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ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.

[Passed 20th April, 1841.]

MAY IT PLEASE YOUR MAJESTY,

WE, Your Majesty's most dutiful and loyal subjects the Commons of Newfoundland; in General Assembly convened, towards raising the necessary Revenue to defray Her Majesty's Public Expenses in this Island, and to provide for the permanent improvement of the Colony, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter mentioned; and do therefore beseech Your Majesty that it may be enacted, *And be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, and by the authority of the same, that from and after the Thirtieth day of June, in the year of Our Lord one Thousand Eight Hundred and Forty-one, there be raised, levied, collected and paid unto Your Majesty, Your Heirs and Successors, upon all Wines and Spirits, and upon all Goods, Wares and Merchandize imported into this Colony and its Dependencies, the several Duties, as the same are respectively set forth in Figures in the Table of Duties hereinafter contained, and denominated—

Preamble.

Duties imposed by this Act.

A Table of Duties payable upon all Wines, Spirits, Goods, Wares and Merchandize, imported into Newfoundland and its Dependencies.

Table.

						£.	s.	d.
All Wines in Bottles	....	....	....	....	the Gallon	0	2	0
All other Wines	....	....	....	....	the Gallon	0	1	0

	£.	s.	d.
For every Gallon of Brandy, Geneva and Cordials, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength and for any greater or less quantity than a Gallon.—The Duty per Gallon	0	0	6
For every Gallon of Rum and Whiskey, the Manufacture of the United Kingdom or of any of Her Majesty's Colonies or Possessions, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength and for any greater or less quantity than a Gallon.....The Duty per Gallon	0	0	6
For every Barrel of Apples	0	1	0
For every Cwt. of Salted Beef and Pork	0	1	0
For every Cwt. of Bread or Biscuit	0	0	3
For every Hundred Weight of Butter	0	1	6
Coals, the Ton	0	1	0
For every Barrel of Flour not exceeding in Weight 196 Pounds	0	1	0
Goods, Wares and Merchandize, not otherwise enumerated, described, or charged with duty in this Act, and not herein declared to be duty free, for every £100 of the true value thereof	3	10	0
Molasses			Free.
Salt			Free.
Implements and Materials fit and necessary for the Fisheries, —Videlicit, Lines, Twines, Hooks, Nets, and Seines			Free.
Coin and Bullion			Free.
Horses, Mares and Geldings			Free.
Neat Cattle and Calves			Free.
Sheep			Free.
Hogs			Free.
Potatoes, and all other Vegetables			Free.
Printed Books			Free.
Lumber, the Thousand Feet, One Inch Thick	0	2	6
Oatmeal, the Barrel, not exceeding in weight 200 pounds	0	0	6
Ton Timber and Balk of all kinds, including Scantling, the Ton	0	1	6
Shingles, the Thousand	0	1	0
Tea, the Pound	0	0	2
Refined Sugar, the Hundred Weight	0	5	0
Unrefined or Clayed Sugar, the Hundred Weight	0	2	0
Cigars, the Thousand	0	10	0
Manufactured and Leaf Tobacco, the Pound	0	0	1
Tobacco Stems, the Cwt.	0	1	0
Ale, Porter, and Cider, for every £100 of the value thereof	5	0	0

Duties to be paid by Importers.

All which Duties shall be paid by the Importer or Importers of such Articles to the Collector or Sub-Collectors of Her Majesty's Customs, and shall be collected and secured by the means, and under the regulations and penalties, and in the way and manner, hereinafter provided.

Timber, Lumber, &c., previous to entry to be measured as required by Law.

II.—*And be it further enacted*, that upon the entry of any Timber, Lumber or Shingles, subject to Duty by this Act, and which may hereafter be imported into this Island or its Dependencies, the Master

4th Victoria, Cap. 1.

or Commander of the Vessel in which such Timber, Lumber, or Shingles, may have been imported, shall, before such Vessel shall be cleared at the Customs, produce to the Collector or Sub-Collector, respectively, a certificate from some one of the Sworn Surveyors of Lumber appointed by Law, of the true measurement and contents of such Timber, Lumber, or Shingles respectively.

III.—*And be it further enacted*, that the said Duties shall be raised, levied, and exacted, on all such Goods, Wares, and Merchandize, over and above and in addition to the Duty or Duties now raised, levied, or collected on the same articles, under and by virtue of an Act of the Imperial Parliament passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, “*An Act to regulate the Trade of the British Possessions abroad*,” and over and above and in addition to any Duty or Duties now raised, levied or collected, or which hereafter may be raised, levied or collected, on the same, under or by virtue of any other Act or Acts of the Imperial Parliament; and that nothing in this Act contained shall reduce or lessen, or be construed to reduce or lessen, the amount of any such Duty or Duties, now received or receivable under the said Acts of the Imperial Parliament or any of them.

Duties hereby imposed to be in addition to those previously existing.

IV.—*And be it further enacted*, that all sums of Money granted or imposed by this Act, either as Duties, Penalties, or Forfeitures, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*; and that all such Duties shall be paid and received according to British Weights and Measures in use on the *Sixth* day of *July*, One Thousand Eight Hundred and Twenty-five; and that in all such cases where such Duties are imposed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Duties to be in Sterling, and according to Imperial Weights and Measures of July 1825.

V.—*And be it further enacted*, that the produce of the Duties received by the means and powers of this Act shall be accounted for and paid quarterly by the Collector or Sub-Collector of Her Majesty's Customs, into the hands of the Treasurer or Receiver General of this Island, or other proper officer authorized to receive the same, to be applied to such uses as shall be directed by the Legislature of the Island of *Newfoundland*.

Duties to be paid over to Colonial Treasurer quarterly.

VI.—*And be it further enacted*, that all Ships and Vessels arriving at any Port, Harbour, Roadstead or Cove, in this Island or its Dependencies, having on board any Goods, Wares or Merchandize, and the Masters, Owners, Consignees and Importers of the same respectively, shall be under and subject and be liable to the same Rules, Regulations, Forms and Restrictions as are expressed and contained in an Act passed in the Imperial Parliament in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled “*An Act to regulate the Trade of the British Possessions abroad*,” in respect to the report and entry of such Vessels and their Cargoes with the Collector of Her Majesty's Customs or the Sub-Collector as aforesaid, both inwards and outwards, the entry of Goods comprising any of the said articles to be laden or unladen, the payment of all Duties and Dues, the entry inwards of such Goods by Bill of Sight, the Regulations made and provided in case the importer of any Goods subject to Duty under this Act should refuse to enter the same and pay the Duties thereon, the validity of any entry made, the mode and manner of Ware-

Same forms of entry &c to be observed as directed by 3 & 4 Wm. 4, Cap. 59.

tively authorized to administer such oath; and in case of failure or refusal to produce such Invoice (unless there be no such Invoice) or to answer such questions or to answer them truly, or if other than the true and real Invoice be produced, or if such true and real Invoice be altered by such Importer or his known Agent, then and in every such case such Importer shall forfeit the Sum of *One Hundred Pounds*: *Provided always*, that if such Articles be charged with Imperial Duties, and have been valued according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying or securing the Colonial Duties thereon.

