

number of ex-officio members of the General Assembly be somewhat increased, say from three to five. As an experimental measure, and one which might without difficulty or delay be carried into effect, I would propose that the Council thus composed should be united to the same number of representatives of the people to be chosen for the same electoral districts, as sat in the last House of Assembly,—the argument for the extension of the number of that body* being considerably weakened, in my judgment, if not altogether destroyed by the addition which would be made to the numbers of the General Legislative Assembly by the nine members of the Legislative Council; the Assembly would then consist of twenty-four Members, of which fifteen would be chosen by the people,—a number sufficient to try the experiment, particularly as the Assembly would have power to increase its number by legislative enactment, so as to meet the increase of the population of the Island.

*To obtain a sufficient quorum, and thus to guard against (what has already occurred) the control of the public purse, and, in some respects, the management of public affairs falling into the hands of a few members of the Assembly at the close of a session.

—No. 4.—

(Confidential.)

Extract of a Despatch from Sir JOHN HARVEY, K. C. B., to Lord STANLEY, dated Government House, Newfoundland, 23d December, 1841.

I do myself the honour to acknowledge the receipt of your Lordship's despatch of the 19th ultimo, marked "Confidential," the contents of which shall receive my early and serious consideration and alteration. In the meantime, your Lordship will peruse, I trust with satisfaction, the modified suggestion which I have been induced to place before you in a confidential despatch, written a short time previous to the receipt of that from your Lordship, which I have now before me, relative to the union of the Council and Assembly, in one legislative body; to that despatch, therefore, written in anticipation of the arrival of the mail packet, whose almost immediate return leaves no time to do more than acknowledge communications, I have the honour to refer.

—No. 5.—

(Confidential.)

Extract of a Despatch from Governor Sir John Harvey, K. C. B., to Lord Stanley, dated Government House, Saint John's, Newfoundland, 10th January, 1842.

With reference to your Lordship's Despatch of the 19th November, marked "Confidential," I now proceed to place before your Lordship some further observations and information explanatory of the views which I had the honor to present to you in my confidential report of the 6th October, 1841.

Qualification of Voters.

I am of opinion that to require any rent qualification whatever, or any property one, beyond perhaps the lowest value of a log hut, (say 40s) and that, in fact, can scarcely be regarded as the property of the squatter, from being erected on ground to which he can have acquired no other title than such as an unauthorized occupancy may be considered conferring upon him, would operate a very extensive disfranchisement in the country districts, without at all improving, or indeed materially changing, the description of voters; and with regard to the towns, the qualifications being already restricted by an Act of the local Legislature to one person in each house, viz: him by whom the rent is paid, no further provision would appear to be required upon this subject. At the same time I would observe, that if a rent qualification of, say £5, in towns, be considered desirable, and could be confined to the towns, I do not think, for the reason which I have just assigned, that it would produce any material diminution in the number of voters, although it certainly would, if extended to the district in which those towns are situated; this effect, however, might be guarded against by an alteration in the electoral divisions.

The class of emigrants which I understand is in the habit of resorting to this island may be described as being of a transitory, unsettled, experimental character, a considerable proportion of it passing onwards into some of the other colonies of British America, or into the United States, after having tried the fisheries as servants or labourers for a single season, and not relishing the pursuit, which is one of considerable hardship, but having through it acquired the means of proceeding onwards. This class, having no settled interest in the colony, should be excluded from the constituency; but after a residence in the island of full two years, by which a pledge is in some measure afforded of a disposition to adopt the island as a future abode, the object of the government and of the legislature should then, I conceive, be to encourage and confirm that disposition, by conferring upon such persons the elective franchise. Again, with reference to a rent or property qualification as regards the inhabitants of the country districts, I am inclined to think that considerable difficulty might be found to exist (even if the government was ready in all cases to confirm the squatters in the occupation of their lots) from the circumstance of their not having been regularly surveyed. Perhaps the quickest and simplest mode of escape from this difficulty might be, to institute a scrutiny into the fact of the continued occupation of their lots for two complete years, and then to allow the establishment of that fact not only to confer upon the oc-

cupant a claim to the elective franchise, but also a title to the ground in his actual occupation, and consequently to the improvements which he may have made upon it. Such an arrangement would not be attended with any material difficulties.

