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*Court of Sessions  
Harbour Grace.*

Nfld  
KEN  
1240  
1834



ANNO QUARTO

## GULIELMI IV. REGIS.

### CAP. I.

*An ACT for the further increase of the Revenue.*

[24th March, 1834.]

**W**HEREAS in and by a certain Act passed in the General Assembly of this Island of Newfoundland, in the Fourth year of the Reign of His present Majesty, intituled "An Act for granting to His Majesty certain Duties on all Wines, and on all Brandy, Rum, Gin, and other Spiritous Liquors, imported into this Island and its Dependencies," it is enacted that certain Duties therein mentioned shall be levied, collected and paid upon all Wines, and all Brandy, Gin, Rum, and other Spiritous Liquors imported into Newfoundland, over and above certain other Duties then raised, levied and collected by virtue of an Act of the Imperial Parliament passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the Trade of the British Possessions abroad:" And Whereas the said last-mentioned Act of His said late Majesty hath been repealed, and a certain other Act hath passed in the Imperial Parliament in the Third and Fourth Years of the Reign of His said present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad:" And Whereas doubts have arisen as to the amount of the several Duties payable under or by virtue of the said Act of the General Assembly of this Island and the said Acts of the Imperial Parliament: *Be it therefore enacted*, by the Governor, Council and Assembly, in Colonial Parliament assembled, and by the authority of the same, that the full amount of the Duties mentioned and expressed in the said Act of the General Assembly of this Colony shall be levied, collected and paid, as therein directed, to His Majesty, his Heirs and Successors; and there shall be further raised, levied, collected, and paid to His Majesty, his Heirs and Successors, on all Brandy, Gin, Rum, and other Spiritous Liquors the manufacture of the United Kingdom or of any of His Majesty's Colonies or Possessions, which shall or may, from and after the passing of this Act, be imported into this Island of Newfoundland or its Dependencies, the additional Duty of Sixpence Sterling per Gallon.

Preamble.

Duties raised under former Act of the Colonial Parliament continued.

Additional Duty imposed of Sixpence per Gallon on all Wines, Spirits &c. imported into the Island;

—which is to be over and above the Duties now or hereafter to be raised under Act or Acts of the Imperial Parliament.

II.—*And be it further enacted*, that the Duties on all Wines, as contained and expressed in the said Act of the General Assembly passed in the Fourth Year of His present Majesty's Reign, shall be raised, levied and exacted on all such Wines, in addition to and over and above the Duty or Duties now raised, levied and collected on the same articles under and by virtue of an Act of the Imperial Parliament passed in the Third and Fourth Years of His present Majesty's Reign, entitled "An Act to regulate the Trade of the British Possessions abroad," or any Act or Acts of the Imperial Parliament from time to time hereafter in force for the regulation of such Trade; and also in addition to and over and above any Duty or Duties now or hereafter to be raised, levied or collected on the same by 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;—All which Duties shall be paid by the Importer or Importers of such articles respectively to the Collector of His Majesty's Customs, or to his Sub-Collectors at the Outports of this Island, and shall be collected and secured by the means and under the Regulations and Penalties, and shall be drawn back on Exportation, in the way and manner hereinafter provided.

Duties to be paid by Importers;

to be in addition to Duties mentioned in act of the General Assembly—

III.—*And be it further enacted*, that the said Duties shall be raised, levied and exacted on all such Brandy, Gin, Rum, and other Spiritous Liquors as aforesaid, over and above and in addition to the Duties mentioned and expressed in the said recited Act of the General Assembly of this Island passed in the Fourth Year of the Reign of His said present Majesty, or which are thereby required to be raised, levied and collected.

and to be paid in Sterling Money, according to British Weights and Measures.

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.

Collector of Customs to pay Duties Quarterly to Treasurer.

V.—*And be it further enacted*, that the full amount and produce of the duties received under or by the means and Powers of this Act, shall be accounted for and paid quarterly, by the Collector of His Majesty's Customs, or other Collector or Receiver of the same, into the hands of the Treasurer or Receiver General of this Island, or other proper Officer authorized to receive the same, to be applied to such uses as shall from time to time be directed by the Local Legislature of this Island of Newfoundland.

Vessels with Wine and Spirits, and Masters & Owners, subject to the same regulations &c. as are contained in an Act of the Imperial Parliament passed in the 3d & 4th William 4.

VI.—*And be it further enacted*, that all Ships and Vessels arriving at any Port, Harbour, Roadstead, or Cove, in this Island of Newfoundland or its Dependencies, having on board any Wines, Brandies, Gin, Rum, or other Spiritous Liquors, and the Masters, Owners, Consignees and Importers of the same, respectively, shall be under and subject and liable to the same Rules, Regulations, Forms and Restrictions as are expressed and contained in the said Act passed in the Imperial Parliament in the 3rd & 4th years of the Reign of His said present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad," in respect to the Report and Entry of such

Vessels and their Cargoes with the Collector of His Majesty's Customs or the Sub-Collectors as aforesaid, both Inwards and Outwards, the Entry of Goods comprising any of the said enumerated 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 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 said Act of the Imperial Parliament, all which shall be in full force and operation, and shall be used and applied to fulfil the intents and purposes of this Act so far as the same are applicable to this Island and its Dependencies, and not repugnant to any of the Provisions of this Act, as fully and absolutely, to all intents and purposes, as if the same were fully detailed, contained and re-enacted herein.

VII.—*And be it further enacted*, that in all cases of Goods entered, whether for Duty or to be Warehoused, and chargeable to pay Colonial Duty according to the number, measure or weight thereof, such number, measure or weight shall be stated in the Entry, and if the Goods in such Entry be charged to pay Duty according to the value thereof, such value shall be stated in the Entry, and shall be affirmed by the declarations of the Importer or his known Agent, written upon the Entry and attested by his Signature; and if any Person make such declaration, not being the Importer or Proprietor of such Goods, nor his Agent, duly authorized by him, such Person shall forfeit the sum of One Hundred Pounds; and such declaration shall be made in manner and form following, and shall be binding on the Person by or in behalf of whom the same shall be made (that is to say)

Value of Goods charged with Duty to be stated in the entry.

I, A. B., do hereby declare that the articles mentioned in the Entry abovementioned, and contained in the packages therein specified, are of the value of            Pounds            Shillings and            Pence Sterling, and that I do now tender the same for all duties.

Witness my hand the            day of            One Thousand Eight Hundred and Thirty

The above Declaration signed the            day of

A. D. 183            in the presence of            C. D. (Collector)

VIII.—*And be it further enacted*, that if, upon examination, it shall appear to the Collector of His Majesty's Customs, or other person authorized to collect the Colonial Revenue, Landing Waiter, or Guager, that such articles are not valued according to the true value thereof, it shall be lawful for such Collector, or other Person as aforesaid, 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 if a different rate of duty shall be charged upon any of the said enumerated articles, according as the value of the same shall be described in the Entry to be above or to be below any particular price or sum, and such articles shall be entered so as to be liable to the lower rate of duty, and it shall appear to the said Collector, or other

Articles not properly valued may be taken and disposed of for the use of the Crown.

Disposition of produce of sale.

Officer as aforesaid, that such articles, by reason of their real value, are properly liable to the higher rate of duty, it shall be lawful for such Collector, or other officer as aforesaid, in like manner 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 sums so paid and all charges incurred by the Crown, one moiety of the overplus shall be given to the Officer or Officers who had detained and taken such articles, and the other moiety shall be paid over to the Treasurer or Receiver General of this Island, or other proper Officer authorized to receive the same, to be applied to the use of the Colony, as the Legislature shall direct.

Governor may order Goods or Vessels seized to be restored.

IX.—*And be it further enacted*, that in case any Goods, Ships, Vessels, or Boats, shall be seized as forfeitures, or detained as undervalued, by virtue of this Act, it shall and may be lawful for the Governor or Acting Governor of this Island 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 or Proprietors of the same shall accept the terms and conditions prescribed by the said Governor or Acting Governor, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Duties not amounting to £25, to be paid immediately— if above that sum, Bond to be taken payable at 3 and 6 months.

X.—*And be it further enacted*, that in all cases when the duty imposed by this Act on any Wine, or on any Brandy, Gin, Rum, or other Spiritous Liquors, imported into this Island or its Dependencies, shall not amount to more than Twenty-Five Pounds, the Collector of His Majesty's Customs, or other person authorized to collect the Colonial Revenue, 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 other Person aforesaid, shall be at liberty to secure the said duties by taking Bonds from the Importer, Owner, or Consignee, to His Majesty, his heirs and successors, with two sufficient Sureties, for the payment of the rates and duties hereinbefore mentioned, in manner and form following; that is to say, One-half of the said rates in Three Months, and the remainder of the same in Six Months, from the date or dates of such Bond or Bonds respectively.

Drawback of Duties on all Wines and Spirits exported from the Island.

XI.—*And be it further enacted*, that there shall be allowed upon the Exportation of all Wines, and of all Brandy, Gin, Rum, and other Spiritous Liquors, from this Island of Newfoundland to the United Kingdom, or to 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 this Colony, provided proof be made to the satisfaction of the Collector of His Majesty's Customs, or other proper officer authorized to collect the Colonial Revenue in this Island, that such Wine, Brandy, Gin, Rum, or other Spiritous Liquors, respectively, had been duly imported into the United Kingdom or such other British Possession, or 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 Wine, Brandy, Gin, Rum, or other Spiritous Liquors, 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 of the said enumerated articles unless the same shall be exported in Boats or Vessels exceeding in burthen 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.

XII.—*And be it further enacted*, that all and singular the Duties imposed by this Act shall attach to, and be raised, levied, and exacted, upon all or any of the above enumerated articles which may be stored or deposited in any of His Majesty's Warehouses in this Island, at the time of the passing of this Act.

Wines and Spirits in Bond at the passing of this Act liable to duty.

XIII.—*And be it further enacted*, that from and after the passing of this Act, so much of the said recited Act of the Legislature of this Colony passed in the Fourth Year of His present Majesty's Reign, as grants a certain Commission on the amount of Duties to the Collector of the Customs, shall be and the same is hereby repealed.

Commission granted to Collector of Customs under former Act discontinued.

XIV.—*And be it further enacted*, that this Act, and every clause, matter, and thing herein contained, shall be and remain in full force and virtue for the space of One Year, and from thence until the end of the then next Session of the Legislature of this Island, and no longer.

Act to remain in force for one year.

*Account of Sessions*

*Harbor Grace*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. II.

*An ACT to regulate the Cutting of Channels in the Ice, in the various Ports and Harbors of this Island.*

[12th June, 1834.]

**W**HEREAS great inconvenience and delay and many disputes have arisen in the various Harbours in this Island out of which the Seal Fishery is carried on, for want of useful and proper regulations for Cutting Channels through the Ice, to enable Vessels to proceed on the Sealing voyage at the proper season; and it is deemed expedient to remedy the same: *Be it therefore enacted*, by the Governor, Council and Assembly, in Colonial Parliament assembled, and by the authority of the same, that for the purpose of effecting such useful and proper regulations for the Cutting of Channels through the Ice, it shall and may be lawful for the Owners, Masters, and Agents of the Owners of all Sealing Vessels, or a majority of them, in each and every Port and Harbour of this Island respectively where such Vessels shall fit out, on due notice being given by one or more Justice or Justices of the Peace of the time and place of meeting, and which notice the said Justice or Justices shall, upon requisition to him or them in writing for that purpose, signed by any Three or more owners of Sealing Vessels, cause to be given and published, to meet at such time and place; and then and there for the said Owners, Masters and Agents of the Owners of such Sealing Vessels to choose from among themselves, by ballot, a Committee, which Committee shall be called and known by the name of the "Ice Committee," and such Committee, or a majority thereof, shall appoint a Chairman and Treasurer, and shall and may, and they are hereby authorized to frame, make and adopt Rules and Regulations for the Cutting of a Channel or Channels through the Ice, and for carrying into effect the general object and purposes of this Act at such respective Port or Harbour; all which Rules and Regulations being first duly published, shall have full force and effect for one year, and shall be as binding on all Persons affected thereby, as though the same were especially enacted herein: *Provided always*, that in every Port or Harbour where no Justice of the Peace may reside, it shall and may be lawful for any Sheriff's Officer, or for any Three Owners or Agents of Owners of Sealing Vessels to convene a meeting as aforesaid.

Preamble.

Owners &c. of Sealing Vessels to meet on notice by a Justice of the Peace;

and choose a Committee, who shall make regulations for Cutting Channels through the Ice.

—which regulations shall be in force for one year.

Where no Justice of the Peace, a Meeting to be convened by any Sheriff's Officer.

II.—*And be it further enacted*, that such Committee so to be chosen as aforesaid in each Port or Harbour respectively, shall serve until

Committee to serve until another appointed at next General Meeting.

Committees may confirm, alter or amend the rules and regulations of former Committees ;

—may provide, at the expense of the owners of sealing vessels, necessary tools for cutting channels in the ice ;

—and compel the attendance of men from the crews of sealing vessels ;

—or levy a rate on them, to be paid one half by the owners and the other half by the master and crew.

Other vessels using the channels to pay a rate not exceeding 40s. per 100 tons.

Rates, how to be recovered.

Fines may be imposed by Committees ;

—how recovered,

—and appropriated.

the appointment of a Committee at the next General Meeting of the Owners, Masters and Agents of the Owners of Sealing Vessels in such Port or Harbor ; which General Meeting shall take place and be holden on the last Tuesday in January, or the next convenient day thereafter in each and every year : which Committee so appointed as aforesaid, shall and may and they are hereby authorized to confirm, alter or amend the Rules and Regulations made by the former Committee : and which Rules and Regulations so confirmed, altered, or amended, shall, after due publication as aforesaid, have full force and effect and be as binding on all persons affected thereby as though the same were especially enacted herein ;—subject, nevertheless, to be repealed, altered or amended by any and every subsequent Committee in like manner appointed.

III.—*And be it further enacted*, that such Committee as aforesaid, in their respective Ports or Harbors, shall and may and they are hereby authorized to furnish and provide, at the expense of the Owners of such Sealing Vessels as aforesaid, all necessary tools and implements for the purpose of cutting and keeping open Channels in the Ice, for such Sealing Vessels ; and they are likewise hereby authorized and empowered, under such Rules and Regulations as they respectively shall make in the manner hereinbefore prescribed, to compel the attendance of a certain number of men, from the crews of all and every Sealing Vessel and Vessels in each Port or Harbor respectively, or to levy a rate upon all such Sealing Vessels, not exceeding One Shilling, sterling, per man, *per diem*, for every man of the crew of each and every of such Sealing Vessels,—one half of which rate shall be paid by the Owner or Owners, and the other half by the Captain and Crew of such Sealing Vessels respectively ; and also to levy a rate upon all other vessels using any Channels or Channel, made under the orders of such Committee, so that the said rate shall not exceed Forty Shilling Sterling, for every Hundred Tons, Register Tonnage, of such Vessel or Vessels.

IV.—*And be it further enacted*, that if any Owner or Owners, Master or Masters, or any of the Crew of any Sealing or other Vessel, shall refuse or delay to pay the amount of any such rate, for which he or they may be liable under this Act, or under such Rules and Regulations which shall or may be made as aforesaid, such rate shall and may be sued for and recovered in a summary way at the suit of the Treasurer of the respective Committee, before one or more Justice or Justices of the Peace, and, together with all Costs, shall be levied on the Goods and Chattels of the Defendant or Defendants in such suit.

V.—*And be it further enacted*, that the observance of all Rules and Regulations of such Committees as aforesaid, shall be enforced by the imposing of such fine or fines as they respectively shall affix or regulate, so that the same shall not exceed in any one instance the sum of Five Pounds sterling ; and that all Rates, Fines and Penalties imposed by, or to be levied and collected under, the provisions of this Act, or under any such Rules and Regulations, shall and may be sued for and recovered by the Treasurer of the respective Committee, in a summary way, before any one or more Justice or Justices of the Peace, or in any Court of Record in the Colony, and all such Rates, Fines and Penalties so to be collected and recovered, shall be applied under the direction of the said Committees respectively, for the purposes of carrying this Act into operation.





ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. III.

*An ACT to prevent dangerous quantities of Gunpowder being kept within the Town of Harbor Grace, and to provide for the safe storing of the same.*

[12th June, 1834.]

**W**HEREAS, large quantities of Gunpowder have been recently kept within the Town of Harbour Grace, to the great danger of the lives and property of His Majesty's subjects there: *Be it therefore enacted*, by the Governor, Council and Assembly, that from and after the expiration of Thirty Days next ensuing the passing of this Act, no person or persons shall have or keep more than Twenty Five Pounds weight of Gunpowder in any House, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building occupied or used by the same person or persons in the Town of Harbor Grace, or within half a mile thereof (all buildings and places adjoining each other, and occupied together, being to be deemed one House or place within the meaning of this Act) save and except in such Magazine as shall be built and erected or provided by the Persons, and in the manner hereinafter prescribed, for the safe storing of Gunpowder. Preamble.

Not more than 25lbs of Gunpowder to be kept in any House, Store, &c.

II.—*And be it further enacted*, that not more than Twenty Five Pounds weight of Gunpowder shall be kept, at any one time, in any Ship, Boat or other Vessel, in the Harbor of Harbor Grace, longer than twenty-four hours after such Ship, Boat or other Vessel shall have come alongside of any Ship, Boat or other Vessel, or shall have been anchored, moored or stationed within any distance less than One Hundred fathoms from any wharf or other building: *Provided always*, that this Act shall not extend, nor be construed to extend, to any Ship or Vessel of War, belonging to His Majesty, His Heirs, or Successors, or to any Ship or other vessel employed in the public service of the Government. or in any Vessel, &c. longer than 24 hours after coming alongside a Wharf, Ship, &c.

III.—*And be it further enacted*, that it shall and may be lawful for any Magistrate or Justice of the Peace of the Northern District of this Island, on complaint made upon oath by any Constable or other person that he has reasonable cause to suspect that any quantities or quantity of Gunpowder is or are deposited or kept in any House, Storehouse, Warehouse, or other building or place as aforesaid, within Magistrates may issue Warrants to Constables to search premises, &c.

who may break open any House, &c. and make search therein and seize any greater quantity of Powder than is allowed by this Act.

Magistrates to summon Owners, &c. ;

--and on conviction to confiscate. The Constable seizing authorised to Sell.

Distribution of the Proceeds.

Constables, &c. seizing, competent witnesses.

Penalties, and their Distribution.

the said Town of Harbor Grace or the limits aforesaid, or on board any Ship, Boat or other vessel in the Harbor of Harbor Grace, contrary to the provisions of this act, to issue his Warrant or Warrants to one or more Constables to search for the same in the day time; and for that purpose, admittance being first demanded by such Constable or Constables, and refused by any Proprietor or occupant of any such House, Storehouse, Building or Place as aforesaid, or by the Master or other Person in charge or command of any Ship, Boat or other vessel in the said Harbor of Harbor Grace, wherein it is so suspected that Gunpowder is unlawfully kept or deposited, it shall and may be lawful for such Constable or Constables, if there shall be occasion, to break open any such House, Storehouse or other building or Place as aforesaid, or any such Ship, Boat or other vessel as aforesaid, and to enter into, examine and search the same;—and if upon any such search or examination a greater quantity of Gunpowder than by this Act is allowed, shall be found by him or them, it shall and may be lawful for any such Constable or Constables to seize the same, and he or they shall, without delay, remove the Gunpowder so seized and deposit the same in the Public Magazine, and without delay then give information and make complaint of such seizure before one or more of His Majesty's Justices of the Peace of the said Northern District, who shall thereupon issue process of customary summons to the Owner or Owners of the Gunpowder so seized, and to the Person or Persons in whose House, Store or other building or place, or in whose Ship, Boat or other vessel, or in whose keeping the said Gunpowder shall be found, requiring the said Party or Parties to appear and answer or defend the said information or complaint, which shall by the said Justice or Justices be heard and determined in a summary way: And if the person or persons so summoned, shall make default in appearance to the said summons, or after appearance and a due hearing of the said complaint or information, the said Justice or Justices shall convict the Defendant or Defendants, the said Justice or Justice shall make order for the confiscation and sale of the said Gunpowder, and the Constable or Constables who seized the same shall sell it by Public Auction; and after payment of such reasonable costs as the said Justice or Justices shall award to be paid out of the proceeds of the said sale, one moiety of the nett residue of the said proceeds shall be paid to the Informer, and the other moiety to His Majesty, His Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the said Town of Harbour Grace. *Provided always*, that the Constable or Constables, or other person or persons so making the seizure of Gunpowder as aforesaid, shall be deemed and be admitted competent witnesses to prove the facts incident to any such seizure upon the trial or hearing of any such information or complaint aforesaid.