IX.—*And be it further enacted*, that if, upon examination, it shall appear to the Collector or Sub-Collector of Her Majesty's Customs, Landing Waiter, or Guager, that such articles are not valued according to the true value thereof, it shall be lawful for such Collector or other Person to detain and secure such Articles, and within *three days* from the landing thereof to take such Articles for the use of the Crown; and the said Collector or other Person shall thereupon, in any such case, cause the amount of such valuation, with an addition of *Ten Pounds per Centum* thereon, and also the Duties paid upon such entry, to be paid to the Importer or Proprietor of such Articles, in full satisfaction for the same, and shall dispose of such Articles for the benefit of the Crown; and if the produce of such Sale shall exceed the Sum so paid, and all charges incurred by the Crown, One Moiety of the overplus shall be given to the Officer or Officers who shall have detained and taken such Articles, and the other Moiety detained for the benefit of the Crown shall be paid to the Treasurer or Receiver General of this Island, or other proper Officer authorized to receive the same, to be applied to the public uses of this Colony, as the Legislature shall direct.

Goods under-valued. may be detained and sold.

Appropriation of proceeds.

X.—*And be it further enacted*, that in cases where the Duty imposed by this Act shall not amount to more than *Twenty-five Pounds*, the Collector or Sub-Collector of Her Majesty's Customs shall forthwith collect the same, before granting his Warrant for the removal of the articles so imported; and in case such Duty shall amount to more than *Twenty-five Pounds*, then such Collector or Sub-Collector shall be at liberty to secure the said Duties by taking Bond from the Importer, Owner, or Consignee, to Her Majesty, Her Heirs, and Successors, with Two sufficient Sureties, for the payment of the Rates and Duties herein-before mentioned, in manner following, that is to say—for Wines and Spirits, and for all other Goods, Wares and Merchandize whatsoever, in *Four Months* from the date or dates of such Bond or Bonds respectively.

Duties not amounting to £25 to be paid immediately—above that amount Bond may be taken.

XI.—*And be it further enacted*, that there shall be allowed on the exportation of all Wines, and all Brandy, Gin, Rum, and all other Spirituous Liquors, and all Muscovado Sugar, from this Island of *Newfoundland* to the *United Kingdom*, or any other British Possession, or to any Foreign Port or Place, a Drawback of the full Duties which shall have been paid under this Act upon the Importation thereof into *Newfoundland*: *Provided* proof be made, to the satisfaction of the Collector of Her Majesty's Customs, or other proper officer authorized to collect the Colonial Revenue in this Island, that such Wines, Brandy, Gin, Rum, and other Spirituous Liquors, and such Sugar, respectively, had been duly imported into the United Kingdom or other British Possession, or into such Foreign Port or Place, by a certificate, under the hands of the Collector or Comptroller of the

Allows Drawback on Exportation of Wines, Spirits, and Muscovado Sugar.

Customs at such Port in the United Kingdom, or in such British Possession, under the hand and seal of the British Consul or Vice Consul in such Foreign Port or Place, or if there be no Consul or Vice Consul at such place, then under the hands and seals of two well-known Merchants, of the actual and due landing of such Wines, Brandy, Gin, Rum, and other Spirituous Liquors, or of such Sugar, at such Port in the United Kingdom, or such British Possession, or such Foreign Port or Place, respectively: *Provided always*, that no Drawback shall be allowed upon any such Wines, Brandy, Gin, Rum, or other Spirituous Liquors, or such Sugar, unless the same shall be exported in Boats or Vessels exceeding in burden Sixty Tons registered Tonnage, and be claimed within One Year from the day of such Shipment: *Provided nevertheless*, that the aforesaid Collector, or other proper Officer, is hereby authorized to allow a further time for the production of such Certificate on reasonable cause.

Proviso.

Governor may order Goods, &c., seized or detained, to be restored.

XII.—*And be it further enacted*, that in case any Goods, Ships, Vessels or Boats, shall be seized as forfeitures, or detained as undervalued, under this or any Colonial Law, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to order the same to be restored, in such manner and on such terms and conditions as he shall think fit to direct; and if the Proprietors of the same shall within Twenty days accept the terms and conditions prescribed by the said Governor, Lieutenant-Governor, or Person administering the Government, by and with the advice and consent aforesaid, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Governor to appoint a Board to audit Accounts of Receivers of Duties imposed by this Act.

XIII.—*And be it further enacted*, that it shall be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Island, to nominate One Member from the Council and Two Members from the Assembly, who shall constitute a board of Audit who shall have power to Audit the Accounts of the Receivers of the Duties imposed by this Act, and finally to settle and close the Accounts of such Receivers: *Provided always*, that such Accounts so Audited shall be laid before the Legislature in each Session, within One Month from the commencement thereof.

Remuneration to Officers of Customs for Collection of Duties.

XIV.—*And be it further enacted*, that there shall be allowed and paid to the Collector and other Officers of Her Majesty's Customs, and to defray all the expenses of remuneration for the Collection of the Colonial Revenue, and Charges incidental thereto, the sum of One Thousand Three Hundred and Seventy-seven Pounds Seventeen Shillings, to be appropriated in the manner following, to wit:—

To the Collector of Her Majesty's Customs at St. John's, for his Salary for the years 1835, 1836, and 1837, One Hundred and Fifty Pounds.

To the Collector of Her Majesty's Customs at St. John's, Fifty Pounds.

Tide Surveyor at St. John's, One Hundred and Fifty Pounds.

The Landing Waiter at St. John's, Two Hundred Pounds.

Clerk of the Collector at St. John's, One Hundred and Thirty Pounds.

Sub-Collector at Fogo, One Hundred Pounds.

Sub-Collector at La Poile, One Hundred Pounds.

Sub-Collector at Greenspond, One Hundred Pounds.

Preventive Officer at Bay Bulls, Fifty Pounds.

Tide Waiters at St. John's, Two Hundred and Seven Pounds
Seventeen Shillings.

Imperial Sub-Collectors, One Hundred and Ten Pounds.

Stationery, Printed Forms, Postages, and other Ordinary Charges,
Thirty Pounds.

XV.—*And be it further enacted*, that all Penalties and Forfeitures recovered under this Act shall be divided, paid and applied as follows, that is to say—after deducting the charges of Prosecution and Sale from the produce thereof, one third part of the net produce shall be paid into the hands of the Treasurer of the Colony, to be applied as the Legislature shall direct—one third part to the person who shall inform for the same—and the other third part to the Officer who shall seize and sue for the same. Penalties.

XVI.—*And be it further enacted*, that all Yachts sailing under warrant of the Lords of the Admiralty, as belonging to the Royal Yacht Club, be exempted, on view of the said warrant, from the payment of all local dues whatever, and that it shall and may be lawful for the said vessels, or any of them, to enter the several Ports in this Colony and depart therefrom, without obtaining an entrance or clearance at the Custom House. Vessels belonging to the Royal Yacht Club exempted from the payment of local dues, &c.