From the constituency, both in towns and the country, should certainly be excluded, if practicable, paupers, individuals receiving public charity for themselves or their families, and persons of notorious bad character, or such as may have been convicted of any offence of a deeply criminal character.

With these observations and explanations, I beg to renew my recommendation that the qualifications for voters for members of the popular branch of the legislature in Newfoundland be not for the present raised beyond two years' continued residence in the island. This recommendation refers, of course, only to British subjects.

Qualification of Members.

With regard to the qualification of the members of the Assembly, I have found no reason to alter, but many to induce me to adhere to, my former suggestions on this subject; I allude to the concurrent opinions of individuals, considered as among the best informed and most moderate of every creed and party, in favour of the sufficiency of the qualification suggested in my despatch of 6th October; viz. the possession of £500 clear of all debts, or £100 per annum.

Money Grants.

Whether derived from that fiction of the constitution by which the Sovereign is supposed to be vested with all the property of the realm, or merely from parliamentary usage, the rights of the Crown to originate all money grants must surely be regarded as still less equivocal in the colonies than even in the parent state, inasmuch as that the former can possess no other revenues than such as are derived from a voluntary surrender by the Crown, on certain conditions, for the benefit of Her Majesty's loyal subjects, either of the Crown estates, or of imposts levied on Her Majesty's subjects in Her Majesty's name, by Her authority, and for Her service. In graciously conferring upon these colonies a form of constitution as nearly analogous to that of the parent state as their actual condition will admit of, Her Majesty has not, I conceive, intended to divest Herself of Her undoubted right to prescribe in what mode the privilege of appropriating the public monies which is thus conferred upon them shall be exercised; and it has accordingly become the established usage, sanctioned by the Crown, that each branch of the General Assembly of each Province shall be enabled freely to exercise its separate and independent judgment, not only upon the expediency and amount of every vote of supply in aid of the public service, but on every item of which such vote may consist. This is effected either by the introduction in the Assembly of separate Bills for each separate branch of the public service, or by a series of separate resolutions (ultimately embodied in any appropriation or supply Bill), to all of which the concurrence of the Legislative Council is essential. No private money bills or petitions for relief are ever entertained by the Speaker of the House, or the chairman of any committee of supply, without the permission of the Queen's Representative having been previously obtained.

This practice has been cheerfully acquiesced in by the Assemblies of the Provinces with which I have been connected, and has, as respects these Provinces, been productive of legislative harmony and general satisfaction; and I shall accordingly deem it to consist with my duty to urge upon the Assembly of this Island the necessity of assenting to a similar course of proceeding, or of leaving to the local government the originating of all money grants, to be separately discussed and concurred in by both branches of the legislature.

At a Special Sessions of the Peace for the County of York, convened pursuant to Notice, and holden at the County Court House in Fredericton, on Monday the 19th day of July, 1842:

WHEREAS very great distress prevails in many parts of this County, and unless immediately relieved, very serious consequences may be apprehended; therefore

Ordered, That the credit of this County be pledged to the extent of £200, in order to meet the distress; and that the said sum be distributed in such Parishes as may apply for relief through the Overseers of the Poor thereof, respectively; and the relief so afforded under the direction of the Magistrates of the several Districts, shall be chargeable upon the said Parishes, in proportion to the amounts received by each Parish.

And further ordered, That the following persons be a Committee to negotiate the said Loan, and to carry the contemplated objects into effect, viz:—

Mr. Justice PICKARD,
Mr. " TAYLOR,
Mr. JOHN SIMPSON,
Mr. SPAFFORD BARKER.

Extract from the Minutes.

GEO. J. DIBBLEE, Clerk of the Peace, York.

For the purpose of carrying into effect the Resolutions entered into by the Magistrates of the County, on Monday, published in to-days Gazette, and by which the distress and destitution alleged to exist in some of the Parishes will be relieved, a sum of money