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COMMISSION

OF

HIS EXCELLENCY

KER BAILLIE HAMILTON, Esquire,

GOVERNOR OF NEWFOUNDLAND AND ITS
DEPENDENCIES,

TOGETHER WITH THE

Royal Instructions

ACCOMPANYING THE SAME,

Dated 9th November, 1852.

J. C. WITHERS, QUEEN'S PRINTER.

1853.

Newfoundland.

COMMISSION

OF

HIS EXCELLENCY KER BAILLIE HAMILTON.

*VICTORIA, by the Grace of GOD, of the
United Kingdom of Great Britain and
Ireland, Queen, Defender of the Faith.*

To Our trusty and well-beloved **KER BAILLIE
HAMILTON, Esquire, Greeting.**

WHEREAS We did by certain Letters Patent under Preamble.
the Great Seal of the United Kingdom of Great
Britain and Ireland, bearing date at Westminster, the
Nineteenth day of July, One Thousand Eight Hundred
and Forty Eight, in the Twelfth Year of Our Reign,
constitute and appoint Our trusty and well-beloved Sir
JOHN GASPARD LE MARCHANT, Knight, then Lieute-
nant-Colonel and now Colonel in our army, to be Gover-
nor and Commander in Chief in and over the Island of
Newfoundland, and the Islands and Territories within
the limits as therein described, as by the said recited
Letters Patent, relation being thereunto had, may more
fully and at large appear.

Now **KNOW YOU** that We have revoked and deter- Letters Patent
mined, and by these Presents do revoke and determine, of 19th July,
the said recited Letters Patent, and every clause, article 1848, revoked.
and thing therein contained.

AND FURTHER KNOW YOU, that We, reposing especial Ker Baillie
trust and confidence in the prudence, courage and loyalty Hamilton Esq.
of you the said **KER BAILLIE HAMILTON**, of Our especial appointed Go-
grace, certain knowledge and mere motion, have thought vernor of New-
fit to constitute and appoint you, and by these Presents foundland and
do constitute and appoint you, the said **KER BAILLIE** its Depend-
HAMILTON, to be Our Governor and Commander in cies.
Chief in and over Our Island of Newfoundland and
the Islands adjacent, and all the Coast of Labrador

COMMISSION.

from the entrance of Hudson's Straits to a line to be drawn due North and South from Anse Sablon on the said Coast to the Fifty-second degree of North Latitude, and all the Islands adjacent to that part of the said Coast of Labrador, as also of all Forts and Garrisons erected and established or which shall be erected and established within the said Island of Newfoundland and the Islands adjacent, or on the Coast of Labrador within the limits aforesaid, or in the said Islands adjacent to that part of the said Coast, for and during Our will and pleasure.

The Govern-
ment to be ad-
ministered
agreeably to
Royal Instruc-
tions, &c.

And We do hereby require and command you to do and execute all things in due manner that shall belong to your said command and the trust We have reposed in you, according to the several powers and authorities granted or appointed you by this present Commission and the Instructions herewith given you, or according to such further powers, instructions and authorities as shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force or may hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of Our said Island and its Dependencies under your Govern-
ment.

The Public
Seal.

And Our further Will and Pleasure is that you shall and may keep and use the Public Seal for sealing all things whatsoever that shall pass the Seal of Our said Island and its Dependencies.

Appointment
of Judges, Jus-
tices of the
Peace, &c.

And We do hereby authorize and empower you, the said KER BAILLIE HAMILTON, to constitute and appoint Judges, and in cases requisite Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Island and its Dependencies, for the better administration of Justice and putting the Laws into execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of Offices and Places and for the clearing of truth in Judicial causes.

And We do hereby give and grant unto you the said

KERBAILLIE HAMILTON, full power and authority, upon sufficient cause to you appearing, to suspend from the exercise of his Office within Our said Island any Person exercising any Office or Place under or by virtue of any Commission or Warrant granted or which may be granted by Us, or in Our Name or under Our authority, which suspension shall continue and have effect only until Our Pleasure therein shall be made known and signified to you. And We do hereby strictly require and enjoin you, in proceeding to any such suspension, to observe the directions in that behalf given to you by Our Instructions under Our Signet and Sign Manual accompanying this Our Commission to you.

