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ANNO PRIMO

# VICTORIÆ REGINÆ.

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## CAP I.

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

[18th November, 1837.]

MAY IT PLEASE YOUR EXCELLENCY,

**W**E, Her Gracious 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 Her Majesty the Duties hereinafter mentioned; and do therefore beseech your Excellency 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 there be raised, levied, collected and paid unto Her Majesty, her 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.

WINE,—Videlicit—

£ s. d.

Champagne, Burgundy, Claret, Hock, and all Wines not otherwise enumerated, described or charged with Duty, the value of which in this Market (exclusive of the duty hereby imposed thereon) shall exceed the sum of Eight Shillings Sterling per gallon

.....the Gallon 0 1 6

	£	s.	d.
Port, Sherry, Madeira, and all other Wines the value of which as aforesaid shall exceed the sum of Five Shillings Sterling per gallon.....the Gallon	0	1	0
Fayal Madeira, Bronte Madeira, Marsala, Malaga Sherry, Figueira Port, Teneriffe, and all other Wines the value of which as aforesaid shall exceed the sum of Two Shillings and Sixpence Sterling per gallon .....	0	0	9
Catalonia, Benecarlo, Common Fayal, Cargo Claret, and all other Wines the value of which as aforesaid shall not exceed the sum of Two Shillings and Sixpence Sterling per gallon.....the Gallon	0	0	6
<b>SPIRITS,—Videlicit—</b>			
Brandy, Rum, Gin, and all other Spirituous Liquors, the Manufacture of the United Kingdom, or of any of Her Majesty's Colonies or possessions.....the Gallon	0	0	6
Beef and Pork (Salted) the Cwt. ....	0	0	9
Flour, the Barrel, not exceeding in weight 196 pounds ....	0	0	9
Oatmeal, the Barrel, not exceeding in weight 200 pounds	0	0	6
Bread or Biscuit, the Cwt. ....	0	0	3
Butter, the Cwt. ....	0	1	6
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.		
Apples, the Barrel ....	0	0	6
Coals, the Ton ....	0	0	6
Lumber, one inch thick, the thousand feet ....	0	1	0
Ton Timber and Balk of all kinds, including Scantling, the Ton .....	0	0	6
Shingles, the thousand .....	0	0	4
Tea, the pound .....	0	0	1
Goods, Wares and Merchandizes 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 .....	2	10	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 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-Collectors, 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 Merchandizes, 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 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 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-Collectors of Her Majesty's Customs, into the hands of the Treasurer or Receiver General of this Island, or other proper Officer authorised to receive the same, to be applied to such uses as shall be directed by the Legislature of this 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, entitled "*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-Collectors 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 Warehousing Goods without Payment of Duty on the first entry thereof, and the Rules in reference thereto, the mode of giving Bond on the entry of Goods to be Warehoused, the Fines, Penalties and Forfeitures imposed or incurred on a breach of any and of all such Regulations, the mode and manner of prosecuting for and recovering any such Penalties or Forfeitures, and all Enactments, Rules and Regulations contained in the same Act of the Imperial Parliament,—all which shall be in full force and operation, and shall be used and applied to

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



Landing Waiter, or Gauger, 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 cases, 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 for the Officer or Officers who had detained and taken such articles, and the 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 all 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 article 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, one-half of the said Duties in *Three Months*, and the remainder of the same in *Six Months*; and for all other Goods or Merchandize whatsoever, in *Three 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 to 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 other Spirituous Liquors, and of 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 and Comptroller of the Customs at such Port in the United Kingdom, or in such British Possession, or 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 burdon *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.

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

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 proprietor of the same shall 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 recompence 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 Expenses of Remuneration for collection of the Colonial Revenue, and charges incidental thereto, the Sum of *One Thousand and Fifty-five pounds*, to be appropriated in manner following, to wit:—

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

The Sub-Collector thereof, at Harbour-Grace, Ten Pounds.

The Sub-Collector at Carbonear, Ten Pounds.

The Sub-Collector at Port de Grave, Ten Pounds.

The Sub-Collector at Trinity, Ten Pounds.

The Sub-Collector at Twillingate, Ten Pounds.

The Sub-Collector at Fogo, One Hundred and Ten Pounds.

The Sub-Collector or Preventative Officer at Bay of Bulls, Sixty Pounds.

The Sub-Collector at Ferryland, Ten Pounds.

The Sub-Collector at Placentia, Ten Pounds.

The Sub-Collector at Burin, Ten Pounds.

The Sub-Collector at Little Bay, Ten Pounds.

The Sub-Collector at La Poile, One Hundred and Ten Pounds.

Tide Surveyor at St. John's, One Hundred and Eighty-five Pounds.

Assistant Waiter and Searcher, at Saint John's, One Hundred and seventy-five Pounds.

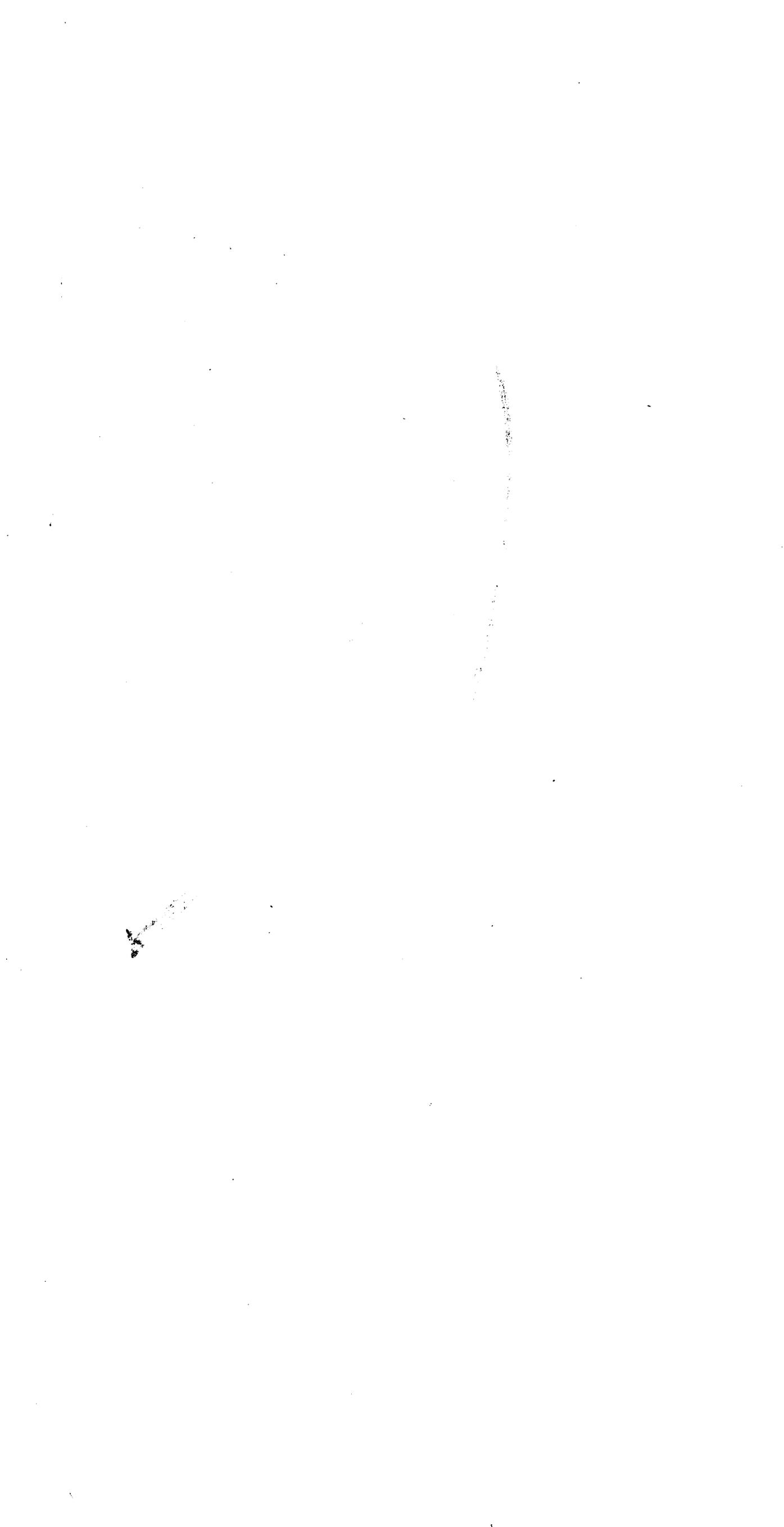
Clerk to Collector at Saint John's, One Hundred Pounds.

For Tide Waiters at Saint John's, and to defray all other Incidental Charges, One Hundred and Seventy-five Pounds.

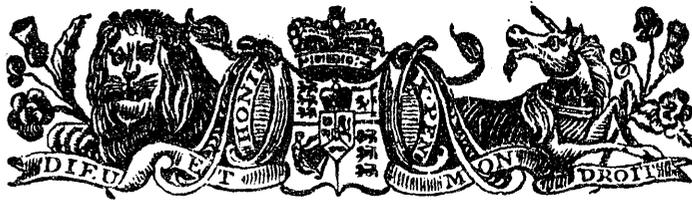
The said Sums to be paid by the Treasurer of this Colony in discharge of such Warrant or Warrants as shall be issued by the Governor or Acting Governor of this Colony, for the time being, in favour of any Persons to be applied to the purposes aforesaid.

Limitation.

XV.—*And be it further enacted*, that this Act shall be in force and continue from the termination or end of the present Session of the Legislature, and from thence for One whole Year, and no longer.







ANNO PRIMO

# VICTORIÆ REGINÆ.

## CAP. II.

*An ACT for Granting to Her Majesty a Supply of Money for the Making and Repairing of Roads and Bridges in this Colony, and to Regulate the Expenditure of the same.*

[18th November, 1837.]

**W**HEREAS it is expedient to provide for the internal improvement of this Colony by the opening of Roads and constructing Bridges therein: Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of *Newfoundland*, in General Assembly convened, that from and out of such Monies as from time to time shall be and remain in the hands of the Treasurer of this Colony, and unappropriated, there shall be granted to Her Majesty, Her Heirs and Successors, the Sum of *Sixteen Thousand Eight Hundred and One Pounds Sterling* for the purpose of Opening, Making, and Repairing Roads, Streets, and Highways, and for Erecting Bridges, in this Colony, in the manner hereinafter provided, and under the limitations, restrictions, and superintendance hereinafter prescribed, that is to say,—within the District of *Saint John's* the Sum of *Five Thousand Nine Hundred and Twenty Five Pounds*, to be appropriated and divided as follows:—

- |  |                    |
|--|--------------------|
| For a Road from Saint John's to Topsail, Five Hundred Pounds.                            | Roads.<br>Topsail. |
| For a Road from Saint John's to Bay of Bulls, Eight Hundred Pounds.                      | Bay of Bulls.      |
| For a Road from Saint John's to Petty Harbour, Six Hundred Pounds.                       | Petty Harbour.     |
| For a Road from King's Bridge to Outer Cove, Two Hundred Pounds.                         | Outer Cove.        |
| For a Road from King's Bridge to Goff's Bridge, Portugal-Cove, One Hundred Pounds.       | Portugal-Cove.     |
| For a Road from Logy Bay to meet the Road from Saint John's to Outer Cove, Fifty Pounds. | Logy Bay.          |

£16,801 appropriated for the making and repairing of Roads and Bridges as hereafter specified.

