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# JOURNAL

OF

HER MAJESTY'S COUNCIL

OF

*NEWFOUNDLAND.*



FOURTH SESSION, SECOND GENERAL ASSEMBLY.

His Excellency **HENRY PRESCOTT, Esquire,**

*Companion of the Most Honorable Military Order of the Bath,*

**GOVERNOR.**



St. John's, Newfoundland.

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



1839.



# JOURNAL.

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## PROCLAMATION.

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

**W**HEREAS the GENERAL ASSEMBLY of this Island stands Prorogued until Wednesday the Sixteenth of January next; And Whereas I think fit further to Prorogue the said General Assembly until Monday the Eighteenth day of March next:

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

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

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

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## PROCLAMATION.

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

**W**HEREAS the GENERAL ASSEMBLY of this Island stands Prorogued until Monday the Eighteenth day of March next; And Whereas I think fit further to Prorogue the said General Assembly until Friday the Seventeenth day of May following:

I do, therefore, by this my Proclamation, further Prorogue the said GENERAL ASSEMBLY until Friday the Seventeenth day of May next, then to meet for the despatch of business: And all Persons concerned are required and commanded to take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government-House at St. John's, the Eleventh day of February, 1839, in the second year of Her Majesty's Reign.

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



# HER MAJESTY'S COUNCIL.

## NEWFOUNDLAND.

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FOURTH SESSION, SECOND GENERAL ASSEMBLY;  
2nd VICTORIA.

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*Friday, 17th May, 1839.*

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

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

House meets.

**Present,**

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

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

His Excellency the Governor arrives at the Council Chamber.

The Council summoned to attend him.

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

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

*Mr. President, and Honorable Gentlemen of the Council ;*

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

His Excellency's Speech.

I am glad to meet you again in Session ; and I could have wished to assemble you at an earlier period, but the nature of our climate, our Commercial pursuits, and the want of an Edifice for your special accommodation, have been obstacles to my so doing.

I commend to your consideration a report, which I shall forward, from the Commissioners for the erection of a Colonial House. They have determined upon the plan of a Building which would prove highly useful and ornamental, but their further operations are suspended by difficulties which may probably be obviated by Legislative enactment.

I am commanded to bring under the observation of the Legislature the intention of Her Majesty's Government to establish a Steam communication between the Mother Country and Nova Scotia, for the conveyance of Mails to and from the British North American possessions, with a view to ascertain in what degree Newfoundland can contribute to or be benefited by such an arrangement. Transcripts of the correspondence on this subject shall be sent down.

I shall transmit copies of a Despatch from the Secretary of State, regarding the disposal of Crown Lands, by which you will perceive that it is advisable to postpone deliberation upon

17th May, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

that matter till the receipt of further advices from his Lordship, which may, I presume, be shortly expected.

At the commencement of the last Session, I laid before you a Despatch from Lord Glenelg respecting the Colonial Act for the extension of the Criminal Law of England to this Island. No step appears to have been taken in accordance with His Lordship's recommendation; but as a proper consideration and selection of such English laws as may be suitable to Newfoundland, must be a work of time as well as of great importance, and as Her Majesty's decision upon the Act is suspended until the result of Lord Glenelg's suggestion shall be known, I feel persuaded that this point will engage your early attention.

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

The usual financial statements, and the Estimates for the ensuing year, shall be immediately laid before you.

The pressure of extreme distress in this populous town, has compelled me to exceed the sum allotted for the relief of the poor. The increased aid under my direction has been confined to the Indigent Sick—to Paupers impotent from age or infirmity—to Idiots and Orphan children.

I hope that a careful enquiry will enable you to ascertain the quantum of relief requisite for the wretched and helpless—the legitimate objects of public care.

Confiding in the benevolence of the Legislature, I have not hesitated to assume a responsibility on this occasion, for which I trust that there will not be any future necessity.

I have to remind you that the last Appropriation Act was not passed till the 25th of October, although the financial year commences with July—as, under such circumstance, the machinery of Government must either stand still or be continued in action by the unauthorized command of the Executive, you will probably think it right, by an early application to the subject of the Public expenditure, to prevent the recurrence of that dilemma.

Your attention will necessarily be directed to the preparation of a new Revenue Bill, as the existing Act only extends to the 18th of next November.

*Mr. President, and Honorable Gentlemen of the Council;*

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

I have in former Addresses recommended some measures for your consideration, respecting which I shall at all times be ready to give every information in my power.

Although our financial state would not justify my making, at present, any suggestion entailing considerable or immediate expense, yet, having been long of opinion that great advantage would be derived from the employment of a Diving Bell for the removal of all natural and artificial obstructions from the Port of St. John's, I have made some preliminary enquiries connected with that object, the result of which I shall lay before you.

The Act 2nd Victoria, cap. 3, does not prescribe reports to be made to me by the Commissioners appointed therein; I cannot, therefore, supply you with any precise information as to the progress of our Roads; but of the funds lately provided for the prosecution of this important work a large proportion is, as yet, unapplied.

Such reports as I receive from the respective District Boards for Education shall be presented to you.

I trust that benefit, although not so great or general as might be desired, is derived from the Colonial Act for the promotion of this essential object, upon which I will not further remark at present, because the remaining two years to which the operation of the Act is limited, will afford better means and opportunity of forming a correct judgment respecting it.

It gives me pleasure to inform you that the President of the London Geological Society has, at my request, recommended a Gentleman fully competent to undertake the Survey for which you made provision last year. This Gentleman, a Graduate of Cambridge, to whose merit high testimonials have been furnished by the Geological Professor of that University,

17th & 20th May, 1839.

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

is already arrived, and has entered upon his arduous task with zeal and alacrity. I cannot deny myself the gratification of quoting the closing paragraph of the Professor's letter on this occasion:—"What the Survey will lead to it is impossible to judge in our present ignorance of the structure of your Island, but I cannot help anticipating great good, both economical and scientific. In the name of my brother Geologists of England, I offer you our best thanks for the noble example you have set to our other Colonies."

I conclude with the oft-repeated assurance of my inclination to assist your labours for the public good. It is my ardent desire that unanimity and harmony may prevail between the different Branches of the Legislature, producing, as their natural result during the Session, measures of practical utility.

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

Committee appointed to draft Address to the Governor in reply to His Excellency's Speech.

The Honorable the Colonial Secretary informed the Council, by direction of the Governor, that His Excellency had been pleased to appoint Henry Emerson, Esquire, to act as Master-in-Chancery attendant on the Council, during the absence of Bryan Robinson, Esquire.

Henry Emerson, Esq. to act as Master-in-Chancery.

On motion, made and seconded, the House adjourned until Monday next, at One of the Clock, p. m.

House adjourns.

MONDAY, 20th MAY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable WILLIAM SALL, *Commandant.*

Members present.

" " JAMES SIMMS, *Attorney-General.*

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

" " WILLIAM THOMAS.

The Minutes of Friday last were read.

The Honorable Messrs. Crowdy and Bland enter.

Members enter.

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

Draft of Address to the Governor in reply to his Speech, presented.

Ordered, that the same be received.

Whereupon the said draft was read a first time, and—

—Read 1st time.

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

The same was then read a second time, and—

—Read 2nd time.

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

The House accordingly went into Committee.

—Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Address, with some Amendments.

—Reported;

Ordered, that the Report be received.

Ordered, that the same be engrossed, and read a third time presently.

Whereupon the Address was engrossed, read a third time and passed, and the Honorable the President signed the same.

—Read 3d time, and passed.

The Address is in the following words:—

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

The Address.

May it please Your Excellency,

We, Her Majesty's most dutiful and loyal Subjects the Council of Newfoundland, beg



20th & 23rd May, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

leave to approach Your Excellency to express our humble thanks for your gracious Speech at the opening of the present Session of the General Assembly.

We beg to assure Your Excellency that the report of the Commissioners for the erection of a Colonial House, which your Excellency has expressed your intention to transmit to us, shall, when it is laid before us, receive our particular consideration.

We feel much satisfaction in the intelligence which Your Excellency has communicated to us that Her Majesty's Government intend to establish a Steam communication between the Mother Country and Nova-Scotia, for the conveyance of Mails to and from the British North American possessions; and we beg to assure Your Excellency that the correspondence on this interesting subject shall be taken into our earnest consideration as soon as it is laid before us.

We also beg to assure your Excellency that we shall be ready at all times to consider any plan which Her Majesty's Government may think proper to submit to us regarding the disposal of Crown Lands.

The establishment of a judicious and well defined system of Criminal Law, suitable to this Colony, is a subject which we consider as deeply important and interesting to society at large; and we trust Your Excellency will feel assured that we are earnestly solicitous to promote the satisfactory accomplishment of an object so desirable and essential.

The communications on the subject of a Diving Bell for the removal of natural obstructions and other impediments from the Port of St. John's, which Your Excellency has expressed the intention of laying before us, shall, we beg to assure Your Excellency, be met by us with a desire to promote any useful improvements for the public benefit.

The Reports and Communications relating to the progress made in the formation of Roads, and on the subject of education, under the direction of the District Boards, which Your Excellency has expressed the intention to transmit to us, shall receive that careful consideration which subjects of such importance claim from us.

We avail ourselves of this occasion to express our gratification on learning from Your Excellency that arrangements for prosecuting the Geological Survey of the Island have been made under favorable auspices.

We beg to assure Your Excellency that we most cordially reciprocate the desire of Your Excellency for the promotion of the public good, and the cultivation of harmony between the different Branches of the Legislature, whose endeavours during the present Session we earnestly hope will result in measures of practical public utility.

Committee to ascertain when the Address will be received.

The Committee.

House adjourns.

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

Ordered, that the Honorable Messrs. Crowdy and Thomas do compose the same.

On motion, made and seconded, the House adjourned until half-past Twelve o'clock on Thursday next.

THURSDAY, 23rd MAY, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable WILLIAM SALL, *Commandant*.

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

“ “ JOHN B. BLAND.

The Minutes of Monday last were read.

Member enters.

The Honorable Mr. Thomas enters.

Report of Committee appointed to wait on the Governor.

The Honorable Mr. Thomas, from the Select Committee appointed to wait upon the Governor to know when His Excellency would be pleased to receive the House with its Address, reported that His Excellency had appointed One o'clock to-day for that purpose.

23rd & 30th May, & 3rd June, 1839.

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

At One of the Clock p. m. the House proceeded to the Government House with the Address, and having returned— House proceeds to the Government House.

The Honorable the President reported, that His Excellency had been pleased to receive the same and to return an answer thereto, of which he had obtained a copy, which was read by the Clerk, and is as follows :

*Mr. President, and Honorable Gentlemen of the Council ;*

*Governor's Answer to the Address.*

I receive this Address with the greatest satisfaction.

On motion, made and seconded, the House adjourned until Thursday next, at One o'Clock, p. m. House adjourns.

THURSDAY, 30th MAY, 1839.

The House met pursuant to adjournment.

*House meets.*

**Present,**

*The Honorable WILLIAM SALL, Commandant.*

*Members present.*

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

“ “ JAMES SIMMS, *Attorney-General.*

“ “ WILLIAM THOMAS.

The Minutes of Thursday last were read.

On motion, made and seconded, the House adjourned until Monday next, at One of the Clock, p. m. House adjourns.

MONDAY, 3rd JUNE, 1839.

The House met pursuant to adjournment.

*House meets.*

**Present,**

*The Honorable JAMES SIMMS, Attorney-General.*

*Members present.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The Minutes of Thursday were read.

The Honorable Mr. Spearman enters.

*Member enters.*

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

Viz :

Copy of Correspondence between the Governor and the Secretary of State for the Colonies on the subject of Steam Navigation.

Letter from Messrs. Robinson, Brooking & Co., on the same subject.

Copy of Despatch from the Secretary of State, stating that Copies of the Acts of the Imperial Parliament will be annually transmitted to the Colony.

Copy of Despatch from the Secretary of State relative to the disposal of Crown Lands.

Copy of Despatch from the Secretary of State on the subject of the appointment of Officers to the House of Assembly.

Extract of a Despatch from the Secretary of State, transmitting Her Majesty's answer to an Address of the House of Assembly of the 25th October, 1838.

Extract of a letter from His Excellency Governor Prescott to Captain Beaufort, also an extract of a letter from Captain Beaufort to His Excellency, on the subject of a “ Diving Bell.”

Estimate of the charge of defraying the Civil Establishment for the year ending 30th June, 1840, £11,179 0 0.

3rd, 4th & 7th June, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

Memorials for Seed Potatoes from Portugal Cove and Burin.

Letters from Messrs. Hutchings and Bridge on the subject of Distress at Bay de Verds, and—

Statements of Sums of Money distributed to the Poor at Brigus, Harbour Grace, Trinity and New Harbour.

House adjourns. On motion, made and seconded, the House adjourned until To-morrow at One o'clock, p. m.

TUESDAY, 4th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

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

The Minutes of Yesterday were read.

The Honorable Mr. Secretary Crowdy presented a Message in the following words from His Excellency the Governor.

H. PRESCOTT.

Message from the Governor with a Report from Mr. Jukes. The Governor transmits to the Council a Copy of the first Report made by Mr. Jukes, and quite concurring in the views of that Gentleman as to the best mode of prosecuting the Geological Survey, His Excellency trusts that additional provision will be made for this Service in the next Appropriation Bill.

Government-House,  
 4th June, 1839.

House adjourns. On motion, made and seconded, the House adjourned until Friday next, at One o'clock, p. m.

FRIDAY, 7th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

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

The Minutes of Tuesday last were read.

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

Viz.

Correspondence with the Commissioners for the Relief of the Poor for the District of St. John's.

Report of the Commissioners for the erection of a Colonial Building.

Letter from the Harbour-Grace Island Light House Commissioners on the subject of the balance of an account due for Sperm Oil.

Correspondence with the Trinity and Harbour Grace Boards of Education, and a return of the number of Schools, &c., in the District of Placentia and Saint Mary's.

7th, 11th &amp; 12th June, 1839.

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

The Honorable Mr. Crowdy also laid before the Council a Message from His Excellency the Governor, which is in the following words :

Message from the Governor on the subject of the Police of Saint John's.

H. PRESCOTT.

The Governor transmits for the consideration of Her Majesty's Council an important Document, addressed to him by the Stipendiary Magistrates at Saint John's.

Government-House,  
7th June, 1839.

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

TUESDAY, 11th JUNE, 1839.

The House met pursuant to adjournment.

House meets.

Present,

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

Members present.

The Minutes of Friday last were read.

The Honorable Mr. Secretary Crowdy laid before the House, by direction of His Excellency the Governor, a Consolidated Account of the Goods imported in the Year ended the 5th of January, 1839, shewing the aggregate quantities and value of the various articles, with the amount of Duty collected thereon.

Mr. Secretary Crowdy presents consolidated Account of the Customs for the year ending 5th January, 1839.

A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the Thirtieth day of June in the year of our Lord One Thousand Eight Hundred and Forty," which was read a first time.

Supply Bill brought up and—  
Read 1st time.

A Deputation from the House of Assembly brought up, for the concurrence of this House, a Bill entitled "An Act to provide for defraying the expenses of the late Delegation to Her Majesty's Government"—which was read a first time.

Delegation Bill brought up and—  
Read 1st time.

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

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

Supply Bill read 2nd time.

Ordered, to be Committed To-morrow.

On motion, made and seconded, the House adjourned until To-morrow, at One of the Clock, p. m. House adjourns.

WEDNESDAY, 12th JUNE, 1839.

The House met pursuant to adjournment.

House meets.

Present,

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

Members present.

The Minutes of Yesterday were read.

12th &amp; 14th June, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

- Supply Bill— Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the Thirtieth day of June in the year of our Lord One Thousand Eight Hundred and Forty.”
- Committed. The Honorable Mr. Sinclair in the Chair.  
After some time the House resumed.
- Reported. The Chairman reported progress, and asked leave to sit again To-morrow; and recommended that a Conference be requested with the House of Assembly on the subject of the omission of some Salaries and the insufficiency of other Grants estimated for by His Excellency the Governor.
- Ordered, that the Report be received and adopted.
- Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees, and that they be a Committee to draft Instructions.
- Conferees appointed who are to draft Instructions. On motion of the Honorable Mr. Crowdy, it was—
- An instruction to be given to the Committee relative to the Carbonear School. Ordered, that it be an instruction to the Committee to state the Council's objection to the item on the subject of the “Carbonear School.”
- House adjourns. On motion, made and seconded, the House adjourned until Friday next.

FRIDAY, 14th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

Members present. *The Honorable* JAMES SIMMS, *Attorney General.*  
“ “ JAMES CROWDY, *Colonial Secretary.*  
“ “ WILLIAM THOMAS.  
“ “ JOHN SINCLAIR.

The Minutes of Wednesday last were read.

Documents laid before the Council by Mr. Secretary Crowdy.

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

Statements of Disbursements made for the relief of the Poor at Bay Bulls, Renewse, and North and South Shore of Trinity Bay.

Report of the Commissioners of Roads between Bonavista and Catalina.

Delegation Bill—

Ordered, that the Bill entitled “An Act to provide for defraying the Expenses of the late Delegation to Her Majesty's Government, be read a second time presently.

Read 2nd time.

Whereupon the Bill was read a second time, and—

Ordered, to be Committed on Tuesday next.

Member enters.

The Honorable Mr. Spearman enters.

Select Committee on the Supply Bill report draft of Instructions to Conferees,

The Honorable Mr. Spearman, from the Committee appointed to draft Instructions to the Conferees on the subject of the Supply Bill, reported a draft, which he read in his place.

Ordered, that the same be received.

Ordered, that the House go into Committee thereon presently.

—Committed.

Whereupon the House went into a Committee of the whole—

The Honorable Mr. Spearman in the Chair.

Member enters.

The Honorable Mr. Bland enters.

After some time the House resumed.

Reported.

The Chairman reported the Instructions, with some Amendments.

14th June, 1839.

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

The Instructions are as follows :—

Her Majesty's Council have sought this Conference for the purpose of acquainting the House of Assembly that it cannot assent to the Bill sent up to it, entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the Thirtieth day of June in the year of our Lord One Thousand Eight Hundred and Forty"—

Instructions to Conference on the Supply Bill

Because—the second Section, or what is apparently intended for the second Section; though not marked as such, contains matter foreign to what the Title of the Bill imports, and is therefore opposed to the Sixteenth Article of the Royal Instructions: It is expressed in these terms: "And be it further enacted, that the sum of One Hundred Pounds, granted under the Act 2nd Victoria, Cap. I, towards supporting a Grammar School at Carbonear, for the year ending 7th May 1839, and which sum has not been applied, be now re-appropriated, and added to the former sum, for the erection or procuring of a Grammar School at Carbonear aforesaid; Provided that in consequence of the Commissioners appointed under the said Act not carrying that provision into effect, the following Persons be a Board of Commissioners for the regulation of the said Grammar School, that is to say, William Brown, Thomas Newell, James Power, John Elson, and John Walsh; and Provided further, that the course of Education in such School, in addition to the study of the Greek, Latin, and English Languages, shall comprise Writing, Arithmetic, Book-Keeping, and Mathematics."

It makes no grant to Her Majesty towards defraying the expenses of the Civil Government of the Colony, nor for any other purpose, but merely amends an Act of the last Session of the Legislature.

Her Majesty's Council desire also to draw the attention of the House of Assembly to the fact that the sums proposed to be granted to Her Majesty to defray the expenses of the Gaols and Civil and Criminal Prosecutions, are wholly inadequate, and must inevitably embarrass the Executive if persevered in, and leave the Colony in debt to individuals for the public services which they have performed—the House of Assembly having provided for the former services only £450, while the Council have ascertained that the expenditure made on that account in the three quarters ended 31st March last, has been fully at the rate of £600 per annum; and for the latter services only £550, while the expenditure incurred under that head in the above-mentioned period actually exceeds the sum proposed to cover the expenses of the whole year.

Her Majesty's Council also observe that the sum formerly granted for a Constable at Toad's Cove has either been withdrawn or inadvertently omitted; and that the Constable at Torbay has not been paid for two years. The Council therefore request that the House of Assembly will furnish them with any information it may possess, in order that the Council may be in a situation to judge, in conjunction with the House of Assembly, of the propriety of discontinuing the services of those Officers.

Council Chamber,  
14th June, 1839.

Ordered, that the Report be received and adopted.

--adopted

Whereupon the same having been engrossed, the Honorable the President signed the same.

and signed.

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

Assembly accede to Conference on the Supply Bill.

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

Report of Conferees.

The Honorable Mr. Bland informed the House that it was his intention to absent himself from the Colony for a short period.

Member about to absent himself from the Colony.

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

House adjourns.

17th, 18th &amp; 20th June, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 2nd VICTORIA.

MONDAY, 17th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

Members present: *The Honorable* JAMES SIMMS, *Attorney-General*.  
 “ “ JAMES CROWDY, *Colonial Secretary*.  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN B. BLAND.  
 “ “ JOHN SINCLAIR.

The Minutes of Friday were read.

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

TUESDAY, 18th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

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

The Minutes of Yesterday were read.

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

THURSDAY, 20th JUNE, 1839.

House meets. The House met pursuant to adjournment.

Present,

Members present: *The Honorable* JAMES SIMMS, *Attorney-General*.  
 “ “ JAMES CROWDY, *Colonial Secretary*.  
 “ “ JOHN DUNSCOMB.  
 “ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Member enters. The Honorable Mr. Spearman enters.

Mr. Secretary Crowdy presents documents by direction of the Governor.  
 The Honorable Mr. Secretary Crowdy laid the following Documents before the Council, by direction of His Excellency the Governor, viz. :—

Copy of a letter from the Chief Justice stating the necessity of a Sheriff for the Coast of Labrador.

Copy of certain Resolutions of the Board of Education at Trinity, with the opinion of the Attorney General thereon, and a letter from the Colonial Secretary.

Member enters. The Honorable Mr. Thomas enters.

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

Request concurred in. Ordered, that the same be concurred in.

Conferees appointed. Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House.

20th June, 1839.

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

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman informed the House that they had met the Managers from the Assembly, and received from them the following Instructions.

Report of Conferees.

Upon considering of the objections urged, in conference on the 14th instant, by Her Majesty's Council, to the Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the Year ending the Thirtieth day of June in the year of our Lord One Thousand Eight Hundred and Forty," the House of Assembly acquaint the Council that they continue of opinion that the second section of the said Bill does not contain "matter foreign to what the title of the Bill imports," in as much as appropriation is not matter foreign from Supply, and many Acts of this Legislature may be quoted to show that appropriation, re-appropriation and regulation have never been so regarded. The section in question is merely a re-appropriation of Money that had been granted under a former Act and not applied, and this re-appropriation is necessarily accompanied by a provision appointing Commissioners to insure its application, because it was the circumstance of the former Board having been broken up by the declension of two of its members to act, which caused this money to remain dormant. As for the provision regulating what shall be the School course, it is merely explanatory to the people of the District for which it is intended, of what a Grammar School is designed to teach, and is merely expressing, in detail, what the title of the Establishment of itself imports.

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

With respect to the votes for the expenses of Gaols, and for Civil and Criminal Prosecutions, as the demands on these heads continue gradually to increase while crime would appear to diminish, the House of Assembly are about to enter upon an enquiry upon the subject, when, should the sums now voted prove really insufficient, they will be ready to add a further vote in a supplementary Bill of Supply.

On referring to the original Bill brought into the House of Assembly, and read a first and a second time, it has been found that in the course of engrossment an error occurred in transcribing the votes for the Constables, which the House will not fail to remedy in their Supplementary Bill also. As to a requisition for information of the grounds whereon either House have passed a Bill, "except where such information has related to facts stated in such Bill as the ground and foundation thereof," such a course is not consistent with the precedents of the House of Commons, and cannot therefore be concurred in by the House of Assembly—"the Laws and Rules of Parliament" having, at the institution of the Legislature, been declared by the Government who gave to Newfoundland her Constitution, as "the safest guide for the conduct of the Council and Assembly."

WILLIAM CARSON,

Speaker.

House of Assembly,  
19th June, 1839.

Ordered, that the Report be received, and referred to the Committee on the Supply Bill.

Pursuant to the order of the day, the House went into a Committee of the whole on the Supply Bill and the Assembly's Instructions to their Conferees.

Report referred to the Committee on the Supply Bill. Supply Bill and Assembly's instructions to their Conferees—Committed.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

The Chairman reported the Bill, with an Amendment, which is as follows :

Bill reported with an—

Expunge the second section of the Bill.

Amendment,

Ordered, that the Report be received.

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

38th Rule dispensed with.

Ordered, that the Amendment be engrossed, and that the Bill be read a third time presently.



20th, 21st, 24th, 25th & 28th June, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Bill read 3rd time  
passed and signed.

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

House adjourns.

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

FRIDAY, 21st JUNE, 1839.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*  
 “ “ JAMES M. SPEARMAN, *Collector of Customs.*  
 “ “ JOHN DUNSCOMB.  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN SINCLAIR.

The Minutes of Yesterday were read.

House adjourns.

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

MONDAY, 24th JUNE, 1839.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

*The Honorable* JAMES SIMMS, *Attorney General.*  
 “ “ JAMES M. SPEARMAN, *Collector of Customs.*  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN SINCLAIR.

The Minutes of Friday last were read.

House adjourns.

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

TUESDAY, 25th JUNE, 1839.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

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

The Minutes of Yesterday were read.

House adjourns.

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

FRIDAY, 28th JUNE, 1839.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*  
 “ “ JAMES M. SPEARMAN, *Collector of the Customs.*  
 “ “ JOHN DUNSCOMB.  
 “ “ WILLIAM THOMAS.  
 “ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

House adjourns.

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

2nd & 5th July, 1839.

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

TUESDAY, 2nd JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES CROWDY, Colonial Secretary.

Members present.

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

“ “ WILLIAM THOMAS.

The Minutes of Friday last were read.

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

Documents laid before the House by Mr. Secretary Crowdy.

Copy of an Order in Council, approving of certain Acts of the Colonial Legislature.

Copy of a Circular Despatch from the Secretary of State for the Colonies, relative to Steam Communication between England and British North America.

Extract from Instructions given by the Naval Commander-in-Chief to the Captain of Her Majesty's Ship Cleopatra, relative to the means of protecting the Fisheries to the Westward from the infringement of the French.

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

The House of Assembly beg to submit to Her Majesty's Council an account of the Expenditure of the sum of Five Hundred Pounds, granted under the Act 2nd Victoria, Cap. 1, towards defraying the expenses of the late Delegation appointed by the House of Assembly to treat with Her Majesty's Government in London on the subject of the Administration of Justice, the Agriculture, the Fisheries, and the general state of the Colonies.

Message from the Assembly with a Statement of the Expenditure of the Delegation Contingency Grant.

WILLIAM CARSON,

Speaker.

House of Assembly,  
28th June, 1839.

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

House adjourns.

FRIDAY, 5th JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, Attorney-General.

Members present.

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JAMES M. SPEARMAN, Collector of Customs.

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The Minutes of Tuesday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act to provide for defraying the Expenses of the late Delegation to Her Majesty's Government.”

Delegation Bill—  
Committed.

The Honorable Mr. Sinclair in the Chair.

A Message being announced the House resumed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled “ An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled ‘ An Act for the relief of Sick and Disabled Seamen, Fishermen, and other Persons,’ and to authorize the appropriation of Monies collected under the said Act.”

Message from  
Assembly with Hospital  
Act Amendment Bill.

The House again went into Committee on the Delegation Bill.

Delegation Bill—  
Committed.

The Honorable Mr. Sinclair in the Chair.

5th &amp; 9th July, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

After some time the House resumed.

Delegation Bill—  
Reported—  
A Conference recom-  
mended.

The Chairman reported progress, and asked leave to sit again; and recommended to the House that a Conference be sought with the House of Assembly with a view to obtain an amended account of the expenditure of the sum of Five Hundred Pounds already voted towards defraying the expenses of a Delegation of that House, and to obtain a report of the said Delegates' proceedings.

Ordered, that the Report be received and adopted.

Conferees appointed  
who are to draft  
Instructions.

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

Hospital Act Amend-  
ment Bill—  
Read 1st time.

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

House adjourns.

