day, the House went into Committee on the amendments of the House of Assembly on the Bill entitled "An Act to fix and establish the Terms of the Supreme, Circuit, and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts,"

Amendments of Assembly on Bill to fix Terms of Courts—committed.

The Honourable Mr. ROW in the Chair.

After some time the House resumed.

The Chairman reported the amendments with an amendment.

Ordered—that the report be received.

The amendments, as amended, were then read a third time and passed, and the Honourable the President signed the same.

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The amendment is as follows :

After the words " Provided always," in the second amendment of the Assembly, insert the words " that such adjournment or adjournments shall not be for more than six days in all from the respective days on which the said Courts shall so sit in vacation respectively."

Treasury Notes Bill—  
committed.

Pursuant to the order of the day, the House went into Committee on the Bill entitled " An Act to authorise the issue of Treasury Notes, and for the reduction of the public debt of the Colony,"

The Honourable Mr. BENNETT 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.

Deputation from the  
House of Assembly with  
Message for the Council's  
contingent expenses.

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

*Mr. President,*—

The House of Assembly request that Her Majesty's Council will furnish them with the amount of their contingent expenses during the present Session.

(Signed)

JOHN KENT, *Speaker.*

*House of Assembly, }  
26th April, 1850. }*

Supply Bill brought  
up—

The same Deputation also 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 expenses of the Civil Government of this Colony for the year ending the 31st day of December, 1850"—which was read a first time, and—

Read 1st time.

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

Notice of motion to sus-  
pend 37th Rule of the  
House.

The Honourable the ATTORNEY-GENERAL gave notice that on to-morrow he will move the suspension of the 37th Rule of the House, with reference to this Bill.

Message from the House  
of Assembly, agreeing to  
Council's amendment  
on Bill to fix the Terms  
of Courts.

A Deputation from the House of Assembly brought up a Message agreeing to the amendment made by this House on the amendments made by the Assembly on the Bill, entitled " An Act to fix and establish the Terms of the Supreme, Circuit, and Sessions Courts, and to extend the Jurisdiction and amend the practice of the said Courts."

*26th and 27th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

Pursuant to the order of the day the Bill entitled "An Act to amend an Act passed in the Third year of the reign of Her present Majesty, entitled An Act to regulate the granting of Licenses for the sale by retail of Ale, Wines, and Spirituous Liquors in Newfoundland," was read a second time, and—	License Act Regulation Bill—  Read 2d time.
Pursuant to notice, and on motion made and seconded, it was—	
Ordered—that the 37th Rule of the House, with reference to the above-named Bill, be suspended.	37th Rule of the House suspended.
Whereupon the House went into Committee on the said Bill, The Honourable the ATTORNEY-GENERAL in the Chair. After some time the House resumed. The Chairman reported the Bill without amendment. Ordered—that the Report be received.	License Act Regulation Bill—committed.
The Bill was then read a third time and passed, and the Honourable the President signed the same.	Read 3d time and passed.
On motion made and seconded, the House adjourned until to-morrow, at One of the clock, P.M.	House adjourns.

SATURDAY, 27TH APRIL, 1850.

The House met, pursuant to adjournment.	House meets.
Present:	
<i>The Honourable</i> ROBERT LAW, <i>K. H., Commandant.</i>	Members present.
“ E. M. ARCHIBALD, <i>Attorney-General.</i>	
“ JAMES CROWDY, <i>Colonial Secretary.</i>	
“ WILLIAM THOMAS.	
“ WILLIAM B. ROW.	
“ JOSEPH NOAD.	
“ CHARLES F. BENNETT.	

The minutes of yesterday were read.

Pursuant to the order of the day the Bill, as amended, entitled "An Act to authorise the issue of Treasury Notes, and for the reduction of the Public Debt of the Colony," was read a third time and passed, and the Honourable the President signed the same.	Treasury Notes Bill—  Read 3d time and passed
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27th April, 1850.

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13TH OF VICTORIA.

St. John's Re-building  
Act amendment Bill—  
Read 2d time.

Pursuant to the order of the day, the Bill entitled "An Act in further amendment of the St. John's Re-building Act," was read a second time, and—

Pursuant to notice, and on motion of the Honourable the ATTORNEY-GENERAL, it was—

37th Rule of the House  
suspended.

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

St. John's Re-building  
Act amendment Bill—  
committed.

Whereupon the House went into Committee thereon,

The Honourable Mr. CROWDY in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some amendments.

Ordered—that the report be received.

Read 3d time and passed

The said Bill, as amended, was then read a third time and passed, and the Honourable the President signed the same.

Message from House of  
Assembly, of having  
passed Council's amend-  
ments on Treasury  
Notes Bill.

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 Her Majesty's Council in and upon the Bill sent up from this House, entitled "An Act to authorise the issue of Treasury Notes, and for the reduction of the public Debt of the Colony," without amendment.

(Signed)

JOHN KENT, *Speaker.*

*House of Assembly, )  
27th April, 1850. }*

Supply Bill—

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony for the year ending the 31st day of December, 1850," was read a second time, and—

Read 2d time.

On motion made and seconded, it was—

37th rule of the House  
suspended.

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

Supply Bill committed.

Whereupon the House went into Committee on the said Bill,

*27th April, 1850.*

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The Honourable Mr. BENNETT in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the report be received.

The Bill was then read a third time and passed, and the Honourable the President signed the same. Read 3d time and passed

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

The Honourable Mr. THOMAS in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen. Committee rises.

Ordered—that the report be received.

The Honourable Mr. BENNETT, from the Select Committee on the Contingencies of the Council, presented a report. Select Committee on Contingencies make their report.

Ordered—that the report be received.

Ordered—that the House go into Committee thereon.

Whereupon the House went into Committee, Report committed.

The Honourable Mr. CROWDY in the Chair.

After some time the House resumed.

The Chairman reported the report, which was received, and is as follows :

The Committee appointed to take into consideration the Contingencies of this 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 One Hundred and Forty Two Pounds Fifteen Shillings and Seven Pence, and the latter to Nineteen Pounds and One Shilling, which they recommend to be paid. Report of the Select Committee on Contingencies.

The Committee further recommend that the Officers of this House be paid for their services during the present Session, as follows, viz. :—

The Clerk, One Hundred and Fifty Pounds.

*27th and 29th April, 1850.*

SECOND SESSION, FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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The Master in Chancery, One Hundred Pounds.

The Usher of the Black Rod, Eighty-five Pounds.

The Doorkeeper, Forty-five Pounds.

The Assistant Doorkeeper and Messenger, Twenty Pounds.

Balance due for Printing Journal of last Session, Twenty-eight Pounds Seventeen Shillings and Two Pence.

For the Printing of the Journals the present Session, One Hundred and Twenty Pounds.

The Committee recommend that a notification should be communicated to the gentlemen who have reported the Debates of this House during the present Session, that in future the House will not consider any application for compensation for such services from any party unless he shall first have been recognised and authorised by this House to report and publish the Debates thereof.

(Signed)

C. F. BENNETT.  
E. M. ARCHIBALD.  
W. B. ROW.

Ordered—that a Message embodying the foregoing report, with reference to the Contingencies of the Council, be transmitted to the House of Assembly.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at One of the clock, P.M.

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MONDAY, 29<sup>TH</sup> APRIL, 1850.

House meets.

The House met pursuant to adjournment.

Present :

Members present.

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
“ JAMES CROWDY, *Colonial Secretary.*  
“ WILLIAM B. ROW.  
“ JOSEPH NOAD.  
“ CHARLES F. BENNETT.  
“ E. M. ARCHIBALD, *Attorney-General.*  
“ WILLIAM THOMAS.

The minutes of Saturday last were read.

29th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

The Honourable the COLONIAL SECRETARY laid on the table of the House by direction of His Excellency the Governor, the "Blue Book" for the year 1849.

Blue Book for 1849.

The Honourable the COLONIAL SECRETARY acquainted the House, by direction of the Governor, that it is His Excellency's intention to prorogue the Legislature at two o'clock to-morrow.

Colonial Secretary acquaints the House of the Governor's intention to prorogue the Legislature.

The Honourable Mr. CROWDY lays on the table of the House a Petition from Mr. Daniel.

On motion of the Honourable Mr. CROWDY the Petition of the Bishop, Clergy, and other members of the Church of England in St. John's, for a proportional grant, according to population, for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other members of that Church only, together with Petitions from seven Outports, were—

Petition of Bishop and Clergy of the Church of England—read.

Ordered—to lie on the table.

On motion of the Honourable Mr. Row, the Petition of the Rev. John Chapman and other members of the Church of England resident at Harbour Grace, on the above subject, was read, and ordered to lie on the table, as were seven other Petitions from Conception Bay.

Petition of Rev. J. Chapman and members of the Church of England, resident at Harbour Grace—read.

On motion of the Honourable Mr. BENNETT, the Petition of Clergymen and members of the Church of England in the District of Burin, on the subject of a division of the Educational Grant, was read, and ordered, with six other Petitions from Outports, to lie on the table.

Petition of Clergymen and members of the Church of England, at Burin—read.

A Deputation from the House of Assembly brought up the amendments of the Council on the Bill entitled "An Act in further amendment of the St. John's Re-building Act," with some amendments, to which they requested the concurrence of this House.

Message from the House of Assembly, with amendments on Council's amendments on the St. John's Re-building Act.

The amendments are as follow :

Expunge the 1st and 2d amendments in the 5th section of the Bill.

Expunge the 7th amendment.

The said amendments were then read a first and second time, and the House went into Committee thereon,

The Honourable Mr. CROWDY in the Chair.

After some time the House resumed.



*29th April, 1850.*

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The Chairman reported the amendments without amendment.

Ordered—that the report be received.

Amendments read 3d  
time and passed.

Whereupon the said amendments were read a third time and passed, and the Honourable the President signed the same.

Contingency Bill,  
brought up—

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to provide for the Contingent Expenses of the Legislature,” which was read a first time, and—

Read 1st time.

Ordered—that the 37th Rule of the House be suspended with reference to this Bill.

Committed.

Whereupon the said Bill was read a second time, and the House went into Committee thereon,

The Honourable the ATTORNEY-GENERAL in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Ordered—that the Report be received.

Read 3d time and passed

The Bill was then read a third time and passed; and the Honourable the President signed the same.

Petition from Merchants  
and others of St. John's,  
that grant to Newfound-  
land School Society be  
continued—read.

On motion of the Honourable Mr. THOMAS, a Petition from Merchants and others of St. John's, praying that the Grant to the Newfoundland School Society, may be renewed and continued, was read, and—

Ordered—to lie on the table.

Eighteen other Petitions from various Outports, on the same subject, presented by the Honourable Mr. THOMAS, were—

Ordered—to lie on the table.

Petition of the Rev. W.  
Shenstone and others,  
for aid to re-build Wes-  
leyan Chapel at Harbour  
Grace—read.

The Petition of the Rev. Mr. Shenstone and others, for pecuniary aid to re-build the Wesleyan Chapel, recently destroyed by fire at Harbour Grace, was then read, and—

Ordered—to lie on the table.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at half-past One of the clock, P.M.

30th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

TUESDAY, 30TH APRIL, 1850.

The House met, pursuant to adjournment.

House meets.

Present:

*The Honourable* ROBERT LAW, *K. H., Commandant.*  
 “ E. M. ARCHIBALD, *Attorney-General.*  
 “ JAMES CROWDY, *Colonial Secretary.*  
 “ WILLIAM THOMAS.  
 “ WILLIAM B. ROW.  
 “ JOSEPH NOAD.  
 “ CHARLES F. BENNETT.

Members present.

The minutes of yesterday were read.

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 following Bills, viz. :—

His Excellency the Governor arrives at the Council Chamber to close the Session.

Assents to certain Bills.

An Act to repeal an Act entitled an Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony.

An Act to fix and establish the Terms of the Supreme, Central Circuit and Sessions Courts, and to extend the jurisdiction and amend the practice of the said Courts.

An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto.

An Act to authorise the granting a Patent for an improved Fog Bell or Gong, and other Self-regulating Machinery impelled by wind, to Thomas Robson, of Sackville, in the Province of New Brunswick, Master Mariner.

An Act in further amendment of the St. John's Re-building Act.

An Act to amend an Act passed in the Third year of the reign of Her present Majesty, entitled an Act to regulate the granting of Licenses for the sale by retail of Ale, Wines and Spirituous Liquors in Newfoundland.

An Act to amend an Act passed in the third year of His late Majesty's reign, 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 Island.

*30th April, 1850.*

SECOND SESSION FOURTH GENERAL ASSEMBLY, 13<sup>TH</sup> OF VICTORIA.

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An Act to amend an Act passed in the Fourth year of the reign of His late Majesty, entitled an Act for the Registering the names of persons entitled to vote at Elections.

1 An Act to amend an Act passed in the seventh year of the reign of Her present Majesty, entitled an Act to provide for the Establishment of an Academy in St. John's.

An Act for the Management and Regulation of the Public Market-House in the Town of Saint John's.

An Act to continue an Act passed in the Sixth year of the reign of Her present Majesty, entitled an Act to revive and amend an Act passed in the Third year of the reign of Her present Majesty, entitled an Act to establish the Fees and Costs chargeable in the several Police Offices and Courts of Sessions in this Colony.

An Act to continue and amend an Act passed in the Sixth year of the reign of Her present Majesty, entitled an Act for the encouragement of Education in this Colony.

An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the Election of Members in their stead.

An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its dependencies.

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

An Act for granting to Her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony for the year ending the 31st day of December, 1850.

An Act to authorise the issue of Treasury Notes, and for the reduction of the public debt of the Colony.

An Act to amend an Act entitled an Act to amend several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate the Laws respecting the same.

An Act to amend an Act entitled an Act to provide for the regulation, management, and collection of all Duties granted to Her Majesty, her Heirs and Successors, on all Goods, Wares, and Merchandise imported into this Island and its dependencies.

30th April, 1850.

*His Excellency* SIR J. G. LE MARCHANT, *Governor.*

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

*Mr. President, and Honourable Gentlemen of the Council :*

His Excellency's speech on proroguing the General Assembly.

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

The public business having been brought to a termination, I am glad to be able to release you from your further attendance.

I have to thank you for the assiduity and attention with which you have considered and perfected the several measures in which the Session has been occupied; as also to congratulate you on the harmony and cordiality displayed by both branches of the Legislature.

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

I thank you for the supplies you have granted for the current year; and I shall take due care that the monies you have placed at the disposal of the Executive are judiciously and economically expended.

*Mr. President, and Honourable Gentlemen of the Council :*

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

It will ever be my sincere desire to co-operate with you in your endeavours for the further advancement of the happiness and contentment of Her Majesty's subjects of Newfoundland; and, in bidding you farewell for a time, I feel assured you will, on your return to your homes, employ the influence you possess in preserving the spirit of harmony and good order so happily pervading every portion of the Island.

The Honourable the PRESIDENT OF THE COUNCIL then said—It is His Excellency the Governor's will and pleasure that this General Assembly be prorogued to Saturday the 29th day of June, to be then and here holden; and this General Assembly stands prorogued accordingly.

The General Assembly prorogued.



# **APPENDIX**

TO THE

## **JOURNALS**

OF THE

# **LEGISLATIVE COUNCIL.**



# APPENDIX.

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APPENDIX, No. 1.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, directing that two copies of the Votes and Proceedings of both Branches of the Legislature, carried down to the latest date preceding the departure of the Packet, be transmitted to His Lordship.*

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[CIRCULAR.]

*Downing-Street, 23rd March, 1849.*

SIR,—

In order that Her Majesty's Government may be kept fully apprised of the proceedings of the Houses of Legislature in the Province under your Government whilst they are in Session, I have to instruct you to transmit to this office, regularly by each mail, two copies of the Votes and Proceedings of both Branches of the Legislature, carried down to the latest date preceding the departure of the Packet. You will be pleased to understand that this instruction is not intended to supersede the usual transmission to this country of the series of the Journals of the Legislature at the close of each Session.

I have, &c.,

(Signed)

GREY.

Governor Sir J. GASPARD LEMARCHANT, &c., &c.



## APPENDIX, No. 2.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting a Correspondence relative to a revised Table of Fees for the Vice Admiralty Court, &c.*

[COPY.]

No. 107.

*Downing-Street, 11th May, 1849.*

SIR,—

I transmit for your information and guidance copies of a Correspondence which has passed between this department and the Boards of Treasury and Admiralty, relative to the establishment of a revised Table of Fees for the Vice Admiralty Court at Quebec, together with a copy of the joint report of the Queen's Advocate, the Advocate of the Admiralty, and Mr. Rothery, on this subject.

The result is that the Table of Fees (of which I enclose a printed copy) has been recently established at Quebec, under the authority of an Order of Her Majesty in Council, dated the 2nd of March, 1848.

You will bring these documents under the consideration of your Executive Council, with a view to the adoption of any measures which the Legislature of Newfoundland may deem expedient for making the same scale of fees applicable to the Courts of the Province under your Government.

I am, &c.

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.

*Treasury Chambers, 11th December, 1847.*

SIR,—

With reference to the communications made to this Board by direction of Earl Grey, on the 26th August, 1846, and 17th June last, respecting the establishment of a tariff of Fees for the Vice Admiralty Court at Quebec, and to the previous correspondence on that subject, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed report from the Queen's Advocate, the Advocate of the Admiralty, the Registrar of the High Court of Admiralty, and Mr. Rothery; and I am to request that in submitting the same for the consideration of Lord Grey, you will observe to His Lordship that as the arrangement for remunerating the Judge, and partly remunerating the Registrar and Marshal of the Court, by salaries to be provided for by the Provincial Government, and also the tariff of Fees submitted in this report, are, with very trifling exceptions in conformity with propositions of the Committee of the Canadian Executive Council, approved by the late Governor-General, Lord Grey may possibly not deem it necessary that the

subject should be further referred to the authorities in Canada, and in such case my Lords would be prepared to cause the report to be forwarded to the Lords of the Admiralty in order that the requisite steps may be taken for the establishment of the table of Fees by the authority of Her Majesty in Council, as provided for by the Act of 2 and 3, Wm. 4, cap. 51.

Adverting also to the propositions which have been submitted to the Secretary of State for modification of the Fees levied in other Vice Admiralty Courts in the North American Provinces, I am to request you will further move Lord Grey to cause my Lords to be informed whether His Lordship is prepared to make any reference on the subject to the Governments of those Colonies, which would seem a requisite preliminary to the establishment in them of a similar tariff, inasmuch as the adoption of such a tariff would involve the necessity for provisions, as in the case of Canada, for the payment from Colonial funds of salaries to the Judges and other Officers of the respective Courts.

I have, &c.,

(Signed)

C. E. TREVELYAN.

B. HAWES, Esq.

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*Vice Admiralty Court of Quebec.*

In obedience to the reference made to us respecting the establishment of a table of Fees to be taken by the Officers and Practitioners of this Vice Admiralty Court, we have taken into our consideration the table of Fees framed and established under the Act of the 2nd of Wm. the 4th, c. 51, also the Order of Her Majesty in Council, dated the 20th of November, 1835, which annulled and revoked such table of Fees so far as it had been made applicable to this Vice Admiralty Court; we have also had reference to a variety of documents connected with this subject, and to a form of table of Fees submitted by us in August, 1843, for the consideration of Her Majesty's Secretary of State for the Colonies; and we have also perused and fully considered the letters from the Colonial Office to the Treasury, respectively dated the 26th of August, 1846, and the 17th of June, 1847, together with the several documents transmitted with the said letters; and we have moreover specially directed our attention to the report of a Committee appointed by His Excellency Lord Metcalfe, late Governor-General of Lower Canada, for the purpose of revising the aforesaid proposed form of table of Fees; and we have also taken into our consideration the whole of the evidence given before the said Committee, together with a report of a Committee of the Honourable the Executive Council of Lower Canada. And we are of opinion that as it has been customary for the Judge of the Vice Admiralty Court to receive a salary for the performance of his official duties, and as we are further instructed that such Judge has hitherto invariably united in his person a higher and more lucrative judicial appointment, together with that of Judge of this Vice Admiralty Court, we concur in the opinion expressed by the Honourable the Executive in Council, that the Judge of this Vice Admiralty Court should be paid a salary of £200 per annum out of the provincial funds of the Colony, and not be permitted to receive any Fees from any of the Suitors in the Court.

We are further of opinion that the Registrar and Marshal should be paid partly by salary and partly by a reduced or moderate scale of Fees; and we think that the salary of the Registrar should

be £100 per annum, and that of the Marshal should be £50 per annum, in addition to the Fees to which they will respectively be entitled for the duties they may have to perform.

We advert to that part of the report of the Committee which alludes to the Merchants Seaman's Act, the 7 and 8 of Vic., cap. 112, wherein they express their regret that the jurisdiction of this and other courts of Admiralty in respect to Seamen's wages in cases under £20 had been taken from those Courts and transferred to Magistrates, and the Commissioners suggest the repeal of this part of the Seamen's Act. We consider, however, that it would not be within the scope of our reference to give any opinion on this subject; but we think it right to direct attention to that part of the Commissioners' report which states that this Act will have the effect of taking away the greater part of the Fees proposed to be taken by the Officers of this Court of Vice Admiralty.

We also think it advisable to refer to that part of Lord Cathcart's letter, of the 28th July, 1846, which transmits several of the documents to which we have adverted, in order, as His Lordship states, "that they may be submitted to the proper officers before the final enactment by Her Majesty in Council of a tariff of Fees for the several Courts of Vice Admiralty in British North America," and to observe that the Vice Admiralty Court at Quebec is the only Court to which the several documents we have had before us in any manner relate, and inasmuch as it is the only Court where the Fees established by the said Act of the 2d and 3d of Wm. 4, cap. 51, has been annulled and revoked by Order in Council, consequently the table of Fees to be taken in all the other Vice Admiralty Courts in British North America must be made conformably to that Act of Parliament until such Act be revoked by Order of Her Majesty in Council. On this point, however, we think our safer course is to refer to that part of the report of the Committee wherein they state "we have not failed to advert to the desire which has been expressed, that if practicable, a tariff should be found applicable to all Colonies in North America; but in the absence of information as to the practice and relative position of the different Officers of the Vice Admiralty Courts of the other Colonies compared with that of Canada, we have felt that we best discharged the duty imposed upon us by confining ourselves to suggesting what we conceived to be the most desirable for the Vice Admiralty Court of this Province."

The following is the proposed table of Fees to be taken by the Officers and Practitioners of the Vice Admiralty Court at Quebec:—

### TABLE OF FEES.

#### JUDGE.

	<i>Sterling Money.</i>		
	£	s.	d.
No Fees to be allowed to the Judge. His Salary to be, in lieu of all Fees.....	200	0	0

#### BY THE SURROGATE.

##### *Fees in the progress of a Suit or Cause.*

For administering an Oath as to a Witness or party in a Cause. Taking Bail, whether by one or more Persons. Decreeing Monition, Commission, Attachment, or any other Instrument; or for any Judicial Act done before or after the hearing of the Cause.....	0	1	6
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BY THE REGISTRAR.

1. *Fees on Instruments prepared by the Registrar.*

	<i>Sterling Money.</i>		
	£	s.	d.
For Drawing and Engrossing—			
Warrant to arrest Ship, Goods, or Person.....			
Copy, and Filing Affidavit .....	0	4	6
Bail Bond .....	0	4	6
Monition, Commission, or Decree, whether of Unlivery, Appraisement or Sale, or otherwise .....	0	9	0
Writ, or Instrument of Restitution .....	0	9	0
Compulsory or Subpœna against Witnesses .....	0	3	0
Writ of Attachment .....	0	9	0
If either of the preceding Instruments exceed in length ten folios, for every folio beyond ten	0	1	0

NOTE.—The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other Document, Instrument, or matter whatsoever, not specified in this table, he will be entitled to the same charge as a Proctor, viz. :—

For Drawing, for every folio.....	0	1	0
For Fair Copying or Engrossing, for every folio .....	0	0	6

2. *Fees on Documents not prepared by the Registrar, but by the Proctor, Solicitor, or Advocate in a Cause.*

On a Decree, pronouncing for the interest of a Party proceeding <i>in pœnam</i> , being signed by the Judge, including the drawing the Act.....	0	6	0
On filing Affidavit or Protest of a Master or Mariners, without reference to the number of persons making the same .....	0	1	6
On filing Libel, Information, Claim, Proxy, or similar Document .....	0	2	3
On filing Exhibit annexed thereto, or to any Affidavit .....	0	0	6
On signing (or filing) personal Answers of a Party in a Suit, including drawing the Act	0	3	0

3. *Fees on taking the Examination of Witnesses.*

On the Examination of every Witness on an Information, Libel, Interrogatories, or Plea, (whether <i>vivâ voce</i> or otherwise) a fee of .....	0	4	6
For each folio to which the Examination shall extend, if in English.....	0	1	0
If by interpretation (Interpreter included) .....	0	2	0

NOTE.—It should be understood, that the Registrar, or whoever acts as the Examiner for him, should take Depositions in chief of the Witnesses, on the Libel, Information, or Plea itself, without written Interrogatories; putting such relevant questions, *vivâ voce*, as may suggest themselves; and care should be taken not to lead the Witness. The Libel, Information, or Plea, should therefore always be drawn sufficiently precise and full to enable the Examiner to take the Examinations accordingly.

The Cross-examinations must, of course, be taken on written Interrogatories.

4. *Fees on Office Copies of Papers or Proceedings.*

	<i>Sterling Money.</i>		
	£	s.	d.
For Office Copy of Sentence or Interlocutory Decree, certified under Seal .....	0	6	0
For Office Copy of any Affidavit, Examination, Answers of a Party, or other Documents or Proceedings in a Cause, or Extract therefrom, if under twelve folios.....	0	4	6
If exceeding twelve folios, for each folio beyond twelve.....	0	0	6
Office Copies of Papers and Proceedings to form a Process, to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein.....	0	6	0

5. *Fees on Translation of Papers.*

Where Papers are translated, the Registrar should charge the Disbursement actually made to the Translator, with an addition of one-fourth to compensate himself for his trouble, advance, &c.

6. *Incidental Fees in the progress of a Cause.*

On Subduction of an Action .....	0	4	6
For entering every ordinary Act of Court, not specified in this Table .....	0	1	0
On every Default pronounced against Parties in Contempt, in Cases proceeding <i>in pœnam</i> .....	0	4	6.
On every Interlocutory Decree, or Sentence, including Drawing the Act, to be paid by the Party succeeding .....	0	9	0
For every attendance before a Judge or Surrogate, at which any Decree is made, other than an Interlocutory or Sentence including the Act, drawing the Act.....	0	4	6
For a Receipt for original Documents delivered out of the Registry .....	0	1	6
On a Search or Examination of the Records, by any person not being a Party in the Cause in which the Search is made .....	0	1	0

NOTE.—No Fee to be charged to a Party in the Cause, or to any Seaman applying for a Search.

For advertising an intermediate or extra Court Day, in addition to the sum paid for Advertisement .....	0	4	6
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7. *On Paying out Money.*

For preparing Receipt for Money to be paid out of the Registry .....	6	1	6
Poundage on Money paid out of the Registry, for every Pound sterling .....	0	0	2

8. *Taxing Costs.*

For taxing a Bill of Costs, if under six folios, from the Party at whose instance the Taxation takes place.....	0	4	6
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9. *References of Accounts, &c., by the Judge, to the Registrar and Merchants.*

To the Registrar .....	2	2	0
To the Assistant Merchant .....	2	2	0

If two Merchants, Two Guineas each.

BY THE MARSHAL.

	<i>Sterling Money.</i>
	£ s. d.
For arresting a Vessel, Goods, or Person.....	0 18 0
For keeping possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day in which they remain in the Marshal's charge, exclusive of charge for keepers when necessary .....	0 3 0

NOTE.—This Fee not to be chargeable in cases where the Goods have been put into Store or Warehouse.

For inquiring into and certifying the sufficiency of Persons proposed as Sureties in any Suit	0 2 3
For release of a Vessel, Goods, or Person, from Arrest.....	0 2 3
For executing any Monition, or Decree for Answers of a Party, or Compulsory, or other Instrument not specified .....	0 4 6
For every Default or Decree, pronounced for the interest of a Party proceeding <i>in pœnam</i>	0 3 0
For every attendance in Court, when a Sentence or Interlocutory Decree is pronounced...	0 4 6
For executing any Decree or Commission of Appraisement, exclusive of the Appraiser's Fees, but including the making of the Inventory, if the value should not exceed £500 sterling.....	1 1 0
For the like duty, when the value exceeds £500 sterling.....	1 16 0
For executing every Decree or Commission of Sale of Ship, or Goods, by Public Auction, when the gross proceeds are under £200 sterling.....	1 1 0
And in every additional £100 sterling.....	0 10 6
On attending the execution of a Decree or Commission of Unlivery of Cargo (when not done for the purpose of Sale), per day.....	0 16 0
For taking a Person in Execution after Sentence, if the Sum due from such Person does not exceed £20 sterling.....	0 18 0
For the like Duty, when the sum is above £20 and under £50 sterling.....	1 16 0
For the like Duty, when the sum is above £50 and under £100 sterling, for every Pound sterling due .....	0 1 0
And on every additional Pound sterling after the first £100 .....	0 0 6

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above Duties, there should be paid to him for Loss of Time, and Travelling Expenses, in addition to the preceding Fees, the following:—

If the distance exceed Four and be under Six miles.....	1 1 0
If the distance be still greater, the allowance to be increased by an addition of 2s. 3d. for each additional league, and his reasonable disbursements.	

BY THE ADVOCATES.

As the professions of Advocate and Proctor are not as yet separated in Lower Canada, the Fees of both are inserted under the following head.