XVII.—*And be it further enacted*, that it shall and may be lawful for the Officers of Her Majesty's Customs to take such samples of any Goods as shall be necessary for ascertaining the amount of any duties payable on the same; and that all such samples, whether taken under the authority of this Act or of any former Act, shall be disposed of and accounted for in such manner as the Governor or Person administering the Government of this Island for the time being, shall, with the advice of Her Majesty's Council, direct. Samples of Goods liable to duty may be taken by Officers of Customs.

XVIII.—*And be it further enacted*, that this Act shall be in force from and after the Thirtieth day of June, in the year of Our Lord One Thousand Eight Hundred and Forty-One, for and during the period of one year, and no longer. Limitation.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. II.

*An Act to regulate the Packing and Inspection
of Pickled Fish, for Exportation from this
Colony.*

[Passed 26th April, 1841.]

WHEREAS the several Laws made by the Legislature of this Colony, for the regulation of Packing and Inspecting Pickled Fish for Exportation from this Island, have expired; and whereas it would conduce to the benefit and advantage of the Trade of this Colony if wholesome Regulations were made for the Curing and Packing of Pickled Fish therein, and for the Inspection of all such Fish Exported therefrom.

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, that from and after the passing of this Act all Tierces, Barrels and Half-barrels in which Salmon, Mackerel or Herrings may be Packed for Exportation from Newfoundland, shall be New Casks, and shall be made of sound and well-seasoned Wood, free from sap-knots, and bug or worm holes, and shall each have one Hardwood Bung-stave, and be well and sufficiently hooped with four hoops on each bilge and four hoops on each chime; and furthermore, the Staves of all such Casks shall, at the thinnest ends, be half an inch in thickness; and if made of Soft Wood shall be at the ends at least three-quarters of an inch in thickness; and the ends or heads of the Casks shall be made of Wood not exceeding one inch in thickness, be planed or shaved smooth on the outside, and have one-third of the thickness at the edges cut from the outside, except as hereinafter provided.

Description of the
Casks in which Fish
shall be packed.

II.—*And be it further enacted*, that it shall and may be lawful for the Governor, or Person administering the Government for the time being, to Appoint and Commission two or more Persons, of competent skill and knowledge, who shall be Inspectors of all Pickled Fish

Governor to appoint
Inspectors, who shall
give Security for
faithful performance
of their duty.

intended to be exported from the Town of Saint John's, who, before they enter on the Duties of their Office, shall give Bonds, with three sufficient Sureties, to Her Majesty, Her Heirs and Successors, in the penal Sum of Three Hundred Pounds sterling each, for the faithful discharge of their duty, and shall be sworn faithfully to perform the same; and it shall and may be lawful for the said Governor, or Person administering the Government for the time being, and he is hereby authorized, to appoint competent and skillful Persons as Inspectors of Pickled Fish in every Harbour or Sea-port in this Colony where the same shall be applied for, to Pack such Pickled Fish for exportation; who shall give a like Security in the penal Sum of Two Hundred Pounds sterling each, and shall likewise be sworn to the faithful discharge of his or their duty as such Inspectors of Pickled Fish.

Quantity of Fish each Cask shall contain.

III.—*And be it further enacted*, that each Tierce of Pickled Fish shall contain Three Hundred Pounds of Fish; each Barrel, Two Hundred Pounds; and each Half-barrel, One Hundred Pounds weight, respectively, at the least, over and above the quantity of Salt and Pickle necessary to preserve the said respective quantities of Fish.

Dimensions of Casks

IV.—*And be it further enacted*, that every Cask intended to contain Pickled Fish shall, under a Penalty not to exceed *Five Shillings*, to be paid by the Owner or Owners of such Fish, be made of Wood, of the following dimensions, that is to say—the Tierce shall be made of Staves cut not more than Thirty Inches in length, and of Heading cut to the diameter of Twenty Inches, and to be Twenty-three Inches clear in the bilge when finished; the Barrel shall be made of Staves cut not more than Twenty-seven Inches in length, and of Heading cut to the diameter of not more than Sixteen and One-quarter Inches, and not exceeding Nineteen and One-half Inches clear in the bilge; the Half-barrel, of Staves cut Twenty-two Inches in length, and the Tierces in like proportion.

Proportion of Salt.

V.—*And be it further enacted*, that every Barrel of Pickled Fish Inspected under this Act shall contain, besides the weight of Fish required as aforesaid, at least Five Gallons of Coarse Foreign Salt, or other Salt suitable therefor, being clean and good; and the Half-barrel and Tierce shall contain the like proportion thereof.

Manner in which Fish shall be Pickled and Packed.

VI.—*And be it further enacted*, that all the Inspected Pickled Fish, whether Salmon, Mackerel, or Herring, and whether split or otherwise, shall be Fish well Struck or Salted in the first instance with Salt or Pickle, and preserved sweet, and free from rust, taint, or damage; and shall be Packed with suitable Salt for their preservation, and in such Tierces, Barrels, and Half-barrels, and containing the respective quantities aforesaid; and each Cask shall be filled with Fish of one and the same kind and quality, and be properly Packed and Headed up with the proper number of Hoops thereon; and shall be filled up with a clean strong Pickle, sufficiently heavy to float a Fish of the kind Packed; and before the Fish are Packed in the Barrel they shall be carefully sorted and classed according to their respective numbers and quality, and shall then be carefully weighed, and on each layer of Fish, as Packed in the Barrel, the Salt shall be regularly placed to the extent in all of the quantity hereby required for the Casks respectively.

Qualities of Fish to be numbered.

VII.—*And be it further enacted*, that there shall be three numbers or qualities of Salmon or Mackerel, and two numbers or qualities of

Herrings, as follows:—The quality number *One*, of Salmon or Mackerel, shall comprehend Fish of the fattest and best kind, having, previously to being Salted, the blood thoroughly scraped from the back-bone and being properly soaked, well cured, and in every respect free from any rust, taint or damage whatsoever; and the Mackerel shall be Fall Fish: The quality number *Two*, of Salmon and Mackerel, shall comprehend the best of those that remain after the selection of the first quality; and the quality number *Three* shall consist of the thinnest and poorest Fish, or of good Mackerel under Eight Inches in length; both qualities shall be sweet and wholesome, entirely free from rust, taint or damage, properly cured, and well soaked before being Salted: The quality number *One*, of Herrings, shall be of the fattest and best Fish; and the quality number *Two*, of the poorer, thinner, and inferior Fish—both qualities of the said Fish shall be carefully pipped and cleaned, and cured, and be sweet, and wholly free from rust, taint, or damage; and they shall also be Packed with at least Five Gallons of suitable Salt to each Barrel, and so in proportion for other Casks; and no Mackerel not split shall be Inspected; and all Rusted Fish shall be branded “No. 4, *Rusty*”; and no tainted or damaged Fish of any kind shall be permitted to be Packed or Inspected for Exportation.