District of St. John's £5,925.

Portugal Cove to Broad Cove.	For a Road from Goff's Bridge, Portugal Cove, to Westward Point, being part of the Road from Portugal Cove to Broad Cove, One Hundred and Fifty Pounds.
Topsail to Holyrood.	For a Road from Topsail to Holyrood, Five Hundred Pounds.
Long Pond.	For a Road from Brine's Bridge to Long Pond, by Rennie's Mill, Two Hundred Pounds.
Apple Tree Well to George's Pond.	For a Road from Apple Tree Well to George's Pond, Two Hundred Pounds.
Magotty Cove.	For a Street from the Custom-House to Boden's Cove, Two Hundred and Fifty Pounds.
King's Road.	For a Street called the King's Road, Two Hundred and Fifty Pounds.
Duckworth Street— Bridge and Safety Wall.	For a Bridge in Duckworth Street, opposite Beck's Cove, One Hundred Pounds. For a Safety Wall in Duckworth Street, opposite McBride's Cove, on the property of William Newman, Eighty-five Pounds—provided an equal sum be advanced on account of the said William Newman.
Hospital Bridge.	For Repairing the Bridge near River-Head Hospital, Twenty Pounds.
Waterford Bridge.	For Re-building Waterford Bridge, One Hundred and Eighty Pounds.
Roads, Blockmaker's Hall.	For a Road to Blockmakers' Hall, Two Hundred and Fifty Pounds.
Wigmore's Gully.	For a Road from Saint John's to Wigmore's Gully, Two Hundred Pounds.
Brookfield.	For a Road from Brookfield, westward,—being part of the Old Placentia Road,—Two Hundred Pounds.
White Hills.	For a Road from King's Bridge to the White Hills, by Quidi Vidi Pond, Two Hundred and Fifty Pounds.
Streets in St. John's and South Side Bridge.	For the general improvement of Roads and Streets in the Town of Saint John's, Six Hundred Pounds,—of which Sum Two Hundred and Fifty Pounds shall be appropriated to the completion of the Bridge leading from Mr. Job's Cottage to the South Side.
Upper Long Pond.	For Repairing the Road and Bridges from the Barrens to Upper Long Pond, by Allen, Junior's, Farm, Two Hundred and Forty Pounds.
District of Conception Bay £4796.	To be expended in the District of <i>Conception Bay</i> , the Sum of <i>Four Thousand Seven Hundred and Ninety Six Pounds</i> , to be appropriated and divided as follows:—
Holyrood to Brigus.	For a Road from Holyrood to Brigus, Seven Hundred and Sixty Pounds.
Brigus (Street).	For a Street in the Town of Brigus, Fifty Pounds.
Bridges between Holyrood and Brigus.	For Bridges at Holyrood, Chappel's Cove, Harbour Main, Collier's, Turk's Gut, and South Side, Brigus, Two Hundred and Twenty Pounds.
Harbour Grace to Spaniards' Bay.	For a Road from Harbor-Grace to Spaniards' Bay, and a Bridge at Northern and Southern Gut, Four Hundred and Sixty Pounds.
Harbour Grace.	For a Road from the River-Head of Harbor-Grace to the Town of Harbor-Grace, One Hundred and Fifty Pounds. For Streets in the Town of Harbor-Grace, One Hundred and Fifty Pounds. Towards Bridges at the River-Head of Harbor-Grace, Martin's Brook, Fox's, Pendergast or Thistle's Brook, and Bear's Cove, One Hundred and Eighty-five Pounds.

Towards a Road from Harbor-Grace to Carbonear, Two Hundred Pounds. Carbonear.

For the Main Street at Carbonear, One Hundred and Fifty Pounds.

For a Road to Irish Town, Fifty Pounds.

For the Erection of a Bridge over Powel's Brook, Forty-five Pounds.

For Bridges over the following Brooks, Collins's Brook, Legg's Brook, Crocker's Cove Brook, and Pack's Brook, Two Hundred and Ten Pounds.

For a Road from Harbor Rock Hill, Carbonear, to Bay-de-Verds, One Thousand Two Hundred Pounds. Carbonear to Bay de Verds.

Towards a Bridge at Northern Brook, Western Bay, Seventy-eight Pounds. Bridges at Western Bay.

Towards a Bridge at Southern Brook, Western-Bay, Seventy-eight Pounds.

Towards a Bridge at Northern Bay, One Hundred Pounds.

Towards a Bridge at Ochre Pit Cove, Sixty Pounds. Northern Bay. Ochre Pit Cove.

Towards Roads in the Town of Port-de-Grave, Fifty Pounds. Roads.

For a Road from Harbor-Grace to Island Cove and Bread-and-Cheese Cove, Two Hundred Pounds. Port-de-Grave. Harbour Grace to Island Cove.

Towards a Road from Spaniards' Bay to Brigus, Four Hundred Pounds. Spaniard's Bay to Brigus.

To be expended in the District of *Ferryland*, including a Bridge over *Biscay Bay River*, the Sum of *One Thousand Seven Hundred Pounds*, to be appropriated and divided as follows:— District of Ferryland £1700.

For a Road from Renewes to Fermeuse River-Head, One Hundred and Eighty Pounds. Renewes to Fermeuse.

For a Main and Branch Road from Fermeuse to Aquafort, Two Hundred and Ninety Pounds. Fermeuse to Aquafort.

For Two Ferry Boats at Aquafort, Twelve Pounds. Ferry Boat at Aquafort.

For a Road from Aquafort to Ferryland, Two Hundred and Twenty-five Pounds. Aquafort to Ferryland.

For a Bridge over Spout River, Twenty Pounds. Bridge at Spout River.

For a Road through the Town of Ferryland, Twenty Pounds. Ferryland.

For a Bridge over Biscay Bay River, Sixty Pounds. Bridge at Biscay Bay.

For a Road from Caplin Bay to Cape Broyle, Two Hundred and Two Pounds. Roads between Bay Bulls and Cape Broyle.

For a Road from Bay Bulls to Witless Bay, One Hundred Pounds.

For a Road from Witless Bay to Toad's Cove, Two Hundred and Thirty Pounds.

For a Main Road from Toad's Cove to River-head of Cape Broyle, One Hundred and Eighty-one Pounds.

For a Branch Road from Brigus, Fifty Pounds. Branch Roads.

For a Branch Road from Bauline, Fifty Pounds.

For a Branch Road from Caplin Cove, Forty Pounds.

For a Branch Road from Burn Cove, Forty Pounds.

To be expended in the District of *Bonavista Bay*, the Sum of *Nine Hundred and Twenty Pounds*, to be appropriated and divided as follows:— District of Bonavista Bay £920.

For a Road from Bonavista to Catalina, Five Hundred Pounds. Catalina.

For a Road from King's Cove to Broad Cove, Fifty Pounds. Roads between King's Cove and Plate Cove.

For a Road from Broad Cove to Keels, Seventy Pounds.

For a Road from Keels to Tickle Cove, Fifty Pounds.

For a Road from Tickle Cove to Open-hall, One Hundred Pounds.

For a Road from Open-hall to Plate Cove, Fifty Pounds.

- Streets—Bonavista. For improving the Streets in the Town of Bonavista, Fifty Pounds.
- Greenspond. For improving the Streets in the Town of Greenspond, Fifty Pounds.
- Islands of Twillingate and Fogo £700. For Roads in the Islands of Twillingate and Fogo, *Seven Hundred Pounds*.
- District of Trinity Bay £580. To be expended in the District of Trinity Bay, the Sum of *Five Hundred and Eighty Pounds* to be appropriated and divided as follows:—
- Roads between Old Perlican and Heart's Delight. For a Road from Old Perlican to Hants' Harbour, Two Hundred Pounds.  
For a Road from Hants' Harbour to Heart's Content, Two Hundred Pounds.  
For a Road from Heart's Content to Heart's Delight, One Hundred and Eighty Pounds.
- District of Placentia and Saint Mary's £960. To be expended in the District of Placentia and St. Mary's, the Sum of *Nine Hundred and Sixty Pounds*, to be appropriated and divided as follows:—
- St. Mary's. For making a Road from Lance Cove, in St. Mary's Harbour, to meet the line of Road to River-Head Thirty feet wide, with Cross-road to the Court House, Thirty feet wide, Cross-road to the Bridge hereinafter mentioned, Twenty feet wide, and Cross-road to the Beach, Twenty feet wide, One Hundred and Fifty Pounds.
- Holyrood. For a Road from St. Mary's to Holy-rood Pond, Three Hundred and Forty Pounds.
- Bridges at St. Mary's. For erecting a Bridge over the Pond in the Town of St. Mary's, Sixty Pounds.  
For erecting a Bridge over Coote's Pond, Sixty Pounds.
- Placentia. For a Road from Great Placentia to Little Placentia, Three Hundred Pounds.
- Ferry at Placentia Gut. For providing a Ferry-Boat and erecting a House for a Ferryman to ply across the Gut of Placentia, Fifty Pounds.
- District of Burin, £550. To be expended in the District of Burin, the Sum of *Five Hundred and Fifty Pounds*, to be appropriated and divided as follows:—
- Burin and places adjacent. For a Road from the Court House at Burin to Burin Bay, One Hundred Pounds.  
For a Road from the aforesaid Court House to Bull's Cove, One Hundred Pounds.  
For a Road from Ship's Cove to Kerby's Cove, Seventy Pounds.  
For a Road from Olive Point to Great Burin, Fifty Pounds.  
For a Road from Bull's Cove to Port á Bras, Forty Pounds.
- Fortune to Grand Bank. For a Road from Fortune to Grand Bank, One Hundred Pounds.
- Bridge at Butcher Cove. For erecting a Bridge across the Brook at Butcher Cove, Ten Pounds.
- St. Lawrence. For a Road and Bridge from Great St. Lawrence, to Little St. Lawrence, Forty Pounds.
- Lamaline. For Two Bridges at Lamaline, Forty Pounds.
- Roads between Conception Bay and Trinity Bay. And for a Road from Spaniard's Bay to New Harbor and Dildo Cove, Two Hundred and Fifty Pounds.  
For the Road and Bridges from Carbonear to Heart's Content, Four Hundred and Twenty Pounds.