## BY THE ADVOCATES AND PROCTORS.

	<i>Sterling Money:</i>		
	£	s.	d.
Retaining Fee, Instructions to prosecute or defend.....	0	10	6
For attending before the Judge, or Judge Surrogate, either in Court or Chambers .....	0	6	0
On extracting any Warrant, Monition, Commission, Writ, or other Instrument.....	0	6	0
Drawing Libel, Information, Claim, and Affidavit, Act on Petition, Responsive Plea (or Publication) to Libel or Information, or Act on Petition .....	0	18	0
Engrossing Copies, each .....	0	9	0
Drawing Interrogatories, Answers, Affidavits, or any other Proceeding whatever, not herein specified, for each folio.....	0	1	0
Fair Copying or Engrossing, for every folio .....	0	0	6

NOTE.—It should be understood that in preparing Interrogatories for the cross-examination of Witnesses, they are not to be drawn separately for each Witness to whom the same are to be administered, but that when practicable, as in most instances will be the case, one set of Interrogatories should be prepared generally applicable to all the Witnesses.

For Consultation with Party, for the purpose of taking Instructions for the Libel; Information, Plea, Act on Petition, or for any other important purpose, during the dependence of a Suit .....	0	6	0
The Fee for the final Hearing must depend upon the length of the Evidence and the importance and difficulties of the Cause; but in cases of no great intricacy, the Fee should be from Two to Three Guineas, and not to exceed the latter sum, unless where the Proceedings are voluminous or unusually important or difficult, and in this last case not to exceed Five Guineas.			
For any necessary attendance on the Registrar, or on the adverse Proctor, during the progress of a Cause, to adjust any incidental point in the Suit, or on the Marshal, to instruct him as to the service of any Instrument, reporting Bail, &c.....	0	4	6
On all Office Copies of Depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for the trouble of collating and extracting the same.			
For perusing and considering any Papers, Exhibits, or Documents, furnished, or introduced into a Cause, by the adverse Party, or furnished by a Party to his own Proctor, for the purpose of being brought forward as Evidence in the Suit, if not exceeding twelve folios.....	0	3	0
For every additional twelve folios.....	0	1	6
For attending Informations on the final Hearing of a Cause, when it occupies only a short time, 10s. ; if a few hours, 16s. 8d. ; if a whole day, £1 6s. 8d.....	0	10	0
	0	16	8
	1	6	8

NOTE.—In some of the Vice Admiralty Courts, Proceedings for the Forfeiture of Ships, or Goods, and for the Recoveries of Penalties consequent thereon, have, in some instances, been carried on by two separate Suits; one for the condemnation of the Property, and the other for the Penalties. This mode of proceeding should be discontinued, one Suit only being necessary to accomplish both objects.

In all cases under £20 sterling, wherein the Judge shall see fit to order that the Proceedings be summary and the Evidence taken *viva voce*, the Fees to be taken by the several Officers of the Court

shall become half of the foregoing Fees, and no more, save and except as to the Fee for the Warrant Arrest, Arrest and Bail Bond, which shall remain as above.

So also as to cases under £20 sterling settled before the return of the Warrant.

*Supplementary Rules.*

The Rules and Regulations established by the King's Order in Council of the 27th June, 1832, are not to be construed to have set aside the former practice in the Courts of Vice Admiralty, of allowing the Defendant to require from the Promoter to Libel with Sureties, unless the Promoter should be admitted by the Court to his juratory caution.

From the shortness of the season of the navigation at the Port of Quebec, and the danger and risk to ships towards the close of the navigation in the autumn, from even so short as twenty-four hours' notice of bail to answer an action, this period of notice of bail, as provided by the 11th Section of the above Rules and Regulations, shall not be required, where the Parties who are proposed as the Bail make oath that they are respectively worth more than the amount for which they are proposed as Bail or Security, over and above the amount of all their just debts.

(Signed)

J. DODSON.  
JOSEPH PHILLIMORE.  
WM. ROTHERY.  
H. B. SWABEY.

*Admiralty, 4th April, 1849.*

SIR,—

I am commanded by my Lords Commissioners of the Admiralty to transmit to you for the information of Earl Grey, the enclosed copy of the table of Fees of the Vice Admiralty Court at Quebec.

(Signed)

W. A. B. HAMILTON.

H. MERIVALE, Esq.

*Downing-Street, 21st April, 1849.*

SIR,—

I am directed by Earl Grey to acknowledge the receipt of your letter of the 4th instant, transmitting, by command of the Lords Commissioners of the Admiralty, a copy of the table of Fees of the Vice Admiralty Court at Quebec.

Lord Grey requests to be informed whether the table of Fees thus communicated to him in copy, has been forwarded by the Lords Commissioners of the Admiralty to Canada; and if so, at what period it was so sent. His Lordship also wishes to be informed whether the table has been confirmed by an Order of the Queen in Council; and if so, of the date which that Order bears.

I have, &c.,

(Signed)

H. MERIVALE.

Captain W. B. HAMILTON, R.N.



*Admiralty, 25th April, 1849.*

SIR,—

With reference to your letter of the 21st instant, I am commanded by my Lords-Commissioners of the Admiralty to request that you will acquaint Earl Grey that a copy of the table of Fees of the Vice Admiralty Court at Quebec was sent from this Office to the Judge of the Vice Admiralty Court of Quebec on the 30th May, 1848; and that the Order in Council establishing these Fees was dated 2d March, 1848.

(Signed)

W. A. B. HAMILTON.

H. MERIVALE, Esq.

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APPENDIX, No. 3.

DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor acknowledging receipt of a Despatch enclosing Address from the House of Assembly on the subject of the future tenure of Office.*

[COPY.]

No. 108.

*Downing-Street, 14th May, 1849.*

SIR,—

I have to acknowledge the receipt of your Despatch, No. 15, of the 10th of April, forwarding an Address and a Resolution which has been lately passed by the House of Assembly of Newfoundland, on the subject of the future tenure of office in that Island.

2.—I concur in the opinion expressed by the House of Assembly in Committee, that much future inconvenience may be obviated, if all persons who may be henceforward appointed to offices in Newfoundland, of the class specified in their Resolution, should be apprised at the time of their receiving their appointment, that such offices are to be held upon what is termed a Political Tenure, in the event of what is commonly called the system of Responsible Government being extended to that Colony. I shall accordingly cause due notice of this condition to be given to every person receiving an appointment from the Crown to an office under your Government, which comes within the meaning of the Resolution. It gives me much satisfaction to add that I consider the House of Assembly entitled to credit for the judgment and discretion with which they have acted in suggesting that this notice should be given, and reserving for future and more deliberate consideration the question as to whether the change in the system of administration which has been proposed should be adopted.

3.—I am bound at the same time to express my conviction that until the wealth and population of the Colony shall have increased considerably beyond their present amount, the introduction of the system of what is termed "Responsible Government" will by no means prove to its advantage. From causes to which it is unnecessary for me to refer, the institutions of Newfoundland have been of late

in various ways modified and altered; and some time must unavoidably elapse before they can acquire that amount of fixity and adaptation to the political wants of society which seems an indispensable preliminary to the further extension of popular Government. I must refer you, therefore, to my Despatch of 6th July, 1848, as containing views which I have not as yet seen any reason for altering.

I am, &c.

(Signed) GREY.

Governor Sir G. LEMARCHANT, &c., &c.

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*From the Secretary of State for the Colonies to His Excellency the Governor acknowledging receipt of Despatch from the Governor, enclosing a Petition from certain inhabitants of St. John's, praying for a Government based on an enlarged system of Representation, &c.*

[COPY.]

No. 80.

*Downing-Street, 6th July, 1848.*

SIR,—

I have to acknowledge the receipt of your Despatch, No. 30, of the 8th of June last, enclosing a Petition from certain inhabitants of St. John's, praying for a Government based on an enlarged and extended system of Representation, with a departmental Government, and Executive responsibility.

You will acquaint the Petitioners that I have laid their Petition before the Queen, and that Her Majesty was pleased to receive it very graciously; but I have not been able to advise Her Majesty to make any change in the present institutions of Newfoundland, which appear to me well calculated to meet the wants of the present state of society in that Colony.

I am, &c.,

Governor Sir G. LEMARCHANT, &c., &c.

(Signed) GREY.

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A P P E N D I X, No. 4.

DESPATCHE

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Imperial Act confirming the Acts of the Local Legislature for regulating the Re-building of the Town of St. John's.*

[COPY.]

No. 112.

*Downing-Street, 31st May, 1849.*

SIR,—

I have to acknowledge the receipt of your Despatch, No. 11, of the 16th of March

last, bringing under my notice the conflicting operation of the Acts of the Legislature of Newfoundland for regulating the Re-building the Town of St. John, and the Imperial Act 1 Geo., c. 51.

I transmit herewith copies of an Act, which, in accordance with your suggestion, Her Majesty's Government introduced into Parliament, confirming the local Acts to which you refer, and enabling the Legislature of Newfoundland to make other provisions respecting the re-building of the Town.

I am, &c.

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.



CAP. XXI.

*AN ACT to confirm certain Acts of the Legislature of Newfoundland respecting the Re-building of the Town of St. John's, Newfoundland, and to enable the said Legislature to make other provisions respecting the Re-building of the said Town.*

[24th May, 1849.]

**W**HEREAS by an Act passed in the first year of King George the Fourth, intituled "An Act to regulate the Re-building of the Town of St. John's, in Newfoundland, and for indemnifying persons giving up ground for that purpose," it was enacted that certain Streets and Cross-streets in the said Town should be respectively of the width specified in the said Act: And whereas by an Act of the Legislature of Newfoundland, passed in the ninth and tenth years of the Reign of Her present Majesty, intituled "An Act to regulate the Re-building of the Town of Saint John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned," and by another Act of the said Legislature of Newfoundland, passed in the tenth year of the Reign of Her present Majesty, intituled "An Act to amend an Act passed in the ninth and tenth years of the Reign of Her present Majesty, entitled An Act to regulate the Re-building of the Town of Saint John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned," certain provisions are made respecting the boundaries, width, and direction of certain Streets and Cross-streets or firebreaks in the said Town of Saint John, and such provisions may conflict with the provisions of the said Act of the first year of King George the Fourth: And whereas it is expedient that the said Acts of the Legislature of Newfoundland should be confirmed, and that such Legislature should be enabled from time to time to make other regulations concerning the Re-building of the said Town: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the provisions of the said recited Acts of the Legislature of Newfoundland shall be deemed to have been, from the passing of such Acts respectively, valid and effectual to all intents and purposes; and it shall be lawful for the said Legislature of Newfoundland, by any Act or Acts made in the manner and subject to the conditions which may be by law required in respect of Acts made by such Legislature, from time to time to make such provisions as to such Legislature shall seem meet

concerning the re-building or building of the said Town of Saint John's, and all or any of the matters and things mentioned and provided for in and by the said Act of the first year of King George the Fourth, and in and by the said recited Acts of the said Legislature respectively, anything in the said Act of the first year of King George the Fourth or any law or usage to the contrary notwithstanding.

II.—And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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A P P E N D I X, No. 5.

DESPATCH

*From the Secretary of State for the Colonies. to His Excellency the Governor, transmitting a Return stating the nature and amount of the Bounties granted by the French Government in support of the French Trade in Codfish, &c.*

No. 113.

*Downing-Street, 23rd June, 1849.*

SIR,—

I have received your Despatch, No. 14, of the 10th April, and in compliance with the request of the Legislature of Newfoundland I transmit to you herewith, for their information, the copy of a letter from the Foreign Office, forwarding the copy of a Return received from Her Majesty's Ambassador at Paris, stating the nature and amount of the Bounties granted by the French Government in support of the French Trade in Codfish, and stating further the amount which was paid on account of such Bounties in the years 1844, 1845, and 1846.

I am, Sir,

Your most obedient servant,

(Signed)

GREY.

Governor Sir J. GASPARD LEMARCHANT, &c., &c.

(Copy.)

*Foreign Office, June 21, 1849.*

SIR,—

With reference to your letter of the 15th ultimo, requesting that Her Majesty's Representatives at Paris and Washington might be instructed to procure and transmit to this country information respecting the Bounties and Drawbacks given by the French, and American Governments in support of their Fisheries on the coast of Newfoundland, I am directed by Viscount Palmerston to transmit to you herewith, for the information of Earl Grey, a copy of a Return which has been received from Her Majesty's Ambassador at Paris, shewing the nature and amount of the Bounties granted by the French Government in support of the French Trade in Codfish, and stating the amount which was paid on account of such Bounties in the years 1844, 1845, and 1846.

I am, &c.,

(Signed)

H. U. ADDINGTON.

HERMAN MERIVALE, Esq.

## PECHE DE LA MORUE.

## PRIMES ET ENCOURAGEMENTS ACCORDES A CETTE PECHE.

1st.—*Prime d'Armement.*

Indication de la Nature des Armemens.	Taux de la Prime allouée par Hommes d'Equipage lorsque la condition de minimum d'Equipage déterminé par les Règlemens a été rempli.
Armemens pour la Pêche, soit à la côte de Terre-Neuve soit à St Pierre et Miquelon, soit sur le Grand Banc de Terre-Neuve (avec secherie)	50 Francs.
Armemens pour la Pêche, sans sécherie dans les Mens d'Islande .....	50 "
Armemens pour la Pêche, sans sécherie sur le Grand Banc de Terre-Neuve .....	30 "
Armemens pour la Pêche à Doggers Bank .....	15 "

2.—*Primes à l'exportation des Produits de Pêche.*

Nature des Exportations.	Taux de la Prime par 100 Kilog.
Morues sèches de Pêche Française, expédiées directement des côtes de Terre-Neuve et de St. Pierre et de Miquelon, ou extraites des Entrepôts de France, et importées aux Colonies Françaises .....	22 Francs.
Morue sèches, exportées des Ports de France, sans y avoir été entreposées, à destination des Colonies Françaises .....	16 "
Morue sèches expédiées soit directement des lieux de Pêche, soit des Ports de France, et importées soit dans les Ports Etrangers de la Mer des Antilles ou de l'Amérique, sur les côte de l'Océan Atlantique par les Ports où il existe un Consul Français, soit en Espagne et en Portugal, dans les Etats Etrangers sur les côtes de la Méditerranée et de l'Algerie	18 "
Morue sèches expédiées soit directement des lieux de Pêche, soit des Ports de France, et importée dans les Ports d'Italie .....	12 "
Morue sèches importées en Espagne par terres .....	10 "

  

Nature des Importations.	Taux de la Prime par 100 Kilog.
Roques de Morue que les Navies Pêcheurs rapporteront in France de Produit de leur Pêche .....	20 Francs.

## MONTANTS DES PRIMES

Payées pendant les années 1844, 1845, et 1846.

Années.	Primes d'Armement.	Prime pour l'exportation des Morues à tout destination.	Primes pour l'importation des Roques de Morue.	Total.	Observations.
1844	517,370 frs.	3,559,468 frs.	2,422 frs.	4,079,260 frs.	
1845	533,615 "	4,221,504 "	10,526 "	4,765,645 "	
1846	558,110 "	3,903,910 "	19,511 "	4,481,531 "	

4.—*Sels employés pour la Pêche de la Morue.*

- 1.—Affranchissement de tout droit sur les Sels Français et les Sels de Colonies Française employés à le Pêche de la Morue.
- 2.—Affranchissement de tout droit sur les Sels Etrangers employés à la Pêche de la Morue dans les Mens d'Islande.
- 3.—Paiement d'un droit de 50 centimes par 100 kilog. sur les Sels Etrangers effectés à la Pêche de la Morue à Terre-Neuve et a St. Pierre et Miquelon.

## 5.

Affranchissement de tout droit de sortie pour tous les objets d'asitaillement des Navies, et pour les Ustensiles de Pêche.

## A P P E N D I X, No. 6.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting a Letter on the subject of the Bounties and Drawbacks allowed by the United States in support of their Fisheries on the Coast of Newfoundland.*

[COPY.]

No. 115.

Downing-Street, 24th July, 1849.

SIR,—

With reference to my Despatch, No. 113, of the 23d of June, I transmit herewith the copy of a letter from Her Majesty's Charge d'Affaires at Washington on the subject of the Bounties and Drawbacks allowed by the United States in support of their Fisheries on the Coast of Newfoundland, accompanied by a Return of such bounties and allowances for the years 1844, 1845, 1846, 1847, and 1848.

I am, Sir, &amp;c.

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &amp;c., &amp;c.

(COPY.)

No. 60.

Washington, June 25, 1849.

MY LORD,—

I have the honour to enclose herewith a copy of the reply which has been made by the Treasury Department of the United States to the application which, in obedience to the instructions contained in your Lordship's Despatch No. 28, of the 18th ultimo, I addressed to that Department, for a statement shewing, for the information of the Legislature of Newfoundland, what Bounties and

Drawbacks are granted by the United States Government in support of their Fisheries on the Coast of Newfoundland. Mr. McClintock Young informs me that no returns are made which would enable the Department to designate the number of Mexican vessels engaged in the Cod and Mackerel Fisheries at each particular place where those fisheries are carried on; he furnishes me, however, with a Statement shewing the total amount of Bounties on Salt Fish exported, and of allowances to vessels engaged in the Bank and Cod Fisheries generally during the years 1844, 1845, 1846, 1847, and 1848; together with a Statement of the total amount of American tonnage employed in Cod and Mackerel fishing during those years, the rates of Bounties and Allowances to vessels so employed, and extracts from the Acts of Congress of 24th February, 1828, and 20th April, 1836, containing regulations regarding the Mackerel Fisheries.

I have, &c.,

(Signed); J. F. CRAMPTON.

Viscount PALMERSTON, &c. &c.

Treasury Department, Washington, }  
June 14th, 1849. }

SIR,—

I have the pleasure of enclosing to you a Statement respecting our Cod Fisheries; you will perceive that we have no returns to enable us to designate our Fisheries as to where the vessels were employed.

I have, &c.,

(Signed)

McCLINTOCK YOUNG, Chief Clerk..

J. F. CRAMPTON, Esq.

A STATEMENT exhibiting the amount of Bounties on Salted Fish exported, and of Allowances to Vessels employed in the Bank and Cod Fisheries annually, for the years ending 30th June, 1844, '45, '46, '47, and '48.

Years ending.	Payments for			
	Bounties on Pickled Fish exported.		Allowances to Vessels employed in the Bank and Cod Fisheries.	
	Dols.	Cts.	Dols.	Cts.
30th June, 1844	6663	60	249,074	25
" 1845	4174	20	289,840	7
" 1846	5540	60	274,942	98
" 1847	6488	20	276,429	38
" 1848	747	80	243,432	23

Treasury Department, Registrar's Office, June 6, 1849.

(Signed)

ALLEN A. HALL, Registrar..

*Tonnage of Vessels enrolled and licensed for the Mackerel and Cod Fisheries from 1844 to 1848, inclusive.*

Years ending.	Mackerel fishery.	Cod fishery.	Rate of Allowance to Vessels in the Cod fishery.	
	Tons.	Tons.		Dols. Cts.
30th June, 1844	16,071	75,179	If 5 tons, and not above 30 tons, per ton .....	3 50
" 1845	21,143	69,826	If above 30 tons, per ton.....	4 0
" 1846	36,463	72,516	If above 30 tons and having a crew of 10 persons, and em-	
" 1847	31,451	70,178	ployed at sea for 3½ months at least, but less than 4 months	4 0
" 1848	43,539	82,632	Allowance to any vessel not to exceed.....	360 0

*Treasury Department, Registrar's Office, June 6, 1849.*

(Signed).

ALLEN A. HALL, *Registrar.*

**MACKEREL FISHERY.**

The Act of the 24th February, 1828, authorises the issuing of Licenses to Vessels for carrying on the Mackerel Fishery, subject to the provisions of the Act of the 18th February, 1793, entitled "An Act for enrolling and licensing ships or vessels employed in the Coasting Trade and Fisheries, and for regulating the same."

The Act of the 20th April, 1836, provides that Vessels employed in the Mackerel Fishery shall not be liable to the penalties and forfeitures imposed by the 5th and 32d sections of the Act of 1793, in consequence of any such vessel, whilst licensed as aforesaid, having been engaged in catching Cod or fish of any other description whatever. Provided, however, that this Act shall not be deemed or considered as authorising or entitling the owner or owners of any vessel licensed for the Mackerel Fishing to receive the bounty allowed by law to vessels employed in the Cod Fishery.

A P P E N D I X, No. 7.

**DESPATCH**

*From the Secretary of State for the Colonies to His Excellency the Governor, with an Order in Council, leaving certain Acts to their operation.*

[COPY.]  
No. 116.

*Downing-Street, 2d August, 1849.*

SIR,—

Fifteen Acts, passed by the Legislature of Newfoundland, having been referred by



the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation.

I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 30th ultimo, approving that report.

I am, &c.

(Signed) GREY.

Governor Sir G. LEMARCHANT, &c., &c.

OSBORNE HOUSE, ISLE OF WIGHT,

30th day of July, 1849.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,  
HIS ROYAL HIGHNESS PRINCE ALBERT,

LORD PRESIDENT,  
LORD PRIVY SEAL,  
LORD STEWARD,  
LORD JOHN RUSSELL,  
VISCOUNT PALMERSTON,

SIR JOHN HOBHOUSE, Bart.  
SIR GEORGE GREY, Bart.  
SIR FRANCIS BARING, Bart.  
MR. CHANCELLOR OF THE EXCHEQUER.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the month of April, 1849, pass fifteen Acts which have been transmitted, entitled as follows, viz. :—

- No. 76.—An Act to repeal in part an Act passed in the eighth year of the reign of Her present Majesty, entitled “An Act to continue and amend an Act passed in the fourth year of the reign of Her present Majesty, entitled an Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Colony.”
- No. 77.—An Act for the further amendment of the Law, and the better advancement of Justice.
- No. 78.—An Act for facilitating proceedings in cases of Distress and Replevin.
- No. 79.—An Act for the limitation of personal actions at law, and for rendering a written memorandum necessary to the validity of certain promises and engagements.
- No. 80.—An Act to amend the Law of Attachment in this Colony, and to regulate the Fees in certain cases payable thereon.
- No. 81.—An Act to dispense with the present mode of Registering Crown Grants, and to render valid certain Grants heretofore issued.
- No. 82.—An Act to prohibit Interments within the Town of Saint John's.

- No. 83.—An Act to enable the members of the Independent or Congregational Church to revive certain trusts, and for other purposes.
- No. 84.—An Act to amend an Act passed in the ninth and tenth years of the reign of Her present Majesty, entitled “An Act to regulate the Re-building of the Town of St. John’s, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned;” and also an Act passed in the tenth year of the reign of Her Majesty, entitled “An Act to amend an Act passed in the ninth and tenth years of the reign of Her present Majesty, entitled an Act to regulate the Re-building of the Town of St. John’s and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned.”
- No. 85.—An Act to extend the practice of Vaccination to the Outports of this Colony.
- No. 86.—An Act to suspend an Act passed in the eighth year of the reign of Her present Majesty, entitled “An Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony,” and to provide for the appropriation of monies granted for such purposes.
- No. 87.—An Act for granting to Her Majesty the sum of £5000 for the making and repairing of Main Roads and Bridges in this Colony.
- No. 90.—An Act to indemnify His Excellency Sir John G. LeMarchant for monies advanced by him from the Colonial Treasury for the service of the Colony.
- No. 91.—An Act for granting to Her Majesty a sum of money for defraying the expenses of the Civil Government of this Colony for the year ending 31st day of December, 1849.
- No. 92.—An Act to provide for the Contingent Expenses of the Legislature.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty’s Most Honourable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation;—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report.—Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, of Her Majesty’s Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly,

(Signed)

W. L. BATHURST.

## APPENDIX, No. 8.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor transmitting Copies of an Act of the Imperial Parliament for enabling Colonial Legislatures to establish Inland Posts.*

[COPY.]

CIRCULAR.

Downing-Street, 10th August, 1849.

SIR,—

I transmit herewith for your information and guidance copies of an Act which has recently received the Royal assent, for enabling Colonial Legislatures to establish Inland Posts.

I am, &amp;c.,

(Signed)

GREY.

GOVERNOR Sir G. LEMARCHANT, &amp;c., &amp;c.



ANNO DUODECIMO AND DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. LXVI.

*AN ACT for enabling Colonial Legislatures to Establish Inland Posts.*

[28th July, 1849.]

**WHEREAS** under or by virtue of an Act passed in the Fifth Year of His late Majesty King George the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen Anne, and in other Acts, relating to the Revenue of the Post Office*, and an Act passed in the First Year of Her present Majesty, intituled *An Act for the Management of the Post Office*, and an Act passed in the Fourth Year of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, and an Act passed in the Eighth Year of Her present Majesty, intituled *An Act for the better Regulation of Colonial Posts*, Her Majesty's Postmaster General has, by himself or his Deputies, the exclusive privilege of establishing Posts, collecting, conveying, and delivering Letters, and collecting Postage within Her Majesty's Colonies, and the Commissioners of Her Majesty's Treasury have Authority from Time to Time to fix the Rates of Postage to be charged within such Colonies: And whereas the said Postmaster General and Commissioners of Her Majesty's Treasury respectively have, in exercise of such Privilege and Authority, established Posts and fixed Rates of Postage in certain of such Colonies: And whereas it is expedient to authorize the Establishment of Posts and Postage Rates in Her Majesty's Colonies by the Legislatures of such Colonies: Be it enacted, therefore, by the Queen's Most Excellent Majesty, by and with the Advice and Consent of

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Legislatures or proper Legislative Authorities of Her Majesty's Colonies, or any of them, by Acts, Laws, or Ordinances to be from Time to Time for that Purpose made and enacted in the Manner and subject to the Conditions by Law required in respect of Acts, Laws, or Ordinances of such Legislatures or Legislative Authorities, to make such Provisions as such Legislatures or Legislative Authorities may think fit for and concerning the Establishment, Maintenance, and Regulation of Posts or Post Communications within such Colonies respectively, and for charging Rates of Postage for the Conveyance of Letters by such Posts or Post Communications, and for appropriating the Revenue to be derived therefrom.

II. Provided always, and be it enacted, That where in any Colony Her Majesty's Postmaster General shall have actually established any Post or Post Communication, and his Powers and Privileges in relation to such Post or Post Communication shall not have determined under this Act, no such Act, Law, or Ordinance of the Legislature or Legislative Authority of such Colony in relation to the Matters aforesaid, or any of them, shall take effect, unless the same shall be assented to by Her Majesty, with the Advice of Her Privy Council, nor until the Time when such Assent shall be proclaimed in the Colony, or such subsequent Time as in the Order of Her Majesty in Council by which the Assent to such Act, Law, or Ordinance may be signified shall be fixed in this Behalf.

III. And be it enacted, That where, under the Provision herein contained, the Assent of Her Majesty in Council is required to such Act, Law, or Ordinance, the Rates of Postage charged in such Colony under the Acts herein-before referred to, or any of them, or under any Warrant or Warrants of the Commissioners of Her Majesty's Treasury issued in pursuance of such Acts or any of them, and the Authority of such Commissioners to fix the Rates of Postage to be charged in such Colony, and the Powers and Privileges of Her Majesty's Postmaster General, his Deputies, Servants, and Agents, in relation to the Posts or Post Communications within such Colony, shall, from the Time at which such Act, Law, or Ordinance shall take effect, cease and determine; and, save as aforesaid, the Authority, Powers, and Privileges aforesaid shall cease and determine upon the passing of such Act, Law, or Ordinance, unless Her Majesty shall think fit to disallow the same.

IV. Provided always, and be it enacted, That no such Act, Law, or Ordinance as aforesaid shall affect the Privileges, Powers, or Authorities of Her Majesty's Postmaster General, his Deputies, Servants, or Agents, or the Commissioners of Her Majesty's Treasury, otherwise than as respects the Posts or Post Communications within the limits of the Colony by the Legislature or Legislative Authority of which such Act, Law, or Ordinance shall be made and enacted, and the Rates of Postage to be charged for the Transmission or Conveyance of Letters within such Limits.

V. Provided also, and be it Enacted, That nothing herein contained shall affect the Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to make further Provision for the Government of the New Zealand Islands*, or of any Act passed or to be passed in the present Session of Parliament, "for the better Government of Her Majesty's *Australian Colonies*," empowering the General Assemblies to be established or convened under such respective Acts to make Laws for regulating the Post Offices within, and the Carriage of Letters between, the said Islands and Colonies respectively, which would control and supersede any Laws, Statutes, or Ordinances repugnant thereto enacted by the Assemblies of the separate Provinces of the said Islands or by the separate Legislatures of the said Colonies respectively.

VI. And be it enacted, That in this Act the Expression "Her Majesty's Colonies" shall be interpreted according to the Meaning assigned to that Expression by the said Act passed in the Fourth Year of Her present Majesty; and the term "Letters" shall include Letters and Packets, Newspapers, Pamphlets, and other printed Papers.

VII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

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APPENDIX, No. 9.

DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Order in Council approving of the Act to regulate the importation of Books, and to protect the British Author.*

[COPY.]

No. 118.

SIR,—

*Downing-Street, 10th August, 1849.*

Her Majesty having been pleased to approve the Act passed by the Legislature of Newfoundland in the month of April last, entitled (No. 94,) "An Act to regulate the importation of Books into this Colony, and to protect the British Author," I have the honour to transmit to you an Order made by Her Majesty in Council on the 30th ultimo, declaring that so long as the provisions of the said Act shall continue in force, the prohibition contained in the Imperial Acts relating to Copy-right shall be suspended within the said Island.

I am, Sir,

(Signed)

GREY.

Governor Sir J. GASPARD LEMARCHANT, &c., &c.

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AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT,

*20th July, 1849.*

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY,  
HIS ROYAL HIGHNESS PRINCE ALBERT,

LORD PRESIDENT,  
LORD PRIVY SEAL,  
LORD STEWARD,  
LORD JOHN RUSSELL,  
VISCOUNT PALMERSTON,

SIR J. HOBHOUSE, Bart.  
SIR GEORGE GREY, Bart.  
SIR FRANCIS BARING, Bart.  
MR. CHANCELLOR OF THE EXCHEQUER.

