

THE STAR

And Newfoundland Advocate.



Vol. VIII.

THURSDAY, DECEMBER 31, 1846

No. 339.

ST. JOHN'S:—Printed and Published by JOHN THOMAS BURTON, at his Office, Meeting-House Hill.

GENERAL ASSEMBLY.

The following is the copy of a Bill brought in by Mr. PRENDERGAST, read a first time on the 24th, and ordered for a second reading on the 28th instant:—

A BILL to regulate the appointment of Sheriffs.

WHEREAS by an Act of the Imperial Parliament passed in the Fifth Year of the Reign of his late Majesty King George the Fourth, entitled "An Act for the better administration of Justice in Newfoundland and for other purposes," and which said Act was to continue in force for the period of five years, it was declared and enacted that it should be lawful for his said Majesty by his Charter or Letters Patent under the Great Seal, to institute a Supreme Court of Judicature in Newfoundland, which should be called "the Supreme Court of Newfoundland." And whereas by subsequent Acts of the Imperial Parliament passed respectively in the Fifth Year of the Reign of his said Majesty, and in the Third Year of the reign of his late Majesty King William the Fourth, the said recited Act has continued in force until the same should be repealed, altered or amended by any Act or Acts which might for that purpose be made by His Majesty with the advice and consent of any House or Houses of General Assembly which His Majesty might at any time see fit to convoke within the Colony of Newfoundland. And whereas in pursuance of the provisions of the first recited Act his said Majesty King George the Fourth by Letters Patent under the Great Seal and dated at Westminster the Nineteenth day of September, in the Sixth Year of his said Majesty's Reign, did erect and constitute a Supreme Court of Judicature in Newfoundland, and in and by the said Letters Patent did further ordain and declare that the Governor or acting Governor for the time being of the said Colony of Newfoundland should yearly and on the Monday next following the First day of January of each year, by Warrant under his hand and seal, nominate and appoint some fit and proper person to act as and be the Sheriff of Newfoundland and its Dependencies, other than the Coast of Labrador, for the Year ensuing; which Sheriff when appointed should as soon as conveniently might meet, and before he should enter upon his said office, take, before the Governor or Acting Governor of the said Colony, an Oath faithfully and impartially to execute the duties of his said office; and such Sheriff should continue in his said office for the space of one whole year, and until another Sheriff should be appointed and sworn into the said office, and before entering upon the duties of his office, should enter into a recognizance in the sum of Five Thousand Pounds, with two good and sufficient sureties in the sum of Two Thousand Pounds each, for the due and faithful performance of the duties of his office and for the due payment of all such sums of money as might be levied or received by virtue of any process, rule, or order of the Supreme and Circuit Courts or of either of them; and further, that it should be lawful for the Governor or Acting Governor of the said Colony, to renew from year to year, the appointment of the same person as Sheriff of the said Colony and its Dependencies, and in selecting the person to be appointed to the said office the said Governor or Acting Governor should conform to such written instructions or commands, as might from time to time be signified by his said Majesty, His Heirs and Successors, to him by one of the principal Secretaries of State. And whereas, by an Act of the Local Legislature, passed in the Fifth Year of the Reign of Her present Majesty, it was provided that the Sheriff and two Deputies, one for the Northern and one for the Southern District of the said Island, should receive certain salaries in lieu of all fees of office, which fees were to be paid into the Colonial Treasury. And whereas, the amount of fees received and paid into the Treasury by the said Sheriff, since the passing of the last mentioned Act, has been found to be considerably under the whole amount of salaries paid therefor. And whereas, much inconvenience, injury and loss, has been in the Administration of Justice, from the want of more numerous Deputies than are provided for by the said last mentioned Act; and it is therefore expedient that the said law with respect to the appointment of Sheriffs in this Colony should be in other particulars amended.

Be it therefore enacted, by the Governor, Council and Assembly, in legislative Session convened, That from and after the first Monday in January next after the passing of this Act, an Act passed in the Sixth Year of the Reign of Her present Majesty, entitled "An Act to commute the Fees levied by the High Sheriff of this Colony, and to provide for the Salaries of the said Sheriff and his Deputies," shall be, and the same is hereby repealed; and that from and after such time as aforesaid, the office and

functions of Sheriff of Newfoundland and its Dependencies, other than except the coast of Labrador, shall cease and be abolished.