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

TUESDAY, 9th JULY, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present:

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

The Minutes of Friday last were read.

Report of Select Com-  
mittee on Delegation  
Bill,

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

Received and adopted.

Ordered, that the Report be received and adopted.

Ordered, that the Instructions be engrossed presently.

Whereupon, the same having been engrossed, were signed by the Honorable the President, and are as follows:

Instructions to Con-  
ferees on the Delegation  
Bill.

Her Majesty's Council have sought this Conference with the House of Assembly on the subject-matter of their Message of the 28th ultimo, for the purpose of acquainting the said House that, in the statement which accompanied their Message of the above date, there is an error against the Colony of Thirty-one Pounds sterling—The House of Assembly having charged Four Hundred and Fifty Pounds Currency, as equal to Four Hundred and Twenty-one Pounds Sterling, instead of Three Hundred and Ninety Pounds.

Her Majesty's Council also observe, in the said statement, the sum of Fifteen Pounds Fifteen Shillings and Nine Pence charged for interest, without any rate or defined period being specified, to enable the Council to judge of the correctness or otherwise of that item charged against the Colony.

Her Majesty's Council therefore request the House of Assembly will furnish them with an amended statement of the disbursement of the sum of Five Hundred Pounds granted under the Act 2 Victoria 1, cap. 1; and also with a copy of the Report made by the Delegates to the said House.

Council Chamber,  
9th July, 1839.

Assembly accede to  
Conference.

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

Report of Conferees.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had met the Managers on the part of the Assembly, and delivered to them

9th &amp; 12th July, 1839.

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

the Instructions with which they had been entrusted.

Pursuant to the order of the day, the Bill entitled "An Act to repeal in part an Act passed in the Sixth Year of the Reign of his late Majesty William the Fourth, entitled 'An Act for the relief of Sick and Disabled Seamen, Fishermen, and other Persons,' and to authorize the appropriation of Monies collected under the said Act"—was read a second time, and—

Hospital Act Amend-  
ment Bill—

Read 2nd time.

Ordered, to be Committed To-morrow.

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

House adjourns.

FRIDAY, 12th JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM THOMAS.

" " JOHN SINCLAIR.

The Minutes of Tuesday last were read.

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

Hospital Act Amend-  
ment Bill—  
Committed.

The Honorable Mr. Crowdy in the Chair.

The Honorable Mr. Dunscomb enters.

Member enters.

After some time the House resumed.

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

Reported.

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "An Act to prevent fraud in the Sale of certain articles imported into this Colony"—which was read a first time, and—

Fraud prevention Bill,  
brought up and read 1st  
time.

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

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to regulate the manner of empanelling Juries in the Supreme and Central Circuit Courts of this Island"—which was read a first time.

Jury Bill, brought up  
and read 1st time.

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

Ordered, that the Bill above-named be referred to a Select Committee to report thereon, with liberty to send for Persons and Papers—and that the Honorable the Attorney-General and the Honorable the Colonial Secretary be a Committee for that purpose.

Referred to a Select  
Committee.

Ordered, that the Honorable Mr. Thomas be a Member of the above Committee.

Ordered, that the Bill be printed.

Bill to be printed.

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

House adjourns.

16th July, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

TUESDAY, 16th JULY, 1839.

House meets. The House met pursuant to adjournment.

**Present,**

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

The Minutes of Friday last were read.

Hospital Act Amend- Bill entitled “ An Act to repeal in part an Act passed in the Sixth Year of the Reign of His late Majesty William the Fourth, entitled ‘ An Act for the relief of Sick and Disabled Seamen, Fishermen, and other Persons,’ and to authorize the appropriation of Monies collected under the said Act.”  
 ment Bill—  
 Committed.

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill, with some Amendments.

Ordered, that the Report be received.

The Amendments are as follow :—

Amendments on Hospital Act Amend- In the title of the Bill, 1st line—Expunge the words “ repeal in part” and insert in place thereof the word “ amend.”  
 ment Bill.

“ “ 7th line—Expunge all the words after the word “ persons.”

In the Preamble—Expunge all the words after the word “ persons” and insert in their stead the words—“ And Whereas in several Districts Directors have not been elected pursuant to the provisions of the said recited Act.

Expunge all the Sections of the Bill, and insert in place thereof the words “ Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that in all cases wherein Directors have not been heretofore elected, or wherein they shall be hereafter elected, pursuant to the provisions of the said Act, it shall and may be lawful for the Governor or Person Administering the Government of this Island, within three months after the day appointed for such Election by the said recited Act, to nominate and appoint Directors for such Districts, and also to fill up any vacancy that may arise in any Board of Directors from the death, resignation or absence from the Colony of any Member or Members thereof—and the Directors so nominated and appointed shall have the like power and authority as those elected under and by virtue of the said before-recited Act.”

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

Fraud prevention Bill, Pursuant to the order of the day, the Bill entitled “ An Act to prevent fraud in the Sale of certain articles imported into this Colony”—was read a second time, and—  
 Read 2nd time.

Ordered, to be Committed To-morrow.

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

19th & 23rd July, 1839.

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

FRIDAY, 19th JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present;

*The Honorable* JAMES SIMMS, *Attorney-General*.

Members present.

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

The minutes of Tuesday last were read.

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

Hospital Act Amend-  
ment Bill—  
read 3rd time, passed—

Whereupon the Honorable the President signed the same.

and signed.

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

House adjourns.

TUESDAY, 23rd JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney-General*.

Members present.

“ “ JAMES CROWDY, *Colonial Secretary*.

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

The minutes of Friday last were read.

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

Assembly request Con-  
ference on the subject  
of last Conference.

Ordered, that the request be concurred in.

Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House.

Conferees appointed.

The Conferees went to the Conference, and having returned, the Honorable Mr. Spearman reported that they had met the Conferees from the Assembly, and received from them the following Instructions:—

Report of Conferees.

The House of Assembly have desired this Conference on the subject-matter of the Conference required by Her Majesty's Council on the 9th instant, to explain to Her Majesty's Council that the errors referred to are merely clerical, and occurred in transcribing the Account from the 35th page of the Journals of the Second Session of the present General Assembly.

Assembly's Instruc-  
tions to their Conferees.

The sum of Thirty-six Pounds Currency paid for passages of the three Delegates to England was thus omitted, and also the period for which interest was charged, viz. from 20th November 1837, when the money was advanced, to the 16th July 1838, when it was defrayed by a Grant from the Colony.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,

July, 1839.

Ordered, that the Report be received.

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

23rd & 26th July, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Order referring Jury Bill to a Select Committee discharged—

Ordered, that the order referring the Bill entitled "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island," to a Select Committee, be discharged, and that the Bill be read a second time presently.

Bill read 2nd time--

Whereupon the said Bill was read a second time.

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

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

Committed.

Whereupon the House accordingly went into Committee.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman made the following report:—

Report of Committee on the Jury Bill.

The Committee of the whole upon a Bill entitled "An Act to regulate the manner of empannelling Juries in the Supreme and Central Circuit Courts of this Island," having risen, report that the matters concerning which the said Bill treats, are, by the Imperial Statute of 5th Geo. 4th, Cap. 67, and by the Royal Charter of Justice granted under the same Statute, committed to the jurisdiction of the Supreme Court to establish, order, alter, amend and revoke, as may from time to time be found requisite and necessary; under which high authority such rules and regulations have been established as the wisdom and practical experience of all the Judges have deemed fitting and suitable to fulfil the ends of Justice, and adapted to the circumstances and condition of this Colony: which Rules and Regulations the Committee believe have, under many years' trial, been found to fulfil their important purposes.

The Committee having also considered the provisions of the Bill, cannot concur in their adoption; nor, in a matter involving so important a branch in the administration of Justice as the Jury system, can the Committee concur, (unless the changes proposed were not only good and proper in themselves but also evidently necessary,) in advising the discussion of the subject further, at this late period of the Session, which has already continued two months, and, in the opinion of the Committee, ought not to be further protracted by any discussion not absolutely exigent.

Adopted.

Ordered, that the report be received and adopted.

House adjourns.

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

FRIDAY, 26th JULY, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General*.

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

" " JOHN DUNSCOMB.

" " WILLIAM THOMAS.

The minutes of Tuesday last were read.

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

Message from the Assembly transmitting Report of the Delegates to Her Majesty's Government.

MR. PRESIDENT,

The House of Assembly beg leave to transmit to Her Majesty's Council a Copy of the Report of the Delegates lately appointed by this House to treat with Her Majesty's Government on the affairs of Newfoundland.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
July 26, 1839.

House adjourns.

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

30th July & 2nd August, 1839.

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

TUESDAY, 30th JULY, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney General.*

Members present:

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ JOHN SINCLAIR.

The minutes of Friday last were read.

The Honorable Mr. Thomas enters.

Member enters.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to prevent Fraud in the Sale of certain articles imported into this Colony”—

Fraud prevention Bill,  
Committed.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen:

Committee rises.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to encourage the Killing of Wolves in this Colony,” which was read a first time; and—

Wolves Bill—  
brought up and read  
1st time.

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

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to provide for defraying the expenses of the late Delegation to Her Majesty’s Government.”

Delegation Bill—  
Committed—

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received.

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

Ordered, that there be a Call of the House on Friday next.

Call of the House.

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

House adjourns.

FRIDAY, 2nd AUGUST, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ JOHN SINCLAIR.

The minutes of Tuesday last were read.



*2nd & 6th August, 1839.*

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Call of the House.	Pursuant to the order of the day, the House was called.
	PRESENT,
	<i>The Honorable</i> WILLIAM SALL, <i>Commandant.</i>
	“ “ JAMES SIMMS, <i>Attorney-General.</i>
	“ “ JAMES CROWDY, <i>Colonial Secretary.</i>
	“ “ JAMES M. SPEARMAN, <i>Collector of the Customs.</i>
	“ “ WILLIAM THOMAS.
	“ “ JOHN SINCLAIR.
	ABSENT,
	<i>The Honorable</i> JOHN DUNSCOMB.
	“ “ JOHN B. BLAND.
Water Street Amendment Act, brought up—  read 1st time.	A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to repeal part of an Act passed in the Second Session of the First General Assembly of this Island, entitled ‘An Act to regulate the Building of Houses in Water-Street, in the Town of Saint John’s,’”—which was read a first time, and— Ordered, to be read a second time To-morrow.
Delegation Bill— Committed—	Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to provide for defraying the expenses of the late Delegation to Her Majesty’s Government.”
(Member enters)	The Honorable Mr. Sinclair in the Chair. The Honorable Mr. Dunscomb enters. After some time the House resumed.
Reported.	The Chairman reported that the Committee had risen.
Wolves Bill, read 2nd time.	Pursuant to the order of the day, the Bill entitled “An Act to encourage the Killing of Wolves in this Colony,” was read a second time, and— Ordered to be Committed To-morrow.
House adjourns.	On motion, made and seconded, the House adjourned until Tuesday next.
	TUESDAY, 6th August, 1839.
House meets	The House met pursuant to adjournment.
	Present,
Members present.	<i>The Honorable</i> JAMES SIMMS, <i>Attorney General.</i>
	“ “ JAMES CROWDY, <i>Colonial Secretary.</i>
	“ “ JAMES M. SPEARMAN, <i>Collector of the Customs.</i>
	“ “ JOHN DUNSCOMB.
	The minutes of Friday last were read.
Wolves Bill— Committed—	Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to encourage the Killing of Wolves in this Colony.”
	The Honorable Mr. Dunscomb in the Chair. After some time the House resumed.
Reported—with Amendments.	The Chairman reported the Bill with some Amendments, which are as follow:— In the Preamble—Expunge the 4th, 5th, 6th and 7th words. “ “ 2nd line—After the word “arisen” insert the words “to the inhabitants.” “ “ 3rd line—Expunge the word “inroads,” and insert “depredations” in place thereof; and expunge the last three words of this line. “ “ 5th line—Expunge the last word, and insert in lieu thereof the words “said animals.”
	1st Section—10th line—After the word “killed,” insert the words “within this Colony.”

6th & 9th August, 1839.

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

In Schedule A—6th line—After the blank space insert the words “ within the Island of Newfoundland.”

In Schedule B—4th line—After the blank space insert the words “ within the Colony of Newfoundland.”

Ordered, that the report be received.

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

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

Light House Acts  
consolidation Bill—  
brought up—

read 1st time.

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

Pursuant to the order of the day, the Bill entitled “ An Act to repeal part of an Act passed in the Second Session of the First General Assembly of this Island, entitled ‘ An Act to regulate the Building of Houses in Water-Street, in the Town of Saint John’s,’ ”—was read a second time, and—

Water Street Act  
Amendment Bill—

read 2nd time.

Ordered, to be Committed To-morrow.

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

Documents presented  
by Mr. Secretary  
Crowdy.

Copy of a Letter from the Police Magistrates at St. John’s, relative to the deficiency of the License Fund.

Second Report of Mr. Jukes, on the Geological Structure of the Island.

Report of the Board of Education for the District of St. John’s, for the year ending 4th July, 1839.

Do. Do. for the District of Burin.

Statement of the Public Works under the Superintendence of the Board of Road Commissioners for the District of St. John’s.

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

House adjourns.

FRIDAY, 9th AUGUST, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

Members present;

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN SINCLAIR.

The minutes of Tuesday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act to repeal part of an Act passed in the Second Session of the First General Assembly of this Island, entitled ‘ An Act to regulate the Building of Houses in Water-Street, in the Town of Saint John’s.’ ”

Water Street Act  
Amendment Bill—

Committed—

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

The Chairman reported the Bill without amendment.

Reported—

Ordered, that the report be received.

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

38th rule dispensed  
with.

9th & 13th August, 1839.

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Water Street Act  
Amendment Bill—  
read 3rd time, passed  
and signed

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

Light House Acts  
consolidation Bill—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to repeal several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate into one Act the Laws respecting the same,"—was read a second time; and—

Ordered to be Committed To-morrow.

Member enters. The Honorable Mr. Dunscomb enters.

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

TUESDAY, 13th AUGUST, 1839.

House meets. The House met pursuant to adjournment.

Present,

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

The minutes of Friday last were read.

Documents presented  
by Mr. Secretary  
Crowdy. The Honorable Mr. Secretary Crowdy laid before the Council, by direction of the Governor, the following Documents:—

Report of the Commissioners of the Light-House at Harbor-Grace, and an account of Expenditure for the year ending 30th June last—and Estimate for the ensuing year.

Copy of Correspondence with the Secretary of State on the subject of "Tacks" to Bills of Supply.

Member enters. The Honorable Mr. Spearman enters.

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

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

Blue Book Bill—  
brought up—  
and read 1st time.

"An Act to regulate the returns and details of various Offices in this Colony."  
—Both of which were read a first time, and—

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

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

Carbonear Grammar  
School Bill and - "An Act to establish a Grammar School in the Town of Carbonear;" and

Registration of Voter's  
Registration Bill—  
brought up— "An Act to repeal an Act passed in the Fourth year of the Reign of His late Majesty, entitled 'An Act for Registering the names of Persons entitled to vote at Elections, and to make more effectual provision for the same;'"

and severally read 1st  
time. —Which were severally read a first time, and—

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

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

Correspondence with  
the Secretary of State  
on the subject of  
"Tacks" to be entered  
on the Journal.

it was—

Ordered, that the Correspondence with the Secretary of State, laid before the House this day, by direction of the Governor, be entered on the Journal.

13th August, 1839.

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

The Correspondence is as follows :—

No. 63.

Government-House, Newfoundland,  
2nd November, 1838.

Correspondence between the Governor and Secretary of State on the subject of Tacks to Bills of Supply.

MY LORD,

I have the honor to bring under Your Lordship's observation the following item of the Supply Bill for the current year :—

“ And a further sum of £750 towards the support of the Poor for the District of Saint John's; Provided the same shall be disbursed by nine Commissioners, three of whom shall be a Quorum, that is to say, the Reverend Mr. Carrington, the Reverend Mr. Troy, the Reverend Mr. Ward, the Reverend Mr. Faulkner, the Honorable J. B. Bland, the Honorable Wm. Thomas, Patrick Doyle and Patrick Morris, Esquires, and Mr. Patrick L. Power; and on the death, resignation or absence from the Colony of any of the said Commissioners, his or their place or places shall be filled up by His Excellency the Governor, or the Administrator of the Government for the time being, and which Commissioners shall have power to appoint a fitting person who shall act as Secretary to the Commissioners, and who shall keep a Book well bound in which shall be written the names of the Persons relieved and the quantum of relief afforded, and who shall investigate into the state and condition of all Paupers receiving continuous relief out of the monies voted for the relief of the Poor in this District, and shall make an annual report of the same, minutely detailing every circumstance so as to enable the Commissioners to judge of the propriety of continuing or otherwise such relief as aforesaid: and said Commissioners shall have power and are hereby authorized to remunerate, out of such funds, such person so appointed.”

I conceive that the jealousy of the Executive entertained by the present House of Assembly, induced the House, in the two last Road Acts, to name all the Commissioners.

In the item above quoted the House has gone a step further—the Commissioners of the Poor being authorized to appoint a Secretary, and to pay him according to their pleasure out of the sum allotted for Pauper relief.

I did not wish to put any obstacle in the way of the Public business; or to appear to have any personal feeling in a matter of this description; I therefore made no formal objection to the item in question; but as it appears to me an irregularity which may lead to further consequences, I would request Your Lordship's opinion and commands upon the subject.

I have the honor,

&amp;c. &amp;c:

H. PRESCOTT.

The Right Honorable

Lord GLENELG,

&amp;c. &amp;c: &amp;c.

No. 231.

Downing Street,

10th December, 1838.

SIR,

I have to acknowledge the receipt of your Despatch of the 2nd ultimo, No. 63, bringing under my notice the manner in which a provision for the appointment of Poor Law Commissioners, and for the distribution of relief to the Poor, was introduced by the Assembly of Newfoundland into the Supply Bill passed during the last Session of the Legislature.

This proceeding of the Assembly of Newfoundland was clearly calculated to deprive the other Branches of the Legislature of the power of exercising a discretion on the provisions thus tacked to the Bill of Supply, except at the hazard of the entire loss of that Bill. In reply, therefore, to your demand of instructions for your guidance in the event of the same course being hereafter repeated by the Assembly, I have to desire that should you see any probability of such an occurrence, you will make it known to that House that you will be compelled, at whatever inconvenience, to refuse your assent to any Bill of Supply in which

13th August, 1839.

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provisions of such a nature, unconnected with the object of the Bill, are introduced by way of "Tacks."

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

I have the honor,  
&c. &c.  
GLENELG.

No. 24.

Government-House, Newfoundland,  
22nd April, 1839.

MY LORD,

I have the honor to acknowledge the receipt of Your Lordship's Letter of December 10th, No. 231, in answer to mine of November 2d, No. 63; and as my meaning seems to have been misapprehended, I beg leave to inform Your Lordship that it was not my intention to point out as an irregularity, or tack, the item in the Appropriation Act for the relief of the Poor—it having been the constant custom here to insert that and many other miscellaneous matters in the general Appropriation Bill—but it was a novelty to name the Commissioners, and I considered that it was irregular to empower them to appoint a Secretary and to pay him an indefinite sum according to their discretion—and that the nomination of all Salaried Functionaries properly belongs to the Executive.

I request Your Lordship's reconsideration of my letter, and till I receive Your Lordship's further commands I shall not make any communication to the House of Assembly on this subject.

The Right Honorable  
LORD GLENELG.

I have the honor,  
&c. &c.  
H. PRESCOTT.

No. 14.

Downing Street,  
4th June, 1839.

SIR,

I have received your Despatch No. 24. of the 22d of April, explaining the meaning which you intended to convey to my Predecessor when you applied for his instructions as to the course to be pursued in respect to the acceptance or rejection of Appropriation Bills to which Tacks have been added by the House of Assembly.

Although the custom to which you refer may hitherto have prevailed in Newfoundland of including in the Appropriation Act grants of money on conditions such as those annexed to the grant for the relief of the Poor in the present case, a custom so recent cannot have acquired the authority of Law, and ought not to be acquiesced in. The conditions in question in effect amount to a distinct law upon a very important subject of Legislation; and if such subjects may be disposed of in such a manner, the functions of the Council as a Branch of the Legislature may be reduced to entire insignificance. Consequently there is no reason to retract the objection made by Lord Glenelg to this proceeding on the ground of its having been a tack to a Bill of Supply.

It might be difficult to lay down the general proposition that Commissioners for a Public service, and the Officers acting under them, should always be appointed by the Executive Government, and never by an Act of the Legislature: But without agitating so wide a question, I think it sufficient to say that there was no apparent reason in the present case for withholding from the Executive Government their appropriate functions of appointing Public Officers; and that experience, especially in the Colonies, demonstrates that the appointment of such Functionaries by Legislative Bodies acting under no effective responsibility, is among the most fertile sources of abuse and misapplication of the Public Revenue.

I can therefore only repeat the instructions of my Predecessor, respecting any future Act of this kind. I must, however, caution you to avoid in your communications with the Assem-

13th & 15th August, 1839.

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

bly, on the subject, every expression and form of proceeding which that House could with any reason or plausibility resent, as a breach of their privileges.

I have the honor,

&c. &c.

NORMANBY.

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

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to repeal several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate into one Act the Laws respecting the same"—

Light House Act  
Consolidation Bill—

Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received.

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

House adjourns.

THURSDAY, 15th August, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General*.

Members present.

" " JAMES CROWDY, *Colonial Secretary*.

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

" " WILLIAM THOMAS.

The minutes of Tuesday last were read.

Pursuant to the order of the day, the Bill entitled "An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District and the Labrador;" was read a second time, and—

Sheriff's Bill—

read 2nd time.

Ordered to be Committed on Tuesday next.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to re-vest in the Treasury the Sum of Fifteen Hundred Pounds, granted to Her Majesty under 'An Act passed in the first year of the reign of Her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by Steam, between the Port of St. John's and the Port of Halifax, in the Province of Nova-Scotia;" which was read a first time, and—

Steam Navigation Bill,  
brought up—and

read 1st time.

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

Pursuant to the order of the day, the Bill entitled "An Act to regulate the returns and details of various Offices in this Colony;" was read a second time, and—

Blue Book Bill—

read 2nd time.

Ordered to be Committed on Tuesday next.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to Incorporate the Benevolent Irish Society;" which was read a first time, and—

Benevolent Irish  
Society Incorporation  
Bill—brought up and  
read 1st time.

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

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

MR. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council, that the Amendments

Message from  
Assembly agreeing to  
Amendments on the  
Wolves Bill.

15th & 16th August, 1839.

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made by Her Majesty's Council in a Bill entitled "An Act to encourage the Killing of Wolves in this Colony," have been adopted by the House.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
August 15, 1839.

House adjourns.

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

FRIDAY, 16th AUGUST, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

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

The minutes of Yesterday were read.

Light House Acts  
Consolidation Bill—  
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to repeal several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate into one Act the Laws respecting the same."

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Reported.

The Chairman reported progress and asked leave to sit again to-morrow.  
Ordered, that the Report be received.

Assembly request the  
Council's Contingen-  
cies—

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

Mr. PRESIDENT,

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

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
August 16, 1839.

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

Committee appointed to  
report on them.

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

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

Money re-appropriation  
Bill—brought up and  
read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled "A Bill to re-appropriate certain Monies granted by the Legislature for particular purposes and remaining unappropriated for a certain period;" which was read a first time, and—

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

Petition from Benevo-  
lent Irish Society pre-  
sented.

The Honorable Mr. Thomas presented a Petition from the Officers of the Benevolent Irish Society of St. John's, praying that an Act of Incorporation may be passed in favor of the Society.

Benevolent Irish  
Society Incorporation  
Bill—read 2nd time—

Pursuant to the order of the day, the Bill entitled "An Act to Incorporate the Benevolent Irish Society;" was read a second time.

16th & 20th August, 1839.

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

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

Ordered, that the 41st Rule of the House, so far as it respects this Bill, be dispensed with. (41st rule of the House dispensed with—)

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

Ordered, that the Bill be referred to a Select Committee to report thereon.

Irish Society Bill—  
—referred to a Select  
Committee.

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

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

House adjourns.

TUESDAY, 20th AUGUST, 1839.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

Members present:

The minutes of Friday last were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to repeal several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate into one Act the Laws respecting the same”—

Light House Acts  
Consolidation Bill—  
Committed—

The Honorable Mr. Dunscomb in the Chair.

The Honorable Mr. Spearman enters.

Member enters.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Bill reported with—

Ordered, that the report be received.

The Amendments are as follows:—

In the Title, 1st line—Expunge the word “repeal,” and insert instead of it the word “amend.” Amendments.

“ 5th line—Expunge the words “into one Act.”

In the Preamble, 2nd line—Expunge the words “repeal several of,” and insert the word “amend” in its stead.

“ “ 6th and 7th lines—Expunge the words “into one Act.”

“ 1st Section—Expunge in the last two lines the words “and every part thereof,” and insert at the end of the Section the words “Save and except all such clauses and parts of the said Acts, or any of them, as provide for or relate to the re-payment of any and all sums of Money that have, under the provisions of the said Acts, been loaned or borrowed from any person or persons, and which provide for the satisfaction and security of such public creditors.”

Expunge the Second Section of the Bill.

In the 4th Section, 6th line—After the word “Commissioners” insert the words “of whom three shall be a quorum.”

“ “ 7th line—After the word “superintending” insert the word “directing.”

“ “ 11th line—Between the words “control” and “and” insert the words “for the administration of all matters touching and concerning the conducting and maintenance of all Light-Houses belonging to this Colony.”



20th August, 1839.

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- In the 6th Section, 8th line—Expunge the words “owned in the Colony.”
- “ “ 15th line—Between the words “every” and “decked” insert the word “registered.”
- “ “ 16th line—Expunge the word “and” and insert the word “or” in its stead.
- “ “ 18th line—Expunge the words “owned in the Colony.”
- “ “ 20th line—Between the words “every” and “vessel” insert the word “such,” and also in the 27th line.
- “ 7th Section, 5th line—Expunge the words “and such” and insert the words “or some” in their stead.
- “ 8th Section—Expunge the last word of the second line, and the first word of the third line.
- “ 9th Section—Insert, between the last word of the fourth line, and the first word of the fifth line, the words “or other Officer of Customs.”
- “ “ 6th line—Between the third and fourth words insert the words “subject and liable to the payment of any such duties or dues aforesaid.”
- “ “ 7th line—Between the third and fourth words insert the words “as aforesaid.”
- “ “ 12th line—Between the words “Collector” and “as,” insert the words “or other Officer of Customs.”

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

Bill for the more easy settlement of differences between Masters and Servants—brought up—and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants and Apprentices, in this Colony;” which was read a first time, and—

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

Carbonear Grammar School Bill—read 2nd time.

Pursuant to the order of the day, the Bill entitled “An Act to establish a Grammar School in the Town of Carbonear,” was read a second time, and—

Ordered, to be Committed To-morrow.

Registration of Voter's Act repeal Bill—read 2nd time.

Pursuant to the order of the day, the Bill entitled “An Act to repeal an Act passed in the Fourth year of the Reign of His late Majesty, entitled ‘An Act for Registering the names of Persons entitled to vote at Elections, and to make more effectual provision for the same,’” was read a second time, and—

Ordered, to be Committed To-morrow.

Sheriff's Bill—Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to regulate the Office and Fees of Sheriff, and to make provision for the appointment of a Sheriff in each Judicial District and the Labrador.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had risen.

Steam Navigation Bill.

Pursuant to the order of the day, the Bill entitled “An Act to re-vest in the Treasury the sum of Fifteen Hundred Pounds granted to Her Majesty under an Act passed in the First year of the Reign of Her present Majesty, and remaining unappropriated; and to re-appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John's and the Port of Halifax in the Province of Nova Scotia,” was read a second time, and—

read 2nd time.

Ordered, to be Committed To-morrow.

Money re-appropriation Bill—

Pursuant to the order of the day, the Bill entitled “A Bill to re-appropriate certain Monies granted by the Legislature for particular purposes, and remaining unappropriated for a

20th &amp; 22nd August, 1839.

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

certain period," was read a second time, and—

read 2nd time.

Ordered, to be Committed To-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to regulate the returns and details of various Offices in this Colony."

