

NEWFOUNDLAND.



ROYAL INSTRUCTIONS,

ISSUED 7th MAY, 1838.

WITH

TABLE OF CONTENTS AND INDEX.

[Ordered, by Her Majesty's Council, to be Printed.]



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1840.

Members of Her Majesty's Council,
1840.

- The Honorable Lt.-Col. WILLIAM SALL, *K. H.*,
Commanding the Troops.
- “ JAMES SIMMS, *Attorney General.*
- “ JAMES CROWDY, *Colonial Secretary.*
- “ JAMES MORTON SPEARMAN,
Collector of Customs.
- “ JOHN DUNSCOMB.
- “ WILLIAM THOMAS.
- “ JOHN BAYLEY BLAND.
- “ JOHN SINCLAIR.
- “ PATRICK MORRIS,
Colonial Treasurer.

TABLE OF CONTENTS.

(SHEWING THE SUBJECT OF EACH ARTICLE)



ARTICLE—

- 1—Governor's Commission.
 - 2—Members of Council appointed.
 - 3—Governor's Commission to be published.
 - 4—Oaths to be taken by Governor and Council, Judges, &c.
 - 5—Instructions to be communicated to Council.
 - 6—Council to have freedom of debate and vote.
 - 7—Filling up vacancies in Council.
 - 8—Number of Council not to be altered—Suspension of Councillors.
 - 9—Absence of Members of Council.
 - 10—Style of enacting Laws.
 - 11—Laws affecting constitution of House of Assembly.
 - 12—Laws once disallowed not to be re-enacted.
 - 13—Laws establishing Courts or Militia—Duration of Laws.
 - 14—Different matters to be the subject of separate Laws—Titles of Acts—Recital of Laws repealed, &c.
 - 15—Laws affecting the Revenue.
 - 16—Lotteries.
 - 17—Bills affecting property of non-residents.
 - 18—Naturalization of Aliens—Divorce Bills, &c.
 - 19—Bills of unusual or extraordinary nature, and Bills affecting Trade or Shipping.
 - 20—Bills affecting Private Property—and Private Bills.
 - 21—Bills levying Money, Fines, &c.
 - 22—Appropriation of Public Money.
 - 23—Public Accounts.
 - 24—Provisions of Imperial Acts with regard to Paper Bills of Credit.
 - 25—
 - 26—
 - 27—
 - 28—
- 25—
26—
27—
28—
- Transmission of Acts, and Journals of Council and Assembly.

ARTICLE--

- 29—All Commissions to be during pleasure only.
- 30—Suspension of Officers.
- 31—Administration of Justice.
- 32—All Writs to be issued in the Queen's name.
- 33—Appointments to vacant Offices.
- 34—Colonial Returns.
- 35—Officers of Customs exempted from certain services.
- 36—Remission of Fines.
- 37—Appropriation of Forfeitures or Escheats.
- 38—Vice Admiralty.
- 39—Piracy.
- 40—Granting Letters of Marque, &c.
- 41—Ecclesiastical affairs.
- 42—Celebration of Divine Worship, Sacraments, &c.
- 43—Presentation to Benefices.
- 44—Administration of Sacraments by persons not in Orders.
- 45—Office of Ordinary.
- 46—Canon Law of Marriages.
- 47—Promotion of Education.
- 48—Governor to advise with the Bishop upon Ecclesiastical Matters.
- 49—Blue Book.
- 50—Assistance to neighbouring Colonies.
- 51—Governor to make reports of wants and products of the Colony.
- 52—And to take advice of Council in cases not herein provided for.
- 53—Emoluments of Officer administering the Government.
- 54—Governor to make reports of all his proceedings.

INDEX.

[N. B.—The figures refer to the No. of the *Article* and not to the *Page*.]

- Absence of Members of Council, on leave or otherwise, 9.
Accounts, Public, 20.
Acts, Copies of to be transmitted to England, 25.
Administration of Justice, 31.
————— of Sacraments, by persons not in due Orders, 44.
Admiralty Court, see *Vice Admiralty*.
Aliens, naturalization of, 18.
Appointments of Officers, to be *during pleasure only*, 29.
————— to vacant offices, 33.
Appropriation of the Public Money, 22.
————— of Forfeitures or Escheats, 37.
Assembly, General, see *General Assembly*.
————— House of, see *House*.
Assent of the Governor, to be withheld from certain Bills, 11, 12, 15 to 20.
Assistance to neighbouring Colonies, 50.
- Benefices, Vacant, presentation to, 43.
Bills affecting property of *non-residents*, 16.
— for naturalization of Aliens, 18.
— Divorce, *ibid*.
— of an unusual or extraordinary nature, 19.
— affecting *Trade* or *Shipping*, *ibid*.
— ——— Private Property, 20.
— Private, *ibid*,
— Levying Money, Fines, &c. 21.
— *Paper*, of Credit, 24.
Bishop of the Diocese, Governor to advise with, 48.
Blue Book, 49.