IV.—*And be it further enacted*, that if any Person or Persons shall after the expiration of Thirty Days next ensuing the passing of this Act, have or keep any larger or greater quantity of Gunpowder than Twenty Five Pounds at any one time in any House, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf or other place within the said Town of Harbor Grace or within half a mile of the same (except as hereinbefore excepted) or shall have or keep any larger or greater quantity of Gunpowder than Twenty Five Pounds, at any one time, in any one Ship, Boat, or other vessel in the Harbor of Harbor Grace, longer than Twenty-four hours after such Ship, Boat or other Vessel shall have come alongside of any wharf or alongside of any other Ship, Brig, Schooner or other Vessel; or shall be anchored, moored or stationed within

any distance less than One Hundred Fathoms from any Wharf or other Building contrary to the provisions of this Act, all such Gunpowder, over and above the aforesaid allowed weight of Twenty Five Pounds, shall become forfeited, and all and every such Person and Persons, being Owner or Owners of the said forfeited Gunpowder, and the Person and Persons having the same in charge and keeping, and the Occupant and Occupants of the House, Storehouse or other Building or Place wherein the same shall be unlawfully deposited or kept, and the Owner or Master of the Ship, Boat or other Vessel wherein such Gunpowder shall be unlawfully deposited or kept, shall, on due conviction of having done anything contrary to the Provisions of this Act, whereby any such Gunpowder aforesaid shall have become liable to forfeiture, respectively forfeit and pay for the first offence Ten Pounds; for the second offence Twenty Pounds, and for the third offence Thirty Pounds lawful money of Great Britain; to be recovered by any Action, Bill, Complaint or Information, at the suit of any Constable or Constables, or other Person or Persons, in the Circuit or Sessions Court of this Island, together with full costs of Suit: one half of the monies so recovered to be paid to the Person who shall inform and sue for the same, and the other half to His Majesty, His Heirs and Successors, to be paid to the Fire Wardens of the said Town of Harbor Grace, for the benefit and support of the Fire Companies of the said Town: *Provided always* that such Action, Complaint, Bill or Information shall be commenced, sued and prosecuted within Twelve Months next after such forfeiture or penalty shall have been incurred.

V.—*And be it further enacted*, that on the erection of a sufficient and safe Magazine for the storage of Gunpowder in a convenient situation near Harbor Grace aforesaid, whether the same shall be built and erected by shareholders or otherwise, it shall and may be lawful for the Owners or Proprietors thereof to charge the following Rates or prices for all Gunpowder stored or placed in the said Magazine, that is to say, for all Gunpowder stored or placed in the said Magazine, and taken out of the same within one year, there shall be paid for every Barrel, Three Shillings and Six Pence; for every Half-barrel, Two Shillings and Two Pence, and for every Quarter-barrel, One Shilling and One Penny of lawful money of Great Britain. And if such Gunpowder shall be stored in the said Magazine for any greater time than One Year, then there shall be paid for every Hundred Pounds weight of the same at and after the rate of Two Shillings and Six pence, lawful money of Great Britain, per annum.

VI.—*Provided always, and be it further enacted*, that the Owners or Proprietors of such Magazine so to be built and erected as aforesaid, shall be, and they are hereby required to admit and receive into it, all such quantities of Gunpowder as shall be offered to be stored therein so far as such Magazine shall be capable of containing the same.

VII.—*And be it further enacted*, that all Gunpowder which, in pursuance of the provisions of this Act, shall be carried to or removed from any Magazine or Magazines which may hereafter be built or provided under the provisions of this Act, shall at all times be conveyed and carried by water so far forth as the same can be water-borne.

VIII.—*And be it further enacted*, that the said Town of Harbor Grace, for the purposes of this Act, shall extend from Bear's Cove to Ship's Head inclusive; and one half of a mile from high water mark, within the limits aforesaid.

Rules for storing Gunpowder in any Magazine that may be erected.

Proprietors of Magazine required to admit into it all such powder as may be offered to be stored therein.

Gunpowder to be water-borne.

Limits of Harbor Grace for the purposes of this Act.

*Harbour Grace*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. IV.

### *An ACT for the Establishment of Light Houses.*

[12th June, 1834.]

**W**HEREAS in consequence of the want of Light Houses on the coasts of the Island of Newfoundland, Vessels have oftentimes been wrecked and lost thereon, and are frequently delayed in entering the Ports and Harbours of the said Island: *Be it therefore enacted* by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that it shall and may be lawful for the Governor or Acting Governor of Newfoundland for the time being, by and with the advice of His Majesty's Council, to appoint Five Persons to be Commissioners of Light Houses for the purpose of carrying into effect the provisions of this Act; and in case of the death, absence or resignation of any of such Commissioners, it shall and may be lawful for the Governor or Acting Governor for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like power and authority conferred by this Act upon the other Commissioners.

Preamble.

Governor, with the advice of Council, may appoint Commissioners for the purposes of this Act,

II.—And whereas there is already erected and provided at the entrance of the Port of St. John's in this Island, a building fit for the purpose of a Light House, and other apparatus necessary for lighting the same, but which cannot be put in operation for want of adequate means to defray the expense thereof: *Be it therefore further enacted*, that there shall be raised, levied, collected and paid to His Majesty, his Heirs and Successors, upon every Merchant Ship or Vessel entering the said Port of St. John's, (other than Coasting or Fishing Vessels) a duty or rate of One Penny Sterling, per ton, for every ton, Register admeasurement, of each respective Vessel as aforesaid; *Provided* that such Duty shall not be levied on any one Vessel more than twice in any one year. And there shall be in like manner raised, levied, collected and paid upon every decked Vessel employed in the Coasting Trade of this Island or the Labrador, and entering the said Port of Saint John's, the Duty or Rate of Ten Shillings Sterling for each and every such Vessel exceeding Sixty Tons burthen, Register Tonnage, per annum, and the like duty or rate of Seven Shillings and Six Pence Sterling for each and every Vessel less than Sixty Tons burthen, Register Tonnage, per annum.

—and supply vacancies.

Duties payable by Shipping entering the port of St. John's

Duty not to be levied on the same vessel more than twice within the year.

Duty to be paid by Coasting and Labrador vessels.

Light House on  
Cape Spear.

Treasurer authoris-  
ed to raise funds by  
loan.

Commissioners to  
procure Plans and  
estimates of the in-  
tended Light House;

—which are to be  
laid before the Gov-  
ernor in Council  
for approval.

Governor to draw  
warrants on Treasur-  
er to defray exp-  
enses of lighting,  
&c.

Governor to notify  
when Light House  
on Cape Spear is  
completed, when  
other duties are to  
be paid.

Commissioners to  
have charge of moor-  
ing buoys, chains,  
&c. ;

—and to make re-  
gulations for their  
proper use and ma-  
nagement.

How expenses of  
repairing buoys, &c.  
to be defrayed.

Superintendent of  
Quarantine to have  
charge of Moorings,  
&c.

III.—And whereas it is highly necessary that a Light-House should be erected and established on or near to Cape Spear: *Be it therefore further enacted*, that the Treasurer of the Island shall, and he is hereby authorized to raise, by loan, from such Person or Persons, or Body Corporate or Politic, as will advance the same, a sum not exceeding in the whole One Thousand Pounds Sterling, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest, at a rate not exceeding Six per centum per annum thereon, in annual instalments of not more than Two Hundred Pounds Sterling, in the way and manner hereinafter provided.

IV.—*And be it further enacted*, that the said Commissioners, or the major part of them, shall, without delay, procure plans of the said intended Erection and Building, and estimates of the expenses of materials and workmanship necessary to complete the same, which, together with all Contracts that may be entered into by the said Commissioners, shall, previously to their being executed, be laid before the Governor or Acting Governor for the time being, in Council, for approval.

V.—*And be it further enacted*, that the Governor or Acting Governor for the time being shall, and he is hereby authorized and empowered to draw Warrants on the Treasurer of the Island, on the requisition of the said Commissioners, or the major part of them, for such sum or sums of money as shall be necessary to defray and disburse the expenses of lighting and maintaining the aforesaid Light-Houses or either of them, and the providing of Bells or Cannon and Boats and other appurtenances for the same.

VI.—*And be it further enacted*, that when and so soon as the said Light House shall have been completed near Cape Spear as aforesaid, it shall and may be lawful for the Governor or person administering the Government of this Island for the time being to issue a Proclamation under the Great Seal, signifying that the same hath been so completed, and that thenceforth there shall be raised, levied, collected and paid to His Majesty, his Heirs and Successors, upon every Merchant Ship or Vessel, (other than Coasting or Fishing Vessels) coming into any Port or Harbour of this Island between Cape Race and Bonavista, excepting the said Harbour of St. John's, a duty or rate of One Penny, Sterling, per ton, for every ton Register admeasurement of each respective vessel as aforesaid; and upon all Merchant Ships and Vessels (other than Coasting and Fishing Vessels) entering the said Harbour of St. John's, a rate or duty of one Half Penny, Sterling, per ton, Register Tonnage.

VII.—*And be it further enacted*, that the Commissioners of Light Houses shall have the charge of the Public Buoys, Chains and Moorings in the Harbor of St. John's, and shall also have power from time to time, to make such Rules and Regulations respecting the use, preservation and management of the said Buoys, Chains and Moorings as they may deem necessary, which shall be binding on all parties using the same; and that all expenses incurred in the management of the said Buoys, Chains and Moorings shall be defrayed out of the funds applicable to the maintenance of the Light Houses under the provisions of this Act, and shall be drawn by Warrant on the Treasurer of the Colony in the manner hereinbefore mentioned.

VIII.—*And be it further enacted*, that during such time as there shall be a Superintendent of Quarantine, such Superintendent for the time being shall be one of the said Commissioners, and shall have the especial superintendence of the said Buoys, Chains and Moorings.

IX.—*And be it further enacted*, that all such said duties or dues shall be levied, collected and received by the Collector or Sub-Collector of His Majesty's Customs at each respective Port aforesaid, previously to such Vessels respectively being entered at the Customs; and all monies arising from the aforesaid duties shall be paid quarterly to the Treasurer of the Colony, to be appropriated in such manner as the Colonial Legislature shall from time to time direct.

Duties levied by this Act to be paid to Collector of Customs

—and handed over to the Treasurer quarterly.

X.—*And be it further enacted*, that the said Treasurer shall be and he is hereby authorised and empowered to grant and issue to the respective persons who shall so lend and advance money for the purposes of this Act, one or more Debenture or Debentures in the form and to the effect hereinafter set forth—which Debentures shall be issued for sums of not less than One Hundred Pounds, respectively, and shall express therein the rate of Interest agreed to be paid, and the day of the month and year in which they shall be respectively issued, and shall be numbered in succession from *One* upwards, and shall be signed by the said Treasurer for the time being, and countersigned by the Colonial Secretary, and shall be assignable and transferable by endorsement of the Parties to whom the Debentures shall respectively be issued.

Treasurer to issue debentures for money borrowed for purposes of this Act

—to be countersigned by the Colonial Secretary.

XI.—*And be it further enacted*, that the Interest on the said Debenture shall be payable half yearly, on the last days of June and December in each year, at the Office of the said Treasurer; and the said Treasurer shall not be required to commence the payment of the Instalments hereinbefore mentioned, until after two years from the date of the said Debentures respectively.

Interest on debentures to be paid half-yearly.

### (Form of Debenture.)

No.

By virtue of an Act of the Parliament of Newfoundland, passed in the Fourth year of the Reign of His Majesty, King William the Fourth, entitled "An Act for the establishment of Light Houses," I, the Treasurer of the Island of Newfoundland, do hereby certify and declare, that by virtue of the power and authority in and by the said Act vested in me, I have borrowed and received by way of loan from (name and description of lender) the sum of \_\_\_\_\_ Pounds Sterling, bearing interest from the date hereof, at the rate of \_\_\_\_\_ per centum, per annum, which Interest is payable half-yearly, on the last days of June and December in every year; and I do declare that the said sum of money has been paid and received by me towards defraying the expense of erecting and constructing a Light House on Cape Spear, as provided by the said Act; and I do further certify, that the said principal money and Interest will be paid and payable to the said (lender's name) or his assigns on indorsee, on the production of this Debenture at my office in St. John's, at the time and in the proportions provided in the said Act.

Form of debenture.

Given under my Hand at St. John's, Newfoundland,  
day of \_\_\_\_\_ in the year of Our Lord, 18

*Court of Sessions*

*St. John's*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. V.

*An ACT to provide for the Banishment of Persons convicted of certain Offences, and also to provide certain modes of Punishment in divers Criminal Cases.*

[12th June, 1834.]

**W**HEREAS it is expedient to make further provision for the punishment of Persons convicted of certain Offences in Newfoundland, and to authorize the infliction of other punishments upon Offenders than those which may now be legally awarded: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that when any Person shall be convicted of any crime for which he or she shall be liable by Law to be Transported, or to receive any Infamous or Corporal Punishment, the Court before which such Person shall be so convicted, or any Court holden for the same place having like jurisdiction, instead of the sentence of Transportation, or of such Infamous or Corporal Punishment, shall and may, should it think fit so to do, order and adjudge that such person be Banished from this Island, for and during such a number of Years, or for Life, as to the Court in its discretion shall seem meet: and shall also adjudge that such person be confined and kept to Hard Labour, until such person shall have procured, or have been provided with, a passage to some Port or Place, beyond the Government of Newfoundland, and shall have been there landed, put on shore, and discharged by the Master of the Vessel.

Preamble.

Offenders liable to transportation or corporal punishment may, under this Act, be banished;

---and kept at hard labour till a passage be provided.

II.—*And be it further enacted*, that it shall and may be lawful for the Sheriff of Newfoundland for the time being, or for any Justice of the Peace having jurisdiction where such person shall have been convicted, to contract with the Master or Owner of any such Vessel, bound for any Port not being within the Government of this Island, for the removal of any Convict under sentence of Banishment; and upon delivering such Convict on board such Vessel, to issue his Warrant to the Master of such Vessel, committing the said Convict to the custody of such Master, who shall thereupon be punishable

Sheriff or Justices of Peace to contract with masters of vessels for such passage.

Masters liable to be punished for escape of such convicts.

for the escape of any such Convict from the said Vessel to any place within the Government of Newfoundland, in like manner as any Constable, or other Peace Officer, having the custody of any Prisoner, by virtue of any Warrant from any Justice of the Peace, would be liable to be punished for the escape of such Prisoner with whose custody he should be so charged.

Offenders so banished, returning to the colony, to be whipped.

III.—*And be it further enacted*, that if any Person on whom such sentence of Banishment shall have been passed as aforesaid, or to whom His Majesty, His Heirs or Successors, shall be graciously pleased to extend the Royal Mercy, on condition of his or her leaving this Island, for any term of years or for life, shall be found at large in any part thereof, without some lawful cause, after he or she shall have been so put on board as aforesaid, before the expiration of the Term for which such Convict shall have been so banished, or shall have so consented to leave the Island, every such Offender being thereof lawfully convicted, shall be sentenced to be kept at Hard Labour for such period as the Court passing such sentence shall think proper; or shall, in addition thereto, be sentenced to be once, twice or thrice publicly or privately Whipped, and to be Banished, for the term of his or her Natural Life, as to the Court shall seem meet: *Provided nevertheless*, that the punishment of Whipping shall not in any case be inflicted on a Female.

Proviso: whipping not to be inflicted on females.

Offenders liable to imprisonment and hard labour, to be kept at work on the high-ways;

—and to wear an iron clog or shackle;

—and may also be kept in solitary confinement.

IV.—*And be it further enacted*, that when any Person shall be convicted of any Offence for which, by the Law of England, Imprisonment and Hard Labour may be awarded, it shall and may be lawful for the Court, in its discretion, to direct such Offender to be kept at Hard Labour in some Gaol, or House of Correction, or to be employed on the High Ways, Streets or Roads, in any part of this Island, or both, and during the hours of Labour to wear an Iron Clog, or other Shackle, to prevent the escape of such Offender; and also to direct that the said Offender shall be kept in Solitary Confinement for the whole, or any portion or portions of such Imprisonment as to the Court, in its discretion, may seem meet; and to make such other order for the safe-keeping of such Offender, when off work, as to the said Court shall seem expedient and necessary.

Supreme Court to make regulations for prison discipline.

V.—*And be it further enacted*, that it shall and may be lawful for the Supreme Court of Newfoundland to make such Rules and Regulations touching the Care, Custody, Treatment, Superintendence, Hours of Labour, Food, and General Management of Prisoners, either before or after Conviction and Sentence, as to the said Court shall seem fit and necessary for the support of a proper Prison Discipline.



*Amended by 5 W 4 @ 5 Sep 2*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. VI.

### *An ACT to Regulate the Making and Repairing of Roads and Highways in this Island.*

[12th June, 1834.]

**BE** IT ENACTED, by the Governor, Council, and Assembly, that it shall and may be lawful for the Grand Juries of the several Circuit or District Courts, or in the Courts of General or Quarter Sessions of the Peace, in the respective Districts of this Island, at such terms or times as the said Courts respectively shall direct, yearly and every year to nominate so many fit and proper Persons as they may consider necessary, as Surveyors of Highways for each District or Settlement; and the said Court shall, from the Persons so nominated, appoint as many as may be deemed expedient, to be Surveyors of Highways for the District or Settlement for which they are so nominated; and the Persons so appointed shall be sworn to the faithful discharge of the duties of that office; and any Person so appointed, having received notice thereof, who shall refuse to accept of the said appointment, or shall neglect to be sworn to the faithful discharge of the duties thereof within Fourteen Days next after such appointment, or having accepted, shall neglect his duty therein, shall forfeit, for such refusal or neglect of his duty, the sum of Two Pounds.

II.—*And be it further enacted*, that every Person within each District or Settlement, keeping any Cart, Team, Truck, Carriage, or Horse, shall send on every day appointed by the Surveyor of Highways, One Cart, Team or Truck, with Two Oxen or Two Horses, or with One Horse in case he owns no more, and one able man to drive the same, four days in every year to work on the Highways, Roads, Streets or Bridges, allowing Eight Hours to each day's work; and such persons not attending, or neglecting to perform the said duty, shall pay and forfeit, for every day's omission or neglect, if owning two or more Horses or Oxen, Ten Shillings; and if owning One Horse only, Seven Shillings; and that every other Householder, or other Person, able of body, between the ages of Sixteen and Sixty, not being a Military Person or holding a Commission from His Majesty in the Military or Civil Department of the Army, or an hired Servant, Minor, Appren-

Grand Juries in Circuit or Sessions Courts to nominate persons to serve as Surveyors of Highways.

Penalty on persons so nominated refusing to serve.

Persons having Carts, Teams, &c. to furnish them to work on the Highways on days appointed by Surveyors.

Penalty for neglect.

—other persons to furnish labour.

tice, Journeyman, or Day Labourer, shall on every day appointed as aforesaid, either by himself or other sufficient Person to be hired by him, and provided with such necessary implements as shall be directed by the said Surveyor, work, and continue so to do, for the space of Six Days in every year, on the said Highways, Roads, Streets, or Bridges, within the District or Settlement where they respectively reside; and every hired Servant, Minor, Apprentice, Journeyman and Day Labourer, shall on every day appointed as aforesaid, either by himself or other sufficient Person, work, and continue so to do, for the space of Two Days, on the said Highways, Roads, Streets or Bridges within the District or Settlement where they respectively reside; and such Householders, hired Servant, Minor, Apprentice, Day Labourer, or other Person not attending or neglecting to perform the said Labour, shall forfeit Three Shillings for every day's neglect.

Penalty for neglect.

Labourers may be substituted for Carts, Horses, &c.

III.—And whereas the labour of men may be more useful than the employing Teams, Carts or Trucks, in some Districts and Settlements: *Be it therefore enacted*, that when any Surveyors of Highways shall judge the labour of Men more useful and necessary than that of Carts, Teams, or Trucks, the Persons who by this Act are to supply Carts, Teams, or Trucks, shall be and they are hereby required, under the like penalty, to send two labouring men instead thereof, furnished with necessary implements as aforesaid.

Constables to make out lists of persons owning Carts, &c. and other persons liable to serve on the Highways.

IV.—*And be it further enacted*, that the Constables for the several Districts in this Island shall make out lists of all such Persons who are Owners of Teams, Carts or Trucks, as also of every Householder and other Persons liable to perform labour under this Act, within their respective Districts and the Settlements adjoining, and deliver the same to the Surveyors of Highways; and the said Constables, when required by the said Surveyors, shall summon the said Persons contained in the said lists to meet on such days, and at such places, as the said Surveyors shall direct, to perform the labour required by this Act.

Surveyors to summon persons named in such lists to work on the Highways.

V.—*And be it further enacted*, that the said Surveyors of Highways shall at the most desirable and convenient time or times in each year, cause the persons contained in their lists respectively to be summoned, giving them at least Seven Days' Notice of the time and place where they are to be employed, and shall there Oversee and order the Persons so summoned, to labour in making and repairing the Highways, Roads, Streets and Bridges, in the most useful manner, during the number of days required by this Act, for each Person to labour: And the Surveyors of Highways, shall be excused from any other service on the Highways, than that of overseeing and ordering the persons employed thereon: *Provided always*, that all persons engaged in the Fishery, shall be exempt from Labour during the period of the Fishery.