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, entitled "An Act to amend the Law of Copyright," it is among other things enacted, that it shall not be lawful for any person not being the Proprietor of the Copyright, or some person authorised by him, to Import into any part of the United Kingdom, or in any other part of the British Dominions, for Sale or Hire, any Printed Book, first composed, or written, or printed and published, in any part of the United Kingdom wherein there shall be Copyright, and re-printed in any country or place out of the British Dominions. And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, entitled "An Act to regulate the Trade of the British Possessions abroad," Books, wherein the Copyright is subsisting, first composed, or written, or printed in the United Kingdom, and printed or re-printed in any other country, are absolutely prohibited to be imported into the British Possessions abroad: And whereas by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, entitled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is enacted that in case the Legislature or proper Legislative Authorities in any British Possession, shall be disposed to make due provision for securing or protecting the Rights of British Authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British Authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal Approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the Importing, Selling, letting out to Hire, exposing for Sale or Hire, or possessing Foreign Re-prints of Books first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, shall be suspended, so far as regards such Colony: And whereas an Act has been passed by the Governor, Council, and Assembly of the Island of Newfoundland, No. 74, entitled "An Act to Regulate the Importation of Books into this Colony, and to protect the British Author," whereby provision is made for securing to British Authors a certain remuneration in respect of unauthorised copies of Books, under Copyright, imported into the said Island; And whereas Her Majesty hath expressed Her Royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said Island shall remain and continue in force within the said Island, all prohibitions in either of the said hereinbefore-recited Acts of the Imperial Parliament, or in any Acts thereof contained, against the importing into the said Island, or against the Selling, letting out to Hire, or possessing therein Foreign Re-prints of Books first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, shall be suspended, so far as regards Foreign Re-prints imported into the said Island.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them shall respectively appertain.

(Signed)

BATHURST.

## APPENDIX, No. 10.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor transmitting copies of an Act of the Imperial Parliament for regulating the Carriage of Passengers in Merchant Vessels.*

[COPY.]

CIRCULAR.

Downing-Street, 12th August, 1849.

SIR,—

I transmit herewith, for your information and guidance, copies of the Act, which has recently received the Royal Assent, for regulating the Carriage of Passengers in Merchant Vessels; and I have to direct your attention to the 62d and 63d Sections of this Act, which impose upon the Governors of any of Her Majesty's Possessions abroad the duty of proclaiming the Scale of Dietary in Passenger Ships leaving their respective governments, and the length of time which is to be allowed for the voyage which those Ships are to undertake.

I am, &amp;c.,

Governor Sir G. LEMARCHANT, &amp;c., &amp;c.

(Signed)

GREY.

## PASSENGERS ACT.

## ANALYSIS.

Classification of Clauses.	Subject Matter of Clause.	Corresponding Clauses of Former Acts.
<i>Prefatory Clauses :</i>	<b>VOYAGES FROM THE UNITED KINGDOM.</b>	
Commencement, Title, and Scope of Act, &c.	1 Repeal of former Acts, and Commencement of new Act.	
	2 Short Title of Act.....	5 & 6 Vict. c. 107. § 53.
	3 Definition and Interpretation Clause.....	5 & 6 Vict. c. 107, § 51, 52.
	4 To what Ships and Voyages Act extends, and Exemptions.	5 & 6 Vict. c. 107. § 36.
Machinery for executing Act.	5 Colonial Land and Emigration Commissioners to carry Act into execution.	
	6 Commissioners to appoint Emigration Officers and Assistants in the United Kingdom for purposes of Act. Governors to appoint in the Colonies.	
	7 Duties of Emigration Officers to be performed by Officers of Customs in certain cases.	11 & 12 Vict. c. 6, § 16.
	8 Facilities to Emigration Officers to inspect any Ship, whether Passenger Ship or not.	5 & 6 Vict. c. 107, § 26.
	9 No Passenger Ship to be cleared without Emigration Officer's Certificate that the requirements of the Act have been fulfilled.	10 & 11 Vict. c. 103, § 8.

Classification of Clauses.	Subject Matter of Clause:	Corresponding Clauses of Former Acts:	
<i>Voyages from the United Kingdom—(contd.)</i>			
Matters relating to the Ship to be attended to before sailing. Numbers, Fittings, Stores, &c.	10 Limitation of Passengers both by Space and Tonnage.	5 & 6 Vict. c. 107. § 2, and 11 & 12 Vict. c. 6. § 2.	
	11 Computation of Children.....	5 & 6 Vict. c. 107. § 9, and 11 & 12 Vict. c. 6. § 2.	
	12 List of Passengers to be delivered by the Master of every Ship.	5 & 6 Vict. c. 107. § 17.	
	13 List of additional Passengers embarked after Clearance.	5 & 6 Vict. c. 107. § 18.	
	14 All Passenger Ships to be Surveyed.....	10 & 11 Vict. c. 103. § 6.	
	15 Regulations in Passenger Ships as to Decks and Berths.	5 & 6 Vict. c. 107. § 3,4,5.	
	16 Light and Ventilation .....	10 & 11 Vict. c. 103. § 5.	
	17 Boats .....	5 & 6 Vict. c. 107. § 13.	
	18 Manning.....	10 & 11 Vict. c. 103. § 7.	
	19 Articles dangerous or injurious to Health prohibited as Cargo.	10 & 11 Vict. c. 103. § 4.	
	20 Computation of Voyages for the purpose of laying in Stores, &c.	5 & 6 Vict. c. 107, § 8.	
	21 Provisions and Water to be shipped at Expense of Owner, and approved by Emigration Officer.	5 & 6 Vict. c. 107. § 6.	
	22 How Water to be carried .....	5 & 6 Vict. c. 107. § 7.	
	23 Provisions and Water to be surveyed by Emigration Officer. Proviso for touching at intermediate Ports to fill up Water.	5 & 6 Vict. c. 107. § 10, and 10 & 11 Vict. c. 103. § 3.	
	24 Dietary Scale prescribed for the Voyage.....	5 & 6 Vict. c. 107. § 6.	
	25 Colonial Land and Emigration Commissioners may substitute other articles of Food.	10 & 11 Vict. c. 103 § 2.	
	26 Cook and Cooking Apparatus .....	11 & 12 Vict. c. 6. § 3.	
	27 Surgeon. Proviso exempting North American Ships from carrying a Surgeon if additional Space be given to Passengers.	5 & 6 Vict. c. 107. § 15, and 11 & 12 Vict. c. 6. § 4,5,6.	
	28 Supply of Medicines.....	5 & 6 Vict. c. 107. § 15.	
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	30 Re-landing Sick Passengers.....	11 & 12 Vict. c. 6. § 8.	
	Passengers' Rights before, during, and after the Voyage....	31 Return of Passage-money to Passengers re-landed	11 & 12 Vict. c. 6. § 9.
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		34 Passengers Rights in case of Wreck, &c.....	10 & 11 Vict. c. 103. § 10.
		35 Passengers not to be landed elsewhere than at Destination.	5 & 6 Vict. c. 107. § 24.
		36 Passengers to be maintained for 48 hours after arrival.	5 & 6 Vict. c. 107. § 25.
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		39 Queen may issue Orders in Council for Cleanliness and Ventilation.	11 & 12 Vict. c. 6. § 10.
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Classification of Clauses.	Subject Matter of Clause.	Corresponding Clauses of Former Acts.
<i>Voyages from the United Kingdom—(contd.)</i>		
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	54 Burden of Proof to lie on Persons claiming Exemption from Act.	10 & 11 Vict. c. 103. § 1.
	55 Proof of being Government Emigration Officer...	5 & 6 Vict. c. 107. § 30.
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60 Colonial Voyages defined.		
61 Extension of Act to Colonial Voyages, with certain exceptions.	5 & 6 Vict. c. 107. § 37, 44, 45.	
62 Governors may proclaim Length of Voyages, and substitute Articles of Food and Medicine. Proclamations to be subject to Disallowance, and to be Evidence in other Colonies.	5 & 6 Vict. c. 107. § 39. 40, 41.	
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ANNO DUODECIMO AND DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXXIII.

*AN ACT for regulating the Carriage of Passengers in Merchant Vessels.*

[13th July, 1849.]

**W**HEREAS it is expedient to amend and consolidate, and for that Purpose to repeal, the existing Laws relating to the Carriage of Passengers by Sea, and in certain respects to make other provisions in lieu thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels*, also an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to exempt Ships Carrying Passengers to North America from the Obligation of having on board a Physician, Surgeon, or Apothecary*, also an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of Her present Majesty, intituled "*An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea*, and also an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to North America*, shall from and after the First Day of *October* One thousand eight hundred and forty nine be severally repealed, and that from that date this Act shall take effect and have the force of Law: Provided nevertheless, that all Acts and provisions repealed by the said recited Acts or any of them shall remain repealed; and provided also, that any Fine, Forfeiture, or Penalty to which any person may have become liable under the said recited Acts or any of them shall and may be sued for and recovered, and that any Right of Action which may have accrued to any person by virtue of the said recited Acts or any of them, and that any Bond which may have been given thereunder to Her Majesty, shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been passed; provided also, that nothing in this Act contained shall be held to invalidate any Order in Council which may have been made by Her Majesty, with the Advice of Her Privy Council, in pursuance of the powers given by the said last-recited Act, but the same shall remain in force until altered or revoked by any Order in Council made under the provisions of this Act.

II. And be it enacted, That in other Acts of Parliament, and in all legal or other proceedings, it shall be sufficient to cite this Act by the Title of the "*Passengers Act, 1849.*"

III. And be it enacted, That, for the purposes of this Act, the following Terms, whenever they occur, shall respectively have the following Significations; (that is to say,) the Term "*United Kingdom*" shall signify *Great Britain and Ireland*, and the Islands of *Guernsey, Jersey, Alderney, Sark, Scilly and Man*; the Term "*North America*" shall signify and include the *Bermudas*, and all ports and places on the Eastern Coast of the Continent of *North America*, or in the Islands adja-

cent or near thereto, or in the *Gulf of Mexico*; the Term "*West Indies*" shall signify the *West India* Islands, the *Bahamas*, *British Guiana*, and *Honduras*; the Term "Governor" shall signify the person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Term "Ship" shall signify any description of Sea-going Vessel, whether *British* or Foreign; the Term "Passenger Ship" shall signify every description of such Ship carrying upon any Voyage to which the provisions of this Act shall extend a greater Number of Passengers than in the proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship; the Terms "Passage" and "Passenger" shall include all Passages and Passengers except the Class of Passages and Passengers commonly described as Cabin Passages and Cabin Passengers; and the Term "Master" shall signify the person who for the Time being shall be in Charge or Command of any such Ship or "Passenger Ship;" and that, unless there be something in the Subject Matter or Context repugnant thereto, every Word importing the Singular Number or the Masculine Gender only shall include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively; and that every Word importing the Plural Number shall include one Person or Thing as well as several Persons or things.

IV. And be it enacted, That this Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, and on every Colonial Voyage as herein-after described, but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the East India Company, nor to any Steam Vessel carrying the Royal Mails, or carrying Mails under Contract with the Government of the Country to which such Steam Vessel may belong.

V. And whereas by a Warrant under Her Majesty's Sign Manual, bearing date on the Twenty-Seventh Day of November, 1847, Her Majesty was pleased to appoint certain persons therein named to be, during Her Majesty's pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the Emigration of the poorer classes of Her Majesty's subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

VI. And be it enacted, That in the United Kingdom the said Commissioners acting under the sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and that the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the purpose of carrying this Act into execution, under the Directions of the said Commissioners or Governors, as the case may be: Provided nevertheless, that all existing appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

VII. And be it enacted, That all powers, functions, and duties to be exercised or performed by

any such Emigration Officer shall in his absence be exercised and performed respectively by his Assistant, or, at any port where there shall be no such Emigration Officer or Assistant, by the Chief Officer of Customs for the Time being at such port.

VIII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer as aforesaid at any port or place in Her Majesty's dominions, and, in the case of *British* Ships, to Her Majesty's Consul at any Foreign port or place at which such Ship shall be or arrive, every facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

IX. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on any Voyage to which this Act extends until the Master thereof shall have obtained from the Emigration Officer at the port of clearance a Certificate under his hand that all the requirements of this Act, so far as the same can be complied with before the departure of such "Passenger Ship," have been duly complied with.

X. And be it enacted, That no Ship shall be allowed to clear out or shall proceed on her Voyage with a greater number of persons on board (including the Master and Crew, and Cabin Passengers, if any,) than in the proportion of one person to every two Tons of the registered Tonnage of such ship, nor, whatever may be the registered Tonnage of such ship, with a greater number of Passengers on board, exclusive of *bonâ fide* Cabin Passengers, than in the following proportions to the space occupied by such Passengers and appropriated for their use, and unoccupied by stores, not being their personal Luggage; (that is to say,) on the Main Deck, and on the Deck immediately below the same, or in any Compartment of either, appropriated as aforesaid, One Passenger for every Twelve such clear Superficial Feet; or if such Ship is destined to pass within the Tropics, and the duration of the intended Voyage, computed as herein-after mentioned, exceeds Twelve Weeks, One Passenger for every Fifteen such clear Superficial Feet: Provided always, that no Passenger shall in any case be carried on an Orlop Deck; and if there shall be on board of any Ship at or after the time of Clearance a greater number either of persons or of Passengers than in the proportions respectively herein-before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the payment of a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each person or Passenger constituting any such excess.

XI. And be it enacted, That for the purposes of this Act, Two Children, each being under the Age of Fourteen Years, shall be computed either as One Person or as One Passenger, as the case may require, except in the case herein-after mentioned, but that Children under the Age of One Year shall not be included in such computation.

XII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (A) hereto annexed, setting forth in the manner therein directed the Name and other particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when signed, shall be delivered to the Officer

of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon countersign and return to the said Master one of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any port or place in Her Majesty's possessions, or to Her Majesty's Consul at any Foreign port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the case may be, at the final port or place of Discharge.

XIII. And be it enacted, That if at any Time after such Lists shall have been signed and delivered as aforesaid there shall be taken on board any additional Passenger, in every such case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other particulars of every such additional Passenger; and such last-mentioned List, when signed, shall, together with "The Master's List" to which such additions shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the port or place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next port or place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned.

XIV. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on her Voyage unless she shall have been surveyed, under the direction of the Emigration Officer at the port of Clearance, but at the Expense of the Owner or Charterer thereof, by one or more competent Surveyors, to be duly authorised and approved of by the said Colonial Land and Emigration Commissioners for each port at which there may be an Emigration Officer, and for other ports by the Commissioners of Customs, nor unless it shall be reported by the same, or by some other Surveyor to be appointed as aforesaid, that such "Passenger Ship" is in their opinion seaworthy, and fit in all respects for her intended Voyage: Provided always, that the precautions for ascertaining the Seaworthiness of Ships and their Fitness for their intended Voyages respectively shall be the same for Foreign as for British Ships.

XV. And be it enacted, That in every "Passenger Ship" every Deck on which Passengers may be carried shall be at least One Inch and a half in thickness, and shall be supported by Beams of adequate strength, forming part of the permanent structure of the Ship, and firmly secured with hanging and lodging Knees, and shall be properly laid upon such Beams, or substantially secured thereto, at least Three Inches clear above the Bottom thereof, to the satisfaction of the Emigration Officer at the port of Clearance, and that between every such Deck and the Deck immediately above it there shall be a height of at least Six Feet; and further that there shall not be more than Two Tiers of Berths on any one Deck in any such "Passenger Ship," and that the Interval between the Floor of the Berths and the Deck or Platform immediately beneath them shall not be less than Six Inches, and that the Berths shall be securely constructed, and of dimensions not less than after the rate of Six Feet in length and Eighteen Inches in width for each Passenger; and that persons of different sexes above the Age of Fourteen, unless Husband and Wife, shall not be placed in the same Berth; and that no

Berths occupied by Passengers during the Voyage shall be taken down until Forty-eight hours after the arrival of such Ship at the port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the expiration of that time.

XVI. And be it enacted, That, for the purpose of ensuring a proper Supply of Light and Air in every "Passenger Ship," the Passengers shall at all times during the Voyage (weather permitting) have free access to and from the Between-decks by the whole of each Hatchway situate over the space appropriated to the use of such Passengers: Provided always, that if the Main Hatchway be not one of the Hatchways appropriated to the use of the Passengers, or if the natural supply of Light and Air through the same be in any manner unduly impeded, it shall be lawful for the Emigration Officer at the port of Clearance to direct such other provision to be made for affording Light and Air to the Between-decks as the circumstances of the case may, in the judgment of such Officer, appear to require; and in case of noncompliance with any such directions the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the payment of a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds Sterling: Provided also, that no "Passenger Ship" having on board as many as One Hundred Passengers shall clear out or proceed on her Voyage without having on board an adequate and proper Ventilating Apparatus, to be approved by the Emigration Officer at the port of Clearance, and fitted to his satisfaction.

XVII. And be it enacted, That every "Passenger Ship" shall carry a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of One Hundred Tons and upwards:

Three Boats for every Ship of Two Hundred Tons and upwards, in case the number of Passengers shall exceed Fifty:

Four Boats for every Ship of Five Hundred Tons and upwards, in case the number of Passengers shall exceed Two Hundred:

Provided always, that one of such Boats shall in all cases be a Long Boat, and one shall be a properly fitted Life Boat, and that each of such Boats shall be of a suitable size, to be approved by the Emigration Officer at the port of Clearance, and shall be seaworthy, and properly supplied with all requisites for use; provided also, that there shall likewise be on board Two properly fitted Life Buoys, kept ready at all times for immediate use.

XVIII. And be it enacted, That no "Passenger Ship" shall be cleared out or proceed to Sea until it shall be proved to the satisfaction of the Officer from whom a Clearance of such Ship may be demanded, that she is manned with a proper complement of Seamen for the intended Voyage.

XIX. And be it enacted, That no "Passenger Ship" shall clear out or proceed on her Voyage if there shall be on board as Cargo any Gunpowder, Vitriol, Guano, Green Hides, or any other article likely to endanger the Safety of the Ship or the Health or Lives of the Passengers, or if any part of the Cargo shall be on Deck.

XX. And be it enacted, That for the purposes of this Act the following shall be the Number of Weeks deemed to be necessary for the Voyage of any Ship carrying Passengers from the United Kingdom to the undermentioned places respectively; (that is to say,)

To *North America*, except the West Coast thereof, Ten Weeks:

To the *West Indies*, Ten Weeks :

To any part of the East Coast of the Continent of *Central* or *South America* Northward of the Twenty-fifth Degree of South Latitude, except *British Guiana*, Twelve Weeks :

To the West Coast of *Africa*, Twelve Weeks :

To the *Cape of Good Hope* or the *Falkland Islands*, or to any part of the East Coast of *South America* Southward of the Twenty-fifth Degree of South Latitude, Fifteen Weeks :

To the *Mauritius* and to the Western Coast of *America* South of the Equator, Eighteen Weeks :

To *Ceylon*, Twenty Weeks :

To *Western Australia*, Twenty Weeks :

To any other of the *Australian Colonies*, Twenty-two Weeks :

To *New Zealand* and to the Western Coast of *America* North of the Equator, Twenty-four Weeks :

Provided nevertheless, that for the like purposes it shall be lawful for the said Colonial Land and Emigration Commissioners, acting by and under the authority of One of Her Majesty's Principal Secretaries of State, from time to time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, to declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned places, or to any other port or place whatsoever, anything herein contained to the contrary notwithstanding.

XXI. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or to proceed on her Voyage until there shall be supplied, by and at the Expense of the Owner or Charterer thereof, and properly stowed away on board under Hatches for the use of the Passengers during the Voyage, pure Water, and wholesome Provisions in a sweet and good condition, of a quality to be approved by the Emigration Officer, and in quantities sufficient to afford the Allowances to each Passenger as hereafter prescribed; and if any person shall fraudulently obtain a Clearance for any "Passenger Ship" which shall not be then stored with the requisite quantities of such Water and Provisions as aforesaid, he shall be liable, on such Conviction as herein-after is mentioned, to the payment of a Penalty not exceeding One Hundred Pounds nor less than Fifty Pounds Sterling.

XXII. And be it enacted, That in every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or Casks to be approved by the Emigration Officer at the port of Clearance: Provided always, that all such Casks shall be sweet and tight, of sufficient strength, and properly charred inside, and shall not be made of Fir or soft wood Staves, nor be capable severally of containing more than Three Hundred Gallons each.

XXIII. And be it enacted, That before any "Passenger Ship" shall be cleared out the Emigration Officer at the port of Clearance shall survey or cause to be surveyed by some competent person the Provisions and Water herein-before required to be placed on board for the consumption of the Passengers, and shall ascertain that the same are of good quality and in a sweet and good condition, and shall also ascertain, that over and above the same there is on board an ample supply of Water and Stores for the victualling of the Crew of the Ship and all other persons, if any, on board: Provided nevertheless, that if any "Passenger Ship" shall be destined to call at any intermediate port or place during the Voyage for the purpose of taking in Water, and if an Engagement to that effect shall be inserted in the Bond herein-after mentioned, then it shall be sufficient to place on board at the port of Clearance such supply of Water as may be requisite, according to the rate herein-after mentioned, for

the Voyage of the said Ship to such intermediate port or place, subject to the following conditions ; (that is to say,)

First, That the Emigration Officer signify his Approval in Writing of the arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consul, as the case may be, at such intermediate port or place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consul, as the case may be, on the arrival of the said Ship at the final port or place of Discharge:

Secondly, That if the Length of either portion of the Voyage, whether to such intermediate port or place or from such intermediate port or place to the final port or place of Discharge, be not prescribed in or under the provisions of this Act, the Emigration Officer at the port of Clearance shall in every such case declare the same:

Thirdly, That the Ship shall have on board at the time a Clearance is demanded Tanks or Water Casks, of the description herein-before mentioned, sufficient for stowing the quantity of Water required for the longest of such portions of the Voyage as aforesaid.

XXIV. And be it enacted, That, in addition to and irrespective of any Provisions of their own which any Passengers may have on board, the Master of every "Passenger Ship" shall make to each Passenger during the Voyage, including the time of Detention, if any, at any port or place before the termination of such Voyage, the following Issues of pure Water and sweet and wholesome Provisions ; (that is to say,) of Water at least Three Quarts daily, and of Provisions after the rate *per Week* of Two and a half Pounds of Bread or Biscuit, not inferior in quality to what is usually called Navy Biscuit, One Pound of Wheaten Flour, Five Pounds of Oatmeal, Two Pounds of Rice, Two Ounces of Tea, Half a Pound of Sugar, and Half a Pound of Molasses: Provided always, that such Issues of Provisions shall be made in advance, and not less often than twice a Week, the first of such Issues to be made on the Day of Embarkation: Provided also, that Potatoes, when good and sound, may be substituted for either the Oatmeal or Rice, in the proportion of Five Pounds of Potatoes to One Pound of Oatmeal or Rice; and that in Ships clearing out from the port of Liverpool, or from Irish or Scotch ports, Oatmeal may be substituted in equal quantities for the whole or any part of the Issues of Rice.

XXV. And be it enacted, That it shall be lawful for the said Colonial Land and Emigration Commissioners for the time being, acting under the authority of One of Her Majesty's Principal Secretaries of State, from time to time, by any Notice for that purpose, issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, to substitute for any of the articles of Food herein-before mentioned any other articles of Food, as to the said Commissioners shall seem meet, and any such Notice from time to time to alter, amend, or revoke, as occasion may require: Provided always, that all the requirements and provisions in this Act contained respecting the articles of Food herein-before mentioned shall extend and are hereby extended to the case of such substituted articles.

XXVI. And be it enacted, That no "Passenger Ship" carrying as many as One Hundred Passengers shall clear out or proceed on her Voyage unless there shall be on board a seafaring person who shall be rated in the Ship's Articles as Passengers Cook, to be approved by the Emigration Officer at the port of Clearance, and engaged for the purpose of Cooking the Food of the Passengers, nor unless a convenient place for that purpose shall have been set apart on Deck, and a sufficient Cooking



Apparatus, properly covered in and arranged, shall have been provided to the satisfaction of the said Emigration Officer, together with a proper supply of Fuel adequate in his opinion for the intended Voyage.

XXVII. And be it enacted, That it shall not be lawful for any "Passenger Ship" having on board as many as Fifty Persons, if the Length of the intended Voyage, computed as herein-before mentioned, shall exceed Twelve Weeks, nor, whatever may be the computed duration of the Voyage, for any "Passenger Ship" having on board as many as One Hundred Persons, except she be bound to North America, (including in both cases the Master and Crew, and Cabin Passengers, if any,) to clear out or proceed on her Voyage, unless there shall be on board, and rated on the Ship's Articles, some person duly authorised by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and whose Name shall have been notified to the Emigration Officer at the port of Clearance, and not objected to by him; and further, that no "Passenger Ship" bound to North America having on board as many as One Hundred Persons, exclusive of the Master and Crew, and Cabin Passengers, if any, shall clear out or proceed on her Voyage without having on board, and rated on the Ship's Articles, such duly authorised Medical Practitioner, whose name shall have been notified to the Emigration Officer at the port of Clearance, and not objected to by him: Provided nevertheless, that if in any Ship bound to North America there be appropriated on every Deck on which Passengers may lawfully be carried, instead of Twelve clear Superficial Feet as herein-before required, Fourteen clear Superficial Feet unoccupied by Stores not being the personal Luggage of the Passengers, for each Passenger on board, counting for this purpose each Child above the Age of One Year as One Passenger, then and in such case, but not otherwise, it shall be lawful for such Ship to clear out and proceed to Sea without having on board a Medical Practitioner as aforesaid.

XXVIII. And be it enacted, That in every "Passenger Ship" there shall be furnished and laden on board, at the Expense of the Owner or Charterer thereof, a Medicine Chest containing a supply of Medicines, Instruments, and other things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate supply of disinfecting Fluid or Agent, together with printed or written Directions for the use of the same respectively; and that such Medicines and other things shall be good in quality, and, in the judgment of the Emigration Officer at the port of Clearance, sufficient in quantity for the probable exigencies of the intended Voyage, and shall be placed under the charge of the Surgeon, when there is one on board, to be used at his discretion.

XXIX. And be it enacted, That, except as herein-after provided, no "Passenger Ship" shall clear out or proceed on her Voyage until some Medical Practitioner, to be appointed by the Emigration Officer at the port of Clearance, shall have inspected the Medicine Chest of the said Ship, and also all the Passengers about to proceed in her, and shall certify to the said Emigration Officer that the said Ship contains a sufficient supply of Medicines, disinfecting Fluid or Agent, Instruments, and other things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to such Medical Practitioner likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other persons about to proceed in such Vessel: Provided always, that such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the discretion of the said Emigration Officer, at such convenient place on shore

before Embarkation as he may appoint; and that the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer, on account of such Medical Examination, a Sum at the rate of Twenty Shillings for every Hundred persons examined: Provided also, that in case on any particular occasion the Emigration Officer shall be unable to obtain the attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage ~~on~~ receiving from the said Emigration Officer written permission for the purpose.

XXX. And be it enacted, That in case any such Medical Practitioner shall notify to the Emigration Officer at the original port of Clearance, or at any other port or place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any person about to proceed in any such "Passenger Ship" as aforesaid, is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other persons on board, it shall be lawful for such Officer to re-land or cause to be re-landed any such person, and such members of his family, if any, as may be dependent on him, or as may be unwilling to be separated from him, together with their Clothes and Effects; and no "Passenger Ship" shall clear out or proceed on her Voyage so long as any such diseased person shall be on board.

XXXI. And be it enacted, That any person being a Passenger who shall be so re-landed as aforesaid, or any Emigration Officer on his behalf, shall be entitled to recover, by summary process, in manner herein-after provided, the whole of the Monies which have been paid by such person or on his Account for his passage in such "Passenger Ship," from the party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

XXXII. And be it enacted, That if any Passenger, or person acting on his behalf, shall have contracted with the Owner, Charterer, or Master of any Ship, whether a "Passenger Ship" or otherwise, or with any person acting on behalf of such Owner, Charterer, or Master, for a passage for such Passenger, or for him and his family, in any Ship proceeding on any Voyage to which this Act extends, and such Passenger, or such Passenger and his family, (as the case may be,) shall be at the place of Embarkation at the time appointed for that purpose in and by such Contract, and such Passenger shall apply for such passage, and shall, on demand, pay or tender such part of the Passage-money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous departure of the Ship in which such passage shall have been engaged, or to the want of room therein, or to the neglect, refusal, or other default of the Owner, Charterer, or Master thereof, or of the party with whom such passage shall have been contracted for, such Passenger shall not obtain a Passage in such Ship, or shall not, together with all the immediate members of his family who may have contracted for a passage as aforesaid, obtain, within Forty-eight hours from the expiration of the day named in such Contract, a passage in some other equally eligible Ship to the same port, and in the meantime be paid Subsistence Money, at the rate herein-after mentioned; such Passenger shall be entitled to recover, in manner herein-after provided, all Monies which shall have been paid by or on his Account for such passage, from the party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Ten Pounds in respect of each such passage, as shall, in the opinion of the Justices of the Peace who shall adjudicate on the complaint, be a reasonable compensation for the Loss or Inconvenience occasioned to such Passenger or his family by the Loss of such passage.

XXXIII. And be it enacted, That if any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea and proceed on her intended Voyage on the Day appointed for sailing in and by any Contract made by the Owner, Charterer, or Master of such Ship, or by his or their Agent, with any Passenger who shall on that day be on board the same, or ready to go on board and proceed on such intended Voyage, then and in every such case the Owner, Charterer, or Master of such Ship, or his or their Agent, shall pay to every such Passenger, or if such Passenger shall be lodged and maintained in any Establishment under the superintendence of the said Colonial Land and Emigration Commissioners, then to the Emigration Officer at the port of Embarkation, Subsistence Money after the rate of One Shilling for each Passenger in respect of each day of delay, until the actual clearing out and final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned: Provided always, that if any such Ship be unavoidably detained, either by Wind or Weather, and the Passengers be maintained on board in the same manner as if the Voyage had commenced, no such Subsistence Money shall be payable.