Suspension of Officers.

And We do hereby give and grant unto you full power and authority, where you shall see cause, or judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto Us, fit objects of Our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures.

Pardon of offenders, remission of fines, &c.

And in case of your death, or absence out of Our said Island and its Dependencies, We do hereby give and grant all and singular the powers and authorities herein to you granted, to Our Lieutenant Governor for the time being of Our said Island, or in the absence of any such Lieutenant Governor, to such person as We may, by Warrant under Our Sign Manual and Signet, authorize and appoint to be the Administrator of the Government of Our said Island;—such powers and authorities to be by him executed and enjoyed during Our Pleasure; but if upon your death, or absence out of Our said Island and its Dependencies, there be no person upon the place commissioned and appointed by Us to be our Lieutenant Governor, or specially appointed by Us to administer the Government within Our said Island and its Dependencies, Our Will and Pleasure is, that until your return from any such absence, or until Our further Pleasure shall be known, the Colonial Secretary for Our said Island for the time being shall take upon him the administration of the Government thereof, and shall execute this Our Commission and the aforesaid Instructions and the several powers and authorities therein contained, in the same manner, and to all intents and purposes, as other Our Governor and Commander-in-Chief should or ought to do.

Administration of the Government in the event of the death or absence of the Governor.

All Officers
and other per-
sons to be aid-
ing to the Go-
vernor, &c.

And We do hereby require and command all Officers and Ministers, Civil and Military, and all other the Inhabitants of Our said Island and of its Dependencies, to be obedient aiding and assisting you the said KEE BAILLIE HAMILTON in the execution of this Our Commission, and of the powers and authorities herein contained.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

Witness Ourselves, at Westminster, the Ninth day of November in the Sixteenth Year of Our Reign,

By Warrant under the Queen's Sign Manual.

E. ROMILLY,

THE
ROYAL INSTRUCTIONS.

VICTORIA R.

INSTRUCTIONS to Our Trusty and Well-beloved KER BAILLIE HAMILTON, ESQUIRE, Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, or in his absence to the Officer for the time being Administering the Government of the said Island. Given at Our Court at Windsor this Ninth day of November, 1852, in the Sixteenth Year of Our Reign.

I.

WHEREAS by a Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We did constitute and appoint you the said KER BAILLIE HAMILTON, to be Governor and Commander-in-Chief in and over Our said Island, and of all Forts and Garrisons erected and established, or which should be erected and established within the same, and did further require and command you to do and execute all things in due manner that should belong to your said Command, and the trust We had reposed in you, according to the several powers and directions granted to or appointed for the Governor of Our said Island for the time being in and by the Instructions under Our Sign Manual and Signet therein referred to, and according to such further powers, instructions, and authorities, as should from time to time be granted or appointed you under Our Signet and Sign Manual, or by Our Orders in Our Privy Council or by Us through one of Our Principal Secretaries of State, and according to such Laws as are now in force in the said Island of Newfoundland, or such as shall hereafter be made and enacted by virtue of certain therein recited Acts of Parliament: Now therefore, by these Our Instructions under Our Royal Sign Manual and Signet, being the Instructions so referred to in Our said Com-
Preamble.
Governor's Commission to be read and published.

Oaths to be
taken by the
Governor.

mission, We do declare Our pleasure to be, that you shall, with all due solemnity, cause Our said Commission to be read and published in the presence of Our Chief Officers and other the Principal Inhabitants of the said Island, 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 secret Abettors," as altered and explained by an Act passed in the Sixth year of the Reign of His late Majesty 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 the Seventh year 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 the Reign 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 likewise that you 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; which said Oaths the Chief Justice for the time being of Our said Island shall, and he is hereby required to tender and administer unto you.

II.

Oaths of Allegiance to be administered to persons holding offices of trust.