Salmon & Mackerel,
No. 1.

No. 2 & 3.

Herrings and other
Fish.

Rusted Fish.

VIII.—*And be it further enacted*, that the several Casks containing Pickled Fish so Sorted, Packed and Inspected as is herein directed, shall be branded in legible characters, on one head of the Casks, with the description of the Fish and the number of the quality thereof contained therein, and the Month and Year in which such Inspection was made, and also with the initial letter of the Christian name, and the whole Surname, of the Inspector by whom the same shall have been Inspected, the name of the place where he acts as Inspector, and the letters N. F. L. D., for Newfoundland, and also the date of the Year in which such Fish was caught; and if such date cannot be ascertained, the Fish to be branded “*Old*.”

Manner of branding
Casks.

IX.—*And be it further enacted*, that the Sorting, Weighing, Inspecting and Branding any Cask of Fish, as aforesaid, shall be made or done either by or in the presence and sight of some one of the said Inspectors who hath given security as aforesaid; and unless in such immediate presence and sight of an Inspector, no other Person whomsoever shall be allowed to Brand a Cask, or Sort or Inspect such Fish, under a penalty not exceeding *Three Pounds Sterling*, and the like penalty upon the Inspector suffering the same to be done.

Sorting, branding,
&c., to be done in
presence of an
Inspector.

Penalty.

X.—*And be it further enacted*, that in any case where it becomes necessary, in consequence of any casualty, to repack a Cask of Inspected Pickled Fish, intended for Exportation, such repacking shall be done by an Inspector, if one be within Five Miles of the place of repacking.

Repacking.

XI.—*And be it further enacted*, that no Pickled Fish shall be Exported from this Island, in Casks, unless the Master or Owner shall produce to the Collector of Customs, or other proper Officer who may be authorized by the Governor, a Certificate from the Inspector of Pickled Fish, that the same has been Inspected, Packed and Branded, according to the directions of this Act; and the Certificate shall express the number of Barrels, Half-barrels, and Tierces, thus shipped; the kind and quality of Fish they contain, with the name of the Master and Owner, or Shipper, and the name of the Vessel on board which

No Pickled Fish to
be exported without
a certificate of an
Inspector.

such Fish are shipped for Exportation; and every such Master, Owner or Shipper, shall take and subscribe the following declaration before the Officer authorized as aforesaid :

Declaration to be made of such Inspection by Shippers.

“I, A. B. do declare that the Certificate hereunto annexed contains the whole quantity of Pickled and Barrelled Fish on board the Master, and that no Fish is Shipped on board the said Vessel for the Ship’s Company, or on Freight or Cargo, but what is Inspected and Branded according to the Law of this Colony.”

Penalty for shipping Fish not Inspected.

And if any Master of a Vessel, or other Person, shall receive or put on board any Ship or Vessel, to transport the same from this Colony, any Pickled or Whole Fish, Packed in Casks which are not Inspected and Branded in the manner by this Act prescribed, he or they, on conviction, shall forfeit one half of the value of all such uninspected Fish so Exported or Shipped.

Penalty for intermixing and shipping Fish after Inspection or exporting damaged or uninspected Fish.

XII.—*And be it further enacted*, that whosoever shall, in or from any Cask, intermix, take out, or shift any Inspected Fish, Packed or Branded as aforesaid; or put therein other Fish for Exportation, contrary to the true intent and meaning of this Act; and whosoever shall Export, or cause to be Exported, or Ship for Exportation, from this Colony, any tainted or damaged Fish, or any Tierce, Barrel, or Half-barrel of Pickled Fish, not Inspected and Branded according to this Act; and whosoever, being the Master of any Vessel, having on board any Pickled Fish for Exportation, or being the Shipper thereof, shall not produce to the Principal Officer of Customs for the Port, before the Ship’s departure therefrom, such Certificate of the Inspection of Pickled Fish, as is herein directed, each and every of the Parties so offending shall suffer and pay a penalty of Twenty Shillings Sterling, for every Hundred Weight of such Fish, in this Section referred to.

Penalty on Inspectors branding Fish deficient in quality, &c.

XIII.—*And be it further enacted*, that whenever it shall appear that any Cask of Pickled Fish, Branded by any such Inspector as aforesaid, hath proved unequal, in quantity or quality, to that which may be indicated by the Brand on the Cask, or be deficient in any of the requisites in this Act before mentioned, then, and in every such case, on due proof thereof, the party injured thereby shall be entitled to recover from such Inspector, for each and every such deficient Cask of Fish, double the value thereof at the time of the Inspection: *Provided always*, that in every such case, sufficient proof shall be given, by the party complaining, that the said Cask, when first opened, was found to be insufficient and defective in the particulars required by this Act; and that such insufficiency or defect arose entirely from the state, condition, or bad quality of the Cask, or of the Fish, or the bad Packing or Pickling of the Fish, at the time of the Inspection thereof; and not from any casualty or neglect subsequent to the Inspection.

Such deficiency to be proved to be caused by the badness of the Cask, &c.

Fish packed contrary to this Act to be forfeited.

XIV.—*And be it further enacted*, that all Pickled Fish taken, shifted, or intermixed, from or in the Cask, after the Inspection and Branding thereof, shall be and is hereby declared to be forfeited.

No Pickled Fish to be exported without Inspector’s certificate.

XV.—*And be it further enacted*, that no Vessel laden, or partly laden, with any Pickled Fish, the produce of the Fisheries of this Colony, and destined to any Port or Place whatsoever out of the same, shall, after the passing of this Act, be permitted to depart from this Colony for such Port of destination, until the Master of the said Vessel, or the Shipper of such Pickled Fish, shall first produce to the Collector,

or Deputy Collector of Customs, for the Port or Place where such Pickled Fish are laden on board, a Certificate of an Inspector of Pickled Fish, for the place of her lading, setting forth, and certifying, that all Pickled Fish laden on board such Vessel, have been, according to Law, Surveyed and Inspected, and the Fish Barrels Branded, according to the provisions of this Act: *Provided*, however, that nothing in this Act shall be construed so as to prevent uninspected Mackerel, or other Pickled Fish, from being Sold in any Port or Harbour of this Colony, by the Fishermen, Planters, or others, as they bring them to Market, in Casks, Bulk, or otherwise; and that nothing contained in this Act shall extend to Fish packed in Kegs of less than Ten Gallons.

Proviso.

XVI.—*And be it further enacted*, that it shall be the duty of the Collector, Sub-Collectors, and Officers of Her Majesty's Customs, throughout this Colony, and of the Inspectors of Fish appointed by virtue of this Act, severally to enforce the execution of the same, and to compel obedience thereto; and to seize, and prosecute to condemnation, all Pickled Fish liable to be forfeited under this Act.

Officers of Customs and Inspectors, to enforce the provisions of this Act.