Persons engaged in the Fishery exempted.

Justices of Peace may lessen the number of days' work, in certain cases.

VI.—*And be it further enacted*, that upon application to one or more of His Majesty's Justices or Conservators of the Peace, the said Justices or Conservators, shall and may, in their discretion, lessen the number of Days' Labour to be performed by any Poor Person, who cannot, without detriment to his family, perform the Labour required by this Act.

Persons exempt, from age, shall, nevertheless, if they have them, furnish Carts, &c.

VII.—*And be it further enacted*, that all Persons keeping Carts, Teams, Trucks, or Carriages, who being Sixty Years old or upwards, are exempt from labouring on the said Highways or Roads, shall nevertheless, when summoned so to do, send their Carts, Teams or Trucks for Four Days, to assist in making or repairing the same.

VIII.—*And be it further enacted*, that it shall not be lawful for any Surveyor of Highways, although with the consent of the Owner of the Land, to alter any Highway, Road or Street, or make any repairs to any Highway, Road or Street, in any Town, District or Settlement, without the advice and consent of at least Two Justices of the Peace.

Surveyors not to alter direction of, or repair Roads, &c. without consent of two Justices.

IX.—*And be it further enacted*, that it shall and may be lawful for the Surveyors of the Highways to order and direct the Inhabitants, in their respective Districts, as often as they shall deem necessary, during the Winter, to work on the Public Highways with their Horses, Oxen and Sleds, in order that the Roads may be rendered passable *Provided always, nevertheless*, that no inhabitant shall be compelled to furnish more than One Day's Labour of himself or cattle for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of Two Inches.

Surveyors may order work during the winter if necessary.

X.—*And be it further enacted*, that every Inhabitant refusing or neglecting to obey such Order of the Surveyor of Highways, shall forfeit for each refusal or neglect, respectively, the same Fine or Fines as are prescribed in and by the Second Section of this Act.

Penalty of disobedience to such order.

XI.—*And be it further enacted*, that every Surveyor of Highways shall yearly, at the expiration of his Office, render to the Court of General Quarter Sessions of the Peace, a true and faithful account, under Oath, of all the Labour expended by him, designating the names of the Persons and the Labour performed by each, and of all the Fines received by him; and shall pay the overplus, if any, in his hands, to his successor, for the use of the Highways, under a penalty not exceeding Ten Pounds for each neglect.

Surveyors at the expiration of their service to render accounts to the Quarter Sessions.

XII.—*And be it further enacted*, that where any new Highway or Common Road, from Town to Town, or Place to Place, in any County or District in this Island, shall be wanting, and where Old Highways or Roads with more conveniency may be altered, upon application being made to the Court of General Sessions of the Peace within the said County or District, the said Court is hereby authorized and required to appoint Three Persons, being Freeholders of the adjoining Townships, having most occasion for the said Highway, to enquire into the necessity and conveniency thereof, and to make their report thereon; and the same being judged to be of common necessity or conveniency, the said Court shall issue a Warrant to the Sheriff or his Deputy, or High Constable, to summon a Jury out of the adjoining Townships, to meet at some convenient day and place therein mentioned, to view and lay out or alter such Highway or Road, who shall have an Oath administered to them by the said Sheriff, or his Deputy, or High Constable, who is hereby authorized to administer the same, to lay out or alter such Highway or Road according to their best skill and judgment with most conveniency to the public and least prejudice or damage to the Owner or Owners of the Lands on which the said Highway is to be laid out or altered, and to assess the damages to the Owner or Owners of such Lands, as the said Jury shall think reasonable for the value of the Land and Improvements made on the same; and also for the making of Fences on the sides of such Highways, which having done, the said Sheriff or his Deputy, or High Constable, shall make a return thereof on the day appointed by the said Court, as well under his own as the hands of the Jurors by whose Oath the same is laid out and altered, to the end the same may be allowed of and recorded and after known for a Public Highway; and all Public Highways hereafter to be laid out as aforesaid shall not be less than Thirty Feet wide.

Quarter Sessions to appoint persons to judge of and report on necessity of any proposed alteration of Roads, &c.

Jury to be summoned to determine thereon;

—and to assess damages.

Notice to be given that persons aggrieved thereby may appear.

*R*

Such damages to be assessed on the District.

Surveyor to lay out private Roads as the Sessions may direct.

*R*

Penalty on persons summoned as Jurors refusing to act.

*R*

Penalty for altering Roads, &c. after being laid out by Surveyors.

Justices may impose a fine on persons encumbering Roads, &c. with Timber, Rubbish, &c.

XIII.—*Provided always, and be it further enacted*, that before such Highway or Road is allowed and recorded for a Public Highway, the Court shall cause notice thereof to be given for the space of Thirty Days, to the intent that if any Person shall think himself aggrieved thereby, he may make his complaint, and enquiry shall be made before the said Court into the cause of such complaint.

XIV.—*And be it further enacted*, that the said damages to be assessed as aforesaid with the expenses incurred, shall be assessed and levied by an assessment upon the Lands, Houses and Tenements within such County or District upon the presentment of the Grand Jury, and by an order of the Justices in General Sessions.

XV.—*And be it further enacted*, that the Surveyors of the Highways of each District or Settlement, shall be and they are hereby authorized to lay out Particular and Private Ways, either open or pent with swinging Gates, for such District or Settlement only, as shall be thought necessary by the said Court of General Sessions of the Peace, upon an application made to them by the persons concerned and interested therein: *Provided*, that no damage be done to any person in his Land or otherwise, without such recompense to be made by the District or Settlement in which the said Way may be laid out, as the Surveyors of Highways and the persons interested may agree or shall be ordered by the said Court of General Sessions of the Peace, upon enquiry into the same by a Jury to be summoned for that purpose; and the sum or sums of money so agreed to be paid by the said Surveyors of Highways, or assessed by the Jury as aforesaid, together with the expenses incurred, shall be assessed and levied upon the Inhabitants of the District or Settlement wherein such Way lies, and collected in the way and manner provided in and by the Fourteenth Section of this Act.

XVI.—*And be it further enacted*, that if any Juror duly summoned by the Sheriff or his Deputy, or High Constable, for any purposes required in this Act, shall neglect to attend or refuse to perform the duties required by this Act, every such Juror shall forfeit and pay for every such neglect or refusal, the sum of Twenty Shillings, to be levied by Warrant of Distress and sale of the offender's Goods and Chattels, on conviction of such offence before any Two Magistrates of the County or District wherein the offender shall be resident; and the Sheriff or his Deputy or High Constable shall summon others in the place of those who may neglect to attend or refuse to be sworn, until such Jury shall be completed to the number of Twelve.

XVII.—*And be it further enacted*, that if any Person or Persons shall alter any Public Road or Highway, or any Private Road, the same having been lawfully laid out and established, or shall make any encroachment thereon, not being lawfully authorized so to do; such Person or Persons so offending, shall forfeit and pay the sum of Five Pounds, over and above the expense of abating such nuisance.

XVIII.—*And be it further enacted*, that any one of His Majesty's Justices of the Peace shall and may, on his own view, or upon the Oath of one credible Witness, impose a fine not exceeding Twenty Shillings on any Person who shall encumber any of the Highways, Roads, Streets or Bridges in this Island, by laying Timber, Wood, Carts, Trucks, Rubbish, or any other thing, thereon, to be recovered by Warrant of Distress and Sale of the Offender's Goods and Chattels; or in case such offender shall not be known or found, the same shall be recovered by sale of so much of the Timber or Wood, and the Carts, Trucks, Rubbish, or other Thing encumbering such Road or Street as aforesaid, and be paid to the Surveyors of Highways, to be applied

towards the maintenance and repair of Roads and Bridges, rendering the overplus, if any be, to the Owner when discovered; and if the nuisance shall continue, the same shall be deemed a new offence, and shall be prosecuted and liable to the penalty aforesaid.

**XIX.**—*Provided always, and be it further enacted*, that it shall and may be lawful for any Person or Persons to place or deposit in any Street, Lane or other Highway, Stones, Bricks, Timber, or other Materials for the purpose of building or repairing any House or Houses or other Work, to the extent of not more than one third of the breadth of such Street, Lane, or Highway: *Provided always, nevertheless*, that such Materials shall not occupy so much of any such Street, Lane or Highway through which a Cart can pass, as to prevent the passage of such Cart.

Building Materials may however be laid by the sides of Road, &c.

**XX.**—*And be it further enacted*, that it shall and may be lawful for the Courts of General Sessions of the Peace for the several Counties and Districts to make such Rules and Regulations as may be deemed necessary to prevent the Side Paths or Ways along any Public Road or Street from being injured or destroyed; and every Person offending against such Rules and Regulations made, upon conviction thereof before one of His Majesty's Justices of the Peace, shall forfeit a sum not exceeding Forty Shillings nor less than Five Shillings, to be levied by Warrant of Distress and sale of the offender's Goods and Chattels, and shall be applied towards the repairs of such Paths or Ways.

Courts of Sessions to make regulations to prevent injury to Foot-paths.

**XXI.**—*And be it further enacted*, that if any Person or Persons who shall be liable to perform the aforesaid labour on the said Roads, being duly notified, shall refuse or neglect to attend, or to send one able man to work as aforesaid, he or they shall forfeit and pay Four Shillings for every day's neglect.

Penalty for neglect to attend to work on the Roads.

**XXII.**—*And be it further enacted*, that no person residing upon any Island within this Colony where there are any Highways or Roads, in which the performance of any Labour by this Act may be enforced, shall be compelled to work upon any Highway, Road, Street or Bridge, situate, or being upon the Main Land; or to furnish any Labourer, Cart, Team, Truck, Oxen or Horses, for the said service, nor be liable to any penalty or penalties for neglecting or refusing so to do; but each and every person residing on any such Island and liable to perform Labour under this Act, shall be obliged to perform the same upon some Highway or Public Road as aforesaid, upon the Island upon which he resides.

Persons residing on Islands not to be compelled to work on the Main Land.

**XXIII.**—*And be it further enacted*, that where any Island shall be connected with the Main Land by a Causeway, Bridge or Bridges, the persons residing on such Island who shall be liable to perform such Labour as aforesaid, shall be obliged to perform such part of the same, as may be required, in the keeping in repair or re-building such Causeway, Bridge or Bridges.

Repairs of Causeways, Bridges, &c. which connect any Islands with the Main.

**XXIV.**—*And be it further enacted*, that all Fines and Forfeitures directed to be paid by such Person or Persons as shall neglect to attend and perform the Labour, and furnish the Teams, Carts and Trucks, required by this Act for the repairs of Highways, Roads, Streets or Bridges, shall be sued for and recovered, with costs of suit, by the respective Surveyors of Highways before one or more Justices of the Peace, in like manner as debts are sued for and recovered; which Fines and Forfeitures so recovered, shall be applied to the repairs of the said Highways, Roads, Streets and Bridges.

How Penalties to be recovered and appropriated.

**XXV.**—*And be it further enacted*, that all Fines and Forfeitures not being less than Five Pounds as aforesaid, imposed by this Act,

Recovery and application of Penalties exceeding £5.

shall be recovered with costs of suit, by Bill, Plaint or Information, in any Court of Record in this Colony; one moiety thereof to be paid to the person or persons who shall sue for the same, and the other half to be applied to the repairs of the Highways, Roads, Streets, and Bridges, within the said Districts or Settlements, as the Court of General Sessions of the Peace for the County or District where the offence was committed, shall direct.

Penalty for cutting down trees, &c. on ungranted land adjoining public roads.

XXVI.—*And be it further enacted*, that if after the publication of this Act, any Person or Persons shall cut down or otherwise destroy any trees or underwood, growing upon any ungranted Land, within the distance of Forty Yards from any Public Road or Path, such Person or Persons so offending shall, on proof thereof by the Oath of one credible Witness; before any one of His Majesty's Justices of the Peace for the district wherein the offence shall be committed, forfeit and pay a sum not exceeding Forty Shillings, to be levied in the same manner as fines for the non-performance of Highway Labour, and to be paid and applied One Half to the Informer and the other Half to some one of the Surveyors of Highways for the benefit and improvement thereof.

Carts, &c. to have owner's name marked thereon.

XXVII.—*And be it further enacted*, that all Carts, Waggons and Catamarans, employed or used upon any of the Public Roads of this Island, shall have the Owner's Name painted at full length on some conspicuous part thereof, in letters of not less size than Two Inches, and painted in White on a Black Ground; and that no Person or Persons whatsoever shall ride on any Cart or Catamaran, or the Shafts of the same, without having Reins properly fastened and secured to the Horse or Horses drawing the same; and all Carriages, Carts, Waggons, Catamarans, Sleighs, and other Vehicles, shall, by the Person or Persons in charge of the same, on meeting any other Carriage, Cart, Waggon, Catamaran, Sleigh, or other Vehicle, be conducted and kept on the left side of the Road, so far as the state of the Highways or Roads will permit; and any Person or Persons breaking or infringing any Regulations in this Section contained, shall be liable to a penalty not exceeding Forty Shillings, to be recovered before any Justice of Peace, on Complaint or Information, in a summary way.

Persons riding on such Carts, &c. without reins,

—or going on the wrong side of, or not giving the due share of road, on passing or meeting others;

—Penalty.

Governor and Council may exempt main roads from the operation of this Act.

XXVIII.—*And be it further enacted*, that so much of this Act as confers any power or authority on the Surveyors and Magistrates referred to in the forming and making of Highways and Roads, shall not extend to any great Road or general Highway, and which His Excellency the Governor, by and with the advice of His Majesty's Council, shall, by any Proclamation or Proclamations for that purpose, from time to time, publicly declare to be such General Road or Highway.



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. VII.

### *An ACT to provide for the Maintenance of Bastard Children.*

[12th June, 1834.]

**BE** IT ENACTED, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that from and after the passing of this Act, if any Woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to be chargeable, to the Colony, or to any District or Place thereof, she having declared to the Midwife, or other Person assisting her at the time of delivery, who the Father of such Child was; or having, at some time before, declared herself to be with Child, and that such Child was likely to be born a Bastard, and to be chargeable to the Colony, or to any District or Place within the same; and shall, in either of such cases, upon examination to be taken in writing, upon Oath, before a Justice of Peace near where such place shall be, charge any Person with having gotten her with Child, it shall and may be lawful for such Justice to issue out his Warrant to apprehend such Person so charged as aforesaid, and to bring him before some one of His Majesty's Justices of the Peace, who may commit such Person to Gaol unless he give security for the supporting or maintaining such Child or Children, and shall enter into Recognisance with sufficient Security for his appearance at the next Quarter Sessions, where he shall be continued on Recognisance till the Woman is delivered of such Child or Children: *Provided*, that if such Woman shall die, or be Married, before she be delivered, or miscarry of such Child or Children, or shall appear not to have been with Child at the time of her examination, such Person shall be discharged of his Recognisance, or immediately released from custody, if committed.

Justices of the Peace may apprehend persons accused of having gotten women with child, which was likely to be born a bastard and become chargeable;

—unless security be given for its maintenance.

II.—*And be it further enacted*, that any Two Justices of Peace near the Place where any Bastard Child shall be born, upon due examination of the case and circumstances, shall and may, in their discretion, make an Order for the relief and keeping of such Bastard Child; and that the Mother or reputed Father of such Child or Children shall find sufficient security that the same shall not become chargeable to

Justices may make order for the relief of such bastard.

Reputed father to be answerable that child shall not become chargeable;

—and in default may be committed to gaol.

Women making false accusations to be sent to gaol or house of correction.

Persons wrongfully charged, may appeal.

the Colony, or to any District or Place therein, or pay the sum of Twenty Pounds Sterling, which shall be paid into the hands of the Magistrates of the respective District for the support of such Child or Children: And if, after the said Order made by the said Justices and by them subscribed, any of the said Persons, namely, either the Father or Mother, upon notice thereof, shall not for his or her part observe and perform such Order, then such party making default shall be committed to Gaol or the House of Correction for the space of Six Months, except he or they shall give sufficient Security to perform such Order, or else personally to appear at the next Quarter Sessions, and abide by such Order as shall be made at said Sessions in that behalf; and, if no Order shall be made at said Sessions, then to abide by the first Order.

III.—*And be it further enacted*, that in case any Woman shall accuse or charge any Man with having gotten her with Child, though the Woman be not with Child, or that the Child be not really his, but appears to be only a contrivance to defame the Person or cheat him of his Money, that in such case the said Woman shall be sent to Gaol or to the House of Correction, for a period not exceeding Six Months.

IV.—*And it is hereby further enacted*, that if any Person shall think himself wrongfully charged, or if the Person charging him be a Woman of ill-fame, or a common Whore; in such cases, upon giving Security to abide the Judgment of the Court, he may Appeal from the Order of the Justices to the next Sessions; when the whole cause may be heard, tried and determined by such Court, on the verdict of a Jury.



Revised by 4 D Cap 7  
Continued by 9 D C 11  
Continued by -15-Vic- Ch. 18.  
Revised by 19 Vic. (1858)



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. VIII.

*An ACT to afford Relief to Wives and Children,  
Deserted by their Husbands and Parents.*

[12th June, 1834.]

**W**HEREAS divers Persons abscond or go away from their places of abode, some leaving their Wives, a Child or Children; and some Mothers abscond or go away, leaving a Child or Children, in destitution or distress, and neglecting to provide them with sufficient or reasonable means of subsistence; and whereas it is expedient to remedy such evils: *Be it therefore enacted*, by the Governor, Council and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that it shall and may be lawful for one or more Justice or Justices of the Peace, upon the complaint or information on oath of any Person, made before any such Justice or Justices of the Peace, against any Person, being such Husband, Father or Mother, and having absconded or gone away, or who may be about to abscond or go away, from his or her usual place of abode, or the place where such Wife, Child or Children are left and neglected, or shall refuse to provide them, or any of them, sufficient or reasonable means of subsistence, according to the ability of such Husband, Father or Mother, to issue his or their Warrant for the apprehension of such offender, and to cause him or her to be brought before such Justice or Justices of the Peace, and after due enquiry into the facts of the case, if it shall appear to the satisfaction of the said Justice or Justices of the Peace, that such Husband, Father or Mother hath absconded or gone away, or is about to abscond or go away from his Wife; or his or her Child or Children, and hath neglected or refused to provide such Wife, Child or Children with sufficient or reasonable maintenance and support, the said Justice or Justices of the Peace shall thereupon, and according to the ability and means of the Person so found absconding, or about to abscond, make such order upon him or her for the payment of such Weekly or Monthly sum, to be paid by him or her towards the maintenance and support of such Wife, Child or Children, as such Justice or Justices shall deem fit and just; and such Justice or Justices are hereby further empowered to require such security as he or they may in any case deem fit and

Preamble:

Justices of the Peace to cause persons deserting and leaving their families destitute to be apprehended;

—and make such order therein as may appear fit;

and to require security for return of Parents leaving the Colony, that their families shall not become chargeable.

reasonable, to be given by the said Father, Husband, or Mother, for the payment of such Weekly or Monthly sums as aforesaid, and also that he or she so found absconding or about to abscond, shall return forthwith, or within such period of time as the said Justice or Justices of the Peace shall limit and prescribe unto such Father, Husband or Mother, to return unto his or her Child, Children or Wife; and if such Father, Husband or Mother shall refuse to give such reasonable security for their return to such Wife, Child or Children, according to the order of such Justice or Justices of the Peace, or shall refuse or wilfully neglect to pay such Weekly or Monthly sum for the purposes aforesaid, or refuse to give such reasonable security for the payment of the same, or for his or her return to such Wife, Child or Children, according to such order as aforesaid of the said Justice or Justices of the Peace, such Father, Husband or Wife shall be deemed a Rogue, and Vagabond; and the said Justice or Justices of the Peace, are hereby authorised and empowered to commit the said offender to any of His Majesty's Gaols, there to be imprisoned for such time as the said Justice or Justices of the Peace shall direct, but not exceeding the period of One Calendar Month; and during which period the said Offender shall not be allowed any other food or subsistence than Bread and Water, unless it shall be directed otherwise by the said Justice or Justices of the Peace, under certificate of some well known Medical Practitioner, that such offender requires a more ample or other diet than Bread and Water to sustain him or her in health.

Persons neglecting to work for support of their families, or spending their earnings in dissipation, may be committed to hard labour on the Public Roads.