II.—*And be it further enacted,* That the following Persons respectively shall form and be Boards of Commissioners for the several Districts and Portions of Districts, and the several Roads and Bridges hereinafter expressed, respectively, that is to say—

The Board of Commissioners for the Roads and Bridges within the District of *Saint John's*, shall consist of the following Persons—that is to say—

Joseph Noad  
 Charles Fox Bennett  
 Robert Job  
 John Dunscomb  
 Patrick Doyle  
 John Kent  
 William Richards  
 Nicholas Gill  
 Venerable Edward Wix  
 William Hart Gaden  
 Patrick Mallowney  
 John O'Mara  
 James Douglas  
 Reverend Edward Troy  
 John Harding, and  
 Lawrence O'Brien ;

For Roads and Bridges from *Holyrood to Brigus*—

Holyrood to Brigus.

Reverend Denis Mackin  
 Charles Cozens  
 Anthony William Godfrey  
 James Hearn, and  
 William Muirden ;

For Roads and Bridges from the *River-Head of Harbor-Grace to Spaniards' Bay*—

Spaniards' Bay to Harbour-Grace.

William Donnelly  
 Thomas Ridley  
 John Munn, and  
 William Dixon ;

For Roads and Bridges in and about the *Town of Harbor-Grace*—

Harbour-Grace

Peter Brown  
 George Thorne  
 Thomas Foley  
 Andrew Drysdale, and  
 Thomas Dunford ;

and

For Roads and Bridges from *Harbor-Grace to Carbonear*—

Carbonear.

James Bayly  
 Roger Hanrahan, Junior  
 William Collins, and  
 Michael Howley ;

For Roads and Bridges in and about *Carbonear*—

John Walsh  
 John Elson  
 Edward Hanrahan, and  
 William Haynton Taylor ;

For Roads and Bridges from *Carbonear to Bay de Verds*—

Carbonear to Bay de Verds.

Robert Pack  
 James Power  
 William Bemister  
 Felix McCarthy, and  
 William Brown ;

- Port de Grave. For Roads in the Town of *Port de Grave*,  
Revd. Charles Blackman, and  
Thomas Martin;
- Island Cove and Bread and Cheese Cove. For Roads from *Harbor Grace* to *Island Cove* and *Bread and Cheese Cove*—  
Reverend Charles Dalton  
Reverend John Burt  
William Stirling, and  
George Crane;
- Brigus & Spaniard's Bay. For the Road from *Spaniard's Bay* to *Brigus*—  
Walter Whelan  
Nathaniel Munden  
John Jacob, and  
Nicholas Mulloy;
- Spaniard's Bay and New Harbour. For the Road from *Spaniard's Bay* to *New Harbour* and *Dildo Cove*,—  
William Donelly  
Robert Cranford  
Andrew Hacket, and  
Thomas George;
- Biscay Bay. For the Bridge over *Biscay Bay* River,—  
George Simms  
John Devereux, and  
George Sutton;
- Bay Bulls to Renew's. For the Roads from *Renews* to *Aquafort*,—  
Allen Goodridge  
John William Saunders  
Reverend James Duffy, and  
Owen O'Neill;
- For the Roads from *Aquafort* to *Ferryland*,  
Henry Winsor  
Arthur H. Carter  
Thomas Meagher and  
Michael Devereux;
- For the Road from *Ferryland* to *Cape Broyle*,—  
Matthew Morey  
John Power  
Henry Coryear, and  
Walter Shelley;
- For the Road from *Cape Broyle* to *Bay of Bulls*,—  
Edmund Power  
James Doyle  
Reverend Patrick Cleary  
John L. McKie  
R. Avery, and  
Thomas Blackler;
- South Side of Trinity Bay. For the Roads from *Old Perlican* to *Hant's Harbor*,—  
John Tilley  
George Haire  
John Thompson, and  
John Burt, junior;
- For the Road from *Hant's Harbor* to *Heart's Content*,—  
John Tilley  
George Haire  
Reverend Henry H. Hamilton, and  
Richard Underhay;

- For the Road from *Heart's Content* to *Heart's Delight*,—  
 Thomas Bryant  
 Richard Underhay  
 Reverend Henry H. Hamilton, and  
 Robert Ollerhead ;
- For the Road from *Bonavista* to *Catalina*,—  
 Samson Mifflin  
 Alexander Bremner, and  
 William Sweetland ;
- For the Road from *King's Cove* to *Broad Cove*—  
 Edward Mallowney, and  
 Reverend Nicholas Devereux ;
- For the Road from *Broad Cove* to *Keels*—  
 John Murphy  
 John Ryan, and  
 John Ducey ;
- For the Road from *Keels* to *Tickle Cove*—  
 — Dando, and  
 William Over ;
- For the Road from *Tickle Cove* to *Open-hall*, and from thence to  
*Plate Cove*—  
 John Shears, and  
 John Walsh ;
- For Roads in the Town of *Bonavista*—  
 Joseph Shears, and  
 Archibald Arnott ;
- For the Roads in the Town of *Greenspond*—  
 George Frampton, and  
 John Smith ;
- For the Roads in the Islands of *Twillingate* and *Fogo*—  
 Reverend Joseph M. Bergan  
 Stephen Lawler  
 Richard Dwyer  
 Thomas Piccott  
 Andrew Brine  
 Patrick Burk  
 John Bryan  
 John Dwyer  
 Reverend John Chapman  
 Andrew Pearce  
 Robert Tremlett  
 John Peyton, and  
 Robert Watkins ;
- For the Roads and Bridges at *Saint Mary's*—  
 Reverend James Duffy  
 William Burk  
 John Walsh, and  
 Thomas Whelan ;
- For Roads and Ferry at *Placentia*—  
 Reverend Pelagius Nowlan  
 Joseph Tucker  
 John Rielly  
 Richard McGrath  
 John O'Donnell  
 William G. Bradshaw  
 Francis L. Bradshaw, and  
 John Rielly, of Herring Bay ;
- South Side of Trinity Bay.
- Bonavista to Catalina.
- King's Cove to Plate Cove.
- Towns of Bonavista and Greenspond.
- Twillingate and Fogo.
- St. Mary's
- Placentia.

Burin.	<p>For the Roads and Bridges at <i>Burin</i>—            Reverend Michael Birnie            Reverend John Hennigar            Daniel Mackey            Clement Benning            William Hooper            John O'Neill, and            John Marshall;</p>
St. Lawrence.	<p>For the Roads and Bridges from <i>Great Saint Lawrence to Little Saint Lawrence</i>—            John Thorne, and            Henry Slaney ;</p>
Grand Bank to Fortune.	<p>For the Road from <i>Grand Bank to Fortune Harbour</i>—            William Evans            John Forsey            George Leek, and            James Leek ;</p>
Lamaline.	<p>For Two Bridges at <i>Lamaline</i>—            James Pittman, and            Richard Cake ;</p>
Carbonear to Heart's Content.	<p>And, from <i>Carbonear to Heart's Content</i>—            Thomas Chancey            Thomas Newell            Butler Aldridge, and            Robert Ollerhead.</p>
How vacancies occurring in such Boards are to be supplied.	<p>III.—<i>And be it further enacted</i>, that if any of the Persons named in this Act as Commissioners under the same, shall refuse or decline to take upon himself or themselves the duties of Commissioner under this Act, or if any of such Persons shall resign their Office, or die, or be absent from this Colony Six Months, it shall be lawful for His Excellency the Governor, from time to time, by Warrant under his Hand and Seal, to appoint another Person or Persons to the respective Board or Boards of Commissioners in place of such Person or Persons refusing to act, resigning, dying, or absenting himself or themselves from this Colony : <i>Provided</i>, that of each respective Board of Commissioners, a number equal to a majority of the same shall be a <i>Quorum</i>.</p>
Quorum.	<p>IV.—<i>And be it further enacted</i>, that it shall not be lawful for any of the said Boards of Commissioners to proceed in the Opening, Repairing, or Making any Road, or Building any Bridge, for which any Sum or Sums of Money may have been appropriated, in any other way than by Contract, having first given Public Notice of such intended contract, for the space of Twenty Days at the least, and all such Contracts shall be in Writing and shall be Signed by the Contractors respectively, with one or more of the Members of the respective Boards of Commissioners ; <i>Provided</i>, that for the Making of any Road, or Erection of any Bridge, the Execution of which may be commenced before the Thirtieth Day of November of this Year, it shall be lawful for any such Boards of Commissioners to enter into a Contract or Contracts upon 'Ten Days' Public Notice of the same being given.</p>
Proviso as to work commenced before 30th Nov. 1837.	<p>V.—<i>And be it further enacted</i>, that all such Public Notices shall specify in a clear and distinct manner the Work required to be performed, and shall be posted on the places of Public Worship in the Town, Harbour, or place nearest the part where the Work is to be done, for at least Two Sundays previously to such Contract being entered into. And all Tenders put in for any Contract or Work shall at the time appointed for receiving or opening the same be opened in presence of such of the Commissioners as may be in attendance, and likewise of all other Persons who may desire to be present at the open-</p>
Such notice to specify full particulars of work to be contracted for.	
Opening and acceptance of Tenders.	

ing of such Tenders. And in the event of the Person whose Tender, having been the lowest, shall have been accepted, not being prepared with Security for the performance of his Contract within Forty-eight Hours after such Tenders shall have been opened, the Respective Board of Commissioners shall in such case be at liberty to Contract with the Person whose Tender shall be the next lowest and who shall give the requisite Security for the due performance of the same, unless the said Commissioners shall think fit to extend the period for giving such Security.

VI.—*And be it further enacted*, that in all cases where any Contract is made by any of the said Boards of Commissioners, the lowest Tender made with sufficient security shall be accepted: and in case no Tender be made within the period advertised for Tenders, or in case the Tenders made be unreasonable, then, and in such case, Ten Days further Public Notice for Tenders shall be given, and so on as many times as the same may be required.

Lowest Tender (with adequate security) to be accepted, and where no Tenders are made, or the security offered be insufficient, further notice to be given.

VII.—*And be it further enacted*, that such Boards of Commissioners, before they enter into any such Contracts, shall require reasonable Security from the Contractor or Contractors that he or they shall perform such Contracts; and if such Contractor or Contractors shall require any Money to be paid in advance, such Commissioners may from time to time advance any part of the amount of such Contract not exceeding in the whole one third at any one time, and no advance shall be made until two sufficient Bondsmen become bound with such Contractor or Contractors in double the Sum to be advanced, that he or they will perform or complete such Contract. And no second advance shall be made to such Contractor or Contractors until one-half part of the said Work shall be executed, examined and passed, as having been done in a Workman-like manner, agreeably to Contract. And the said Commissioners shall so frame their Contracts that the same shall be finished in a limited time, and they shall always withhold the payment of one-third of the full amount thereof, respectively, until such Work shall be finished and fully executed.

Due security to be required previous to Contracts being entered into.

Advances to Contractors.