XVII.—*And be it further enacted*, that it shall be the duty of the Principal Officers of Her Majesty's Customs, in all Ports of this Colony, whenever any Pickled Fish is cleared out according to this Act, to grant to the Master of the Vessel, wherein the same shall be Shipped, a Certificate in the following form, that is to say—

Officers of Customs to grant certificates of Pickled Fish cleared out.

“These will Certify that A. B., Master of the bound from hence to has cleared out of Pickled according to Law.”

(To be signed by the Collector or Officer of Customs.)

XVIII.—*And be it further enacted*, that the Inspectors of Pickled Fish, who shall or may be appointed under or by virtue of this Act, shall respectively be paid for each Certificate for Exportation, One Shilling Sterling; and for Inspecting and Branding each and every Cask of Fish, as directed by this Act—for each Tierce, Ten Pence Sterling; for each Barrel, Seven Pence Sterling; and for each Half-barrel, Four Pence Half-penny Sterling. The charge of the Certificate, Inspecting and Branding, shall be paid by the Exporter, or Purchaser, in addition to the purchase or cost of the Fish; and bills for the legal Fees of Inspection, and Certificates, shall in the first instance, be paid by the original Owner of such Fish, or by the Persons employing the Inspector; and all such Owners and Employers are hereby empowered to demand, and recover the amount of said Bill from the subsequent Purchaser or Exporter. And it shall be the duty of all such Inspectors of Pickled Fish annually to make returns to the Governor, or Person Administering the Government for the time being, of all Pickled Fish that shall have been Inspected by them, respectively, during the past year.

Fees to Inspectors.

Inspectors to make returns to the Governor annually.

XIX.—*And be it further enacted*, that if any Inspector of Pickled Fish shall Brand any Cask, the contents of which he has not Inspected, Packed, Salted and Cooped, according to the true intent and meaning of this Act, or if he shall permit any other Person to use his Brands, in violation or evasion thereof, he or they so offending shall forfeit and pay, for every Cask so branded, the Sum of Five Pounds Sterling, and be liable to be removed from his Office.

Penalty on Inspectors branding casks without inspection of contents.

Fish shipped without
Inspection may be
Seized.

Proceedings
thereupon.

Attendance of
Inspectors.

Salted Herrings may
be Exported in bulk.

Herrings and Mackerel
may, on inspection,
be exported in
Pork or Beef Barrels.

Provide.

Recovery and appro-
priation of Penalties.

XX.—*And be it further enacted*, that if any Pickled or Barrelled Fish, as aforesaid, shall be put on board of any Boat or Vessel, with intent to Export the same contrary to the Provisions of this Act, it shall be lawful for any Justice of the Peace, upon information being given him, to issue his Warrant to seize and secure the said Fish; which on being Seized, shall be delivered to the nearest Inspector, and such Inspector is hereby required to open and Inspect, and Pack and Brand the same, as is required by this Act; and to keep and detain the same until the Expense and Charges of Seizure, Inspection, Packing, and all other Charges arising from such Seizure, shall be paid; and it shall be the duty of every Person, when required, to give his necessary aid to the Constable or Officer having such Warrant, on pain of forfeiting the Sum of Thirty Shillings Sterling, for his neglect or refusal herein.

XXI.—*And be it further enacted*, that when any quantity of Fish shall be required to be Inspected, and the same doth not exceed Five Barrels, the same shall, if required by the Inspector, be brought to the Store, Wharf, or place of business of such Inspector; but if the quantity be greater, the Inspector shall attend at the place where the said Fish may be, and inspect the same, within Two Days after being requested thereto; under the penalty of forfeiting to the owner thereof, Forty Shillings Sterling for each day that he shall, after such space of Two Days, neglect such Inspection: *Provided always*, that if the place at which such Fish is required to be Inspected, shall be more than One Mile from the place of Business of such Inspector, he shall not be required to proceed to the Inspection thereof, until payment or tender be made of his fees for travel, at the rate of Nine Pence per Mile, from the place of his Business, and back.

XXII.—*And be it further enacted*, that it shall and may be lawful for any Person or Persons to Ship and Export from this Colony any quantity or quantities of Salted or Pickled Herrings in Bulk, and also any quantity or quantities of Salted or Pickled Herrings or Mackerel, packed in ordinary Pork or Beef Barrels, whether the same shall be of the dimensions of the Casks required by the Provisions of this Act or otherwise, any thing herein contained to the contrary notwithstanding.

XXIII.—*And be it further enacted*, that all Herrings and Mackerel, Packed for Exportation in such Pork or Beef Barrels, shall be Inspected, as regards quality and condition, in the same manner, and under and subject to the same Regulations, Restrictions and Penalties, as are prescribed in this Act; *Provided nevertheless*, that no Herrings or Mackerel, Packed in any such Pork or Beef Barrels, shall be Marked or Branded by the Inspector as of quality No. 1.

XXIV.—*And be it further enacted*, that all pecuniary penalties, by this Act imposed, shall and may be recovered before any two or more Justices of the Peace, in a summary way, or in any Court of Record in this Colony; and that all Pickled Fish subject or liable, either in whole or in part, to Forfeiture, shall and may be Seized by any Inspector of Pickled Fish, or Officer of Customs, to abide the Judgment or Order of such Justices of the Peace, or Court of Record; and the proceeds of all such Penalties, Fines and Forfeitures aforesaid, shall be paid over to the Treasurer of this Island, to be appropriated by the Legislature to the uses of the Colony: *Provided*, that in all cases where the said Penalties, Fines or Forfeitures, or any of them, shall have been recovered by the Testimony of more than one Witness, one

moiety of the same shall be paid over to the Informer, and the other moiety shall be paid unto the Treasurer of the Colony, to be appropriated as aforesaid.

XXV.—*And be it further enacted*, that no Pickled Fish herein required to be Inspected, shall be Exported from this Colony unless the same shall have been Inspected in the Town or Harbour from which it is intended to be so Exported: And any Inspector who shall grant a Certificate for Fish which he shall not have personally Inspected, shall be guilty of a misdemeanour.

No Pickled Fish to be Exported except from the place where the same is inspected

XXVI.—*And be it further enacted*, that any Purchaser of Inspected Pickled Fish who may, at the time of delivery, require the same to be Re-inspected, shall be entitled to do so, on paying the expenses incident on such Re-inspection; and shall pay for such Fish according to the qualities Branded by the Inspector who shall have Re-inspected the same.

Purchasers of inspected Pickled Fish may have the same re-inspected on paying the expenses.

XXVII.—*And be it further enacted*, that this Act shall continue and be in force for the period of Four Years, and from thence to the end of the next Session of the Legislature.

Limitation.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. III.

An Act to authorize the Sheriff of Newfoundland to levy Executions in the several Districts of this Colony, after Final Judgment.

[Passed 26th April, 1841.]