II.—*And be it further enacted*, that if it shall be made to appear upon complaint made before any one or more Justice or Justices of the Peace, that any person being a Father, Husband or Mother, and being able to work, by his or her neglect of work, or by spending his or her money in Ale Houses, Taverns, or in any other wasteful and improper manner, whereby a proper proportion of the money earned by him or her shall not be applied towards the maintenance of the Wife and Family of such Husband, or the Child or Children of such Mother, and by which neglect or default, such Wife and Family, or Child or Children, shall become distressed and cast upon Public Charity or other precarious means of support; such Justice or Justices of the Peace, are hereby authorised and empowered, to require the said offender to give reasonable assurance or security, that he or she will supply and provide unto his wife and family, or unto her Child or Children, such sufficient or reasonable maintenance and support, as the said offender may be of ability to procure; and on refusal of any such offender to give such assurance or security, he or she shall be considered and deemed to be an idle and disorderly person, and the said Justice or Justices of the Peace are hereby empowered to commit the said offender to Gaol and Hard Labour therein, or, not being a female, to Labour on the Public Roads for any time not exceeding the period of Fourteen Days.

Goods of offenders against this Act may be seized for the support of their families.

III.—*And be it further enacted*, that such Justice or Justices of the Peace as aforesaid, are hereby authorized and empowered, by Order or Warrant, under his or their hand, to seize and take so much of the Goods and Chattels, or Credits, of any such Husband, Father or Mother, being any such offender as aforesaid, as such Justice or Justices may deem requisite and necessary, to sell and dispose of, for the support and maintenance of the Wife and Family, or of the Child or Children of such offender, and to sell and dispose of the same; and the said Justice or Justices of the Peace, are also hereby empowered, by order under his or their hand, to seize and attach in the hands of the Master or Employer of any such offender, such portion of the

Wages due or to grow due to him or her, by the Week, Month or Year, as such Justice or Justices of the Peace may consider equitable and reasonable, and to assign the same to be paid by the said Master or Employer, towards the maintenance of such Wife and Family, or such Child or Children, so abandoned or neglected by such offender, in any manner as aforesaid; and such portion of the said Wages shall be paid by the said Master or Employer to such person as the said Justice or Justices of the Peace shall appoint: *Provided always*, that any person who may consider himself or herself aggrieved by any Order or Judgment of such Justice or Justices of the Peace, made in pursuance of the provisions of this Act, may appeal to the next General Quarter Sessions of the Peace, or to any Court of Record within the District of the said Justice or Justices of the Peace, which said Courts are hereby respectively empowered to revise, disannul or confirm the Order or Judgment so made, under the provisions of this Act, by any Justice or Justices of the Peace.

Appeal to Quarter Sessions.

VI.—*And be it further enacted*, that this Act shall be and continue in force for Five Years, and thence until the then next Session of the Parliament of this Island, and no longer.

Limitation.

*Court of Sessions  
St. John's*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. IX.

*An ACT to regulate the Standard of Weights and Measures in this Colony, and to provide for the Surveying of Lumber.*

[12th June, 1834.]

**W**HEREAS it is necessary to ascertain and establish a Standard of Weights and Measures in this Colony, in order to prevent frauds and irregularities which are otherwise likely to arise: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that from and after the First Day of January which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty Six, all Weights and Measures which shall or may be used in this Colony of Newfoundland, shall be according to the Standard ascertained and established by an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Fifth Year of the Reign of his late Majesty King George the Fourth, entitled "An Act for ascertaining and establishing the uniformity of Weights and Measures;" and the Treasurer of the Colony shall, and he is hereby authorised and directed to order and import from England, a set of Weights and Measures agreeably to the aforementioned Standard. And it shall and may be lawful for the Justices of the Peace for the time being of the District of St. John's, in Sessions, to appoint a fit and proper person to be Assayer of Weights and Measures for the said District of St. John's, and such Assayer shall be duly sworn to the faithful discharge of his duty, and in his care and custody the aforesaid Standard Weights and Measures shall be deposited; and the said Assayer, so appointed as aforesaid, shall immediately thereafter publish the same in the *Royal Gazette* Newspaper, stating where his office containing the said Standard Weights and Measures is situated.

II.—*And be it further enacted*, that it shall and may be lawful for the said Assayer of Weights and Measures, and he is hereby required to assay and adjust all such Beams, Weights and Measures as shall be brought to his said office, agreeably to the standard aforesaid, and shall stamp or mark thereon the letters W. R. or the initials of the then reigning Monarch, and all such Beams and Weights as cannot be

Preamble.

Standard to be according to that established by Act 5, Geo. 4, cap. 74.

Treasurer to procure from England a pattern or standard set.

Assayer to be appointed for St. John's

Assayers to adjust Weights, &c. according to the foregoing standard.

stamped as aforesaid, shall be painted with red paint, and in addition to the initials of the then reigning Monarch, shall have those of the Assayer also marked thereon; and such Assayer shall grant a certificate of having assayed, and stamped, or marked the same, for which he shall be entitled to receive from the respective owners thereof, the sum of Three Pence Sterling for every Beam, Weight and Measure so stamped or marked as aforesaid.

Fees.

Assayers in the out-ports.

Fees.

III.—*And be it further enacted*, that it shall and may be lawful for the Justices of the Peace of the different Districts of the Island, in Sessions, to appoint proper and efficient persons in each of the said respective Districts (other than Saint John's) to be Assayers of Weights and Measures for such respective Districts; and such Assayers when appointed shall respectively be sworn to the faithful discharge of their duty, and shall have the same power and authority, and be bound by, and subject to, the same Rules and Regulations, and be entitled to the same Fees and Emoluments, as are hereinbefore given to and prescribed respecting the Assayer of Weights and Measures in Saint John's.

Treasurer to order other pattern sets to be made by that imported from England

IV.—*And be it further enacted*, that the Treasurer of the Colony shall and he is hereby authorized and directed to order such number of additional sets of Weights and Measures to be made agreeably to the aforementioned Standard as shall be sufficient to furnish each of the Assayers who shall be appointed in the different Districts of the Island aforesaid, with one complete sett of Standard Weights and Measures.

No weights, &c. to be used except according to this act after 1st January, 1830.

V.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty Six, no Person or Persons shall use any Beam, Weight or Measure in the Sale, Barter or Exchange of any Provisions or other commodity within this Colony, without having such Beams, Weights and Measures assayed and stamped or marked as aforesaid; nor shall he or they use any Wooden Beam whatever, under a penalty of Five Pounds Sterling.

Penalty.

Assayers to inspect weights, &c.

VI.—*And be it further enacted*, that the said Assayers of Weights and Measures, so appointed as aforesaid, shall have full power and authority, and they are hereby respectively required, empowered and authorized to inspect all Weights and Measures; and for that purpose with a Constable or Constables to visit, in the day time, once in Three Months, or oftener if they shall see cause, the Shop, Store-house, Office or Vessel, of every Person Vending, Exchanging or Bartering any commodity by Weight or Measure, and to seize all such Weights and Measures as are not stamped or marked as aforesaid; and upon proof that the said Weights or Measures, or any of them, are short of or exceed the Standard aforesaid, the Person or Persons having the said Weights or Measures in his or their possession, shall, on due conviction thereof, forfeit and pay to His Majesty, his Heirs or Successors, a sum not exceeding Five Pounds sterling.

and seize such as may be unstamped or defective.

Penalty.

Certain commodities to be sold by measure.

VII.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty-Six, all Potatoes, Carrots, Turnips, Roach and Slack Lime, and all Goods and things commonly Sold by Heaped Measure, whether the same shall have been imported into this Island, or grown and produced therein, shall, on the Sale and delivery thereof, be measured by the Seller of the same in a Measure or Measures regularly assayed and stamped or marked as aforesaid, by an Assayer of Weights and Measures within this Colony—which said Measure or Measures shall be made of good Hardwood, well bound with Iron Hoops, and in a Cylin-

dricul form, according to the standard of Measure established by this Act. And if such Articles or Produce be Sold by the Barrel, such Barrel shall contain Three Bushels struck measure (which shall be stricken with a round stick or roller, straight, and of the same diameter from end to end) which shall be taken as Two and a Half Bushels heaped measure; and when Sold by the Bushel or lesser measure, such articles or produce shall be heaped to a height of Three Fourths of the depth of such Bushel or lesser measure, above the brim thereof. And the measure for all kinds of Corn or Grain, and other Produce or Articles usually sold by struck measure, shall be agreeable to the standard of measure hereby established, and shall be stricken in manner above-mentioned, and shall be measured by the Seller thereof in a measure regularly assayed and stamped or marked agreeably to the Standard aforesaid: and if any Person or Persons shall measure any of the said Goods, Articles or Produce in any other than such assayed and marked or stamped measures, or shall otherwise offend herein, such Person or Persons shall forfeit and pay to our Sovereign Lord the King, his Heirs or Successors, for each offence a Penalty,

Penalty.

VIII.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty-Six, no Person or Persons whomsoever shall, within this Colony, make use of Steelyards for the Weighing of any Commodity vended or sold by him or them other than Hay or Straw; and if any Person or Persons shall use or cause to be used any such Steelyards contrary to the provisions of this Act, such Person or Persons shall, on due conviction thereof before any Two or more of His Majesty's Justices of the Peace, forfeit and pay a sum of Twenty Shillings sterling.

Use of steelyards prohibited (except for Hay and Straw) after 1st January, 1836.

Penalty.

IX.—*And be it further enacted*, that from and after the said First day of January One Thousand Eight Hundred and Thirty Six, all Salt vended or sold in this Island, shall be so vended and sold by Weight, and not by Measure as heretofore used; and any Person or Persons who shall, after the said First day of January, sell or dispose of any Salt otherwise than according to the Standard of Weight hereby established, shall, on due conviction thereof before any Two or more Justices of the Peace, forfeit and pay a sum not exceeding Five Pounds sterling.

Salt to be sold by weight.

Penalty.

X.—*And be it further enacted*, that every Hogshead for the measurement of Coals shall contain Sixty-Three Gallons Imperial measure, to be not less than Thirty-Nine Inches wide at the top, and Thirty-Six Inches at the bottom; and all Coals sold in such measure as aforesaid shall be heaped to a height of Sixteen Inches above the edge or brim thereof.

Coals to be sold by heaped measure.

XI.—*And be it further enacted*, that all Ton Timber, Plank, Board, and other Lumber, which may, after the passing of this Act, be Imported into Newfoundland for Sale, or being the produce of this Colony, shall be Sold or offered for Sale therein, shall, previous to the delivery thereof to the Purchaser or Purchasers, be Surveyed and Measured by a Sworn Surveyor of Lumber of this Colony; and all such Lumber as shall not be of Merchantable quality, shall be marked by such Surveyor with an R. for Refuse: And all Shingles imported into this Colony shall in like manner be Surveyed by a Sworn Surveyor; and if the same shall not be of standard size, that is to say, each Shingle Eighteen Inches long, and each Bundle of Shingles Twenty Inches wide, Twenty-Five tiers high, and well and closely packed, such Shingles shall be marked with an R. for Refuse, and sold as such; and if such shall be falsely or fraudulently packed, they

Timber, Lumber, &amp;c. to be Measured by Sworn Surveyors;

and Shingles.

shall be forfeited; and the charge and cost of Surveying such Timber, Lumber and Shingles shall be borne by the respective Sellers thereof. And if any Person or Persons shall deliver or cause to be delivered to any Purchaser any such Board, Plank or Lumber, being sold by admeasurement, or any such Shingles, without having the same respectively first Surveyed by such Sworn Surveyor as aforesaid, he and they shall forfeit and pay a Penalty not exceeding Five Pounds sterling; and if any such Surveyor shall be unfaithful or negligent in the discharge of his duty, he shall, on proof thereof before any Two or more of His Majesty's Justices of the Peace, forfeit and pay for each offence, a Penalty not exceeding Twenty Pounds sterling, and be thereafter rendered legally incapable of acting as such Surveyor of Lumber.

Penalties.

Surveyors of Lumber to be appointed.

Qualification.

Penalty on unauthorized persons acting

Fees to be charged by Surveyors.

Penalty on persons obstructing Assayers

Recovery and application of Penalties

XII.—*And be it further enacted*, that all Surveyors of Lumber shall hereafter be appointed by the Justices of the Peace for the respective Districts of the Island in Session; and in order to be qualified under this Act, they shall respectively give good and sufficient Security in the sum of Two Hundred Pounds, sterling, and be duly sworn before one of His Majesty's Justices of the Peace faithfully to discharge the duties of such office, and such Justice shall thereupon grant a Certificate of such Oath having been duly made; and such Surveyor of Lumber shall at all times thereafter be liable to attend when called upon by any Persons requiring him to Survey any quantity of Timber, Lumber or Shingles; and if any such Surveyor having had Twelve Hours' Notice from such Person, shall refuse or neglect to attend in pursuance of such notice, he shall (unless actually employed in surveying Timber or Lumber elsewhere) forfeit and pay for every such neglect or refusal the sum of Forty Shillings sterling. And any Person who shall act as a Surveyor of Lumber (except those already sworn and approved) until he shall first have qualified himself as aforesaid, shall forfeit and pay for each offence the sum of Five Pounds sterling. And such Sworn Surveyors shall be entitled to demand and receive from the seller or sellers of such Timber, Board, Plank, Lumber or Shingles, for Surveying the same, the following rates and charges respectively, that is to say; for Timber, per ton, One Shilling sterling—for Board or Plank per thousand feet superficial measure, One Shilling and Six Pence sterling—for Shingles per thousand, Two Pence sterling.

XIII.—*And be it further enacted*, that if any person Selling, Bartering or Exchanging by Weights and Measures shall refuse admittance to, or wilfully oppose or obstruct any Assayer of Weights and Measures appointed as aforesaid, after such Assayer shall have declared the intent of his coming to execute the duty of his said office, the Person or Persons so refusing, obstructing or opposing, shall, for every such refusal, obstruction or opposition, to be ascertained by the Oath of the said Assayer, forfeit and pay the sum of Ten Pounds sterling.

XIV.—*And be it further enacted*, that all Fines, Penalties and Forfeitures imposed by this Act, shall and may be sued for and recovered, together with costs, in a summary way before any two or more of His Majesty's Justices of the Peace, or in any Court of Record in the Colony; and all such Fines, Penalties and Forfeitures shall be paid to His Majesty, his Heirs and Successors, to be applied, in their several moieties, to the Person or Persons who shall respectively inform and sue for the same, and their other several moieties to the public uses of this Colony.

XV.—*And be it further enacted*, that from and immediately after the passing of this Act, the Justices of the Peace for the several Dis-

tricts of this Island, in Sessions, shall and they are hereby authorized and required to appoint some fit and proper person in each of the said Districts, to inspect all Weights and Measures now in use in the Colony: And the said Inspectors are hereby authorized, and required, under the same rules and regulations, and with the same power and authority, and entitled to the same Fees as are hereinbefore given and granted to the Assayers of Weights and Measures so to be appointed as aforesaid, to examine and inspect from time to time all such Weights and Measures as aforesaid, which said Weights and Measures shall, until the said First Day of January One Thousand Eight Hundred and Thirty Six, be made to conform to the standard of Weights and Measures now deposited in the Court House at St. John's, and heretofore used in this Colony. And if any Person or Persons shall until the said First Day of January One Thousand Eight Hundred and Thirty Six, use or cause to be used any Weights or Measures which shall not be conformable to the standard last aforesaid, he and they shall forfeit and pay for each offence a Penalty not exceeding Five Pounds sterling. And all Potatoes, Carrots, Parsnips, Roach and Slack Lime, and all other goods and things usually sold by heaped measure, as also all Corn, Grain and other articles commonly sold by struck measure, shall, until the said First Day of January One Thousand Eight Hundred and Thirty Six, be sold and vended according to the standard last aforesaid, under the same rules, regulations and provisions as are contained and set forth in the Seventh Section of this Act, under a Penalty not exceeding Five Pounds sterling, to be paid by the Person or Persons selling the same.

Justices of Peace to appoint Inspectors of Weights and Measures already in use;

which are to be conformable to the standard deposited in the Sessions Court.

Penalty.



*Court of Sessions  
Harbour Grace*



ANNO QUARTO  
**GULIELMI IV. REGIS.**  
(2ND SESSION.)

**CAP. X.**

*An ACT for the Establishment of a Savings' Bank  
in Newfoundland.*

[12th June, 1834.]

**W**HEREAS the Establishment of a Bank for Savings, in Newfoundland, will greatly tend to encourage and promote habits of Industry, Economy and Sobriety among the Poor and Labouring Classes of the community, by affording them a safe place for the deposit of whatever small sums of Money may accrue from their ordinary employments beyond the expenses necessary for the support of their Families; and which, by accumulation, would gradually constitute a fund for their maintenance, during times of difficulty and distress; or which might eventually enable them to extend their business and materially improve their condition and increase their means of domestic comfort: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that the Treasurer or Receiver General of the Public Revenues of Newfoundland, together with such Persons as may, for the time being, have deposits in the said Bank, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in Deed and in Law, by the name and style of "The Newfoundland Savings' Bank:" and that by that name they and their Successors shall and may have continual succession; and a Common Seal, with liberty and power to change, break and alter the same at their pleasure; and shall in Law, be capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts of Law and Equity; and also, that by the same name, they shall and may be capable in Law of purchasing, holding, demising, and conveying any Estate, Real or Personal, for the use of the said Corporation.

Preamble.

Colonial Treasurer, with such persons as may become Depositors, to form a body corporate.

Style.

II.—*And be it further enacted*, that the Treasurer or Receiver-General of the Public Revenue of Newfoundland, for the time being, shall be the Cashier of the said Institution; and that the Members of His Majesty's Executive Council, together with an equal number of the Members of the House of Assembly of Newfoundland, to be named by the Governor or Acting Governor for the time being, of whom the Speaker of the Assembly shall be one, shall be the Governors thereof, under whose management and inspection, the affairs and business of the said Bank shall be conducted, and that any Three of the said Governors shall constitute a Quorum for the transaction of business.

Treasurer to be Cashier.

Governors of the Bank.

III.—*And be it further enacted*, that the Governors of the said Bank, or the major part of them, shall have power and authority to make such Rules and Bye-Laws as they may deem needful and proper,

Governors to make bye-laws, &c.

touching the Receipt, Management and Disposition of the Deposits, Funds and Property of the said Bank; and shall have power to appoint a Clerk, and to fix the Salary to be paid for his services.

Deposits to be paid into the Colonial Treasury.

IV.—*And be it further enacted*, that all the Deposits and other Monies of the said Bank, shall be paid into the Public Chest of this Island, and be kept and secured by the said Treasurer or Receiver General as aforesaid, for the time being, in the same manner as the Public Revenues of the Colony are kept and secured; and which said Treasurer or Receiver-General, shall be responsible and held liable for the care, custody and safe-keeping thereof, and of all other Funds and Securities of the said Institution, in the same manner as for any of the Public Monies of this Island: *Provided always*, that nothing herein contained shall extend or be construed to prevent or restrain the Governors of the said Bank, from lending, upon Real, Personal or Government Securities, any part of the Funds of the said Institution, should they think fit so to do.

Colonial Revenue to be chargeable with any loss through default of the Treasurer.

V.—*And be it further enacted*, that the Public Revenue of the said Island of Newfoundland, shall at all times be charged and chargeable to the full amount of any loss which may accrue to the said Institution, from, or be occasioned by, the default or negligence of the said Treasurer or Receiver-General, in the care, custody, safe-keeping or management of the Deposits, Funds, or other Property or Effects of the said Bank.

Interest on such Deposits.

VI.—*And be it further enacted*, that all Persons residing within the Government of Newfoundland, who shall deposit for any period not less than Six Months, any Sum or Sums of Money, not less in the whole than Twenty Shillings, nor more than Fifty Pounds, sterling, shall be entitled to receive Interest thereon, at the rate of Three per centum per annum, to be paid either out of the Profits which may arise from the transactions of the said Institution, or, in default thereof, out of any Public Money or Monies which may be in the hands of the said Treasurer or Receiver General for the time being, and applicable to the Public Uses of this Island: *Provided always*, that no interest shall be calculated on the fractional parts of a Pound, or for a less period than a Month; and that no Interest Account shall be opened before the First Day of the Month next ensuing that upon which the Deposit shall have been made.

Branch Offices may be appointed in the Out-ports.

VII.—*And be it further enacted*, that it shall and may be lawful for the Governors of the said Institution to appoint Branches or Offices of Deposit, at such Towns or Places within this Government, as they shall deem proper, for the convenience of such Persons residing at a distance from St. John's, as may be desirous of availing themselves of the advantages of the said Institution.

Monies held in trust for Lunatics, Infants, &c. may also be deposited.

VIII.—*And be it further enacted*, that any Money belonging to or held in trust for any Infant, Idiot, Lunatic or Femme Covert, or which may be paid into the Supreme Court, by any order or decree of the Court, may be received by the said Institution, there to remain, subject to the order of the said Court. *Provided always*, that the amount of Interest, if any, to be paid thereon, shall be in the discretion of the said Governors of the said Bank.

Disputes to be heard on Petition to the Supreme Court.

IX.—*And be it further enacted*, that all disputes touching the Deposits or other Affairs and Business of the said Bank, may be heard and determined upon Petition to the Supreme Court, either in Term Time, or in Vacation.

*Amended by 4th Cap. 2*



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XI.