Blue Book Bill—  
Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Reported.

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

House adjourns.

THURSDAY, 22nd August, 1839.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

" " JAMES CROWDY, *Colonial Secretary.*

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

" " JOHN DUNSCOMB.

" " JOHN B. BLAND.

The minutes of Tuesday last were read.

The Honorable Mr. Thomas enters.

Member enters.

Pursuant to the order of the day, the Bill entitled "An Act to repeal several Acts now in force respecting Light Houses, and to make further provision for the said Light-Houses, and to consolidate into one Act the laws respecting the same," was read a third time, as amended, and passed, and the Honorable the President signed the same.

Light House Acts  
consolidation Bill—

read 3rd time—

and passed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to establish a Grammar School in the Town of Carbonear."

Carbonear Grammar  
School Bill—  
Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Reported.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to repeal an Act passed in the Fourth year of the Reign of His late Majesty, entitled 'An Act for Registering the names of Persons entitled to vote at Elections, and to make more effectual provision for the same.'"

Registration of Voters  
Act Repeal Bill—  
Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Reported.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to re-vest in the Treasury the Sum of Fifteen Hundred Pounds, granted to Her Majesty under 'An Act passed in the first year of the reign of Her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by Steam, between the Port of St. John's and the Port of Halifax, in the Province of Nova-Scotia.'"

Steam Navigation Bill,  
Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "A Bill to re-appropriate certain Monies granted by the Legislature for

Money re-appropriation  
Bill—

22nd & 23rd August, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA...

Money re-appropriation Bill— particular purposes, and remaining unappropriated for a certain period.”

Committed— The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Bill for the more easy settlement of differences between Masters and Servants— read 2nd time.

Pursuant to the order of the day, the Bill entitled “ An Act for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants and Apprentices, in this Colony ;” was read a second time, and—

Ordered, to be Committed To-morrow.

House adjourns.

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

FRIDAY, 23rd August, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Yesterday were read.

Steam Navigation Bill, Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act to revert in the Treasury the sum of Fifteen Hundred Pounds, granted to Her Majesty under an Act passed in the First year of the Reign of Her present Majesty, and remaining unappropriated ; and to re-appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John’s and the Port of Halifax in the Province of Nova-Scotia.”

Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

Reported, with—

The Chairman reported the Bill with some Amendments.

Ordered, that the report be received.

The Amendments are as follows :—

Amendments

In the 2nd Section, 14th line—Insert after the word “ Halifax” the words “ or any other convenient Port.”

“ 3rd “ 19th line—Insert after the word “ Halifax” the words “ or other convenient Port.”

At the end of the 3rd Section—Insert the words “ Provided always, that in case it shall so happen that the said Steam Vessel shall be at any time or times prevented by the inclemency of the Weather, or from obstruction by Ice on the Coast, or any inevitable accident, from performing the aforesaid Voyages, and the same shall be made to appear to the satisfaction of the Governor in Council, then the Person or Persons contracting to employ such Steam Vessel in manner aforesaid shall not be considered to be in default.”

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

Pursuant to the order of the day, the House went into Committee of the whole on the Bill entitled “ An Act for the more easy and less expensive decision of differences between

23rd & 27th August, 1839.

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

Masters and Mistresses, and their Servants and Apprentices, in this Colony.”

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the following Resolution :—

Resolved,—That the Committee regret that the late period of the Session at which this Bill has been sent to the Council prevents the possibility of this House giving sufficient time and attention to a subject of so much consequence as that contemplated in the Bill referred to the Committee.

Ordered, that the Report be received, and adopted.

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

Bill for the more easy decision of differences between Masters and Servants—  
Committed—

Reported.

Resolution of the Committee on the above-named Bill.

House adjourns

TUESDAY, 27th AUGUST, 1839.

The House met pursuant to adjournment.

House meets

Present,

The Honorable JAMES SIMMS, Attorney General.

Members present

“ “ JAMES CROWDY, Colonial Secretary.

“ “ JOHN DUNSCOMB.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Friday last were read.

The Honorable Messrs. Spearman and Thomas enter.

Members enter.

Pursuant to the order of the day, the Bill entitled “ An Act to re-vest in the Treasury the sum of Fifteen Hundred Pounds granted to Her Majesty under an Act passed in the First year of the Reign of Her present Majesty, and remaining unappropriated; and to re-appropriate the same for the purpose of facilitating a communication by Steam between the Port of St. John’s and the Port of Halifax in the Province of Nova Scotia,”—was read a third time, as amended, and passed, and the Honorable the President signed the same.

Steam Navigation Bill,

read 3rd time, and passed.

The Honorable Mr. Spearman, from the Select Committee appointed to report on the Bill entitled “ An Act to Incorporate the Benevolent Irish Society,” reported as follows:

The Select Committee to whom the Bill entitled “ An Act to Incorporate the Benevolent Irish Society,” was referred, beg leave to report that they have sat in accordance with their Instructions; and not having received or heard of any objections to the said Bill, recommend that the House do proceed with the same.

Report of Select Committee on the Irish Society Incorporation Bill.

Ordered, that the Report be received.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ A Bill to re-appropriate certain Monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period.”

Money re-appropriation Bill—

Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Reported, with—

Ordered, that the Report be received.

Ordered, that the Bill be printed, as amended.

The Amendments are as follow:

Expunge the Title of the Bill, the Preamble, and all the Sections, and insert in their stead as follows:—

Amendments.

“ An Act to amend an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, and

27th August, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

to make provisions for the security and due application of certain monies levied and received under the provisions of the said Act.

“Whereas in certain Districts of this Colony, Directors have not been duly elected and appointed according to the provisions of an Act passed in the sixth year of the reign of his late Majesty King William the Fourth, entitled “An Act for the Relief of Sick and Disabled Seamen, Fishermen and other Persons,” and through which default divers sums of Money that have been received, stopped, retained and collected out of the Wages of Masters, Mates, Seamen, Fishermen, Shoremen, Sealers and Servants, under the provisions of the said Act, have been held and kept, and still remain in the hands of certain Persons who have received, stopped, retained or collected the same; and it is therefore necessary to make further provisions for the safe keeping of all such Monies, in order that they may be duly applied to the purposes prescribed by the said Act.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that all such Monies aforesaid, that have been heretofore, or that may hereafter be received, stopped, retained, or collected by any Person or Persons, in any and every such District aforesaid, wherein such Directors aforesaid have not been duly elected, and shall still continue unappointed, shall within the period of four months after the passing of this Act be paid over, by the Person or Persons respectively who have received, stopped, retained or collected the same, into the hands of the Treasurer of the Colony, in order that the same may be duly applied and appropriated to the purposes prescribed by the said Act: And such Person and Persons respectively shall make due returns of all such Monies, and account for the same to the said Treasurer in the same form and manner, in all respects, as is provided in and by the aforesaid Act in such cases wherein such Monies aforesaid are directed to be paid over to Directors duly appointed under the provisions of the said Act. And every such Person or Persons aforesaid making default, neglecting, or omitting so to pay over to the said Treasurer any such Monies aforesaid, or not duly accounting to him for the same, in form and manner aforesaid, and according to the provisions of the said Act, shall be subject and liable to all such penalties as are prescribed in and by the said Act for like defaults, neglects or omissions, in respect to the payment over and accounting for such Monies to the respective Directors appointed under the said Act.

And be it further enacted, that so soon as it shall be made to appear to the Governor, or Person administering the Government for the time being, that Directors have been duly elected in any such District or Districts aforesaid, whereunto no Directors have as yet been appointed, then the Governor, or Person administering the Government for the time being, shall, by Warrant under his hand and seal, direct the said Treasurer to pay over to such duly elected Directors of such District or Districts respectively, all Monies by him received for and on account of such District or Districts respectively, in order that the same Monies may be duly applied to the purposes prescribed under the provisions of the said Act passed in the sixth year of the reign of King William the Fourth.

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

30th August & 3rd September, 1839.

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

FRIDAY, 30th AUGUST, 1839.

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

Present,

The Honorable WILLIAM THOMAS.  
“ “ JOHN SINCLAIR.

Members present.

The Honorable Mr. Thomas declared the House adjourned for want of a Quorum.

House adjourned for want of a quorum.

TUESDAY, 3rd SEPTEMBER, 1839.

The House met.

House meets.

Present,

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

Members present.

The minutes of Tuesday and Friday last were read.

The Honorable Messrs. Spearman and Bland enter.

Members enter.

Pursuant to the order of the day, the Bill entitled “A Bill to re-appropriate certain Monies granted by the Legislature for particular purposes, and remaining unappropriated for a certain period,” was read a third time as amended, and passed, and the Honorable the President signed the same.

Money re-appropriation Bill—read 3rd time and passed.

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

Mr. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in a Bill sent up from this House, entitled “An Act to re-vest in the Treasury the Sum of Fifteen Hundred Pounds granted to Her Majesty under ‘An Act passed in the first year of the reign of Her present Majesty, and remaining unappropriated, and to re-appropriate the same for the purpose of facilitating a communication by Steam, between the Port of St. John's and the Port of Halifax, in Nova-Scotia,” without amendment.

Message from Assembly agreeing to amendments on the Steam Navigation Bill.

House of Assembly,  
August 30, 1839.

WILLIAM CARSON,  
*Speaker.*

Mr. PRESIDENT,

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council in a Bill sent up from this House, entitled “An Act to repeal several Laws now in force respecting Light Houses, and to make further provision for the Support of the said Light-Houses, and to consolidate into one Act the laws respecting the same,” with an Amendment, to which they request the concurrence of the Council.

Message from Assembly agreeing to amendments on the Light House Act Incorporation Bill—with an Amendment.

House of Assembly,  
August 30th, 1839.

WILLIAM CARSON,  
*Speaker.*

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

The Select Committee appointed to take into consideration the Contingencies of this Honorable House, beg leave to report that they have carefully examined the accounts of the Clerk and Usher of the Black Rod—the former amounting to One hundred and thirty-four Pounds Thirteen Shillings and Three Pence; and the latter to Twenty-one Pounds Thirteen Shillings and Ten Pence—making together One Hundred and fifty-six Pounds Seven Shillings and One Penny, Sterling—which they recommend to be paid.

Report of Select Committee on the Contingencies of the Council.

3rd & 6th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Your Committee further recommend that the Officers of the Council shall be paid as follows for their services during the present Session :—

Clerk, One Hundred Pounds ;  
 Master-in-Chancery, One Hundred Pounds ;  
 Usher of the Black Rod, Seventy Pounds ;  
 Door-Keeper, Thirty-five Pounds ;  
 Assistant Door-Keeper and Messenger, Ten Pounds.

Ordered, that the Report be received and adopted.

House adjourns.

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

FRIDAY, 6th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

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

The minutes of Tuesday last were read.

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

Benevolent Irish  
 Society Incorporation  
 Bill—  
 Committed—

Ordered, that the House go into a Committee of the whole on the Bill entitled “ An Act to Incorporate the Benevolent Irish Society.”

Whereupon the House went into Committee accordingly.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Assembly's Amend-  
 ment on Council's  
 Amendments on Light  
 House Acts Incorporation  
 Bill—  
 read 1st time—

On motion, the Amendment of the House of Assembly on the Council's Amendments on the Bill entitled “ An Act to repeal several Acts now in force respecting Light-Houses, and to make further provision for the said Light-Houses, and to consolidate into one Act the Laws respecting the same,” was read a first time, and—

89th rule dispensed  
 with—

Ordered, that the Thirty-eighth Rule of the House, so far as it respects this Amendment, be dispensed with.

Amendment read 2nd  
 time—

The Amendment was then read a second time.

Committed—

Presently the House went into a Committee of the whole thereon.

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Amendment, which is as follows:—

Amendment on the Amendments made by Her Majesty's Council to the 11th line of the Fourth Section :—

The Amendment.

After the word “ Colony,” add the following words—“ And that all purchases for and on account of the said Light-Houses, shall be upon a public notice or advertisement for Tenders for the same, and the lowest of such Tenders, for an article of suitable quality, shall on all occasions be preferred ; and all accounts and vouchers relating to any expense incurred on account of such Light Houses shall from time to time be furnished to the Treasurer of the Colony, before the respective sums of Money shall be drawn from the Treasury.”

6th & 10th September, 1839.

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

Ordered, that the report be received.

The Amendment was then read a third time, and passed, and the Honorable the President signed the same.

Amendment read 3rd time and passed.

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

House adjourns.

TUESDAY, 10th SEPTEMBER, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Friday last were read.

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

Ordered, that a Message be sent to the Assembly with the Contingencies of the Council.

Whereupon the following Message was transmitted to that House:—

MR. SPEAKER,

Message sent to the Assembly with the Contingencies of the Council.

Her Majesty's Council acquaint the House of Assembly that the Contingent Account of the Clerk of the Council, as annexed, amounts to One Hundred and Thirty-four Pounds Thirteen Shillings and Three Pence,—and that of the Usher of the Black Rod, also annexed, to Twenty-one Pounds Thirteen Shillings and Ten Pence—making together One Hundred and Fifty-six Pounds Seven Shillings and One Penny, Sterling; and that they have resolved that the Officers of the Council shall be paid, for their services during the present Session, as follows:—

- Clerk, One Hundred Pounds;
- Master-in-Chancery, One Hundred Pounds;
- Usher of the Black Rod, Seventy Pounds;
- Door-Keeper, Thirty-five Pounds;
- Assistant Door-Keeper and Messenger, Ten Pounds.

JAMES SIMMS.

Council Chamber,  
10th September, 1839.

CONTINGENT ACCOUNT OF THE CLERK OF THE COUNCIL.

Extra Services in preparing and superintending the Printing of the Journal of the present Session.....	£ 25 0 0
A. McIver, Stationery .....	1 15 10
J. W. McCoubrey, Printing .....	2 1 3
Ryan & Withers, Do. ....	5 16 2
Probable cost of Printing and Binding Journal for the present Session ....	100 0 0
	Sterling....£134 13 3

Contingent Account of Clerk of the Council.



10th &amp; 11th September, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Account of Usher of the  
Black Rod.

## ACCOUNT OF THE USHER OF THE BLACK ROD.

	Currency.	Sterling.
Account of Wm. Freeman, (Joiner's Work) .....	£5 3 9	
Do. Thomas McGrath, (Smith) ....	3 10 6	
Do. W. B. Moore (Painter) .....	3 18 6	
Paid for 2 Hhds. Coals (last Session,) at 8s. 6d. ....	0 17 0	
	<hr/>	
	£13 9 9	11 13 10
Richard Perchard, (House Keeper,) Cleaning Rooms.....		5 0 0
Same for last year, (omitted).....		5 0 0
		<hr/>
	Total ....	£21 13 10

Supply Bill—  
brought up and  
read 1st time.

A Deputation from the House of Assembly brought up for the concurrence of this House, a Bill entitled "An Act for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of the Colony for the Year ending 30th June, 1840, and for regulating the Appropriation of the same"—which was read a first time.

The Honorable Mr. Thomas moved, seconded by the Honorable Mr. Bland, the following Resolution:—

Resolution that the  
above named Bill be  
read a second time in  
six months—

Resolved,—That a Sum of Money already rejected by this House having been tacked to the Supply Bill, this House cannot, either consistently with their own rights or with the direction to His Excellency the Governor from the Right Honorable the Secretary of State of the 4th June, 1839, No. 14, pass any Bill of Supply which contains such "Tacks:" it is therefore Resolved, that this Bill be read a second time this day six months:

lost.

—which, on a division, was lost.

38th rule dispensed  
with—

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

Bill read 2nd time—

The Bill was then read a second time, and—

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

Committed.

Whereupon the House went into Committee accordingly.

The Honorable Mr. Spearman in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

House adjourns.

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

WEDNESDAY, 11th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members presents.

The Honorable JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Yesterday were read.

Supply Bill—  
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the Civil Government of the Colony, for the year ending 30th June 1840, and for regulating the appropriation of the same."

The Honorable Mr. Spearman in the Chair,

11th September, 1839.

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

After some time the House resumed.

The Chairman reported the Bill with some Amendments.

Supply Bill—  
Reported—with

Ordered, that the report be received.

The Amendments are as follows :—

Insert immediately after the Title of the Bill, the words " May it please Your Majesty." Amendments.

In the Preamble, 1st and 5th lines—Substitute the word " Your" for the word " Her."

" " 10th line—Substitute the word " Majesty" for the word " Excellency."

" 4th page, 13th line—Expunge the words " towards indemnifying," and insert the word " to" in their stead.

" " 14th line—Expunge the words " for the loss of all," and insert in their stead the words " in lieu of his."

" " 17th line—Expunge the words " towards indemnifying," and insert the word " to" in their stead.

" " 18th line—Expunge the words " for the loss of all," and insert in their stead the words " in lieu of his."

" 6th page—last line—After the word " Prosecutions," expunge the words " Provided that a detailed statement be returned to the Legislature of such expenditure, verified by affidavit."

" 7th page—8th line—Expunge the words " Provided that no money be paid in liquidation of any account, the correctness of which is not verified by affidavit."

" " 16th line—Expunge the words " Provided that a return shall be made to the Legislature of the names, days of imprisonment before, and days of imprisonment after trial, offence, and cause of discharge or detention, as the case may be, of every prisoner, and a detailed statement, verified by affidavit, of the actual charges incurred in their support."

" 12th page—7th & 10th lines—Expunge the word " supporting" and insert the word " compensating" in its stead.

" " 13th & 14th lines—Expunge the words " to be added to a sum before granted in order to defray all" and insert in their stead the words " towards defraying."

" " 18th line—Expunge the word " Marine."

" 13th page—21st line—Expunge the words " towards supporting," and insert the word " to" in their stead.

" 14th page—1st line—Expunge the words " towards supporting," and insert the word " to" in their stead.

" " 11th line—Expunge the words " And a further sum of Three Hundred Pounds for the re-erection of Waterford Bridge by Mr. Simon Morris."

" 15th page—13th line—Expunge the words " towards assisting the Ladies of," and insert the word " to" in their stead.

" " 15th line—Expunge the words " And a further sum of One Hundred Pounds a-year for three years, towards defraying the expenses of a Packet Boat to ply weekly between Burin, the Western Islands of Placentia Bay, and Placentia, under the direction of nine Commissioners to be appointed at Burin, Merasheen and Placentia, by His Excellency the Governor."

" 18th page—1st line—" Expunge the words " And a further sum of Seven hundred and thirteen pounds eight shillings and two pence, towards defraying the expense of the late Delegation from the House of Assembly to Her Majesty's Government, as follows:—Paid fees of Counsel by J. V. Nugent, in the case of Henry John Boulton, Two Hundred and

11th & 12th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Fifteen Pounds Ten shillings and Three Pence ; William Witham, Solicitor, as per Bill of Costs, Two Hundred and Nineteen Pounds Ten Shillings and Sixpence ; Paid for Printing, by J. V. Nugent, Forty-four Pounds Six Shillings and Six Pence ; Paid by John V. Nugent, for reporting the case of Henry John Boulton, Forty-five Pounds Eleven Shillings and Eight Pence Halfpenny ; Paid for Lithographing, by the Speaker, Two Pounds Nine Shillings and Four Pence ; Paid for Printing, by Patrick Morris, Esquire, Twenty-eight Pounds Nine Shillings and Ten Pence Halfpenny ; Expenses of John V. Nugent, One Hundred and Fifty-seven Pounds Ten Shillings."

In the 19th page—5th line—Expunge the words " And it shall not be lawful for the said Treasurer to pay any sum or sums of Money out of the Treasury of the Colony, other than such as are expressed and directed in this or some other Act or Acts of the Legislature of this Colony."

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

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

THURSDAY, 12th SEPTEMBER, 1839.

House meets, The House met pursuant to adjournment.

Present,

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

The minutes of Yesterday were read.

Motion that a Conference be requested with the Assembly on the Supply Bill—  
 The Honorable Mr. Thomas moved, seconded by the Honorable Mr. Spearman, that a Conference be requested with the House of Assembly on the subject matter of the Bill entitled " An Act for granting to Her Majesty a sum of Money for defraying the expenses of the Civil Government of the Colony, and for other purposes, for the year ending 30th June 1840, and for regulating the appropriation of the same ;" and that a Committee be appointed to draft instructions to the Conferees.

Ordered. Committee appointed to draft Instructions—  
 Ordered, that a Conference be requested accordingly, and that the Honorable Messrs. Spearman and Thomas be a Committee to draft the said Instructions.

—their Report—  
 After some time the Honorable Mr. Spearman, from the Committee, reported a draft. Ordered, that the same be received.

—Committed—  
 Ordered, that the House go into a Committee of the whole on the said draft presently. Whereupon the House went into Committee.

—Reported.  
 The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Instructions, which are as follows, without Amendment.

Instructions to Conferees on the Supply Bill.  
 Her Majesty's Council has desired this Conference with the House of Assembly that it may offer those reasons which have influenced the Council in refusing its assent to several clauses in the Bill sent up by the House of Assembly entitled " An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of the Colony, and for other purposes, for the year ending 30th June 1840, and for regulating the appropriation of the same."

The clauses to which the Council refers are—

First,—The proposed grant of Three Hundred Pounds for the re-erection of Waterford Bridge by Mr. Simon Morris. To this grant the Council cannot assent—1st, Because it is not

12th & 13th September, 1839.

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

a fit subject to be introduced into this Bill—2nd, Because the Council not having previously recognized, nor had any cognizance of the necessity or reasons for making such a Grant.

Secondly.—The Grant of One Hundred Pounds, for three years, towards defraying the expense of a Packet Boat to ply weekly between Burin, the Western Islands of Placentia Bay, and Placentia. This Grant the Council considers to be subject to the objections which it has already urged against the Grant relating to Waterford Bridge; both being subjects suitable only for separate Bills, or for a general Road Bill.

Thirdly.—The Grant of Seven Hundred and Thirteen Pounds Eight Shillings and Two Pence, towards defraying the expenses of the late Delegation from the House of Assembly to Her Majesty's Government. This Grant the Council cannot agree to place in this Bill—the subject of it being properly an item for the Legislative Contingencies Bill, or for a separate Bill.

Fourthly.—The Council cannot concur in the provisions introduced into this Bill, which require accounts and returns to be verified on oath. Such provisions would conflict with the existing Laws under which the Imperial Parliament have abolished all unnecessary Oaths.

Ordered, that the Report be received and adopted.

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

Ordered, that the Honorable Messrs. Spearman and Thomas be the Conferees on the part of this House. Conferees appointed.

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

Pursuant to the order of the day, the Supply Bill, as amended, was read a third time and passed, and the Honorable the President signed the same. Supply Bill, read 3rd time and passed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to Incorporate the Benevolent Irish Society." Benevolent Irish Society Incorporation Bill—Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty a Sum of Money to defray the Contingent Expenses of the Legislature during the present Session"—which was read a first time, and— Contingency Bill—brought up and read 1st time.

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

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

FRIDAY, 13th SEPTEMBER, 1839.

The House met pursuant to adjournment. House meets.

Present,

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

The minutes of Yesterday were read.

13th & 14th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Letter from the Colonial Secretary—

The Honorable the President acquainted the House that he had received the following letter from the Honorable the Colonial Secretary.

SECRETARY'S OFFICE, 13th September, 1839.

His Excellency will assent to the Bill to encourage the Killing of Wolves to-morrow at 2 o'clock.

SIR,

I have the honor by command of the Governor to acquaint you that it is His Excellency's intention to proceed to the Council Chamber at 2 o'Clock to-morrow, for the purpose of giving his assent to a Bill to encourage the Killing of Wolves, which has been passed by the Council and House of Assembly.

I have, &c.

(Signed,)

JAMES CROWDY.

The Honorable the President  
of Her Majesty's Council.

Contingency Bill—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty a Sum of Money to defray the Contingent Expenses of the Legislature for the present Session"—was read a second time.

Road loan Bill—  
brought up and read  
1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to authorize the Treasurer of this Colony to raise on Loan a Sum not exceeding Ten Thousand Five Hundred Pounds, for the purpose of Making and Repairing Streets, Roads and Bridges therein"—which was read a first time, and—

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

House adjourns.

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

SATURDAY, 14th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable WILLIAM SALL, Commandant.*  
" " *JAMES SIMMS, Attorney-General.*  
" " *WILLIAM THOMAS.*  
" " *JOHN B. BLAND.*

The minutes of Yesterday were read.

Members enter.

The Honorable Messrs. Dunscomb, Sinclair, Crowdy and Spearman enter.

The Governor arrives at the Council Chamber.

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

The Assembly summoned to attend him.

"An Act to encourage the Killing of Wolves in this Colony."

His Excellency assents to the "Wolf Bill."

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

*Mr. President, and Honorable Gentlemen of the Council;*

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

His Excellency's Speech on the occasion.

Having come down for the purpose of giving my assent to a Bill "to encourage the Killing of Wolves in this Colony," whose speedy operation has been rendered necessary by the increased daring of those destructive animals; I avail myself of the occasion thus presented to express my earnest desire that the expenses of the late Delegation from the House of Assembly to Her Majesty's Government should be immediately defrayed by Legislative enactment.

14th & 17th September, 1839.

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

I should not take this step, somewhat out of the usual course, were I not, after careful and anxious consideration, under the most absolute conviction of the propriety and justice of the measure I now recommend.

I venture then to propose to the House of Assembly again to prepare a separate Bill for this object—to the Council to adopt it—and I shall readily and cheerfully assent to an Act which will, I am persuaded, essentially contribute to harmony and peace, and consequently to the prosperity of the Colony.”

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

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

House adjourns.

TUESDAY, 17th SEPTEMBER, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, Attorney-General.

Members present.

“ “ JAMES CROWDY, Colonial Secretary.

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

“ “ JOHN DUNSCOMB.

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Saturday last were read.

On motion, His Excellency the Governor's Speech of Yesterday was read.

Governor's Speech read.

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

House in Committee on privilege—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had risen.

Report.

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

On Motion—

Ordered, that a Select Committee be appointed to draft an Address to His Excellency the Governor, in answer to His Excellency's Speech of yesterday.

Select Committee to draft Address in answer to His Excellency's Speech.

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

The Committee.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for granting to Her Majesty a Sum of Money for defraying the expenses of the Civil Government of this Colony, and for other purposes, for the year ending the Thirtieth June One thousand eight hundred and forty, and for regulating the appropriation of the same”—which was read a first time.

Supply Bill—brought up and read 1st time.

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

38th rule dispensed with—

The Bill was then read a second time, and—

Bill read 2nd time—

The House went into Committee on the same.

Committed—

The Honorable Mr. Dunscomb in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported—

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

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

Read 3rd time and passed.

17th, 18th & 20th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Delegation Bill—  
brought up and read 1st  
time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the late Delegation," which was read a first time, and—

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

Road loan Bill—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on Loan a sum not exceeding Ten Thousand Five Hundred Pounds, for the purpose of making and repairing Streets, Roads and Bridges therein," was read a second time.

House adjourns.

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

WEDNESDAY, 18th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*

" " JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Yesterday were read.

Benevolent Irish  
Society Incorporation  
Bill—  
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to Incorporate the Benevolent Irish Society."

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Delegation Bill—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the late Delegation," was read a second time, and—

Ordered, to be Committed To-morrow.

House adjourns

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

FRIDAY, 20th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

*The Honorable* WILLIAM SALL, *Commandant.*

" " JAMES SIMMS, *Attorney-General.*

" " JAMES CROWDY, *Colonial Secretary.*

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

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Wednesday last were read.

Select Committee  
report a draft of  
Address to the Governor  
in answer to His  
Speech—

The Honorable Mr. Spearman, from the Committee appointed to draft an Address to the Governor in answer to His Excellency's Speech on the 14th instant, reported a draft.

Ordered, that the same be received.

20th September, 1839.

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

On motion of the Honorable Mr. Thomas, the House went into a Committee of the whole on the said Draft. Report Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to Incorporate the Benevolent Irish Society." Benevolent Irish  
Society Incorporation  
Bill—  
Committed—

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

The Chairman reported the Bill with some Amendments. Reported—with

Ordered, that the report be received.