WHEREAS it is necessary to authorize the Sheriff of Newfoundland, after Final Judgment obtained in any one District Court of this Colony, to levy Execution in any other District of the same: Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, and by authority of the same, that whenever any Suitor shall have obtained Final Judgment in any of the Circuit Courts of this Colony, the Writ of Execution issued by authority of the said Court or Courts shall have validity in each and every District of this Colony; and the Sheriff shall levy under and by authority of the said Writ in any District of the Colony, as if the same had issued from the Supreme Court of Newfoundland. Sheriff authorized to levy Execution in the several Districts of the Colony after Final Judgment obtained in any Circuit Court.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. IV.

An Act to Establish and Regulate Fire Companies in the Town of Carbonear.

[Passed 26th April, 1841.]

WHEREAS, for the greater security of Houses and Property in the Town of Carbonear, against destructive Fires, it is deemed expedient to make provision for the Establishment and Regulation of Fire Companies in the said Town:

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that for the purposes of this Act the Town and Suburbs of Carbonear shall be divided into Two Wards, in the form and manner following, that is to say—

Division of the Town into Two Wards.

First—The Western Ward of the said Town, which shall extend from the Street leading from Water-side to the Residence of William Bemister, Esquire, which shall form the Eastern boundary of the said Ward, and thence to the Residence of John Buckingham, Esquire, including and comprehending all Houses and Tenements within half a mile of the Water-side of Carbonear.

Second—The Eastern Ward of the said Town, which shall extend from the beforementioned Street leading from Water-side to the Residence of William Bemister, Esquire, and thence East to the Bridge over Crocker's Cove Brook, including and comprehending all Houses and Tenements within half a mile of high-water mark.

II.—*And be it further enacted*, that each of the aforesaid Wards shall have a Public Fire Company Established therein, under the Rules and Regulations herein provided, and that every Male House-keeper living within any and each of the said Wards (saving and excepting the Judges, Magistrates, Public Officers, Clergymen, Medical Practitioners, Persons above Sixty Years of Age, and Persons with loss of Limb or other serious inability,) shall be a Member of the said Fire Company for the Ward in which he may customarily reside, and

Fire Company established in each Ward.

shall have his name enrolled accordingly, and shall be liable to attend at all times, and shall be subject to the Rules and Regulations hereinafter contained: *Provided always*, that every Person claiming exemption from personal service, not being a Clergyman or Medical Practitioner, as aforesaid, and having a Son, Clerk, or Man Servant, of or exceeding the Age of Seventeen Years, residing in his House, shall have such Son, Clerk, or Man Servant, enrolled as his Substitute in the Fire Company for the Ward in which his House shall be situated, and shall be liable for the attendance at all times of such Substitute, and subject and liable on his behalf to all the Rules and Regulations herein prescribed, or which shall or may be made under or by virtue of this Act.

On notice by Justices, Inhabitants to assemble and choose Officers;

III.—*And be it further enacted*, that immediately on the passing of this Act, and on due notice being given by two or more Justices of the Peace of the time and place of meeting in each Ward, and which notice the said Justices shall, upon requisition to them in writing, delivered and signed by any Ten Persons being Housekeepers in either of the said Wards, cause to be published in the *Royal Gazette*, or other local Newspapers, all Housekeepers and others liable to serve as Members of the Fire Companies Established by this Act, shall meet at such time and place within their respective Wards, and so many as shall then attend shall choose from among themselves by Ballot in each Ward respectively, Four Wardens, One Captain, and Two Lieutenants, who shall be bound to serve in such Offices until the next General Meeting and choice of Wardens and other Officers, which General Meeting and choice of Wardens and other Officers shall thereafter and in future take place on the First Wednesday in July in each Year, and such Annual General Meeting shall be held in pursuance of Notice to be signed by at least One Warden of each of the said Wards, and which the said Wardens are hereby required to Publish in the *Royal Gazette*, or other local Newspapers, at least Five Days before the day before appointed for the said Annual General Meeting; and all such elections and appointments of Wardens and Officers shall continue and be in force until the time or period of the next General Meeting and Election of Officers.

Who shall serve for a year.

Wardens and Captains to form a Committee, make Rules and Regulations, and establish Fines.

IV.—*And be it further enacted*, that the Wardens and Captains so chosen and appointed for the said Wards, shall, on the day next after the day on which they shall be so chosen and elected, all meet at some convenient place, and form themselves into a Committee, and appoint a Chairman and Secretary; and such Committee of Fire Wardens and Officers, or the majority of them, shall and may and are hereby authorized to frame and adopt Rules and Regulations for the conduct and government of the said Fire Companies and to Establish Fines for the non-attendance or neglect of duty of any Member or Members of the said Fire Companies and each of them; for the inspection of the Chimnies of all Houses in the Town of Carbonear, and for obliging the Owners and Occupiers of such Houses respectively to keep their Chimnies, and Funnels, or Stove Pipes, in safe condition and repair, and to Establish Fines and Penalties to be imposed on all and every Person or Persons whomsoever whose Chimney or Chimnies, or Stove Pipe or Funnel, shall be suffered to remain in a dangerous state or condition, or which, by reason of their dilapidated state, or want of repair, or by reason of soot accumulating therein, shall at any time or times be on fire; all which Rules and Regulations, being first approved by the Governor or Commander-in-Chief, and Published in the *Royal*

Gazette, shall have the force of Law, and shall be as binding on all the Members of the said Fire Companies respectively, and on all Householders and others of the Town of Carbonear, as though the same were specially enacted herein; and all Fines and Penalties imposed under such Rules and Regulations shall and may be sued for and recovered by the Treasurer of each of the said Fire Companies respectively, in a summary way, in any of Her Majesty's Courts of Record, or before one or more Justice or Justices of the Peace; and the proceeds of all such Fines and Penalties shall be applied to the uses of the said Fire Companies.

Appropriation of Fines.

V.—*And be it further enacted*, that within each of the said Wards, there shall be a Public Fire Engine, with all the necessary apparatus and appurtenances, and the same shall be kept in a House to be erected for that purpose, in the most central and convenient situation in each Ward respectively, and a Bell shall also be attached to each Engine House; and the said Engine Houses, Engines, and Appurtenances and Bells shall be under the especial charge and controul of the said Fire Wardens and Officers for the time being of the respective Fire Companies.

Fire Engines to be kept in each Ward in a House erected for that purpose.

VI.—*And be it further enacted*, that the said intended Engine Houses, Engines and Bells, and all Hawsers, Buckets, Ladders, Saws, Hatchets, Lanterns, and apparatus necessary to be provided for the said Fire Companies, shall be built, erected, and purchased in such manner as the Fire Wardens and other Officers, or a majority of them, shall direct; and shall be so built, erected, purchased and maintained at the cost and expense of the Landlords and all Lessees and other Persons deriving or receiving any Profit Rent out of Houses and Buildings in and near to the Town of Carbonear, and the amount thereof shall be raised, levied, and collected, by an Assessment or Assessments on the Rents of all Houses, Stores and Buildings, being within any of the Boundaries aforesaid, (save and except all Public Buildings, Public School Houses, and Buildings of Charitable Institutions); all which Assessments shall be raised and levied on all Landlords and all such Lessees and other Persons aforesaid receiving or deriving any Profit Rents out of such aforesaid Houses, Stores and Buildings respectively: *Provided always*, that no greater Assessment shall be raised, levied, or collected on the Rent of any House, Store, or other Building, the materials of which shall consist of Stone, Brick, or other materials not of an inflammable nature, and provided the said Buildings shall be likewise covered with Tiles, Slates, Tin-plates or other materials not of an inflammable nature, than one half of the amount of the Assessment payable on the like Buildings built or constructed of Wood.