And we do authorize and require you, from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give to all and every person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Island, or be resident therein, the Oath commonly called the Oath of Allegiance, save only in cases wherein

any other Oath or Oaths is or are prescribed by the Statutes in that behalf made, or by any of these Statutes, in which cases it is Our pleasure; and We do hereby direct, that you do administer to such persons such other Oath or Oaths as aforesaid.

III.

And We do authorize and require you 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—Videlicet—the SENIOR OFFICER IN COMMAND OF OUR LAND FORCES for the time being in Our said Island, next after Our Governor thereof for the time being; the ATTORNEY GENERAL for the time being of Our said Island; the COLONIAL SECRETARY for the time being of Our said Island; WILLIAM THOMAS, WILLIAM BICKFORD ROW, JOSEPH NOAD, CHARLES F. BENNETT, LAWRENCE O'BRIEN, THOMAS JOB, and JAMES GRIEVE, Esquires; and We do hereby authorize and empower you to suspend any of the Members of Our said Council, in the manner hereinafter provided, from sitting, voting, and assisting therein, if you shall find just cause for so doing; and if it shall at any time happen that by the death, departure out of Our said Island and its Dependencies, suspension of any of Our said Councillors, or otherwise, there shall be a vacancy in Our said Council, Our will and pleasure is that you signify the same to Us by the first opportunity, that We may under Our Signet and Sign Manual constitute and appoint others in their stead. But that Our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than Seven of them residing in Our said Island and its Dependencies, you are hereby authorized to choose as many persons out of the principal freeholding Inhabitants of Our said Island and its Dependencies, as will make up the number of Our Council to be Seven, and no more, which persons, so chosen and appointed by you, shall be to all intents and purposes Councillors for Our said Island and its Dependencies, until either they are confirmed by Us, or that by the nomination of others by Us, under Our Sign Manual and Signet, Our said Council shall have Seven or more persons in it; and you are from time to time to send to Us, through one of Our Principal Secre-

Members of
Council.

Vacancies in
Council—how
filled up.

aries of State, the names and qualifications of any Member by you put into Our said Council, by the first opportunity after so doing.

IV.

Instructions to be communicated to the Council.

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

V.

Members of Council to have freedom of debate and vote. Proceedings of Council to be entered on Council Books.

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; and We do hereby direct that all proceedings and votes of Our said Council shall be reduced to writing and regularly entered on the Council Books.

VI.

Council not to be augmented or diminished.

You are neither to augment nor 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 the case of the

Suspension of Councillors.

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 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 to 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.

VII.

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, or shall become bankrupt or be declared insolvent, 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 into the Council Book as a Standing Rule.

Absence of Members of Council on leave or otherwise.

VIII.

You are authorised and directed, with the advice and consent of Our said Council, from time to time, as need shall require; to summon and call General Assemblies of the Freeholders and Householders within the said Island and its Dependencies within your Government, in such manner and form, and according to such powers and authorities as are hereinafter appointed by these Instructions, or according to such further powers and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council, and according to the Laws of Our said Island in that behalf made and provided; and Our Will and Pleasure is, that the persons thereupon duly elected by the major part of the freeholders and householders of the respective Towns and Districts, and so returned, shall, before their sitting, take the Oath commonly called the Oath of Allegiance, which Oath you shall commission fit persons, under the Seal of Our said

Governor empowered to summon General Assemblies of Freeholders, &c.

Oaths of Allegiance to be administered to Members.

General Assembly empowered to enact Laws, &c.

Island and its Dependencies, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected; and We do hereby declare that the persons so elected and qualified, shall be called and deemed the General Assembly of Our said Island of Newfoundland; and you the said KER BAILLIE HAMILTON, by and with the advice and consent of Our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain Laws, Statutes, and Ordinances, for the public peace, welfare, and good Government of Our said Island and its Dependencies, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, Our Heirs and Successors; which said Laws, Statutes, and Ordinances, are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this Our Kingdom of Great Britain and Ireland.