*An ACT for the Relief of Insolvent Debtors taken in Execution.*

[12th June, 1834.]

**W**HEREAS it is necessary to make provision for the Relief of Insolvent Debtors taken in Execution: *Be it enacted*, by the Governor, Council and Assembly, that from and after the passing of this Act, if any Person or Persons now charged, or who shall or may hereafter be charged in Execution for any sum or sums of Money, and shall be minded to deliver up to all his, her, or their Creditors, all his, her, or their effects, towards the satisfaction of his, her, or their Debts, it shall and may be lawful to and for such Prisoner to exhibit a Petition to the Supreme Court in Term time, or to the Chief Justice, or in his absence, to the other Judges of the said Court in vacation, setting forth the cause or causes of his, or their imprisonment, and exhibiting a full and true account of his or their Real and Personal Estate, Rights and Credits, and an account of his, her or their Debts, as far as his or their knowledge extends therein; and upon such Petition, the said Court, or the said Chief Justice, or other Judges, may, and are hereby respectively required, by order or rule of the said Court, or by order under the hand of the said Chief Justice, or other Judges, to cause the said Prisoner to be brought before the said Court, or before such Chief Justice, or other Judges, at a day certain, and not less than Ten Days after a notice of such application shall have been served upon the several Creditors of such Person or Persons personally, or upon their Attorney in Court, or left at his, her or their last place of abode, and published in the *Gazette*, and in any Local Paper published near the residence of such Debtor, and upon the day of such appearance, to enter upon and proceed with the same examinations as to the fact of such Debtor's Insolvency, as though the same had been pleaded at the return of the Original Writ; and thereupon, if it appear to the said Court, or the said Chief Justice, or other Judges respectively, that such Debtor is unable to pay Twenty Shillings in the Pound, to all his, her, or their Creditors, and that such Debtor or Debtors might have been declared Insolvent at the return of the Writ, and that there has been no fraud on the part of such Debtor or Debtors,

Insolvents taken in execution may deliver up their Effects to Creditors;

and on petition may be heard before the Supreme Court.

Notice of such petition to be given in the *Gazette*, and local paper.

Such Debtors being unable to pay 20s. in the pound, to be declared Insolvent.

to declare the said Debtor or Debtors Insolvent, accordingly; and to take such order for discovering, collecting, and settling the Estates, Debts and Effects, of such Debtor or Debtors, and distributing the produce thereof among all his, her, or their Creditors, by appointing Trustees and otherwise, as if such Debtor or Debtors had been declared Insolvent at the return of the original Writ: *Provided always*, that it shall be lawful for the said Court to appoint Trustees of the Estate and Effects of Debtors declared Insolvent, other than Creditors of any such Debtor or Debtors, if the Court should deem it expedient so to do.

Judges may on such declaration, order the Insolvents to be released from Gaol.

II.—*And be it further enacted*, that upon such declaration of Insolvency being made as aforesaid, it shall and may be lawful for the said Court, or the said Chief Justice, or in his absence, for the other Judges respectively, forthwith to direct the discharge of the said Debtor or Debtors from Gaol, and that such Debtor or Debtors shall not thereafter be liable to imprisonment for his, her, or their Debts then due or owing.

Debtors imprisoned in any of the Out-Ports to be examined under a commission.

III.—*Provided always, and be it further enacted*, that in case such Debtor or Debtors so charged in Execution shall be imprisoned elsewhere than in Saint Johns, it shall be lawful for the said Chief Justice or other Judges respectively, to authorize one or more Commissioner or Commissioners, to take such order for the examination of such Debtor or Debtors, before his, her, or their Creditors, as the said Chief Justice or other Judges respectively, may think fit to direct; and upon the receipt of such examination so taken as aforesaid, such Chief Justice, or other Judge respectively, shall, if satisfied therewith, declare such Debtor or Debtors Insolvent, and proceed therein, as hereinbefore directed to be done in case of such examinations being taken before them or either of them.

Females not to be charged in execution.

IV.—*And be it further enacted*, that no Female shall be charged in Execution, by *Capias ad Satisfaciendum*, in any Civil Suit, instituted in any Court of Law in this Island.

Limitation.

V.—*And be it further enacted*, that this Act shall continue in force for Two Years, and no longer.



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XII.

*An ACT to regulate the Rate of Interest in this Island.*

[12th June, 1834.]

**W**HEREAS it is deemed expedient to regulate the Rate of Interest to be paid within this Island, in certain cases: *Be it enacted*, by the Governor, Council and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that upon all Debts or Sums certain, payable at a certain time or otherwise, the Jury on the trial of any issue or on any inquisition of damages, may, if they think fit, allow interest to the Creditor, at a rate not exceeding Six Pounds, for the forbearance of One Hundred Pounds for a Year, and so after that Rate for a greater or less sum, or for a longer or shorter time, from the time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument, at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the Debtor, that Interest will be claimed from the date of such demand, until the time of payment; *Provided* that Interest at the rate of *Six per Cent per annum*, as aforesaid, shall be payable in all cases arising in this Island, in which Interest is now payable in Law.

II.—*And be it further enacted*, that no part of the Law of England relating to Usury, or to the amount to be received or taken for the Loan or Forbearance of Money, Goods, Wares or Merchandize, shall be of any force or effect in this Island.

III.—*And be it further enacted*, that no claim for Interest, exceeding *Six per Cent per annum*, shall be recoverable against any Insolvent Estate in this Island.

Preamble.

Interest at Six per cent may be charged on sums or debts due under written Contract.

Proviso.

Usury Laws of England, not in force in this Island.

No claim for Interest above Six per cent recoverable from Insolvent Estates.



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XIII.

*An ACT for ascertaining the Damages to be paid upon Protested Bills of Exchange.*

[12th June, 1831.]

**BE IT ENACTED** by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that from and after the passing of this Act, all Bills of Exchange drawn in this Island or its Dependencies, upon persons residing in any of His Majesty's Colonies in America or the West Indies, which may be sent back Protested, shall be subject to *Five per Cent*, damages, and *Six per Cent per annum*, Interest, from the day of the date of the Protest on such Bills to the time of Payment. And that all Bills of Exchange drawn in this Island or its Dependencies, upon persons residing in any other place than in such of His Majesty's Colonies as aforesaid, that shall be sent back Protested, shall be subject to *Seven and a Half per Cent*, damages, and *Six per Cent per annum*, Interest, from the Day of the date of the Protest to the time of payment.

Charges on Protested Bills drawn on persons residing in the North American or West Indian Colonies ;

—on persons residing elsewhere,

II.—*And be it further enacted*, that all Bills and orders drawn in this Island or its Dependencies, after the passing of this Act, upon persons living or residing in the same, that shall be Protested or refused payment, shall be subject to *Six per Cent per annum* Interest, from the date of such Protest or Refusal, to the time of payment.

—on persons residing in this Colony.

Court of Sessions

Harbor Grace

Not sanctioned by the King



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XIV.

*An ACT for Increasing the Number of Representatives to serve in the General Assembly of this Island.*

[12th June, 1834.]

**W**HEREAS the Number of Members constituting the House of Assembly of this Island, is found to be much too limited, and it is therefore deemed expedient to increase the number of the Members of the said House of Assembly, and to alter the division of Electoral Districts as heretofore existing in the said Island: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that for the purpose of the Election of the Members of the said Assembly, and of all future Members of this Island of Newfoundland, the said Island shall, from and after the First Day of January, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty Five, be divided into Twenty-four Districts, to be called respectively,

Division of the Colony into Electoral Districts.

The District of Saint John's,  
The District of Petty Harbor,  
The District of Torbay,  
The District of Portugal Cove,  
The District of Carbonear,  
The District of Harbor Grace,  
The District of Port-de-Grave,  
The District of Western Bay,  
The District of Brigus.  
The District of Harbor Main,  
The District of Trinity Bay, *South*,  
The District of Trinity Bay, *North*,  
The District of Bonavista Bay, *South*,  
The District of Bonavista Bay, *North*,  
The District of Fogo,  
The District of Twillingate,  
The District of Bay Bulls,  
The District of Ferryland,

The District of Saint Mary's,  
 The District of Placentia,  
 The District of Paradise,  
 The District of Burin,  
 The District of Fortune Bay,  
 The District of Hermitage Bay.

Limits and bounda-  
 ries of Districts.

Petty Harbor.

II.—*And be it further enacted*, that for the purpose of forming the Districts of Saint John's, Petty Harbor, Torbay, and Portugal Cove, a line shall be drawn from the South Head of Petty Harbor to Topsail Head, in Conception Bay, from which line, at a distance of Six Miles inland from Petty Harbour Head, aforesaid, a line shall be drawn direct to Cape Saint Francis. A line shall then be drawn from the centre of the Beach, at the Head of Fresh-Water Bay, to the Main River running into the Harbor of Saint John's, at River Head, to strike the said River at the distance of One Mile above Job's Mill; thence to run due West, until it shall strike the aforementioned line from Cape Saint Francis to the said Southern boundary line; and all the Shores and Land included within the said boundary lines, and bounded on the East by the Sea, shall form and be the District of Petty Harbor, and shall be represented in the said General Assembly by One Member.

St. John's.

And for forming the said District of Saint John's, a line from Small Point on the Sea Shore North of St. John's, shall be drawn due West, until it shall strike the aforesaid line from Cape Saint Francis to the Southern boundary of the District of Petty Harbor; and all the shores and land lying between and bounded by the said line from Cape Saint Francis on the West, the Sea on the East, the said line from Small Point on the North, and the said District of Petty Harbor on the South, and comprising the Town and Suburbs of Saint John's, shall form and be the District of Saint John's; and shall be represented in the said General Assembly by Two Members.

Torbay.

And the said District of Torbay shall consist of and include all that part of the said Island of Newfoundland, extending from Cape Saint Francis to the said Northern Boundary of the District of Saint John's, bounded on the West by the said boundary line running from Cape Saint Francis to the Petty Harbor District; by the Sea on the East, and by the said District of Saint John's on the South; and shall be represented in the said General Assembly by One Member.

Portugal Cove.

And the said District of Portugal Cove shall consist of and include all that part of the said Island of Newfoundland, bounded on the West by Conception Bay, extending thereby from Topsail Head to Cape Saint Francis, and including the Islands of Great Belle Isle and Little Belle Isle, and Kelly's Island; on the South by the aforesaid line, drawn from the South Head of Petty Harbor to Topsail Head, and on the East by the before described Districts of Torbay, Saint John's and Petty Harbor,—and the said District of Portugal Cove shall be represented in the said General Assembly by One Member.

Western Bay.

And the said District of Western Bay shall consist of and include all that part of the said Island of Newfoundland, bounded by the shore, which is situate and lying between Split Point on the East, and the Eastern side of Salmon Cove, and Salmon Cove River on the West; and shall be represented in the said General Assembly by One Member.

Carbonear.

And the said District of Carbonear shall consist of and include all that part of the said Island of Newfoundland, bounded by the shore, which is situate and lying between the Western side of



Salmon Cove, and Salmon Cove River aforesaid, and the North Point of Mosquito, and bounded on the South by a line extending from the said North Point of Mosquito along the summit of Saddle-Hill, Five Miles inland, including Carbonear Island, and shall be represented in the said General Assembly by One Member.

And the said District of Harbour Grace shall consist of and include all that part of the said Island, bounded by the shore, which is situate and lying between the North Point of Mosquito, and the said Southern boundary line of the District of Carbonear, and the North side of the River running into the head of Spaniard's Bay, including Harbor Grace Island; and shall be represented in the said General Assembly by One Member.

Harbor Grace.

And the said District of Port-de-Grave shall consist of and include all that part of the said Island of Newfoundland, bounded by the shore, which is situate and lying between the South Side of the said River running into the Head of Spaniard's Bay, and the North Side of Northern Gut in Port-de-Grave Salmon Cove, and shall be represented in the said General Assembly by One Member.

Port-de-Grave.

And the said District of Brigus shall consist of and include all that part of the said Island of Newfoundland, bounded by the shore, which is situate and lying between the South Side of Northern Gut in Port-de-Grave Salmon Cove, and the North Point of Turk's Gut; and shall be represented in the said General Assembly by One Member.

Brigus.

And the said District of Harbor Main shall consist of and include all that part of the said Island of Newfoundland, bounded by the shore, which is situate and lying between the North Point of Turk's Gut and Topsail Head; and shall be represented in the said General Assembly by One Member.

Harbor Main.

And the said District of Trinity Bay, South, shall consist of and include all that part of the said Island, bounded by the shore, which is situate between Split Point and Tickle Harbour Point; and shall be represented in the said General Assembly by One Member.

Trinity Bay,  
South.

And the said District of Trinity Bay, North, shall consist of and include all that part of the said Island, bounded by the shore, which is situate between Tickle Harbour Point and Cape Bonavista, and shall be represented in the said General Assembly by One Member.

Trinity Bay,  
North.

And the said District of Bonavista Bay, South, shall consist of and include all that part of the said Island, bounded by the shore, which is situate between Cape Bonavista and Salvage, inclusive; and including the Town and Harbour of Bonavista and all Islands within the said limits; and shall be represented in the said General Assembly by One Member.

Bonavista Bay,  
South.

And the said District of Bonavista Bay, North, shall consist of and include all that part of the said Island, bounded by Islands and the shore which is situate between Salvage and Deadman's Point, and including Greenspond and all Islands within the said limits; and shall be represented in the said General Assembly by One Member.

Bonavista Bay,  
North.

And the said District of Fogo shall consist of and include all that part of the said Island of Newfoundland, bounded by Islands and the shore, which is situate between Deadman's Point and Change Point, including the Island of Fogo, and all other Islands within the said limits; and shall be represented in the said General Assembly by One Member.

Fogo.

And the said District of Twillingate shall consist of and include all that part of the said Island of Newfoundland, bounded by Islands and the shore, which is situate and lying between Change Point and Cape

Twillingate.

Saint John, including the Island of Twillingate and all Islands within the said limits ; and shall be represented in the said General Assembly by One Member.

Bay Bulls.

And the said District of Bay Bulls shall consist of and include all that part of the said Island, bounded by the shore, which is situate between the South Head of Petty Harbour and Cape Neddick, inclusive ; and shall be represented in the said General Assembly by One Member.

Ferryland.

And the said District of Ferryland shall consist of and include all that part of the said Island, bounded by the shore, which is situate and lying between Cape Neddick and Cape Race ; and shall be represented in the said General Assembly by One Member.

Saint Mary's.

And the said District of St. Mary shall consist of and include all that part of the said Island, bounded by the shore, which is situate and lying between Cape Race and Point Lance ; and shall be represented in the said General Assembly by One Member.

Placentia.

And the said District of Placentia shall consist of and include all that part of the said Island, bounded by the Shore, which is situate and lying between Point Lance and Great Southern Harbor, inclusive, and including the Islands of Bordeaux, Long Island, Red Island, and the Ram's Islands, and all other Islands which are nearer to the *Eastern* than the *Western* side of Placentia Bay ; and shall be represented in the said General Assembly by One Member.

Paradise.

And the said District of Paradise shall consist of and include all that part of the said Island, bounded by the Shore, situate and lying between Come-by-Chance and Rashoon inclusive, and including Merasheen Island, Sound Island, Woody Island, Barren Island, Ship Island, Burgeo Island, Isle of Valen, Marticot, Oderin, Crow's Island, Patrick's Island, and all other Islands not specified, which are nearer the *Western* side than the *Eastern* side of Placentia Bay ; and shall be represented in the said General Assembly by One Member.

Burin.

And the said District of Burin shall consist of and include all that part of the said Island, bounded by the shore, which is situate and lying between Rashoon and Point May, inclusive, and including the Flat Islands, and all other Islands not herein specified which are situate near to or within the Boundaries aforesaid ; and shall be represented in the said General Assembly by One Member.

Fortune Bay.

And the said District of Fortune Bay shall consist of and include all that part of the said Island, bounded by the Shore, which is situate and lying between Point May and Jerseyman's Harbor inclusive ; and shall be represented in the said General Assembly by One Member.

Hermitage Bay.

And the said District of Hermitage Bay shall consist of and include all that part of the said Island, bounded by the shore, which is situate and lying Westward of Jerseyman's Harbour aforesaid, including Saint George's Bay, Bay of Islands, and Bonne Bay ; and shall be represented in the said General Assembly by One Member.

Governor may issue writs for the election of the 10 additional members herein provided for, without dissolving the present House of Assembly.

III.—And in order to prevent the inconveniences of a Dissolution of the General Assembly for the purpose of Electing the said additional Members: *Be it further enacted*, that it shall and may be lawful for the Governor or Acting Governor, by and with the advice of His Majesty's Council, by any Proclamation or Proclamations or Writ or Writs in the name of His Majesty, without Dissolving the present existing General Assembly of this Island, to summons and call from

among the Freeholders and Householders of the respective Districts of this Island according to the Divisions thereof heretofore existing, to the said General Assembly, Ten additional Members, that is to say, Two Members for the District of Saint John's, Two Members for the District of Conception Bay, and One Member each, respectively, for the Districts of Trinity Bay, Bonavista Bay, Fogo, Ferryland, Placentia, and Saint Mary's and Fortune Bay, and that such Ten Members, being duly elected and returned, shall be Members of the said General Assembly: *Provided always*, that after a Dissolution of the General Assembly of this Island shall have taken place, all future Elections of Members for Districts, to serve in the General Assembly of this Island, shall be made in pursuance of, and under the amended Division of Districts hereinbefore described.

Proviso.

IV.—*And be it further enacted*, that this Act shall not have any force or effect, until His Majesty's pleasure thereon shall have been first duly signified.

Act not to be in force till the King's pleasure is signified thereon.

*Journal of the*  
*Harbour Grace*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XV.

*An ACT for Registering the Names of Persons entitled to Vote at Elections.*

[12th June, 1834.]

**W**HEREAS it would greatly conduce to the convenience and purity of Elections for Members to serve in the Commons House of Assembly, if the Names of all Persons entitled to vote at such Elections were Registered: *Be it therefore enacted* by the Governor, Council, and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that from and after the Thirty First Day of December next, no Person shall be entitled to Vote at the Election of any Member to serve in the Commons House of Assembly, whose name shall not have been previously Registered in the manner required by this Act.

Preamble.

Persons not registered according to this Act, not entitled to vote at elections of Members of the Assembly.

II.—*And be it further enacted*, that at the Courts of General or Quarter Sessions of the Peace, in the several Districts of this Island, to be held next after the First Day of July, in the present and every succeeding year, at such times and places as His Excellency the Governor shall by his Proclamation, be pleased to appoint, the Justices at such Sessions shall make out lists of all the inhabited places within their respective Districts, and shall assign to each of such Justices, and to each of the Conservators of the Peace, within such District, a particular Division thereof, within which such Justices or Conservators of the Peace shall act, in procuring and revising the lists required by this Act; and such Justice or Conservators of the Peace, shall give orders or instructions, in writing, to the respective Constables residing within the Divisions, to him, or them respectively assigned, for such Constable to make out alphabetical lists according to the form (No. 1.) in the Schedule hereunto annexed, of all persons entitled to vote at such Elections as aforesaid, who reside at such place or places, or within such limits as such Justice or Conservator of the Peace, may, by such orders or instructions, assign to such Constable respectively; and of all Persons who shall claim to be inserted in such Lists; and such Constables shall respectively prepare such Lists accordingly, and shall cause

Districts to be assigned to Justices of the Peace for the procuring and revising of lists required by this Act.

Constables to prepare such lists and cause copies to be affixed to the doors of Churches, &c.

copies thereof to be fixed on or near the Doors of all Churches, Chapels, and Meeting-Houses, or other Places of Public Worship within such Town or Place; or if there be no such Church or Place of Public Worship, then on some Public Place within such Town or Place respectively, and shall also affix thereto, a notice, according to the form (No. 2.) in the Schedule to this Act annexed, requiring all Persons whose Names are not included in such Lists, and who may consider themselves entitled to Vote at such Election, to deliver or transmit to the said Constables respectively, on or before the First Day of September in the present and every succeeding Year, a notice of their claim as such Voters, according to the form (No. 3.) in the said Schedule, or to that effect: *Provided always*, that after the formation of the Register to be made in each Year as hereinafter mentioned, no Person whose Name shall be upon such Register for the time being, shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification and continue in the same place of abode described in such Register: *Provided also*, that any Person who may have been absent from his usual Dwelling-place during the whole time when the List prepared by the Constable was posted in such place, until the Twentieth Day of September of the same Year, and whose name shall have been omitted from such List, may at any time after the said Twentieth day of September, and before the next annual revision of the List, give notice to the revising Magistrate, or to the Court of Quarter Sessions, respectively, of his claim to be inserted in such List; and such revising Magistrate or the Justices of the said Court of Sessions shall, if satisfied of his claim to be inserted in such List, insert his name therein, accordingly, in like manner as if such Person had preferred his claim before such Magistrate whilst holding his Court for the revision of names as hereinafter provided.

