



AND

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An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the laws respecting the same.

[12th October, 1839]

WHEREAS it is necessary and expedient to amend the Acts now in force respecting the erection and support of Light Houses within the Colony, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same.

Be it therefore enacted, by the Governor, Council, and Assembly, that the following Acts, to wit:—  
An Act passed in the second Session of the 4th year of the reign of his late Majesty King William the 4th, entitled "An Act for the Establishment of Light Houses."

An Act passed in the second Session of the 5th year of the reign of his late Majesty King William the 4th, entitled "An Act for the establishment of a Light House on Harbor Grace Island."

An Act passed in the first year of the reign of her present Majesty, entitled "An Act to authorize the raising by loan a further sum of money for the completion of the Light House on Harbor Grace Island, and to make further regulations respecting the same."

And the same severally are, hereby repealed, save and except all such clauses and parts of the said Acts, or any of them, as provide for or relate to the repayment of any and all sums of money, that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.

2d.—And be it further enacted, that the expenses of supporting, maintaining, and keeping up the several Light Houses now erected or hereafter to be erected under the authority of the Legislature, in the Colony, and also the Salaries and remuneration to the Light House Keepers and their Assistants, (if required) shall be borne and defrayed out of the public Treasury of the Colony, by Warrant under the hand and seal of the Governor or person administering the Government for the time being.

3d.—And be it further enacted, that it shall and may be lawful for the Governor, or person administering the Government for the time being, by and with the advice of Her Majesty's Council, to appoint five persons to be Commissioners, of whom three shall be a quorum, for the purpose of superintending, directing, and regulating the management of the affairs of the said several Light Houses; which said Commissioners are hereby constituted a Board of Audit and Control for the administration of all matters touching and concerning the conducting and maintenance of all Light Houses belonging to this Colony; and in case of the death, absence, or resignation, of any such Commissioner or Commissioners, it shall and may be lawful for the Governor, or person administering the Government for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or they stead.

4th.—And be it further enacted, that it shall and may be lawful for the said Commissioners, or any three of them, to appoint Light House Keepers, and Assistants (if required) for the several Light Houses hereinbefore mentioned, or which may hereafter be erected, and that the salaries of and remuneration to such persons so to be appointed, and the incidental expenses of supporting, maintaining and keeping up the said Light Houses, shall be subject to the control and approval of the Legislature.

5th.—And be it further enacted, that

for the purposes of this Act, there shall be raised, levied, collected, and paid, to Her Majesty, Her Heirs and Successors, upon every Merchant Ship or Vessel, entering any port within the Colony, from Cape Ray to Cape John, (other than Coasting, Sealing and Fishing Vessels), a duty or rate of three pence sterling per ton, for every ton register measurement of each respective Vessel as aforesaid; Provided, that such duty shall not be levied upon any such Ship or Vessel more than twice in each year. And that there shall in like manner be raised, levied, collected and paid upon every registered, decked Vessel (employed in the Sealing, Fishing, or Coasting trade of the Colony, or the Labrador), and entering any of the Ports aforesaid, the rate for duty of Twenty Shillings sterling for each and every such Vessel, from Ninety tons burthen and upwards; and a like rate or duty of Fifteen Shillings sterling for each and every such Vessel exceeding Sixty tons burthen and under Ninety tons register tonnage, per annum; and a like duty or rate of Ten Shillings sterling for each and every such Vessel less than Sixty tons burthen, register tonnage, per annum.

6.—And be it further enacted, that the Collector of Her Majesty's Customs at the Port of Saint John's is hereby authorized and empowered to appoint the several Sub-Collectors within the Colony, or some other fit and proper person or persons in such Ports, where no such Sub-Collector shall reside, to demand, recover, and receive, the said several duties and rates imposed by this Act; and that all monies raised and levied under the provisions hereof shall be paid over quarterly to the said Collector of Her Majesty's Customs a commission of ten per centum upon the amount so raised, levied and collected, as a compensation for the trouble in collecting the same.

7th.—And be it further enacted, that on the non-payment by the Master, Owner or Owners of any Ship or Vessel, of any duty or dues incurred or payable under this Act, such duty or dues shall and may be sued for and recovered by and in the name of the person or persons duly authorized to receive the same, in a summary way, before any one or more Justice or Justice of the Peace, within the district where such person or persons so authorized as aforesaid may reside, together with all costs incurred, and shall be levied on the Goods and Chattels of the Owner or Owners, or of the Master of the respective Ship or Vessel on account of which the said Light duty, or dues, shall severally and respectively be payable.

8th.—And be it further enacted, that it shall not be lawful for the Collector of Her Majesty's Customs at the Port of Saint John's, nor for any Sub-Collector or other Officer of Customs, within the Colony, to admit to entry any Ship or Vessel, subject and liable to the payment of any such duties or dues aforesaid, within the several Ports of the Colony as aforesaid, until the said duties and dues imposed by this Act shall be paid to the person duly authorized to recover the same; and likewise that it shall not be lawful for the said Collector, or any Sub-Collector, or other Officer of Customs, as aforesaid, to grant a clearance to any Coasting or Fishing Vessels within the description herein before set forth in this Act, until the several dues and duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

9th.—And be it further enacted, that a detailed account of all rates and dues received on account of the said Light Houses, and a particular statement of all costs, charges and disbursements incurred or paid, shall be furnished annually, by the said Board of Control, to the Governor, or person administering the Government for the time being, to be laid before the Legislature at the commencement of each Session.