XXXIV. And be it enacted, That in case any "Passenger Ship" shall be wrecked or otherwise destroyed, or shall by any other cause whatsoever be prevented from landing her Passengers at the place they may have respectively contracted to land, or in case such Ship shall put into any port or place in a damaged state, and shall not, within a reasonable time, according to the circumstances of each case, but not exceeding Six Weeks in any case, be ready to proceed with her Passengers on her intended Voyage, after having been first efficiently repaired, and in all respects put into a sound and seaworthy condition, then and in any of such cases such Passengers respectively shall be provided with a passage by some other equally eligible Vessel to the port or place at which they respectively may have originally contracted to land; and in default thereof such Passengers respectively, or any Emigration Officer on their behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them, for such passage, from the party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Five Pounds in respect of each such passage, as shall in the opinion of the Justices of the Peace who shall adjudicate on the complaint, be a reasonable compensation for any Loss or Inconvenience occasioned to any such Passenger, or his or her family, by reason of the Loss of such passage: Provided always, that no Policy of Assurance effected in respect of such passages, or of such passage and Compensation Monies, by any person hereby made liable in the events aforesaid to provide such passages, or to pay such Monies, shall be deemed to be invalid by reason of the nature of the Risk or Interest sought to be covered by such Policy of Assurance.

XXXV. And be it enacted, That the Master of any Ship, whether "Passenger Ship" or otherwise, shall not land or cause to be landed any Passenger, without his previous consent, at any port or place other than the port or place at which such Passenger may have contracted to land.

XXXVI. And be it enacted, That every Passenger in a "Passenger Ship" arriving at the end of his Voyage shall be entitled for at least Forty-eight hours next after his arrival to sleep in such Ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless in the further prosecution of her voyage such Ship shall quit the port or place within the above-mentioned period.

XXXVII. And be it enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any Ship, or to any other person, in respect of the breach or non-performance of any Contract made or entered into between or on behalf of any such Passenger or other person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker or Passage Dealer.

XXXVIII. And be it enacted, That if any "Passenger Ship" shall, after having obtained her Clearance, be detained in port for more than Seven days, or shall, after having been to sea, put into or touch at any port or place in the United Kingdom, it shall not be lawful for any such "Passenger Ship" to proceed on her voyage until there shall have been laden on board, at the expense of the Owner, Charterer, or Master of such Ship, such further supply of pure Water, wholesome Provisions of the requisite kinds and qualities, and Medical Stores, as may be necessary to make up the full quantities of those articles herein-before required for the use of the Passengers during the whole of the intended Voyage, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant, or where there is no such Officer, or in his absence, from the Officer of Customs at such port or place, a Certificate to the same effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any default herein, the said Master shall be liable, on conviction, as herein-after mentioned, to the payment of a Penalty not exceeding One Hundred Pounds nor less than Fifty Pounds Sterling; and further, if the Master of any "Passenger Ship" so putting into or touching at any port or place as aforesaid, shall not within Twenty-four hours thereafter report his arrival, and the cause of his putting back, and the condition of his Ship and of her stores and provisions, to the Emigration Officer, or, as the case may be, to the Officer of Customs at the port, and shall not produce to such Officer the official or "Master's List" of Passengers, such Master shall for each offence be liable to the payment of a Penalty not exceeding Ten Pounds nor less than Two Pounds Sterling.

XXXIX. And be it enacted, That it shall be lawful for Her Majesty and Her Successors, by any Order in Council, to be by Her or them made, with the Advice of the Privy Council, to prescribe such Rules and Regulations as to Her Majesty or Her Successors may seem fit, for preserving Order, and for securing Cleanliness and Ventilation, on board of "Passenger Ships" proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad, and the said Rules and Regulations from time to time in like manner to alter, amend, and revoke, as occasion may require; and that any Copy of such Order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's printer, shall throughout Her Majesty's Dominions be received in all legal proceedings as good and sufficient evidence of the making and contents of any such Order in Council.

XL. And be it enacted, That in every such "Passenger Ship" it shall be lawful for the Medical Practitioner on board, aided and assisted by the Master thereof, or in the absence of such Medical Practitioner, for the Master of such Ship to exact obedience to all such Rules and Regulations as aforesaid; and that any person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the execution of any duty imposed upon him by any such Rule or Regulation, shall be liable for each offence to the payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for any Two

Justices of the Peace in any part of Her Majesty's Dominions before whom any person shall be convicted of such obstruction as aforesaid to order such person, in addition to the penalty hereinbefore mentioned, to be confined in the Common Gaol for any period not exceeding One month.

**XLI.** And be it enacted, That the said Colonial Land and Emigration Commissioners shall from time to time prepare such Abstracts as they may think proper of the whole or part of this Act, and of any such Order in Council as aforesaid; and that six copies of the said Abstracts, together with two copies of this Act, shall, on demand, be delivered by the principal Officer of Customs at the port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad; and that such Master shall, on request made to him, produce one copy of the Act to any Passenger on board, for his perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passengers shall be entitled to remain in the Ship, in at least two conspicuous places between the Decks on which Passengers may be carried, copies of such Abstracts; and such Master shall be liable to a penalty not exceeding Forty Shillings Sterling for every day during any part of which by his act or default such Abstracts shall fail to be so posted; and that any person displacing or defacing such Abstracts so posted shall be liable to a penalty not exceeding Forty Shillings Sterling.

**XLII.** And be it enacted, That it shall not be lawful, in any "Passenger Ship," to sell to any Passenger during the Voyage any Spirits or Strong Waters; and that if any person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any such Passenger, he shall be liable for every such offence, on such conviction as herein-after mentioned, to the payment of a penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

**XLIII.** And for the more effectually securing the due observance of the several requirements as well of this Act as of any Rules or Regulations which may at any time be prescribed by any Order in Council as aforesaid, and also for the better securing the due payment of all Penalties which the Master of any "Passenger Ship" may be adjudged to pay, under or by virtue of the provisions of this Act or of any such Order in Council, be it enacted, That before any "Passenger Ship" shall clear out or proceed on any Voyage to which this Act shall extend the Owner or Charterer, or, in the event of the absence of such Owner or Charterer, one good and sufficient person on his behalf, to be approved by the Chief Officer of Customs at the port of Clearance, shall, with the Master of the said Ship, enter into a joint and several Bond in the Sum of One Thousand Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (B.) hereunto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that all and every the requirements of this Act, and of the Colonial Land and Emigration Commissioners acting in the manner prescribed by this Act, and of any Order in Council passed in virtue of this Act, shall in all respects be well and truly fulfilled and performed, and, moreover, that all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the breach or nonperformance of any of such requirements as aforesaid shall be well and truly paid; and in Scotland such Bond shall be deemed and taken to be a probative Deed: Provided always, that such Bond shall be without Stamps; provided also, that no such Bond shall be put in suit, and that no prosecution, suit, action, information, or complaint shall be brought, under or by virtue of this Act, upon or by reason of the breach of any of the requirements thereof, in any of Her Majesty's possessions abroad, after the expiration of Twelve Calendar Months next succeeding the termination of any such voyage as aforesaid, nor, in the United

Kingdom, after the Expiration of Twelve Calendar Months next after the return of the said Ship or of the said Master to the United Kingdom.

**XLIV.** And be it enacted, That it shall not be lawful for any person to carry on the business of a Passage Broker or Passage Dealer in respect of passages from the United Kingdom to North America, or to sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to North America, unless such person, and two good and sufficient Sureties, to be approved by the Emigration Officer at the port nearest to the place of business of such person, shall have previously entered into a joint and several Bond in the sum of Two Hundred Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed, which Bond shall be in Duplicate without Stamps, and one part thereof shall be deposited at the office in London of the said Colonial Land and Emigration Commissioners, and the other part thereof with the Chief Officer of Customs at the port of Clearance, nor unless such person shall have obtained a License, as herein-after mentioned, to let or sell passages to North America as aforesaid, nor unless such License shall then be in force; and if any person shall carry on the business of Passage Broker or Passage Dealer, or shall sell or let, or be in anywise concerned in selling or letting, any such passage contrary to this Enactment, every person so offending shall for each offence be liable to the payment of a penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned.

**XLV.** And be it enacted, That any person wishing to obtain a License to act as a Passage Broker or Passage Dealer in respect of passages from the United Kingdom to North America shall make application for the same to the Justices at the Petty Sessions held for the district or place in which such person shall have his place of business; and such Justices are hereby authorised (if they shall think fit) to grant a License for that purpose, according to the Form in the Schedule (D.) hereunto annexed, which License shall continue and be in force until the Thirty-first day of December in the Year in which such License shall be granted, and for Thirty-one days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such License the Justices so acting as aforesaid shall cause a Notice thereof, according to the Form in Schedule (E.) hereto annexed, to be transmitted forthwith by the post to the said Colonial Land and Emigration Commissioners at their office in London: Provided always, that no such License shall be granted unless the party applying for the same shall show to the satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited one part thereof at the office in London of the said Commissioners, and has given Notice to the said Commissioners Fourteen clear days at least before such application, of his intention to apply for the same, which Notice shall be transmitted by the post to the office in London of the said Commissioners, and shall be according to the Form contained in the Schedule (F.) hereto annexed: Provided also, that the Justices so acting as aforesaid or any two or more Justices who shall hear and determine in manner herein-after mentioned any offence whatever against this Act, are hereby authorised (if they shall think fit) to order such License to be forfeited, and the same shall upon such order be forfeited accordingly; and the said Justices making such order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (G.) hereunto annexed, to be transmitted by the post to the said Colonial Land and Emigration Commissioners at their office in London; and in Scotland where any person wishing to obtain such License shall make appli-

cation for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to with such alterations as may be necessary.

XLVI. And be it enacted, That every License to carry on the business of a Passenger Broker or Passage Dealer that may have been taken out in pursuance of the provisions of the first-mentioned Act, herein-before repealed, shall, unless adjudged to be forfeited, as herein-before mentioned, continue and be in force until the First Day of February One Thousand Eight Hundred and Fifty, but no longer, and that all acts that may be done under and by virtue of any such License while in force shall be as valid and effectual as if done under and by virtue of any License granted in pursuance of the provisions of this Act, anything herein-before contained to the contrary notwithstanding.

XLVII. And be it enacted, That if any Owner, Charterer, or Master of a Ship, or any Passage Broker or Passage Dealer, Agent, or other person, shall receive any Money from any person for or in respect of a passage or intended passage from the United Kingdom to any port or place in North America, the person so receiving such Money shall give to the party from whom the same shall have been received a Contract Ticket in plain and legible characters, and made out upon a printed Form, which shall be in all respects according to the Form in the Schedule (H.) hereto annexed, or according to such other Form as may from time to time be prescribed by the said Colonial Land and Emigration Commissioners, by any Notice issued under their Hands or the Hands of any two of them, and published in the *London Gazette*, and shall also comply with all the Directions contained on the face of such Form, and in default thereof shall be liable to a penalty not exceeding Ten Pounds, nor less than Five Pounds, in respect of each Passenger on account of whose passage such Money shall have been received, to be sued for and recovered as herein-after is mentioned: Provided always, that such Contract Ticket shall not be liable to any Stamp Duty.

XLVIII. And be it enacted, That any Owner, Charterer, or Master of a Ship, or any Passage Broker or other person, who shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any person to part with, render useless, or destroy, any such Contract Ticket as aforesaid, during the continuance of the Contract which it is intended to evidence, shall be liable in each case to a penalty not exceeding Five Pounds nor less than Two Pounds, to be recovered as herein-after mentioned.

XLIX. And be it enacted, That if any licensed Broker or Passage Dealer shall, as Agent for any licensed Broker or Passage Dealer or for any other person, receive Money for or on account of the passage of any Passenger from the United Kingdom to any port or place in North America, without having a written authority to act as such Agent, or shall, on the demand of any Emigration Officer, refuse or fail to exhibit his License and such written authority, or if any such Broker or Dealer, whether as principal or agent, or if any other person, shall by any fraud or false pretence whatsoever induce any person to purchase, hire, or engage any passage to North America, every such Broker or Dealer or other person shall be liable, upon conviction, as herein-after is mentioned, in respect of every such offence, to a penalty not exceeding Ten Pounds nor less than Five Pounds, to be sued for and recovered in manner herein-after mentioned; and no person, unless acting under the written authority and as the Agent or Servant of a licensed Broker or Passage Dealer duly qualified at the time to act in that capacity, shall be entitled to recover by legal process from any intending Emigrant, or from any Passage Broker

or other person, any Fee, Commission, or Reward for or in consideration of any service rendered or performed to or for any Passenger or person seeking information or assistance in any way relating to Emigration to North America; and such licensed Passage Broker or Dealer shall exhibit and keep constantly exhibited in some conspicuous place in his office or place of business a correct List containing the Names and Addresses in full of every person for the time being holding such authority from him as aforesaid, and shall at least once in every month transmit a true copy of such List duly signed by him to the Emigration Officer stationed nearest to the place of business of such licensed Passage Broker or Dealer; and in case of any default herein such licensed Passage Broker or Dealer shall be liable on conviction as herein-after mentioned to a penalty not exceeding Five Pounds nor less than Two Pounds for each offence.

L. And be it enacted, That in every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers on any Voyage to which any of the provisions of this Act may for the time being extend, if every such facility for Inspection shall not be afforded as herein-before required, and that if any such "Passenger Ship" shall clear out or proceed on her Voyage before the Master shall have obtained a Certificate as herein-before required that all the requirements of this Act have been complied with, or if before a Clearance be demanded for any Ship, whether a "Passenger Ship" or otherwise, such Lists of Passengers, or if at any time during the Voyage all such additions to the "Masters" Lists, or if such additional or separate Lists, as herein-before required, shall not be duly made, signed, and delivered to the proper Officer, or if any such List or any additions to the same shall not be duly exhibited to or deposited with the proper Officer at any port or place as herein-before required, or if any of such Lists or the additions thereto respectively shall be wilfully false, or if any "Passenger Ship" shall clear out or proceed on her Voyage without having been duly surveyed as herein-before required, or if at any time during the Voyage the Beams on which the Decks are supported in any such "Passenger Ship" shall not form part of her permanent structure, or if the Decks on which Passengers may lawfully be carried shall not be of the thickness and laid or secured in such manner as herein-before required, or if the Height between any Deck on which Passengers may lawfully be carried and the Deck immediately above it shall be less than Six Feet, or if there shall be more than two Tiers of Berths on any one Deck, or if such Berth shall not be securely constructed, or shall not be of such Dimensions as herein-before required, or if there shall not be such an interval between the Deck and the floor of the Berths as herein-before required, or if the Passengers be berthed otherwise than as herein-before required, or if any of the Berths shall be taken down contrary to the requirement in that behalf herein-before contained, or if the Passengers shall not have free Access to or from the Between-decks in the manner herein-before required, or if any "Passenger Ship" carrying as many as One Hundred Passengers shall clear out or proceed on her Voyage without having on board such adequate Ventilating Apparatus as herein-before required, or if there shall not be provided Boats and Life Buoys of such description and number as herein-before required, or if any such "Passenger Ship" shall proceed on her Voyage without being properly manned, or shall have on board as Cargo any articles likely to endanger the Safety of the Ship or the Health or Lives of the Passengers as herein-before mentioned, or if any part of the Cargo shall be carried on Deck, or if in any "Passenger Ship" at any time during the Voyage there shall not be on board, properly stowed away under Hatches for the use and consumption of the Passengers, such Water and Provisions, and of such description, quantity, and quality, as may be required by or under the provisions of this Act, or if such Water and Provisions shall not be issued in the quantities and in manner herein-before re-



quired; or if the Water shall not be carried in such Tanks or Casks as herein-before required, or if there shall not be on board of any Ship carrying as many as One Hundred Passengers at all times during the Voyage such Passengers Cook, and place for Cooking, and Cooking Apparatus as herein-before required; or if any "Passenger Ship" carrying as many as Fifty Persons on any Voyage of which the computed Length shall exceed Twelve Weeks, or on any other Voyage, except to North America, as many as One Hundred persons, or (except as herein-before excepted) on any Voyage to North America as many as One Hundred Passengers, shall clear out or proceed on her Voyage without having on board, or shall not at all times during the Voyage have on board, such Medical Practitioner as herein-before required, or if there shall not be on board of any "Passenger Ship" such Medicines, disinfecting Fluid or Agent, Instruments, and Medical Apparatus, and such printed or written Directions for the use of the same respectively, as may at any time be required by or under the provisions of this Act, or if any "Passenger Ship," except as herein-before provided, shall clear out or proceed on her Voyage before such Medical Inspection of the Medicines and Passengers shall have taken place, and such Certificate of the Medical Inspector shall have been granted as herein-before required, or if any diseased person on board any such "Passenger Ship," or the members of his family, shall not be re-landed as herein-before required, or if any Passenger shall without his previous consent be landed at any place other than the place at which he may have contracted to land, or if any Passenger shall not be allowed to sleep and be maintained on board the Ship after arrival for the period and in manner herein-before provided, or if there shall not be kept on board Copies of this Act, or if One of such Copies shall not be produced on demand, as herein-before required, then and in every such case respectively the Master of every such Ship, or, as the case may be, of every such "Passenger Ship," shall be liable for and in respect of each and every such offence as aforesaid; on such conviction as herein-after mentioned, to the payment of a penalty not exceeding Fifty Pounds Sterling nor less than Five Pounds Sterling.

LI. And whereas certain Forms are from time to time issued by the said Colonial Land and Emigration Commissioners for the use of persons applying to them, or to persons acting under their authority, for passages from the United Kingdom to the British Colonies wholly or partially at the expense of British or Colonial Funds: And whereas it is expedient to afford additional security against false representations in such Forms, and in any Certificate of Marriage, Baptism, or otherwise, adduced in support thereof, and against the forging or fraudulently altering of any Signature or Statement in such Forms or Certificates: Be it therefore enacted, That if any person shall wilfully make any false representation in any such Form or Certificate as aforesaid, or shall forge or fraudulently alter any Signature or Statement in any such Form or Certificate, such person shall be liable for and in respect of each and every such offence, on such conviction as herein-after mentioned, to the payment of a penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

LII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered, with costs, in the manner herein-after mentioned; (that is to say,) in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs or by any other Officer of Her Majesty's Customs authorised in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorised as aforesaid, or by any Officer authorised to sue for Penalties and Forfeitures.

under this Act by Writing under the Hand and Seal of the Governor of any such possession, and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such authority as aforesaid; and that all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation shall and may be sued for and recovered as herein-after mentioned by and for the use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, for and on behalf and to the use of any such Passenger or any number of such Passengers respectively, and either by one or several complaints; and that all such Penalties, Forfeitures, and Sums of Money as aforesaid shall and may be sued for and recovered before any two or more Justices of the Peace acting in any part of Her Majesty's dominions or possessions in which the offence shall have been committed or the cause of complaints shall have arisen, or in which the offender or party complained against shall happen to be; and upon complaint made before any one Justice of the Peace acting as aforesaid, he shall issue a Summons requiring the party offending or complained against to appear on a day and at an hour and place to be named in such Summons; and every such Summons shall be served on the party offending or complained against, or shall be left at his last known place of abode or of business, or on board any Ship to which he may belong; and if such party shall not appear accordingly, then (upon proof of the due service of the Summons by delivering a copy thereof to the party, or by delivering such copy at his last known place of abode or of business, or on board any Ship to which he may belong to the person in charge of any such Ship as aforesaid, and stating the purport thereof to the person in charge of such Ship,) any two of such Justices so acting as aforesaid may either hear and determine the case in the absence of the party, or either of them may issue his Warrant for apprehending and bringing such party before them or any two Justices so acting as aforesaid, or the Justice before whom the charge shall be made, if he shall have reason to suspect from information upon oath that the party is likely to abscond, may issue such Warrant in the first instance without any previous Summons; and either upon the appearance of the party offending or complained against, or in his absence as aforesaid, any two of such Justices so acting as aforesaid may hear and determine the case either with or without any written information; and upon proof of the offence or of the complainant's claim (as the case may be), either by confession of the party offending or complained against, or upon the oath of one or more credible Witness or Witnesses (which oath such Justices are hereby authorised to administer), it shall be lawful for such Justices so acting as aforesaid to convict the offender or adjudicate upon the complaint, and upon every such conviction to order the offender to pay such Penalty or Forfeiture as they may think proper, not exceeding the Penalties and Forfeitures herein-before imposed, and upon every such adjudication to order the party complained against to pay to the party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the complainant justly entitled to, together with, in every such case as aforesaid, the costs of the proceedings; and if the Monies mentioned in such conviction or order be not paid immediately or within the time limited thereby, it shall be lawful for any two of such Justices so acting as aforesaid, by Warrant, to cause the party offending to be committed to Gaol, there to be imprisoned with or without hard labour, according to the discretion of such Justices, for any term not exceeding Three Calendar Months, unless such monies and costs ordered to be paid be sooner paid and satisfied.

LIII. And be it enacted, That all Penalties and Forfeitures mentioned in this Act shall, when recovered, be paid to the party at whose suit the same shall have been recovered, for the use of Her Majesty and Her Successors; and such Penalties and Forfeitures, if recovered in the Colonies, shall

be paid over by the party receiving the same into the Colonial Treasury, and shall form part of the general revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the party at whose suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the party at whose suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties and Forfeitures as may be recovered in the United Kingdom shall be appropriated to such purposes and in such manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any three or more of them, may from time to time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such penalty or forfeiture at the same time to direct, if they shall think fit, that a part, not exceeding one moiety thereof, be applied to compensate any Passenger for any wrong or damage which he may have sustained by the act or default in respect of which such penalty or forfeiture shall have been imposed.

LIV. And be it enacted, That if in any suit, action, prosecution, or other legal proceeding under this Act any question shall arise whether any Ship was or was not exempted from the provisions of this Act, or any of them, the burden of proving that such Ship was so exempted shall lie on the party claiming the benefit of the exemption, and failing such proof it shall for any such purpose as aforesaid be taken and adjudged that the Ship did come within the provisions of this Act.

LV. And be it enacted, That if in any proceeding before any Justice of the Peace under this Act, or upon any action, suit, or other proceeding whatsoever, against any person for anything done either contrary to or in pursuance of this Act, a question should arise whether any person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *viva voce* Evidence may be given of such fact, and shall be deemed legal and sufficient Evidence.

LVI. And be it enacted, That any Passenger suing, as herein-before is mentioned, for any Sum of Money made recoverable by this Act, as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any proceeding for the recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own use and benefit.

LVII. And be it enacted, That no Plaintiff shall recover in any action against any person for any thing done in pursuance of this Act if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient Sum of Money shall have been paid into Court, with costs, by or on behalf of the Defendant.

LVIII. And be it enacted, That no action or suit shall be commenced against any person for anything done in pursuance of or under the authority of this Act until Ten Days notice has been given thereof in writing to the party or person against whom such action or suit is intended to be brought, nor after Three Calendar Months next after the act committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other place; and the Defendant in such action or suit may plead the General Issue, and give this Act and any special matter in Evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before Ten Days Notice thereof given as aforesaid, or if any action or suit shall not be commenced within the time herein-before limited, or

shall be brought or laid in any other place than as aforesaid, then the Jury shall find a verdict for the Defendant therein ; and if a verdict shall be found for such Defendant, or if the Plaintiff in such action or suit shall become nonsuited, or suffer a discontinuance of such action, or if upon any demurrer in such action judgment shall be given for the Defendant thereon, then and in any of the cases aforesaid such Defendant shall and may recover full costs of suit as between Solicitor and Client, and shall have such remedy for recovering the same as any Defendant may have for his costs in any other case by law.

**LIX.** And be it enacted, That every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry in Scotland shall, within his own County or Stewartry, have such and the like powers and privileges and be entitled to exercise such and the like jurisdiction under this Act as any Justice or two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the provisions of this Act ; and all acts, matters, and things competent to be done under the provisions of this Act by or before any Justice or two Justices, or Justices at Petty Sessions, or otherwise, may be done in Scotland by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry, and, unless where otherwise specially provided, it shall not be necessary in any proceedings under this Act before such Sheriff or Steward or Sheriff Substitute or Steward Substitute to follow or observe the Forms prescribed by this Act in the case of proceedings before any Justice or Justices, or Justices at Petty Sessions, but all such proceedings before such Sheriff or Steward or Sheriff Substitute or Steward Substitute may be conducted in the same way and manner as any summary proceedings before any Sheriff or Steward Court in Scotland may be lawfully conducted at the time of the passing of this Act, or at the date of such proceedings ; and every deliverance, judgment, sentence, and conviction of any Sheriff or Steward or Sheriff Substitute or Steward Substitute under this Act shall be final, and not subject to any review whatever.

**LX.** And whereas it is expedient to provide in certain cases for the Carriage of Passengers by sea from Her Majesty's possessions abroad : Be it therefore enacted, That for the purposes of this Act, the term " Colonial Voyage " shall signify any Voyage from any port or place within any of such possessions (except the Territories under the Government of the East India Company) to any other port or place whatever, of which the duration, computed as herein-after mentioned, shall exceed Three Days.

**LXI.** And be it enacted, That, except as herein-after excepted, the provisions of this Act shall apply, so far as the same are applicable, to all Ships carrying Passengers on any such " Colonial Voyage : " Provided always, that as to Ships carrying Passengers on any " Colonial Voyage, " the provisions of this Act shall not extend or apply so far as they relate exclusively to passages from the United Kingdom to North America, and so far as they relate to the following matters ; (namely,)

The giving of a Bond to Her Majesty :

The keeping on board Copies of the Act, and Abstracts of any Order in Council :

The return of Passage Money and Compensation in case the party cannot be forwarded by the appointed Ship, or in case of Wreck :

The payment of Subsistence Money in case of detention :

Provided also, that as to Ships carrying Passengers on any " Colonial Voyage, " whereof the duration computed in the manner herein-after mentioned shall be less than Three Weeks, in addition to the matters lastly herein-before excepted, the provisions of this Act shall not extend or apply so far as they relate to the following subjects ; (namely,)

The Construction or Thickness of the Decks :

The Berths:

The Height between Decks:

Light and Ventilation:

Manning:

Passengers Cook and Cooking Apparatus:

The Surgeon and Medicine Chest:

The Maintenance of Passengers for Forty-eight Hours after arrival:

Provided also, that in the case of such last-mentioned Voyage, whereof the computed duration is less than Three Weeks, the requirements of this Act respecting the issue of Provisions shall not, except as to the issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

LXII. And be it enacted, That it shall be lawful for the Governor of any of Her Majesty's possessions abroad, by any Proclamation to be by him from time to time issued for that purpose (which shall take effect from the issuing thereof), to declare the rule of computation by which the length of the voyage of any Ship carrying Passengers from such possession to any other place whatsoever shall be computed for the purposes of this Act, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as shall be a full equivalent for the same, and also to declare what Medicines, Medical Instruments, and other matters shall be deemed necessary for the medical treatment of the Passengers during such "Colonial Voyage:" Provided always, that every such Proclamation shall be transmitted by the Governor by whom the same may have been issued to Her Majesty, through one of her Majesty's Principal Secretaries of State, for Her Majesty's confirmation or disallowance: Provided also, that on the production in any other of Her Majesty's possessions abroad of an attested copy of any such Proclamation as aforesaid under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, such attested copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient evidence of the issuing and of the contents of any such Proclamation.

LXIII. And be it enacted, That it shall be lawful for the Governors of any such possessions respectively to authorize such person or persons as they may think fit to make the like survey and examination of "Passenger Ships" sailing from such possessions respectively as is herein-before required to be made by two or more competent surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize any competent person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage" in those cases where a Medical Practitioner would be required by this Act if the Ship were a "Passenger Ship" proceeding from the United Kingdom.

LXIV. Provided always, and be it enacted, That nothing herein-before contained shall apply to any of the territories or places under the Government of the East India Company, or to any of the Governors appointed by the said Company, nor shall anything herein-before contained affect the powers now vested in the Governor General of India in Council to make laws and regulations whereby the provisions of this Act, or such of them as to the said Governor General of India in Council shall seem expedient, shall or may be extended to the territories and places under the Government of the said Company, or for or in respect of which the said Governor General in Council

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has now by Law a power of Legislation, but it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act, or that any part thereof, shall extend and apply to the carriage of Passengers upon any voyage from any ports or places within the territories of the East India Company, to be specified or described in such Act or Acts, to any other places whatsoever, to be also specified or described in such Act or Acts, and also in like manner to authorise the substitution, as respects such Voyages, of other articles of Food and Provisions for those herein-before enumerated, and to declare the rule of computation by which the length of any such Voyage shall be estimated, and to determine the persons or officers who shall be entitled to exercise or perform the powers, functions, or duties herein-before given to or imposed upon the Emigration Officers, and Officers of Customs in the United Kingdom, and to authorise the employment on board any Ship of a Medical Practitioner duly qualified by law to practice as a Physician, Surgeon, or Apothecary within such territories or places as aforesaid; and to declare for the purposes of this Act the space necessary for Passengers in Ships that may clear out from any port or place within the territories or places under the Government of the East India Company, and the Age at which two Children shall be considered equal to one Passenger in Ships that may clear out from any port or place as aforesaid, and also to declare in what manner, and before what authorities, and by what form of proceedings the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within any places or territories under the Government of the East India Company, and to what uses such Penalties shall be applied; and from and after the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said Indian Act or Acts shall be specified: Provided always, that the said Indian Acts shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England to be laid before both Houses of Parliament, as in the case of any other Laws or Regulations which the said Governor General in Council is now by law empowered to make.

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*SCHEDULES to which the foregoing Act refers..*

**SCHEDULE (A.)**

Referred to in the 12th Section of this Act.

**FORM OF PASSENGERS LIST..**

Ship's Name.	Master's Name.	Tons register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclu- sive of Master, Crew, and Cabin Pas- sengers, the Ship can legally carry.	Where Bound.

I hereby certify, that the Provisions actually laden on board this Ship, according to the requirements of the Passengers Act, are sufficient for  
 Passengers, computed according to the Act.

(Signed) \_\_\_\_\_

} *Master.*

Date \_\_\_\_\_

**NAMES AND DESCRIPTIONS OF PASSENGERS.**

Ports of Embarkation.	Names of Passengers.	Adults.		Children be- tween 14 and 1.		Number of In- fants under 12 months.	Profession, occu- pation, or call- ing of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.
		Age.		Age.					
		M.	F.	M.	F.				

**SUMMARY.**

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults .....					
Children between 14 and 1.....					
Infants .....					
<b>Total</b> .....					

We hereby certify, that the above is a correct List of the Names and Descriptions of all the Pas-  
 sengers who embarked at the Port of \_\_\_\_\_

(Signed)

\_\_\_\_\_ *Master.*

(Countersigned)

\_\_\_\_\_ *Officer of Customs.*

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the requirements of the Act.