III.—*And be it further enacted*, that the said Constables shall respectively, to the best of their knowledge and information, insert the names of all qualified persons into such Lists, and deliver and duly make return of all such Lists to the respective Justices or Conservators of the Peace, by whose direction such Constables shall or may have acted in making out such Lists.

IV.—*And be it further enacted*, that the said Justices or Conservators of the Peace of each of the said Districts, shall on or before the Twentieth Day of September, in the present year, make out or cause to be made out, according to the form (No. 5.) in the said Schedule, a General Alphabetical List of all Persons within the several Divisions of their respective Districts, entitled to Vote at such Election as aforesaid, or who shall claim to be inserted in such List, as Voters in the Election of a Representative or Representatives, to serve for such District, in respect of any House or Tenement occupied by them, and that the said Justices or Conservators of the Peace, shall, respectively, on or before the Twentieth Day of September in every succeeding year, make out or cause to be made out, a like List, containing the names of all Persons who shall be upon the Register for the time being as such Voters, and also, the names of all Persons who shall claim as aforesaid to be inserted in such List as such Voters, and in every List so to be made by the said Justices or Conservators of the Peace as aforesaid, the Christian Name and Surname of every Person shall be written at full length, together with the place of his abode, and the local description of the Dwelling-House or Tenement, as the same are respectively set forth in his claim to vote. And the said Justices and Conservators of the Peace, or any of them, if they shall have

Persons once on the Register not required to make any subsequent claim.

Proviso.

Persons absent at time of Registry being taken.

Constables to make returns to Justices of all qualified persons.

Justices before 20th Sept. to make out a general list of all persons entitled to vote at elections;

and, to do the same annually.

reasonable cause to believe that any Person so claiming as aforesaid, or whose Name shall appear in the Register for the time being, is not entitled to Vote in the Election of a Member or Members for the District, County or Township in which his or their place of residence is stated to be situate, shall have the power to add the words "*objected to*" opposite the Name of every such Person on the margin of such List; and the Justices or Conservators of the Peace, or one of them, in each respective Division of the District, shall sign such List, and shall cause a sufficient number of copies thereof to be written or printed, and to be fixed on or near to the Doors of all the Churches, Chapels and Meeting-Houses within such division of the District; or if there be no Church, Chapel, or Meeting-House therein, then to be posted up in some public situations therein. And the said Justices or Conservators of the Peace shall likewise keep a true copy of such List, to be perused by any Person, without payment of any fee, at all reasonable hours, during the period of the sitting of their respective Courts of Revision, after the said List shall have been made.

Justices may in such lists note as "*objected to*" names of such persons as they may consider not entitled to vote;

which lists are to be printed and published.

V.—*And be it further enacted*, that every Person who shall be upon the Register for the time being, of Voters for any District or County, or any Constable of the District, may object to any Person as not having been entitled to have his name inserted in any List of Voters for such District or County; and every Person so objecting (save and except Justices and Conservators of the Peace objecting in the manner hereinbefore mentioned) shall, on or before the Twentieth Day of September in the present and every succeeding year, give or cause to be given, a notice in writing according to the form (No. 3.) in the said Schedule hereunto annexed, or to the like effect, to the Justices or Conservators of the Peace, who shall have made out the List in which the name of the Person so objected to, shall have been inserted, and the person so objecting shall also on or before the Tenth Day of September, in the present and every succeeding year, give to the Person objected to, or leave at his place of abode as described in such List, a notice in writing, according to the form (No. 4.) in the said Schedule, or to the like effect.

Registered voters may object to persons not entitled and to notify them thereof.

VI.—*And be it further enacted*, that on the Twentieth Day of September in the present and every succeeding year, the said Justices and Conservators of the Peace, shall in their respective Divisions of each and every District of this Colony, hold open Courts of Revision, at the places within the respective Districts at which they respectively reside; and such Court shall be held by one Justice or Conservator of the Peace, or in such places where there shall be more than one, then by two or more Justices or Conservators of the Peace for the said District, and such Justices or Conservators of the Peace respectively, shall there produce or cause to be produced, the several Lists of Voters so made and taken as aforesaid for that Division of such District or County respectively; and also, a List of the Persons objected to so made out as aforesaid; and the aforementioned Constables shall respectively answer upon Oath, all such questions as the said Justices or Conservators of the Peace or any of them may put, touching any matter necessary for revising the List of Voters. And such Justices or Conservators of the Peace, shall retain on the Lists of Voters, the Names of all Persons to whom no objection shall have been made in the manner hereinbefore mentioned, and shall also retain on the List of Voters the name of every Person who shall have been objected to unless the party objecting shall appear by himself, or some one on his behalf, in support of such objection; and where the name of any party, inserted in the List of Voters, shall have been

Courts to be held by Justices of Peace for revising the lists required by this Act.

objected to by any Person, and such Person so objecting, shall appear by himself or some one on his behalf in support of such objection, every such Justice or Conservator of the Peace, shall require it to be proved, that the Person so objected to, was entitled on the First Day of September, then last past, to have his Name inserted in the List of Voters; and in case the same shall not be proved to the satisfaction of such Justice or Conservator of the Peace, the name of such Person shall be expunged from the Lists; *Provided always*, that if it shall happen that any Person who shall have given to the said Justices or Conservators of the Peace, or the said Constables respectively, due notice of his claim to have his Name inserted in the List of Voters as aforesaid, shall have been omitted by such Constable or Magistrate from the said List, it shall be lawful for such Justice or Conservator of the Peace, upon the revision of such List, to insert the Name of the Person so omitted, in case it shall be proved to the satisfaction of such Justice or Conservator of the Peace, that such Person gave due notice of such his claim, and that he was entitled on the First Day of September then last past, to be inserted in the List of Voters in the Election of a Member or Members for the said respective District.

Proviso.

Such Courts may be adjourned from time to time.

Validity of claims and objections to be determined and certified.

Lists of Voters to be copied into a Registry Book.

Persons aggrieved by the decision of Justices, may appeal to the Sessions.

VII.—*And be it further enacted*, that all Justices and Conservators of the Peace holding any Court under this Act, shall have power to adjourn the same from time to time for the space of Ten Days and no longer, and from any one place to any other place, within their respective Divisions of the District; and shall also have power to administer Oaths to all Persons objecting to or claiming to be inserted in any such Lists; and to all Witnesses who may be tendered on either side; and if any Person taking any Oath under this Act, shall wilfully swear falsely, such Person shall be deemed guilty of perjury, and shall be punished accordingly. And such Justices and Conservators of the Peace, shall, upon such hearing in open Court, determine upon the validity of all claims and objections and shall write his or their Names or Initials against the Names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected, and shall sign their Names to every page of the several Lists so settled, and such Lists of Voters so signed, shall be kept among the Records of the Courts of Sessions of the respective Districts, and the said Justices and Conservators of the Peace shall forthwith cause the said Lists to be fairly and truly copied, in alphabetical order, in a book or register to be provided for that purpose; and shall prefix to every Name, so copied out, its proper number, beginning the numbers from the first Name, and continuing them down to the last Name; and such Register, or Book of Voters, shall be completed and delivered to the Chief Magistrate of the District, in sufficient time before the then next General or Quarter Sessions of the Peace for such District; and immediately after such General or Quarter Sessions of the Peace, a true copy of such Register shall be transmitted, by such Chief Magistrate, to the Colonial Secretary, who, at every Election, shall transmit the same to the proper Returning Officers, who, after such Election, shall return the same with the Writ.

VIII.—*And be it further enacted*, that if any Person claiming to vote in the Election of a Member or Members of any District as aforesaid, shall feel aggrieved by the decision of any Justice or Conservator of the Peace, as to his claim to Vote, such Person may appeal to the then next General or Quarter Sessions of the Peace for the District, and the Justices at such General or Quarter Sessions shall and may revise and alter the said List of Voters, by the addition of the

name of such person, if it shall appear to the satisfaction of such Justices that such person was, on the First day of September then last past, duly qualified to vote as an Elector of the said District respectively.

IX.—*And be it further enacted*, that any Person whose Name shall have been omitted from any Register of Voters, in consequence of the decision of any such Justice or Conservator of the Peace, or any Court of Sessions which shall have revised the Lists from which such Register shall have been formed, may tender his vote at any Election at which such Register shall be in force, stating at the time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, and the Returning Officer, or his Deputy, shall enter upon the Poll Book, every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election: *Provided always*, that in case any Person claiming to Vote at any such Election as aforesaid, and who shall have tendered his vote at the same, not having been duly Registered according to the Provisions of this Act, shall make it appear to the satisfaction of the Returning Officer at such Election, that he has actually occupied a Dwelling House for Twelve Months next before the Day of such Election, and that such Twelve Months had not expired on the First Day of September then last past, and is otherwise qualified according to Law to Vote at such Election, such Person shall be entitled to have his Name entered on the Poll Book, in like manner as if his Name had been duly registered as herein provided.

Persons omitted from the Registry, may tender their Votes at Elections, which are to be noted by the Returning Officer in the Poll Book.

Proviso.

X.—*And be it further enacted*, that upon Petition to the Commons House of Assembly, complaining of an undue Election or Return of any Member or Members to serve in Parliament, any Petitioner, or any Person defending such Election or Return, shall be at liberty to impeach the correctness of the Register of Voters in force at the time of such Election; by proving that in consequence of the decision of the Justices, or Court, which shall have revised the Lists of Voters from which such Register shall have been formed, the Name of any Person who has Voted at such Election was improperly inserted or retained in such Register, or the Name of any Person who tendered his Vote at such Election improperly omitted from such Register or not entered upon the Poll Book by the Returning Officer when tendered, and the Committee appointed for the trial of such Petition shall alter the Poll taken at such Election according to the truth of the case, and shall report their determination thereupon to the House, and the House shall thereupon carry such determination into effect; and the Return shall be amended or the Election declared void as the case may be; and the Register corrected accordingly, or such other order shall be made as to the House shall seem proper.

Registry of Voters may be impeached by Petition to the Assembly.

XI.—*And be it further enacted*, that no more than one Person shall be Registered as a Person entitled to Vote for or in respect of the occupation of any one Dwelling House: *Provided always*, that, for the purposes of this Act, any Tenement shall be deemed a Dwelling House for which the Occupier pays Rent by the year, and of which he has the exclusive possession.

No more than one vote allowed for any one Dwelling House



SCHEDULE.

Schedule.

District of }

No. 1.

The List of Persons entitled to Vote in the Election of a Member (or Members) for the District of \_\_\_\_\_ in respect of \_\_\_\_\_

Form of list of voters



Dwelling Houses situate within the (Port) (Cove) (or Harbor) of  
and the vicinity thereof.

Christian Name and Surname of each Voter, at full length.	Place of abode, and Qualification.	Street, Lane, Road, or other local description.
Adams, John	St. John's	King's Road
Berrigan, James	St. John's	Gower Street

No. 2.

(Notice of Constable to be attached to or published with the List of Voters.)

Notice of intention to make out such lists.

I hereby give notice that the Justice of the Peace for this District, will on or before the \_\_\_\_\_ of this year, make out a List of all Persons entitled to Vote in the Election of a Member (or Members) to represent the \_\_\_\_\_ District of \_\_\_\_\_ in the General Assembly. And all Persons so entitled, and whose names are not included in the above List, are hereby required to deliver or transmit to me, on or before the \_\_\_\_\_ day of \_\_\_\_\_ in this year, a claim in writing, containing their Christian Names, and Surnames, and the Name of the Harbor or Cove, and Place, where the Dwelling House they claim to occupy is situate.

A. B. (Constable.)

No. 3.

(Notice of Claim to be given to the Magistrate or Constable.)

Notice of claim to vote.

I hereby give you Notice that I claim to be inserted in the List of Voters for the District of \_\_\_\_\_ and that the particulars of my place of abode and qualification are stated below.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day, &c.

To Mr. E. F. }  
or }  
G. H., Esq. } C. D.

No. 4.

Notice of objection to voter.

(Notice to be given to the Voter objected to by the party objecting.)

I hereby give you notice that I object to your right of being Registered as an Elector for the District of \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ J. K.

District of }  
}

No. 5.

Form of list of persons entitled to vote.

The List of Persons entitled to Vote in the Election of a Member (or Members) for the District of \_\_\_\_\_ in respect of Dwelling Houses situate in the \_\_\_\_\_ Division of the said District.

Christian Name and Surname of each Voter, at full length.	Place of abode and Qualification.	Street, Lane, Road, or other local description.
Agnew, Andrew	St. John's	Church Hill
Burdett, Francis	St. John's	Queen Street

Continued by 1. D. C. 3 and 2 D. C. 8  
and amended by 4 D. C. 2



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. XVI.

*An ACT to Regulate the Packing and Inspection of Pickled Fish for Exportation from this Island.*

[12th June, 1834.]

**W**HEREAS it would conduce to the benefit and advantage of the Trade of this Colony, if wholesome regulations were made for the Curing and Packing of Pickled Fish therein, and for the Inspection of all such Fish exported therefrom: *Be it therefore enacted*, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that from and after the Thirty First Day of December next, all Tierces, Barrels, and Half-barrels, in which Salmon, Mackerel, Herrings or other Pickled Fish, may be packed for Exportation from Newfoundland, shall be *New* casks, and shall be made of sound and well-seasoned wood, free from sap, knots, and bug or worm-holes, and shall have each one hardwood bung-stave, and be well and sufficiently hooped with four hoops on each bilge, and four hoops on each chime; and furthermore, the staves of all such casks shall, at the thinnest ends, be half an inch in thickness; and if made of soft wood, shall be, at the ends, at least three quarters of an inch in thickness; and the ends or heads of the casks shall be made of wood not exceeding one inch in thickness, be planed or shaved smooth on the outside, and have one-third of the thickness at the edges cut from the outside.

Preamble.

Description of the casks in which Fish shall be packed.

II.—*And be it further enacted*, that it shall and may be lawful for the Governor, or Acting Governor, of this Colony, to appoint and commission Two Persons, of competent skill and knowledge, who shall be Inspectors of all the Pickled Fish intended to be Exported from the Town of Saint John's; who, before they enter on the duties of their office, shall give bonds, with three sufficient sureties, to his Majesty, his heirs and successors, in the penal sum of Three Hundred Pounds sterling, each, for the faithful discharge of their duty, and shall be sworn faithfully to perform the same. And it shall and may be lawful for the said Governor or Acting Governor, and he is hereby authorized, to appoint competent and skilful persons, as Inspectors of Pickled Fish in every Harbor or Seaport in this Colony, where the

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

same shall be applied for, to pack such Pickled Fish for Exportation, who shall give a like security in the penal sum of Two Hundred Pounds sterling, each; and shall likewise be sworn to the faithful discharge of their duty, as such Inspectors of Pickled Fish.

Quantity of Fish each cask shall contain.

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

Dimensions of cask.

IV.—*And be it further enacted*, that the casks intended to contain Pickled Fish, shall be made of wood, of the following dimensions, that is to say—the *Barrels* shall be made of staves cut not less than Twenty-seven Inches in length, and of Heading cut to the diameter of Seventeen and One-quarter Inches at the least; the *Half-barrel* of Staves cut Twenty-two Inches in length; and the *Tierces* in the like proportion.

Proportion of salt.

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

Manner in which fish shall be pickled and packed.

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

Qualities of fish to be numbered.

Salmon, and Mackerel,

No. 1.

No. 2 & 3.

VII.—*And be it further enacted*, that there shall be Three Numbers or Qualities of Salmon or Mackerel, and Two Numbers or Qualities of Herrings, or other Fish, as follows:—The Quality number One, of Salmon or Mackerel, shall comprehend Fish of the fattest and best kind; having, previously to being salted, the blood thoroughly scraped from the back-bone, and being properly soaked, well cured, and in every respect free from any taint, rust, or damage whatsoever. The Mackerel shall be Fall Fish.

The Quality number Two, of Salmon and Mackerel, shall comprehend the best of those that remain after the selection of the first quality; and the quality number Three shall consist of the thinnest and poorest Fish, or of good Mackerel under eight inches in length; both qualities shall be sweet and wholesome, entirely free from rust, taint, or damage, properly cured, and well soaked before being salted.

Herrings and other fish.

The Quality number One, of Herrings or other Fish, shall be of the fattest and best Fish; and the quality number Two, of the poorer, thinner, and inferior Fish; both qualities of the said Fish shall be carefully pipped, and cleaned, and cured, and be sweet and wholly free from rust, taint, or damage; and they shall also be packed with at least Five Gallons of suitable Salt to each *Barrel*, and so in proportion

for other Casks; and no Mackerel not split shall be Inspected, and all rusted Fish shall be branded (No. 4, Rusty); and no tainted or damaged fish of any kind shall be permitted to be packed, or Inspected, for Exportation.

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

IX.—*And be it further enacted*, that the sorting, weighing, inspecting, and branding, any cask of Fish, as aforesaid, shall be made and done either by, or in the presence and sight of, some one of the said Inspectors, who hath given security as aforesaid; and unless in such immediate presence, and sight of, an Inspector, no other Person whomsoever shall be allowed to brand a Cask, or sort or inspect such Fish, under a penalty not exceeding Three Pounds, sterling; and the like penalty upon the Inspector suffering the same to be done.

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

XI.—*And be it further enacted*, that no Pickled Fish shall be Exported from this Island, in Casks, unless the master or owner shall produce to the Collector of Customs, or other proper Officer, who may be authorised by the Governor, a certificate from the Inspector of Pickled Fish, that the same has been inspected, packed, and branded, according to the directions of this Act; and the certificate shall express the number of Barrels, Half-barrels, and Tierces, thus shipped; the kind and quality of Fish they contain, with the name of the master and owner, or shipper, and the name of the vessel on board which such Fish are shipped for Exportation; and every such master, owner or shipper, shall take and subscribe the following declaration before the officer authorized as aforesaid:

“I, A. B. do declare that the certificate hereunto annexed contains the whole quantity of Pickled and Barrelled Fish on board the master, and that no Fish is shipped on board the said vessel for the ship’s company, or on freight or cargo, but what is inspected and branded according to the Law of this Colony.”

And if any master of a vessel, or other person, shall receive or put on board any ship or vessel, to transport the same from this Colony, any Pickled or Whole Fish, packed in Casks which are not inspected, and branded, in the manner by this Act prescribed, he or they, on conviction, shall forfeit and pay not less than Thirty Shillings, sterling, nor more than Forty Shillings Sterling, for every Hundred Pounds of such un-inspected Fish.

XII.—*And be it further enacted*, that whosoever shall, in, or from, any cask, intermix, take out, or shift any inspected Fish, packed or branded as aforesaid; or put therein other Fish for Exportation, contrary to the true intent and meaning of this Act; and whosoever shall Export, or cause to be Exported, or ship for Exportation, from this Colony, any tainted or damaged Fish, or any Tierce, Barrel, or Half-

Rusted fish.

Manner of Branding Casks.

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

Penalty.

Repacking.

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

Declaration to be made of such inspection by shippers

Penalty for shipping fish not inspected.

Penalty for intermixing or shipping fish after inspection, or exporting damaged or uninspected fish.

Barrel of Pickled Fish, not Inspected and Branded according to this Act; and whosoever, being the Master of any Vessel, having on board any Pickled Fish for Exportation, or being the Shipper thereof, shall not produce to the Principal Officer of Customs for the Port, before the Ship's departure therefrom, such Certificate of the inspection of Pickled Fish, as is herein directed, each and every of the parties so offending shall suffer and pay a penalty of Twenty Shillings Sterling, for every Hundred Weight of such Fish, in this section referred to.

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

XIV.—*And be it further enacted*, that all Pickled Fish not Inspected and Branded according to this Act, and Tainted or Damaged, being in Tierces, Barrels or Half-Barrels, and Shipped for Exportation; and all Fish taken, shifted, or intermixed, from, or in, the Cask, after the inspection and branding thereof; shall be, and is hereby, declared forfeited.

XV.—*And be it further enacted*, that no Vessel laden, or partly laden, with any Pickled Fish, the produce of the Fisheries of this Colony, and destined to any Port or Place whatsoever out of the same, shall, after the Thirty-First day of December next, be permitted to depart from this Colony for such Port of destination, until the Master of the said Vessel, or the Shipper of such Pickled Fish, shall first produce to the Collector, or Deputy Collector of Customs, for the Port or Place where such Pickled Fish are laden on board, a Certificate of an Inspector of Pickled Fish, for the place of her lading, setting forth, and certifying, that all Pickled Fish laden on board such Vessel, have been, according to Law, Surveyed and Inspected, and the Fish Barrels Branded according to the provisions of this Act: *Provided*, however, that nothing in this Act shall be construed so as to prevent Uninspected Mackerel, or other Pickled Fish, from being Sold in any Port or Harbour of this Colony, by the Fishermen, Planters, or others, as they bring them to Market, in Casks, Bulk, or otherwise; and that nothing contained in this Act shall extend to Fish packed in Kegs of less than Ten Gallons.

