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A
B I L L

[WITH THE AMENDMENTS]

F O R

Establishing a Court of Civil Jurisdiction in
the Island of Newfoundland, for a Time
to be limited.

Ordered to be printed 27th May 1791.

KEN 1743

7

85

1791

fol.

Rosenz



A

B I L L

[WITH THE AMENDMENTS]

F O R

Establishing a Court of Civil Jurisdiction in
the Island of Newfoundland, for a Time
to be limited.

N. B.—*The Words printed in Italic were inserted by the Committee.*

Note.—*The Figures in the Margin denote the Number of the Folios
in the written Copy.*

W H E R E A S by an Act passed in the Fifteenth 1
Year of His present Majesty's Reign, intituled,
“ An Act for the Encouragement of the Fisheries
“ carried on from Great Britain, Ireland, and the
“ British Dominions in Europe; and for securing
“ the Return of the Fishermen, Sailors, and others employed in
“ the said Fisheries, to the Ports thereof, at the End of the Fish-
“ ing Season,” it was, amongst other Things, enacted, that all
Disputes which should arise concerning the Wages of every and
any such Seaman or Fisherman, and all Offences which should be
committed by every Hirer or Employer of such Seaman or
A Fisherman

2 Fisherman against that Act, should and might be enquired of, heard, and determined, and the Penalties and Forfeitures thereby incurred should and might be recovered in the Court of Session in the said Act mentioned, or in the Court of Vice Admiralty having Jurisdiction in the Island of Newfoundland :

3 **And whereas** by another Act, passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, “ An Act to amend and render more effectual the present Laws now in Force for encouraging the Fisheries carried on at Newfoundland, and Parts adjacent, from Great Britain, Ireland, and the British Dominions in Europe ; and for granting Bounties for a limited Time, on certain Terms and Conditions,” so much of the said first-mentioned Act as gives any Jurisdiction to the Court of Vice Admiralty for the said Island of Newfoundland, with respect to inquiring, hearing, and determining Disputes, concerning the Wages of any Seaman or Fisherman, or any Offence committed by any Hirer or Employer of such Seaman or Fisherman, or any Controversies or Differences arising from their Contracts or Agreements, should be, and the same was thereby repealed :

And whereas the Provisions made by the said first-mentioned Act for the Administration of Justice in Civil Cases are insufficient ; and it is highly expedient that a Court of Civil Jurisdiction, having Cognizance of all Pleas of Debt, Account, Contracts respecting Personal Property, and all Trespasses against the Person, Goods, or Chattels, should be established in the said Island of Newfoundland for a limited Time :

4 **Be it therefore Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, by His Commission under the Great Seal, to institute a Court of Civil Jurisdiction, with full Power and Authority to hear and determine, in a summary Way, all Pleas of Debt, Account, Contracts respecting Personal Property, and all Trespasses committed against the Person, or Goods and Chattels, in the Island of Newfoundland, and Islands and Parts adjacent, or on the Banks of the said Island of Newfoundland, which Court shall consist of a Chief Judge, to be appointed by His Majesty, and *Two* Assessors, to be appointed by the Governor of the said Island from Time to Time, which Chief Judge, together with any One of such Assessors, shall have full
Power

Power and Authority to hear and determine all Pleas by this Act cognizable by the said Court of Civil Jurisdiction, and shall have such Clerks and other Ministerial Officers as the Chief Judge shall think proper to appoint; and that such Salaries shall be paid to the Chief Judge aforesaid as His Majesty, His Heirs and Successors, shall approve and direct, and such Salaries be paid to the Assessors, and to the Clerks and Ministerial Officers aforesaid, as shall be approved by the said Chief Judge, with the Consent of the Governor of the Island of Newfoundland, which several Salaries shall respectively be in lieu of all other Profits and Emolument whatever; and such Court shall be a Court of Record, and shall have all such Powers as by the Law of England are incident and belonging to a Court of Record, any Thing in the said first-mentioned Act contained to the contrary notwithstanding.

And be it further Enacted, That the said Court shall proceed by Complaint in Writing, and by Summons of the Defendant, in all Cases where the Complaint is for a Sum under *Five Pounds*, and by Arrest of the Defendant, and Attachment of his Goods and Debts, or of his Effects in the Hands of any other Person, where the Complaint is for more than the Sum of *Five Pounds*; and such Court shall have Power and Authority to pass Judgment and give Costs in such Pleas, and award Execution either by Levy and Sale of the Goods and Chattels, or Arrest of the Person of the Plaintiff or Defendant, and also of the Goods, Debts, and Effects of the Defendant so attached: Provided always, that in all Pleas where the Sum for which Judgment shall be given shall amount to more than *One hundred Pounds*, it shall be lawful for the Plaintiff or Defendant, as the Case may be, to appeal to His Majesty in Council; and upon Notice of such Appeal being signified to the Chief Judge of such Court, within *Fourteen Days* after such Judgment passed, and Security given, to the Satisfaction of the said Chief Judge, for prosecuting such Appeal, the Execution of such Judgment shall be stayed.

And be it further Enacted, That during the Time the Governor of the said Island shall continue to be resident in the said Island, or Parts adjacent, no Disputes which shall arise concerning the Wages of any Seaman or Fisherman shall be heard and determined in the Court of Session mentioned in the said first-mentioned Act, but only in the Court of Civil Jurisdiction which shall be instituted by virtue of this Act: Provided always, that nothing in this Act contained shall extend to prevent the Court of Session aforesaid from hearing and determining such Disputes

as aforesaid, when the Governor shall not be resident in the said Island, or Parts adjacent.

And be it further Enacted, That no Suit shall be commenced in the said Court of Civil Jurisdiction, where the Cause of Action shall have arisen more than *Two Years* before such Commencement, nor shall be heard and determined in the said Court of Civil Jurisdiction, except during *the Residence of the Governor within the Limits of his Government*; and that this Act shall commence *from the Tenth Day of June One thousand Seven hundred and Ninety-one, and shall have Continuance for One Year, and unto the End of the then next Session of Parliament.*