SCHEDULE (B.)

Referred to in the 43d Section of this Act.

FORM of BOND to be given by OWNER of CHARTERER and MASTER.

KNOW all Men by these Presents, that we

are held and firmly bound unto our Sovereign by the Grace of God  
of the United Kingdom of Great Britain and Ireland Defender of the Faith, in  
the Sum of One Thousand Pounds of good and lawful Money of Great Britain, to be paid to  
our said the Heirs and Successors; to which payment, well and  
truly to be made, we bind ourselves and every of us, jointly and severally, for and in the  
whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Pre-  
sents. Sealed with our Seals. Dated this day of in the year of the  
Reign of said Majesty, and in the year of our Lord One Thousand Eight Hundred and

WHEREAS by an Act passed in the year of the Reign of Her Majesty Queen Victoria,  
intituled "An Act for regulating the Carriage of Passengers in Merchant Vessels," it is amongst other  
things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which  
the provisions of the said Act shall extend, the Owner or Charterer, or, in the absence of such Owner  
or Charterer, one good and sufficient person on his behalf, to be approved by the Chief Officer of Cus-  
toms at the port of Clearance, shall with the Master of the said Ship enter into a Bond to  
Majesty, Heirs and Successors, in the Sum of One Thousand Pounds.

Now the Condition of this Obligation is such, that if the Ship whereof  
is Master, bound to is in all respects Sea-worthy,\* [and if the said Ship shall call at  
the port of and there shall be shipped on board at such port pure Water for the use of  
the Passengers, sufficient in quantity to afford an allowance of Three Quarts daily to each Passenger  
for the period of Weeks on the Voyage from such port to the final port or place of Discharge of  
such Vessel,] and if all and every the requirements of the said Act, and of the Colonial Land and Emi-  
gration Commissioners acting in the manner prescribed by the said Act, and of any Order in Council  
passed in virtue of the said Act, shall in all respects be well and truly performed, and if, moreover, all  
Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in res-  
pect of the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly  
paid, then this Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above bounden in the presence of †

N.B.—This Bond is exempt from Stamp Duty.

\* The Clause within brackets is to be inserted only when the Ship is to call at an intermediate port to take in Water, as provided by s. 23, of the Act. † Insert Names and Addresses in full of the Witnesses.



## SCHEDULE (C.)

Referred to in the 44th Section of this Act.

**FORM OF PASSAGE BROKERS BOND, with Two Sureties to be approved by the Emigration officer at the nearest Port.**

**KNOW** all Men by these Presents, That we, *A.B.\** of *C.D.* of, &c.  
and *D.E.* of, &c. are held and firmly bound unto our Sovereign  
by the Grace of God of the United Kingdom of Great Britain and Ireland Defender  
of the Faith, in the Sum of Two Hundred Pounds of good and lawful Money of Great Bri-  
tain, to be paid to our said the Heirs and Successors; to which Payment, well  
and truly to be made, we bind ourselves, and every of us, jointly and severally, for and in  
the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these  
Presents. Sealed with our Seals. Dated this Day of in the Year of the  
Reign of said Majesty, and in the Year of our Lord One Thousand eight hundred and

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the carriage of Passengers in Merchant Vessels," it is amongst other things enacted, That it shall not be lawful for any person to carry on the business of a Passage Broker or Passage Dealer in respect of passages from the United Kingdom to North America, or to sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any Ship, whether a "Passenger Ship," or otherwise, proceeding from the United Kingdom to North America, unless such Person, and Two good and sufficient sureties, to be approved by the Emigration Officer at the Port nearest the place of business of such person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the sum of Two hundred Pounds Sterling.

Now the condition of this obligation is such, that if the above-bounden *A.B.* shall well and truly observe and comply with all the requirements of the said recited Act, so far as the same relate to Passage Brokers and Passage Dealers, and further shall well and truly pay all fines, forfeitures and penalties, and also all sums of money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any passenger, or on his account, and also all Costs which the above-bounden *A.B.* may at any time be adjudged to pay under or by virtue of any of the provisions of the said recited Act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the Presence of †

N.B.—This Bond is to be executed in Duplicate, but is exempt from Stamp Duty. One part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other part with the Chief Officer of Customs at the port of clearance.

\*Insert Christian and Surnames in full, with Occupations and Address of each of the parties.  
†Insert the Names and Addresses in full of the Witnesses.

SCHEDULE (D.)

Referred to in the 45th Section of this Act.

FORM of PASSAGE BROKER'S LICENCE.

*A.B.\** of \_\_\_\_\_ in the \_\_\_\_\_ having shown to the satisfaction of us, the undersigned Justices of the Peace in Petty Sessions assembled, that he hath duly given Bond to \_\_\_\_\_ Majesty, as by the Passengers Act required, and also given Fourteen Days previous notice to the Colonial Land and Emigration Commissioners of his intention to make application for a Licence to carry on the business of a Passage Broker or Passage Dealer in respect of Passages to North America, we, the undersigned Justices so assembled as aforesaid, having had no sufficient cause shown to us, and seeing of ourselves no valid reason why the said *A.B.* should not receive such Licence, do hereby license and authorize the said *A.B.* to carry on the business of a Passage Broker or Passage Dealer as aforesaid until the end of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.*, as in the Passengers Act is provided.

Given under our respective Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(L.S.)  
Justice of the Peace.

\_\_\_\_\_  
(L.S.)  
Justice of the Peace.

\*The Christian and Surnames in full, with the Address and Trade or Occupation of the party applying for the Licence, must be correctly inserted.

SCHEDULE (E.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we, the undersigned <sup>\*</sup>Justices of the Peace assembled in Petty Sessions for \_\_\_\_\_ did on the \_\_\_\_\_ Day of \_\_\_\_\_ license *A.B.* of\* \_\_\_\_\_ to carry on the business of a Passage Broker or Passage Dealer in respect of Passages to North America.

Signatures \_\_\_\_\_ J.P.

\_\_\_\_\_ J.P.

Date \_\_\_\_\_

To the Colonial Land and Emigration }  
Commissioners, London. }

\*Insert the Christian and Surnames in full, with the Address and Occupation of the party.

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 SCHEDULE (F.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, by any Applicant for a Passage Broker's License.

Gentlemen,

I, *A. B.*,\* of \_\_\_\_\_ in \_\_\_\_\_ do hereby give you Notice, that it is my intention to apply, after the expiration of Fourteen clear days from the putting of this Notice into the post, to the Justices to be assembled in Petty Sessions to be held † \_\_\_\_\_ for a License to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America.

*Signature* \_\_\_\_\_

*Date* \_\_\_\_\_

*To Her Majesty's Colonial Land  
and Emigration Commissioners, London.* }

\* The Christian Names and Surname in full, with the Address and Trade or Occupation of the party applying for a License, must be here correctly inserted.

† The place or district in which the party giving the Notice has his place of Business.

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 SCHEDULE (G.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners of Forfeiture of a License.

Gentlemen,

This is to give you Notice, that the License granted on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ to *A. B.* \* of \_\_\_\_\_ in \_\_\_\_\_ to act as a Passage Broker or Passage Dealer, was on the \_\_\_\_\_ day of \_\_\_\_\_ now last past duly declared by us, the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited. †

*Signatures* \_\_\_\_\_ *J.P.*

\_\_\_\_\_ *J.P.*

*Date* \_\_\_\_\_

*To the Colonial Land and Emigration  
Commissioners, London.* }

\* The Christian and Surnames in full, with the Address and Trade or Occupation of the party, to be here inserted.

† Here state generally the reason of Forfeiture.

SCHEDULE (H.)

Referred to in the 47th Section of this Act.

PASSENGERS CONTRACT TICKET.

These Directions and the "Notices to Passengers" below form part of and must appear on each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to North America.
2. All the blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the party issuing the same.
3. The day of the Month on which the Ship is to sail must be inserted in words and not in figures.
4. When once issued this Ticket must not be withdrawn from the Passenger, nor any alteration or erasure made in it.

Ship \_\_\_\_\_ of \_\_\_\_\_ Tons Register Burden, to sail from \_\_\_\_\_ for \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

This part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the port of Embarkation (or if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it.

CONTRACT TICKET:  
Ship \_\_\_\_\_ to sail from \_\_\_\_\_  
for \_\_\_\_\_ on the \_\_\_\_\_  
day of \_\_\_\_\_ 18 \_\_\_\_\_.

NAMES.	

\_\_\_\_\_ Souls, equal to \_\_\_\_\_ Statute Adults.

Passage Money, including all Charges . . . . £ \_\_\_\_\_

To be signed by the party issuing the Ticket.

\* Insert Number of Souls and of Statute Adults.

Names.	Ages.	Equal to Statute Adults.

I engage that the parties herein named shall be provided with a Steerage Passage to the Port of \_\_\_\_\_ in the Ship \_\_\_\_\_ with not less than Ten Cubic Feet for Luggage for each Statute Adult, for the Sum of £ \_\_\_\_\_, including Government Dues before embarkation, and Head Money, if any, at the place of landing, and every other charge; and I hereby acknowledge to have received the sum of £ \_\_\_\_\_ in (full / part) payment.

In addition to any Provisions which the Passengers may themselves bring, the following quantities, at least, of Water and Provisions will be supplied to each Passenger by the Master of the Ship, as required by Law, and also Fires and suitable places for Cooking:—  
3 Quarts of Water daily.

- Per Week.
- 2½ lbs. of Bread or Biscuit, not inferior in quality to Navy Biscuit.
  - 1 lb. of Wheaten Flour.
  - 5 lbs. of Oatmeal.\*
  - 2 lbs. of Rice.\*
  - ½ lb. of Sugar.
  - ½ lb. of Molasses.
  - 2 oz. of Tea.

\* 5 lbs. of good Potatoes may, at the option of the Master of the Ship, be substituted for 1 lb. of Oatmeal or Rice, and in Ships sailing from Liverpool, or from Irish or Scotch ports, Oatmeal may be substituted in equal quantities for the whole or any part of the issues of Rice.

[N.B.—If Mess Utensils and Bedding are to be provided by the Ship, the stipulation must be inserted here.]

Signature \_\_\_\_\_  
Date \_\_\_\_\_

[If signed by a Broker or Agent, state on whose behalf.]

Deposit £ \_\_\_\_\_  
Balance £ \_\_\_\_\_ to be paid at \_\_\_\_\_  
Total £ \_\_\_\_\_

NOTICES TO PASSENGERS.

1. If the Ship do not proceed to Sea on the day specified above, Passengers, if ready to go on board and proceed in the Vessel, are entitled to Subsistence Money at the rate of One Shilling a day per Statute Adult (each person over Fourteen or two Children between One and Fourteen Years of age being reckoned as a Statute Adult) for each day of delay until the actual clearing out and final Departure of the Ship; but if the Passengers are lodged and maintained in any Establishment under the Superintendence of the Colonial Land and Emigration Commissioners, the Shilling a day is payable to the Emigration Officer at the port of Embarkation. In either case the Money may be recovered by summary Process before two Magistrates. If, however, the delay arises from unavoidable detention by Wind or Weather, and if the Passengers be maintained on board in the same manner as if the Voyage had commenced, no Subsistence Money is payable.
2. If Passengers fail to obtain a Passage in the Ship according to their Contract, either from her having sailed before the appointed time, or from there being no room in her, or through any default of the Owner, Charterer, or Master, and are not within Forty-eight hours provided with a Passage in some other equally eligible Ship to the same Port, then they are entitled to a return of their Passage Money, and to such Compensation, not exceeding £10, as the Justices may award.
3. Passengers should not rely only on the Provisions which the Master of the Ship is bound to issue to them, but should take an extra supply with them.
4. Passengers should carefully keep this part of their Contract Ticket till after the end of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

## APPENDIX, No. 11.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Act of the Imperial Parliament to amend the Laws now in force for the encouragement of British Shipping and Navigation.*

[COPY.]

CIRCULAR.

*Downing-Street, 14th August, 1849.*

SIR,—

I transmit herewith for your information and guidance, Copies of an Act passed in the last Session of the Imperial Parliament, entitled “An Act to Amend the Laws in force for the encouragement of British Shipping and Navigation.”

I have much satisfaction in forwarding to you this Act of Parliament, which I trust will prove of great benefit to the British Colonies, by relieving their trade from onerous restrictions to which it has hitherto been subjected.

I have, &c.,

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.



ANNO DUODECIMO AND DECIMO TERTIO, VICTORIA REGINÆ.

CAP. XXIX.

*AN ACT to amend the Laws in force for the Encouragement of British Shipping and Navigation.*

[26th June, 1849.]

**W**HEREAS it is expedient to amend the Laws now in force for the encouragement of British Shipping and Navigation: Be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the First Day of January, One Thousand eight hundred and fifty, the following Acts and parts of Acts shall be repealed; (that is to say), a certain Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled “An Act for the encouragement of British Shipping and Navigation;” and so much of a certain other Act passed in the said Session of

Parliament, intituled "An Act for the registering of British Vessels," as limits the privileges of Vessels registered at Malta, Gibraltar, and Heligoland; and so much thereof as provides that no Ship or Vessel shall be registered, except such as are wholly of the build of some part of the British dominions; and so much as relates to the disqualification of Ships repaired in a Foreign Country; and so much as prevents British Ships which have been captured by or sold to Foreigners from becoming entitled to be again registered as British in case the same again become the property of British subjects; and so much of a certain other Act passed in the said Session of Parliament, intituled "An Act to regulate the Trade of British possessions abroad," as provides that no Goods shall be imported into or exported from any of the British possessions in America by sea from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports denominated Free Ports; and so much thereof as provides for the limitation of the privileges allowed to Foreign Ships by the law of Navigation in respect of importations into the British Possessions in Asia, Africa, or America; and so much thereof as provides that no Vessel or Boat shall be admitted to be a British Vessel or Boat on any of the Inland Waters or Lakes of America, except such as shall have been built at some place within the British Dominions, and shall not have been repaired at any Foreign place to a greater extent than in the said Act is mentioned; and so much of a certain other Act passed in the said Session of Parliament, intituled "An Act for the general Regulation of the Customs," as prohibits the importation of Train Oil, Blubber, Spermaceti Oil, Head-matter, Skins, Bones, and Fins, the produce of fish or creatures living in the sea, unless in Vessels which shall have been cleared out regularly with such Oil, Blubber, or other produce on board from some Foreign port; and so much thereof as prohibits the importation of Tea, unless from the Cape of Good Hope, or from places eastward of the same to the Straits of Magellan; and so much of a certain Act passed in the Session of Parliament holden in the Seventh and Eighth years of the Reign of Her present Majesty, intituled "An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen," as provides that the Master or Owner of every Ship belonging to any subject of Her Majesty, and of the Burden of Eighty Tons or upwards, (except Pleasure Yachts,) shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the seas, one Apprentice or more in a certain proportion to the number of Tons of his Ship's admeasurement, and if any such Master or Owner shall neglect to have on board his Ship the number of Apprentices thereby required, together with their respective registered Indentures, Assignments, and Register Tickets, he shall forfeit and pay the sum of Ten Pounds in respect of each Apprentice, Indenture, Assignment, or Register Ticket so wanting or deficient; also an Act passed in the Thirty-seventh year of the reign of King George the Third, intituled "An Act for regulating the Trade to be carried on with the British Possessions in India by the Ships of nations in amity with His Majesty;" and so much of a certain Act passed in the Session of Parliament holden in the Fourth year of the reign of King George the Fourth, intituled "An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the limits of the Charter of the East India Company, and to make further provision with respect to such Trade and to amend an Act of the present Session of Parliament for the registering of Vessels, so far as it relates to Vessels registered in India," as enacts that no Asiatic Sailors, Lascars, or Natives of any of the territories, countries, islands, or places within the limits of the Charter of the East India Company, shall at any time be deemed or taken to be British Seamen within the intent and meaning of any Act or Acts of Parliament relating to the navigation of British Ships by subjects of Her Majesty; and also the following Acts and parts of Acts: so much of a certain Act passed in the Fourth

year of the reign of King George the Fourth, intituled "An Act to authorise His Majesty, under certain circumstances, to regulate the duties and drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage, as relates to the regulation of duties and drawbacks; also an Act passed in the Fifth year of the reign of King George the Fourth, intituled An Act to indemnify all persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the Tonnage Duties on certain Foreign Vessels, and to amend an Act of the last Session of Parliament for authorising His Majesty, under certain circumstances, to regulate the duties and drawbacks on Goods imported or exported in any Foreign Vessels;" also so much of an Act passed in the Session of Parliament holden in the Eighth and Ninth years of the reign of Her present Majesty, intituled "An Act for granting Duties of Customs," as empowers Her Majesty in Council in certain cases to direct that additional Duties shall be levied on articles the growth, produce, or manufacture of Foreign countries, or upon Goods imported in the Ships of Foreign countries, or to prohibit the importation of manufactured articles the produce of Foreign countries; also so much of an Act passed in the Session of Parliament holden in the Fifth and Sixth years of the reign of Her present Majesty, intituled "An Act to amend the Laws for the importation of Corn," as enables Her Majesty under certain circumstances, to prohibit the importation of corn, grain, meal, or flour, from the dominions of certain Foreign powers; and the said several Acts and parts of Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any part of such Act or Acts, and except so far as relates to any Penalty or Forfeiture which shall have been incurred under the said Act or Acts hereby repealed or any of them, or to any offence which shall have been committed contrary to such Act or Acts or any of them.

II.—And be it enacted, That no Goods or Passengers shall be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British Ships.

III.—And be it enacted, That no Goods or Passengers shall be imported into the United Kingdom from any of the islands of Guernsey, Jersey, Alderney, or Sark, nor shall any Goods or Passengers be exported from the United Kingdom to any of the said islands, nor shall any Goods or Passengers be carried from any of the islands of Guernsey, Jersey, Alderney, Sark, or Man, to any other of the said islands, nor from one part of any of the said islands to another part of the same island, except in British Ships.

IV.—And be it enacted, That no Goods or Passengers shall be carried from one part of any British possession in Asia, Africa, or America, to another part of the same possession, except in British Ships.

V.—Provided always, and be it enacted, That if the Legislature or proper legislative authority of any such British Possession shall present an Address to Her Majesty, praying Her Majesty to authorise or permit the conveyance of Goods or Passengers from one part of such possession to another part thereof in other than British Ships, or if the Legislatures of any two or more possessions, which for the purposes of this Act Her Majesty in Council shall declare to be neighbouring possessions, shall present Addresses or a joint Address to Her Majesty, praying Her Majesty to place the Trade between them on the footing of a Coasting Trade, or of otherwise regulating the same, so far as relates to the Vessels in which it is to be carried on, it shall thereupon be lawful for Her Majesty, by Order in Coun-

vil, so to authorise the conveyance of such Goods or Passengers, or so to regulate the Trade between such neighbouring possessions, as the case may be, in such terms and under such conditions, in either case, as to Her Majesty may seem good.

VI.—And with regard to the Coasting Trade of India, be it enacted, That it shall be lawful for the Governor General of India in Council to make any regulations authorising or permitting the conveyance of Goods or Passengers from one part of the possessions of the East India Company to another part thereof in other than British Ships, subject to such restrictions or regulations as he may think necessary; and such regulations shall be of equal force and effect with any laws and Regulations which the said Governor General in Council is now or may hereafter be authorised to make, and shall be subject to disallowance and repeal in like manner as any other laws or regulations made by the said Governor General in Council under the laws from time to time in force for the Government of the British territories in India, and shall be transmitted to England, and be laid before both Houses of Parliament, in the same manner as any other laws or regulations which the Governor General in Council is now or may hereafter be empowered to make.

VII.—And be it enacted, That no Ship shall be admitted to be a British Ship unless duly registered and navigated as such; and that every British-registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the use of such Ship,) shall be navigated during the whole of every Voyage (whether with a cargo or in ballast) in every part of the world by a Master who is a British subject, and by a Crew whereof three-fourths at least are British seamen; and if such Ship be employed in a Coasting Voyage from one part of the United Kingdom to another, or in a Voyage between the United Kingdom and the Islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or any of the said Islands, then the whole of the Crew shall be British Seamen: Provided always, that if a due proportion of British Seamen cannot be procured in any Foreign port, or in any place within the limits of the East India Company's Charter, for the navigation of any British Ship, or if such proportion be destroyed during the Voyage by any unavoidable circumstance, and the Master of such Ship make proof of the truth of such facts to the satisfaction of the Collector and Controller of the Customs at any British port, or of any person authorised in any other part of the world to inquire into the navigation of such Ship, the same shall be deemed to be duly navigated: Provided also, that every British Ship (except such as are required to be wholly navigated by British Seamen) which shall be navigated by one British Seaman for every Twenty Tons of the burthen of such Ship shall be deemed to be duly navigated, although the number of other Seamen shall exceed one-fourth of the whole Crew.

VIII.—And be it enacted, That no person shall be deemed to be a British Seaman, or to be duly qualified to be a Master of a British Vessel, except persons of one of the following classes; (that is to say,) natural-born subjects of Her Majesty; persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper Legislative authority of one of the British possessions, or made Denizens by Letters of Denization; persons who have become British subjects by virtue of the conquest or cession of some newly-acquired country, and who have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the treaty or capitulation by which such newly-acquired country came into Her Majesty's possession; Asiatic Sailors or Lascars, being natives of any of the territories, countries, islands, or places within the limits of the Charter of the



East India Company, and under the Government of Her Majesty or of the said Company; and persons who have served on board any of Her Majesty's Ships of War in time of war, for the space of Three Years.

IX. And be it enacted, That if Her Majesty shall at any time by her Royal Proclamation declare that the proportion of British Seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British Ship navigated with the proportion of British Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

X. And be it enacted, That in case it shall be made to appear to Her Majesty that British Vessels are subject in any Foreign Country to any prohibitions or restrictions as to the Voyages in which they may engage, or as to the articles which they may import into or export from such country, it shall be lawful for Her Majesty (if she think fit), by order in Council, to impose such prohibitions or restrictions upon the Ships of such Foreign Country, either as to the Voyages in which they may engage, or as to the articles which they may import into or export from any part of the United Kingdom or of any British possession in any part of the world, as Her Majesty may think fit, so as to place the Ships of such country on as nearly as possible the same footing in British ports as that on which British ships are placed in the ports of such country.

XI. And be it enacted, That in case it shall be made to appear to Her Majesty that British ships are either directly or indirectly subject in any Foreign Country to any duties or charges of any sort or kind whatsoever from which the national vessels of such country are exempt, or that any duties are imposed upon articles imported or exported in British ships which are not equally imposed upon the like articles imported or exported in national Vessels, or that any preference whatsoever is shown either directly or indirectly to national Vessels over British Vessels, or to articles imported or exported in national Vessels over the like articles imported or exported in British Vessels, or that British trade and navigation is not placed by such country upon as advantageous a footing as the trade and navigation of the most favoured nation, then and in any such case it shall be lawful for Her Majesty (if she think fit), by Order in Council, to impose such duty or duties of tonnage upon the ships of such nation entering into or departing from the ports of the United Kingdom, or of any British possession in any part of the world, or such duty or duties on all Goods, or on any specified classes of Goods, imported or exported in the ships of such nation, as may appear to Her Majesty justly to countervail the disadvantages to which British trade or navigation is so subjected as aforesaid.

XII. And be it enacted, That in every such Order Her Majesty may, if she so think fit, specify what Ships are to be considered as Ships of the country or countries to which such Order applies, and all Ships answering the description contained in such Order, shall be considered to be Ships of such country or countries for the purposes of such Order.

XIII. And be it enacted, That it shall be lawful for Her Majesty from time to time to revoke any Order or Orders in Council made under the authority of this Act.

XIV. And be it enacted, That every such Order in Council as aforesaid shall, within Fourteen days after the issuing thereof, be Twice published in the *London Gazette*, and that a copy thereof shall be laid before both Houses of Parliament within Six weeks after the issuing the same, if Parlia-

ment be then sitting, and if not then within Six weeks after the commencement of the then next Session of Parliament.

XV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise contrary to this Act, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise, shall forfeit the sum of One Hundred Pounds, except where any other penalty is hereby specially imposed.

XVI. And be it enacted, That all penalties and forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like manner and by the same authority as any penalty or forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the said Session of Parliament holden in the Eighth and Ninth Years of Her Present Majesty, intituled An Act for the prevention of Smuggling: and that the Costs of all proceedings under this Act shall be defrayed out of the Consolidated Duties of Customs.

XVII. And be it enacted, That all natural-born subjects of Her Majesty, and all persons made Denizens by Letters of Denization, and all persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper Legislative Authority of any of the British possessions in Asia, Africa, or America, and all persons authorised by or under any such Act or Ordinance to hold Shares in British Shipping, shall, on taking the Oath of Allegiance to Her Majesty, Her Heirs and Successors, be deemed to be duly qualified to be Owners or part Owners of British-registered Vessels, anything in the said recited Act for the registering of British Shipping to the contrary in anywise notwithstanding.

XVIII. And be it enacted, That the following Form of Certificate shall be substituted for the Form of Certificate prescribed by the said Act for the registering of British Shipping:—

This is to certify, That [here insert the names, occupations, and residence of the subscribing Owners], having made and subscribed the Declaration required by Law, and having declared that [he or they], together with [names, occupations, and residence of non-subscribing Owners], is [or are] sole Owner [or Owners] in the proportion specified on the back hereof of the Ship or Vessel called the [ship's name] of [place to which the vessel belongs], which is of the burthen of [number of tons]; and whereof [Master's name] is master, and that the said Ship or Vessel was [when and where built, or condemned as prize, referring to builder's certificate, judge's certificate, or certificate of last registry, then delivered up to be cancelled, or (if the vessel was Foreign built, and the time and place of building not known,) was Foreign, and that he or they did not know the time or place of building], and [name and employment of Surveying Officer] having certified to us that the said Ship or Vessel has [number] Decks and [number] Masts, that her Length from the inner part of the main Stem to the fore part of the Sternpost aloft is [ Feet Tenth], her breadth in Midships is [ Feet Tenth], her depth in Hold at Midships is [ Feet Tenth], that she is [how rigged] rigged with a [standing or running] Bowsprit, is [description of stern] sterned, [carvel or clincher] built, has [whether any or not] gallery, and [kind of head, if any] Head, that the framework and planking [or plating] is [state whether of wood or iron] and that she is [state whether a sailing vessel or a steamer, and

if a steamer, state whether propelled by paddle wheels or screw propellers]; and the said subscribing Owners having consented and agreed to the above description, and having caused sufficient Security to be given as required by Law, the said Ship or Vessel called the [name] has been duly registered at the Port of [name of port]. Certified under our Hands at the Custom-House in the said Port of [name of port], this [date] day of [month] in the year [words at length].

(Signed) \_\_\_\_\_ *Collector.*

(Signed) \_\_\_\_\_ *Comptroller.*

And on the back of such Certificate of Registry there shall be an account of the parts or shares held by each of the Owners mentioned and described in such Certificate, in the form and manner following :—

Names of the several Owners within mentioned.	Number of Sixty-four Shares held by each Owner.
[Name]	Thirty-two.
[Name]	Sixteen.
[Name]	Eight.
[Name]	Eight.

(Signed) \_\_\_\_\_ *Comptroller.*

(Signed) \_\_\_\_\_ *Collector.*

XIX. And be it enacted, That the following Declaration shall be substituted for the Declaration by the said Act directed to be made by the Owner or Owners of any Vessel previous to the Registry thereof:—

“ I, *A.B.*, of [place of residence and occupation] do truly declare, That the Ship or Vessel [name] of [port or place], whereof [master's name] is at present master, being [kind of build, burthen, et coetera, as described in the certificate of the surveying officer] was [when and where built, or if prize or forfeited, capture, and condemnation as such, or (if the vessel be foreign built, and the owner does not know when and where she was built,) that the said vessel is foreign built, and that I do not know the time and place of her building], and that I, the said *A.B.* [and the other owners' names and occupations, if any, and where they respectively reside,] am [or are] sole owner [or owners] of the said Vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto ; and that I, the said *A. B.*, [and the said other owners, if any,] am [or are] truly and bona fide a subject [or subjects] of Great Britain, and that I, the said *A.B.* have not [nor have any of the other owners, to the best of my knowledge and belief,] taken the Oath of Allegiance to any Foreign State whatever [except under the terms of some capitulation, describing the particulars thereof], or that since my taking [or his or their taking] the Oath of Allegiance to [naming the foreign states respectively to which he or any of the said owners shall have taken the same] I have [or he or they hath or have] become a Denizen [or denizens, or naturalized subject or subjects, as the case may be,] of the United Kingdom of Great Britain and Ireland, by Her Majesty's Letters Patent

[or by an Act of Parliament, or by or under or by virtue of an Act or Ordinance of the Legislature of \_\_\_\_\_ or have been authorized by an Act or Ordinance of the Legislature of \_\_\_\_\_ to hold shares in British shipping within the said Colony, and since the passing of such Act or Ordinance I have [or he or they hath or have] taken the Oath of Allegiance to Her Majesty Queen Victoria [naming the times when such letters of denization have been granted respectively, or the year or years in which such Act or Acts of Naturalization, or such Colonial Acts or Ordinances have passed respectively,] and that no Foreigner, directly or indirectly, hath any share or part interest in the said Ship or Vessel :

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate body in the United Kingdom, the following Declaration, in lieu of the Declaration hereinbefore directed, shall be made and subscribed by the Secretary, or other proper officer of such Corporate body ; (that is to say,)

I, *A.B.*, Secretary or Officer of [name of company or corporation], do truly declare, That the Ship or Vessel [name] of [port] whereof (master's name) is at present Master, being (kind of build, burthen, &c., as described in the certificate of the surveying officer), was (when and where built, or, if prize or forfeited, capture and condemnation as such), or (if the vessel be foreign built, and that such secretary or officer does not know when and where built,) that the said Vessel is Foreign built, and that I do not know the time and place of the building, and that the same doth wholly and truly belong to (name the company or corporation.)