- Celebration of Divine Worship and Sacraments, 42.
- Colonial Returns to be made, 34.
- Secretary, to furnish copies of Acts, &c. for transmission, 26.
- Colonies, neighbouring, to be assisted in case of need, 50.
- Commission of the Governor, 1. To be read and published, 3.
- of Vice Admiral, 38.
- Commissions appointing Officers, to be *during pleasure* only, 29.
- Council, Members of appointed, 2.
- Quorum of, *ibid.*
- Instructions to be communicated to, 5.
- Members to have freedom of Debate, &c. 6.
- Filling up vacancies in, 7.
- Number of, not to be altered, 8.
- Suspension of Members, *ibid.*
- Absence of Members, on leave or otherwise, 9.
- Consent of, required to the appropriation of the Public Money, 22.
- Governor to advise with, in cases not herein provided for, 52.
- Customs, Officers of, exempted from certain services, 35.
- Divine Worship to be duly performed, 42.
- Divorce Bills, 18.
- Ecclesiastical Affairs, 41.
- Education, promotion of, 47.
- Emoluments of the Acting Governor, 53.
- Enactment of Laws by the General Assembly, 10.
- Escheats, appropriation of, 37.

Fines, Bills levying, 21.

—— Remission of, 36.

Forfeitures or Escheats, appropriation of, 37.

Freedom of debate &c. in Council, 6.

General Assembly, empowered to Enact Laws, 10.

Governor, his Commission to be read and published, 3.

—— Oaths to be taken by, *ibid.*

—— To withhold his assent from certain Bills, 11,
12, 15 to 20.

—— Commission as Vice Admiral to be enforced, 38.

—— To advise with the Bishop in Ecclesiastical
matters, 48.

—— To report wants, &c. of the Colony, 51.

—— To take advice of Council in cases not herein
provided for, 52.

—— To make reports of his proceedings, &c. 54.

—— *Acting*, his Emoluments &c. 53.

House of Assembly, constitution of, how to be altered, 11.

Instructions to be communicated to Council, 5.

Journals of Council and Assembly, to be transmitted to
England, 26-7.

Judges to take Oaths, 4.

Justice, administration of, 31.

Laws disallowed by the Crown not to be re-enacted, 12.

—— establishing Courts or Militia, 13.

—— duration of, *ibid.*

—— to be separate for different subjects, 14; recital of
the Titles of, *ibid.*

—— affecting Revenue, 15.

Leave of absence to Members of Council, 9.
 Letters of Marque, 40.
 Levying Money, Fines, &c. Bills for, 21.
 Lotteries, 16.

Marque, Letters of, 40.
 Marriages, Canon Law to be observed, 46.
 Members of the Council named, 2.

Naturalization of Aliens, 18.

Oaths, to be taken by Governor, 3.
 _____ Council, *ibid.*
 _____ R. Catholics, *ibid.*
 _____ Judges, &c. 4.
 Officers, appointments of to be *during pleasure* only, 29.
 _____ Suspension of, 30.
 _____ of Customs exempted from certain services, 35.
 Offices, vacant, appointments to, 33.
 Ordinary, office of, 45.

Paper Bills of Credit, 24.
 Piracy, 39.
 Presentation to vacant Benefices, 43.
 Property of non-residents, Bills affecting, 17.
 Private Property, Bills affecting, 20.
 _____ Private Bills, *ibid.*
 Public Money, appropriation of, 22.
 _____ Accounts, 23.

Quorum of Council, 2.

- Recital of Acts repealed, 14.
 Remission of Fines, 36.
 Returns of the Colony, 34.
 ——— for "Blue Book," 49.
 Revenue, Laws affecting, 15.
 Roman Catholics, Oath to be taken by, 3.
- Sacraments, celebration of, 42.
 ——— Administration of, by persons not in due
 orders, 44.
 Shipping, Bills affecting, 19.
 Style of enacting Laws, 10.
 Suspension of Members of Council, 8.
 ——— of Officers, 30.
- Titles of Acts, 14.
 Trade or Shipping, Bills affecting, 19.
 Transmission of Copies of Acts, Journals, &c., 25-6-7-8.
- Vacancies in Council, how to be filled, 7.
 Vacant offices, appointments to, 33.
 Vice Admiralty, 38.
- Writs to be issued in the Queen's name, 32.