VIII.—*And be it further enacted*, that previously to any Sum or Sums of Money being expended in the Opening or Making of any new Road, the proposed line of Road shall first have been Surveyed by or under the directions of the respective Board of Commissioners, and approved by them. *Provided always*, that no line of Road on which Monies have been expended by the Legislature shall be altered without the expressed approval of the Board of Control hereinafter mentioned, in any case where such alteration shall be attended with an Expense of *One Hundred Pounds* or upwards.

No new line of Road to be opened till a survey has been made, and approved by the Commissioners.

Proviso as to altering of Roads already made.

IX.—*And be it further enacted*, that such respective Boards of Commissioners may appoint Surveyors to lay down and inspect new Roads and Bridges; *provided* that for such primitive Survey, and constant Inspection of Work or new Roads, the Remuneration to such Surveyor and Inspector shall not exceed *Five Pounds* per Centum on the Sum voted for such Work, and *Provided* that for Survey and Inspection of Bridges and Work upon Roads already laid down, the Remuneration to the Surveyor or Inspector shall not exceed *Two Pounds Ten Shillings* per Centum on the Sum voted for such Work; *Provided likewise*, that no Commissioner shall on any occasion be entitled to any such Compensation as Surveyor or Inspector; *Provided nevertheless*, that if in any Case such *Two Pounds Ten Shillings* per Centum or *Five Pounds* per Centum respectively, shall be an inadequate Remuneration for the services performed by any Surveyor, it shall be

Regulation as to the survey and inspection of Roads and remuneration to Surveyors.

lawful for the respective Boards of Commissioners, by and with the consent and approbation of the Board of Control hereinafter-mentioned, to afford such further Remuneration to any such Surveyor as may be reasonable and proper.

Private property may be taken for opening or widening Roads under this act.

Amount of compensation to proprietors to be ascertained by arbitration.

X.—*And be it further enacted*, that whenever it shall become necessary for the Opening, Making or Widening of any Road, Highway, or other Work, to appropriate any Parcel or Piece of Land being the private property of any Person or Persons, it shall and may be lawful for the respective Boards of Road Commissioners, before such Road or Bridge shall be laid down, to pay out of such Monies as shall be in their hands for the purpose of making such respective Road or Highway, or other Work, a fair and reasonable Compensation to each and every Person or Persons holding or possessing any interest in the Land so intended to be appropriated for such Road; and the amount of such Compensation shall be ascertained by the appointment of Two Arbitrators on the part of the respective Boards of Commissioners, and Two Arbitrators on the part of the respective Person or Persons so possessed of, or holding any interest in the Land so intended to be appropriated to such Road or Highway, which Four Arbitrators shall appoint an Umpire, and such Court of Arbitration shall be sworn to make award justly and impartially, and shall and may condemn or approve of the incroachment complained of, and decree the proper amount of Compensation, having taken into account the improvement, if any, to the value of the property made by the erection of such Bridge, or the Opening or Widening of such Roads; and such Sum or Sums of Money as shall be awarded under the hands of any Three or more of such Arbitrators, or Two of such Arbitrators and the Umpire, shall be deemed to be a sufficient Compensation to each and every Person respectively, having or possessing any right or interest in Land so appropriated or intended to be appropriated to such Road or Highway.

Proceedings in cases of proprietors refusing to accept the compensation offered.

XI.—*And be it further enacted*, that upon the Tender of such Compensation to the respective Person or Persons having or possessing any right or interest in such Land respectively, or in the event of such Owner or Owners of Land having refused or neglected to appoint Arbitrators, then upon the Tender of such Compensation as Four Arbitrators, to be appointed by the respective Commissioners, shall certify under their hands as sufficient, it shall and may be lawful for the respective Board of Commissioners to enter upon, take and appropriate, or make order for the entry upon, taking and appropriation, of all such Land respectively, for the Opening, Making or Widening of such respective Road or Highway, and thereupon the Right, Title and Interest of all and every such Person or Persons aforesaid, of and in such Land, shall cease, and the same shall be deemed and taken to be a Public Road and Highway.

Where the sum voted for any Road be more than sufficient.

XII.—*And be it further enacted*, that in all cases where any Sum or Sums of Money herein declared to be applicable to any particular Road, or any Bridge, shall be more than sufficient for the same respectively, it shall and may be lawful for such respective Board of Commissioners (by and with the consent of the Board of Control hereinafter mentioned) to appropriate and apply all or any such surplus Monies to any other Road or Bridge hereinbefore mentioned within the jurisdiction of the said Board.

Commissioners not to be concerned in any contract or work.

XIII.—*And be it further enacted*, that no Commissioner shall be directly or indirectly engaged or concerned in any Contract or Agreement for the Making of any Roads or any Bridges, or for any Work,

Labour or Services to be Compensated under this Act, under a penalty Penalty.  
of *One Hundred Pounds* for every such offence.

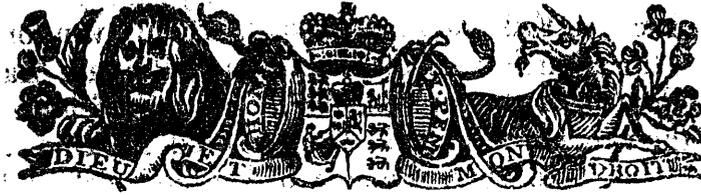
XIV.—*And be it further enacted*, that there shall be a Board of Control of the Public Works on all Roads, Highways and Bridges in this Colony, and it shall and may be lawful for His Excellency the Governor, by Warrant under his Hand and Seal, to appoint Five Persons who shall constitute such Board of Control; and it shall and may be lawful for the respective Boards of Commissioners of Roads and Bridges and they are hereby required to transmit to such Board of Control all Tenders made for any Work or Contract, as well those rejected as those accepted; and all Contracts whatsoever entered into by such respective Boards of Commissioners, and likewise a Report of the appointment of all Surveyors or Inspectors of Public Works, with the extent of Work under Inspection and the amount of intended Remuneration for Survey and Inspection; and such Boards of Commissioners shall likewise transmit sworn statements of the Expenditure of all Monies, so far as the same shall have come to their hands and been applied, and also sworn proof of the completion of the respective Contracts according to Agreement, before the Payment of the last Instalment on any such Contracts shall be permitted or allowed. All which Tenders, Contracts and Reports so made before the Payment of the last Instalment, shall be subject to the approval, order and control of the said Board.

Board of Control to be appointed by the Governor for the supervision and approval of the proceedings of the respective Boards of Commissioners.

XV.—*And be it further enacted*, that it shall and may be lawful for His Excellency the Governor to appoint a Clerk to such Board of Control, and such Clerk shall receive a Salary not exceeding *Fifty Pounds*.

The Governor to appoint a Clerk to the Board of Control.





ANNO PRIMO

## VICTORIÆ REGINÆ.

### CAP. III.

*An ACT to continue and amend an Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island."*

[18th November, 1837.]

**W**HEREAS an Act was passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to regulate the Packing and Inspection of Pickled Fish for exportation from this Island;*" And the said Act being about to expire, it is expedient to continue and amend the same: *Be it therefore enacted*, by the Governor, Council, and Assembly of *Newfoundland*, that the said recited Act shall further continue and be in force for a period of *Two Years* from the passing of this present Act, and from thence to the end of the then next Session of the Legislature of this Island.

Preamble.

4 W. 4, C. 16,  
further continued  
in force.

II.—*And be it further enacted*, that the Provisions and Restrictions of the said recited Act shall not extend, or be deemed to extend, to any Fish other than *Salmon, Mackerel and Herrings*.

Provisions of recited  
Act to extend only  
to *Salmon, Mackerel  
and Herrings*.

III.—*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 Pickled or Salted Herrings or Mackerel packed in ordinary *Pork or Beef Barrels*, whether the same shall be of the dimensions of the Casks required by the said recited Act, or otherwise, any thing in the said Act to the contrary notwithstanding.

Certain restrictions  
on the Export of  
Pickled Fish modi-  
fied.

IV.—*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 the aforesaid recited 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*.

Herrings and  
Mackerel Exported  
under this Act to  
be inspected as  
before.

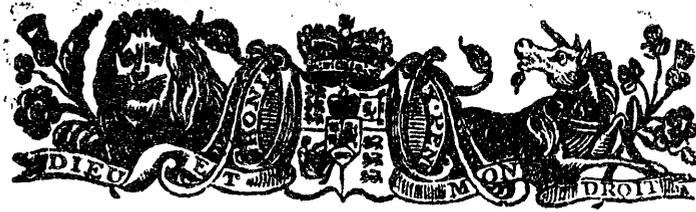
Proviso as to  
Branding.

Penalty on unlawfully Exporting Pickled Fish not to exceed *one-half* the value of such Fish.

V.—*And be it further enacted*, that no greater Penalty shall attach to or be enforced against any Person unlawfully shipping or exporting Uninspected Pickled Fish from this Colony, in contravention of the said Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, or this present Act, than a Forfeiture or Penalty of One-half the value of all such Uninspected Pickled Fish so exported or shipped; and such Penalty or Forfeiture shall be sued for and recovered, and applied in the manner prescribed by the said Act, and shall be levied upon the Goods and Chattels of the Person or Persons so exporting or shipping such Uninspected Pickled Fish, or otherwise upon such Fish, or upon so much thereof as shall be necessary to satisfy the amount of such Forfeiture or Penalty, together with all Costs and Expenses attending the Prosecution against such Shipper or Exporter.







ANNO PRIMO

# VICTORIÆ REGINÆ.

## CAP. IV.

*An ACT to extend the Criminal Laws of England to this Colony under certain modifications.*

[18th November, 1837.]

**W**HEREAS the Penal Code and Criminal Laws of *England* have lately undergone very considerable revisions and improvements; and it is highly desirable to extend the same to this Colony, together with such further Amendments as the said Criminal Laws may from time to time receive by any Act or Acts of the Imperial Parliament to be hereafter passed.

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 the Criminal Laws and Statutes of the Imperial Parliament in force in *England* on the *Twentieth* day of *June*, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Seven, shall, so far as the same can be applied, extend to and be the Law of this Island, and its Dependencies, in all cases.