The Amendments are as follows :—

Expunge the Preamble and the whole of the Sections of the Bill, and insert instead thereof as follows :—

"Whereas in the Year of our Lord One Thousand Eight Hundred and Six, the Right Reverend Doctor O'Donnell, Lieutenant Colonel John Murray, James McBaire, Esquire, John McKillop, Esquire, Joseph Church, Esquire, Captain Winckworth Tonge, and other persons, inhabitants of this Island, established and formed themselves into an Association or Society under the name and title of 'The Benevolent Irish Society,' for the purpose of providing for the wants of the Poor, and other purposes; and since which period the said Society has been joined by numerous additional Members, and is now subsisting : And whereas the said Society has acquired a large sum of Money, now lodged in the public funds or stock of the United Kingdom of Great Britain and Ireland, the interest whereof is appropriated to the purposes of the said Society : And whereas it is expedient, for the better regulation thereof, that the said Society shall be constituted a Body Corporate and Politic, with perpetual succession : Amendments.

Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, and by the authority of the same, that the President, Vice President, the First Assistant, the Second Assistant, the Treasurer, and the Secretary of the said Society, and all other Persons who are now or who shall hereafter be duly admitted Members of the said Society, and their Successors for ever, shall be, and they are hereby constituted and declared to be, one Body Corporate and Politic, in Deed and in Law, by the name of "The Benevolent Irish Society;" and the same shall be a perpetual Corporation, and have a Common Seal, with power to change, alter and make new the same; and they and their Successors, in the name aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, answer and be answered unto, in all or any Court or Courts of Judicature within this Island, in all manner of Actions, Suits and Causes whatsoever, and also of Contracting and being Contracted with relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted.

"2nd—And be it further enacted, that the Rules and Regulations made by the said Society on the Eighth day of February, in the year of our Lord One Thousand Eight Hundred and Six, and Registered in the Records of the Court of Sessions of St. John's in this Island, on the Fifteenth day of October in the year last aforesaid, shall be, and they are hereby declared to be, the Rules and Regulations of the said Society: Provided always, that it shall and may be lawful for the said Society, from time to time, to add to, alter, amend or revoke, all or any of the said Rules and Regulations, as they may deem necessary and expedient for the better regulation and management thereof; And provided always, that [such Rules or Regulations shall not be in any wise contrary to the Laws of this Island, or the Provisions of this Act.



20th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

“3rd—And be it further enacted, that it shall and may be lawful for the said Corporation, by the name aforesaid, to purchase and possess any real or personal Estate, or to accept, hold and possess such as may be gratuitously given, granted, devised or bequeathed, for the use and benefit of the said Corporation; Provided that such real and personal Estate shall not at any time altogether exceed the yearly value or income of Three Thousand Pounds sterling; And also provided always, that no part of the principal sum now lodged in the Public Stock or Funds of the United Kingdom of Great Britain and Ireland shall be expended or lessened by the said Corporation—it being the intent and meaning of this Act that the interest only of the said Money shall be applied to the annual expenses of the said Corporation.

“4th—And be it further enacted, that it shall not be lawful for the said Corporation to transfer, convey, or sell the Lands or Tenements of the said Corporation, except on Lease for a term or terms not exceeding Forty Years; nor to remove the said Monies now in the Public Stock or Funds of the United Kingdom of Great Britain and Ireland, except for the purpose of re-investing them in other Public Securities, either of the United Kingdom or of this Island, so long as an interest of Five per centum per annum can be obtained under such securities.

“5th—And be it further enacted, that on the Seventeenth day of February in each and every year, or on such other convenient day within seven days of the said Seventeenth day, as may be duly appointed for the same, a General Meeting of the Members of the said Society shall be holden, when such Members, or a majority of the Members, present at such General Meeting, shall elect and choose a President, a Vice President, a First Assistant, a Second Assistant, a Treasurer, a Secretary, a Chairman of Committee of Charity, and a Chairman of Review and Correspondence, who shall, for the Year next ensuing such choice or election, and until a new election shall take place, be the Officers of the said Corporation, under the Provisions hereinbefore made and prescribed.

“6th—And be it further enacted, that upon the death, resignation or absence from this Island of the said President, or any of the said Officers, it shall and may be lawful for the said Corporation to elect, nominate and appoint another such President or other Officer as aforesaid, in the place and stead of any such Officer dying, resigning, or being absent as aforesaid.”

Ordered, that the Amendments be engrossed presently.

38th rule dispensed with—

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

Bill read 3rd time and passed.

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

License Bill—brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to regulate the granting of Licenses in Newfoundland”—which was read a first time, and—

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

Road Bill—brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act for granting to Her Majesty a supply of Money for making and repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same”—which was read a first time, and—

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

House adjourns.

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

23rd & 24th September, 1839.

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

MONDAY, 23rd SEPTEMBER, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

The minutes of Friday last were read.

The Honorable Messrs. Sinclair, Bland and Thomas enter.

Members enter.

Pursuant to the order of the day, the Bill entitled “ An Act to regulate the granting of Licenses in Newfoundland,” was read a second time, and—

License Bill—  
read 2nd time.

Ordered, to be Committed To-morrow.

Pursuant to the order of the day, the Bill entitled “ An Act for granting to Her Majesty a Supply of Money for making and repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same,”—was read a second time, and—

Road Bill—  
read 2nd time.

Ordered, to be Committed To-morrow.

Pursuant to the order of the day, the House went into a Committee of the whole on the Draft of the Address to the Governor, in answer to His Excellency's Speech of the 14th instant.

Draft of Address to the  
Governor—  
Committed.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

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

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

House adjourns.

TUESDAY, 24th SEPTEMBER, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act to regulate the granting of Licenses in Newfoundland.”

License Bill—  
Committed.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

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

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

Revenue Bill—  
brought up and read 1st  
time.

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

38th rule dispensed  
with—

The Bill was then read a second time, and—

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

Bill read 2nd time—

The Honorable Mr. Thomas in the Chair.

Committed—

24th & 25th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

- After some time the House resumed.
- Revenue Bill—  
Reported without  
Amendment. The Chairman reported the Bill without Amendment.  
Ordered, that the Bill be read a third time To-morrow.
- Bill for the greater  
protection of the  
Revenue—  
brought up and read  
1st time. A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled “An Act to make provision for the greater protection of the Revenue at the Port of St. John’s;”—which was read a first time.
- 38th rule dispensed  
with. Ordered, that the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.  
The Bill was then read a second time, and—  
Ordered, to be Committed To-morrow.
- Address in reply to His  
Excellency’s Speech—  
Committed— Pursuant to the order of the day, the House went into a Committee of the whole on the Draft of Address to the Governor in answer to His Excellency’s Speech of the 14th instant.  
The Honorable Mr. Bland in the Chair.  
After some time the House resumed.
- Reported—with  
Amendments—  
Report adopted. The Chairman reported the Address with some Amendments.  
Ordered, that the Report be received and adopted.  
The Address is as follows :—
- MAY IT PLEASE YOUR EXCELLENCY,
- WE, Her Majesty’s dutiful and loyal subjects the Council of Newfoundland, in our Legislative capacity assembled, beg to approach Your Excellency with some observations on the Speech which Your Excellency was pleased to deliver to the Legislature on the occasion of your assenting to the Bill “to encourage the Killing of Wolves in this Colony.”
- While Her Majesty’s Council disclaim imputing to Your Excellency any desire to dictate to them the course they should pursue, they cannot but feel that the mode of proceeding adopted in the present instance, and characterized by Your Excellency as “an unusual one,” may have the effect of interfering with that independence, the possession of which, by each branch of the Legislature, is so essential to the interests of the Colony.
- Her Majesty’s Council therefore feel themselves compelled respectfully to protest against the proceeding in question—at the same time assuring Your Excellency that they will pursue the course they have always followed, of giving to every matter that may be brought before them the most dispassionate and careful consideration.
- Ordered, that the Address be engrossed, and read a third time To-morrow.
- House adjourns On motion, made and seconded, the House adjourned until To-morrow.
- WEDNESDAY, 25th SEPTEMBER, 1839.
- House meets. The House met pursuant to adjournment.
- Members present. Present,  
The Honorable WILLIAM SALL, *Commandant*.  
“ “ JAMES SIMMS, *Attorney-General*.  
“ “ JAMES M. SPEARMAN, *Collector of the Customs*.  
“ “ WILLIAM THOMAS.  
“ “ JOHN B. BLAND.  
“ “ JOHN SINCLAIR.
- The minutes of Yesterday were read.
- Member enters. The Honorable Mr. Crowdy enters.
- Revenue Bill—  
Read 3rd time and  
passed. Pursuant to the order of the day, the Bill entitled “An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize, imported into this Colony and its Dependencies,” was read a third time, and passed, and the Honorable the President signed the same.

25th September, 1839.

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

Pursuant to the order of the day, the Address to the Governor, in answer to His Excellency's Speech on the 14th instant, was read a third time, and passed.	Address to the Governor in reply to His Speech— read 3rd time and passed.
On motion of the Honorable Mr. Thomas, it was—	
Ordered, that a Deputation be appointed to wait on the Governor to ascertain from His Excellency at what time he will be pleased to receive this House with its Address.	Committee to wait on the Governor.
Ordered, that the Honorable Messrs. Crowdy and Thomas be a Committee for that purpose.	The Committee.
Pursuant to the order of the day, the House went into Committee of the whole on the Bill entitled "An Act to make further provision for the greater protection of the Revenue at the Port of St. John's."	Greater protection of Revenue Bill— Committed.
The Honorable Mr. Bland in the Chair.	
After some time the House resumed.	
The Chairman reported the Bill without Amendment.	
Ordered, that the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.	38th Rule dispensed with.
The Bill was then read a third time, and passed, and the Honorable the President signed the same.	Bill read 3rd time and passed.
Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the expenses of the late Delegation."	Delegation Bill— Committed—
The Honorable Mr. Spearman in the Chair.	
After some time the House resumed.	
The Chairman reported the Bill without amendment.	Reported— without Amendment.
Ordered, that the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.	38th Rule dispensed with.
The Bill was then read a third time, and passed, and the Honorable the President signed the same.	Bill read 3rd time and passed.
A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs"—which was read a first time, and—	Safe keeping of the Colonial Revenue Bill— —brought up, and read 1st time.
Ordered, to be read a second time To-morrow.	
On motion of the Honorable Mr. Thomas, seconded by the Honorable the Attorney-General, it was—	
Resolved, That an Address be presented to the Governor, requesting that His Excellency will direct to be laid before this House an account of all monies now in the hands of the Treasurer of the Colony, and unappropriated; and also a comparative statement of the Revenue of the present and past year, made up to the 25th September in each year.	Resolution for an Address to the Governor for Financial Returns.
Ordered, that the Honorable Messrs. Simms and Crowdy be a Committee to draft the Address, and to present it.	Committee appointed to draft the same—
After some time the Honorable Mr. Simms, from the Committee above-named, reported a Draft.	who make their Report.
Ordered, that the same be received and adopted, and engrossed presently.	Report adopted—
Whereupon the Address having been engrossed, the Honorable the President signed the same—which is in the following words :—	engrossed and signed.
To His Excellency HENRY PRESCOTT, Esquire, Companion of the Most Honorable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c. &c. &c.	Address to the Governor for certain Financial Returns.
MAY IT PLEASE YOUR EXCELLENCY;	
We, Her Majesty's dutiful and loyal subjects the Council of Newfoundland, respectfully request that Your Excellency will cause to be laid before this House an account of all	

25th & 26th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Monies now in the hands of the Treasurer of this Colony, and unappropriated; and also a comparative statement of the Revenue of the present and past year, made up to the 25th day of September in each year.

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

THURSDAY, 26th SEPTEMBER, 1839.

House meets. The House met pursuant to adjournment.

Present,

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

The minutes of Yesterday were read.

Mr. Secretary Crowdy lays Financial Returns before the House. The Honorable Mr. Secretary Crowdy, by direction of the Governor, presented the following Returns in compliance with the Address of this House, of yesterday:—

An Account of all Monies now in the hands of the Treasurer, and unappropriated, (26th September, 1839,)..... £ 9899 2 4

Statement shewing the gross amount of the Colonial Revenue collected up to the 25th instant, as compared with the corresponding period for the year ended 5th January 1839, together with the total amount collected in the year last mentioned:—

	1838.	1839.
Period commencing 6th January, and ending } 25th September,	£ 13,862 1 0	£ 11,832 2 2
“ commencing 26th September, and } ending 5th January	5,198 3 6	
	<u>£ 19,060 4 6</u>	

Custom House,  
26th September, 1839.

Select Committee report when His Excellency will receive Address in reply to His Speech. The Honorable Mr. Crowdy, from the Committee appointed to wait on the Governor to know when His Excellency will receive the Address of this House, in answer to his Speech on the 14th instant, reported that His Excellency had been pleased to name Saturday next, at Twelve o'Clock.

License Bill—Committed— Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act to regulate the granting of Licenses in Newfoundland.”

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

Reported with— The Chairman reported the Bill with some Amendments.

Ordered, that the report be received.

Amendments. The Amendments are as follows:

In the Title of the Bill—Insert after the word “Licenses” the words “for the Sale by retail of Wines, Ale, and Spirituous Liquors.”

- “ Preamble, 2nd line—Expunge the word “just,” and insert the word “efficient” in its place.  
 “ “ 3rd line—After the word “Wines,” insert the word “Ale;” and after the word “liquors” insert the words “by retail.”  
 “ “ 4th line—Insert before the word “provided” the words “amend the laws relating to the granting of Licenses, and also to.”

26th September, 1839.

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

- In the Preamble—5th and 6th lines—After the word “vending,” expunge the eight following words, and insert instead thereof the words “the same.”
- “ 1st Section, 4th line—After the word “act,” insert the words “or next after the publication thereof in the respective Districts of this Island.”
- “ “ 7th line—Expunge the words “by retail,” and insert instead thereof the words “in less quantity than two gallons at one time.”
- “ 3rd Section, 2nd line—After the word “Sessions” insert the words “of the Peace shall be authorised, and they.”
- “ 4th Section, 3rd line—Expunge the words “dispose of,” and insert the word “vend” in its stead,—and in the 6th line expunge the same words, and insert “vended” in their stead.
- “ “ 8th line—After the word “on” insert the word “summary.”
- “ “ 9th line—Expunge the word “any,” and insert the letter “a” in its place ; after the word “sum,” insert the words “or penalty”—and after the word “ten,” insert the word “pounds.”
- “ “ 19th line—At the end of this line insert the words “shall be bona fide sold for the benefit of the estate of such person having deceased or become insolvent, and.”

Insert as the 6th Section as follows :

And be it further enacted, that no person shall use, mix, or infuse, or cause to be mixed or infused, any Foreign Grains, Guinea Pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient, with any Ale, Porter, Wine, or Spirituous Liquor, or shall fraudulently deteriorate or adulterate any Ale, Porter, Wine or Spirituous Liquor, for the purpose of sale, or shall vend or offer for sale any Ale, Porter, Wine, or Spirituous Liquors, in which any Foreign Grains, Guinea Pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient, shall have been used, mixed or infused ; and any person who shall knowingly or wilfully offend in any of the premises aforesaid, shall for each offence forfeit and pay to our Sovereign Lady the Queen a sum or penalty of Ten Pounds, to be recovered upon complaint or information in a summary way before any two or more Justices of the Peace, and levied, together with all costs, upon the goods and chattels of the offender.

Insert as the 7th Section as follows :

“ And be it further enacted, that no person other than those duly licensed to sell or vend Ale, Wines, and Spirituous Liquors by retail, shall keep up or exhibit in or about any house, out-house or building, any sign-board or sign containing any words or emblem to that purport or effect, or any sign intended or calculated to intimate that such house or out-house or building is an inn or public house, or that Ale, Wine, or Spirituous Liquors are for sale by retail or in small quantities in any such house, out-house or building, or by the owner or occupier of any of the same respectively—and any person or persons knowingly or wilfully offending herein, shall respectively forfeit and pay for each and every offence, to our Sovereign Lady the Queen, a Sum not exceeding Two Pounds, to be recovered upon complaint or information in a summary way before any two or more Justices of the Peace, and levied, together with all costs, upon the goods and chattels of the respective offender.”

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

26th &amp; 27th September, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Message from Assembly agreeing to Amendments on the Benevolent Irish Society Incorporation Bill— with an—

A Deputation from the House of Assembly brought up a Message agreeing to the Amendments made by this House on the Bill entitled "An Act to Incorporate the Benevolent Irish Society"—with an Amendment for the concurrence of the Council.

The said Amendment was read a first time, and is as follows:—

Amendment

"An Amendment on the fourth section of the Amendments of Her Majesty's Council:—  
After the word securities—'And be it further enacted, that it shall and may be lawful for the said Corporation to invest all or any part of the said Monies now in the Public Funds of the United Kingdom of Great Britain and Ireland, in other Public Securities of the said United Kingdom, or of this Island, or to appropriate all or any portion of the same to the purchase of fee-simple Property for the use and benefit of the said Corporation; or to invest any portion of the same in good and approved private securities, at an interest not less than five per centum per annum; and that it shall not at any time be lawful for the said Corporation to transfer, convey, or sell the Lands or Tenements of the said Corporation, except on Leases not exceeding Forty Years.'"

38th Rule dispensed with.

Ordered, that the 38th Rule of the House, so far as it respects the above-named Amendment, be dispensed with.

Amendment read 2nd time—  
Committed.

The Amendment was then read a second time.  
The House went into Committee of the whole on the same.  
The Honorable Mr. Bland in the Chair.  
After some time the House resumed.

Call of the House ordered.

The Chairman reported progress, and asked leave to sit again To-morrow.  
On motion of the Honorable Mr. Sinclair, it was—  
Ordered, that there be a call of the House To-morrow.

Bill for the Safe keeping of the Colonial Revenue—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs"—was read a second time, and—  
Ordered, to be Committed To-morrow.

House adjourns.

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

FRIDAY, 27th SEPTEMBER, 1839.

House meets.

The House met pursuant to adjournment.

**Present,**

Members present.

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

The minutes of Yesterday were read.

Call of the House.

Pursuant to the order of the day, the House was called.

**Present,**

Members present.

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

**Absent,**

Member absent.

*The Honorable* JOHN DUNSCOMB.

27th & 28th September, 1839.

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

- Pursuant to the order of the day, the Bill, as amended, entitled "An Act to regulate the granting of Licenses in Newfoundland"—was read a third time, and passed, and the Honorable the President signed the same. License Bill—  
Read 3rd time and  
passed.
- The Honorable Mr. Secretary Crowdy laid before the Council by direction of the Governor, a further Statement of the Revenue to the 30th June, 1839. Mr. Secretary Crowdy  
lays a further State-  
ment of the Revenue  
before the Council.
- Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a supply of Money for making and repairing of Roads, Streets and Bridges in this Colony, and to regulate the expenditure of the same." Road Bill—  
Committed.
- The Honorable Mr. Crowdy in the Chair.
- After some time the House resumed.
- The Chairman reported progress and asked leave to sit again To-morrow.
- Pursuant to the order of the day, the House went into Committee of the whole on the Amendment made by the House of Assembly on the Council's Amendments on the Bill entitled "An Act to Incorporate the Benevolent Irish Society." Amendment of the  
Assembly on Council's  
Amendments on Bill to  
Incorporate the Bene-  
volent Irish Society—  
Committed—
- The Honorable Mr. Bland in the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee do not agree to the Assembly's Amendment. Report: Committee  
do not agree to the  
Amendment.
- Ordered, that the report be received.
- On motion of the Honorable Mr. Thomas, it was—
- Ordered, that a Conference be requested with the Assembly, and that a Committee be appointed to draft Instructions to the Conferees. Conference ordered.
- Ordered, that the Honorable Messrs. Thomas and Sinclair be a Committee for that purpose. Committee to draft  
Instructions to the  
Conferees.
- On motion of the Honorable Mr. Spearman, it was—
- Ordered, that the House go into a Committee of the whole To-morrow on the Bill entitled "An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session." Contingency Bill to be  
Committed to-morrow.
- Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs." Bill for the Safe  
keeping of the Colonial  
Revenue—  
Committed—
- The Honorable Mr. Bland in the Chair.
- After some time the House resumed.
- The Chairman reported the Bill without Amendment. Reported without  
Amendment.
- Ordered, that the Report be received.
- On motion, made and seconded, the House adjourned until To-morrow, at Noon. House adjourns.

SATURDAY, 28th SEPTEMBER, 1839.

The House met pursuant to adjournment. House meets.

**Present,**

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

Members present.

The minutes of Yesterday were read.



28th September, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

House proceeds to the Government House with Address in answer to His Excellency's Speech on the 14th inst.

At Twelve o'Clock the House proceeded to the Government House with an Address in answer to His Excellency the Governor's Speech on the 14th instant.

The House returns.

The House having returned, the Honorable the President reported that His Excellency had been pleased to receive the said Address, and to return an answer thereto, of which he had obtained a copy, in the following words :—

*Mr. President, and Honorable Gentlemen of the Council;*

His Excellency's reply to the Address.

I have to assure you, in answer to this Address, that in deviating, on the occasion to which you allude, from the ordinary mode of proceeding, I was solely actuated by a hope, in which I have not been disappointed, that a re-consideration of the subject to which I then adverted would be attended with advantage to the Public.

It was at that time, as I trust it ever will be, far from my intention to interfere with the independence of the Council as a deliberative and co-ordinate Branch of the Legislature.

Government-House,  
27th September, 1839.

Road Bill—  
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a Supply of Money for making and repairing of Roads, Streets, and Bridges in this Colony, and to regulate the expenditure of the same."

The Honorable Mr. Crowdy in the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

Contingency Bill—  
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session."

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

Spirituos Liquora  
License Bill—  
brought up and read  
1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to regulate the granting of Licenses for the Sale by retail of Wines, Ale, and Spirituous Liquors, in Newfoundland," which was read a first time.

38th rule dispensed  
with—

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

Bill read 3rd time and  
passed.

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

Bill for the Safe  
keeping of the Colonial  
Revenue—  
read 3rd time and  
passed.

On motion of the Honorable Mr. Thomas, the Bill entitled "An Act to provide for the safe keeping and due collection of the Colonial Revenue of Customs," was read a third time, and passed, and the Honorable the President signed the same.

Report of Select Com-  
mittee on the  
Benevolent Irish  
Society Incorporation  
Bill—  
Adopted.

The Honorable Mr. Thomas, from the Committee appointed to draft instructions to the Conferees on the Assembly's Amendment on the Council's Amendments on the Bill to Incorporate the Benevolent Irish Society, reported a draft.

Ordered, that the same be received and adopted.

The Instructions are as follows :—

Instructions to Conferees on the Assembly's Amendment on the Council's Amendments on the Bill to Incorporate the Benevolent Irish Society.

Her Majesty's Council have sought this Conference for the purpose of informing the Assembly that they cannot concur in the Amendment made by the Assembly on the Amendments of the Council in the Bill entitled "An Act to Incorporate the Benevolent Irish Society"—Because such Amendment does not sufficiently provide for the safe keeping of the Monies now secured in the Public Funds of the United Kingdom; but would permit the Officers of the Society to place the Money, subscribed for the benefit of the Poor, in private hands :

28th & 30th September, & 1st October, 1839.

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

and further, that it would permit such Officers to vest such Money in the purchase of property which may by possibility decrease in value, and thus the Funds intended for the benefit of the Poor, be lost, or materially diminished.

Ordered, that the Instructions be engrossed, and that the Conference be had on Monday next.

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House. Conferees appointed.

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

MONDAY, 30th SEPTEMBER, 1839.

The House met pursuant to adjournment. House meets.

**Present,**

<p><i>The Honorable</i> JAMES SIMMS, <i>Attorney-General.</i>          “ “ JAMES CROWDY, <i>Colonial Secretary.</i>          “ “ JAMES M. SPEARMAN, <i>Collector of the Customs.</i>          “ “ WILLIAM THOMAS.          “ “ JOHN B. BLAND.          “ “ JOHN SINCLAIR.</p>	<p>Members present.</p>
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The minutes of Saturday last were read.

The Instructions to the Conferees on the Assembly's Amendment on the Bill to Incorporate the Benevolent Irish Society, were read, and the Honorable the President signed the same. Instructions to Conferees on the Benevolent Irish Society Incorporation Bill—read and signed.

A Deputation from the House of Assembly brought up a Message acceding to the Conference requested on the above-named Amendment. Assembly accede to the Conference requested.

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

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session.” Contingency Bill—Committed.

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

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

Ordered, that the Report be received.

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

Ordered, that the Bill entitled “An Act to authorize the Treasurer of this Colony to raise on Loan a sum not exceeding Ten Thousand Five Hundred Pounds, for the purpose of making and repairing Streets, Roads and Bridges therein,” be Committed on this day three months. Road loan Bill—to be Committed in three months.

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

TUESDAY, 1st OCTOBER, 1839.

The House met pursuant to adjournment. House meets.

**Present,**

<p><i>The Honorable</i> JAMES SIMMS, <i>Attorney General.</i>          “ “ JAMES CROWDY, <i>Colonial Secretary.</i>          “ “ JAMES M. SPEARMAN, <i>Collector of the Customs.</i>          “ “ WILLIAM THOMAS.          “ “ JOHN B. BLAND.          “ “ JOHN SINCLAIR.</p>	<p>Members present.</p>
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1st & 2nd October, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

The minutes of Yesterday were read.

Contingency Bill—  
Committed.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session.”

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Conference recommended to ascertain particulars of a charge for “general printing.”

The Chairman reported progress, and asked leave to sit again To-morrow; and recommended that a Conference be requested with the Assembly, in order to ascertain the particulars of a charge for general Printing, amounting to Two Hundred and Seventy-nine Pounds Eighteen Shillings.

Ordered, that the Report be received.

Select Committee appointed to draft Instructions to the Conferees.

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

Report of Select Committee—

After some time the Honorable Mr. Thomas, from the above-named Committee, presented a draft.

Adopted.

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

The Instructions are as follows :—

Instructions to Conferees on the Contingency Bill—

Her Majesty’s Council have sought this Conference with the House of Assembly for the purpose of requesting that House will furnish the Council with the particulars of the charges or services for Printing which require the appropriation of the very large sum of Two Hundred and Seventy-nine Pounds Eighteen Shillings to be paid to “The Proprietor of the Patriot Newspaper, for the General Printing of the House of Assembly during the present Session,” as proposed in the Bill sent up by the House of Assembly, entitled “An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session.”

Assembly accede to the Conference requested.

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

Report of Conferees.

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

House adjourns.

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

WEDNESDAY, 2nd OCTOBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

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

The minutes of Yesterday were read.

House adjourns.

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

4th October, 1839.

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

FRIDAY, 4th OCTOBER, 1839.

The House met pursuant to adjournment.

House meets.

Present,

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Wednesday last were read.

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

MR. PRESIDENT,

The House of Assembly request a Conference with Her Majesty's Council on the subject of the last Conference.

Message from Assembly requesting Conference on subject of last Conference.

House of Assembly,  
October 4, 1839.WILLIAM CARSON,  
*Speaker.*

Ordered, that the same be concurred in.

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House.

Conferees appointed

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

—their report.

Ordered, that the Report be received.

The Instructions are as follows :—

The House of Assembly have requested this Conference with Her Majesty's Council in order to express their earnest desire to maintain that good correspondence which it is essential to the public interests should subsist between those two branches of the Legislature, and which Her Majesty's Council are perfectly aware, for they have placed the sentiment more than once before upon their journals, “any attempt on the part of one branch of the Legislature to interfere with the privileges of the other” necessarily tends to disturb; and therefore the Legislative Council must perceive that the Assembly cannot accede to the request urged in the last Conference, viz., that the House of Assembly should “furnish the Council with the particulars of the charges or services for printing, which require the appropriation of the very large sum of Two Hundred and Seventy-nine Pounds Eighteen Shillings, to be paid to the Proprietor of the Patriot Newspaper, for the General Printing of the House of Assembly during the present Session.”