NEWFOUNDLAND.



THE ROYAL INSTRUCTIONS.



VICTORIA R.

Instructions to Our Trusty and Well-beloved HENRY PRESCOTT, Esquire, Our Governor and Commander-in-Chief of Our Island of Newfoundland and its Dependencies, or in his absence to the Lieutenant-Governor or Officer Administering the Government of Our said Island and its Dependencies for the time being. Given at Our Court at Buckingham Palace, this seventh day of May, 1838, in the Second year of Our Reign.

I.

With these Our Instructions you will receive Our Commission under the Great Seal of Our United Kingdom of *Great Britain and Ireland*, constituting you Our Governor and Commander-in-Chief in and over Our Island of *Newfoundland* and its Dependencies.

Governor's
Commission.

II.

And you are forthwith to call together the following persons, whom We do hereby appoint to be Members of Our Council in Our said Island,—any three of whom to be a *Quorum*,—

Members of the
Council.

Viz. *The Chief Officer in the Command of Our Land Forces*, for the time being, in Our said Island; *The Attorney General* of Our said Island for the time being; *The Colonial Secretary* of Our said Island for the time being; *The Collector or other Chief Officer of Our Customs* of Our said Island for the time being; *John Dunscomb, William Thomas, John Bayley Bland, and John Sinclair, Esquires.*

III.

Governor's
Commission to
be read and
published.

Oaths to be
taken by the
Governor.

1 Geo. 1, cap.
13.

6 Geo. 3, cap.
53.

10 Geo. 4 cap.
7—Oath to be
taken by Ro-
man Catholics.

And you are with all usual solemnity to cause Our said Commission to be read and published at the first meeting of Our said Council, and you shall then and there take the Oaths appointed to be taken by an Act passed in the First year of the Reign of King George the First, intituled "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and concealed Abettors," as altered and explained by an Act passed in the Sixth year of the Reign of King George the Third, intituled "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of Her late Majesty Queen Anne, intituled 'An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason,'" or in lieu thereof the Oath required to be taken by an Act passed in the Tenth year of His late Majesty King George the Fourth, intituled "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts, or the said last mentioned Act, shall be applicable to your case; and you shall like-

wise take the usual Oath for the due execution of the office of Our Governor and Commander-in-Chief in and over Our said Island, and for the due and impartial administration of Justice. And further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and the Plantations be duly observed, which said Oaths Our Council of Our said Island, or any three or more of the Members thereof, shall, and have full power and authority, and are hereby required to tender and administer unto you; all of which being duly performed, you shall administer to each of the Members of Our said Council such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of Our said Council taking the same: And you are also to administer unto them the usual Oath for the due execution of their places and trusts respectively; all which Oaths shall also be administered by you to all such Persons as shall hereafter be appointed to be members of your said Council, before they respectively enter upon the execution of the duties of such their office.

Governor's
Oath of Office.

Oaths to be
taken by Mem-
bers of Council;

IV.

You shall administer or cause to be administered the Oaths mentioned in these Our Instructions, to all Judges, Justices and other Persons who hold any place of Trust or Profit in our said Island, without the doing of all which you are not to admit any Person whatsoever into any Public Office, nor suffer those who may have already been admitted, to continue therein.

—and by the
Judges and
Personsholding
Offices of Trust

V.

You are to communicate forthwith such of these Our Instructions to Our said Council, wherein their advice and consent are mentioned to be requisite, and likewise all such others

These Instruc-
tions to be
communicated
to the Council
&c.

from time to time as you shall find convenient for Our service to be imparted to them.

VI.

Members of Council to have freedom of Debate and Vote.

You are to permit the Members of Our said Council to have and enjoy Freedom of Debate and Vote in all affairs of public concern that may be submitted to their consideration in Council.

VII.

Vacancies in the Council.

And Whereas by our Commission you are empowered, in case of the death or absence of any of the Members of Our said Council, to fill up the vacancies therein to the number of *Seven*, and no more; You are therefore from time to time to send to Us, through one of Our Principal Secretaries of State, the names and qualifications of any Members by you put into Our said Council, by the first opportunity after so doing.

VIII.

Council not to be augmented or diminished.