IX.

Copies of Acts to be transmitted for the signature of the Royal pleasure thereon.

And it is Our further will and pleasure, that all such Laws, Statutes, and Ordinances, of what nature or duration soever, be, within three months or sooner after the making thereof, transmitted to Us, under the Public Seal of our said Island and its Dependencies, for Our approbation or disallowance of the same, as also duplicates thereof by the next conveyance. And in case any or all of the Laws, Statutes, and Ordinances, not before confirmed by Us, shall at any time be disallowed and not approved, and so signified by Us, our Heirs and Successors, under Our or their Sign Manual and Signet, or by order of Our or their Privy Council, unto you the said KER BAILLIE HAMILTON, or to the Officer administering the Government of Our said Island for the time being, then such and so many of the said Laws, Statutes, and Ordinances, as shall be so disallowed and not approved, shall from thenceforth cease, determine, and become utterly void and of none effect; anything to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by Our said Council and Assembly, to the prejudice of Us, Our Heirs and Successors, We will and ordain that you, the said KER BAILLIE HAMILTON, shall have and enjoy a negative voice in the making and passing such Laws, Statutes, and Ordinances, as aforesaid; and that you, or, in your

Acts disallowed, to be void.

Governor to have a negative vote in passing laws;

absence, the Officer Administering the Government, shall and may, from time to time, as you or he shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

and empowered to prorogue General Assemblies.

X.

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the second of March, One Thousand Eight Hundred and Thirty-two, in the Second year of the Reign of His late Majesty King William the Fourth, and by Instructions under his Royal Signet and Sign Manual bearing date the Twenty-seventh day of July One Thousand Eight Hundred and Thirty-two, his said late Majesty did authorize and empower SIR THOMAS JOHN COCHRANE, Knight, then Governor of Newfoundland, to summon General Assemblies of the Freeholders and Householders within the said Island. And whereas General Assemblies were afterwards elected and holden in and for the said Island, under and by virtue of the said last mentioned Commission and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us. And whereas by an Act passed in the Sixth year of Our Reign, intituled "An Act for amending the Constitution of the Government of Newfoundland," it was enacted amongst other things, that it should be lawful for Us, in the manner therein provided, to establish a qualification in respect of income or property, in right of which any person might thereafter be elected to serve as a Member of the said Assembly; and in manner aforesaid to determine the length of the period of residence which should be required in addition to any other qualification for voting at such elections, or for being elected to serve as a Member of the Assembly; and to restrain, in manner therein provided, appropriations of monies to the public service by the said Assembly; and to require that all Elections of Members to serve in the said Assembly should be simultaneous. And whereas by the said last mentioned Act it was provided and enacted that no change which should be made thereby in the Constitution of the said Island should continue for a longer time than the First day of September, One Thousand Eight Hundred and Forty-six, unless Parliament should otherwise determine. And

The Constitution of the Government.

The Constitu-
tion of the Go-
vernment.

whereas by an Act passed in the Session of Parliament holden in the Ninth and Tenth years of Our Reign, intituled "An Act to continue till the First day of September, One Thousand Eight Hundred and Forty-seven, certain of the provisions of an Act of the Fifth and Sixth years of Her present Majesty's Reign for amending the Constitution of the Government of Newfoundland," it was enacted that the changes made in the Constitution of the said Island under the said recited Act, should continue in force until the First of September One Thousand Eight Hundred and Forty-seven: And whereas by a Commission under the Great Seal aforesaid, bearing date the Twenty-seventh of August One Thousand Eight Hundred and Forty-two, and by Instructions under our Signet and Sign Manual, bearing date the First of September One Thousand Eight Hundred and Forty-two, We did in pursuance of the powers reserved to Us by the said first recited Act, make certain changes in the Constitution of the Government of Newfoundland, in respect to the qualifications of Members of the Assembly, and the period of residence necessary to qualify Electors for and Members of such Assembly, and in respect of holding elections for such Assembly simultaneously, and limiting the duration thereof, and in respect of restraining the appropriation of public funds by the said Assembly: And whereas General Assemblies have been since elected and holden in and for the said Island under and by virtue of the said last mentioned Commission and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us. And whereas by the hereinbefore recited Act passed in the Eleventh year of Our Reign, and intituled "An Act to render permanent certain parts of the Act for amending the Constitution of Newfoundland," so much of the said Act as is therein and herein recited was rendered permanent. And whereas by a certain other Commission under the Great Seal aforesaid, bearing even date with these presents, we have nominated and appointed you the said KER BAILLIE HAMILTON to be Our Governor and Commander-in-Chief in and over Our said Island of Newfoundland and its Dependencies, and have required and commanded you to do and execute all things in due manner that shall belong to your said Command, and to the trust thereby reposed in you according to the several