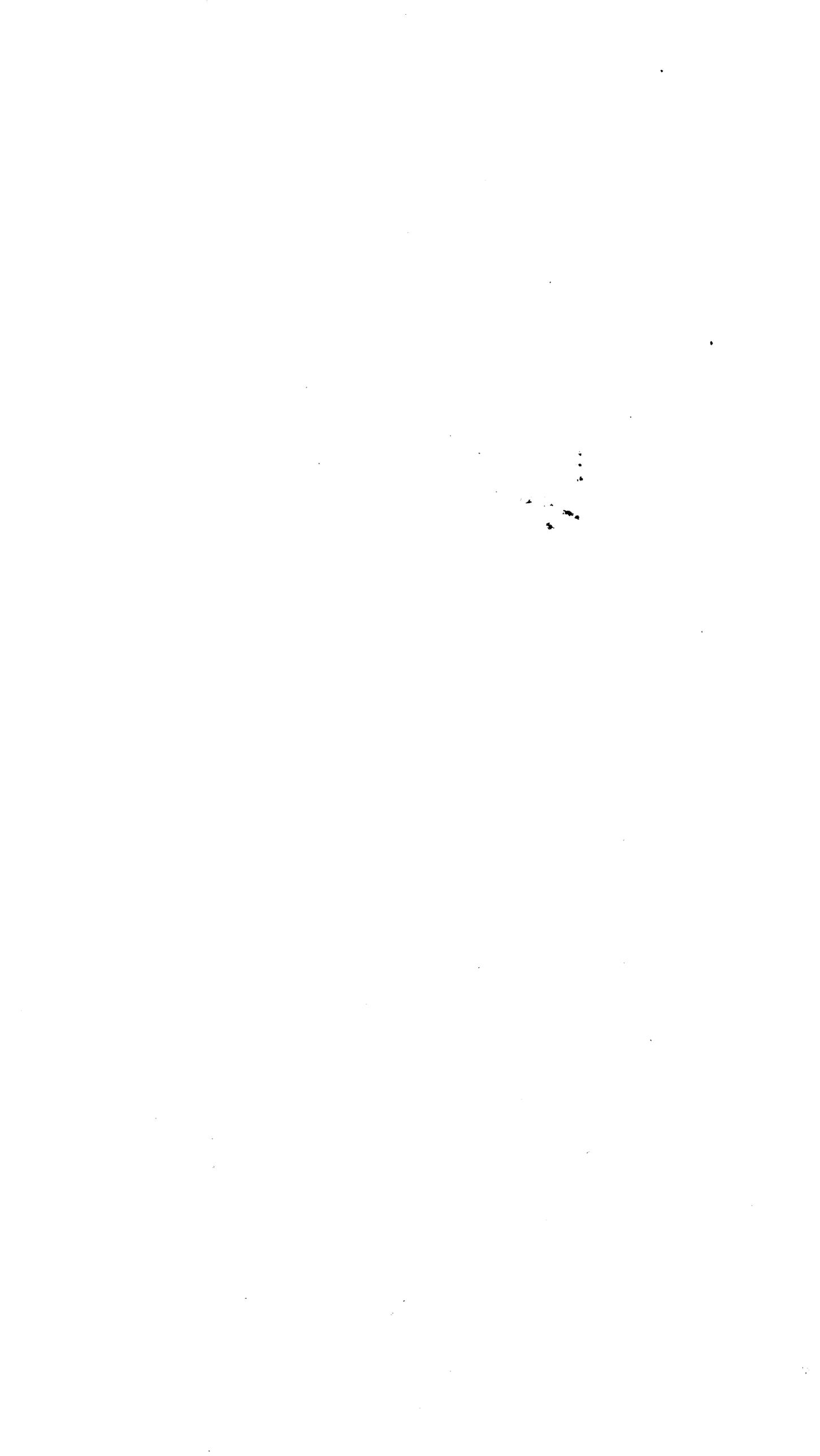
Criminal Law of *England*, in force on the *20th June* 1837, to be the Law of this Colony.

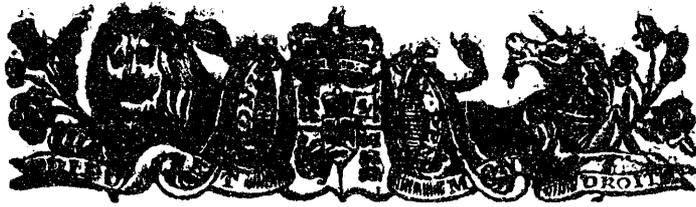
II.—*And be it further enacted*, that all Statutes of the Imperial Parliament of *Great Britain* in further Amendment or Alteration of the Criminal Law of *England*, passed, or which may be passed, subsequently to the *Twentieth* day of *June* aforementioned, shall in *Twelve Months* after the passing of the same, respectively, extend to and be the Law of this Colony, so far as the same can be applied.

Any further Amendments therein to be in force in this Colony in 12 months after the passing thereof.

III.—*And be it further enacted*, that all pecuniary penalties imposed by any Law in *England* which, according to the provisions of this Act, shall be held to be in force in this Colony, shall be adjudged to be distributed in the following manner,—that is to say, one half to the Informer and the other half to Her Majesty, Her Heirs and Successors, to be paid into the Public Treasury, to and for the use of this Island.

Appropriation of Fines and Penalties adjudged under this Act.





ANNO PRIMO

## VICTORIÆ REGINÆ.

### CAP. V.

*An ACT to repeal part of an Act passed in the Parliament of Great Britain in the Fifth year of the Reign of His Majesty King George the Fourth, intituled "An Act for the better Administration of Justice in Newfoundland, and for other purposes," and to make further provision for the Registration of Deeds in this Colony.*

[18th November, 1837.]

**W**HEREAS it is expedient to alter and amend the Laws now in force in this Colony for the Registration of Deeds: *Be it enacted*, by the Governor, Council, and Assembly of *Newfoundland*, and by the authority of the same, that the Thirty-second Section of an Act passed in the Parliament of *Great Britain* in the Fifth year of the Reign of His Majesty King *George the Fourth*, intituled "*An Act for the better Administration of Justice in Newfoundland, and for other purposes*," shall be, and the same is, hereby repealed.

Preamble.

5th Geo. 4, Cap. 67.

II.—*And be it further enacted*, that from and after the passing of this Act, in all cases where Deeds, Conveyances, and other Assurances of what nature or kind soever, whereby any Lands or Tenements situate in the said Colony or the Dependencies thereof, have been or may be hereafter Granted, Conveyed, Mortgaged, Charged, or otherwise affected, or intended so to be, shall not have been left at the proper Office for the Registration thereof within the times prescribed by the said in-part-recited Act, or where the execution thereof shall not have been acknowledged before the Registrar by the Party or Parties from whom any interest may pass, or their Attorney duly appointed, it shall and may be lawful for the Registrar of Deeds for the District wherein the Lands affected by the said Deed, Conveyance, or other Assurance, shall be situated, and he is hereby required, to register the same upon Affidavit being made by one of the Subscribing Witnesses of the due execution thereof by the Parties thereto, which Affidavit may be taken before the Registrar of each of the said Districts, or before any

Where Deeds, &c. have not been left for registration within the period required by Law, the Registrar may register the same on affidavit as herein prescribed.

Commissioner duly authorized to take Affidavits in the Supreme Court, or before any Justice of the Peace of this Island, whereupon the said Deed, Conveyance, or other Assurance, shall be deemed and taken to be duly registered, any thing in the said in-part-recited Act to the contrary thereof in any wise notwithstanding.

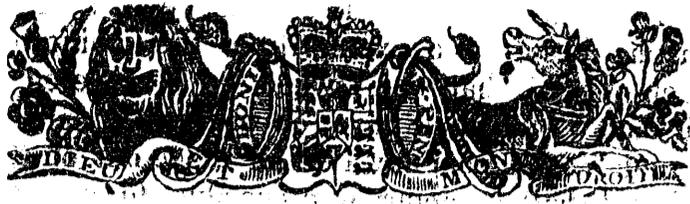
Deeds, &c., executed after the passing of the above recited Act to be deemed void unless registered as herein required.

III.—*And be it further enacted*, that every Deed, Conveyance, or other Assurance, of any Lands, Tenements, or Hereditaments, made or executed after the passing of the before in-part-recited Act, shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for a valuable consideration, unless such Deed, Conveyance, or other Assurance, shall have been duly registered within the times limited by the said in-part-recited Act for the Registration thereof, or if subsequently then unless the same shall have been registered before the Registry of the Deed, Conveyance, or other Assurance, under which any such subsequent Purchaser or Mortgagee shall claim. *Provided always, and be it further enacted*, that nothing in this or in the said in-part-recited Act, shall extend to any Lease at a Rack-rent, where the actual possession and occupation shall go with the Lease.

Proviso.







ANNO PRIMO

# VICTORIÆ REGINÆ.

## CAP. VI.

*An ACT to amend an Act passed in the Third Year of the Reign of King William the Fourth, intituled "An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's."*

[18th November, 1837.]

**W**HEREAS an Act was passed in the General Assembly of this Island in the Third Year of the Reign of King *William the Fourth*, intituled "*An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's*;" and by reason of the alteration in the mode of admeasuring Vessels for Registry, it is expedient to alter the rates of Pilotage of Vessels into and out of the Port of *St. John's*.

Preamble.

3rd Wm. 4, Cap. 7.

*Be it therefore enacted*, by the Governor, Council and Assembly of *Newfoundland* that from and after the passing of this Act, in place and stead of the Rates of Pilotage regulated by the aforementioned Act, and prescribed in Schedule "C" of the same Act, the following Rates of Pilotage shall be paid and received in the manner defined in the said recited Act, on all Vessels admeasured under the provisions of the Act 3rd & 4th William 4, Cap. 55.

Rates of Pilotage established by above recited Act, altered as herein prescribed.

*Table of Rates of Pilotage of Vessels in and out of the Harbor of Saint John's.*

			Currency.		
			£	s.	d.
On Vessels under 80 Tons	....	....	2	0	0
ditto from 80 Tons to 130 Tons	....	....	2	10	0
ditto " 130 ditto 180 do.	....	....	3	0	0
ditto " 180 ditto 230 do.	....	....	3	5	0
ditto " 230 ditto 300 do.	....	....	3	10	0
ditto " 300 Tons and upwards	....	....	4	0	0
Her Majesty's Ships under 6th Rate	....	....	2	0	0
Her Majesty's Ships of 4th, 5th and 6th Rates	....	....	2	10	0
Her Majesty's Ships of the Line	....	....	4	0	0

Table.

Rates of Pilotage.

All Coasting Vessels which may take Pilots, to pay *one-half* of the above rates of Pilotage, in proportion to their Tonnage.

All Vessels except Ships of War and Coasters bound to take Pilots.

What is to be deemed a Coasting Vessel.

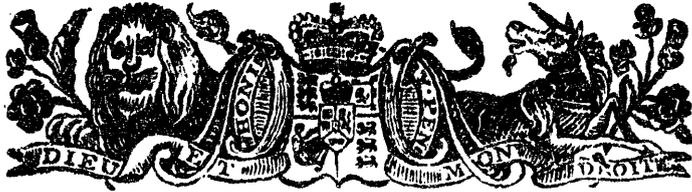
How Fees or Sums due for Pilotage may be recovered.