You are neither to augment or diminish the number of the Members of Our said Council as already established, nor to suspend any of them without good and sufficient cause, nor without the consent of the majority of the said Council, signified in Council after due examination of the charge against such Councillor, and his answer thereunto; and in case of the suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereunto, to be duly entered upon the Council Book; and forthwith to transmit Copies thereof to Us, through one of Our Principal Secretaries of State. Nevertheless, if it should happen that you should have reasons for suspending any of the Members of Our said Council, not fit to be

Suspension of Councillors.

communicated to Our said Council, you may, in that case, suspend such Member, without such consent of the majority of the Council as aforesaid. But you are thereupon immediately to send Us, through One of Our Principal Secretaries of State, an account of your proceedings therein, together with your reasons at large for such Suspension, and also your reasons for not communicating the same to Our Council.

IX.

And Whereas effectual care ought to be taken to oblige the Members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a Quorum to transact business as occasion may require; it is Our Will and Pleasure that if any of the Members of Our said Council shall hereafter absent themselves from the said Island, and continue absent above the space of *Six Months* together, without leave from you, first obtained under your hand and Seal, or shall remain absent for the space of *One Year* successively, without leave given them under Our Royal Sign Manual and Signet, his or their Place or Places in the said Council shall immediately thereupon become void; and that if any of the Members of Our said Council, residing within Our said Island, shall hereafter absent themselves, when duly Summoned, without a sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend the said Councillors so absenting themselves until Our further Will and Pleasure therein be known, giving immediate notice thereof to Us, through One of Our Principal Secretaries of State. And We do hereby will and require that this Our Royal Pleasure be signified to the Members of Our said Council, and entered in the Council Book as a standing Rule.

Absence of
Members of
Council on
leave or
otherwise.

X.

General
Assembly
empowered to
enact Laws&c.

And Whereas by Our Commission to you under Our Great Seal of Our United Kingdom of *Great Britain and Ireland*, you are authorized and empowered, with the advice and consent of Our Council, to summon and call General Assemblies of the Freeholders and Household-ers of Our said Island of *Newfoundland*, and its Dependencies under your Government, and with the advice and consent of the said Council, or the major part of them, to make, constitute, and ordain Laws, Statutes, and Ordinances for the public peace, welfare and good government of Our said Island and its Dependencies; It is Our Will and Pleasure that the following Regulations be carefully observed in the framing and passing of all such Laws, Statutes and Ordinances as are to be passed by you, with the consent of Our said Council and Assembly, Viz:—That the style of enacting the said Laws, Statutes and Ordinances, be by the Governor, Council, and Assembly, and no other.

Style of
enacting Laws.

XI.

Laws affecting
the constitution
of the
Assembly.

And We hereby require and command that you do not, on any pretence whatever, give your assent to any Law or Laws to be passed, by which the number of the Assembly shall be enlarged or diminished, the duration ascertained, the qualifications of the Electors or the Elected fixed or altered, or by which any Regulations shall be established with respect thereto, until you shall have first transmitted unto Us, through One of Our Principal Secretaries of State, the Draft of such Bill or Bills; and shall have received Our Royal Pleasure thereon, unless you take care, in the passing such Bill or Bills, that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our Will and Pleasure shall be known thereon.

XII.

And you shall not re-enact any Law to which the assent of Us, or Our Royal Predecessors, has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through One of Our Principal Secretaries of State, of the reason and necessity for re-enacting such Law.

No Law to which the Royal assent may have been refused, to be re-enacted.

XIII.

And it is Our express Will and Pleasure that no Law constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a *Temporary Law*, and that no Law for granting unto Us any sum or sums of money, by Duties of Import, Tonnage or Excise, be made to continue for less than one whole year; as also, that no other Laws whatsoever be made to continue for less than *Two years*, except only in cases where it may be necessary, upon some unforeseen emergency, to make provision by Law for a service in its nature temporary and contingent.

No Law establishing Courts, or Militia, to be temporary.

Duration of Laws.

XIV.

You are also, as much as possible, to observe in the passing of all Laws, that each different matter be provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in, or annexed to, any Act, which shall be foreign to what the title of such respective Act imports; and that no Perpetual clause be part of any Temporary Law; and that no Act whatever be suspended, altered, continued, revised or repealed by general words, but that the Title and Date of such Act so suspended, altered, continued, revised, or repealed, be particularly mentioned and expressed in the enacting part.

Each different matter to be provided for by a different law;

and no clause foreign to the title to be introduced,

Recital of Laws altered, repealed, &c.

XV.

Laws affecting
the Revenue.

And you are particularly enjoined not to pass any Law, or do any Act by Grant, Deed, Conveyance or otherwise, whereby Our Revenue may be lessened or impaired, without Our special leave or command therein.