Powers and directions granted or appointed in and by these Our Instructions, or otherwise as in the said Commission provided. Now, by these Our Instructions under Our Signet and Sign Manual, We do, in pursuance and exercise of the powers vested in Us by the said recited Acts, declare Our pleasure in respect of the premises to be as follows:—The qualification for all persons to be hereafter elected to serve as Members of the Assembly of Newfoundland, shall be fixed at a net annual income, arising from any source whatever, of One Hundred Pounds, or the possession of property clear of all encumbrances, exceeding Five Hundred Pounds in amount or value.

The Constitution of the Government.

Qualifications for Members of the Assembly.

XI.

The length of the period of residence within any Electoral District in the said Island, which shall be required in addition to any other qualification for voting at elections for the General Assembly within such District, or for being elected thereto, shall be the period of Two Years next preceding such election.

And for voters &c.

XII.

The Assembly is hereby restrained from appropriating to the public service within the said Island any part of the public Revenue thereof in cases where such services shall not have been previously recommended, or such grants of money shall not have been previously asked by Us or on our behalf.

Money votes to originate with Her Majesty.

XIII.

All Elections of Members to serve in the said Assembly shall be simultaneous, and shall be completed within the period of Ten days from the day of the receipt by the Returning Officer of each District of the Writ authorising such Election: and the Polling at every such Election shall be completed within Eight successive Hours next immediately following the commencement of each Polling.

Elections to be simultaneous. &c.

XIV.

And whereas by Proclamation bearing date the Twenty-sixth day of July, in the Third year of the Reign of His late Majesty, King William the Fourth, the said Island was divided into Nine Districts, for the purpose of the Election of the Members of the Assembly

Governor empowered to issue Writs for Elections, &c.

of the said Island: Now We do hereby authorise and empower you, from time to time, to nominate and appoint proper persons to execute the Office of Returning Officer in each of the said Districts ; and you are, so soon as you shall see expedient, to issue Writs in Our Name, directed to the proper Officers in each District, directing them to summon the Freeholders and Householders thereof, to proceed to the Election of persons to represent them in the General Assembly, according to the regulations and directions hereinbefore contained in these Instructions, and such other regulations and directions as shall be signified by you in a Proclamation to be by you for that purpose issued, and according to the Laws of Our said Island, now in force or hereafter to be in force, in that behalf.

XV.

Style of enacting Laws. You are to observe in the passing of all Laws that the style of enacting the same be by the Governor, Council, and Assembly.

XVI.

Laws affecting the Constitution of the Assembly. You are not to 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 Elected fixed or allowed, or by which any regulations shall be established with respect thereto, until you shall have first transmitted to 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 will and pleasure shall be known thereupon.

XVII

No Law to which the Royal Assent has been refused, to be re-enacted. 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 reasons and necessity for re-enacting such Law.

XVIII.

No Law for constituting any Court or Courts of Ju-

dicature, or for establishing the Militia, shall be a temporary Law, and no Law for granting unto Us any Sum or Sums of Money by duties of Import Tonnage or Excise, shall be made to continue for less than one whole year; nor shall any 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.

XIX.

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, revived, or repealed, by general words, but that the title and date of such Act so suspended, altered, continued, revived, or repealed, be particularly mentioned 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.