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

The House of Assembly feel persuaded that the Legislative Council will see that the course suggested on this occasion is not such as Parliamentary usage or local precedent can sanction. In 1834, May 14, Her Majesty's Council very properly repelled a similar aggression made upon their privileges by the Assembly of that time, asserting that “the Legislative Council regard the privilege of auditing their own expenses to be of *such vital importance to their independence* as a co-ordinate branch of the Legislature, that *they cannot permit it* to be called in question or argued upon;” in which decision the House of Assembly then fully concurred. Such being the opinion of Her Majesty's Council—such opinion being found to be in strict accordance with Parliamentary usage—the Assembly having properly yielded to the cogency of such reasoning, and maintained to this day the precedent then enforced by the Council, they now hope Her Majesty's Council will see that the Assembly, in asserting the right “of auditing their own contingent expenses,” are not only maintaining the correct Parliamentary practice, but asserting principles laid down by the Council themselves.

House of Assembly,  
4th October, 1839.WILLIAM CARSON,  
*Speaker.*

4th October, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Contingency Bill—  
Committed—

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled “ An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session.”

The Honorable Mr. Thomas in the Chair.

After some time the House resumed.

Reported—with

The Chairman reported the Bill with some Amendments.

Ordered, that the report be received.

The Amendments are as follows :—

Amendments.

In the 1st Section of the Bill, 8th line—Expunge the words “ Three Thousand One Hundred and Thirty-seven Pounds Seventeen Shillings and Two Pence, and insert in lieu thereof “ Two Thousand One Hundred and Sixty-two Pounds Nineteen Shillings and Two Pence.”

“ 3rd Page—Strike out the words “ To the Chairman of the Committee of Supply, towards defraying the charges of attendance during the present Session, at the rate of One Pound per diem for Forty-two days, Travelling Charges, Postages, and Extra Expenses of the Members of the House of Assembly (exclusive of the Speaker) resident in St. John’s and in the Outports, Seven Hundred and Fifty-three Pounds;” and insert in lieu thereof the words “ And a further sum of Five Hundred and Eighty-eight Pounds, towards paying the Members of the House of Assembly—viz. to each Member, exclusive of the Speaker, who shall have attended in his place at least Forty-two days, Forty-two Pounds—such attendance to be certified by the Speaker.”

“ “ 19th line—Expunge the words “ Hugh W. Hoyles, Esq.” and insert in their stead the words “ Acting Clerk of the House of Assembly.”

“ “ 24th line—Expunge the words “ and a further sum of Ten Pounds for extra services.

“ 4th page, 1st line—Expunge the word “ Five” between “ Thirty” and “ Pounds;” and also the words “ and a further sum of Five Pounds for extra services.”

“ “ 4th line—Expunge the words “ and a further sum of Five Pounds for extra services.”

“ “ 7th line—Expunge the words “ And a further sum of Five Pounds for extra services.”

“ “ 10th line—Expunge the words “ And a further sum of Five Pounds for extra services.”

“ “ 12th line—Expunge the following words, “ The Solicitor of the House of Assembly, for his services, One Hundred Pounds” “ The Solicitor of the House of Assembly, for extra services, Fifty Pounds.”

“ “ 18th line—Expunge the words “ The Chairman of Supply and Finance, for his services, Fifty Pounds.”

“ 5th page, 11th line—Expunge the words “ The Chairman of the Committee of Audit, for his services, Fifty Pounds.”

“ “ 18th line—Expunge the words “ The Proprietor of the Patriot, newspaper, for the General Printing of the House of Assembly during the present Session, Two Hundred and Seventy-nine Pounds Eighteen Shillings.”

“ 6th page, 16th line—Expunge the words “ Richard Holden, Assistant Clerk, for extra services, Fifty Pounds.”

“ 7th page, 3rd line—Expunge the words “ And a further sum of Fifty Pounds to Thomas Beck, Esq., for his services during the present Session.”

“ “ 6th line—Expunge the words “ And a further sum of One Hundred and

4th October, 1839.

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

Thirty Pounds to the Acting Clerk of the House of Assembly towards the defraying of Law charges incurred by order of the House of Assembly."

In the 7th page, 10th line—Expunge the words " And a further sum of Ten Pounds be granted to Walter Dillon, Esq., for his services the present Session."

Ordered, that the Amendments be engrossed presently.

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

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

Conference ordered on the Contingency Bill—

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

Conferees appointed who are to draft Instructions.

After some time the Honorable Mr. Thomas, from the said Committee, reported the Instructions.

Report of Select Committee—

The same having been read, it was—

Ordered, that they be adopted.

Adopted.

The Instructions are as follows :—

The Council have desired this Conference upon the Bill sent up from the Assembly, entitled " An Act for granting to Her Majesty a sum of Money to defray the Contingent Expenses of the Legislature for the present Session," for the purpose of expressing their regret that the Grants, in several instances, proposed in this Bill, so far exceed the bounds which, in their view, necessity or utility for public good requires, or reason can justify, that the Council feel themselves imperatively called upon again to reiterate their remonstrances on this subject, and to refuse their sanction to the continuance of that profuse and unnecessary expenditure in this branch of the public service, against which they have, in the most express terms, protested on former occasions.

Instructions to Conferees on the Contingency Bill.

The Council disagree to the Grant of so large a sum as Seven hundred and fifty-three pounds being appropriated by the Assembly to the purpose of defraying the charges of Members attending the Assembly during the present Session; and for travelling charges, postages and extra expenses of Members; but the Council agree to the sum of Five hundred and eighty-eight pounds being appropriated " towards paying the Members of the House of Assembly, viz., to each Member, exclusive of the Speaker, who shall have attended in his place at least forty-two days, Forty-two pounds—such attendance to be certified by the Speaker."

To the several Grants proposed, of One hundred pounds, and Fifty pounds, to the Solicitor of the House of Assembly; of Fifty pounds to the Chairman of the Committee of Supply and Finance; and Fifty pounds to the Chairman of the Committee of Audit,—the Council do not agree. The Council consider it to be utterly incompatible with the character and station of Members of the House of Assembly for them to nominate themselves to any office of emolument in that House; or to appropriate to themselves or receive any further emoluments for discharging any duty which devolve upon them as the representatives of the people, beyond the sum of Forty-two pounds allowed to each Member, in order to reimburse his expenses incurred during his attendance in discharge of the duties he has undertaken. The Council, therefore, cannot agree to these Grants, because they are in their nature not alone dangerous in principle, but they would, as a system of practice once allowed to be established, inevitably lead to abuses the extent of which could not be calculated.

The Council regret that the enormously increased expenditure proposed in this Bill under the head of Salaries to Door Keepers and Messengers of the House of Assembly, compels the Council again to object to such wasteful increase. The expenditure in this same department amounted, in the year 1836, to the sum of Sixty-five pounds, only; while by the present Bill, the sum of One hundred and seventy-five pounds is proposed to defray the expenses of this subordinate branch of the contingencies of the Assembly. The Council, on this occasion, agree to the several items under this head in the present Bill, to the extent, in the whole, of the sum of One hundred and forty pounds—but the Council will not, on any future occasion,

4th October, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

agree to any Grants exceeding Thirty-five pounds to one Door Keeper, and Twenty-five pounds to one Under Door Keeper; and Thirty pounds to one Messenger attendant on the House of Assembly.

To the proposed Grant of Fifty pounds to Richard Holden, for "extra services," the Council do not agree; considering that as Assistant Clerk he is amply paid for all the public services he is capable of performing, by the handsome salary of Eighty pounds, allowed in this same Bill.

To the proposed Grants of Fifty pounds to Thomas Beck, Esq., and Ten pounds to Walter Dillon, Esq., the Council cannot give their concurrence.

To the proposed Grant of One hundred and thirty pounds, to defray Law Charges, the Council cannot, under present circumstances, agree; but whenever the Council shall be furnished with that information on the subject of this Grant which shall satisfactorily shew that the Law Charges are, in their origin and circumstance, such that the public ought to defray, the Council will most readily concur in a Grant to reimburse them.

The Assembly not having complied with the request of the Council to furnish them with the particulars of the expenses to be defrayed, under the head of "General Printing," by the proposed Grant of Two hundred and seventy-nine pounds eighteen shillings, the Council have no other alternative than that of refusing their sanction to this Grant; and while the Council disclaim any intention to interfere with the privileges of the Assembly on this or any other occasion, they maintain their right, under existing circumstances, having relation to this Grant especially, and also to other incidents of this Bill, to be reasonably satisfied that the purposes upon which the grant is predicated are *bona fide*; for upon this principle alone does that comity repose, which, in the ordinary course of proceeding between the two branches of the Legislature, induces either branch not to call in question on the subject of "Contingent Expenses" the proposed disbursements of the other.

JAMES SIMMS.

Council Chamber,  
4th October, 1839.

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

MR. PRESIDENT,

The House of Assembly request a Conference with Her Majesty's Council on the subject of the last Conference on the Amendments of the House on the Amendments of Her Majesty's Council on a Bill entitled "An Act for Incorporating the Benevolent Irish Society."

Message from the Assembly requesting Conference on Amendments on Bill to Incorporate the Benevolent Irish Society.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
4th October, 1839.

Ordered, that the request be concurred in.

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

Message from Assembly acceding to the Conference requested.

Report of Conferees.

The Conferees went to the Conference, and having returned, the Honorable Mr. Thomas reported, that they had met the Managers from the Assembly, and delivered to them the Instructions with which they had been entrusted.

The Honorable the President acquainted the Council that he had received a letter, of which the following is a copy, from the Honorable the Colonial Secretary:—

Secretary's Office, 3rd October, 1839.

SIR,

I have it in command from the Governor to acquaint you, for the information of Her Majesty's Council, that it is His Excellency's intention to Prorogue the present Session of the Legislature on Saturday the 12th instant, at Two o'clock.

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

I have, &amp;c.

The Honorable The President  
of Her Majesty's Council.

JAMES CROWDY.

4th &amp; 5th October, 1839.

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

On motion, it was—

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

Whereupon the said Bill was read a third time, as amended, and passed—and the Honorable the President signed the same. Contingency Bill—read 3rd time and passed.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to authorize the Treasurer of this Colony to raise on loan a sum not exceeding Five Thousand Two Hundred and Fifty Pounds, for making and repairing of Roads, Streets, and Bridges”—which was read a first time, and— Road loan Bill—brought up and read 1st time.

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

Ordered, that the Honorable Messrs. Thomas and Bland be the Conferees on the part of this House, on the subject-matter of the Assembly's request of to-day. Conferees appointed on subject of Assembly's request of to-day—(Benevolent Irish Society Incorporation Bill—)

The Conferees went to the Conference, and having returned, the Honorable Mr. Thomas reported that they had met the Managers on the part of the Assembly, and received from them their Instructions, which are as follows :— Report of Conferees.

The House of Assembly having taken into consideration the reasons whereon Her Majesty's Council have founded their rejection of the amendment made by the House upon the amendments of Her Majesty's Council, on the Bill entitled “An Act to Incorporate the Benevolent Irish Society,” have asked this Conference, in order to inform the Council that they recede from that principle in the said amendment which proposes to empower the Society to vest their funded money in private securities, but press the adoption of the principle of giving the Society the power to purchase fee-simple property. Assembly's Instructions to their Conferees on an Amendment on the Benevolent Irish Society Incorporation Bill.

The House of Assembly therefore would be ready to concur with Her Majesty's Council, if they amended the said amendment by striking out the words in the same, between the word “Corporation” in the 14th, and the word “and” in the 17th line; but the better to meet the objections of the Council, they would wish that after the word “Corporation” aforesaid, the following words were inserted, “provided such purchase was ordered at a public meeting of the Society, duly convened by notice, specifying the object of the meeting, and such vote to be passed by not less than two thirds of the subscribing members then resident within the District of St. John's.”

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
October 4th, 1839. }

Ordered, that the foregoing Instructions be taken into consideration To-morrow.

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

SATURDAY, 5th OCTOBER, 1839.

The House met pursuant to adjournment. House meets.

Present,

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

The Minutes of Yesterday were read.

Pursuant to the order of the day, the Bill entitled “An Act to authorize the Treasurer of this Colony to raise on loan a sum not exceeding Five Thousand Two Hundred and Fifty Pounds, for making and repairing of Roads, Streets and Bridges,” was read a second time. Road loan Bill—read 2nd time.

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



5th & 7th October, 1839.

FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Assembly's Instructions to their Conferees on the Benevolent Irish Society Incorporation Bill—  
Committed.

Assembly's Instructions to their Conferees of yesterday on the subject of the Bill to Incorporate the Benevolent Irish Society.

The Honorable Mr. Bland in the Chair.

After some time the House resumed.

An Amendment on the Council's Amendments reported—  
A Conference recommended.

The Chairman reported an Amendment on the Council's Amendments in the Bill referred to—recommended that a Conference be had with the Assembly—and that the following Instructions be given to the Conferees:—

Instructions to Conferees on the Benevolent Irish Society Incorporation Bill—

The Council have desired this Conference with the Assembly, for the purpose of acquainting that House that the Council have taken into consideration the proposals of the Assembly on the subject of the Bill entitled "An Act to Incorporate the Benevolent Irish Society," conveyed by the Assembly at the last conference upon this Bill; and that the Council have agreed to expunge the 4th Section in their amendments, and to substitute in lieu thereof as follows:—

"And be it further enacted, that it shall and may be lawful for the said Corporation to invest all or any part of the said monies now in the Public Funds of the United Kingdom of Great Britain and Ireland, in other Public Securities of the said United Kingdom, or of this Island, or to appropriate all or any portion of the same to the purchase of fee-simple property for the use and benefit of the said Corporation; Provided always that such purchase be ordered pursuant to Resolutions passed at a Public General Meeting of the said Society duly convened by notice, specifying the object of such meeting, and such Resolutions be also passed by not less than two thirds of the votes of Members then resident within the District of St. John's; and provided also, that it shall not at any time be lawful for the said Corporation to transfer, convey or sell the Lands or Tenements of the said Corporation, except on leases not exceeding forty years."

Adopted—

The Instructions having been read, were adopted.

Conferees appointed.

Ordered, that the Honorable Messrs. Thomas and Sinclair be the Conferees on the part of this House.

Assembly accede to the Conference requested.

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

Report of Conferees.

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

Road Bill—  
brought up and read 1st time.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to provide for the making and repairing of Roads, Streets, and Bridges, in this Colony," which was read a first time, and—

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

House adjourns.

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

MONDAY, 7th OCTOBER, 1839.

House meets.

The House met pursuant to adjournment.

Present,

Members present.

The Honorable JAMES SIMMS, *Attorney-General*.

" " JAMES CROWDY, *Colonial Secretary*.

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The minutes of Saturday last were read.

Road Bill—  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to provide for the making and repairing of Roads, Streets and Bridges, in this Colony," was read a second time, and—

Ordered, to be Committed To-morrow.

7th &amp; 8th October, 1839.

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

The Honorable Mr. Thomas presented a Petition from 510 inhabitants of the Island, expressing a hope that this House will pass a Road Bill.

Petition presented on the subject of a Road Bill.

Ordered, that the said Petition do lie on the Table.

Ordered, that the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on loan a sum not exceeding Five Thousand Two Hundred and Fifty Pounds, for the purpose of making and repairing Roads, Streets and Bridges," be Committed To-morrow.

Road loan Bill—to be Committed.

The Honorable Mr. Spearman enters.

Member enters.

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

MR. PRESIDENT,

The House of Assembly request a Conference with Her Majesty's Council on the subject of the Amendments made by the Council on a Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the Contingent Expenses of the Legislature during the present Session."

Message from Assembly requesting Conference on the Contingency Bill.

House of Assembly,  
7th October, 1839.

WILLIAM CARSON,  
Speaker.

On motion, made and seconded, it was—

Resolved, that the House of Assembly having rejected the Bill, as amended by the Council, on which this Conference is sought by them, there is no longer any such Bill depending between the two Houses of the Legislature; and therefore this House do not assent to the Conference sought by the House of Assembly.

Resolution—that the Council do not accede to the Conference requested.

Ordered, that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.

Whereupon a Message in the following words was transmitted accordingly:—

MR. SPEAKER,

Her Majesty's Council acquaint the House of Assembly that they do not accede to the Conference requested on the subject of the amendments made by the Council on a Bill entitled "An Act for granting to Her Majesty a sum of money for defraying the Contingent Expenses of the Legislature during the present Session,"—Because the Assembly having rejected this Bill, as amended by the Council, it is no longer depending between the two Houses.

Message to the Assembly to the foregoing effect.

Council Chamber,  
7th October, 1839.

JAMES SIMMS.

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

House adjourns.

TUESDAY, 8th October, 1839.

The House met pursuant to adjournment.

House meets.

Present,

The Honorable JAMES SIMMS, Attorney General.

Members present.

" " JAMES CROWDY, Colonial Secretary.

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

" " WILLIAM THOMAS.

" " JOHN B. BLAND.

" " JOHN SINCLAIR.

The Minutes of Yesterday were read.

Pursuant to the order of the day, the House went into a Committee of the whole on the Bill entitled "An Act to provide for the making and repairing of Roads, Streets, and Bridges in this Colony."

Road Bill—Committed—

The Honorable Mr. Bland in the Chair.

8th October, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Road Bill— After some time the House resumed.

Reported. The Chairman reported that the Committee had risen—and recommended that the Bill be reported on this day three months.

Ordered, that the Report be received and adopted.

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

MR. PRESIDENT,

Message from Assembly in reply to Council's last Message—and renewing request for a Conference on the Contingency Bill—

The House of Assembly in reply to the Message of Her Majesty's Council of yesterday, declining to grant the Conference requested by this House on the subject of the Amendments made by the Council on a Bill entitled "An Act for granting to Her Majesty a sum of Money for defraying the Contingent Expenses of the Legislature during the present Session, because the Assembly having rejected this Bill as amended by the Council it is no longer depending between the two Houses," beg to inform the Council that the Message from this House requesting that Conference was so couched merely through a clerical error, the original resolution as inserted in our Journals of last Saturday, and on which the Message was founded, being as follows:—

"Resolved,—That a Conference be asked with Her Majesty's Council on the subject of the last Conference."

The House of Assembly, however, in now requesting a Conference on the subject matter of the last Conference on the said Bill, respectfully protest against the dangerous precedent of the Council acting in their Legislative capacity upon an assumption of proceedings in this House of which no official intimation had reached them.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
October 8th, 1839. }

On motion made and seconded, it was—

Request not concurred in.

Ordered, that the request be not concurred in.

Whereupon the following Message was sent to the Assembly:—

MR. SPEAKER,

Message to the Assembly acquainting them therewith.

Her Majesty's Council, in reply to the Message of the House of Assembly renewing their request for a further Conference upon the subject-matter of a Bill entitled "An Act for granting to Her Majesty a sum of money for defraying the Contingent Expenses of the Legislature during the present Session," acquaint the House of Assembly that for the reasons stated in their Message of yesterday, the Council do not accede to the Conference requested.

JAMES SIMMS.

Council Chamber,  
8th October, 1839.

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

MR. PRESIDENT,

Message from the Assembly—Amendments of Council passed on the Bill to incorporate the Benevolent Irish Society.

The House of Assembly acquaint Her Majesty's Council that they have passed the Amendments made by the Council on a Bill entitled "An Act for Incorporating the Benevolent Irish Society," without amendment.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
8th October, 1839.

On motion, made and seconded, it was—

Order of the day for committing the Road (loan) Bill discharged—Bill to be Committed in three months.

Ordered, that the order of the day for committing the Bill entitled "An Act to authorize the Treasurer of this Colony to raise on loan a sum not exceeding Five Thousand Two Hundred and Fifty Pounds, for the purpose of making and repairing Roads, Streets and Bridges," be discharged, and that the said Bill be Committed on this day three months.

8th, 9th & 11th October, 1839.

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

On motion, made and seconded, it was—

Ordered, that there be a Call of the House To-morrow, and on every day during the pre- Call of the House.  
sent Session.

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

House adjourns

WEDNESDAY, 9th OCTOBER, 1839.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Yesterday were read.

Pursuant to the order of the day, the House was called.

Call of the House.

**Present,**

*The Honorable* WILLIAM SALL, *Commandant.*

Members present.

“ “ JAMES SIMMS, *Attorney-General.*

“ “ JAMES CROWDY, *Colonial Secretary.*

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

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

**Absent,**

*The Honorable* JOHN DUNSCOMB.

Member absent.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled “An Act to provide for the Contingent Expenses of the Legislature,” which was read a first time. Contingency Bill—  
brought up and read 1st  
time—

On motion, made and seconded, it was—

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

—to be read 2nd time  
in three months.

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

House adjourns.

FRIDAY, 11th OCTOBER, 1839.

The House met pursuant to adjournment.

House meets.

**Present,**

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

“ “ JOHN SINCLAIR.

The minutes of Wednesday last were read.

The Honorable Mr. Spearman enters.

Member enters.

11th October, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

Call of the House.	Pursuant to the order of the day the House was called.
	<b>Present,</b>
Members present.	<i>The Honorable</i> JAMES SIMMS, <i>Attorney-General.</i> " " JAMES CROWDY, <i>Colonial Secretary.</i> " " JAMES M. SPEARMAN, <i>Collector of the Customs.</i> " " WILLIAM THOMAS. " " JOHN B. BLAND. " " JOHN SINCLAIR.
	<b>Absent,</b>
Members absent.	<i>The Honorable</i> WILLIAM SALL, <i>Commandant.</i> " " JOHN DUNSCOMB.
Poor Bill— brought up and read 1st time.	A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act for granting to Her Majesty a sum of Money to make provision for the Poor of Newfoundland," which was read a first time.
38th rule dispensed with.	Ordered, that the 38th Rule of the House, so far as it respects the above-named Bill, be dispensed with.
Bill read 2nd time—	The said Bill was then read a second time. Ordered, that the House go into a Committee of the whole on the same presently.
Committed—	The House accordingly went into Committee. The Honorable Mr. Sinclair in the Chair. After some time the House resumed.
Reported with—	The Chairman reported the Bill with some Amendments. Ordered, that the report be received. The Amendments are as follows:—
Amendments.	In the Second Section—Strike out the words between "that," at the end of the first line, and "Commissioners" in the eighth line, and insert the word "out" in their stead. " " 10th line—Strike out the word "to," and substitute "shall." In the same line strike out "by them." " " 11th line—Strike out "and," at the end of the line, and the remaining words of the Section, and insert "under the direction of Seven Commissioners, to be appointed by the Governor, or Person administering the Government, for the time being." " 4th Section, 5th line—Strike out the word "Extern" and substitute "remaining electoral." " 5th Section, 13th line—Between the words "Colony" and "other" insert "for the purposes of this Act."
Poor Bill— read 3rd time and passed.	Ordered, that the said Amendments be engrossed presently—and that the Bill, as amended, be read a third time to-day. The Amendments having been engrossed, the Bill, as amended, was read a third time and passed—and the Honorable the President signed the same.
Waterford Bridge Bill brought up and read 1st time.	A Deputation from the House of Assembly brought up a Bill for the concurrence of this House, entitled "An Act to provide for the expenses of the re-construction of Waterford Bridge"—which was read a first time, and—
38th rule dispensed with—	Ordered, that the 38th Rule of this House, so far as it respects the above-named Bill, be dispensed with.
Bill read 2nd time.	The Bill was then read a second time. Ordered, that the same be Committed presently. Whereupon the House went into a Committee of the whole on the said Bill.
Committed—	The Honorable Mr. Sinclair in the Chair.

11th & 12th October, 1839.

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

After some time the House resumed.

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

Ordered, that the report be received.

Presently the House again resolved itself into a Committee of the whole on the above-named Bill.

The Honorable Mr. Sinclair in the Chair.

After some time the House resumed.

The Chairman reported the Bill without Amendment.

Reported—

Ordered, that the Report be received.

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

Read 3rd time and passed.

On Motion of the Honorable Mr. Thomas it was—

Ordered, that the following Message be sent to the Assembly :

MR. SPEAKER,

Her Majesty's Council having no Bills, or other Business remaining before them, request the House of Assembly will acquaint them, whether the Council are to expect any other Bills to be sent up to them during the present Session.

Message to the Assembly requesting to be informed if other Bills are to be sent up during the present Session.

JAMES SIMMS.

Council Chamber,  
11th October, 1839.

The Master-in-Chancery proceeded to the Assembly with the above Message, and being returned, informed the House that the Assembly had risen, and that, consequently, he had not been able to present the same.

Master-in-Chancery acquainted the House that he had not been able to deliver the Message entrusted to him.

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

House adjourns.

SATURDAY, 12th OCTOBER, 1839.

The House met pursuant to adjournment.

House meets.

*Present,*

*The Honorable* JAMES SIMMS, *Attorney-General.*

Members present.

“ “ JAMES CROWDY, *Colonial Secretary.*

“ “ WILLIAM THOMAS.

“ “ JOHN B. BLAND.

The minutes of Yesterday were read.

A Deputation from the House of Assembly brought up a Bill for the concurrence of this House entitled “An Act to provide for the Expenses of completing the Road from the King's Bridge to Duckworth Street”—which was read a first time.

King's Bridge Road Bill—brought up and read 1st time—

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

MR. PRESIDENT,

The House of Assembly send to Her Majesty's Council the Petition of Mr. Michael Allen, praying for a grant for the completion of the Road from King's Bridge to Duckworth Street.

Message from Assembly with Petition from Michael Allen on the above subject.

WILLIAM CARSON,  
*Speaker.*

House of Assembly,  
12th October, 1839.

The Honorable Messrs. Sall, Spearman and Sinclair enter.

Members enter.

12th October, 1839.

## FOURTH SESSION, SECOND GENERAL ASSEMBLY, 3rd VICTORIA.

The Governor arrives  
at the Council Chamber.

The Assembly sum-  
moned to attend him.

His Excellency assents  
to sundry Bills:

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

—Viz:—

An Act for Granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.

An Act to provide for the safe-keeping and due collection of the Colonial Revenue of Customs.

An Act to make provision for the greater protection of the Revenue at the Port of St. John's.

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

An Act to regulate the Granting of Licenses for the Sale by Retail of Ale, Wines, and Spirituous Liquors in Newfoundland.

An Act to revest in the Treasury the Sum of Fifteen Hundred Pounds granted to Her Majesty under an Act passed in the first year of the Reign of Her present Majesty, and remaining unappropriated, and to re-appropriate the same, for the purpose of facilitating a communication by Steam between the Port of St. John's and the Port of Halifax in the Province of Nova-Scotia.

An Act to repeal part of an Act passed in the second Session of the first General Assembly of this Island, entitled 'An Act to regulate the building of Houses in the Town of St. John's.'

An Act to Incorporate the Benevolent Irish Society.

An Act for Granting to Her Majesty a Sum of Money for defraying the Expenses of the late Delegation.

An Act to provide for the Expenses of the re-construction of Waterford Bridge.

An Act for Granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of the Colony, and for other purposes, for the Year ending 30th June, 1840.

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

His Excellency's  
Speech on proroguing  
the Legislature.

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

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

"I am happy to be at length enabled to terminate a Session of unexpected and inconvenient duration.

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

"I have to thank you in Her Majesty's name for the supplies, which shall be carefully applied to their prescribed purposes.

"At the same time I cannot but express my unfeigned and pungent regret that the various and urgent representations which it has been my duty to make on behalf of the sick and impotent Poor, and of Orphans and Idiots, have not resulted in any provision for those unfortunate sufferers."

The General Assem-  
bly prorogued.

The Honourable the President of the Council then said, it is His Excellency the Governor's will and pleasure that this General Assembly be Prorogued to Wednesday the 1st day of January next, to be then and here holden; and this General Assembly stands prorogued accordingly.

## **APPENDIX.**



DOCUMENTS LAID BEFORE THE COUNCIL. BY COMMAND OF  
HIS EXCELLENCY THE GOVERNOR.

**ESTIMATE**

*Of the charge of defraying the Public Expenditure of the Colony  
of Newfoundland, for the Year ending the 30th day of June  
1840.*

Eleven Thousand One Hundred and Seventy-Nine Pounds, Sterling.

Proposed distribution of the above Sum of Eleven Thousand One Hundred and Seventy-Nine Pounds, for the Service of the Year, 1839-40.