XVI.

Lotteries.

It is Our Will and Pleasure that you do not give your assent to any Bill or Bills for raising Money by the institution of any Public or Private Lotteries.

XVII.

Bills affecting
the property of
Persons who
have never
resided in the
Colony.

It is Our Will and Pleasure that you do not, on any pretence whatever, give your assent to, or pass, any Bill or Bills, in Our Island under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of Persons who have never resided within Our said Island, shall be liable to be seized or taken in Execution for the recovery of Debts due from such Persons, otherwise than is allowed by Law in cases of a like nature within Our Realm of England, until you shall have first transmitted unto Us, through One of Our Principal Secretaries of State, the Draft of such Bill or Bills, and shall have received Our Royal Pleasure thereupon, unless you take care, in the passing of such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the Execution thereof until Our Royal Will and Pleasure shall be known thereupon.

XVIII.

Bills for the
Naturalization
of Aliens—
Divorce Bills,
&c.

It is Our further Will and Pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may have been, or shall hereafter be, passed by the Council and Assembly of the Island under your Government, for the Naturalization of Aliens, nor

for the Divorce of Persons joined together in Holy Matrimony, nor for establishing a Title in any Person to Lands, Tenements and Real Estates, in Our said Island and its Dependencies, originally granted to, or purchased by Aliens, antecedent to Naturalization.

XIX.

Whereas great mischief may have arisen by the frequent passing of Bills of an unusual and extraordinary nature and importance in the Plantations, which Bills remain in force there from the time of enacting until Our Pleasure be signified to the contrary; We do hereby will and require you not to pass or give your assent to any Bill or Bills, passed in the Assembly, of an unusual and extraordinary nature and importance, whereby Our Prerogative, or the Property of Our Subjects, may be prejudiced; nor to any Bill or Bills whereby the Trade or Shipping of this Kingdom shall be in any wise affected; until you shall have first transmitted unto Us, through One of Our Principal Secretaries of State, a Draft of such Bill or Bills, and shall have received Our Royal Pleasure thereupon; unless you take care, in the passing of any such Bills as aforementioned, that there be a clause inserted therein, suspending and deferring the execution thereof until Our Pleasure shall be known concerning the same.

Bills of an unusual and extraordinary nature.

Bills affecting Trade or Shipping.

XX.

You are also to take care that no private Act be passed, whereby the Property of any Private Person may be affected, in which there is not a saving of the Rights of Us, Our Heirs, and Successors; all Bodies Politic and Corporate, and of all other except such as are mentioned in the said Act, and those claiming by, from and under them; and further, you shall take care that no such Private Act be passed, with-

Bills affecting Private Property.

Private Bills.

out a clause suspending the execution thereof, until the same shall have received Our Royal Approbation. It is likewise Our Will and Pleasure that you do not give your assent to any Private Act, until proof be made before you, in Council, and entered in the Council Book, that Public notification was made of the Parties' intention to apply for such an Act in the several Parish Churches where the Premises in question lie, for three Sundays at least successively, before any such Act shall be brought into the Assembly; and that a Certificate under your hand shall be transmitted with, and annexed to every such Private Act, signifying that the same has passed through all the forms above mentioned.

XXI.

Bills for
levying Money,
Fines, &c.

You are to take care that in all Acts, or Orders, to be passed within our said Island, in any case, for levying Money or imposing Fines and Penalties, express mention be made that the same is granted or reserved to Us, Our Heirs and Successors, for the Public uses of the said Island and the support of the Government thereof, as by the said Act or Order shall be directed.

XXII.

Appropriation
of the Public
Money.

You are not to suffer any Public Money whatsoever, whether it be appropriated to any particular service or not, by the Act granting the same, to be issued or disposed of otherwise than by Warrant, under your hand, by and with the consent of the said Council; but the Assembly may nevertheless be permitted from time to time to view and examine the Accounts of Money or value of Money, disposed of by virtue of Laws made by them, as there shall be occasion.

XXIII.

We do hereby particularly require and enjoin you, upon pain of Our highest displeasure, to take care that fair Books of Accounts of all receipts and payments of all such money be duly kept, and in which Books shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end We may be satisfied of the right and due application of the Revenue of Our said Island, with the probability of the increase and diminution of it, under every head and article thereof.

Public
Accounts.

XXIV.