XX.

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 especial leave and command therein.

Laws affecting the Revenue.

XXI.

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.

Lotteries.

XXII.

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

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

execution for the recovery of debts due from such persons, otherwise than is allowed by Law in cases of a like nature in Our Realm of England, until you shall have 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.

XXIII.

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 Divorce of Persons joined together in Holy Matrimony, nor for establishing a title in any person to lands, tenements, and real estates in Our Island and its Dependencies, originally granted to or purchased by Aliens antecedent to naturalization.

XXIV.

Bills of an un-
usual and ex-
traordinary
nature.

Whereas great mischiefs may arise 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 anywise 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 affecting
Trade or Ship-
ping.

XXV.

Bills affecting
Private Pro-
perty.

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 others 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 without 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 of the parties' intention to apply for such an Act was affixed to the doors of the several Churches, Chapels, or Places of Public Worship in the Town or Place 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 be transmitted with and annexed to every such private Act, signifying that the same has passed through all the forms above mentioned. Private Bills.

XXVI.

You are to take care that in all Acts or Orders to be passed within Our said Island in any case, for 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. Bills for levying Money, Fines, &c.

XXVII.

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. Appropriation of the Public Money.

XXVIII.

You are 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 par- Public Ac- counts.

ticular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end that 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.

XXIX.

Paper Bills of
Credit.

13 Geo. 3 c. 57

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 in payment of money, and to prevent the 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 said 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 and Successors.

XXX.

Copies of all
Acts to be
transmitted
for the signifi-
cation 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, on pain of Our highest displeasure; but if it shall happen that no Shipping shall come from Our said Island within three Months after the making of 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.

XXXI.

And it is Our further Will and Pleasure that the Copies and Duplicates of 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 in 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 Act.

Preparation of Acts for transmission.

XXXII.

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 and 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 that 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 ;

XXXIII.

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 that the same may in like manner be transmitted as aforesaid.

Also Journals of the Assembly.

XXXIV.

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.

XXXV.

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

Writs.

XXXVI.

Appointments
to vacant Offi-
ces.

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 person to officiate in the interim, until you shall have represented the matter to Us, through one of Our Principal Secretaries of State.

XXXVII.

Governor em-
powered to is-
sue Grants of
Waste Land.

And We do hereby authorize and empower you, in Our name and on Our behalf, but subject nevertheless to such provisions as may be in that respect contained in any further Instructions which may from time to time be addressed to you by Us for that purpose, under Our Signet and Sign Manual, or through one of Our Principal Secretaries of State, to make and execute, in Our name and on Our behalf, under the Public Seal of Our said Island, Grants of Waste Land to Us belonging within the same, to private persons, for their own use and benefit, or to any persons, bodies politic or corporate, in trust for the Public uses of Our subjects there resident, or any of them, and according to the provisions of the Laws and Statutes of Our said Island, now in force or hereafter to be in force, for regulating the mode of making and issuing such Grants.

XXXVIII.

Suspension of
Officers.

And whereas We have by Our said Commission authorized you, upon sufficient cause to you appearing, to suspend from the exercise of his Office within Our said Island any Person exercising any Office or Place under or by virtue of any Commission or Warrant granted or which may be granted by Us or in Our Name or under Our authority; Now we do charge and require you that before proceeding to such suspension, you do signify, by a statement in writing to the person so to be suspended, the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing a statement of the grounds upon which

he may be desirous to exculpate himself, which statement and exculpation you will lay before the Executive Council; and having consulted them thereupon you will cause to be recorded in the minutes of the said Council whether they or the majority of them do or do not assent to the said suspension; and if you thereupon proceed to such suspension, you are to transmit both of the said statements, together with the minutes of Council, to Us, through one of Our Principal Secretaries of State, by the earliest conveyance. But if in any case the interest of our service shall appear to you to demand that a person shall cease to exercise the powers and functions of his Office instantly, or before there shall be time to exercise the proceedings hereinbefore directed, you shall then interdict such person from the exercise of his powers and functions, preserving to him, however, until such proceedings shall have been taken, the emoluments and advantages of his Office.