Houses to be built and Engines, &c. to be purchased by Fire Wardens, &c.

An Assessment for this purpose on Landlords and others deriving a profit rent in Carbonear.

Stone Buildings to be liable to half the Assessment only.

VII.—*And be it further enacted*, that any two or more Justices of the Peace for the District of Conception Bay, in Sessions, on the application and recommendation in writing of a majority of the Fire Wardens and Captains of Fire Companies, who shall be duly chosen as aforesaid, shall and may, and are hereby authorized and required to make an order or orders under their hands and seals, to raise and levy on the Landlords, Lessees, and other Persons aforesaid, respectively, an Assessment and rate on the appraised value of the Rents of all Houses, Stores and Buildings within the boundaries and distance aforesaid of so much in the Pound thereon, or on the estimated value thereof (where a Proprietor shall occupy his own premises) as the said Fire

Assessment to be made by two or more Justices of the Peace.

Wardens and other Officers, or a majority of them, shall recommend and require, and as shall in the aggregate, or total amount thereof, be sufficient to pay the cost and charges of and incident to the erection of the said Engine Houses, and the Purchase of Fire Engines and of all other apparatus needful and proper for the said Fire Companies, which valuation shall be made by and under the direction and authority of the said Wardens and Captains, or a majority of them; and also from time to time thereafter, on such application and recommendation aforesaid, to order such further Assessment or Assessments, in manner and form aforesaid, as shall be necessary to defray the expenses of keeping and maintaining the said Engine Houses, Fire Engines, Apparatus and Appurtenances in a proper and effective state of repair: *Provided nevertheless* that no such Rates or Assessments shall extend, or be deemed or construed to extend to any Public Building, Church, Chapel, or Place of Public Worship, nor to any Public Free School, or the Building of any Charitable Institution whatsoever.

Exemptions from Assessments.

Assessment how to be recovered.

VIII.—*And be it further enacted*, that if any Landlord or Landlords owning, possessing, or occupying any House, Store, or Building in the Town of Carbonear, or within the limits and distance aforesaid, or any Lessee or Lessees, or other Person or Persons aforesaid, receiving or deriving any Rent or Rents out of any Houses or Buildings within the said limits, shall refuse or delay to pay the amount of any Rate or Assessment for which he or they may be liable under this Act, such Rate or Assessment shall and may be sued for and recovered in a summary way at the suit of the Treasurer or any Warden of either of the said Fire Companies, before one or more Justice or Justices of the Peace; and if Judgment be given against the Defendant or Defendants in such suit, the amount of such Judgment, together with all Costs, shall be levied on the Goods and Chattels of such Defendant or Defendants.

Appointment of Officers.

Assessmen's to be paid to Treasurer of Fire Companies.

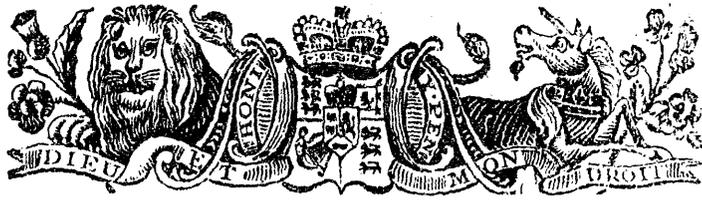
IX.—*And be it further enacted*, that the Senior Warden in each Ward shall be the Treasurer of such Ward, and the Junior Lieutenant shall be the Secretary of such Ward, respectively, and the aforesaid Rates and Assessments shall be collected by such Persons and in such manner as the aforesaid Committee of Wardens and other Officers shall appoint; and the whole amount of such Rates and Assessments shall be paid to a general Treasurer of the Fire Companies, who shall be chosen from among the Wardens by Ballot at the Annual Meeting or General Meeting aforesaid.

Who is to pay no order unless signed by a majority of the Wardens.

X.—*And be it further enacted*, that the said Treasurer shall pay no Accounts or Orders for Sums of Money on account of the said Fire Companies, unless a majority of the Wardens of the said Town of Carbonear shall sign the same; and all such Accounts shall be examined and audited by three Auditors appointed for that purpose at the Annual General Meeting of the said respective Wards; and after such Accounts shall be so audited, they shall be submitted to the said General Meeting for approval.

Wardens to be sworn and whilst on duty to have the authority of Conservators of the Peace.

XI.—*And be it further enacted*, that all the aforesaid Fire Wardens shall be duly sworn faithfully to perform the duties of their Office, and shall, while on duty, have the same powers and authority vested by Law in Conservators of the Peace; and six men of each Ward, to be nominated by the respective Wardens, shall also, being duly sworn, while on duty have the power of Special Constables.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. V.

An Act to continue an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled "An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's."

[Passed 26th April, 1841.]

WHEREAS an Act was made and passed in the Second Year of the Reign of Her present Majesty, intituled "An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," which said Act will speedily expire, and it is expedient and necessary to continue the same.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that the said recited Act, and every matter, clause and thing therein contained, be and the same are hereby continued for the period of One Year, and from thence to the end of the next Session of the Legislature.

Preamble.
2 Vic. Cap. 6.

Act herein recited
further continued in
force.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. VI.

*An Act to make provision for the establishment of
a Light House on or near to Cape Bonavista.*

[Passed 26th April, 1841.]

WHEREAS, for the greater security of Vessels engaged in the Trade and Fisheries of this Island, it is expedient to establish a Light House on or near to Cape Bonavista: Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, and by authority of the same, that the Treasurer of this Island be, and he is hereby, authorized and required to raise, on loan, from such Person or Persons, Body or Bodies Corporate and Politic, as shall be willing to advance the same, a Sum not exceeding in the whole the Sum of *One Thousand Seven Hundred and Fifty-five Pounds* sterling, chargeable upon and to be repaid out of the Public Funds of this Colony, together with interest at a rate not exceeding *Six per Centum per Annum* thereon, in three Instalments—the first Instalment of Five Hundred and Eighty-five Pounds, payable in three years after the date of the Debentures for the same; the second Instalment of Five Hundred and Eighty-five Pounds, payable in four years after the date of the Debentures for the same; and the third instalment payable in five years after the date of the Debentures for the same; which said Sum of One Thousand Seven Hundred and Fifty-five Pounds, or so much of the same as shall be necessary, shall be appropriated to defraying the expenses of the erection, and providing all things which shall be deemed requisite for the due establishment of a Light House on or near to Cape Bonavista. Colonial Treasurer to raise a Loan for the purposes of this Act.