Salary of the Clerk of the Council	200	0	0	
Two Clerks in the Secretary's Office	400	0	0	
Office-Keeper of ditto	60	0	0	
Messenger ditto	60	0	0	
Colonial Treasurer	400	0	0	
Clerk of the Northern Circuit Court	200	0	0	
———— Southern ditto	200	0	0	
Crier and Tipstaff	60	0	0	
Gaoler (St. John's)	50	0	0	
Two Police Magistrates	600	0	0	
Chief Constable	80	0	0	
Six Police Constables	270	0	0	
Stipendiary Magistrates in the Out-Ports	1410	0	0	As per detail annexed.
Clerk of Peace, Gaolers and Constables	1050	0	0	
Judge of the Vice Admiralty Court	500	0	0	
Do. Arrears (3 years)	1500	0	0	
To defray the Attorney General's Fees	250	0	0	
Salary of the Gaol Surgeon (St. John's)	40	0	0	
———— (Harbour-Grace)	20	0	0	
Gaol Barber (St. John's)	15	0	0	
Pension of John Buckingham, Esq.	60	0	0	
				7425 0 0

MISCELLANEOUS.

Printing, Advertizing, Stationery, &c.	450	0	0
Civil and Criminal Prosecutions	900	0	0
Gaols	600	0	0
Coroner's Accounts	150	0	0
Fuel and Light	200	0	0
Postages and other Incidentals	120	0	0
Expenses of the Circuits	560	0	0
Firing Fog Guns	250	0	0
Unforeseen Contingencies	500	0	0
Repairs of Court Houses, &c.			

Carried forward £3730 0 0 7425 0 0

ESTIMATE (Continued.)

Brought forward £3730 0 0 7425 0 0

MISCELLANEOUS.

Office Rent for Clerk of Southern Circuit Court	....	12	0	0
Ditto (omitted last year)	....	12	0	0
Relief of the Poor	....			
				3754 0 0
Total	....	£11,179 0 0		

N. B.—By existing Acts a Salary of £300 *per annum* is provided for the Clerk of the Supreme and Central Circuit Courts, and the Sum of £2,100 for the purposes of Education.

**DETAIL**

Of Salaries and Allowances to Stipendiary Magistrates, Clerk of the Peace, Constables and Gaolers at the undermentioned Out-Ports.

Out-Ports.	Magis-	Clerk	Constables.		Gaolers.	TOTAL.
	trates.	of Peace.	No.	Salary.		
	£	£		£	£	
Harbour Grace	150	50	3	85	50	335 0 0
Carbonear	120		3	75		195 0 0
Brigus and Port-des-Grave	120		2	50		170 0 0
Bay-de-Verds			1	12		12 0 0
Harbour-Main			1	12		12 0 0
Cats' Cove			1	12		12 0 0
Western Bay			1	12		12 0 0
South Shore			1	12		12 0 0
Ferryland	100		1	12	25	137 0 0
Bay Bulls	100		1	12		112 0 0
Toud's Cove			1	12		12 0 0
Cape Broyle			1	12		12 0 0
Capelin Bay			1	12		12 0 0
Aquafort			1	12		12 0 0
Fermeuse			1	12		12 0 0
Placentia	100		1	25	25	150 0 0
Barren Islands			1	12		12 0 0
Merashien			1	12		12 0 0
Little Placentia			1	12		12 0 0
Burin	100		1	25	25	150 0 0
St. Lawrence			1	12		12 0 0
Lamaline			1	12		12 0 0
Trepassey			1	12		12 0 0
St. Mary's	100		1	25		125 0 0
Harbour Britain	100		1	12		112 0 0
Grand Bank	100		1	12		112 0 0
Trinity	120		1	25	25	170 0 0
Catalina			1	21		21 0 0
Bonavista	100		2	25		125 0 0
Green-pond			1	12		12 0 0
Twillingate and Fogo	100		3	49		149 0 0
Exploits Bay			1	12		12 0 0
Brigus (South)			1	12		12 0 0
Witless Bay			1	12		12 0 0
Petty Harbour			1	20		20 0 0
Perlican			1	12		12 0 0
Hearts Content			1	12		12 0 0
Hants Harbour			1	12		12 0 0
New Harbour			1	12		12 0 0
Renewse			1	12		12 0 0
Portugal Cove			1	20		20 0 0
Torbay			1	18		18 0 0
Do. (2 year's arrears)				36		36 0 0
Total	£1410	£50	51	£850	£150	£2460 0 0

ESTIMATE (Continued.)

RECAPITULATION.

13 Stipendiary Magistrates	....	....	....	....	£1410 0 0
1 Clerk of the Peace	...	...	....	....	50 0 0
51 Constables	.....	....	....	£814 0 0	
		Arrears	....	36 0 0	
				-----	850 0 0
5 Gaolers	....	....	....	....	150 0 0
				Total	£2460 0 0

*Order in Council.*

AT THE COURT AT BUCKINGHAM PALACE,  
the 10th April, 1839.

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,	Lord John Russell,
Lord President,	Viscount Palmerston,
Lord Privy Seal,	Viscount Melbourne,
Lord Steward,	Viscount Morpeth,
Lord Chamberlain,	Viscount Howick,
Marquis of Normanby,	Lord Holland,
Earl of Albermarle,	Sir John Hobhouse, Bt.
Earl of Minto,	Mr. Chancellor of the Exchequer.

WHEREAS the Governor of Her Majesty's Island of Newfoundland, with the Council and Assembly of the said Island, did, in the months of July and October 1838, pass five Acts, which have been transmitted, entitled as follows:

—VIZ.—

- No. 88.—“ An Act for granting to Her Majesty a Sum of Money for defraying the expense of the Civil Government of this Colony for the year ending the 30th day of June, in the year of our Lord 1838, and for other purposes.”
- No. 90.—“ An Act for granting to Her Majesty a Supply of Money for Making and Repairing of Roads, Streets and Bridges in this Colony, and to regulate the Expenditure of the same.”
- No. 91.—“ An Act to authorize the Treasurer of this Colony to raise on Loan a Sum not exceeding Ten Thousand Five Hundred Pounds, for the purpose of Making and Repairing Roads, Streets and Bridges therein.”
- No. 92.—“ An Act to amend an Act passed in the Sixth Session of the first General Assembly entitled ‘ An Act for the encouragement of Education in this Colony.’ ”
- No. 98.—“ An Act for granting to Her Majesty a Sum of Money to defray the Contingent Expenses of the Legislature during the present and last Sessions.”

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

(Signed,)

C. GREVILLE.

## APPENDIX.

### *Despatches on the subject of Steam Navigation.*

No. 6.

GOVERNMENT-HOUSE, *St John's, Newfoundland,*  
12th January, 1839.

MY LORD,

I have the honour to forward a letter addressed to Your Lordship by the Chamber of Commerce, upon which I have to observe that if a Steam Packet were established between Falmouth and Halifax, she could, without inconvenience to those places, and with very little loss of time, take Newfoundland in her way out and home—but I imagine that in such a case a regular Post Office Agent should be fixed here, so that while deriving great benefit from the arrangement, we should also in some degree contribute to defray the charge consequent upon it.

I have, &c.

(Signed)

H. PRESCOTT.

The Right Honorable  
Lord Glenelg, &c. &c. &c.

Circular.

DOWNING STREET, 24th October, 1838.

SIR,

The attention of Her Majesty's Government having been directed to the great importance, both to Great Britain and to Her Majesty's possessions in North America, of establishing a direct communication by Steam between the two Countries, it is in contemplation to substitute Steam Packets for the sailing Vessels now employed in the conveyance of the Mails between this Country and Halifax. The Lords Commissioners of the Admiralty have accordingly been instructed to advertize for Tenders for this Service.

The arrangement, if it can be concluded, will probably take effect about the commencement of next Spring. The Post Master General will, in the mean time, direct the local Post Office Authorities to turn their attention to the line of communication between Quebec and Halifax, with a view to increased expedition, and also to make the requisite preparations for supplying, when the alteration is to be carried into operation, every facility and using every proper caution in order to give effect to the proposed arrangement.

Her Majesty's Government trust that the contemplated measures, involving as they do considerable additional expenditure, will prove beneficial to the public and give satisfaction to these Colonies.

The co-operation of the respective Legislatures is essential to the complete attainment of the advantages anticipated. I have, therefore, to desire that you will, on the opening of the next Session of the Legislature of your Government, submit the matter for their consideration, and invite them to co-operate in improving the communication with Halifax, and to afford such other facilities as may depend on those Bodies.

I have further to request that you will endeavour, before their meeting, to collect the necessary information for the guidance of the Legislature, and that you will render every assistance in your power to further the views of Her Majesty's Government.

I have, &c.

(Signed)

GLENELG.

Governor Prescott,  
&c. &c. &c.

No 10.

GOVERNMENT-HOUSE, *St. John's, Newfoundland,*  
19th January, 1839.

MY LORD,

I have had the honor to receive Your Lordship's Circular of the 24th of October, 1838, and I lose no time in stating to Your Lordship that the only way in which this Colony

## APPENDIX.

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can benefit by the proposed substitution of Steam for Sailing Packets, between England and Halifax, is by the establishment of a Post Office at St. John's, and a direction that the Steamers shall call here on their way to and fro, delivering and receiving our Mail Bag.

Your Lordship will at once perceive that the direct and speedy conveyance between the Mother Country and Halifax, could in no degree facilitate our correspondence unless a Steamer were employed to pass continually between Halifax and St. John's, a measure too expensive to be imposed upon this Colony, and which could not, I presume, be reasonably expected from the Post Office Department at Home.

A reference to my despatch of the 4th January, 1836, No. 2, which induced your Lordship to change the route of Official Communication here, will shew the extreme uncertainty of intercourse between St. John's and Halifax, by means of Trading Vessels—and at this moment, while I am in possession of Your Lordship's commands to the 8th of December, the November Mail, via Halifax, has not been received.

It is true that our Port may be occasionally closed by Ice, and within my experience it has generally been so in the month of March, but the Captain of the Packet would at such times use his discretion and proceed direct to his ultimate destination. We should then be no worse off than we are now, and at all other periods the benefit of the arrangement would be great, and such as could not fail to prove highly satisfactory to this community.

I have transmitted a Copy of Your Lordship's letter to the Chamber of Commerce, and I shall not fail to lay another before the Legislature on its next meeting, which will take place in the middle of May. In the meantime I request Your Lordship's attention to my Despatch of the 12th Instant, No. 6, in connexion with this subject.

I have, &c.

(Signed)

H. PRESCOTT.

The Right Honorable  
Lord Glenelg, &c. &c. &c.

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No. 12.

GOVERNMENT-HOUSE, *St. John's, Newfoundland,*  
*2nd February, 1839.*

MY LORD,

With reference to my Despatches of the 12th and 19th January (Nos. 6 and 10) I have the honor to inform Your Lordship that a Merchant Brig arrived here, from Cork, on the 30th ultimo, after a passage of only 13 days, and had no difficulty in entering the Port, and sailing up to the owner's wharf.

I have, &c.

(Signed)

H. PRESCOTT.

The Right Honorable  
Lord Glenelg, &c. &c. &c.

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No. 4.

DOWNING-STREET, *15th March, 1839.*

SIR,

Having referred, for the consideration of the Lords Commissioners of the Treasury, your Despatch of the 19th January last, on the subject of the establishment of a regular communication by Steam between this Country and Her Majesty's Possessions in North America, I transmit herewith, for your information, a copy of the letter addressed to this Department by their Lordships' directions. I have to request that you will furnish me with the particulars which their Lordships require respecting the state of the Post in Newfoundland.

I have, &c.

(Signed)

NORMANBY.

Governor Prescott,  
&c. &c. &c.

## APPENDIX.

TREASURY CHAMBERS, 11th March, 1839.

SIR,

The Lords Commissioners of the Treasury having had under their consideration your letter of the 6th inst., with the despatch therein enclosed, from the Governor of Newfoundland, pointing out that the only mode in which he conceives that Colony can benefit by the substitution of Steam for Sailing Packets between England and Halifax, would be by the Steamers calling at St. John's on their way to and fro, to deliver and receive the Mail Bag; I have it in command to acquaint you, for the information of Lord Normanby, that my Lords do not consider it would be expedient that the Halifax and London communication should be directed via Newfoundland; but that they cannot but think that the more certain, frequent, and rapid communication between Europe and Halifax, will benefit the inhabitants of Newfoundland; and that my Lords will be prepared, as soon as the arrangements for the Halifax line have been matured, to take into their consideration the communication between Halifax and Newfoundland.

With this view my Lords would request Lord Normanby to obtain for this Board information as to the state of the Post in Newfoundland, both as to the internal arrangements and the making up and sending the Mails for other Countries.

I am, &c.

(Signed)

G. F. PENNINGTON,  
*Pro. Secretary.*

Jas. Stephen, Esq.

No. 27.

GOVERNMENT-HOUSE, *St. John's, Newfoundland,*  
11th May, 1839.

MY LORD,

I have the honor to state, in reply to your Despatch of March 15, No. 4, that in the year 1805 the then Governor, Sir Erasmus Gower, appointed Mr. Solomon to act as Postmaster—and that Sir Francis Freeling, on being made acquainted with that appointment, promised that every facility should be given in England to the conveyance of Bags from thence to this Island by vessels coming direct, as well as by the Halifax Packets, and that corresponding orders should be sent to the Postmaster at Halifax.

Since that time letters have been regularly forwarded for Newfoundland by the Halifax Mail, and sent on from Halifax to St. John's by any accidental opportunity either of Ships of War or Traders.

The Correspondence so conveyed is principally Official—the Merchants naturally preferring the more speedy as well as inexpensive mode of direct conveyance; by which mode, however, no Bag is ever dispatched from the London Post Office.

By such vessels as leave this place, bound to Halifax, Mr. Solomon sends letters confided to him, very few of which are of a private description. By the Governor's arrangement Mr. Solomon is remunerated for his trouble by a payment of six pence upon all letters, and two pence upon all newspapers received—of two pence upon letters sent, and the same sum upon all letters of Soldiers and Men-of-War Sailors. This remuneration amounts to £30 or £40 per annum.

I have, &c.

(Signed)

H. PRESCOTT.

The Most Honorable  
The Marquis of Normanby,  
&c. &c. &c.

## APPENDIX.

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Circular.

DOWNSING-STREET, 4th May, 1839.

SIR,

With reference to my Predecessor's Circular Despatch of 24th October last I have the honor to transmit herewith, for your information, an extract of a letter from the Secretary to the Lords Commissioners of the Treasury, stating the arrangements which have been made by their Lordships for establishing steam communication between Great Britain and British North America.

I have, &c.

(Signed)

NORMANBY.

Captain Prescott.

R. N., C. B.

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### EXTRACT OF TREASURY LETTER,

*Dated 29th April, 1839.*

“ With reference to your letter of the 3rd inst., and its enclosure from Sir John Harvey, urging the importance of establishing a steam communication between this Country and British North America at the earliest possible moment, and to the correspondence which has previously taken place on the subject of steam communication with Halifax, I have it in command, from the Lords Commissioners of H. M. Treasury, to request you will state to the Marquis of Normanby that my Lords have not failed to use their earnest efforts to carry the views expressed in their former communications into effect.

In furtherance of this object the Lords of the Admiralty in communication with this Board, advertized for Tenders, but no offer was made on conditions which answered the advertizement, or which my Lords considered it would be satisfactory to accept.

Subsequently, however, my Lords have been able to conclude an arrangement by which a communication by steam, twice every month, will be effected; and they have every reason to believe this arrangement will be carried into effect in June, 1840.

With reference to this point my Lords herewith transmit copy of a letter, dated 12th inst., from the Board of Admiralty, which will furnish Lord Normanby with the detailed information.

Their Lordships would further add, that they have directed a considerable reduction to be made in the Packet rate of Postage on letters from and to the British Colonies in North America, which has already come into operation.”

ADMIRALTY, 12th April, 1839.

SIR,

With reference to your letter of the 27th February last, respecting the conveyance of the Mails in Steam Vessels, by contract, between this Country and the North American Colonies, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Lords Commissioners of H. M. Treasury, that my Lords have concluded an agreement with Mr. Cunard for the conveyance of the Mails, &c. twice in each calendar month, between Liverpool and Halifax (Nova Scotia) and between the latter place and Boston (United States), and also between Pictou, New Brunswick, and Quebec, as long as the St. Lawrence is open, for the sum sanctioned by the Lords of the Treasury, viz. £55,000, in Vessels of not less than 300 horse power for the transatlantic passage, and not less than 150 horse power for the other passages. The Service to commence 1st June, 1840, or sooner if possible.

I have, &c.

(Signed)

JOHN BARROW.

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## APPENDIX.

LONDON, *January 1, 1839.*

SIR,

Having communicated to the several Steam Navigation Companies, on this side, the contents of your letter relative to the running of Steamers between the United Kingdom and your Island, and being put into possession of the reply of the General Steam Navigation Company, we lose no time in transmitting to you a copy of the letter of their Secretary for the information of His Excellency Governor Prescott.

We are, Sir, &c.

(Signed)

ROBINSON, BROOKING, & GARLAND.

Honorable James Crowdy.

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GENERAL STEAM NAVIGATION COMPANY CHIEF OFFICE,  
69 Lombard Street, London, 29th December, 1838.

GENTLEMEN,

I have to acknowledge, and am desired by the Directors of this Company, to thank you for your favor of the 15th inst., handing a copy of a letter from the Colonial Secretary of Newfoundland stating that a grant had been made by the House of Assembly of £500 per annum, for three years, for the purpose of encouraging the establishment of a regular steam communication with England.

The Directors have given this subject their consideration, and are of opinion it would not suit the views of this Company to employ a Vessel on this undertaking.

I am, Gentlemen, &c.

(Signed)

For CHARLES BISSELL,

Secretary.

CHARLETON BAILY.

Messrs. Robinson, Brooking & Co.  
Old Broad Street.

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### *Despatches from the Secretary of State for the Colonies.*

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Circular.

DOWNING STREET, 5th December, 1838.

SIR,

Her Majesty's Government having had under their consideration the inconvenience which may arise in the Colonial Possessions of the Crown, from an imperfect acquaintance, in the Legislative Bodies and Courts of Justice, with the Acts passed from time to time by the Imperial Legislature, have made arrangements for supplying annually, to each of the British Colonies, so many copies of those Acts as may be required for the respective Legislatures and Courts of Justice. There will accordingly be annually transmitted to the Colony under your Government, four copies, to be distributed as follows—

- One for the use of the Executive Council, to be deposited with the Colonial Secretary;
- One for the Legislative Council;
- One for the House of Assembly;
- One for the Supreme Court of Justice.

You will make such arrangements as shall appear to you necessary, in concert with the Legislative Bodies and the Judges of the Courts of Justice, for the safe custody and preservation of these copies of Acts of Parliament.

I have, &c.

(Signed)

GLENELG.

Governor Prescott,  
&c. &c. &c.

Subject:—transmission of Acts of the Imperial Parliament.



## APPENDIX.

Subject:—disposal of Crown Lands. No. 235.

DOWNING-STREET, 4th January, 1839.

SIR,

I have to acknowledge the receipt of your despatches of the 5th and 6th November last, Nos. 65 and 66, on the subject of the disposal of the Crown Lands in Newfoundland.

You inform me that in consequence of a communication from the Earl of Durham, you had suspended all proceedings for the allotment of Lands—that the regulations established in the Australian Colonies are inapplicable to Newfoundland—and that in your opinion, and in that of the Executive Council, it would be better to continue the rules which have for some years been observed in the Colony under your Government in regard to the sale of Crown Lands.

I have not yet received from the Earl of Durham the report on the disposal of the Crown Lands in British North America, with a view to which he issued the Commission which was enclosed in his despatch to you of the 18th June last. The general scheme, therefore, which his Lordship had in contemplation is still unaccomplished; and I am accordingly anxious that as far as possible the suspension of proceedings for the allotment of Land in Newfoundland should be continued, until I shall have had an opportunity of considering Lord Durham's recommendation. At this season of the year but little inconvenience can be created by such a suspension—none, I apprehend, which would countervail the advantage of facilitating the introduction of one general and improved system throughout British North America.

The peculiar circumstances of Newfoundland will not escape the notice of Her Majesty's Government in determining on that system, and I shall not fail to recur to the information contained in your present despatches, and in that of the 24th November, 1839, No. 64.

I have, &c.

(Signed)

GLENELG.

Captain Prescott,  
R. N., C. B., &c. &c.

DOWNING-STREET, 10th January, 1839.

SIR,

Subject:—  
appointment of  
officers to the  
House of Assembly.

I have the honor to acknowledge the receipt of your despatch of the 30th October last, No. 60, enclosing an Extract of a Message sent by you to the House of Assembly of Newfoundland, in consequence of your understanding that no provision would be made in the Supply Bill for Messrs. Archibald and Rendell, the Clerk and Serjeant-at-Arms of the House appointed by the Crown—and reporting that you had received from all the North American Colonies, except Upper Canada, replies to the enquiry which you were directed to make respecting the usage in those Colonies in regard to the appointment of the Officers of the several Houses of Assembly. From those replies it appears that in two of those Colonies the nomination of the Officers of the Assembly has been vested by usage in the Crown, but, in the other two it has been exercised by the Assembly. In Upper Canada, however, it is understood that the practice is in favor of the right of the Crown. Under these circumstances you request instructions for your guidance on this subject before the commencement of the next Session of the Colonial Legislature.

It appears to me that although in the majority of the other North American Provinces the right of appointment is exercised by the Crown, the existence of the contrary practice in two of the Provinces to which reference has been made renders the question unimportant in point of principle. In so far, therefore, as it relates to future appointments Her Majesty has no difficulty in acceding to the wishes of the Assembly. But as to the actual holders of those offices, Her Majesty cannot think it right that they should be disturbed. They were lawfully appointed by Her Royal Predecessor in the exercise of a prerogative, not only unquestioned at the time, but acquiesced in by the Assembly, and clearly neither illegal nor unconstitutional. Their fitness for the discharge of their duties, and their due discharge of them, are not only unimpeached, but distinctly admitted by the Assembly.

Under these circumstances Her Majesty feels herself bound by considerations of justice to retain the present possessors of these offices in their situations. But with this reserve you will inform the House of Assembly of Her Majesty's acquiescence in their desires.

I have, &c.

(Signed)

GLENELG.

Governor Prescott,  
&c. &c. &c.

## APPENDIX.

Extract of a Despatch from the Secretary of State for [the] Colonies to His Excellency Governor Prescott, dated 12th January, 1839.

Her Majesty's  
answer to an Ad-  
dress of the  
House of Assem-  
bly of the 25th  
October, 1838.

“ I have received and have laid before the Queen the Addresses of the House of Assembly of Newfoundland, dated the 25th October last, copies of which accompany your despatch of the 1st ult., No. 68. Her Majesty was pleased to receive these Addresses very graciously, and to command me to return to them the following answer.

“ Her Majesty has referred, for the consideration of the Lords Commissioners of the Treasury, so much of the first Address as relates to the remuneration of the Collector of the Customs for the collection of the duties imposed by Local Acts. On receiving their Lordships' report on that subject, I shall communicate further with you respecting it.

“ On the question of the right of the Assembly to appoint its own officers, I have already communicated to you Her Majesty's decision, in my despatch of the 10th inst., No. 237.

“ With respect to the rejection by the Council of the Bill for defraying the expenses of the Delegates to this Country, and to the alleged incorrectness of the report of the Council on the contingent expenses of the Assembly, the Queen has not commanded me to express any opinion. Much as Her Majesty regrets that differences of this nature should have arisen between the two branches of the Legislature, Her Majesty possesses no [constitutional authority to interfere for their removal.

“ In regard to the vindication by the Assembly of the mode in which it has been their custom to vote the supplies, Her Majesty commands me to observe that the sanction which Her Majesty's Predecessors are said to have given to this practice, consisted merely in the Royal Assent to Bills of Supply, without any knowledge of the fact that the Assembly had omitted those previous communications to the Council which the general practice of the other Colonies requires; and therefore the Queen cannot admit the inference drawn from such a supposed sanction. As the question has been referred by the Assembly to the Crown, Her Majesty directs me to state that she can find no reason to doubt that the principle asserted by the Council is just and constitutional, and essential to the good government of the Colony, although the Queen has not given to me any commands to notice that part of the Address which relates to the application of that principle to the particular case of the Bill providing for the expenses of the Delegates.”

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### *Extracts of Correspondence on the subject of Diving Bell.*

Extract of a letter from Governor Prescott to Captain Beaufort, Hydrographer to the Admiralty, dated 10th April, 1838.

“ I should be glad to have your opinion as to whether it would be desirable to improve our Harbour by removing the small rocks in the Narrows, such as the Merlin, Ruby, Vestal, &c. and whether this might not be done by means of a Diving Bell, under direction of a practical Engineer. I presume that this measure could not be objectionable on the score of its rendering the entrance to the port less difficult to an enemy, and all other arguments I conceive must be decidedly in its favor.

I would beg you to ascertain this point for me, as also whether Government would, in any and to what extent, assist this object. You would also do me a great favor by requesting some one to ascertain whether the best mode would be to hire a bell in England by the year, or to purchase one—and at what rate the services of a competent superintendent could be procured. We have some men here who understand blasting under water, but have not practised that operation at so great a depth, or with a Bell.”

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Extract of a letter from Captain Beaufort, Hydrographer to the Admiralty, dated 16th June, 1838, to His Excellency Governor Prescott.

“ The moment I received your letter of April 10, I consulted Sir Charles Adam about the policy of removing the Rocks which obstruct—but which, at the same time, help to secure—

## APPENDIX.

entrance of your harbour; and he desires me to say, that of the two objects, he considers the facility of access for the shipping as by far the most important to the Colony and the most judicious to prefer, although he would not wantonly destroy any barrier which does not clearly impede the approach of that class of vessels most necessary to protect and encourage.

I then made the enquiries you desired, and this day only could I obtain the reply, which I enclose."

15th June, 1838.

Messrs. Hunter & English, Bow, Middlesex, will make a Diving Bell (new), crane, hose, air pump, and the iron ties for the braces, for £516.

Mr. M'Intosh has a Diving Bell that has been used, which, with air pump, brasses, &c. he will sell for £400, but without hoses. New hose at 7s. 6d. per foot.

		High.
One	7 <del>5</del>	5.
Another	5 <del>4</del>	5.
Seven foot the best.		

A Foreman or Captain of the Bell may be had £3 3s. per week, and at travelling—and two other men for moderate wages—he would carry out with him cannisters for blasting.

### *Correspondence with the Commissioners for the relief of the Poor for the District of St. John's.*

*St. John's, Newfoundland, February 1, 1839.*

SIR,

I am desired, by the Commissioners for the relief of the Poor of this District, to state to you, for the information of His Excellency the Governor, that the funds which have been placed at their disposal are now reduced to £231 15s. 7d. currency. That out of this sum the Commissioners intend reserving, to meet expenses for which they have made themselves liable, £190, viz:—

Hospital	£120
Secretary's Salary	40
Rent of Office	10
Stationery and Fuel	10
Coffins and other expenses of interments	10

which will leave but £41 15s. 7d. at their disposal, and this sum will be dispensed in the course of next week.

The Commissioners, however, have yet on hand, 33 barrels Indian Meal, 25 bags Bread, and 300 gallons Molasses, which is in the course of distribution, and will too soon be exhausted.

The extent of poverty in this District is at present very great, and the Commissioners are seriously apprehensive that it is on the increase.

Already about 450 Paupers have been relieved since the 1st November, and passages out of the Country have been provided for 11 persons, the latter at an expense of £34 15s.

I have, &c.

(Signed)

J. B. BLAND.

The Honorable  
James Crowdy.

## APPENDIX.

Statement of the number of Aged and Impotent persons on the Pauper List, with the number of Bastards, Orphans, &c. from 12 to 9 years, and under 9 years of age.

From 12 to 9 years	....	....	....	....	....	....	....	....	....	10
Under 9 years	....	....	....	....	....	....	....	....	....	38
Aged and Impotent	....	....	....	....	....	....	....	....	....	150

Applications have been made for Apprentices, but they are not wanted until the Winter is over.

Idiots are included with the Aged and Impotent.

Applications have been made to put more Children on the List, which are included in the Estimate sent His Excellency the Governor.

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SECRETARY'S OFFICE, 8th February, 1839.