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

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

Penalty on inspectors branding fish deficient in quality, &c.

Such deficiency to be proved to be caused by the badness of the casks.

Fish packed contrary to this Act to be forfeited.

No pickled fish to be exported without Inspector's certificate.

Proviso.

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

Officers of Customs to grant certificates of pickled fish cleared out.

a Certificate in the following words, that is to say—

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

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

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

Fees to Inspectors.

Inspectors to make returns to the Governor annually.

XIX.—*And be it further enacted*, that if any Inspector of Pickled Fish shall brand any Cask, the contents of which he has not inspected, packed, salted and coopered, according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brands, in violation or evasion thereof, he or they so offending shall forfeit and pay, for every Cask so branded, the sum of Five Pounds Sterling, and be liable to be removed from his office.

Penalty on Inspectors branding casks without inspection of contents.

XX.—*And be it further enacted*, that if any Pickled or Barrelled Fish, as aforesaid, shall be put on board any boat or vessel, with intent to Export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of Peace, upon information being given him, to issue his Warrant to seize and secure the said Fish; which on being seized, shall be delivered to the nearest Inspector, and such Inspector is hereby required to open and inspect, and to pack and brand the same, as is required by this Act; and to keep and detain the same until the expense and charges of seizure, inspection, packing, and all other charges arising from such seizure, shall be paid; and it shall be the duty of every person, when required, to give his necessary aid to the Constable or Officer having such Warrant, on pain of forfeiting the sum of Thirty Shillings Sterling, for his neglect or refusal herein.

Fish shipped without inspection may be seized.

Proceedings thereupon.

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

Attendance of Inspectors.

Recovery and appropriation of penalties.

XXII—*And be it further enacted*, that all pecuniary penalties, by this Act imposed, shall and may be recovered before a Justice or Justices of the Peace, or in any Court of Record in this Colony; and that all pickled Fish forfeited, or subject or liable to any penalty, shall and may be seized by any Inspector of Fish, or Officer of Customs, to abide the judgment or order of such Justice or Justices of Peace, or Court of Record; and the proceeds of all such penalties, fines and forfeitures, aforesaid, shall be paid, One Moiety to His Majesty, His Heirs and Successors, to be applied to the general purposes of the Colony; and the other moiety to him who shall prosecute and sue for the same.

Limitation.

XXIII.—*And be it further enacted*, that this Act shall be in force for Two Years, and thence to the end of the then next Session of the General Assembly of this Colony.

*Court of Sessions  
St. John's*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. XVII.

*An ACT to provide for the Management of a certain Public Wharf and Landing in the Town of Saint John's.*

[12th June, 1834.]

**W**HEREAS a number of Persons being resident Inhabitants of the Town of Saint John's, have, by subscription, and at considerable expense, Erected and Built a Public Wharf, for the Landing and Shipping of Goods and Merchandize, in a certain Public Cove, in the Western Middle Ward of the said Town of St. John's, formerly called Beck's Cove; and whereas the said Subscribers did form certain Rules for the Regulation of the said Wharf, and a Rate of Wharfage to be paid on Goods and Articles Shipped or Landed at the said Wharf, which Regulations received the sanction and approval of His Excellency the Governor of this Island, as appears by the petition of the said Persons: And whereas the Subscribers and Petitioners have promised and agreed that the whole amount of the Rates or Wharfage Dues and Monies, which may be received from Persons Landing and Shipping Goods at the Wharf, or Drawing or Obtaining Water from the Tank, intended to be hereafter erected in the said Cove, shall be expended in keeping and maintaining the same in repair, and improving the Water-course of a certain Stream which flows into the said Cove; and the said Petitioners pray that legal regulations may be made concerning the same; and whereas it is deemed expedient, for the benefit of the Public at large, to make regulations respecting the said Wharf: *Be it therefore enacted*, by the Governor, Council and Assembly, of Newfoundland, in Parliament assembled, that the said Wharf so erected and built at the said Public Cove, in the Town of Saint John's, and such Water Tank or Reservoir as may be hereafter erected therein, shall from henceforth be vested and placed under the charge, management and controul of the Fire Wardens, and Captain of the Fire Company, of the Western Middle Ward of the said Town, and their Successors for the time being, who shall be duly appointed such Fire Wardens and Captain, and under and by virtue of an Act passed in the General Assembly of this Island, in the Third year of the Reign

Preamble.

Wharf and Reservoir adjoining, to be under controul of Fire Wardens.



3d. Wm. 4, cap. III.

Wharfinger to be appointed.

Rates of Wharfage.

Charge for Water from the Reservoir

Recovery of dues and rates.

Landing of certain articles on the wharf, prohibited.

Penalty.

of His present Majesty, entitled "An Act for the Establishment and Regulation of Fire Companies in the Town of Saint John's." And the said Fire Wardens and Captain shall be, and they are hereby, authorized to carry into effect the Provisions of this Act; and such Fire Wardens and Captain, and the Subscribers to the erection of the said Wharf, shall appoint a Wharfinger to the said Wharf, who shall be paid such reasonable sum, out of the dues which may be collected, as shall be agreed on by the said Fire Wardens and Captain, and the said Subscribers.

II.—*And be it further enacted*, that all and every Person and Persons who shall or may land on the said Wharf, or Ship therefrom, any Goods, Wares or Merchandize, shall pay to the said Fire Wardens and Captain, or the Wharfinger of the said Wharf, the following charges and rates, that is to say :

Coals,  $\text{£}$  Hogshead, Two Pence,  
 Bricks,  $\text{£}$  Thousand, Four Pence,  
 Stone or Shovel Ballast,  $\text{£}$  Ton, Two Pence,  
 Fire Wood,  $\text{£}$  Hundred, Three Pence,  
 Staves,  $\text{£}$  Thousand, One Shilling, (Two Drum Staves to reckon for One Fish or Oil Cask Stave,)  
 Lumber,  $\text{£}$  Thousand Feet, Six Pence,  
 Shingles,  $\text{£}$  Thousand, One Penny,  
 Barrel Hoops,  $\text{£}$  Hundred Bundles, One Shilling,  
 Hogshead Hoops,  $\text{£}$  Hundred Bundles, Two Shillings,  
 Puncheon Hoops,  $\text{£}$  Hundred Bundles, Three Shillings,  
 Puncheons, each, Four Pence,—if empty, One Penny, each,  
 Hogsheads, each, Two Pence,—if empty, One Penny, each,  
 Barrels, each, One Penny,—if empty, One Half-Penny, each,  
 Hay,  $\text{£}$  Ton, Two Shillings,  
 Scantling,  $\text{£}$  Ton, Four Pence.

And that all Provisions, Bale, Dry and other Goods not enumerated, shall be paid for at the rate of Six Pence per Ton. And all persons, obtaining Fresh Water at the Tank in the aforesaid Cove, shall pay at the rate of not more than Two Shillings per Ton for such Water. All which rates and dues shall be paid to, and received by, the said Wharfinger, for the time being, of the said Wharf; and shall be, by him, paid to the said Fire Wardens and Captain, for the time being, at such times as they shall order or require; and if any person or persons who may Land or Ship any Goods or Merchandize, or Materials of any description, at the said Wharf, or draw or obtain any Water at the aforesaid Tank or Reservoir, shall refuse, or delay, or omit to Pay any of such dues or rates as aforesaid, to which he or they may be liable, the same shall and may be sued for and recovered in the names of the aforesaid Fire Wardens and Captain for the time being, or any of them, in any Court of Record, or of Sessions, in the District, together with all such Costs as shall be taxed by such Court.

III.—*And be it further enacted*, that no Coals, Bricks, or Ballast shall be Landed upon the said Wharf, except on the solid part thereof, and the same shall be removed away immediately; and that no Manure, Dung, or putrid substance, shall be Landed on, or Shipped from, the said Wharf, on any pretence whatsoever; and any person or persons offending herein, shall be liable to a penalty not exceeding Twenty Shillings, to be recovered on the information or complaint of the said Fire Wardens and Captain, or any one of them, in a summary way, before any Court of Sessions, or of Record, in the District.

IV.—*And be it further enacted* that the proceeds of all such rates, dues, and charges of Wharfage, and of all such Fines and Penalties as

shall or may be imposed, levied, or collected, under the Provisions of this Act, shall be applied by the said Fire Wardens and Captain, towards the keeping and maintaining of the said Wharf and appurtenances in repair, and in cleansing and improving the Water-course hereinbefore mentioned, and in building and keeping in repair, a Tank or Reservoir for Fresh-water in the aforesaid Cove.

V.—*And be it further enacted*, that the Fire Wardens and Captain aforesaid, shall, at the expiration of every year, and upon the election and appointment of their successors in office, account for and pay over to their said successors, the surplus proceeds (if any be) of the said rates and dues so to be levied and collected as aforesaid, which shall be applied in manner hereinbefore directed.

Fire Wardens to  
render accounts of  
Wharfage, &c.

VI.—*And be it further enacted*, that all Fishermen and other persons whomsoever, shall at all times be at liberty to land Fresh Fish, for the immediate removal thereof, of any and every description, at the said Wharf in Beck's Cove, aforesaid, without payment of any rate or charge whatsoever.

Fresh Fish may be  
landed on the wharf  
without charge.

*Court of Sessions*  
*St. John's*  
*Proviso in sec. 1 disallowed by the King*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XVIII.

*An ACT for declaring all Landed Property, in  
Newfoundland, Real Chattels.*

[12th June, 1834.]

**W**HEREAS the Law of Primogeniture, as it affects Real Estate, is inapplicable to the condition and circumstances of the People in this Island: And whereas the partibility of small Estates, by Descent in Coparcenary, or otherwise, would tend to diminish the value thereof, and would, in its application, be attended with much expense and inconvenience: *Be it therefore enacted*, by the Governor, Council, and Assembly, of Newfoundland, in Parliament assembled, that all Lands, Tenements, and other Hereditaments, in Newfoundland and its Dependencies, which, by the Common Law, are regarded as Real Estate, shall, in all Courts of Justice in this Island, be held to be Chattels Real, and shall go to the Executor or Administrator of any Person or Persons Dying seized, or possessed thereof, as other Personal Estate now passes to the Personal Representatives, any Law, Usage, or Custom to the contrary, notwithstanding: *Provided always*, that no Executor or Administrator shall bargain, sell, demise, or otherwise depart with any Estate or Interest therein, for a longer period than One Year, without the direction of the Supreme Court of this Island, first given for that purpose.

Preamble.

Lands, &c. which are regarded as Real Estate, to be Real Chattels.

Proviso.

II.—*And be it further enacted*, that all Rights or Claims which have heretofore accrued in respect to any Lands, or Tenements in Newfoundland, and which have not already been adjudicated upon, shall be determined according to the Provisions of this Act: *Provided always*, that nothing herein contained, shall extend to any Right, Title, or Claim to any Lands, Tenements, or Hereditaments derived by descent, and reduced into possession, before the passing of this Act.

Rights or Claims, heretofore accruing, to be determined according to this Act.

Court of Sessions

St. John's



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. XIX.

*An ACT to explain certain Acts passed for the safe keeping of Gunpowder, and to remove Doubts respecting the same.*

[12th June, 1834.]

**W**HEREAS an Act was passed in the Third Year of the Reign of His present Majesty, entitled "An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Saint John's." And whereas another Act was passed in the Fourth Year of His said Majesty's Reign, entitled "An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Carbonear." And whereas doubts have arisen whether the Provisions of the said Acts, or any of them, do apply to the Storing, Warehousing or Keeping of Gunpowder, in any of His Majesty's Stores, Warehouses, Depots or Magazines, in this Island, and it is necessary and expedient to remove such doubts: *Be it therefore enacted*, by the Governor, Council, and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that the Provisions of the said Acts, or any of them, are not intended to extend or to be applied, and shall not extend, or be applied, to the Storing, Warehousing or Keeping of any Gunpowder, being the property of His Majesty, His Heirs, or Successors, in any of His Majesty's Storehouses, Warehouses, Depots, or Magazines in this Island, any thing in the said Acts, or any of them, contained; to the contrary notwithstanding.

Preamble.

3d Wm. 4. cap. 2.

4th Wm. 4. cap. 4,  
Sess. 1.

Provisions of Acts  
herein recited, not  
to extend to Go-  
vernment Maga-  
zines.

*Court of Sessions*

*His Majesty's*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. XX.

*An ACT to repeal so much of an Act of the Imperial Parliament, passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the better Administration of Justice in Newfoundland and for other purposes," as relates to the Institution of a Court of Civil Jurisdiction on the Coast of Labrador and the Islands adjacent thereto.*

[12th June, 1834.]

**W**HEREAS by an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Fifth Year of the Reign of His Late Majesty King George the Fourth, entitled "An Act for the better Administration of Justice in Newfoundland, and for other purposes," it is, among other things, enacted, that it shall and may be lawful for the Governor, or Acting Governor of Newfoundland, for the time being, to institute a Court of Civil Jurisdiction at any such parts or places on the Coast of Labrador, or the Islands adjacent thereto, as, in and by an Act passed in the Fifty-first Year of the Reign of His late Majesty King George the Third, entitled "An Act for taking away the Public Use of certain Ships' Rooms in the Town of Saint John's, in the Island of Newfoundland, and for establishing Surrogate Courts on the Coast of Labrador, and in certain Islands adjacent thereto," were re-annexed to the Government of Newfoundland: And whereas by another Act of the said Parliament, passed in the Second and Third Years of the Reign of His present Majesty, and entitled "An Act to continue certain Acts relating to the Island of Newfoundland, and to provide for the appropriation of all Duties which may hereafter be raised in the said Island," it is

Preamble.

5 Geo. 4, Cap. 67,  
8. 18.

51 Geo. 3. Cap.

2 & 3 Wm. 4 Cap.  
78.

among other things enacted, that it shall and may be lawful for His Majesty, or for any Governor, Lieutenant Governor, or Officer Administering the Government of Newfoundland, in pursuance of His Commission or Instructions to him for that purpose addressed by His Majesty, with the advice and consent of any House or Houses of General Assembly, which His Majesty may thereafter be pleased to convoke from among the inhabitants of the said Colony, by any Act or Acts to be, from time to time, for that purpose passed, to repeal in whole or in part, or to amend, alter, or vary the said first recited Act, or any part thereof: And whereas, the Court instituted on the Coast of Labrador, by virtue of the said first mentioned Act, has been found by experience not to answer the purposes thereby intended: *Be it therefore enacted*, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that so much of the said Act of the Imperial Parliament, passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the better Administration of Justice in Newfoundland, and for other purposes," as relates to the institution of a Court of Civil Jurisdiction on the Coast of Labrador, or the Islands adjacent thereto, shall be, and the same is hereby repealed.

Repeal of Acts herein recited as far as they relate to the institution of a Court of Civil Jurisdiction on the Labrador.

*Court of Sessions  
Charter Grace*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XXI.

*An ACT for ascertaining the time of the commencement of the Acts of the Parliament of this Colony.*

[12th June, 1834.]

**W**HEREAS it is expedient to declare at what time the Acts of the Parliament of this Colony shall take effect: *Be it enacted*, by the Governor, Council, and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that from and after the passing hereof, the Clerk of the Legislative Council shall indorse in English, on every Act of the Parliament of this Island which shall hereafter pass, the day, month and year, when the same shall have passed, that is, when the same shall have been assented to by His Excellency the Governor, Acting Governor, or Officer administering the Government of this Colony for the time being; and such indorsement shall be taken to be a part of such Act, and to be the date of its commencement, when no other commencement shall be therein provided.

Preamble.

Acts of this Colony to take effect from the time they receive the Governor's assent, unless otherwise provided for therein.

*For your Grace*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. XXII.

*An ACT to Incorporate the Saint John's Mechanics' Society.*

[12th June, 1834.]

**W**HEREAS divers Mechanics and Tradesmen, being Inhabitants of the Town of Saint John's, in this Colony, did, in the Year One Thousand Eight Hundred and Twenty Seven, establish and form themselves into an Association or Society, under the name and title of "The Saint John's Mechanics' Society," for the purpose of affording subsistence to such sick Members as might need support, and for other good and wholesome purposes; since which said period the said Society has been joined by numerous additional members.—*And whereas* the Members of the said Society are desirous, for the better regulation thereof, that the same shall be rendered a Body Corporate and Politic, with perpetual succession, as hath been signified and prayed for by the members of the said Society: *Be it therefore enacted*, by the Governor, Council, and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that Patrick Kough, Esquire, of Saint John's, Builder, President of the said Saint John's Mechanics' Society; Patrick Kelly, of Saint John's, Cooper, Vice-President of the said Society; Patrick Kielty, of Saint John's, Cooper, First Assistant of the said Society; James Tubrid, of St. John's, Cooper, Second Assistant of the said Society; Robert Wylie, of St. John's, Cooper, John Culleton, of Saint John's, Baker, and Patrick McCarthy, of Saint John's, Carpenter, Treasurers of the said Society; and Thomas McNamara, of Saint John's, Cooper, Secretary of the said Society; and their successors in office for ever (which said successors shall be elected and chosen in the way and manner hereinafter mentioned) shall be, and they are hereby constituted and declared to be, a Body Corporate and Politic, in name and in deed, under the name and style of "*The Saint John's Mechanics' Society*," and the same shall be a perpetual Corporation, and shall have a Common Seal, with power to change and alter the same from time to time at pleasure, and shall be in law capable of suing and

Preamble.

Officers of the Society constituted a Body Corporate.

Style and title.



Power to make bye-laws, &c.

being sued, pleading and being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, and causes, whatsoever; and also, of contracting, and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which it is hereby constituted; And also, by and with the consent of the Members of the said Society, or a majority of them, may make, establish, and execute, alter or repeal, such Bye-laws, Rules and Regulations, not contrary to the Laws of this Colony, or the Provisions of this Act, as the said Corporation and Members of the said Society, may deem necessary and expedient for the better regulation and management thereof.

How property may be acquired or disposed of.

II.—*And be it further enacted*, that it shall and may be lawful for the said Corporation to purchase any Real or Personal Estate, or to accept, hold and possess such as may be gratuitously given, granted, devised or bequeathed for the use and benefit of the said Corporation and Society, which shall not altogether exceed the yearly value or income of Eight Hundred Pounds sterling; and that the said Corporation shall and may sell, alienate or otherwise dispose of the said Real or Personal Estate, so purchased, granted, devised or bequeathed, from time to time, as they shall or may see fit.

Election of new officers to take place annually, on the 3d March.

III.—*And be it further enacted*, that on the Third Day of March in each and every year, a General Meeting of the Members of the said Saint John's Mechanics' Society shall take place, when such Members, or a majority of the Members who may be present, shall elect and choose a President, a Vice-President, a First Assistant, a Second Assistant, Three Treasurers, and a Secretary of the said Society; who shall for the year next ensuing such choice or election, and until a new election shall take place, be the Members of the said Corporation, under the provisions hereinbefore made and prescribed.

*Harbour Grace*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XXIII.

*An ACT to incorporate a Law Society in Newfoundland, and to regulate the admission of Barristers and Attornies to practise in the Law in the several Courts in this Island.*

[12th June, 1834.]

**B**E IT ENACTED, by the Governor, Council, and Assembly of Newfoundland, that from and after the passing of this Act, it shall and may be lawful for the persons, now admitted to practise in the Law, and practising at the Bar of any of His Majesty's Courts of this Island, to form themselves into a Society, to be called "The Law Society of Newfoundland," as well for the establishing of order amongst themselves, as for the purpose of securing to the Island and the profession, a Learned and Honorable body, to assist their fellow-subjects as occasion may require, and to support and maintain the constitution of the Island.

Practitioners at the Bar may form themselves into a Society to be called "The Law Society of Newfoundland."

**II.**—*And be it further enacted*, by the authority aforesaid, that the said Society shall, and it is hereby authorized to, form a body of Rules and Regulations for its own Government, under the Inspection of the Judges of the Supreme Court of this Island, for the time being, as Visitors of the said Society, and to appoint Six Members, or more, of the present Practitioners, and such Six Members or more for the time being, in all times to come, whereof His Majesty's Attorney-General and Solicitor-General, for the time being, shall be, and be considered to be two, as Governors or Benchers of the said Society, and also to appoint a Librarian and Treasurer.

Power to make Bye-Laws, &c.

Governors, Benchers and Officers of the Society.

**III.**—*And be it further enacted*, that it shall and may be lawful for the said Practitioners, or as many as can be called together, (whereof His Majesty's Attorney General and Solicitor General shall be two) to assemble at St. John's, in the Island aforesaid, on the First Day of July next after the passing of this Act, for the purpose of framing and adopting such Rules and Regulations, as may be necessary for the

Members to meet & frame Rules and Regulations.

Such Rules, when approved by the Judges, to be the Constitution of the Society.

Practitioners may have not exceeding three articulated clerks.

Barristers of the United Kingdom or the North American Colonies, may be called to the Bar, on being entered of this Society.