II.—And be it enacted, That the Governor or Administrator of the Government for the time being, shall, on the first Monday in January next after the passing of this Act, and on the first Monday in January in each ensuing year, by Warrant under his hand and seal, nominate and appoint in each of the Judicial Districts of the Colony, some fit and proper person to act as and be the Sheriff of such District, which Sheriff, when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said office, take, before the Governor or Administrator of the Government for the time being, an Oath faithfully and impartially to execute the duties of such his office, and such Sheriff shall continue in office during the space of one whole year; and in case such Sheriff shall die in his said office or depart from the Colony of Newfoundland and its dependencies, then and in such case another person shall, as soon as conveniently may be after the death or departure of such Sheriff, be in like manner appointed and sworn in as aforesaid for the remainder of the year, and until another Sheriff shall be duly appointed and sworn into office. Provided that it shall be lawful for the Governor or Administrator of the Government for the time being, to renew, from year to year, the appointment of the same persons as Sheriff in each of the said Districts and that in selecting the persons to be appointed to the said Offices, the Governor or Administrator of the Government for the time being, shall conform to such written instructions or commands as may from time to time be signified by Her Majesty, Her Heirs or Successors to him, through one of the Principal Secretaries of State: And Provided also, that before entering upon the duties of his office, each of such Sheriffs shall enter into a recognizance before the Supreme Court of Newfoundland to her Majesty, Her Heirs and Successors, in the sum of with two sufficient sureties in the sum of each, for the due and faithful performance of the duties of his office, and for the due and punctual payment of all such sums of money as may be by him received by virtue of any process, rule or order of the Supreme Court or of any of the Circuit Courts of Newfoundland.

— And be it enacted, That the Sheriffs so to be from time to time appointed as aforesaid, shall within the Districts to which they shall be respectively appointed, have, use, exercise and perform the like powers and duties, and in like manner, and under and subject to the like conditions, limitations, restrictions and provisions, to all intents and purposes, as are declared and provided with respect to the Sheriff of Newfoundland and its dependencies, under and by virtue of the Royal Charter for establishing the Supreme and Central Circuit Courts of Newfoundland.

IV.—And be it enacted, That the said Sheriffs so to be appointed as aforesaid, shall respectively have and receive the following Salaries, that is to say, the Sheriff of the Central District, *Five Hundred Pounds per annum*; the Sheriff of the Northern District, *Three Hundred Pounds per annum*; the Sheriff of the Southern District, *Two Hundred Pounds per annum*; which Salaries shall be paid quarterly, by Warrant of the Governor or Administrator of the Government for the time being upon the Colonial Treasurer, and shall be in lieu of all Fees and Costs whatsoever, which by virtue of any law, or general rule or order of the Supreme Court, now or hereafter to be in force, have been or shall be from time to time taken and received by the Sheriff of Newfoundland by virtue of his office; which said Fees and Costs shall be annually accounted for and paid over by the said Sheriffs respectively to the Colonial Treasurer for the uses of the Colony: Provided nevertheless, that it shall be lawful for either of the said Sheriffs who shall so desire, to appropriate to his own use all such Fees and Costs as may be received by him in lieu of the Salary hereinbefore provided.

THE CHOLERA.—Six princes and several princesses of the court at Persia have been cut off by the Asiatic cholera. The disease appears to have been particularly fatal among the upper classes. It was spreading in all directions, and had taken the course of Astrachan and Moscow. It was expected, however, that its progress would be arrested by the cold of winter. According to the last accounts from Bagdad, the cholera was making great ravages in the city, 1400 persons having already

been killed by the disease. Fears are entertained that it will reach Constantinople, as it was from the same direction that the last attack came.

A French physician is said to have invented a new ear-trumpet, by means of which words uttered in a low tone may be heard at a longer distance by two-thirds than by any other instrument.

Abd-el-Kader is reported to have entered the province of Oran, at the head of 800 cavalry.