II.—*And be it further enacted*, that all Ships and Vessels, except Her Majesty's Ships and Coasting Vessels, shall be bound to take Pilots both in and out of Port. And that no Vessel shall be deemed to be a Coasting Vessel, and exempt from the liability of taking a Pilot, if such Vessel shall be Owned or Registered out of this Colony, or if such Vessel shall have on board any part of a Cargo imported in such Vessel from any Port or Place out of this Colony, or if such Vessel shall be going or proceeding to any Out-port to load a Cargo for any Foreign Market.

III.—*And be it further enacted*, that all Fees and Sums due for Pilotage under this Act shall and may be Sued for and Recovered in a summary way before any Two or more Justices of the Peace, and the amount of such Judgment or Order, together with all Costs incident thereto, shall be levied upon the Goods and Chattels of the respective Defendant or Defendants; or in case no such Goods and Chattels shall be found, then the amount of such Judgment or Order, and Costs, shall be levied upon the respective Vessel for or on account of which such Pilotage shall have been performed (except in case of Her Majesty's Vessels,) or upon so much of the materials thereof as shall be sufficient to satisfy such Judgment, or Order, and Costs.







ANNO PRIMO

## VICTORIÆ REGINÆ.

### CAP. VII.

*An ACT to further continue an Act passed in the General Assembly of this Colony 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 Colony."*

[18th November 1837.]

**W**HEREAS an Act was passed in the General Assembly of this Colony 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.*" And whereas the said Act hath been continued until the end of the present Session, and it is expedient further to continue the same :

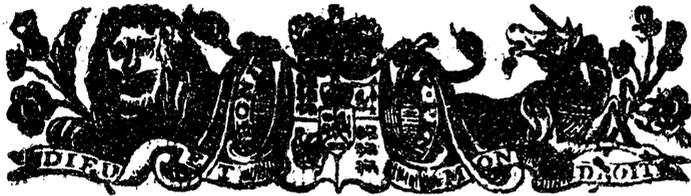
Preamble.

3rd Wm. 4, Cap. 1.

*Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, that the said recited 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 Colony,*" shall be in force and continue for a further period of One Year, and from thence to the end of the then next Session of the Legislature.

Act herein recited further continued in force.





ANNO PRIMO

## VICTORIÆ REGINÆ.

### CAP. VIII.

*An ACT to authorize the raising by Loan a further Sum of Money for the completion of the Light-House on Harbour Grace Island, and to make further Regulations respecting the same.*

[18th November, 1837.]

**W**HEREAS it is expedient to authorize the raising by Loan of a further Sum of Money for the completion of the *Light-House* on *Harbour-Grace Island*, and it is likewise expedient to make further Regulations respecting the said *Light-House*: *Be it therefore enacted*, by the Governor, Council, and Assembly of *Newfoundland*, that it shall and may be lawful for the Treasurer of the Colony, and he is hereby authorized, to raise by Loan from such Person or Persons, or Body Corporate, as will advance the same, a further Sum of Money on account of the said *Light-House*, not exceeding in the whole the Sum of *Five Hundred Pounds*, chargeable upon and to be repaid out of the Public Funds of this Colony, together with interest on the same not exceeding *Six* per cent per annum.

Preamble.

Further Sum of £500 to be raised by loan for completing *Light House* on *Harbor-Grace Island*.

II.—*And be it further enacted*, that the said Treasurer of the Colony shall grant and issue to the respective Persons who shall lend and advance the whole or any part of such Money, a Debenture or Debentures, to the effect and in the form set forth in a certain Act passed in the Fourth year of the Reign of His late Majesty King *William the Fourth* intituled “*An Act for the establishment of a Light-House on Harbor Grace Island*;” and all such Monies shall be borrowed and repaid upon the like terms and conditions, and shall be applied and appropriated in like manner and under the same regulations, as are provided in the said recited Act concerning Monies already borrowed on account of the said *Light-House*.

Treasurer to issue Debentures for Money borrowed under this Act as directed by 5th Wm. 4, Cap. 7.

III.—*And be it further enacted*, that all Rates and Dues which shall or may be received under or by virtue of the said Act, or on account of the said *Light House*, shall be paid by the Collector or Receiver of the same to the Treasurer of the Colony, without any further deduction from the same than the amount of Commission allowed to such Collector or Receiver; and all such Monies shall abide the appropriation of the Legislature.

Dues &c. collected under above recited Act to be paid over to Colonial Treasurer.

Salary of Keeper of Light House, and expences of lighting &c. to be regulated by the Legislature.

IV.—*And be it further enacted*, that such Salary shall be paid and allowed to the Keeper of the said Light-House, and such Sums of Money be allowed for the lighting of the same, and other incidental expenses, as the Legislature shall or may from time to time grant for those purposes.

Governor authorized to appoint a Light House Keeper.

V.—*And be it further enacted*, that it shall and may be lawful for His Excellency the Governor, from time to time, to appoint a proper person as Keeper of the said Light House, and likewise to remove any Keeper of the said Light-House upon reasonable cause.

All purchases on account of Light House to be made by Tender.

VI.—*And be it further enacted*, that all purchases for and on account of the said Light House shall be upon a public Notice or Advertisement for Tenders for the same, and the lowest of such Tenders for an article of suitable quality shall on all occasions be preferred; and all accounts and Vouchers relating to any expence incurred on account of the said Light House shall from time to time be furnished to the Treasurer of the Colony, before the respective Sum of Money shall be drawn from the Treasury.

Accounts to be laid before the Legislature.

VII.—*And be it further enacted*, that a detailed account of all rates and dues received on account of the said Light House, and a particular statement of all Costs, Charges and Disbursements incurred or paid, shall be furnished and laid before the Legislature at the commencement of each Session.







ANNO PRIMO

## VICTORIÆ REGINÆ.

### CAP. IX.

*An ACT for the regulating the Service of Merchant Seamen engaged in the Vessels of this Colony.*

[18th November, 1837.]

**W**HEREAS the Act of the Imperial Parliament of *Great Britain* Preamble. passed in the fifth and sixth years of His late Majesty's Reign, intituled "*An Act to amend and consolidate the Laws relating to Merchant Seamen of the United Kingdom,*" and for forming and maintaining a Register of all the men engaged in that service, has repealed all former Acts of Parliament for the regulating of Merchant Seamen; and by the fifty-fourth clause of the said Act, it is provided and enacted that the said Act should not extend or apply to any Ship registered in or belonging to any British Colony having a Legislative Assembly, or to the Crew of any such Ship while such Ship should be within the precincts of such Colony, any thing therein-before contained to the contrary in any wise notwithstanding:—

I.—And Whereas it is consequently expedient to introduce certain necessary regulations for the government of Merchant Seamen in this Colony: *Be it therefore enacted*, by the Governor, Council, and Assembly of *Newfoundland*, that it shall not be lawful for any Master of any Ship or Vessel belonging to any British subject, and registered in this Colony, trading to parts beyond the seas or out of this Colony, to carry to sea on any voyage either from this Colony or from any other place, any Seaman or other Person as one of his crew or complement (apprentices excepted,) without first entering into an agreement in writing with every such Seaman, specifying what monthly or other wages such Seaman is to be paid, the capacity in which he is to act, and the nature of the voyage in which the Ship is intended to be employed, so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the day of the month and the year in which the same shall be made, and shall be signed by the Master, in the first instance, and by the Seamen respectively, at the Port or Place where such Seamen shall be respectively shipped, and the Master shall cause the same to be, by, or in presence of the party who is to

Regulations respecting forms of Articles of Agreement.

attest their respective signatures thereto, truly and distinctly read to every such Seaman, before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is bound.

To be according to Schedule.

II.—*And be it further enacted*, that every such Agreement shall be in the form, and shall contain true entries, under their respective heads, of the several particulars set forth in the Schedule to this Act annexed, so far as the same can be ascertained.

Seamen not to be deprived of legal remedies.

III.—*And be it further enacted*, that no Seaman, by entering into or signing such Agreement as aforesaid, shall Forfeit his Lien upon the Ship, nor be deprived of any remedy for the recovery of his wages, which Seamen are now lawfully entitled to, against either the Ship, the Master or Owners thereof; nor shall any Agreement made contrary to or inconsistent with the provisions of this Act, or any claim whereby a Seaman shall consent to forego the right which the Maritime Law gives him to wages, in the case of freight earned by ship subsequently lost, or containing any words to that effect, be valid or binding on any Seaman signing the same; and that in cases in which it may be necessary that the Agreement should be produced, to sustain a claim on the part of the Seaman, no obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any suit or proceedings for the recovery of his wages, for want of the production of any such Agreement or for the want of any notice to produce the same, any law or usage to the contrary notwithstanding.

No Agreement contrary to this Act to be valid.

Seamen not bound to produce Agreement.

Seamen refusing to join or to proceed in the Ship or absenting themselves therefrom may be committed to Gaol.

IV.—*And be it further enacted*, that in case a Seaman shall at any time after having signed an Agreement as herein-before mentioned, neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any Justice of the Peace in any part of this Colony, near to the place where such Ship shall happen to be, upon complaint of the fact, made upon oath by the Master, Mate, or Owner thereof, and such Justice is hereby required, by his warrant to cause such Seaman to be apprehended and brought before him, and in case such Seaman shall not give a reason to the satisfaction of such Justice, for his neglect, refusal, or absence, as the case may be, upon due proof of such neglect, refusal, or absence, it shall be lawful for any such Justice to commit such Seaman to the District Jail, or House of Correction, there to be kept at hard labour for a period not exceeding *thirty days*: *Provided always*, that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the Ship and proceed on the voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master for the purpose of proceeding on the voyage, and also to award to the Master such costs incurred in the apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of *Two Pounds*, which shall be chargeable against, and may be abated from, the wages to grow due to such Seaman.

Forfeiture for temporary absence from duty.

V.—*And be it further enacted*, that if any Seaman, after signing such agreement as aforesaid, or after the Ship, on board which he shall have agreed to serve, shall have left her first Port of clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the Ship, or otherwise from his duty, he shall (in all cases not of absolute desertion or not treated as such by the Master,) forfeit out

of his wages to the Master or Owner of such Ship the amount of Two days' pay, for every twenty-four hours of such absence, and in a like proportion for any less period of time, or, at the option of the said Master, the amount of such expenses as shall have been incurred in hiring a substitute to perform his work; and in case any Seaman, while he shall belong to the Ship, shall without sufficient cause neglect to perform such his duty, as shall be reasonably required of him by the Master or other Person in command of the Ship, he shall be subject to a like forfeiture for every such offence, and of every twenty-four hours continuance thereof; and in case any such Seaman, after having signed such agreement, or after the Ship's arrival at her Port of delivery, and before her cargo shall be discharged, shall quit the Ship without previous discharge, or leave from the Master thereof, he shall forfeit to the Master or Owner One Month's pay out of his wages: *Provided always*, that no such forfeiture shall be incurred unless the fact of the Seaman's temporary absence, neglect of duty, or quitting the Ship, shall be duly entered or recorded on the Ship's Log Book, which entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the Seaman was absent or neglected his duty—the truth of which entry it shall be incumbent on the Owner or Master, in all cases of dispute, to substantiate by the evidence of the Mate or some other credible witness.