XX. And be it enacted, That notwithstanding that by the said recited Act for the registering of British Vessels it is enacted, That in case any Ship, not being duly registered, shall exercise any of the privileges of a British Vessel, the same shall be forfeited, nevertheless all Boats or Vessels under Fifteen Tons burthen, wholly owned and navigated by British subjects, although not registered as British ships, shall be admitted to be British Vessels in all navigation in the rivers and upon the coasts of the United Kingdom, or of the British possessions abroad, and not proceeding over Sea, except within the limits of the respective Colonial Governments within which the managing owners of such Vessels respectively reside ; and that all Boats or Vessels wholly owned and navigated by British subjects, not exceeding the burthen of Thirty Tons, and not having a whole or fixed deck, and being employed solely in fishing on the Banks and Shores of Newfoundland and of the parts adjacent, or on the Banks and Shores of the Provinces of Canada, Nova Scotia, or New Brunswick adjacent to the Gulf of Saint Lawrence, or on the North of Cape Canso, or of the Islands within the same, or in trading Coastwise within the said limits, shall be admitted to be British Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

XXI. And be it enacted, That this Act shall come into operation on the First day of January One Thousand Eight Hundred and Fifty.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

## APPENDIX, No. 12.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, transmitting an Order in Council, conveying Her Majesty's Assent to "An Act to Repeal certain Duties of Customs."*

[COPY.]

(No. 120.)

*Downing-Street, 26th August, 1849.*

SIR,—

An Act passed by the Legislature of Newfoundland in the month of April last, entitled "An Act to repeal certain Duties of Customs," having been submitted to Her Majesty for her assent, I transmit to you herewith an Order of Her Majesty in Council, dated 30th ult., assenting to the said Act, and ordering that such assent shall be proclaimed in her said Island of Newfoundland as soon as may be.

I am, &amp;c.,

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &amp;c., &amp;c.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT,

30th day of July, 1849.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY,  
HIS ROYAL HIGHNESS PRINCE ALBERT,

LORD PRESIDENT,  
LORD PRIVY SEAL,  
LORD STEWARD,  
LORD JOHN RUSSELL,  
LORD PALMERSTON.

SIR J. HOBHOUSE, Bart.  
SIR GEORGE GREY, Bart.  
SIR FRANCIS BARING, Bart.  
MR. CHANCELLOR OF THE EXCHEQUER.

WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth years of the Reign of Her present Majesty, intituled "An Act to enable the Legislatures of certain British Possessions to reduce or repeal certain Duties of Customs," it is enacted, that if and whenever the Legislature or other proper Legislative Authority of any of the British Possessions in America or the Mauritius, make or pass any Act or Ordinance reducing or repealing all or any of the Duties of Customs imposed by a certain Act therein referred to, intituled "An Act to regulate the Trade of the British Possessions abroad upon any articles imported into such Possessions," and if Her Majesty, by and with the advice of Her Privy Council, assent to such Act or Ordinance, such Duties of Customs

shall, upon the proclamation of such assent in the Colony. or at any time thereafter, which may be fixed by such Act or Ordinance, be so reduced or repealed in such Possession, as if such reduction or repeal had been effected by an Act of the Imperial Parliament.

AND WHEREAS an Act has been passed by the Governor, Council and Assembly of the Island of Newfoundland in the month of April, 1849, intituled (No. 71) "An Act to repeal certain Duties of Customs."

AND WHEREAS the said Act has been submitted to Her Majesty for her assent.

Now, therefore, Her Majesty, by and with the advice of her Privy Council, doth hereby assent to the said Act; and doth order, and it is hereby ordered, that such assent shall be proclaimed in the said Island as soon as may be.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(Signed)

W. L. BATHURST.

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A P P E N D I X, No. 13.

DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor, on the subject of "An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandise," &c., and directing that it be brought under the notice of the Colonial Legislature, with a view to the Equalization of certain Duties on British and Foreign Shipping.*

[COPY.]

(No. 123.)

*Downing-Street, 6th September, 1849.*

SIR,—

Her Majesty's Government have had under their consideration the Act passed by the Legislature of Newfoundland during their recent Session, intituled (No. 72) "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its Dependencies."

Although Her Majesty's Government do not consider the rates of Duty levied for Revenue purposes, or the general provisions of this Act, to be objectionable, they cannot give their sanction to those parts of the Table of Duties which provide for a differential distinction in favour of certain articles when imported from British Possessions in the West Indies, of which they are the produce, or

from the United Kingdom. On this subject I transmit for your information and guidance the accompanying copy of a Letter from the Board of Treasury to the Lords of the Committee of Privy Council for Trade, dated 5th October last, explaining the objections entertained to a similar Act which had been passed by the Legislature of New Brunswick. Those objections apply with equal force to the present enactment.

I have not considered it proper to advise the Queen to disallow this Act, because that step would occasion much inconvenience to the Colony; but you will take the first opportunity of bringing the subject under the notice of the Colonial Legislature, with a view to the equalization of these duties on British and Foreign Produce.

I have, &c.,

(Signed)

GREY..

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*Treasury Chambers, 5th October, 1848.*

SIR,—

With reference to your letter, dated 21st June, transmitting for the opinion of this Board three New Brunswick Acts, Nos. 1807, 1811, and 1813; I am commanded by the Lords Commissioners of H. M.'s Treasury to state that my Lords have had the Acts of the Legislature of New Brunswick therein submitted to them, under their consideration; and as regards, in the first place, the Act No. 1813, for "imposing duties for raising a revenue," I am to request that you will observe to the Lords of the Committee of Privy Council for Trade that my Lords conceive that the enhanced rates of duty on Foreign Goods, for which this Act provides, to be entirely at variance with the intentions of Her Majesty's Government or of the Imperial Parliament in authorising the repeal, by Colonial Legislative authority, of the duties heretofore payable under the Imperial Act for regulating the Trade of the British Possessions abroad.

I am also further to state, that although my Lords, taking into consideration the great inconvenience and confusion that would unavoidably result from the immediate disallowance of this New Brunswick Act, abstain from recommending such disallowance, especially as the assent of the Lieutenant-Governor of the Colony would seem to have been accorded under an impression of some ambiguity in the instructions which had been conveyed to the Colony on the subject; they deem it necessary to suggest that the Lieutenant-Governor should be explicitly apprised that he is not to assent to, or permit to come into operation, any local enactment further continuing the differential duties of the Act in question, or making discrimination in any other respect between duties on the produce and manufactures of the United Kingdom or of other British Possessions abroad and those on the produce and manufactures of other countries, without the express approval and authority of Her Majesty's Government.

I am further to observe that if the renewal of the repealed British Possessions Act duties were considered advisable by the Government and Legislature of New Brunswick, it appears to my Lords

that such renewal would be more properly effected by the repeal of the Colonial Act whereby the operation of that part of the Imperial Act has been suspended, than by the imposition of new discriminating duties by Colonial Legislation.

I am to request that you will further acquaint the Lords of the Committee of Privy Council for Trade that my Lords do not consider the provision of the 46th section of the Act No. 1807, "to provide for the collection and protection of the Revenue of the Province," which relates to the distribution of seizures, as constituting any objection to the Act; or that there is any other reason for withholding any requisite confirmation either of that Act or of the Act No. 1811, "for the better prevention of illicit trade."

The original enclosures contained in your letter are herewith returned as requested.

I have, &c.,

(Signed)

C. E. TREVELYAN.

Sir DENIS LEMARCHANT, Bart., &c., &c.

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A P P E N D I X, No. 14.

DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor transmitting an Order in Council leaving certain Acts to their operation.*

[COPY.]

No. 128.

*Downing-Street, 10th October, 1849.*

SIR,—

Five Acts passed by the Legislature of Newfoundland in the months of December, 1848, and April, 1849, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation.

I have the honour to transmit to you herewith an Order of Her Majesty in Council dated the 6th instant, approving that Report.

I have, &c.,

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.



AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT,

6th day of October, 1849.

Present :

<b>THE QUEEN'S MOST EXCELLENT MAJESTY,</b>	
<b>HIS ROYAL HIGHNESS PRINCE ALBERT,</b>	
<b>LORD PRESIDENT,</b>	<b>VISCOUNT PALMERSTON,</b>
<b>EARL OF CARLISLE,</b>	<b>LORD CAMPBELL,</b>
<b>EARL GREY,</b>	<b>SIR GEORGE GREY, Bart.</b>
<b>LORD JOHN RUSSELL.</b>	

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island did, in the months of December, 1848, and April, 1849, pass five Acts which have been transmitted, entitled as follows, viz. :—

- No. 70. An Act to continue an Act passed in the Ninth Year of the Reign of Her present Majesty, entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandise imported into this Colony and its dependencies."
- No. 73. An Act to provide for the Regulation, Management, and Collection of all Duties granted to Her Majesty, Her Heirs, or Successors, on Goods, Wares, and Merchandise imported into this Island and its dependencies.
- No. 75. An Act to continue and amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled "An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same."
- No. 88. An Act to authorize the raising by Loan a further Sum of Money for the Erection of a Colonial Building and Public Market House in the Town of Saint John's.
- No. 89. An Act to raise by Loan a Sum of Money for the general purposes of the Colony.

AND WHEREAS the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation;—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report.—Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, of Her Majesty's Island of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.

## A P P E N D I X, No. 15.

## DESPATCH

*From the Secretary of State for the Colonies to His Excellency the Governor acknowledging the receipt of Addresses to the Queen from the Legislature, on the lamented Death of the late Queen Dowager.*

(COPY.)

No. 146.

*Downing-Street, 9th March, 1850.*

SIR,—

I have the honour to acknowledge the receipt of your Despatch, No. 9, of the 5th ultimo, enclosing an Address to the Queen from the two Branches of the Legislature of Newfoundland, expressive of their regret at the lamented death of Her Majesty the late Queen Dowager.

I have to instruct you to inform the Council and House of Assembly that I have laid these Addresses before the Queen, and that Her Majesty was pleased to receive them very graciously.

I am, Sir, &c.

(Signed)

GREY.

Governor Sir G. LEMARCHANT, &c., &c.

## A P P E N D I X, No. 16.

## REPORT

*Of the Physician of the Provisional Lunatic Asylum.*

THE steady success of the treatment of the insane, upon the principle of non-restraint, during the past two years, at Palk's Farm, has added another proof to those recently given in other countries of the practicability of its application to insanity, even under very adverse circumstances. Yet I conceive it to be not altogether out of place, to give a brief review of the causes which led to the establishment of this temporary retreat, and of its true character; lest the curative measures there adopted may appear to have produced inadequate results, notwithstanding the complete disuse of chains, strait-waistcoats, and every other means of mechanical restraint. For, to the public ear, a Lunatic Asylum at St. John's conveys the idea of an institution adapted in every way to the purpose of caring for and curing those afflicted with the disease of insanity, and not of a temporary abode, where a thousand expedients are resorted to, to supply in some degree the requisites that are always at hand in Asylas of the present day.

I will, therefore, sketch, in a few words—

THE INSTITUTION, PROGRESS AND PRESENT CONDITION OF THE PROVISIONAL LUNATIC ASYLUM,  
DECEMBER 31st, 1849,

Suggested from the same reasons as those which operated in originating the present County and other Asyla in England, viz., the wretched condition and cruel treatment of the insane in hospitals, poor-houses, and private lodgings. Funds for the erection of a suitable building were voted by the Legislature in the Session of 1846; but upon a very careful examination of the subject, made by Mr. Purcell, the architect, on the one hand, and myself on the other, at the instance of the Government, touching the necessary accommodation to be provided for the care and treatment of Lunatics, under the system of non-mechanical restraint, it became obvious that the sum voted (£1500) was insufficient. And having been directed to ascertain what would be an adequate sum, we determined, after patient calculation, that £3000 would be required; upon which the Legislature, at the instance of the Government, with ready benevolence, voted a second sum of £1500 (1847). In the mean time a delay of twelve months had occurred in commencing the projected Asylum.

Upon my appointment (1846) as Physician and Superintendant of the Lunatic Asylum, commencing my duties by directing the organization of plans for the new building, it had repeatedly struck me, that a degree of certainty not otherwise attainable, might be attached to the joint proceedings of Mr. Purcell and myself, and so insure to the Colony full value for the contemplated outlay, if I could have the opportunity afforded to me of comparing the actual state of the buildings, and of the patients therein, of the best Asyla in England, with the plans projected by ourselves for the St. John's Asylum and its future inmates. I therefore proposed to the Government, in 1847, that as the improved system of treating lunatics had been carried out on a very extended scale with great success, since my opportunity of seeing it in the interval between 1832 and 1837, and as the arrangements of the buildings themselves had been also much improved—if the Government would allow me a salary, however small, from the date of my appointment, I would visit the best Asyla in England and France, at my own expense; and so insure the erection in this town of the best kind of Asylum obtainable, upon the best models; thereby preventing the possibility of a large sum being thrown away upon a public building, (useless as to its intended purpose,) which, from the peculiar requirements of an institution affording means for the care of lunatics in a state of comparative liberty, might have so easily occurred.

The Government did me the honour to approve of and adopt my offer, and the reception of my report to the Government upon my return to St. John's, and that of my report of last year, embodying some of my observations at home, by the Government and Legislature, leave me no room to suppose that my exertions were without success.

Corrected in some things and established in others, regarding my views of the system of mechanical non-restraint, in the treatment of the insane, I benefitted by personal observation of the effect of good treatment, and by communication with those excellent physicians who had practised it; and the professional architectural details of the new Asylum I submitted to the examination of the resident architect at Hanwell, requesting him, if necessary, to furnish me with an entirely new plan, irrespective of that of Mr. Purcell and myself, as we had no object in promoting the adoption of an inferior plan, beyond the question of expense, £3000 being our limit. Upon this (although the sum appeared too small to the Hanwell architect) that gentleman undertook to do as I requested, and further, upon the commencement of the building at St. John's, he promised to select and purchase the necessary items,

at the Hanwell contract prices; thereby ensuring the supply of a cheaper and better article through his experience and position, than could be procured in general, and providing against the casualty of a bad or inappropriate material or manufacture being sent out. In constructing his plan, I desired him to provide for the heating of the building by steam or hot air, should its adoption be hereafter deemed advisable. Before leaving Hanwell, as I could not get the plan furnished in time to bring with me, I of course bargained for its price, and with great liberality, Mr. Harris agreed to take £15 sterling instead of £20, which was his charge, upon my representing to him that I was employing him, in some degree, upon my own responsibility.

The plan referred to, in every way satisfactory in itself, awaits the time when the rapidly improving condition of the Colony shall have so far advanced as to justify the Government in erecting the long-projected Lunatic Asylum.

Upon my return from my mission, I was painfully convinced that the Government, from the embarrassed state of the finances of the Colony, had determined that the erection of a Lunatic Asylum should be deferred for a considerable time. But having gone so far into the matter, upon my urgent representations, as the cottage which had served for a fever hospital was still in the hands of the Government, I was instructed by his Excellency to fit up this small building as a temporary retreat for the insane, and to commence their proper treatment, in so far as circumstances would permit. I need not say how cheerfully I set to work to effect a long-cherished object, even situated so differently from what I had hoped and reasonably expected to have been at the commencement of my undertaking. And whatever has been accomplished during the two years occupation of Palk's farm, in carrying out a new system, has been done without additional cost to the Colony; for, as I shewed in my report for 1848, the rent, wages, and all other charges forming the annual expenditure of the Provisional Asylum, did not, even for the first year, amount to so much money as had been incurred annually under the old system in the Hospital. During these two years, my duties have been to instruct the attendants, from day to day, to treat the insane themselves, and to superintend the economy of a constantly increasing household, besides the difficult task of attempting to provide internal and external accommodation, by a sort of daily patchwork, for lunatics in a state of freedom combined with security.

But during the past year (1849) a great increase of the numbers of resident insane patients has taken place, viz., from 23 to 42, being an increase of three-fourths. The increase of expense, however, has been but one-third; including the cost of 10 other patients treated during the year. These 10, making, as appears in the annexed table of cases, a total of 29, for the past year alone, exclusive of the 23 remaining at the close of 1848; numbering, therefore, altogether 52.

To provide accommodation for 19 additional lunatics, some of whom were of violent character, and to provide also additional assistants so that no lunatic need be confined, taxed the resources of the establishment to the utmost, and has inevitably increased the expenditure, though, as shewn above, by no means in an equal relative proportion.

In 1848 it was found that the diet cost 6s.  $9\frac{1}{4}d.$  a week for each person, but at the present date the diet costs 4s.  $9\frac{3}{4}d.$  each per week; the increase of numbers during the past year having enabled me gradually to effect the reduction without curtailing the allowances.

Annexed is the Diet Table.

DIET TABLE—PROVISIONAL LUNATIC ASYLUM.

*Breakfast and Tea*—Bread, Butter, Tea, Milk, Sugar.

<i>Dinner</i>	{	Sunday.....	} Pudding	Meat and Soup	{ Potatoes or Bread.
		Tuesday....			
		Thursday...			
		Monday.....	} Dumplings	Oatmeal porridge.	{ Potatoes or Bread.
		Saturday ...			
		Wednesday.			
		Friday.....			

Articles.	Daily.		Weekly.		For 48 persons.
	Quantity.	Value.	Quantity.	Value.	
Bread.....@ 3d.	41 lbs.....	£ 10 3	299 lbs.....	£ 3 12 6	7 days.
Butter.....@ 9d.	5 lbs. 2 oz. ...	0 3 10 <sup>1</sup> / <sub>8</sub>	36 lbs.....	1 7 0	" "
Tea.....@ 1s. 6d.	1 lb. 3oz. ....	0 1 9 <sup>3</sup> / <sub>8</sub>	8 lbs. 5 oz....	0 12 5 <sup>1</sup> / <sub>8</sub>	" "
Milk.....@ 4d.	8 qrts. ....	0 2 8	56 qrts. ....	0 18 8	" "
Sugar.....@ 4d.	6 lbs. 13 <sup>1</sup> / <sub>2</sub> oz..	0 2 3 <sup>1</sup> / <sub>4</sub>	48 lbs.....	0 16 0	" "
Fresh Meat.....@ 5 <sup>1</sup> / <sub>2</sub> d.	36 lbs.....	0 15 4 <sup>1</sup> / <sub>2</sub>	108 lbs.....	2 6 1 <sup>1</sup> / <sub>2</sub>	3 "
Fish.....@ 11s.	48 lbs.....	0 4 8	96 lbs.....	0 9 4	2 "
Oatmeal.....@ 3d.	24 lbs.....	0 6 0	48 lbs.....	0 12 0	" "
Potatoes.....@ 8s.	40 lbs.....	0 2 0	200 lbs.....	0 10 0	5 "
Flour, Vinegar, Pepper, Mustard, Onions, Turnips, &c. &c. ....	.....	.....	.....	0 7 3	7 "

£11 11 ' 3

Cost of Diet for each, per day 8<sup>1</sup>/<sub>4</sub>d. ; per week, 4s. 9<sup>3</sup>/<sub>4</sub>d.

Weekly cost of Diet for 42 patients, now in the Asylum, £10 2s. 4<sup>1</sup>/<sub>2</sub>.

I am happy to be able to say in this place, that the comforts and care bestowed upon the insane, in the Asylum provided for them, has not been without fruits. The condition of the insane is at length unquestionably much ameliorated in this country, notwithstanding the immense difference between what it now is, and what it might and I hope will ere long, be, in a proper Asylum. The beneficial results produced during the past two years have, in some instances, fairly surprised me, much as I had reasonably expected; and I would fain that all those who feel any interest in the insane, could witness these things and judge for themselves. The amount and kind of care and watchfulness which the insane require, when under treatment, if good results are expected, is, both from physicians and attendants, however, by no means trivial.

As an example of the delicate task of treating the insane I will mention what occurred to me a few days since.

One of my patients, at one time a violent maniac, but latterly more tranquil, having been an inmate two years, to my very great delight spoke to me in a rational manner; said he hoped soon to be well, that he felt a change in him, that he recollected and deplored his past state which it had pleased God to visit upon him, doubtless for wise purposes. That he begged to tell me that when he used to call himself God, and to say that God spoke in and through him, that it was *not so at all*,—only whatever had been the matter with him had caused him to say so, &c., &c. In short, this maniac was

becoming a reasoning man, and, as in so many instances, recollected all that had happened to him; so curiously, that he remarked—Doctor, you came into my room one day, (twelve months previously,) and took one of the potatoes off my plate and ate it; now, Doctor, it is very strange, but the reason I wouldn't eat my dinner that day was because you had touched it, and I could not bear, and *cannot* yet, that any one shall meddle with or touch the victuals that are brought to me. His insanity was not all gone, but a vast change was suddenly apparent. Just at the turn of the tide, as it were, was this man's mind, and a false step on my part might have replunged him into the darkness of insanity. The next day I found him repeating every word I said, as he did formerly in the height of his disease, in a mocking manner, answering nothing to questions; and I was much distressed lest the light of reason had been but a glimmer, preceding imbecility or death, as is sometimes the case. In a few minutes, however, as I became silent, he turned towards me, and said—Doctor, I was repeating everything you said to me just now, as I used to do when I could not help it; something made me do it then, and just at this moment I felt it, but now it is gone. This mocking fit has not returned, and there is every hope of the young man's recovery. I have stated this circumstance of his case to shew an example of a principle which is applicable in various degrees to all cases of insanity, viz., the cure of the disease depends upon a watchful care and instructed observation, not to be obtained without the walls of an Asylum, private or public. What was apparently inevitable, if this mocking fit, the result of departing insanity, had caused irritation and erroneous management on the part of the person having control over this patient? The favourable moment might have been lost for ever.

An Asylum is a place of retreat for the afflicted, and is neither to many people a pleasant place to visit, nor is it fitting at all times that visitors should be encouraged, certainly never when prompted by idle curiosity. But, on the other hand, besides the relatives of the insane, who are always welcome at fitting times, when the patients do not suffer from it, many persons would do well to make occasional visits to an Asylum, if they come as friends. Insanity would thus become better understood in general, and more sensible opinions would be entertained regarding it.

It is with the greatest pain that I have to refer to my report of last year for a true statement of the general condition of the Asylum, as I indulged in the hope that my former representations would produce such an effect as to cause the immediate adoption of measures for the erection of a suitable building; the more so, as the Legislature did me the honour to approve of and print the report. I can only refer, therefore, to my first report on this subject, merely remarking that I have not therein drawn an imaginative picture, but stated facts which may be verified to-day.

It is, however, my duty to petition for a provision being made for the holding of religious services in the Asylum at regular periods. I believe a very moderate annual sum would prove sufficient for the purpose, even so little as £26; so that, alternately, my Asylum friends might each week have the benefit of attending the service of the church to which they severally belong. I have been asked by a lunatic, before the room full, "Doctor, are we all heathens in this place, as I never see any religion at all?" I should be glad of an answer, for I had none to give.

At the same time that I earnestly proffer this petition, I bear willing and grateful testimony to the occasional visits, during the past two years, of the Reverends Mr. Bridge, Mr. Forristal, Mr. Walsh, Mr. Condon, and Mr. Brewster, who have from time to time administered to the spiritual wants of the Asylum inmates, especially to three at the hour of death.

I feel so strongly upon this point that I venture to express the opinion, that for a country to take charge of the bodies of the insane, and to leave their souls unprovided for, is the greatest of moral crimes. Several of the insane at the Asylum are fond of praying, and who shall say their prayers are not acceptable? In an appendix to my report of last year it may be seen that at La Saltpetrière, as well as at Hanwell, Charenton, &c., the insane attend at public religious services, with the greatest decorum and advantage.

It is with sincere gratification that I draw attention to the two worst cases of insanity, reported upon last year.—1st. The case mentioned at page 5 of my former report; Mary ——, &c., admitted December 7, 1847—“A frightful object, in filth and rags, lower limbs contracted, knees touching the chin. She could not support herself in a sitting posture, having been lying so long in one position that she seemed to have no legs at all, they were so closely doubled upon her body. She spent the whole day and night in roaring and cursing, saying she was on fire for her sins, and entreating every bystander to throw her into the sea, as she was unfit to live. The calls of nature were to her as to the brutes. She tore every article of clothing put upon her, refused to be washed, struggled with and struck the attendants, and seemed to be past remedy. She had been five years and a half insane at the time of her admission into the Asylum.” This poor woman has completely recovered, and will this spring return to her friends in an out-harbour. The second case is also mentioned at page 5 of my former report, and from being one of the most distressing cases ever witnessed, her cries disturbing the Asylum night and day, almost incessantly, she has gradually improved, is tolerably intelligent, frequently reads to amuse herself, and is never affected by the dreadful pain in her head which formerly caused her frightful crying fits, and from being an object of horror to the sight, she has become a pleasing looking woman. Of the cases dismissed, convalescent, one from a state of periodical acute mania, the satisfactory intelligence has reached one of the Roman Catholic Clergymen of this town, from Ireland, that the recovery is complete and permanent; and the other two convalescents, one of Conception Bay, and one of St. John's, continue in a sound state of mind.

In providing accommodation for the great increase of our numbers during the past year, and for the general safety under the circumstance of several violent lunatics being added to the former inmates, a linhay, 45 feet in length, has been built at the back of the house occupied by the male patients, and has been divided, by very strong partitions, into seven bed-rooms, thereby enabling me to separate thirteen male patients from the rest at night; and this proportion of single-bedded rooms in an Asylum containing 23 male patients, is the smallest that could be adopted compatible with safety.

A separate bed-room for two male attendants, immediately adjoining that of the patients who sleep together, has been built, and a store-room also for the male wards.

The privies have been enlarged, and pitched wooden drains laid down from them, in consequence of unwholesome and dangerous effluvia having been generated near the old privies, last summer, about the time when the cholera was to be dreaded as a possible visitant. These drains are now so managed that no accumulation in them is possible, with ordinary attention, either in summer or winter.

At the road side a clap-board fence has been put up, 123 feet in length, in consequence of the unceasing annoyance which the female patients were exposed to from the idle, thoughtless and malicious portion of the passers-by. It is indeed to be regretted that the Asylum is so much exposed to

observation from both roads, for to such a height did the insolent curiosity of some evil-disposed persons attain during last summer, that I was obliged to apply to the Government for protection from the police, as the fences were scaled, the attendants defied, and the lunatics excited and made a mock of.

In the female division of the house an additional strong room has been built.

It having been found that the well afforded no water in dry weather, and that much time, at very serious inconvenience, was in consequence occupied in bringing water from the river, &c., I applied to Mr. Minto, engineer of the water company, for the loan of the boring apparatus; and that gentleman having applied for and received permission to lend it, not only did so, but was kind and liberal enough to superintend the tedious operation of boring through the solid rock in the well. The principal part of this labour was performed by alternate parties of the insane. Some blasting with gunpowder, after the boring had been completed, effected the necessary object, and the establishment now possesses an abundant supply of water.

In addition to the work already mentioned, a small field of about three-quarters of an acre has been rented, adjoining the garden, for the double purpose of keeping off the idle by a good fence which has been put up along its outer boundary, and of giving the male patients some employment in cultivating it. The profit upon the field for 1849, as may be seen in the account, is £8 16s., which, added to the value of the fence, viz., £5 18s. 6d., is equal to £14 14s. 6d.; labour being free.

In conclusion, I would observe that the constant encouragement and support which the institution has received, through my hands, from his Excellency the Governor; and the rare appreciation, by the honourable the Colonial Secretary, of the nature and difficulty of making the experimental trial of the non-mechanical restraint system of treating the insane, in so ill-adapted a place as the cottage at Palk's Farm, have been hitherto the foundations of its success, and for which I cannot be sufficiently thankful. But until the Government has it in its power to build an Asylum on the scale provided for the purpose by a wise and benevolent Legislature, I cannot but regard myself, as, indeed, I am also regarded by some of the Asylum inmates, in the light of a gaoler as well as a physician to the insane.

HENRY H. STABB.



## TABLE OF CASES, DECEMBER 31, 1849.

*Shewing the increase in 1849, by three-fourths, of the number of Patients remaining, December 31, 1848 : also the real annual increase of cases of Insanity, sent to the Asylum from the whole Island, and the number of recent cases, compared with the recoveries.*

	Cases.	Remarks.
Remaining from 1848 .....	23	{ Convalescent, about to leave ..... 1 Died ..... 2 Improved ..... 8 Remaining unchanged ..... 12 — 23
<i>Admitted in 1849:</i>		
From the Hospital .....	10	{ 1 bad case, recent. 9 bad cases, old.
From St. John's district .....	4	{ 1 dismissed convalescent, 1 died, } recent.
From Lodgings, (St. John's) .....	2	{ 2 remaining, } old.
From Out-harbours .....	4	{ 1 bad case, 1 convalescent, } old.
Re-admitted ... ..	3	{ 2 congenital cases. recent. 2 nearly convalescent, } old.
Admitted under observation (insanity ) doubtful) .....	2	{ Relapsed cases, having left, improved, in } old. 1848. { Probably cases of sudden impulsive insanity, (manie sans delire); dismissed.
Dismissed .....	3	{ 1 death from consumption. 1 " " paralysis. 1 " " dropsy..
Died ... ..	3	
	48	
Remaining .....	42	

*Sent direct to the Asylum, 1849 :*

Recent cases. (A probable average for future years.)		Old cases:	
From St. John's district .....	4	From St. John's district .....	4
Ditto Out-harbours .....	2	Relapsed cases ... ..	3
	6	From Out-harbours ... ..	2
Dismissed, convalescent .....	1		9
Nearly recovered ... ..	2	Convalescent, about to leave .....	1
Died .....	1	Remaining .....	8
Remaining .....	2		9
	6		

## TOTAL.

Remaining from 1848 ... ..	23	Dismissed ... ..	*7
Admitted in 1849 ... ..	*29	Died ... ..	3
	52	Remaining .....	42
			52

\* Four of these were allowed to leave with their relatives for longer or shorter periods, and were re-admitted within the year.