10th.—And be it further enacted, that any money raised under the provisions of this Act, and remaining in the Treasury of the Colony after the disbursements of the annual expenses of the said several Light Houses, shall be held by the Treasurer as a separate fund, for the purposes of Light Houses, and shall not be placed by the said Treasurer in his general accounts of duties and monies received for the service of the Colony, 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 or 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.

11th.—And be it further enacted, that this Act shall continue and be in force for the period of three years, and from thence to the end of the next session of the General Assembly.

An Act to regulate the Granting of Licenses for the Sale by Retail of Wines, Ale, and Spirituous Liquors, in Newfoundland.

[12th October, 1839.]

WHEREAS in order to conduce to the more equal and efficient collection of License Monies from all the Venders of Wines, Ale, and Spirituous and other Liquors by Retail, it is expedient to amend the Laws relating to the granting of Licenses, and also to provide a more summary and less expensive mode of proceeding against persons guilty of violating the same contrary to Law.

1st.—Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that the Justices at the several Sessions of the Peace that shall be holden next after the publication hereof in the respective districts of this Island, shall and they are hereby authorized and required to make and ordain rules touching and concerning the Granting of Licenses to Persons selling or intending to sell Wines, Ale, and Spirituous Liquors, in less quantities than two gallons at one time, and by such rules shall regulate the scale of License Monies payable within the several localities in the respective districts of this Island; Provided that within the town of St. John's and its vicinity the said License Money shall not in any place exceed the sum of Seven Pounds Ten Shillings, and shall not be less than two Pounds Ten Shillings; And provided further, that in the Towns of Carbonear, Harbor Grace, and Brigus, and their vicinities, the said License Money shall not exceed in any place the sum of Five Pounds, nor be less than the sum of Two Pounds Ten Shillings.

2d.—And be it further enacted, that the said rules shall specify the metes and bounds within which, in the said several Towns and vicinages, the said several sums shall be payable for and on account of such Licenses; Provided that in the other Towns, and places of the Central District of this Island, and in all other places in the Northern and Southern Districts, the sum chargeable for such License shall in all cases be Two Pounds Ten Shillings.

3d.—And be it further enacted, that the Justices of the Peace at every General or Quarter Sessions of the Peace shall be authorized, and they are hereby empowered, to grant Licenses to such persons as the said Justices shall, in the execution of the powers herein contained, and in the exercise of their discretion, deem fit and proper, to sell Wines, Ales, and Spirituous and other Liquors, by retail; and such License shall be and continue in force for one whole year from the date of the issue of the same.

4th.—And be it further enacted, that every person who shall sell, barter, ex-

change, or for valuable consideration otherwise vend, Wines, Ales, or Spirituous Liquors, by retail, or shall permit or suffer any Wines, Ales, Spirituous Liquors to be sold, bartered, exchanged, or otherwise vend for valuable consideration, by retail, without being duly licensed so to do, shall for every such offence, on Summary conviction before any one Justice of the Peace, for it and pay a sum or penalty not exceeding Ten Pounds nor less than Two Pounds Ten Shillings, together with the costs of the conviction, Provided always, that no penalty for such sale, barter, exchange, or other disposal of any such Wines, Ale or Spirituous Liquors by Retail, without License, shall be incurred by the Justices, Executors, Administrators or Assigns of any person Licensed under this Act who shall die, become bankrupt, or take the benefit of any Act for the relief of Insolvent Debtors, before the expiration of his License, so as such sale, barter, exchange, or other disposal of such Wines, Ale or Spirituous Liquors shall be *bonafide* for the benefit of the estate of such person having deceased or become insolvent, and take place or to the General or Quarter Sessions then next ensuing, unless such General or Quarter Sessions shall be holden within fourteen days next after the death, bankruptcy, or insolvency of the said person; and in any such case, to the General or Quarter Sessions which shall be holden next after such General or Quarter Sessions as aforesaid.

5th.—And be it further enacted, that any person who shall think himself aggrieved by such conviction may appeal against the same to the next General or Quarter Sessions of the Peace holden in or nearest to the place where such conviction shall have been made, unless such General or Quarter Sessions shall be holden within twelve days next following and in that case to the next following General or Quarter Sessions to be holden as aforesaid, and not afterwards; Provided that such person shall give to such Justice notice in writing of his intention so to appeal, and of the cause and matter thereof, within five days next after such conviction, and shall within such five days enter into a recognizance with two sufficient sureties, before a Justice of the Peace of the District within which such conviction shall have taken place, conditioned to appear at such Session, and to try such appeal, and to abide the Judgment of the Court thereon; and to pay such costs as by the said Court shall be awarded; And the Judgment of the said Court shall be final to all intents and purposes; And in case the party shall not within the time limited as aforesaid serve such notice of appeal, and enter such recognizance, or in case such conviction shall have been affirmed by the said Court of General or Quarter Sessions, the said penalty, with all reasonable costs, shall be recovered by distress and sale of the offender's goods and chattels.

6th.—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, Coculus 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, Coculus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient shall have been used, mixed or infused; and any person who have 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

PACKING

Grace Packets

being now undergone such accidents in her accompaniment, as the safety, comfort, and convenience of passengers can possibly suggest, a care being also been taken to resume her usual course, leaving Harbour GRACE on WEDNESDAY, at 10 o'clock, and Port of St. John's on THURSDAY, at 10 o'clock, and Port of St. John's on FRIDAY, at 10 o'clock.

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5s.

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