VI.—*And be it further enacted*, that in all cases where the Seaman shall have contracted for wages by the voyage or by the run, and not by the month or other stated period of time, the amount of forfeitures to be incurred by Seamen under this Act, shall be ascertained in manner following, that is to say—if the whole time spent in the voyage agreed upon shall exceed One Calendar Month, the forfeiture of One Month's pay expressed in this Act, shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages as a Calendar Month shall bear to the whole time spent in the voyage; and in like manner a forfeiture of Two Day's pay, or less, shall be accounted and taken to be a forfeiture of the sum bearing the same proportion to the whole wages as the same period of time shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed One Calendar Month, the forfeiture of One Month's pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and if such time shall not exceed Two Days, the forfeiture of Two Days' pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and the Master is hereby authorized to abate the amount of all forfeitures hereinbefore enacted out of the wages of any Seaman incurring the same.

How amount of forfeiture is to be ascertained when Seamen contract for the Voyage.

VII.—*And be it further enacted*, that every Seaman who shall absolutely desert the Ship to which he shall belong, shall forfeit to the Owner or Master thereof all his Clothes and Effects which he may leave on board, and all Wages and Emoluments to which he might otherwise be entitled—provided the circumstances attending such desertion be entered into the Log-Book at the time, and certified by the signature of the Master and Mate, or other credible witness, and that an absence of a Seaman from the Ship for any time within the space of Twenty-four hours immediately preceding the sailing of the ship, without permission from the Master thereof, or for any period, however short, under circumstances plainly shewing that it was his intention not to return thereto, shall be deemed an absolute desertion; and in case any such desertion shall take place in parts beyond the seas, or out of this Colony, and the Master of the Ship shall be under the

Forfeiture for desertion.

Increased Wages paid in consequence of desertion recoverable from deserters.

Penalty for harbouring deserter.

No debt exceeding 5s. recoverable from Seamen until Voyage is ended.

Seamen's Effects not to be detained by Keepers of Lodging Houses under pretence of Debt.

The period within which Wages are to be paid.

Such payment of Wages to be deemed valid notwithstanding Bill of Sale, &c.

necessity of engaging any Seaman as a substitute for the deserter, at a higher rate of wages than that stipulated in the Agreement to be paid to the Seaman deserting, the Owner or Master of the Ship shall be entitled to recover from the deserter, by summary proceeding, in the same manner as wages are by this Act made recoverable, any excess of wages which such Owner or Master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his Agreement.

VIII.—*And be it further enacted*, that if any Person shall, either on Shipboard or on Shore, harbour or secrete a Seaman who shall have signed an Agreement to proceed on a voyage to parts beyond the seas, and shall have deserted or absented himself without leave from his Ship, knowing or having reason to believe him to be a deserter, or to be absent without leave, every Person so offending shall for every such Seaman so harboured or secreted forfeit and pay the sum of *Ten Pounds*; and that no debt exceeding in amount *Five Shillings*, incurred by any Seaman after he shall have signed any such Agreement as aforesaid, shall be recoverable until the voyage agreed for shall have been concluded, nor shall it be lawful for any Keeper of a Public House, or of a Lodging House for Seamen, to withhold or detain any Chest, Bed or Bedding, Clothes, Tools, or other Effects of any Seaman, for any pretended Debt alleged to have been contracted by any such Seaman; and in case any such Chest, Bed, Bedding, Clothes, Tools, or Effects as aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace, in any part of this Colony, upon complaint, upon oath, to be made by any such Seaman, or on his behalf, to enquire into the matter, and if he shall see right, by warrant under his hand and seal to cause any such property or effects so withheld or detained, contrary to this Act, to be seized and delivered over to the Seaman.

IX.—*And be it further enacted*, that the Master or Owner of every Ship shall, and he is hereby required to pay to every Seaman entering into such Contracts as aforesaid, his Wages, if the same shall be demanded, within the respective periods following, that is to say—within three days after the cargo shall have been delivered, or within ten days after the Seaman's discharge, whichever shall first happen; in either of which last mentioned cases of Payment being delayed, the Seaman shall at the time of his discharge be entitled to be paid, on account, a Sum equal to one-fourth part of the estimated balance due to him; and in case any Master or Owner shall neglect or refuse to make Payment, in manner aforesaid, he shall, for every such neglect or refusal, forfeit and pay to the Seaman the amount of two days' pay for each day, not exceeding ten days, during which Payment shall without sufficient cause be delayed beyond the period at which such Wages or part Wages, are hereby required to be paid as aforesaid; for the recovery of which Forfeiture the Seaman shall have the same remedies as he is by Law entitled to for the recovery of his Wages; *Provided always*, that nothing in this clause contained shall extend to the cases of Ships employed on Voyages for which Seamen, by the terms of their Agreement, are compensated by shares in the profits of the adventure.

X.—*And be it further enacted*, that every such Payment of Wages to a Seaman shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment which may have been made by any such Seaman of such Wages, or of any Attachment or Incumbrance thereon; and that no assignment or Sale of Wages made prior to the earning thereof, nor any Power of Attorney, expressed to be irrevocable

for the receipt of any such Wages, shall be valid or binding upon the party making the same.

XI.—*And be it further enacted*, that upon the discharge of a Seaman from the Ship in which he shall have served, he shall be entitled to receive from the Master a Certificate of his service and discharge, specifying the period of Service and the time and place of the discharge of such Seaman, which Certificate shall be signed by the Master; and if any Master shall refuse to give such Certificate to any such Seaman, without having reasonable cause for his refusal, he shall, for every such offence, forfeit and pay to him the Sum of *Five Pounds*.

Masters to give Seamen their certificates on their discharge.

Penalty for default.

XII.—*And be it further enacted*, that if after a Seaman shall have been discharged from any Ship or Vessel three days, he shall be desirous of proceeding to Sea on another Voyage, and in order thereto shall require immediate Payment of the Wages due to him, it shall be lawful for any Justice of the Peace, in any part of this Colony, on application from such Seaman, and on satisfactory proof that he would be prevented from employment by delay, to Summon the Master or Owner of such Ship or Vessel before him, and to require cause to be shown why immediate Payment of such Wages should not be made; and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, he shall order Payment to be made forthwith, and in default of compliance with such order, such Master or Owner shall forfeit and pay the Sum of *Five Pounds*.

For obtaining immediate payment of Wages of Seamen in certain cases.

XIII.—*And be it further enacted*, that in all cases of Wages not exceeding *Twenty Pounds*, which shall be due and payable to a Seaman for his Services in any Ship as aforesaid, it shall be lawful for any Justice of the Peace in any part of this Colony near to the place where the Ship shall have ended her Voyage, cleared at the Custom-House, or discharged her Cargo, or near to the place where the Master or Owner upon whom respectively the Claim is made shall be or reside, upon complaint, upon oath, to be made to such Justice by any such Seaman, or on his behalf, to Summon such Master or Owner to appear before him to answer such complaint, and upon the appearance of such Master or Owner, or in default thereof on due proof of his having been so summoned, such Justice is hereby empowered to examine, upon the Oath of the parties and their respective Witnesses (if there be any,) touching the complaint and the amount of Wages due, and to make such order for Payment thereof, as shall to such Justice appear reasonable and just: and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his Warrant to levy the amount of the Wages awarded to be due, by distress and sale of Goods and Chattels of the Party on whom such order for Payment shall be made, rendering to such Party the overplus (if any shall remain of the produce of the sale,) after deducting thereout all the charges and expences incurred by the Seaman in making and hearing of the complaint, as well as those incurred by the distress and levy and in the enforcement of the Justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said Justice to cause the amount of the said Wages and Expences to be levied on the Ship in respect of the Services on board which the Wages are claimed, or the tackle and apparel thereof; and if such Ship shall not be within the jurisdiction of such Justice, then, he is hereby empowered to cause the party upon whom the order for Payment shall be made, to be apprehended and committed to the common Gaol of

Summary mode of recovering Wages not exceeding £20

the District, there to remain without Bail until Payment shall be made of the amount of Wages so awarded, and of all Costs and Expences attending the recovery thereof; and the award and decision of such Justice as aforesaid shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the Ship.

Where wages may be recovered before a Justice of Peace no Costs to be awarded to Plaintiff.

XIV.—*And be it further enacted*, that if any suit for the recovery of a Seaman's Wages shall be instituted against the Master or Owner of any such Ship as aforesaid, in any Court of Record in this Colony, it shall appear to the Judge, in the course of such suit, that the Plaintiff might have had as effectual a remedy for the recovery of his Wages by complaint to a Justice of the Peace, as hereinbefore provided, then and in every such case it shall be lawful for such Judge, and he is hereby required, to certify to that effect, and thereupon no costs of suit shall be awarded to the Plaintiff.

Vessels to have a proper supply of Medicines for the voyage.

XV.—*And Whereas* it is necessary that due provision should be made for the preservation of the Health and Lives of the Seamen employed in the Merchant Service—*Be it further enacted*, that every Ship belonging to any British subject, and sailing from this Colony to any place out of the same, shall have and keep constantly on board the same a sufficient supply of Medicines suitable to accidents and diseases arising on Sea Voyages, which shall be renewed from time to time as shall be requisite; and in case any default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any hurt or injury in the Service of the Ship, the expense of providing the necessary Surgical or Medical Advice and Attendance, and Medicines, which the Seaman shall stand in need of, until he shall have been cured, or shall have been brought back to this Colony, shall be borne and defrayed by the Owner and Master of the Ship, or one of them, without any deduction whatsoever on that account from the Seaman's Wages.

This Act not to prevent Seamen entering into the Royal Navy.

XVI.—*Provided always, and be it further enacted*, that nothing in this Act, or in any Agreement, contained, shall be deemed to extend to prevent any Seaman or Person belonging to any Merchant Ship whatever from entering or being received into the Naval Service of Her Majesty, nor shall any such entry be deemed a desertion from the Merchant Ship, nor incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other matter or thing, notwithstanding any agreement made to the contrary hereof; and all Masters and Owners of Ships are strictly prohibited from introducing into any Ships' Articles or Agreement with the Crew, any Clause or Matter by which any Penalty or Forfeiture of any kind is agreed to be incurred by a Seaman upon his entry into Her Majesty's Service.

Seamen entering the Royal Navy to be entitled to their Clothes and to all Wages due.