It is Our Will and Pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the Fourth Year of the Reign of His late Majesty King George the Third, Intituled, "An Act to prevent Paper Bills of Credit, hereafter to be issued in any of His Majesty's Colonies or Plantations in America, from being declared to be a Legal Tender of such Bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same;" and also of an Act passed in the Thirteenth year of the Reign of His said late Majesty King George the Third, to explain and amend the above recited Act passed in the Fourth year of His Reign as aforesaid; and you are not to give your assent to, or pass any Act, whereby Bills of Credit may be struck or issued in lieu of Money, or for the payment of Money, either to you Our Governor, or to any Person whatsoever, unless a clause be inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our Heirs or Successors,

Paper Bills of
Credit,Act 4 Geo. 3
cap. 34.

13 Geo. 3 c. 57.

XXV.

Copies of all Acts to be duly transmitted for the signification of the Royal pleasure thereon.

You are to transmit an authenticated and separate copy of every Law, Statute or Ordinance that at any time hereafter shall be made or enacted within the Island under your Government, under the Public Seal, unto Us, through one of Our Principal Secretaries of State, within three Months, or sooner, after their being enacted, upon pain of Our highest displeasure, and also of such pecuniary, or other penalty, as we may please to inflict; But if it shall happen that no Shipping shall come from Our said Island within three Months after the making such Laws, Statutes and Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.

XXVI.

Preparation of Acts for transmission.

And it is Our further Will and Pleasure, that the Copies and Duplicates of all Acts that shall be transmitted as aforesaid, be fairly abstracted in the Margins, and that there be inserted the several dates or respective times when the same passed the Council and Assembly and received your assent; and you are to be as particular as may be possible in your observations to be sent to Us, through one of Our Principal Secretaries of State, upon every Act; that is to say, whether the same is introductory of a New Law, declaratory of a former Law, or does repeal a Law then before in being. And you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such Laws, unless the same do fully appear in the Preamble of the said Acts,

XXVII.

You are to require the Secretary of the Island under your Government, or his Deputy for the time being, to furnish you with Transcripts of all such Acts or Public Orders as shall be made from time to time, together with Copies of the Journals of the Council; and that all such Copies be fairly abstracted in the Margins, to the end the same may be transmitted to Us, through one of Our Principal Secretaries of State, which he is duly to perform upon pain of incurring the forfeiture of his Office.

Transcripts of Acts and Journals of Council to be furnished for transmission to England;

XXVIII.

You are also to require from the Clerk of the Assembly of the said Island, or other proper Officer, Transcripts of all the Journals and other proceedings of the said Assembly; and that all such Transcripts be fairly abstracted in the Margins, to the end the same may in like manner be transmitted as aforesaid.

Also Journals of the Assembly.

XXIX.

And it is Our further Will and Pleasure that all Commissions to be granted by you to any Person or Persons to be Judges, Justices of the Peace, or other necessary Officers, be granted during pleasure only.

Commissions to Judges and other Officers to be *during pleasure* only.

XXX.

You shall not suspend any of the Judges, Justices, or other Officers or Ministers, without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Us, through one of Our Principal Secretaries of State.

Suspension of Officers.

XXXI.

It being of the greatest importance to Our Service, and to the welfare of Our Subjects, that Justice be everywhere speedily and duly administered, and that all disorders, delays, and

Administration of Justice.

other undue practices in the administration thereof, be effectually prevented, We do particularly require you to take especial care that in all Courts where you are authorized to preside, Justice be impartially administered, and that in all Courts established within Our said Island, all Judges and other Persons therein concerned, do likewise perform their several duties without any delay or partiality.

XXXII.

Writs.

You are to take care that all Writs be issued in Our name throughout Our said Island under your Government.

XXXIII.

Appointments
to vacant
Offices.

You shall not by colour of any Power or Authority, hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant or dispose of any Office or Place within Our said Island, which now is or shall be granted under the Great Seal of this Kingdom, or to which any Person is, or shall be appointed by Warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such Office or Place, or upon the suspension of any such Officer by you, put in any fit Person to officiate in the interim, until you shall have represented the matter to Us, through One of Our Principal Secretaries of State.

XXXIV.

Colonial
Returns.

You are to transmit unto Us, through One of Our Principal Secretaries of State, with all convenient speed, a particular account of all Establishments of Jurisdictions, Courts, Offices, and Officers, Power, Authorities, Fees and Privileges, granted and settled, or which shall be granted and settled within Our said Island and its Dependencies, as likewise an account of all the Expences attending the Establishment of

the said Courts, and of such Funds as are settled and appropriated to discharge the same.

XXXV.