SIR,

In reply to your Letter of the 1st inst. I beg to acquaint you that the Governor will, when the funds now at the disposal of the Poor Commissioners are expended, advance, on his own responsibility, a sum to be applied to the relief of the Orphans, Bastards, &c. and of such of the other Poor as from age or sickness are quite incapable of doing any thing for their own support.

I have, &c.

(Signed)

JAMES CROWDY.

The Honorable  
John B. Bland.

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St. John's, 19th February, 1839.

SIR,

Your Letter of the 8th inst., stating that it is the intention of His Excellency the Governor, when the funds which were at the disposal of the Commissioners for the relief of the Poor shall be expended, to advance on his own responsibility a sum to be applied to the relief of the Orphans, Bastards, &c. and of such other of the Poor as from age or sickness are quite incapable of doing any thing for their own support; has this day been laid before the Commissioners, who have instructed me to acquaint you, for the information of His Excellency, that the whole of the sum voted under the Act of the last Session, 1st Victoria Cap. 10, for the relief of the Poor of this District, has been appropriated, although not actually paid away, part being retained for the purpose named in my letter under date the 1st inst. That the Commissioners consider the authority under which they have disbursed the money voted by the Legislature co-existent only with the funds placed at their disposal; and that consequently their functions as Commissioners do not extend to the dispensing of any further sum. They, however, desire me to say that they will cheerfully, if His Excellency desires it, render their services for the present in dispensing to the objects named in your letter, such money as His Excellency may place at their disposal. But the Commissioners think it necessary to apprise His Excellency that the limited cases for relief to which your letter refers, if it be persisted in, will exclude a great portion of the extreme poor from any share of His Excellency's bounty, and the Commissioners take the liberty of recommending His Excellency not to restrict them to the description of objects to be relieved.

I have, &c.

(Signed)

J. B. BLAND.

Chairman.

The Honorable  
James Crowdy.

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SECRETARY'S OFFICE, 20th February, 1839.

SIR,

I have received and laid before the Governor your letter of yesterday, and in reply I am directed to acquaint you that His Excellency has issued his Warrant in favor of the Com-

## APPENDIX.

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missioners for two hundred pounds, of which he requests they will undertake the distribution during the month ending the 20th March next.

His Excellency desires me further to say, that this money must be confined to the relief of that description of poor pointed out in my letter of the 8th inst.

I have, &c.

(Signed)

JAMES CROWDY.

The Honorable  
John B. Bland.

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SECRETARY'S OFFICE,  
28th March, 1839.

SIR,

In reply to your letter of yesterday, I beg to acquaint you that the Governor has issued his Warrant in favor of the Commissioners, for a second sum of Two hundred pounds; and in requesting they will take upon themselves the duty of its distribution, I am to request their attention to my letter of the 8th ult. with reference to the cases to which this relief is to be confined.

I have, &c.

(Signed)

JAMES CROWDY.

The Honorable  
John B. Bland.

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SECRETARY'S OFFICE,  
26th April, 1839.

SIR,

In reply to your letter of yesterday I beg to acquaint you that the Governor has issued his Warrant, in favor of the Poor Commissioners, for One hundred pounds, which sum His Excellency trusts will be sufficient to enable them to relieve the poor of the description for whose benefit it is given, until the Legislature is in Session.

I have, &c.

(Signed)

JAMES CROWDY.

The Honorable  
John B. Bland.

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SECRETARY'S OFFICE,  
23rd May, 1839.

SIR,

I have received and laid before the Governor your letter of the 21st inst., and in reply I am directed to acquaint you, that the Legislature being now in Session, it will not be in His Excellency's power to make any further advance for the Poor.

I have, &c.

(Signed)

JAMES CROWDY.

The Honorable  
John B. Bland.

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## APPENDIX.

### *Report of the Commissioners for the erection of a Colonial Building.*

The Commissioners appointed under the Act 6th Wm. 4, Cap. 14, to superintend the erection of a Colonial Building in the Town of St. John's, and for other matters therein mentioned, beg respectfully to submit to Your Excellency the following statement of their proceedings.

The Commissioners having obtained a plan of the ground on which it was proposed the Building should be erected, and ascertained the required extent of accommodation for the different branches of the Legislature, had an advertisement for plans, and instructions for the guidance of Architects prepared by Messrs. Kough and Haddon, which were published in the London, Liverpool, Greenock, Cork, Halifax and Saint John's Newspapers. A number of Plans were consequently received and inspected at the request of the Commissioners by the Officers of Engineers and Royal Artillery, Mr. Noad, the Surveyor General of the Colony, and Mr. H. P. Thomas; and the Commissioners, after a thorough examination, assigned the prizes granted by the Act for the three most approved Plans as follows, viz.—to Mr. W. S. Inman of 3 Eaton Square, London, the first premium of £50 Sterling—to Mr. W. Grellier of 20 Wormwood Street, London, the second premium of £30 Sterling, and to Mr. John Finden of Upper John Street, Fitzroy Square, London, the third premium of £20 Sterling.

Although the Commissioners felt bound to award the premiums for the said Plans they were still of opinion that looking to the sum which would be required for the purchase of Land, and the expense of the Building proposed by these plans, it would not be practicable to act on them, and they accordingly employed Messrs. Kough and Haddon each to form a plan (assisted by those for which the premiums had been adjudged) which would come within the means at the disposal of the Commissioners; and upon their production it appearing to the Commissioners that the interior of Mr. Kough's and the exterior of Mr. Haddon's were the best adapted for the purpose, it was determined to employ these Gentlemen jointly to prepare a plan and specification founded on this opinion, which was approved of and copies transmitted to London, Liverpool, Cork and Halifax, in papers of each of which places, as well as in those of Saint John's, Advertisements were inserted for Tenders from Persons willing to erect the Building. The only Tenders received were from Mr. Haddon and Mr. LeMessurier, both resident in this place, the former for £22,000 Sterling, and the latter for £21,500 Sterling.

The Commissioners beg further to report that they also caused advertisements to be inserted in Papers in England, Ireland, Nova-Scotia and this Colony, addressed to persons desirous of advancing the Money, or any part of it, required for the erection of the Building, but the only Tender received was one from a Gentleman in the Colony for £1,000.

The Commissioners lay before Your Excellency copies of their Accounts to this period, and have to express their regret that their exertions to carry into effect the Act under which they are appointed have failed of success.

(Signed,)

JAMES CROWDY.  
WILLIAM CARSON.  
WILLIAM THOMAS.  
N. W. HOYLES.  
W. B. ROW.  
ROBERT JOB.  
THOMAS BENNETT.

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### *Letter from the Chief Justice stating the necessity of a Sheriff for the Coast of Labrador.*

ST. JOHN'S, June 15, 1839.

SIR,

I beg respectfully to call Your Excellency's attention to the present state of the Labrador Coast with regard to legal process.

## APPENDIX.

Since the abolition of the Labrador Court there is none which has jurisdiction over that part of this Colony except the Supreme Court, and there is no Sheriff to whom the Supreme Court can direct its Writs, or who can execute its process.

At present there are two applications for process affecting property to a considerable amount, and I have intimation of others being about to be made, and cases may arise besides these of a Civil nature; and it is desirable that a Sheriff should be appointed.

I believe the Labrador Court was abolished because the expense incurred was large, and the business done was small. The expense I understand was about £1400 a-year, and the number of Writs per annum not more than 12 or 15.

Were the number even less serious consequences might result from leaving parties out of the pale of the Law to redress themselves.

The Sheriff would only be required to be on the Coast for the three fishing months of July, August and September; and allowing £50 a month for all expenses of Boat hire, Men, &c., and £150 or £100 Salary, the whole expense would be £250 or £300 a-year, for which sum a very numerous portion of those under Your Excellency's Government would have the opportunity of legal remedies afforded to them, and for which Salary I have no doubt eligible parties might be found ready to undertake the office.

Should Your Excellency decide on appointing a Sheriff I should be anxious to offer certain suggestions for extending his future utility by an Act of the Legislature empowering him to try causes of small amount, and settle disputes as to Seamen's Wages, &c.

I have the honor, &c.

(Signed,)

J. G. H. BOURNE.

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### *Letters from the Police Magistrates at St. John's.*

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POLICE OFFICE, *St. John's,*

*May 23, 1839.*

Subject :—  
The inefficiency  
of the Police  
Establishment.

SIR,

We beg leave, through you, to trouble His Excellency the Governor with a few observations with reference to the Police Establishment in this District, under a hope that as the Legislature is now in Session, His Excellency may be pleased to recommend some alteration which might render the Police Establishment of this District more efficient, and conduce to the greater security of the Public in their persons and property.

Without at all imputing to its resident population that there is more of crime perpetrated in Saint John's than in other Sea Port Towns of the same extent, it is obvious, that in addition to the large and increasing number of resident Mechanics, Labourers and Fishermen, from the great influx of persons from the Outports and Bays who crowd in considerable numbers to the Capital both before and after the Fishing Seasons, added to the great ingress of Merchant Seamen at particular periods, and the facility with which Spirits and other exciting Liquors are obtained, must frequently lead to scenes of disorder and disturbance during both day and night; from which, besides their annoyance generally to the orderly and well disposed, proceed numerous charges, at the Police Office, of assaults and breaches of the Peace; and which sometimes, though we are happy to say not frequently, lead to loss of life.

If to these considerations be added the fact that from the nature of the trade and business of the Country, in some degree, property is in general, in St. John's, much more exposed than in most other places, to the depredations of those whose cupidity, idleness or necessities may tempt them to deviate from the path of honesty and rectitude, it is not surprising that petty thefts are numerous, though the perpetrators are seldom punished or detected; perhaps it ought rather to excite surprise that under such circumstances felonies of great magnitude are so rare.

Without presuming to suppose that we can offer for His Excellency's consideration a remedy for these evils, we humbly conceive they would be greatly mitigated, and the public

## APPENDIX.

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peace, as well as the protection of private property; much promoted, by such an addition to the Police Constabulary force as would admit of the establishment of a regular night patrol for this Town.

The present Constabulary force amounts in number only to *Six* besides the High Constable; out of these, during the terms of the Supreme and Circuit Courts, no less than *Four* have been required by the Sheriff to attend such Courts at every sitting; so that there are not enough at such times to do the most ordinary duties incident to the Police Office and Court of Sessions; and not only has great prejudice to the public service been the occasional effect, but we much fear that a degree of injustice towards individual suitors, and others, has sometimes been the result.

We would humbly recommend that a convenient central situation should be chosen for a Police Station House, to combine within it as well a room for the Constables, as at least two Lock-up-rooms, or Cells, for Male and Female Prisoners: This would prevent the inconvenience and occasional danger of opening the public Jail at night; and instead of the large fee of Thirteen Shillings and Four Pence, Sterling, incident to a commitment there, a small fee only might be chargeable, and that subject to the discretion of the Police Magistrates. Other particulars of minor arrangement would easily be suggested, but we think that to perform the service efficiently, an addition of Six Police Constables would be required; and that a proper disposition and arrangement of that number, as a night patrol, would supersede the necessity of any public Watchman in the Main Streets of this Town; and likewise, that the very trifling duties of the person employed to watch prisoners might be performed by one of the Constables in rotation, and the present expense of that special duty saved to the public.

Besides the increased protection to which we have already alluded as likely to be afforded to the persons and property of Her Majesty's subjects, under the plan we have ventured to propose; no doubt the lives of many Seamen and other persons whom an excess of liquor may have left in the Streets bereft of their senses, would, in having an asylum afforded them, be saved; particularly at those inclement seasons of the year when the exposure of a drunken man during the night is almost certain destruction to him.

In the event of Fires, which unhappily have been but too frequent in this Town, the utility of a night patrol is evident, and by means of it not only in all probability would many serious accidents be prevented, but some progress made in the attainment of a still more important object—the prevention of Crime.

We have, &c.

(Signed,)

P. W. CARTER, J. P.  
CHARLES SIMMS, J. P.

The Honorable  
James Crowdy.

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POLICE OFFICE, *St. John's*,  
June 21, 1839.

Subject :—  
Deficiency of  
the License  
Fund.

SIR,

We had the honor to receive your letter of the 19th inst. requesting, by desire of His Excellency, that we furnish for his information an opinion as to the probable cause of the falling-off in the amount of Monies collected for Licenses to Publicans.

It is a question on which perhaps little difference of opinion can exist; and we think the cause may be traced partly in the reduced consumption, arising from the present high prices of Spirits, &c., and the diminished means of the labouring classes; but principally from the very few informations and prosecutions which take place against any of the numerous retailers of Liquors who vend without License, and the consequent impunity with which such breaches of the Law are extensively committed.

The difficulty of obtaining persons to come forward as Informers, is an evil peculiarly felt in this community; and neither a consideration of the injury done to the fair trader, by the venders without License, nor even the hope of obtaining half the penalty, seems to afford a sufficient inducement to persons to appear in that character; added to this, the difficulties of



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prosecution under the present Laws are about as great as in the most important Criminal Cases; all such informations being tried in the Supreme or Circuit Courts, before a Jury, and as the evidence of the Informer is not received, if there be not distinct proof, independently, the Defendant is inevitably acquitted.

We would beg to suggest, as an improvement on the existing local Law, that all such offences should be triable in a *summary way*, before Magistrates, as in England, and if the statement on oath of the Informer were made legal evidence, subject to the contingency of his receiving no part of the penalty unless there were other corroborative evidence, such alterations, doubtless, would tend to further the ends of Justice, increase the Revenue, and conduce to the interest of the fair trader.

Sir,

We have the honor to be

Your obedient Servants,

P. W. CARTER, *J. P.*

CHARLES SIMMS, *J. P.*

The Honorable

James Crowdy.

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Extract from instructions given to Captain Lushington of Her Majesty's Ship *Cleopatra*,  
by Vice Admiral Sir Thomas Harvey, K. C. B., Naval Commander-in-Chief—dated  
3rd June, 1839.

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“ I have to desire that in your first interview with His Excellency the Governor of Newfoundland, you intimate to him how preferable I conceive it would be if the men required to remain at fixed stations as armed Boats' crews, to prevent infringement of French Fishing Vessels, were wholly hired and appointed by the Island Government, leaving our Ships with their entire complements to render them full and efficient countenance and co-operation towards the future effectual security of the coasts in question from exterior molestation or interference of any kind.”

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Subject:—  
Protection of the  
Fisheries.

## APPENDIX.

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### EDUCATION RETURNS.

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#### *St. John's.*

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

Report of the Commissioners of the Board of Education for the District of St. John's, for the year ending on the 4th of July, 1839.

The Commissioners of the Board of Education for the District of St. John's, in submitting a Report of their proceedings on this their third annual meeting, much regret the inability under which they have labored to furnish any thing like a systematic account of their efforts to carry into effect the benevolent and useful objects of the Act entitled "An Act for the encouragement of Education in this Colony," until the present year; in consequence of the widely scattered portions of the community to which their attention has been directed—the time and labour requisite to get access to them—to become acquainted with the several localities, together with the number and capabilities of the children of the poor settlers—and the still greater difficulty to provide for them suitable Teachers with the very slender means at the disposal of the Board.

They are now, however, enabled to say that their plans have, by the Divine blessing, succeeded much to their satisfaction. They have eleven Schools under their direction, each with a resident Teacher, comprising in the whole about 340 Children, receiving instruction in reading, writing, and arithmetic, combined with suitable and approved portions of the Holy Scriptures; and, in all practicable instances, navigation and general history. The Commissioners have been necessitated, by the general poverty of the people, to furnish these separate Schools with large supplies of Books and Stationery, which they feel convinced must be continued, and even increased in amount, in order to carry out, to any useful extent, the objects contemplated by the Act. They have, however, reason to fear that their wishes in this respect will be much restricted by the want of ampler means.

The Commissioners, taking into consideration the claims and circumstances of several of the Settlements to which their attention has been directed, determined upon erecting certain School Houses of a plain and substantial description, viz., one in Broad Cove, which is completed, and the School in full and satisfactory operation;—one at Outer Cove, and another at Logy Bay,—both of which are in a state of forwardness, and it is hoped will soon be open to receive the Children; and one at Windsor Lake, which is to be commenced as soon as possible, for the more convenient instruction of a very considerable number of Children, whose dwellings are widely scattered, part of whom are at present collected and taught in a most inconvenient and uncomfortable apartment. From two other places similar and earnest application is made for the erection of School Houses, to which the Board are inclined to pay every attention within the compass of their ability.

The Commissioners have much satisfaction in reporting the state of the Schools at Brookfield and Quidi Vidi, both of which are attended, they have reason to believe without an exception, by all the Children resident in the neighbourhood which are capable of receiving instruction, and are under the care of suitable and efficient Teachers. At Brookfield, a School House most conveniently situated was kindly placed at the disposal of the Board by Henry Thomas, Esq., and which has been put in a state of good repair and adaptation for the purpose. At Quidi Vidi a piece of Ground was obtained from Mr. George Brace, and a neat little School House has been erected under the direction of the Commissioners, which is likely to be a permanent benefit to the rising generation.

The Board have received, from most of the Schools under their direction, specimens of progress in writing, arithmetic, &c. which have given them encouragement to hope that perseverance in their labors will ultimately produce the most beneficial effects, upon at least that portion of the Inhabitants within the Electoral District of St. John's.

## APPENDIX.

The following is a list of the Schools, their Teachers and the respective numbers of the Children, upon an average, receiving instruction under the superintendence of the Board:—

SCHOOLS.	NAME OF TEACHER.	CHILDREN.
Lance Cove ....	Thomas Sarell ....	22
Portugal Cove ....	John Barron ....	15
Petty Harbour ....	Whelan and Aylward ....	30
Torbay ....	David Foley ....	55
Broad Cove ....	John Hughes ....	35
Outer Cove and Middle Cove ....	Denis Morrissey ....	20
Quidi Vidi and White Hills ....	Mary Seiver ....	40
Brookfield ....	John Purcell....	57
Windsor Lake ....	Henry Hewitt ....	20
Logy Bay ....	John Hand ....	24
Flat Rock ....	John Kehoe ....	23

The Board of Commissioners cannot but regret that the smallness of the sum annually placed at their disposal—a sum by no means adequate to the necessities of the rising generation in the District under their superintendence—very materially restricts their usefulness, and constrains them to leave the claims of many places and individuals unattended to.

They could earnestly wish that the annual Grant might be enlarged, so as to be somewhat commensurate with the reasonable expectations of so populous a District.

(Signed)

D. S. WARD, *Chairman.*

*Dr.* Central Board of Education in Account with H. P. Thomas, Esq., Treasurer. *Cr.*

1836.	£ s. d.	1836.	£ s. d.
To amount of Stationery, Printing, &c. ....	41 11 7	By annual amount from Treasurer ....	230 15 4
Paid Teachers' Salaries....	9 0 0		
Balance in the hands of the Treasurer ....	180 3 9		
	£230 15 4		£230 15 4
 1837.		 1837. .	
To amount of Stationery, Printing, and Secretary's expenses ....	29 3 0	By balance from last year ....	180 3 9
Paid Teachers' Salaries ....	178 0 0	Annual amount from Treasurer ....	230 15 4
Expended in fitting up School Houses ....	25 1 5		
Balance in the hands of the Treasurer ....	178 14 9		
	£410 19 1		£410 19 1
 1838.		 1838 & 1839.	
To amount of Books, Printing, and Secretary's expenses	8 10 0	By balance from last year ....	178 14 9
Expended in building School Houses and fitting up ....	219 0 9	Annual amounts from Treasurer ....	461 10 8
Paid Teachers' Salaries ....	157 10 0		
Balance in the hands of the Treasurer ....	255 4 8		
	£640 5 5		£640 5 5

1839.

July—By balance in the hands of the Treasurer to meet outstanding expenses of the current year ....

£255 4 8

(Signed)

H. P. THOMAS.

## APPENDIX.

### *Conception Bay.*

HARBOR GRACE, *Newfoundland*,  
22nd November, 1838.

SIR,

We have the honor to acquaint you, for the information of His Excellency the Governor, that in pursuance of His Excellency's Commission, appointing a Board of Education for this District, bearing date a few days since, the undermentioned members met at the Court House for the despatch of business, viz:—

Rev. John Burt, Rev. Charles Dalton, Rev. John Pickavant, Rev. Denis Mackin, Peter Brown, James Power, William Dixon, Thomas Ridley, William Stirling, and John Stark, Esquires.

The construction of the recent Act of the Legislature, passed on the 25th October last, having been determined, by the Members of the Board, as peremptorily excluding the use of the authorized version of the Holy Scriptures, we, with much respect for his Excellency, beg to tender our resignation of the Office of Commissioners under the said Act, for the following reasons:

First—That it purports to be an exclusive enactment to the prejudice of a majority of the population in this District, inasmuch as it provides means for the education of the minority of the community, in strict conformity to their religious predilections, and forbids a similar privilege to the majority.

The principle of sanctioning Scriptural Education for those Children whose Parents require it, has been, we would most respectfully remark, fully developed, since the establishment of Education Boards in 1836, not only in the sentiments, as officially recorded by a large majority of the Commissioners for Conception Bay, but also in the extensive Districts of Trinity, Bonavista, and Twillingate; and the fullest test afforded to the principle, by the non-appropriation of the Legislative Grants in all those places where the Bible could not be publicly recognized: and we learn that under a more recent Act for the establishment of a Grammar School at Carbonear, the funds placed at the disposal of the Commissioners in that Town, are wholly useless, as the Roman Catholic and Protestant Members are equally divided on the subject of the word of God.

And, secondly—Because a more efficient and liberal system might have been adopted; a system which would have placed every Inhabitant on an equality of privilege, and which would have superseded every feeling of discontent, by meeting the peculiar sentiments of each denomination; i. e., by a division of the Colonial Grants of Money, according to the population, to be appropriated for the purposes of Education, with due regard to the respective privileges of each, without the dictation or interference of one part of the community over the other. This proposition was duly made by a majority of this Board.

Under all these circumstances, we, the only Protestant Members present at the meeting, have found it impracticable to perform the important duties assigned to us; and therefore beg leave, as the only alternative, to tender to His Excellency the Governor our resignation, and to lament the existence of a Law that prevents us the free exercise of our judgment upon a measure involving the best interests of the community.

We are, &c.

(Signed) J. BURT, *Episcopal Missionary*.  
JOHN PICKAVANT, *Wesleyan Missionary*.  
THOMAS RIDLEY,  
JOHN STARK,  
W. STIRLING.

The Honorable  
The COLONIAL SECRETARY.

SECRETARY'S OFFICE,  
18th February, 1839.

A Warrant was this day issued constituting a new Board of Education for Conception

## APPENDIX.

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Bay (instead of that appointed by Warrant dated the 9th November last) to be composed of the following persons, viz.—

The Reverend CHARLES BLACKMAN  
“ “ DENIS MACKIN  
“ “ CHARLES DALTON

PETER BROWN  
JAMES POWER  
R. J. PINSENT  
JOHN ELSON  
WILLIAM DIXON  
JOHN WALSH  
WILLIAM HANRAHAN  
JOHN M'CARTHY  
THOMAS POWER  
MICHAEL HOWLEY

} Esquires.

By His Excellency's Command,

JAMES CROWDY,

*Secretary.*

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HARBOR GRACE,  
9th May, 1839.

SIR,

I have the honor to enclose to you herewith, for the approval of His Excellency the Governor, the Bye-Laws adopted at a Meeting of the Board of Education held at the Commercial Room in this Town, agreeable to notice.

Inclosed, also, are two Resolutions for Eighty pounds sterling to defray the contingent expense attending on the building of School Houses and the establishing of Schools, which be pleased to lay the same before His Excellency for his pleasure, hoping he will be pleased to issue his Warrant for the same.

Accompanying is the Report of Mr. Prendergast, appointed by the Board to give the necessary information required for the building of School Houses and the locating of Schools.

I have, &c.

(Signed)

PETER BROWN,  
*Chairman of the Board of Education.*

The Honorable  
JAMES CROWDY.

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Resolved, That the Chairman be authorized to apply to His Excellency the Governor for a Warrant on the Treasury for £50 sterling, out of the Grants for building of School Houses, to defray the contingent expenses thereon.

Resolved, That the sum of £30 be drawn out of the Grant of the current year, to defray the claim of the late Secretary, and for the purchase of Books, and other contingent expenses connected with the Schools.

Resolved, That this Board apply to His Excellency the Governor for the proportion of the Books provided by the Legislature in the last Session of the Assembly.

(Signed)

PETER BROWN,  
*Chairman.*

## APPENDIX.

At a Meeting of the Board of Education for this District, held at the Commercial Room at Harbor Grace, on Thursday the 2nd May, 1839.

PRESENT,

Reverend DENIS MACKIN  
 " CHARLES DALTON  
 PETER BROWN  
 JAMES POWER  
 ROBERT J. PINSENT  
 JOHN WALSH  
 WILLIAM HANRAHAN  
 JOHN M'CARTHY  
 THOMAS POWER  
 MICHAEL HOWLEY

} Esquires.

Peter Brown, Esquire, being unanimously elected Chairman.

Mr. William Meagher was elected Secretary.

The following were adopted as Bye-Laws and Regulations for the government of the Board of Education appointed in pursuance of the Act of the Colonial Legislature to amend said Act, subject to the approval of His Excellency the Governor.

Rule 1st—That a General Meeting of the said Board of Education shall be holden on the first Wednesday in October, the first Wednesday in January, and the first Wednesday in April, in each year, at 11 o'clock in the forenoon, in addition to the annual meeting required by this Act to be holden on the first Wednesday in July.

Rule 2nd.—That the Chairman, or, on his refusal, or in his absence, any three Members of the Board, by a requisition under their hands, shall have power to call a Special Meeting of the said Board whenever he or they shall deem it expedient so to do, giving at least ten days' notice of the same, and mentioning the object of the said Meeting in the notice. In the event of the absence of the Chairman from the District, an Acting Chairman may be elected by the Board.

Rule 3rd—That the Money voted by the aforesaid Acts, when required by a resolution of the Board, shall be drawn by the Chairman or Acting Chairman of the Board, who shall disburse the same agreeably to the Resolutions of the Board.

Rule 4th—That the Chairman be not empowered to countersign the Bills of, or in any way pay any Teacher, until such Teachers shall have produced a Certificate of his or her attention and correct conduct from one or more of the Commissioners residing more immediately in his or her neighborhood, or until the opinion of the Board at a General Meeting be had.

Rule 5th—That the Teacher of every School to be established by this Board, shall require for his own use and benefit, from every Scholar whose Parents or Guardians are able to pay, payment according to the following scale :—

Reading	.....	.....	.....	half yearly	.....	2s. 6d.
Reading and Writing	.....			ditto	.. ..	4s.
Reading, Writing, and Arithmetic				ditto	.....	5s.

Rule 6th—That the Teacher shall not reject any Scholar on account of Parents neglecting or refusing to pay the sum required; but that the case shall be submitted to one of the nearest Commissioners, who shall have power to determine the matter, subject to the decision of the Board.

Rule 7th—That every Teacher of every School under the control of this Board, shall keep a Register, (in form the same as annexed) and shall make a return to the Secretary once in every Six Months, when the said Teacher shall be paid half-yearly Salary.

### FORM OF REGISTER.

Name.	Age.	Entered.	Full acquirement.	Months at School.	Improvement.	Number of days in attendance during Six Mos.
John Hart.	10 yrs.	8th July.	Writing.	Six.	Spelling and Writing.	140

## APPENDIX.

Rule 8th—That the School Hours shall be every week-day (Saturday excepted) from nine o'clock in the morning until noon, and from one o'clock until four o'clock in the afternoon; and on Saturday, from nine o'clock in the morning until noon; and that the vacations shall be a fortnight in the Winter, commencing the 20th of December, and a fortnight in Summer, commencing the 20th of June.

Rule 9th—That on complaint being made to any Commissioner of this Board, of improper conduct or neglect of duty of any Teacher, it shall be the duty of the Chairman, on the report of said Commissioner, to lay such complaint before the Board at its next Meeting, or if necessary to call a Special Meeting to enquire into such complaint, and if proven to the Board, such Teacher shall be dismissed or reprov'd, as the Board may think fit.

Rule 10th—That the Chairman shall not vote on any question unless that the numbers for and against such question are equal; and in such case he shall give his casting vote, which shall be final.

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HARBOUR GRACE,  
30th April, 1839.