No person under age to be admitted to practise.

Qualifications for admission as Attornies.

Proviso: Supreme Court, in case of deficiency of Attornies, may admit Barristers to practise as such.

Treasurer and Benchers of the Society constituted a Body Corporate.

immediate Establishment of the said Society, and its future welfare : And such Rules and Regulations as shall then and there be adopted, shall be openly read, and entered in a Book, to be for that purpose provided, and having received the approbation of the said Judges, as Visitors as aforesaid, shall be, and be considered to be, the constitution of the said Society, and binding upon all its Members. *Provided always*, that it shall and may be lawful, in time to come, to add such other Rules and Regulations, with the approbation of the Judges as aforesaid, as may then and there be necessary.

IV.—*And be it further enacted*, that it shall and may be lawful to and for every person now practising at the Bar of any of His Majesty's Courts of this Island, or who shall hereafter be duly authorized to practise as aforesaid, to take and have Three Articled Clerks at one time, and no more.

V.—*And be it further enacted*, that from and after the passing of this Act, it shall and may be lawful for any person, having been duly called to the Bar of any of His Majesty's superior Courts, not having merely local jurisdiction in England, Scotland, or Ireland, or in any of His Majesty's North American Colonies, in which the same privilege would be extended to Barristers of this Island, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct, to the satisfaction of the Law Society of this Island, to be called, by the said Society, to the degree of a Barrister, upon his entering himself of the said Society, and conforming to all the Rules and Regulations thereof.

VI.—*And be it further enacted*, that no person shall be permitted to practise as an Attorney or Barrister of this Island, who shall not have attained, at the time of his admission and being called to the Bar, the full age of twenty-one years.

VII.—*And be it further enacted*, that from and after the passing of this Act, no person shall be admitted by the Supreme Court, to practise as an Attorney of this Island, unless upon an actual service of Five Years with some Practising Attorney of this Island, or who, having been entered upon the Books of the said Society as Students at Law, shall have been subsequently called to the Bar in England, Scotland, or Ireland, or any of His Majesty's Colonies : *Provided always*, that if at any time there shall not, in the opinion of the Supreme Court, be a sufficient number of fit and proper persons, practising as Attornies in Newfoundland, to conduct the ordinary business of the Island, in the different Courts of Justice established therein; then, and in such case, it shall and may be lawful for the said Supreme Court to admit any such Barrister or Barristers as aforesaid, who may have been so called to the degree of a Barrister in this Island, to practise also as an Attorney or Attornies in the several Courts thereof.

VIII.—*And be it further enacted*, that the Treasurers and Benchers of the said Law Society, for the time being, and their successors, to be nominated and appointed according to the Rules and Bye-Laws of the said Society, shall be, and they are hereby declared to be, One Body Corporate and Politic, in Deed and in Law, by the name of the "Law Society of Newfoundland," and shall have perpetual succession, and a Common Seal, with power to break, alter, change, or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of Record, and places of Jurisdiction within this Island : And that they and their successors, by the name aforesaid, shall be able and capable in Law, to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this Act,

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and in trust and for the benefit of the said Society, all such sum and sums of money, as shall or may be given, devised, or bequeathed, by any person or persons, to and for the use of the said Society; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, without any license of mortmain, purchase, take, receive, have, hold, possess, and enjoy all Lands, Tenements, or Hereditaments, for the purposes of the said Society, and for no other purpose whatsoever; and may also in the same manner, sell, grant, lease, demise, alien, or dispose of the same, and do and execute all and singular other matters and things, that to them shall or may appertain to do.

*Court of Sessions*  
*Quarterly*



ANNO QUARTO

## GULIELMI IV. REGIS.

(2ND SESSION.)

### CAP. XXIV.

*An ACT to declare the legality of the collection of certain Duties by the Collector of His Majesty's Customs.*

[12th June, 1834.]

**W**HEREAS by an Act of the Parliament of this Island, passed in the Fourth Year of his present Majesty's Reign, entitled "An Act for granting to His Majesty certain Duties on all Wines, and on all Brandy, Rum, Gin, and other Spirituous Liquors imported into this Island and its dependencies," certain Duties, in the said Act specified, were imposed on all Wines therein mentioned, and a Duty of Six Pence per Gallon was also imposed on all Brandy, Gin, Rum and other Spirituous Liquors, imported into Newfoundland, over and above, and in addition to, the Duty or Duties then raised, levied and collected on the same articles, under and by virtue of an Act of the Imperial Parliament passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act to regulate the Trade of the British Possessions abroad," or by any other Act or Acts of the Imperial Parliament then in force.—And whereas the said Act of the Imperial Parliament, passed in the Sixth Year of the Reign of His said late Majesty, hath been repealed; and by a certain Act passed in the Imperial Parliament, in the Third and Fourth Years of the Reign of His present Majesty, entitled "An Act to regulate the Trade of the British Possessions abroad," the like Duties which were imposed by the said Act passed in the Sixth Year of the Reign of his said late Majesty, on all Wines and Spirits imported into this Island, are continued and directed to be raised, levied and collected.—And Whereas since the passing, and promulgation in this Colony, of the said last in part recited Act of the Imperial Parliament, the Collector and Sub-Collectors of His Majesty's Customs of Newfoundland, have continued to levy, collect and receive, the full amount of the Duties imposed, and intended to be imposed, by the said Act of the Legislature of this Island, and a large Sum of Money on account of the same now remains in the hands of the Collector: And Whereas doubts

Amble.

4 Wm. 4, cap. 1.

6 Geo. 4, c. 114.

3 & 4 Wm. 4, c. 59.

have arisen whether the full amount of the Duties so levied, collected and received as aforesaid, were liable to be so levied; and whereas it is just and equitable that the said Collector should be authorized to retain, and pay over to the Treasurer of the Colony, the said several Duties or sums of Money so remaining in his hands as aforesaid:—  
*Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that the full amount of all Duties which have been levied, exacted and received by the Collector of His Majesty's Customs, or his Sub-Collectors in this Island, on all such Wines and Spirits imported into this Island, whether under the before recited Act or Acts of the Imperial Parliament, or under the aforesaid Colonial Act passed in the Fourth year of the Reign of His present Majesty, or under either or any of the said Acts, shall be deemed to have been, and are hereby declared to be, duly and legally levied and collected, and that the produce of the same shall be paid over to the Treasurer of this Colony, and be applied to such use as the Legislature of this Island shall direct.

Duties levied under either of the Acts herein recited, declared legal.

*Court of Sessions  
Halifax*



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XXV.

*An Act for appropriating the Supplies granted to His Majesty, during the present Session of the Colonial Parliament.*

[12th June, 1834.]

MAY IT PLEASE YOUR EXCELLENCY,

**WE**, His Majesty's dutiful and loyal Subjects the Commons of His Majesty's Island of Newfoundland, in Parliament assembled, having freely and voluntarily resolved to give and grant to His Majesty a supply to defray certain charges for the Administration of Justice, and the support of the Civil Government of this Island, do humbly beseech your Excellency that it may be enacted, and *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that from and out of such monies as from time to time shall be and remain in the hands of the Treasurer of this Island, and unappropriated, there shall be granted to His Majesty, his Heirs and Successors, the sum of Eleven Thousand Eight Hundred and Ninety Four Pounds, Eighteen Shillings and Four Pence, Sterling, which said sum shall be applied in payment of the following charges, for the year commencing on the first day of April, One Thousand Eight Hundred and Thirty Four, and ending on the Thirty-first day of March, One Thousand Eight Hundred and Thirty Five, inclusive, that is to say ;

The sum of Two Hundred Pounds towards defraying the Salary of the Clerk of the Council. Preamble.  
£11,894 18 4 appropriated for the service of the year ending 31st March, 1835.

And a further sum of Four Hundred Pounds, towards defraying the Salaries of Two Clerks in the Secretary's Office. Clerk of the Council, £200.  
Clerks in Secretary's Office, £400.

And a further sum of Sixty Pounds towards defraying the Salary of the Office Keeper of the Secretary's Office. Office Keeper, £60.

And a further sum of Forty Five Pounds towards defraying the Salary of the Messenger in the Secretary's Office. Messenger, £45.

And a further sum of Four Hundred Pounds towards defraying the Salary of the Clerk of the Supreme Court. Clerk of the Supreme Court, £400.

And a further sum of Two Hundred and Fifty Pounds towards defraying the Salary of the Clerk of the Central Circuit Court. Clerk of the Central Circuit Court, £250.

Clerk of the Northern Circuit Court, £200.	And a further sum of Two Hundred Pounds towards defraying the Salary of the Clerk of the Northern Circuit Court.
Clerk of the Southern Circuit Court, £200.	And a further sum of Two Hundred Pounds towards defraying the Salary of the Clerk of the Southern Circuit Court.
Crier and Tipstaff, £60.	And a further sum of Sixty Pounds towards defraying the Salary of the Crier of the Supreme Court and Tipstaff.
Sheriff, £513 5.	And a further sum of Five Hundred and Thirteen Pounds, and Five Shillings, towards defraying the Salary of the High Sheriff.
Gaoler, (St. John's), £36.	And a further sum of Thirty Six Pounds towards defraying the Salary of the Gaoler of the Gaol of Saint John's.
Chief Magistrate, £360.	And a further sum of Three Hundred and Sixty Pounds towards defraying the Salary of the Chief Magistrate at Saint John's.
Police Magistrates, £320.	And a further sum of Three Hundred and Twenty Pounds towards defraying the Salaries of Two Police Magistrates at Saint John's.
Constables, £326, 13, 4.	And a further sum of Three Hundred and Twenty Pounds Thirteen Shillings and Four Pence towards defraying the Salaries of Nine Police Constables at Saint John's.
Treasurer, £430.	And a further sum of Four Hundred and Thirty Pounds towards defraying the Salary of the Colonial Treasurer, to be in lieu of all other emoluments, and as a compensation for Office Rent and Stationery.
Wm. Armstrong's Pension, £50.	And a further sum of Fifty Pounds towards defraying the Pension granted by His Majesty to William Armstrong, late Marshall of the Supreme Court.
Printing, Advertising, &c. £500.	And a further sum of Five Hundred Pounds towards defraying the expense of Civil and Judicial Printing, Stationery, Advertising, Binding, and contingent expenses.
Gaol Expenses, £600.	And a further sum of Six Hundred Pounds towards defraying the expenses of His Majesty's Gaols throughout the Island.
Coroners, £140.	And a further sum of One Hundred and Forty Pounds towards defraying the expenses of the Coroners throughout the Island.
Attorney General's Fees, £250.	And a further sum of Two Hundred and Fifty Pounds towards defraying the Fees of His Majesty's Attorney General.
Civil and Criminal Prosecutions, £500.	And a further sum of Five Hundred Pounds towards defraying the expense of Civil and Criminal Prosecutions.
Relief of the Poor, £1725.	And a further sum of One Thousand Seven Hundred and Twenty Five Pounds towards the relief of the Poor of the Island.
Postages and other incidentals £150.	And a further sum of One Hundred and Fifty Pounds towards defraying the expense of the Postages of the various Departments—Flags for Public Buildings—Sweeping Chimneys—Removing Snow from the Roofs of Government Buildings and the Roads to them, and other unforeseen contingencies.
Repairs of Government Buildings, £340.	And a further sum of Three Hundred and Forty Pounds towards defraying the expense of repairs to Government Buildings.
Fuel and Light, £215.	And a further sum of Two Hundred and Fifteen Pounds for Fuel and Light for Public Buildings (exclusive of the Surveyor General's Office).
Magistrates, Constables, and Repairs of Gaols in the Outports, £1262.	And a further sum of One Thousand Two Hundred and Sixty Two Pounds towards defraying the Salaries of Magistrates, Gaolers and Constables in the Outports, and for defraying the expense of repairs to the Gaols in the Outports.
Henry P. Thomas, £43 6 8.	And a further sum of Forty Three Pounds Six Shillings and Eight Pence towards compensating Henry Phillips Thomas for his services in opening and making a Public Road.
Roads, £500.—viz :	And a further sum of Five Hundred Pounds towards opening and making Roads in the Northern and Southern Districts of this Island, to be apportioned as follows, that is to say ;



One Hundred Pounds on a Line of Road from Renew's towards Saint John's: One Hundred Pounds on a Line of Road from Placentia towards Saint John's: One Hundred Pounds to connect Fortune Bay with Burin in Placentia Bay: One Hundred Pounds on a Line of Road from Conception Bay to Trinity Bay: One Hundred Pounds on a Line of Road from Trinity Bay to Bonavista Bay.

Renews, £100.  
Placentia, £100.  
Burin, £100.  
Trinity, £100.  
Bonavista, £100.

And a further sum of Four Hundred Pounds, towards the repairs of Roads and Bridges in the District of Saint John's; whereof One Hundred and Fifty Pounds shall be expended on the Road leading from Saint John's to Topsail.

Roads and Bridges in St. John's District, £400.  
Topsail Road.

And a further sum of Fifty Six Pounds Thirteen Shillings and Four Pence, towards opening a Line of Road between Saint John's and Salmonier in Saint Mary's Bay.

St. Mary's, £56, 13, 4.

And a further sum of Eighteen Pounds, towards compensating Thomas Fitzgibbon Moore, for his services in serving an order of the House of Assembly on William Brown, Esquire.

T. F. Moore, £18.

And a further sum of Ninety Pounds to Peter Weston Carter, Esquire, for his past services as Police Magistrate.

P. W. Carter, Esq. £90.

And a further sum of One Thousand Two Hundred Pounds, to be appropriated by his Excellency the Governor in the purchase of Seed Potatoes, to be distributed among such poor and indigent Persons, in the various parts of the Island, as may have land suitable for cultivation and no means of procuring Seed:

Seed Potatoes, £1200.

II.—*And be it further enacted*, that the money hereby granted shall be paid by the Treasurer of the 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 favor of any Person or Persons, to be applied to the purposes of this Act.

Monies to be paid by Warrants on the Treasurer.

III.—*And be it further enacted*, that it shall and may be lawful for the Governor or Acting Governor for the time being, by and with the advice of His Majesty's Council, to nominate and appoint fit and proper persons for the expenditure of each sum of Money voted during the present Session for the making and repairing of Roads and Bridges—such Persons to act as Commissioners and Trustees for the purpose of superintending and directing the making, building or repairing such Roads and Bridges within each County or District as shall have been directed to be made, built or repaired during the present Session of the Colonial Parliament, and for the doing of which a particular sum of Money shall have been granted; and it shall be lawful for the Governor or Acting Governor for the time being, by and with the advice of His Majesty's Council, at pleasure, to remove all or any of the said Commissioners and to appoint others in their room; and the Secretary of the Colony shall furnish to the Treasurer of the Colony a List of the names of such Commissioners and the particular sum of Money for which each Person shall respectively be appointed; and also shall furnish the said Treasurer, from time to time, with a List of any alterations that may be made in the said Commissioners.

Governor to appoint Commissioners for the Expenditure of sums. voted for Roads.

List of such Commissioners to be furnished to the Treasurer.

IV.—*And be it further enacted*, that it shall not be lawful for any of the said Commissioners or Trustees to proceed on making, building or repairing any Road or Bridge, ordered to be made, built or repaired, for which a sum of Money shall have been particularly appropriated this Session, in any other way than by Contract,—having first taken care to give due notice of such Contract before the same shall be closed—all which Contracts shall be in writing, signed by the Parties, and exact copies thereof shall immediately be transmitted to the Treasurer of the Colony; *Provided always*, that such Commissioners, before they enter into such Contracts, shall require reasonable security from

Commissioners to Contract for repairs of Roads, &c.

Security to be taken from Contractors.

Advances to Contractors.

Accounts to be rendered to the Legislature.

Distribution of sums voted for Seed Potatoes.

—of sums voted for the relief of the Poor.

the Contractor or Contractors that he or they shall perform such Contract; and if the 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 the said Contract, not exceeding at any one time one third part of the whole; and no advance shall be made until two sufficient Bondsmen become bound with the said Contractor or Contractors in double the sum to be advanced, that he or they will perform and 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 workmanlike manner agreeable to Contract; and the said Commissioner shall so word his Contract that the same shall be finished within a limited time, and that he shall always withhold the payment of one third of the full amount thereof until such work shall be finished and fully executed agreeably to Contract. And such Commissioner shall, upon the completion of the work which he may be appointed to superintend, and at the end of each year, make a full and special report thereof to the Secretary of the Colony; and such report, together with full and particular accounts of the expenditure of the sum or sums of Money so placed under the disposal of such Commissioner, shall be laid before the Legislature at its next Session.

V.—*And be it further enacted*, that the said sum of One Thousand Two Hundred Pounds so granted as aforesaid for the purchase of Potatoes to be distributed among such poor and indigent persons in the different parts of the Island, as may have Land fit for cultivation, and no means of procuring Seed, shall be so distributed by, and under the superintendence of, Commissioners in each District, to be appointed by His Excellency the Governor, in the following proportions, that is to say, in proportion to the number of Inhabitants in each District as shown by the last Census taken in the years 1827 and 1828.

VI.—*And be it further enacted*, that the said sum of One Thousand Seven Hundred and Twenty Five Pounds so granted for the relief of the Poor, shall be distributed under the superintendence of Committees in the different Districts of the Island, to be appointed by His Excellency the Governor, in the following proportions, that is to say, Six Hundred and Fifty Pounds for the District of Saint John's, and the remainder to be divided among the other Districts of the Island, in proportion to the number of their Inhabitants, as shown by the Census above mentioned.



ANNO QUARTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XXVI.

*An Act for granting to His Majesty certain Monies for the Service of the year of our Lord One Thousand Eight Hundred and Thirty Four.*

[12th June, 1834.]

MAY IT PLEASE YOUR EXCELLENCY,

**W**HEREAS it is necessary to make provision for defraying certain Contingent Expenses and other Charges for the Services hereinafter mentioned ; We, His Majesty's dutiful and loyal Subjects the Commons of His 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, in Parliament assembled, 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 Island, and unappropriated, there shall be granted and paid to His Majesty, his Heirs and Successors, the sum of Two Thousand One Hundred and Ninety Two Pounds, One Shilling and Eleven Pence, Sterling, to be applied in payment of the following charges and services, that is to say :

Preamble.

Appropriation of  
£2192, 1, 11.

The Clerk of the Legislative Council, for his services during the present Session, One Hundred Pounds.

OFFICERS OF THE  
LEGISLATURE.  
Council.  
Clerk, £100.

The Gentleman Usher of the Black Rod, Fifty Pounds, for his services during the present Session.

Usher of Black Rod,  
£50.

The Doorkeeper of the Legislative Council, for his services during the present Session, Thirty Five Pounds.

Doorkeeper, £35.

The Clerk of the House of Assembly, for his services during the present Session, One Hundred Pounds.

House of Assembly.  
Clerk, £100.

The Solicitor attending the House of Assembly, for his services in drafting Bills during the present Session, One Hundred and Seven Pounds and Two Shillings.

Solicitor, £107, 2.

The Serjeant at Arms of the House of Assembly, for his services during the present Session, Fifty Pounds.

Serjeant at Arms,  
£50.

- Doorkeeper, £35. The Doorkeeper of the House of Assembly, for his services during the present Session, Thirty Five Pounds.
- Messenger, £25. The Messenger of the House of Assembly, for his services during the present Session, Twenty Five Pounds.
- CONTINGENCIES.
- Council, £213 3 6. To the Clerk of the Legislative Council, to defray the contingent expenses of the Legislative Council during the present Session, the Sum of Two Hundred and Thirteen Pounds Three Shillings and Six Pence.
- House of Assembly, £220 14 4. To the Clerk of the House of Assembly, to defray the contingent expenses of his Office during the present Session, Two Hundred and Twenty Pounds Fourteen Shillings and Four Pence.
- £78 2 1 To the Serjeant-at-Arms of the House of Assembly, to defray the contingent expenses of his Office during the present Session, Seventy Eight Pounds Two Shillings and One Penny.
- Relief of Poor, &c. at St. John's (additional) £250. For the support and relief of the Poor and Infirm of the District of Saint John's, for the present year, in addition to the sum already Voted, the sum of Two Hundred and Fifty Pounds.
- Conveyance of the Judges, £400. For the conveyance of the Judges on their Circuits, during the present Year, Four Hundred Pounds.
- James Lake, £20. To James Lake, to remunerate him for certain expenses incurred by him in providing for and conveying several Shipwrecked Mariners from Saint Peter's to Saint John's, Twenty Pounds.
- James Sharpe, £8. To compensate James Sharp, for sundry services performed by him in obedience to an Order of the House of Assembly, Eight Pounds.
- Unforeseen Contingencies, £500. To defray any casual and extraordinary expenses (not otherwise provided for) which may arise during the present Year, and to be applied under the direction of His Excellency the Governor, the sum of Five Hundred Pounds.
- Governor to issue Warrants to the Treasurer. 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 favour of any Person or Persons, to be applied to the purposes of this Act.