And Whereas complaints have been made by the Officers of Our Customs, in Our Plantations in America, that they have been frequently obliged to serve on Our Juries, and personally to appear in Arms, whensoever the Militia is drawn out, and thereby are much hindered in the execution of their Employments; Our Will and Pleasure is that you take effectual care, and give the necessary directions, that the several Officers of Our Customs be excused and exempted from serving on Juries, or personally appearing in Arms in the Militia, unless in case of absolute necessity, or serving any Parochial Offices which may hinder them in the execution of their Duties.

Officers of
Customs
exempted from
certain
Services.

XXXVI.

You shall not remit any Fines or Forfeitures whatever, above the Sum of Fifty Pounds, nor dispose of any Forfeitures whatsoever, until upon signifying unto Our Commissioners of Our Treasury, or Our High Treasurer for the time being, the nature of the Offence, and the occasion of such Fines and Forfeitures, with the particular sums or value thereof, (which you are to do with all speed) you shall have received Our directions therein; but you may, in the mean time, suspend the payment of the said Fines and Forfeitures.

Remission of
Fines.

XXXVII.

It is Our Will and Pleasure that you do not dispose of Forfeitures or Escheats to any Persons, until the Provost Marshall, or other proper Officer, have made enquiries, by a Jury upon their Oaths, into the true value thereof, nor until you shall have transmitted to Us, through

Appropriation
of Forfeitures,
&c.

One of Our Principal Secretaries of State, a particular account of such Forfeitures and Escheats, and the value thereof, and shall have received Our directions thereupon; and you are to take care that the produce of the said Forfeitures and Escheats, in case We shall think proper to give you directions to dispose of the same, be duly paid to the Receiver of Our Casual Revenue, and that a full account thereof be transmitted to Us, through One of Our Principal Secretaries of State, with the names of the Persons to whom disposed of.

XXXVIII.

ViceAdmiralty

Whereas you will receive from Our Commissioners for executing the Office of High Admiral, a Commission constituting you Vice Admiral of Our said Island; you are hereby required and directed carefully to put in execution the several Powers thereby granted to you.

XXXIX.

Piracy.

And Whereas Commissions have been granted in Our Colonies and Plantations for Trying Pirates in those Parts, pursuant to the Acts for the more effectual suppression of Piracy; Our Will and Pleasure is, that in all matters relating to Pirates you govern yourself according to the intent of the Acts before-mentioned, and any Commission which may have been received or which you may receive, in reference thereto.

XL.

Letters of
Marque and
Reprisal.

And Whereas there have been great irregularities in the manner of granting Commissions in Our Plantations to Private Ships of War; you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal.

sal against any Prince or State, or their Subjects, in Amity with Us, to any Person whatsoever, without Our especial Command.

XLI.

And Whereas by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 10th day of May, 1825, the Island of Newfoundland was constituted to be part of the See of the Bishop of Nova Scotia; and the said Bishop was thereby duly authorized to Exercise Jurisdiction, Spiritual and Ecclesiastical, in the said Island; it is Our Will and Pleasure that in the Administration of the Government of the said Island, you should be aiding and assisting to the said Bishop, and to his Commissary or Commissioners, in execution of their Charge, and in the exercise of such Ecclesiastical Jurisdiction, excepting only the Granting Licenses of Marriages and the Probates of Wills.

Ecclesiastical
affairs.

XLII.

We do enjoin and require that you take especial care that Almighty God be devoutly and truly served throughout your Government; the Book of Common Prayer, as by Law established, read each Sunday and Holiday; and the Blessed Sacrament administered according to the Rites of the Church of England; and in all matters relating to the Celebration of Divine Worship, you are to advise with the Right Reverend Father-in-God, the Bishop of Nova Scotia, for the time being.

Divine
Worship.

XLIII.

Upon the vacancy of any Ecclesiastical Benefice in Our said Island and its Dependencies, you will present to the said Bishop of Nova Scotia for the time being, for Institution to such vacant Benefice, any Clerk in Holy Orders, of

Presentations
to Ecclesiasti-
cal Benefices.

the United Church of England and Ireland, who shall have been actually resident within the said Diocese, and officiating there, as a Clerk in Holy Orders, for Six Calendar Months at the least, next before such Benefice shall have become vacant, whom the said Bishop may Certify to you to be a fit and proper Person to fill such vacancy, and to be a Person of Good Life and Conversation, and conformable to the Doctrine and Discipline of the said United Church; but if at the time of any such vacancy occurring there shall not be resident within the said Diocese any Clerk in Holy Orders of the said United Church, who shall have been resident and Officiating therein as aforesaid, in whose favor the said Bishop shall think proper so to Certify to you, or if no such Certificate shall be received by you from the said Bishop within three Calendar Months next after such vacancy shall occur, then, and in either of such cases, you shall forthwith report the circumstance to Us, through one of Our Principal Secretaries of State, to the intent that We may nominate some fit and proper Person, being a Clerk in Holy Orders as aforesaid, to fill the said vacancy; and We do enjoin and command you to present to the said Bishop, for Institution to any such vacant Ecclesiastical Benefice, any Clerk who may be so nominated by Us, through One of Our Principal Secretaries of State.