SIR,

I have the honor to inform you, that in compliance with the Instructions received from the Board of Education, in your letter to me of the 19th March last, to proceed to the several Settlements in the District, and to request the Inhabitants to place at the disposal of the Board of Education ground for the purpose of building School-Houses, and draw up a Memorandum of a conveyance from the proprietors of the ground, and also to ascertain how many will contribute towards the support of School Masters,—I have visited several places in the District, and I beg leave to make the following Report :—

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### HORSE COVE, TOPSAIL, CHAMBERLAINS, AND EMANUELS.

A School is required for these places, and should be situated at Chamberlains: there are 67 Children from 4 to 12 years, about 30 of whom may be relied on to be paid for—there is no Day-School there.

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### LONG-POND, FOX TRAP, MIDDLE BIGHT, KELLY-GREWS, UPPER-GULLEY AND LOWER GULLEY.

The Inhabitants of these places are scattered along the Shore for about the distance of 4½ miles—Middle Bight being the most central situation, I selected a spot of public land, situated on Middle Bight Point.—There are in the above places 96 Children from 4 to 12 years, of whom 30 will be paid for.—There has not been a School in either of the above places for the last two years—prior to that Richard Parmitor kept a School in Middle Bight.

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### HOLYROOD.

Southern Arm being the most central and populous situation, I selected a spot of ground which was given by Dennis O'Neill (see Bill of Sale.)—There are 126 Children from 4 to 12 years of age, 27 of whom will be paid for—there is a School kept by Denis O'Neill.

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### CHAPEL'S COVE, FROM HEALLY'S, ON THE NORTH SIDE OF HOLYROOD, TO LUNNON'S, ON THE SOUTH SIDE OF HARBOUR MAIN.

There is a School kept in Chapel's Cove by Timothy Gorman—there are in the above 64 Children between 4 and 12 years, of whom 20 will be paid for.

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### HARBOUR MAIN, GASTERS AND SALMON COVE.

The spot of land which I selected at Harbour Main for the erection of the School House on, is claimed by a person who is at the Ice—it is called Bill Moore's Hill, which I have no doubt I would get if the proprietor was at home. As I could not then get a title to the spot, I selected another called Admiral's Beach,—bound on the North by Patrick Strapp's flake, on the South by Walter Power's dwelling-house, on the S. W. by the road, and on the N. E. by the sea. Prior to my leaving the inhabitants assured me that the spot of land which I

## APPENDIX.

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first desired would be obtained by them, and placed at the disposal of the Board.—There are two Schools now open at Harbour Main, by Jeremiah Kennedy and by Vincent Costigan—there are in the above places 172 Children, from 4 to 12 years—40 of whom may be relied on to be paid for.

---

### CAT'S COVE AND CATHUSES.

There are in these places 78 Children, from 3; to 12 years of age.—There has not been a School open there for the last three years—prior to that Robert Connell, Constable, kept a School in Cat's Cove.

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### UPPER BACON COVE AND LOWER BACON COVE.

There is a School open in Lower Bacon Cove by Mrs. Gushue.—There are in these Coves 42 Children, from 4 to 12 years—15 of whom will be paid for.

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### COLLIERS.

There has never been a School in this place as I am informed, and there are 115 Children from 4 to 12 years—40 of whom can be calculated on to be paid for.

---

### BULL COVE AND TURK'S GUT.

There are in the above places 37 Children from 4 to 12 years—there is no School there.

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### BRIGUS.

There is a School established here by the Newfoundland School Society.—There are 164 Roman Catholic Children who require Education, the parents of whom refrain from sending them to the Society School from religious considerations—57 of the Children will be paid for. In search of a site to erect a School House, I was informed that a piece of land, with an untenable Dwelling House, was formerly purchased by the Inhabitants for the use of a School, and that a few years ago a meeting of the proprietors was held, at which Mr. Walter Whelan presided, when it was further agreed that the land and house should not be disposed of for any other uses or purposes than that of Education. Mr. Whelan was pleased to say to me that there would be no objection in the way to the Board erecting a School House thereon.

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### CUPIDS.

Mr. Fox keeps a School here, in a building attached to the Methodist Chapel—it is at present attended by about 25 Children.—There are 231 Children from 4 to 12 years in this Settlement—45 of whom would in all probability be paid for.—The Children of Caplin Cove will attend a School here, this being the nearest place.

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### BURIN POINT.

The Newfoundland School Society intend providing Education for the Children of this place, of whom there are upwards of 30. Timbers for the erection of a School House has been provided by the Inhabitants during the past Winter.

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### SALMON COVE, SOUTHERN GUT BEACH, AND NORTHERN GUT.

From Salmon Cove Point to Southern Gut, inclusive, there are 102 Children from 3 to 11 years.—At Salmon Cove a piece of ground was given for the purpose of erecting a School House, and the Inhabitants have placed on the ground a lot of timber for that purpose. I was informed that it was the intention of the Newfoundland School Society to provide a Teacher when the School was built. Mr. Ryall, the Teacher of the Bearneed School, attends there on Wednesdays to instruct the Children. From the Southern Gut Bridge to the Northern Gut inclusive there appears, from a statement furnished me, to be 268 Children. In the Winter season a great number of the Inhabitants of Port-de-Grave and Bearneed, and other places, locate there. On the Beach, mid-way between the Bridges, is the most central and would be the most eligible site here—therefore I fixed upon a spot, but in consequence of the proprietor's absence at the Ice, I could not ascertain the boundaries, nor could I obtain information whether the land was claimed or not.—Should the School I have spoken of be established at Salmon Cove, another will be required at the Northern Gut.



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### BEARNEED AND PORT-DE-GRAVE.

There is a School established in Bearneed by the Newfoundland School Society, and another at Port-de-Grave by the same.

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### BAY ROBERTS.

There is a School in Mercer's Cove established by the Newfoundland School Society, but the population is sufficiently large to admit of another. If the Board determined upon an additional School in this Settlement, it should be situated so as to be rendered available to the Children residing between Mr. Pack's, and Mr. Cooley's Point.

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### SPANIARD'S BAY.

There is a School established here by the Newfoundland School Society.

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### ISLAND COVE, AND BREAD AND CHEESE COVE.

The Newfoundland School Society have established a School there, and are building a new School House between the two places—the dimensions of which are 45 × 21.—There are 41 Roman Catholic Children who do not attend that School. I have selected a spot of land between the two places—opposite Spoon Cove, and on the new line of Road.

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### BRYANT'S COVE, FEATHER POINT, PUMRIES, AND SOUTH SIDE, TO PETER SULLIVAN'S.

There is a School kept at Bryant's Cove by Thomas Malone.—There are 106 Children from 4 to 11 years, in the above places.

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### RIVER-HEAD, HARBOUR-GRACE,—FROM SHEPPARD'S, ON THE SOUTH-SIDE, TO PIPPY'S, ON THE NORTH-SIDE.

There are 242 Children between 4 and 12 years—35 of whom will be paid for.—There is a School kept there for the last seven years by Daniel Scott, for the Winter time only—I have selected a piece of ground, which the Inhabitants have purchased, and placed at the disposal of the Board—(see Bill of Sale.)

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### HARBOUR-GRACE.

There are two Schools established here—the St. Patrick's Free School, and the Newfoundland School Society School, at which the Children of the Poor can avail themselves of Education.

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### MOSQUITO.

There are, according to a list which was furnished me, 213 Children, between 4 and 14 years, in this place—there is no School open there.—Mrs. Donagan taught there during last Summer.

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### CARBONEAR.

There are several Schools in this place; but from the sum which is required from each pupil, they are attended only by the Children of the more wealthy—there is no School established there for the Education of the Children of the poorer classes, of which there are a considerable number, and entirely destitute of the means of obtaining Education.

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### CROCKER'S COVE, FRESH WATER, AND CLOWN'S COVE.

There had been no School opened in the above places for several years past, until last Winter, when Wm. Driscoll opened School at Fresh Water. Two thirds of the Children likely to attend School, may be relied on to be paid for. I have not yet been able to arrange for the spot of land required for the erection of a School House. I have been promised by Mr. Terrence Kennedy, with the consent of his Brothers, to place at the disposal of the Board a spot of land at Tantamarant.

## APPENDIX.

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### SALMON COVE, MARSHALL'S FOLLY, AND PERRY'S COVE.

There are 73 Children, from 4 to 11 years, in the above places—one half of whom would be paid for. The School should be situated at the S. W. end of Perry's Cove, at which place there is no School.

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### UPPER AND LOWER SMALL POINT, MULLY'S COVE AND BROAD COVE.

There is a School in Broad Cove, kept by Joseph Boggs; there are 178 Children, from 4 to 12 years—93 of whom will pay. The School should be situated on the South side of Broad Cove near the new Road.

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### BLACK HEAD, GUSSET'S COVE, AND BROAD COVE.

There are 124 Children between 4 and 12 years—one half of which will be paid for.—There is no school there.—I have been informed that Mr. Miller has taught during the Winter. I have selected a central spot, on the Eastern boundary of Black Head—the land is unoccupied, and is bounded on the South by John Forrestal's meadow, on the North by the road, on the S. W. and N. E. by the woods.

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### BRADLEY'S COVE, AND WESTERN BAY.

There are two Schools open here, on the South side of Western Bay, by Pierce Hanrahan, and on the North side by George Dalton—there are 178 Children between 4 and 12 years—of whom 85 will be paid for. I have selected a central spot between the Southern and Northern Bridges, bounded on the North by John Evans's garden, on the West by William Crommies, on the South by the woods, on the East by the new road.

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### OCHRE-PIT COVE, AND SMOOTH COVE.

There are, it appears, by a list of the Children furnished me, 133 Children—of whom one half will be paid for.—There is a School open in winter by Charles Webster.

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### NORTHERN BAY, AND GULL ISLAND.

There are in these places 130 Children, between 4 and 12 years; and from the best information I could get, there are not more than one third of whom could be relied on to be paid for. No School is open here.

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### BURN POINT, MOUNT PLEASANT, JOB'S COVE, AND RED LAND.

There is no School in either of the above places.—There are 120 Children, from 4 to 12 years—50 of whom will be paid for. I have selected an unoccupied spot on the Eastern side of the Droak, bound by Martin Hanrahan's plantation on the South, by the road on the West, by the woods on the North.

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### ISLAND COVE.

There are two Schools kept here during the Winter, by Mr. Broderick and by Mr. Lewis—there are about 190 Children, from 4 to 12 years—two thirds of whom will be paid for. I have selected a spot which was purchased by the Inhabitants and placed at the disposal of the Board. (See Bill of Sale.)

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### LOW POINT.

There are 35 Children, from 4 to 11 years—there is no School there. Thomas Power, of that place, has offered to teach School should he receive encouragement from the Board.

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### BAY DE VERDS.

There were two Schools open in this Settlement during the Winter by John Lynch, and by William Pippy—the latter was assisted by the Newfoundland School Society—there are upwards of 110 Children from 4 to 12 years, one half of whom would be paid for. I have with the assistance of the Inhabitants, selected a spot of ground known by the "Commons," bound on the North by the Catholic grave-yard, on the South by Edward Moore's garden, on the East and on the West by Dominick Flynn's garden.

## APPENDIX.

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In concluding this Report, I beg leave to state, for the information and guidance of the Board, that from the great difficulty of ascertaining the circumstances of the Parents, it will be proper to receive my statement as to the number of Children who are likely to be paid for, with some considerable caution; but upon the whole I think I may venture to say that if it is not precisely correct, it is sufficiently near the truth for the Board to form some tolerable idea. Perhaps I ought also to mention that wherever I went the Inhabitants appeared to appreciate the intentions of the Legislature, and to be desirous that the Schools should be established among them.

I have, &c.

(Signed,)

JAMES L. PRENDERGAST.

P. BROWN, Esq.

*Chairman of the Board of Education.*

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SECRETARY'S OFFICE,  
16th May, 1839.

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant including a copy of the Bye-Laws adopted at a meeting of the Board of Education of Conception Bay on the 2nd instant, and to acquaint you that the Governor is pleased to approve thereof; and that His Excellency has issued his Warrant in favor of the Board for £80, as requested.

I have, &c.

(Signed)

JAMES CROWDY.

P. BROWN, Esq.

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SECRETARY'S OFFICE,  
21st May, 1839.

A Warrant was this day issued constituting a new Board of Education for Conception Bay, (instead of that appointed by Warrant dated 18th February, 1839,) to be composed of the following persons, viz:—

The Reverend DENIS MACKIN  
" " CHARLES DALTON  
PETER BROWN  
JAMES POWER  
ROBERT J. PINSENT  
JOHN ELSON  
WILLIAM DIXON  
JOHN WALSH  
WILLIAM HANRAHAN  
JOHN M'CARTHY  
THOMAS POWER  
MICHAEL HOWLEY  
MICHAEL DOOLING

} Esquires.

By His Excellency's Command,

JAMES CROWDY,

*Secretary.*

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## APPENDIX.

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### *Trinity.*

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SECRETARY'S OFFICE,  
7th November, 1838.

SIR,

By the Governor's direction I transmit herewith a *Gazette* containing a copy of the Act amending the Education Act; and I am to express His Excellency's hope that the Board in Trinity District will, by commencing operations, extend to that District the benefits of the Act in question; or, should they not do so, by resigning afford His Excellency the opportunity of appointing a Board that will discharge the duties appertaining to them.

I have, &c.

(Signed)

JAMES CROWDY.

The Rev. W. BULLOCK,  
Trinity.

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SECRETARY'S OFFICE,  
14th December, 1838.

SIR,

Rev. W. Ellis,  
G. Skelton, Esq.  
James Wiseman, Esq.  
Mr. R. Ash, Jun.

The Governor having issued a Warrant constituting a new Board of Education for the District of Trinity Bay, in which the names of the Reverends James Morris and Adam Nightingale, and Messrs. T. F. Moore and — Gill, are substituted for those named in the margin. I transmit the same herewith, and remain,

Sir, &c.

(Signed)

JAMES CROWDY.

Rev. W. BULLOCK,  
Trinity.

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SECRETARY'S OFFICE,  
14th December, 1838.

A Warrant was this day issued (under an Act passed in the last Session of the Legislature) constituting the undermentioned Gentlemen a Board of Education for the Electoral District of Trinity Bay, viz.—

Reverend W. BULLOCK  
" JAMES MORRIS, R. C.  
" ADAM NIGHTINGALE, W. M.  
WILLIAM KELSON  
THOMAS DRAWBRIDGE  
ROBERT BAYLY  
JOHN THOMSON  
ALEXANDER BREMNER  
ARCHIBALD GRAHAM  
SAMUEL A. GENT  
WILLIAM STONEMAN  
THOMAS F. MOORE  
— GILL

} Esquires.

By His Excellency's Command,

JAMES CROWDY,  
*Secretary.*

## APPENDIX.

TRINITY PARSONAGE,  
3rd May, 1839.

SIR,

You will receive herewith a copy of the Resolutions passed at the General Meeting of the Board of Commissioners on the 1st inst., and they only await the approbation of His Excellency the Governor to be carried into immediate effect.

I have, &c.

(Signed)

WILLIAM BULLOCK.

*Chairman.*

Honorable

JAMES CROWDY.

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Resolutions passed *Nem. Con.* at a General Meeting of the Board of Education, 1st May, 1839.

1st.—That Schools be established in five different Settlements, viz.—

1. North side of Trinity Harbor.
2. Catalina.
3. New Harbor.
4. Hant's Harbor.
5. Old Perlican.

2nd.—That in compliance with the amended Act for the encouragement of Education, the sum of £375 stg. be applied to the erection of School Houses—that is to say, £75 cy. to each of the five Settlements, reserving the remainder for Contingencies. The frame to be first provided by the inhabitants.

3rd.—That the sum of £25 cy., annually, be paid to each of the School-Masters, reserving the residue for Contingencies.

4th.—That an Advertisement for Masters be as public as possible; and that a personal attendance of the Candidates be required on the day of the next General Meeting of the Board.

5th.—That the Schools be open for instruction throughout the year, except from the 20th day of June until the 31st July; and that the hours of attendance be—

From 9	to 12	}	from 1st May until 1st October,
&			
2	to 5	}	from 1st October until 1st May;
9½	to 12		
&		}	
2	to 4		

but on Saturdays there shall be no afternoon School.

6th.—That the Books now used by the Newfoundland School Society, including the Bible, be adopted by the Board for their several Schools; but that Roman Catholic Children shall not be compelled to read the Scriptures should their parents or guardians object to it.

7th.—That fourteen days' notice shall be given of every Special Meeting of the Board.

8th.—That the following Gentlemen compose a Building Committee:

Thomas Drawbridge, Esq., Messrs. Archibald Graham, Alexander Bremner, John Thompson, William Stoneman—with power to adopt plans and provide materials for the erection of the School Houses.

9th.—That these Resolutions be printed for the use of Members of the Board, &c.

(Signed)

WILLIAM BULLOCK,

*Chairman.*

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SECRETARY'S OFFICE,

13th May, 1839.

SIR,

Having received and laid before the Governor your letter of the 3rd inst., together with the copy of the resolutions of the Board of Education at Trinity therewith transmitted, I

## APPENDIX.

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am directed to acquaint you, in reply, that as the 6th resolution is contrary to the 3rd section of the amended Education Act passed last Session, it is unnecessary (until that is rescinded) for His Excellency to enter on the merits of the others.

I have, &c.

(Signed,)

JAMES CROWDY.

The Revd. W. BULLOCK,  
Trinity.

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ATTORNEY GENERAL'S OFFICE,  
3rd June, 1839.

SIR,

I have the honor, in reply to your letter of the 27th ult. to acquaint you, for the information of His Excellency the Governor, that on reference to the provisions of the Acts of 6 Wm. 4, and 2nd Victoria, I can find nothing directory on the point submitted by the Revd. Mr. Bullock in his letter of 20th May, nor can it, I think, be reasonably inferred that the building of the School Rooms should be necessarily suspended until the Rules in question are settled. But I am of opinion, that in the present instance it would be desirable that the Board of Education should proceed without delay to complete the Rules, or they may lay themselves open to the censure of "neglecting or omitting to attend to the duties of their Office;" and under the provisions of the 1st Sect. of 2nd Victoria, Cap. 5, be considered to have vacated their Office.

I have, &c.

(Signed)

JAMES SIMMS.

The Honorable  
Mr. Secretary CROWDY.

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TRINITY PARSONAGE,  
12th June, 1839.

SIR,

I beg to acquaint you, for the information of His Excellency the Governor, that in pursuance of a public notice, a Special Meeting of the Board of Education took place this day; to consider your letter of the 13th ult., when the following resolutions were adopted unanimously:—

First—That the Commissioners have referred to the 3rd Section of the amended Act of Education, and are of opinion that their 6th Rule is not at variance therewith.

Second—That the authorized version of the sacred Scriptures, without note or comment, being recognized by Law as the rule of faith established in Her Majesty's Dominions, the Commissioners do not conceive that it can be classed with Books of a Sectarian character.

Third—That the Commissioners are willing to adopt the elementary Books specified in the Act, but cannot conscientiously become accessory to keeping back the unmutated Word of God from Protestant Children in the Schools under their superintendance.

I have, &c.

(Signed)

WILLIAM BULLOCK,  
Chairman.

The Honorable  
Mr. Secretary CROWDY.

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ATTORNEY-GENERAL'S OFFICE,  
17th June, 1839.

I have great doubts of the Bible falling within the Proviso of the 3rd Section of the Act 2nd Victoria, Cap. 5, so as to be deemed a *Book of a character, or having a tendency, to teach or inculcate the doctrines or peculiar tenets of any particular or exclusive Church or Religious Society.*

## APPENDIX.

My opinion rather leans to the opposite inference; and if that be the proper interpretation of the clause, in reference to the Bible, then the Boards of Education are authorized, under the previous provision of the same Section, to choose and select such Books as may be used in the Schools.

(Signed)

JAMES SIMMS.

SECRETARY'S OFFICE,  
19th June, 1839.

SIR,

I have received and laid before the Governor your letter of the 12th inst. and in reply I am directed to say, that divided as this Community is into two equal parts, as respects religious profession, His Excellency is of opinion that no Book should be introduced into the Schools established and supported by the Public, under Colonial enactments, which, though approved by one sect, is objected to by the other. The authorized version of the Scriptures is accepted by the Catholics—the Douay version is rejected by the Protestants—consequently the introduction of either may be the means of driving from the said Schools, Children of the one or the other persuasion. Such his Excellency imagines was the impression of the Legislature in passing the amended Education Act; but in consequence of the accompanying opinion of the Attorney General, he withdraws his objection stated in my letter of the 13th ultimo, and, as far as his sanction is required, gives it to the Rules and Regulations adopted by the Board of which you are Chairman.

I have, &c.

(Signed,)

JAMES CROWDY.

The Revd. W. BULLOCK,  
Trinity.

### *Placentia and St. Mary's.*

An Account of the Number of Schools and Scholars, together with the cost and expenditure attending the same, in the District of Placentia and St. Mary's, for the year ending 6th May, 1838.

Place of abode.	Number of Schools.		No. of Scholars in constant attendance.		Teachers Salary.		Stationery for the whole of the Schools.	Remarks.
	Male.	Female.	Male.	Female.	Male.	Female.		
Great Placentia	1	1	24	51	£ 20	£ 20	The sum of £20 is still in the hands of the Treasurer: it was voted for a Female Teacher at St. Mary's for 1837, but in consequence of not being able to get one, that sum has now been given by the Board of Commissioners for a Winter School at Branch and Holyrood, both in St. Mary's Bay.	
Little Placentia	1	1	53	53	30	20		
St. Mary's	1	1	22	14	30	20		
Trepassy	1		43	8	20			
Red Island	1		13	10	12			
Harbor Bouffet	1		15	12	10			
Total	6	3	170	148	132	60	£8. 0 0	£200 0 0 Stg.

W. G. BRADSHAW,  
Chairman.

## APPENDIX.

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### *Burin.*

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WE, the Directors of the Board of Education for the Electoral District of Burin, under an Act entitled "An Act for the encouragement of Education and establishing Elementary Schools in this Island," beg to transmit the following Report to His Excellency the Governor for the information of the Legislature; and agreeably to the 3rd Section of the said Act, they also forward a Statement of Monies actually expended; and the different Sums appropriated for places where Schools are not yet established, that is to say:—

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#### BURIN HARBOUR.

In our last Report it was stated that one School only, with about Sixty Children in attendance, was in operation; the same continues to be well attended and the last quarterly return gives the number now under instruction to be Sixty-five. A Teacher has been engaged for Burin Bay School where Twenty-two are constant Scholars. Two other Schools are open and conducted by Female Teachers; one at Collins Cove with Twenty-six, and the other at Great Burin with Twenty Pupils; they have but small remunerating Sums voted pro. tem. as per statement, and in referring to which we beg to direct your Excellency's attention to the balance of Eight Pounds, Ten Shillings and Eleven Pence, against the Directors, so that next year without further aid some Schools must necessarily be discontinued.

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#### ROCK HARBOUR.

Here a School-House is about being erected by the Inhabitants; the latest information is encouraging; from Twenty to Thirty Scholars are in attendance, and the Inhabitants feel grateful for the opportunity afforded for instructing their Children, and quite satisfied with their Teacher; the Salary allotted for this place is small, and but for the spirited assistance of the Inhabitants no School could be supported.

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#### GREAT SAINT LAWRENCE.

This School has been well conducted and continues flourishing with an increased attendance of Scholars; most of the Inhabitants are poor and consequently unable to render much assistance. We deeply regret the necessity of discontinuing it for want of means, but this must be the case, and very shortly, as there is only sufficient means left to pay the Salary of the Teacher for a limited time, consequently instruction must be withheld from Sixty Children and upwards who will be left to their own pursuits, (how deplorable is such a state of things!) merely from the want of some further aid.

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#### FORTUNE AND GRAND BANK.

A School had been in operation at Fortune up to June last, when Fifty-eight Scholars were reported to be in attendance. The Teachers that had been engaged up to that time, left, and we are without information from the Directors there as to whether that School is now open, or of any others commenced, but on the receipt of which, no time shall be lost in furnishing such information.

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In addition we have only to say that in no other places are Schools established; the cause, as we before stated, originates from the want of means; for the small amount of the sum apportioned to those Harbours will not induce any worthy person to offer as Teacher, and we crave your Excellency's assistance in obtaining additional means.

By Order of the Board,

*Burin, 24th July, 1839.*

FREDERIC R. PAGE,

*Secretary.*



APPENDIX.

APPENDIX.

DISTRICT OF BURIN.

As Account of the Sums of Money appropriated and expended by the Members of the Board of Education by "An Act for the Encouragement of Education in this Colony," 6 Wm. 4 Cap. 13, for the Establishment and support of Elementary Schools throughout the District from the year 1836 to the 3rd July, 1839.

1839.	BURIN.	£.	s.	d.
July 3.	To this sum paid the Teacher, for 1 year, at Little Burin School	34	13	4
	— do. — for fitting up School Room in do.	2	9	5
	— do. — for a Stove, &c.	4	6	8
	— do. — for Books, &c.	1	12	6
	— do. — for Firewood	3	9	4
	— do. — the Female Teacher at the School, Collins Cove	8	13	4
	— do. — do. — at Great Burin School	4	6	8
	— do. — for 1 year's Rent of Little Burin School House	2	10	9
	To amount for the Teacher at Little Burin School, being 1 year's salary	34	13	4
	— do. — at Burin Bay School, — do. —	21	13	4
	Amount for the Female Teacher at Great Burin School, 1 year	4	6	8
	— do. — at the School Collins Cove, do.	8	13	4
	Amount for 1 year's Rent of Little Burin School House	2	10	9
	— do. — of Burin Bay School Room	2	10	9
		<u>136 10 2</u>		
	To balance	8	10	11

ROCK HARBOUR.

To amount for the Teacher at Rock Harbour School, 1 year	8	0	0
Do. of proportion for Rock Harbour	8	0	0
	<u>16 0 0</u>		

GREAT SAINT LAWRENCE.

To amount paid the Teacher at Great Saint Lawrence, being 1 year's Salary, and fitting up School, &c.	33	0	0
Amount of proportion for Great St. Lawrence	11	0	0
Do. Fees	1	9	4
	<u>12 9 4</u>		
	<u>45 9 4</u>		

FORTUNE AND GRAND BANK.

To amount paid the Members of the Board of Education resident in Fortune Bay, being three years proportion	51	0	0
Amount of proportion for Fortune and Grand Bank.	17	0	0
	<u>68 0 0</u>		

BEAU BOIS, FLAT ISLANDS, LAWN, AND LAMALINE.

To amount of proportion for three years	93	0	0
— do. — to the undermentioned places, viz.—			
Beau Bois, one year's proportion	10	0	0
Flat Islands — do. —	6	0	0
Lawn — do. —	5	0	0
Lamaline — do. —	10	0	0
	<u>£124 0 0</u>		

1839.	£.	s.	d.
July 3. By three years appropriation in the years 1836, 1837, and 1838	99	0	0
Less amount paid 5th December, 1839, as per general statement transmitted last year	5	15	7
	<u>93 4 5</u>		
Cash per Rev. Michael Berney, being the amount of Fees received by the Teacher at Little Burin School from the Parents of children attending his tuition	1	14	7
One year's Appropriation proportion	53	0	0
	<u>8 10 11</u>		
Balance	136	10	2

By three years appropriation	24	0	0
Less 2 years salary paid	16	0	0
	<u>8 0 0</u>		
One year's Appropriation	8	0	0
	<u>16 0 0</u>		

By three years appropriation	33	0	0
Cash per Rev. Michael Berney, being the amount of Fees received by the Teacher at Great Saint Lawrence School from the Parents of Children attending his tuition	1	9	4
One year's Appropriation	11	0	0
	<u>12 9 4</u>		
	<u>45 9 4</u>		

By three years Appropriation	51	0	0
One — do. —	17	0	0
	<u>17 0 0</u>		
	<u>68 0 0</u>		

By three years appropriation not expended, no schools being in operation	93	0	0
One year's appropriation not expended	31	0	0

124 0 0      124 0 0

By order of the Board, 24th July, 1839.

FREDERIC R. PAGE,  
Secretary.

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