1849.	Brought forward	...	...	...	...	£423 7 3
Mar. 31.	Firewood	...	...	...	...	£6 0 0
June 30.	"	...	...	...	...	3 8 11
Dec. 31.	"	...	...	...	...	8 5 0
						<u>17 13 11</u>
Mar. 31.	Flour	...	...	...	...	1 17 0
June 30.	"	...	...	...	...	1 13 9
Dec. 31.	"	...	...	...	...	6 6 0
						<u>9 16 9</u>
	Furniture	...	...	...	...	8 3 0
	Feathers	...	...	...	...	1 2 4
	Grave-digger	...	...	...	...	0 5 0
Mar. 30.	Ironmongery	..	..	..	..	6 1 8
June 30.	"	..	..	..	..	6 15 0
Dec. 31.	"	..	..	..	..	10 12 2
						<u>23 8 10</u>
Mar. 31.	Iron-work	..	..	..	..	5 15 4
June 30.	"	..	..	..	..	0 0 0
Dec. 31.	"	..	..	..	..	1 6 6
						<u>7 1 10</u>
	Indian Rubber Blanket, Pillow, &c.	...	...	...	...	.. 1 17 0
	Lime, Whiting	...	...	...	...	.. 1 12 10
Mar. 31.	Lumber, Shingles, &c.	...	...	...	...	£5 5 11
June 30.	"	...	...	...	...	4 6 1
Dec. 31.	"	...	...	...	...	17 9 5
						<u>27 1 5</u>
Mar. 31.	Meat	...	...	...	...	23 5 10
June 30.	"	...	...	...	...	27 2 11 $\frac{1}{4}$
Dec. 31.	"	...	...	...	...	75 9 11
						<u>125 18 8<math>\frac{1}{4}</math></u>
Mar. 31.	Milk	...	...	...	...	8 2 8
June 30.	"	...	...	...	...	9 2 0
Dec. 31.	"	...	...	...	...	21 19 8
						<u>39 4 4</u>
	Medicines	...	...	...	...	6 14 11
	Masonwork and Bricks	...	...	...	...	2 2 6
Mar. 31.	Onions and Turnips	...	...	...	...	1 12 0
June 30.	"	...	...	...	...	12 0
Dec. 31.	"	...	...	...	...	1 0 0
						<u>3 4 0</u>
Mar. 31.	Potatoes	...	...	...	...	3 9 6
June 30.	"	...	...	...	...	0 0 0
Dec. 31.	"	...	...	...	...	17 10 0
						<u>20 19 6</u>
	Pens, Ink, Stationery	...	...	...	...	3 0 6
	Carried forward	..	..	..	..	<u>£722 14 7<math>\frac{1}{4}</math></u>

1849.	Brought forward					£722 14 7 $\frac{1}{4}$
Mar. 31. Rice and Oatmeal	...	...	...	...	£3 2 6	
June 30. " "	...	...	...	...	3 7 0	
Dec. 31. " "	...	...	...	...	8 12 6	
						15 2 0
Mar. 31. Raisins and Currants	...	...	...	...	0 14 0	
June 30. " "	...	...	...	...	1 8 0	
Dec. 31. " "	...	...	...	...	2 7 0	
						4 9 0
Rent	...	...	...	...	...	45 0 0
Mar. 31. Sugar and Molasses	...	...	...	...	8 14 0	
June 30. " "	...	...	...	...	9 0 6	
Dec. 31. " "	...	...	...	...	22 7 2	
						40 1 8
Mar. 31. Soap	..	..	..	..	1 13 6	
June 30. " "	..	..	..	..	1 3 0	
Dec. 31. " "	..	..	..	..	5 12 4	
						8 8 10
Sundries in accts. Nos.	{			}		
	Mar.	June	Dec.			
	8	1	1	11		
	12	4	2	12		
	13	5	3	15		
	14	7	4	17		
			9	19	0 0 0	18 14 6 $\frac{1}{4}$
			10	21		
Stove-	...	...	...	...	...	2 7 6
Straw	...	...	...	...	...	2 12 9
Mar. 31. Tea	...	...	...	...	6 11 5	
June 30. " "	...	...	...	...	13 9 2	
Dec. 31. " "	...	...	...	...	20 5 4	
						40 5 11
Tinman	...	...	...	...	...	0 18 8
Vinegar, Salt, Pepper, &c.	...	...	...	...	...	1 12 8 $\frac{1}{2}$
Wine, Brandy, Tobacco, Snuff	...	...	...	...	...	3 0 0
Wages	...	...	...	...	...	99 10 0
Well, sinking of	...	...	...	...	...	4 10 9
Washerwoman	...	...	...	...	...	5 10 0
						1014 18 11
Arrears from 1848, viz. :—						
Ironmongery	...	...	...	...	4 17 6	
Pens, Ink and Stationery	...	...	...	...	0 19 0	
Potatoes	...	...	...	...	7 12 0	
						13 8 6
						£1028 7 5

*The Government in account with the Lunatic Asylum.*

Dr.

1849. To annual Expenditure	.....	.....	.....	.....	.....	£1007	19	2
“ amount of Coal account, furnished to the Government.....	.....	.....	.....	.....	.....	20	8	3
						<hr/>		
						1028	7	5
“ amount paid (by authority) for Plans, Sections, &c., &c., furnished by the resident Architect, Hanwell, for the projected Asylum, St. John's, £15 sterling, @ 20 $\frac{1}{4}$ cent. is, currency	.....	.....	.....	.....	.....	18	0	0
“ Cash for current expenses	.....	.....	.....	.....	.....	15	5	3
						<hr/>		
						£1061	12	8

Cr.

1849. By Cash paid by Colonial Secretary for Asylum Coals	.....	.....	.....	.....	.....	£20	8	3
“ Warrant	.....	.....	.....	.....	.....	£226	17	2
“ Ditto	.....	.....	.....	.....	.....	214	7	3
“ Ditto	.....	.....	.....	.....	.....	600	0	0
						<hr/>		
						1041	4	5
						<hr/>		
						£1061	12	8

*Errors Excepted :*

*St. John's, Newfoundland,* }  
*December 31st, 1849.* }

HENRY H. STABB.

*The Asylum Potato Field Account.*

1849. To Rent	.....	.....	.....	.....	.....	£5	0	0
“ Fencing	.....	.....	.....	.....	.....	5	18	6
“ Manure (ten loads)	.....	.....	.....	.....	.....	0	15	0
“ Seed (3 $\frac{1}{2}$ barrels)	.....	.....	.....	.....	.....	1	18	6
“ Labour	.....	.....	.....	.....	.....	0	0	0
“ Cash (profit)	.....	.....	.....	.....	.....	5	3	0
“ Profit on value of Potatoes in cellar.....	.....	.....	.....	.....	.....	3	13	0
						<hr/>		
						£22	8	0

Cr.

1849. By Rent $\frac{1}{4}$ Field (occupied by Superintendent)	.....	.....	.....	.....	.....	£1	5	0
“ Cash for Potatoes	.....	.....	.....	.....	.....	17	10	0
“ Value of Potatoes in cellar	.....	.....	.....	.....	.....	3	13	0
						<hr/>		
						£22	8	0

TABLE

Of Cases treated in the Provisional Lunatic Asylum for the Year 1849.

Names not inserted, from the great natural objection of the patients' relatives.	Age.	If Married.	Trade or Occupation.	Religion.	Country.	Disease.	Duration at time of Admission.	Date of Admission.	By whom sent in.	State on admission.	Present State.	Remarks.	
a L. — T.	41	Single	Artist.....	Church of England	England	Mania .....	1 1/4 years	Feb. 19	Col. Secretary	Greatly excited, fearful, inclined to suicide, haggard, ill-clad .....	Much improved—subject to periodical returns of his malady .....	Dismissed last year. His disease prevented the successful practice of his profession; he has necessarily been sent back to the Asylum.	
b I. — F.	50	Married..	Fisherman..	Roman Catholic	Ireland...	.....	.....	March 27	.....	Shews no symptoms of insanity .....	.....	Dismissed, April 6, not deemed insane.	
c E. — F.	24	Single	Shoemaker.	.....	Newfld...	Dementia mania	2 to 3 years	May 4	.....	Thin, pale, dispirited, refuses to eat, subject to sudden fits of excitement; makes astonishing efforts to escape .....	More tranquil; mania very slight, dementia increasing .....	Permitted to leave with his relatives, Oct. 28; he returned Nov. 15, being unmanageable at home.	
I. — L.	50	.....	Fisherman..	.....	Ireland...	Mania .....	— years	July 9	From Hospital.	An irritable maniac, just released from chains .....	Very irritable, and inclined to violence; but much improved...	Harmless under careful control. His state of mind alternates between hilarity and savage temper.	
T. — H.	45	.....	Shoemaker.	.....	"	Mania .....	— years	Ditto		A very passionate maniac, obstinate—has lost a leg .....	Much more tractable.		
R. — H.	26	.....	Sailor.....	.....	Newfld...	Mania, Dementia	— years	Ditto		Quiet, stupid, unhealthy .....	Unchanged .....	This patient is dangerous when not under control, although perfectly tractable in the Asylum.	
T. — P.	50	Married.	Fisherman..	.....	Ireland...	Mania .....	— years	Ditto		Subject to periodical fits of violent excitement; quiet in the intervals.....	Unchanged.		
d I. — B.	32	.....	.....	.....	.....	Lypemania .....	.....	Ditto	Ditto.	Incipient mania, combined with excitable bad temper .....	Unchanged.		
R. — S.	31	Single	.....	.....	Newfld...	{ Dementia, } { Epilepsy ... }	— years	Ditto		Idiotic, obstinate, silent, treacherous...	Much improved—talks and walks about.....	When admitted he would not stand or be dressed—but lay in bed in constant see-saw motion. A tall, very athletic fellow.	
b I. — F.	.....	Married..	.....	.....	Ireland...	.....	.....	Ditto 19	Ditto.	Apparently sane.....	Under observation .....	Dismissed.	
W. — F.	50	Single	.....	.....	"	Homicidal mania	.....	Aug. 11		.....	.....	Confined (by sentence) for life.	
I. — Q.	38	.....	.....	.....	Newfld..	Mania, Epilepsy	— years	Ditto		Industrious, cheerful, thoroughly insane, violent on slight provocation.....	Improved in health.....	Insanity combined with Epilepsy, is almost incurable.	
a L. — T.	.....	.....	Artist.....	Church of England	England	.....	.....	Sept. 21	From Hospital.	.....	.....		
I. — C.	36	.....	Fisherman..	Roman Catholic	Ireland...	Mania .....	Recent	Oct. 4		.....	Quiet, harmless, very nervous and easily fatigued by manual labour.....	Improved.	To be dismissed in Spring.
d I. — B.	.....	Married..	.....	.....	.....	.....	.....	Nov. 21		.....	.....	.....	
C. — W.	48	Single	.....	.....	Ireland...	Mania .....	— years	Ditto 15		.....	Unhealthy, nervous, mental disease slight .....	Convalescent.	
c E. — F.	.....	.....	Shoemaker.	.....	.....	Dementia.....	.....	Ditto	From Hospital.	.....	.....		
I. — A.	46	.....	.....	Church of England	Newfld...	Monomania .....	— years	Ditto 23		.....	Unhealthy, insanity intense, intractable.	.....	
I. — M.	47	.....	Fisherman..	Roman Catholic	Ireland...	.....	.....	Dec. 30		.....	Apparently sane.....	Under observation .....	Dismissed.
M. — F.	48	Widow...	.....	.....	Newfld...	Mania .....	— years	Jan. 25	.....	Very sullen and morose, intractable, restless.....	Improved .....	This woman attempted to set a house on fire—being dangerous out of an Asylum.	
C. — W.	.....	Married..	.....	.....	Ireland...	Ditto .....	— years	Feb. 22	.....	Unhealthy, thoroughly insane .....	Unchanged .....	She left against my wish (1848) nearly well. Her relations' folly has ruined her mind.	
E. — B.	50	Widow...	.....	Church of England	.....	Ditto.....	Recent	Ditto 16	From Hospital.	Dropsical—mind nearly gone.....	.....	Died.	
M. — C.	27	Married..	.....	Roman Catholic	Ireland...	Puerperal Mania	Recent	Ditto 20		.....	Violent, restless, malady acute.....	Convalescent .....	Dismissed.
M. — Mc	39	Widow...	.....	.....	Newfld...	Mania .....	Recent	June 24		.....	Very violent, malady acute .....	Nearly recovered; highly nervous	In all probability will be soon dismissed, cured.
S. — B.	.....	Married..	.....	Congregationalist	.....	Ditto.....	— years	July 12		.....	Irritable old maniac.....	Unchanged.	
H. — O.	44	Married..	.....	Church of England	.....	Ditto.....	— years	Ditto 29	.....	A thoroughly insane old maniac, of violent character.....	Noisy, but easily managed.....	Quiet, steady control is producing good effect.	
M. — M.	37	.....	.....	Wesleyan.....	.....	Ditto.....	— years	Ditto	.....	Irritable, obstinate old maniac, unhealthy.....	Much improved.		
I. — K.	49	.....	.....	Church of England	.....	Amentia .....	.....	Dec. 29	From Hospital.	Mother and daughter, scarcely above the condition of wild animals.....	Improving in an extraordinary manner, especially the daughter	These unfortunates were sent from Fortune Bay, where they lived under a large rock, and lived on shell-fish, &c.	
M. — K.	17	Single	.....	.....	.....	Ditto.....	.....	Ditto					

a, b, c, d, The same persons re-admitted within the year—(see appendix.)

## APPENDIX, No. 17.

## ESTIMATE

*Of the Charge of Defraying the Public Expenditure of the Island of Newfoundland, for the Year ending 31st December, 1850.*

**£18,325 19s. 2d.**

## Proposed distribution of the above Sum.

Salary of the Private Secretary	.....	.....	.....	.....	.....	£200	0	0
Clerk of the Council	.....	.....	.....	.....	.....	200	0	0
two Clerks in the Secretary's Office	.....	.....	.....	.....	.....	400	0	0
Office-keeper	ditto	.....	.....	.....	.....	60	0	0
Messenger	ditto	.....	.....	.....	.....	60	0	0
Colonial Treasurer	.....	.....	.....	.....	.....	500	0	0
Clerk of Supreme and Central Circuit Courts	.....	.....	.....	.....	.....	350	0	0
" Northern Circuit Court	.....	.....	.....	.....	.....	200	0	0
" Southern ditto	.....	.....	.....	.....	.....	200	0	0
Crier and Tipstaff of Supreme Court	.....	.....	.....	.....	.....	60	0	0
Three Police Magistrates (St. John's)	.....	.....	.....	.....	.....	900	0	0
High Constable	.....	.....	.....	.....	.....	80	0	0
Eight Police Constables	.....	.....	.....	.....	.....	360	0	0
Gaoler (St. John's)	.....	.....	.....	.....	.....	150	0	0
Gaol Surgeon (ditto)	.....	.....	.....	.....	.....	40	0	0
Hospital Surgeon (ditto)	.....	.....	.....	.....	.....	150	0	0
District Surgeon (ditto)	.....	.....	.....	.....	.....	150	0	0
Gaol Surgeon (Harbour Grace)	.....	.....	.....	.....	.....	30	0	0
Gate-keeper, Government-house Lodge	.....	.....	.....	.....	.....	26	0	0
Attorney General's Fees	.....	.....	.....	.....	.....	250	0	0
Solicitor General's Fees	.....	.....	.....	.....	.....	200	0	0
Stipendiary Magistrates, &c., in the Outports, as per detail annexed	.....	.....	.....	.....	.....	3759	0	0

## MISCELLANEOUS.

Ordinary repairs of Court-houses and Gaols	.....	.....	.....	.....	.....	200	0	0
Gaol Expenses	.....	.....	.....	.....	.....	600	0	0
Printing and Stationery	.....	.....	.....	.....	.....	500	0	0
Printing Acts of the Legislature	.....	.....	.....	.....	.....	200	0	0
Crown Prosecutions	.....	.....	.....	.....	.....	300	0	0
Coroners	.....	.....	.....	.....	.....	150	0	0
Carried forward	.....	.....	.....	.....	.....	£10,275	0	0





Brought forward	.....	.....	.....	£17,475	19	2
Packet Boat (Bonavista and Trinity Bay, South Side)	.....	.....	.....	100	0	0
Messenger (ditto)	.....	.....	.....	20	0	0
Packet Boat (Burin to Placentia)	.....	.....	.....	120	0	0
Messenger to and from St. John's in connexion therewith	.....	.....	.....	30	0	0
Commercial School, Great Placentia	.....	.....	.....	40	0	0
Presbyterian School, St. John's	.....	.....	.....	40	0	0
Unforeseen Contingencies	.....	.....	.....	500	0	0
<b>Total</b>				<b>£18,325 19 2</b>		

DETAIL

*Of Salaries and Allowances to Stipendiary Magistrates and Constables, Clerks of the Peace and Gaolers, in the undermentioned Outports, for the Year ending 31st December, 1850.*

Outports.	Magistrates.	Clerks of the Peace.	Constables.		Gaolers.	Total.
			No.	Salary.		
	£	£		£	£	£
Petty Harbour			1	20		20
Torbay			1	20		20
Portugal Cove			1	20		20
South Shore			1	12		12
Harbour Main			1	12		12
Cats Cove			1	12		12
Brigus and Port-de-Grave	150	60	2	50		260
Bay Roberts			1	12		12
Harbour Grace	180	150	1	50	90	670
ditto	150		2	50		
Carbonear	150	60	3	75		285
Western Bay			1	12		12
Bay de Verds			1	12		12
Hants Harbour			1	12		12
Perlican			1	12		12
Hearts Content			1	12		12
New Harbour			1	12		12
Trinity	150	60	2	37	25	272
Catalina			1	25		25
Bonavista	150	45	1	25		220
Tickle Cove			1	12		12
King's Cove			1	12		12
Salvage			1	12		12
Greenspond			1	12		12
Twillingate and Fogo	130	45	3	49		224
Exploits Bay			1	12		12
Bay Bulls	100		1	25		125
Carried forward	£1,160	£420	34	£626	£115	£2,321



A P P E N D I X, No. 18.

*Port of St. John's,*

**A CONSOLIDATED ACCOUNT** of the Goods imported in the Three Quarters ended 10th day of October, 1849, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon.

Articles Imported.	Quantity Imported.	Value.	Duty.
Wine, <i>videlicet</i> :—			
in bottles           ...    ...	350½ Galls.	£222 12 6	£43 16 3
not in bottles       ...    ...	17947 “	2987 12 5	1346 0 6
Spirits, <i>videlicet</i> :—			
Brandy, Geneva, and Cordials ...	14614 “	3466 12 10	1826 15 0
Rum and Whiskey       ...    ...	66725 “	6997 6 6	1668 2 6
Undefined           ...    ...	358 “	71 10 0	44 15 0
Ale, Porter, Beer, Cider and Perry	...    ...	1879 11 0	187 19 2
Apples           ...    ...    ...	929 Bls.	388 17 6	69 13 6
Bread or Biscuit   ...    ...    ...	74668 0 14 Cwts.	43645 6 0	933 7 0
Butter           ...    ...    ...	10391 2 3 “	30788 5 0	1039 3 3
Coals           ...    ...    ...	10086 Tons	8856 10 0	504 6 0
Flour           ...    ...    ...	81459 Bls.	98406 3 11	6109 8 6
Furniture (Household)           ...    ...	...    ...	1389 2 1	138 18 1
Goods, Wares, and Merchandise, not otherwise enumerated or described	}    .....	228448 13 10	11422 9 1
Lumber           ...    ...    ...	2047742 Feet.	4124 0 0	255 19 4
Meat (salted or cured)           ...    ...	32135 0 18 Cwts.	34931 3 5	2410 2 8
Molasses       ...    ...    ...	518156 Galls.	26468 18 4	3238 9 6
Oatmeal       ...    ...    ...	1591 Bls.	1486 12 0	39 15 6
Timber (Ton), and Balk, of all kinds, including Scantling           ...    ...	}    795½ Tons.	793 15 0	59 13 3
Tobacco (Manufactured and Leaf)           ...    ...	249136½ Lbs.	3237 16 7	2076 2 9
Stems           ...    ...    ...	21 1 0 “	7 0 0	2 2 6
Cigars           ...    ...    ...	100000	244 10 0	50 0 0
Shingles       ...    ...    ...	2159750	878 0 0	107 19 9
Sugar, <i>videlicet</i> :—			
Refined           ...    ...    ...	829 0 23 Cwts.	1292 17 3	207 5 11
Bastard       ...    ...    ...	39 0 6 “	46 0 0	9 15 3
Tea           ...    ...    ...	246875 Lbs.	12192 8 10	3085 18 9
	Totals...	£513251 5 0	£36877 19 0

CUSTOM-HOUSE,  
The 13th day of October, 1849. }

J. M. SPEARMAN,  
Collector.



A P P E N D I X, No. 19.

*Port of St. John's,*

*A CONSOLIDATED ACCOUNT of the Goods imported in the Quarter, ended 5th day of January, 1850, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon.*

Articles Imported.	Quantity Imported.	Value.	Duty.
Ale, Porter, Beer, Cider and Perry	-	£490 2 9	£49 0 3
Apples	1601 Bls.	805 10 0	120 1 6
Bacon and Hams	103 3 18 Cwts.	309 0 0	25 19 7
Beef (salted or cured)	578 Bls.	765 0 0	57 16 0
Brandy, Whiskey, Geneva, and Cordials	5445½ Galls.	1244 17 6	815 7 6
Bread or Biscuit	28433 0 17 Cwts.	15571 3 0	355 8 4
Butter	4177 3 1 "	12556 3 1	417 15 7
Candles	....	1334 6 11	100 1 5
Cattle (Neat)	392	1660 0 0	98 0 0
Cheese	262 1 17 Cwts.	447 0 0	65 12 0
Cigars	98750	251 16 0	24 13 9
Clocks and Watches	....	41 7 0	4 2 8
Coals	6799 Tons.	6329 4 0	339 19 0
Cocoa	3 3 0 Cwts.	5 19 0	0 18 9
Coffee	100 3 0 "	99 0 0	12 11 11
Fish (Dried and Salted)	....	....	....
Flour	40532 Bls.	44522 8 0	3039 18 0
Furniture	....	247 7 0	24 14 9
Goods, Wares, and Merchandise, not otherwise enumerated or described	} ....	41887 8 2	2094 7 9
Horses, Mares and Geldings	3	25 0 0	1 10 0
Lumber	319291 Feet.	651 10 0	39 18 3
Molasses	98601 Galls.	5298 5 0	616 5 2
Oatmeal and Indian Meal	3883 Bls.	3103 11 3	97 1 6
Oil and Blubber, Fins and Skins	....	....	....
Pork (Salted or Cured)	4300 "	11702 10 0	645 0 0
Rum	10923 Galls.	1384 18 0	306 9 0
Salt	4317 Tons.	2657 0 0	157 18 6
Sheep, Calves, and Pigs	568	183 0 0	28 8 0
Shingles	521000	210 0 0	26 1 0
Sugar, Refined	89 1 7 Cwts.	132 17 1	31 14 0
Unrefined	1091 0 25 "	1066 0 0	272 16 2
Bastard	312 1 14 "	313 0 0	78 1 11
Tea	53986 Lbs.	2868 18 0	674 16 6
Timber, including Balk and Scantling	975 Tons.	772 12 0	73 2 6
Tobacco (Manufactured and Leaf	50685 Lbs.	713 19 11	422 7 8
Stems	10 0 0 Cwts.	3 0 0	1 0 0
Wine, in bottles	260½ Galls.	74 1 0	26 9 3
not in bottles	3767 "	830 15 0	357 5 0
Meat (salted)	4873 0 20 Cwts.	5848 5 10	365 9 11
Totals...		£166406 15 6	£11868 3 1

Custom-House, }  
The 5th day of January, 1850. }

JOHN KENT,  
Collector.

*Port of St. John's,*DR. *A CONSOLIDATED ACCOUNT CURRENT of Receipts*

1850.	To Out-bay Balances, viz.:								
	Greenspond, 5th July, 1849..	£48	13	1					
	Trinity, " .. ..	67	16	2					
	Carboncar, " .. ..	246	17	8					
	Harbour Grace, " .. ..	860	4	7					
	Burin, " .. ..	353	9	8	£1577	1	2		
	Less these sums paid by Mr. Hayward—								
	J. M. Winter, Fogo .. ..	£25	0	0					
	L. Moore, Greenspond, .. ..	25	0	0					
	J. Winter, Lamaline, .. ..	25	0	0					
	J. L. McKie, Bay Bulls, .. ..	12	10	0					
	H. Murch, St. Mary's, .. ..	3	13	7					
	S. Prowse, Twillingate, .. ..	2	1	11					
	R. Bayly, Trinity, .. ..	5	17	1					
	D. Bethune, Carboncar, .. ..	1	17	6					
	E. E. Brown, Harbour Grace, ..	23	1	0					
	J. Green, Brigus, .. ..	0	12	1					
	W. G. Bradshaw, Placentia, .. ..	2	2	0					
	T. Birkitt, Burin, .. ..	11	13	3					
	T. E. Gaden, Little Bay, .. ..	13	17	11					
	Postages .. ..	3	15	5	£156	1	9	£1420	19 5
	Balance of Light-House Receipts							308	7 10
	Out-bay Receipts, viz.:								
	St. Mary's, 5th July, 1849 .. ..				36	15	11		
	Twillingate, 10th Oct, 1849 .. ..				83	17	5		
	Fogo, " .. ..				276	3	6		
	Greenspond, " .. ..				14	9	3		
	Trinity, " .. ..				234	4	2		
	Bonavista, " .. ..								
	Carboncar, " .. ..				75	1	3		
	Harbour Grace, " .. ..				921	18	7		
	Brigus, " .. ..				24	3	9		
	Ferryland, " .. ..								
	Placentia, " .. ..				84	1	6		
	Burin, " .. ..				466	7	10		
	Lamaline, " .. ..				88	12	2		
	Little Bay, " .. ..				555	18	3		
	Gaultois, " .. ..				89	0	8		
	La Poile (not yet received) .. ..							£2950	14 3
	Quarantine Fees (including Medical Officer's Fees) .. ..							53	16 0
	Duty received under Copyright Act .. ..							2	7 11
	Colony's share of Seizures .. ..							21	6 8
	Samples .. ..							6	4 9
Jan. 5.	Duties on Goods imported this date (St. John's) .. ..							8917	8 10
	Ten $\frac{1}{2}$ cent. on that amount .. ..							891	14 11
								<u>£14573</u>	<u>0 7</u>

I certify that the foregoing Account is just and true in every particular, to the best of my knowledge and belief.

Custom House,  
The 5th day of January, 1850. }

JOHN KENT,  
Collector.

*and Payments for the Quarter, ended the 5th day of January, 1850.*

CR.

1850. By Out-bay Balances, viz.:									
Trinity, 10th October, 1849,	...	...	...	...	£217	1	4		
Carbonear, "	...	...	...	...	135	10	2		
Harbour Grace, "	...	...	...	...	1003	10	0		
Placentia, "	...	...	...	...	61	18	3		
Burin, "	...	...	...	...	395	10	9		
Little Bay, "	...	...	...	...	339	16	6	£2153	7 0
Incidents	...	...	...	...				57	8 11
Over Entries	...	...	...	...				24	15 1
Drawbacks	...	...	...	...				111	12 11
Returned Duties	...	...	...	...				54	0 2
Salaries, viz.:									
John Kent, Collector	...	...	...	...	£125	0	0		
John Canning, Landing and Tide Surveyor	...	...	...	...	62	10	0		
George Bennett, 1st Landing Waiter	...	...	...	...	50	0	0		
E. L. Moore, 2nd ditto	...	...	...	...	50	0	0		
J. S. Hayward, 1st Clerk and Ware-house Keeper	...	...	...	...	50	0	0		
J. Prendergast, 2nd Clerk	...	...	...	...	37	10	0		
R. Furneaux, Locker	...	...	...	...	13	17	0		
P. M'Kie, "	...	...	...	...	14	0	0	402	17 0
Tide-Waiter's Day-pay	...	...	...	...				149	5 8
Boatmen	...	...	...	...				46	13 4
Reserved Salaries	...	...	...	...				1657	10 0
Bonds transferred to Treasurer	...	...	...	...				6272	17 0
Paid Treasurer	...	...	...	...				2600	0 0
Balance to next quarter	...	...	...	...				1042	13 6

£14573 0 7

We do hereby certify that we have duly Audited the above Accounts, and that we have finally settled and closed the same.