XVII.—*And be it further enacted*, that when any Seaman shall quit a Merchant Ship in order to enter Her Majesty's Naval Service and shall thereupon be actually received into such Service, not having previously committed any act amounting to and treated by the Master as a total desertion, he shall be entitled immediately upon such entry to the delivery up of all his Clothes and Effects on board such Merchant Ship, and (in case the Ship shall have earned Freight) to receive from the Master the payment of the proportionate amount of his Wages up to the period of such entry, either in Money or by a Bill on the Owner thereof, all which Clothes, Effects, Money and Bill, such Master is hereby required to deliver up to him accordingly, under a Penalty of *Twenty-five Pounds* for every refusal or neglect: *Provided always*, that if no freight shall have been earned at the

Penalty for refusal.

time of such entry, then the Master shall and he is hereby required to give the Seaman so entering, a Bill upon the Owner for his Wages to the period of such entry, payable on the Ship's safe arrival at her destined Port; but in case the Master shall have no means of ascertaining the balance justly due, he shall make out and deliver to such Seaman a Certificate of the period of his Services and the rate of Wages he is entitled to, producing at the same time to the Commanding or other Officers of Her Majesty's Ship the Agreement entered into with the Seaman for the Voyage, and every such Master upon the delivery up of such Clothes and Effects, and the settlement of such Wages in manner herein-mentioned, shall be entitled to receive from the Officer in Command of the Ship of Her Majesty into which such Seaman shall have entered, a Certificate signed by the said Officer, which such Officer is hereby required to give upon the request of the Master, testifying that such Seaman has entered into such Ship of Her Majesty, to serve as proof that the Master had not parted with the Seaman contrary to the provisions of this Act.

Proviso in case of no freight having been earned.

XVIII.—And to avoid doubts in the construction of this Act, *be it further enacted*, that every Person having the Charge or Command of any Ship belonging to or registered in this Colony, shall within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such Ship, and that every Person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall in like manner be deemed and taken to be a Seaman, within the meaning and the purposes of this Act; and that the term "Ship" as used in this Act, shall be taken and understood to comprehend every description of Vessel navigating on the sea; and that the term "Owner," as applied to a Ship, shall be understood to comprehend all the several Persons, if more than one, to whom the Ship belongs; and that all Steam and other Vessels employed in carrying Passengers or Goods, shall be deemed Trading Ships, within the meaning and for the purposes of this Act.

Who shall be deemed to be Masters of Vessels, Seamen and Owners, within the meaning of this Act.

XIX.—*And be it further enacted*, that any Two or more Justices of the Peace, residing at or near to any Port at which any Ship as aforesaid, having on board thereof any Sea-Apprentice, shall at any time arrive, shall have full power and authority to enquire into and examine, hear, and determine all claims of Apprentices upon their Masters, under their Indentures; and all complaints of hard or ill usage exercised by their respective Masters towards any such their Apprentices, or of misbehaviour on the part of any such Apprentice; and to make such orders therein as they are empowered by Law to do in other cases between Masters and Apprentices, or which Justices of the Peace are empowered to do by the Law of England.

How claims of Apprentices are to be determined.

XX.—And whereas by an Act of the Imperial Parliament passed in the Ninth year of the Reign of His late Majesty King George the Fourth, for consolidating and amending the Statutes in England relative to the offences against the Person, a Summary Jurisdiction is provided for the punishment of Persons guilty of Common Assaults and Batteries: *And whereas* it is expedient that the provisions of the said Act should be extended to similar offences committed on board Merchant Ships as hereinafter provided; *be it therefore further enacted*, that in case of any Assault or Battery which shall, after the commencement of this Act, be committed on board any Merchant Ship belonging to any British Subject in this Colony, in any place at sea, it shall be lawful for any Two Justices of the Peace, in any part of this Colony, upon complaint of the party aggrieved, to hear and

Common Assaults may be summarily punished by two Justices.

determine any such complaint and proceed to make such adjudication thereon as by the said Act any Two Justices are empowered to do—subject, however, to such provisions and limitations as are contained in the said Act with respect to the causes of Assault and Battery therein mentioned; and the fine and forfeiture to be imposed in any such case shall be paid to the party aggrieved.

Recovery of Penalties.

XXI.—*And be it further enacted*, that all Penalties and Forfeitures imposed by this Act, and for the recovery whereof no specific mode is herein-before provided, shall and may be recovered with Costs of Suit in manner following, that is to say—all Penalties and Forfeitures not exceeding *Ten Pounds*, shall be recoverable at the Suit of any Person, by information and summary proceeding, before any Two or more Justices of the Peace in any part of this Colony where the offence shall be committed, or where the offender shall be, which Justices shall have full power to levy the amount of any such Penalty or Forfeiture, and Cos.s, by distress and sale of the Offender's Goods, or by the commitment of the Offender for the non-payment of the amount; and all Penalties and Forfeitures exceeding *Ten Pounds* shall and may be recovered, with Costs of Suit, in any of Her Majesty's Courts of Record in this Colony, at the Suit of Her Majesty's Attorney-General; and that all Penalties and Forfeitures mentioned in this Act, for which no specific application is herein-before provided, shall, when recovered, be paid and applied in manner following, that is to say—*One Moiety* of every such Penalty shall be paid to the Informer or Person upon whose discovery or information the same shall be recovered, and the residue shall be paid into the Treasury of this Island.—*Provided always*, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceedings shall be instituted for the recovery of any pecuniary Penalty imposed by this Act, to mitigate or reduce such Penalty, as to such Court or Justices respectively, shall appear just and reasonable; in such manner, however, that no such Penalty shall be reduced below *one-half* of its original amount; And *provided also*, that all proceedings so to be instituted shall be commenced within *two years* next after the commission of the Offence or within *Six Calendar Months* after the return of the Offender, or the Complaining Party, to this Colony.

Application of Forfeitures.

## SCHEDULE

IN THIS ACT REFERRED TO.

Schedule.

An Agreement made pursuant to the directions of an Act of the General Assembly of *Newfoundland*, passed in the First year of the Reign of Her Majesty                      between                      the Master of the Ship of the Port of                      of the Burthen of                      Tons, and the several Persons whose names are subscribed hereto.

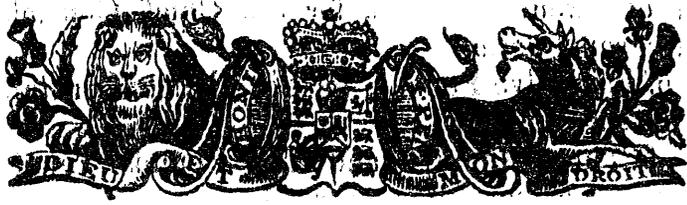
It is agreed, by and on the part of the said Persons, and they severally hereby engage to Serve on board the said Ship, in the several capacities against their respective names expressed, on a Voyage from the Port of                      to                      and back to the Port of                      and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and

to be obedient to the lawful command of the Master in every thing relating to the said Ship and the Materials, Stores and Cargo thereof, whether on board such Ship, in Boats, or on Shore.

In consideration of which service to be duly, honestly, carefully and faithfully performed, the said Master doth hereby Promise and Agree to pay the said Crew, by way of Compensation or Wages, the amount against their names respectively expressed.—In Witness whereof the said Parties have hereunto Subscribed their names on the days against their respective Signatures mentioned.

Place and time of Entry.			Men's Names	Age.	Place of abode.	Amount of Wages.			Quality.	Witness to Execution.	Name of Ship in which Seaman has served.
Day.	Month.	Year.				Wages.	Calendar Month.	Share of Voyage.			





ANNO PRIMO

# VICTORIÆ REGINÆ.

## CAP. X.

*An ACT for granting to Her Majesty certain Monies for the Service of the Quarter ending the first of July, One thousand eight hundred and thirty seven.*

[18th November, 1837.]

MAY IT PLEASE YOUR EXCELLENCY,

**WE**, Her Majesty's dutiful and loyal Subjects the Commons of Her Majesty's Island of *Newfoundland*, do humbly beseech your Excellency that it may be enacted, *and be it therefore enacted*, by the Governor, Council, and Assembly of *Newfoundland*, and by the authority of the same, that from and out of such Monies as shall from time to time be and remain in the hands of the *Treasurer* of this Colony, and unappropriated, there shall be granted and paid to Her Majesty Her Heirs and Successors, the Sum of *One Thousand Four Hundred and One Pounds, Five Shillings*, towards defraying the Salaries and Charges of the following Officers, for the quarter of a year ending the *first* day of *July*, in the year One thousand eight hundred and thirty-seven, inclusive,—(that is to say)—

The sum of  
£1401 5 0 appro-  
priated for payment  
of Officers' Salaries  
due 30th June.

The Sum of Fifty Pounds, towards defraying the Salary of the Clerk of the Council for the said period.

Clerk of Council.

The Sum of One Hundred Pounds, towards defraying the Salaries of Two Clerks in the Government Office for the said period.

Secretary's Office.

The Sum of Twenty-six Pounds Five Shillings, towards defraying the Salaries of an Office-Keeper and Messenger at Government Office for the said period.

The Sum of One Hundred Pounds, towards defraying the Salary of the Colonial Treasurer for the said period.

Treasurer.

The Sum of Fifty Pounds, towards defraying the Salary of the Clerk of the Northern Circuit Court for the same period.

Clerks of Circuit  
Courts.

The Sum of Fifty Pounds, towards defraying the Salary of the Clerk of the Southern Circuit Court for the same period.

The Sum of Fifteen Pounds for the Crier and Tipstaff of the Supreme Court, for the same period.

Crier and Tipstaff.

The Sum of Sixty-two Pounds Ten Shillings, for One Police Magistrate for the Town of Saint John's, for the same period.

Police Magistrates  
and Constables.

The Sum of Sixty-two Pounds Ten Shillings, for a Second Police Magistrate for Saint John's, for the same period.

The Sum of Twenty Pounds, for the Chief Constable at Saint John's, for the same period.

The Sum of Forty-five Pounds, for Six Police Constables at Saint John's, for the same period.

Magistrates, Constables, &c. in the Out Ports.

The Sum of Three Hundred and Two Pounds Ten Shillings, to defray the expense of the Stipendiary Magistrates for the Outports, for the same period.

The Sum of Two Hundred and Forty-two Pounds Ten Shillings, to defray the Salaries of the Clerks of the Peace, Gaolers and Constables in the Out-ports, for the same period.

Customs.

The Sum of Two Hundred Pounds, to defray the Salaries of certain Officers of the Customs collecting Colonial Revenue, for the same period.

Attorney General's Fees.

The Sum of Sixty-two Pounds Ten Shillings, towards defraying the commuted allowance of Her Majesty's Attorney-General, in lieu of Fees, for the same period.

The Sum of Twelve Pounds Ten Shillings, for the Salary of the Gaoler of Saint John's Gaol, for the same period.

Gaoler (St. John's.)  
To be paid by the  
Governor's Warrant  
on the Treasury.

II.—*And be it further enacted*, that the said several Sums of Money hereby granted shall be paid by the Treasurer of the Colony in discharge of such Warrant or Warrants as shall from time to time be issued by the Governor or Acting Governor, in favor of any Person or Persons, to be applied to the purposes of this Act.

E. J. Q.A.  
9/28/07