XXXIX.

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, powers, 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 expenses attending the establishment of the said Courts, and of such funds as are settled and appropriated to discharge the same.

Of establish-
ment of Courts
—Returns.

XL.

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 Juries and personally to appear in Arms whenever 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 ex-
empted from
certain ser-
vices.

XLI.

Appropriation
of Forfeitures,
&c.

You shall not dispose of forfeitures or escheats to any persons until the Provost Marshal or other proper Officer have made inquiries by a Jury upon their Oaths, into the true nature thereof, nor until you shall have transmitted to Us, through 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 by 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.

XLII.

Vice Admiralty.

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 into execution the several powers thereby granted to you.

XLIII.

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 Commissions and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their Subjects, in amity with Us, to any person whatsoever, without Our especial Commands.

XLIV.

Ecclesiastical
affairs.

And Whereas by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Seventeenth day of July One Thousand Eight Hundred and Thirty Nine, in the Third Year of Our Reign, We did erect, found, ordain, make and constitute the Island of Newfoundland to be a Bishop's See, and to be called from thenceforth the Bishopric of Newfoundland: It is Our Will and Pleasure that in the administration of the Government of the said Island, you shall be aiding and assisting to the said Bishop, and to his Commissary or Com-

missaries, in the execution of this charge, and in the exercise of his Ecclesiastical Jurisdiction, excepting only the granting Licenses of Marriages and the Probates of Wills.

XLV.

We do enjoin and require that you take especial care ^{Divine Wor-} that ALMIGHTY GOD be devoutly and truly served ^{ship.} throughout your Government ; that the Book of Common Prayer as by Law established be read each Sunday and Holiday, and the blessed Sacrament administered according to the rites of the Church of England ; and in the matters relating to the celebration of Divine Worship, you are to advise with the Right Reverend Father in God the Lord Bishop of Newfoundland for the time being.

XLVI.

Upon the vacancy of any Ecclesiastical Benefice or of any Cure of Souls to which any Stipend shall be attached ^{Presentations} in Our said Island and its Dependencies, you will present ^{to Ecclesiasti-} to the said Bishop of Newfoundland for the time being, for institution to such vacant benefice or cure, any Clerk in Holy Orders of the United Church of England and Ireland, whom upon the recommendation of the Bishop, or on other sufficient ground, you may deem to be the most proper person to fill such benefice or cure, and who shall have been actually resident within the said Island or its Dependencies, and Officiating there as a Clerk in Holy Orders, for Six Calendar Months at the least next before such benefice shall have become vacant, or who, if not so resident or officiating within such Island, shall have been absent with the leave of the Diocesan or other lawful authority from some Cure of Souls within such Diocese to him appertaining. But if at the time of any such vacancy occurring, there shall not be resident within the said Island, any Clerk in Holy Orders of the said United Church, who shall have been resident and officiating therein as aforesaid, and whom you shall deem a proper person to fill such Benefice or Cure, then 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.

XLVII.

Administra-
tion of the Sa-
crament by
persons not in
due Orders.

You are to inquire 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 Newfoundland.

XLVIII.

Office of Ord-
inary,

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 hereby reserve 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.

XLIX.

Canon Law of
Marriages.

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.

L.

Education.

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.

LI.

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 of Newfoundland, 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.

Governor to advise with the Bishop in Ecclesiastical matters.

LII.

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 Annually 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 in Our said Island within whose Department it may be 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.

Blue Book.

LIII.

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.

Assistance to neighbouring Colonies.

LIV.

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

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

LV.

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

If anything 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.

LVI.

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

When you shall happen to 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 Our Lieutenant Governor or Officer administering 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.

LVII.

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.

LVIII.

Powers reserved to revoke or amend the present Instructions.

And We do hereby reserve to Us, Our Heirs and Successors, full power and authority from time to time to revoke, alter, or amend these Instructions, as to Us or them shall seem meet.