II.—*And be it enacted*, that the Commissioners of Light Houses appointed under an Act passed in the Third Year of the Reign of Her Present Majesty, intituled “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,” shall immediately on the passing of this Act, or as soon thereafter as Commissioners of Light Houses under Act 3 Vic. cap. 5, to procure Plans, &c. and proceed to the erection of a Light House near Cape Bonavista.

may be convenient, procure Plans and Specifications of the said intended Erection and Building, and Estimates of the Expenses of Materials and Workmanship necessary to complete and furnish the same, which, prior to the making of any contract thereon, shall be approved of by the Governor, or person administering the Government for the time being, by and with the advice of Her Majesty's Council; and the said Commissioners shall enter into the necessary Contracts for, and proceed to the erection and completion of the said Light House.

Governor to draw
on the Colonial
Treasurer.

III.—*And be it enacted*, that it shall and may be lawful for the Governor or Person administering the Government for the time being, from time to time, by Warrant under his hand and seal, to draw upon the Treasurer for any Sum or Sums of Money not exceeding in the whole the said Sum of One Thousand Seven Hundred and Fifty-five Pounds, on the requisition of the said Commissioners of Light Houses, or the major part of them, to defray the charges incident upon the said Erection, and upon furnishing the same.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. VII.

An Act to revive an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth (2nd Session) intituled "An Act to afford relief to Wives and Children deserted by their Husbands and Parents."

[Passed 26th April, 1841.]

WHEREAS an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth (Second Session), entitled "An Act to afford relief to Wives and Children deserted by their Husbands and Parants," has expired, and it is expedient and necessary to revive the same :

Preamble.

Act 4 W. 4 (Sess. 2)
cap. 8.

Be it therefore enacted, by the Governor, Council and Assembly, that from and after the passing of this Act, the said herein-before recited Act, and every matter, clause and thing therein contained, be, and the same are hereby revived, and shall be in as full effect and operation as if the said recited Act, and the several clauses therein contained, were re-enacted.

Recited Act revived
and continued in
force.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. VIII.

An Act to repeal an Act passed in the Third Year of Her Majesty's Reign, intituled "An Act to Incorporate the Benevolent Irish Society," and to make other provision for the Incorporation of the said Society.

[Passed 26th April, 1841.]

WHEREAS an Act was passed by the Governor, Council, and Assembly of this Colony, in the third year of Her Majesty's Reign, intituled "An Act to Incorporate the Benevolent Irish Society;" and it is necessary to repeal the said Act, and to make other provision for the Incorporation of the said Society: *Be it therefore enacted*, by the Governor, Council, and Assembly of Newfoundland, and by the authority of the same, that the said recited Act be and the same is hereby repealed. And whereas in the year of our Lord One Thousand Eight Hundred and Six, the Right Reverend Dr. O'Donnell, Lieutenant Colonel John Murray, James McBraire, 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 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 Stock or Funds 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.

II.—*Be it therefore further enacted*, by the authority aforesaid, that the President, Vice President, the First Assistant, the Second Assistant, the Treasurer, and the Secretary of the said Society, and all other

Preamble.

Act 3 Vic. cap. 9.

Repeals Act above recited.

Society Incorporated by the name of "The Benevolent Irish Society."

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 or be sued, implead or be impleaded, defend or 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 Contract and be Contracted with relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted.

Rules and orders of the Society.

III.—*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 Saint 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 and Regulations shall not be in anywise contrary to the Laws of this Island, or the provisions of this Act.

How property may be acquired.

IV.—*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.

Investment of Money.

V.—*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 Resolution passed at a Public General Meeting of the said Society, duly convened by notice specifying the object of such Meeting, and that such Resolution be also passed by not less than two-thirds of the Votes of Members then resident within the District of Saint 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.

Annual Election of Officers.

VI.—*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

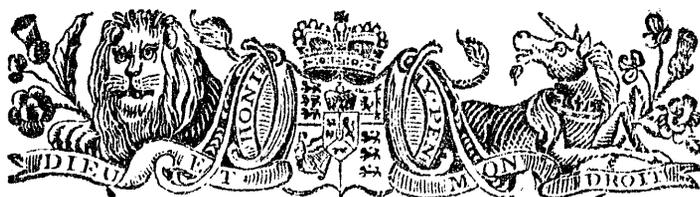
for the same, a General Meeting of the Members of the said Society shall be holden, when such Members, or a majority of the Members, present at such General Meeting, shall elect and choose a President, a Vice President, a First Assistant, a Second Assistant, a Treasurer, a Secretary, a Chairman of Committee 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 herein before made and prescribed.

VII.—*And be it further enacted*, by the authority aforesaid, that all the Rents, Revenues and other property of the said Society shall be devoted to any or all of the purposes following, that is to say, to providing Food, Raiment, Fuel, Medicine, and Medical Attendance for the Poor, and Education for the Children of the Poor, and to the reparation and improvement of the Houses and Lands belonging to the Society, and to the defrayal of the expenses necessarily incident to the promotion of the said before recited objects of the Society, and for no other purpose whatsoever.

Purposes to which the funds of the Society are to be applied.

VIII.—*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 Officers aforesaid, in the place and stead of any such Officer dying, resigning, or being absent as aforesaid.

Supplying Vacancies.



ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. IX.

An Act to revive an Act passed in the Third Year of the Reign of His late Majesty, King William the Fourth, intituled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases and the spreading thereof in this Island."

[Passed 26th April, 1841.]

WHEREAS an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island," has expired, and it is expedient and necessary to revive the same.

Preamble.

Act 3 W. 4 cap. 1.

Be it therefore enacted, by the Governor, Council and Assembly, that from and after the passing of this Act the said herein before recited Act, and every matter, clause and thing therein contained, be and the same are hereby revived, and shall be in as full effect and operation as if the said recited Act and the several clauses therein contained were re-enacted.

Recited Act revived and continued in force.

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ANNO QUARTO

VICTORIÆ REGINÆ.

CAP. X.

An Act to indemnify the Governor for Sums advanced towards defraying, in part, the Expenses of the Fourth and Fifth Sessions of the Second General Assembly.

[Passed 26th April, 1841]

WHEREAS it is necessary to indemnify His Excellency the Governor for Sums of Money advanced by him in compliance with an Address of certain Members of the Assembly, towards defraying, in part, the expenses of the Fourth and Fifth Sessions of the Second General Assembly: Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in General Assembly convened, that from and out of such Monies as shall be and remain in the hands of the Treasurer of this Island, upon the passing of this Act, there be granted to Her Majesty, Her Heirs and Successors, the Sum of Four Thousand Five Hundred and Twenty-six Pounds Fifteen Shillings and Five Pence, towards indemnifying the Governor for advances made by him in compliance with an Address of certain Members of the General Assembly of this Island, bearing date the Seventeenth Day of May, in the Third Year of the Reign of Her present Majesty. Governor indemnified for sums advanced for the purposes herein recited.