XLIV.

Administration
of the Sacrament
by
persons not in
due Orders.

You are to enquire whether there be any Minister within your Government, who Preaches and Administers the Sacrament in any Orthodox Church or Chapel, without being in due Orders, and to give an account thereof to the said Bishop of Nova Scotia.

XLV.

Office of
Ordinary.

And Whereas doubts have arisen whether the Powers of Granting Licenses for Marriages,

and Probates of Wills, commonly called the Office of Ordinary, which We have reserved to you Our Governor, can be exercised by deputation from you to any other Person within Our said Island under your Government; it is Our express Will and Pleasure, and you are hereby directed and required not to grant deputations for the exercise of the said Powers, commonly called the Office of Ordinary, to any Person or Persons whatsoever in Our said Island, under your Government.

XLVI.

And you are to take especial care that a Table of Marriages, established by the Canons of the Church of England, be hung up in every Orthodox Church, and duly observed.

Canon Law of Marriages.

XLVII.

It is Our Will and Pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining Schools, in order to the training up of Youth to reading, and to a necessary knowledge of the Principles of the Christian Religion; you are not, however, to give your assent to any Act respecting Religion, without a clause suspending its operation, until Our Pleasure shall have been signified thereupon, unless a Draft thereof shall have been previously transmitted by you for Our consideration and approval.

Education.

XLVIII.

And we do further direct that in all matters arising within your Government, connected with the Education of Youth in the Principles of the Christian Religion, according to the Doctrine of the said United Church of England, or connected with the prevention of Vice and Profaneness, or connected with the Worship of Almighty God, or the promotion of Religion and Virtue, you be advising with the Bishop for the time being of the said Diocese of Nova Scotia,

Governor to advise with the Bishop in Ecclesiastical matters.

and be aiding him in the execution of all such designs and undertakings as may be recommended by the said Bishop for the promotion of any of the objects before mentioned, so far as such designs and undertakings may be consistent with the Law and with your Commission and these Our Instructions.

XLIX.

Blue Book.

And whereas you will receive, through one of Our Principal Secretaries of State, a Book of Tables in Blank, commonly called the Blue Book, to be filled up with certain returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of Our said Island of Newfoundland. Now We do hereby signify Our Pleasure that all such Returns be accurately prepared and punctually transmitted to Us, from year to year, through one of Our Principal Secretaries of State; and that no Officer within Our said Island, within whose department it may be necessary to contribute any Return or Returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you any Warrant for the payment of his Official Salary, which may become due and payable to him, so long as such duty shall be in arrear or remain unperformed.

L.

Assistance to
neighbouring
Colonies.

And in case of any Distress of any other of Our Plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our Island under your Government can spare.

LI.

You shall likewise, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the Island under your Government, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made, or advantage gained by Trade, or in what way We may contribute thereto.

Governor to report the wants, products, &c. of the Colony.

LII.

If any thing shall happen which may be of advantage or security to Our Island and its Dependencies under your Government, which is not herein, or by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take order for the present therein, giving unto Us, through one of Our Principal Secretaries of State, speedy notice thereof, so that you may receive Our ratification, if we shall approve the same; Provided always, that you do not, under colour of any Power or Authority hereby given to you, commence or declare War without Our knowledge and particular commands therein.

Governor to take advice of Council in cases not provided for in these Instructions.

LIII.

And Whereas We are willing to provide in the best manner for the support of the Government of Our said Island, by setting apart sufficient allowances to such as shall be Our Lieut. Governor or Commander-in-Chief, residing for the time being within the same; Our Will and Pleasure is, that when it shall happen that you shall be absent from Our said Island, one full moiety of the Salary, and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the time of your absence be paid and satisfied unto such Lieutenant Governor, or Officer adminis-

Emoluments of the Officer administering the Government in the Governor's absence.

tering the Government for the time being, which We do hereby order and allot unto him for his maintenance, and for the better support of the Dignity of Our Government.

LIV.

Governor to
make reports of
his proceedings

And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.