St. John's, Newfoundland, }  
 15th February, 1850. }

WILLIAM THOMAS, }  
 RICHARD RANKIN, } *Auditors.*

## APPENDIX, No. 20.

*Port of St. John's,*

*A CONSOLIDATED ACCOUNT of the Goods imported in the Year, ended 5th day of January, 1850, shewing the aggregate Quantities and Value of the various Articles, with the Amount of Duty collected thereon.*

Articles Imported.	Quantity Imported.	Value.	Duty.
Ale, Porter, Beer, Cider and Perry	-	£2369 13 9	£236 19 5
Apples	2530 Bls.	1194 7 6	189 15 0
Bacon and Hams	103 3 18 Cwts.	309 0 0	25 19 7
Beef (salted or cured)	578 Bls.	765 0 0	57 16 0
Brandy, Whiskey, Geneva, and Cordials	2059½ Galls.	4711 10 4	2642 2 6
Bread or Biscuit	103101 1 3 Cwts.	59216 9 0	1288 15 4
Butter	14569 1 4 "	43344 8 1	1456 18 10
Candles	....	1334 6 11	100 1 5
Cattle (Neat)	392	1660 0 0.	98 0 0
Cheese	262 1 17 Cwts.	447 0 0	65 12 0
Cigars	198750	496 6 0	74 13 9
Clocks and Watches	....	41 7 0	4 2 8
Coals	16885 Tons.	15185 14 0	844 5 0
Cocoa	3 3 0 Cwts.	5 19 0	0 18 9
Coffee	100 3 0 "	99 0 0	12 11 11
Fish (Dried and Salted)	....	....	....
Flour	121991 Bls.	142928 11 11	9149 6 6
Furniture	....	1636 9 1	163 12 10
Goods, Wares, and Merchandise, not otherwise enumerated or described	} ....	270336 2 0	13516 16 10
Horses, Mares and Geldings	3	25 0 0	1 10 0
Lumber	2,367,033 Feet.	4775 10 0.	295 17 7
Molasses	616757 Galls.	31767 3 4	3854 14 8
Oatmeal and Indian Meal	5474 Bls.	4590 3 3	136 17 0
Oil and Blubber, Fins and Skins.	....	....	....
Pork (Salted or Cured)	4300 "	11702 10 0	645 0 0
Rum	57648 Galls.	8382 4 6	1974 11 6.
Salt	4317 Tons.	2657 0 0	157 18 6.
Sheep, Calves, and Pigs.	568	183 0 0	28 8 0
Shingles	2,680,750	1088 0 0.	134 0 9.
Sugar, Refined	918 2 2 Cwts	1425 14 4	238 19 11
Unrefined	1091 0 25 "	1066 0 0	272 16 2.
Bastard	351 1 20 "	359 0 0	87 17 2
Tea	300861 Lbs.	15061 6 10	3760 15 3
Timber, including Balk and Scantling	1770½ Tons.	1566 7 0	132 15 9.
Tobacco (Manufactured and Leaf)	299821½ Lbs.	3951 16 6	2498 10 5
Stems	31 1 0 Cwts.	10 0 0	3 2 6
Wine, in bottles.	611 Galls.	296 13 6	70 5 6
not in bottles.	21714 "	3818 7 5	1703 5 6
Undefined Spirits	358 "	71 10 0	44 15 0
Meat (salted)	37008 1 10 Cwts.	40779 9 3	2775 12 7
Totals...		£679658 0 6	£48746 2 1



*Port of St. John's,*

*DR. A Consolidated Account Current of Receipts and Payments, for the Year ended the 5th day of January, 1850. Cr.*

1850.		1850.	
To Out-Bay Balances, viz.:		By Out-Bay Balances, viz.:	
Fogó, 10th Oct., 1848, ...	£113 13 11	Trinity, 10th October, 1849 ...	£217 1 4
Trinity, " ...	185 14 10	Carbonear, " ...	135 10 2
Bonavista, " ...	39 10 2	Harbour Grace, " ...	1003 10 0
Carbonear, " ...	244 15 11	Placentia, " ...	61 18 3
Harbour Grace, " ...	1192 3 3	Burin, " ...	395 10 9
Placentia, " ...	46 7 9	Little Bay, " ...	339 16 6
Burin, " ...	497 10 0	" Incidents ...	87 0 11
Little Bay, " ...	349 6 3	" Sample Casks ...	2 6 4
" Out-Bay Receipts, viz.:		" Office Furniture ...	13 7 4
5th Jan., 1849, ... £1660 15 7		" Over entries ...	137 4 10
5th April, " ... 18 6 1		" Drawbacks ...	288 17 5
5th July, " ... 3616 2 2		" Returned Duties ...	138 18 2
10th Oct., " ... 2950 14 3	8245 18 1	" Salaries, viz.:	
Duties on goods imported, St. John's, } exclusive of Imperial duties ... }	40500 4 0	Saint John's ... £837 17 0	
" 10 ½ cent. on that amount ...	4050 0 5	Out-Bays ... 450 0 0	
" Duties received under Copyright Act ...	2 7 11	Tidesmen's Day-pay ...	1287 17 0
" Colony's share of Seizures ...	31 1 11	Boatmen ...	447 8 4
" Samples ...	6 4 9	Allowances to Imperial Officers ...	186 13 4
" Balance of Light-House receipts for } the Quarter ended 5th Jan., 1850 }	308 7 10	Bonds transferred to Treasurer ...	216 16 10
" Quarantine Fees, including Medical } Officer's Fees, for Quarter ended }	53 16 0	Reserved Salaries ...	30983 18 6
5th January, 1850 ...		Paid the Treasurer ...	6584 10 0
		Balance to next year ...	12296 3 6
			1042 13 6
	<u>£55867 3 0</u>		<u>£55867 3 0</u>

**NOTE.**—The Accounts for the year are not certified as usual, owing to the change in the Department requiring an Audit for Captain Spearman's (the late Collector.) Accounts for three Quarters, and the present Collector's for one Quarter, the result being the same, as the four Quarters are Audited separately.

A P P E N D I X, N o. 21.

A STATEMENT

*Of Receipts and Payments of the St. John's Water Company to the 31st December, 1849.*

1848.	Sundry expenditure, as sh <sup>d</sup> Statement furnished the Executive in 1848 ...	£4,763 12 5	1848.	Paid up Capital on Stock, 600 Shares at £9 sh <sup>d</sup> Share ...	£5,400 0 0
1849.	Paid for Pipes and Materials imported since, with Freight, Insurance, Shipping charges, and Duties ...	145 10 9		Amount received for supplying Water in 1848, as sh <sup>d</sup> Statement furnished ...	39 4 9
	Paid labour cutting Trench, laying Pipes, &c. ...	94 5 5		Amount of Legislative vote, £40 stg. ...	46 3 1
	Paid incidental expenses keeping Fire-Plugs and other works in repair ...	150 0 0		Amount received for supplying Water in 1849 ...	191 8 2
	Paid Superintendent's Salary ...	273 1 6			
	Paid Secretary's Salary ...	50 11 9			
	Paid rent of Store for Hose, Materials, &c. ...	22 17 11			
	Balance ...	176 16 3			
	Currency	£5,676 16 0		Currency	£5,676 16 0
				Balance brought down ...	£176 16 3

WILLIAM THOMAS,  
*President.*

W. J. WARD,  
*Secretary.*

N.B.—No dividend has yet been paid to the Shareholders, nor have they received any interest whatever on their paid up Capital.

## A P P E N D I X, No. 22.

## PETITION

*Of W. J. Ward, for grant for Reporting the Proceedings of the Council.*

TO THE HONOURABLE HER MAJESTY'S COUNCIL, IN LEGISLATIVE CAPACITY ASSEMBLED.

THE PETITION OF WILLIAM JAMES WARD,

*Respectfully Sheweth,—*

That in the last Session of the Legislature, the House of Assembly having resolved that their proceedings should be published daily in the *Morning Post*, of which Journal your petitioner is the Editor and Proprietor;

Your petitioner, desirous of rendering the Legislative reports complete, attended the meetings of your Honourable House during the said Session, and reported and published the proceedings thereof; being the only Journalist or party who so reported, and your Honourable House were pleased to recognise his services by a grant of Forty Pounds therefor.

That your Petitioner has again, during the present Session, reported the proceedings of your Honourable House, and published the same in his said Journal, which has been issued *daily* by order of the other branch of the Legislature:

Your Petitioner therefore humbly prays, that as he entered upon this duty when no other Journalist had undertaken it, and has continued his services during the present Session, your Honourable House will take these premises into favourable consideration, and be pleased to continue to him the grant which your Honourable House bestowed upon him for a similar service last year.

And your Petitioner as in duty bound shall ever pray.

WILLIAM JAMES WARD.

*St. John's, Newfoundland, April 24th, 1850.*

## A P P E N D I X, No. 23.

## PETITION

*Of Stephen J. Daniel, praying Indemnity for his time and services in Reporting the Proceedings of the Council.*

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND, IN SESSION CONVENEED.

THE MEMORIAL OF STEPHEN J. DANIEL, OF SAINT JOHN'S,

*Humbly Sheweth,—*

That your Memorialist has reported the proceedings and debates of your Honourable House, during the present Session of the Legislature.

That your Memorialist has entered into a contract with the Proprietor of the *Morning Courier* Newspaper, to print and publish the said Reports, as also the Orders of the day, not only for the information of the other branches of the Legislature, but also for that of the Public generally.

Your Memorialist, therefore, humbly prays that your Honourable House will be pleased to indemnify him, and compensate him for his time and services.

And your Memorialist (as in duty bound) will ever pray.

STEPHEN J. DANIEL.

*St. John's, April 26th, 1850.*

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APPENDIX, No. 24.

PETITION

*Of James Campbell, Teacher.*

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TO THE HONOURABLE THE LEGISLATIVE COUNCIL.

THE MEMORIAL OF JAMES CAMPBELL, TEACHER

*Respectfully Sheweth,—*

That Memorialist has been nearly 21 years teaching in this community. That many, very many youths, having profited by his instruction, and now filling various lucrative and honourable situations, may be referred to as evidence of his services and efficiency. That these services and this efficiency gained him patronage and competency, but only competency, while equal competition lasted between him and others in his vocation. But Memorialist regrets to say that this equal competition (which in teaching as in trade would benefit the public,) has been seriously affected, and now about to be wholly destroyed, by Legislative enactments to promote education.

That the endowments granted to denominational Schools have affected the interests of your Memorialist, in common with other private teachers; but the endowments for superior education have, Memorialist respectfully avers, peculiarly affected him, as by these endowments the emoluments of his most lucrative classes have been nearly lost to him, not so much by a decrease of pupils as by a decrease of fees. That regarding the arrangements by which education is to be afforded to the middle classes, Memorialist feels that successful competition must be hopeless to him.

That a consequence resulting from Legislative endowments to promote education, proving ruinous to a private individual whose whole life and energies have been spent in promoting the same object, is a grievance which Memorialist trusts your Honourable Council will not deem unworthy of consideration, and that justice and wisdom may alike distinguish your Honourable councils,

Memorialist, as in duty bound, will ever pray.

JAMES CAMPBELL.

*St. John's, April 19th, 1850.*

## A P P E N D I X, No. 25.

## PETITION

*Of Mr. J. V. Nugent.*

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND IN SESSION CONVENED.  
THE HUMBLE PETITION OF THE UNDERSIGNED JOHN VALENTINE NUGENT,  
OF ST JOHN'S, JUNIOR MASTER OF THE ST. JOHN'S ACADEMY.

*Sheweth,—*

That a Bill has passed the House of Assembly, and is now before your Honourable House, entitled "An Act to amend an Act passed in the Seventh Year of the Reign of Her present Majesty, entitled 'An Act to provide for the establishment of an Academy in St. John's.'"

That by the existing Act your Petitioner is entitled to a due proportion of the Fees received from the Pupils, after the payment of the just incidental expenses, together with a School-house, School Furniture, Fuel, &c. ; but by the Bill before your Honourable House, the Masters of the Academy are proposed to be made subject to these expenses from the Fees, should they prove sufficient; and if not, from their own salaries, a principle greatly detrimental to the emoluments of the present Masters.

That by the existing Act a Board of Directors is appointed, with certain powers with reference to the School, which principle, opposed as it is to the general practice of the older countries, has been proved by experience in St. John's to be highly detrimental to the well-being of the Institution ; yet the Bill before your Honourable House proposes the startling expedient of multiplying difficulties by providing three such Boards to govern or direct one Academy, whence much greater injury may reasonably be anticipated.

That not to trespass too far upon the patience of your Honourable House by enumerating the older British Institutions, your Petitioner will merely point your attention to the recent Imperial Statute granting an annual sum of Twenty-one thousand pounds for the establishment of Colleges in Ireland, where no Directors or Managers are appointed to clog their working ; but, as a further sum of Thirty thousand pounds has been granted under the same measure for the erection of the necessary buildings, the Board of Works are appointed Trustees to carry out its provisions in that respect.

That a School presided over by two competent Masters must necessarily be presumed to be more attractive to parents than when the same School is reduced to the superintendence of one; and hence, and with the drawback of so many Boards, it is not unreasonable to expect that the fees derivable from the new institutions would be less than those derived under the present system.

That under the existing law, Three Thousand Pounds have been granted for the erection of a Building, which erection was to have been carried on by the existing Board; but, in the present measure, this Board is proposed to be annihilated, while no provision appears to endue either of the new Boards, or all of them collectively, appointed as they are to be upon antagonist principles, with power

to provide that Building ; and yet the Masters of the Academy are to be compelled to provide School-houses, &c., until the erection of an Academy, which no body or individual is empowered to accomplish.

Under all these circumstances, your Petitioner most respectfully prays your Honourable House by the re-consideration of the said Bill, to do justice to all parties affected, and, as in duty bound, he will ever pray.

J. V. NUGENT,  
*Junior Master of the St. John's Academy.*

*St. John's, 24th April, 1850.*

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A P P E N D I X, No. 26.

PETITION

*Of the Rev. William E. Shenstone, and others, for pecuniary aid to re-build the Wesleyan Chapel at Harbour Grace.*

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TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND.

THE PETITION OF THE MEMBERS OF THE WESLEYAN CHURCH AND CONGREGATION, AND OTHERS OF THE INHABITANTS OF HARBOUR GRACE.

*Humbly Sheweth,*

That by a disastrous Fire that unaccountably broke out in the Wesleyan Chapel in this Town on the morning of the 7th instant, the whole of that neat and commodious edifice (which, at considerable expense, had but recently undergone a thorough repair,) was completely destroyed.

That in consequence of this unfortunate event, a large body of professing Christians, amounting to somewhere about seven hundred souls, have been deprived of the benefits of a place of worship.

That considering the heavy draught upon the means of the Congregation for the repairs above mentioned, the narrow circumstances of a very large proportion of those who for a series of years, in common with the great bulk of their fellow Colonists, have had to contend with bad voyages, failing crops, fires, and other visitations with which Almighty God in his wise but inscrutable Providence has seen good to chastise them—weighing also the probable amount of pecuniary aid which Petitioners may obtain from their sympathising friends here and elsewhere—they see it impossible to provide for themselves another suitable building within any reasonable period, unless your Honourable Council will, in the exercise of the same consideration which led you to assist other denominations similarly circumstanced, grant a sum of money to make up their deficiencies.

That Petitioners have no need to remind' your Honourable Council, that, as a denominational body, the Wesleyans constitute one-sixth of the whole population of the Island, and that consequently they have borne (and, may Petitioners be permitted to add, cheerfully borne,) one-sixth of the burthen of all grants awarded by your Honourable Council to other denominational bodies, who, by the same destructive agent, have been subjected to the like privation, while this is the first time that any Wesleyan Congregation in the Island have been induced to appeal to the Legislature on any such occasion.

That after a due estimate of the cost of the building, on the most economical scale, and setting against it their probable resources from all quarters, (exclusive of what your Honourable Council may be disposed to grant them,) there will be a deficit of at least £500—an amount the lack of which might well deter them from commencing the undertaking.

That, under the foregoing circumstances, Petitioners are induced and emboldened to come before your Honourable Council, praying that your Honourable Council may take their case into consideration, and grant to the Wesleyans of Harbour Grace such pecuniary aid in the premises as your Honourable Council may in your wisdom deem just and proper. And as in duty bound, Petitioners will ever pray.

*Harbour Grace, 13th February, 1850.*

WILLIAM EWEN SHENSTONE, *Minister.*

JOHN MUNN,

RICHARD ANDERSON,

MARK PARSONS,

HENRY WEBBER,

CHARLES PARSONS,

W. C. St. JOHN, *Sec.*

} *Trustees.*

[And 196 others.]

A P P E N D I X, No. 27.

PETITION

*From the Bishop, Clergy, and other Members of the Church of England, in St. John's, for a proportionate Grant, according to population, for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church.*

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND.

THE MEMORIAL OF THE UNDERSIGNED, THE BISHOP, CLERGY, AND OTHER MEMBERS OF THE CHURCH OF ENGLAND IN ST. JOHN'S,

*Humbly Sheweth,—*

That in the existing Act for promoting Education in this Colony the principle of

dividing the amount voted for that purpose is recognised as far as the two great classes of Protestants and Roman Catholics are concerned; and that annual grants are also made for the support of Schools in connexion with the Wesleyan Methodists and Presbyterians;

Your Memorialists, therefore, respectfully invite the attention of your Honourable House to the propriety and expediency of fully carrying out the principle of this division of the said grant; and pray that in any Act which may be passed on the expiration of the existing law, provision may be made that a proportionate part of the yearly grant for Education, according to population, may be awarded for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church only.

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

EDWARD NEWFOUNDLAND.  
 THOMAS F. H. BRIDGE.  
 CHARLES BLACKMAN, M.A.  
 HENRY TUCKWELL.  
 B. GREEN, *Warden of St. Thomas's Church.*  
 WILLIAM GREY, *Clerk.*

[And 506 others.]

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APPENDIX, No. 28.

PETITION

*From the Rev. John Chapman, and others, of Harbour Grace, on the subject of Education.*

TO THE HON. THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND, IN LEGISLATIVE SESSION CONVENED.

THE MEMORIAL OF THE UNDERSIGNED, CLERGYMAN AND MEMBERS OF THE CHURCH OF ENGLAND, RESIDING AT HARBOUR GRACE, IN THE NORTHERN DISTRICT OF NEWFOUNDLAND,

*Humbly Sheweth,*

That in the existing Act for promoting Education in this Colony, the principle of dividing the amount voted for that purpose is recognised as far as the two great classes of Protestants and Roman Catholics are concerned, and that annual grants are also made for the support of Schools in connexion with the Wesleyan Methodists and Presbyterians;

Your Memorialists, therefore, respectfully invite the attention of your Honourable House to the propriety and expediency of extending this division of the said grant, and pray that in any Act which may be passed on the expiration of the existing law, provision be made that a proportionate part of the yearly grant for Education, according to the population, may be awarded for the support of



Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church only.

And your Memorialists will ever pray.

*Harbour Grace, December, 1848.*

JOHN CHAPMAN,  
JOHN STARK,  
THOMAS HIGGINS, } *Churchwardens.*  
THOMAS RIDLEY, }  
[And 56 others.]

A P P E N D I X, No. 29.

PETITION

*From the Rev. John Gathercole, and others, of Burin, on the subject of Education.*

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND.

THE MEMORIAL OF THE UNDERSIGNED, CLERGYMEN AND MEMBERS OF THE CHURCH OF ENGLAND, IN THE DISTRICT OF NEWFOUNDLAND,

*Humbly Sheweth,*

That in the existing Act for promoting Education in this Colony the principle of dividing the amount voted for that purpose is recognised as far as the two great classes of Protestants and Roman Catholics are concerned, and that annual grants are also made for the support of Schools in connexion with the Wesleyan Methodists and Presbyterians ;

Your Memorialists, therefore, respectfully invite the attention of your Honourable House to the propriety and expediency of extending this division of the said grant, and pray that in any Act which may be passed on the expiration of the existing law, provision be made that a proportioned part of the yearly grant for Education, according to the population, may be awarded for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church only.

And your Memorialists will ever pray.

JOHN A. GATHERCOLE, *Clerk.*  
JAMES MORAN.  
WILLIAM ROZIER, *Clerk.*  
WILLIAM HOOPER.  
RICHARD FALLE.

[And 215 others.]

## APPENDIX, No. 30.

## PETITION

*From the Rev. Thomas Boone, and others, of Twillingate, on the subject of Education.*

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND;

THE MEMORIAL OF THE UNDERSIGNED, CLERGYMAN AND MEMBERS OF THE CHURCH OF ENGLAND, IN THE DISTRICT OF TWILLINGATE.

*Humbly Sheweth,*

That in the existing Act for promoting Education in this Colony the principle of dividing the amount voted for that purpose is recognised as far as the two great classes of Protestants and Roman Catholics are concerned, and that annual grants are also made for the support of Schools in connexion with the Wesleyan Methodists and Presbyterians;

Your Memorialists, therefore respectfully invite the attention of your Honourable House to the propriety and expediency of extending this division of the said grant, and pray that in any Act which may be passed on the expiration of the existing law, provision be made that a proportionate part of the yearly grant for Education, according to the population, may be awarded for the support of Schools in connexion with the Church of England, and under the direction of the Clergy and other Members of that Church only.

And your Memorialists will ever pray.

THOMAS BOONE.  
JOHN PEYTON.  
CHARLES EDMONDS.  
JOHN S. CROSSMAN.  
ALEX. A. PEARCE.  
PHILIP PRIDE.

[And 40 others.]

## APPENDIX, No. 31.

## PETITION

*From Merchants and others, of St. John's, praying that the Grant to the Newfoundland School Society may be renewed and continued.*

TO THE HON. THE LEGISLATIVE COUNCIL OF NEWFOUNDLAND, IN GENERAL SESSIONS CONVENED.

THE PETITION OF THE UNDERSIGNED, MERCHANTS, TRADESMEN, HOUSEHOLDERS, AND OTHERS, INHABITANTS OF ST. JOHN'S AND ITS VICINITY,

*Humbly Sheweth,*

That your Petitioners, resident Inhabitants of St. John's and its vicinity, have witnessed with great pleasure for many years past the beneficial results of the labours of the Newfoundland School Society in this Island, which they mainly attribute (under God) to the sound principles upon which its fundamental laws are based, and to the Catholic spirit in which its operations have been carried out.

Instituted at a period (nearly thirty years since) when this Colony was almost without any Educational appliances, it has pursued the even tenor of its way through evil report and through good report, holding out the advantages of a good education to all parties, without distinction.

That your Petitioners confidently affirm this system has worked well, the proof of which is to be found at the present time in the Society's Schools, composed of children of all denominations in the localities in which they are situated.

That in a country like Newfoundland, consisting of small and widely-scattered settlements, containing members of several denominations of christians, it is next to impossible to carry out any exclusive system of Education, whilst the expense to the Colony, even in making the attempt, must be very great.

That the Newfoundland School Society has spent between Forty and Fifty Thousand Pounds Sterling in this Colony alone in the work of Education since its commencement, arising from contributions made in Great Britain, in addition to the liberal support of your Honourable House and the generous donations of local contributors.

That the Society expends annually in this Colony the sum of One Thousand Two Hundred Pounds Sterling, beyond the sum of Five Hundred granted to it by the Legislature; by these strenuous efforts in the cause of Education, aided by the well-known character of the Schools, your Petitioners hope that this valuable Society will continue to merit and obtain the patronage and support of your Honourable House.

That this Society has all the resources and machinery at its command for carrying forward and

perfecting its important work without much additional outlay and trouble—in School Buildings, in facilities for obtaining competent Teachers, and in a depôt replete with the most approved Books and School Furniture.

Your Petitioners, grateful for the support which your Honourable House has so liberally granted to the Newfoundland School Society, respectfully and earnestly pray that your Honourable House will be pleased to renew and continue the grant heretofore made to that Society, that being effectually aided in its scholastic labours it may persevere in its undertaking, which your Petitioners firmly believe has proved and will continue to prove of lasting benefit to this Colony and very acceptable to their fellow-colonists generally.

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

THOMAS DUNN.  
ROBERT PROWSE.  
PETER McBRIDE.  
EDWARD BOWRING.  
JOHN BOWRING.  
JAMES O'DWYER.

[And 245 others.]

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APPENDIX, No. 32.

ADDRESS

*Of the House of Assembly to the Secretary of State for the Colonies, on the subject of the Reserved Salaries.*

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TO THE RIGHT HONOURABLE EARL GREY, HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIAL DEPARTMENT.

MAY IT PLEASE YOUR LORDSHIP,

We, Her Majesty's dutiful and loyal subjects the House of Assembly of Newfoundland, in Legislative Session convened, respectfully pray that your Lordship will be pleased to direct that the opinion of Her Majesty's Law Advisers may be taken, for the information and guidance of the Assembly, upon the following case:—

In the year 1832, an Act of the Imperial Parliament, entitled "An Act to continue certain Acts relating to the Island of Newfoundland, and to provide for the appropriation of all duties which may hereafter be raised within the said Colony," was passed, whereby the Sum of Six Thousand Five Hundred and Fifty Pounds was reserved out of all duties collected in this Island under any Act of Parliament, to defray the salaries of the Governor or Administrator of the Government, the Chief Justice, and Assistant Judges, the Colonial Secretary, and Attorney-General of this Colony. In the year 1843 the duties collected under Imperial Acts having failed, in consequence of the repeal or diminution by the

Imperial Government of duties previously imposed, to produce an amount sufficient for the defrayal of the salaries above mentioned, the Local Legislature, at the recommendation of the then Secretary for the Colonies, passed an Act entitled "An Act to extend and continue certain provisions of an Act of the Parliament of the United Kingdom passed in the second and third years of the Reign of His late Majesty King William the Fourth," whereby the said Salaries were made chargeable upon the Colonial Revenue. From the passing of the Act first above mentioned up to the year 1844, the Salaries thereby reserved were discharged in Dollars at the rate of Four Shillings and Four Pence Sterling each, but in that year a change was adopted in the mode of payment, and the said Salaries were then, and ever since have been, paid in Dollars at the rate of Four Shillings and Two Pence Sterling each, whereby the Salaries of the several functionaries above named were much increased.

We beg further respectfully to state that all monies mentioned in any Act of the Local Legislature, whether imposing duties or penalties, or granting monies for any purpose, are, and always have been, without express enactment to that effect in any of these Acts, (except the regulation contained on that subject in the annual Revenue Act,) received, recovered, and paid in Dollars at the rate of Four Shillings and Four Pence Sterling each, at which rate the accounts in our Courts of Justice and in Public Offices are kept, and all monetary transactions for Sterling are adjusted and settled, and at which rate Dollars are valued in the Blue Book.

We beg further to state that, with the permission of the Imperial Government, the Local Legislature in last Session passed an Act repealing all duties levied under Imperial Acts, so that at present the only duties raised in the Colony are levied under a Colonial Revenue Act, by which Dollars are made payable at Her Majesty's Customs at Four Shillings and Four Pence Sterling each.

Upon application to the Executive Government in the last Session for the reasons and authority upon which such change in the mode of payment was made, the Assembly were furnished with the Documents contained in the Appendix to their Journals of 1849, from page 617 to page 628.

The Assembly pray the opinion of Her Majesty's Law Advisers as to whether the change of payment of the Reserved Salaries in Dollars from Four Shillings and Four Pence to Four Shillings and Two Pence, was and is authorised by law; in other words, they desire to know at what rate these Salaries if discharged in Dollars, the principal and almost only foreign coin with determinate sterling value in this Colony, should be paid. The Assembly presume that as copies of the Colonial Acts, Journals, and Blue Book above referred to, are to be found at the Colonial Office, it is not necessary they should transmit herewith written copies of the several Documents necessary to form an opinion upon the question herein proposed.

(Signed)

JOHN KENT,  
*Speaker.*

HOUSE OF ASSEMBLY, }  
15th March, 1850. }

## APPENDIX, No. 33.

## PETITION

*Of Thomas Robson, for Patent for an Improved Self-acting Fog Bell.*

TO THE HON. THE LEGISLATIVE COUNCIL OF THE ISLAND OF NEWFOUNDLAND, IN PROVINCIAL  
PARLIAMENT ASSEMBLED.

THE PETITION OF THE UNDERSIGNED, THOMAS ROBSON, OF SACKVILLE, IN THE PROVINCE OF NEW BRUNSWICK, MASTER MARINER.

*Humbly Sheweth,*

That your Petitioner is at present, and has been for some years, a resident at Sackville, in the County of Westmoreland, and Province of New Brunswick.

That thirty years practical experience of the navigation of the Bay of Fundy has enabled him fully to appreciate the advantages which a properly-constructed Fog Bell would confer on all Mariners engaged in the trade of the Bay.

That the subject has occupied the serious attention of your Petitioner for the last twenty years; and that now, after many alterations and improvements, he hesitates not to say that he has completed a Machine, in miniature, for ringing a Fog Bell, in the efficiency of which he places the most unbounded confidence.

That it will be put in motion by the slightest breeze that will move a vessel through the water; that in fine clear weather the Bell will cease striking—but on the least change to a humid foggy atmosphere, or during a snow storm, it will immediately commence ringing; and that its machinery requires no winding up, nor any attendance whatever. It is completely enclosed from the weather, and is well adapted for lone stations or those difficult of access.

That your Petitioner has addressed a Memorial to the Commissioners of Light Houses for this Island, praying them to take such invention into their consideration.

That your Petitioner is advised that he cannot safely disclose the said invention, or any part thereof, until he shall have been secured by Letters Patent issuing from the respective Governments of the several Provinces of British North America.

That your Petitioner, having already incurred a considerable expense in maturing such invention, respectfully trusts that, inasmuch as such invention promises to be of great public utility, and is in its nature a national improvement, and essential to the safe navigation not only of the shores of the Island of Newfoundland, so peculiarly liable to fogs, but also of the coast of British America generally, but cannot be of general adoption or the source of great emolument to your Petitioner,—your Honourable House will be pleased to pass an Act enabling your Petitioner to take out a Patent for the

Island of Newfoundland for such invention and every part thereof, or for otherwise securing such invention to your Petitioner free of any cost to him.

And your Petitioner hereby proposes that, if the said invention shall, on such further examination thereof after such Patent shall have been granted, as to your Honourable House, or to the Commissioners of Light Houses or other competent authority, shall be deemed satisfactory, your Petitioner will thereupon execute to the said Commissioners a License to them for the exclusive use of such Fog Bell, and for the use of such part of the other Machinery as may be necessary to work the same within the Island of Newfoundland, in consideration of the Sum of Two Hundred Pounds to be paid to your Petitioner towards remunerating him for the labour he has bestowed and the expenditure he has been at in maturing such invention.

Or, if it should seem fit to your Honourable House, your Petitioner is willing to assign all his right and interest in the said invention, so far as regards the said Fog Bell, and to be exercised within the Island of Newfoundland, as soon as such Patent or exclusive right shall be granted, on receiving the said Sum of Two Hundred Pounds.

And in order to enable your Honourable House or the aforesaid Commissioners of Light Houses to ascertain the merits of his aforesaid invention, and to form a correct judgment thereon, your Petitioner most respectfully suggests that on an appropriation being made or placed at the disposal of His Excellency the Governor in Council, to defray the expense thereof, (which your Petitioner is unable himself to defray after his large outlay on such invention,) your Petitioner would forward a Working Model of such invention to Newfoundland, under the care of some trusty person acquainted with the working thereof, and submit the same to such inspection (after the granting such Patent) as your Honourable House may deem necessary.

Your Petitioner therefore humbly prays that leave may be given to bring in a Bill, and that an Act may be passed for securing to your Petitioner, by Patent, the exclusive right to the aforesaid invention; and that such encouragement may be afforded to your Petitioner for the same by such pecuniary grant as to your Honourable House shall seem meet. And that the Commissioners of Light Houses may be empowered, under the direction of the Governor, to make an agreement with your Petitioner for testing the merits of his said invention, and, if the same shall be approved, for remunerating your Petitioner for the labour and expense bestowed by him thereon, in either of the modes suggested by your Petitioner, or in such other mode as shall be hereafter agreed on between the said Commissioners and your Petitioner.

And your Petitioner will ever pray, &c.

THOMAS ROBSON.





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